

THE CONGRESSIONAL GLOBE:

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CONTAINING

THE DEBATES, PROCEEDINGS, AND LAWS,

OF

THE FIRST SESSION

OF

THE THIRTY-THIRD CONGRESS.

XXIII
VOLUME XXVIII.—PART I.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1854.

THE CONSTITUTIONAL COURT

IN
JULY
1954

THE CONSTITUTIONAL COURT

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THE CONSTITUTIONAL COURT

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

WEDNESDAY, DECEMBER 7, 1853.

NEW SERIES....No. 1.

THIS is the first number of the CONGRESSIONAL GLOBE for this session—the first of the Thirty Third Congress. I will print several thousand surplus copies to supply all who may subscribe in a reasonable time—say by the 15th of next month—with the numbers from the commencement of this session.

The CONGRESSIONAL GLOBE and APPENDIX and LAWS will not be sold separately, as they were a few years ago. When separated they did not give general satisfaction, as a subscriber for one would frequently want the other when too late to furnish him with the back numbers. Therefore the CONGRESSIONAL GLOBE and the APPENDIX and the LAWS will all be sold together. A man who may think he has not the money to spare to purchase the whole, may get a club to join him.

The price for the whole for this session is \$6 00. They all go free by mail.

THIRTY-THIRD CONGRESS. FIRST SESSION.

SENATE OF THE UNITED STATES.

MONDAY, December 5, 1853.

THIS being the day prescribed by the Constitution of the United States for the meeting of Congress, the Senators assembled in the Senate Chamber at 12 o'clock, m. The Senate is thus constituted:

The names of Senators, with the expiration of the term of service of each. Democrats (36) in Roman, the Whigs (20) in Italic letters, and the Free Soilers (2) in Small Capitals; Vacancies, 4—Total, 62.

DAVID R. ATCHISON, of Missouri, President *pro tempore* of the Senate.

Secretary—ASBURY DICKINS.

MAINE.		ALABAMA.	
Hannibal Hamlin.....	1857	Benjamin Fitzpatrick.....	1855
Vacancy.....	1859	Clement C. Clay, Jr.....	1859
NEW HAMPSHIRE.		MISSISSIPPI.	
Moses Norris, Jr.....	1855	Stephen Adams.....	1857
Jared W. Williams*.....	1859	Vacancy.....	1859
VERMONT.		LOUISIANA.	
Vacancy.....	1855	John Slidell.....	1855
Solomon Foot.....	1857	Judah P. Benjamin.....	1859
MASSACHUSETTS.		OHIO.	
CHARLES SUMNER.....	1857	SALMON P. CHASE.....	1855
Edward Everett.....	1859	Benjamin F. Wade.....	1857
RHODE ISLAND.		KENTUCKY.	
Charles T. James.....	1857	Archibald Dixon.....	1855
Phillip Allen.....	1859	John B. Thompson.....	1859
CONNECTICUT.		TENNESSEE.	
Truman Smith.....	1855	James C. Jones.....	1857
Isaac Toucey.....	1857	John Bell.....	1859
NEW YORK.		INDIANA.	
Wm. H. Seward.....	1855	John Pettit.....	1855
Hamilton Fish.....	1857	Jesse D. Bright.....	1857
NEW JERSEY.		ILLINOIS.	
John R. Thomson.....	1857	James Shields.....	1855
William Wright.....	1859	Stephen A. Douglas.....	1859
PENNSYLVANIA.		MISSOURI.	
James Cooper.....	1855	David R. Atchison.....	1855
Richard Brodhead, Jr.....	1857	Henry S. Geyer.....	1857
DELAWARE.		ARKANSAS.	
James A. Bayard.....	1857	Robert W. Johnson*.....	1855
John M. Clayton.....	1859	William K. Sebastian.....	1859
MARYLAND.		MICHIGAN.	
James Alfred Pearce.....	1855	Lewis Cass.....	1857
Thomas G. Pratt.....	1857	Charles E. Stuart.....	1859
VIRGINIA.		FLORIDA.	
James M. Mason.....	1857	Jackson Morton.....	1855
Robert M. T. Hunter.....	1859	Stephen R. Mallory.....	1857
NORTH CAROLINA.		TEXAS.	
George E. Badger.....	1855	Thomas J. Rusk.....	1857
Vacancy.....	1859	Sam Houston.....	1859
SOUTH CAROLINA.		IOWA.	
Andrew P. Butler.....	1855	Augustus C. Dodge.....	1855
Josiah J. Evans.....	1859	George W. Jones.....	1859
GEORGIA.		WISCONSIN.	
Wm. C. Dawson.....	1855	Isaac P. Walker.....	1855
Robert Toombs.....	1859	Henry Dodge.....	1857
CALIFORNIA.		John B. Weller.....	
William M. Gwin.....	1855	1857	

* Executive appointments.

Hon. DAVID R. ATCHISON, President *pro tempore*, called the Senate to order.

CREDENTIALS OF SENATORS.

THE PRESIDENT presented the credentials of Hon. ROBERT W. JOHNSON, appointed by the Governor of Arkansas, a Senator from that State, to fill the vacancy occasioned by the acceptance by the Hon. SOLON BORLAND, of the mission to Central America.

The credentials were read; and Mr. JOHNSON,

having taken the oath prescribed by law, took his seat in the Senate.

Mr. JAMES presented the credentials of the Hon. PHILIP ALLEN, chosen by the Legislature of Rhode Island, a Senator from that State for the term of six years from the 4th of March last.

The credentials were read; and Mr. ALLEN, having taken the oath prescribed by law, took his seat in the Senate.

Mr. DAWSON. I beg leave to present the credentials of the Hon. JOHN BELL, Senator elect from the State of Tennessee, for the term of six years from the 4th of March, 1853. I do this in consequence of the absence of his colleague, [Mr. JONES.]

The credentials were read; and Mr. BELL, having taken the oath prescribed by law, took his seat in the Senate.

Mr. BENJAMIN. Mr. President, the Hon. JOHN SLIDELL has been elected by the Legislature of Louisiana to fill the vacancy occasioned by the resignation of Mr. SOULE. He has not yet received his credentials: I presume, however, there will be no objection to his being sworn.

The PRESIDENT. If there be no objection the Chair will administer the oath of office to the Hon. JOHN SLIDELL of Louisiana.

There being no objection, the oath prescribed by law was administered to Mr. SLIDELL and he took his seat in the Senate.

NOTICE OF ORGANIZATION.

On motion of Mr. BRODHEAD, it was Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate has assembled, and the Senate is ready to proceed to business.

HOUR OF MEETING.

On motion of Mr. BADGER, it was Ordered, That the daily hour of meeting of the Senate be twelve o'clock, m., until otherwise ordered.

NOTICES OF BILLS.

Mr. BRODHEAD gave notice of his intention to introduce a bill extending the provisions of the several laws granting bounty land to the officers and soldiers who have been engaged in the military service of the United States.

Mr. DODGE, of Iowa, gave notice of his intention to introduce a bill granting to the State of Iowa certain alternate sections of public lands for the construction of railroads therein.

Also, a bill to organize a territorial government for the Territory of Nebraska.

Mr. JONES, of Iowa, gave notice of his intention to introduce a bill making donations of public lands to the State of Iowa, for the construction of one or more railroads in that State between the Mississippi and Missouri rivers.

Mr. GWIN gave notice of his intention to ask leave to introduce the following bills:

A bill to make a donation of the public lands to the State of California, for the purpose of constructing a railroad and telegraph line from the city of San Francisco to the Colorado river, or South eastern boundary of said State, with a branch passing through the valley of the Sacramento river to the boundary line between said State and the Territory of Oregon;

A bill to establish a line of mail steamers from San Francisco to California, via the Sandwich Islands, to Shanghai, in China;

A bill to authorize the appointment of a United States district judge for the Southern district of California, and for other purposes;

A bill to pay the expenses incurred by the State of California for the suppression of Indian hostilities in said State.

NEWSPAPERS FOR SENATORS.

Mr. BADGER. Mr. President, I desire to submit a resolution:

Ordered, That the members of the Senate shall, from the commencement of the present session, be supplied with five daily papers, or publications equivalent thereto, in lieu of the number heretofore ordered.

The object is, Mr. President, merely to add one additional daily paper to those that are now allowed to the members of the Senate.

The resolution was considered by unanimous consent, and agreed to.

THE SANDWICH ISLANDS.

Mr. SEWARD submitted the following resolution for consideration; which lies over under the rules:

Resolved, That the President be requested, if not in his opinion incompatible with the public interest, to communicate to the Senate any correspondence that may have taken place between the Government of the United States and his Majesty the King of the Sandwich Islands.

SICKNESS IN EMIGRANT SHIPS.

Mr. FISH. Mr. President, I have a resolution to offer, which, if there be no objection, I ask may be considered at the present time:

Resolved, That a select committee of five be appointed to consider the causes and the extent of the sickness and mortality prevailing on board of emigrant ships on the voyage to this country; and whether any, and what, further legislation is needed for the better protection of the health and lives of passengers on board of such vessels.

Mr. HAMLIN. It seems to me that there would be propriety in allowing the resolution to lie over until the appropriate committee to which the subject should be referred shall be appointed. I desire to inquire what would be the appropriate reference for the subject.

Mr. FISH. The resolution proposes the appointment of a select committee. I am not aware of any standing committee to which the subject could be appropriately referred. It is a subject of vast and vital importance. Vessels are arriving with a thousand passengers a day at a single port, almost entirely decimated on the voyage by the prevailing sickness. There should be no delay, but prompt action. I desire to have the subject taken up and considered as soon as possible.

Mr. ADAMS. I am not disposed to object to the resolution, but it occurs to me that it would be better to have the President's message before proceeding with other business.

The PRESIDENT. If there be any objection the resolution cannot now be considered.

Mr. HAMLIN. I do not wish to interpose any objection; but I think this is a legislative matter, and it is entirely unusual to proceed with legislative business until the organization of both Houses. I have no objection, however, to the consideration of the resolution.

Mr. MASON. I submit to the Senator from New York, whether this is a very proper subject of inquiry until the two Houses are organized and ready for business, and have received the recommendations of the Executive. Let the resolution go over.

Mr. FISH. Let it lie over.

The resolution accordingly lies over under the rule.

APPOINTMENT OF CHAPLAINS.

Mr. BRIGHT offered the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That two Chaplains of different denominations be appointed for the present session, one by each House, and to interchange weekly between the two Houses.

ABSENT SENATORS.

The absent Senators were—
Mr. WILLIAMS, of New Hampshire,
Mr. TOUCHEY, of Connecticut,
Mr. BUTLER, of South Carolina,
Mr. TOOMBS, of Georgia,
Messrs. FITZPATRICK and CLAY, of Alabama,
Mr. DIXON, of Kentucky,
Mr. JONES, of Tennessee,
Mr. GEYER, of Missouri,
Mr. SEBASTIAN, of Arkansas,
Messrs. MORTON and MALLORY, of Florida,
Messrs. RUSK and HOUSTON, of Texas, and
Mr. WALKER, of Wisconsin.
The Senate adjourned until twelve o'clock to-morrow.

HOUSE OF REPRESENTATIVES.

First Session Thirty-Third Congress.

The House consists of two hundred and thirty-four Members and five Territorial Delegates, one new Territory having lately been formed, viz: Washington. The Delegates have no vote.

Dis. MAINE.

- 1 Moses MacDonald,
- 2 Samuel Mayall,
- 3 E. Wilder Farley,
- 4 Samuel P. Benson,
- 5 Israel Washburn, jr.,
- 6 T. J. D. Fuller.

NEW HAMPSHIRE.

- 1 George W. Kittredge,
- 2 George W. Morrison,
- 3 Harry Hibbard.

VERMONT.

- 1 James Meacham,
- 2 Andrew Tracy,
- 3 Alvah Sablin.

MASSACHUSETTS.

- 1 Zeno Scudder,
- 2 Samuel L. Crocker,
- 3 J. Wiley Edmunds,
- 4 Samuel H. Walley,
- 5 William Appleton,
- 6 Charles W. Upham,
- 7 Nathaniel F. Banks, jr.,
- 8 Tappan Wentworth,
- 9 Alex. DeWitt, (F. S.),
- 10 Edward Dickinson,
- 11 John Z. Goodrich.

RHODE ISLAND.

- 1 Thomas Davis,
- 2 Benjamin B. Thurston.

CONNECTICUT.

- 1 James T. Pratt,
- 2 Colin M. Ingersoll,
- 3 Nathan Belcher,
- 4 Origen S. Seymour.

NEW YORK.

- 1 James Maurice,
- 2 Thomas W. Cumming,
- 3 Hiram Walbridge,
- 4 Mike Walsh,
- 5 William M. Tweed,
- 6 John Wheeler,
- 7 William A. Walker,
- 8 Francis B. Cutting,
- 9 Jared V. Peck,
- 10 William Murray,
- 11 T. R. Westbrook,
- 12 Gilbert Dean,
- 13 Russel Sage,
- 14 Rufus W. Peckham,
- 15 Charles Hughes,
- 16 George A. Simmons,
- 17 Bishop Perkins,
- 18 Peter Rowe,
- 19 George W. Chase,
- 20 O. B. Matteson,
- 21 Henry Bennett,
- 22 Gerrit Smith, (F. S.),
- 23 Caleb Lyon, (Ind.),
- 24 Daniel T. Jones,
- 25 Edwin B. Morgan,
- 26 Andrew Oliver,
- 27 John J. Taylor,
- 28 George Hastings,
- 29 Davis Carpenter,
- 30 Benj. Pringle, (Ind.),
- 31 Thomas S. Flager,
- 32 Solomon G. Haven,
- 33 Reuben E. Fenton.

NEW JERSEY.

- 1 Nathan T. Stratton,
- 2 Charles Skelton,
- 3 Samuel Lilly,
- 4 George Vail,
- 5 A. C. M. Pennington.

PENNSYLVANIA.

- 1 Thomas B. Florence,
- 2 Joseph R. Chandler,
- 3 John Robbins, jr.,
- 4 Wm. H. Witte,
- 5 John McNair,
- 6 William Everhart,
- 7 Samuel A. Bridges,
- 8 Henry A. Muhlenberg,
- 9 Isaac E. Heister,
- 10 Ner Middlesworth,
- 11 Christian M. Straub,
- 12 H. B. Wright,
- 13 Asa Packer,
- 14 Galusha A. Grow,
- 15 James Gamble,
- 16 Wm. H. Kurtz,
- 17 Samuel L. Russell,
- 18 John McCulloch,
- 19 Augustus Drum,
- 20 John L. Dawson,
- 21 David Ritchie,
- 22 Thomas M. Howe,
- 23 Michael C. Trout,
- 24 Carlton R. Curtis,
- 25 John Dick.

DELAWARE.

- 1 George R. Riddle.

MARYLAND.

- 1 John R. Franklin,
- 2 Jacob Shower,
- 3 Joshua Vansant,
- 4 Henry May,
- 5 Wm. T. Hamilton,
- 6 A. R. Sollers.

Dis. VIRGINIA.

- 1 Thomas H. Bayly,
- 2 J. S. Millson,
- 3 John S. Caskey,
- 4 William O. Goode,
- 5 Thomas S. Bocoock,
- 6 Paulus Powell,
- 7 William Smith,
- 8 Charles J. Faulkner,
- 9 H. A. Edmundson,
- 10 John Letcher,
- 11 Z. Kidwell,
- 12 J. F. Snodgrass,
- 13 Fayette McMullin.

NORTH CAROLINA.

- 1 H. M. Shaw,
- 2 Thomas Ruffin,
- 3 Wm. S. Ashe,
- 4 Sion H. Rogers,
- 5 John Kerr,
- 6 Richard C. Puryear,
- 7 Burton Craige,
- 8 Thomas L. Clingman.

SOUTH CAROLINA.

- 1 John McQueen, (S. R.),
- 2 William Aiken, (S. R.),
- 3 L. M. Keitt, (S. R.),
- 4 P. S. Brooks, (S. R.),
- 5 James L. Orr, (S. R.),
- 6 W. W. Boyce, (S. R.)

GEORGIA.

- 1 James L. Seward,
- 2 Alfred H. Colquitt,
- 3 David J. Bailey,
- 4 Wm. B. W. Dent,
- 5 E. W. Chastain,
- 6 Junius Hillyer,
- 7 David J. Reese,
- 8 Alex. H. Stephens.

ALABAMA.

- 1 Philip Philips,
- 2 James Abercrombie,
- 3 Sampson W. Harris,
- 4 Wm. R. Smith,
- 5 George S. Houston,
- 6 W. R. W. Cobb,
- 7 James F. Dowdell.

MISSISSIPPI.

- 1 Daniel B. Wright,
- 2 Wm. S. Barry,
- 3 O. R. Singleton,
- 4 Wiley P. Harris,
- 5 Wm. Barksdale.

LOUISIANA.

- 1 Wm. Dunbar,
- 2 Theodore G. Hunt,
- 3 John E. Perkins, jr.,
- 4 Roland Jones.

OHIO.

- 1 David T. Disney,
- 2 John Scott Harrison,
- 3 L. D. Campbell, (F. S.),
- 4 Matthias H. Nichols,
- 5 Alfred P. Edgerton,
- 6 Andrew Ellison,
- 7 Aaron Harlan,
- 8 Moses B. Corwin,
- 9 Frederick W. Green,
- 10 John L. Taylor,
- 11 Thomas Ritchey,
- 12 Edison B. Olds,
- 13 Wm. D. Lindsay,
- 14 Harvey H. Johnson,
- 15 W. R. Sapp,
- 16 Edward Ball,
- 17 Wilson Shannon,
- 18 George Bliss,
- 19 Edward Wade, (F. S.),
- 20 J. R. Giddings, (F. S.),
- 21 Andrew Stuart.

KENTUCKY.

- 1 Linn Boyd,
- 2 Ben Edwards Grey,
- 3 Presley Ewing,
- 4 James S. Chrisman,
- 5 Clement S. Hill,
- 6 J. M. Elliott,
- 7 Wm. Preston,
- 8 J. C. Breckinridge,
- 9 Leander M. Coz,
- 10 R. H. Stanton.

TENNESSEE.

- 1 Brookins Campbell,
- 2 Wm. M. Churchwell,
- 3 Samuel A. Smith,
- 4 William Calton,
- 5 Charles Ready,
- 6 Geo. W. Jones,
- 7 R. M. Bugg,
- 8 Felix K. Zolltcoffer,
- 9 Emerson Etheridge,
- 10 Frederick P. Stanton.

INDIANA.

- 1 Smith Miller,
- 2 William H. English,
- 3 Cyrus L. Dunham,
- 4 James H. Lane,
- 5 Samuel W. Parker,
- 6 Thomas A. Hendricks,
- 7 John C. Davis,

- 8 Daniel Mace,
- 9 Norman Eddy,
- 10 E. M. Chamberlain,
- 11 Andrew J. Harlan.

ILLINOIS.

- 1 E. B. Washburn,
- 2 John Wentworth,
- 3 J. O. Norton,
- 4 James Knox,
- 5 W. A. Richardson,
- 6 Richard Yates,
- 7 James C. Allen,
- 8 William H. Bissell,
- 9 Willis Allen.

MISSOURI.

- 1 Thomas H. Benton,
- 2 Alfred W. Lamb,
- 3 James J. Lindley,
- 4 John G. Miller,
- 5 Mordecai Oliver,
- 6 John S. Phelps,
- 7 Sam. Caruthers.

ARKANSAS.

- 1 A. B. Greenwood,
- 2 E. A. Warren.

MICHIGAN.

- 1 David Stuart,
- 2 David A. Noble,

Democrats, 159; Whigs, 71; Free-Soilers, 4.

The Members elect, for the Thirty-Third Congress, having assembled in the Hall of the House of Representatives at precisely twelve o'clock, m., JOHN W. FORNEY, Esq., Clerk of the House for the last Congress, called the House to order, and said:

This being the day fixed by the Constitution of the United States for the meeting of Congress, I will now proceed, with the assent of the House, to call the roll of the Members and Delegates elect, and request that such as are present will be pleased to answer to their names.

The roll of Members was then called.

The following members of the above list did not answer to their names, viz:

MESSRS. ZENO SCUDDER, SAMUEL H. WALLEY, GERRIT SMITH, JOHN S. CASKEY, PAULUS POWELL, JAMES L. SEWARD, DANIEL B. WRIGHT, O. R. SINGLETON, ROLAND JONES, CLEMENT S. HILL, BROOKINS CAMPBELL, JAMES J. LINDLEY, ALFRED B. GREENWOOD, DAVID STUART, GEORGE W. SMYTH, PETER H. BELL, JOSE MANUEL GALLEGOS, Delegate. Present 217; absent 18.

The Clerk thereupon announced that a quorum had answered to their names.

ELECTION OF OFFICERS.

MR. OLDS. I move that the House do now proceed *viva voce* to elect a Speaker for the present Congress.

The motion was agreed to; and Messrs. INGERSOLL, of Connecticut, CHANDLER, of Pennsylvania, DAVIS, of Indiana, and EWING, of Kentucky, were appointed tellers to count the votes.

The Clerk then proceeded to call the roll, and the following was the result: Whole number of votes, 217; necessary to a choice, 109; of which—

Linn Boyd received.....	143
Joseph R. Chandler.....	35
Lewis D. Campbell.....	11
Presley Ewing.....	7
Solomon G. Haven.....	6
James L. Orr.....	4
William Preston.....	3
John G. Miller.....	3
Thomas M. Howe.....	2
William S. Ashe.....	1
John S. Millson.....	1
John C. Breckinridge.....	1

The following is the vote in detail:

For Mr. Linn Boyd—Messrs. James C. Allen, Ashe, D. J. Bailey, Thos. H. Bayly, Nathaniel P. Banks, Barksdale, William S. Barry, Belcher, Benton, Bissell, Bliss, Bocoock, Breckinridge, Bridges, Bugg, Caskey, Chamberlain, Chastain, Christian, Churchwell, Clark, Cobb, Colquitt, Craige, Cumming, Curtis, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, Dent, Disney, Dowdell, Drum, Dunbar, Dunham, Eastman, Eddy, Edgerton, Edmundson, Elliott, Ellison, English, Faulkner, Fenton, Florence, Fuller, Gamble, Goode, Green, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindsay, Lyon, McDonald, McDougal, McMullin, McNair, Mace, Macey, Maurice, Maxwell, May, Mayall, Smith Miller, Millson, Morrison, Muhlenberg, Murray, Nichols, Noble, Olds, Andrew Oliver, Orr, Packer, Peck, Peckham, Bishop Perkins, John E. Perkins, Phelps, Phillips, Powell, Pratt, Richardson, Riddle, Thomas Ritchey, Robbins, Rufin, Ruffin, Seymour, Shannon, Shaw, Shower, Skelton, Samuel A. Smith, William Smith, William R. Smith, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, David Stuart, John

J. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Wells, John Wentworth, Westbrook, Wheeler, Witte, and Hendrick B. Wright.

For Mr. Joseph R. Chandler—Messrs. William Appleton, Ball, Cook, Corwin, Crocker, Cullom, Dick, Dickinson, Edmunds, Everhart, Farley, Flagler, Franklin, Goodrich, Aaron Harlan, Hiester, Howe, Hunt, Knox, McCulloch, Middlesworth, John G. Miller, Norton, Parker, Pennington, Pringle, Ready, David Ritchie, Russell, Sabin, Sage, John L. Taylor, Upham, Tappan Wentworth, and Yates.

For Mr. Lewis D. Campbell—Messrs. Benson, Carpenter, Chase, DeWitt, Giddings, Matteson, Morgan, Sapp, Tracy, Elihu B. Washburne, and Israel Washburn.

For Mr. Solomon G. Haven—Messrs. Abercrombie, Bennett, Chandler, Ewing, Alexander H. Stephens, and Reese.

For Mr. Ewing—Messrs. Etheridge, Grey, Kerr, Preston, Puryear, Rogers, and Simmons.

For Mr. James L. Orr—Messrs. Aiken, Boyce, Brooks, and McQueen.

For Mr. John G. Miller—Messrs. Samuel Caruthers, Lindley, and Mordecai Oliver.

For Mr. Thomas M. Howe—Messrs. Lewis D. Campbell and Meacham.

For Mr. Preston—Messrs. Cox, Haven, and Zolltcoffer.

For Mr. Millson—Mr. Keitt.

For Mr. Ashe—Mr. Clingman.

For Mr. Breckinridge—Mr. Sollers.

The Clerk then, addressing the House, said, LINN BOYD having received a majority of all the votes given, I hereby declare him duly elected Speaker of the House of Representatives of the United States for the Thirty-Third Congress.

The SPEAKER elect was then conducted to the chair by Messrs. ORR and CHANDLER.

The SPEAKER. Gentlemen of the House of Representatives: By the vote just given you have manifested a degree of respect for, and confidence in me peculiarly gratifying to my feelings, and for it you have my sincere thanks. Confidently relying upon your kindly cooperation—without which it were vain to hope for success—and guided, as I trust I shall be, by a sleepless desire to maintain order and promote the harmony of this body by a faithful execution of its laws, I engage in the duties assigned me with no feeling to gratify inconsistent with the claims of impartial justice, no aim to accomplish inconsistent with the country's good. [Applause.]

MR. GIDDINGS, the oldest consecutive member of the House, then administered to the SPEAKER the customary oath to support the Constitution of the United States.

The Members were then called by States, and approaching the Chair were severally qualified by taking the usual oath to support the Constitution of the United States.

MR. JONES, of Tennessee. I move that a message be sent to the Senate, informing that body that a quorum of the House of Representatives has assembled, and elected LINN BOYD, a Representative from the State of Kentucky, its Speaker.

The motion was agreed to.

RULES OF THE HOUSE.

MR. MACE. I move that the rules of the last House be adopted as the rules of the present House, with the following amendments:

No debate shall be had in the House, in Committee of the Whole on the state of the Union, or in Committee of the Whole House, but what is upon or german to the subject under consideration, except in Committee of the Whole on the state of the Union when the President's message is under consideration, at which time any latitude may be given to debate consistent with the decorum of the House. No rule shall conflict with this rule.

Rule.—When a bill is reported from a committee, it shall be referred to the Committee of the Whole on the state of the Union, or to the Committee of the Whole House, and placed upon the Calendar in its order, without debate, unless otherwise ordered by a vote of two thirds of the House.

MR. CAMPBELL, of Ohio. I would ask the gentleman from Indiana to allow me to submit a substitute for his motion.

MR. MACE. I will yield to the gentleman for that purpose.

MR. CAMPBELL. Then I offer the following as a substitute:

Resolved, That the rules of the last House of Representatives be adopted as the rules of this House until otherwise ordered: *Provided, however,* That there shall be appointed a committee of five members to revise said rules, which committee shall have power to report at any time, and their report shall be acted upon by the House until disposed of, to the exclusion of all other business; anything in the rules hereby temporarily adopted to the contrary notwithstanding.

MR. MACE. I wish to state very briefly, not for the information of any gentleman who served upon this floor during the last Congress, that it is my anxious desire upon this occasion to endeavor

to place the rules of this House in such a condition as will enable us to do the business of the country.

Let me say a word then in reference to the first amendment which I propose. The order of things during the whole of last Congress, seemed to be this: after the expiration of the morning hour, some gentleman would move to go into Committee of the Whole on the state of the Union, for the purpose, as was supposed, of transacting the business which appeared on the Calendar; but, instead of that, the very moment we got into committee, under the latitude of debate which was allowed there, the universal practice with all of us was, to stand upon this floor and make nothing but Buncombe speeches. This was the case, day after day. Now, sir, I am not adverse to such speeches, and gentlemen will perceive that I have made a provision in the amendment which I have offered, which will enable us to engage in that kind of debate whenever a majority of the House wishes to indulge in it. Consequently, by the amendment which I propose, whenever it is the wish of the House to go into Committee of the Whole on the state of the Union, and take up the message of the President, then debate will open upon any and all subjects; but unless the message is under consideration, the provision which I have offered will confine members as much to the matter immediately under consideration in the committee as they are confined by the rules when in the House. I think, therefore, that the beneficial character of my amendment must be apparent. If it be not adopted, we shall have a repetition of the scenes enacted at the last session of Congress.

Mr. Speaker, in reference to the second proposition, I beg gentlemen, and especially gentlemen who were present here at the last session, to give the subject their earnest and undivided attention. Now, it will be remembered, at the first session of the last Congress, that when engaged under the rules, in calling upon the committees for reports, we progressed as far as the Committee on the Public Lands. At that point we stalled, and there remained for nine months, or until we adjourned; and what was the reason?

[Here a message was received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House that a quorum of that body had assembled, and were ready to proceed to business.]

Mr. MACE, (resuming.) What was the reason of our stalling at the Committee on the Public Lands? Some four hundred subjects had been referred to that committee, and I do not make any reflection upon its members on this occasion, nor did I at the last session, for their course of conduct. They were desirous, as all committees were, to get in their reports before the House; and, under the rules, a member of that committee had nothing to do during the morning hour—the only hour during which reports were received—than to report a bill from his committee, occupy the whole of that hour in the discussion of the merits of the bill, and when the hour expired move that it be recommitted to his committee. And there was an end of the calling of committees for that day, as a matter of course. Under the provision which I offer, I have attempted to guard and place business in such a condition that if a bill be reported from a committee, and it be essential that the House should act upon it at once, that two thirds of the House can so order it. Unless that necessity exists, bills from all committees will be placed upon the calendar in their order, and be discussed when they come up in the Committee of the Whole on the state of the Union. So that I think that I have fortified against that great abuse which existed at the last session of Congress. Now, I am aware that, during the last session, many gentlemen supposed our rules were efficient; that they were proper for the guidance of the House. But as one member of the last Congress I protested that such was not the fact; and I say now to gentlemen, that every man who wishes to legislate and transact the business of the country, and to pass affirmatively or negatively upon measures, that unless he vote for the adoption of the rule about which I am talking, that but little legislation will be done. There is a class of men who believe that no legislation should be had, and for the purposes of that class of men there never was a better set of rules adopted than the one of the last session.

COMMITTEES.

Mr. OLDS. I would ask the gentleman to give way for a moment, so that a motion may be made to appoint a committee on the part of the House to join the committee on the part of the Senate to wait upon the President of the United States, and inform him that we are assembled and ready to receive any message he may have to make. The gentleman's proposition may give rise to considerable debate, and as the House is organized, I think that it is best we should have the message first.

Mr. MACE. I have no objection to yield for the purpose indicated.

Mr. OLDS. Then I move that a committee of three be appointed on the part of the House to meet the committee on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of each House is present, and ready to receive any communication he may have to make.

Mr. McMULLIN. I suggest that all the proposed proceedings be postponed until we shall have elected a Clerk. I would request the gentleman from Indiana [Mr. MACE] to withdraw his proposition until after the House shall have proceeded to the election of a Clerk.

Mr. MACE. I should be very much gratified to accommodate my friend, but I see no reason why the motion I make should take up much of the time of the House. I will, however, yield for a moment to the gentleman from Ohio, [Mr. OLDS,] in order to enable him to make the motion indicated by him.

Mr. OLDS. I now submit the motion which I have stated, in reference to the appointment of a committee on the part of the House, to meet a committee on the part of the Senate, to wait upon the President of the United States, and inform him that the two Houses are organized, and are ready to receive any communication he may be pleased to make.

The question was taken, and the motion was agreed to.

The SPEAKER thereupon appointed Messrs. OLDS, of Ohio, CHANDLER, of Pennsylvania, and BAYLY, of Virginia, as members of such committee.

THE RULES AGAIN.

Mr. MACE. I am not disposed to take up the time of the House in useless discussion. I have submitted these propositions; they are perfectly intelligible, as every gentleman upon the floor must see, and they are fully understood by most of them.

Mr. BAYLY, of Virginia. I am opposed to the proposition of the gentleman from Indiana, [Mr. MACE,] particularly the first branch of it. In a Government like ours, I think the largest latitude of debate should be allowed, which a convenient dispatch—not a hasty dispatch—but which a convenient dispatch of the public business will allow. By our rules we have already restricted debate, to some extent, in the House of Representatives; but the result of the adoption of that rule, would be to preclude all debate upon general subjects in the House of Representatives, except during the first eight or ten days of the session. That general debate is allowed by that resolution only when in Committee of the Whole on the state of the Union upon the President's message. That message is usually referred in eight or ten days, and it certainly ought to be referred after the allowance of some eight or ten days for debate upon its recommendations, because it is known, by the rules of this House, that the committees can originate nothing, but can only act upon subjects referred to them by the House; and, until the message is cut up and referred to the appropriate committees, that largest basis of action for the committees is withheld from them. After the President's message has been referred, with a long session of Congress before us, no general debate could arise in this House.

I think myself that the practice of general debate in the Committee of the Whole on the state of the Union is a wholesome one, and I have not seen, in a pretty long experience in this House, any great mischief arising from those debates. This House has the power to stop debate whenever it is weary of it, and it has been its practice, constantly, as soon as they thought that general debate had proceeded to a reasonable extent under the rule, to stop the debate; and it

seems to me, with that rule recognized and constantly acted upon, the House has it in its power to protect itself from all interminable and useless debate.

Sir, it was the first position that I assumed which causes me to be most earnest in my opposition to that resolution. It is putting a trammel upon us, which it seems to me is inconsistent with the spirit of our Government. Besides these considerations, there is another one, and that is, it would lower and degrade the dignity of this House. It is a question of propriety—a new Administration is coming into power. We have an unprecedentedly large Democratic majority upon this floor, and the opposition is comparatively small. It does seem to me, in this view of the case, that this immense majority has it already in its power to check unreasonable debate. It does seem to me that with so large a Democratic majority, with a Democratic Administration just coming into power, at a time, too, when the Whigs are so feeble, that it would not have the most captivating aspect for us for the first time to introduce a resolution restricting debate in this House.

Mr. CAMPBELL, of Ohio. I do not rise for the purpose of discussing the old rules of this House. It is certainly evident to every man who knows anything about the matter, that there are just grounds of complaint. You know there are, Mr. Speaker. This House knows it, and the country knows it. This is the only period of the session at which we can provide against the difficulties existing in the rules of this House. If the old rules are temporarily adopted without any provision looking to a revision and expeditious action, the very force of the rules themselves is such, as to prevent any modification or amendments. I propose, Mr. Speaker, not to introduce amendments in detail now, but simply that this whole subject shall be referred to a committee, with a provision that they shall have power to report at any time, and that this House shall be compelled to act upon this report to the exclusion of everything else.

I understand, Mr. Speaker, that the gentleman from Indiana [Mr. MACE] accepts my substitute.

Mr. MACE. I accept the substitute of the gentleman from Ohio, [Mr. CAMPBELL,] as an additional amendment.

Mr. CAMPBELL. There is another reason which I desire to offer. The honorable gentleman from Virginia [Mr. BAYLY] has adverted to the fact, that the Democratic party has an overwhelming majority in this House. That is true. But I wish him to understand, and I wish that Democratic majority to understand, although there are but few Whigs here, as the honorable gentleman remarked, yet that these few, and the country, will hold the large Democratic power in this House to a strict responsibility for their legislation. We want them to understand, that we come forward with readiness and willingness to assist them in sweeping away the evils that have existed heretofore. We do not intend that they shall go back to the country, if their legislation is not correct, with that old and worn-out excuse that the rules of the House have prevented them from adopting proper legislation. I would inquire of the Speaker what would be the effect of moving the previous question upon this proposition? Would it be to bring the House to a vote upon my amendment?

The SPEAKER. A motion for the previous question would not cut off debate. In other words, it would open the motion for the previous question itself to debate, but would cut off all amendments.

Mr. DUNHAM. I would inquire if the adoption of the previous question would not cut off the amendment itself of the gentleman from Ohio, [Mr. CAMPBELL,]

The SPEAKER. The previous question, if sustained, would cut off the amendment of the gentleman from Ohio under the operation of parliamentary law.

Mr. CAMPBELL. If that will be the effect, then I will not make the motion. I understood the gentleman from Indiana, [Mr. MACE,] however, to accept my proposition as a part of his own resolution.

Mr. MACE. I accept the gentleman's proposition as a part of my own.

The SPEAKER. With that understanding,—if the gentleman from Indiana accepts the proposition of the gentleman from Ohio as his own,—

then that is the only proposition before the House, and the effect of the previous question, when sustained, will be to bring the House to a direct vote upon that proposition.

Mr. CAMPBELL. I then move the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. STANTON, of Tennessee. There seems to be some misunderstanding in relation to the acceptance of the amendment of the gentleman from Ohio, [Mr. CAMPBELL.] I understood the gentleman from Indiana [Mr. MACE] to accept it absolutely as a substitute for his own proposition.

The SPEAKER. The Chair so understands it.

Mr. STANTON. But there is some misunderstanding in relation to it. Other gentlemen understand it differently.

Mr. JONES, of Tennessee. As I understand the matter, the gentleman from Indiana accepted the proposition of the gentleman from Ohio as an addition to his own, and as a portion of it, so that both resolutions are now before the House as the original proposition of the gentleman from Indiana, [Mr. MACE.]

The SPEAKER. With that explanation the resolutions as they now stand will be reported to the House.

The resolutions were again read by the Clerk, as inserted above.

Mr. STANTON, of Tennessee. The two resolutions are utterly inconsistent with each other; and, therefore, I say that for the gentleman from Indiana to accept the resolution of the gentleman from Ohio, as a part of his own proposition, and for the two to stand together, is an absurdity in itself. I prefer the resolution offered by the gentleman from Ohio.

Mr. CAMPBELL. I agree with the gentleman from Tennessee, that there is a misunderstanding in relation to this subject. I wish a separate vote upon my own proposition, and I therefore call for a division of the question.

Mr. GIDDINGS. I desire to inquire of the Chair, if this subject is debatable under parliamentary law?

The SPEAKER. It is not debatable, the previous question having been ordered. What the Chair stated, was that the motion for the previous question itself was debatable.

Mr. GIDDINGS. It is with reference to that point that I rose. Gentlemen will recollect that when the motion for the previous question was made, the Chair did not listen to several gentlemen who rose to speak upon it before putting the question. I move that the whole subject be laid upon the table.

Mr. STEPHENS, of Georgia. I beg to know what would be the effect of laying the whole subject on the table? Would it have an effect on any future motion on the adoption of the rules?

The SPEAKER. None whatever, the Chair thinks, for we have no rules now, except the parliamentary rules and usage.

Mr. STEPHENS. Then I will vote for the adoption of the resolution.

The SPEAKER. The Chair thinks that in another form that proposition may be made.

The question was then taken on laying the whole subject upon the table, and decided in the negative.

The Chair then stated, that the question would be upon the first proposition, which the Clerk read, as follows:

Resolved, That the rules of the last House of Representatives be adopted as the rules of this House until otherwise ordered: *Provided*, however, That there shall be appointed a committee of five members to revise the said rules, which committee shall have power to report at any time; and the report shall be acted on by the House, until disposed of, to the exclusion of all other business; anything in the rules hereby temporarily adopted to the contrary notwithstanding.

Mr. HAVEN. I desire to know if the vote now to be taken is on the proposition just read, or on that made by the gentleman from Ohio?

The SPEAKER. I propose to put the question on the proposition of the gentleman from Indiana.

After inquiry from the Clerk, however, the Chair said that the proposition was that of the gentleman from Ohio.

Mr. HAVEN. I hope that the House will adopt it.

Mr. STANTON. If I understand the propo-

sition of the gentleman from Ohio, it is to be put as an amendment to that of the gentleman from Indiana.

The SPEAKER. Such is not the decision of the Chair. The impression of the Chair is, that the gentleman from Indiana adopted the proposition made by the gentleman from Ohio as a part of the original proposition. It is, therefore, the same proposition, though it is to be voted on in different branches.

Mr. JONES, of Tennessee. As the gentleman from Indiana adopted the proposition of the gentleman from Ohio, and made it a part of his, on the division of the question I suppose that the proposition of the gentleman from Indiana is first to be voted on, that being the first branch of the proposition as it stands.

The SPEAKER. The gentleman from Indiana will please to state the order in which he desires the proposition of the gentleman from Ohio to stand.

Mr. MACE. I stated expressly when the gentleman from Ohio offered his resolution that I adopted that as part of my proposition.

The SPEAKER. So the Chair understood it; but does the gentleman not think it would be better for it to precede his original proposition?

Mr. BAYLY, of Virginia. Upon the first branch of that proposition I demand the yeas and nays.

[Loud cries of "No!" "No!"]

Mr. BAYLY. Well, I will withdraw the call, as that seems to be the wish of the House.

Mr. GIDDINGS. Do I understand the gentleman to say that he withdraws the call for the yeas and nays?

Mr. BAYLY. Yes, sir, I withdraw it.

Mr. GIDDINGS. I renew the call.

The yeas and nays were not ordered.

The question was then taken on Mr. MACE's proposition; and it was rejected.

The question recurring on Mr. CAMPBELL's resolution, it was put, and the resolution was agreed to.

Mr. JONES, of Tennessee. I move to reconsider the vote by which that resolution was adopted, and to lay the motion to reconsider upon the table.

The question was put on the latter motion, and it was agreed to.

ELECTION OF CLERK OF THE HOUSE.

Mr. STANTON, of Kentucky. I move that the House do now proceed to the election of a Clerk.

The motion was agreed to.

Mr. DEAN. I believe it is customary to put in nomination individuals to be voted for for this office.

The SPEAKER. It is.

Mr. DEAN then nominated JOHN W. FORNEY, of Pennsylvania.

Mr. WHEELER nominated RICHARD M. YOUNG, of Illinois.

Mr. CARPENTER nominated E. P. SMITH, of New York.

Mr. WASHBURN, of Maine, nominated EBENEZER HUTCHINSON, of Maine; and

Mr. BENNETT nominated PHILANDER B. PRINDLE, of New York.

MESSRS. DEAN, WASHBURN, of Maine, CARPENTER, and WHEELER, were appointed tellers to take the vote.

The roll was then called, and the following was the result of the vote, viz:

Whole number of votes given, 200; necessary to a choice, 101; of which—

John W. Forney received.....	121
Richard M. Young.....	27
P. B. Prindle.....	18
E. Hutchinson.....	13
E. P. Smith.....	10
James C. Walker.....	6
W. H. Bogart.....	2
J. M. Barclay.....	1
Chas. Brown, of Philadelphia.....	1
Geo. W. Mumford.....	1

The following is the vote in detail:

For Mr. Forney—J. C. Allen, D. J. Bailey, Thos. H. Bayly, N. P. Banks, Barksdale, Barry, Belcher, Bissell, Bliss, Boyd, Breckinridge, Bridges, Chamberlain, Chastain, Chrisman, Churchill, Clark, Cobb, Colquitt, Craig, Curtis, John G. Davis, Thos. Davis, Dawson, Dean, Dent, Disney, Dowdell, Drum, Dunbar, Dunham, Eastman, Eddy, Edgerton, Elliott, Ellison, English, Faulkner, Fenton, Florence, Fuller, Gamble, Green, Grow, Hamilton, A. J. Harlan, S. W. Harris, W. P. Harris, Hastings, Hendricks, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, D. T. Jones, Kidwell, Kittredge, Kurtz, Lamb,

Lane, Latham, Lilly, Lindsay, McDonald, McDougal, McMullin, McNair, Macy, Maxwell, May, Mayall, S. Miller, Morrison, Muhlenberg, Murray, Nichols, Noble, Olds, A. Oliver, Orr, Packer, Peck, Peckham, B. Perkins, J. E. Perkins, Phelps, Phillips, Pratt, Richardson, Riddle, Thos. Richey, Robbins, Rowe, Ruffin, Seymour, Shannon, Shower, S. A. Smith, Wm. Smith, Snodgrass, F. P. Stanton, R. H. Stanton, H. S. Stevens, Stratton, Straub, D. Stuart, J. J. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Walker, Warren, Wells, J. Wentworth, Westbrook, Witte, and H. B. Wright.

For Mr. Young—Messrs. Abercrombie, Ashe, Ball, Benton, Bugg, Caskie, Etheridge, Goode, A. Harlan, Keith, Kerr, Knox, Letcher, Lyon, McQueen, Millson, Powell, Puryear, Reese, Rogers, Sapp, Shaw, A. H. Stephens, Walsh, Wheeler, Yates, and Zoellcoffer.

For Mr. Prindle—Messrs. Bennett, Caruthers, Dick, Dickinson, Edmonds, Haven, Lindley, J. G. Miller, Norton, M. Oliver, Pennington, Preston, D. Ritchie, Sabin, Simmons, Tracy, Upham, and T. Wentworth.

For Mr. Hutchinson—Messrs. E. B. Hutchinson, L. D. Campbell, Chandler, Cook, Cullom, Everhart, Farley, Goodrich, Howe, Ready, E. B. Washburne, I. Washburn, and Benson.

For Mr. Smith—Messrs. Appleton, Carpenter, Chase, Flagler, Hiestler, McCulloch, Matteson, Middlesworth, Pringle, and Russell.

For Mr. Walker—Messrs. Clingan, Corwin, Ewing, Hunt, S. W. Parker, and J. L. Taylor.

For Mr. Barclay—Mr. Meacham.

For Mr. Bogart—Messrs. Morgan and Sage.

For Charles Brown—Mr. Boocock.

For G. W. Mumford—Mr. Edmundson.

Mr. FORNEY was then duly qualified by taking the oath to support the Constitution of the United States.

Mr. STANTON, of Tennessee. For the purpose of saving time, I offer the following resolution for the election of the three old officers—the Sergeant-at-Arms, the Doorkeeper, and Postmaster. I suppose there will be no objection to it:

Resolved, That J. Glossbrenner be hereby appointed Sergeant-at-Arms, Zadoc W. McKnew, Doorkeeper, and J. M. Johnson, Postmaster of the House of Representatives for the present Congress.

The question was taken, and the motion was agreed to.

DRAWING FOR SEATS.

Mr. MCNAIR offered the following resolution:

Resolved, That the Clerk of this House, immediately after the passage of this resolution, place in a box the name of each member and delegate of the House of Representatives, written on a separate slip of paper; that he then proceed, in the presence of the House, to draw from said box, one at a time, the said slips of paper, and as each is drawn he shall announce the name of the member or delegate upon it, who shall choose his seat for the present session: *Provided*, That, before said drawing shall commence, the Speaker shall cause every seat to be vacated, and shall see that every seat continues vacant until it is selected under this order.

Mr. HILLYER. I wish to suggest to the gentleman from Pennsylvania [Mr. MCNAIR] an amendment to his proposition, which I have no doubt he will adopt. It is that the Speaker cause the members of the House to retire beyond the bar.

Mr. MCNAIR. I accept the amendment, and call for the previous question.

Mr. SMITH, of Virginia. From the reading of the resolution it would appear, that members who have not yet arrived are deprived of the opportunity of drawing seats under this resolution.

VOICES. "Certainly." "That's right."

Mr. SMITH, of Alabama. I hope the gentleman from Pennsylvania will withdraw his resolution until I can make a suggestion.

[Cries of "No!" "No!" all over the House.]

Mr. MACE. I move the House adjourn.

[Cries of "No, no!" "Yes, yes!"]

The motion was put, and the House refused to adjourn.

The resolution was adopted.

The House then proceeded to execute its order, and the members retired without the bar. The roll was called and the drawing proceeded, each member, as his name was announced, selecting his seat.

NOTICES OF BILLS.

Mr. ENGLISH. I desire to give notice that I will on to-morrow, or some subsequent day, ask leave to introduce—

I. A bill to constitute the city of Jeffersonville, in the State of Indiana, a port of delivery;

II. Also, a bill donating a portion of the public lands to aid in the construction of a railroad from the Falls of the Ohio river to a point on the Mississippi river opposite the city of St. Louis;

III. Also, a bill to reduce the price of the public lands in certain cases.

Mr. DAWSON. I give notice that on to-morrow, or some subsequent day I will introduce a bill of the following title:

A bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a tract of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, &c.

Mr. GROW. I give notice, that on to-morrow, or some subsequent day, I will introduce a bill for the encouragement of agriculture and every other branch of industry, by granting to every actual settler upon the public domain one hundred and sixty acres of land.

HOOR OF MEETING.

Mr. McMULLIN. I move that, until otherwise ordered, twelve o'clock be fixed as the regular hour to which the House shall each day adjourn.

The motion was agreed to.

Mr. JONES, of Tennessee. I move that the House do now adjourn.

The motion was agreed to, and

The House then adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, December 6, 1853.

Prayer by Rev. C. M. BUTLER, Chaplain to the Senate.

The Journal of yesterday was read and approved.

ORGANIZATION OF THE TWO HOUSES.

The following message was received from the House of Representatives, by Mr. W. V. McKEAN, Chief Clerk:

Mr. PRESIDENT: I am directed to inform the Senate that a quorum of the House of Representatives has assembled; that LINN BORN, one of the Representatives from the State of Kentucky, has been chosen Speaker; JOHN W. FORNEY, of Pennsylvania, Clerk; and that the House is ready to proceed to business.

I am also directed to inform the Senate, that the House of Representatives has passed a resolution for the appointment of a committee, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make; and that Mr. OLDS, of Ohio, Mr. CHANDLER, of Pennsylvania, and Mr. BAYLY, of Virginia, have been appointed the committee on the part of the House.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That a committee of two members be appointed jointly with the committee appointed by the House of Representatives to wait on the President of the United States, and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the committee be appointed by the President pro tem.

The PRESIDENT appointed Mr. DODGE, of Iowa, and Mr. BELL, of Tennessee, the committee.

PETITION.

Mr. JONES, of Iowa, presented a petition of citizens of the State of Iowa, praying for the establishment of a new land district in that State; which was ordered to lie on the table until the standing committees shall be appointed.

HARBOR OF MICHIGAN CITY.

Mr. PETTIT submitted the following resolution for consideration:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Michigan City, in the State of Indiana, and also of making an appropriation to continue the improvement of the harbor at that place.

NOTICES OF BILLS.

Mr. CHASE gave notice of his intention to ask leave to introduce a bill to cede to the State of Ohio the unsold residue of the public lands remaining in that State.

He also gave notice of his intention to ask leave to introduce a bill to encourage agriculture, commerce, and manufactures, and other branches of industry, by granting to every head of a family, being a citizen of the United States, or having declared his intention to become a citizen, a homestead of one hundred and sixty acres of the public domain, on condition of occupancy and cultivation for the period therein specified.

Mr. ADAMS gave notice of his intention to ask leave to introduce a bill to prevent the issue and circulation of notes of a less denomination than five dollars within the District of Columbia;

Also, a bill to reduce and graduate the price of the public lands;

Also, a bill making donations of land to the State of Mississippi to aid in the construction of the Southern Railroad; the New Orleans, Jackson, and Aberdeen Railroad; and the Central Railroad.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill providing for the surrender to the State of Indiana of certain bonds of that State held by the United States.

Mr. JOHNSON gave notice of his intention to ask leave to introduce a bill to grant to the State of Arkansas the right of way and alternate sections of the public lands to aid in the construction of a railroad from Gaine's Landing via Camden and Washington to Fulton, in Arkansas.

HOMESTEAD BILL.

Mr. GWIN. At the close of the last session of Congress, I pledged myself to the Senator from Iowa, [Mr. DODGE,] that I would assist him in passing the homestead bill after we got through the discussion and passage of the Pacific railroad bill. It is well known to the Senate that both bills failed during that session. I now give notice that I shall, to-morrow, or at some early day thereafter, ask leave to introduce the bill commonly known as the homestead bill.

INTRODUCTION OF BILLS.

Mr. GWIN, in pursuance of previous notice, asked and obtained leave to introduce a bill to make a donation of the public lands to the State of California, for the purpose of constructing a railroad and telegraph line from the city of San Francisco to the Colorado river, or southeastern boundary of said State, with a branch passing through the valley of the Sacramento river to the boundary line between said State and the Territory of Oregon; which was read the first time and ordered to a second reading.

Mr. GWIN. Mr. President, as the committees are not yet formed, the bill can lie on the table for the present. But inasmuch as the subject is of some importance,—the road mentioned in the bill being the commencement of a great national road between the Pacific ocean and the Mississippi river,—I move that the bill be printed for the use of the Senate.

The motion was agreed to.

INDIANA UNIVERSITY LAND.

Mr. BRIGHT. Mr. President, on the last night of the last session of Congress, a bill was passed "to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816." It received the signature of the Speaker of the House of Representatives; but, owing to some mistake on the part of some officer of the House, it was not brought to the Senate for the signature of the President of this body, and was not sent to the President of the United States, for his approval: and consequently it did not become a law. The matter at that time was very fully understood by the Senate, and there was no objection to the bill then. I hope there will be no objection now to my offering the bill and asking the unanimous consent of the Senate to pass it at this time.

There being no objection, leave to introduce the bill was granted; and it was read twice, and considered by the Senate as in Committee of the Whole.

It proposes to authorize the Governor of the State of Indiana to select nineteen thousand and forty acres of land, out of any land of the United States in that State now subject to private entry, in lieu of one of the townships granted to the State for the use of the State university, by the act of April 16th, 1816, the title to which has been decided by the Supreme Court of the United States not to be in the State: provided, that the proceeds of the substituted land, when sold, shall be forever applied for the use of the Indiana University.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third read, read a third time, and passed.

PRESIDENT'S MESSAGE.

Mr. DODGE, of Iowa. Mr. President, on behalf of the joint committee appointed to wait on the President of the United States, and inform him that the two Houses of Congress are or-

ganized, and ready to proceed to business, and receive any communication he might have to make to them, I have to report that the committee performed the duty assigned to it, and the President of the United States replied that he would immediately communicate with the two Houses.

SIDNEY WEBSTER, Esq., Private Secretary of the President, shortly afterwards appeared below the bar, and said:

Mr. PRESIDENT: I am directed by the President of the United States, to deliver to the Senate several messages in writing.

The PRESIDENT. I will present to the Senate the annual message of the President of the United States. The message will be read.

The Secretary proceeded to read the message, which will be found in the proceedings of the House of Representatives.

The message having been read—

On motion by Mr. HAMLIN, it was

Ordered, That the usual number of the message and accompanying documents be printed.

Ordered, That ten thousand copies of the message and accompanying documents, in addition to the usual number, be printed for the use of the Senate.

UNITED STATES JUDICIAL SYSTEM.

Mr. CLAYTON submitted the following resolution:

Resolved, That the President be respectfully requested to present to the Senate the plan referred to in his message to Congress this day, and which he is prepared to recommend, for the enlargement and modification of the present judicial system of the United States.

Mr. CLAYTON. I ask for the consideration of the resolution at this time.

Mr. DOUGLAS. Let it lie over.

The resolution accordingly lies over under the rules.

EXECUTIVE SESSION.

On motion by Mr. HAMLIN, the Senate proceeded to the consideration of Executive business; and, after a short time spent therein, the doors were reopened; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 6, 1853.

The House met at twelve o'clock, m.

The Journal of yesterday was read and approved.

Mr. EWING informed the Chair that his colleague from Kentucky, Mr. CLEMENT S. HILL, who had not been qualified yesterday, was now in attendance and ready to take the customary oath.

Mr. RICHARDSON made a similar application on behalf of his colleague, Mr. WILLIS ALLEN.

The SPEAKER directed those gentlemen, and any others similarly circumstanced, to come forward and be qualified.

The usual oath to support the Constitution of the United States, was then administered by the Speaker to Messrs. HILL, ALLEN, and A. B. GREENWOOD.

The following officers of the House also came forward, and took the usual oath.

Mr. FORNEY, Clerk.

Mr. GLOSSBRENER, Sergeant-at-Arms.

Mr. McKNEW, Doorkeeper.

Mr. ASBURY DICKINS, Secretary of the Senate, entered and read the following message from that body:

IN SENATE, December 6, 1853.

Resolved, That a committee be appointed jointly with the committee appointed on the part of the House of Representatives, to wait on the President of the United States, and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication that he may be pleased to make.

Ordered, That Mr. DODGE, of Iowa, and Mr. BELL be the committee on the part of the Senate.

Attest, ASBURY DICKINS, Secretary.

Mr. STRAUB proposed the following resolution:

Resolved, That the Clerk cause to be furnished to the Representatives during the present session, such newspapers as they may respectively direct, the expense thereof not to exceed thirty dollars per annum.

Mr. GROW. A resolution of a similar effect passed the last Congress; and does it not remain in force until altered by a subsequent Congress?

The SPEAKER. If it be a law of Congress, it would have that effect.

The Speaker directed the Clerk to read the former resolution on the subject.

The Clerk then read the following resolution:

"Resolved, That during and for the present session, and every subsequent session of Congress, each Representative and Delegate of Congress be furnished with such newspapers and publications as he shall select, not to exceed in amount per annum the cost of four daily papers."

Mr. JONES, of Tennessee. The House of Representatives of the second session of the Thirty-Second Congress cannot pass resolutions for the House of Representatives of the Thirty-Third Congress.

Mr. STRAUB consented to withdraw his resolution.

Mr. EASTMAN. I ask the unanimous consent of the House for leave to introduce a joint resolution for the relief of Alexander P. Field, late Secretary of Wisconsin, and his sureties. And I also ask permission to offer a word or two of explanation, after which I am sure no person will object to the passage of the resolution.

This resolution was introduced in the Senate during the last Congress; it was referred to the Finance Committee, and by them reported back unanimously. It passed the Senate and was returned to this House, and by the House it was referred to the Committee on the Judiciary, amended by that committee, reported back to the House, and passed by this House. It was then signed by the Speaker and by the President of the Senate, but through an error of the Clerk, it was not returned to the Enrolling Committee, and therefore was not presented to the President for his signature. It was thus lost.

A MEMBER. Well, let us hear what it is.

Mr. EASTMAN. It is a joint resolution for the relief of A. P. Fields, late Secretary of the Territory of Wisconsin. It was introduced last Congress, at the express recommendation of Comptroller Whittlesey, to enable him to pass the accounts. There were some informalities in the vouchers, which made it necessary, in his opinion, that a resolution should be passed.

Mr. LETCHER. I should like to hear what amount the resolution proposes to take out of the Treasury.

Mr. EASTMAN. It takes nothing out of the Treasury. I will say further, that the joint resolution authorizes the accounting officers of the Treasury Department to pass certain accounts the vouchers of which are irregular. I will state further, that this matter has been standing for ten years, and during that time the original secretary has removed out of the Territory of Wisconsin, and a suit has been brought against the sureties, and this resolution is merely to enable those sureties, who have been at great trouble and expense to look up the vouchers, to settle the accounts. The joint resolution, I repeat, proposes to take nothing out of the Treasury. The moment it passes, the sureties are prepared to pay the balance into the Treasury.

The SPEAKER. Is the reception of the joint resolution objected to?

No objection was made.

The Clerk then read the joint resolution.

Mr. McMULLIN. I should prefer that the resolution be referred to one of the standing committees of the House.

The SPEAKER. The gentleman from Wisconsin will be entitled to the floor if he claims it.

Mr. McMULLIN. I object to the reception of the resolution.

The SPEAKER. It has already been received.

Mr. EASTMAN. I will state, for the information of the House, that the resolution was referred to the Committee on the Judiciary, at the last session, who took it up, item by item, and examined them critically. I move the previous question on the passage of the resolution.

The call for the previous question was seconded; and the main question was then ordered to be put.

The joint resolution was then ordered to be engrossed, and read a third time; and, being read a third time, it was passed.

Mr. ORR. I move that the House do now proceed to the election of a Chaplain.

Mr. EASTMAN. I rise to a privileged question. I move to reconsider the vote by which the joint resolution was just passed, and that that motion be laid upon the table.

The question was put, and the latter motion agreed to.

ELECTION OF CHAPLAIN.

The SPEAKER. The Chair would suggest to the gentleman from South Carolina, [Mr. Orr,]

that the resolution passed by the Senate, in reference to the election of a Chaplain, has not been acted upon as yet.

Mr. ORR. I move, then, that that resolution be taken up.

The SPEAKER. If not objected to, the resolution will be read.

Mr. JONES, of Tennessee. I would ask of the Chair what is the regular order of business under the rules?

The SPEAKER. Calling upon States for petitions.

Mr. JONES. Then I insist that we start right, and adhere to the strict order of business, so that we may see whether our proceedings are obstructed by the rules or by the members.

Mr. ORR. Mr. Speaker, does the gentleman from Tennessee object to the taking up of the resolution?

The SPEAKER. He does object, and insists that we proceed to the consideration of the regular order of business, which is the call upon States for petitions.

Mr. ORR. Is not the proposition I have submitted a privileged question?

The SPEAKER. The Chair knows of no order of the House, or law of the two Houses, making a Chaplain an officer of the House; and, therefore, cannot decide that the proposition is a privileged one.

Mr. ORR. The election of a Chaplain is a part of the organization of the House.

Mr. STEPHENS, of Georgia. Is not the election for Chaplain provided for in the joint rules of both Houses?

The SPEAKER. It is not. It is generally provided for by resolution adopted at the beginning of each Congress. Such is the recollection of the Chair.

Mr. STEPHENS. It appertains to the organization of the House, and I think has been held so heretofore.

The SPEAKER. It would do so, were there any law recognizing the Chaplain as an officer of the House.

Mr. WENTWORTH, of Illinois. I would ask the Speaker at what time the resolution adopted by the Senate for the election of Chaplains will be reached in the regular order of business?

The SPEAKER. It is impossible for the Chair to determine at what time it will be reached.

Mr. WENTWORTH. It would be greatly to the relief of members if we disposed of this Chaplain business. [Laughter.] The candidates are multiplying, and those whose names are now before us are getting uneasy. I am anxious to have the matter settled, and therefore ask that the rules be suspended to take up the Senate resolution, so that the rejected applicants may apply for some other office if they do not get this. [Laughter.]

The SPEAKER. It is not in order, except on Monday, to move that the rules be suspended. Petitions are now in order from the State of Maine.

Mr. WENTWORTH. Then I ask the unanimous consent of the House to introduce the resolution.

The SPEAKER. Is there any objection to granting unanimous consent?

Mr. HAMILTON. I object.

The SPEAKER. Petitions are then in order from the State of Maine.

Mr. FULLER presented the petition of Uriah Hanscom, asking for an increase of pension, now on the navy list of invalid pensions; and that the same may be referred to the Committee on Invalid Pensions. Also, the petition of William Pool, of Calais, Maine, asking that an arrears of ten years' pension may be granted to him.

The SPEAKER. The Chair would remind the gentleman from Maine that there is no Committee on Invalid Pensions yet constituted under the rules of the House.

Mr. DUNHAM. I wish to inquire whether it is in order for a member to introduce more than one petition at a time? My reason for asking the question is this: that if members are allowed to present any number of petitions they choose, those of us low on the list, will find a long calendar run up before our turn comes.

The SPEAKER. The Chair thinks members

may introduce more than one petition, but they are confined to the introduction of one resolution or one bill.

Mr. FULLER. I see the difficulty suggested by the Chair, and I inquire for information whether it is not in order to introduce petitions before the House is fully organized by the appointment of the committees, and be afterwards referred?

The SPEAKER. It is in order to introduce petitions, but they cannot be referred until the committees are established by the orders of the House.

Mr. HOUSTON. My recollection is, that at a last Congress an order was made to refer petitions, which were presented at an early period of the session, to the committees when they should be constituted. I am aware that there are no committees now, but I presume it is proper for us to say that petitions should be referred when the committees are raised; and if that course is pursued, it will certainly save a great deal of trouble, and prevent us from getting into a difficulty which will grow up if all these petitions are to go to the table, and afterwards be called up and referred by the action of the House. It seems to me that it is unnecessary to make the call if we do nothing with the petitions but put them upon the table.

The SPEAKER. Under the rules of this body petitions may be introduced and referred under the rules of the House, when the committees are established, at the Clerk's table, under the general superintendence and inspection of the Speaker. The Chair apprehends little difficulty in giving the petitions their proper direction.

Mr. HOUSTON. The petition is better off in the hands of the members than upon the table.

The SPEAKER. That is a matter for the members to consider, and not for the Speaker.

Mr. RICHARDSON. Is any one entitled to the floor, and is there any question before the House?

The SPEAKER. The business before the House is the call upon States for petitions.

Mr. JONES. I wish to make one suggestion to the House. If gentlemen will permit the States to be called for petitions, without presenting them, it will take but two or three minutes to get through with the call, and then the next business in order will be a call upon States for resolutions; and I have no doubt there will be plenty of them ready to be presented.

STANDING COMMITTEES.

Mr. RICHARDSON. I offer the following resolution in order to complete the organization of the House:

Resolved, That the Speaker be authorized to appoint the standing committees of this House.

The question was taken, and the resolution was agreed to.

CALL OF STATES FOR PETITIONS.

Mr. INGERSOLL. I ask leave to withdraw from the files of the House the petitions of sundry inhabitants of New Haven, Connecticut, asking for an appropriation by Congress for a custom-house at that place. Also, a petition of sundry inhabitants of Middlesex, Connecticut, asking for an appropriation for a breakwater at Westbrook, in said county.

There being no objection, it was so ordered.

Mr. HUGHES. I ask leave to withdraw from the files of the House the papers of Alfred Nelson, and to refer them to the appropriate committee.

The SPEAKER. The gentleman can ask leave to withdraw the papers, but they cannot be referred at this time.

Mr. FLORENCE. I ask leave to withdraw from the files of the House sundry petitions of inhabitants of Philadelphia, praying that Congress will so amend the act of September 28, 1850, as to give to the soldiers, sailors, and marines, that were engaged in the war of 1812, one hundred and sixty acres of land; and that they may be referred, when the committees are appointed, to the Committee on the Public Lands.

If it is in order, Mr. Speaker, I desire to instruct, with the consent of the House, that committee to report at an early day upon that subject. It is a subject upon which great interest is felt in the city and county of Philadelphia, and especially in the district which I have the honor to represent upon the floor of this House. There is a strong feeling existing among my constituents, that in-

justice has been done by Congress to the soldiers of the war of 1812, who made so great sacrifices in the defence of their country; and they ask that justice be done.

Mr. CAMPBELL, of Ohio. I rise to a question of order. The proposition of the gentleman is debatable, and of course it goes over under the rules.

Mr. FLORENCE. I ask that the petitions may be referred.

The SPEAKER. The Chair will repeat again, for the information of gentlemen present, that it is in order to introduce and refer petitions, without presenting them in open House, by application at the Clerk's desk. They cannot be referred, however, until there are committees appointed.

On motion by Mr. DAWSON, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of David Tate.

Mr. CAMPBELL, of Ohio. I desire to inquire of the Chair whether it be in order to postpone the further calling of petitions until one week from this day, at which time I apprehend the committees of the House will be constituted?

The SPEAKER. It can only be done by unanimous consent.

Mr. CAMPBELL. I ask the unanimous consent of the House for that purpose.

Mr. GROW. I object.

Mr. CAMPBELL. Is it not in order to make a motion to that effect?

The SPEAKER. Only by unanimous consent.

On motion by Mr. GROW, leave was granted for the withdrawal, from the files of the House, of the papers in the case of James F. Green.

Mr. GROW moved to refer the papers.

Mr. CAMPBELL, of Ohio. I propose to debate every motion to refer that may be made in reference to those matters.

Mr. GROW. I supposed the matter was left in such a way, that petitions could be referred to committees when they were constituted. If that is not the case, I will withdraw the motion.

On motion by Mr. HOWE, it was

Ordered, That leave be granted for the withdrawal, from the files of the House, of the papers in the case of Alexander Stephenson.

On motion by Mr. McMULLIN, it was

Ordered, That leave be granted for the withdrawal of the papers in the case of James R. King.

On motion by Mr. LETCHER, it was

Ordered, That leave be granted for the withdrawal, from the files of the House, of the following papers:

Petition of sundry citizens of the western judicial district of Virginia, praying an increase of the salary of the judge of the United States for that district;

The petition of James Raynes for arrearages of pension; The petition of the legal representatives of Charles Porterfield, deceased, praying bounty land, commutation pay, and the reimbursement of advances made for the public service.

Mr. L. gave notice, that on to-morrow, or some subsequent day, he would introduce a bill of the following title:

A bill to change the times for holding the district courts of the United States, in the western district of Virginia, and for other purposes.

Mr. AIKEN presented, for the purpose of future reference, a memorial of the Charleston Chamber of Commerce, for an appropriation for a light ship and buoys at Cape Roman;

Also, a memorial from the Charleston Chamber of Commerce, praying further appropriation for the erection of a light on White Point Shoal, Charleston Harbor;

Also, a memorial from the Chamber of Commerce, for an appropriation for deepening the bar of Charleston harbor.

On motion by Mr. HILLYER, it was

Ordered, That leave be granted to withdraw from the files of the House the papers relating to the claim of Madison Parton. Also, the papers relating to the claim of Lewis Rawlston.

Mr. DOWDELL gave notice of a bill granting land to the State of Alabama, in aid of a railroad from Selma to Gadsden.

Mr. COBB gave notice of a bill to extend the time for payment of duty on railroad iron and for other purposes.

Also, a bill to authorize the school commissioner of fractional township No. 1, of range No. 10 east, in Alabama, to locate one section of land for school purposes.

Mr. STANTON, of Kentucky, asked leave to introduce a bill granting an indemnity for loss of a vessel during the revolutionary war. This appli-

cation, he said, has been pending for many years, having passed through one or other of both Houses at almost every session. I propose that these papers, and the testimony to sustain the claim, may be read.

Mr. CLINGMAN. That course would give rise to debate.

Mr. STANTON. Well, I suppose we may as well consume the time of the House in that way as any other.

The SPEAKER. If the gentleman insists on reading the papers, the sense of the House must be taken on it.

Mr. CLINGMAN. I propose to debate it if that course is to be taken.

Mr. STANTON. Well, I withdraw the motion.

Mr. DUNHAM asked leave to withdraw certain papers from the files.

Mr. DAVIS, of Indiana, presented a number of petitions from citizens of Indiana against the employment of Chaplains in both Houses of Congress, and in the Army and Navy of the United States.

Mr. D. said that he desired that they might be laid upon the table for the present, with the view of referring them to the Judiciary Committee, when appointed.

The SPEAKER. They will then lie upon the table.

Mr. WASHBURN, of Illinois, asked leave to withdraw from the files the papers in the case of the widow and heirs of Elijah Beebe, deceased, to be presented to the Committee on Indian Affairs, when constituted.

He also gave notice of his intention to introduce the following bills, viz:

A bill for the further improvement of the Rock Island and Des Moines rapids;

A bill providing for a grant of public lands to aid in the construction of a railroad from the city of Galena, in the State of Illinois, by the valley of the Tete de Mort through the State of Iowa, to the Great Bend of the Minnesota river, in Minnesota Territory;

A bill to improve the navigation of Galena river and the harbor of the city of Galena, Illinois;

A bill to complete the improvements of the harbor of Waukegan, Illinois;

A bill to erect a light-house on the western shore of Lake Michigan, at or near Port Clinton, Lake county, Illinois; and

A bill for the relief of Mrs. Helen McKay, widow of the late Colonel Eneas McKay, late Deputy Quartermaster General, United States Army.

Mr. WARREN gave notice of a bill donating a portion of the public lands to aid in the construction of the Mississippi, Ouichita, and Red River Railroad, in the State of Arkansas.

Mr. HENN. I wish to present a memorial and proceedings of a mass convention, held at Fort Madison, Iowa, on the 9th day of September, 1853, asking a grant of public lands to aid in the construction of the "Fort Madison, Keosauqua, and Bloomfield Railroad."

Also, the proceedings of a mass meeting of the citizens of Washington county, Iowa, in favor of a railroad to the Pacific, via the Platte River and Salt Lake.

Mr. RICHARDSON. Will the gentleman from Iowa permit me to make a suggestion to him?

Mr. HENN. Certainly.

Mr. RICHARDSON. Petitions, presented before the committees are appointed, under the decision of the Chair, go to the table, and it will require a motion and a vote of the House to take them up from the table. The gentleman, therefore, by presenting those memorials now, places them in such a position that he will not, perhaps, afterwards be able to dispose of them as he may desire.

The SPEAKER. That is the strict law of the House.

Mr. HENN. I apprehend that the practice of the House has been otherwise.

The SPEAKER. The Chair will remark that, by unanimous consent, petitions may be referred to the various committees when appointed.

Mr. HENN. I understand that the practice has been so to refer them.

The SPEAKER. The Chair understands the order of the House thus far, by unanimous con-

sent, to be that the petitions presented shall be referred to the committees when appointed.

Mr. HENN. I also give notice that I will to-morrow, or on some future day, introduce bills of the following titles:

A bill to grant a homestead to settlers on the public lands, and to provide for the sale of the same to actual settlers only;

A bill to grant to the State of Iowa, a quantity of the public lands in alternate sections, to aid in the construction of certain railroads in said State.

I also ask leave to withdraw from the files, and to refer to the Committee on Public Lands, the joint resolutions of the Legislative Assembly of the State of Iowa, asking for grants of public lands to aid in the construction of certain railroads in said State;

Also, resolutions asking the passage of a law granting a homestead of one hundred and sixty acres of public lands to actual settlers.

No objection was made.

Mr. LANE, of Oregon. I desire to introduce a bill to defray the expenses incurred in the difficulties with the Rogue River Indians.

Mr. WALSH. I object.

Mr. LANE. Then, sir, since objection is made, I give notice that I will introduce the bill on to-morrow, or on some future day. I ask leave to withdraw certain petitions and memorials which were referred to the Committee on Commerce at the last session of Congress, in order that they may be again presented and referred.

No objection being made, leave was granted.

JOINT COMMITTEE TO WAIT ON THE PRESIDENT OF THE UNITED STATES.

Mr. OLDS, from the joint committee appointed to wait upon the President of the United States to inform him that a quorum of the two Houses of Congress had assembled, that they had organized and were prepared to receive any communication he might desire to make, reported that said committee had performed its duty, and that the President had answered that he would make a communication to the two Houses this day.

The SPEAKER stated that resolutions were in order from the State of Maine.

Mr. WASHBURN, of Maine. I ask leave to introduce the following bills, that they may be referred to the appropriate committees.

Mr. HENDRICKS. I object.

Mr. WASHBURN. My object, Mr. Speaker, was to introduce these bills so that they might be referred to some one of the standing committees when they were appointed.

The SPEAKER. The Chair so stated.

Mr. WASHBURN. Is it not in order for me to introduce them, so that they may be referred?

The SPEAKER. The Chair will read the rule bearing on the question for the information of the House.

"The petitions having been presented and disposed of, reports from committees shall be called for and disposed of; in doing which the Speaker shall call upon each standing committee in the order they are named in the 76th and the 104th rules; and when all the standing committees shall have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the call upon committees before the House passes to other business, he shall resume the next call where he left off."

There were no committees to report, and hence the call for resolutions. The rule goes on:

"Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions: Provided, That no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called."

The introduction of bills, when resolutions are called for, is not in order.

Mr. DEAN. I beg leave to introduce a joint resolution of thanks to Captain Duncan N. Ingraham.

Mr. JONES, of Tennessee. No notice has been given of that resolution.

The SPEAKER. Notice in this case is required, and if objection be made, the resolution cannot be introduced.

Mr. DUNHAM. I object to its introduction.

Mr. BAYLY, of Virginia. I object, for the reason that I deem action on the subject at this time premature.

Mr. DEAN. When States are called, I understand we have the right to offer resolutions and have them read.

The SPEAKER. That is the case in regard

to resolutions of the House; but joint resolutions are on the same footing with bills.

Mr. JONES, of Tennessee. I call for the reading of the 114th rule.

The rule was read by the Clerk, as follows:

"114. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion in the House, or by filing memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for: such motion, or the bill when introduced, may be committed."

Mr. DEAN. I now give notice that I shall move on the first Monday, that such a motion is allowable, that the rules be suspended for the introduction of the resolution, the title of which has just been read.

The SPEAKER. Resolutions are in order from the State of Pennsylvania.

Mr. FLORENCE offered the following resolution:

Resolved, (the Senate concurring,) That two Chaplains be elected, one by the Senate and the other by the House of Representatives, and that they officiate alternately during the present session of Congress.

Mr. FLORENCE. I submit this resolution at this time, believing that it will bring up that subject perfectly in order.

Mr. HAMILTON. It is not in order.

Mr. JONES, of Tennessee. Being still of opinion that there is no authority under the Constitution to employ preachers or Chaplains of any denominations for this Government or this House of Representatives, and believing, further, that it is a burlesque upon the Christian religion to have a Chaplain in this House, I move to lay the resolution upon the table.

Mr. HAVEN. Upon that I ask the yeas and nays.

Mr. GIDDINGS. Does not this resolution come under that order of resolutions of which notice must be given?

The SPEAKER. It is a single resolution in reference to the organization of the House, requiring the concurrence of the two bodies, and is not in the nature of a law, and therefore is not required to be read three times. The Chair overrules the point of order.

The House was then divided upon the call for yeas and nays, and they were ordered; one fifth of the House voting in favor thereof.

PRESIDENT'S MESSAGE.

A message was here received from the President of the United States, by the hands of SIDNEY WEBSTER, his Private Secretary, transmitting to the House of Representatives his annual message and accompanying documents.

Mr. HOUSTON. Is there any question before the House.

The SPEAKER. There is; and it is this: Is it the unanimous consent of the House, that the President's message be read?

There being no objection, the message was read by the Clerk, as follows:

Fellow-citizens of the Senate and House of Representatives:

The interest with which the people of the Republic anticipate the assembling of Congress, and the fulfillment, on that occasion, of the duty imposed upon a new President, is one of the best evidences of their capacity to realize the hopes of the founders of a political system, at once complex and symmetrical. While the different branches of the Government are, to a certain extent, independent of each other, the duties of all, alike, have direct reference to the source of power. Fortunately, under this system, no man is so high, and none so humble, in the scale of public station, as to escape from the scrutiny, or to be exempt from the responsibility, which all official functions imply.

Upon the justice and intelligence of the masses, in a Government thus organized, is the sole reliance of the Confederacy, and the only security for honest and earnest devotion to its interests against the usurpations and encroachments of power on the one hand, and the assaults of personal ambition on the other.

The interest, of which I have spoken, is inseparable from an inquiring, self-governing community, but stimulated, doubtless, at the present time, by the unsettled condition of our relations with several foreign Powers; by the new obligations resulting from a sudden extension of the

field of enterprise; by the spirit with which that field has been entered, and the amazing energy with which its resources for meeting the demands of humanity have been developed.

Although disease, assuming at one time the characteristics of a wide-spread and devastating pestilence, has left its sad traces upon some portions of our country, we have still the most abundant cause for reverent thankfulness to God for an accumulation of signal mercies showered upon us as a nation. It is well that a consciousness of rapid advancement and increasing strength be habitually associated with an abiding sense of dependence upon Him who holds in his hands the destiny of men and of nations.

Recognizing the wisdom of the broad principle of absolute religious toleration proclaimed in our fundamental law, and rejoicing in the benign influence which it has exerted upon our social and political condition, I should shrink from a clear duty, did I fail to express my deepest conviction, that we can place no secure reliance upon any apparent progress, if it be not sustained by national integrity, resting upon the great truths affirmed and illustrated by divine revelation. In the midst of our sorrow for the afflicted and suffering, it has been consoling to see how promptly disaster made true neighbors of districts and cities separated widely from each other, and cheering to watch the strength of that common bond of brotherhood, which unites all hearts, in all parts of this Union, when danger threatens from abroad, or calamity impends over us at home.

Our diplomatic relations with foreign Powers have undergone no essential change since the adjournment of the last Congress. With some of them, questions of a disturbing character are still pending, but there are good reasons to believe that these may all be amicably adjusted.

For some years past, Great Britain has so construed the first article of the convention of the 20th of April, 1818, in regard to the fisheries on the northeastern coast, as to exclude our citizens from some of the fishing grounds, to which they freely resorted for nearly a quarter of a century subsequent to the date of that treaty. The United States have never acquiesced in this construction, but have always claimed for their fishermen all the rights which they had so long enjoyed without molestation. With a view to remove all difficulties on the subject, to extend the rights of our fishermen beyond the limits fixed by the convention of 1818, and to regulate trade between the United States and the British North American provinces, a negotiation has been opened, with a fair prospect of a favorable result. To protect our fishermen in the enjoyment of their rights, and prevent collision between them and British fishermen, I deemed it expedient to station a naval force in that quarter during the fishing season.

Embarrassing questions have also arisen between the two Governments in regard to Central America. Great Britain has proposed to settle them by an amicable arrangement, and our Minister at London is instructed to enter into negotiations on that subject.

A commission for adjusting the claims of our citizens against Great Britain, and those of British subjects against the United States, organized under the convention of the 8th of February last, is now sitting in London for the transaction of business.

It is in many respects desirable that the boundary line between the United States and the British provinces in the northwest, as designated in the convention of the 15th of June, 1846, and especially that part which separates the Territory of Washington from the British possessions on the north, should be traced and marked. I therefore present the subject to your notice.

With France our relations continue on the most friendly footing. The extensive commerce between the United States and that country might, it is conceived, be released from some unnecessary restrictions, to the mutual advantage of both parties. With a view to this object, some progress has been made in negotiating a treaty of commerce and navigation.

Independently of our valuable trade with Spain, we have important political relations with her, growing out of our neighborhood to the Islands of Cuba and Porto Rico. I am happy to announce, that since the last Congress no attempts have been made, by unauthorized expeditions within the Uni-

ted States, against either of those colonies. Should any movement be manifested within our limits, all the means at my command will be vigorously exerted to repress it. Several annoying occurrences have taken place at Havana, or in the vicinity of the Island of Cuba, between our citizens and the Spanish authorities. Considering the proximity of that island to our shores,—lying, as it does, in the track of trade between some of our principal cities,—and the suspicious vigilance with which foreign intercourse, particularly that with the United States, is there guarded, a repetition of such occurrences may well be apprehended. As no diplomatic intercourse is allowed between our Consul at Havana and the Captain-General of Cuba, ready explanations cannot be made, or prompt redress afforded, where injury has resulted. All complaint on the part of our citizens, under the present arrangement, must be, in the first place, presented to this Government, and then referred to Spain. Spain again refers it to her local authorities in Cuba for investigation, and postpones an answer till she has heard from those authorities. To avoid these irritating and vexatious delays, a proposition has been made to provide for a direct appeal for redress to the Captain-General by our Consul, in behalf of our injured fellow-citizens. Hitherto, the Government of Spain has declined to enter into any such arrangement. This course on her part is deeply regretted; for, without some arrangement of this kind, the good understanding between the two countries may be exposed to occasional interruption. Our Minister at Madrid is instructed to renew the proposition, and to press it again upon the consideration of her Catholic Majesty's Government.

For several years Spain has been calling the attention of this Government to a claim for losses, by some of her subjects, in the case of the schooner *Amistad*. This claim is believed to rest on the obligations imposed by our existing treaty with that country. Its justice was admitted, in our diplomatic correspondence with the Spanish Government, as early as March, 1847; and one of my predecessors, in his annual message of that year, recommended that provision should be made for its payment. In January last it was again submitted to Congress by the Executive. It has received a favorable consideration by committees of both branches, but as yet there has been no final action upon it. I conceive that good faith requires its prompt adjustment, and I present it to your early and favorable consideration.

Martin Koszta, a Hungarian by birth, came to this country in 1835, and declared his intention, in due form of law, to become a citizen of the United States. After remaining here nearly two years, he visited Turkey. While at Smyrna, he was forcibly seized, taken on board an Austrian brig-of-war, then lying in the harbor of that place, and there confined in irons, with the avowed design to take him into the dominions of Austria. Our Consul at Smyrna and Legation at Constantinople interposed for his release, but their efforts were ineffectual. While thus imprisoned, Commander Ingraham, with the United States ship-of-war *St. Louis*, arrived at Smyrna, and, after inquiring into the circumstances of the case, came to the conclusion that Koszta was entitled to the protection of this Government, and took energetic and prompt measures for his release. Under an arrangement between the agents of the United States and of Austria, he was transferred to the custody of the French Consul-General at Smyrna, there to remain until he should be disposed of by the mutual agreement of the Consuls of the respective Governments at that place. Pursuant to that agreement he has been released, and is now in the United States. The Emperor of Austria has made the conduct of our officers who took part in this transaction a subject of grave complaint. Regarding Koszta as still his subject, and claiming a right to seize him within the limits of the Turkish empire, he has demanded of this Government its consent to the surrender of the prisoner, a disavowal of the acts of its agents, and satisfaction for the alleged outrage. After a careful consideration of the case, I came to the conclusion that Koszta was seized without legal authority at Smyrna; that he was wrongfully detained on board of the Austrian brig-of-war; that, at the time of his seizure, he was clothed with the nationality of the United States; and that the acts of our officers, under the

circumstances of the case, were justifiable, and their conduct has been fully approved by me, and a compliance with the several demands of the Emperor of Austria has been declined.

For a more full account of this transaction and my views in regard to it, I refer to the correspondence between the chargé d'affaires of Austria and the Secretary of State, which is herewith transmitted. The principles and policy, therein maintained on the part of the United States, will, whenever a proper occasion occurs, be applied and enforced.

The condition of China, at this time, renders it probable that some important changes will occur in that vast empire, which will lead to a more unrestricted intercourse with it. The Commissioner to that country, who has been recently appointed, is instructed to avail himself of all occasions to open and extend our commercial relations, not only with the empire of China, but with other Asiatic nations.

In 1852, an expedition was sent to Japan, under the command of Commodore Perry, for the purpose of opening commercial intercourse with that Empire. Intelligence has been received of his arrival there, and of his having made known to the Emperor of Japan the object of his visit; but it is not yet ascertained how far the Emperor will be disposed to abandon his restrictive policy, and open that populous country to a commercial intercourse with the United States.

It has been my earnest desire to maintain friendly intercourse with the Governments upon this continent, and to aid them in preserving good understanding among themselves. With Mexico, a dispute has arisen as to the true boundary line between our Territory of New Mexico and the Mexican State of Chihuahua. A former commissioner of the United States, employed in running that line, pursuant to the treaty of Guadalupe Hidalgo, made a serious mistake in determining the initial point on the Rio Grande; but, inasmuch as his decision was clearly a departure from the directions for tracing the boundary contained in that treaty, and was not concurred in by the surveyor appointed on the part of the United States, whose concurrence was necessary to give validity to that decision, this Government is not concluded thereby; but that of Mexico takes a different view of the subject.

There are also other questions of considerable magnitude pending between the two Republics. Our Minister in Mexico has ample instructions to adjust them. Negotiations have been opened, but sufficient progress has not been made therein to enable me to speak of the probable result. Impressed with the importance of maintaining amicable relations with that Republic, and of yielding with liberality to all her just claims, it is reasonable to expect that an arrangement mutually satisfactory to both countries may be concluded, and a lasting friendship between them confirmed and perpetuated.

Congress having provided for a full mission to the States of Central America, a Minister was sent thither in July last. As yet he has had time to visit only one of these States, (Nicaragua,) where he was received in the most friendly manner. It is hoped that his presence and good offices will have a benign effect in composing the dissensions which prevail among them, and in establishing still more intimate and friendly relations between them respectively, and between each of them and the United States.

Considering the vast regions of this continent, and the number of States which would be made accessible by the free navigation of the river Amazon, particular attention has been given to this subject. Brazil, through whose territories it passes into the ocean, has hitherto persisted in a policy so restrictive, in regard to the use of this river, as to obstruct, and nearly exclude, foreign commercial intercourse with the States which lie upon its tributaries and upper branches. Our Minister to that country is instructed to obtain a relaxation of that policy, and to use his efforts to induce the Brazilian Government to open to common use, under proper safeguards, this great natural highway for international trade. Several of the South American States are deeply interested in this attempt to secure the free navigation of the Amazon, and it is reasonable to expect their coöperation in the measure. As the advantages of free commercial intercourse among nations are better

understood, more liberal views are generally entertained as to the common rights of all to the free use of those means which nature has provided for international communication. To these more liberal and enlightened views, it is hoped that Brazil will conform her policy, and remove all unnecessary restrictions upon the free use of a river, which traverses so many States and so large a part of the continent. I am happy to inform you that the Republic of Paraguay and the Argentine Confederation have yielded to the liberal policy, still resisted by Brazil, in regard to the navigable rivers within their respective territories. Treaties, embracing this subject among others, have been negotiated with these Governments, which will be submitted to the Senate at the present session.

A new branch of commerce, important to the agricultural interests of the United States, has, within a few years past, been opened with Peru. Notwithstanding the inexhaustible deposits of guano upon the islands of that country, considerable difficulties are experienced in obtaining the requisite supply. Measures have been taken to remove these difficulties, and to secure a more abundant importation of the article. Unfortunately, there has been a serious collision between our citizens, who have resorted to the Chincha Islands for it, and the Peruvian authorities stationed there. Redress for the outrages, committed by the latter, was promptly demanded by our Minister at Lima. This subject is now under consideration, and there is reason to believe that Peru is disposed to offer adequate indemnity to the aggrieved parties.

We are thus not only at peace with all foreign countries, but, in regard to political affairs, are exempt from any cause of serious disquietude in our domestic relations.

The controversies which have agitated the country heretofore, are passing away with the causes which produced them and the passions which they had awakened; or, if any trace of them remains, it may be reasonably hoped that it will only be perceived in the zealous rivalry of all good citizens to testify their respect for the rights of the States, their devotion to the Union, and their common determination that each one of the States, its institutions, its welfare, and its domestic peace shall be held alike secure under the sacred ægis of the Constitution.

This new league of amity and of mutual confidence and support, into which the people of the Republic have entered, happily affords inducement and opportunity for the adoption of a more comprehensive and unembarrassed line of policy and action, as to the great material interests of the country, whether regarded in themselves or in connection with the Powers of the civilized world.

The United States have continued gradually and steadily to expand, through acquisitions of territory, which, how much soever some of them may have been questioned, are now universally seen and admitted to have been wise in policy, just in character, and a great element in the advancement of our country, and, with it, of the human race, in freedom, in prosperity, and in happiness. The thirteen States have grown to be thirty-one, with relations reaching to Europe on the one side, and on the other to the distant realms of Asia.

I am deeply sensible of the immense responsibility which the present magnitude of the Republic, and the diversity and multiplicity of its interests, devolves upon me; the alleviation of which, so far as relates to the immediate conduct of the public business is, first, in my reliance on the wisdom and patriotism of the two Houses of Congress; and, secondly, in the directions afforded me by the principles of public polity, affirmed by our fathers of the epoch of 1798, sanctioned by long experience, and consecrated anew by the overwhelming voice of the people of the United States.

Recurring to these principles, which constitute the organic basis of union, we perceive that, vast as are the functions and the duties of the Federal Government, vested in, or intrusted to, its three great departments—the legislative, executive, and judicial—yet the substantive power, the popular force, and the large capacities for social and material development, exist in the respective States, which, all being of themselves well constituted Republics, as they preceded, so they alone are capable of maintaining and perpetuating the American Union. The Federal Government has

its appropriate line of action in the specific and limited powers conferred on it by the Constitution, chiefly as to those things in which the States have a common interest in their relations to one another, and to foreign Governments; while the great mass of interests which belong to cultivated men, the ordinary business of life, the springs of industry, all the diversified personal and domestic affairs of society, rest securely upon the general reserved powers, of the people of the several States. There is the effective democracy of the nation, and there the vital essence of its being and its greatness.

Of the practical consequences which flow from the nature of the Federal Government, the primary one is the duty of administering with integrity and fidelity the high trust reposed in it by the Constitution, especially in the application of the public funds, as drawn by taxation from the people, and appropriated to specific objects by Congress. Happily I have no occasion to suggest any radical changes in the financial policy of the Government. Ours is almost, if not absolutely, the solitary Power of Christendom having a surplus revenue, drawn immediately from imposts on commerce, and therefore measured by the spontaneous enterprise and national prosperity of the country, with such indirect relation to agriculture, manufactures, and the products of the earth and sea, as to violate no constitutional doctrine, and yet vigorously promote the general welfare. Neither as to the sources of the public treasure, nor as to the manner of keeping and managing it, does any grave controversy now prevail, there being a general acquiescence in the wisdom of the present system.

The report of the Secretary of the Treasury will exhibit, in detail, the state of the public finances, and the condition of the various branches of the public service administered by that department of the Government.

The revenue of the country, levied almost insensibly to the tax-payer, goes on from year to year increasing beyond either the interests or the prospective wants of the Government.

At the close of the fiscal year ending June 30, 1852, there remained in the Treasury a balance of fourteen million six hundred and thirty-two thousand one hundred and thirty-six dollars. The public revenue for the fiscal year ending June 30, 1853, amounted to fifty-eight million nine hundred and thirty-one thousand eight hundred and sixty-five dollars from customs, and to two million four hundred and five thousand seven hundred and eight dollars from public lands and other miscellaneous sources, amounting together to sixty-one million three hundred and thirty-seven thousand five hundred and seventy-four dollars; while the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to forty-three million five hundred and fifty-four thousand two hundred and sixty-two dollars; leaving a balance of thirty-two million four hundred and twenty-five thousand four hundred and forty-seven dollars of receipts above expenditures.

This fact, of increasing surplus in the Treasury, became the subject of anxious consideration at a very early period of my administration, and the path of duty in regard to it seemed to me obvious and clear, namely: first, to apply the surplus revenue to the discharge of the public debt, so far as it could judiciously be done; and secondly, to devise means for the gradual reduction of the revenue to the standard of the public exigencies.

Of these objects, the first has been in the course of accomplishment, in a manner and to a degree highly satisfactory. The amount of the public debt, of all classes, was, on the fourth of March, 1853, sixty-nine million one hundred and ninety thousand and thirty-seven dollars; payments on account of which have been made, since that period, to the amount of twelve million seven hundred and three thousand three hundred and twenty-nine dollars; leaving unpaid, and in the continuous course of liquidation, the sum of fifty-six million four hundred and eighty-six thousand seven hundred and eight dollars. These payments, although made at the market price of the respective classes of stocks, have been effected readily, and to the general advantage of the Treasury, and have, at the same time, proved of signal utility in the relief they have incidentally afforded to the money market and to the industrial and commercial pursuits of the country.

The second of the above-mentioned objects, that of the reduction of the tariff, is of great importance, and the plan suggested by the Secretary of the Treasury, which is to reduce the duties on certain articles, and to add to the free list many articles now taxed, and especially such as enter into manufactures, and are not largely, or at all, produced in the country, is commended to your candid and careful consideration.

You will find in the report of the Secretary of the Treasury, also, abundant proof of the entire adequacy of the present fiscal system to meet all the requirements of the public service, and that, while properly administered, it operates to the advantage of the community in ordinary business relations.

I respectfully ask your attention to sundry suggestions of improvements in the settlement of accounts, especially as regards the large sums of outstanding arrears due to the Government, and of other reforms in the administrative action of his Department, which are indicated by the Secretary; as also to the progress made in the construction of marine hospitals, custom-houses, and of a new mint in California and assay office in the city of New York, heretofore provided for by Congress; and also to the eminently successful progress of the Coast Survey, and of the Light-House Board.

Among the objects meriting your attention, will be important recommendations from the Secretaries of War and Navy. I am fully satisfied that the Navy of the United States is not in a condition of strength and efficiency commensurate with the magnitude of our commercial and other interests; and commend to your especial attention the suggestions on this subject, made by the Secretary of the Navy. I respectfully submit that the Army, which, under our system, must always be regarded with the highest interest, as a nucleus around which the volunteer forces of the nation gather in the hour of danger, requires augmentation, or modification, to adapt it to the present extended limits and frontier relations of the country, and the condition of the Indian tribes in the interior of the continent; the necessity of which will appear in the communications of the Secretaries of War and the Interior.

In the administration of the Post Office Department for the fiscal year ending June 30, 1853, the gross expenditure was seven million nine hundred and eighty-two thousand seven hundred and fifty-six dollars; and the gross receipts during the same period, five million nine hundred and forty-two thousand seven hundred and thirty-four dollars; showing that the current revenue failed to meet the current expenses of the Department by the sum of two million forty-two thousand and thirty-two dollars. The causes which, under the present postal system and laws, led inevitably to this result, are fully explained by the report of the Postmaster General; one great cause being the enormous rates the Department has been compelled to pay for mail service rendered by railroad companies.

The exhibit in the report of the Postmaster General of the income and expenditures by mail steamers will be found peculiarly interesting, and of a character to demand the immediate action of Congress.

Numerous and flagrant frauds upon the Pension Bureau have been brought to light within the last year, and, in some instances, merited punishments inflicted; but, unfortunately, in others, guilty parties have escaped, not through the want of sufficient evidence to warrant a conviction, but in consequence of the provisions of limitation in the existing laws.

From the nature of these claims, the remoteness of the tribunals to pass upon them, and the mode in which the proof is, of necessity, furnished, temptations to crime have been greatly stimulated by the obvious difficulties of detection. The defects in the law upon this subject are so apparent, and so fatal to the ends of justice, that your early action relating to it is most desirable.

During the last fiscal year, nine million eight hundred and nineteen thousand four hundred and eleven acres of the public lands have been surveyed, and ten million three hundred and sixty-three thousand eight hundred and ninety-one acres brought into market. Within the same period, the sales by public purchase and private entry amounted to one million eighty-three thou-

sand four hundred and ninety-five acres; located under military bounty land warrants, six million one hundred and forty-two thousand three hundred and sixty acres; located under other certificates, nine thousand four hundred and twenty-seven acres; ceded to the States as swamp lands, sixteen million six hundred and eighty-four thousand two hundred and fifty-three acres; selected for railroad and other objects, under acts of Congress, one million four hundred and twenty-seven thousand four hundred and fifty-seven acres. Total amount of lands disposed of within the fiscal year, twenty-five million three hundred and forty-six thousand nine hundred and ninety-two acres; which is an increase in quantity sold, and located under land warrants and grants, of twelve million two hundred and thirty-one thousand eight hundred and eighteen acres over the fiscal year immediately preceding. The quantity of land sold during the second and third quarters of 1852, was three hundred and thirty-four thousand four hundred and fifty-one acres. The amount received therefor, was six hundred and twenty-three thousand six hundred and eighty-seven dollars. The quantity sold the second and third quarters of the year 1853, was one million six hundred and nine thousand nine hundred and nineteen acres; and the amount received therefor, two million two hundred and twenty-six thousand eight hundred and seventy-six dollars.

The whole number of land warrants issued under existing laws, prior to the thirtieth of September last, was two hundred and sixty-six thousand and forty-two; of which there were outstanding, at that date, sixty-six thousand nine hundred and forty-seven. The quantity of land required to satisfy these outstanding warrants, is four million seven hundred and seventy-eight thousand one hundred and twenty acres.

Warrants have been issued to 30th of September last, under the act of 11th February, 1847, calling for twelve million eight hundred and seventy-nine thousand two hundred and eighty acres; under acts of September 28, 1850, and March 22, 1852, calling for twelve million five hundred and five thousand three hundred and sixty acres; making a total of twenty-five million three hundred and eighty-four thousand six hundred and forty acres.

It is believed that experience has verified the wisdom and justice of the present system, with regard to the public domain, in most essential particulars.

You will perceive, from the report of the Secretary of the Interior, that opinions, which have often been expressed in relation to the operation of the land system, as not being a source of revenue to the Federal Treasury, were erroneous. The net profits from the sale of the public lands to June 30, 1853, amounted to the sum of fifty-three million two hundred and eighty-nine thousand four hundred and sixty-five dollars.

I recommend the extension of the land system over the Territories of Utah and New Mexico, with such modifications as their peculiarities may require.

Regarding our public domain as chiefly valuable to provide homes for the industrious and enterprising, I am not prepared to recommend any essential change in the land system, except by modifications in favor of the actual settler, and an extension of the preemption principle in certain cases, for reasons, and on grounds, which will be fully developed in the reports to be laid before you.

Congress, representing the proprietors of the territorial domain, and charged especially with power to dispose of territory belonging to the United States, has, for a long course of years, beginning with the administration of Mr. Jefferson, exercised the power to construct roads within the Territories; and there are so many and obvious distinctions between this exercise of power and that of making roads within the States, that the former has never been considered subject to such objections as apply to the latter, and such may now be considered the settled construction of the power of the Federal Government upon the subject.

Numerous applications have been, and no doubt will continue to be, made for grants of land, in aid of the construction of railways. It is not believed to be within the intent and meaning of the Constitution, that the power to dispose of the public domain, should be used otherwise than

might be expected from a prudent proprietor, and therefore, that grants of land to aid in the construction of roads should be restricted to cases where it would be for the interest of a proprietor, under like circumstances, thus to contribute to the construction of these works. For the practical operation of such grants thus far, in advancing the interests of the States in which the works are located, and at the same time the substantial interests of all the other States, by enhancing the value and promoting the rapid sale of the public domain, I refer you to the report of the Secretary of the Interior. A careful examination, however, will show that this experience is the result of a just discrimination, and will be far from affording encouragement to a reckless or indiscriminate extension of the principle.

I commend to your favorable consideration the men of genius of our country, who, by their inventions and discoveries in science and art, have contributed largely to the improvements of the age, without, in many instances, securing for themselves anything like an adequate reward. For many interesting details upon this subject I refer you to the appropriate reports, and especially urge upon your early attention the apparently slight, but really important modifications of existing laws therein suggested.

The liberal spirit which has so long marked the action of Congress in relation to the District of Columbia will, I have no doubt, continue to be manifested.

The erection of an asylum for the insane of the District of Columbia, and of the Army and Navy of the United States, has been somewhat retarded, by the great demand for materials and labor during the past summer; but full preparation for the reception of patients, before the return of another winter, is anticipated; and there is the best reason to believe, from the plan and contemplated arrangements which have been devised, with the large experience furnished within the last few years in relation to the nature and treatment of the disease, that it will prove an asylum indeed to this most helpless and afflicted class of sufferers, and stand as a noble monument of wisdom and mercy.

Under the acts of Congress of August 31, 1852, and of March 3, 1853, designed to secure for the cities of Washington and Georgetown an abundant supply of good and wholesome water, it became my duty to examine the report and plans of the engineer who had charge of the surveys under the first act named. The best, if not the only plan, calculated to secure permanently the object sought, was that which contemplates taking the water from the Great Falls of the Potomac, and, consequently, I gave to it my approval.

For the progress and present condition of this important work, and for its demands, so far as appropriations are concerned, I refer you to the report of the Secretary of War.

The present judicial system of the United States has now been in operation for so long a period of time, and has, in its general theory and much of its details, become so familiar to the country, and acquired so entirely the public confidence, that if modified in any respect, it should only be in those particulars which may adapt it to the increased extent, population, and legal business of the United States. In this relation, the organization of the courts is now confessedly inadequate to the duties to be performed by them; in consequence of which, the States of Florida, Wisconsin, Iowa, Texas, and California, and districts of other States, are in effect excluded from the full benefits of the general system, by the functions of the circuit court being devolved on the district judges in all those States, or parts of States.

The spirit of the Constitution and a due regard to justice require that all the States of the Union should be placed on the same footing in regard to the judicial tribunals. I therefore commend to your consideration this important subject, which, in my judgment, demands the speedy action of Congress. I will present to you, if deemed desirable, a plan, which I am prepared to recommend, for the enlargement and modification of the present judicial system.

The act of Congress establishing the Smithsonian Institution provided that the President of the United States, and other persons therein designated, should constitute an "establishment" by that name, and that the members should hold stated and special meetings for the supervision of

the affairs of the Institution. The organization not having taken place, it seemed to me proper that it should be effected without delay. This has been done; and an occasion was thereby presented for inspecting the condition of the Institution, and appreciating its successful progress thus far, and its high promise of great and general usefulness.

I have omitted to ask your favorable consideration for the estimates of works of local character in twenty-seven of the thirty-one States, amounting to one million seven hundred and fifty-four thousand five hundred dollars, because, independently of the grounds which have so often been urged against the application of the Federal revenue for works of this character, inequality with consequent injustice is inherent in the nature of the proposition, and because the plan has proved entirely inadequate to the accomplishment of the objects sought.

The subject of internal improvements, claiming alike the interest and good will of all, has, nevertheless, been the basis of much political discussion, and has stood as a deep graven line of division between statesmen of eminent ability and patriotism. The rule of strict construction of all powers delegated by the States to the General Government has arrayed itself, from time to time, against the rapid progress of expenditures from the National Treasury on works of a local character within the States. Memorable as an epoch in the history of this subject is the message of President Jackson, of the 27th of May, 1830, which met the system of internal improvements in its comparative infancy; but so rapid had been its growth, that the projected appropriations in that year for works of this character had risen to the alarming amount of more than one hundred millions of dollars.

In that message the President admitted the difficulty of bringing back the operations of the Government to the construction of the Constitution set up in 1798, and marked it as an admonitory proof of the necessity of guarding that instrument with sleepless vigilance against the authority of precedents which had not the sanction of its most plainly defined powers.

Our Government exists under a written compact between sovereign States, uniting for specific objects, and with specific grants to their general agent. If, then, in the progress of its administration, there have been departures from the terms and intent of the compact, it is, and will ever be, proper to refer back to the fixed standard which our fathers left us, and to make a stern effort to conform our action to it. It would seem that the fact of a principle having been resisted from the first by many of the wisest and most patriotic men of the Republic, and a policy having provoked constant strife without arriving at a conclusion which can be regarded as satisfactory to its most earnest advocates, should suggest the inquiry whether there may not be a plan likely to be crowned by happier results. Without perceiving any sound distinction, or intending to assert any principle as opposed to improvements needed for the protection of internal commerce, which does not equally apply to improvements upon the seaboard for the protection of foreign commerce, I submit to you whether it may not be safely anticipated that, if the policy were once settled against appropriations by the General Government for local improvements for the benefit of commerce, localities requiring expenditures would not, by modes and means clearly legitimate and proper, raise the fund necessary for such constructions as the safety or other interests of their commerce might require.

If that can be regarded as a system, which, in the experience of more than thirty years, has at no time so commanded the public judgment as to give it the character of a settled policy—which, though it has produced some works of conceded importance, has been attended with an expenditure quite disproportionate to their value,—and has resulted in squandering large sums upon objects which have answered no valuable purpose,—the interests of all the States require it to be abandoned, unless hopes may be indulged for the future which find no warrant in the past.

With an anxious desire for the completion of the works which are regarded by all good citizens with sincere interest, I have deemed it my duty to ask at your hands a deliberate reconsideration of the question, with a hope that, animated by a

desire to promote the permanent and substantial interests of the country, your wisdom may prove equal to the task of devising and maturing a plan, which, applied to this subject, may promise something better than constant strife, the suspension of the powers of local enterprise, the exciting of vain hopes, and the disappointment of cherished expectations.

In expending the appropriations made by the last Congress, several cases have arisen in relation to works for the improvement of harbors, which involve question as to the right of soil and jurisdiction, and have threatened conflict between the authority of the State and General Governments. The right to construct a breakwater, jetty, or dam, would seem, necessarily, to carry with it the power to protect and preserve such constructions. This can only be effectually done by having jurisdiction over the soil. But no clause of the Constitution is found, on which to rest the claim of the United States to exercise jurisdiction over the soil of a State, except that conferred by the eighth section of the first article of the Constitution. It is, then, submitted, whether, in all cases where constructions are to be erected by the General Government, the right of soil should not first be obtained, and legislative provision be made to cover all such cases.

For the progress made in the construction of roads within the Territories, as provided for in the appropriations of the last Congress, I refer you to the report of the Secretary of War.

There is one subject of a domestic nature, which, from its intrinsic importance, and the many interesting questions of future policy which it involves, cannot fail to receive your early attention. I allude to the means of communication by which different parts of the wide expanse of our country are to be placed in closer connection for purposes both of defense and commercial intercourse, and more especially such as appertain to the communication of those great divisions of the Union which lie on the opposite sides of the Rocky Mountains.

That the Government has not been unmindful of this heretofore, is apparent from the aid it has afforded, through appropriations for mail facilities and other purposes. But the general subject will now present itself under aspects more imposing and more purely national, by reason of the surveys ordered by Congress, and now in the process of completion, for communication by railway across the continent, and wholly within the limits of the United States.

The power to declare war, to raise and support armies, to provide and maintain a navy, and to call forth the militia to execute the laws, suppress insurrections, and repel invasions, was conferred upon Congress, as means to provide for the common defense, and to protect a territory and a population now widespread and vastly multiplied. As incidental to and indispensable for the exercise of this power, it must sometimes be necessary to construct military roads and protect harbors of refuge. To appropriations by Congress for such objects, no sound objection can be raised. Happily for our country, its peaceful policy and rapidly increasing population impose upon us no urgent necessity for preparation, and leave but few trackless deserts between assailable points and a patriotic people ever ready and generally able to protect them. These necessary links, the enterprise and energy of our people are steadily and boldly struggling to supply. All experience affirms that, wherever private enterprise will avail, it is most wise for the General Government to leave to that and individual watchfulness the location and execution of all means of communication.

The surveys before alluded to were designed to ascertain the most practicable and economical route for a railroad from the river Mississippi to the Pacific ocean. Parties are now in the field making explorations, where previous examinations had not supplied sufficient data, and where there was the best reason to hope the object sought might be found. The means and time being both limited, it is not to be expected that all the accurate knowledge desired will be obtained, but it is hoped that much and important information will be added to the stock previously possessed, and that partial, if not full reports of the surveys ordered will be received, in time for transmission to the two Houses of Congress, on or before the first Monday in February next, as required by

the act of appropriation. The magnitude of the enterprise contemplated has aroused, and will doubtless continue to excite, a very general interest throughout the country. In its political, its commercial, and its military bearings, it has varied, great, and increasing claims to consideration. The heavy expense, the great delay, and, at times, fatality attending travel by either of the Isthmus routes, have demonstrated the advantage, which would result from interterritorial communication by such safe and rapid means as a railroad would supply.

These difficulties, which have been encountered in a period of peace, would be magnified and still further increased in time of war. But whilst the embarrassments already encountered, and others under new contingencies to be anticipated, may serve strikingly to exhibit the importance of such a work, neither these, nor all considerations combined, can have an appreciable value, when weighed against the obligation strictly to adhere to the Constitution, and faithfully to execute the powers it confers. Within this limit, and to the extent of the interest of the Government involved, it would seem both expedient and proper, if an economical and practicable route shall be found, to aid, by all constitutional means, in the construction of a road which will unite, by speedy transit, the populations of the Pacific and Atlantic States. To guard against misconception, it should be remarked that, although the power to construct or aid in the construction of, a road within the limits of a Territory is not embarrassed by that question of jurisdiction which would arise within the limits of a State, it is nevertheless held to be of doubtful power, and more than doubtful propriety, even within the limits of a Territory, for the General Government to undertake to administer the affairs of a railroad, a canal, or other similar construction, and therefore that its connection with a work of this character should be incidental rather than primary. I will only add, at present, that, fully appreciating the magnitude of the subject, and solicitous that the Atlantic and Pacific shores of the Republic may be bound together by inseparable ties of common interest, as well as of common fealty and attachment to the Union, I shall be disposed, so far as my own action is concerned, to follow the lights of the Constitution, as expounded and illustrated by those whose opinions and expositions constitute the standard of my political faith in regard to the powers of the Federal Government. It is, I trust, not necessary to say, that no grandeur of enterprise, and no present urgent inducement promising popular favor, will lead me to disregard those lights, or to depart from that path, which experience has proved to be safe, and which is now radiant with the glow of prosperity and legitimate constitutional progress. We can afford to wait, but we cannot afford to overlook the ark of our security.

It is no part of my purpose to give prominence to any subject, which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfill the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But, notwithstanding differences of opinion and sentiment, which then existed in relation to details, and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, has given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured. The wisdom of men, who knew what independence cost,—who had put all at stake upon the issue of the revolutionary struggle,—disposed of the subject to which I refer, in the only way consist-

ent with the union of these States, and with the march of power and prosperity which has made us what we are. It is a significant fact, that from the adoption of the Constitution until the officers and soldiers of the Revolution had passed to their graves, or, through the infirmities of age and wounds, had ceased to participate actively in public affairs, there was not merely a quiet acquiescence in, but a prompt vindication of, the constitutional rights of the States. The reserved powers were scrupulously respected. No statesman put forth the narrow views of casuists to justify interference and agitation, but the spirit of the compact was regarded as sacred in the eye of honor, and indispensable for the great experiment of civil liberty, which, envied by inherent difficulties, was yet borne forward in apparent weakness by a power superior to all obstacles. There is no condemnation, which the voice of freedom will not pronounce upon us, should we prove faithless to this great trust. While men inhabiting different parts of this vast continent can no more be expected to hold the same opinions, or entertain the same sentiments, than every variety of climate or soil can be expected to furnish the same agricultural products, they can unite in a common object and sustain common principles essential to the maintenance of that object. The gallant men of the South and the North could stand together during the struggle of the Revolution; they could stand together in the more trying period which succeeded the clangor of arms. As their united valor was adequate to all the trials of the camp and dangers of the field, so their united wisdom proved equal to the greater task of founding, upon a deep and broad basis, institutions which it has been our privilege to enjoy, and will ever be our most sacred duty to sustain. It is but the feeble expression of a faith strong and universal, to say that their sons, whose blood mingled so often upon the same field, during the war of 1812, and who have more recently borne in triumph the flag of the country upon a foreign soil, will never permit alienation of feeling to weaken the power of their united efforts, nor internal dissensions to paralyze the great arm of freedom, uplifted for the vindication of self-government.

I have thus briefly presented such suggestions as seem to me especially worthy of your consideration. In providing for the present, you can hardly fail to avail yourselves of the light which the experience of the past casts upon the future.

The growth of our population has now brought us, in the destined career of our national history, to a point at which it well behooves us to expand our vision over the vast prospective.

The successive decennial returns of the census, since the adoption of the Constitution, have revealed a law of steady progressive development, which may be stated, in general terms, as a duplication every quarter century. Carried forward, from the point already reached, for only a short period of time as applicable to the existence of a nation, this law of progress, if unchecked, will bring us to almost incredible results. A large allowance for a diminished proportional effect of emigration would not very materially reduce the estimate, while the increased average duration of human life, known to have already resulted from the scientific and hygienic improvements of the past fifty years, will tend to keep up through the next fifty, or perhaps hundred, the same ratio of growth, which has been thus revealed in our past progress; and to the influence of these causes may be added the influx of laboring masses from eastern Asia to the Pacific side of our possessions, together with the probable accession of the populations already existing in other parts of our hemisphere, which within the period in question, will feel, with yearly increasing force, the natural attraction of so vast, powerful, and prosperous a confederation of self-governing Republics, and will seek the privilege of being admitted within its safe and happy bosom, transferring with themselves, by a peaceful and healthy process of incorporation, spacious regions of virgin and exuberant soil, which are destined to swarm with the fast-growing and fast-spreading millions of our race.

These considerations seem fully to justify the presumption, that the law of population above stated, will continue to act with undiminished effect, through at least the next half century; and that thousands of persons who have already

arrived at maturity, and are now exercising the rights of freemen, will close their eyes on the spectacle of more than one hundred millions of population embraced within the majestic proportions of the American Union. It is not merely as an interesting topic of speculation that I present these views for your consideration. They have important practical bearings upon all the political duties we are called upon to perform. Heretofore, our system of Government has worked on what may be termed a miniature scale, in comparison with the development which it must thus assume, within a future so near at hand, as scarcely to be beyond the present of the existing generation.

It is evident that a confederation so vast and so varied, both in numbers and in territorial extent, in habits and in interests, could only be kept in national cohesion by the strictest fidelity to the principles of the Constitution, as understood by those who have adhered to the most restricted construction of the powers granted by the people and the States. Interpreted and applied according to those principles, the great compact adapts itself with healthy ease and freedom to an unlimited extension of that benign system of federative self-government, of which it is our glorious and, I trust, immortal charter. Let us, then, with redoubled vigilance, be on our guard against yielding to the temptation of the exercise of doubtful powers, even under the pressure of the motives of conceded temporary advantage and apparent temporary expediency.

The minimum of Federal Government, compatible with the maintenance of national unity and efficient action in our relations with the rest of the world, should afford the rule and measure of construction of our powers under the general clauses of the Constitution. A spirit of strict deference to the sovereign rights and dignity of every State, rather than a disposition to subordinate the States into a provincial relation to the central authority, should characterize all our exercise of the respective powers temporarily vested in us as a sacred trust from the generous confidence of our constituents.

In like manner, as a manifestly indispensable condition of the perpetuation of the Union, and of the realization of that magnificent national future adverted to, does the duty become yearly stronger and clearer upon us, as citizens of the several States, to cultivate a fraternal and affectionate spirit, language, and conduct, in regard to other States, and in relation to the varied interests, institutions, and habits of sentiment and opinion, which may respectively characterize them. Mutual forbearance, respect, and non-interference in our personal action as citizens, and an enlarged exercise of the most liberal principles of comity in the public dealings of State with State, whether in legislation or in the execution of laws, are the means to perpetuate that confidence and fraternity, the decay of which a mere political union, on so vast a scale, could not long survive.

In still another point of view, is an important practical duty suggested by this consideration of the magnitude of dimensions, to which our political system, with its corresponding machinery of government, is so rapidly expanding. With increased vigilance does it require us to cultivate the cardinal virtues of public frugality and official integrity and purity. Public affairs ought to be so conducted that a settled conviction shall pervade the entire Union, that nothing short of the highest tone and standard of public morality marks every part of the administration and legislation of the General Government. Thus will the federal system, whatever expansion time and progress may give it, continue more and more deeply rooted in the love and confidence of the people.

That wise economy, which is as far removed from parsimony as from corrupt and corrupting extravagance—that single regard for the public good, which will frown upon all attempts to approach the Treasury with insidious projects of private interest cloaked under public pretenses,—that sound fiscal administration, which, in the legislative department, guards against the dangerous temptations incident to overflowing revenue, and, in the executive, maintains an unsleeping watchfulness against the tendency of all national expenditure to extravagance,—while they are admitted, elementary political duties, may, I trust, be deemed as properly adverted to and urged, in view of the more impressive sense of that necessity,

which is directly suggested by the considerations now presented.

Since the adjournment of Congress, the Vice President of the United States has passed from the scenes of earth, without having entered upon the duties of the station to which he had been called by the voice of his countrymen. Having occupied, almost continuously, for more than thirty years, a seat in one or the other of the two Houses of Congress, and having by his singular purity and wisdom, secured unbounded confidence and universal respect, his failing health was watched by the nation with painful solicitude. His loss to the country, under all the circumstances, has been justly regarded as irreparable.

In compliance with the act of Congress of March 2, 1853, the oath of office was administered to him on the 24th of that month, at Ariadne estate, near Matanzas, in the Island of Cuba; but his strength gradually declined, and was hardly sufficient to enable him to return to his home in Alabama, where, on the eighteenth day of April, in the most calm and peaceful way, his long and eminently useful career was terminated.

Entertaining unlimited confidence in your intelligent and patriotic devotion to the public interest, and being conscious of no motives on my part which are not inseparable from the honor and advancement of my country, I hope it may be my privilege to deserve and secure, not only your cordial coöperation in great public measures, but also those relations of mutual confidence and regard, which it is always so desirable to cultivate between members of coördinate branches of the Government.

FRANKLIN PIERCE.

WASHINGTON, D. C., December 5, 1853.

The SPEAKER. The question now recurs upon the motion to lay the resolution of the gentleman from Pennsylvania [Mr. FLORENCE] upon the table.

Mr. HOUSTON. I hope the gentleman from Pennsylvania will allow that motion to stand as it is until the President's message shall have been disposed of, as that is now before the House.

Mr. FLORENCE. I move then that the message be referred to the Committee of the Whole on the state of the Union, and that the usual number of copies, with 20,000 extra copies, with the accompanying documents, be printed for the use of the members of the House.

Mr. HOUSTON. That is the motion I intended to make, but I am willing that the gentleman should make it.

Mr. McNAIR. What is the usual number?

Mr. FLORENCE. Fifteen thousand.

Mr. HOUSTON. The usual number is one for each member of this body.

Mr. FLORENCE. I understand my colleague to ask what is the usual number of extra copies.

Mr. HOUSTON. No, sir.

Mr. FLORENCE. The usual number, as stated by the gentleman from Alabama, [Mr. Houston,] has been one copy for each member. My proposition is, to print 20,000 extra copies of the message and the accompanying documents for the use of the members of the House.

Mr. ORR. I can give the gentleman from Pennsylvania [Mr. McNAIR] the information he desires. The usual number printed of certain documents for the use of the House, the Senate, and the various Departments, is about 1,500. The usual number of the message and accompanying documents heretofore printed has been 15,000 copies; and I do not see the necessity for printing any more than that number now. They are cumbersome documents, and are not generally read. I move to amend the gentleman's motion by striking out 20,000, and inserting 15,000.

Mr. HOUSTON. I would suggest to the gentleman from South Carolina that this is the beginning of a new Administration, and these documents—the President's message and accompanying papers—are intended to develop the policy of that Administration at its commencement. While I know that 15,000 copies were printed at the last session—yet under the circumstances it seems to me that 20,000 are a small number to be asked for upon this occasion. I therefore hope that the gentleman from Pennsylvania will persist in his motion, and that we will order the number asked for to be printed.

Mr. ORR. It is within a few years that the

number printed has exceeded 10,000 copies. In my judgment, 15,000 copies are a great abundance.

Mr. PERKINS, of New York. I believe the gentleman from South Carolina is mistaken in supposing that the President's message and documents are not read. If they are printed in pamphlet form and circulated among my constituents, or the constituents of the representatives of the State of New York, I am very certain that they will be generally read.

Mr. WENTWORTH, of Illinois. The people now are reading much more than formerly. Our country is largely extended, and schools are being multiplied daily; and to say that no more than sixty, eighty, or one hundred persons in each Congressional district, will read those documents, shows an indifference in regard to them among the people, with which I can hardly acquiesce. I believe it would be more compatible for the interests of the country, to print 50,000 extra copies; and I am confident, at least it is so, as far as my own district is concerned, that that number will hardly suffice for those who wish to read these documents. In behalf of my own constituents, I go for 50,000, and if the constituents of other members will not read them, I will be very much obliged, if they will send them to mine.

Mr. PHELPS. It seems to me that this debate upon the motion to print an extra number of copies of the message and accompanying documents is rather premature. By a law passed at the last session of Congress, it is provided that all motions to print extra copies of any bill, report, or other public document, shall be referred to the members of the Committee on Printing in the House where the motion may be made; so that a motion to print an extra number of copies of these documents must necessarily go to the Committee on Printing, and await their report upon it.

Mr. HOUSTON. That has been the language of the joint rule, and the law which has governed us, for several years; but its universal construction has been, that it did not apply to a message from the President of the United States.

Mr. CLINGMAN. Certainly; it has been so decided.

Mr. HOUSTON. All communications from heads of Departments, separate and distinct from those accompanying the President's message now before us, would be subject to the law which the gentleman has read, but it has never been construed as applying to the message of the President of the United States; and I hope, therefore, that the gentleman from Missouri will let this matter take its course.

The SPEAKER. If the gentleman from Missouri [Mr. PHELPS] will refer to the 61st rule, he will find that that rule sustains the gentleman from Alabama, [Mr. HOUSTON.]

Mr. PHELPS. I was referring to the act of Congress, and not to any rule. But, sir, I have no desire at all to impede the printing of this document. I desire the number to be printed which the gentleman from Pennsylvania [Mr. FLORENCE] proposes.

Mr. WENTWORTH, of Illinois. It has been suggested to me that the House will not vote the 50,000 copies, but might vote 30,000. I therefore modify my amendment to the amendment so as to make the number 30,000.

The SPEAKER. The question will be first upon the amendment of the gentleman from Illinois [Mr. WENTWORTH] to the amendment of the gentleman from South Carolina, [Mr. ORR,] which is to strike out "15,000," and insert "30,000" in lieu thereof.

Mr. STEPHENS, of Georgia. I wish to say but one word upon this subject. I hope that the amendment of the gentleman from South Carolina will prevail. Fifteen thousand is the usual number which has been heretofore printed. The gentleman from Illinois [Mr. WENTWORTH] says that number will give seventy copies to each member, and that he has a great many more than seventy men in his district who can or will read this document.

Mr. WENTWORTH. I said who were anxious to read it.

Mr. STEPHENS. I tell the gentleman that there are, perhaps, three thousand in my district who are anxious to read it. But will you extend the number to a million? Are we to sit here and print documents for every man who is anxious to read

them? Sir, they must get this information from the newspapers of the country. Fifteen thousand copies will give seventy copies to each member. That will be sufficient to supply the schools, newspapers, public libraries, and the various offices in the counties, where people who desire to see these documents can always have access to them.

Mr. JONES, of Tennessee. With the permission of the gentleman from Georgia I will correct his statement that fifteen thousand copies will give seventy copies to each member. It will give only about forty copies to each member; twenty thousand copies would give sixty or sixty-one to each member.

Mr. STEPHENS. I was arguing against the statement of the gentleman from Illinois, [Mr. WENTWORTH.] I did not make any calculation myself.

Mr. JONES. The gentleman from Illinois is mistaken, then. He may have made the calculation that the 30,000 copies he proposes to print, would give seventy-five or eighty copies to each member; 15,000 would give only about forty-one copies to each member.

Mr. STEPHENS. Well, that is the usual number.

Mr. CAMPBELL, of Ohio. I would ask the gentleman from Georgia, to state the number of copies that was printed at the commencement of the last Administration, when the Whig policy was to be developed.

Mr. STEPHENS. I think it was 15,000.

Mr. CAMPBELL. Well, the Whig policy was quite as important to the country as the policy of this Administration.

Mr. STEPHENS. I will not detain the House further, but I trust that the House will only order the printing of 15,000 extra copies.

Mr. HIBBARD. I believe that the House is now ready to vote upon this matter, and to dispose of it, and for the purpose of bringing on that vote, I call for the previous question.

The previous question received a second, and the main question was ordered to be now put.

The question was first upon Mr. WENTWORTH's amendment to the amendment.

Mr. LETCHER. On that question I ask for the yeas and nays.

[Voices from all parts of the Hall. "No, no!" "We'll vote it down!" and "Withdraw it!"]

Mr. LETCHER. Well, I withdraw the call for the present.

The question was then put on the amendment to the amendment; and, on a division, there were—yeas 76; nays 116.

So the amendment to the amendment was rejected.

The question was then put upon the amendment of Mr. ORR, to strike out 20,000 copies extra, and insert 15,000; and on a division, there were—yeas 71.

Mr. STEPHENS, of Georgia. I demand the yeas and nays.

The yeas and nays were not ordered, fifteen only voting in the affirmative, which number was not one fifth of a quorum.

Mr. CAMPBELL, of Ohio. I demand tellers. Tellers were not ordered.

The question was taken on Mr. ORR's proposition, and it was disagreed to.

The question was then taken on the proposition of Mr. FLORENCE, and it was agreed to.

PUBLIC PRINTER.

Mr. HIBBARD. Mr. Speaker, the order just made for the printing of the President's message and accompanying documents will, I think, remind the House of the necessity of proceeding with the organization of the House by the election of a public printer, without whom the law, as I understand, makes no provision for the printing.

Mr. HOUSTON. With the gentleman's permission, I move to reconsider the vote by which the motion of the gentleman from Pennsylvania [Mr. FLORENCE] was agreed to; and that that motion do lie upon the table.

The question was taken, and the latter motion was agreed to.

Mr. HIBBARD. For the purpose suggested, I offer the following resolution, and I hope the House will act upon it now, and proceed to the election of a public printer. Upon its passage I call for the previous question:

Resolved, That the House do now proceed to the elec-

tion of a public printer for the House of Representatives for the present Congress.

Mr. WENTWORTH. I rise to a point of order. When the message from the President was received, we were acting on the question of the election of a Chaplain; and I would ask whether it does not now take precedence of any other business?

The SPEAKER. Such is the fact. While the proposition of the gentleman from New Hampshire is a privileged one, yet it must give way to the business indicated by the gentleman from Illinois.

Mr. HIBBARD. I withdraw my resolution.

Mr. HAMILTON. I move that the House do now adjourn.

Mr. FULLER. I submit a motion which takes precedence of that of the gentleman from Maryland; and it is that when this House adjourns to-day it be to meet on Friday next. It is made with a view of giving the Speaker time to form the standing committees. Gentlemen are well aware that time and deliberation are required for that purpose.

A MEMBER. I ask for a division of the House upon that question.

Mr. FULLER. Upon the request of several members I withdraw the motion.

The SPEAKER. The question is now upon the motion to adjourn.

The question was put and disagreed to, and the House refused to adjourn.

The SPEAKER. The question recurs upon laying the resolution of the gentleman from Pennsylvania [Mr. FLORENCE] upon the table.

Mr. HIBBARD. I rise to a question of order. It is whether the resolution proposed to be offered by me, being a privileged matter, relating to the organization of the House, does not take precedence of the motion submitted by the gentleman from South Carolina?

The SPEAKER. The Chair doubts whether it takes precedence of business immediately before the House, and being acted upon by the House, except by unanimous consent. The House now comes back to the precise point at which the business was arrested by the introduction of the President's message.

The question, then, is upon laying upon the table the following resolution:

Resolved, (the Senate concurring,) That two Chaplains be elected, one by the Senate and the other by the House of Representatives, and that they officiate alternately during the present session of Congress.

And upon that motion, the yeas and nays have been ordered.

The question was then put, and there were—yeas, 18; nays 185.

YEAS—Messrs. Abernethy, Bugg, Chastain, Cobb, John G. Davis, Thomas Davis, Dent, Edgerton, Green, Grow, Henn, George W. Jones, McMullin, Nichols, Phelps, William Smith, Frederick P. Stanton, and Wells—18.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Banks, Belcher, Bennett, Benson, Benton, Bissell, Bliss, Bocoock, Breckinridge, Bridges, Brooks, Lewis D. Campbell, Carpenter, Cautchins, Caskie, Chamberlain, Chandler, Chase, Chrisman, Churchwell, Clark, Clineham, Colquhoun, Cook, Corwin, Cox, Craig, Crocker, Cullom, Cunningham, Curtis, Cutting, Dawson, Dean, De Witt, Dick, Dickinson, Disney, Dowdell, Drum, Dunbar, Dunham, Eastman, Edmundson, Elliott, Ellison, English, Etheridge, Everhart, Ewing, Farley, Faulkner, Fenton, Flagler, Florence, Franklin, Fuller, Gamble, Goode, Goodrich, Greenwood, Grey, Hamilton, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hendricks, Hibbard, Hiestler, Hill, Hillyer, Houston, Howe, Hughes, Hunt, Ingersoll, Johnson, Kett, Kerr, Kidwell, Kittredge, Knox, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Lindsay, Lyon, McCulloch, Macdonald, McDougal, McNair, McQueen, Meade, Macy, Matteson, Maurice, Maxwell, May, Mayall, Meacham, Middlesworth, John G. Miller, Smith Miller, Milton, Moran, Noble, Norton, Andrew Oliver, Mordecai Oliver, Orr, Parker, Parker, Peck, Peckham, Pennington, Bishop Perkins, John P. Perkins, Philips, Pratt, Ritchie, Thomas Ritchey, Ready, Reese, Richardson, David Ritchie, Sabin, Sage, Sapp, Seymour, Shaw, Shover, Simmons, Samuel A. Smith, William R. Smith, Snodgrass, Stevens, Stratton, Straub, and H. Stephens, Hester L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, Trout, Tweed, Upham, Vail, Taylor, Thurston, Tracy, Trott, Walsh, Elihu B. Washburne, Vansant, Wade, Walbridge, Walsh, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, White, Hendrick B. Wright, and Zolllicoffer—185.

So the House refused to lay the resolution on the table.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by

the hands of ASBURY DICKINS, its Secretary, informing the House that they had passed a bill entitled, "An act to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816," in which he was directed to ask the concurrence of the House.

CHAPLAINS AGAIN.

The question then recurred on the adoption of the resolution.

Mr. HENDRICKS. I move to amend the resolution by striking out the word "session," and inserting in lieu thereof the word "Congress."

I wish to state briefly the reason why I offer the amendment. At the first session of the last Congress we elected a Chaplain who served us for nine months. At the second session we elected another gentleman. He served for three months, and for that three months' service received the same compensation as the Chaplain for the first session, who served nine months. I think it is right that we should elect a man for the whole Congress, in the same manner that we do every other officer.

Mr. HENN. I move to amend the resolution by adding thereto the following:

Provided, That the compensation of said Chaplains shall be deducted pro rata from the per diem compensation of the members of the Senate and House of Representatives.

And upon that I ask the previous question.

Mr. HOUSTON. Before the Chair puts that question I should like to have the gentleman from Pennsylvania [Mr. FLORENCE] accept a modification of his resolution, so as to make it embrace the language of the resolution which came from the Senate this morning, which is, that they be taken from different denominations.

The SPEAKER. That can only be done by unanimous consent.

Mr. HOUSTON. It is the universal practice here, and I hope it will be carried out now.

Mr. FLORENCE accepted the proposed modification.

The previous question was then seconded, and the main question ordered to be put.

The SPEAKER. The question first in order is upon the amendment offered by the gentleman from Iowa, [Mr. HENN.]

The question was taken, and the amendment was not agreed to.

The question then recurring on the amendment offered by the gentleman from Indiana, [Mr. HENDRICKS,] it was taken, and the amendment was agreed to.

The question was then taken upon the resolution, as amended, and it was adopted.

On motion by Mr. STANTON, of Tennessee, the House then adjourned till to-morrow, at twelve o'clock, m.

IN SENATE.

WEDNESDAY, January 7, 1853.

The Hon. ISAAC P. WALKER, of Wisconsin, and the Hon. A. DIXON, of Kentucky, appeared and took their seats this morning.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives, by Mr. W. V. McKean, Chief Clerk:

Mr. PRESIDENT: I am directed to inform the Senate that the House of Representatives have passed a joint resolution for the relief of Alexander P. Field, late Secretary of Wisconsin Territory, and his sureties, in which they ask the concurrence of the Senate.

Also, a concurrent resolution for the appointment of two Chaplains for the first session of the Thirty Third Congress.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT presented the annual report of the Secretary of the Treasury, which, on motion by Mr. HUNTER, was laid on the table, and ordered to be printed for the use of the Senate.

Mr. HUNTER. I move that the usual number of extra copies of the report of the Secretary of the Treasury be printed for the use of the Senate.

The motion was agreed to.

The PRESIDENT *pro tem.* laid before the Senate a letter from the Treasurer of the United States, communicating copies of his accounts for the third and fourth quarters of 1852, and the first and second quarters of 1853, as adjusted by the ac-

counting officers of the Treasury; which was read, and ordered to lie on the table.

Also, the first annual report of the Superintendent of the Public Printing.

On motion by Mr. HAMLIN, the report, with the accompanying papers, was ordered to lie on the table and be printed.

ELECTION OF CHAPLAIN.

On the motion of Mr. JONES, of Iowa, the following concurrent resolution from the House of Representatives was considered and agreed to:

Resolved, (the Senate concurring,) That two Chaplains, of different denominations, be elected, one by the Senate and the other by the House of Representatives, and that they officiate alternately during the present session of Congress."

The Senate proceeded to ballot for a Chaplain on its part, with the following result:

Whole number of votes cast, 39; necessary to a choice, 20; of which—

Rev. Henry Slicer received.....	18
Rev. William Hodges.....	13
Rev. S. Tustin, D. D.....	3
Rev. H. S. Chapin.....	3
Rev. Henry Ward Beecher.....	2

There being no election, the Senate proceeded to a second ballot, with the following result:

Whole number of votes cast, 43; necessary to a choice, 22; of which—

Rev. H. Slicer received.....	21
Rev. William Hodges.....	18
Rev. H. W. Beecher.....	2
Rev. S. Tustin, D. D.....	1
Blank.....	1

There still being no choice, the Senate proceeded to a third ballot, with the following result:

Whole number of votes cast, 43; necessary to a choice, 22; of which—

Rev. H. Slicer received.....	23
Rev. W. Hodges.....	19
Rev. S. Tustin, D. D.....	1

The Rev. H. Slicer having received a majority of the votes cast, was declared duly elected.

PETITIONS.

Mr. GWIN presented the petition of C. K. Garrison, President of the Oriental and Pacific Steam Navigation Company, for a mail route between San Francisco and China, via the Sandwich Islands; which was ordered to lie on the table until the standing committees be appointed.

Mr. DODGE, of Iowa, presented the petition of T. R. Fontleroy, a colonel in the Army of the United States, and other officers, praying for an increase of compensation; which was ordered to lie on the table.

Mr. JONES, of Iowa, presented the petition of Pamela Brown, widow of the late Major General Jacob Brown, praying for a pension; which was ordered to lie on the table.

Also, the petition of A. Mothershead, praying for a pension; which was ordered to lie on the table.

Also, the proceedings of a public meeting of citizens of Iowa, asking Congress to make grants of public land in aid of certain railroads in that State; which were ordered to lie on the table.

BILLS INTRODUCED.

Mr. GWIN, agreeably to previous notice, asked and obtained leave to introduce the following bills; which were read a first time, and ordered to lie on the table until the standing committees shall have been appointed:

A bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain upon condition of occupancy and cultivation of the same for the period herein specified;

A bill to refund to the State of California the expenses incurred in suppressing Indian aggressions in that State;

A bill to authorize and direct the payment of certain moneys into the treasury of the State of California, which were collected in the ports of said State as revenue upon imports since the ratification of the treaty of peace between the United States and the Republic of Mexico, and prior to the admission of said State into the Union.

NOTICES OF BILLS.

Mr. JOHNSON gave notice of his intention to ask leave to introduce a bill to grant to the States

of Arkansas, Louisiana, and Missouri the right of way and alternate sections of the public lands, to aid in the construction of a railroad from Shreveport in Louisiana, via Washington, Fort Smith, and Van Buren, in Arkansas, and by Springfield and Independence to St. Joseph's in Missouri.

Mr. SLIDELL gave notice of his intention to ask leave to introduce a bill granting to the State of Louisiana the right of way, and a donation of public lands, for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river in said State.

Also, a bill granting to the State of Louisiana the right of way, and a donation of public lands, for the purpose of locating and constructing a railroad from Algiers, on the Mississippi river, to the Sabine river in said State.

Mr. BENJAMIN gave notice of his intention to ask leave to introduce a bill granting to the State of Louisiana the right of way, and a donation of public land for the purpose of constructing a railroad from New Orleans to the State line of Mississippi, in the direction of the town of Jackson.

AMENDMENT OF THE RULES.

Mr. BRIGHT gave notice of his intention to offer an amendment to the rules of the Senate, so as to change the number of members of certain standing committees.

ALEXANDER P. FIELD.

Mr. GWIN. At the last session a joint resolution for the relief of Alexander P. Field, late Secretary of Wisconsin Territory, and his sureties, passed the Senate unanimously, on the recommendation of the Comptroller of the Treasury Department. It merely directs the proper accounting officers of the Treasury to settle the account of Mr. Field. It has been passed by the House this session, and been sent here this morning. I move that the Senate proceed to its consideration at this time.

The motion was agreed to. The resolution was read twice, and considered by the Senate as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to settle the accounts of Alexander P. Field, late Secretary of Wisconsin Territory, upon principles of equity and justice; provided, that no credit shall be allowed to him in the settlement, with the exception of twelve different items therein named, amounting to \$3,761 06.

Mr. WALKER. There is an error in the bill which it will be important to amend. In one of the items which it proposes to settle, the name reads "Isaiah Newnan;" it should be "Josiah A. Newnan." I move to strike out "Isaiah" and insert "Josiah A."

The amendment was agreed to; the joint resolution was reported to the Senate as amended, the amendment was concurred in; the joint resolution was ordered to a third reading, and was read a third time and passed.

SICKNESS IN EMIGRANT SHIPS.

On motion by Mr. FISH, the Senate proceeded to consider the following resolution, submitted by him on the 5th instant:

Resolved, That a select committee of five be appointed to consider the causes and the extent of the sickness and mortality prevailing on board of emigrant ships on the voyage to this country; and whether any, and what, further legislation is needed for the better protection of the health and lives of passengers on board of such vessels."

The resolution was adopted.

On motion by Mr. FISH, it was

Ordered, That the select committee be appointed by the President pro tempore.

UNITED STATES JUDICIAL SYSTEM.

The resolution submitted yesterday by Mr. CLAYTON was considered and adopted, as follows:

Resolved, That the President be respectfully requested to present to the Senate the plan referred to in his message to Congress this day, and which he is prepared to recommend, for the enlargement and modification of the present judicial system of the United States."

ELECTION OF PUBLIC PRINTER.

Mr. DODGE, of Wisconsin. Mr. President, I offer the following resolution:

Resolved, That the Senate will, on——, proceed to the election of a public printer, to do the public printing for the Thirty Third Congress, in accordance with the eighth section of the act "to provide for executing the public printing, and establishing the prices thereof, and for other purposes," approved August 26th, 1852.

If there be no objection, I ask the Senate to consider the resolution now, so as to fix a day on which to elect a public printer.

Mr. BRIGHT. Let the resolution lie over.

The PRESIDENT. Objection being made, the resolution must go over under the rules.

NORTHERN BOUNDARY OF IOWA.

Mr. DODGE, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to furnish to the Senate a copy of the items of expenditure allowed at different times for the survey and marking of the northern boundary line of the State of Iowa, together with any information in the possession of his Department touching the accuracy of said boundary line.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 7, 1853.

The House met pursuant to adjournment at twelve o'clock, m.

The Journal of yesterday was read and approved.

The SPEAKER, (Mr. JONES, of Tennessee, temporarily occupying the chair.) The first business in order is the call of the States and Territories for petitions.

Mr. CLINGMAN. If there is no objection, I would move to postpone that matter until Tuesday next.

Mr. CHASTAIN informed the Chair that his colleague, the Hon. JAMES L. SEWARD, of Georgia, was now in attendance, and ready to take the customary oath.

Mr. SEWARD then approached, and the usual oath was administered to him by the Speaker.

Mr. HIBBARD. I propose to submit the resolution which I offered on yesterday, relative to the election of a public printer, which I think pertains to the organization of the House.

Mr. STANTON, of Tennessee. I rise to a question of order, and it is this: The previous question having been ordered upon a resolution offered by the gentleman from Pennsylvania [Mr. FLORENCE] yesterday, relative to the election of Chaplains to Congress, that that is the first business in order this morning.

The SPEAKER. That resolution was adopted, and has to go to the Senate before we can proceed with the election. The Chair is of the opinion that the motion made by the gentleman from New Hampshire [Mr. HIBBARD] is a privileged one, and takes precedence, as it pertains to the organization of the House.

Mr. HIBBARD. I now offer the resolution, which I suppose the Clerk has at the desk. I ask him to read it; and upon it I call the previous question.

The resolution was then read, as follows:

Resolved, That the House do now proceed to an election of public printer for the House of Representatives for the present Congress."

The previous question was seconded, and the main question ordered to be put.

The question then being upon the passage of the resolution, it was taken and decided in the affirmative.

So the resolution was agreed to.

The SPEAKER. Nominations are now in order.

Mr. HIBBARD. I nominate for public printer, General Robert Armstrong. Does not the rule require that the election should be *viva voce*?

The SPEAKER *pro tempore*. It does.

The House then proceeded to execute its order. Messrs. HIBBARD, BOCK, CHANDLER, and STEPHENS, of Georgia, were appointed tellers to count the votes.

The SPEAKER announced that nominations were in order, and the following gentlemen were nominated as candidates:

By Mr. HIBBARD.—General Robert Armstrong, of Washington.

By Mr. GIDDINGS.—Gamaliel Bailey, of Washington.

By Mr. PRESTON.—Joseph Gales, of Washington.

By Mr. CAMPBELL, of Ohio.—Horace Greeley, of New York.

By Mr. WALSH.—Beverly Tucker, of Washington.

The roll was called by the Clerk, members voting *viva voce*. The following was the result:

Whole number of votes cast, 219; necessary to a choice, 110; of which—

Robert Armstrong received.....	126
Gales & Stanton.....	64
Beverly Tucker.....	30
Gamaliel Bailey.....	3
Gideon & Co.....	1
H. Greeley.....	1
J. C. Rives.....	1
R. H. Prior.....	1
Joseph Gales.....	1
John T. Towers.....	1

The following is the vote in detail:

For Robert Armstrong.—Messrs. Aiken, W. Allen, J. C. Allen, Ashe, D. J. Bailey, Banks, Barksdale, Barry, Belcher, Bissell, Bliss, Bock, Breckinridge, Bridges, Chamberlain, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Craig, Cumming, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, Dent, Disney, Dowdell, Dunbar, Dunham, Eddy, Edgerston, Elliott, Ellison, Faulkner, Fenton, Florence, Fuller, Gamble, Green, Greenwood, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Hendrick, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Lilly, Lindsay, Macdonald, McDougall, McMullin, McNair, Mace, Macy, Maxwell, May, Mayall, Smith Miller, Millson, Morrison, Murray, Nichols, Noble, Olds, Orr, Parker, Bishop Perkins, John Perkins, Phelps, Phillips, Pratt, Richardson, Riddle, Thos. Ritchey, Robbins, Rowe, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Skelton, Samuel A. Smith, William Smith, William R. Smith, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Thurston, Trout, Vail, Vansant, Walbridge, Walker, Warren, John Wentworth, Westbrook, and Hendrick B. Wright.

For Gales & Stanton.—Messrs. Abercrombie, Bail, Benson, Bugg, Carpenter, Caruthers, Chase, Cook, Corwin, Cox, Crocker, Cullom, Dick, Dickinson, Etheridge, Everhart, Ewing, Farley, Flagler, Franklin, Goodrich, Grey, Aaron Harlan, Haven, Hiestler, Hill, Howe, Hunt, Kerr, Knox, Lindley, McCulloch, Matson, Meacham, Middlesworth, John G. Miller, Morgan, Norton, Mordecai Oliver, Parker, Pennington, Preston, Pringle, Puryear, Reedy, Reese, David Ritchie, Rogers, Russell, Sahin, Sage, Sapp, Simmons, Alexander H. Stephens, John L. Taylor, Tracy, Upham, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, Yates, and Zollicoffer.

For Beverly Tucker.—Messrs. Thomas H. Bayly, Boyce, Brooks, Caskey, Cutting, Eastman, Edmundson, Goode, Letcher, Lynn, Maurice, Wells, Wheeler, and Witte.

For Gamaliel Bailey.—Messrs. De Witt, Giddings, and Waite.

For Joseph Gales.—Mr. Chandler.

For Horace Greeley.—Lewis D. Campbell.

For John T. Towers.—Mr. Bennett.

For Gideon & Co.—Mr. Benton.

For John C. Rives.—Mr. English.

For R. H. Prior.—Mr. McQueen.

Before the result was announced, several gentlemen whose votes had not been recorded rose and asked to vote.

Mr. WALSH. I desire to know whether these gentlemen were within the bar when their names were called?

The SPEAKER, (Mr. JONES, of Tennessee, in the chair.) In the opinion of the Chair it makes no difference whether they were within the bar or not. Every member has the right to vote.

Mr. WALSH. I desire to have this matter understood at the beginning of the session.

The result having been announced, as given above, the Speaker, (Mr. JONES, of Tennessee, in the chair,) said: Robert Armstrong having received a majority of all the votes cast, I declare him to be duly elected as public printer for the Thirty-Third Congress.

REPORT ON THE FINANCES.

The SPEAKER announced that the annual report of the Secretary of the Treasury on the state of the finances, was now before the House for such disposition as the House might think proper.

Mr. BAYLY, of Virginia. I move that the reading of the report be dispensed with, and that it be referred to the Committee on Ways and Means, with the documents accompanying it.

The SPEAKER. The question, then, will be on the adoption of that motion.

Mr. HOUSTON. Does the motion also embrace the printing of the report?

The SPEAKER. Yes, sir.

Mr. CULLOM. I believe it was decided only yesterday, that this reference is out of order, there being no such committee appointed.

The SPEAKER. I do not recollect that such decision was made. The rules of the House have been adopted, and they provide for the appointment of committees. As to the instructions to be given to committees so appointed, it is customary with the House to order select committees at the time of ordering the reference.

Mr. CULLOM. I acquiesce in the decision of

the Chair at present; but I dissented from what I understood to be the decision yesterday.

The question was then put, and carried, referring the annual report of the Secretary of the Treasury, with the accompanying documents, to the Committee of Ways and Means.

ACCOUNTS OF TREASURER.

The account of the Treasurer was also presented, and the following letter, accompanying it, was read:

TREASURY OF THE UNITED STATES,

December 7, 1853.

To the Hon. LINN BOYD, Speaker of the House of Representatives of the United States:

SIR: In pursuance of law, I have the honor to transmit herewith copies of the accounts of the Treasurer of the United States for the third and fourth quarters of 1853, and for the first and second quarters of 1853, as adjusted by the Accounting Officer of the Treasury Department.

SAMUEL CASEY,

Treasurer of United States.

Mr. HOUSTON moved that the account be laid on the table and printed.

The motion was put and carried.

Mr. HOUSTON. My friend from Virginia, in making his motion in reference to the documents just referred to the Committee of Ways and Means, has omitted to provide for the printing of some extra copies, and I now will make that motion. I desire to know, however, from the Chair, whether that motion is to be referred to the Committee on Printing, as to the number of extra copies of the report of the Secretary of the Treasury to be printed?

The SPEAKER, in reply, read the 61st rule of the House, as follows:

"61. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster General, or to print an extra number of any documents or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with, or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered."

This being a report and documents referred to in the President's message, it is exempted from the rules requiring all propositions for extra copies to go to the Committee on Printing.

Mr. HOUSTON. To save time and difficulty about this matter, I move to print the usual number of extra copies of the report, and to refer that motion to the Committee on Printing when it shall be raised.

The SPEAKER *pro tempore*. Will the gentleman from Alabama designate the number of extra copies?

Mr. HOUSTON. I will move to print ten thousand extra copies for the purpose of getting a reference of this matter to the committee. I notice that at the first session of the last Congress, a similar motion to print was made, and referred to the Committee on Printing.

Mr. HAVEN. I would like to inquire whether the vote of the House yesterday to print twenty thousand extra copies of the message, with the accompanying documents, did not include this very document? I supposed that it did. If that is the case, the motion of the gentleman from Alabama is unnecessary.

Mr. HOUSTON. I will say to the gentleman from New York, that the report of the Secretary of the Treasury does not accompany the President's message. The reports of all the other heads of Departments accompany the message of the President; but the Secretary of the Treasury makes his report directly to Congress. It does not come here in the way that the reports of the other heads of Departments come here.

Mr. HAVEN. I so understood it; but if that be the case, then it does not come within the operation of the sixty-first rule. The Chair having decided that it came within the sixty-first rule, I thought I must be mistaken. Still, as it is proposed to refer the motion to print extra copies to the Committee on Printing, it is unnecessary to take up time in discussing the matter.

Mr. HOUSTON. I will modify my motion and fix the number at 15,000. That is the number which was named in the resolution of last session, and I now move to refer the motion to print.

The question was then taken on Mr. Houston's motion, and it was agreed to.

So the motion to print extra copies was referred to the Committee on Printing.

SPEAKER'S MESSENGER.

Mr. OLDS: I offer the following resolution:

Resolved, That of the number of messengers now allowed by the House, the Speaker be authorized to appoint one to be known as the Speaker's messenger, and that he be allowed the same compensation as the chief messenger in the office of the Secretary of the Senate.

I will say but a single word in reference to that resolution. The President of the Senate, I am informed, not only has a messenger and a page, but is also allowed a clerk, while the Speaker of the House of Representatives, having far more business to transact than the President of the Senate, has neither of these allowed to him—neither a clerk, a messenger, nor a page.

Mr. HOWE. I wish to ask the gentleman from Ohio what compensation he proposes to give this messenger?

Mr. OLDS. Four dollars a day is the compensation allowed. It must be obvious to every gentleman that it is necessary that the Speaker should have a messenger, who should be under his control, and be appointed by him. The resolution does not increase the number of messengers. It only takes one of those now allowed to the House, and gives the Speaker the appointment of and control over him. I ask the previous question on the resolution?

The previous question was not seconded.

Mr. BAYLY, of Virginia. I believe that the resolution is now before the House, and now open to amendment.

The SPEAKER. It is.

Mr. BAYLY. I move to amend, by providing that this House shall hereafter elect its own Librarian.

[Cries of "No!" "No!" "No!"]

Mr. BUNHAM. If the resolution gives rise to debate does it not go over till to-morrow?

The SPEAKER. No; it was introduced by unanimous consent, pending the call for petitions.

Mr. BAYLY. In making the amendment I have, Mr. Speaker, I desire to say only a word or two. Heretofore, I understand, that the Librarian of the House has been an appointee by the Clerk of the House of Representatives. In my opinion the duties of Librarian have no connection with the Clerk whatever. They would appertain quite as well to the office of Postmaster, as to the Clerkship. The truth is, it belongs to neither. We have already a very large collection of documents in the Library of the House; and if there be any officer who ought to be directly under our control more than another, it seems to me it would be the Librarian. He is the man who has to look up the documents for members, and such of them as take any active part in the business of the House have constantly occasion for those documents, and, of course, constant intercourse with that officer. We are the best judges of the man fit for the place. We are the persons who ought to have the direct, not the indirect, control of him. If we have a bad Librarian, as the law now stands, you can only reach him through the Clerk, which, to me, is a rather circuitous process. If he be elected by this House, as the Doorkeeper, Postmaster, and Clerk are, he will then be under our direct control, and if he neglect his duties, if he be found unequal to his trust, by resolution of this House we can turn him out.

Mr. DEAN. I rise to a point of order. The amendment is not germane to the original resolution, and, therefore, not in order.

The SPEAKER. The Chair is of the opinion that the point is well taken, and decides that the amendment is not in order to the original resolution.

Mr. ORR. I have no objection to the resolution of the gentleman from Ohio, [Mr. OLDS.] provided that he will specify a particular sum that the messenger shall receive. The Blue Book is not here, and I do not know what is the amount of the salary of the messenger of the Secretary of the Senate. We may be voting this messenger \$1,500 per annum. I move to amend the resolution offered by fixing the compensation at four dollars per day.

Mr. OLDS. I am willing to accept the gentleman's modification.

Mr. DEAN. I think that the House now understands this matter, and for the purpose of

bringing it to a vote, I call for the previous question.

Mr. OLDS. With the gentleman's permission, I move to strike out so much of my resolution as says, "is allowed to the messenger of the Secretary of the Senate," and insert therefor the words, "a compensation not exceeding four dollars per day." It is the same compensation that is allowed clerks for committees.

Mr. DEAN. I now renew the call for the previous question.

Mr. BRIDGES. Will the gentleman withdraw his call for one moment?

Mr. DEAN. I will, if the gentleman will renew it.

Mr. BRIDGES. I will renew the call for the previous question: I understand the object the gentleman from Virginia has in view—

The SPEAKER. The Chair would inform the gentleman that the matter to which he refers has been ruled out of order.

Mr. BRIDGES. I did not understand the matter. If that is so, I renew the call for the previous question.

The previous question was seconded, and the main question was ordered to be put.

The main question being upon the adoption of the resolution, the House were divided, and there were 107 voting in the affirmative, and 16 in the negative.

Mr. SMITH, of Virginia. This is an important question, and I call for the yeas and nays upon it.

The yeas and nays were not ordered, one-fifth of the House not voting in favor thereof.

So the resolution was adopted.

Mr. OLDS moved to reconsider the vote by which the resolution just adopted was past, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

CHAPLAIN.

Mr. FLORENCE. Is it not now in order to execute the order of the House made on yesterday upon a resolution I then offered in relation to the election of Chaplain?

The SPEAKER. The Chair thinks it is not in order until the House is informed whether or not the Senate have acted upon the resolution, and what disposition they have made of it.

Mr. FLORENCE. Has not that information been given?

The SPEAKER. It has not; and the custom is, where the two Houses agree to elect two Chaplains, that the Senate elect one first, and then inform the House of the person they have elected.

Mr. FLORENCE. I heard this morning that the Senate have elected a Chaplain, and I presumed, if such was the case, that this information had been communicated to the House.

The SPEAKER. The House has no information from the Senate upon the subject.

Mr. DAVIS, of Indiana, gave notice of his intention to introduce a bill authorizing the surrender to the State of Indiana certain bonds of said State held by the United States, amounting to \$210,000.

Also, a bill for the relief of Moses Petit, of Indiana.

Also, a bill surrendering to the State of Iowa \$210,000 of the bonds of said State, held by the General Government.

Mr. MAXWELL. I give notice that on to-morrow, or some subsequent day, I shall ask leave to introduce a bill to indemnify the State of Florida for expenses in protecting her frontier citizens against the Seminole Indians.

Also, a bill to grant to the State of Florida alternate sections of the public lands, for a railroad between the waters of the Atlantic and Gulf of Mexico.

Also, a bill to grant to the States of Florida and Alabama alternate sections of public lands to aid in the construction of a railroad from Montgomery, Alabama, to Pensacola, Florida.

Mr. RICHARDSON. I desire to give notice, that I shall ask leave to introduce to-morrow, or on some subsequent day, a bill making the city of Quincy, Illinois, a port of delivery.

Mr. BAYLY, of Virginia. I rise to a question of order. Is it in order, under a call upon States for petitions, to give notices of bills?

The SPEAKER. The Chair thinks it is not strictly in order. The call is for petitions, and not for notices of bills.

Mr. BAYLY. I do not wish to embarrass my friend from Illinois; but we all know the difficulty of transacting business is doing things out of order. I am not making a point upon him particularly, but I would select him, because he is my friend, and an old member.

Mr. RICHARDSON. I regret that the gentleman has made a point upon me. I think the right place to make a point of order is where the wrong begins.

Mr. BAYLY. I will withdraw my point of order for the present.

Mr. STANTON, of Kentucky, presented the petition of the heirs of Philip R. Rice, praying for the payment of a vessel impressed into the service of the Colonies during the revolutionary war, and which was lost.

Mr. EWING. I wish to present the resolution which I offered yesterday, with a view to have it referred to the Committee on the Judiciary.

Mr. BAYLY, of Virginia. I object.

Mr. PHILIPS gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill to grant alternate sections of the public land to aid in the construction of a railroad from Mobile to New Orleans.

On motion by Mr. LETCHER, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Daniel Stearns, of Virginia.

Mr. HIESTER presented the petition of citizens of Lancaster county, Pennsylvania, for the establishment of a certain mail route in that county; which was referred to the Committee on the Post Office and Post Roads, when raised.

Mr. DICK presented the petition of citizens of the city of Erie, Pennsylvania, for the establishment of a United States court in that city.

Mr. DICK said: It will be apparent to every member of the House that, in view of the great and increasing maritime operations on our northern lakes, the establishment of such a court will be of great importance to the citizens of the State. I have the honor to represent, this being the only port in the State of Pennsylvania upon those waters, and there being no other port within one hundred and thirty miles of that point. I therefore present this petition, and ask that it may be referred to the proper committee, when raised.

The order was accordingly entered.

On motion by Mr. ROBBINS, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Eve Mills, and that the same be referred to the Committee on Invalid Pensions, when appointed.

On motion by Mr. CHANDLER, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Captain Langleite, and that the same be referred to the Committee on Naval Affairs, when formed.

Mr. DAWSON presented the petition of one hundred and eight citizens of Washington county, Pennsylvania, asking a grant of one hundred and sixty acres of the public land to the soldiers of the war of 1812, without regard to rank or duration of service; which was referred to the proper committee, when formed.

Mr. LYON presented the petition of Pamela Brown, widow of the late Major General Jacob Brown, deceased, for a half-pay pension; which was referred to the Committee on Invalid Pensions, when formed.

Mr. L. also gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill for the establishment of a National Agricultural College and Experimental Farm.

Mr. LATHAM gave notice that on to-morrow, or some subsequent day, he would introduce a bill granting certain privileges to the Trustees of the University of the Pacific, situated in the county of Santa Clara, State of California.

Mr. WALBRIDGE presented the petition of merchants and others, citizens of New York, for the establishment of American mail facilities between the Windward West Indies and the Spanish Main; which was referred to the Committee on Commerce, when formed.

Mr. HUGHES presented the petition of R. R. Platt, asking that he may be placed on the pension roll, the same as others in similar cases; which was referred to the Committee on Invalid Pensions, when formed.

Mr. DE WITT presented the petition of John A. Frink, for commutation pay and bounty land;

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, DECEMBER 12, 1853.

NEW SERIES....No. 2.

which was referred to the Committee on Public Lands, when formed.

Also, the petition of Cephas Chase, for an additional pension; which was referred to the appropriate committee, when formed.

On motion by Mr. DE WITT, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Andrew Smith, for the purpose of again presenting them to the House.

On motion by Mr. MEACHAM, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Rebecca Freeman, for the purpose of presenting them at the Senate.

On motion by Mr. WASHBURN, of Maine, it was

Ordered, That leave be granted to withdraw from the files of the House the petition of Joseph Webb for increase of pension, with the accompanying papers; and that the same be referred to the Committee on Invalid Pensions, when formed.

On motion by Mr. TWEED, it was

Ordered, That the petition of William Brown, for an increase of pension, with the papers accompanying thereto, be withdrawn from the files of the House; and that the same be referred to the Committee on Invalid Pensions, when formed.

Mr. CLINGMAN gave notice of his intention on to-morrow, or some subsequent day, to move that so much of the existing rules as provides for calling the States for petitions be abolished.

Also, of a motion to change the rules, so as to provide for calling the States for resolutions instead of petitions.

Mr. ABERCROMBIE gave notice of his intention on to-morrow, or some subsequent day, to introduce a bill, asking a grant of the public land to aid in the construction of a railroad from Girard, Alabama, to Mobile.

The States having now all been called for petitions, the Speaker announced that the next business in order would be the calling of committees for reports; but no committee having as yet been appointed, that order would, for to-day, be dispensed with.

ELECTION OF CHAPLAIN.

The Senate resolution relative to the election of Chaplain was, on motion, taken up and agreed to.

Mr. DEAN. Is not the first business in order now the proposition to proceed to the election of a Chaplain?

The SPEAKER. Not according to the usual custom, until the Senate have elected their Chaplain, and informed the House of his election.

Mr. HENDRICKS. I move to reconsider the vote by which the resolution from the Senate with regard to the election of Chaplains was agreed to, with a view of laying that resolution on the table until we learn from the Senate what disposition they have made of the House resolution.

The question was taken on Mr. HENDRICK'S motion; and it was agreed to.

So the vote was reconsidered; and the question recurred upon the adoption of the resolution from the Senate.

Mr. HENDRICKS. I now move to lay the resolution on the table.

Mr. CHASE. I desire to offer a substitute.

Mr. HENDRICKS. I will hear what it is.

Mr. CHASE. My substitute is as follows:

Resolved, (the Senate concurring,) That the clergy of the several religious denominations in the city of Washington be requested to officiate as Chaplains in both Houses of Congress during the present Congress alternately, and that the usual compensation be equally divided among said clergy so officiating.

Mr. HENDRICKS. I move to lay the resolution on the table.

The SPEAKER. And the substitute also?

Mr. HENDRICKS. No, sir; my motion was pending, so that the substitute could not be offered.

The SPEAKER. The Chair understood that the gentleman withdrew his motion to allow the substitute to be offered.

Mr. HENDRICKS. No, sir; I merely wished to hear what it was.

The question was then taken on Mr. HENDRICKS' motion; and it was agreed to.

So the resolution lies upon the table.

INDIANA UNIVERSITY LANDS.

The following bill from the Senate was then taken from the Speaker's table, and read a first and second time by its title, viz:

"An act to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union, in 1816."

The Clerk read the bill, which authorized the Governor of Indiana to select out of the United States lands in said State, subject to private entry, nineteen thousand and forty acres of land in legal subdivisions, to which patent shall issue; provided that the proceeds of said lands, when sold, shall be and forever remain a fund for the use of the Indiana University.

The SPEAKER. If there be no motion to refer the bill, the question will be upon its engrossment.

Mr. DUNHAM. I desire to have that bill put upon its passage now; and I presume that, when I state the facts of the case, not a single member of the House will object to it. This bill, after full explanation, passed the Senate unanimously at the last session. It came to this House, and at the instance of my colleague at that time, Colonel Gorman, it passed the House. But, through inadvertency on the part of the Clerk, it was not laid before the President for his signature, and was thereby lost.

The bill is simply to indemnify the State of Indiana for a part of a section of land granted to her on her admission into the Union, in 1816, for the purposes of her State University, the title to which has failed. It grants her the right, through her Governor, to select an equal amount of refuse lands within the State, now belonging to the United States. It does not give her the right to go outside the State in the selection. I trust the bill will be put upon its passage at once.

Mr. MILLSON. I hope that the practice will not be followed during this session of Congress. And I am very sure that my friend from Indiana will himself see the propriety of allowing all bills to be referred to the proper committee. Let the bill be referred to the Committee of the Whole House. Being of the nature of a private bill, it will be speedily reached. Though the bill itself may be a very proper one, and one to which I may have no objection at all, yet, sir, the motion to pass it is not one which ought to be carried; and I was glad to see that there was a resolution introduced the other day by the colleague of the gentleman from Indiana, [Mr. MACE,] which aimed at this very practice. That resolution was designed to require every bill to be referred to a Committee of the Whole or to a Committee of the Whole on the state of the Union, without any debate at all. I object to this hasty consideration of bills, and not because I object to the bill now introduced by the gentleman from Indiana, of which I know nothing. If we allow this thing to be done to-day, it may be done by other gentlemen in cases of questionable propriety to-morrow. We should have very little excuse for objecting to this course in other cases if we now adopt it at the instance of the gentleman from Indiana. I move to refer this bill to a Committee of the Whole House, or, if gentlemen prefer it, to a Committee of the Whole on the state of the Union.

Mr. HENN. I will say, respecting these two bills, that they were passed last session, and signed by the President of the Senate, and by the Speaker of the House of Representatives; but they failed to obtain the signature of the President of the United States, because they were mislaid in the Clerk's office, where they were lodged by the gentleman who presented the bills. They were put away in his desk, and could not be obtained by the committee in order to present them to the President in time for his signature. One of these bills was passed yesterday by this House, Mr. EASTMAN having charge of the bill. The other is the bill now offered, and I can see no objection at all to its passage.

Mr. MILLSON. I move to refer it to a Committee of the Whole House.

Mr. DUNHAM. I am not desirous to be

pertinacious; but if this bill be referred, it might lead to dangerous practices. Having passed both Houses of Congress the last session, and, as I am informed, by a unanimous vote, and now having passed the Senate unanimously, I cannot see the necessity of referring it.

Every member who has served in this House knows very well that our Private Calendar becomes encumbered, and that we can only pass bills of a private character on the days when discussion is not allowed. I ask that the bill be now put upon its passage; and to secure that object, I shall call for the previous question, unless some member expresses a desire of speaking to the bill.

Mr. HILLYER. Is there any urgent necessity for the passage of the bill now?

Mr. DUNHAM. There is only one necessity. The SPEAKER. Discussion is not in order, as the previous question has been called for.

Mr. DUNHAM. I withdraw the call for the previous question.

Mr. WENTWORTH, of Illinois. How much land do we grant under the provisions of the bill?

Mr. DUNHAM. Nineteen thousand acres, to be taken from the refuse land within the State. Now I will answer the inquiry of the gentleman from the State of Georgia, [Mr. HILLYER,] and very briefly. The institution named is one of which the State feels justly proud, and while this matter is in the precarious condition in which it now is, there is, of course, much anxiety felt about it. If this bill should go upon the Calendar, and by any inadvertence should again fail, the institution must probably soon suspend for want of funds. I call for the previous question.

Mr. ORR. Will the gentleman withdraw the call, while I submit to the House a few words on this matter?

Mr. DUNHAM. I will, if the gentleman will renew it.

Mr. ORR. I was a member at the last session of Congress of the Committee on Public Lands. This bill came before us then, and after examination, was unanimously reported to the House with the recommendation that it be passed. It did pass the House, but was lost in the way suggested by my friend from Iowa, [Mr. HENN.] Though I do not approve of the plan of taking up bills and putting them upon their passage without reference, and out of their order, the House may rest satisfied that there is nothing wrong in the provisions of this bill. It ought to be passed.

Mr. CULLOM. What was the amount of land lost which this bill now proposes to make up?

Mr. DUNHAM. Nineteen thousand acres. I will state, if the gentleman will allow me, the manner in which it was lost. When Indiana was admitted as a State into this Union, Congress intended to grant a certain amount of land for a university within that State; but for nineteen thousand acres of that amount the United States had not at the time a good title, it having been previously granted for another object.

Mr. MILLSON. Mr. Speaker, I hope the gentleman from Indiana does not suppose that by the motion I have submitted, I had the slightest reference to the merits of the bill under consideration. I know the sentiments of that gentleman in regard to the dispatch of the public business well enough to be satisfied that he himself agrees with me, and that he would, in any other than the present case, vote with me. If this bill have merits—and I do not question it—it will be passed. It will be the first bill, perhaps, on the Calendar; and, if my motion prevail, on the private Calendar, and will be reached under the rules of the House every Friday. If this bill have no merits, it ought not to be passed; and if it be a good bill, it is in no danger. I object then to the proposed mode of proceeding at the commencement of this session.

It is well for us to adopt a wholesome practice, and prevent the establishment of a precedent which will be followed and attended with many injurious results. This is the time, I submit, for the House to set itself resolutely against the passage of any bill on the representation of its friends, and before any opportunity has been afforded for investiga-

tion of its merits. I know very well, sir, that a good deal of weight is justly due to the fact that this bill passed both Houses of Congress; but I suggest that very many bills passed both Houses of Congress during the last session which ought not, and will not, pass through this Congress. But, however that may be, let us agree now to pass no bill whatever until it shall have gone through the ordinary and necessary forms of legislation—until it shall have been referred to the appropriate committee, and investigated. Let all bills be printed and laid upon the tables of members according to the practice of the House. Let the report be submitted, and let those who may have objections to any bill, have an opportunity of presenting them; but for God's sake let us not now, upon the third day of the session, establish the practice in any case, however strong it may seem to be, of passing a bill on the representation of its friends alone.

I have no doubt, personally, of the correctness of the statement of the gentleman from Indiana. I know he acts in good faith, and I have implicit confidence in his statement. But there may be other cases where we may be called upon to do the same thing, when we have not sufficient knowledge upon the subject. The bill is in no danger, and to pass this bill to-day, without even the printing of it, without its examination by any committee, we shall do that which may be drawn into a precedent; and I trust, sir, the House will see proper to disregard the urgent appeal of the gentleman from Indiana.

Mr. COBB. I suppose the House is well informed in relation to the subject before them; and as we have many other bills which we desire to present, I think, in order to economise the time of the House, I shall do well in moving the previous question.

Mr. CULLOM. I hope the gentleman from Alabama will withdraw the previous question until I can make a single inquiry.

Mr. COBB. I will withdraw it, if the gentleman desires it.

MESSAGE FROM THE SENATE.

A message was here received from the Senate, at the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a joint resolution of the following title, with an amendment, viz:

"Joint resolution for the relief of Alexander P. Field, late Secretary of Wisconsin, and sureties."

Also, that the Senate had elected the Rev. Henry Slicer as Chaplain on their part.

INDIANA UNIVERSITY LANDS.

Mr. CULLOM. I simply wish to make an inquiry of the gentleman from Indiana, who is pressing the passage of this resolution in somewhat of hot haste. I am not, like my friend from Indiana, in full recollection of all the facts connected with this matter. I understand that this bill proposes to appropriate lands to the State of Indiana in lieu of lands lost to the University of Indiana, and which were granted to her on her admission into the Union in 1816. I want to inquire of my friend, whether the lands lost to the State University, was not gained by another University in the State, and whether the State of Indiana did not have the full benefit of it?

Mr. DUNHAM. Nominally, those lands have been recovered by what purports to be another institution, but actually, as I understand, no such institution has been in existence for more than thirty years, and never was a State institution, but a private corporation, in which the State has never in any way had any interest, and over which it has never had any control. The intention of Congress was to endow a State institution, entirely under the control of, and belonging to, the State. Congress, the State, and everybody else so understood it, and acted accordingly. The State Legislature took possession of and sold these lands, established a State University, erected buildings, and applied the funds arising from the sale of these and other lands to its permanent endowment. It has now been in successful operation for nearly thirty years, and is at this time one of the most flourishing institutions of the kind in the West.

The corporate University at Vincennes quietly acquiesced in this state of things, and, as everybody supposed, became dissolved and extinct. But within a few years past, this private corpora-

tion has been reconstituted, and, by a late decision of the Supreme Court of the United States, declared to be entitled to some nineteen thousand acres of the lands with which the State institution was endowed. This does not leave the latter sufficient funds to sustain itself, and, if some remedy is not provided, it must fail. It was clearly the intention of Congress, by the act admitting Indiana into the Union, and therefore it became a part of the contract upon which she came into the Union, that she should have a grant of two whole townships of land to endow a State institution of learning. The title to one of those townships failed, and she has been deprived of it because Congress, according to the decision of the court, had previously granted it to others. It is, therefore, for this House to say whether the contract, upon which the State came into the Union, shall be maintained by making up this deficiency or not; whether this institution shall now go down for want of the endowment Congress stands pledged to bestow upon it.

Mr. WALSH. I rise to a question of order, and it is this: Has a gentleman a right to make a motion, and then after making his speech, call the previous question, shut off everybody else in the House from speaking, and then continue to talk himself? Does the previous question include him as well as the rest of the House?

The SPEAKER. The previous question is not pending.

Mr. CULLOM. I will not trespass upon the time of the House, but I must say that the explanation of the gentleman from Indiana, [Mr. DUNHAM,] has fully confirmed me in the conviction that this bill should take the course of other bills. The explanation of my friend has fallen very far short of satisfying me that this thing should not be further investigated in the House. The former action of the Senate and this House will have very little influence upon my course when I come to vote upon this question. Without intending to be understood by my friend from Indiana as being at all hostile to the measure, yet for the purpose of a better understanding of this thing, I am compelled to concur in the sentiments of my friend from the State of Virginia, [Mr. MILLSON,] that this bill ought to be referred to a committee.

Mr. McMULLIN. It seems to me that nothing can be done here, if every gentleman is to occupy the regular time allotted for public business in explanation of his local bill. More time will evidently be consumed in this way than would be by referring bills of this character to the appropriate committee; and, therefore, for the purpose of disposing of this matter, as I cordially concur with the views of my colleague upon my right, [Mr. MILLSON,] I call the previous question.

The previous question was seconded, and the main question ordered.

The question first recurring upon the motion to refer the bill to the Committee of the Whole House, and order it to be printed, it was put, and carried in the affirmative.

So the bill was referred.

ELECTION OF A CHAPLAIN AGAIN.

Mr. FLORENCE. Is it not now in order to move that the House proceed to the election of a Chaplain?

The SPEAKER. That motion is in order.

Mr. FLORENCE. I move, then, that the House do now proceed to the election of a Chaplain, in accordance with the order passed on yesterday.

Mr. HENN. I move that the House do now adjourn.

[Cries of "No!" "No!"]

The question was put, and the House refused to adjourn.

Mr. FLORENCE. I now call up my motion.

The SPEAKER. The message from the Senate announcing the election of a Chaplain will be read.

The message was then read, as inserted above.

The SPEAKER. The message informs the House of the election of a Chaplain upon the part of the Senate, but does not inform us of their concurrence in the House resolution, to which the gentleman from Pennsylvania [Mr. FLORENCE] refers.

Mr. FLORENCE. It occurs to me that no

further notice of the concurrence of the Senate in the House resolution is necessary. We have evidence that they have elected a Chaplain, and it is reasonable, therefore, to infer that they have concurred in the resolution of the House, which provided for the election of a Chaplain upon their part. I think no further notice is required; and if it be in order, I again move that the House do now proceed to the election of a Chaplain.

Mr. BAYLY, of Virginia. It occurs to me that the House resolution has not been concurred in by the Senate. That resolution declared that Chaplains belonging to different denominations were to be elected by the respective Houses. The message we have received from the Senate informs us of the election of a Chaplain by that body, but it does not inform us to what denomination he belongs; and how are we to elect one of a different denomination until we possess that knowledge?

Mr. FLORENCE. If the gentleman from Virginia will yield me the floor for a moment, I will inform him that the Senate have elected for their Chaplain the Rev. Henry Slicer, a clergyman of the Methodist denomination.

Mr. BAYLY. Will the gentleman inform me to which branch of the Methodists he belongs? That is a point to be considered. The gentleman says, Mr. Slicer belongs to the Methodist denomination. Now, if I am not mistaken, there are two or three different Methodist denominations. Will he inform me to which of these the Chaplain the Senate have elected belongs? [Laughter.]

The SPEAKER. The Chair would suggest this difficulty: The resolution adopted by the House changes the custom heretofore pursued for the election of Chaplain. It provides that he shall be elected for the present Congress. Heretofore he has been elected only for a single session. It will, therefore, be of some importance to ascertain definitely whether the Senate have concurred in that resolution, and whether we are to elect a Chaplain for one session or two.

Mr. STEPHENS, of Georgia. I suppose it is now discretionary with us to elect a Chaplain or not. The Senate have elected theirs, and informed us simply of the fact. It is therefore for us to elect whoever we please, without any reference to the denomination.

The question was taken upon Mr. FLORENCE's motion, and it was agreed to.

The House then proceeded to the execution of its order.

The SPEAKER announced that nominations were in order.

Mr. FLORENCE nominated Rev. Mr. Tustin.

Mr. ENGLISH nominated Rev. John W. Jackson.

Mr. LILLY nominated Rev. C. D. Westbrook.

Mr. BISSELL nominated Rev. T. C. Teasdale.

Mr. INGERSOLL nominated Rev. A. Holmead.

Mr. MACY nominated Rev. George W. Osborn.

Mr. HARRIS, of Alabama, nominated Rev. Wm. H. Milburn.

Mr. MATTESON nominated Rev. Mr. Chapin.

Mr. WALSH nominated Rev. Miss Antoinette Brown.

Mr. FLORENCE. Will the gentlemen be good enough to inform the House what denomination of Christians their nominees belong to?

[Cries of "No!" "No!" and laughter.]

The SPEAKER. If the gentleman wishes to inquire, he may do so.

Mr. FLORENCE. The gentleman whom I nominate is a Presbyterian.

Mr. HENN asked to be, and was excused from voting on the election of Chaplain.

The Chair appointed Mr. ENGLISH, Mr. MATTESON, Mr. CULLOM, and Mr. HARRIS, of Alabama, tellers. The Clerk proceeded to call the roll; and the following was the result of the vote, viz:

Whole number of votes cast, 200; necessary to a choice, 101; of which—

Mr. Tustin received	58
Mr. Milburn	56
Mr. Teasdale	33
Mr. Westbrook	14
Mr. Holmead	14
Mr. Jackson	11

Mr. Chapin	5
Mr. Beecher	2
Mr. Hodges	2
Mr. Hosmer	2
Mr. Donnelly	1
Mr. Hutchinson	1
Miss Antoinette Brown	1

The following is the vote in detail:

For Mr. Tustin—Messrs. Ball, Benson, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Bugg, Carpenter, Caruthers, Caskey, Clark, Cox, Cullom, Dawson, De Witt, Dickinson, Disney, Drum, Edgerton, Edmundson, Etheridge, Faulkner, Flagler, Florence, Franklin, Goodrich, Hastings, Hunt, Kerr, Kidwell, Letcher, Lindley, Lindsay, Maxwell, John G. Miller, Milburn, Nichols, Andrew Oliver, Mordecai G. Oliver, Powell, Preston, Puryear, Ready, Riddle, David Ritchie, Robbins, Rogers, Russell, Sage, Sapp, Shaw, Shower, Snodgrass, Straub, John L. Taylor, Trout, Tappan, Wentworth, Hendrick B. Wright, and Zollcoffer.

For Mr. Milburn—Messrs. Abercrombie, Aiken, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Boyd, Chandler, Chrisman, Churchwell, Clingman, Cobb, Edgerton, Etheridge, Faulkner, Florence, Franklin, Hendricks, Hibbard, Hunt, Ingersoll, Kerr, Kidwell, Lamb, Lindley, Macdonald, Macy, Matteson, Maxwell, Mayall, John G. Miller, Milburn, Nichols, Andrew Oliver, Mordecai Oliver, Parker, John E. Perkins, Powell, Puryear, Ready, Riddle, Robbins, Russell, Sage, Shannon, Shaw, Snodgrass, Tracy, Trout, Vansant, Walker, Hendrick B. Wright, and Zollcoffer.

For Mr. Teasdale—Messrs. James C. Allen, Willis Allen, Belcher, Bissell, Bliss, Chase, Chastain, Cobb, Ellison, Farley, Green, Greenwood, Aaron Harlan, Hill, Hillyer, Kittredge, McCulloch, McDougal, McMullin, Morrison, Olds, Orr, Pennington, Phelps, Richardson, Thomas Ritchey, Sabin, Stratton, Andrew Stuart, Thurston, Tracy, Warren, and Wells.

For Mr. Holmead—Messrs. Dick, Goode, Hamilton, Howe, Ingersoll, Keitt, Kurtz, Lamb, May, Noble, Parker, Pratt, Seymour, and Vansant.

For Mr. Westbrook—Messrs. Dean, Fenton, Grow, Hibbard, Hughes, Daniel T. Jones, Lilly, Packer, Peck, Bishop Perkins, Rowe, John J. Taylor, Walker, and Westbrook.

For Mr. Jackson—Messrs. Chamberlain, John G. Davis, Dunham, Eddy, English, Andrew J. Harlan, Hendricks, Johnson, Lane, Mace, and Smith Miller.

For Mr. Chapin—Messrs. Banks, Lewis D. Campbell, Thomas Davis, Matteson, and Israel Washburn.

For Mr. Hodges—Messrs. Crucker and Pringle.

For Mr. Beecher—Messrs. Giddings and Wade.

For Mr. Hosmer—Messrs. Macy and Shannon.

For Mr. Hutchinson—Mr. Appleton.

For Mr. Donnelly—Mr. David Stuart.

For Miss Antoinette Brown—Mr. Walsh.

No candidate having received a majority, there was no election.

Mr. PERKINS, of New York. I wish to inquire of the Chair whether it is in order to vote for Mr. Milburn? We have adopted a resolution that the Chaplains of the two Houses shall belong to different religious denominations, and I understand that Mr. Milburn belongs to the same denomination as the gentleman who has already been elected as Chaplain of the Senate.

The SPEAKER *pro tempore*. The Chair will inform the gentleman from New York that the Senate have not informed the House of their action upon that resolution. We are, therefore, acting now independently of the Senate.

Mr. RIDDLE. As Doctor Tustin received the highest number of votes on the first ballot, I desire to know if it is in order to offer a resolution declaring him Chaplain?

[Loud cries of "No!" "No!"]
The SPEAKER *pro tem*. The Chair thinks it would not be in order.

Mr. SAGE. I desire to know if it is in order to limit the voting to the candidates who received the three highest votes on the last call?

[Several MEMBERS. "Oh, no!"]

The SPEAKER *pro tem*. The Chair has no power to impose any such limitation.

Mr. ROWE. I move that the House do now adjourn.

The question was taken; and it was decided in the negative.

So the House refused to adjourn.

Mr. LILLY. I beg leave to withdraw the name of Mr. Westbrook.

The House then proceeded to a second vote for Chaplain, with the following result:

Whole number of votes given 199; necessary to a choice 100; of which

Mr. Milburn received	116
Mr. Tustin	55
Mr. Teasdale	22
Mr. Holmead	4
Mr. Jackson	1
Miss Antoinette Brown	1

The following is the vote in detail:

For Mr. Milburn—Messrs. Abercrombie, Aiken, Appleton, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Banks, Barksdale, Barry, Bennett, Benson, Bliss, Boyd, Bridges,

Brooks, Lewis D. Campbell, Caskey, Chamberlain, Chandler, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cook, Corwin, Craig, Crocker, Curtis, Cutting, Thomas Davis, Dean, Dent, Dickinson, Dowdell, Eastman, Eddy, Ellison, Everhart, Ewing, Fenton, Fuller, Gamble, Goode, Goodrich, Green, Grey, Grow, Andrew J. Harlan, Saml. W. Harris, Wiley P. Harris, Hastings, Haven, Hiestter, Hillyer, Houston, Howe, Daniel T. Jones, Keitt, Kittredge, Knox, Lane, Latham, Letcher, Lilly, Lindsay, Lyon, McCulloch, McDougal, McNair, McQueen, Mace, Maurice, May, Middlesworth, Morgan, Noble, Olds, Orr, Packer, Peck, Peckham, Pennington, Bishop Perkins, Phelps, Phillips, Pratt, Pringle, Reese, Richardson, David Ritchie, Rowe, Ruffin, Sapp, William Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Straub, David Stuart, John J. Taylor, John L. Taylor, Tweed, Upham, Walbridge, Ellihu B. Washburne, Israel Washburn, Tappan Wentworth, Westbrook, Wheeler, Witte, and Yates.

For Mr. Tustin—Messrs. Bocoock, Boyce, Breckinridge, Bugg, Carpenter, Caruthers, Cox, Cullom, Dawson, De Witt, Disney, Drum, Dunham, Edgerton, Edmundson, Etheridge, Faulkner, Florence, Franklin, Hendricks, Hibbard, Hunt, Ingersoll, Kerr, Kidwell, Lamb, Lindley, Macdonald, Macy, Matteson, Maxwell, Mayall, John G. Miller, Milburn, Nichols, Andrew Oliver, Mordecai Oliver, Parker, John E. Perkins, Powell, Puryear, Ready, Riddle, Robbins, Russell, Sage, Shannon, Shaw, Snodgrass, Tracy, Trout, Vansant, Walker, Hendrick B. Wright, and Zollcoffer.

For Mr. Teasdale—Messrs. Willis Allen, Belcher, Bissell, Chase, John G. Davis, Farley, Greenwood, Aaron Harlan, Hill, Hughes, McMullin, Smith Miller, Morrison, Thomas Ritchie, Sabin, Stratton, Andrew Stuart, Thurston, Warren, Wells, John Wentworth, and Vail.

For Mr. Holmead—Messrs. Dick, Hamilton, Seymour, and Shower.

For Mr. Jackson—Mr. English.

For Miss Antoinette Brown—Mr. Walsh.

The SPEAKER *pro tem*. thereupon announced that Mr. Milburn having received a majority of the votes cast was duly elected Chaplain of the House.

On motion by Mr. BRIDGES, the House then adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, December 8, 1853.

Prayer by Rev. HENRY SLICER, Chaplain to the Senate.

The Journal of yesterday was read and approved.

ADJOURNMENT TO MONDAY.

Mr. JONES, of Iowa. I desire to move that when the Senate adjourns to-day, it adjourn to meet on Monday next. I think this is necessary to enable Senators to prepare themselves with reference to the committees, and to make preparations for winter quarters.

The motion was agreed to.

SICKNESS IN EMIGRANT SHIPS.

The PRESIDENT *pro tem*. appointed Messrs. FISH, SHIELDS, SUMNER, HAMLIN, and BENJAMIN the select committee, under the resolution yesterday adopted, to inquire into the causes of the sickness and mortality on board of emigrant vessels, and report whether any and what further legislation is necessary for the better protection of the lives and health of passengers in such vessels.

DEATH OF THE VICE PRESIDENT.

Mr. HUNTER. Since the adjournment of the last Congress, an event has occurred which it becomes us to notice. The American people have lost a Vice President, and the Senate a Presiding Officer, by the death of WILLIAM R. KING, who departed this life on the 18th of April last, at his home in the State of Alabama. I rise to ask that we may pause for a day at least in our deliberations upon the affairs of life, to devote it to the memory of one who was bound to us by so many personal and official ties. Surely, sir, there are none within the limits of this wide-spread Confederacy, to whom the life and services of WILLIAM R. KING are known, who would not be ready with some offering, either of public respect or personal affection, to bestow upon his tomb. There have been few public men, whose lives have been as long and as active as his, who have made more friends, and none, I am sure, ever left fewer enemies. Nor was his one of those cold and impassive characters which shed their light without heat, but its kindly influences fell with genial and friendly warmth within whatever circle he might move.

It is a happy thing for a country when the lives of its public men may be thrown freely open to the world, and challenge its closest scrutiny, with a consciousness on the part of the friendly critic that there is no blot to be concealed, and no glaring fault which a love of truth forbids him to

deny, and his own sense of right scarcely allows him to palliate. Here, at least, is a public man, in whose life there can be found no instance of a mean or equivocating action, none of a departure from the self-imposed restraints of a refined and lofty sense of honor, and none in which either the fear of man or the seductions of ambition tempted him to a deed which could destroy either his own self-respect or the respect of others for him. He trod the difficult and devious paths to political preferment long and successfully, and yet he kept his robes unsoiled by the vile mire which so often pollutes those ways. It is said, that the story of every human life, if rightly told, may convey a useful lesson to those who survive. Of all the public men whom I have known, there are none whose lives teach more impressively the great moral of the strength which public virtue gives than that of Colonel KING. His was an instance in which greatness was achieved without the aid of those brilliant qualities whose rare assemblage the world calls genius, but by what is better far, a sound judgment, a resolute purpose to pursue the right, and a capacity to gather wisdom from experience.

He was no orator, and yet from the force of character he could wield an influence which mere oratory never commanded. He had none of that presumptuous self-confidence which so often misleads ourselves and others, and which, though a dangerous, is still a commanding quality; but he knew how to inspire a people with a just confidence in the soundness of his judgment and the integrity of his purpose, so as to be looked to as a safe depository of trust and power.

Although gentle and kind in his intercourse with others, he could be stern enough when the public interests or his personal honor required it. He was a man, sir, whose whole soul would have sickened under a sense of personal dishonor.

It is not surprising, then, that each step in the political career of such a man should have been crowned with public honors. At the age of twenty-one he was elected to the Legislature of North Carolina, his native State, where he served until he was made Solicitor. In that capacity he acted until he was twenty-five years of age, when he was sent to the House of Representatives of the United States, where he served from 1811 to 1816, when he resigned to go abroad as Secretary of Legation to Mr. Pinckney, our Minister to Russia. Upon his return he emigrated to Alabama, where he was almost immediately sent to their Constitutional Convention.

And at the first session of the first Legislature which assembled afterwards, he was sent to the Senate of the United States from the State of Alabama, where he may be said to have served continuously, until his election to the Vice Presidency, with the exception of two years, when he was Minister to France. Finally, he was elected the Vice President of the United States, by a large majority of the American people. As he ascended step by step to this elevation, his vision seemed to grow with his horizon, and when the occasion came he was always found equal to it; for, to the aid of a sound judgment, he brought, as he grew older, the wisdom of a large experience.

His political career may be said to have been one triumphant march through life, a march in which his step neither faltered nor stumbled, in ascending to that place, which was perhaps the chief object of his aspiration. And yet as if to show that even the most successful of men must sooner or later feel the emptiness of the earthly objects of our usual pursuit, that much-prized honor was to him the Dead Sea fruit which turns to ashes on the lips. It came, but it came too late. The breath of public applause could not revive the flame which flickered in the lamp of life. In vain did the assiduity of relatives and friends surround him with affectionate care. In vain did the aspirations of a whole people ascend to Heaven for his recovery. The balmy influences of neither sea nor sky could revive or restore him. When the public messenger came to clothe him with the forms of office, his chief earthly wish was to see his home once more, and in the midst of familiar scenes to die amongst his friends. His desire was gratified. Life and its busy scenes on this side the grave are now closed on him forever. But its tale yet remains to be told. Not by me, sir, nor at this time. But it will be told in the chronicles of his State hereafter, when it may

become a labor of love to some of her sons to write the story of its founders and sages. It will be told in our own political history by whoever may portray the stirring and eventful scenes in which he acted a prominent and useful part. It will be told, too, and perhaps heard, with most interest in the traditions of a family of which he was the ornament and pride.

Mr. President, those to whom our people have been long accustomed to look in times of difficulty and emergency for counsel and opinion, are falling fast around us. It is an anxious thing to feel their loss at a period like this, pregnant with change, and teeming, perhaps, with great and strange events. The men we cannot recall; but let us preserve their memories; let us study their teachings, and it will be well if, in many respects, we shall follow their examples.

I offer the following resolution:

Resolved, That from respect to the late WILLIAM R. KING, Vice President of the United States, and President of the Senate, the chair of the President of the Senate be shrouded with black, and, as a further testimony of respect to the memory of the deceased, the members of the Senate will go into mourning by wearing crape on their left arm for thirty days.

Ordered, That the Secretary of the Senate communicate this resolution to the House of Representatives.

Mr. EVERETT. Mr. President: I have been requested to second the motion which has just been made by the Senator from Virginia. I do so with great cheerfulness. It was my good fortune to enjoy the acquaintance of the late Vice President—I hope, even some portion of his friendly regard—for a longer period probably than most of those within the sound of my voice—a period of nearly thirty years. Such being the case, I feel as if I ought not to remain silent at this last moment, when our relations to him as members of this Senate are, by the performance of this day's melancholy duty, about to be closed forever.

There is an ancient maxim, sir, founded at once in justice and right feeling, which bids us "say nothing but what is good of the dead." I can obey this rule, in reference to the late Vice President, without violating the most scrupulous dictates of sincerity. I can say nothing but what is good of him, for I have never seen or heard anything but good of him for thirty years that I have known him personally and by reputation.

It would hardly be expected of me, to attempt to detail the incidents of the private life or the public career of the late Vice President. That duty belongs to others, by whom it has been, or will no doubt be appropriately performed. I regret, particularly on this occasion, the unavoidable absence of our colleagues from Alabama. It is the province of those of us, not connected with him by political associations, especially of those inhabiting remote parts of our common country, to express their cordial concurrence in the affectionate praises, which have been or may be pronounced by his fellow-citizens and neighbors.

Few of the public men of the day had been so intimately associated with the Senate as the late Vice President. I think he had been a member of the body for more years than any person now belonging to it. Besides this, a relation of a different kind had grown up between him and the Senate. The Federal Constitution devolves upon the people, through the medium of the Electoral Colleges, the choice of the presiding officer of this body. But whenever the Senate was called to supply the place temporarily, for a long course of years, and till he ceased to belong to it, it turned spontaneously to him.

He undoubtedly owed this honor to distinguished qualifications for the chair. He possessed, in an eminent degree, that quickness of perception, that promptness of decision, that familiarity with the now somewhat complicated rules of congressional proceedings, and that urbanity of manner, which are required in a presiding officer. Not claiming, although an acute and forcible debater, to rank with his illustrious contemporaries, whom now, alas! we can mention only to deplore—with Calhoun, with Clay, and with Webster, (I name them alphabetically, and who will presume to arrange them on any other principle,) whose unmatched eloquence so often shook the walls of this Senate, the late Vice President possessed the rare and the highly important talent of controlling, with impartiality, the storm of debate, and moderating between mighty spirits, whose ardent conflicts at

times seemed to threaten the stability of the Republic.

In fact, sir, he was highly endowed with what Cicero beautifully commends as the *boni Senatoris prudentia*, the "wisdom of a good Senator;" and in his accurate study and ready application of the rules of parliamentary law, he rendered a service to the country, not perhaps of the most brilliant kind, but assuredly of no secondary importance. There is nothing which more distinguishes the great national race to which we belong, than its aptitude for government by deliberative assemblies; its willingness, while it asserts the largest liberty of parliamentary right, to respect what the Senator from Virginia in another connection has called the self-imposed restrictions of parliamentary order; and I do not think it an exaggeration to say, that there is no trait in their character which has proved more conducive to the dispatch of the public business—to the freedom of debate—to the honor of the country—I will say, even, which has done more to establish and perpetuate constitutional liberty.

The long and faithful senatorial career of the late Vice President received at last its appropriate reward. The people of the United States, having often witnessed the disposition of the Senate to place him at their head, and the dignified and acceptable manner in which he bore himself in that capacity, conferred upon him, a twelve-month since, that office, which is shown by repeated and recent experience to be above the second, if not actually the first, in their gift—the office which placed him constitutionally and permanently, during its continuance, in the chair of the Senate.

A mysterious dispensation of Providence has nipped these crowning honors in the bud. A disease, for which the perpetual summer and perfumed breezes of the tropics afforded no balm, overtook him at an age when he might, in the course of nature, have reasonably looked forward to still many years of active service. Clothed by a special and remarkable act of Congress, even while under a foreign jurisdiction, with the constitutional qualifications to enter upon the high office to which he had been elected, he returned, not to exercise its functions, but to seek his much-loved home, and there to die.

Thus, sir, he has left us to chase for a little while longer the shadows which he has exchanged for unutterable realities. He has left us, sir, prematurely for everything but his spotless name, and his entrance on the well-earned honors of his unambitious career. And we, Senators, for all the interchange of kindness—for all the intercourse of private life—for all the acts of cooperation in the public service—to which for at least four years the Senate was looking forward in its connection with him—have nothing left to offer to his friends and his memory but the unavailing tribute of this last mournful farewell.

I second the resolutions of the Senator from Virginia.

Mr. CASS. Mr. President: Again has death invaded the high places of our land, and taken from us a citizen distinguished by his talents, his worth, and his services, and enjoying the confidence and affection of his countrymen. In the Providence of God, these visitations come to warn us, that none are exempt from the decree, that in life we are in the midst of death, and that be ye also ready is a solemn admonition, announced to us from the cradle to the grave, by the mighty and the lowly, as they successively fall before the great destroyer. The lesson is the more impressive, the higher is the position, and the more eminent the character of him, whose departure we may be called upon to mourn. And when one who occupied the second station in our country, is summoned from the duties of this life to the responsibility of that which is to come, as the loss is a national one, the manifestation of public sympathy, and the acknowledgment of the public grief, should be national also. Our lamented friend, the late Vice President, has been taken from us, full of years indeed, and of honors, but in the midst of his usefulness, and when he was just prepared to enter upon the high career to which he had been called by the American people. Upon this occasion, I desire to do little more than to express those sentiments of affectionate regard, with which an acquaintance of many years had inspired me,

leaving to others, who have this day well fulfilled the task, to present those features of his character and services which endeared him to his countrymen in life, and will endear to them his memory, now that the scenes of life are forever closed upon him.

His career was eminently useful and fortunate; and in the whole range of American statesmen there are few, indeed, to whom our youth can better look, when seeking models of imitation and encouragement, than to WILLIAM R. KING.

Firm but courteous, frank and fearless, of high honor and irreproachable morals, he brought a vigorous intellect, and varied and extensive information, to the public counsels; and the ripe fruit of his experience, joined to these endowments, gave conviction to his opinion, and authority to his example. We always heard him with attention, for he elucidated every subject he investigated, and brought to our discussions the stores of his knowledge and experience, with a manner as unassuming as it was captivating. While loving the State in which he so long resided, and which had given him so many proofs of confidence and affection, he loved also our common country, and at home and abroad proved himself the true patriot, the able and faithful citizen. In all the relations of private life he was loved and honored, as well from the amenity of his manner as from the kindness of his heart, and in the social circle he was the very model of the accomplished gentleman. For almost half a century he was in the public service, and was intimately connected with many of the great events which marked that long and stirring period, and he proved himself equal to all the circumstances in which he was placed, sustaining himself with signal ability among men whose renown is written in imperishable characters upon the history of our country.

But better than all this, and above all this, he was a sincere Christian; adding another to the long list of eminent men who have searched the Gospel of Jesus and have found it the will and word of God. In his last illness, when the world and the things of the world were fast fading before him, he found hope and consolation in the promises of the Saviour; and calmly surveying the approach of death, he looked beyond its power to the glorious immortality promised to the believer. The places that knew him will know him no more; but, though dead, his memory is embalmed in the hearts of his countrymen, and there it will live, honored and cherished, long after all those who are now taking part in this tribute to his worth shall have followed him in the journey, where, for a brief space, he has preceded us through the dark valley of the shadow of death.

Mr. DOUGLAS. I can scarcely hope to add anything of value to what has been so well said by others. For the last eight months the mournful event, which is now officially announced to the Senate, has been known, felt, and lamented by us all. In the mean time, we have passed through scenes well calculated to engross our thoughts and divert our attention, if not to obscure the freshness of the first impression, or assuage the keenness of that sorrow which filled every heart. But no matter what the lapse of time or its results, the meeting of the Senate, and the absence of one whom all admired and loved, and delighted to greet and honor, call up associations and reminiscences which impart to the occasion all the effects of a sudden and unexpected bereavement. Those whose happiness it was to be associated with Colonel King in public duty and private intercourse, are alone capable of realizing the extent of our loss. His example in all the relations of life, public and private, may be safely commended to our children as worthy of imitation. Few men in this country have ever served the public for so long a period of time, and none with a more fervent patriotism or unblemished reputation. For forty-five years he devoted his energies and talents to the performance of arduous public duties—always performing his trust with fidelity and ability, and never failing to command the confidence, admiration, and gratitude of an enlightened constituency. While he held, in succession, numerous official stations, in each of which he maintained and enhanced his previous reputation, yet the Senate was the place of his choice, and the theater

of his greatest usefulness. Here he sustained an enviable reputation during a period of thirty years senatorial service, always manifesting his respect for the body by his courtesy and propriety of deportment. Here, where his character was best understood, and his usefulness and virtues most highly appreciated, his loss, as a public man and a private friend, is most painfully felt and deeply lamented.

Mr. CLAYTON. I shall only pay a debt of honor to the spirit of the dead, by offering my humble testimonial in addition to what has been so appropriately and eloquently expressed by others. A quarter of a century has elapsed since I became acquainted with WILLIAM R. KING as a brother Senator on this floor. During the greater part of that long period I was an attentive observer of his course as a public man, and I cannot in justice remain silent when an opportunity is offered of paying a tribute to the memory of one who so honorably deserved it.

That man who, dying, can be said to have passed his days without a stain upon his reputation, has justly earned the honors due to a well-spent life. The Roman poet has immortalized the sentiment—

"Nec male vixit, qui natus moriensque fefellit,"

and WILLIAM R. KING may be truly said to have passed from the cradle to the grave without a blot upon his name.

The chief part of his history is written upon the records of this Senate, in which his high character as a legislator and a statesman was firmly established. I would avoid the common places employed on occasions similar to the present, when speaking of such a man. It is not enough to say of him that he performed his duties well as a member of the Senate. He was distinguished by the scrupulous correctness of his conduct. He was remarkable for his quiet and unobtrusive, but active, practical usefulness as a legislator. He was emphatically a *business member* of the Senate, and, without ostentation, originated and perfected more useful measures than many who filled the public eye by greater display and daily commanded the applause of a listening Senate. He never sought with some of his contemporaries to earn a brilliant reputation by the exhibition of splendid powers of oratory; and, to his honor be it spoken, he never vexed the ear of the Senate with ill-timed, tedious, or unnecessary debate. He preferred to be checked for silence rather than to be tasked for speech. Yet, on all occasions when a great issue was before the country, calling for the exercise of manly firmness, courage, and patriotism, Mr. KING was abreast with those who stood foremost for the safety and the glory of the Republic.

He graced that chair of the Senate longer than any other man that ever occupied it—not continuously, or by virtue merely of repeated elections as our temporary President, but often also at the request of the Presiding Officer. I think he was thus engaged in the performance of the duties of President of the Senate during the greater part of the terms of five Vice Presidents; and at last he reached the second office in the gift of the people—an office excelled in honor only by one other in the world. To preside over such an assembly as the Senate of the United States, and to do that, as he did it, was enough to satisfy the highest aspirations of an honorable and patriotic ambition. In this elevated position he was distinguished (and I may add he was never excelled) for the dignity of his deportment, the impartiality of his decisions, and the promptness and fidelity with which he maintained the order and enforced the rules of this body. I can remember no instance in which he lost sight of what was due to his own self-respect or the rights of his political opponents, by the indulgence of party feelings in the chair. Presiding, as he did, when party spirit raged in torrents of fire, all just men will admit that he could have been no common man who maintained his high character for justice and impartiality at such a period. A little man, at that time, would have shown his littleness by yielding himself up as an instrument of oppression to the minority. But he sought an honest and enduring fame, and he obtained it without the employment of any unworthy means, or the slightest sacrifice of principle. He engaged no hiring press, no mercenary libeler to traduce others, or to trumpet his own fame. He paid respect to the feelings of others,

and rigidly exacted the observance of the same respect for himself. Generous as he was brave, his conduct to his opponents suffering under defeat, was always liberal and kind; and, by his inflexible truth, he won the entire confidence of men of all parties in his own unblemished honor.

Others have spoken of his services in other places, but I shall speak of nothing to which I was not a witness. While Mr. KING remained in the Senate, there was still one member of the body who had served with me on this floor during the memorable session of 1829-'30, and during the earlier years of President Jackson's administration. It is melancholy to reflect that nearly all the rest of the Senators of that period have closed their career on earth, and that not one of those who survive remain here with me to-day.

The master spirits of the time were among the Senators of that day. I speak not of the living. But here, then, were Clay, Calhoun, Forsyth, Webster, and Livingston, the learned and laborious Woodbury, the astute Grundy, the witty, sarcastic, and ever-ready Holmes, the classic Robbins, and, among many others justly distinguished, the graceful and accomplished orator of Carolina, Robert Y. Hayne,

*"Whose words had such a melting flow,
And spoke of truth so sweetly well,
They dropped like the serenest snow,
And all was brightness where they fell."*

Oh! I could enumerate, and delight to dwell on, the virtues of them all—and then revert to him whose fame we now commemorate, as to one not inferior in integrity and honor to the proudest among them. But these reminiscences are attended by the mournful reflection that our connections with them in this world are ended forever—

*"Around us, each dissevered chain
In sparkling ruin lies,
And earthly hands can ne'er again
Unite those broken ties."*

The resolutions were unanimously adopted.

Mr. HUNTER. As a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 8, 1853.

The House met at 12, m. Prayer by the Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ALEXANDER P. FIELD.

Mr. EASTMAN. A slight clerical amendment was made by the Senate to the joint resolution for the relief of Alexander P. Field, which passed the House a day or two ago. I hope there will be no objection to the taking up of the resolution now, so that the amendment of the Senate may be agreed to.

Mr. JONES, of Tennessee. I rise to a privileged question. I move that when the House adjourn to-day, it be to meet on Monday next.

The question was taken; and the motion was agreed to.

The question was then taken on the amendment of the Senate to strike from the joint resolution the word "Isaiah," and insert in lieu thereof "Josiah A.," and it was agreed to.

The SPEAKER. Petitions are now in order from the State of Maine.

Mr. HIBBARD asked and obtained leave to withdraw from the files of the House the petition and papers of Charles M. Howe, for the purpose of reference to one of the standing committees of the House.

On Motion by Mr. MATTESON, it was

Ordered, That the petition and papers of Aaron Stafford be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

Mr. MATTESON presented the petition of James S. Abeel, of the Ordnance Department, and moved that it be referred to the Committee on Military Affairs; which motion was agreed to.

On motion of Mr. MURRAY, it was

Ordered, That the petition and papers of Roswell Minard be withdrawn from the files of the House, and referred to the Committee on Private Land Claims.

On motion by Mr. GAMBLE, it was

Ordered, That the petition and papers of Dr. Alexander Baird be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

Mr. DRUM presented a petition for the establishment of a post route from Marchand to Newman's Mills, in Indiana county, Pennsylvania.

Mr. FLORENCE. I ask leave to withdraw from the files of the House such petitions and papers as make application for appropriations to afford better accommodations for the post office and the courts of the United States in the city of Philadelphia. I presented, at the last session of Congress, the presentment of the grand jury of the courts of the United States; and, if my memory serves me right, there was also a petition presented from the Board of Trade, informing Congress of the bad accommodation for post office and judicial purposes in that city. I move the petitions and papers I have referred to be withdrawn from the files of the House, and referred to the Committee on Ways and Means.

Mr. KURTZ. I ask leave to withdraw the papers of Messrs. Wells and Welsh, for the purpose of reference in the Senate.

No objection being made, leave was granted.

Mr. STRAUB. Is it in order to introduce a resolution at this time?

The SPEAKER. It is not, without the unanimous consent of the House. Petitions only are in order.

Mr. CHANDLER presented the following petitions:

The petition of John F. Dumas, asking Congress to interfere in behalf of his claims upon Spain for spoliations; which was referred to the Committee on Foreign Relations; and

The petition of John F. Dumas, asking compensation for claims upon Spain previous to the cession of Florida; which was referred to the Committee on Claims.

Mr. McMULLIN. I wish to give notice of my intention, on to-morrow or some future day, to introduce a bill for the purpose of equalizing the pay of members of Congress, so as to reduce the mileage, and so as not to exceed the present pay.

The SPEAKER. The notice will be entered.

Mr. HILLYER. I ask leave of the House to introduce the following resolution, which I hope will be read for information.

Mr. JONES, of Tennessee. Is this a call for resolutions?

The SPEAKER. It is not.

Mr. JONES. Then I hope the rule will be adhered to.

Mr. HILLYER. I hope the gentleman will permit the resolution to be read, and there will be no difficulty in passing it.

The SPEAKER. The objection is not withdrawn, and the resolution cannot be read.

Mr. CHASTAIN asked the unanimous consent of the House to withdraw from the files of the House the petition and papers of Robert Kirkham, of Georgia, and that the same be referred to the Committee on Claims.

Also, the papers of Moses Perkins, of Georgia, and that they be referred to the same committee.

It was so ordered.

Mr. PERKINS, of Louisiana, gave notice of an intention to introduce at an early day a bill granting to the State of Louisiana the right of way to a donation of public land, for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river in said State.

Mr. CORWIN asked the unanimous consent of the House to withdraw from the files of the House the papers of the next heirs and legal representatives of William Dickie, a deceased soldier of the revolutionary war, for the purpose of reference to the Committee on Pensions.

It was so ordered.

Mr. CAMPBELL. I move to postpone the further calling of States for petitions for two weeks. My reason for making the motion is simply this, that I see no good to be accomplished, particularly by this course. Under the rules every member can file his petitions and give notice of his intention to introduce bills. It does strike me, that this thing of calling the States day after day is a mere consumption of time without accomplishing any good. I ask, therefore, the unanimous consent of the House to submit the motion I have indicated.

Mr. WENTWORTH. I object.

Mr. CAMPBELL. I would inquire whether it is in order, when States are called upon for petitions, to give notice of the introduction of bills?

The SPEAKER. It is in order to give notice of an intention to do so. That has been the practice heretofore.

Mr. CAMPBELL. Does it come under the rule which provides for the presentation of petitions?

The SPEAKER. That practice has been universally indulged in, when States were being called upon for petitions.

Mr. CAMPBELL. Is it in order to move a reference of petitions to committees at this time?

The SPEAKER. By the unanimous consent of the House, that order has been made.

Mr. CAMPBELL. I shall object to a reference of petitions, for I see nothing to be accomplished in taking up the time of the House in doing that which every member can do by the simple presentation of his petitions, under the rule, at the Clerk's desk.

The SPEAKER. The gentleman misunderstood the Chair. The petitions yesterday and the day before were referred by general consent to committees which are to be hereafter raised, and they will be found in the hands of such committee.

Mr. CAMPBELL. That system cannot be maintained, if there be objections in future.

Mr. CHRISMAN asked leave to withdraw from the files of the House the petition and papers of Anthony G. Willis and heirs-at-law, asking for pay for the use of a wagon and team pressed into the service of the United States in the war of 1812, and refer them to the Committee on Military Affairs.

It was so ordered.

On motion by Mr. CHAMBERLAIN, it was Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Captain Simonon, late of the United States Army, and that the same be referred to the Committee on Commerce, when appointed.

Mr. WASHBURN, of Illinois, gave notice, that on to-morrow, or some subsequent day, he would ask leave to introduce a bill of the following title:

"An act for the relief of the purchasers and locators of swamp and overflowed lands."

Mr. GREENWOOD gave notice that on Monday next, or some subsequent day, he would ask leave to introduce a bill donating a portion of the public lands to aid in the construction of the Western Border Railroad, commencing with the southwest boundary of the State of Missouri, thence in a southern direction by way of Van Buren and Fort Smith, to the southern boundary of the State of Arkansas, near the Red River raft.

On motion by Mr. WELLS, it was

Ordered, That leave be granted to withdraw from the files of the House, the papers in the case of William Blake, for the purpose of reference.

The States and Territories having now all been called for petitions, the Speaker announced the next business in order to be the calling of States for resolutions, commencing with the State of Pennsylvania.

NEWSPAPERS FOR MEMBERS.

Mr. RIDDLE. An impression seems to exist upon the part of some of the members, that a resolution, passed the first session of the last Congress, authorizes the Clerk to furnish the members of the House with such papers as they may select, within a certain limit. Such an impression has certainly arisen. Now, we always have had those papers furnished us, and the sooner we get them the better. I therefore offer the following resolution, and hope there will be no opposition to its adoption. I send to the Chair the resolution I have prepared, and, upon its adoption, I move the previous question.

The resolution was read by the Clerk, as follows:

Resolved, That during the present Congress, each Representative and Delegate may be furnished with such newspapers and publications as he shall select, not to exceed in amount, per annum, the cost of four daily newspapers.

Mr. CLINGMAN. I ask the gentleman from Delaware, who offered the resolution, so to modify it as to provide the same in amount as the Senate have voted to themselves. I do not know precisely what provision they have made upon the subject, nor do I care what it is; I want the members of the two Houses placed on the same footing in this respect; I therefore hope the gentleman will so modify his resolution as to correspond with theirs.

A MEMBER. I ask the gentleman to make the limit the cost of five daily newspapers.

Mr. RIDDLE. I accept the modification of the gentleman from North Carolina, [Mr. CLINGMAN,] and so modify my resolution as to provide for the same number of newspapers and publications as is allowed to each Senator.

Mr. JONES, of Tennessee. I hope no modification will be made. I hope we shall not follow in the tracks of the Senate in reference to these matters; but that the members of this House, as the representatives of the people, will restrict themselves in a greater degree, in voting these publications to be furnished at the expense of the Government. Some of the daily papers of this city cost as high as ten dollars per annum.

The SPEAKER. The Chair must remind gentlemen that debate is not in order.

The question was then put on the seconding of the demand for the previous question, and carried—ayes 88, noes 43.

The main question was then put and carried.

The question recurred on the adoption of the resolution.

Mr. JONES, of Tennessee. I move that the resolution do lie on the table.

The motion was put and lost.

The question now being on the adoption of the resolution—

Mr. SKELTON demanded the yeas and nays; which were not ordered.

The Clerk again read the resolution.

Mr. JONES, of Tennessee. Mr. Speaker, I think that we had better fix the amount. There are some papers in this city that charge ten dollars per year, and there is one daily paper that charges but three dollars.

The SPEAKER. A discussion is not now in order.

The main question was then put on the adoption of the resolution; which was carried in the affirmative.

Mr. WENTWORTH, of Illinois. I move that the vote by which the resolution was adopted be reconsidered, and that the motion to reconsider be laid on the table.

The question being taken on the latter motion, it was agreed to.

LIBRARIAN OF THE HOUSE.

When the State of Virginia was called—

Mr. BAYLY, of Virginia, said: I move, sir, that this House do now proceed to elect a Librarian.

Mr. HILLYER. I second that motion.

The SPEAKER. The Chair does not recollect any rule of the House which authorizes such an election.

Mr. CLINGMAN. I object to the motion, unless it is in order. I think we have a very good Librarian.

The SPEAKER. Will the gentleman from Virginia state the authority under which he proposes this election?

Mr. CLINGMAN. I believe I misunderstood the gentleman from Virginia. Does he propose to elect a Librarian for this House or for Congress?

Mr. BAYLY. A Librarian of the House. The Librarian of Congress is appointed by the President of the United States.

The SPEAKER. The Chair is aware of that.

Mr. BAYLY. The Librarian of the House has heretofore been appointed by the Clerk. His appointment by that officer has been pretty much a matter of sufferance. The resolution which I propose to offer on the subject I now send to the Clerk's desk.

Mr. DEAN. I rise to a question of order. Is debate in order?

The SPEAKER. The Chair thinks it is not in order until the question of order has been settled with regard to the introduction of the resolution.

The Clerk then read the resolution, which is as follows:

Resolved, That this House will proceed at one o'clock to elect an officer to be called the Librarian of the House of Representatives, who shall have charge of its books and documents, and shall discharge the same duties and receive the same pay that are now discharged and received by the messenger appointed by the Clerk to act as Librarian: Provided, That said messenger shall be dispensed with, and that the number of messengers hereafter employed by the Clerk shall be one less than are now authorized.

Mr. DEAN. I desire to offer an amendment to that resolution, whenever it comes up for con-

sideration; but I propose to debate it first, and therefore it lies over, I suppose.

Mr. CLINGMAN. I withdraw my objection to the resolution.

Mr. DEAN. I understand that the resolution lies over under the rule.

The SPEAKER. If debate arises, the resolution will lie over as a matter of course. Is there objection to the introduction of the resolution?

Mr. HAMILTON. There is. I object.

The SPEAKER. Objection being made, the resolution is not in order.

Mr. BAYLY. When will the resolution come up?

The SPEAKER. When the State of Virginia is called for resolutions.

Mr. BAYLY. The State of Virginia was called, and this resolution was offered by one of her members.

Mr. HIBBARD. The resolution is not before the House.

The SPEAKER. The Chair thinks it is.

Mr. BAYLY. I demand the previous question.

Mr. DEAN. I had the floor to debate the resolution.

The SPEAKER. The Chair thinks the resolution must lie over, as it is proposed to debate it.

Mr. BAYLY. I have obviated that difficulty by calling the previous question.

Mr. DEAN. It was not called when the resolution was first offered.

The SPEAKER. The Chair is of opinion that it is competent for the House to determine the mode of appointing its own officers, or to change that mode. The State of Virginia having been called for resolutions, the gentleman from Virginia [Mr. BAYLY] had a right to introduce this resolution.

Mr. BAYLY. I did not surrender the floor, except to allow the point of order to be determined.

The SPEAKER. The Chair so understands it, and is not disposed to rule the gentleman out of order. The Chair thinks that is a fair administration of the rules.

Mr. BAYLY. Well, sir, I demand the previous question.

Mr. DEAN. I hope the House will not sustain the previous question. I want to amend the resolution.

Mr. LETCHER. I call the gentleman from New York to order.

The House was divided on the demand for the previous question, and there were 63 in the affirmative.

Mr. BAYLY. I demand tellers.

Tellers were ordered; and Messrs. BAYLY, of Virginia, and ORR were appointed.

The question was then taken; and there were—ayes 81, noes 70; so the call for the previous question was seconded.

The question was then put—"Shall the main question be now ordered to be put?" and, on a division, it was so ordered.

Mr. MACDONALD. I move to lay the resolution upon the table; and upon that motion I ask the yeas and nays.

The yeas and nays were ordered.

The roll was then called; and there were—ayes 94, nays 108; as follows:

YEAS—Messrs. Willis Allen, Belcher, Bissell, Bliss, Breckinridge, Bridges, Lewis D. Campbell, Churchill, Clark, Cobb, Corwin, Craigie, Curtis, Cutting, Dawson, Dean, Dunham, Eastman, Eddy, Edgerton, Filson, English, Etheridge, Fenton, Florence, Fuller, Gamble, Giddings, Green, Greenwood, Grow, Hamilton, Aaron Harlan, Andrew J. Harlan, Hastings, Hendricks, Hens, Hibbard, Hill, Hillyer, Houston, Howe, Hughes, Ingersoll, Johnson, Daniel T. Jones, Kittredge, Kurtz, Lane, Latham, Lindsay, McCulloch, Macdonald, McDougal, McMullin, McNair, Macy, Mayall, Smith Miller, Morrison, Murray, Nichols, Noble, Packer, Peck, Peckham, B. Perkins, Phelps, Pratt, Richardson, David Ritchie, Thos. Ritchie, Robbins, Rowe, Sapp, Seymour, Shannon, Shower, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Trout, Tweed, Vail, Vansant, Walbridge, Wentworth, Westbrook, and Hendrick B. Wright—94.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Appleton, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Benson, Benton, Bockock, Boyce, Brooks, Bugg, Carpenter, Caruthers, Caskey, Chamberlain, Chandler, Chase, Chastain, Chrisman, Clingman, Colquitt, Cook, Cox, Cullom, Cumming, Joun G. Davis, Thomas Davis, Dent, Dick, Dickinson, Disney, Dowdell, Drum, Edmunds, Edmundson, Everhart, Fwing, Farley, Faulkner, Flagler, Franklin, Goode, Goodrich, Grey, Sampson W. Harris, Wiley P. Harris, Haven, Heister, Hunt, George W. Jones, Keitt, Kerr, Kidwell, Knox,

Lamb, Lecher, Lindley, McQueen, Matteson, Maurice, Meacham, Middlesworth, John G. Miller, Milton, Morgan, Norton, Andrew Oliver, Mordecai Oliver, Orr, Parker, Pennington, John L. Perkins, Phillips, Powell, Preston, Pringle, Puryear, Ready, Reese, Ruffin, Russell, Sabat, Sage, Seward, Shaw, Simmons, Skelton, Samuel A. Smith, William Smith, William K. Smith, Snodgrass, Alexander H. Stephens, John L. Taylor, Thurston, Tracy, Upham, Wade, Walsh, Elihu B. Washburn, Israel Washburn, Tappan Wentworth, Wheeler, Yates, and Zollcoffer—108.

So the resolution was not laid upon the table.

DEATH OF WILLIAM R. KING.

A message was here received from the Senate by the hands of ASBURY DICKINS, its Secretary, as follows:

"IN SENATE, December 8, 1853.

"Resolved unanimously, That from respect to the late WILLIAM R. KING, Vice President of the United States and President of the Senate, the chair of the President be shrouded with black; and as a further testimony of respect for the memory of the deceased, the members of the Senate will go into mourning by wearing crape on the left arm for thirty days.

"Ordered, That the Secretary of the Senate communicate this resolution to the House of Representatives."

The message having been read—

Mr. HARRIS, of Alabama, rose and said:

Mr. SPEAKER: The tidings of the mournful event which the resolution from the Senate is intended to commemorate, have months ago been heralded to every hamlet of our wide-spread Confederacy, and the generous hearts of even distant lands have mingled their regrets with our own, that a wise and virtuous and distinguished man has been stricken from the number of earth's children. Tears have ceased to flow; and hearts the most deeply penetrated by the afflicting visitation of Providence have learned to contemplate it with that spirit of resignation which time ever supplies as a medicine for the sorrows of earth.

But in conformity with a solemn and impressive usage, the Senate, over whose deliberations the distinguished dead so long presided, with such marked ability, pauses from its labors, to consecrate a brief day to the memory of WILLIAM R. KING. And while the sympathizing sons of sister States gather around his bier, I crave the indulgence of the House of Representatives, while, in behalf of the State of Alabama, I offer the tribute of her homage and respect to the memory of her most distinguished citizen.

Recent events, familiar to us all, render unnecessary anything more than a cursory allusion to the political services of WILLIAM R. KING.

He was born on the 7th day of April, 1786, in the State of North Carolina. Coming into being almost contemporaneously with the adoption of our Federal Constitution, his eventful and protracted life covers one of the most remarkable periods in the history of the world. When the dawn of mature manhood first began to open upon him, the great experiment of self-government, whose principles were evolved from our revolutionary struggle, had just fairly emerged from the misty domain of speculation, and assumed the form and semblance of a philosophic truth. Instinct with the spirit of the age, and true, as he proved to be through life, to the principles of the republican school, he connected his fortunes with that party who claimed, as the exponents of their political faith, Jefferson and Madison.

He had no sooner attained his majority than he was elected a member of the Legislature from his native county. He was reelected the ensuing year; but the Legislature, of which he was a member, having conferred upon him the solicitorship of the judicial circuit in which he resided, he resigned his seat in that body. In 1810, so soon as he had attained the age prescribed by the Constitution, he was elected a member of Congress from the Wilmington district, in which body he continued to serve until the year 1816. During this period of American history, there were just ascending from the verge of the political horizon, and rapidly tending towards the zenith, names which were destined to illustrate the greatness of our country, and impress themselves imperishably upon her monumental records. That immortal triumvirate, Calhoun, Clay, and Webster, for whose decease the sable habiliments of a Nation's woe have scarce disappeared, were just then beginning to exhibit the giant proportions of their unmatched intellects, and entrancing their countrymen and the world by the electric power of their resistless eloquence. Randolph and Lowndes were there too—and other great names

indelibly secured by the diamond pen of history's muse. Among these stood WILLIAM R. KING, a co-worker and a compeer. Differing somewhat from them all, in many of those great attributes of mind, which dazzle and lead captive the admiring throng; yet in all the elements, which go to make up the useful legislator—in prudence, caution, firmness, wisdom, and patriotism, occupying with them the same proud pedestal; and lending his influence and his voice to the successful vindication of "free trade and sailors' rights."

In 1816, Mr. KING, having been tendered the appointment of Secretary of Legation under Mr. Pinckney, resigned his seat in Congress, and accompanied that distinguished statesman, first to Naples, and afterwards to St. Petersburg. Having returned home, at the expiration of two years, he determined to break from the endearments of his fatherland, and cast his fortunes in the then almost unpeopled wilds of distant Alabama. This land was now to constitute the theater of his after usefulness. God gave him sufficient length of days to see "the wilderness blossom as the rose;" and behold the Territory, which he had adopted as his home, emerge from its chrysalis state, to the full-blown condition of a sovereign party to the Union, and under the nurturing appliances of intellect and industry, attaining a degree of wealth and prosperity commensurate with his own increasing fame.

Soon after Mr. King's arrival in the Territory he was deputed a delegate to the convention, which assembled to organize a State government. To the performance of the delicate and responsible duties of this new position he brought the aid of that matured experience he had gathered in the councils of the Union, and was one of the most active and efficient of those who laid the foundations of our State polity. So soon as the constitution was put in operation he was chosen one of the Senators from that State in the Congress of the United States. From that period, Mr. Speaker, to the time when the voice of all the people of this Union called WILLIAM R. KING to the second office in their gift—a period of more than thirty years, he continued to speak for Alabama upon the floor of the Senate; saving the brief period of two years, during which time he represented this Government at the Court of St. Cloud. In verity, he was to Alabama a true and faithful son, as she was unto him a cherishing mother! Truly, has he filled the measure of a patriot's duty, for his entire life was devoted to his country's service.

As may justly be inferred, from the long and unchecked career of success which distinguished the life of Mr. King, and the respect and confidence he always enjoyed, his popularity was not the result of those factitious aids which give to demagogues and political tricksters an ephemeral existence, but was the natural consequence and well-deserved recompense of his exalted qualities of head and heart. For forty years he brought to his country's use the rich gifts of his patriotism and his wisdom—the glowing energies of his early manhood, and the matured counsels of a wise and honorable old age. Intelligence, honesty, and fidelity distinguished the administration of every public trust confided to his hands. Amidst all the fluctuations of public sentiment and the mutations of party, he pursued the path of duty by the light of principle, and dying, leaves behind him an example of consistency and public virtue upon which the patriot may ponder with pleasure, and from which the mere aspirant for worldly honor may draw an instructive lesson. His life is a beautiful illustration of the truth, that the line of duty is alike the path of safety and the way to honor.

The personal character of Mr. KING was affluent in all those qualities which contribute to the formation of an almost perfect man. To wisdom and patriotism, as a statesman; to love of right, and devotion to principle, he added a temper respectful and courteous to others; a courage unquestioned, and honor intact. No stain blurred the pure ermine of his good name. Conceding to all men, the full measure of what was their due, he was punctilious in the exaction of what was due to himself. Exempt from that acrimony, which party collision too often engenders, and always tolerant of the opinions of others, he was inflexible and unswerving in the maintenance of his own—

"Vir justus, et tenax propositi."

In all those more intimate and tender relations which bound him to his friends, his kindred, and his servants, he was all that friendship could ask, or affection claim, or humanity and kindness enjoin. While in that higher and more solemn relation, which he bore to the Author of us all, he was exact and scrupulous in the discharge of all those duties, enjoined by a regard for the sacred behests of religion;—and in the closing scenes of life's fleeting, final hour, he leaned with humble trust upon the merits of his Savior.

"His life was gentle—and the elements
So mixed in him, that nature might stand up
And say to all the world—'This was a man.'"

In the first month of this year, the Vice President resigned his post of Presiding Officer of the Senate, with the vain hope that a winter residence in Cuba might ameliorate his health. But the balmy breezes of the ocean gem could not relume the waning fire that flickered to its end. Death was demanding its victim, and the dying patriot felt that he must needs obey the summons. He hastened home from Cuba to spend his last hours among the friends who watched with such intense solicitude his gradual decline. Like the imprisoned monarch whose life went out on the storm-rocked island of the sea, he did not wish to sleep upon a foreign strand, but rather on the banks of the Alabama, "in the bosom of the people he had loved so well," and served so faithfully. In the midst of that people he died—beneath that sod he takes his final rest. But a fragrance shall still cling around his memory, exhaled from the clustering virtues which beautified his character. Calmly he confronted the icy monster; and with Christian dignity, resigned him to his fate. "Be silent," said he, to the anxious friends around him, "let me die quietly." Silence prevailed, and quietly his noble spirit passed to the land of shadows.

"He sat, as sets the morning star, which goes
Not down behind the darkened west, nor hides
Obscured amidst the tempests of the sky;
But melts away, into the light of Heaven."

How fruitful, Mr. Speaker, in admonition to us, who were associated with Mr. KING in the direction of this great Government, and who now survive him, are the circumstances which give such melancholy prominence to the closing hours of his life. Upon the full tide of an almost popular acclaim, he had been just elevated to one of the most exalted stations of the earth. But along with the flattering consciousness of popular confidence and merited promotion, came the stunning sense that life's decaying energies were sinking to the grave. While the joyous gratulations of an admiring people were welling up from the depths of the nation's heart, and falling with thrilling accents upon the ear of gratified ambition, there was mingling with them, another voice from the spirit land, whose tones were heard above the loud tumult of popular applause, and calling to the failing statesman—

"Child of the dust, come away!"

The garlands had been thrust upon the victim, only that it might prove a more fitting sacrifice for the altar, which already smoked for its immolation. What a humiliating mockery of earth's aspirations, which end in nothingness—of its evanescent honors, which vanish at the touch! and how strikingly suggestive of the solemn reflection that

"The paths of glory lead but to the grave."

Mr. Speaker, I offer the following resolution:

Resolved, That from an unfeigned respect to the late WILLIAM R. KING, Vice President of the United States, and President of the Senate, the Speaker's chair be shrouded in black during the present session of Congress; and as a further testimony of respect for the memory of the deceased, the members and officers of this House will go into mourning, and wear black crape on the left arm for thirty days.

Resolved, As a further mark of respect, that this House do now adjourn.

Mr. CHANDLER rose, and said—

Mr. SPEAKER: The spectacle presented in this House, at the present moment, is replete with instruction and encouragement.

The Representatives of a great nation pause, in the midst of the initiation of legislative business, to express respect for a citizen who owed his elevation less to those striking qualities that are sure to excite public interest and insure popular favor, than to those gentle virtues which are so slow to secure general appreciation.

The Congress of the United States, in paying the tribute of gratitude to the departed functionary, declares that it commemorates the virtue by which he achieved elevation, and thus it connects purity of social life with the honors of official distinction.

The Representatives from the State of Alabama have requested me to take a part in the discharge of the melancholy duties in which this House is now engaged. It is an honor to be called to do honor to the memory of the good; and patriotism finds a grateful exercise in recalling the obligations under which the nation rests to those who have done service to her in places of distinction.

I should have promptly declined the service, if I did not believe that my colleagues, the Representatives of Pennsylvania on this floor, shared in the sentiments of respect for the dead which I entertain, but which I shall so feebly express; and while they and their constituents, and mine, judge according to their various political creeds, of the public measures which are connected with the name and services of the deceased, they have looked through the mist with which party hostility and party partiality alike invest their objects, and have done honor to the purity of motive and the consistency of patriotism, in which those measures were proposed or advocated.

I do not suppose that, in the tribute which we are now paying to the memory of a distinguished Statesman, we are acquitting ourselves as the Representatives of the people of the indebtedness of the country for services through years of unemitted devotion. Sir, while the nation shall enjoy the prosperity with which she is now blessed, she will feel and confess her obligations to those whose talents, virtues, and devotion procured the blessing. And should adverse circumstances overtake us, we should then recall the lessons of wisdom and patriotism which the lives and services of our good men impart; and while we should lament the consequences of a neglect of their examples and precepts, we should do honor to virtues which we had ceased to imitate, and venerate the patriotism which we had forgotten to follow.

The gentlemen who have preceded me, have given to the House a sketch of the public services of the late Vice President KING. It is an instructive lesson—one that we should “teach diligently unto our children.” One that at the present time comes with peculiar pertinancy, and seems to illustrate the nature of our institutions, and to encourage the growth of quiet, unobtrusive virtues, by showing the ability of the people to appreciate, and their willingness to reward them. The history of our country shows that consummate statesmanship may be combined with the possession and professional exercise of military skill. The halls of legislation and the Bureaus of the Departments have been the arenas of noble and successful efforts of those who came from the activity of the camp to take part in peaceful forensic contests, or to discharge the duties of ministerial office. And we have seen the accomplished warrior lay aside his military trappings, and assume the garb and discharge the duties of the first office of our nation.

But while these things show the versatility of genius and the wonderful adaptation of mental powers, they lead sometimes to the apprehension that the people, who seemed so struck with the services of the military man, would overlook the unobtrusive qualities of the civilian, and forget that patriotism has its services and its sacrifices in the halls of legislation and the walks of diplomacy; and that the qualifications for lofty place were to be manifested in the silent, laborious, unpretending privacy of the closet, as well as in the more stirring and striking duties of military life.

The official life of Mr. KING redeems the people of the United States from imputations of a false estimate by a false standard of the services of their public functionaries, and it shows how much confidence may be placed in their judgment of the capability of men to discharge distinguished trusts.

The manners of Mr. KING were unobtrusive, retiring, gentle. No appearance, no act of his could be regarded as challenging attention. He moved among his fellow-men with manifestations of constant respect for their rights and their positions; and among his fellow-legislators he was distinguished for that constant deference to others which is the characteristic of excessive modesty

and available talents. Abroad, sir, in Europe, he presented himself with no demands, as a man, upon the consideration of others, and no claim to distinction, in the free use of his ample means. But as the representative of a nation of freemen, he claimed the regard which his representative character challenged, and he maintained social hospitalities with the profusion which his ample means warranted, and his generous patriotism suggested.

Mr. KING, sir, was a party man. Few men, Mr. Speaker, attain political distinction in a country like ours without party attachments and party feelings. And none will more readily pardon Mr. KING for his efforts for party measures than those who, differing from him in politics, know by the purity of their own motives how to do justice to the sincerity of those by which he was influenced; and this the more readily, because the courteous bearing of that distinguished man deprived his opposition of all appearance of bitterness, drew from the defeat of his opponents, when their defeat ensued, the sting of mortified self-esteem, or imparted to his own discomfort the ease of gentlemanly submission.

Sir, from the quiet walks of life, that seemed at first to promise little eminence, Mr. KING rose to the second office in this great Republic, attaining that position, too, in the midst of all his country's greatness, in the midst of all her amplitude of extent, and in the midst of all her profusion of means; more than that, sir, in the midst of all her munificence of men.

Though absent, sir, absent to die, far from the immediate seat of his duties, yet the memory of his excellence and purity, sustained him in the affection and respect of his brethren of the Senate Chamber who seemed to feel it a pleasure as well as a duty to testify to him their full appreciation of his conciliatory habits, his sagacity as a statesman, and his justice as their Presiding Officer.

The announcement to-day of the death of Mr. Vice President KING comes to us, sir, with no surprise. The nation has already in some form manifested its regard for a faithful public servant. The announcement brings no monition of the brevity of human enjoyment and the uncertainty of human life. He had lived nearly to man's appointed time and beyond man's common lot, and had enjoyed much more than ordinary honors. It comes not now, sir, to startle us into any manifestation of special sorrow. Months have passed since he breathed forth his gentle spirit to God who gave it, and the poignant grief which his death caused even in his limited family circle has given place to the silent sorrow that occupies itself in a mournful, placid recollection of the virtues of the dead.

We listen, sir, to-day to the formal announcement of the demise of Mr. KING, that we may, by public demonstration, show to the world our respect for the high office which he vacated by his death, and our appreciation of the beautiful, moral qualities and statesman like abilities by which he illustrated all offices in his life.

The addresses on this occasion, and the adoption of the resolutions which are now on the table, can add nothing to the future happiness of the dead—cannot augment the fame which his social virtues and his public career have earned. But, sir, they tell the world that a Republic can be grateful to those who have done her service, and that republicans can appreciate those gentle qualities which give dignity and honor to a statesman's life and insure peace and consolation to a Christian's death.

Mr. LATHAM said—

Mr. SPEAKER: Gratitude for the kindness of a friend, as well as reverence for the greatness of a man, prompt me to unite my stranger voice with yours in this mournful requiem for the departed. And if an apology be needed, that thus early I claim your attention, let it be enough to say that, from the lips now cold and fixed, and the voice now hushed in death, came first the encouraging words of counsel and incentive, the gentle tones of sympathy and feeling, that have placed me, to-day, among you. I could leave to the gentlemen who have preceded me, and to the quiet meditation of my own heart, the retrospect of his irreproachable life, and the rehearsal of the noble principles that he so long and firmly advocated, were it not that over every mountain and valley, every plain and ravine of California, are scattered

thick the adopted homes of Alabamians, who, while the memories of their childhood are fresh, or the graves of their fathers green, can never fail, with you, to remember the life of the statesman with exultation, or forget to mourn the death of the good man with sympathetic expression. Flow natural, then, that I should turn your attention to a few pages in the history of a man, who has filled every place, but one, to which the ambition of an American citizen may aspire, and has filled all with distinguished credit to himself and honor to the country.

WILLIAM RUFUS KING was a noble specimen of an American statesman and gentleman. The intimate friend of John C. Calhoun, and the cotemporary of Webster, Clay, Cass, and Benton, he maintained a proud position in the Senate of the United States, by his strong, practical good sense, his experience and wisdom as a legislator, the acknowledged rectitude of his intentions, and that uniform urbanity of manner which marked, not so much the man of conventional breeding, as the true gentleman at heart. He was no sophist to himself, and hence it was that he was truthful and sincere to all the world. His course in the Senate was considerate and dignified. He never yielded to the impulse of the moment; but made his tongue wait upon his judgment. He never knew what it was to speak, act, or legislate by indirection. He was frank and loyal to his colleagues, as he was devoted to his own State, and sincerely attached to the Union. Is it a wonder, then, that the Senate listened to every word which fell from his lips; that his voice was potential whenever it pleaded the cause of his country?

It is said that during a primary meeting held by one of the factions into which the first French National Convention was divided, one of the men who afterwards played a most conspicuous part in history, spoke but a few words, and these without emphasis. Yet such was the conviction he produced, that his views were instantly adopted. He possessed the genius of character; he believed what he said, and produced conviction in others. It is this peculiar “genius of character” which gave force and direction to Mr. KING's speeches in the United States Senate, and produced that deference to his avowed opinions and principles which none of his colleagues shared in a more eminent degree. In all that belonged to him individually, Mr. KING was the very type of an American gentleman. Free from artifice and disguise, his every thought and instinct was chivalric. Not to adventitious circumstances, not to the chances of birth or fortune, not to the society into which he was thrown, was he indebted either for the distinction to which he rose in public life, or to the grace which adorned his private character. He never borrowed thoughts or sentiments from others. His mind and heart were of American growth, while his eminent virtues served to illustrate our national character. As Americans, we recognize no standard of greatness which is not based on moral excellence, such as preëminently distinguished the early founders of our institutions and laws; and in this respect few of the great men whose names have passed into our history, can boast of a nearer approach to those great exemplars, than he whose irreparable loss we now mourn in common with the whole country. During his long and eventful life, of which a very large portion was spent in the public service, there is not an act which can be referred to but to his honor—not a suspicion that could mar the purity and luster of his escutcheon. Mr. KING became a member of the Senate in 1819, when the State of Alabama was admitted into the Union, and enjoyed the honor of representing her, with but one intermission, ever since. He was a member of that body when he was nominated for the Vice Presidency, and its presiding officer. The respect of his colleagues had already assigned him the place to which he was subsequently called by the almost unanimous voice of the people. He was from principle and conviction a State's Rights man; but he did not love the Union less because he loved Alabama more. While he was serving his own State with fidelity and honor, he was not remiss in his duties to the whole American Confederacy. Like his illustrious prototype, John C. Calhoun, he battled for the rights of his State, in order to secure that harmony between Federal and State power, which is of the essence of the Union, and

without which, it is impossible to preserve our system of self-government. In the memorable session of 1849-'50, Mr. KING voted for nearly all the compromise measures as an act of devotion to the National Union, without surrendering a single cardinal point of the political faith which had guided him through life, and had secured to him the affection and attachment of the citizens of his own State. The most important event in his political history, was when he represented the United States in the Court of France during a most interesting and exciting period. It was well known that the Governments of England and France, severally and jointly, opposed the annexation of Texas to the American Union, and that similar instructions had been given by these Governments to their respective Ministers in Washington and Texas. These instructions were, no doubt, intended to be used with diplomatic effect; neither party seeming at the time willing to proceed to extremities. Mr. KING, true to his American character, and to the generous instincts of his nature, did not plunge into the labyrinth of European diplomacy. He had nothing to disguise, nothing to withhold, nothing to ask for that was not just; and with the straight-forwardness and dignity which ought always to characterize an American Minister abroad, at once demanded of the King himself a frank avowal of his intentions. Louis Philippe might have been prepared to evade the artful approaches of a Talleyrand or a Richelieu; but he had no means of refusing to answer a plain question, honestly proposed by a foreign Minister, whose official rank did not add the weight of a feather to the volume of his private character. Mr. KING received the desired reply as to the final course the French Government meant to adopt should Texas be annexed, and became at once satisfied that our relations with France would not be disturbed by the event. The King's reply was reported to Mr. Calhoun, then Secretary of State, and the annexation was accomplished, without even a protest from any European Power. Subsequently, when the diplomatic correspondence was published, Mr. Guizot, then the French Premier, attempted to raise a question of veracity between himself and Mr. KING, in regard to the reply given by Louis Philippe to our representative in Paris. But such was the character for honesty and truth he had established for himself during his short residence in the French capital, and such the suspicions with which Mr. Guizot's acts were viewed by the French public, that there was not a single French paper which dared to doubt the word of our Minister; and the aspersion was only translated from an English paper, and published in the French Government journal. The object was merely to justify the policy of France as against England; but our Minister's straightforward course put an end to even that subterfuge. He demanded, as a gentleman, that the King should respect the assurance given him in regard to Texas; and the King did respect it, and Mr. Guizot furnished a copy of it in writing to Mr. KING. Thus did not only our Government, but the person of our Minister, achieve a signal triumph over the sinuous course of European politics and statesmen.

Pending this controversy, it is said, Mr. Guizot attempted to assuage Mr. KING, by assuring him that "he had often been told that he (Guizot) lied." To which Mr. KING modestly replied, that "he had never been told so." French appreciation of sarcasm had no difficulty in discovering the true meaning of Mr. KING's caustic reply. I cannot but allude to his kind and noble disposition to bring forward, and advance the fortunes of young men, struggling up in life. I have myself been the recipient of his kindness in this respect. In all such relations he never assumed the position of patron and client. It was not his position, but his heart which determined the place occupied by his friends, and his exalted character looked to no return of favors. After his election to the Vice Presidency, when lingering under a painful and mortal disease, in a foreign country, his thoughts naturally reverted to his own beloved Alabama. Once more he wished to behold the sun of his country—once more he desired to breathe the invigorating air of home. Friend and kindred had followed him abroad; but he yearned for a wider circle of hearts beating in unison with his own. The American people had taken a deep interest in his recovery. They

had a pride in seeing him occupy the position to which their suffrages had raised him. They had an abiding confidence in his integrity as a statesman, and a warm sympathy for his bodily sufferings. With breathless anxiety did the people receive the tidings of the progress of his illness, and each note of sorrow, which traveled with the velocity of light, found a painful echo in the public breast. To the people of his country did the old statesman and patriot return, to draw his last breath. Once more he trod the soil of his home; once more his eyes gladdened with the sight of his native land, free, prosperous, and happy; once more his heart beat with rapturous delight at the future prospect and greatness of this glorious Union. The strife and clamor of ruthless partisans had subsided; the olive leaf of peace had once more spread her blessings over twenty-five millions of contented beings; and as his dying lips murmured a blessing on them all, his pure soul was wafted to that unknown land, which, in the midst of the busy scenes of his life, his Christian heart always looked to as his last and surest resting-place.

"Lives of great men all remind us
We can make our lives sublime;
And departing, leave behind us
Footprints on the sands of time.

"Footprints that perhaps another,
Sailing o'er life's solemn main—
A forlorn and shipwrecked brother—
Seeing, shall take heart again.

"Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait."

Mr. TAYLOR, of Ohio, said:

Mr. SPEAKER, Death has so often invaded this House during the six years which I have been a member, that whenever a new Congress commences, I am strongly impressed with the conviction that some of our body, during their term of service, must pay the debt of nature, and end their lives in the public service. The Senate, though only numbering sixty-two members, rarely passes a session without being called upon to pay the usual funeral honors to some one or more of its members. Even the Executive mansion is not unfrequently invaded by the King of Terrors; and men in public station are everywhere constantly reminded, that for life, and all their earthly blessings, they are dependent upon Him "in whose hands our breath is, and whose are all our ways."

The official announcement of the death of the Hon. WILLIAM R. KING, late Vice President of the United States, and the well-deserved eulogies this day pronounced upon his character, bring freshly to our recollection the manly form and gentlemanly bearing of that distinguished man, and his long and eminent public service.

With the incidents of his private life and history I am not so familiar as to speak advisedly; but his personal friends upon this floor have clearly presented them for our consideration. I had the pleasure to know him for many years, as a public man; and to meet him often in the social circles of this city. And though we differed widely in our opinions upon some of the most important political questions that have lately agitated the country, I always found him mingling moderation with firmness, and a proper respect for the opinions of those who differed with him. A just and high sense of honor seemed to me to mark his public and private career; and I cheerfully express these views of the distinguished man, whose death we now commemorate, because I hold that no differences of opinion in politics should ever make us forget that we are all Americans; that we are all under the protection of the same Constitution and laws, and must share alike the benefits or evils that may result from our public actions. A higher motive should always check a too great asperity of political feeling, and inculcate a wise moderation and proper toleration towards those who differ with us. For, after all, the exertions of the wisest and the best men amongst us are but transient; they are vain and futile, unless sanctioned and approved by the great Author of all good. Mr. KING appeared to me possessed, in a high degree, of a wise moderation, and of a tolerant spirit; and his long experience in public life made him eminently useful. He seemed to me to combine, in a very high degree, the strictest

integrity and purest honor, with what the great poet so admirably portrays—

"With all good grace to grace a gentleman."

Mr. ASHE rose and said:

Mr. SPEAKER: Having the honor to represent the county in which WILLIAM R. KING was born, and the larger portion of the district which first returned him as a member of this House—having enjoyed, in a manner grateful to my recollection, his friendship and confidence, and being at present the representative of a numerous and highly respectable kindred he left with us, I feel it a solemn duty that I should not allow the present occasion to pass without adding my humble but heartfelt testimonial to the truthfulness of the richly-deserved and high commendations which have been bestowed on him by the honorable gentlemen who have preceded me. After the indulgence of obsequial griefs, which are a fit tribute to departed worth, the soul thirsts to immortalize, to assimilate to itself the noble and virtuous endowments of deceased friends. Hence we have, as the remains of a venerable antiquity, the most magnificent Egyptian pyramids, splendid Grecian mausoleums, Roman sepulchres of extensive dimensions; but these were designed to portray the outward rather than the inward man. As ancillary to the same end various expedients and devices were adopted to perpetuate, to rescue from the destruction of time the personal appearance, after the soul had taken its flight. Vain imaginings! Empty conceits! The recorded reminiscence of a good work, of a charitable deed, of a benevolent thought are worth more than a "Pelion upon Ossa" of such monuments. Posterity is grateful, and if it can be benefited by any single incident of a man's life, the character of the benefactor will be remembered and appreciated. And if his deeds of goodness should fill a volume, posterity will never weary in "turning the leaf to read it," and to acknowledge its gratitude to the author. And such a prized volume have we afforded us by the life of WILLIAM R. KING; a contemplation of which fills our hearts with gratitude, and inspires us to rejoice, that, as one among us he lived, and to sorrow, that "he is no more."

I believe it was Philip of Macedon who gratefully sacrificed to the gods that a son had been born to him in time to derive instructions from the great philosopher, Aristotle. If such was the veneration of a barbarian warrior for a heathen philosopher, how much more grateful should we feel, both as statesmen and citizens, that our lots should have been cast in the same horoscope with that of Clay, Calhoun, and KING; in the history of each of whom, "there is a philosophy teaching by example," well-fitted to steer our frail bark down its wayward course, clear of the dangerous rocks and shoals, which are prone to wreck it. These distinguished compatriots, who, for nearly half a century, commanded the admiration of the American world, though widely differing one from another in peculiarities of character, yet each, in his life, left us a legacy which, the more we read, the more we will appreciate.

The two former "having gathered together their earthly harvest," previous to the adjournment of the last Congress, have received from their admiring friends that tribute of respect which we are now called upon to render to the last. While we do not claim for our distinguished friend either the thrilling eloquence of Clay, or the philosophical discrimination of Calhoun, yet, in the various positions which it was his fortune to fill, we find developed the true elements of moral and intellectual greatness.

"Perhaps one of the highest encomiums ever pronounced on a man in public life," said the late John Quincy Adams, "is that of a historian, eminent for his profound acquaintance with mankind, who, in painting a great character by a single line, says: 'He was just equal to all the duties of the highest offices which he attained, and never above them. There are, in some men, qualities which dazzle and consume to little or no valuable purpose. These seldom belong to the great benefactors of mankind.'" Such were not the qualities of Colonel KING; but in all the relations of life, in every position he attained, he was fully equal to their responsibilities, and discharged their varied duties with fidelity and ability.

Colonel KING was born in Samson county, in

my State, April, 1786. His father, William King, was a gentleman of fortune and character. During the revolutionary war, he rendered important services to his country's cause, both by personal service and the generous use of his fortune. After the conclusion of the war, he was a member of the Convention which was called to adopt the Federal Constitution, and was repeatedly elected a delegate to the General Assembly from his county. His situation in life enabled him to bestow on his children all the advantages of education, which our country at that time afforded.

Colonel KING was sent at an early age to the University of North Carolina, located at Chapel Hill, which institution he left in his seventeenth year, bearing with him the happy consolation of having commanded the respect of his professors, the love and esteem of his associates. He studied law with William Duffy, an eminent jurist, residing in the town of Fayetteville, where he formed friendships which he preserved with affection to the day of his death. On being admitted to the bar, he settled in his native county, from which he was returned the following year as a member of the Legislature. By this body he was elected Solicitor for the Wilmington judicial district, in which situation he continued for two years. He was then again returned to the Legislature for the years 1808-9. In the year 1810 he was elected to the Congress of the United States, being the Twelfth Congress. This was a most important crisis in our national affairs. France, dominant in Europe, England, mistress of the ocean, our neutrality was grossly disregarded by each of these supercilious Powers. To our menacing protests France ultimately yielded respect. England continued her career of haughty insolence. War or national degradation was inevitable.

True Republicans avoided not the issue, but met it boldly. Colonel King acted with them with his whole soul; and, though one of the youngest members of the Congress, he was distinguished for the firm and fervid earnestness with which he supported the illustrious Madison in his patriotic efforts to sustain the honor of our country. He continued a member of Congress until after the conclusion of the war, when he accepted a diplomatic position abroad, associated with that scholar and statesman, William Pinckney. On his return from Europe, he changed his residence from North Carolina to Alabama, carrying with him the cordial respect and good wishes of all—the enmity of no one. Alabama was then a Territory, but on the eve of organizing a State government, and as soon as it was done, she, although Colonel King was then absent from the State, honored him with one of her first Senatorial appointments in the Congress of the United States—a most flattering mark of confidence, which confidence he enjoyed in the amplest manner during the remainder of his long and eventful life. It is unnecessary for me to read further from the volume of his life. His subsequent career has already been detailed by able and experienced friends. What is the lesson which posterity can learn from this volume? It is useful! It is significant! Let the honor, let the happiness of our country, as with him, be our ruling aspiration; but in its advocacy, let us so attempt, as he did, our conduct; so dispense the charities of life that we can command for ourselves the love of friends; the admiration of opponents. While such is the brilliant picture of his public career, his private life, his frank and confiding disposition, his uniform courtesy and kindness, the single-hearted devotedness of his friendship, his love of right, his hatred of wrong, his bold and chivalric temper present a character worthy of our study and emulation.

"A combination and a form indeed,
Where every god did seem to set his seal,
To give the world assurance of a man."

Mr. BENTON said:

Mr. SPEAKER: The relation in which I have stood to the eminent deceased, whose loss we all deplore, must plead my excuse for a departure from the ancient practice, which limited the number of tribute offerers, on an occasion like the present, to the mover and seconder of the resolutions which express the sense of the House at the death of a fellow member.

Natives of the same State, and nearly of the same age, we emigrated when young to, what was then, the Far West; and by the favor of our

adopted States, were both returned, and nearly at the same time, to occupy seats on the floor of the American Senate. Commencing—he in 1819, I in 1820—we remained for thirty years, (with the exception of the brief interval in which he represented his country at a foreign court,) members of the same body—intimately associated in all the current business of that body, and in all the amenities of social and private life.

But my knowledge of him goes beyond thirty years—goes back to forty—and not then to the beginning of his congressional service—when I first saw him on this floor. And I mention this first time of seeing him, and in what place, to do honor to the public man who could so long retain the confidence of his constituents; and to their honor for the steadiness of their support; and to the credit of our institutions, to which such stability between constituent and representative promises a duration, not to be measured by the brief lives of those Republics whose people were given up to fickleness and versatility.

These circumstances plead my excuse for departing from a custom which limited the number of those who should have the privilege of expressing, in the presence of the national representation, their own, and the general feeling, at the demise of a brother member.

The members who have preceded me have stated, and well stated, the illustrious career of the deceased—tracing his course through a long graduation, always rising, of public honors—from the General Assembly of his native State, to the second office of his country—the Vice Presidency of this great Republic.

To me it only belongs to join my voice to theirs, and to the voices of all who knew him, in celebrating the integrity and purity of his life—the decorum of his manners—his assiduous and punctual attention to every duty—and the ability and intelligence which he brought to the discussion of the national affairs during his long service of thirty years.

Faithful to his adopted State, he exhibited, when duty to her permitted, the beautiful trait of filial affection to the honored State of his birth—a State which has so many claims upon her children, (besides that of having first given them the vital air,) for their constant and grateful remembrance—wherever they may go.

As friend, as associate, as native of the same State with the late Vice President KING, I appear on this occasion, and feel it to be, in me,—his senior in age,—a providential privilege to assist in doing honor to his memory in the presence of the national representation.

Mr. PHILIPS said:

Mr. SPEAKER: I cannot permit this occasion to pass by, without paying tribute to the memory of the deceased.

It is not, sir, to contribute to a mere ceremony, or to conform to any public expectation, that I now occupy the floor. My feelings are far too deep for such lip-service demonstration.

It was my fortune, Mr. Speaker, to have enjoyed the full confidence and friendship of WILLIAM R. KING, for the whole period of my residence in the State which I have now the honor to represent. I early learned to appreciate his high qualities; and time, which tests all things, served but to confirm my judgment. I may now safely say of him dead, what, with equal confidence, I may have said were he now living, that the Republic never produced a man of more exalted integrity, or of a higher chivalry of character.

I visited Washington for the first time a few years ago, and though it has been said, (with what truth I cannot assert,) that corruption here stalks at noon day, it was with just pride as an Alabamian, that I learned from all quarters and all parties, that through his long service in the public councils of upwards of a quarter century, he had not only preserved his reputation intact, but freed, even from the breath of suspicion.

It was this purity of character, joined to the high qualities of a remarkably well-balanced mind, that enabled him to enjoy, for so long a period, the confidence of the people of his own State, and of the whole Confederacy.

He has filled the highest offices, and discharged the weightiest duties, with honor to himself, and advantage to his country; well, therefore, may we conclude, in the language of the Presidential mes-

sage, that the death of such a man is an irreparable loss to the country.

A great man has fallen, and it is fit we mourn him! Dying, as he lived, with a full knowledge of the past, and a just appreciation of the future, may I not indulge in the hope, that the light of his example may long continue to illuminate the path of the future Representatives of the State which holds his remains and cherishes his memory.

The question was taken, and the resolutions were unanimously adopted.

The House then adjourned till Monday next.

IN SENATE.

MONDAY, December 12, 1853.

Prayer by Rev. HENRY SLICER, Chaplain to the Senate.

The Hon. JARED W. WILLIAMS, of New Hampshire, and Hon. JAMES C. JONES, of Tennessee, appeared in their seats this morning.

CREDENTIALS.

Mr. WELLER (in consequence of the absence of Mr. NORRIS) presented the credentials of the Hon. JARED W. WILLIAMS, appointed by the Governor of New Hampshire, a Senator from that State to fill the vacancy occasioned by the death of the Hon. CHARLES GORDON ATHERTON; which were read; and the oath of office having been administered to Mr. WILLIAMS, he took his seat in the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the report of the Secretary of War, transmitting, in pursuance of the act of Congress of May 1st, 1820, a statement of the appropriations applicable to the service of the War Department for the fiscal year 1852-3; the amounts drawn from the Treasury during the same period; the balances remaining on hand on the 1st of July, 1853, and such appropriations as have been carried to the surplus fund; which, on motion by Mr. GWIN, was ordered to lie on the table, and be printed.

PETITION.

The PRESIDENT. I ask leave to present the petition of the Iron Mountain Railroad Company of the State of Missouri, asking the right of way through certain public lands reserved for military purposes.

Mr. GWIN. I move that the petition be ordered to lie on the table until the committees be formed.

The motion was agreed to.

APPOINTMENT OF STANDING COMMITTEES.

Mr. BRIGHT. I suggest that we should save time by proceeding with the formation of the standing committees, and then we can refer the papers before the President. In pursuance of the notice which I gave on Wednesday last, I now offer the following amendment to the 34th rule of the Senate:

Resolved, That the 34th rule of the Senate be amended, so as to read as follows, viz:

34. The following standing committees, to consist of the number of members opposite to each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

- A Committee on Foreign Relations, of six members.
- A Committee on Finance, of six members.
- A Committee on Commerce, of six members.
- A Committee on Manufactures, of five members.
- A Committee on Agriculture, of five members.
- A Committee on Military Affairs, of six members.
- A Committee on the Militia, of five members.
- A Committee on Naval Affairs, of six members.
- A Committee on Public Lands, of six members.
- A Committee on Private Land Claims, of five members.
- A Committee on Indian Affairs, of six members.
- A Committee on Claims, of six members.
- A Committee on Revolutionary Claims, of five members.
- A Committee on the Judiciary, of six members.
- A Committee on the Post Office and Post Roads, of six members.
- A Committee on Roads and Canals, of six members.
- A Committee on Pensions, of five members.
- A Committee on the District of Columbia, of five members.
- A Committee on Patents and the Patent Office, of six members.

A Committee on Retrenchment, to consist of five members, whose duty it shall be to take into consideration the expenditures of the Government, in the several departments thereof, and to inquire whether any, and if any, what retrenchment can be made without injury to the public service, and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

A Committee on Territories, to consist of six members.

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate,

and to whom shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge on the same.

A Committee on Public Buildings, to consist of six members, who shall have power also to act jointly with the same committee of the House of Representatives.

A Committee on Printing, to consist of three members, to whom shall be referred every question on the printing of documents, reports, or other matter transmitted by either of the executive departments, and all memorials, petitions, accompanying documents, together with all other matter, the printing of which shall be moved, excepting bills originating in Congress, resolutions offered by any Senator, communications from the Legislatures, or conventions lawfully called by the respective States, and motions to print by order of the standing committees of the Senate; and excepting, also, messages and other communications from the President of the United States, and such reports and communications from the heads of Departments, as may be made to Congress or to the Senate in obedience to law, or in answer to calls from the Senate; and it shall be the duty of such Committee on Printing to report in every case in one day or sooner if practicable.

And a committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions before they go out of possession of the Senate, and shall deliver the same to the Secretary of the Senate, who shall enter upon the Journals that the same have been correctly engrossed.

Mr. BRIGHT. The only change proposed by this amendment to the 34th rule is, that fourteen committees are enlarged to six members each.

The amendment was agreed to.

Mr. BRIGHT. I now move to suspend so much of the 35th rule as requires that the standing committees shall be chosen by ballot, so that the list which I hold in my hand may be received and acted upon.

There being no objection, the rule was suspended, and Mr. BRIGHT offered the following list of committees for the present session; which was agreed to.

On Foreign Relations—Messrs. Mason, (chairman,) Douglas, Slidell, Clayton, Weller, and Everett.

On Finance—Messrs. Hunter, (chairman,) Bright, Gwin, Pearce, Norris, and Badger.

On Commerce—Messrs. Hamlin, (chairman,) Dodge of Wisconsin, Stuart, Seward, Clay, and Benjamin.

On Manufactures—Messrs. Wright, (chairman,) Allen, Fish, Butler, and Dixon.

On Agriculture—Messrs. Allen, (chairman,) Hunter, Wade, Thomson of New Jersey, and Morton.

On Military Affairs—Messrs. Shields, (chairman,) Weller, Fitzpatrick, Dawson, Johnson, and Jones of Tennessee.

On Militia—Messrs. Houston, (chairman,) Dodge of Wisconsin, Morton, Shields, and Thompson of Kentucky.

On Naval Affairs—Messrs. Gwin, (chairman,) Mallory, Brodhead, Fish, Thomson of New Jersey, and Bell.

On Public Lands—Messrs. Dodge of Iowa, (chairman,) Stuart, Johnson, Foot, Walker, and Clayton.

On Private Land Claims—Messrs. Pettit, (chairman,) Sebastian, Benjamin, Allen, and Thompson of Kentucky.

On Indian Affairs—Messrs. Sebastian, (chairman,) Walker, Adams, Cooper, Rusk, and Toombs.

On Claims—Messrs. Brodhead, (chairman,) Clay, Chase, Pratt, Williams, and Wade.

On Revolutionary Claims—Messrs. Walker, (chairman,) Toucey, Cooper, Evans, and Dixon.

On the Judiciary—Messrs. Butler, (chairman,) Toucey, Bayard, Geyer, Pettit, and Toombs.

On the Post Office and Post Roads—Messrs. Rusk, (chairman,) Brodhead, Hamlin, Morton, Adams, and Smith.

On Roads and Canals—Messrs. Bright, (chairman,) Slidell, Wright, Dawson, Chase, and Jones of Tennessee.

On Pensions—Messrs. Jones, of Iowa, (chairman,) Clay, Foot, Williams, and Sumner.

On the District of Columbia—Messrs. Norris, (chairman,) Mason, Dawson, Bright, and Pratt.

On Patents and the Patent Office—Messrs. James, (chairman,) Evans, Stuart, Seward, Chase, and Thompson of Kentucky.

On Retrenchment—Messrs. Adams, (chairman,) Toucey, Fish, Fitzpatrick, and Badger.

On Territories—Messrs. Douglas, (chairman,) Houston, Johnson, Bell, Jones of Iowa, and Everett.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Evans, (chairman,) Dodge of Iowa, and Foot.

On Public Buildings—Messrs. Bayard, (chairman,) James, Hunter, Badger, Thomson of New Jersey, and Pratt.

On Printing—Messrs. Mallory, (chairman,) Hamlin, and Smith.

On Engrossed Bills—Messrs. Fitzpatrick, (chairman,) Pettit, and Wade.

On the Library—Messrs. Pearce, (chairman,) Cass, and Bayard.

On Enrolled Bills—Messrs. Jones, of Iowa, (chairman,) and Sumner.

PETITIONS.

Mr. FOOT presented the petition of Rebecca Freeman, widow of Pearson Freeman, praying that her name may be placed on the pension roll, in consideration of the services of her husband during the revolutionary war; which was referred, with the accompanying papers, to the Committee on Pensions.

Mr. EVERETT presented a petition of citizens of East Cambridge, Massachusetts, praying that provision may be made by law for cheap ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented a petition of citizens of North Brookfield, Massachusetts, in favor of cheap ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. HAMLIN presented the petition of Jacob T. Smith, praying an increase of pension; which was referred to the Committee on Pensions.

Also, the petition of Ann L. Moor, widow of Henry Moor, a lieutenant in the Navy, praying for a pension; which was referred to the Committee on Pensions.

Also, the petition of American ladies resident at the Sandwich Islands, members of the Strangers' Friend Society, for the relief of indigent seamen, praying that additional provision may be made by law for sick and destitute foreign seamen discharged from the merchant service of the United States; which, with the accompanying papers, was referred to the Committee on Commerce.

Mr. SMITH presented the petition of James Warden, praying for an increase of his pension; which was referred to the Committee on Pensions.

Mr. CASS presented the memorial of Maria Morell, widow of George Morell, one of the judges of the supreme court of the Territory of Michigan, praying compensation for the services of her husband as a member of the board for the adjustment of land titles in Detroit, &c.; which was referred to the Committee on Claims.

Mr. HUNTER presented the memorial of Robert C. Steptoe and others, of Virginia, and of David Brown and others of Indiana, praying satisfaction for lands granted by the State of Georgia, in 1784, and afterwards ceded to the United States; which was referred to the Committee on Public Lands.

Mr. MASON presented the petition of Richard W. Meade, administrator of Richard W. Meade, deceased, praying the payment of a debt due him by Spain; which was referred to the Committee on Foreign Relations.

On motion by Mr. GWIN, the memorial presented by him some days ago, from C. K. Garrison and others, in reference to carrying the mails from San Francisco to China, was taken from the table, and referred to the Committee on the Post Office and Post Roads.

Mr. SLIDELL presented the petition of Francis B. Ogden, United States Consul at Bristol, England, praying to be remunerated for expenses of removing from Manchester to Bristol, under an order from the Department of State; which was referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented several petitions of officers of the Army, praying an increase of compensation; which were referred to the Committee on Military Affairs.

Also, the proceedings of a meeting of the soldiers of the war of 1812, held in the city of Philadelphia, praying that one hundred and sixty acres of bounty land may be granted to each soldier who served during that war; which were referred to the Committee on Public Lands.

Also, the petition of Michael Hennessey, praying for a pension; which was referred to the Committee on Pensions.

Also, a petition of citizens of Dana and Iowa counties, Wisconsin, praying for the establish-

ment of a mail route from Ridgway, in Iowa, to Primrose, in Dana County; which was referred to the Committee on the Post Office and Post Roads.

AGRICULTURAL COLLEGE IN CALIFORNIA.

Mr. WELLER. I beg leave to present the memorial of Messrs. Warren and others, intelligent and enterprising citizens of California, praying for the endowment, by the General Government, of an Agricultural College, in the State of California, upon a permanent basis, with ample means to sustain the necessary professors of the several branches of science. I move that this memorial be referred to the Committee on Agriculture.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, relative to the manner of paying Senators; which was referred to the Committee on Finance.

Also, a communication from the State Department, transmitting a copy of the laws passed by the Legislature of the Territory of Oregon, at its last session; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FISH, it was

Ordered, That Thomas M. Tayloe have leave to withdraw from the files of the Senate his petition and the accompanying papers, and that they be referred to the Committee on Naval Affairs.

On motion by Mr. GWIN, it was

Ordered, That E. P. S. Sanger have leave to withdraw his petition and papers from the files of the Senate, and that they be referred to the Committee on Naval Affairs.

On motion by Mr. SMITH, it was

Ordered, That Thomas Pember have leave to withdraw from the files of the Senate his petition and papers, and that they be referred to the Committee on Naval Affairs.

On motion by Mr. BELL, it was

Ordered, That Joseph Gideon have leave to withdraw his petition and papers from the files of the Senate, and that they be referred to the Committee on Naval Affairs.

On motion by Mr. JOHNSON, it was

Ordered, That the papers in the case of Samuel H. Hempstead be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. SUMNER, it was

Ordered, That the papers in the case of the brig Kate Boyd be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

On motion by Mr. WADE, it was

Ordered, That the petition and accompanying papers in the case of Priscilla D. Simonds be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

On motion by Mr. STUART, it was

Ordered, That the papers in the case of John Riddle and Jonathan Kersey be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. STUART, it was

Ordered, That the papers in the case of Hiram Moore and John Hascall be withdrawn from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by Mr. STUART, it was

Ordered, That the papers in the case of A. Purivier be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. DAWSON, it was

Ordered, That the petition and papers of Willard Boynton be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

On motion by Mr. COOPER, it was

Ordered, That the papers relating to the claim of Samuel Hughes be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. SEWARD, it was

Ordered, That leave be granted to withdraw the papers in the case of Captain Hiram Paulding from the files of the Senate, and that they be referred to the Committee on Naval Affairs.

On motion by Mr. EVANS, it was

Ordered, That the papers in the case of James Chapman, administrator of Thomas Chapman, be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. DIXON, it was

Ordered, That the papers in the case of Jeremiah H. Schmidt be withdrawn from the files of the Senate and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. COOPER, it was

Ordered, That the papers in the case of Mrs. Evans, daughter of Colonel Anthony W. White, and the papers in the case of Nancy Holker, be withdrawn from the files of

the Senate, and referred to the Committee on Claims; and that the papers in the case of the representatives of Nathaniel Pryor, deceased, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. HAMLIN, it was

Ordered, That the papers in the case of Daniel Winslow be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. PEARCE, it was

Ordered, That the petition of the heirs of Gerard Wood be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

Mr. DODGE, of Iowa. Mr. President, several memorials of the Legislature of the State of Iowa, were presented at the last session of Congress. I ask that they may now be taken from the files of the Senate, and referred to the same committees, to which they were referred at the last session, and that they be printed for the use of the Senate.

The motion was agreed to.

NOTICES OF BILLS.

Mr. SEWARD gave notice of his intention to ask leave to introduce a bill to aid the State of New York in the construction of a ship canal around the Falls of Niagara.

Mr. DODGE, of Iowa, gave notice of his intention to ask leave to introduce a bill to bring into market the lands heretofore reserved from sale in Iowa, near Forts Crawford and Atkinson; and also the lands reserved for Indian farms near Fort Atkinson, in Iowa.

Mr. FISH gave notice of his intention to introduce a bill to reimburse the Common Council of the city of New York, for expenditures made for the first regiment of New York volunteers.

Mr. SHIELDS gave notice of his intention to introduce a bill to authorize the State of Illinois to select the residue of the lands to which she is entitled, under the act of March 2, 1827.

Mr. WELLER gave notice of his intention to ask leave to introduce a bill authorizing the Postmaster General to contract for the transportation of the United States mail from San Francisco, in California, to Shanghai, in China.

Mr. THOMPSON, of Kentucky, gave notice of his intention to ask leave to introduce bills of the following titles:

A bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army;

A bill to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of September 9, 1850.

BILLS INTRODUCED.

Mr. CHASE, in pursuance of previous notice, asked and obtained leave to introduce a bill to grant to the State of Ohio, the unsold and unappropriated public lands remaining in that State; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SLIDELL, in accordance with previous notice, asked and obtained leave to introduce the following bills; which were read a first and second time, and referred to the Committee on Public Lands:

A bill granting to the State of Louisiana the right of way, and a donation of public lands, for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river, in said State.

Also, a bill granting to the State of Louisiana the right of way, and a donation of public lands, for the purpose of locating and constructing a railroad from Algiers, on the Mississippi river, to the Sabine river in said State.

Mr. BENJAMIN, according to previous notice, asked and obtained leave to introduce a bill granting to the State of Louisiana the right of way, and a donation of public land for the purpose of constructing a railroad from New Orleans to the State line of Mississippi, in the direction of the town of Jackson; which was read a first and second time, and referred to the Committee on Public Lands.

Mr. BRIGHT asked and obtained the unanimous consent of the Senate to introduce a bill to provide for the surrender of certain bonds of the State of Indiana held by the United States; which was read a first and second time and referred to the Committee on Finance.

Mr. DODGE, of Iowa, asked and obtained unanimous consent to introduce a bill making a grant of land to the State of Iowa to aid in the

construction of certain railroads in said State; which was read a first and second time, and referred to the Committee on Public Lands.

Also, a joint resolution for the relief of George R. C. Floyd, late Secretary of Wisconsin Territory, and sureties; which was read a first and second time, and referred to the Committee on Finance.

REMOVAL OF GREENE C. BRONSON.

The PRESIDENT. I have received a communication transmitting certain resolutions adopted at a meeting of merchants, of the city of New York, held at the Merchants' Exchange, on the 30th of October last. I have examined the proceedings, and they seem to be in the nature of a remonstrance against the removal of Greene C. Bronson from the office of Collector of the Port of New York. What disposition will the Senate make of them?

Mr. SEWARD. I move that they lie on the table.

The motion was agreed to.

CLAYTON-BULWER TREATY.

Mr. CASS. I desire to offer the following resolution:

Resolved, That the President be requested to inform the Senate whether any communication has been received from the British Government, or any correspondence taken place with it, on any subject growing out of the treaty of Washington, of July 4, 1850, since the message of the President of January 4, 1853, made in answer to a call of the Senate of December 30, 1852; and if there has been any such communication or correspondence, he is requested, if compatible with the public interest, to transmit copies of the same to the Senate.

As this is a mere resolution of inquiry, I suppose there will be no objection to its consideration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CLAYTON offered the following amendment:

And also copies of all instructions to our Ministers in England, and of all correspondence in relation thereto.

The amendment was agreed to; and the resolution, as amended, was agreed to.

ELECTION OF PRINTER TO THE SENATE.

On motion by Mr. DODGE, of Wisconsin, the Senate proceeded to consider the following resolution, submitted by him on the 7th instant:

Resolved, That the Senate will, on —, proceed to the election of a public printer, to do the public printing for the Thirty-Third Congress, in accordance with the eighth section of the act "to provide for executing the public printing, and establishing the prices thereof, and for other purposes," approved August 26th, 1852.

At the suggestion of Mr. BRIGHT, the resolution was amended by striking out the word "on" and the blank, and inserting the word "forthwith."

The resolution as amended was agreed to.

The Senate accordingly proceeded to ballot for public printer, with the following result:

Whole number of votes cast 44; necessary to a choice 23; of which

Beverly Tucker received.....	26
Robert Armstrong	17
Gales & Seaton	1

Beverly Tucker having received a majority of the votes cast, was declared duly elected.

ADDRESSES ON THE DEATH OF THE VICE PRESIDENT.

Mr. ADAMS submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing cause to be published and bound in pamphlet form, in such manner as may seem to them appropriate, for the use of the Senate, ten thousand copies of the addresses made by the members of the Senate and members of the House of Representatives, together with so much of the message of the President of the United States, as relates to the death of the Hon. William R. King, late Vice President of the United States.

COMMITTEE ON REVENUE FRAUDS.

Mr. JAMES submitted the following resolutions which was considered by unanimous consent, and agreed to:

Resolved, That the Select Committee appointed by the Senate, at the first session of the Thirty Second Congress, to investigate the mode and manner of the importation of merchandise into the United States, with the view of ascertaining whether any and what frauds have been committed against the revenue laws, be permitted to make their report at the present session of Congress.

PORT OF ENTRY IN MICHIGAN CITY.

The following resolution, submitted by Mr.

PETTIT on the 6th instant, was considered, and agreed to:

"Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Michigan City, in the State of Indiana; and also of making an appropriation to continue the improvement of the harbor at that place."

REPORT ON INDIAN AFFAIRS.

On motion by Mr. WALKER, it was

Ordered, That fifteen hundred extra copies of the report of the Commissioner of Indian Affairs be printed for the use of the Senate.

REVISION OF REVENUE LAWS.

Mr. HAMLIN. I ask the unanimous consent of the Senate to introduce a joint resolution, authorizing the Secretary of the Treasury, to pay the expenses of codifying and revising the revenue laws, of the introduction of which I have not given previous notice.

No objection was made, and the joint resolution was read a first time.

Mr. HAMLIN. I ask for the second reading and consideration of the resolution at this time, for the following reason:

On the 23d day of February last, I think, a resolution was reported from the Committee on Commerce of the Senate, directing the Secretary of the Treasury to codify the revenue laws—the rules and regulations for collecting the revenue—which was adopted by the Senate. An amendment was made by the Senate to the civil and diplomatic appropriation bill, making an appropriation of \$10,000 for the purpose of defraying the expense of that codification. It went to the House of Representatives, and, I believe, was rejected by the House. On the recommendation of the Committee of Conference, however, it was adopted, and should have become a law; but owing to the confusion and haste incident to the closing of the session, it failed to be enrolled. There was, therefore, a positive resolution of the Senate, directing the Secretary of the Treasury to codify the revenue laws; and an appropriation had been passed by both branches of Congress under that resolution, directing the Secretary to appoint a commission. The commission has been at work for the last three or four months, and the Secretary is now without the means of paying the expenses; I therefore ask that the resolution may be passed at this time.

The resolution was read a second time, and considered by the Senate as in Committee of the Whole.

It proposes to authorize the Secretary of the Treasury to pay out of the Treasury, for defraying the expense of revising and codifying the revenue laws, ten thousand dollars.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed

SENATE ELECTIONS.

Mr. DODGE, of Iowa. I desire to give notice that I shall to-morrow, or on some early day, introduce a resolution providing that all elections by the Senate shall be *viva voce*, instead of by ballot. When I vote on the question of the election of public printer, or any other matter, I want my constituents to know how I am voting. An election has been made here to-day which I think is anything but complimentary to the Democratic organization. I make no reflection upon those who have voted as they saw fit; but when I vote, I want my constituents in Iowa to know how I vote. I want it to go abroad and be known that to-day I voted for Robert Armstrong for public printer.

RAILROAD IN CALIFORNIA.

Mr. GWIN. Mr. President, I move that the Senate take up, with the view to its reference to the Committee on the Public Lands, the following bill introduced by me on the second day of this session:

A BILL to make a donation of the public lands to the State of California for the purpose of constructing a railroad and telegraphic line from the city of San Francisco to the Colorado river, or southeastern boundary of said State, with a branch passing through the valley of the Sacramento river to the boundary line between said State and the Territory of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of constructing a railroad and telegraphic line from the city of San Francisco to the southeastern boundary of the State of California, with a branch

of said railroad and telegraphic line passing through the valley of the Sacramento river to the Oregon Territory, or the northeastern boundary of California, at such point of termination as may be designated by the Legislature of said State, a quantity of land equal to the alternate sections for the width of forty miles on each side of said railroad and branch, to be selected from the sections which shall be designated on the public surveys of said lands by odd numbers, is hereby set apart, appropriated, and granted to the State of California, to aid in the construction of said railroad and branch thereof, and telegraphic lines, in the manner, and subject to the terms, conditions, and restrictions hereinafter mentioned: *Provided*, That the terminus of said railroad and telegraphic line on the southeastern boundary of California shall lie on the line of direction of the route of any railroad that may be located to connect the Mississippi river with the Pacific ocean; and that no more or greater distance of the railroad herein provided for shall be located than may be constructed in a line which, from necessity, would be common or unavoidable to any railroad that might be constructed from the middle or southern portion of the Mississippi valley, until the location of such railroad be determined upon and will intersect the eastern or southeastern boundary of California, when the location of said railroad from San Francisco in that direction shall be completed to the said point of intersection.

Sec. 2. *And be it further enacted*, That in all cases where the United States may have disposed of any lands herein designated for selection by said State, or where, from any cause, the United States shall be unable to convey a title to the same, the deficiency may be made up by selections to be made, under the authority of the Legislature of the State of California, from any unoccupied and unappropriated lands belonging to the United States within that State, or from any such land as may have been occupied, with the consent of the occupant, and which shall be nearest to said railroads and telegraphic lines, respectively, within said State; and that for the purpose of facilitating the said selections, and the construction of the said works, the President of the United States shall cause the public lands, for the width on each side of said railroads and telegraphic lines as stated in the first section of this act, to be surveyed and marked in advance of the same as the work progresses.

Sec. 3. *And be it further enacted*, That the grant of land made by this act shall be on the condition that the State of California commence the said railroads and telegraphic lines within one year succeeding the first session of the Legislature thereof after the date of this act, and complete the same within ten years thereafter; and that, when completed, all troops, seamen, arms, munitions of war, military and naval stores, and funds, and other property whatsoever belonging to the United States, and all persons in the employment of the United States, being on official business, shall at all times be conveyed and transported, with their baggage, on and over said railroads free of any charge or expense to them or to the Government; and also, all telegraphic dispatches within that State on Government business; but, should cases of emergency arise in the public service, requiring an extraordinary quantity or amount of transportation, so as to affect the interest, income, or profits of said railroads, to such a degree as to operate oppressively, or to prevent the reception of the costs and expenses of interest upon the receipt of the costs and expenses of the said railroads, to be judged of by the President of the United States, he shall determine the amount of compensation which shall be just and reasonable for such extraordinary service; and should the same be deemed inadequate by the State of California, or those acting under its authority, the matter shall be submitted to Congress for a final determination. And the United States mail shall at all times be transported on said railroads, under the direction of the Post Office Department, at such rate of compensation as Congress may by law provide.

Sec. 4. *And be it further enacted*, That the rates of charge for the conveyance of passengers and transportation of goods, wares, and merchandise, and all kinds of freight, on the said railroads, shall be such that, with a careful and economical management of the same, the net income or profits thereon may not be reduced below the rate of eight per cent. per annum upon the amount of the costs and expenses of the said railroads; and that Congress may by law, at any time hereafter, fix, alter, and regulate the aforesaid rates of charge, so as to limit or restrict the same to any rate above that specified in this section that may be deemed proper.

Sec. 5. *And be it further enacted*, That the said road shall be constructed throughout in a thorough, substantial, workmanlike manner, with all necessary drains, culverts, bridges, viaducts, crossings, turnouts, sidings, stations, watering places, and all other appurtenances, including the complete equipment of locomotives, of sufficient speed and capacity, commodious and comfortable passenger cars, and freight cars, adapted to the business to be done; and the obligation hereby imposed upon the State of California shall so cover, in detail, all of these provisions, as to secure the construction, maintenance, and equipment of roads at all times equal, in both respects, to a road of the first class, when thoroughly organized for business; and shall also provide for the constant supervision of a sufficient number of competent, skillful engineers; the gauge of said roads to be uniform throughout, and the rails of the best quality, weighing not less than sixty-four pounds to the yard.

Sec. 6. *And be it further enacted*, That the lands hereby granted to said State of California shall be subject to the disposal of the Legislature thereof for the purposes specified in this act; and should the aforesaid railroads, or branch, not be completed within the ten years, as limited in this act, the said State shall be bound to pay to the United States the net amount which may have been received from the sales of any part of said lands by the said State, and the title to remain valid in the purchasers under said sales, and the title to the residue of such land remaining unsold shall reinvest in or revert to the United States, and be held as other public land, in the same manner as if this act had never passed.

The provisions of the bill are familiar to the

members of this body who served in the last Congress. It differs in some respects from the form of the bills granting donations from the public lands for the purpose of aiding in the construction of railroads in the several States, which, after elaborate discussion, passed the Senate by a large majority. It differs in the quantity of land asked for, which I will be able, I hope, to satisfy the Senate and country is not exorbitant. It also differs in not raising the price of the alternate sections reserved to the Government to two dollars and fifty cents per acre. My object in leaving out this feature of bills that have met with the approval of the Senate, will be explained by reference to the homestead bill introduced by me, and which, before I take my seat, I shall ask to be referred to the Committee on Public Lands. The policy I intend to advocate on this floor is to grant alternate sections of the public lands to the States in which they lie, to aid such roads as, with proper restrictions, they may charter, and open the whole of the residue of the public domain to actual settlers, citizens of the United States, or having signified their intention to become such; who, after three years' occupation, shall have a fee-simple title to a quarter section for each settler, being the head of a family. My reasons for favoring the policy of thus disposing of the public domain I will explain more at large when these measures are acted on by the Committee on Public Lands and reported back to the Senate.

This bill, Mr. President, is intended to be the basis of the great railroad from the Pacific to the Mississippi. The point of commencement is San Francisco, the great center of commerce, wealth, and population on our Pacific coast, running thence to the southeastern boundary of the State, there to meet such route as may be determined upon by Congress, passing through the territories of the United States to the States on the Mississippi river. From this main track the bill provides for a branch, running north to the Oregon line, or to the northeastern boundary of the State. The object of establishing this branch is to connect with the route, if one should be discovered practicable, passing the Sierra Nevada at Noble's pass, and running east through the South pass to the waters of the Missouri river, or to connect at the Oregon line with the route surveyed by Governor Stevens, if it should be discovered practicable. My object in framing this bill, Mr. President, is to afford a connection with any route that may cross the continent to the Pacific ocean.

The quantity of land asked for is large, but the proposition is not new to the Senate. The distinguished Senator from Illinois [Mr. Douglas] reported, from the Committee on the Territories, during the last Congress, a bill granting the same amount of land to California, to enable that State to construct the portion of the great national railroad located within its borders. That bill was matured in the Committee on the Territories, of which I was at the time a member, after the most elaborate examination of the subject, and the committee were unanimously of opinion that the quantity of land asked for in this bill should be granted to California to enable that State to complete its portion of this great work.

During the last Congress I introduced a bill embodying, as this does, the main features of the one I have referred to as emanating from the Committee on Territories. It was elaborately discussed during that session, but not finally acted upon. I bring the measure forward at the commencement of the session, with an earnest hope that it will be acted upon at an early day.

I confine my efforts, Mr. President, in favor of this measure, to the boundaries of my own State. The bill avoids all constitutional difficulties in the construction of this great national highway. It asks for a grant of the public domain to the State to aid in its construction. The President, in his annual message, favors this policy. Congress has heretofore adopted it in several of the States, to wit: Illinois, Mississippi, Alabama, Missouri, and Arkansas. The policy of thus disposing of a portion of the public domain in these States, has been eminently successful, and it will prove to be so in all the States and Territories, if a wise precaution governs our legislation, making the grant to such works as will undoubtedly develop the resources of the country. I know this bill will meet with opposition, from the quantity

of land that it proposes to donate to the State of California.

I anticipated this difficulty, and am prepared to meet it. I have documents before me which I will read to the Senate, in order that they may thus reach the Committee on Public Lands, to aid them in their deliberations on this bill, which show the vast difficulties that must be overcome in California in the construction of this great national highway. I have, during the past summer, traveled over a great portion of the route in California, and can corroborate the statements I will now read to the Senate:

DEPÔT CAMP, POSE CR., August 30, 1853.

DEAR SIR: During our short interview on the Dry Creek, (where, unfortunately, I was too unwell to talk to you as much as I wished,) you requested me to write to you before you left for Washington, to give you such information as I could concerning our railroad. As I have an opportunity of sending to Fort Miller to-morrow, and may not have another, I write now, earlier than I intended.

After we left you we came direct to this creek, where we made our depôt camp, (there being no grass on Kern river,) and after remaining two or three days for astronomical observations, I left with a small surveying party for Walker's Pass, and thence followed along the backbone of the Sierra Nevada to the southward, examining every depression on the ridge till I came to the Tejon. I then went through the Cañada de los Uras, entered the basin to the northeast of the Sierra, crossed the plains to the eastern end of the Tejon pass, (wagon road,) and went through this pass, thus again getting into the Tejon, by which I mean the portion of the valley nearly inclosed by the hills. Afterwards I went some twenty-five miles to the westward, examined the Cañada de San Arminio, and finally reached here last night, having been absent twenty days.

I have had a very satisfactory trip, as I have obtained a thorough knowledge of the mountains from Walker's Pass on the north to the coast range. I am satisfied that there is no pass or depression on the mountains that has not been examined, and now I am prepared to go to work, understandingly, surveying. I am, however, much disappointed in the mountains themselves, as they are much higher and steeper than I expected to find them. It is difficult, in merely riding over a mountain, to judge correctly of the altitude gained, and the slope; and what appears a fine gently ascending valley, may, upon calculation, prove to be an ascent of three hundred or four hundred feet to the mile. The Tejon Pass, for instance, which you ascended, has its summit about four thousand five hundred feet above Kern Lake, and nearly all this ascent is to be gained in ten miles, or must be reduced by tunneling. The Cañada de los Uras is the lowest point of the sierra, and is three thousand one hundred feet above this place. These numbers are approximations from rough calculations.

We shall move camp at once from here to the Tejon, and I shall then commence surveying with a level, compass, and chain, through the Tejon Pass, the Cañada, &c., and you may rest assured that I shall not leave these mountains till I have data from which to make a report, based upon numbers and calculations which no one can dispute.

From what I have said, you will see that the difficulty of crossing the mountains is greater than we supposed. The extent of the difficulty, I am not, at present, able to state; and will not be till I have made a survey. As to the practicability of crossing, I have no doubt, and am inclined to think, the best point will be one of the passes leading into the Tejon. I conceive Walker's Pass to be almost out of the question; and if it were as good as the others, to be badly situated.

Truly and respectfully yours,

R. S. WILLIAMSON,
Lieut. U. S. Topographical Engineers.

Hon. Wm. M. GWIN,
San Francisco, California.

DEPÔT CAMP, CALIFORNIA, (on Pose Creek,) }
August 23, 1853. }

MAJOR: Since our arrival, and on the way here, I have had something of an opportunity of obtaining considerable information which is both new and interesting to me; and hoping it may be so to others, I will give it for what it is worth. I find that the character of the great Tulare Valley is very different from what most people have generally supposed. Although I had seen both ends of it several years ago, I had formed a wrong opinion of its value and advantages. At the southern extremity, I saw a very pretty, arable spot, and had formed the idea that it was much larger in extent than is really the case, and that there were other and similar locations. But to be more particular, I will begin at the northern extremity and come south, describing it as I go.

On the eastern side.—The valley, by the way of the wagon road, from the San Joaquin river to the Tejon pass, is about one hundred and ninety seven miles in length, say in a straight line one hundred and fifty miles, and on an average, about fifty miles in width, or in area seven thousand five hundred square miles. From the San Joaquin to King's river, it is a dry and arid plain. On King's river there is narrow bottom, averaging about half a mile wide by twenty-five long; twelve and one-third square miles. From King's river to the first of Four Creeks is a dry plain. Here is one of the most beautiful and fertile spots in California. In extent it is about twenty-five miles by ten, and about one half of it is at present expending of labor in draining to make a portion of it inhabitable—say two hundred square miles in all. From the Four Creeks to Tula river is a dry, arid plain, little or no arable land on it. Tula to Kern, a barren plain. On Kern river there may possibly be twenty square miles of inhabitable land. From Kern river to Tejon pass, a sand plain. At this point there may possibly be one hundred and fifty miles of tolerably good land though in some

portions it is very handsome, and the soil of most excellent quality. Through the whole length of this valley runs a tula marsh, which expands in some places into lakes. These lakes are, during most of the time, connected by a sluggish stream of water, and bordered by marshes of tula, but during very dry seasons, these canals or channels are dry, and the lakes are nearly or quite so. A Mr. Anderson tells me he crossed the valley from east to west, to about the middle, in 1844, and found the whole valley dry, with no water from mountain to mountain. The average distance from the Sierra Nevada, on the east to this marsh, is about twice as great as the distance from the marsh to the coast range of mountains on the west. As there are no streams making down from the coast range into this marsh, except in very wet weather, the whole of that portion west of the Tula lakes is worthless in the extreme.

The proportion, then, of this immense valley which can possibly be looked upon as inhabitable is small indeed—in all not more than three hundred and seventy-five square miles, or one twentieth part. With the exception of the places above-mentioned, there is little or no timber throughout the length and breadth of the whole valley. The Indians throughout this valley (and the same may be said of those in all this part of California) appear to have no particular name for any of their lakes, rivers, plains, or mountains, but call that one, or that portion of either occupied by them, after the name of the parcel of tribe or rancheria living there. The names thus derived of those portions of the above-mentioned Great Tular marsh, where it expands into lakes, are, commencing at the north, Tache, Clin-tache, Cho-lam, Tu-lum-ne or Kern, and Tu-lá-ris (commonly called Buena Vista) lakes. Kern river, near where it expands into Kern lake, is called, by the Indians, Po-sin-cu-lá; higher up, the La-ha-hen; and in the mountains, Chi ma-wee-ya. Pose creek is called How-che, or Haugh-che. It is a great pity that the Indian names of the different natural features of the country could not be preserved, instead of replacing them by those of pseudo discoverers, who take this means of gratifying a prurient desire for fame, at a great expenditure of good taste, common sense, and common justice. In a few years more these Indian names will be all that remains of a once powerful but rapidly decreasing people, victims of cruelty, injustice, and the various diseases which follow in the wake of civilization. The Indians that live in this valley, reside, for the most part of the time, along the base of the mountains. They have no permanent residences down in the plains, on account of the great annoyance which they experience from the mosquitoes, ants, and other insects. They come down, however, at the proper seasons to fish and gather the roots of the tula, wild rice, and grass seeds, for food. Upon these, together with the acorns on the mountains, and a little game which they contrive to kill, they manage to eke out a most miserable existence; but when very hard off for food, they are compelled to resort to theft. They have the reputation of being most accomplished thieves; but I know, from the best authority, that a great deal of the credit they have obtained for this kind of rascality is justly due to a class of Americans stopping on the Four creeks, King's river, and at some other points as far north as Stockton—particularly as to the stealing of horses, mules, and cattle. Among those to whom the most credit should be given, are two men, partners in business, (what business deponent saith not,) by the name of Dick Boat-rights and J. S. Hawkins. These two men live on the Merced river, below Shelling's rancho. They make, as do many others of the same stamp, a periodical visit to the vicinity of the Tejon pass, bring down a few goods, and a quantity of liquors, and always go back with a number of horses and mules which they say they have purchased from the Indians, but that some one has stolen them, is shown by the fact of none having been visited with the brand of the owner. However, after they get further north, they manage to get an iron, which serves the purpose of a vent; a piece of common hoop iron can be very easily bent so as to answer the purpose desired.

Before I proceed any further, I am going to ask myself several questions. What is the necessity or use of Fort Miller as a garrison post? What are the objects to be accomplished by having troops there? As they are at present located, can those objects be accomplished? If not, what more advantageous position can be selected? I say I ask myself these questions, because I have formed my own ideas upon the different points, or rather have presumed that such and such was the case.

I would say that as a tactical necessity, there is none; and their only use is, to act as a sort of nucleus for about a hundred lazy, shiftless vagabonds, who constitute "Mug-ginsville," or "Millerstown." The Indians in that vicinity—and I am surprised at their paucity—are very peaceable, (in fact they are too much diseased to be otherwise,) and were they not, the white men more than equal the Indians in numbers, men, women, and children.

Some of the objects to be accomplished are, I presume, to protect the Indians from the white man's abuse, and the whites from the Indians' retaliation, commonly called outrages or depredations. To prevent the Indians from the mountains from stealing from the inhabitants on the plains, or from any other section of country, or to keep peace amongst the different tribes or Rancherias.

As to the possibility of accomplishing these objects, I, of course, cannot say; but I can say that they are not accomplished, nor do I think it possible for the troops at Fort Miller to accomplish them. I will explain: There is no business carried on in California more successfully than that of horse stealing by Indians and white horse thieves in this section of country, and no section, so long as it is occupied by those whose business it should be to check it as much as possible, presents more advantages for the business.

The Indian thieves live along the east side of the coast range, from the Cajon pass up as far as the Tejon pass, and along the east side of the Sierra Nevada as far north as the head waters of the Merced and Tuolumne rivers. These Indians are all connected together; but the largest and worst band live just north of the head waters of Kern river, and in the vicinity of a large lake, probably the one put down on Fremont's map (Fremont never

was there, though a portion of his party was) as Owens's lake. They are called the Sey-pan-te-se tribe, and in the Indian language the Mez-tene-os, (or bad Indians.) Now imagine yourself in Tejon pass, to the north you have the great Tular and San Joaquin valleys, to the east the eastern slope of the Sierra Nevada, to the south the eastern slope of the coast range, and to the southwest and west, the passes of San Francisco and Walker's pass, leading to Los Angeles, and Santa Barbara respectively. (This last pass is named after an Indian chief, called Wal-ke-ra, and by Americans perverted into Walker's; and is the Walker's pass of the coast range, not of the Sierra Nevada. He is from the river Severn, and the most expert horse-thief in all California. He is a Eutaw chief, speaks Spanish, and has a large band with him; and several of the Rancheros, amongst whom is Williams, pay him tribute or black mail.) From this point you can go with wagons in each of the directions mentioned, except to Santa Barbara. Bear in mind the fact, that the mountain Indians are those who steal and commit all the depredations, (though those in the plains may be cognizant of the act,) and also that they live on the east side of the mountain range. They go to the southern country, steal animals, run them out of the Cajon or San Francisco passes, bring them north, run some of them into the Tular valley, through the Tejon pass, dispose of them to traders, (many of whom are deserters from the army,) and take the rest on north and cache them near the head waters of the Merced and Tuolumne rivers, and then at their leisure dispose of them to these or other Americans and Californians. A large proportion of the animals stolen are killed for food, or used by the Indians as saddle animals. Among these horse thieves are a great many Indians who were brought up on the missions; they speak the Spanish language, and are commonly great rascals. Now, the nearest practicable way to get at any of these Indians, starting from Fort Miller, is to go by this point: fifty miles from the Tejon pass. (It is said, with what truth I know not, that horses are stolen from the north, and taken to the south by the same routes.) In fact, for all movements against these Indians living between the Cajon pass on the south, and Carson valley on the north, the Tejon, or Walker's pass, (though I think the former by far the preferable location,) appears to be the two best points from which to start; and as the great and plain on the east, and the coast range on the west, necessarily force all travelers by land between the above-mentioned limits, to go by this point it is most admirably adapted for all the purposes of a frontier post. There is an amount of good land sufficient for raising a supply of grain, or supporting a number of animals adequate for all practicable purposes. The distance from San Pedro, to Los Angeles, is twenty-seven miles, and from Los Angeles to the Tejon pass, but eighty-five, and all but a few miles a most excellent and level wagon road, with plenty of grass, water, and wood: it being at an elevation of several hundred feet above the valley, the wind blowing fresh most of the year, and no marshes in the vicinity, nothing should prevent it from being one of the most healthy spots in the healthiest country in the world. From what I have already said, you can readily imagine what would be my answer to the last question. Another idea has struck me very forcibly, this point—the Tejon pass—is right in the midst of the very Indians who go to Jurupa, (a post garrisoned by fifteen or twenty soldiers, and within rifle shot of a settlement of five hundred stalwart, two-fisted Mormons,) and steal animals almost every moon. Thus, then, stands the case: The Indians which the troops stationed at Fort Miller will hereafter have to watch over, live to their east and south, and those under the charge of those stationed at Jurupa, come from their north. How would it work to bring those from the former place one hundred and seventy-five miles south, and those from the latter place one hundred and twenty-five miles north, where they would be joined in one body, and furnished with supplies from San Pedro by wagons, one hundred and twelve miles, or from Santa Barbara by pack mules, about eighty-five miles, or from Memphis, by railroad, distance unknown? Each would then be in the very best position to accomplish the objects most necessary, and to perform the duties which will hereafter devolve upon them.

Between Walker's pass and the Tejon pass, and about thirty miles distant from each, there is plenty of pine timber for building purposes; and although it is in the mountains, is accessible. I am thoroughly convinced, that could the General form his ideas from actual observation, he would agree with me in most of the views I have advanced above; and I have not the slightest doubt but that the posts of Fort Miller and Jurupa will be broken up within a year from this time.

Lieutenant Williamson is getting along remarkably well with his survey. He has completed his reconnaissance of all that portion of the Sierra Nevada from the head of Kern river to the coast range, and a most thorough one he has made. Walker's pass is of no account at all. He will proceed, as soon as the wagons arrive from Fort Miller with the subsistence stores, (and what detains them I cannot contrive, for they are now due six days,) to run several lines of levels through the different passes in the vicinity of the Tejon. Nothing as yet has been heard from Beal. The body of the man who strayed from Lieutenant McLean's party, was found on the plains between Kern river and the Tejon. The weather is quite warm, varying from 95° to 105° at mid day, and in the cool shade, and from 46° to 60° at sunrise in the morning. Although the difference of temperature during twelve hours has been as great as 50°, yet this great change is hardly felt. It has been raining for the last ten days, or a fortnight, over in the basin or plain beyond the mountains, some days quite hard. We had considerable of a shower here on the 17th instant, lasting about three hours, and wetting the ground an inch or more in depth. Please excuse my prolixity and freedom of speech; and should the communication contain any ideas you may consider worthy of attention, you can make what use of them you may think proper.

I remain, very truly and respectfully,
GEORGE STONEMAN,
First Lieut. Dragoons.
Major O. Cross, Quartermaster U. S. Army.

I have, in addition to these interesting statements, notes of Mr. Aubrey's expedition from the Tejon pass to the Rio del Norte, at Albuquerque, which I will read to the Senate:

NOTES BY F. X. AUBREY.

TEJON PASS, July 10th, 1853.—As the country between this point and San Francisco is well known, I have kept no minutes of my journey thus far. We crossed the Sierra Nevada at the Tejon pass, which is about the thirty-fifth parallel of latitude, and about fifty miles south of Walker's pass. From this point, we will travel east until we reach the Rio Grande, at Albuquerque, New Mexico. It is well to remark that, unfortunately, there is no one with us who knows anything of the country through which we must pass, and we could not obtain any information in regard to it. My party consists of eighteen men—twelve Americans and six Mexicans. Messrs. Tully, of Santa Fé, and Adair, of Independence, have joined us for a pleasure trip. We use pack animals entirely, having neither wagon nor carriage.

July 11.—Left the pass, and made twelve miles east, over a level, gravelly, and sandy soil, and found a spring of good water.

July 12.—Traveled twenty miles eastward. The country similar to that of yesterday; we met with no timber, but found several springs of fresh water; there is timber in the mountains, about the Tejon pass, but none on the eastern side of them.

July 14.—Traveled to-day thirty-five miles east, and struck the Mohave river, where we found plenty of good water. This river sometimes disappears in its course, whilst at others it contains as much as two feet of water. There is a little cottonwood timber upon its banks, and canebrakes in great abundance. The cane is not of the large species.

The Mohave takes its rise in the San Bernardino mountains, which lie to the south of us, and after pursuing a northern course to a point a little north of our present camp, turn suddenly east, and soon south of east, to empty into the great Colorado. Found good grass for our animals.

Made twenty miles back along the Mohave, and found water, timber, and grass abundant.

July 15.—Continued along the river about eighteen miles further in a direction nearly east; then leaving the Mohave to our right, we traveled fifteen miles northeast. Met with abundance of grass, a little timber, and a few miles of fertile land, along the river. There is no water in the bed of the stream, but it may be had by digging a few feet. Found wild cane from time to time. Encamped without water, grass, or wood.

July 16.—Still pursuing a northeastern course. We traveled to-day thirty-five miles, over a level, gravelly soil. We have deviated from our due east course, in order to avoid a region of sand hills that lie to our right, and directly between us and the great Colorado. The weather is very hot, and no rain has fallen since we left the pass. So far we have met with neither Indians nor game of any kind. We obtained a little water about half way in our day's journey, but saw no timber or grass.

July 17.—Made thirty-three miles, northeast, over a level, gravelly country; about half way, obtained a little very bad water. No grass or timber in sight during the day; but at night we obtained good water, grass, and wild cane. Prairie mountains lie on both sides of the trail.

July 18.—Traveled twenty miles, still northeast, over a level country. Saw but little good land, and no timber. After traveling about five miles, we found good spring water, but encamped without any.

July 19.—Course still northeast; distance, thirty-two miles, country level, soil inferior; grass and water, but no timber.

July 20.—Made twenty miles northeast, over a level, gravelly country, and obtained good spring water and grass. Saw no timber.

July 21.—Were detained in camp all day, by the sickness of one of the men.

July 22.—Traveled twenty miles east southeast, most of the distance through a little cañon, where we found grass, water, and cane in abundance, and struck the great Colorado of the west. The river, at this place, is over three hundred yards in width, and has from ten to fifteen feet water in the channel. Its banks are entirely destitute of timber and grass; in fact, no vegetation is met with except a small shrub called *chamezo* by the Mexicans, and I believe *artemisia* by botanists. We were very fortunate in striking the river at a point where there are neither cañons nor mountains; although the country appears very rough and mountainous, both to the north and south of us. To the north, the rocks are black and irregular, and seem to be volcanic; whilst the cliffs to the south are of red sand-stone. The banks, at the crossing, are low, rocky, and unchanging, and the current exceedingly rapid.

We followed the river up for five miles, and selected a crossing where it is some two hundred yards wide and twenty or twenty-five feet deep. We succeeded in finding a little drift wood, of which we made a raft. Four men took charge of it, and it was carried some three miles with the current before it could be landed. The heights were covered with Indians, in readiness to shoot us down. I started down with four men to follow the raft, and protect the men who were upon it, having ordered the camp to move down in haste. Having unloaded the raft upon the eastern bank, the men recrossed the river, and we selected a camp opposite the place where the baggage was deposited, and during the night kept up a constant fire with our rifles across the river, and in this manner protected it from the Indians.

The animals were taken to the crossing I at first selected to swim the river. I took them up with three men on the west bank, and four men received them on the opposite side. This detained us half a day; and altogether, we were detained five days from crossing the river.

The drift-wood of which we constructed our little raft, appeared to have been cut by beavers. These animals must be exceedingly abundant, as they destroyed, during the first night, the ropes with which our raft was bound to-

gether, and carried off the timber. The loss of the ropes was a great inconvenience to us. We set a guard afterwards, at night, over our second raft, to protect it from a similar fate.

The river showed signs of having been some fifteen feet higher than when we crossed it. It is here a grand and magnificent stream—swift, like the Mississippi, and, apparently, as well adapted to navigation.

The place of our crossing is well suited to bridging, or ferrage by steam, or otherwise.

We saw no water fowl about the river, and only a few antelope and black-tailed deer. East of the river we encountered a great many rattlesnakes of an uncommonly large size. They seem to be a new species, as their tails are covered, for some six inches from the point, with alternate white and black rings of hair or bristles, about a quarter of an inch long.

According to my observations, the Colorado of the west is set down upon the maps greatly to the east—perhaps as much as one hundred and fifty miles.

The Indians were constantly in sight, and watching our movements. They could not be induced to approach us; but assured us, across the river, that they were Mohaves.

On one occasion, while at rest for a few minutes in a deep gulley, about a mile from the crossing on the west side of the river, a Mexican mule-boy discovered something glistening upon the ground, which, on examination, proved to be gold. We at once commenced washing sand in our tin-cups, and in every one discovered particles of gold. This gold was discovered in a dark, coarse sand, and a black, heavy sand was found in the cup after washing away the gravel. The sandy soil was so compact, that we could not dig it up with our fingers. The Indians being still on the heights near us, and our party being separated by the river, the danger was so great that we could not remain longer at this spot. I intended to return again, but the Indians became so numerous that it was impossible to do so. This gulley is on the right bank of the river, and the head of it is in a very rough and rugged mountain.

July 27.—We washed sand on the east side of the river, and found gold in greater abundance than on any previous occasion. I myself washed a tin-cup full of yellow clay, and found about twenty five cents' worth of pure metal. The Mexican boy, on washing a frying-pan full of coarse sand, found from forty to fifty particles of pure gold, some of which were as large as the head of a pin. We took the clay and sand from the top of the ground without digging. The appearance of the country also indicates gold; made no further examination, as our animals had subsisted for five days upon the chamizote, without a blade of grass, and our provisions had been damaged in the Colorado, which must cause us to travel several days without anything to eat.

To-day we made ten miles east. The country is without wood, water, or grass.

July 28.—Two of our men being sick, we were compelled to return to the river on their account. Struck it some fifteen miles below the crossing, and found that from near that point it makes a considerable bend towards the east. The country here does not indicate gold, nor could we find any on washing the sands.

July 29.—The condition of our sick men obliged us to remain in camp all day. Our animals were in a starving condition, as there is not a particle of grass on or near the river.

July 30.—Left the river and traveled fifteen miles east and five miles northeast. A sick Mexican was so much disabled that we were compelled to make for a mountain north of us which indicated water; but we found neither water, timber, nor grass.

July 31.—Traveled eight miles northeast, and struck a large stream, but much smaller than the Colorado, coming from the east southeast, and running north northwest. This stream may be what the Mexicans designate as the *Rio Grande de los Apaches*, and what the Americans have recently called the *Little Red River*.

One of my Mexicans followed this stream a few miles, and says that it empties into the Colorado seven or eight miles below camp, and that there is below us a valley of good soil and grass in abundance. Where we struck this stream there is neither timber nor grass.

In the evening we traveled five miles south, to avoid mountains, and as many east. The country was level, but without grass or timber.

The mountains, or, perhaps more properly, hills, that we have thus far met with, are nothing more than elevations of various forms and dimensions, dispersed in a detached and irregular manner over a vast and otherwise uninterrupted plateau. Hence I have constantly termed the country level, and very properly, as it may be traversed in all directions among the solitary and detached elevations or mountains without the necessity of crossing them.

August 1.—Traveled twenty miles east, and found a spring of good water. The grass was abundant, and cedar trees were seen on the highlands. The country is level and the soil inferior.

August 2.—Made ten miles east, crossing a mountain or ridge where we found a fine pass, grass and timber, (cedar and piñon) abundant.

August 3.—Traveled twenty miles south of east, over a country somewhat broken; timber and grass abundant. Indians were in numbers all day, shooting arrows every moment. They wounded some of our mules, and my famous mare Dolly, who has so often rescued me from danger by her speed and capacity of endurance.

August 4.—We moved ten miles south to avoid mountains, and struck a valley which we left a few days since, and which extends to the Colorado. The mountains which we left are covered with timber. Grass and water are found in plenty.

The Indians commenced firing on us at sunrise, and continued until we reached camp. Arrows passed through the clothes of several of the men, and three passed through my own clothes, and I was slightly wounded by two others in different places. An arrow passed through the collar of Dick Williams. We killed several of the Indians, and wounded more. Peter Prudon accidentally shot himself in the right knee.

August 5.—Traveled ten miles southeast in a valley; no water; grass and timber in abundance on all the mountains.

August 6.—Continued ten miles southeast in the same valley in which we traveled yesterday; found no water, but good grass and plenty of timber on and below the mountains. As our sick men are unable to travel, we are suffering for water, having been nearly three days without any, and indications are not now favorable. Indians still around us.

August 7.—Traveled ten miles southeast, half the distance in the same valley, and then went to a mountain and found good water, grass, and timber. All the mountains in this country are covered with cedar, pine, and piñon. The grass is good in all the prairies, but none of them have any water. The soil is sandy, and full of particles of mica. Indians are numerous, and continue to fire upon us.

August 8.—Made fifteen miles east, southeast, crossing a little chain of mountains, where we found a level pass and timber; grass and water in abundance. Crossed a stream running from northeast to the southwest, which I think goes to the Colorado. After crossing the mountains we passed through a fine valley with an abundance of good spring water and timber near it. The Indians attacked the camp several times last night, but without success, and continued fighting us during the day, but with less boldness and resolution.

August 9.—After proceeding eight miles east, we found ourselves surrounded by cañons, apparently from one to four thousand feet deep—at least we sometimes could not see the bottom. We were compelled to return to the same camp. The country is high and level, and well supplied with timber, grass, and water.

August 10.—Moved ten miles southeast over a somewhat broken country. Crossed a stream of good water (with timber along its course) which is evidently a tributary of the Gila. The country indicates gold in abundance. We crossed a little chain of mountains, where we found a great quantity of silver ore, in flint rocks.

August 11.—Traveled southeast over a country a little broken, but well supplied with water, grass, and timber. Indications of gold still exist.

August 12.—Made fifteen miles southeast, crossing the bed of a large stream now dry, with plenty of timber along it. Struck the valley which we left some five or six days ago, having crossed a few days ago the head waters of a stream which passes through it.

This valley will be of the utmost importance in the making of a wagon or railroad.

To-day, for the first time on this trip, we ate a dinner of mule meat. It was a new dish to most of our men, and made some of them sick. To me it was an old acquaintance, and I feel well. It only served to remind me of hard times on other journeys. The quality of the meat depends on the appetite of the man. Several of us are now on foot.

August 13.—Marched twenty miles east, leaving to our right the great valley so often mentioned, and which extends to the Colorado. Passed through a little valley between two mountains, where we found timber, grass, and water in abundance. The soil was excellent.

We here met Indians, who professed to be very friendly, with papers of recommendation from the commanding officer of Fort Yuma, on the Gila trail.

August 14.—We left early, and after traveling five miles in an eastern direction, stopped to breakfast near an Indian camp of Garroteros. They professed friendship, but, having no faith in their professions, I selected a camp on the top of a small hill, which would give us an advantage in case of a fight. All went on well until our mules were saddled and we were ready to start, when, at a given signal, some forty or fifty Indians, apparently unarmed, and accompanied by their squaws, children, and babies (tied to boards) in their arms, very suddenly charged upon us and attempted to destroy the whole party with clubs and rocks. The signal of attack was the taking of my hand in fare well by a chief, which he held with all his strength. So soon as these first Indians commenced the fight, about two hundred more rushed from behind a hill and brush, and charged upon us with clubs, bows, and arrows. I thought, for a few minutes, that our party must necessarily be destroyed; but some of us having disengaged ourselves, we shot them down so fast with our Colt's revolvers, that we soon produced confusion among them and put them to flight. We owe our lives to these fire-arms, the best that were ever invented, and now brought, by successive improvements, to a state of perfection.

Mr. Hendrey, an American, and Francisco Guzman, a New Mexican, greatly distinguished themselves.

Twelve of us, just two thirds of the party, were severely wounded. I, among the rest, was dangerously injured. It was a very great satisfaction to me to find that none of my men were killed, nor any of the animals lost. We bled very much from our numerous wounds; but the blood and bodies of the Indians covered the ground for many yards around us. We killed over twenty-five, and wounded more. The bows and arrows that we captured and destroyed would have more than filled a large wagon.

Before the attack commenced, the squaws kept the clubs, which were from eighteen to twenty four inches long, concealed in deer skins about their children. When put to flight, they threw their babies down into a deep, brushy gulley near at hand, by which many of them must have been killed. This is the first time I ever met with a war party of Indians accompanied by their wives and children. The presence of the latter was evidently to remove from our minds all suspicion of foul play on their part. I was never before in so perilous a condition with a party in all my life. On this occasion, which will be the last, I imprudently gave my right hand, in parting, to the Indian chief. The left must answer for leave taking hereafter.

We have thus far had so much ill-luck to encounter that our arrival at our destination must be much delayed. First, our men fell sick, then our provisions were damaged in the Colorado; latterly a man shot himself through the knee; our mules' feet, for want of shoes, are worn out; and to

crown all, to-day, two-thirds of the party are badly wounded, and all have barely escaped with their lives. We are now subsisting entirely on mule meat, and do not get as much of that as we want. We are without salt and pepper, and in their absence it requires a stout stomach to digest our fare. But nobody complains; and the possibility of not doing what we have set out to do has never entered the minds of my party.

We traveled five miles this afternoon, with the Indians at our heels shooting arrows at us every moment.

August 15.—Traveled ten miles east, among mountains, where we found water, grass, and timber in abundance. Indians around us all day shooting arrows. I omitted, in the proper place, to say that I brought away from the mountains we passed through on the 10th, a little black sand, less than a cup full, and found in it, on washing, twelve or fifteen particles of pure gold.

August 16.—Made ten miles east, and found no water; plenty of grass and timber seen on the mountains north of us. Indians still numerous and troublesome. To-day met with copper in very great quantities. A vein of the pure native metal, about an inch and a half in diameter, was seen sticking out from a rock, which must have worn away by time and left the copper exposed. I think there is gold in the ore, but am not certain.

Our condition at present is bad enough. I have eight wounds upon me, five of which cause me much suffering; and at the same time my mule having given out, I have to walk the whole distance. Thirteen of us are now wounded, and one is sick, so that we have only four men in good health. We are unable to travel faster on account of Adair's condition.

Our canteens, &c., having been broken or destroyed in our fight with the Indians, we cannot carry water enough for more than half a day. This loss caused us to suffer more than can be imagined. Our animals were broken down by this traveling, which could not be avoided. We would come across abundance of water every day if we could march some twenty-five or thirty miles, but our condition is such that it requires three days to make that small distance. In addition to all this, we are now on half rations of horse meat; and I have the misfortune to know that it is the flesh of my inextinguishable mare Dolly, who has so often by her speed saved me from death at the hands of Indians. Being wounded some days ago by the Garroteros, she gave out, and we are now subsisting upon her flesh.

August 17.—Moved to-day about ten miles east, over a country rather rough. Suffering much for want of water. In crossing mountains, we have to select the highest places instead of the regular passes, as when caught in cañons or gulches, we are not strong enough to fight the Indians. To-day, from the top of a little mountain, I saw the great valley, so often mentioned, extending to the Colorado, not over twenty miles south of us, and it now seems to turn more to the east. I intend to make for it. I entertain fears that Adair and Baskerville are in danger from their wounds; all the others are getting better.

August 18.—Moved only five miles south of east. Found water, grass, and some timber.

August 19.—Went five miles to-day in the same direction as yesterday, and came to the great valley that extends to the Colorado. Encamped on a creek of good water and grass; Adair being sometimes unable to travel, we were waiting on him. Indians around us shooting arrows. We never return their fire without being certain of our shots.

August 20.—Traveled twenty miles east over a level, gravelly country; crossed a creek; found good grass; no timber in sight.

August 21.—Moved ten miles east over a level, gravelly country, and struck a large stream, which is, no doubt, a branch of the Gila. The mountains to the north of us are very rough, and without timber.

There is no grass on this stream, which is thirty yards wide, with three feet of water in the channel. Its course is from north to south.

August 22.—Made ten miles south east to a mountain. Country level, and without grass or timber.

August 23.—Moved about the same distance and in the same direction, over a low gravelly country. Struck a stream of good water, but without grass or timber.

August 24.—Went about eight miles north east, and encamped in the mountains, where we met with Apaches Tontos. No timber seen to-day.

August 25.—Crossed the mountains where the Apaches Tontos live; found water, timber, and grass in abundance. Traveled fifteen miles north east from the top of this mountain, from which we saw the Sierra Blanca Mountains, which are near the Pueblo of Zuñi.

Saw a prairie extending from the east end of the Garrotero mountain to the upper end of the Sierra Blanca. I saw this prairie when we were at the east end of the Garrotero mountain, but we were not in a condition to examine it; fifty miles is nothing with good animals; but ours were broken down, and our wounded men were unable to travel over ten miles a day. But I saw the country sufficiently well to convince me that there will be no obstacle whatever to the making of a rail or wagon road. The mountains which we crossed to-day are impracticable for either. I should like to return to the east end of the Garrotero mountain, and pursue the route I indicate; but it is utterly impossible to do so, as we are now living on berries and herbs. We would rejoice to have mule meat; but we have so few animals, and so many wounded men, that it would be unsafe to kill any more. I have the good fortune of having true men with me, otherwise I would be uncertain that the party could get through; but I have confidence in my men, and I feel positively certain that we will make the trip.

It will take us some ten or twelve days to reach Zuñi, where we expect to procure provisions. I shall travel near the mountains, as heretofore, on account of the certainty and facility of getting water; but shall remain in sight of the prairie extending from the Garrotero to the Sierra Blanca mountain.

August 26.—Moved ten miles east north east, most of the way along a creek, where we found grass in plenty, and some timber. The Apaches Tontos are numerous and troublesome.

August 27.—Made fifteen miles east, crossing two

streams, which are branches of the Gila. We met Indians to-day, who, I think, are not Apaches Tontos, as they do not speak any Spanish, and refuse to answer our questions. We obtained from them over fifteen hundred dollars worth of gold for a few old articles of clothing. The Indians use gold bullets for their guns. They are of different sizes, and each Indian has a pouch of them. We saw an Indian load his gun with one large and three small gold bullets to shoot a rabbit. They proposed exchanging them for lead; but I preferred trading other articles. Whether the Indians made these balls themselves, or whether they were obtained by the murder of miners in California or Sonora, I am unable to say.

August 28.—Traveled ten miles east over a good country met with more Indians, and traded for some horse meat, by giving articles of clothing in exchange. We traded also for a few hundred dollars' worth of gold. To-day a mule broke down, and an Indian gave me for it a lump of gold weighing a pound and a half, less one ounce.

The Indians are so numerous, they would destroy the party if we allowed them the least chance. But we are very vigilant, and select camps on elevated places, consequently we are unable to make any examinations for gold in the sands of the country. The Indians call themselves *Belenios*.

August 29.—Traveled some twenty miles in an eastern direction; the country quite level, and the land good, with plenty of grass and water.

August 30.—Traveled to-day about fifteen miles east, over a country a little broken. Water and grass abundant.

August 31.—Moved about twelve miles north of east, over a country similar to that of yesterday. Found water, grass, and pine timber.

September 1.—Traveled fifteen miles over a country a little broken, and well supplied with water, grass, and timber.

The soil was good.

September 2.—Traveled the same distance northeast to the Sierra Blanca. Followed Indian trails all day, and found grass, water, and pine timber in great abundance; and most of the soil is of a superior quality.

September 3.—Pursuing the same course, we traveled some fifteen miles among the same mountains. To-day we passed through valleys of good soil, and we found the pine timber in greater abundance than yesterday. The trees are generally from two and a half to five feet in diameter, and over two hundred feet high. We have seen timber enough to-day to make a railroad from the Eastern States to the Pacific. The passes through this mountain are level, and can be traveled by wagons without any difficulty whatever.

September 4.—Made twenty-five miles northeast, crossing the Colorado Chiquito after traveling about two miles. The land is level and good, and water and wood are plenty.

September 5.—Made twenty miles east northeast, and got out of the mountains after traveling five miles; struck the prairie, where we found good soil, grass, and water.

September 6.—Continuing northeast over a good and level country for twenty-five miles, we reached the Indian town or pueblo of Zuñi, where we met with a hospitable and civilized population, from whom we obtained an abundance of good provisions, over which we greatly rejoiced.

We have subsisted for a month on mule and horse-flesh, and for the most of that time, on half or quarter rations. But as I have reached this place with all my men, I feel satisfied. I shall take no notes of the country from this town to Albuquerque on the Rio Grande, as a level and much-traveled wagon road exists between the two places, and is familiar to the people of New Mexico. It has been described by others, and is well known to present no difficulties to the construction of a railroad.

September 10.—At Albuquerque, New Mexico. Before laying aside my pencil, for the use of which I have no fancy, I shall set down a few ideas that are now prominent in my recollection.

I set out, in the first place, upon this journey, simply to gratify my own curiosity, as to the practicability of one of the much-talked-of routes for the contemplated Atlantic and Pacific railroad. Having previously traveled the southern or Gila route, I felt anxious to compare it with the Albuquerque or middle route. Although I conceive the former to be every way practicable, I now give it as my opinion that the latter is equally so, whilst it has the additional advantage of being more central and serviceable to the Union. I believe the route I traveled is far enough south to be certainly free from the danger of obstruction by snows in winter. The route, in all its length, may be said to pass over a high plateau, or generally level country, for the most part thickly studded with prairie mountains, or detached elevations, seldom so linked together as to deserve to be called a chain of mountains. Numerous mountains were at all times in sight; but being for the most part isolated peaks, a detour of a few miles would always supersede the necessity of crossing them. To the south of our route from the Great Colorado to Zuñi, the country was more level than on the north, and for the greater part of the distance a valley extends nearly due east and west to the Colorado. The existence of so many mountains along the way must be considered, in reference to a railroad, as a very fortunate circumstance instead of a disadvantage, as it is the mountains alone which furnish the timber and never failing water. The plains are the only deserts and barren spots, if they are to be called so after the fashion of the day, which exist in all that vast region of country which lies between the Gila on the south and the British Possessions on the north, and the Rio Grande on the east, and the Sierra Nevada of California on the west. The plateau, or table lands, must furnish the track upon which the road is to be laid; but the mountains adjacent must furnish the timber, and the water for the use of men and animals employed in its construction, and for the use of the depots afterwards. It is well for the country over which I passed that these mountains exist, as without them it would be in reality one vast and repulsive desert. It would be a disadvantage for a railroad to have to cross them, as, although not difficult to cross, it would much increase the expense. But I saw nothing that rendered it at all probable that they would have to be crossed. On the contrary, I am satisfied that a railroad may be run almost mathematically direct from

Zuñi to the Colorado, and from thence to the Tejon pass in California. The section from the pass to San Francisco should leave the Tulare lake to the west, and should pass through the coast range of mountains, say in the neighborhood of San Juan, and thence to San Francisco, and by a branch to Stockton.

The west side of Tulare lake is unfit for a road on account of its miry nature. The section of the route from Zuñi to Albuquerque is plain sailing. That from Albuquerque to Independence, or St. Louis, or Memphis, is equally plain, by two or three well-known passes through the Sandia mountains, which lie east of the Rio Grande.

Certain slight deviations from the track which I pursued would improve the route. For instance, it would be better to leave my trail to the north, at a point say one hundred and eighty miles east of the Sierra Nevada, and intersect it again some fifteen miles west of the Colorado. On the east side of the Colorado the road should pursue a directly eastern course for seventy-five miles, and thence take an east southeast course for nearly two hundred miles, at the foot and on the south side of the mountains inhabited by the Garrotero Indians. Thence northeast for fifteen miles in a prairie between those mountains and a range of mountains, which seem to extend to the Gila. From this point the road should run easterly to the Colorado Chiquito river, and thence northeast to Zuñi. The distance from the east end of the Garrotero mountain to Zuñi is about two hundred miles. This route, as I indicate it, will pass at all times in sight of my trail, and through as practicable a country as any railroad route of the same distance in the United States.

The proposed route by the Sangre de Cristo, north of Taos, I take, if practicable at all, to be very objectionable, on account of the vast elevations the road must ascend to, and the large quantities of snow which fall and remain there so long during the winter months. This route has, also, the additional disadvantage of crossing two rivers, the Grand and the Green, either of which would be as costly to bridge as the Colorado.

A route has been somewhat spoken of just north of the Gila, with the view of having the route wholly on American ground. That, I am satisfied, is altogether out of the question, on account of mountains alone, if no other objection existed. The Gila route proper, passing in part through Sonora, is objectionable on several accounts besides its situation. In the first place, there is no timber upon the plains, nor upon the volcanic mountains that lie along the way. A considerable part of the route, too, lies over a country destitute of vegetation, which, when dry, is a white powder, resembling flour, in which the feet of men and animals sink several inches. This same clay, when wet, is the most treacherous of quagmires. Some parts of the road are also very sandy. Don Ambrosio Arriño, who took sheep to California last year, lost as many as eleven hundred among the sand hills west of the Colorado, by sinking in the sand, and being run over by those behind. Another serious objection to the Gila route is the great desert which lies west of the Colorado, and has an extent of one hundred miles without wood or water.

I have no interest in recommending one of these routes more than another. I took sheep and wagons to California last year by the Gila route, and I am about to return that way to California again with sheep. Upon the route which I have just traveled, I encountered many hardships and dangers, and met with serious pecuniary loss; yet I say it is the best for a railroad, and would be excellent for ordinary traveling by the Indians. A large portion of the trail over which I passed—some say two hundred and fifty miles west from the Rio Grande—is, for the most part, admirably adapted to farming and stock raising.

Mr. Aubrey has forwarded to me, with these notes, an interesting diagram of his route, which I shall present to the Senate to be referred to the Committee on Public Lands with this bill.

I have also received from Lieutenant Hamilton and Major Andrews, of the United States Army, notes of their explorations from San Diego to the mouth of the Gila river, and for some distance up the Colorado, with a diagram of their route, which I also present to the Senate:

Legend to accompany map of routes from San Diego to the mouth of the Gila.

It is believed that the San Diego and the mouth of the Gila are on the same parallel of latitude. The initial monument is taken thirteen miles south of the San Diego, which varies little from the truth. The distance between the initial monument and the mouth of the Gila is assumed to be one hundred and forty-one miles, which I think I remember aright. In the Indian names I adopt the Spanish sound of the vowels and the English sound of the consonants, except where they have been so long used as to render them Mexican, in which case I adopt the Mexican orthography. Carriage roads now in use are marked thus—Proposed routes of railroads, thus—(a red line.) Summit of mountain ranges—(red dots.) Indian villages, thus (a pyramid.) Paths, thus—Old unusual trails or water unknown, thus—

Commencing at San Diego, a road would run to the rancho of Tijuán along the level nearly of the sea—distance twenty-three miles, or nineteen three fourths as marked, from New San Diego. Hence, with but slight ascent and good road, we reach the spring of San Pedro y San Pablo, which is on the hill at a distance of fifteen miles from Tijuán. This eminence will be easily gained, or could be avoided altogether by going through Carrizita rancho and the Baja California road as indicated. Hence to Tecate is only a regular rise of water. Plenty of water at La Punta, Tijuán Creek, all the way to the last point of leaving it, spring of San Pedro and San Pablo, Carrizita, and through eight miles of Tecate Valley to San José, on Cartouch's rancho. Tecate is forty-three three fourths miles from New San Diego. And the house is in Baja, California, by a few yards. There is plenty of wood in Tijuán Creek—cotton-wood and willow. Oak in abundance in all the other valleys as far as Jacum. From Tecate

through you pass into other valleys, yet the ridges between them are hardly perceptible. At San José, four miles further, plenty of wood and water; at Valentine's rancho, three miles further, plenty of wood and water. At Milcuatui, four miles further, plenty of wood and water. This Milcuatui is a beautiful valley, long, well timbered on the edges, excellent pasture in the center, in form of a crescent, and has a pass out of it in a direct line to San Diego, now called Struck's Pass, from the first mail rider who went through it. This route I consider, from the reports I have had of it from express men, as less practicable by far, than the indicated route. The creek, as seen in the map, starting near the summit runs past Santiago, and Juan Pedro's rancho, and exhausts itself in Milcuatui valley. From first, water in Milcuatui valley to the summit between Deseret and Sea is twelve miles—to said summit by road traveled, sixty-seven miles. Thus far all is of easy ascent. An easy descent from the summit to Jacum valley now takes place; the ground supplying wood and water. Total distance, by present wagon road, seventy and one half miles from New San Diego. To reach the desert, it is now necessary to descend, and for this purpose the present express route appears best calculated. At first sight it would require a stationary engine for an inclined plane of say four hundred feet; but the other advantages of this route being so weighty would justify a thorough examination of all the passes in this vicinity for the purpose of avoiding said plane. Don Santiago Arguella, a gentleman who will soon be in your city, informed me that a gentle slope can be found down to the desert on the eastern side. If this exists, I will insure an easy approach to the summit. I believe this to be from twenty-five to thirty miles south of Jacum, and near a place called among the Indians and old Californians "El Matadero," where a battle was once fought between the settlers and Indians, and which is common property between the Mountain Indians of this side and the Cocopas of the Colorado.

After arriving on the plain of the desert no inconveniences are found; and the whole distance, from the mouth of the Gila to San Diego, would not exceed one hundred and sixty-five miles—the air-rumb being one hundred and forty-one miles.

No difficulties are to be met with in the Vallecitos route, except that, by this route, it will be about one hundred and sixty miles from Camp Yuma to San José del Valle, or Warner rancho, and from thence forty-five miles to San Luis Rey—a point considered in some of the speculations on the road. This route is in every way practicable, as well as a route from San Luis to San Diego, and from San Luis to Los Angeles.

Again, arriving at San José del Valle, an excellent route lies direct through Temecula to Los Angeles. On this I have been as far as Temecula; and, I am told, the rest of the route is equally good. In fact, I believe a good route can be obtained in either of the passes mentioned; and, I might add, that an ascent from the desert can be made by the Coyotes, via Juan Bautistas, Buena Vista rancho, and thence to Temecula.

At the request of Lieutenant Hamilton, I have added to the map above described that of the country between Jacum pass and Colorado river. The whole distance is a level, or so nearly so as to rise and fall imperceptibly. Hardly any grading would be required for arailroad, and that little only where some dry arroyo of, say ten feet wide, occurs. To reach Colorado river at a suitable crossing place, I think it would be necessary, after passing either north or south of Pilot Mountain, to bear northeast to the point marked on the map. From this crossing is also the most favorable direction for gaining the valley of the Gila, which would be reached over the level desert fifteen miles east of the Colorado. The soil of this country is barren, save in the bottoms, where a growth of mesquit occurs. Near the Colorado the cotton-wood and willow mingle with mesquit. There is no building stone, after leaving Jacum, until reaching a point eighty miles up the Gila. The chief advantages of this line are its directness and level ground. The Colorado is navigable for steamers of good power, and five feet draught to Lighthouse Rock, about two hundred and ten miles, by the stream, from its mouth. The current in summer is three and a quarter miles an hour, and during the June flood six and a quarter miles an hour. I have sounded from the mouth to Lighthouse Rock, and never found less than six feet six inches water. These soundings were taken below the Gila in March, 1852, and above the Gila in October, 1852, both months of low water.

Respectfully submitted,

GEO. P. ANDREWS.

Brevet Major U. S. Army.

I will here observe, Mr. President, that I have so worded this bill, that if it is ascertained that the only practicable route of the great national railroad should be by the Gila river, the State of California can provide for the appropriation of the land granted for the construction of a road passing down the valleys of the coast range of mountains to San Diego, and thence to the mouth of the Gila. I have applied to the Secretary of War for orders to Lieutenant Williamson, who has charge of the exploring party on the Pacific coast, to extend his explorations, pursuing the course of the coast range of mountains, and the valley of the Sacramento river, to Noble's Pass, through the Sierra Nevada mountains, and to give that pass a thorough examination. The Secretary has expressed his willingness to grant my request, provided Congress would make the necessary appropriation, which, I hope, will be done at an early day.

Mr. President, I am an ardent advocate of the great Pacific railroad. I believe it is the duty of the General Government to contribute liberally in land and money to aid in the construction of this

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

WEDNESDAY, DECEMBER 14, 1853.

NEW SERIES.....No. 3.

work. The national railroad is a national necessity. Without it, we cannot preserve the integrity of the Union, in time of war. There are members of this body who have constitutional scruples in using the national treasure in aiding in the construction of this great work; I have none. I look to the obligations of the Constitution as well as its restrictions. Among the powers conferred by the Constitution upon Congress we find prominent the obligation to provide for the "common defense" of the country. This great national highway is absolutely necessary to defend the Pacific coast of the United States in time of war. Without it, we shall be severed from the rest of the Union; with it, this Government is impregnable and can defy all the nations of the earth.

The bill was then referred to the Committee on Public Lands.

THE HOMESTEAD BILL.

Mr. GWIN. Mr. President, I move that the bill offered by me a few days ago, commonly known as the homestead bill, now lying on the Secretary's table, be taken up with a view to its reference to the Committee on Public Lands.

A BILL to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man, who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, who is the head of a family, and a citizen of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one quarter-section of vacant and unappropriated public lands, except the mineral lands, whether surveyed or unsurveyed, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of the public lands, and after the same shall have been surveyed.

Sec. 2. And be it further enacted, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family; and upon making the affidavit as above required, and filing the affidavit with the register, he or she shall thereupon be permitted to enter the quantity of land already specified: *Provided, however,* That no certificate shall be given, or patent issued therefor, until the expiration of three years from the date of such entry; and if, at the expiration of such time, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, shall prove, by two credible witnesses, that he, she, or they have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same, or any part thereof; then, in such case, he, she, or they shall be entitled to a patent, as in other cases provided for by law: And provided further, In case of the death of both father and mother, leaving an infant child or children under fourteen years of age, the right and the fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, in accordance with the laws of the State in which said children, for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States.

Sec. 3. And be it further enacted, That the register of the land office shall note all such applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Sec. 4. And be it further enacted, That all land acquired under the provisions of this act, shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

Sec. 5. And be it further enacted, That if, at any time after filing the affidavit as required in the second section of this act, and before the expiration of the three years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said entry for more than six months at any one time, then, and in that event, the land so entered shall revert back to the Government, and be disposed of as other public lands are now by law.

Sec. 6. And be it further enacted, That any individual, not a citizen of the United States, but at the time of making such application for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen, shall be placed upon an equal footing with the native-born citizen of the United States.

Sec. 7. And be it further enacted, That no individual shall be permitted to make more than one entry under the provisions of this act; and that the Commissioner of the

General Land Office is hereby required to prepare and issue such rules and regulations consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act, that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued: *Provided, however,* That all persons entering land under the provisions of this act, shall, as near as may be practicable, in making such entries, be confined to each alternate quarter section: And provided further, That nothing in this act shall be so construed as to impair or interfere, in any manner whatever, with existing preemption rights.

This bill differs in many material points from the one which passed the House of Representatives during the last Congress. It gives the right of settlement upon the unsurveyed as well as the surveyed public lands. This is indispensable to give the inhabitants of the new States and Territories the full benefits of this measure. Many years must elapse before the lands in those States and Territories will be surveyed, and without this important feature in the bill, it would be useless in those sections of the Union. It also excludes the mineral lands from its operation. It limits the time of occupation and cultivation to secure the title to the settler to three instead of five years. Every member of the Senate from the new States will see the importance of perfecting the titles to land under this act at the expiration of three years after its occupation and settlement. It also gives a quarter-section of land, not only to every citizen of the United States settling on the public lands, but to all persons who have declared their intention to become citizens at the date of their settlement. I move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

COLLECTIONS FROM IMPORTS.

Mr. GWIN. Mr. President, some days ago I introduced a bill providing for the payment to the State of California of all moneys collected from imports within the borders of said State, from the date of the treaty of peace with Mexico up to the date of its admission into the Union. I move that the Senate now proceed to the consideration of that bill, that I may have it referred to the Committee on Finance.

A BILL to authorize and direct the payment of certain moneys into the treasury of the State of California, which were collected in the ports of said State as a revenue upon imports, since the ratification of the treaty of peace between the United States and the Republic of Mexico, and prior to the admission of said State into the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby made the duty of the President of the United States, to cause to be paid into the treasury of the State of California, all the moneys collected in the ports now embraced within the limits of said State, from the thirtieth of May, one thousand eight hundred and forty-eight, to the day on which the Collector appointed under the act entitled "An act to extend the revenue laws of the United States over the territory and waters of Upper California, and to create a collection district therein," approved March three, eighteen hundred and forty-nine, entered upon the duties of his office: *Provided,* That all such moneys so to be paid to the State of California, shall be exclusive of all sums that have been judged to have been properly expended by virtue of "An act entitled, 'an act for the relief of Brevet Brigadier General Bennett Riley, and to enable him to settle his accounts with the United States,'" approved February 5th, 1853.

Sec. 2. And be it further enacted, That it is hereby made the duty of the President of the United States to cause to be paid into the treasury of the State of California, all moneys collected as a revenue upon imports in the ports now embraced within the limits of said State, from the day on which the collector appointed under the act aforesaid, approved third March, eighteen hundred and forty-nine, entered upon the duties of his office, to the day on which the State of California was admitted into the Union: *Provided,* That all such moneys so directed to be paid over shall be exclusive of all amounts properly disbursed in collecting the same.

Sec. 3. And be it further enacted, That it is hereby made the duty of the President of the United States to cause to be paid into the treasury of the State of California, all moneys collected in the ports now embraced within the limits of said State, as hospital and light dues, and which moneys were so collected prior to the day on which said State was admitted into the Union.

A flagrant wrong has been perpetrated on the people of California by the refusal of Congress to

pay over this fund to the State. The sacred principle which we fought for in the revolutionary war, that there shall be no taxation without representation, has been violated in withholding this money from the State. I hope that this just reproach upon the Government may be wiped out by the passage of this bill at an early day. I move its reference to the Committee on Finance.

The motion was agreed to.

EXPENSE OF SUPPRESSING INDIAN HOSTILITIES.

Mr. GWIN. Mr. President, I move that the Senate proceed to the consideration of the bill which I offered some days ago, to refund to California the expenses incurred by that State in suppressing Indian hostilities within its borders, that it may be referred to the Committee on Military Affairs.

A BILL to refund to the State of California the expenses incurred in suppressing Indian aggressions in that State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they hereby are directed to examine the accounts and vouchers, and to audit and settle the claims of the State of California upon the United States, for advances made and expenses necessarily incurred by that State in the suppression of Indian hostilities, aggressions, and depredation upon the persons and property of its citizens.

Sec. 2. And be it further enacted, That the amount so found to have been actually paid by the State of California for the purposes aforesaid, be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to be refunded or paid to the said State.

The early passage of this measure is of the greatest importance to the State of California. We are now burdened with an enormous State debt, and our citizens are subjected to oppressive taxation to sustain the State government. It is clearly the duty of the United States to assume the payment of this Indian war debt. It was created to defend our citizens from being massacred by the Indian tribes within our borders. Every similar debt contracted by other States has been assumed by the General Government. The vouchers upon which this claim on the National Government is based will be laid before Congress at an early day, which will show in detail the whole expenditure by the State authorities in the prosecution of these Indian wars; and as it is of the utmost importance to the credit of the State that the determination of Congress in regard to this debt should be known at an early day, it is hoped that immediate legislation will follow upon the presentation of these vouchers. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 12, 1853.

The House met at twelve o'clock m. Prayer by Rev. HENRY SLICER, Chaplain of the Senate. The Journal of Thursday was read and approved.

QUALIFICATION OF MEMBERS.

Mr. BARKSDALE announced that his colleagues from the State of Mississippi, Messrs. SINGLETON and WRIGHT, were present, and desired to be qualified.

Mr. CAMPBELL, of Ohio, stated that his colleague, Mr. HARRISON, was also present, and ready to be sworn.

Mr. JONES, of New York, announced that Mr. GERRIT SMITH, of New York, was likewise present.

The above-named gentlemen thereupon appeared, and were qualified by taking the oath to support the Constitution of the United States.

STANDING COMMITTEES.

The SPEAKER, according to order, announced the following standing committees of the House, viz:

Committee on Elections—Richard H. Stanton of Kentucky, James Gamble of Pennsylvania, Presley Ewing of Kentucky, James L. Seward of Georgia, Orasmus B. Matteson of New York,

Nathan T. Stratton of New Jersey, Edward Dickinson of Massachusetts, George Bliss of Ohio, and Samuel Clark of Michigan.

On Ways and Means—George S. Houston of Alabama, George W. Jones of Tennessee, Harry Hibbard of New Hampshire, Alexander H. Stephens of Georgia, John S. Phelps of Missouri, William Appleton of Massachusetts, John C. Breckinridge of Kentucky, Solomon G. Haven of New York, and John Robbins of Pennsylvania.

On Claims—Alfred P. Edgerton of Ohio, John Letcher of Virginia, Joshua R. Giddings of Ohio, Carlton B. Curtis of Pennsylvania, Daniel Mace of Indiana, John G. Miller of Missouri, Thomas Ruffin of North Carolina, Charles Ready of Tennessee, and William W. Boyce of South Carolina.

On Commerce—Thomas J. D. Fuller of Maine, John S. Millson of Virginia, John Wentworth of Illinois, Tappan Wentworth of Massachusetts, William Aiken of South Carolina, Aaron Harlan of Ohio, George W. Morrison of New Hampshire, William Dunbar of Louisiana, and Reuben E. Fenton of New York.

On Public Lands—David T. Disney of Ohio, Williamson R. W. Cobb of Alabama, Henry Bennett of New York, Bernhart Henn of Iowa, Milton S. Latham of California, Isaac E. Hiestor of Pennsylvania, Hestor L. Stevens of Michigan, Samuel Caruthers of Missouri, and Edward A. Warren of Arkansas.

On the Post Office and Post Roads—Edson B. Olds of Ohio, Paulus Powell of Virginia, Charles W. Upham of Massachusetts, Daniel T. Jones of New York, Wiley P. Harris of Mississippi, Ben Edwards Grey of Kentucky, Asa Packer of Pennsylvania, Jesse O. Norton of Illinois, and James A. McDougal of California.

On the District of Columbia—William T. Hamilton of Maryland, William O. Goode of Virginia, Richard Yates of Illinois, John G. Davis of Indiana, David A. Noble of Michigan, John Dick of Pennsylvania, William S. Barry of Mississippi, William Cullom of Tennessee, and John J. Taylor of New York.

On the Judiciary—Frederick P. Stanton of Tennessee, John S. Caskie of Virginia, James Mencham of Vermont, Origen S. Seymour of Connecticut, Samuel W. Parker of Indiana, Hendrick B. Wright of Pennsylvania, John Kerr of North Carolina, Francis B. Cutting of New York, and Henry May of Maryland.

On Revolutionary Claims—Rufus W. Peckham of New York, Augustus Drum of Pennsylvania, Moses B. Corwin of Ohio, John M. Elliott of Kentucky, Jacob Shower of Maryland, Sion H. Rogers of North Carolina, John F. Snodgrass of Virginia, Samuel L. Crocker of Massachusetts, and Norman Eddy of Indiana.

On Public Expenditures—William H. Kurtz of Pennsylvania, George Hastings of New York, Alexander C. M. Pennington of New Jersey, Preston S. Brooks of South Carolina, James C. Allen of Illinois, Robert M. Bagg of Tennessee, David Stuart of Michigan, John Z. Goodrich of Massachusetts, and Alexander DeWitt of Massachusetts.

On Private Land Claims—Junius Hillyer of Georgia, James H. Lane of Indiana, James Abercrombie of Alabama, Henry A. Muhlenberg of Pennsylvania, Samuel A. Smith of Tennessee, Theodore G. Hunt of Louisiana, Charles Hughes of New York, Matthias H. Nichols of Ohio, and Theodorick R. Westbrook of New York.

On Manufactures—John McNair of Pennsylvania, Thomas Davis of Rhode Island, John R. Franklin of Maryland, George W. Kittredge of New Hampshire, Hiram Walbridge of New York, Samuel Mayall of Maine, Elihu B. Washburn of Illinois, James F. Dowdell of Alabama, and Caleb Lyon of New York.

On Agriculture—John L. Dawson of Pennsylvania, Fayette McMullin of Virginia, Willis Allen of Illinois, Richard C. Puryear of North Carolina, William D. Lindsay of Ohio, Samuel Carlk of Michigan, William Murray of New York, John P. Cook of Iowa, and Samuel Lilly of New Jersey.

On Indian Affairs—James L. Orr of South Carolina, Ben C. Eastman of Wisconsin, Galusha A. Grow of Pennsylvania, Edward Ball of Ohio, Augustus E. Maxwell of Florida, Daniel B. Wright of Mississippi, Alfred R. Greenwood of Arkansas, Benjamin Pringle of New York, and Milton S. Latham of California.

On Military Affairs—Thomas H. Benton of Missouri, William H. Bissel of Illinois, Charles J. Faulkner of Virginia, Thomas M. Howe of Pennsylvania, William R. Smith of Alabama, Nathaniel P. Banks of Massachusetts, James A. McDougal of California, Emerson Etheridge of Tennessee, and Joshua Vansant of Maryland.

On the Militia—Elijah W. Chastain of Georgia, Jared V. Peck of New York, William Everhart of Pennsylvania, Zedekiah Kidwell of Virginia, William R. Sapp of Ohio, Samuel P. Benson of Maine, John B. Macy of Wisconsin, Edward Wade of Ohio, and James Maurice of New York.

On Naval Affairs—Thomas S. Bocock of Virginia, Moses Macdonald of Maine, George W. Chase of New York, William S. Ashe of North Carolina, Thomas B. Florence of Pennsylvania, Felix K. Zollicoffer of Tennessee, Charles Skelton of New Jersey, Alfred H. Colquitt of Georgia, and Augustus R. Sollers of Maryland.

On Public Buildings and Grounds—Burton Craige of North Carolina, Nathan Belcher of Connecticut, John L. Taylor of Ohio, Lawrence M. Keitt of South Carolina, and Ebenezer M. Chamberlain of Indiana.

On Foreign Affairs—Thomas H. Bayly of Virginia, Sampson W. Harris of Alabama, Joseph R. Chandler of Pennsylvania, Colin M. Ingersoll of Connecticut, Gilbert Dean of New York, Thomas L. Clingman of North Carolina, Wilson Shannon of Ohio, William Preston of Kentucky, and John Perkins of Louisiana.

On the Territories—William A. Richardson of Illinois, John McQueen of South Carolina, John L. Taylor of Ohio, David J. Bailey of Georgia, William Smith of Virginia, E. Wilder Farley of Maine, William H. English of Indiana, Philip Philips of Alabama, and Alfred W. Lamb of Missouri.

On Revolutionary Pensions—William H. Churchill of Tennessee, Henry A. Edmundson of Virginia, Israel Washburn of Maine, Peter Rowe of New York, Ner Middlesworth of Pennsylvania, Andrew Ellison of Ohio, James J. Lindley of Missouri, Smith Miller of Indiana, and Thomas T. Flagler of New York.

On Invalid Pensions—Thomas A. Hendricks of Indiana, Christian M. Straub of Pennsylvania, Russell Sage of New York, George Vail of New Jersey, James S. Chrisman of Kentucky, Andrew Stuart of Ohio, William B. W. Dent of Georgia, J. Wiley Edmonds of Massachusetts, and William M. Tweed of New York.

On Roads and Canals—Cyrus L. Dunham of Indiana, George Read Riddle of Delaware, Lewis D. Campbell of Ohio, James T. Pratt of Connecticut, William A. Walker of New York, David Ritchie of Pennsylvania, Henry M. Shaw of North Carolina, Leander M. Cox of Kentucky, and William Barksdale of Mississippi.

On Patents—Benjamin B. Thurston of Rhode Island, Samuel A. Bridges of Pennsylvania, Andrew Tracy of Vermont, Bishop Perkins of New York, and Clement S. Hill of Kentucky.

On Revised and Unfinished Business—Williamson R. W. Cobb of Alabama, John McNair of Pennsylvania, John McCulloch of Pennsylvania, Andrew Stuart of Ohio, and Alvah Sabin of Vermont.

On Accounts—Carlton B. Curtis of Pennsylvania, Andrew Oliver of New York, Edwin B. Morgan of New York, Thomas Ritchey of Ohio, and O. R. Singleton of Mississippi.

On Mileage—Andrew J. Harlan of Indiana, William H. Witte of Pennsylvania, David A. Reese of Georgia, Harvey H. Johnson of Ohio, and James Knox of Illinois.

On Engraving—George Read Riddle of Delaware, Mike Walsh of New York, and George A. Simmons of New York.

On the Library—Thomas H. Benton of Missouri, Joseph R. Chandler of Pennsylvania, and Charles J. Faulkner of Virginia.

Joint Committee on Printing—William Murray of New York, Richard H. Stanton of Kentucky, and Samuel L. Russel of Pennsylvania.

On Enrolled Bills—Frederick W. Green of Ohio, and Alexander De Witt of Massachusetts.

On Expenditures in the State Department—Daniel Wells of Wisconsin, George Vail of New Jersey, Samuel L. Crocker of Massachusetts, Samuel A. Smith of Tennessee, and Thomas T. Flagler of New York.

On Expenditures in the Treasury Department—

David Stuart of Michigan, Thomas W. Cumming of New York, Mordecai Oliver of Missouri, Michael C. Trout of Pennsylvania, and Edward Wade, of Ohio.

On Expenditures in the War Department—George W. Kittredge of New Hampshire, John Wheeler of New York, Ner Middlesworth of Pennsylvania, Davis Carpenter of New York, and Elihu B. Washburn of Illinois.

On Expenditures in the Navy Department—Fayette McMullin of Virginia, Thomas Ritchey of Ohio, Charles W. Upham of Massachusetts, James F. Dowdell of Alabama, and Alexander C. M. Pennington of New Jersey.

On Expenditures in the Post Office Department—Samuel Lilly of New Jersey, Smith Miller of Indiana, Samuel P. Benson of Maine, James L. Seward of Georgia, and James Abercrombie of Alabama.

On Expenditures on the Public Buildings—Henry A. Edmundson of Virginia, Mike Walsh of New York, Alvah Sabin of Vermont, Michael C. Trout of Pennsylvania, and Thomas W. Cummings of New York.

Mr. GROW. I ask leave to introduce a bill "for the encouragement of agriculture," of which previous notice has been given, for the purpose of reference.

[Cries of "Object!"]

LIBRARIAN OF THE HOUSE.

The SPEAKER. The first business in order is the question on the adoption of the following resolution, introduced on Thursday by the gentleman from Virginia, [Mr. BAYLY:]

"Resolved, That this House will proceed at one o'clock to elect an officer to be called the Librarian of the House of Representatives, who shall have charge of its books and documents, and shall discharge the same duties and receive the same pay that are now discharged and received by the messenger appointed by the Clerk to act as Librarian: *Provided*, That said messenger shall be dispensed with, and that the number of messengers hereafter employed by the Clerk shall be one less than are now authorized."

Upon this resolution the previous question has been ordered, and no other business is in order except by unanimous consent.

Mr. RICHARDSON. Do I understand the Chair to decide that that resolution now comes up as unfinished business?

The SPEAKER. Yes. It is the unfinished business of Thursday.

Mr. RICHARDSON. And that the previous question has been moved and seconded?

The SPEAKER. The main question has been ordered to be now put.

Mr. RICHARDSON. Does not the resolution go to the table?

The SPEAKER. No. The main question has been ordered to be now put.

Mr. BAYLY, of Virginia. I desire to fill the blank in that resolution, and to fix as the time the 13th instant.

Mr. COBB. The gentleman has no right to do that now, having called the previous question.

Mr. BAYLY. I believe I have the right.

Mr. RICHARDSON. No amendment can now be made.

Mr. BAYLY. It is not an amendment, and I undertake to say, that it has been the uniform practice of the House to allow blanks in resolutions to be filled without a motion. I have done it a hundred times myself, by merely directing the Clerk to do it.

Mr. RICHARDSON. I call the gentleman to order.

Mr. BAYLY. If it were a blank created by action of the House, it could not be filled except by motion; but such is not the case. It is of those blanks usually left in resolutions sent to the Speaker's table, and which have uniformly been filled without motion.

The SPEAKER. As the resolution now stands, no particular day is proposed to be fixed. The gentleman from Virginia now proposes to fix a day. It is in the nature, therefore, in the opinion of the Chair, of an amendment, and cannot be received at this time.

Mr. BAYLY. I do not think it material that the day should be named; but I know, when I was at the head of the Committee on Ways and Means, that I have filled such blanks a hundred times.

Mr. RICHARDSON. The blank can only be filled by unanimous consent.

WAR DEPARTMENT.

The SPEAKER. The Chair presents, with the unanimous consent of the House, the following communication from the War Department:

WAR DEPARTMENT,
WASHINGTON, Dec. 8, 1853.

SIR: In pursuance of the act of Congress of May 1st, 1820, I have the honor to transmit herewith, a statement of the appropriations applicable to the service of the War Department for the fiscal year 1852-'53, the amounts drawn by requisition from the Treasury during the same period, the balances on the 1st July, 1853, and such appropriations as have been carried to the surplus fund.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Hon. LINN DODD, Speaker of House of Representatives.

Mr. HOUSTON. I move that the communication be referred to the Committee on Ways and Means, and ordered to be printed.

The question was taken, and the motion was agreed to.

ELECTION OF LIBRARIAN FOR THE HOUSE.

The SPEAKER. The question now is upon the adoption of the resolution of the gentleman from Virginia, (Mr. BAYLY,) for the election of a Librarian for the library of the House.

Mr. HAMILTON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and resulted—yeas 98, nays 100; as follows:

YEAS—Messrs. Abercrombie, Aiken, Appleton, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Barksdale, Barry, Benson, Bocock, Boyce, Brooks, Bugg, Lewis D. Campbell, Carpenter, Caskie, Chamberlain, Chase, Chastain, Christian, Clingman, Colquitt, Cook, Corwin, Cox, Crocker, Cullom, Cumming, Dent, Dick, Dickinson, Dowdell, Eastman, Edmunds, Edmundson, Etheridge, Ewing, Farley, Faulkner, Flagler, Franklin, Goode, Aaron Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Haven, Hunt, George W. Jones, Keitt, Kerr, Kidwell, Knox, Leitcher, Lyon, McQueen, Matteson, John G. Miller, Millson, Morgan, Norton, Mordecai Oliver, Orr, Parker, Pennington, Bishop Perkins, John Perkins, Powell, Pringle, Puryear, Reese, Rogers, Rufin, Sabins, Sage, Shaw, Simmons, Singleton, Skelton, Georlt Smith, William Smith, William R. Smith, Alexander H. Snodgrass, Sollers, Stephens, Tracy, Upham, Wade, Walsh, Elihu B. Washburn, Israel Washburn, Tappan Wentworth, Wheeler, White, Daniel B. Wright, Yates, and Zollicoffer.—98.

NAYS—Messrs. James C. Allen, Willis Allen, Banks, Belcher, Bissell, Bliss, Breckinridge, Churchwell, Clark, Cobb, Craig, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, Disney, Dunbar, Dunham, Eddy, Edgerton, Ellison, English, Fenton, Florence, Fuller, Gamble, Giddings, Green, Greenwood, Grow, Hamilton, Andrew J. Harlan, Hastings, Honn, Hibbard, Hill, Hillyer, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, Kittredge, Kurtz, Lamb, Latham, Lilly, Lindley, Lindsley, McCulloch, McDougal, McNair, Mace, Macy, Maurice, Mayall, Smith Miller, Morrison, Murray, Nichols, Noble, Olds, Packard, Peck, Peckham, Phelps, Phillips, Pratt, Richardson, Sapp, Seward, Seymour, Shannon, Shower, Samuel A. Smith, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, John L. Taylor, Thurston, Trout, Vail, Vansant, Walbridge, Walker, Warren, Wells, John Wentworth, Westbrook, and Wright.—100.

So the resolution was rejected.

Mr. GROW. I ask leave of the House to introduce a bill, of which previous notice has been given, for the purpose of reference, in relation to agriculture.

Mr. JONES, of Tennessee. I call for the regular order of business.

The SPEAKER. Petitions are in order from the State of Maine.

Mr. HAMILTON. I move that the vote by which the resolution of the gentleman from Virginia [Mr. BAYLY] was rejected, be reconsidered, and that that motion be laid upon the table.

Mr. MILLSON. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HAMILTON. I withdraw my motion.

Mr. WHEELER. I renew it.

Mr. CLINGMAN. The gentleman from New York voted in the affirmative, and I presume that it is not now in order for him to make the motion he has.

The SPEAKER. It is not in order for the gentleman to do so.

Mr. DEAN. I ask the unanimous consent of the House for the purpose of introducing a resolution, of which previous notice has been given.

Mr. FULLER. I call for the regular order of business.

The SPEAKER. The regular order of business is the call upon States for petitions. Petitions are in order from the State of Maine.

On motion by Mr. FULLER, it was

Ordered, That the petition and papers of J. Clifton be

withdrawn from the files of the House, and referred to the Committee on Claims.

Mr. FULLER also moved the reference of the bill reported by the Committee on Naval Affairs of the last Congress, for the modification of the compensation of the forward officers of the Navy, to the Committee on Naval Affairs; which was agreed to.

On further motion of Mr. FULLER, it was

Ordered, That the petition and papers of Jacob McLellan be withdrawn from the files of the House, and referred to the Committee on Commerce.

AMENDMENT OF THE RULES.

Mr. CLINGMAN. I now make the motion, of which I gave notice the other day, that the rules be amended, so that States will be called upon for bills and resolutions, instead of petitions, leaving the petitions to be presented in the customary manner. If there be objection to the motion, I move that the rules be suspended, so that it may be introduced.

Mr. JONES, of Tennessee. I ask for an adherence to the rules.

Mr. CLINGMAN. I trust that the rules may be suspended for the purpose I have indicated. I do not like to be troublesome, but I am convinced that we will save time, and expedite business, by the adoption of my amendment to the rules. I move a suspension of the rules, for the purpose I have indicated.

The SPEAKER. Will the gentleman be pleased to submit his proposition in writing.

Mr. CLINGMAN. It is as follows: I move to strike out so much of the rules as requires States to be called for petitions; leaving that part which enables us to call for bills and resolutions.

The question was put on the motion to suspend the rules, and the Speaker announced eighty-four voted in the affirmative.

Mr. CLINGMAN. I ask for tellers.

Tellers were ordered; and Messrs. CLINGMAN and CHURCHWELL were appointed.

The question was then taken; and the tellers reported one hundred votes in the affirmative, and fifty-two in the negative.

Two thirds of the members not having voted in the affirmative, the motion was lost.

PETITIONS.

The SPEAKER. Petitions from the State of Maine are now in order.

On motion by Mr. WASHBURN, of Maine, it was

Ordered, That the bill and papers in behalf of French Forrest be withdrawn from the files of the House, and referred to the Committee on Naval Affairs.

Also, that the petition and papers of John R. Bond be withdrawn from the files of the House, and referred to the same committee.

Mr. EDMANDS presented the petition of Esther Scollary, praying for a pension as widow of a revolutionary soldier.

Also, the petition of Mary Elliot, asking for a pension as widow of a revolutionary soldier.

Also, the petition of Abigail Brown, asking the same relief. Referred to the Committee on Pensions.

On motion by Mr. THURSTON, it was

Ordered, That the bill and papers in behalf of Andrew Morse be taken from the files of the House, and referred to the Committee on Patents and the Patent Office.

Mr. DAVIS, of Rhode Island, presented the petition of Charles H. Robinson, a naval pensioner, asking for an increase of pension; which was referred to the Committee on Pensions.

Mr. INGERSOLL. I ask the unanimous consent of the House to introduce a resolution, and upon that I beg leave to say a few words in explanation.

Mr. JONES, of Tennessee. I object.

The SPEAKER. Objection is made, and the resolution is not in order.

Mr. WENTWORTH, of Illinois. I move to suspend the rules so as to commence with resolutions where we left off the other day. If we do not, some of the States will never be reached.

Mr. JONES. It is very certain that if a motion to suspend the rules every five minutes is made, we never shall get through.

Mr. CLINGMAN. Is this discussion in order?

The SPEAKER. Debate is not in order.

Mr. WENTWORTH. I have been trying for a long time to present petitions from my State; but I will withdraw my motion, and wait until I

see how long it will probably be before my State will be reached under this proceeding, before I present the motion.

Mr. KITTREDGE presented the petition of Robert Ham, asking that back pay or pension money be granted to him; which was referred to the Committee on Invalid Pensions.

On motion by Mr. HUGHES, it was

Ordered, That the papers of John W. Cameron be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

On motion by Mr. CHASE, it was

Ordered, That the papers in the case of Josiah Martin be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

Mr. CUMMING presented the petition of John C. Carter, Lieutenant in the United States Navy, asking for compensation for services as Acting Purser of the United States steamship Massachusetts, and moved that the same be referred to the Committee on Naval Affairs; which motion was agreed to.

On motion by Mr. TAYLOR, of New York, it was

Ordered, That the petition and accompanying papers on behalf of the heirs of Thomas Park be withdrawn from the files of the House, and referred to the Committee on Revolutionary Claims.

Also, that the petition and accompanying papers of Doctor Lemuel Hudson, praying for a pension on account of disability incurred in the military service of the United States, as a surgeon, during the war of 1812, be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

Also, that the petition and accompanying papers of Oliver Brown, praying for a pension on account of disability incurred in the military service of the United States, during the war of 1812, be withdrawn from the files of the House, and referred to the Committee on Invalid Pensions.

Mr. JONES, of New York, asked and obtained the unanimous consent to withdraw from the files of the House the petition and papers of Ebenezer Cowes, and that they be referred to the Committee on Revolutionary Pensions.

Also, the papers of Mary Hopperton, and that they be referred to the Committee on Invalid Pensions.

Also, the papers of Gratia Reay, and that they be referred to the same committee.

Also, a memorial and other papers from the Medical Association of the United States, for the purpose of reference to the Superintendent of the Census.

On motion by Mr. FENTON, leave was granted to withdraw from the files of the House the memorial and accompanying papers of the late Oliver Lee and his legal representatives, asking payment of a judgment against A. Barker, Esq., late Collector at Buffalo, New York; and it was referred to the Committee on Claims.

Mr. F. also presented the petition of Charles Benvels, of New York, asking pay for services in the war of 1812; and it was referred to the Committee on Invalid Pensions.

Mr. F. also presented the petition and accompanying papers of J. L. Heminger, of New York, an invalid, asking pay for services in the war of 1812, and it was referred to the Committee on Invalid Pensions.

Mr. SMITH, of New York, presented the petition of the New York City Temperance Alliance, for a law authorizing the authorities of the city of Washington to suppress the traffic in intoxicating drinks. I wish to refer it to a select committee.

Mr. RICHARDSON. I object to raising select committees upon subjects that properly belong to local legislation.

Mr. CLINGMAN. As it gives rise to debate, of course it goes over under the rules.

Mr. RICHARDSON. I propose to debate it. The SPEAKER. The petition will then lie over.

Mr. SMITH presented the petition of citizens of Mexico, New York, for a new pension law; and it was referred to the Committee on Pensions.

On motion by Mr. WESTBROOK, it was

Ordered, That leave be granted to withdraw from the files of the House the papers of the heirs of Captain Frederic Schoonmaker for repayment of moneys expended in the war of the Revolution, and that the same be referred to the Committee on Revolutionary Claims.

SUSPENSION OF THE RULES.

Mr. EWING. Is it in order to move to postpone the calling upon States for petitions, and proceed with the call for bills and resolutions?

The SPEAKER. It would be in order to move to suspend the rules for the purpose of introducing such a resolution.

Mr. EWING. Then I move to suspend the rules for the purpose of introducing a resolution to postpone the calling of the States for petitions, until the last Friday of this month, and proceed at once to call the States for resolutions. By the course we are now pursuing, we will never reach a call upon States for resolutions.

The question was taken, and the motion to suspend was not agreed to.

Mr. LILLY presented the joint resolutions of the Legislature of New Jersey, relative to a break-water at Cape May; and they were referred to the Committee on Commerce.

Mr. ROBBINS presented the petition of John E. Reinhardt, of Philadelphia, Pennsylvania, asking Congress for remuneration for revolutionary services; and it was referred to the Committee on Revolutionary Pensions.

On motion by Mr. GAMBLE, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of James S. Barker, and that the same be referred to the appropriate committee.

Mr. DRUM presented the memorial of Presley M. Kellup, of Indiana county, Pennsylvania, praying for a pension; which was referred to the Committee on Invalid Pensions.

Mr. CHANDLER presented the petition of sundry citizens of the city of Philadelphia, asking Congress to grant one hundred and sixty acres of land to all soldiers of the war of 1812, without regard to length of service; which was referred to the Committee on Public Lands.

Mr. HOWE presented the petition of Anne W. Butler, of Pennsylvania, praying for compensation for services performed by her late husband, Captain James R. Butler; which was referred to the Committee on Military Affairs.

On motion by Mr. FLORENCE, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of James A. Dearnay, a soldier of the Mexican war, asking for a pension; and that the same be referred to the Committee on Invalid Pensions.

Mr. BAYLY, of Virginia, presented the petition of sundry citizens of Yorktown and vicinity, asking for the erection of a light on or near York Spit, and buoys at Taos Marshes; which was referred to the Committee on Commerce.

Mr. GOODE presented the petition of the Petersburg volunteers, praying for compensation for deficiency of ration and pay in the war of 1812; which was referred to the Committee on Military Affairs.

On motion by Mr. SMITH, of Virginia, it was

Ordered, That the papers in the case of Finnall and Graham be withdrawn from the files of the House, and that the same be referred to the Committee on the Post Office and Post Roads.

Mr. SHAW presented the petition of Thomas W. Williams, Bateman O'Neal, George W. Felcher, and others, praying for the establishment of a light-house at the Roanoke Marshes; which was referred to the Committee on Commerce.

On motion by Mr. ORR, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of the heirs of Beatty —, and that the same be referred to the Committee on Public Lands.

On motion by Mr. BAILEY, of Georgia, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Elizabeth Barkston, for the purpose of future reference.

On motion by Mr. CHASTAIN, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of the Cherokees residing in States east of the Mississippi, praying for additional pay, *per capita*, due them under the treaties of 1835 and 1846, and that the same be referred to the Committee on Indian Affairs.

On motion by Mr. DENT, it was

Ordered, That the papers in the case of Manah D. Robeson and Andrew Smith be withdrawn from the files of the House, and that the same be referred to the Committee on Claims.

THE ESTIMATES.

Mr. HOUSTON. I ask the unanimous consent of the House to suspend the order of business, so as to allow me to refer to the Committee on Ways and Means the letter of the Secretary of the Treasury, transmitting to this House the estimates for—

Mr. CLINGMAN. I insist upon an adherence to the rules. I object to anything being introduced now which is not strictly in order.

PAPERS WITHDRAWN.

Mr. SMITH, of Alabama. I ask leave of the House to withdraw from its files the petition of John Baird, and to have the same referred to the Committee on Invalid Pensions.

Leave was granted, and the petition and papers were so referred.

I also offer a resolution which I desire may be referred to the Committee on the Rules.

Mr. CLINGMAN. It is not in order. I object to everything out of the regular course.

Mr. HOUSTON. Is it in order to give notice of a bill under this call?

The SPEAKER. It would be in order under the call for resolutions.

Mr. CLINGMAN. It cannot be in order now.

Mr. HOUSTON. I merely ask for information. I never object to conform to the rules of the House. I wish at all times to conform to them.

The SPEAKER. It has been usually allowed that a member may give notice of his intention to introduce a bill under the call for petitions; but there is no rule on the subject, and, if objection is made, it cannot be allowed.

Mr. HOUSTON. I merely proposed to give notice of the introduction of a bill.

Mr. CLINGMAN. Keep to the rules established by the House.

The SPEAKER. This permission has been usual; but as the Chair has already stated, there is no rule upon the subject.

Mr. CLINGMAN. I object.

Leave to introduce the bill was therefore not granted.

NOTICES OF BILLS.

Mr. DUNBAR gave notice that he would on to-morrow, or some subsequent day, introduce a bill to remove the obstructions to navigation at the mouths of the Mississippi river, at the Southwest pass, and at Pass-ou-Loutre.

Also, a bill to establish a navy-yard at New Orleans, or in its vicinity.

NOTICES OF BILLS.

Mr. EDGERTON gave notice that to-morrow, or on some subsequent day of the present session, he would ask leave to introduce a bill to grant to the State of Ohio the unsold and unappropriated public lands remaining in that State.

Also, a bill to provide for the resurvey of certain townships in the county of Williams, in the State of Ohio.

PAPERS WITHDRAWN.

On motion by Mr. OLDS, it was

Ordered, That leave be granted to withdraw from the files of the House the petition and papers of Beverly Stone, with a view to their reference to the Departments.

On motion by Mr. BLISS, it was

Ordered, That leave be given to withdraw from the files of the House the petition and accompanying papers of Charles Alcott, asking for compensation for the use of his patented invention of iron ships by the Government, and that the same be referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

Mr. CLINGMAN. I would inquire whether, under the rules this session—I know it was so last session—gentlemen cannot withdraw petitions and papers, and refer them to the committees, without troubling the House?

The SPEAKER. That is so by express rule of the House, which the Clerk will read for the information of members.

The Clerk accordingly read a portion of the 24th rule, as follows:

"Members having petitions and memorials to present, may hand them to the Clerk, indorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the Journal, subject to the control and direction of the Speaker; and if any petition or memorial be so handed in, which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received."

The SPEAKER. Under that rule the practice has been uniform during my service here, to withdraw and re-refer any matter introduced at a preceding session of Congress. The Chair therefore holds that it is in order so to do.

Mr. JONES, of Tennessee. I think that the Speaker, on reflection, will correct that decision. It has always, I think, been necessary to obtain the consent of the House to withdraw papers,

and for this obvious reason: gentlemen may come here, withdraw papers, put them in the hands of those for whose benefit they were presented, and then suppressing such as they may find unfavorable to the claimants, afterwards bring the balance in here, and refer it.

The SPEAKER. The gentleman from Tennessee misapprehends the Chair; the decision of the Chair was not that members might withdraw papers for the purpose of sending them to the Departments, or for any other purpose except to re-refer them to committees of this House. That has been the uniform practice.

Mr. CLINGMAN. Certainly.

Mr. EWING. I ask leave to present a resolution proposing to amend the Constitution of the United States as regards the mode of electing the President and Vice President.

The joint resolution was read a first and second time by its title and referred to the Committee on the Judiciary.

Mr. JONES, of Tennessee. I found upon my table this morning the petition of Amos and J. E. Kendall, accompanied by a note, requesting that I would present it to the House, and have it, together with papers relating to the same subject on file in the Clerk's office, referred to the Committee on Indian Affairs. I have not looked into the petition, and do not know to what subject it relates; but the House can refer it to the Committee on Indian Affairs, if it see proper.

Mr. CLINGMAN. I propose to debate that petition.

Mr. JONES. I thank you for that.

The SPEAKER. As the gentleman from North Carolina [Mr. CLINGMAN] proposes to debate the petition, it must go over.

MEMORIALS.

Mr. EDGERTON presented the memorial of citizens of Toledo, Ohio, requesting an appropriation for the erection, at that place, of a custom house and marine hospital; which was referred to the Committee on Commerce.

Mr. ZOLLICOFFER presented the memorial of Wilkins Tanehill and Catherine Stout; which was referred to the Committee on Claims.

Mr. DAVIS, of Indiana. Will it be in order to introduce a bill of which previous notice has been given?

The SPEAKER. It is not in order, unless by unanimous consent.

Mr. DAVIS. Well, I ask the unanimous consent of the House to introduce the bill.

[Several MEMBERS objected.]

Mr. DAVIS, of Indiana, presented the petition of Moses Pettit, of the State of Indiana, asking for relief; which was referred to the Committee on Claims.

Mr. WASHBURNE, of Illinois, presented the memorial of Mrs. Helen McKay, praying for the passage of an act of Congress allowing her the commissions due her late husband, Colonel Aeneas McKay, deputy quartermaster general, for distributing moneys under an appropriation "for preventing and suppressing Indian hostilities, and so forth;" which was referred to the Committee on Military Affairs.

Mr. W. also presented the petition of William K. Miller and others, asking the establishment of certain post routes; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. BISSELL, it was

Ordered, That the memorial of General Sylvester Churchill be withdrawn from the files of the House, and referred to the Committee on Military Affairs.

Mr. BISSELL. I desire to give notice of my intention to introduce a bill.

Mr. PECK. I object.

Mr. LINDLEY presented the memorial of the St. Louis and Iron Mountain Railroad Company; which was referred to the Committee on Public Lands.

Mr. WARREN presented a petition from the inhabitants of Hampstead county, Arkansas, praying for the establishment of a post route from Washington, in said county, to Magnolia, in Columbia county, Arkansas.

Mr. W. also presented a petition praying for the establishment of a post route from Camden, in Ouachita county, Arkansas, to Magnolia, in Columbia county, in said State. Referred to the Committee on the Post Office and Post Roads.

On motion by Mr. CLARK, it was

Ordered, That the papers of Moore & Hasell be withdrawn from the files of the House, and referred to the Committee on Patents and the Patent Office.

Mr. COOK presented memorials of citizens of Iowa, asking a grant of lands to aid in the construction of certain railroads in said State; which were referred to the Committee on Public Lands.

On motion by Mr. MACY, it was

Ordered, That certain memorials and petitions asking a grant of alternate sections of land to the State of Wisconsin, in aid of certain railroads constructing by the Rock River Valley Union Company, be withdrawn from the files of the House, and referred to the Committee on Public Lands.

On motion by Mr. EASTMAN, it was

Ordered, That the petition and papers of James Morrison and others, sureties of G. R. C. Floyd, late Secretary of the Territory of Wisconsin, for authority to the accounting officers to settle the account of Louis Floyd; and the petition and papers of A. Finch, Jr., and eighty-one other citizens of Milwaukee, Wisconsin, asking Congress to remit a fine against Sylvester Pettibone, be withdrawn from the files of the House, and referred to the Committee on the Judiciary.

On motion by Mr. EASTMAN, it was

Ordered, That the petition and papers of James B. Estes, for compensation for property taken for the use of troops in Wisconsin during the Black Hawk war, in 1832, be withdrawn from the files of the House, and referred to the Committee on Claims.

Mr. WELLS presented the petition of J. A. Lapham, for compensation for services and information furnished Messrs. Foster and Whitney, and Mr. Owens, in making geological surveys of Wisconsin, Michigan, Iowa, and Minnesota, and also the letter of Charles Whittlesey on the same subject, and moved their reference to the Committee on Claims; which motion was agreed to.

Mr. LANE, of Oregon. I would ask the unanimous consent of the House for leave to introduce a resolution.

Mr. CLINGMAN. I object.

Mr. LANE. It will be a long time before Oregon is again called, and I would be very much obliged if the gentleman making objection would withdraw it and let me introduce the resolution I have in my hand.

Mr. CLINGMAN. There is no person I would oblige sooner than my honorable friend, the Delegate from Oregon; but I attempted, during the whole of the last Congress, to introduce a bill out of order, and it was uniformly objected to. I must persist in my objection.

REPORTS.

The SPEAKER then proceeded to call for reports from the committees of the House.

Mr. DEAN. I move to suspend the rule calling for reports from committees, as there can be no reports ready.

Mr. RICHARDSON. Let the call go on. We will consume more time in suspending the rule than it would take to go through with the call for reports from committees.

Mr. DEAN. I withdraw my motion.

The call upon committees for reports was then gone through with.

RESOLUTIONS.

The SPEAKER announced that resolutions were now in order; and proceeded to call the States, beginning with Virginia.

The State of North Carolina having been called—

Mr. CLINGMAN. Mr. Speaker, I now make a motion, which I attempted to make half an hour ago. I assure the House that I would not have renewed it, if I did not apprehend that there is a large majority in favor of the movement—I mean as to the 24th rule of the House, of March, 1842. I would not occupy the time of the House by discussing it, were there not several members here who have not yet had time to read the rules, and many of whom do not know the effect of my motion. I hope they will give me attention for a single minute. At the time when this standing rule—by which States were called for petitions—was adopted, it was necessary, because that was the only mode by which members could get in a petition. It was found, however, that a great deal of time was occupied in this way; as gentlemen would rise in their places, propose to debate the resolution, and it would go over indefinitely. No one of these resolutions have ever been reached in my time in Congress. No resolution which a gentleman should propose to debate, as, in the case of the petitions of the gentleman from Tennessee—

Mr. JONES, of Tennessee. The gentleman from North Carolina has no petition to debate.

Mr. CLINGMAN. The Speaker stated that it would go over, and probably it never will be reached. Owing to these difficulties, the rules were amended, and it was provided that petitions to be introduced might be handed to the Clerk, the member presenting it indorsing on the back of it the committee to which he wished it referred. All our business was done in this way for years. I make the motion for this reason, that under the present system, during the last Congress, it was utterly useless to present any petition. Thirty days were consumed in calling the States for petitions; and at the end of that time they began to call the committees for reports. These committees began to report, and did not finish till the end of the session; and although we sat here for nine months, there never was an hour when a member of this House could introduce a resolution or bill in order. We should not have got along at all, but for the fact that the Committee on Ways and Means, and some other committees, frequently obtained the general consent of the House to make motions out of order, and in this way the business was carried forward. The short session came on, and I, and many others, were waiting for an opportunity to introduce bills; but it never came; and thus we passed through the whole of last Congress.

Mr. JONES, of Tennessee. I rise to a question of order. The gentleman has done for this resolution what he did for the resolution which I found on my table: it goes over.

Mr. CLINGMAN. I take it that the rule does not apply to a resolution. If so, then I move the previous question.

Mr. COBB. All this debate is out of order.

The SPEAKER read the rule, as follows:

"24. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be made verbally by the Introducer; they shall not be debated on the very day of their being presented; nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented. Members having petitions and memorials to present may hand them to the Clerk, indorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered on the Journal, subject to the control and direction of the Speaker; and if any petition or memorial be so handed in, which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received."

The SPEAKER. After the States have been called for petitions, and the committees for reports, resolutions shall then be called for, in the same order, and be disposed of by the same rules, as apply to petitions.

Mr. CLINGMAN. I was aware of that rule. I will move the previous question upon my motion.

A voice. It is too late.

Mr. CLINGMAN. I have the right to call for the previous question.

The SPEAKER. If a gentleman rises in his place, offers a resolution, and demands the previous question, he can have a vote upon it, if the previous question is ordered. But if he indulge first in debate, and it is then objected to, the Chair thinks the resolution must go over.

Mr. CLINGMAN. I indulged in remarks, as I understood, by unanimous consent; and I have the right now to move the previous question.

Mr. JONES, of Tennessee. The gentleman certainly had no right to make a speech; and having made it, he cannot move the previous question.

The SPEAKER. The practice has been for a member to rise in his place, offer a resolution, and demand the previous question, which cuts off debate. But the gentleman from North Carolina [Mr. CLINGMAN] has indulged in debate, and for that reason the gentleman from Tennessee [Mr. JONES] objects; and the Chair thinks the resolution must go over.

Mr. CLINGMAN. I submit to the decision of the Chair.

The SPEAKER. The gentleman from Tennessee obtained the floor, made the objection to stop debate, and, under the rule, the resolution must go over. The gentleman from North Carolina was deprived of the floor by the objection.

Mr. CLINGMAN. I have at least illustrated

the operation of the rule, and will accomplish my object in some other way.

Mr. SMITH, of Virginia. Cannot the matter be reached by a suspension of the rules?

The SPEAKER. It is competent to submit a motion to suspend the rules.

Mr. SMITH. Then I make that motion, in order to introduce the resolution of the gentleman from North Carolina.

The question was taken on the motion, and there were, upon a division—ayes 118, noes 24.

So the rules were suspended, two thirds voting in favor thereof.

Mr. CLINGMAN. My motion is to strike out so much of the rule as requires the States to be called over every day for petitions. That being stricken out—

The SPEAKER. Will the gentleman reduce his proposition to writing?

Mr. CLINGMAN. I will do it; but my motion is simple.

Mr. STEPHENS, of Georgia. The House only suspended the rule to entertain the proposition. According to the 136th rule, the rules cannot be changed except by notice previously given.

Mr. CLINGMAN. Notice has been given.

The SPEAKER. Notice has been given in this particular case by the gentleman from North Carolina, [Mr. CLINGMAN.]

Mr. STEPHENS. Notice of this very proposition?

The SPEAKER. Precisely this proposition.

Mr. CLINGMAN. My motion is to strike out so much of the existing rule as provides for the calling upon States for petitions. There are two clauses in the rule. One clause provides for calling upon the States for petitions, within the first thirty days, and the other upon alternate Mondays. The rule then stands in this way: That committees may be called upon for reports, and then the States may be called upon for resolutions and bills. I move the previous question.

Mr. JONES, of Tennessee. Does the gentleman from North Carolina propose by his resolution to strike out of the rules everything which authorizes the calling upon States for petitions, not only for the first thirty days of the session, but for the alternate Mondays, during the remainder of the session?

Mr. CLINGMAN. I will modify my motion so as to leave Mondays out, because they will be taken up with motions for suspension of the rules.

Mr. RICHARDSON. I hope the gentleman from North Carolina will include Mondays, as well as the first thirty days.

Mr. CLINGMAN. I move the previous question, and desire to have my motion apply to both.

The previous question was seconded, and the main question ordered.

The question was then taken upon Mr. CLINGMAN's resolution, and it was decided in the affirmative.

So the resolution was agreed to.

Mr. CLINGMAN moved to reconsider the motion by which the resolution was agreed to, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

HOMESTEAD BILL.

Mr. COBB. I ask the unanimous consent of the House to introduce a bill, of which previous notice has been given.

Several MEMBERS objected.

Mr. JONES, of Tennessee. Has notice been given of the bill?

Mr. COBB. Notice has been long since given. Mr. JONES. It has been the uniform practice to introduce bills of which notice has been given. That has been the construction of the rules and the practice of the House.

Mr. COBB. I insist upon the right.

Rule 114, bearing upon the question, was then read by the CLERK, as follows:

"Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for: such motion, or the bill when introduced, may be committed."

The SPEAKER. It has been the uniform practice of the House, when States are called upon for resolutions, to receive bills of which previous

notice has been given. The Chair therefore rules that the gentleman from Alabama is in order.

Mr. COBB. I then ask leave to introduce a "bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man, who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period herein specified."

The bill was then read the first and second times by its title, and referred to the Committee on Public Lands.

GRADUATION BILL.

Mr. COBB gave notice of his intention to-morrow, or on some subsequent day, to introduce a bill to reduce and graduate the price of the public lands.

MOTIONS TO ADJOURN OVER.

Mr. SMITH, of Alabama. I offer the following resolution, to which I presume there will be no objection. I ask that it may be referred to the Committee on Rules:

Resolved, That on all motions to adjourn over the yeas and nays shall be called, and the House shall not adjourn over unless two thirds order it.

Several MEMBERS. Oh, no!

The SPEAKER. The Chair desires to inquire of the gentleman from Alabama if notice has been given of intention to introduce the resolution?

Mr. SMITH. No notice has been given, and I supposed none was necessary.

Mr. STEPHENS, of Georgia. The gentleman from Alabama introduces the resolution and only asks its reference to the Committee on Rules. I suppose he has the right to do that?

The SPEAKER. The Chair understands the purport of the resolution to be, to change the rules of the House. If so, notice is necessary. If there be no objection, however, the resolution will be received, and disposed of as the gentleman desires.

Mr. WALSH. I object.

Mr. JONES, of Tennessee. I understand the gentleman from Alabama merely proposes a resolution of inquiry. I suppose there will be no objection to that.

The SPEAKER. The resolution, there being no objection, will be received, and referred to the Committee on Rules.

RAILROAD BILL.

Mr. ABERCROMBIE introduced a bill, of which previous notice had been given, granting the right of way and a portion of the public land to aid in the construction of a railroad from Girard, Alabama, to Mobile; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. COBB. Will the Speaker rule that no member has the right to introduce more than one bill?

Several MEMBERS. That's all.

The SPEAKER. The rule requires that no member shall introduce more than one bill; and the rule will be enforced.

Mr. COBB. I have another bill that I desire to introduce, but I yield to the will of the House.

HARBOR OF MOBILE.

Mr. PHILIPS. I ask leave to introduce the following resolution:

Resolved, That the Secretary of War be instructed to inform the House whether any report or plan exists in his Department, showing the cost and practicability of deepening the harbor of Mobile.

Mr. STEPHENS, of Georgia. I ask whether this resolution provides for anything more than calling for information?

Mr. PHILIPS. That is all.

Mr. STEPHENS. Then I have no objection to its introduction.

The resolution was then introduced and adopted. On motion by Mr. HILL, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Sterling Cocke, and that the same be referred to the Committee on Public Lands.

Mr. BRECKINRIDGE gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill, the title of which was not heard.

STATIONERY FOR REPORTERS.

Mr. JONES, of Tennessee. I offer the following resolution, and if there be objection, I move the previous question:

Resolved, That the Clerk of the House be directed to furnish the Reporters for the Congressional Globe such stationery as may be required in the discharge of their duties.

Mr. SMITH, of Virginia. I know the previous question has been called; but I should really like to know why that resolution ought to be adopted.

The SPEAKER. Debate is not in order.

The demand for the previous question was not seconded; forty members only voting in the affirmative.

Mr. SMITH, of Virginia. Now, I suppose that the gentleman who offered this resolution will be able to give us some reason why he has introduced it.

Several MEMBERS. Let it lie over.

Mr. JONES, of Tennessee. The only reason, and I consider that quite a sufficient one, is that the Reporters have been made quasi officers of the House, and have duties to perform requiring what this resolution proposes to give them. They have, in my opinion, as much right to this stationery as the members of the House themselves.

Objection was made to the consideration of the resolution at this time, and it was accordingly laid over.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. MACE. I beg leave to offer a resolution, of which the following is the title: "A joint resolution to provide for the election of United States Senators by the people." I ask that it may be read a first and second time, and referred to the Committee on the Judiciary.

Mr. JONES, of Tennessee. Why not consider it now? The present time is as good as any for the consideration of such a resolution as that.

The joint resolution was accordingly read a first and second time by its title, and referred to the Committee on the Judiciary.

RAILROAD FROM THE FALLS OF THE OHIO.

Mr. ENGLISH. If it be in order at this time, I ask leave to introduce a bill, of which previous notice has been given. It is a bill granting lands to the States of Indiana and Illinois, to aid in the construction of a railroad from the Falls of the Ohio river to a point on the Mississippi, opposite the city of St. Louis.

Mr. E. I will state that my object is to have the bill referred to the appropriate standing committee.

The bill was read a first and second time, and referred to the Committee on Public Lands.

Mr. EDDY submitted the following resolution; which was considered and agreed to, viz:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of establishing a port of entry at Michigan City, in the State of Indiana; and also of making an appropriation to continue the works upon the harbor at that place.

MOSES PETIT.

Mr. DAVIS, of Indiana, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Claims, viz: "A bill for the relief of Moses Petit, of the State of Indiana."

PORT OF DELIVERY.

Mr. RICHARDSON, in pursuance of previous notice, introduced the following bill: "A bill to constitute Quincy, in the State of Illinois, a port of entry."

The bill was read a first and second time by its title.

Mr. RICHARDSON. If any gentleman in the House desires that this bill shall go to a committee, I will not ask for its passage now. I desire to say, however, that it is important the bill should be passed at an early day in the session. There is now on the way to Quincy a large amount of iron, for the purpose of laying down a railroad, and the company desire to get it delivered there, and its delivery there will be of great advantage to them. If the passage of the bill is delayed, they will have to forego that advantage.

Mr. HAMILTON. I desire that the bill shall go to a committee.

Mr. RICHARDSON. Then I move that it be referred to the Committee on Commerce.

The motion was agreed to.

RAILROAD TO THE PACIFIC.

Mr. WENTWORTH, of Illinois. I offer the

resolution which I send to the Chair; and upon it I demand the previous question.

The Clerk read the resolution, as follows:

Resolved, That Congress has the power to provide for the construction of a railroad over the Territories of the United States, for the safer and more expeditious transportation of the public moneys, the mails, the troops, and the munitions of war, from the Atlantic to the Pacific coast, and ought immediately to exercise that power.

Mr. STEPHENS, of Georgia. I move to lay the resolution upon the table.

Mr. WENTWORTH. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and resulted—yeas 126, nays 72; as follows:

YEAS.—Messrs. Abercrombie, Aiken, James C. Allen, Appleton, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bliss, Boyce, Breckinridge, Brooks, Bagg, Caskie, Chamberlain, Chastain, Churchill, Clingman, Cobb, Colquitt, Craig, John G. Davis, Dawson, Dean, Dent, Disney, Dowdell, Drum, Dunham, Eddy, Edgerton, Edmondson, Ellison, English, Ewing, Faulkner, Fenton, Florence, Franklin, Fuller, Gamble, Goode, Green, Greenwood, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Lane, Letcher, Lilly, Lindsley, McNair, McQueen, Mace, Macy, Maxwell, Mayall, Smith Miller, Millson, Morrison, Murray, Nichols, Noble, Andrew Oliver, Orr, Packer, Peck, Peckham, Bishop Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Reese, Thomas Ritchey, Robbins, Rogers, Ruffin, Seymour, Shower, Shaw, Singleton, Skelton, Gerrit Smith, Smeal A. Smith, William Smith, William R. Smith, Snodgrass, Alexander H. Stephens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Trout, Vail, Vansant, Walbridge, Walsh, Westbrook, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—126.

NAYS.—Messrs. Willis Allen, Ball, Benson, Bissell, Lewis D. Campbell, Carpenter, Caruthers, Chandler, Chase, Clark, Cook, Corwin, Cox, Crocker, Cullom, Thomas Davis, De Witt, Dick, Dickinson, Dunbar, Eastman, Edmands, Etheridge, Everhart, Farley, Flagler, Giddings, Goodrich, Aaron Harlan, Harrison, Haven, Hiestler, Hill, Howe, Hunt, Knox, Lindley, Lyon, McCulloch, Matteson, Maurice, Middlesworth, John G. Miller, Morgan, Norton, Mordecai Oliver, Parker, Pennington, John Perkins, Pringle, Ready, Richardson, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Frederick P. Stanton, John L. Taylor, Thurston, Tracy, Upham, Wade, Walker, Elihu B. Washburn, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Yates, and Zollcoffer—72.

So the resolution was laid upon the table.

POWERS OF CONGRESS—RAILROADS.

Mr. WASHBURN, of Illinois. I offer the following resolution, and call for the previous question upon it:

Resolved, That as incidental to, and indispensable for, the exercise of the powers conferred by the Constitution upon the Congress of the United States, to provide for the common defense and general welfare, is the power to construct railroads through the Territories of the United States for the purpose of facilitating the transportation of the mails and the munitions of war.

Mr. JONES, of Tennessee. I propose to debate that resolution.

Mr. SMITH, of Virginia. Is not that resolution the same in character as the one we have just tabled?

The SPEAKER. It is the same in character, but not precisely the same resolution.

Mr. SMITH. I would inquire of the gentleman who has offered the resolution, whether it is his serious purpose to throw such great questions as are embodied in his resolution before the House without discussion?

The SPEAKER. The previous question has been called for, and debate is out of order.

Mr. SMITH. I hope the House will refuse to second the call for, the previous question.

Mr. JONES, of Tennessee. I move to lay the resolution on the table.

Mr. CAMPBELL, of Ohio. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. JONES. I wish to withdraw the motion to lay the resolution upon the table until I see whether the call for the previous question is seconded.

Mr. HENN moved that the House adjourn; which motion was agreed to.

Whereupon the House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, December 13, 1853.

Prayer by the Rev. HENRY SLICER.

The Journal of yesterday was read and approved

CONTINGENT FUND OF THE SENATE.

Mr. HUNTER. Mr. President, I rise to ask the unanimous consent of the Senate to be allowed to report at this time a bill from the Committee on Finance, which ought to be acted upon at once. We wish to get it through both Houses to-day, if possible.

The PRESIDENT. If there be no objection, the report will be received.

There was no objection.

Mr. HUNTER. The Committee on Finance, to which was referred a letter of the Secretary of the Treasury respecting the mode of paying Senators, has instructed me to report a bill "to regulate the disbursement of the contingent fund of the Senate, and for other purposes."

The bill was read a first and second time by its title, and considered by the Senate as in Committee of the Whole. It provides that the moneys which have been, or may hereafter be, appropriated for the compensation of members and officers of the Senate, and for the contingent expenses of the Senate, shall be paid out of the Treasury on requisitions drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for, at the Treasury, and the Secretary of the Senate shall be deemed a disbursing officer, and be allowed the sum of _____ per annum as a compensation over and above his salary as Secretary. It also proposes to enact that the Secretary of the Senate, in place of the bond now required to be given by him, shall, within ten days after the passage of the act, give bond to the United States, with one or more sureties, to be approved by the Comptroller of the Treasury in the penal sum of \$20,000, conditioned for the faithful application of the moneys drawn by him; and that the certificate of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, certifying the accounts of the Secretary to have been passed by that committee, shall be deemed conclusive upon all the officers of the Treasury Department.

Mr. HUNTER. I am instructed by the Committee on Finance to move to fill the blank in the first section of the bill with "one thousand dollars."

The amendment was agreed to; the bill was reported to the Senate, as amended; the amendment was concurred in; the bill was ordered to be engrossed for a third reading; was read a third time, and passed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT laid before the Senate a communication from the Department of the Interior, transmitting, in compliance with a resolution of the Senate of March 31st, 1853, the report of an examination of the Patent Office Building made in 1851, under the direction of the Commissioner of Public Buildings; which was referred to the Committee on Public Buildings.

Also, a report from the Department of the Interior, transmitting, in obedience to the act of Congress of May 1, 1820, a statement showing the appropriations made for the service of that Department for the fiscal year ending June 30, 1853, and the repayments and transfers during the last fiscal year; which was ordered to lie on the table and be printed.

Also, a report from the State Department, in obedience to the twentieth section of the act entitled "An act regulating and making appropriations for such necessary expenses as have generally been included in the general appropriation bills, without authority of law, approved the 26th of August, 1842."

On motion by Mr. SEWARD, the reading of the report was dispensed with; and it was referred to the Committee on Finance, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. W. V. McKean, Chief Clerk, announcing that on the 7th instant, they elected the Rev. Wm. H. Milburn, Chaplain for the first session of the Thirty-Third Congress on their part.

PETITIONS.

The petition of the Iron Mountain Railroad Company, of Missouri, praying for a grant of the right of way through certain lands of the United States, reserved for military purposes, presented yesterday by the PRESIDENT *pro tem.*, was taken

from the table, and referred to the Committee on Military Affairs.

Mr. WADE presented the memorial and accompanying papers of the heirs of Captain Alexander Harper, praying compensation for his services in the revolutionary war; which were referred to the Committee on Revolutionary Claims.

Mr. SUMNER presented the memorial of William C. Parke, of Boston, praying for distribution of unclaimed balance of prize money, appropriated by Congress to heirs of John Paul Jones, and officers and men of the frigate "Alliance;" which was referred to the Committee on Claims.

Mr. CASS presented the petition of Amos Kendall and John E. Kendall, praying compensation for acting as agent and counsel of the Western Cherokees, or "Old Settlers;" which was referred to the Committee on the Post Office and Post Roads.

Mr. BROADHEAD presented the memorial of Joseph Tomlinson, of the city of Pittsburg, and accompanying papers, in the matter of the loss of the iron steamer "Hunter," while engaged in the service of the United States in the war with Mexico, and connected, also, with the claim of the administratrix of the estate of John T. McLaughlin; which were referred to the Committee on Naval Affairs.

Mr. WELLER presented a letter from O. M. Wozencraft, late Indian agent and commissioner for California, in reply to charges against him, which was referred to the Committee on Indian Affairs.

Mr. JOHNSON presented the memorial of Thomas Foster, in behalf of the widows of revolutionary officers and soldiers; which was referred to the Committee on Revolutionary Claims.

The PRESIDENT *pro tempore* presented the petition of S. L. Fremont, of the Army, praying to be restored to the position held by him in the Quartermaster's Department in 1849; which was referred to the Committee on Military Affairs.

Also, the petition of Joseph Clymer and others, praying remuneration for losses sustained in consequence of the violation by the United States of their contract to furnish supplies for the Quartermaster's Department; which was referred to the Committee on Claims.

Mr. SEWARD presented the petition of John Thomas, praying that a sum of money, paid by him for a patent which he did not obtain, may be returned to him; which was referred to the Committee on Patents and the Patent Office.

Mr. SMITH presented the memorial of the heirs of Brigadier General Jedediah Huntington, of the Army of the Revolution, praying to be allowed for depreciation on commutation certificates; which was referred to the Committee on Revolutionary Claims.

Mr. FISH presented the petition of Edwin Lord and Francis Bacon, praying to be relieved from certain judgments against them for duties, which they are unable to pay in consequence of losses by the great fire in New York, in December, 1835; which was referred to the Committee on Finance.

Also, the petition of Catharine Clark, widow and executrix of Joseph Clark, praying to be allowed arrears of pension due her husband; which was referred to the Committee on Pensions.

Also, the petition of R. L. Beall and other officers of the Army, in behalf of the officers and troops who served in New Mexico from May, 1848, to March, 1852, praying to be allowed the same extra pay as was allowed those who served in California and Oregon; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

Mr. PRATT. During the last session of Congress, the Committee on Claims, if I recollect right, reported favorably upon thirty-five claims, twenty-four of which received the favorable action of the Senate. During the present session the papers, in many of those cases, have been withdrawn from the files of the Senate, on the motion of various Senators, and referred back to that committee, and I desire to suggest whether it would not be better that the bills, having passed this House, should now originate in the House of Representatives. Why should this committee be now incumbered with the labor of investigating these thirty-five claims again, which are accompanied with voluminous papers that have been already investigated by the committee, and which the

Senate have sufficiently indicated their willingness to pass, although they may not, afterwards, have received the sanction of the House of Representatives. It seems to me that economy of time and facility in the dispatch of business in the Senate, requires that the practice should be, that where a bill has passed the Senate, the papers relating to the claim, instead of being brought back, as they now are, should remain in the House of Representatives, and then that the bill should originate in that House at the next session. But I suppose I shall be obliged to follow the course which has been pursued by other Senators here.

On motion by Mr. PRATT, it was

Ordered, That the memorial of Lavinia Taylor, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. COOPER, it was

Ordered, That the memorial of John A. McGregor, one of the heirs of William McGregor, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. COOPER, it was

Ordered, That the papers relating to the claim of James Bell be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Mrs. Mary Williams, praying compensation for property taken or destroyed in the Florida war, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Sally B. Matthews be withdrawn from the files of the Senate, for the purpose of being presented in the House of Representatives.

On motion by Mr. FOOT, it was

Ordered, That the papers in the case of the representative of Henry King be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. FOOT, it was

Ordered, That the petition of J. Nock be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. HAMLIN, it was

Ordered, That the memorial of the heirs of Judith Worthen, and the petition of William Miller, praying for pensions, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. JONES, of Tennessee, it was

Ordered, That the petition of Absalom Kyle and William C. Kyle, praying compensation for mail transportation, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. DODGE, of Wisconsin, it was

Ordered, That sundry petitions and memorials of citizens of Wisconsin, praying a grant of land for a railroad from Chicago to Lake Superior, be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. PRATT, it was

Ordered, That the papers of the heirs of Major William Rely be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. SEWARD, it was

Ordered, That the petition of the heirs of Johannes Schultz, or Shultz, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. DAWSON, it was

Ordered, That the memorial of the West Feliciana Railroad Company, praying a remission of duties on importations of iron, be withdrawn from the files of the Senate.

Mr. DAWSON stated that a bill for their relief had been introduced during the last session, which had not passed both Houses, and that he should at an early day report back the same bill.

On motion by Mr. FISH, it was

Ordered, That the memorial of Colonel Ward Burnett, relating to the claim of the common council of New York, for expenditures on account of New York volunteers, be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. SEWARD, it was

Ordered, That the petition of Amos Knapp be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. WADE, it was

Ordered, That the petition and papers of the heirs of William Dickey be withdrawn from the files of the Senate, for the purpose of presenting them to the proper Department.

On motion by Mr. JOHNSON, it was

Ordered, That the papers in the case of John B. and Thomas Johnson be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. JOHNSON, it was

Ordered, That the papers in the case of Jonathan Lewis be withdrawn from the files of the Senate, for the purpose of presenting them in the House of Representatives.

On motion by Mr. GWIN, it was

Ordered, That the petition of James W. Low be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Martin Fenwick be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. ALLEN, it was

Ordered, That the petition of John J. De Wolf be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. ADAMS, it was

Ordered, That the memorial of John R. Jefferson be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. ADAMS, it was

Ordered, That the petition of the heirs of John De Treville be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. BRODHEAD, it was

Ordered, That the memorial of Salvadora McLaughlin, widow of John T. McLaughlin, be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. BRODHEAD, it was

Ordered, That the petition of Mary E. D. Blaney, and the memorial of Cornelius McCaulay, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. PRATT, it was

Ordered, That the petition of the legal representatives of John G. Mackall, the memorial of Benedict J. Heard, the petition of the heirs of William Somerville, the memorial of Hodges and Lansdale, and the memorial of the legal representatives of Rinaldo Johnson, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

ASSISTANT SECRETARY OF THE TREASURY.

Mr. BRIGHT, from the Committee on Finance, reported a bill prescribing the manner of appointing the Assistant Secretary of the Treasury; which was read a first time, and ordered to a second reading.

Mr. BRIGHT. I ask the Senate to consider the bill at this time. I will state that the object of the bill is to place the Assistant Secretary of the Treasury on the same footing with various other officers, whose offices are not more important than the one he holds. The Assistant Secretary of the Treasury is an exception to a general and important rule, without any reason in the judgment of the "Court" for that exception.

I have before me a list of officers appointed by the President by and with the advice and consent of the Senate, most, if not all of them less important in many respects, than the one to which this bill relates. I will name them: Comptrollers of the Treasury, the Treasurer of the United States, the several Auditors of the Treasury, the Register of the Treasury, the Commissioner of Customs, the Assistant Treasurers of the United States, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Assistant Secretary of State, and the Assistant Postmasters General; hence the unanimous recommendation of the Committee on Finance of a bill on this subject. I hope there will not be any objection to its present consideration and passage.

The bill was read the second time by unanimous consent, and considered as in Committee of the Whole. It proposes to direct that the Assistant Secretary of the Treasury shall be, from and after the passage of the act, appointed by the President of the United States, by and with the advice and consent of the Senate.

Mr. DOUGLAS. I desire to inquire of the Senator from Indiana, when the Assistant Postmasters General were ordered to be appointed in the manner which it is proposed to adopt in this case?

Mr. BRIGHT. A provision was incorporated into one of the general post route bills of the last Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

NOTICES OF BILLS.

Mr. EVERETT gave notice of his intention to ask leave to introduce a bill to regulate the compensation of the district judge of the United States for the district of Massachusetts.

Mr. JOHNSON gave notice of his intention

to ask leave to introduce a bill to amend the act creating the western judicial district of Arkansas.

Mr. HUNTER gave notice of his intention to ask leave to introduce a bill to extend the warehousing system, by establishing private bonded warehouses, and for other purposes.

BILLS INTRODUCED.

Mr. GWIN, according to previous notice, asked and obtained leave to introduce a bill to establish a line of mail steamers from San Francisco to California, via the Sandwich Islands, to Shanghai, in China; which was read a first and second time by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

Mr. ADAMS, in pursuance of previous notice, asked and obtained leave to introduce a bill to reduce and graduate the price of the public lands; which was read twice by its title, and referred to the Committee on the Public Lands.

Mr. FISH, in pursuance of previous notice, asked and obtained leave to introduce a bill to reimburse the common council of New York city, for expenditures made for the first regiment of New York volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

BANK NOTES IN DISTRICT OF COLUMBIA.

Mr. ADAMS, according to previous notice, asked and obtained leave to introduce a bill to prevent the issue and circulation of notes of a less denomination than five dollars within the District of Columbia; which was read a first time, and ordered to a second reading.

Mr. ADAMS. I desire to ask that the bill may be read a second time, with a view to its reference. Before doing so, however, I wish to state that my object in introducing it is only to meet the cases embraced by a bill introduced by me at the last session, to prevent the issue and circulation of notes of a less denomination than five dollars in the District. On my first visit here, I found a general complaint in reference to the circulation of small notes. There seemed to be no difference of opinion, except as to the nature of the corrective to be applied. I have learned recently that legislation is increasingly demanded in regard to larger notes than were embraced in that bill. A difference of opinion, however, exists in regard to that matter. A bill was brought forward at the last session by my friend from New York, [Mr. Fish,] which I expect he will bring forward again, in regard to free banking in the District. I have drawn up and presented the same bill which I introduced at the last session, which was referred to the Committee on the District of Columbia. I ask that it may be again referred to the same committee.

The bill was read a second time, by unanimous consent, and referred to the Committee on the District of Columbia.

PORT OF ENTRY AT BRUNSWICK, GEORGIA.

Mr. DAWSON offered the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Brunswick, in the State of Georgia.

EXECUTIVE BUSINESS.

On motion by Mr. ADAMS, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 13, 1853.

The House met at twelve o'clock, m. Prayer by the Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. SMYTH, of Texas, appeared and took the usual oath to support the Constitution of the United States.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House that that body had passed a joint resolution, entitled, "A joint resolution authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws," and asking its concurrence therein.]

The SPEAKER laid before the House a communication from the Department of the Interior,

transmitting, in obedience to the act of Congress, approved May 1, 1820, a statement, showing the balances of appropriations made for the service of that Department, remaining in the Treasury on the 1st of July, 1852; the appropriation made for the fiscal year, ending 30th June, 1853; the repayments and transfers in the same time; the amounts applicable to the service of the years 1852-'53; the amounts drawn therefrom in the same period; and the balances on the 1st of July, 1853, with such appropriations as have been carried to the surplus fund.

Mr. HOUSTON. I move that the communication be laid upon the table, and ordered to be printed.

The question was taken, and the motion was agreed to.

HOUSE LIBRARIAN.

Mr. MAURICE. I rise to a question of privilege. I move to reconsider the vote by which the resolution of the gentleman from Virginia, [Mr. BAYLY,] to go into the election of a Librarian for this House was rejected. I voted in the majority, and have the right to submit the motion. Upon it I call for the previous question.

Mr. HIBBARD. I move to lay the motion upon the table.

Mr. MAURICE. I submit whether that motion is in order?

The SPEAKER. It is in order.

Mr. BAYLY, of Virginia. I demand the yeas and nays upon the motion to lay the motion to reconsider upon the table.

Mr. CAMPBELL, of Ohio. I ask for information, whether, if the House refuse to lay the motion to reconsider upon the table, the motion to reconsider will be debatable?

The SPEAKER. It will.

Mr. CAMPBELL. I hope, then, that the House will refuse to lay it upon the table.

The yeas and nays were ordered.

The resolution was then read, as follows:

"Resolved, That this House will proceed at one o'clock to elect an officer to be called the Librarian of the House of Representatives, who shall have charge of its books and documents, and shall discharge the same duties and receive the same pay that are now discharged and received by the messenger appointed by the Clerk to act as Librarian: Provided, That said messenger shall be dispensed with, and that the number of messengers hereafter employed by the Clerk shall be one less than are now authorized."

The question was then taken; and there were—yeas 97, nays 94; as follows:

YEAS—Messrs. James O. Allen, Willis Allen, Banks, Barksdale, Belcher, Bliss, Bliss, Breckinridge, Churchwell, Clark, Cobb, Craige, Curtis, John G. Davis, Thomas Davis, Dawson, Disney, Dunbar, Eddy, Edgerton, Ellison, English, Fenton, Florence, Gamble, Green, Greenwood, Grow, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Howe, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kittredge, Kurtz, Lamb, Latham, Lilly, Lindley, Lindsay, McCulloch, McDougal, McNaif, Mace, Mace, Mayall, Smith Miller, Morrison, Murray, Nichols, Olds, Orr, Packer, Peck, Peckham, Bishop Perkins, Phelps, Pratt, Richardson, Riddle, David Ritchie, Thomas Ritchey, Robbins, Russell, Sapp, Seward, Seymour, Shannon, Shower, Samuel A. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Wade, Walker, Warren, John Wentworth, Westbrook, and Hendrick B. Wright—97.

NAYS—Messrs. Aiken, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Benson, Benton, Bocoek, Boyce, Brooks, Bugg, Lewis D. Campbell, Carpenter, Caruthers, Caskie, Chamberlain, Chase, Chastain, Chrisman, Clingman, Colquitt, Cook, Corwin, Cox, Crocker, Cullom, Dent, Dick, Dickinson, Dowdell, Drum, Eastman, Edmunds, Edmundson, Etheridge, Farley, Faulkner, Flagler, Franklin, Goode, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Hill, Hunt, Keitt, Kerr, Kidwell, Knox, Letcher, McQueen, Matteson, Maurice, Maxwell, John G. Miller, Millson, Morgan, Norton, Andrew Oliver, Mordecai Oliver, Parker, Pennington, John Perkins, Powell, Pringle, Puryear, Ready, Reese, Rogers, Ruffin, Sabin, Sage, Shaw, Simmons, Skelton, Gerrit Smith, William R. Smith, George W. Smyth, Snodgrass, Alexander H. Stephens, John L. Taylor, Tracy, Upham, Walsh, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Wheeler, Witte, Daniel B. Wright, Yates, and Zollicoffer—94.

So the motion was laid on the table.

Mr. BAYLY, of Virginia. The motion to reconsider is not laid on the table.

The SPEAKER. It is laid on the table by a vote of 97 to 94.

REPORTS OF COMMITTEES.

The SPEAKER. Reports are now in order from the Committee on Elections.

Mr. STANTON, of Kentucky. I have the testimony in the contested-election cases from New Mexico, of WILLIAM CARR LANE, against the

election of DON JOSE MANUEL GALLEGOS, which I desire to present, and have referred to the Committee on Elections.

It was so ordered.

CLERK TO THE COMMITTEE ON WAYS AND MEANS.

Mr. HOUSTON the chairman of the Committee on Ways and Means reported the following resolution:

Resolved, That the Committee of Ways and Means be authorized to employ a clerk, at a compensation not to exceed \$1,500 per annum.

Mr. CLINGMAN. I would like to inquire of the gentleman if the salary proposed to be given to the clerk is the usual compensation allowed?

Mr. HOUSTON. Mr. Speaker, the usual compensation allowed to the clerks of committees is four dollars per day, which, if the office were a permanent one, would amount to about \$1,500 per annum. The Committee of Ways and Means, in looking at this subject this morning, and in view of the character of the business which will necessarily come up for action before that committee during this session of Congress, have determined, that it would not only aid them very much, and aid the House very much in the advancement of their business, but it would be of service to the country generally, if for the present, at all events, the office of clerk was made permanent; and that he should receive a salary commensurate with the salary heretofore given. It is known to the House that the Committee of Ways and Means have had a clerk all the time, for perhaps the last quarter of a century; and I will say here, that it is impossible for any number of gentlemen to transact all the business properly coming before that committee, without the services of a permanent and efficient clerk.

The only change we propose here, is to make this a permanent office, and give a compensation proportionate to that usually given to clerks of committees. And the object of this is, that a clerk may be employed by this committee who will give the duties and business of the committee his entire and undivided attention; and that he may prepare all the tables and statistics, or aid the committee in doing so, which may be necessary to investigate and elucidate all the subjects to come before them, not only connected with the appropriation bills, but with the consideration and modification of the tariff, which, in all likelihood, will be before that committee.

Mr. CLINGMAN. Mr. Speaker, my object in making the inquiry was to get the information which the gentleman has given. It is most certainly a very fair showing; but still I am opposed to creating any more of those permanent offices. You may put in this man, and you may not be able to put him out. I do not know whether the resolution provides for the removal of him or not, if he should prove to be inefficient or troublesome. By giving these clerks to committees four dollars per day, there can be no such difficulty. No doubt the gentleman will agree with me that heretofore the committees have got competent officers. I would, therefore, rather not extend the number of permanent offices; and I hope the resolution in this shape will not be adopted; because, if we begin that system of making the clerkship to the Committee on Ways and Means permanent, we will have to go on and elect clerks for other committees; and thus we will get into office a number of men whom we will find it troublesome and hard to get rid of. I think that the old system is a better one. Just let the committees employ such clerks as they require, and pay them four dollars a day for their services.

Mr. HOUSTON. My friend from North Carolina does not seem to understand the resolution I have offered. It is simply to give authority to the Committee on Ways and Means to employ a clerk, at a salary not exceeding that usually given. Of course the clerk will be entirely under the control of the committee, and can be turned out at any time. The object of the resolution is to meet the exigencies of the present occasion.

Mr. CLINGMAN. My reply was to the speech of the gentleman. I understood him to say that the object was to create this clerkship a permanent office. I hope the resolution will be amended, so as to appoint the clerks as heretofore. We have got along very well with them in

this way; I am disposed, therefore, to make a motion to amend the resolution.

Mr. JONES, of Tennessee. One great reason for making this clerkship a permanent office—and if the gentleman from North Carolina [Mr. CLINGMAN] had ever served upon that committee, and had seen, or had been conversant with the duties and qualifications required of that clerk, he would know it—is that we cannot pick up in this city, merely for a session of Congress, to be discharged at the end of it, a competent clerk at all times to perform the duties appertaining to a clerkship to the Committee of Ways and Means.

Mr. CLINGMAN. If the gentleman will allow me, I wish to ask him a question, whether the clerk employed for that purpose during the last session of Congress was not a competent one, and cannot the committee again get him, or some one equally competent?

Mr. JONES. He was competent; and I venture to say as competent as any man within this city, or as any member of this House. He was employed as a clerk in the Treasury Department; and the First Comptroller of the Treasury, Mr. Whittlesey, bore testimony, in letters, to the faithfulness, efficiency, promptitude, and dispatch with which he there discharged his duties, and kept up his desk, to the entire satisfaction of that office; while, at the same time, he performed the duties which devolved upon him as the clerk of the Committee on Ways and Means.

Mr. CLINGMAN. Will not he do the same thing again?

Mr. JONES. That committee could not have got him for a per diem of four dollars, as they did during the session, if he had been compelled to leave the Department at the other end of the Avenue to perform those services here.

Mr. CLINGMAN. Could he not be obtained upon the same terms now?

Mr. JONES. I do not know how that is. It will be recollected by those who were here at the close of the last session of Congress that gentlemen brought up the complaint that he was performing the duties and receiving the pay of two offices, and on that account it was that Mr. Whittlesey wrote the letters, setting forth that he had performed all the duties and all the services of his office, and had kept up his desk to the entire satisfaction of that Department.

It is necessary, if we want an officer who is competent to discharge the duties of clerk to the committee, and if we want the duties discharged faithfully, that we should sometimes have a clerk here before the assembling of Congress, when the estimates are made up in the Departments, that he may prepare the bills, so that we may comply with the rule, as far as possible, in relation to reporting all the appropriation bills within the first thirty days of the session. You have a permanent clerk to the Committee on Claims, a very important one, but perhaps, not so important as a clerk to the Committee on Ways and Means.

The matter is in the hands of the House, and it is for them to dispose of it; and in that disposition, of course, I shall acquiesce.

Mr. STEPHENS, of Georgia. There are several committees of the House now having permanent clerks, and I do not find that any dissatisfaction has arisen as to those clerks. There is much more reason why the clerk to the Committee on Ways and Means should be permanent, than there is that the clerk to the Committee on Claims should be. Several of the subordinate clerks hold their offices during the year. The requisite qualifications could not be commanded for the four dollars per diem, especially during the short session. So think the committee unanimously; so I think the House will consider it.

The clerkship to that committee requires more preparation than that of any other committee. As the gentleman from Tennessee [Mr. JONES] remarked, it would be impossible during the short session of ninety days, to get a gentleman of the requisite qualifications to serve for the per diem.

Mr. CLINGMAN. I wish to inquire whether, at the last short session, they did not employ this identical man?

Mr. STEPHENS. They did; but there was complaint made, on the part of the House, against paying him for holding two offices. This gentleman did perform his duties as clerk of the committee, and kept up his desk in the Treasury De-

partment. There was a clamor raised against it, and a law was passed at the last Congress that no man should receive compensation for holding two offices at the same time. It is very possible that the House will permit the Committee on Ways and Means to employ Cochran upon the same terms; but it is against the law, as there was a statute passed at the last session of Congress prohibiting the holding of two offices by the same individual. Perhaps he would be perfectly willing to serve the House at four dollars a day, and keep up his desk in the Department; and perhaps we could not get a man of capacity who could discharge the duties of two offices.

Mr. CLINGMAN. I have no right to hold the floor again; but I wish to ask my friend from Georgia whether the fact that one man could perform the duties of two offices is not rather a reason for diminishing than increasing the number of officers; and whether, during vacation, the immense number of clerks which we have to furnish the estimates, cannot do that work without our making an additional standing clerk, during the vacation, to aid the Department in furnishing the estimates?

Mr. STEPHENS. I will answer the gentleman from North Carolina. The gentleman opens a new question; because one gentleman has qualifications and industry to perform the duties of Mr. Cochran, whether we should not reduce the number of offices in the Government? I do not wish to open that question. It is sufficient to say that Mr. Cochran in the short session did keep up his duties as Clerk of the Ways and Means, and did the duties of his desk in the Department; but it was an amount of labor which we cannot often command. We can seldom find an individual who will discharge these duties as well.

Mr. HOUSTON. I desire to say, in this connection, that a large proportion of the labor performed by Mr. Cochran was performed out of office hours, late at night. Almost every night, for a month at a time, Mr. Cochran was engaged in performing the duties of one or the other of his offices, until twelve or one o'clock at night. He was up in the morning by sunrise, and engaged at his desk, and that is the way he kept up the work in both offices.

Mr. CLINGMAN. I wish to ask a further question. The resolution is very indefinite. Do I understand that this gentleman shall be discharged from the duties of the other office?

Mr. STEPHENS. The resolution simply contemplates that the committee shall have authority to employ a clerk; but it does not contemplate that we shall elect Mr. Cochran. That is another question. The question that this House is asked to decide, is simply whether it is proper and right, that the Committee on Ways and Means shall have a clerk? Because Mr. Cochran may have worked late at night during the last session of Congress, or would be willing to do so this session—work sixteen hours, and get double the salary—is no reason why this House should impose this duty upon that gentleman.

Is the work that comes before that committee of such a character as should command a man of talent at \$1,500 salary? If it is, let the Committee of Ways and Means have such clerk. If it is not, let them pay \$4 a day. The House is perfectly satisfied that we cannot command a clerk, with the necessary talents and qualifications, for \$4 a day. Is it right that the committee should have a clerk with the necessary qualifications to perform the duties of the Committee on Ways and Means during the vacation, or that this committee should hold office during the interval? I do not wish to detain the House with further remarks.

Mr. CHURCHWELL. I move to amend the resolution by authorizing the Committee on Ways and Means to employ Mr. Cochran at the usual rate of compensation.

Mr. JONES, of Tennessee. I hope that amendment will not be made. Mr. Cochran would then be appointed by the House, and the committee would have no control over their own clerk.

Mr. CHURCHWELL. I do not propose that the House shall appoint him; I only propose to authorize the Committee on Ways and Means to employ him.

Mr. JONES. Well, sir, that will be the effect of the gentleman's amendment.

Mr. ORR. I call for the previous question.

Mr. CHURCHWELL. I will withdraw my amendment, and move another.

The SPEAKER. The previous question is demanded, and no other amendment can be received.

Mr. CLINGMAN. I rise to a question of order. I made a motion to amend, which the Chair may not have heard. I proposed to amend by providing that the Committee on Ways and Means shall be authorized to employ a clerk in the usual manner, at the usual rate of compensation.

The SPEAKER. The Chair understood the gentleman to make a suggestion to that effect, but not as an amendment.

Mr. CLINGMAN. I intended to have made that motion, and I supposed I was so understood.

Mr. SAGE. I propose now to move to amend the resolution.

The SPEAKER. No amendment is now in order, the previous question having been demanded.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER. Does the Chair understand the gentleman from Tennessee as having withdrawn his proposition to amend?

Mr. CHURCHWELL. I do withdraw it.

Mr. CAMPBELL. If there is no proposition to amend before the House, I move to lay the resolution on the table.

Many Voices. That's right.

The resolution was again reported by the Clerk.

Mr. RICHARDSON. I demand tellers upon the motion to lay the resolution upon the table.

Tellers were ordered, and Messrs RICHARDSON and CAMPBELL, of Illinois were appointed.

The question was taken; and the tellers reported—yeas 78, noes 80.

Mr. CAMPBELL, of Ohio, demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and it was decided in the affirmative—yeas 106, nays 93; as follows:

YEAS.—Messrs. Abercrombie, Willis Allen, Ashe, David J. Bailey, Ball, Benson, Benton, Bissell, Boyce, Brooks, Bugg, Lewis D. Campbell, Carpenter, Chamberlain, Chase, Chastain, Chrisman, Clark, Clingman, Cobb, Colquitt, Corwin, Crocker, Cullom, Curtis, Dent, Dick, Dickinson, Dowdell, Eddy, Edmundson, Ellison, English, Fenton, Flagler, Gamble, Giddings, Greenwood, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Harrison, Hiestler, Hill, Johnson, Daniel T. Jones, Knox, Letcher, Lilly, Lindsey, Lindsley, Lyon, McCulloch, McQueen, Matteson, Maurice, Meacham, Middlesworth, John G. Miller, Smith Miller, Milson, Morgan, Murray, Noble, Norton, Andrew Oliver, Mordecai Oliver, Peck, Peckham, Pennington, Bishop Perkins, Pringle, Puryear, Ready, Richardson, David Ritchie, Shaw, Simmons, Singleton, Gerrit Smith, William R. Smith, Snodgrass, Solfers, Richard H. Stanton, Stratton, Andrew Stuart, John J. Taylor, Tracy, Upham, Vansant, Wade, Walker, Walsh, John Wentworth, Tappan Wentworth, Wheeler, Hendrick B. Wright, and Zollieoff—106.

NAYS.—Messrs. James C. Allen, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bliss, Boeck, Breckinridge, Caruthers, Caskie, Chandler, Churchwell, Cook, Cox, Craig, John G. Davis, Dawson, Disney, Drum, Dunham, Eastman, Edgerton, Edmunds, Etheridge, Everhart, Ewing, Farley, Faulkner, Florence, Franklin, Goode, Green, Wiley P. Harris, Hastings, Haven, Hendricks, Henn, Hibbard, Hillyer, Houston, Howe, Hughes, Hunt, Ingersoll, George W. Jones, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Lane, McDougal, McNair, Mace, Macy, Maxwell, May, Mayall, Morrison, Nichols, Olds, Orr, Parker, John Perkins, Phelps, Powell, Reese, Riddle, Robbins, Ruffin, Russell, Sapp, Shannon, Shower, Skelton, Samuel A. Smith, George W. Smyth, Alexander H. Stephens, Hestor L. Stevens, David Stuart, John L. Taylor, Thurston, Trout, Vail, Warren, Elihu B. Washburne, Israel Washburn, Wells, Westbrook, Witte, Daniel B. Wright, and Yates—93.

So the resolution lies on the table.

Mr. SOLLERS. I wish to know whether it is now in order to offer a resolution?

The SPEAKER. It is not now in order.

Mr. SOLLERS. I move a suspension of the rules, for the purpose of enabling me to offer a resolution.

Mr. JONES, of Tennessee. That is not in order either.

The SPEAKER. It is only in order to suspend the rules on Mondays.

Mr. SOLLERS. I thought that the rules could be suspended any day by two thirds of the members present.

The SPEAKER. No. Motions to suspend the rules can only be made on Mondays.

The SPEAKER then proceeded with, and concluded the call of committees for reports; but no reports were submitted.

The SPEAKER. The Chair is informed that there is a resolution pending introduced by the gentleman from Illinois [Mr. WASHBURN] yesterday, which now comes up for consideration.

BINDING OF PUBLIC DOCUMENTS.

Mr. MURRAY. I was not in my seat just now, when the Committee on Printing was called for reports, but I have a report which I desire to submit. I am instructed by the Committee on Printing to offer the following resolution, and I ask that it may now be put upon its passage:

Resolved, That the Executive Documents, the printing of additional copies of which has been ordered during the present session, or may during either session of the present Congress, be ordered by either House of Congress, and the size of which shall not be less than two hundred pages, such additional copies shall be bound under the direction of the Joint Committee on Printing: *Provided*, That the cost shall not exceed twelve and a half cents per volume for the whole number ordered.

The question was then taken, and the resolution was adopted.

POWERS OF CONGRESS IN REGARD TO THE CONSTRUCTION OF RAILROADS.

The SPEAKER. The following resolution, offered by the gentleman from Illinois, [Mr. WASHBURN], comes up first in order as unfinished business:

"Resolved, That as incidental to, and indispensable for, the exercise of the powers conferred by the Constitution upon the Congress of the United States, to provide for the common defense and general welfare, is the power to construct railroads through the Territories of the United States, for the purpose of facilitating the transportation of the mails and the munitions of war."

The question pending, when it was last under consideration, was upon the motion of the gentleman from Virginia [Mr. SMITH] to lay it upon the table.

Mr. CAMPBELL, of Ohio. I demand the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was then taken, and the roll having been called, there were—yeas 118, nays 75; as follows:

YEAS.—Messrs. Abercrombie, Aiken, David J. Bailey, Thomas H. Bayly, Barksdale, Belcher, Benton, Bliss, Boeck, Boyce, Breckinridge, Brooks, Chamberlain, Chastain, Chrisman, Churchwell, Clingman, Cobb, Colquitt, Craig, Curtis, John G. Davis, Dent, De Witt, Disney, Dowdell, Drum, Dunbar, Dunham, Eddy, Edgerton, English, Ewing, Faulkner, Fenton, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Hastings, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kelt, Kidwell, Kittredge, Kurtz, Lamb, Lane, Letcher, Lilly, Lindsey, McNair, McQueen, Mace, Macy, Maxwell, May, Mayall, Smith Miller, Milson, Morrison, Murray, Nichols, Noble, Andrew Oliver, Orr, Packard, Peck, Peckham, Bishop Perkins, Phelps, Phillips, Powell, Pratt, Reese, Thomas Ritchie, Robbins, Rogers, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Simmons, Singleton, Skelton, William R. Smith, George W. Smyth, Snodgrass, Alexander H. Stephens, Hestor L. Stevens, Straub, David Stuart, Trout, Vail, Vansant, Walker, Walsh, Warren, Westbrook, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—118.

NAYS.—Messrs. James C. Allen, Willis Allen, Ball, Benson, Bissell, Bugg, Lewis D. Campbell, Carpenter, Caruthers, Chandler, Chase, Clark, Cook, Corwin, Cullom, Dawson, Dick, Dickinson, Eastman, Edmunds, Ellison, Etheridge, Farley, Flagler, Franklin, Giddings, Aaron Harlan, Harrison, Haven, Hiestler, Hill, Howe, Hunt, Kerr, Knox, Latham, Lindsey, McCulloch, McDougal, Matteson, Maurice, Meacham, Middlesworth, John G. Miller, Morgan, Norton, Mordecai Oliver, Parker, Pennington, John Perkins, Pringle, Puryear, Ready, Richardson, David Ritchie, Russell, Sabin, Sage, Sapp, Samuel A. Smith, Frederick P. Stanton, Richard H. Stanton, Andrew Stuart, John L. Taylor, Tracy, Tweed, Upham, Wade, Walbridge, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Yates—75.

So the resolution was laid upon the table.

Previous to the announcement of the result of the above vote—

Mr. ASHE said: I was not within the bar when my name was called. If I had been, I should most certainly have voted in the affirmative.

Mr. CASKIE. Had I been within the bar when my name was called, I should have voted in the affirmative, also.

[Here a message was received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House that that body had passed a bill of the following title: "An act prescribing the manner of appointing the Assistant Secretary of the Treasury;" and asking its concurrence therein.]

RESOLUTIONS OF THANKS TO GEN. WOOL.

Mr. BISSELL. I offer the following resolutions for the adoption of the House, and move their reference to the Committee on Military Affairs:

Resolved unanimously by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered to Brevet Major General John E. Wool, for his distinguished services in the late war with Mexico; and especially for the skill, enterprise, and courage which distinguished his conduct at Buena Vista.

Resolved, That the President be requested to cause a sword, with suitable devices, to be presented to General Wool, as a testimony of the high sense entertained by Congress of his gallant and judicious conduct on that memorable occasion.

Resolved, That the President be requested to cause a copy of the foregoing resolutions to be transmitted to General Wool.

The question was taken, and the motion was agreed to.

PACIFIC RAILROAD.

Mr. YATES. I submit the following resolution:

Whereas, the construction of a railroad through the territories of the United States is imperiously demanded for the safe and rapid transportation of the mails, munitions of war, and the public moneys, between the Atlantic and Pacific coasts; and whereas, the sentiment of the American people is decidedly favorable to its construction, regarding it as a political, financial, military, and social necessity—a vital demand of our empire, our commerce, and our civilization—necessary in opening and making marketable and accessible our vast empire of the interior—necessary to bind our Pacific domain to us, and to secure to ourselves the commerce of the Pacific seas—necessary to the unity and promptitude of government, representation, administration, and defense; and necessary to the greatest prosperity and highest destiny of the nation: Therefore,

Resolved, That it is the duty of this Congress, as soon as it can determine from the reports of the surveys ordered by the last Congress the best route, to pass an act providing for the immediate commencement and early completion of said road.

Mr. JONES, of Tennessee. I move that the resolution be laid upon the table.

Mr. CAMPBELL, of Ohio. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. ORR. I should like to have the resolution read over again.

The resolution was accordingly read by the Clerk a second time.

The question was then put on the motion to lay the resolution on the table and resulted—yeas 119, nays 68; as follows:

YEAS.—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bliss, Boeck, Boyce, Breckinridge, Brooks, Caskie, Chamberlain, Chastain, Chrisman, Churchwell, Clingman, Cobb, Colquitt, Craig, John G. Davis, Dawson, Dent, De Witt, Disney, Dowdell, Drum, Dunbar, Dunham, Eddy, Edgerton, Edmundson, English, Ewing, Faulkner, Florence, Franklin, Fuller, Gamble, Goode, Green, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Hastings, Hendricks, Hibbard, Hillyer, Houston, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kelt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Lane, Letcher, Lilly, McNair, McQueen, Mace, Macy, Maurice, Maxwell, Smith Miller, Milson, Morrison, Murray, Nichols, Noble, Andrew Oliver, Orr, Packard, Peck, Peckham, Bishop Perkins, Phillips, Pratt, Puryear, Reese, Thomas Ritchie, Robbins, Rogers, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Simmons, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Alexander H. Stephens, Andrew Stuart, John J. Taylor, Trout, Vail, Vansant, Walsh, Westbrook, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—119.

NAYS.—Messrs. Ball, Benson, Bissell, Bugg, Lewis D. Campbell, Chandler, Clark, Cook, Corwin, Cox, Crocker, Cullom, Thomas Davis, Dick, Dickinson, Edmunds, Ellison, Etheridge, Everhart, Farley, Flagler, Giddings, Aaron Harlan, Harrison, Hiestler, Hill, Howe, Hughes, Hunt, Knox, Latham, Lindsey, Lindsley, McCulloch, McDougal, Matteson, Meacham, Middlesworth, John G. Miller, Morgan, Norton, Mordecai Oliver, Parker, Pennington, John Perkins, Pringle, Ready, David Ritchie, Russell, Sabin, Sage, Sapp, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Straub, John L. Taylor, Thurston, Tracy, Upham, Walker, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Yates, and Zollieoff—68.

So the resolution was laid on the table.

BINDING OF DOCUMENTS.

Mr. STANTON, of Kentucky. A resolution was reported from the Committee on Printing, a few minutes ago, and adopted. I now rise for the purpose of moving a reconsideration of the vote by which it was passed. It is important that it should be reconsidered, for this reason: we intended that it should be a joint resolution of both Houses, but the enacting clause is not inserted. It is important that the resolution should be sent to the Senate for concurrence. It is relative to the binding of extra documents ordered by either

House. I move, therefore, a reconsideration of the vote by which the resolution was passed, with a view to amend the same by inserting a clause which was omitted, so as to change its character and make it a joint resolution, as is required by law.

The motion for reconsideration was agreed to. Mr. STANTON. I now move to amend the resolution so as to insert the usual enacting clause, "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled;" and I move that the resolution so amended do pass.

The Clerk then read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Executive documents—the printing of additional copies of which were ordered during the present session, or may during either session of the present Congress be ordered, by either House of Congress, and the size of which shall not be less than two hundred pages—shall be bound under the direction of the Joint Committee on Printing; Provided, That the cost shall not exceed twelve and a half cents per copy.

Mr. RICHARDSON. I should like to inquire what has been the practice heretofore on this point?

Mr. STANTON. This is precisely the same resolution which was adopted at the last session of Congress, and at the session before.

Mr. ORR. The resolution under which the binding was done three years ago was not a joint resolution; it was a resolution of this House alone, and it is proper that this House should pass the resolution without sending it to the Senate for concurrence. The House prints its own documents. It has the control, and should have the control, of the manner of putting up these documents. The resolution is proper, as a resolution passed on one reading here, for this House. It is not necessary to send it to the Senate for concurrence. Suppose the Senate should not concur, then the House would not have the power of having its own documents bound.

Mr. STEPHENS, of Georgia. I would like to make an inquiry. Does not the resolution reported by the gentleman from Kentucky require that all documents, of more than two hundred pages in length, should be divided into volumes of two hundred pages?

The Clerk read that portion of the resolution applying, viz:

"That the Executive documents—the printing of additional copies of which were ordered during the present session, or may, during either session of the present Congress, be ordered, by either House of Congress, and the size of which shall not be less than two hundred pages—shall be bound," &c.

Mr. STANTON, of Kentucky. The gentleman from South Carolina [Mr. ORR] said, that during the Congress preceding the last, a similar resolution of the House authorized the binding to be done. The policy of the House in reference to that matter was changed at the beginning of the last Congress. A joint resolution, of which this is a copy, was passed by the House, and sent to the Senate for concurrence. Under the joint direction of the two committees of the House and the Senate, all the binding of the last Congress was done. The Committee on Printing have thought that the safer course, and hence have authorized this resolution to be reported to the House. I do not know but it would be better to leave to the committee on the part of the House the control of its own binding, so that the House committee will not embarrass the action of the Senate committee, or the Senate committee that of the House. The resolution as it stood, authorized the committee of the House to have the binding done; but it now refers the whole matter to the joint committee of the two Houses, and that requires the concurrence of the Senate for its adoption; and the object of my motion was to change the form of the resolution, so as to make it a joint resolution.

Mr. HAVEN. I wish to state my recollection of this matter. I have a strong impression that during the last session of Congress these documents were bound, under the direction of the committee of the House; that is, those that were ordered by the House were bound under the direction of the committee of the House, and those ordered by the Senate, under the direction of the committee of the Senate. I have some reason to remember that fact quite distinctly. If the gentleman from Kentucky [Mr. STANTON] will look

back to some scenes which occurred last session, he will recall to mind that the Senate portion of the committee selected one binder, and the House committee another and different one. It is not a matter of much consequence, one way or the other. But for the reasons mentioned by the gentleman from South Carolina, [Mr. ORR,] it seems to me that the House should look after its own documents and its own binding.

I was so situated that I could not distinctly hear the remarks of the gentleman from Kentucky, [Mr. STANTON,] or I should have called the attention of the House to these facts before. It strikes me that the resolution had better stand as it was before the motion to reconsider was made, and that will be in accordance with the previous practice of the House.

Mr. JONES, of Tennessee. I wish to inquire of the gentleman from Kentucky if, when a motion is made in this House to print an extra number of any particular document, it is not referred to the House portion of the Joint Committee on Printing, and whether they do not report back to this House, and recommend what number of extra copies should be printed?

Mr. STANTON. That is so.

Mr. JONES. I understand the gentleman to reply that such is the rule and practice. Then, sir, if the House portion of the Joint Committee on Printing consider and report upon all motions for printing extra copies of documents, I think the same portion of that committee—that is, the House part of it—should have the control of the binding of these documents, independent of the Senate portion of that committee. The committee is joint, and have the general superintendence of all the printing of Congress, to see that it is done according to the terms of the contract, and not as to the number of documents that either House, respectively, may order, or as to the manner or style in which they are done.

I think the resolution, as a House resolution, is proper, and that nothing is gained by altering it.

Mr. RICHARDSON. I would suggest to the gentleman from Kentucky [Mr. STANTON] a difficulty as to the resolution as it stood, and which should be amended, if it is to stand as a House resolution. If we are to have the control of the binding through the House committee, it ought to confer the power upon the committee of the House.

Mr. ORR (interrupting). If the gentleman from Illinois will give way, I will suggest a substitute which will meet his difficulty. I will read the substitute. It is as follows:

Resolved, That the members of this House of the Joint Committee on Printing be instructed to have all Executive documents, ordered to be printed by the House, of two hundred pages or more, bound at a cost not to exceed twelve and a half cents per volume.

The SPEAKER. The object of the gentleman from South Carolina can only be reached by unanimous consent, or by reconsidering the first and second vote upon the resolution. It is now a joint resolution.

Mr. STEPHENS, of Georgia. The object of the gentleman from South Carolina, [Mr. ORR,] and the gentleman from Kentucky, [Mr. STANTON,] is only to have bound the extra copies for distribution. The resolution ought to provide for the extra copies only.

Mr. STANTON. I suggest the insertion of the words "extra copies."

The SPEAKER. The Chair understands the gentleman from Kentucky, to ask the unanimous consent of the House to withdraw the joint resolution.

Mr. STANTON. Yes, sir.

The SPEAKER. If not objected to, the resolution will be withdrawn.

Mr. STANTON. I now offer the resolution as drafted by the gentleman from South Carolina, [Mr. ORR.]

The resolution was then read, as follows:

Resolved, That the members of the House on the Joint Committee on Printing be instructed to have all the extra copies of Executive documents ordered to be printed by the House, of two hundred pages, bound at a cost not exceeding twelve and a half cents per volume.

The question was then taken, and the resolution was adopted.

LAND OFFICE JURISDICTION.

Mr. RICHARDSON. I ask the unanimous consent of the House to withdraw from the files of the House the petition of a portion of the citi-

zens of Illinois, praying for the detachment of certain land from the Dixon land office, and to attach it to the Quincy land office, and to move that it be referred to the Committee on Public Lands.

The SPEAKER. That can be done only by unanimous consent, as the rule which allows petitions to be presented in open House was changed yesterday.

There being no objection, leave was granted On motion of Mr. HILLYER, the House then adjourned till to-morrow at twelve o'clock.

IN SENATE.

WEDNESDAY, December 14, 1853.

Prayer by the Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The Hon. CLEMENT C. CLAY, Jr., of Alabama, and the Hon. WILLIAM K. SEBASTIAN, of Arkansas, appeared in their seats this morning.

PRESENTATION OF CREDENTIALS.

Mr. HUNTER presented the credentials of the Hon. CLEMENT C. CLAY, Jr., chosen by the Legislature of Alabama a Senator from that State, for the term of six years from the 4th of March last; which were read, and the oath prescribed by law having been administered to Mr. CLAY, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. W. V. MCKEAN, Chief Clerk, announcing that they had agreed to the amendment of the Senate to the joint resolution of the House for the relief of Alexander P. Field, late Secretary of Wisconsin Territory, and sureties.

Also, that the House of Representatives had, in compliance with the joint rules of the two Houses, appointed the following joint committees on their part:

On the Library—Mr. Benton of Missouri, Mr. Chandler of Pennsylvania, and Mr. Faulkner of Virginia.

On Printing—Mr. Murray of New York, Mr. Stanton of Kentucky, and Mr. Russell of Pennsylvania.

On Enrolled Bills—Mr. Green of Ohio, and Mr. De Wit of Massachusetts.

PETITIONS.

Mr. EVERETT presented the petition of B. E. Abbott, son of the late George F. Abbott, Vice Consul of the United States at Salonica, praying compensation for losses sustained by his father in the service of the United States; which was referred to the Committee on Commerce.

Mr. HUNTER presented the petition of J. K. Cooke, praying compensation for loss of time and expenses incurred under an appointment of the President, as Consul of the United States at Xrbara, in the Island of Cuba, the Governor General of that island having refused to recognize him as such; which was referred to the Committee on Foreign Relations.

Mr. BRIGHT presented the petition of David Myerle, praying compensation for losses sustained in testing the practicability of water-rotting American hemp for the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. MASON presented the petition of Alfred Billups and others, praying compensation for French spoliation prior to 1800; which was ordered to lie on the table.

Mr. WELLER presented the memorial of Charles Homer, praying compensation for losses sustained in consequence of the delay of the United States Government in selecting a site for the marine hospital at San Francisco, and for services performed thereon not required by the contract; which, with the accompanying papers, was referred to the Committee on Claims.

Mr. EVANS presented three memorials of the Charleston Chamber of Commerce, praying an appropriation for the improvement of the harbor of Charleston, South Carolina; also, an appropriation for a light-ship and buoys at Cape Roman; and a further appropriation for the erection of a light on White Point Shoal, in Charleston harbor; which were referred to the Committee on Commerce.

Mr. JOHNSON presented the memorial of the Creek nation of Indians, praying compensation

for lands relinquished to the United States by the treaty of Fort Jackson, in 1814; which was referred to the Committee on Indian Affairs.

Mr. BRODHEAD presented a petition of citizens of Massachusetts, praying the enactment of a law giving further remedies to patentees; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SEWARD, it was

Ordered, That the memorial and papers in the case of William R. Nevins be withdrawn from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by Mr. SEWARD, it was

Ordered, That the papers in the case of Mrs. Leavenworth, widow of General Leavenworth, be withdrawn from the files of the Senate, for the purpose of being presented in the House of Representatives.

On motion by Mr. JAMES, it was

Ordered, That the papers in the case of William R. Wilkinson and others be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. JAMES, it was

Ordered, That the petition of William S. Humphries and others, asking for the incorporation of the Washington Cemetery, be withdrawn from the files of the Senate, and referred to the Committee on the District of Columbia.

On motion by Mr. GWIN, it was

Ordered, That the memorial of Thomas O. Larkin be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. WADE, it was

Ordered, That the petition of Silas L. Loomis, and the petition of Zachariah Lawrence, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. PRATT, it was

Ordered, That the petition of William G. Ridgely be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. GWIN, it was

Ordered, That the petition and papers in the case of Mrs. Harriet Ward, praying for a naval pension, be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. HAMLIN, it was

Ordered, That the petition and papers in the case of the legal representatives of Noah Miller be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of Thomas B. Parsons be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. HUNTER, it was

Ordered, That the papers in the case of the legal representatives of William Bean and in the case of Ann Robinson be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. PEARCE, it was

Ordered, That the petition of T. P. McBlair be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. JAMES, it was

Ordered, That the papers of Peter W. Morgan, administrator of John Arnold, deceased, and George G. Bishop be withdrawn from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by Mr. WALKER, it was

Ordered, That the papers in the case of the heirs of James Bell be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. MASON, it was

Ordered, That the papers in the case of E. Ritchie Dorr be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. SEWARD, it was

Ordered, That the various memorials and papers relating to the construction of the Niagara ship canal be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

On motion by Mr. FISH, it was

Ordered, That the documents relating to the claim of the late Colonel Joseph Watson be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

On motion by Mr. DODGE, of Wisconsin, it was

Ordered, That the papers in the case of the heirs of Benjamin Mooers, and the petition of Thomas Foster and others, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the petition and accompanying papers of Thomas S. Russell and Antonio J. Noda, late register and receiver of the land office of St. Augustine, Florida, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the memorial and papers of George Wright be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. ADAMS, it was

Ordered, That the papers in the case of the heirs of Caleb Swann, deceased, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

NOTICES OF BILLS.

Mr. HAMLIN gave notice of his intention to ask leave to introduce a bill for the relief of Ira Baldwin.

Mr. SLIDELL gave notice of his intention to ask leave to introduce a bill for the relief of settlers on the Maison Rouge grant of lands.

Mr. SUMNER gave notice of his intention to ask leave to introduce a bill to provide for the execution by the courts of the United States of commissions to take testimony issuing from the courts of justice of friendly nations.

Mr. FOOT gave notice of his intention to ask leave to introduce a bill explanatory of an "act for the relief of Benjamin S. Roberts."

Mr. EVANS gave notice of his intention to ask leave to introduce a bill to indemnify the State of South Carolina for money expended for the United States in the war in Florida with the Seminole Indians.

BILLS INTRODUCED.

Mr. DIXON asked and obtained the unanimous consent of the Senate to introduce a bill for the relief of Sophia Kirby; which was read a first and second time by unanimous consent, and referred to the Committee on Revolutionary Claims.

Mr. SHIELDS, agreeably to previous notice, asked and obtained leave to introduce a bill to authorize the State of Illinois to select the residue of the lands to which she is entitled, under the act of March 2, 1827; which was read a first and second time, by unanimous consent, and referred to the Committee on Public Lands.

Mr. BRODHEAD asked and obtained the unanimous consent of the Senate to introduce a bill giving further remedies to patentees; which was read a first and second time, by unanimous consent, and referred to the Committee on the Judiciary.

Mr. ADAMS, according to previous notice, asked and obtained leave to introduce a bill granting the right of way and a donation of the public lands to the States of Louisiana and Mississippi, to aid in the construction of certain railroads therein; which was read a first and second time, by unanimous consent, and referred to the Committee on Public Lands.

Mr. DODGE, of Iowa, according to previous notice, asked and obtained leave to introduce a bill to organize the Territory of Nebraska; which was read a first and second time, by unanimous consent, and referred to the Committee on the Territories.

Mr. BENJAMIN asked and obtained the unanimous consent of the Senate to introduce a bill confirming certain land claims in Louisiana, in the Bastrop grant; which was read a first and second time, by unanimous consent, and referred to the Committee on Private Land Claims.

CLERKS TO COMMITTEES.

Mr. BADGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the committees which were authorized at the last session to employ clerks, be authorized to employ clerks during the present session.

PACIFIC RAILROAD.

Mr. CHASE submitted the following resolution for consideration:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing for the construction of a railroad from some point on the western line of one of the existing States to some point on the eastern line of California.

STATUTES OF THE UNITED STATES.

Mr. SUMNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to consider the expediency of providing by law for the appointment of a commission to revise the public statutes of the United States, to simplify their language, to correct their incongruities, to supply their deficiencies, to arrange them in order, to reduce them to one connected text, and to report them, thus improved, to Congress, for their final action, to the end that the public statutes, which all are presumed to know, may be in such a form as to be more within the comprehension of all.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 14, 1853.

The House met at twelve o'clock, m. Prayer by the Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

WITHDRAWAL OF A PETITION.

On motion by Mr. MACE, it was

Ordered, That leave be granted to withdraw from the files of the Committee on Claims, the papers in the case of Major Weed's administrators, with a view of replacing them on the files of the Senate.

A. AND J. E. KENDALL.

Mr. CLINGMAN. On my objection yesterday, the petition and papers in the case of A. and J. E. Kendall, presented by the gentleman from Tennessee, [Mr. JONES,] were laid upon the table. I now desire to withdraw my objection, and allow the papers to be appropriately referred.

There was no objection, and the papers were accordingly referred to the Committee on Indian Affairs.

Mr. LETCHER. Is it in order to introduce a bill, of which previous notice has been given, for the purpose of having it referred to the Committee on the Judiciary?

The SPEAKER. It is not in order at this time.

ORDERS OF THE DAY.

The House then proceeded to the consideration of the orders of the day, the first business in order being the call of committees for reports. The list of committees was called through in their order.

CHAIRMAN OF THE MILITARY COMMITTEE.

Mr. BENTON. Mr. Speaker, in the list of members of the Committee on Military Affairs as made by the Chair, my name was placed at the head of that committee. By the courtesy of the committee, the first name upon the list is usually considered chairman. The committee have the right, however, to elect their own chairman. While I am well pleased with a place upon that committee, I feel it extremely inconvenient to take upon myself the duties of its chairman at this time. I therefore proposed to the committee that we should go into the election and choose our own chairman, for the purpose of relieving me from the labors of that station; which they had the right to do. It was done, and Mr. WILLIAM H. BISSELL was elected chairman in my place.

The SPEAKER. Mr. BISSELL will be placed at the head of that committee.

INTRODUCTION OF A BILL.

Mr. FAULKNER, from the Committee on Military Affairs, introduced a bill, of which previous notice had been given, for the relief of Louis B. Willis, late a Paymaster of the United States; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. FLORENCE. Is it in order now to ask to withdraw a paper from the files of the House for the purpose of reference?

The SPEAKER. That can be done under the rules of the House, at the Clerk's table.

Mr. CHANDLER. I ask the unanimous consent of the House for leave to withdraw from the files of the House the petition and papers in the case of Magdalena Moore, widow of the late John Moore, a pensioner of the State of Pennsylvania. Leave was granted.

COMMITTEE ON WAYS AND MEANS' CLERK.

Mr. CAMPBELL, of Ohio. I rise to a privileged question. With a view of having the Committee on Ways and Means furnished with a clerk, according to the system adopted heretofore. I move to reconsider the vote by which the resolution on this subject was yesterday laid upon the table, understanding as I do, that some of the members of that committee are willing to adhere to the old principle.

Mr. STEPHENS, of Georgia. Do I understand the gentleman from Ohio to say the Committee on Ways and Means are willing to return to the old system in reference to employing a clerk?

Mr. CAMPBELL. No, sir; I did not say

that. I said some members of that committee were willing to return to the old system; not that the whole committee acquiesced in it.

Mr. STEPHENS. I trust the House will not reconsider that vote, unless that committee is to be authorized to employ a clerk under the system proposed by them yesterday.

Mr. CAMPBELL. I will not insist on my motion; I withdraw it.

The list of committees having been called through, the States were next called for resolutions.

COMPLETION OF PUBLIC WORKS.

When the State of Illinois was called—

Mr. NORTON introduced the following resolution:

Resolved, That the Committee on Commerce be instructed to report a bill, as soon as practicable, for the completion of the public works for which appropriations were made by the last Congress.

Mr. BAYLY, of Virginia, moved to lay the resolution on the table.

Mr. WASHBURN, of Illinois. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLINGMAN asked that the resolution might be again reported.

The resolution was accordingly again reported by the Clerk.

Mr. ORR. I propose to debate the resolution. The previous question has not been demanded.

Mr. BAYLY. You cannot debate the resolution. The motion is to lay the resolution on the table.

The SPEAKER. The previous question has not been demanded; the motion is to lay the resolution on the table.

Mr. BISSELL. I ask that the resolution may be again read for the information of the House.

The resolution was accordingly read.

The question was then taken on the motion to lay the resolution on the table.

Pending the announcement of the vote, Mr. GROW desired to be allowed to vote in the affirmative.

The SPEAKER. Was the gentleman from Pennsylvania within the bar when his name was called?

Mr. GROW. I was not.

The SPEAKER. The gentleman can be allowed to vote by unanimous consent.

Mr. WALSH. I object.

The result of the vote on the motion to lay the motion on the table was then announced—yeas 102, nays 75; as follows:

YEAS—Messrs. Ashe, David J. Bailey, Thomas H. Bayly, Banks, Belcher, Bisell, Bliss, Boccock, Boyce, Breckinridge, Brooks, Caskie, Chrisman, Chingman, Cobb, Colquitt, Craigie, Curtis, Cutting, John G. Davis, Dawson, Disney, Dowdell, Drum, Edgerton, Edmundson, Elliott, Ellison, Faulkner, Fuller, Goode, Greenwood, Sampson W. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Hughes, Johnson, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindsley, Macdonald, McDougal, McNair, Mace, Maxwell, Mayall, Smith Miller, Morrison, Murray, Nichols, Andrew Oliver, Orr, Packer, Peck, Peckham, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Reese, Thomas Ritchey, Robbins, Ruffin, Seymour, Shannon, Shaw, Skelton, Snodgrass, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Trout, Tweed, Vail, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Hendrick B. Wright, and Zollcoffer—102.

NAYS—Messrs. James C. Allen, Appleton, Ball, Barry, Benson, Bugg, Lewis D. Campbell, Carpenter, Caruthers, Chandler, Chase, Clark, Cook, Corwin, Cox, Crocker, Cullom, Dick, Dickinson, Dunbar, Eastman, Eddy, Edmonds, English, Eldridge, Everhart, Farley, Flagler, Florence, Franklin, Giddings, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Hiestor, Hill, Howe, Hunt, Kerr, Knox, McCulloch, Macy, Marteson, Middleswarth, John G. Miller, Morgan, Noble, Norton, Mordecai Oliver, Parker, Pennington, Pringle, Ready, Riddle, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Gerrit Smith, William R. Smith, John L. Taylor, Thurston, Tracy, Upham, Wade, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—75.

So the motion to lay the resolution on the table was agreed to.

BILLS INTRODUCED.

Mr. BISSELL. Is it in order now to introduce bills of which previous notice has been given?

The SPEAKER. It is in order.

Mr. BISSELL. Then I ask leave to introduce the following bill:

"An act making a grant of public lands to the several States and Territories of the Union, for the benefit of indigent insane persons."

The bill was read a first and second time.

Mr. BISSELL. I ask that this bill may be referred to a select committee.

Mr. JONES, of Tennessee. I object to any such bill going to a select committee. I think it ought to go to the Committee on Public Lands.

Mr. BISSELL. My only objection to this reference is, that that committee will undoubtedly be overwhelmed this session, as it was last, with bills proposing to make grants of land; and as the object of this bill is peculiar; I think it should have the reference I propose.

Mr. JONES. This bill legitimately belongs to the Committee on Public Lands; and I cannot see why a select committee should be raised for the reference of this bill.

The question was then taken on the motion to refer the bill to the Committee on Public Lands; and a division being demanded, there were—yeas 99, nays 51.

So the motion to refer the bill to the Committee on Public Lands was agreed to.

REVENUE LAWS.

Mr. CURTIS. I ask the unanimous consent of the House to take up a resolution passed by the Senate, to provide for a deficiency for the revision and codification of the revenue laws. I think it can be done in a few moments.

Mr. LETCHER. Is this in order?

The SPEAKER. It is not in order, except by unanimous consent.

Mr. WALSH. I object.

BILLS INTRODUCED.

Mr. BISSELL introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Military Affairs, viz:

"A bill for an act to repeal the first provision of the fourth section of the bounty land law of September 28, 1850."

Mr. WASHBURN, of Illinois. Is it in order now to offer bills of which previous notice has been given?

The SPEAKER. It is in order under the call for resolutions.

Mr. WASHBURN. Then I ask leave to offer the following bills.

Mr. ORR. Before the gentleman proceeds I should like to know how many bills a member has a right to introduce under this construction of the rule?

The SPEAKER. By the construction which has been usually given to the rule, a member has been allowed to introduce all the bills of which previous notice has been given.

Mr. COBB. I have some fifteen or sixteen bills which I want to introduce, of all of which notice has been given.

The SPEAKER. They were resolutions, not bills.

Mr. COBB. I desired to introduce bills. I have a number here which I want to introduce early. I hope that, when next I get the floor, I shall be allowed to get them all in.

Mr. WASHBURN, of Illinois, in pursuance of previous notice, introduced a bill of the following title; which was read a first and second time by its title, and referred to the Committee on Public Lands, viz:

"A bill for the relief of the purchasers and locators of swamp and overflowed lands."

Mr. WASHBURN also, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Commerce, viz:

"A bill for the further improvement of the Rock Island and Des Moines Rapids in the Mississippi river."

Mr. WENTWORTH, of Illinois, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Revolutionary Pensions, viz:

"A bill extending the benefits of the pension laws to all persons serving in the late war with Great Britain, and the Indian wars prior thereto, and their widows."

Mr. PHELPS, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Military Affairs, viz:

"A bill to amend an act entitled 'An act to pro-

vide for the payment of horses and other property lost or destroyed in the military service of the United States,' approved March 3, 1849."

Mr. WARREN, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands, viz:

"A bill for a grant of land to the Mississippi, Ouachita, and Red River Railroad Company."

Mr. GREENWOOD, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on the Judiciary, viz:

"A bill to amend an act entitled 'An act to divide the State of Arkansas into two judicial districts,' approved March 3, 1851."

Mr. MAXWELL, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands, and ordered to be printed, viz:

"A bill granting the right of way and alternate sections of land to aid in the construction of railroads between the waters of the Atlantic and the Gulf of Mexico."

Mr. MAXWELL. Understanding that it has not been customary to order the printing of bills when introduced for reference to the standing committees, I modify my motion, and move simply that the bill be referred to the Committee on Public Lands.

It was so ordered.

Mr. MAXWELL. I ask leave of the House to introduce "a bill granting the right of way and making a grant of land to the States of Florida and Alabama, in aid of the construction of a railroad from the waters of Pensacola Bay, in Florida, to Montgomery, in the State of Alabama," of which previous notice has been given.

There was no objection, and the bill was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. HENN. I ask leave of the House to introduce "a bill making a grant of land to the State of Iowa in alternate sections, to aid in the construction of certain railroads in said State," of which previous notice has been given.

There was no objection; and the bill was read a first and second time by its title.

Mr. HENN. I now move that the bill be referred to the Committee on Public Lands, and ordered to be printed.

The question was taken, and the motion was agreed to.

Mr. HENN. I ask leave to introduce "a bill to grant a homestead to settlers on the public land, and to provide for their sale to actual settlers only," of which previous notice has been given.

There was no objection; and the bill was read a first and second time by its title.

Mr. HENN. I move that the bill be referred to the Committee on Public Lands, and ordered to be printed.

Mr. JONES, of Tennessee. I would suggest to the gentleman from Iowa the propriety of moving the reference of his bill to the Committee on Agriculture. That committee had charge of the subject at the last Congress and reported a bill upon it to the House.

Mr. HENN. I would prefer the reference of the bills to the Committee on Public Lands, as one bill has gone there already. I know that a bill on the same subject has been referred to the Committee on Agriculture. It may be that two committees are wiser than one, and they together may be able to get the measure passed.

Mr. JONES. Has one bill been referred to the Committee on Public Lands?

Mr. HENN. Yes, sir; and I desire this one to go there also.

Mr. COBB. It is as well that I should make the point I am going to on my friend from Iowa as on any other. I object to the printing of bills on their introduction for reference. Such has not been the practice of the House heretofore. If bills be printed, then they must always be reprinted when reported from the committees; thus involving an additional and unnecessary expense. I move to reconsider the vote by which the first bill introduced by the gentleman from Iowa was ordered to be printed. I trust that the gentleman will conform to the practice of the House, and not

ask the printing of his bill till it shall have been reported from the committee.

The Clerk again read the title of the bill.

Mr. COBB. I object to the printing of it, for the reason that the system of printing bills on their introduction would cause a tremendous expense to Government.

Mr. HENN. I would just observe, in connection with the printing of this bill, that it provides for the construction of certain railroads, which have been memorialized for by the Legislature of the State. It is more for the purpose of carrying out the wishes of the Legislature of the State that I ask it to be printed, than for any other reason.

Mr. COBB. I would have no objection to the printing of the memorial itself.

Mr. HENN. The memorial does not require to be printed.

Mr. JONES, of Tennessee. Mr. Speaker, it has never been the custom, I believe, to print bills when they are introduced and referred to a committee. When the committees report them back is the time when bills are ordered to be printed; but never on their introduction. I did not at first notice that the motion to print accompanied the one to refer.

The motion for reconsideration was then put, and agreed to.

The question on the motion for printing was then put, and negatived.

Mr. COBB. I make a similar motion in respect to the other bill on which the same order was granted.

The Clerk read the other bill introduced by Mr. HENN, providing a grant of public lands and sale to actual settlers only.

The question was put on the motion to print, and was also negatived.

Mr. LANE, of Oregon, offered the following resolution:

Resolved, That the Committee on Military Affairs be requested to inquire into the expediency and necessity of raising two or more regiments of mounted troops for the protection and defense of our frontiers; and that they be requested to report at an early day.

There being no objection, the resolution was adopted.

Mr. LANE also gave notice that he would on to-morrow, or some subsequent day, ask leave to introduce the following bills, viz:

A bill to provide for the improvement of the navigation of Willamette river;

A bill to provide for the extension of the military road from Myrtle Creek to Scottsburg;

A bill to provide for the completion of public buildings for the Territory of Oregon; and

A bill for the relief of Mrs. Elizabeth Thurston, widow of Samuel R. Thurston, late Delegate from Oregon Territory.

On motion by Mr. BERNHISEL, it was

Ordered, That the petition of the Legislative Assembly and Governor of the Territory of Utah be withdrawn from the files of the House, and referred to the Committee on Military Affairs.

The SPEAKER. The object of the gentleman from Utah could be accomplished under the rule, however, and the Chair is of opinion that that would have been the more regular course.

Mr. COBB. As we have finished the calling of the States and Territories for resolutions, I intend to appeal to the courtesy of the Speaker, as well as of the House, that my right which I had to the floor when I proposed to introduce bills of which previous notice had been given may be extended, so as to enable me to present the bills of which notice has been given. The Speaker has decided that it is not in order for any member to introduce more than one bill at a time. I am anxious to get rid of the bills which I have on my desk, that they may be referred to the proper committees.

Mr. CAMPBELL, of Ohio. I object. The gentleman from Alabama might have appealed from the decision of the Chair at the time it was made, if he was not satisfied with it.

The SPEAKER. The Chair is of opinion that, according to the rule, it is his duty to commence calling the States for resolutions precisely where he left off on yesterday.

Mr. JONES, of Tennessee. And get through with all the States and Territories before we go back. I think that is correct.

Mr. HOUSTON. Does the Chair decide that

we must go back in the call of the States at the point where we last left off?

The SPEAKER. The Chair so decided.

Mr. HOUSTON. I do not wish to interfere with the order of business, but I desire to ask the House to go into the Committee of the Whole on the state of the Union upon the President's message.

[Cries of "No!" "No!"]

Mr. HOUSTON. I intend to make that motion as soon as gentlemen get clear of their resolutions.

The SPEAKER. Does the gentleman submit the motion now?

Mr. HOUSTON. I do not.

The SPEAKER then commenced the calling of the States for resolutions, commencing with the State of Indiana, when—

Mr. MACE asked and obtained leave to introduce a bill, of which previous notice had been given, entitled "A bill granting land to actual settlers;" which was read a first and second time by its title, and referred to the Committee on Agriculture.

Also, a bill, of which previous notice had been given, entitled "A bill granting land to the States of Michigan, Ohio, Indiana, Illinois, and Iowa, to aid in the construction of a railroad from Detroit to the mouth of the Big Platte, in Iowa;" which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. ENGLISH asked and obtained leave to introduce a bill, of which previous notice had been given, entitled "A bill to constitute the city of Jeffersonville, in the State of Indiana, a port of delivery;" which was read a first and second time by its title, and referred to the Committee on Commerce.

Mr. STANTON, of Kentucky. I have a resolution which I desire to offer, and I will send it to the Clerk's desk.

The resolution was then read, as follows:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire into and report to this House by what authority of law an officer of the United States Army is employed to superintend the construction of the two wings of the Capitol; what bond, if any, he has been required to give for the faithful disbursement of the money appropriated for that purpose; what alterations he has made in the original design of the said wings, as approved by the President under the law of September 30, 1850; by what authority of law the said alterations were made, and what additional expense has been and will be hereafter incurred in consequence of said alterations; and also inquire into the expediency of placing that work upon said wings at the Capitol under the supervision of the Commissioner of the Public Buildings, or some other civil officer to be appointed hereafter for that purpose.

Mr. STANTON. Upon the passage of the resolution I demand the previous question.

Mr. HOUSTON. Will the gentleman withdraw the demand for the previous question for one moment? I desire to refer him to the law upon that subject.

Mr. STANTON. I understand the law, and it authorizes no such thing. I ask for tellers upon the demand for the previous question.

Tellers were ordered.

The question was then taken, (Messrs. CAMPBELL, of Ohio, and HARRIS acting as tellers,) and there were—ayes 82; noes not counted.

So the previous question was seconded, and the main question ordered.

The question was then taken upon the passage of the resolution, and it was decided in the affirmative.

So the resolution was agreed to.

Mr. BRECKINRIDGE introduced a bill, of which previous notice had been given, to amend an act, entitled "An act to continue half pay to certain widows and orphans," approved the 3d of February, 1853; which was read a first and second time by its title.

Mr. BRECKINRIDGE moved its reference to the Committee on Revolutionary Pensions.

Mr. JONES, of Tennessee. That bill, if I mistake not, is similar to others heretofore introduced, and relates more particularly to the widows of soldiers of other wars, since the war of the Revolution. I think it would more appropriately go to the Committee on Invalid Pensions.

Mr. BRECKINRIDGE. I think I have proposed the proper reference.

Mr. JONES. I will withdraw my proposition to refer.

The bill was therefore referred to the Committee on Revolutionary Pensions.

WITHDRAWAL OF PAPERS.

Mr. HILL. I ask leave to withdraw from the files of the House the petition and papers in the case of Magatee and Eastham, with a view of future reference.

The SPEAKER. That can only be done by unanimous consent. The Chair again states that the gentleman can accomplish his object by applying at the Clerk's desk.

Mr. HILL. I supposed that rule referred only to the presentation of memorials, but that the consent of the House was necessary to withdraw papers from the files of the House.

The SPEAKER. Leave will be granted, unless objection be made.

There was no objection, and leave was granted.

Mr. EDGERTON, on leave, introduced a bill, of which previous notice had been given, granting to the State of Ohio the unsold and unappropriated lands remaining in said State; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. PERKINS, of Louisiana, gave notice of his intention on to-morrow, or some subsequent day, to introduce a bill of the following title:

A bill granting to the State of Louisiana the right of way and a portion of the public lands, for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river, in said State.

Mr. COBB. I now propose to introduce various bills, of which previous notice has been given. I begin with the following:

A bill to extend the time for payment of duties on railroad iron, and for other purposes.

The bill was read a first and second time by its title.

Mr. COBB. I move its reference to the Committee on the Post Office and Post Roads.

Mr. BAYLY, of Virginia. It should go to the Committee on Ways and Means.

Mr. COBB. I have no particular choice as to the committee to which this bill may be referred; but I would remind gentlemen that, at the last session of Congress, we passed precisely such a bill as I now propose to introduce. That bill, when introduced, was referred to the Committee on the Post Office and Post Roads, and was reported from that committee and passed. I say again that I have no particular choice as to the committee. It is a question, I think, which will commend itself to the favorable consideration of every thinking mind in this House. I have nothing further to offer in regard to it. It is a matter of no consequence to me to what committee it is referred. I make the motion to refer to the Committee on the Post Office and Post Roads, because I think it is the most suitable committee.

Mr. BAYLY. I beg to differ with the gentleman from Alabama, [Mr. COBB.] This is not a mere matter of choice between committees, but a matter of principle is involved in this thing. I move to amend the motion of the gentleman from Alabama, by proposing the reference of this bill to the Committee on Ways and Means.

Mr. COBB. If any principle is involved, I would say that there is a very important matter involved in that bill—a matter in which railroad companies are concerned, and also the public service—so far as regards the transportation of the mails. A great and important feature of this bill is connected with that branch of the public service.

Mr. HIBBARD. I wish simply to suggest to the gentleman from Alabama, [Mr. COBB.] that the rule determines this question, in effect, by providing that matters relating to the public revenue shall go to the Committee on Ways and Means.

Mr. COBB. If gentlemen desire the reference to the Committee on Ways and Means, I have merely to say that I have such confidence in the intelligence and sense of justice of the gentlemen constituting that committee, that I am willing to allow the bill to have that reference, and I withdraw my motion to refer it to the Committee on the Post Office and Post Roads.

The motion to refer the bill to the Committee on the Post Office and Post Roads was accordingly withdrawn, and it was referred to the Committee on Ways and Means.

QUESTION OF PRIVILEGE.

Mr. LETCHER. I rise to a question of order.

During the last session of Congress, the question was raised by the gentleman from Alabama himself, [Mr. COBB,] who came here with an armful of bills, as to how many bills a member might introduce under this construction of the rules.

Mr. COBB. I never came here with an armful of bills.

Mr. LETCHER. The gentleman, I know, offered a proposition that no member should introduce more than one bill at a time.

The SPEAKER. The Chair rules that when the States are being called for resolutions, gentlemen may introduce bills of which notice has been given, without regard to the number of them. Gentlemen cannot, under the rules of the House, introduce more than one resolution, or one series of resolutions; but any number of bills, of which notice has been given, may be introduced.

Mr. COBB. I am glad that it is so. I propose now to introduce another bill, the object of which is, that all the public lands in the State of Alabama which have been unsold and unappropriated, and have been in market for a period of twenty years, should be granted to that State, for the purposes stated in the bill. The title of the bill is as follows:

"A bill to grant to the State of Alabama, and other States having public lands, the unsold and unappropriated public lands that have been in market for twenty years and upwards, for purposes of education and internal improvement."

The bill was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. COBB. I have another bill which I wish to introduce. I fear the House will think I am troublesome; but my duty demands that I should introduce these bills at this time. I ask leave to introduce the following bill:

"A bill granting the right of way, and a donation of the public lands, to the State of Alabama, to aid in the construction of the Wills Valley Railroad, and for other purposes."

The bill was read twice by its title, and referred to the Committee on Public Lands.

Mr. WENTWORTH, of Illinois. I rise to a question of order. Would it not be in order for the gentleman from Alabama [Mr. COBB] to pass up all the bills in his hands at once?

Mr. COBB. I should prefer doing so.

The SPEAKER. The Chair overrules the question of order.

Mr. COBB. I ask leave to introduce a bill in which the States of Virginia, Tennessee, and many other States are interested. It is a bill "granting the right of way and a portion of the public lands to aid in the construction of a railroad from Memphis, in the State of Tennessee, to intersect the Charleston, Chattanooga, and Nashville Railroad, in Alabama."

The bill was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. COBB. I would introduce another bill, entitled "A bill granting the right of way and a donation of the public lands to the State of Alabama, to aid in the construction of the Cohab Valley Railroad, in said State." It is for the purpose of connecting the Tennessee and Alabama waters; an object which the Government has long had in view.

The bill was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. COBB. I have another bill here in which orphan children and others are interested. It is a bill entitled "A bill to authorize the school commissioners of fractional township No. 1, range No. 10 east, in Alabama, to locate one section of land for school purposes."

The bill was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. COBB. I ask leave to introduce another bill, and have it referred to the Committee on Public Lands. It is "A bill granting the right of way to the State of Alabama, and a portion of the public lands, to aid in the construction of a railroad from Winchester, in the State of Tennessee, to some point on the Tennessee river, at or near Fort Deposit, Alabama."

Mr. JONES, of Tennessee. That bill refers to a railroad commencing in my district; and I would ask the gentleman from Alabama whether

that road runs through one foot of the public lands from Winchester to the Tennessee river?

Mr. COBB. Yes, sir, it does.

Mr. JONES. Where is it?

Mr. COBB. Near Flint river.

Mr. JONES. The people of that country do not know where it is then.

I would further inquire of the gentleman whether the railroad mentioned in the first bill, commencing at Memphis, in the State of Tennessee, and intersecting the Charleston, Chattanooga, and Nashville Railroad, passes through any of the public lands?

Mr. COBB. Oh, much of it.

Mr. JONES. I should like to know where?

Mr. COBB. In portions of Jackson and Madison counties.

Mr. LETCHER. I call the gentlemen to order.

Mr. JONES. We do not ask the right of way from this Government to open railroads through Tennessee.

Mr. COBB. I was aware of that, and I therefore got the Clerk to read the title of the bill, as I knew it would bring the gentleman from Tennessee down upon me.

The SPEAKER. Does the gentleman from Tennessee [Mr. JONES] object to the reception of the bill?

Mr. JONES. Oh, no, not at all; but it is of no use to grant the right of way, or alternate sections in this case, because there are no public lands there.

Mr. COBB. Oh, yes; they can get some within six miles of the road.

Mr. JONES. They will have to get a search warrant to find it. [Laughter.]

The bill was then read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. COBB also, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill to reduce and graduate the price of the public lands to actual settlers and cultivators."

Mr. COBB also, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill to authorize the States in which sixteenth school sections are situated, to relinquish such lands reserved or granted for the use of schools as may be comparatively valueless or unfit for cultivation, and to select other lands in lieu thereof."

Mr. COBB. I have another bill here, and if the gentleman from Tennessee wants any information about it, I can tell him that if this bill passes we shall get some lands under it.

Mr. JONES, of Tennessee. It is the first one, then, under which that will be the case.

Mr. COBB then, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill granting the right of way and a donation of land to the State of Alabama, in aid of the construction of the Coosa and Tennessee River Railroad in said State, leading from Gadsden to the Tennessee river, at or near Gunter's Landing."

INDEMNITY TO SOUTH CAROLINA.

Mr. ORR, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Military Affairs:

"A bill to indemnify the State of South Carolina for money expended for the United States, in the war in Florida with the Seminole Indians."

DUTIES ON IMPORTS.

Mr. BOYCE. I offer the following resolution; and upon it I demand the previous question:

Resolved, That in view of the large and increasing surplus now in the Treasury, the duties on imports should be so reduced as only to raise such a revenue as may be necessary for an economical administration of the Government, and the duties should be so imposed as to equalize, as much as possible, the burdens of taxation to all classes and sections, and to insure the abstraction from the pockets of the people of as little as possible over and above what is paid into the Treasury.

The House was then divided on the call for the previous question; and it was not seconded—only 38 voting in the affirmative.

Mr. SAGE. I move to lay the resolution upon the table.

Mr. DRUM. I demand the yeas and nays upon that motion.

Mr. JONES, of Tennessee. I submit whether the motion to lay upon the table did not come to late? The call for the previous question failed to be seconded, and the resolution, of course, passed from before the House. In my opinion, the motion was not made in time.

The SPEAKER. The resolution, the gentleman from Tennessee will remember, will not pass from before the House unless debate arise upon it. No debate has occurred; and the motion to lay upon the table is a privileged one, and cuts off debate precisely like the call for the previous question. The Chair decides that the motion to lay upon the table was made in order.

Tellers were demanded on the call for the yeas and nays; but were not ordered.

Mr. DRUM. I withdraw the call for the yeas and nays.

Mr. HILLYER. I propose to debate the resolution.

The SPEAKER. The proposition now is to lay on the table, which cuts off all debate.

The resolution was again read for the information of the House.

The question was then put on the motion to lay upon the table; and, upon a division, there were—yeas 72, nays 76.

Mr. HIBBARD. I call for the yeas and nays.

Mr. SAGE. I withdraw the motion to lay the resolution upon the table.

Mr. BAYLY, of Virginia. I move to refer the resolution to the Committee on Ways and Means.

Mr. WASHBURN, of Maine. I propose to debate the resolution.

The SPEAKER. The resolution then lies over.

U. S. DISTRICT COURT OF VIRGINIA.

Mr. LETCHER asked and obtained leave to introduce a bill, of which previous notice had been given, entitled "A bill to change the time of holding the district court of the United States in the western district of Virginia, and for other purposes;" which was read a first and second time by its title, and referred to the Committee on the Judiciary.

COMMERCIAL RESTRICTIONS.

Mr. FAULKNER offered the following resolution; which was read and agreed to:

Resolved, That the President of the United States be requested to report to the House a statement of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations, similar to that communicated to this House on the 29th March, 1842; and further, that he be requested to give a table exhibiting a comparative statement between the tariff of other nations and that of the United States, similar to the one prepared and laid before this body in March, 1842.

HOMESTEAD BILLS.

Mr. DAWSON asked and obtained leave to introduce a bill, of which previous notice had been given, entitled "A bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land, out of the public domain, on the condition of occupancy and cultivation of the same, for the period herein specified;" which was read a first and second time by its title, and referred to the Committee on Agriculture.

Mr. GROW asked and obtained leave to introduce a bill, of which previous notice had been given, entitled "A bill to encourage agriculture, and all other branches of industry, by granting to every person who is the head of a family one hundred and sixty acres of land, on the condition of occupancy and cultivation for the period herein specified;" which was read a first and second time by its title, and referred to the Committee on Agriculture.

EULOGIES ON WILLIAM R. KING.

Mr. MCNAIR. I beg to offer the following resolution:

Resolved, That the Committee on Printing cause to be published and bound in pamphlet form, in such a manner as may seem to them appropriate, for the use of the House, thirty thousand copies of the addresses made by members of the Senate and by members of the House, together with so much of the message of the President of the United States at the commencement of the session, as related to the death of the Hon. William R. King.

I move the adoption of the resolution; and on it demand the previous question.

Mr. HAVEN. I submit that the resolution should go to the Committee on Printing, without any action of the House upon it.

The SPEAKER. It must go to the committee, under a general law of Congress.

CODIFICATION OF THE REVENUE LAWS.

Mr. CURTIS. I move that the House now proceed to the consideration of the resolution, which has come from the Senate, authorizing the Secretary of the Treasury to pay all the expenditures of codifying and revising the revenue laws.

The SPEAKER. The motion in that form is not exactly in order. A motion to go to the orders of the day upon the Speaker's table would be in order.

Mr. CURTIS. Then I make that motion.

Mr. JONES, of Tennessee. I suggest to the gentleman that he should allow the call for resolutions to be finished before he makes that motion.

Mr. CURTIS. I withdraw the motion in conformity to the suggestion of the gentleman from Tennessee.

The SPEAKER. The motion is withdrawn, and resolutions are in order from the State of Pennsylvania.

GRANT TO PENNSYLVANIA.

Mr. STRAUB gave notice that on to-morrow, or some future day, he should ask leave to introduce a bill to grant a portion of the public domain to the State of Pennsylvania, for the purpose of aiding in the construction of the Sunbury and Erie Railroad.

CENSUS REPORT.

Mr. STRAUB also submitted the following resolution:

Resolved, That in addition to the number already ordered, there shall be five thousand copies of the report of the Superintendent of the Seventh Census, and thirty thousand copies of the abstract printed for the use of the members.

The SPEAKER. The resolution will go to the Committee on Printing, under the rule.

MANUFACTURE OF SALT.

Mr. DRUM offered a resolution which was read, as follows:

Resolved, That the Secretary of the Treasury be requested to furnish to this House a statement of the number of establishments, and where located in the United States, engaged in the manufacture of salt; of the probable amount of capital invested in the said manufacture in each State; the average quantity annually manufactured at said establishments, and a table of prices for which the said article has sold under the present rate of duties thereon; and also to inform the House of the annual amount of revenue received from the importation of foreign salt into the United States.

The question was taken, and the resolution was adopted.

COPYRIGHTS.

Mr. CHANDLER asked and obtained leave to introduce a bill, of which previous notice had been given, entitled "A bill supplementary to an act entitled 'an act to amend the several acts respecting copyrights,'" approved February 3, 1831; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

CENSUS REPORT AGAIN.

Mr. WRIGHT, of Pennsylvania, introduced the following resolution:

Resolved, That thirty thousand additional copies of the Seventh Census be printed for the use of the members of this House.

The SPEAKER. It must go to the Committee on Printing, under the rule.

Mr. WRIGHT. I hope it will be adopted without.

Mr. JONES, of Tennessee. I object.

The SPEAKER. Objection is made, and, under the law of the two Houses, it must go to the committee.

Mr. FLORENCE. I ask the unanimous consent to withdraw from the files of the House, for the purpose of being used in the Senate, the petition and papers of David Myerle, asking compensation for losses sustained in supplying the Government with water-rotted hemp.

The SPEAKER. It cannot be done under the rules; but the order will be made, unless it is objected to.

No objection being made, leave was granted.

SALE AND SETTLEMENT OF PUBLIC LANDS.

AGRICULTURAL BUREAU.

Mr. SKELTON, in pursuance of previous notice, introduced bills of the following titles:

A bill to provide for the sale and settlement of the public lands of the United States; and

A bill for the establishment of an Agricultural Bureau; which were read the first and second time by their titles, and referred to the Committee on Agriculture.

Mr. S. also introduced a bill for the relief of Elizabeth Long; which was read the first and second time by its title, and referred to the Committee on Revolutionary Claims.

CUSTOM-HOUSE AT BUFFALO.

Mr. HAVEN. I offer the following resolutions, and ask that they be referred to the Committee on Commerce:

Resolved, That the Committee on Commerce be, and it is hereby, instructed to inquire into the necessity and propriety of constructing a custom-house and Government warehouse at Buffalo, in the State of New York, with rooms suitable for holding the United States court therein, and that the said committee report to this House the conclusions they shall arrive at upon said inquiry, and what action, if any, it may deem necessary and expedient for the public interest in the premises.

Resolved, further, That the papers on file in this House, in reference to a marine hospital at Buffalo, in said State, be referred to said committee.

The resolutions were referred as proposed.

Mr. FENTON. I ask unanimous consent to withdraw from the files of the House the petition and papers of Cornelius R. Lathrop, for the purpose of reference.

The SPEAKER. It is not in order to do so in open House, but it may be done by application at the Clerk's desk.

CENSUS REPORT.

Mr. FENTON. I offer the following resolution:

Resolved, That fifteen thousand copies of the report of the Seventh Census of the United States be printed for the use and benefit of the new members of the House of Representatives, to be distributed equally among the aforesaid new members.

The SPEAKER. The resolution is referred to the Committee on Printing.

OUTRAGES UPON AMERICAN CITIZENS.

Mr. INGERSOLL. I beg leave to offer the following resolution:

Resolved, That the President of the United States be requested to furnish Congress, if, in his opinion, the public interests will allow, with copies of all the correspondence that has passed between this Government and Spain relating to the seizure and imprisonment of Captain Thaddeus Beecher and the officers and crew of the schooner North Carolina, of and from New Haven, Connecticut, by the Spanish authorities at Porto Rico, in the month of March, 1850.

The resolution having been read—

Mr. INGERSOLL said: I am aware that, by the rules of the House, if debate is proposed, the resolution lies over; but I appeal to gentlemen of the House, to allow me their unanimous consent, under the peculiar circumstances of this case, to make a statement, in as few words as possible, of the object of the resolution which I have sent to the Clerk's desk.

[Cries of "Go on!" "Go on!"]

The SPEAKER. The gentleman will be allowed to proceed by unanimous consent.

Mr. WALSH. I object.

Mr. INGERSOLL. I appeal to my friend from New York to withdraw his objection.

Mr. WALSH. I withdraw it.

Mr. LETCHER. Does this resolution go over if debate is proposed?

The SPEAKER. It does, unless the gentleman has the unanimous consent to proceed.

Mr. WALSH. I only withdraw my objection upon condition that the gentleman will be very brief in his statement.

Mr. INGERSOLL. Mr. Speaker, I hope the House will allow me to call its attention, for a very few moments, to the facts in a case which, though affecting more particularly my constituents, yet, in their general bearing, are full of interest to every American who has the honor of his country at heart; who looks to its flag for protection; and who demands for it nothing that is not right, and submits to nothing that is wrong. I ought to premise that the case in question has been a matter of correspondence between the diplomatic bureaus of this country and Spain for the past three years; swing-

ing like a pendulum to and fro; and it is on account of the great delay in bringing about a disposal of it, and the fears I have, that if left to ordinary diplomatic notes, an indemnification never will be had for a most wanton and inhuman outrage upon the persons and property of American citizens, that I deem it a matter of duty to invite the attention of the country to it. The facts are substantially these, and I believe they will not be disputed:

On the 12th day of March, 1850, Mr. Thaddeus Beecher, of New Haven, in Connecticut, was in command of the schooner North Carolina, of and from New Haven, then lying at Porto Rico, one of the West India islands, belonging to the Government of Spain. On that day the schooner sailed, and on the same night was wrecked on one of the points of that island. The vessel and cargo were nearly a total loss, but the officers and crew, with much peril, were safely landed, and immediately Mr. Beecher repaired to Mayaguez, the nearest port, to obtain assistance. Soon after his arrival at that place the captain of the port, a Spanish official, without any just reason for so doing, ordered him to return to the wreck, threatening him with immediate imprisonment for any disobedience of the order. In consequence of that order, Mr. Beecher was obliged to return to the schooner without being able to see, or to obtain any assistance from the American consular agent at that port. With the assistance, however, of his officers and crew, and at the imminent peril of their lives, he succeeded in saving a few articles from the wreck, and they were sent ashore in a boat dispatched by the American consular agent for that purpose, when they were seized upon by the Spanish authorities; and Mr. Beecher, his officers and crew, were forbidden to leave the island. They were detained without any reason whatever for more than thirty days, until the arrival at Mayaguez of the United States sloop-of-war Albany, Captain Randolph. Mr. Beecher then, having applied to the American consular agent in vain, availed himself of the presence of the Albany, and applied to Captain Randolph for redress. As soon as the captain of the port heard of the conference between Captain Randolph and Mr. Beecher, he sent an order for the latter to attend immediately at his office, which order was obeyed. Mr. Beecher ascertained that it was the intention of the captain of the port to inflict imprisonment on him and his crew, for having laid his grievances before Captain Randolph, and at once sent a note to the American consular agent, requesting his advice and assistance, when, by the order of this captain of the port, Mr. Beecher, his officers and crew, were marched through the streets by a file of soldiers, the American flag flying from the mast-head of a ship-of-war in sight before them, and thrust into a filthy cell, in company with a supposed felon; and in a few moments, as if in aggravation of the insult offered (to use the language of our minister at Madrid, in laying this case before the Government of Spain) to the flag of the United States, as well as to Mr. Beecher and his companions, a sheep was driven in to be stabled! and here they remained until the exertions of Captain Randolph procured for them a release from their loathsome confinement.

This, sir, is a simple statement of facts, drawn from official sources; and when it is borne in mind that already three years have passed since these outrages were committed, and yet no redress has been granted by the Government of Spain to Captain Beecher or his companions, one may well express surprise and astonishment. Here is a case where treaty stipulations have been violated, and the rights of humanity trampled upon; the person of an American citizen insulted and imprisoned, his property illegally seized and withheld to this day from him, and, to add to this, the flag of his country outraged, and that, too, by a Government which has received every consideration of respect from this; and yet we are, as it were, quietly submitting to it all. I say submitting.

Nor, sir, am I ignorant of what has passed between the two Governments of America and Spain in relation to this case. I am aware that our Government was prompt in demanding satisfaction to Captain Beecher, and I know also that the Spanish Government has acknowledged the wrong done him, by removing from office the official who figured as the "Captain of the port" at the time

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, DECEMBER 19, 1853.

NEW SERIES.....No. 4.

referred to; but the claim for damages remains unsettled, and, from all that I can see, is likely to remain so for years to come, unless the new leaf in the book of American diplomacy opened by the President in his noble inaugural, acted upon by Captain Ingraham, and commented upon by the Secretary of State, is again read over. Mr. Speaker, I am a man of peace, but not of that peace which is purchased with servility. The peace that is lasting, which carries with it honor and security to the citizen, is best preserved by an eagerness and a readiness to redress wrongs.

The English nation is powerful, and whoever visits England will be struck with the deep-seated loyalty of its people. What gives it this strength, and from whence springs this great loyalty? I will tell you. The feeling so common among Englishmen—a feeling born with them, and which grows with their growth—that the Government of England is prompt to vindicate a wrong done to the meanest of its subjects. Place an Englishman where you will—on the snows of Siberia, or the sands of Sahara—and you will generally find him the same loyal subject you meet with daily in St. James street, or the neighborhood of the Tower of London.

Far be it from me to underrate the attachment of my own countrymen to their land, its institutions, and its privileges; and yet truth compels me to say, that upon more than one occasion have I found it difficult to repress my feelings, when abroad I have seen an American citizen traveling with an English passport. In one instance, and the most striking one, the individual was a self-made man, who owed much that he possessed to the very institutions the protection of which, it would seem, he cared but little to claim or glory in.

The excuse, however unworthy it may be, generally offered for this quasi renouncement of allegiance is, that there is more security to the person under the shield of British than American authority abroad. Now, if there may have been heretofore ground for the complaint so often heard, that our Government does not evince that eagerness to protect its citizens which has distinguished, perhaps, the English Government above all others, I hope it exists no longer. There is no reason why we should not maintain our superiority among the nations of the world. With a territory bounded only by the oceans; with prosperity within our borders, and the two great staples of a nation's wealth—corn and gold—at our very doors; with institutions which place man his equal before man, acknowledging no superior but the God over all, it is the mission of the American Government to exact respect for the rights and privileges of the American citizen abroad.

And here I may say, that I have confidence that the distinguished individual now at the head of the Government, for whom, as an American, and more as from my own New England, I feel a pride, will not disappoint the just expectations of his countrymen in this respect, and, indeed, in no other.

The inaugural address of President Pierce, on the point just alluded to, should be printed in letters of gold, and stamped on the back of every American passport; every ship that crosses the deep, and every log-cabin beyond the mountains, should place it upon their wooden walls; and the child at school should be taught that—

"So long as he can discern every star in its place upon that ensign, without wealth to purchase for him preferment, or title to secure for him place, it will be his privilege, as it must be his acknowledged right, to stand unabashed, even in the presence of princes, with the proud consciousness that he is one of a nation of sovereigns; and that he cannot, in legitimate pursuit, wander so far from home that the agent whom he shall leave behind him will not see that no rude hand of power or tyrannical passion is laid upon him with impunity."

Mr. Speaker, I have, as I conceive, but done my duty in calling the attention of Congress and the country to the subject presented. I think our Government has been tardy in exacting from

Spain redress and indemnification for insults and injuries which that Government has never attempted, so far as I can learn, to excuse or even palliate.

If the facts related are true, I put it to the candor of gentlemen if over three years is not long enough to wait for justice to be doled out by Spanish courts?

I have faith in this administration to right the wrongs, if any have been committed, of its predecessors.

It is not for me to advise what course should be pursued in this or similar outrages committed by such Powers as Spain. The glory of these old countries is passing away, and their types and symbols are becoming pale and ineffectual; and the stranger now visits the land of Ferdinand and Isabella as he looks upon a noble ruin in process of decay. Ours is now the land of promise, and the spirit of progress is advancing here, armed with the Ithuriel spear of freedom.

In cases like the one which we now have before us, would not our Government be justified in making reprisals of property wherever it may be found?

It is the only sure way of bringing these almost worn-out Governments to terms.

Mr. Speaker, I thank the House for the indulgence afforded me in being permitted to make these remarks at the present time.

Mr. WASHBURN, of Illinois. I desire to be heard on the resolution of the gentleman from Connecticut.

Mr. WALSH. I object, and give notice that I shall not withdraw my objection.

The SPEAKER. The resolution then goes over, under the rule.

CLERK TO COMMITTEE ON WAYS AND MEANS.

Mr. CAMPBELL, of Ohio. I think that it is the duty of the House to furnish the Committee on Ways and Means with a clerk, under the system heretofore adopted; and therefore move a reconsideration of the vote by which the resolution of the gentleman from Alabama [Mr. Houston] was rejected on yesterday, so that I may submit an amendment in the nature of a substitute.

Several MEMBERS. That is right.

Mr. EASTMAN. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn.

The question was then taken, and the vote by which Mr. Houston's resolution was rejected, was reconsidered.

The resolution was then read, as follows:

Resolved, That the Committee on Ways and Means be authorized to employ a clerk, at a compensation not to exceed \$1,500 per annum."

Mr. CAMPBELL. I move to strike out all of the resolution after the word "*resolved*," and to insert in lieu thereof the following:

That the Committee on Ways and Means be authorized to employ a clerk, during the present session, at a compensation not to exceed four dollars per day, for the time he may be actually employed.

And upon that amendment I call for the previous question.

The call for the previous question was seconded, and the main question was ordered to be put.

Mr. EASTMAN. I demand the yeas and nays on the amendment.

Mr. STEPHENS, of Georgia. So far as the Committee on Ways and Means are concerned, I have only to say that they are able to pay for the services of a clerk themselves.

The SPEAKER. Discussion is not in order. The subject is not debatable.

Mr. LETCHER. I move that the House do now adjourn.

The question was put, and the motion was not agreed to.

The House was then divided upon the demand for the yeas and nays on the amendment; and they were not ordered.

The question was then put on the adoption of Mr. CAMPBELL's amendment, and it was agreed to.

The question then recurred upon the adoption of the resolution as amended; and being put, it was decided in the affirmative.

Mr. CAMPBELL moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

BREAKWATER ON BLOCK ISLAND.

Mr. THURSTON. I ask leave to offer the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of building a breakwater on Block Island, in the State of Rhode Island, and that they report by bill or otherwise.

Mr. WENTWORTH, of Illinois. There is no use in sending such a proposition as that to the Committee on Commerce. I object to it.

The SPEAKER. Objection being made, the resolution goes over under the rule.

PENSION TO WIDOWS OF REVOLUTIONARY SOLDIERS.

Mr. EDMANDS. I give notice that I will on to-morrow, or some subsequent day, ask leave to introduce a bill to allow the widows of officers and privates of the revolutionary army, who are entitled to pensions under the act of February 3, 1853, to draw their pensions from the same date as those entitled to pensions under the act of July 29, 1848.

WILLIAM WOODBURY.

Mr. MACDONALD introduced a joint resolution authorizing the accounting officers of the Treasury to adjust the accounts of William Woodbury, late pension agent at Portland, Maine; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

INVALID PENSIONS.

Mr. WASHBURN, of Maine, introduced a bill, of which previous notice had been given, entitled a bill in relation to invalid pensions; which was read a first and second time by its title, and referred to the Committee on Invalid Pensions.

EUROPEAN AND NORTH AMERICAN RAILWAY.

Mr. WASHBURN, of Maine, also introduced a bill making a grant of land to the State of Maine, to aid in the construction of the European and North American Railway within said State; which was read a first and second time by its title, and referred to the Committee on Public Lands.

MAILS BETWEEN NEW YORK AND LONDON.

Mr. WASHBURN also introduced "a bill for shortening the transit of the mails between New York and London; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

ANDREWS'S REPORT AND SABIN'S REPORT.

Mr. WASHBURN also submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That two thousand additional copies of Andrews's Report on the Colonial and Lake Trade of North America, and the like number of additional copies of Sabin's Report on the Fisheries, be printed for the use of the members of the House of Representatives.

CUSTOM-HOUSE AT BELFAST.

Mr. FARLEY offered a resolution; which was read, as follows:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making an appropriation for the erection of a custom-house in the Belfast collection district, in the State of Maine.

Mr. LETCHER. I propose to debate that resolution.

Mr. FARLEY. It is simply a resolution of inquiry.

Mr. LETCHER. I have heard of custom-houses before, and I cannot withdraw my objection.

The SPEAKER. The resolution lies over, under the rule. If there are no further resolutions from the State of Maine, the States have all been called through.

COMMUNICATIONS FROM STATE DEPARTMENT.

Mr. HOUSTON. Although it is late, I move—
The SPEAKER. If the gentleman from Alabama will allow the Chair, he will present to the House a communication from the State Department.

Mr. HOUSTON. I yield for that purpose.
The SPEAKER then presented the communication from the Department of State, in obedience to the twentieth section of the act entitled "An act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the Departments and offices of the Government, and for other purposes," approved the 26th of August, 1842; and the act making appropriations for the civil and diplomatic expenses of Government, for the year 1836, (section 2.)

Mr. BAYLY, of Virginia, moved that the communication be referred to the Committee on Foreign Affairs, and be printed; which motion was agreed to.

CODIFICATION OF REVENUE LAWS.

Mr. CURTIS. Is it in order to make a motion to proceed to the business upon the Speaker's table?

The SPEAKER. It is in order.
Mr. CURTIS. Then I make the motion.
The question was put, and the motion was agreed to.

Joint resolution (No. 1.) from the Senate, authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws, was then taken up from the Speaker's table, and read the first and second time by its title.

Mr. CURTIS. I will state the object of the resolution.

The SPEAKER. Under the rules this resolution must go to the Committee of the Whole House on the state of the Union, unless the rules be dispensed with by unanimous consent.

Mr. CURTIS. The individual selected for the work of codifying and revising the revenue laws has performed a considerable portion of the duties assigned him. At the last session of Congress, when this office was created, a bill passed both Houses making an appropriation for the services to be performed. That bill, unfortunately, in some way, was lost, and does not appear in the printed laws. My object is to carry out the provision passed at the last session making the appropriation, in compliance with the act which created the office, and under which the work has been commenced and nearly completed.

Mr. LETCHER. How much will it cost?

Mr. CURTIS. The amount named in the resolution is ten thousand dollars.

Mr. LETCHER. How much more will it take?

Mr. CURTIS. I think the amount required will be about that sum—not any more. It is supposed that the work will be finished by the first of April next.

The SPEAKER. Is it the pleasure of the House that this resolution shall be considered at this time?

Mr. WHEELER. I object.

Mr. CURTIS. The resolution merely provides for an omission made at the last session of Congress. I hope that the gentleman will withdraw his objection.

The SPEAKER. The Chair holds, if objection be made, that the resolution, under the rules of the House, cannot be considered at this time, but must first go to the Committee of the Whole. Is it the pleasure of the House that the bill should be referred to the Committee of the Whole on the state of the Union?

There being no objection, it was so ordered.

Mr. HOUSTON. I desire that the House would indulge me in the suspension of the rules, that we may go into the Committee of the Whole on the state of the Union, for the purpose of entering upon and referring the President's message. I do not suppose that we shall remain long in session this evening; but it is well known to those who have served long here, that it is important we should go into the Committee of the Whole early in the session, and get organized there for business

hereafter. I therefore make the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. MEACHAM. I move that the House do now adjourn.

The question was taken, and the motion was agreed to; and

The House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, December 15, 1853.

Prayer by the Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ADJOURNMENT TO MONDAY.

On motion by Mr. JAMES, it was

Ordered, That when the Senate adjourns to-day, it adjourn to meet on Monday next at twelve o'clock.

PETITIONS, ETC.

Mr. SEWARD. I present the memorial of John C. Fr. Salomon, who states that he has invented an engine to be worked by carbonic acid gas, which he believes will supersede the use of steam. He desires that it may be referred to the Committee on Naval Affairs.

It was so referred.

Mr. SEWARD. I also present the petition of William Emmons, the son and representative of Uri Emmons, the inventor of a planing machine, patented in the year 1829, praying an extension of the patent, which he desires may be referred to the Committee on Patents and the Patent Office.

It was so referred.

Mr. MASON presented the memorial of the Alexandria, Loudon, and Hampshire Railroad Company, praying permission to extend their railroad into the city of Washington, and the aid of Congress in the construction of a bridge over the Potomac for that purpose; which was referred to the Committee on the District of Columbia.

Also, the petition of the heirs of James Monroe, praying compensation for revolutionary services; which was referred to the Committee on Revolutionary Claims.

Mr. HUNTER presented additional documents in the case of John K. Cooke; which were referred to the Committee on Foreign Relations.

Also, a memorial of the Petersburg volunteers, praying the payment of a balance due them for services in the war of 1812; which was referred to the Committee on Military Affairs.

Mr. SEBASTIAN presented the petition of the Mississippi, Ouachita, and Red River Railroad Company, praying a grant of land, and the right of way, to aid in the construction of a railway from the Mississippi to the Red river, above the Raft; which was referred to the Committee on Public Lands.

Mr. BRIGHT presented the petition of the heirs of the late Colonel George Gibson, praying compensation for revolutionary services; which was referred to the Committee on Revolutionary Claims.

Mr. PEARCE presented the memorial of Philip F. Voorhees, praying allowance for expenses incurred in carrying public ministers of the United States to Siam, and other places in the East Indies, and elsewhere; which, with the papers on the same subject, now on the files of the Senate, was referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MASON, it was

Ordered, That the petition and papers in the case of Commodore Ap C. Jones be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. HAMLIN, it was

Ordered, That the memorial of Joseph Mitchell be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. PRATT, it was

Ordered, That the papers in the case of the Pioneer Manufacturing Company, of Georgetown, in the District of Columbia, be taken from the files of the Senate, and referred to the Committee on the District of Columbia.

On motion by Mr. PRATT, it was

Ordered, That the petition of Samuel Crapin be taken from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. PEARCE, it was

Ordered, That the petition and papers in the case of the representatives of Major John Baptiste Lomagne be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. BELL, it was

Ordered, That the memorial and accompanying papers in the case of Phineas M. Nightingale, heir of General Nathaniel Greene, be taken from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. WALKER, it was

Ordered, That the petition and papers of Robert Grignon, praying payment of a sum of money due him under a treaty with the Menomonee Indians, and the petition of Elias A. Brainard, be withdrawn from the files of the Senate, for the purpose of being presented in the House of Representatives.

On motion by Mr. FOOT, it was

Ordered, That the petition of Benjamin S. Roberts, an officer in the Army of the United States, praying indemnity for losses sustained during the war with Mexico, be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. STUART, it was

Ordered, That the petition of John M. Gilbert be withdrawn from the files of the Senate, and referred to the Committee on the District of Columbia.

On motion by Mr. STUART, it was

Ordered, That the papers in the case of D. J. Campau, in behalf of his father, Joseph Campau, be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. STUART, it was

Ordered, That the petition of Victor Morass be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. STUART, it was

Ordered, That the petition of William A. Burt be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. STUART, it was

Ordered, That the petition and papers in the case of Samuel Spalding, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the memorial of Benjamin S. Roberts be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of Catharine M. Weaver be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. BADGER, it was

Ordered, That the documents in regard to the claim of Purser Francis B. Stockton be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. HUNTER, it was

Ordered, That the memorial of certain clerks in the Second Auditor's office, praying additional compensation, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

NOTICES OF BILLS.

Mr. SEWARD gave notice of his intention to ask leave to introduce a bill providing for the construction of a railroad through the territories of the United States, between the Atlantic and Pacific States.

Mr. EVERETT gave notice of his intention to ask leave to introduce a bill to authorize and empower the Secretary of the Interior to provide necessary and permanent accommodations for the courts of the United States and their officers in the district of Massachusetts.

Mr. HAMLIN gave notice of his intention to ask leave to introduce a bill to provide for the ascertainment and satisfaction of the claims of American citizens for spoiliations committed by the French prior to the year 1801.

BILLS INTRODUCED.

Mr. FOOT, according to previous notice, asked and obtained leave to introduce a bill explanatory of "An act for the relief of Benjamin S. Roberts," which was read a first and second time by unanimous consent, and referred to the Committee on Military Affairs.

Mr. EVERETT, according to previous notice, asked and obtained leave to introduce a bill to increase the compensation of the district judge of the United States for the district of Massachusetts; which was read a first and second time by unanimous consent, and referred to the Committee on the Judiciary.

Mr. HAMLIN, according to previous notice, asked and obtained leave to introduce a bill for the relief of Ira Baldwin; which was read a first and second time by unanimous consent, and referred to the Committee on Public Lands.

Mr. SUMNER, according to previous notice,

asked and obtained leave to introduce a bill to provide for the execution, by the courts of the United States, of commissions to take testimony issuing from the courts of justice of friendly nations; which was read a first and second time by unanimous consent, and referred to the Committee on the Judiciary.

Mr. SUMNER asked and obtained unanimous consent to introduce a joint resolution for the relief of the owners of the brig Kate Boyd; which was read a first and second time by unanimous consent, and referred to the Committee on Commerce.

COMMERCE IN THE PACIFIC.

Mr. GWIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire and report on the general condition of the commerce of the United States carried on upon the Pacific ocean, and whether any legislative action is necessary for the security and promotion of that important national interest.

REFERENCE OF THE PRESIDENT'S MESSAGE.

Mr. HUNTER. I move that so much of the President's message as relates to the finances be referred to the Committee on Finance.

The motion was agreed to.

Mr. GWIN. I move that so much of the President's message as relates to naval affairs be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. DODGE, of Iowa. I move that so much of the President's message as relates to the public lands be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. BRIGHT. I move that so much of the President's message as relates to roads and canals be referred to the Committee on Roads and Canals.

The motion was agreed to.

Mr. HAMLIN. I move that so much of the President's message as relates to commerce, and the improvement of lakes, harbors, and rivers, be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MASON. I move that so much of the President's message as relates to our foreign relations be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. JOHNSON. In the absence of the chairman of the Committee on Military Affairs, I move that so much of the President's message as relates to military affairs be referred to that committee.

The motion was agreed to.

Mr. JOHNSON. In the absence of the chairman of the Committee on the Territories, I move that so much of the President's message as relates to our Territories be referred to that committee.

The motion was agreed to.

Mr. SEBASTIAN. I move that so much of the President's message as relates to Indian affairs be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BAYARD. In the absence of the chairman of the Committee on the Judiciary, I move that so much of the President's message as relates to the judicial system of the United States be referred to that committee.

The motion was agreed to.

Mr. ADAMS. In the absence of the chairman of the Committee on the Post Office and Post Roads, I move that so much of the President's message as relates to the post office and post roads be referred to that committee.

The motion was agreed to.

CALIFORNIA JUDICIAL DISTRICTS.

Mr. GWIN. According to previous notice, I ask leave to introduce a bill concerning the district courts of the United States in California. I wish, Mr. President, to make a statement in regard to the bill. It is already provided by law that California shall be divided into two judicial districts, and have two district judges. The object of this bill is to require the President to appoint a judge for the southern district, and to permit the two judges to alternate with each other. On the death of the judge of the southern district, some years ago, the judge of the northern district was required to discharge the duties of

judge of both districts, a duty which he finds it impossible to perform, which makes it of great importance to pass this bill at once. The President of the United States has now the power to appoint a district judge for the southern district, but there is no legal authority for the judges to alternate. We have but one judge now in the State, and in case of his sickness or inability to discharge his duties, the whole business of the district courts in the State would be suspended. I hope, therefore, as the bill has been drawn up by the Attorney General, there will be no objection to its passage at once.

The bill was read a first and second time, and considered by the Senate as in Committee of the Whole. It is as follows:

A BILL concerning the District Courts of the United States in California.

Be it enacted, &c., That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the southern judicial district heretofore established in the State of California, and that the sessions of the district court at San José, Stockton, and Sacramento are hereby abolished; and in case of the sickness or other inability of the district judge of the southern district of California, to hold the terms of the district court at the places prescribed by law, or at either of them, it shall be lawful for the district judge of the northern district of California to hold the said sessions of the district court for the southern district, or any of them; and in case the district court for the northern judicial district of California shall, from sickness or other cause, be unable to hold the sessions of the district court for the northern district of California, at the times and places appointed by law, or either of them, it shall and may be lawful for the district judge for the southern district of California to hold said sessions of the district court for the northern district of California, or any or either of them.

Mr. PETTIT. I certainly do not wish to defeat the intention of the Senator from California, but it seems to me that a bill of the importance which this is, creating, in fact, a new judicial circuit, creating a new officer, a new judge, should at least go through the form of a reference to the Judiciary Committee.

Mr. GWIN. I hope the Senator will not persist in his motion to refer the bill. It is important to my State to have another judge appointed without delay. There are now only three members of the Judiciary Committee in this city; and I do not know when the others will get here. I intended to refer the bill to the Committee on the Judiciary, and to ask that it should be immediately reported back to the Senate; and I have been waiting a week for a quorum of the committee to be in attendance in the Senate, before I presented this bill; but on account of the absence of so many members, its reference must delay our action. It has been drawn up by the Attorney General, and does not create a new officer, as the Senator supposes, because the southern judgeship was created more than three years ago. It is notorious that Judge Hoffman cannot discharge the duties of judge of both districts. The Attorney General, to whom the subject was referred for examination, is convinced that he cannot discharge the duties of both. We want an additional judge at once, that the intelligence may go to California by the mail of the 20th instant. There is a delay of justice for the want of a judge of the southern district that should not be permitted. I will not urge the bill, if the Senator persists in his motion; but I hope he, as a member of the Judiciary Committee, will act at once, and have the bill reported back without delay, if it is referred to his committee.

Mr. PETTIT. I am certainly unwilling to disoblige the Senator, but I do really think the bill ought to be referred to the Judiciary Committee. Upon its face it does create a new judgeship—a new judge. The State may have heretofore been divided into a northern and southern district, but all the duties of both districts have been reposed in one judge. I think I am not going out of the way in asking that the bill should be referred to the Judiciary Committee. I make the motion that it be so referred.

The motion to refer was agreed to.

CALIFORNIA AND CHINA STEAM LINE.

Mr. GWIN introduced the following bill:

A BILL to establish a line of steamships from San Francisco, via the Sandwich Islands, to Shanghai, in China.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, directed to enter into a contract for the term of five years, for a sum not exceeding \$—, with such person or persons as may offer sufficient and satisfactory security, after due public notice, for the transportation of the United States mails upon the best terms for the United States, semi-monthly, from San

Francisco, via the Sandwich Islands, to Shanghai, in China, and back, in steam vessels of not less than two thousand tons burden, of the best form of construction, adapted to the navigation of the Pacific ocean; the same to be ready in the shortest possible time.

EXPLANATION.

Mr. CHASE. Mr. President, I submitted, yesterday, a resolution directing the Committee on Roads and Canals to inquire into the expediency of constructing a railroad from the western limits of one of the existing States to the eastern line of California. I perceive that some of the journals of the day have the word "Florida" in place of "California." It is probable that the word "Florida" was uttered; and I find that the resolution, as it lies on the table, and as printed in some of the papers, has that word inserted instead of "California." I ask the unanimous consent of the Senate to have the necessary correction made on the Journal.

The PRESIDENT. That correction will be made. The resolution of the Senator from Ohio will now come up in its regular order.

Mr. CHASE. I ask that it may lie on the table for the present.

The PRESIDENT. If there be no objection, that course will be pursued.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened.

ELECTION OF OFFICERS OF THE SENATE.

Mr. DODGE, of Iowa, submitted the following resolution for consideration:

Resolved, That the following rule be adopted, and numbered the 52d rule of the Senate, to wit:

In all cases of election by the Senate of its officers, the vote shall be taken *viva voce*.

Mr. BRODHEAD expressed his desire that the rule should be further amended so as to provide that the Executive sessions of the Senate be open to the public.

Mr. DODGE expressed his concurrence with the Senator from Pennsylvania; but he preferred that the propositions should be separate and distinct.

Mr. BRODHEAD did not persist in his amendment.

Mr. CHASE objected to the consideration of the resolution at this time.

It therefore lies over under the rules.

CLERKS TO COMMITTEES.

Mr. DODGE, of Iowa, moved that the Committee on Public Lands be authorized to employ a clerk.

Mr. BRIGHT said: The Senate was aware that, in consequence of the onerous duties which fourteen committees of the Senate have to perform, they were now constituted of six Senators each, instead of five as heretofore, and it must be obvious that the dispatch of public business required that those committees should each have the aid of a clerk; he moved, therefore, so to amend the motion as to authorize those fourteen committees each to employ a clerk.

The amendment was agreed to, and the motion, as amended, was adopted. It was, therefore,

Ordered, That each of the several committees, consisting of six members, be authorized to employ a clerk.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 15, 1853.

The House met at twelve o'clock, m. Prayer by the Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ORDERS OF THE DAY.

The House proceeded to the consideration of the orders of the day, the first business being the call of committees for reports.

INDIAN APPROPRIATION BILL.

Mr. HOUSTON, from the Committee on Ways and Means, reported a bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1855; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

MILITARY ACADEMY BILL.

Mr. HOUSTON, from the same committee, reported a bill making appropriations for the support of the Military Academy during the year ending June 30, 1855; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

HOMESTEAD BILL.

Mr. DAWSON, from the Committee on Agriculture, to which was referred the bill of the House, No. 37, to encourage agriculture and all other branches of industry, by granting to every person who is the head of a family one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period therein specified, reported back the same without amendment.

The bill was referred to the Committee of the Whole on the state of the Union, and, with the report, ordered to be printed.

Mr. DAWSON. I move that the bill be made the special order for the second Tuesday in February next.

Mr. HOUSTON. Is it proposed to make that bill a special order?

The SPEAKER. It is.

Mr. HOUSTON. For what day?

The SPEAKER. The second Tuesday in February.

Mr. CLINGMAN. I object to its being made a special order. It is out of order to make such a motion without a suspension of the rules.

Mr. JONES, of Tennessee. Have not a majority of the House a right to make this bill a special order?

The SPEAKER. Certainly.

Mr. CLINGMAN. It can do so by a suspension of the rules; but you cannot suspend the rules to-day.

Mr. JONES. I have no doubt that two thirds of the House are in favor of the suspension of the rules, in order to make that bill a special order, and I will make that motion.

Mr. RICHARDSON. Do I understand the Chair to decide that the House has no right to make a special order?

The Chair decides no such thing; but that it was not in order to make a motion of that kind at this time.

Mr. RICHARDSON. Will it be in order at any time?

The SPEAKER. It will, if the rules be suspended.

Mr. RICHARDSON. Then I move to suspend the rules for the purpose.

The SPEAKER. That motion is not in order at this time.

Mr. RICHARDSON. I appeal from the decision of the Chair.

Mr. HAVEN. I move to lay the bill upon the table.

Mr. JONES, of Tennessee. We can suspend the rules on Monday.

Mr. RICHARDSON. I withdraw the appeal, and also the motion, to make the bill a special order.

ANNUAL REPORT OF THE SECRETARY OF THE TREASURY.

Mr. MURRAY, from the Committee on Printing, to whom was referred the resolution providing for the printing of fifteen thousand extra copies of the annual report of the Secretary of the Treasury on the state of the finances, reported that the printing of each number would cost thirteen and a half cents, and that it is expedient that that number should be printed. The committee recommend that the resolution do pass.

The SPEAKER. The Clerk will read the resolution.

Mr. HOUSTON. There was no resolution. I made a motion to print extra copies, and that motion was referred to the Committee on Printing.

The SPEAKER. The following is the order of the House on the subject:

Ordered, That it be referred to the Committee on Printing, to inquire into the expediency of printing fifteen thousand extra copies of the annual report of the Secretary of the Treasury on the state of the finances."

Upon what is the House to vote?

Mr. MURRAY. On the report, I presume.

Mr. CLINGMAN. I suppose the question

will be upon the adoption of the report of the committee.

Mr. MURRAY. To obviate the difficulty, I offer the following resolution:

Resolved, That fifteen thousand extra copies of the annual report of the Secretary of the Treasury on the state of the finances be printed for the use of the House.

The question was taken on the resolution, and it was agreed to.

The SPEAKER then proceeded to call the States for petitions, commencing with the State of Maine.

NOTICES OF BILLS.

Mr. MEACHAM gave notice of his intention to-morrow, or on some future day, to introduce a bill to repay to the State of Vermont the money which was expended by her during the war of the Revolution.

Also, a bill to authorize the Secretary of the Treasury to pay the fourth installment of the public money that was ordered by the law of June, 1836.

PURCHASE OF MOUNT VERNON.

Mr. SAGE. I hold in my hand a joint resolution, of which previous notice has been given, which I hope and believe will receive the favorable consideration and action both of the committee to which I propose to refer it, and of this House. The signs of mourning around this Hall for the loss of an eminent and patriotic citizen, make this a fitting occasion to introduce this resolution, as it relates to the purchase of the home and sepulcher of the Father of his Country. It is a joint resolution, authorizing the Secretary of the Interior, provided he first obtains the consent of the State of Virginia, to contract with the proprietor or proprietors for the purchase of the estate of Mount Vernon.

The joint resolution was read a first and second time by its title.

Mr. JONES, of Tennessee. Do you want the estate for an arsenal, a fort, or what?

Mr. SAGE. I move that the joint resolution be referred to the Committee on Ways and Means.

Mr. BAYLY, of Virginia. I move to lay the joint resolution on the table.

Mr. SAGE. Oh, I hope not.

Mr. TAYLOR, of Ohio. I ask that the joint resolution may be read.

The Clerk read the joint resolution. It provides that the Secretary of the Interior, (provided he shall first obtain the consent of the State of Virginia,) be, and he is hereby, authorized to contract with the proprietor, or proprietors, of the estate of Mount Vernon, for the purchase of the same for the use of the United States, on such terms as he may deem just and expedient; and that the sum he shall agree to pay for said estate shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. SAGE. I demand the yeas and nays on the motion to lay upon the table.

The yeas and nays were ordered.

Mr. DRUM. I would inquire of the Chair, whether the motion is to lay the whole subject upon the table, or merely the motion of reference?

The SPEAKER. The motion, as the Chair understands, is to lay the whole subject upon the table.

The question was then taken, and the motion to lay upon the table was disagreed to—yeas 96, nays 103; as follows:

YEAS—Messrs. David J. Bailey, Thomas H. Bayly, Banks, Barkedale, Barry, Belcher, Benton, Bissell, Bocoek, Boyce, Breckinridge, Brooks, Caskie, Churchill, Clingman, Cobb, Colquhitt, Cox, Craig, Thomas Davis, Dawson, De Witt, Disney, Dowdell, Dunham, Eastman, Edgerton, Edmundson, Elliott, Ellison, Ewing, Faulkner, Fuller, Giddings, Goode, Green, Grow, Sampson W. Harris, Wiley F. Harris, Hastings, Hibbard, Hillyer, Houston, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kilwell, Kittredge, Lamb, Latham, Letcher, Lindsay, Macdonald, McDougal, McQueen, Mace, Macy, Maxwell, Mayall, Morrison, Nichols, Orr, Peckham, Phelps, Phillips, Powell, Pratt, Richardson, Thomas Ritchey, Rufin, Sapp, Seymour, Shannon, Shaw, Shower, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, George W. Smyth, Snodgrass, Sollers, Frederick P. Stanton, Stratton, Andrew Stuart, David Stuart, John J. Taylor, Thurston, Vansant, Wade, Walsh, Westbrook, Witte, Daniel B. Wright, and Hendrick B. Wright—96.

NAYS—Messrs. Aiken, Willis Allen, Appleton, Ball, Benson, Bliss, Bugg, Lewis D. Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chase, Chastain, Chrisman, Clark, Cook, Corwin, Crocker, Cullom, Cumming, Curtis, Cutting, John G. Davis, Dent, Dick, Dickinson, Drum, Dunbar, Eddy, Edmunds, English, Etheridge, Everhart, Farley,

Fenton, Flagler, Florence, Franklin, Gamble, Greenwood, Aaron Harlan, Andrew J. Harlan, Harrison, Hendricks, Henn, Hiester, Hill, Howe, Hughes, Hunt, Kerr, Knox, Kurtz, Lane, Lully, McCulloch, Matteson, May, Meacham, Middleswarth, John G. Miller, Smith Miller, Morgan, Murray, Norton, Olds, Andrew Oliver, Mordecai Oliver, Parker, Peck, Pennington, Bishop Perkins, John Perkins, Pringle, Puryear, Ready, Reese, David Ritchie, Russell, Sabine, Sage, Seward, Simmons, Richard H. Stanton, Hester L. Stevens, Straub, John L. Taylor, Tracy, Trout, Tweed, Upham, Vail, Walker, Warren, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—103.

So the motion to lay upon the table was disagreed to.

Previous to the announcement of the above vote,

Mr. WALSH said: As this seems to be a proposition to allow some degenerate individual to speculate in the sacred ashes of the Father of his Country, I change my vote from "no" to "aye."

Mr. SAGE. I withdraw my motion to refer the joint resolution to the Committee on Ways and Means, and move its reference to a select committee. I do so, because I noticed that a majority of the members of the Committee on Ways and Means voted in favor of laying it upon the table, very much to my surprise and disappointment.

Mr. HOUSTON. I was just about to suggest to the gentleman that the Committee on Ways and Means was not the appropriate committee to which to refer his proposition. It should rather be referred to the Committee on Public Buildings and Grounds, which is also one of the standing committees of the House. I submit the motion to so refer it.

Mr. JONES. It should be referred to the Committee on Public Lands, in my judgment.

Mr. BAYLY. I move to refer it to the Committee on Military Affairs. I know of no authority in this Government to buy land except for dockyards, arsenals, and the like purposes, and, unless that property is to be applied in that manner, I do not know how we can purchase it.

Mr. CAMPBELL, of Ohio. Will the gentleman from Virginia yield the floor to me a moment that I may ask him a question?

Mr. BAYLY. Certainly.

Mr. CAMPBELL. I would inquire of the gentleman whether he did not report and vote for a bill in favor of paying the expenses of the filibusters to bring them here from Spain; and where, if he cannot find the power in the Constitution to purchase this land, he found the power to pay those expenses?

Mr. BAYLY. I will refer the gentleman to the Congressional Globe, where he will find from whence that power was derived.

Mr. BISSELL. I propose that the resolution be discussed before it is passed. I do not know of how many acres this estate consists.

Mr. CAMPBELL. Will the gentleman yield to me for one minute?

Mr. BISSELL. I have but a single word further, and then the gentleman can have the floor altogether.

Mr. SKELTON. I rise to a question of order. Does not the resolution, debate arising, go over?

The SPEAKER. It does not. It is a joint resolution, and in the nature of a bill, and the motion now is to refer it, which motion is debatable.

Mr. BISSELL. The proposition is to direct the Secretary of the Interior to purchase the Mount Vernon estate, and to take the money from the Treasury to pay for it. Of how many acres does that estate consist? There are not ten members in this House who can tell me. Formerly it consisted of six or seven thousand acres, and I do not know but that it consists of as many now. What are we going to do with six or seven thousand acres of land on the Potomac, if purchased under this resolution? Who is going to take care of it? What disposition is to be made of it? Under whose control is it to be? If this thing is to be done—and I do not know that the American people are averse to the purchase of the ground in which repose the remains of Washington—let it be done regularly; let us understand what we are about. Let us know how many acres we are purchasing; more than that, let us know how much we are to pay for it. I am opposed to the resolution *in toto*; and if it is to be referred, I hope that it will go to that committee which will be the least likely to carry out the intention of the mover of the resolution.

Mr. CHURCHWELL. I desire to ask my friend from Virginia [Mr. BAYLY] to state to the House the feeling of Virginia with respect to yielding her jurisdiction to that property.

Mr. BAYLY. Mr. Speaker, I can answer for Virginia, with great confidence, that she will not cede her jurisdiction over any part of her soil to the General Government, except for those purposes which the Constitution provides for; and those purposes are defined in the Constitution. I stand with great confidence on the declaration that she heretofore refused, and that she will continue to refuse, to surrender that jurisdiction.

Mr. CHURCHWELL. Then it seems to me that it is unnecessary to legislate further on the subject.

Mr. CAMPBELL. I doubt very much whether the honorable gentleman from the State of Virginia, [Mr. BAYLY] is authorized to speak for that Commonwealth. It may be that the interests of Virginia are under his control, and that he is the exclusive guardian of her rights.

Mr. BAYLY. Will the gentleman from Ohio allow me—

Mr. CAMPBELL. I am aware, sir, that whenever there is any controversy in this House in relation to any matter of office affecting Virginia, that the gentleman [Mr. BAYLY] is the exponent of her rights; but I may be allowed to question his authority to speak for her. Now, sir, as to this resolution—if it be true, as the gentleman says it is, that Virginia will not cede her rights to the property in question, there is no harm in it, because without that right there is no authority given by the resolution to make the purchase.

Mr. BAYLY. The gentleman from Ohio [Mr. CAMPBELL] says that I have no right to speak for Virginia; that is unquestionably true. But I ask the gentleman in return, if her united delegation has not the right to speak for her? And they have spoken for her, by voting, every one of them, to lay that resolution on the table.

Mr. CAMPBELL. Very well. Still, Mr. Speaker, I do not admit the position of the gentleman, [Mr. BAYLY], that the united delegation of Virginia in this House can control that question. It strikes me that it is vested in her legislative power—in the Legislature of her State—in her power as a sovereign State of this Union. And I doubt very much whether she has ever transferred to her entire delegation any authority on this subject. Except the gentleman will produce resolutions from his State Legislature, instructing the delegation to oppose any proposition of this kind, I cannot admit the position he has assumed.

Mr. LETCHER. Will the gentleman [Mr. CAMPBELL] allow me to interrupt him? If the delegation from Virginia on this floor are not authorized to speak for her, certainly her Legislature is, and that Legislature has repeatedly spoken, and said, in most decided terms, that she will not cede her jurisdiction for such a purpose.

Mr. CAMPBELL. That is something more like meeting the question than the answer given by the other gentleman, [Mr. BAYLY].

Mr. GIDDINGS. I wish to inquire whether, if you get the land from Virginia, it is the intention to apply the Wilmot proviso to it?

Mr. CAMPBELL. In reply to my colleague, [Mr. GIDDINGS], I will simply say this, that I have understood, from some intimations which have been thrown out, that it is probable that the Union may be endangered soon again, and I do not know any better territory on which it can be saved again, if necessary, than at Mount Vernon.

The gentleman from Virginia wishes to propound a question, and I will yield for that purpose.

Mr. BAYLY. I wish to remind the gentleman from Ohio, [Mr. CAMPBELL], who said that my colleague [Mr. LETCHER] assigned a better reason than I did, that I assigned precisely the same reason that he did.

Mr. CAMPBELL, of Ohio. I did not understand the gentleman to refer at all to any action of the State Legislature of Virginia upon the point. He confined his response to the fact that her united delegation here said thus and so upon the question.

One word more, and I am through. This resolution provides that the Secretary of the Interior may make this purchase if the State of Virginia is willing to cede her jurisdiction over it. If it be true that the State of Virginia does not intend

to cede her jurisdiction of this territory, as a matter of course there can no difficulty arise out of the passage of this resolution. But, inasmuch as it is a matter of complaint the world over, that the tomb of Washington is neglected, that the very ground he once beautified with his own hand is growing up with brambles and bushes, it seems to me that fact of itself is an appeal to the State of Virginia, and to the National Legislature, in favor of taking some steps for the purpose of having it preserved.

Mr. YATES. Is an amendment now in order? The SPEAKER. It is.

Mr. YATES. I wish to have the resolution amended before it is referred to a committee, as I understand from the terms of the resolution the committee is to inquire into the expediency of making this purchase, provided the assent of the State of Virginia can be obtained. I desire to have it so amended, so as to strike out the words "that the consent of Virginia can be obtained."

This is not public property, but private. Let us buy the property first. It belongs to the Union. The fame of Washington belongs to his country. Let us buy the property first, and then pay Virginia for her jurisdiction. When we have purchased the property, and it is ours, there is too much patriotism in the "Old Dominion" to refuse to cede jurisdiction to the United States. I want to see Mount Vernon the spot where every American can pay his pilgrimage, and pay his devotion to the character and services of the illustrious Father of his Country.

I do not agree with my colleague, [Mr. BISSELL.] I do not care whether there is a thousand, or four thousand, or a million of acres. It is not a question of cost merely, but of sacred obligation—of justice to the memory of the beloved Washington. His is a name dear to every American heart; and I would have money poured out freely, yea, if necessary, lavishly, to testify our high admiration and lasting gratitude for his exalted character and illustrious services.

Then, sir, if it were in order, I would move to strike out that portion of the resolution which provides that the consent of the State of Virginia is first to be obtained.

Mr. RICHARDSON. I am opposed to the resolution, as my vote indicated; and no amendment can place it in such a shape that I can give it my consent. My colleague from the State of Illinois [Mr. YATES] is in favor of pouring out the money of the people very lavishly for this purpose. I expect two years hence, when canvassing our State, to hear my colleague [Mr. YATES] refer to this matter as a matter of a prodigality on the part of a Democratic Congress. I have heard of such things before. They say they want to buy Mount Vernon, that American citizens may make a pilgrimage there. It is Government property.

Suppose you buy this property? Does not the same reason exist for buying the site of the battlefields upon which your liberties were won? Is there not the same reason for buying the residences of the Presidents of the United States, whose memories are deeply cherished by the American people?

Mr. CAMPBELL, of Ohio. I desire to ask respectfully of the gentleman from Illinois, [Mr. RICHARDSON], one question, and that is, whether he did not vote for the appropriation of money to pay for the equestrian statue of General Jackson?

Mr. RICHARDSON. I do not remember. Mr. CAMPBELL. I think he did. [Laughter.]

Mr. RICHARDSON. I do not see the point of the inquiry. I am not discussing the question of constitutional power, but the question of expediency, and I ask if there is not the same reason for purchasing some of these other places of which I have spoken, the residences of men whose names are immortal in our history—of men who gave to the world the Declaration of Independence. If there is a reason for purchasing Mount Vernon, the same reason will hold good for purchasing Monticello; and when we embark in enterprises of this kind, I do not know where we are to stop. I say to gentlemen that I am opposed to this thing at the outset; and if it gets through this House, it will be after every impediment that I, for one, can throw in the way of its passage. I move to lay the resolution upon the table.

Mr. CAMPBELL. That question has already been decided. We have voted once upon a motion to lay the resolution upon the table.

The SPEAKER. It is in order to make the motion again; for since the motion to lay the resolution upon the table was made and voted upon by the House, action has been had upon the resolution.

Mr. CAMPBELL. I demand the yeas and nays upon the motion.

Mr. TAYLOR. I ask the gentleman from Illinois [Mr. RICHARDSON] to withdraw the motion he has made for a moment, and I will renew it.

Mr. JONES, of Tennessee. Has not the motion of reference been changed since first it was made?

The SPEAKER. The motion to refer the resolution to the Committee on Ways and Means has been withdrawn, and a motion made by the gentleman from New York [Mr. SAGE] to refer it to a select committee, and then several other motions to refer to different committees have been made.

Mr. CULLOM. Has there been action by the House?

The SPEAKER. That of itself is action. We have had debate upon the propositions to refer.

Mr. RICHARDSON. I will withdraw, for the present, my motion to lay the resolution upon the table.

Mr. TAYLOR. I do not intend to detain the House but a moment upon a proposition which I think is so important. It is due to the gentleman from New York [Mr. SAGE] who moved in this matter, to grant him the reference of the subject to a select committee, or some one of the standing committees of the House, to make the necessary inquiries in regard to it. If the committee report against it, and the House think proper to vote against the proposition hereafter, it can be easily done. The vote of the House this morning is an evidence of the public sentiment in regard to this matter; and the indications given for many years by the people, in every section of the country, have attracted the public attention towards the question of purchasing the Mount Vernon estate, in some form or other, to preserve it as the property of the Union. I am not, for one, in favor of an extravagant expenditure for this object.

It was the opinion of gentlemen of all political parties with whom I have served here, when we were about to establish, at the West, a Military Asylum for aged soldiers who had worn out their lives in the public service, that another should be established at Mount Vernon; but owing to a difference of opinion, or the extravagant price asked for the estate, or for some other reason, the Military Asylum selected for this neighborhood was located north of this city, and not at Mount Vernon. The other has been located in the western country.

The inquiry proposed by this resolution can certainly do no one any injury; and the gentleman from New York, [Mr. SAGE], who has proposed it, has done himself honor. Every member of this House, and every citizen of the country, who goes to Mount Vernon—who makes the pilgrimage of patriotism and pleasure to the home of the Father of his Country, is at once struck with the impression that there is an absolute and imperious necessity that the tomb of Washington, and at least a small portion of the grounds adjoining, should be made the property of the nation; that it should be preserved from dilapidation, and made free of access to every citizen who chooses to visit it. It is now the private property, I understand, of a gentleman by the name of Washington; but you, Mr. Speaker, know, and every member of this House knows, that among the citizens of the United States who visit this metropolis, thousands go to Mount Vernon to look upon the home of that great patriot—the Father of his Country—whose memory we all love, reverence, and venerate as that of the man who was chiefly instrumental in building up our independence and freedom.

Sir, no private citizen can afford to incur the expense to keep these grounds and buildings in such a state of preservation as the public demand. Under the existing state of things, the large bodies of people coming to the metropolis of the nation, who weekly and tri-weekly go to view the last resting-place of Washington, are kindly permitted access by the private proprietor;

but every gentleman must see how desirable it is that this property should be made the property of the nation.

Mr. RICHARDSON. I ask the gentleman from Ohio to give way for a moment.

Mr. TAYLOR. In accordance with my promise to the gentleman from Illinois, I now make a motion which I hope will not prevail. I move that the resolution do lie upon the table.

Mr. RICHARDSON. I desire to ask the gentleman a question. I have understood—and I wish to know whether my information is correct—that the present proprietor of Mount Vernon makes it a matter of charge to the individuals visiting there.

Mr. SAGE. That is what we want to obviate.

Mr. TAYLOR. In reply to the gentleman from Illinois, I can only say that I have gone there myself several times within the last two or three years, and many of the members of this House have been there, without charge. But, Mr. Speaker, if there be any charge upon the part of the private proprietor for visiting this property, that is still another reason for the passage of this or some similar resolution, which shall transfer it to the possession of the public. Let it be purchased by the Government, including one hundred or one hundred and fifty acres of land, then let the military arsenal or asylum in this neighborhood be sold or abandoned, and the home of Washington secured to the nation for the purpose of a military asylum, or refuge for old soldiers, who have worn out their lives in the defense of their country. Some arrangement of this kind seems to be necessary, in order that there may be a judicious and economical expenditure for the purchase of this property, which, as I before remarked, must be done to prevent it from dilapidation and decay.

But, sir, I do not wish to detain the House in this matter, and I therefore now renew the motion to lay the resolution upon the table, although I hope the motion will not prevail, but that the resolution will go to a select committee.

Mr. BISSELL. I ask the gentleman to withdraw the motion for a moment.

Mr. TAYLOR. I will withdraw it, with the consent of the gentleman's colleague, [Mr. RICHARDSON.]

Mr. RICHARDSON. I will yield in favor of my colleague.

Mr. BISSELL. I desire to say a word to my colleague over the way, [Mr. YATES] who expressed his willingness to be very lavish in disposing of the people's money for the attainment of this object. Sir, we all know that it is not at all uncommon to find individuals who are ready to be very lavish of other people's money; but, for my own part, I will never vote for any such proposition as that contained in this resolution. I wish it to be understood, however, that I do not declare it to be my purpose to vote against all propositions that may be made for the purchase of a portion of the grounds at Mount Vernon. If a proper bill, or joint resolution, with such restrictions as shall guard the people's treasure, and put it out of the power of the Secretary of the Interior, or anybody else, to lavish "millions," as my colleague has it, I will support it with hearty good will. The proposition, however, as it now stands, is monstrous; for it puts it within the power of one man to pay just such price as he may think proper for the estate of Mount Vernon—an estate of almost illimitable extent—and for which, to my certain knowledge, the proprietor has heretofore asked, at least, half a million of dollars. I will not detain the House by any further remarks. I promised to renew the motion to lay the resolution on the table, and I now make that motion.

Mr. SAGE. I ask my friend from Illinois to withdraw that motion for a moment. I will not detain the House long.

Mr. BISSELL. I withdraw it.

Mr. SAGE. In introducing this resolution, I had no idea that this discussion would have arisen this morning, nor had I any motives other than those of the highest respect for the memory of Washington. I am aware that there has been an unwillingness on the part of the Legislature of Virginia to cede her jurisdiction over this place; but I had hoped that experience and the lapse of time would have modified that feeling. Sir, the people of the State I have the honor in part to represent here—the State of New York—have shown their love for the memory of the Father of his Country

by the acts of their Legislature, and by purchasing his headquarters at Newburg; and I believe that the resolution which has been offered here this morning is not only in accordance with the feelings of the people of the State of New York, but with those of nineteen twentieths of the people of the United States. I evinced no unwillingness to have this matter referred either to a standing committee or a select committee, so as to give them ample opportunity of investigating it, and of reporting understandingly to the House, so that we may act upon it understandingly.

But some gentleman intimated that there was to be great extravagance indulged in in this matter. Sir, I am one of the minority, and on their part I deny the existence of any such feeling. If gentlemen will reflect a little, I think they will find that votes have been given in this House, and are on record here, exhibiting such extravagance for objects far less worthy, and far less interesting to the public than that embraced in this resolution. I hope the motion to refer to a select committee will prevail.

Mr. RICHARDSON. Will the gentleman from New York allow me to ask him a question? His allusion to extravagance, in the manner in which he spoke of it, appeared to me to be a direct attack upon me as having voted for extravagant expenditures.

Mr. SAGE. I did not intend to refer to the gentleman from Illinois at all.

Mr. RICHARDSON. That is sufficient.

Mr. SAGE. I intended, after finishing the remarks I last made, to have called for the previous question. I ask the previous question now.

Mr. YATES. I hope the gentleman from New York will withdraw the call for the previous question. I merely wish to say a single word.

Mr. SAGE. I will withdraw it for the accommodation of the gentleman from Illinois.

Mr. YATES. I do not wish to take up much of the time of the House. I wish to reply to the argument which my colleagues [Messrs. BISSELL and RICHARDSON] make with regard to the cost of this matter; and I wish to say to them that I have too much confidence, and too high a regard for the patriotism of my constituents, to believe that they would censure me for any vote that I may give upon this question. I rely upon their patriotism and good sense, as every pure-minded representative ought to do. When I used the word "lavish," I did not advocate an unreasonable and inordinate expenditure of the public moneys—by no means. When I use that word, I mean to say that we should expend this money freely, liberally, lavishly, if necessary, by way of paying our respect to the memory of the illustrious Washington. That is the object, sir, and I know my constituents, and the constituents of my colleagues, too well to believe that they would find fault with them for voting a liberal sum of money for the purchase of Mount Vernon. As I have already stated, the fame of Washington is the property of his country, and there is too much patriotism in the hearts of the American people to be penurious or parsimonious upon a subject of this kind. That is all I have to say upon the subject. I now renew the demand for the previous question.

Mr. WASHBURN, of Maine. I would suggest to my friend from New York, [Mr. SAGE,] whether it would not be better for him to modify his resolution, and make it one of inquiry, rather than a direction?

The SPEAKER. The Chair understands that the gentleman from Illinois [Mr. YATES] demanded the previous question.

Mr. BAYLY, of Virginia. I thought the gentleman from Illinois [Mr. YATES] was under a pledge to renew the motion made by his colleague to lay the resolution upon the table.

Mr. SAGE. He was, but has kindly consented to withdraw it.

The SPEAKER. Does the gentleman from Illinois withdraw the demand for the previous question?

Mr. YATES. I do.

Mr. BAYLY. You have no right to do it.

The SPEAKER. The gentleman from Maine [Mr. WASHBURN] is entitled to the floor.

Mr. CLINGMAN. I hold in my hand an amendment, which I think will meet the views of the gentleman from Maine.

The SPEAKER. Does the gentleman from Maine yield the floor?

Mr. WASHBURN. I yield the floor for a minute to my friend from North Carolina, to read his proposition.

Mr. CLINGMAN. I would suggest, then, the following amendment: That — Committee be instructed to inquire into the expediency of purchasing the estate of Mount Vernon, to be used in such a manner as may be consistent with the public interest and a due regard for the memory of George Washington.

Mr. SAGE. I accept that modification. I have no wish but a vote of inquiry. And I will fill the blank with "a select committee of five."

The SPEAKER. The original resolution was a joint resolution, but this is a simple resolution. The modification can only be made, therefore, by unanimous consent.

Mr. BAYLY, of Virginia. I object.

Mr. WASHBURN, of Maine. I hope, then, that this resolution will be referred to one of the committees that have been suggested. I should prefer very much to vote for it as modified, and I had hoped there would be a unanimous consent for its modification. I think, sir, that it is reasonable. I think it is due to ourselves that some steps should be taken; that the time has come when it belongs to the nation to take some steps for the purchase of Mount Vernon. I do not imagine it is going to lead to any very great extravagance. I do not imagine it would be a dangerous precedent.

There are some questions upon which, perhaps, we are not called upon or required to look very carefully, or with a very scrutinizing eye, into the Constitution.

I agree with what Madison once said when Louisiana was obtained, that the first thing was to obtain Louisiana, and then look into the Constitution afterwards. There are sometimes properties that choose, and are not chosen; and it seems to me that this is a case of that kind. We are not required to discuss the question of power, and it is well not to discuss it. Sir, I have no question as to the power—the power within the spirit of the Constitution. Certainly we have as much right to do this, as we had to appropriate money a year ago for the equestrian statue of General Jackson. I do not remember that the question of constitutional power was raised then by the gentleman from Virginia. As I said before, I do not think that this can be drawn into a precedent. We have but one Father of the Country—but one who was "first in war, first in peace, first in the hearts of his countrymen." I hope, therefore, that this resolution will be referred to a select committee, although I do not like the joint resolution in its present form. I now demand the previous question.

Mr. BAYLY, of Virginia. I move to lay the joint resolution upon the table.

Mr. DISNEY. I rise to a privileged question. We have had here to-day a very pretty exhibition of generous sympathy and large patriotism, and I take it for granted that, at least to some extent, some gentlemen—

The SPEAKER, (interrupting.) The gentleman from Ohio is aware that a demand is made for the previous question, and that a motion has been also made to lay the joint resolution on the table; debate is, therefore, out of order.

Mr. DISNEY. I understand that, and I was only about to add that, supposing gentlemen at this time feel some disposition to go to business, in order to give them an opportunity of so doing, I move that we now proceed to the consideration of the business upon the Speaker's table, the morning hour having expired.

Mr. CAMPBELL, of Ohio. Can my colleague get the floor at this time to make that motion?

The SPEAKER. All the three propositions pending are privileged in their nature; but, according to the rules of the House, the proposition of the gentleman from Ohio [Mr. DISNEY] is in order at any time.

The question was then taken on Mr. DISNEY's motion, and it was agreed to; and the House proceeded to the business on the Speaker's table.

DISBURSEMENT OF THE SENATE'S CONTINGENT FUND.

The following bill from the Senate was taken up from the Speaker's table and read a first and second time by its title:

"A bill to regulate the disbursement of the contingent fund of the Senate, and for other purposes."

Mr. HOUSTON. That bill proposes to regulate the manner in which Senators shall draw their mileage and per diem; and several of the Senators have expressed a very great anxiety that the House should act upon it without a reference to a committee. If it be the pleasure of the House, I will propose to put the bill upon its passage now.

Mr. JONES, of Tennessee. Read the bill.

The Clerk read the bill.

Mr. MACE. Is it in order to move an amendment to the bill?

The SPEAKER. It is.

Mr. MACE. I then move the following amendment:

Sec. — And be it further enacted, That the moneys which have been or may hereafter be appropriated for the per diem and mileage of members of the House of Representatives, shall be paid at the Treasury, on requisition drawn by the Sergeant-at-Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him, according to law. And the said Sergeant-at-Arms shall be deemed a disbursing officer, and in lieu of the bond now required of him, under the rules of the House of Representatives, he shall give bond to the United States, within ten days after the passage of this act, with one or more sureties, to be approved by the Comptroller of the Treasury, in the penal sum of one hundred thousand dollars, with condition for the faithful application and disbursement of such funds as may be drawn from the Treasury under this act, which bond shall be deposited in the Comptroller's office.

Mr. LANE, of Indiana. I would like to ask the gentleman from Indiana a question. Does he propose to give the Sergeant-at-Arms the salary of four thousand dollars which we, by this bill, gave to the Secretary of the Senate? I am not prepared to vote for the thing at all.

Mr. MACE. I understand, from the terms of the bill now under consideration, that additional compensation is proposed to be allowed the Secretary of the Senate for disbursing the contingent fund of that body. If that officer is to receive additional pay for such service, I should like to know why the Sergeant-at-Arms of this House should not be placed upon the same footing with him? And I will remark here, Mr. Speaker, that, as at present advised, I am opposed to the whole arrangement. I understand that the Secretary of the Treasury has decided, distinctly, that the President of the Senate, the Speaker of the House of Representatives, and the Secretary of the Senate, are not disbursing agents or officers under the revenue laws of the country. I may be mistaken in reference to another thing—but I do not think that I am—and it is: That the whole object of this present movement is to place the contingent fund of the Senate in the possession of some irresponsible bankers in the city of Washington.

Mr. HOUSTON. If my friend will allow me, I will answer him in reference to that point now. The object is precisely the reverse. The first section of that bill proposes to make the Secretary of the Senate a disbursing officer, and, as soon as that is done, he will, under the law of 1846, immediately come under the control of the Secretary of the Treasury; and then he dare not deposit with a bank.

Mr. MACE. I will ask my friend from Alabama one question. How does the Sergeant-at-Arms of this House now, without the aid of that law, pay the members their per diem and mileage?

Mr. HOUSTON. I have not examined into the manner in which the Speaker and Sergeant-at-Arms, obtained money for the members of the House. I understand it, however, to be thus: The Speaker signs a certificate, setting forth the fact that a certain amount of money is due to a member, which certificate, with his receipt, is handed by the member to the Sergeant-at-Arms, who takes them to the Treasury, and there obtains the money. The gentleman will allow me to state, while I have the floor, that the practice in the Senate is, and has been different, from the different organization of that body. I understand it to be true—and the honorable member from Missouri, [Mr. BENTON,] will know more of that than I do—I understand it to be true, that the Presiding Officer of the Senate never certifies to any amount due to the members of that body until the termination of the session; at which time he makes one certificate as to the whole amount. The practice there has been for the secretary of that body to draw out of the Treasury

large amounts of money for its contingent fund, at a time—such amounts as would suit the purpose. The amount is deposited in his favor, and he draws his individual checks for the sums due the Senate whenever they desire them. Under the old practice it was an individual transaction whenever money was drawn from the Treasury. The Secretary of the Treasury has very properly, in my opinion, decided that this practice is against the law of 1846—the Independent Treasury law. He requires that the Senate shall either adopt a mode similar to that adopted by the House, or else make the Secretary of the Senate the disbursing officer of the Government. This bill proposes to make the Secretary of the Senate that disbursing officer. By it he will have authority to draw out of the Treasury and deposit the amount under the order of the Secretary of the Treasury, and then his checks in favor of the Senators will command the money. That is what the Senate desire, and I do not regard it as unreasonable.

Mr. MACE. I am very well satisfied with the explanation made by my friend from Alabama, [Mr. HOUSTON,] so far as it regards the Senate. On other points I am not so well satisfied. If it is a matter of convenience to Senators, and a matter of convenience to their disbursing officers, to receive their pay under such a bill as that now under consideration, I ask why it is that the Sergeant-at-Arms of the House of Representatives should not have the same facilities, and the same easy manner of paying us?

Mr. HOUSTON. Will the gentleman allow me a word of explanation? It is this: The explanation given to me by Senators who have conversed with me on the subject was merely this. They said that they did not propose to interfere with the arrangements of the House, because they did not know whether the House desired this to be done, or whether they preferred it as the mode by which their money was to be managed and controlled. And if the House choose to receive their pay on the same principle, and put their money on the same footing, they have a right to do so. The Senate are not opposed to the House having the same laws regulating the government of their contingent fund which they propose to apply to themselves and to the government of their contingent fund.

Mr. MACE. Is the gentleman [Mr. HOUSTON] in favor of my amendment?

Mr. HOUSTON. I ask the gentleman to favor me for a moment. I have no objection to his amendment. I do not oppose it. I am willing to vote for it; and if he offer an additional amendment, I will vote for it. Whatever is convenient for the Senate, under proper restrictions, and is not irregular or contrary to the law, I am perfectly willing to see them exercise.

Mr. MACE. Mr. Speaker, I think that this matter involves considerations which should be reflected upon. Many members of the House are not sufficiently well satisfied yet in respect to the practice proposed in the proposition. With a view, therefore, to give every gentleman an opportunity of investigating and looking into it, and voting understandingly upon the question, I move that the resolution be referred to the Committee on Ways and Means; and upon that motion I demand the previous question.

Mr. JONES, of Tennessee. Will the gentleman please to withdraw that motion?

Mr. MACE. Certainly, I will withdraw it, if the gentleman will renew it.

Mr. JONES. Mr. Speaker, by the laws of 1818, fixing the pay—the mileage and per diem—of Senators and members of the House of Representatives, it is provided, I believe, that the certificate of the Presiding Officer of the Senate and the Presiding Officer of the House shall certify as to the amounts respectively due to the members of the body over which they preside. By the act of 1851—if I mistake not, sir—it is provided that the certificate of the Presiding Officer of the House, and also of the Senate, shall be conclusive on all the accounting officers of the Treasury as to the amount due respectively to the Senators and members of this House. By that proviso to the appropriation bill of 1851—I think it was—the accounting officer of the Treasury cannot go behind the certificate to ascertain what is due to any member of this House—cannot go behind the certificate of the officer of the Senate to ascertain

what is due to any member of the Senate—for mileage and per diem. The practice up to the present session, with a few exceptions, has been for the Speaker of this House to make his requisition upon the Treasury Department for fifty, a hundred, or two hundred thousand dollars, for appropriations made to pay the mileage and per diem of members of the House. That requisition would be honored at the Treasury Department. The Speaker then deposited that, the sum drawn, in some one of the banks of this city, from which he could check out any amount which the members should call for from day to day. I believe similar arrangements were made, as to the pay of the members of the Senate, with the Secretary of that body, who performed those services.

The present Secretary of the Treasury, in looking to that law, has come to the conclusion that there is no law to authorize him to pay the requisitions of the Speaker, or of the Secretary of the Senate, and that the law requires that the presiding officers of the two bodies shall certify as to the amount due to the members therein, and that that amount so certified shall be paid at the Treasury of the United States. Consequently, sir, you at this time, instead of making a requisition upon the Treasury, and depositing the amount drawn with one of the banks of this city, as has been the case at former Congresses, must certify to a certain amount as due to members of this House for mileage and per diem. The Sergeant-at-Arms sends up to the Treasury by his messenger, and in as short a time as he could go to a bank where the money has been heretofore deposited, he receives it here. The same operation can be applied to the Senate, and the same will be applied, if they adopt the same policy. My own opinion is, that the law requires the money to be paid at the Treasury. It is the proper place where the money should be paid.

For myself, I can see no necessity for the passage of this bill. There is one thing in the first section of it which I hope will be stricken out, if the House determine to pass the bill, and that is, the provision increasing the salary of the Secretary of the Senate. He now receives, by law, three thousand dollars, and I believe, under the universal compensation rule which prevails in that and this House at the end of every session, he receives five hundred dollars in addition.

There is another thing, also, which I wish to see stricken out of the bill, if it must pass, and that is the provision which constitutes the Committee on Accounts in the Senate the auditing officers of the contingent fund of the Senate. I hope it will be amended so as to leave that duty to be performed by the Secretary, as heretofore, so that it may be audited at the Department, as the law requires it to be done in reference to all persons having accounts at the Treasury.

Mr. HOUSTON. I wish to correct an error into which the gentleman from Tennessee [Mr. JONES] has fallen. I shall not resist a reference of this bill to any committee. It is very desirable that it should be acted upon, and it is desirable, in the first place, because there is no law regulating that subject, as far as the Senate is concerned. In the next place, my own opinion respecting the intercourse of the two Houses of Congress, in the discharge of their duties, is, that it should be characterized by a great deal of indulgence on the part of each towards the other. If the Senate have any particular fancy for any particular mode in which their contingent fund shall be kept and disbursed, as a member of this body, I should let them have it.

Mr. JONES, of Tennessee. I wish to ask the gentleman to specify the error into which he said I fell?

Mr. HOUSTON. I am coming to that point. I say I set out with this sort of feeling, to which I have referred, in the discussion and examination of this proposition. If the Senate propose to the House a mode in which they are to disburse their contingent fund, unless that mode is one in conflict with law, or justice, or propriety, or economy, I say let them have it. I defer that much to a coordinate legislative body.

I think, furthermore, that the gentleman from Tennessee [Mr. JONES] has fallen into error in this respect—there is no law devolving upon the Vice President of the United States, who presides over the Senate, any duty connected with paying or disbursing the contingent fund in that body.

Now, I understand the practice to be—and that practice is founded on law—that the Vice President of the United States certifies, at the end of a session of Congress, to the gross amount due to members for their mileage and per diem.

Mr. JONES. I did not state that it required any certificate from the Presiding Officer of the Senate as to the contingent fund, but as to the mileage and per diem of members; and I would ask the gentleman from Alabama to state to the House, if there is any difference in law with respect to ascertaining the amount due and the mode of payment to members of the House and Senate. They are all placed upon the same footing.

Mr. HOUSTON. The Speaker certifies to our drafts, and all our transactions concerning mileage and per diem are carried on through the Speaker, and under his signature; but such has never been the case in the Senate. The Vice President has his duties prescribed to him by the Constitution; and there is no law that I am able to find that devolves upon him any duty connected with the disbursement of the money.

Mr. JONES. I would ask the gentleman from Alabama if either the Senators or members of the House have been paid according to law?

Mr. HOUSTON. I stated, when I had the floor upon a previous occasion, that I believed the Secretary of the Treasury was correct in his opinion of the construction of the law of 1846, and that we were going on in violation of the law; but that does not meet the point which I was presenting to the honorable member from Tennessee. What right have we to say that the Vice President, who is elected by the people of the United States, and whose duty it is, as prescribed by the Constitution, to preside over the Senate, shall be a disbursing officer of the Government, as far as the mileage and per diem of members of Congress, or any other sum of money, is concerned? I ask the gentleman whether we have the power to do that? I stated a fact, which I supposed to be true, that it has never been the practice of the Vice President or the Presiding Officer to certify to the mileage and per diem.

Mr. JONES. I ask the gentleman from Alabama if the Constitution of the United States does not make the Vice President the President of the Senate, and if the Congress of the United States have not the right to prescribe the duties of that officer as well as the President, or any other officer of the Government?

Mr. EWING. I would suggest that this matter should go to the Committee on Ways and Means, where it can be fully investigated, in order that it may be better understood by the House before it is disposed of.

Mr. HOUSTON. I have no objection to the bill going to our committee, if the House wish it.

Mr. JONES. I will merely remark, that I have no particular feeling about this bill.

Mr. EWING. I have not yielded the floor. I renew the motion to refer this bill to the Committee on Ways and Means; and upon that motion I call the previous question.

Mr. BAYLY, of Virginia. Will the gentleman allow me to make a single remark?

Mr. EWING. The motion has already been withdrawn once, and I cannot accommodate my friend from Virginia.

Mr. BAYLY. I only desired to say that the Senate are on short allowance, and that they cannot stand delay. [Laughter.]

The previous question was seconded.

Mr. DAVIS, of Indiana. I move to lay the bill upon the table.

[Loud cries of "No!" "No!"]

The question was put; and the House refused to lay the bill upon the table.

The main question was then ordered; and under the operation thereof, the bill was referred to the Committee on Ways and Means.

ASSISTANT SECRETARY OF THE TREASURY.

The bill from the Senate, prescribing the manner of appointing the Assistant Secretary of the Treasury, was next taken from the Speaker's table, and read a first and second time by its title.

Mr. HOUSTON. I move to refer this bill to the Committee on Ways and Means.

Mr. EWING. I move to refer it to the Committee of the Whole on the state of the Union; and, if it be in order, I will briefly give my reasons for making the motion.

A MEMBER. Let the bill be read first.

The bill was read through by the Clerk.

It provides that hereafter the officer of the Government known as Assistant Secretary of the Treasury, shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

Mr. EWING. Now, sir, a word in explanation of my motion. I think it would be a better disposition of this bill to refer it to the Committee of the Whole on the state of the Union, than to any private standing committee. I am extremely anxious, and I believe it is the desire of the people all over the country, that this war which has been stealing upon us should at last be openly conducted. It is the custom among all civilized nations, when they go to war, to declare what are the issues upon which their warfare is to be waged, that an enlightened world may judge of the justice of those issues.

Now, sir, I discover upon the part of some of my friends the existence of a very proper and praiseworthy State pride. For instance, the other day, when the ancient prescriptive right of Virginians to hold office was assailed most outrageously and unprecedentedly, [laughter,] my worthy friend over the way, [Mr. BAYLY,] from Virginia—greatly be it said to his honor—at once rose in defense of the rights of Virginia. That gentleman has taken under his charge the protection of the department of the library of the House of Representatives, and I, as a Kentuckian, claim the same right in reference to another branch of the Government, and assume to take the Treasury Department under my wing. [Renewed laughter.]

Sir, I know of no other reason, but the one I have given, which the gentleman could offer in justification and vindication of his course. Two years ago, when the head of that venerable Whig, the Librarian, rolled upon the sands, stained with his sacred blood—when he fell under the axe of proscription, removed from this same office by this same high functionary who presides at that desk, I do not remember that a single word was then said of the supreme importance of the House taking the election of Librarian into their own hands. We poor, proscribed, and down-trodden Whigs, had then, as we have since, not only in Congress now, but in the Executive Departments of the Government, to submit to the torture inflicted upon us by our relentless conquerors with Indian stoicism, not being allowed even the privilege of grumbling, though I now beg leave to give one solitary groan of agony for the fate of some of my friends. [Laughter.]

I do not like this sort of warfare; let us have a fair and open fight. Let us have a courageous, energetic fight; no underhanded game; no guerrilla warfare, cutting off sentinels and pickets, and skirmishing with outposts. Let us see good National Democrats, as they call themselves, come out with true courage. I am weary of these assaults upon a Kentucky Secretary of the Treasury, whom I believe to be the best of the whole batch. He might well exclaim with honest Jack Falstaff, "Company, villainous company, hath been the spoil of me." [Great laughter.] I believe that he is an honest man, and I say it in all sincerity; and I do not want any "laughter" introduced by the Reporter just here in his report of these remarks, so as to make it appear that I am not now speaking in sincerity. I repeat it again, sincerely, that I believe he is an honest, reliable, courageous man. I know it. I have known him for years; and both in his public and his private character I esteem him most highly. I believe him to be a man of courage, a man of energy, a man of sincerity. I believe that the strength of his convictions, and the honesty of his purposes, have been used by others who had, perhaps, less courage, and less energy, and less sincerity. I know that he has been unheeded, perhaps, in the opinion of many, in a recent tilt which he had in a New York arena. Perhaps his luck was not very good in that quarter [laughter;] but all men have their faults and their weaknesses. Dogberry says that "to be a well-favored man is the gift of fortune; but to write and to read comes by nature." [Laughter.] And it is not in the nature of all men to write with ability. He may have failed in that encounter. He may have been unfortunate. So much the stronger, then, is the call upon the sympathies of his countrymen—Kentuckians. I appeal to all of them around me to come

to the rescue. Let us defend him and have open warfare, and then perhaps I might feel there was some chivalry in the combat. I do not know that I might not be tempted even to enlist myself in the army, if war was declared against the whole Administration, the head and front, from the chief down to the assistant secretaries, and the lowest clerks. Why, they do not even assail our Kentucky Secretary directly himself. They attack him by a sort of indirect blows at the Assistant Secretary—by passing a resolution somewhat like the resolution of my friend from Virginia, [Mr. BAYLY,] who has just discovered, after several years' service in Congress, that it is highly important for the proper care of the books, that the librarian should be elected by the House—[laughter]—they discovered after a long series of years that it was not safe to intrust the appointment of the Assistant Secretary of the Treasury to the head of the Treasury Department himself, but that he ought to be confirmed by the Senate.

Mr. BAYLY, of Virginia. As the gentleman has referred to me so frequently, probably I may be justified in interrupting him for a moment. He says that for a long series of years the Assistant Secretary of the Treasury has been appointed by the Secretary of the Treasury. Will he be good enough to inform me when the law passed authorizing the appointment of an Assistant Secretary of the Treasury? It occurs to me that it is a late law.

Mr. JONES, of Tennessee. Oh, no; it was two years ago.

Mr. EWING. The gentleman from Virginia, like the gentleman from Illinois, on his left, [Mr. RICHARDSON,] has a sort of Socratic mode of argument; he is peculiarly given to asking questions in order to entrap young and unsophisticated members like myself, who do not know the dates of the passage of laws. [Laughter.] I knew he only asked that question in order to give himself an opportunity of showing that he knows a great deal better than I do when laws were passed. Well, at all events, that law was passed by a Democratic Congress, and, unfortunately, you have got a Kentucky Secretary—a Democratic Secretary—and you want to deprive him of power. Sir, I call upon the Democracy—the organized Democracy of the House—the Democracy who go for true organization—the great and general Democratic party—the universal, all-absorbing Democratic party, composed, as it is, of so many elements throughout this universal nation of ours—I call upon the organized Democracy of the House to refuse to that refractory Senate the right to sit in judgment upon the appointments of the Democratic Secretary of the Treasury of the United States. [Laughter.]

Why, sir, what next are they to perpetrate? Here, within a few days past, have they not declared—not exactly open warfare; they have not come to that yet—but have they not declared this newly-invented guerrilla war against the organization of the Democratic party, and absolutely, with an unprecedented audacity, unpardonable, too, as it is, dared to elect their own public printer, [laughter,] without consultation with Mr. Armstrong, or the President, or either of the Secretaries of the United States, although, as I am informed, those gentlemen most amiably offered to a number of Senators their best advice and counsel in reference to the matter? [Renewed laughter.] Who ever heard of such audacity? We know it has been intimated by the Union newspaper that they would not have dared to do it, but for the secret ballot. But he is after them. He intends to ferret out those pusillanimous Senators who slyly, and under cover and protection of the secret ballot, assailed the great Democracy, and to hold them up to the derision of the country. Armstrong will get them yet. [Laughter.] There is no escape for them, no secrecy, no bushwhacking, no guerrilla warfare. They will have to come out openly; and I am on Armstrong's side in that respect. [Laughter.] Let us see who they are. One gentleman has already denied that he had any part in the matter, with the utmost haste and the most wholesome fear of the rod which the Union holds over his writhing back. Yes, sir, I call, in conclusion, most earnestly upon the organization of the great Democratic party in this House to resist the proposition to deprive a Kentuckian—a citizen of a State next to old Virginia—[laughter]—(we

cut off Old Virginia when we concluded to come into the Union,)—[renewed laughter]—to resist the proposition, I say, to deprive a Kentucky Secretary of the Treasury of the power which justly belongs to him, and the transferral of that power into the hands of a refractory, audacious Senate of the United States, who have ceased, as it seems, to know their own place, and who, absolutely, without consultation, or rather in the face of proper counsel, have dared to elect their own public printer. [Laughter.]

Mr. HOUSTON. Mr. Speaker, I have noticed that my friend from Kentucky has been for the last two or three days very restless, and looking, I have no doubt, with a great deal of anxiety over to this side of the House, in the hope that we would spring a little quarrel among ourselves. As we have not done so quite as soon as he desired, he has taken this occasion to attempt to throw a firebrand in our midst. Sir, the gentleman is very welcome to his witticisms; but when you come to examine the joint resolution now before the House, it will be perceived that it does not justify the remarks he has made. It is incorrect, as asserted, that it was upon Mr. Guthrie, or anybody else. The gentleman seems to have forgotten the legislation even which has occurred since he became a member of this body. He seems to have forgotten that this is the only Assistant Secretary at this time whose nomination is not confirmed by the Senate. He has argued as if it were an attack upon the part of the Senate against the Secretary of the Treasury, because they have singled out his Assistant Secretary for the purpose of bringing his nomination before that body for confirmation.

Now, Mr. Speaker, all of the assistant secretaries in all of the other Departments are nominated to the Senate for its confirmation: the Assistant Secretary of State is so nominated, and a law was passed at the last Congress, requiring the appointments of the assistant postmasters to be sent to the Senate for its confirmation. This appointment of the Assistant Secretary of the Treasury is the only one not subjected to that ordeal. In my view it is proper that it should be made so.

I, however, have objections to that resolution, and I propose to refer it to the Committee on Ways and Means, for the purpose of amending and correcting it. The resolution proposes that it shall go into effect immediately upon its passage, to which I object; because, if that provision be agreed to, the resolution may be regarded as an attack upon the Secretary of the Treasury. That was not the design of many of the Senators who voted for it, for they have so advised me; but whether it was the design or not, I would never consent to vote for the resolution in its present shape. I am willing to vote for a resolution which will require the appointment of the Assistant Secretary of the Treasury, on a vacancy occurring hereafter, to be sent to the Senate for its confirmation.

Mr. STANTON, of Tennessee. I will, with the gentleman's permission, make the following suggestion: Let the gentleman propose an amendment, such as he has mentioned, call the previous question, and then let the bill be passed, with or without amendments, as the House may choose.

Mr. HOUSTON. If I had an amendment prepared I would offer it.

Mr. JONES, of Tennessee. If the gentleman from Alabama [Mr. Houston] will withdraw the motion to refer the resolution to the Committee on Ways and Means, I propose to amend the resolution, by inserting at the end of the first line, after the word "Treasury," the words "hereafter to be provided," and we will have it all right then.

Mr. HOUSTON. That is the objection I have in view. I do not wish, Mr. Speaker, to consume the time of the House; therefore I withdraw the motion to refer to the Committee on Ways and Means, and propose the amendment suggested by my friend from Tennessee, [Mr. Jones], and upon that motion to amend I ask the previous question.

Mr. STANTON, of Kentucky. I move that the whole matter be referred to the Committee on Ways and Means.

The motion was withdrawn.

Mr. WHEELER. I renew it.

Mr. EWING. I am willing to listen to suggestions from any competent authority recognized by the organization of the House. I would simply say that I feel flattered at the notice I have received from the gentleman for the last few days.

The SPEAKER. Debate is not in order.

Mr. EWING. Is it not in order on my own motion?

The SPEAKER. No; the previous question having been demanded.

Mr. EWING. Could I not withdraw my motion?

The SPEAKER. Not without the unanimous consent of the House.

Mr. HOUSTON. I demanded the previous question on the entire proposition—on the motion to refer and on the motion to amend.

Mr. EWING. Mr. Speaker, I hope the gentleman will allow me to withdraw my motion and make a single word of explanation. He has endeavored to hold me up to this House—

Mr. HOUSTON. I have no desire to hold up the gentleman before the House, but I was cut off in my own speech by the gentleman on my left. I have no desire to suppress debate, but I think that the question has been debated far enough. I withdraw the motion for the previous question to give the gentleman [Mr. Ewing] the opportunity he desires, to explain.

Mr. EWING. I wish simply to state that I have been misinterpreted and misunderstood, and that this is but an additional instance added to the many that have gone before showing how easily a patriot's motives may be perverted and misunderstood. My restlessness and anxiety were excited by the commotion in the great Democratic party which has saved the Union, and which is hereafter to save the country. They have had my sympathy. In relation to the gentleman's [Mr. Houston's] share in the organization of the House, I am sure that if he had observed me during the past Congress as he has done for the past few days, he would have seen me at all times endeavoring to sustain himself and his committee; and the Lord knows they needed it sometimes! I voted to give them a clerk when they seemed to be in a minority on this floor. The request was a proper one to the House, and was presented unanimously by the committee; and having seventy majority on the Democratic side, I thought it would be adopted. But the Committee on Ways and Means seemed, as usual, to be in a woeful minority. Sir, if the last Congress provided by law that the Secretary of the Treasury alone should have the appointment of his associate, doubtless it was for good reasons. I confess I gave no particular attention to that law in its passage, conception, or origin. I had no idea that it would affect any personal or intimate friend of mine, or that any such would be likely to hold the office. I paid no particular attention to it at the time. I confess freely (and I allow the gentlemen from Virginia and Alabama [Messrs. BAYLY and HOUSTON] all the honor of their boasted superior information) that I did not know the date of the passage of the law. But if this law now proposed be necessary in connection with that Department of the Government, why not reform also the other Departments? Why not extend this reform to the other Departments, instead of undoing that which was found necessary in the last Congress? I am not, however, disposed to be refractory. I have seen the evil of it; and, as the gentleman constitutes a part of the organization of the House, I yield to his suggestion, and withdraw the motion to refer it.

Mr. BAYLY. I ask that the second clause of the second section of the second article of the Constitution may be read.

The clause was read, as follows:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Mr. BAYLY. I desire only to call the attention of the House to that part of the Constitution which has been read—and which I am obliged to the Clerk for properly emphasizing—which refers to the inferior officers who are to be appointed by the President or heads of Departments. All other than inferior officers are to be appointed by the President, under the review of the Senate. Can there be any objection to this? Is the Assistant Secretary of the Treasury an inferior officer, whose appointment is a matter of so little general

concern that it is to be left alone to the heads of Departments, or to the President? Sir, he stands next to the Secretary of the Treasury himself. It was an omission, I am quite sure, in the law organizing the Department of the Interior—for I think it was in the organization of that Department that this Assistant Secretary was given—it was an omission not to require that officer to be confirmed by the Senate. When, at the last Congress, we gave to the Department of State an Assistant Secretary of State, that omission was noticed and marked, both in this House and in the other, and the Assistant Secretary of State, whose appointment we authorized then, can only be appointed upon the nomination of the President, by and with the advice and consent of the Senate. This bill, as I understand it, is a bill to correct the omission to which I have referred, and to produce uniformity.

I beg leave to say—though I know it often excites a smile here if anybody says anything about the Constitution, and particularly if the remark comes from a member from Virginia—but without the fear of that ridicule, I undertake to say it was an unconstitutional omission. It being an unconstitutional omission, and the Senate, by an overwhelming majority, having attempted to remedy that omission, the question is whether this House itself will refuse its concurrence? Unless gentlemen here are prepared to decide that the Assistant Secretary of the Treasury is, in view of the Constitution, an inferior officer—an officer such as a messenger or clerk—unless they are ready to decide that a man who stands second in the Department to the Secretary himself, is an inferior officer, whose appointment may be conferred by law upon the President alone, or the heads of Departments, they are compelled to pass this bill.

I undertake to say to my friend from Tennessee that this amendment of "hereafter" does not remedy the defect. The whole defect is in the law as it is, and it ought to be remedied at the first opportunity which presents itself. Why insert the word "hereafter"? Is there a fear that the present Assistant Secretary of the Treasury cannot stand the ordeal of the Senate? If he cannot stand that ordeal, that is the very best reason in the world for not inserting this word "hereafter." If he can stand the ordeal, then the amendment will not affect him.

Mr. HOUSTON. In reply to the gentleman, I would say, so far as that phraseology is concerned, that I have no such fear as he has. It is not for the purpose of covering any cases that have already occurred, or of pointing directly at the Secretary of the Treasury, but of making the law apply to cases that may hereafter occur.

Mr. BAYLY. I do not regard this bill as pointing at the Secretary at all.

Mr. HOUSTON. I say, furthermore, that the language of the law in relation to Assistant Postmasters General, is of a similar character. The name of one of these assistants was presented to the Senate; the other two are holding their offices now, but their names have never gone before the Senate for confirmation, because no vacancy was made, and I propose to do the same in this case.

Mr. BAYLY. I am opposed particularly to the amendment "hereafter." As far as the Assistant Secretary of the Treasury is concerned, I have not a word to say. He is a gentleman, I know very well; and I know him to be a most efficient officer. In the course of my remarks upon this matter, I have not had any reference whatever to that Assistant Secretary of the Treasury. I aim no blow at him.

The gentleman from Kentucky, [Mr. Ewing], in his remarkable speech, took occasion to refer two or three times to my action about the Librarian, and said that Mr. Williams, when he was turned out, was a Whig, and that I was not so vehemently impressed at that time with the propriety of this House electing its own Librarian. I beg leave to say to the gentleman, in regard to that matter, that he is simply mistaken. I thought so then. I did not move in the matter in the House, because there was no propriety in my doing so. He was not my constituent. I did remonstrate, however, Whig as he was, against his removal; but my remonstrances were of no avail.

Mr. EWING. I understand the gentleman perfectly, and give him credit for his explanation. It is precisely in accordance with what I said before. The gentleman did not find occasion to

move in the matter of the removal of Mr. Williams, the Librarian, because he was not a Virginian and a Democrat. I thought that the gentleman from Virginia, who had voted for that high functionary, (pointing to the Clerk,) ought at least to be willing to stand up for one week to the responsibility of the vote he had given, even to the removal of the late Librarian, Mr. Parker. That was the idea I had about it.

Mr. BAYLY. I beg to say to the gentleman from Kentucky, that the Librarian of which he speaks [Mr. Williams] was a Virginian, and that he was removed against my remonstrance. I have also to say, that Colonel Parker, who was subsequently appointed, was not appointed upon my recommendation; but was recently removed against my remonstrances. And I am free to say to my friend from Kentucky, [Mr. Ewing,] that the fact of this constituent of mine being a Democrat, and belonging to a democratic family, seemed to me to make it proper that I should move in the matter.

Mr. HIBBARD. I must raise a point of order upon my friend from Virginia. It seems to me this train of discussion has been carried on far enough. It cannot be in order.

The SPEAKER. The Chair sustains the point of order.

Mr. BAYLY. I regret that the gentleman from New Hampshire did not raise his question of order before. He has allowed me to be assailed, and refuses to permit me to say a few words in my defense.

Mr. STANTON, of Tennessee. After that clause of the Constitution which has been read, upon the suggestion of the gentleman from Virginia, [Mr. Bayly,] it is unnecessary to add a word as to the propriety or the necessity of the passage of this bill.

I had intended to say a word with regard to the amendment suggested by myself. I suggested that amendment, not for the purpose of securing its passage—for I regard it as altogether improper—but for the purpose of obtaining the action of the House upon the bill at the present time.

Now, sir, if the idea advanced by the gentleman from Alabama [Mr. Houston] be correct—that the officer appointed under the law of the last Congress was appointed without the advice and consent of the Senate—and if the original enactment was altogether wrong in this respect, then there has been a wrong, *ab initio*; and the nomination of the present officer ought to be submitted to the Senate for confirmation. If he was appointed under a law wrongly constructed, then why should his appointment not be submitted to the same ordeal as the appointments to be made to that office in future? Let it go to the Senate, and, if he be a worthy officer, the Senate will, doubtless, confirm his appointment; but if he be unworthy—and I do not pretend to express an opinion as to whether he is or not—but if he be an unworthy officer, he ought to be rejected, and neither he nor his friends ought to attempt to screen him from it, under a provision of a law which was passed, perhaps, without proper consideration.

If it be true, as the gentleman from Alabama [Mr. Houston] has suggested, that other officers have been appointed under the same circumstances, who have not been submitted to the Senate, let him propose an amendment that shall embrace them and subject them to the same ordeal, and I will vote for it.

Mr. HOUSTON, (interposing.) The gentleman has misunderstood me altogether. What I said was that until the last Congress, Assistant Postmasters General, three in number, were appointed by the Postmaster General himself; at the last Congress, however, we passed a law substantially in the same phraseology which we propose to give this bill, requiring that in future the appointment of these officers must go the Senate. The result has been, that one of them has been removed, and the appointee confirmed by the Senate. Two of the Assistant Postmasters, appointed before the passage of this law, however, now hold their offices, and have never been confirmed by the Senate, their appointment having never gone before that body. Here is the law to which I refer, passed during the last Congress:

"That hereafter, as the office of Assistant Postmaster General, or either of them, shall become vacated, the appointment of his successor shall be made by the President

of the United States, by and with the advice and consent of the Senate."

Mr. STANTON. I wish to call the attention of the House to another point. The Constitution of the United States, as I understand it, requires that officers of this description shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

Mr. HENN, (interrupting.) I desire to inquire of the gentleman from Tennessee as to the limitation of the term of office of the Assistant Secretary of the Treasury, or of the Assistant Postmasters General; whether there is any limitation or end to their terms of office?

Mr. STANTON. There is no positive limitation, except in the will of the appointing power. But, sir, there is a constitutional requirement, and the question is, whether it can be evaded by suffering a man to remain in office contrary to that requirement. There is no other instance now under the Government of the United States—no instance under any existing law—in which an officer of this grade is appointed without confirmation by the Senate of the United States. It ought not to be so in this case; and a man of high feeling and of honor ought to scorn a place under such circumstances, or any attempt to screen himself from the examination of the Senate.

Mr. WHEELER. I would like to ask the gentleman from Tennessee, if the amendment proposed by the gentleman from Alabama should be adopted, whether it would not be a reflection upon the President, in denying him the right to appoint in such case?

Mr. STANTON. I think it is a reflection upon the officer who holds the office in question to desire to screen himself in any such manner.

Mr. HIBBARD. I have but one word to say upon this subject now, and that is, that enough has transpired in this debate, if it were not before sufficiently evident, to convince the House that now is not the time to proceed to final action upon this bill.

Mr. JONES, of Tennessee. I think that this is the very time when we should act upon it.

Mr. HIBBARD. I do not think so. There is no worse feature that can characterize legislation than that a bill involving important questions of law and expediency, should be driven through this House without allowing sufficient time for its proper consideration. Two questions have arisen here—one in regard to the constitutionality, and another in regard to the expediency of this measure—both of which may well be doubted. At all events, so it struck me; and I am not prepared, therefore, at this time, to act upon this bill. It may be that I am not so quick of apprehension as other gentlemen upon the floor of this House, but I must confess that I do not sufficiently understand its meaning, its purpose, and its effect; and what, let me inquire, is the need of this earnest haste on this occasion? Sir, I know it not. My friend from Alabama [Mr. Houston] has furnished no reason that is at all satisfactory to me. If the bill be a good one—and, for anything I know, it may be so—and I am by no means prepared to say that it will not have my full and perfect assent—there is no occasion for this earnest haste. Let these questions be investigated by proper committees; let there be a report made by some committee to the House; and when that is done, we can act understandingly and advantageously. There is nothing whatever gained by undue haste. On the contrary, it not unfrequently leads to a lamentable retracing of our steps. It is a good rule to be cautious; and for the sake of the integrity of the practice of deliberation, as well as the bearings upon the question involved in this bill, I submit that this is not now the time to act upon it. If it pass at all, it strikes me that it should pass with the amendment offered by the gentleman from Tennessee, [Mr. Jones;] but I hold it to be one of those bills which should be examined by a suitable committee as to its legal bearings, and also as to the questions of expediency relating to it; and I think it should be referred to one of the standing committees of this House, for the purpose of careful investigation. Touching the revenue and affecting the Treasury Department in its operation, it strikes me that the proper reference in this case is to the Committee on Ways and Means—the reference which has been already suggested. If gentlemen have another choice, well and good; I have no feeling

in the matter; but for the purpose of terminating debate, and of deciding whether we will act upon the bill now, or at some future period when we have had sufficient time for deliberation, I move its reference to the Committee on Ways and Means; and on that motion I ask for the previous question.

Mr. JONES. I hope the House will vote it down. [Cries of "Vote it down!"]

Mr. PHILIPS. I ask the gentleman from New Hampshire [Mr. Hibbard] to withdraw the demand for the previous question.

Mr. HIBBARD. I would do it with pleasure, but if I do it for the gentleman from Alabama, I must do it for others.

Mr. JONES. Further debate is not in order. The House was then divided on the demand for the previous question, and it was not seconded.

Mr. PHILIPS said: I would not, Mr. Speaker, offer any remarks upon the subject before the House, which has already received so much debate, if it were not that I differ from the able and learned gentlemen who have preceded me with regard to the constitutionality of this measure. I profess to be a strict constructionist. I probably owe my seat here to my attachment to that political creed. But, at the same time, we must be careful that we do not forego or pretermitt the clear constitutional powers which are vested by the Constitution in the Federal Government.

The gentleman from Virginia, [Mr. Bayly,] and the gentleman on my left from Tennessee, [Mr. Stanton,] have both assumed that it was a position which scarcely could be controverted, that the Constitution requires the appointment by the President, with the advice and consent of the Senate, of the officer in question; and they placed their judgment upon the ground that the appointment of no other than inferior officers could, by the provisions of that instrument, be vested in other hands. Now, to what does that term "inferior" relate? is the question before the House. Why, sir, it relates—and can have no distinct definition but in that relation—to the first; to wit, the Secretary himself. Once determine that the First Assistant Secretary is not an inferior officer, and, I ask, where is the significance of the term "inferior" to rest? Who shall say that a Second Assistant Secretary is an inferior officer? If we depart from the plain construction, which, to my mind, is so evident, that inferiority has reference only to the first—to wit, the heads of Departments—we are thrown upon a sea of construction by which a constitutional rule of one character may be established to-day, and a constitutional rule of another character to-morrow.

Look to the cases specified in the Constitution where the concurrent action of the Senate is required. They are "ambassadors, other public ministers and consuls, judges of the Supreme Court"—offices the superiority of which is at once recognized. "But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments."

The incumbent holds under a law vesting his appointment in the Secretary of the Treasury, the head of his Department. He is subordinate or "inferior" to the Secretary, and is already within the constitutional limitation, however important his duties may be.

Mr. BAYLY, of Virginia. I would ask the gentleman whether the collectors at various points are not subordinate to the heads of Departments, and whether his construction would not bring them under the head of inferior officers? And let me also ask him whether, from the foundation of the Government, the President has not been required to make appointments of those officers, and if they have not been confirmed by the Senate?

Mr. PHILIPS. I will say, in reply to the gentleman from Virginia, that a collector is the "first" in his office. He has no superintendent there. He has the sole control of it, and therefore comes within the definition assigned to the Constitution.

So much, sir, for the constitutionality of this measure. Now let me say a few words with reference to the expediency of the measure which is before the House. It is proposed to take the appointment of the First Assistant Secretary of the Treasury from the Secretary, and to give it to the President; and this is to be done upon grounds which denounce the past action of the Government and the past action of these officers, as illegal

and unconstitutional. I, for one, am not prepared lightly to admit premises which lead to such a conclusion.

Sir, I am opposed to making this change. There is certainly one reason in favor of it, and that is, that if other officers of the same character are appointed by the President, it would be more consistent that all should be appointed by him. But in consideration of all the questions involved in it, I am opposed to the change. If any gentleman of more experience in the House than myself, would bring in a bill to give all the appointments of the various Departments to the heads of those Departments, I would give it my hearty vote and concurrence, and for the reason that it would promote the unity of the Department as connected with the responsibility of it. When the President appoints a chief of one of these Departments, I should be for permitting the Secretary to assume the responsibility of appointing such subordinates as would, in his opinion, perform the duties assigned them in the very best manner. I would place the responsibility upon him, and not throw it upon the President and the Senate; and I would hold him responsible to the country for the faithful discharge of the duties of the offices which are placed under his supervision. For these reasons I shall vote against the bill now before the House.

Mr. WENTWORTH, of Illinois. What is the proposition now pending?

The SPEAKER. To refer the bill to the Committee on Ways and Means.

Mr. WENTWORTH. Has the bill been read in the House to-day?

The SPEAKER. It has been read a first and second time, and an amendment has been proposed.

Mr. WENTWORTH. It is of no use to attempt to disguise the issue involved in this bill. I presume there is not an individual in this House who really doubts that it is aimed at the Assistant Secretary of the Treasury. I honestly believe it is so aimed, and I am willing to vote accordingly. I do not believe in carrying water on both shoulders; and the sooner it is known in this House who are really for the Administration, and who are against it, the better. My course in Congress heretofore will show, that when I have been opposed to an Administration I have dared avow it. If I was opposed to Peter G. Washington being the Assistant Secretary of the Treasury, I would say so, and vote against the amendment of the gentleman from Tennessee. I shall vote for the amendment, because I am in favor of Mr. Washington, and for no other reason whatever; and if that amendment does not prevail, I shall vote against the bill, as I believe it was got up by Senators to get Mr. Washington's name before that body so as to refuse to confirm the appointment; and I believe that, however we may think in this House, the country will so understand it.

Now, about the reference of this subject to the Committee on Ways and Means. I do not see what use there is in sending it there, as we all know what disposition that committee will make of the matter. Three of the members of that committee are opposed to the Administration, and six of them are in its favor, and the Speaker made a mistake in placing them there. [Laughter.] We know, then, before that resolution goes to the Committee on Ways and Means, how it will stand there. Then why go through the formality of sending it there? Why not come boldly up, and as the gentleman from Kentucky [Mr. EVING] said, meet the issue openly and frankly? Let it be known where we all are; whether we are inside of the organization of the Democratic party or out of it. [Laughter.] I propose to be inside. How is it with the balance of the House?

I have one or two other reasons why this resolution should not be referred to the Committee on Ways and Means. That committee consists in fact of six members only, because that number constitutes the majority, and therefore, it is presumed, the power of the committee; and that committee is so constituted locally that its recommendation will not have the influence that it ought to have. Now, where are these six members from, who are in fact the power of this Government? We have one from New Hampshire, one from Philadelphia, and then we have the other four all in the same region of country, one in Alabama, one in Tennessee, one in Kentucky, and one in Missouri.

The Committee on Ways and Means, sir, have

more power than the President of the United States; they set upon all his measures; they set upon his salary, and upon everything he recommends to the country. They originate all appropriation bills which go to the Senate; and the Senate can have nothing unless the Committee on Ways and Means says so. They are the all-absorbing and all-engrossing power of this nation. They are far ahead in power and influence of all the other committees of the House; and the humblest position on that committee is more desirable than the best on any other. I do not know how many committees we have; but they are, when all combined, as nothing in comparison. The chairmen of a large proportion of them have as nominal a title as a title in the militia. Many would prefer a military title to that of chairman of any one of the greater portion of the committees of this House. Most of them never meet; indeed, they have no room assigned them; and they are not expected to meet; and I honestly believe that we are fast approaching a time when we shall need no other committee but that of Ways and Means. The six gentlemen of that committee, constituting its majority, as I have said, are in fact the whole Government of this country. When a gentleman is placed upon it, he knows that he has one of the highest positions in the Government, so far as power is concerned; and I look upon the position of chairman of the Committee on Ways and Means as the most honorable position under the Government; and he has the right to look to the next Baltimore Convention as the next compromise candidate for the Presidency. [Laughter.]

It is proposed, I repeat, to refer this subject to the Committee on Ways and Means; and I have asked from whence come the six members who constitute its majority? The six free States of the great Northwest have not a member on that committee. It may be said that none of us are qualified to be on that committee; but qualification has nothing to do with the appointment of its members, and it has not had for many years past. [Laughter.] The question arises, have we any friends of the Administration out of the whole delegation of the six northwestern States? There were any number of us admitted to the caucus that nominated the Speaker. Is there not one of them that can be trusted with the honor and credit of this Administration? I might go further, and allude to other portions of the country disfranchised on that committee; but I leave it for every individual to take care of his own section of the country. Yet, I must say, that these six gentlemen are not sufficiently scattered over the country to do justice to all sections, and afford strength to the Administration. No additional weight will be given to this bill because of its reference to the Committee on Ways and Means, for the reasons I have stated; and we might as well come to the test at once; and the sooner the better, in my judgment. As a friend of the Administration, I am prepared to vote for it, now or hereafter. If any gentlemen here are opposed to the Administration and dare not so record their votes, they are not fit to be members of Congress. Let me tell gentlemen how to strike the Administration, if they must strike. They should do it openly and boldly, so that the Administration would see as well as feel the blow. Then, if they are afraid, they will take the proper steps to conciliate. To strike in the dark is malice, and the Administration, not knowing who struck, knows not whom to conciliate. I believe that every gentleman in this House is prepared to vote on the question of reproving or reprimanding Secretary Guthrie for his appointment of Mr. Washington, or on the question of removing Mr. Washington. I will move the previous question, so as to bring the House to a direct vote, and give every one a chance to know who is for and who against the Administration.

Mr. DISNEY. I request the gentleman will withdraw that motion.

Mr. WENTWORTH. I am willing to do so, but gentlemen all round me insist upon our taking the vote to-day.

The previous question was not seconded.

Mr. DISNEY. I had not intended, Mr. Speaker, to have meddled with the debate which has sprung up in regard to the resolution now pending before this House; but that debate has taken a course which seems to me to require some remarks. They shall be but a few words, in relation to the position of the matter now presented

before us for our consideration. And here, once for all, and definitely, let me protest against the suggestion of any action that may be taken with reference to this resolution being interpreted either as for or against the Administration. I proclaim myself to be a friend of the existing Administration of the Government of these United States. But, while I am such friend, no consideration growing out of this friendship, or relations of that kind, shall deter me or prevent me from the discharge of any duty which I may believe devolves on me as a representative of a free and independent constituency.

Objections, sir, have been made, that there are constitutional questions involved in the existing appointment of the officer named in this resolution. Now, it is perfectly obvious that if these objections are well taken, the suggestions in the amendment proposed to the action of this body, with reference to supposed difficulties to occur hereafter, are out of place. If the Congress of the United States have passed a law, which, in its vital functions, is in conflict with the Constitution, the remedy should be applied at once, and not be left to any hereafter. If there be no constitutional difficulty in the way, the whole matter is narrowed down to the single question of expediency. If it be merely, then, a question of expediency, let us so treat it; but if it be a question of constitutional difficulty, or of constitutional objection, there should be no hereafter to the action of this House; but we are imperatively called upon to apply the remedy, as I have said, at once.

For myself, sir, I had supposed that the reading of the Constitution would have satisfied gentlemen in every quarter of the House. I confess, sir, I was surprised, when I heard the gentleman from Alabama, [Mr. PHILIPS], who last addressed the House, take the ground and give the construction which he did to this clause of the Constitution. What was the object of the framers of that instrument in adopting the language which we find there? Is it not upon the face of the instrument, that in order to guard the public interests of the country, in order to secure a faithful, a full, and prompt execution of the various duties which might devolve, by the Legislature of the country, upon the various officers to be appointed, that the men should be selected with care—with exceeding care? The public interest demanded that sort of care, and the framers of your Constitution undertook to provide for it. They provided that in the appointment of all public officers to discharge the multifarious and important duties which might be imposed upon them by the Congress of the Union, men should be selected by the exercise of the discretion of the President, subject afterwards to the supervision of the Senate. It was a double supervision they required, in order to secure the proper and the right persons. Such is the substantial meaning of that clause of the Constitution. How does it read, sir? It says:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law."

The clause is punctuated in the book before me with exceeding care; and we are bound to take it for authority as we find it. It does not even leave to Congress itself to provide for the appointment of these officers; but says that the President shall make all these appointments, except in cases where the Constitution itself has otherwise ordered.

Having established this as the rule, having laid down this as the practice, having in view the general subject of which I have spoken, upon further reflection, foreseeing that this might be construed to extend, in the language of the Constitution, to all inferior officers of the country, and throw great labor upon the Senate without any corresponding benefit, they added an additional provision, by way of exception, as follows:

"But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

As to the objection which the gentleman from Alabama has intimated, that question suggests itself: What is an inferior officer? It is a question which presents itself to the judgment and discretion of every man when the particular case

arises. It is one of those kind of things about which it is impossible to lay down a general rule; and yet, though like the line which divides instinct from reason, it is hard to tell where the one ends and the other begins; but yet there are cases where we can say this is instinct and this is reason. Each case must be decided by itself.

So it is in regard to the question of "inferior," as described and alluded to in that passage of the Constitution. Can he be said to be an inferior officer who exercises a large discretion in the administration of the Government? He an inferior officer, who, like the Assistant Secretary of the Treasury, is invested with the power coördinate with the Secretary himself—who is daily and hourly called upon to exercise the highest attributes of the Government of the United States? An officer of that kind cannot be confounded with the thousand others of an inferior grade who hang around the Departments. He is not to be confounded with a messenger, a clerk, or other officers, who are not vested with any power of discretion, who are mere ministerial agents, and can but execute the orders of others.

I ask if the Assistant Secretary of the Treasury, who is vested with high discretionary power, is to be confounded with the petty officers of whom I have spoken? Can any other construction be given by an unbiased judgment to that section of the Constitution which I have read than the one I have presented?

Mr. HIBBARD. I call upon the gentleman from Ohio [Mr. DISNEY] for information. I wish to ask the gentleman whether the Assistant Secretary of the Treasury can do any act for which he is not subject to the entire and complete direction of the Secretary of the Treasury?

Mr. DISNEY. The question is easily answered. I do it by asking another. Can the Secretary of the Treasury himself be a party to hardly any act for which he is not subject to the order and control of the President?

Mr. HIBBARD. I say he can.

Mr. DISNEY. The officers of the Government are all inferior to the Executive; and, according to the argument which we have heard, they are all inferior officers, within the meaning of the Constitution; and thus every officer in the Republic—the President, and the officers specially enumerated in the Constitution alone excepted—are all inferior officers, and their appointment does not require the advice and consent of the Senate. In my judgment, the true construction of the Constitution is perfectly plain. The constitutional rule is to require the advice and consent of the Senate in the appointment of all the officers of the United States. The exception is in regard to those inferior officers who are inconsiderable in point of importance. The Assistant Secretary of the Treasury is not one of these. He does not come under the exception, but under the rule. As I said when I arose, I had intended not to mingle in this debate; but the singular construction given to our organic law has impelled me to these remarks.

Mr. JONES, of Tennessee. I do not intend to detain the House but a minute or two in relation to the amendment. I suggest that we make this appointment subject to the decision of the Senate in all cases hereafter, simply for the reason that the existing officer was appointed under the law as it stood upon the statute-book at the time of his appointment. His appointment was perfect and complete; and I do not think that justice requires, or even permits, us to subject that officer, whose appointment was perfect and complete, to another and additional appointment. In my opinion, the States would have no more right to prescribe a new mode of election for any member upon this floor, and recall him home to try the result of another election for a seat here, than we would have to change and alter the appointment of this officer, as it now exists under the law. That is the only reason why I am in favor of the amendment.

I believe myself the construction of the bill as it comes from the Senate would not justify the sending of the name of the Assistant Secretary of the Treasury to the Senate for confirmation; but as there seems to be a doubt about the matter, it is better to have it settled, and let us say whether it shall be a prospective or retrospective action. If the amendment offered by the gentleman from Alabama shall be adopted, there can be no mis-

take about its operation. It will then operate upon all appointments hereafter to be made. Gentlemen who have been here for some time, and particularly my friend from Virginia, [Mr. BAYLY], seem to have forgotten when and how this office was created. The law creating the Home or Interior Department, was passed by a Whig House, if not a Whig Congress, upon the last night of the session which closed on the 3d of March, 1849. When the act came in here, it had not been printed, and I do not believe it had even been read by a member of the House, unless, perhaps, by those constituting the committee who reported it. I say it was brought here, and without being referred to the Committee of the Whole on the state of the Union—without being discussed—it was passed on the last night of the last session (I think it was) of the Thirtieth Congress.

Mr. BAYLY, of Virginia. Will the gentleman from Tennessee allow me to correct his statement?

Mr. JONES. Certainly.

Mr. BAYLY. The gentleman says I seem to have forgotten the circumstances under which this law was passed. Sir, I have not forgotten them. On that occasion, as on most occasions, the gentleman from Tennessee and myself acted together. I opposed the law; and being opposed to its enactment, but knowing that a majority of the House were in its favor, I wished to leave it as weak as it could be left.

But if the gentleman will refer to the legislation of subsequent Congresses—if he will refer to the legislation of the last Congress, when he himself possessed, as he deserves to possess, a large influence on the Committee on Ways and Means—in relation to the offices of Assistant Postmasters General, new Registers, and Receivers, Surveyor General for California, Assistant Secretary of State, and the additional Appraisers General, he will find that in every one of these instances the unconstitutional feature, against which I have argued, in the law of 1849, to which he has referred, was corrected, except in the case of the Assistant Secretary of State, where the omission was not corrected, because it was not made, the law creating that officer having undergone the careful supervision of the Committee on Foreign Affairs, of which I was at that time the chairman. But such has been the uniform action of Congress, in reference to the Assistant Postmasters General, the new Registers and Receivers, the Surveyor General for California, and the additional Appraiser General.

Mr. WALSH, (interrupting.) I rise to a point of order. As there has been a good deal of out-side talk—which I do not pretend to indorse—about the prescriptive right of Virginians to hold office, I wish to know whether they are to enjoy a monopoly of the speaking in this House? I would like to know how often one gentleman may be permitted to speak upon the same question?

The SPEAKER. The gentleman from Tennessee [Mr. JONES] is entitled to the floor, but yielded to the gentleman from Virginia for the purpose of explanation.

Mr. BAYLY, (resuming.) I do not desire to interrupt my friend from Tennessee, and I will do so only for a moment. I mean, however, to say, that during the last Congress, in which my friend from Tennessee was so deservedly an influential member, the action of the Senate was provided for in the appointments to the offices of Assistant Postmaster General, new registers and receivers, surveyor general for California, Assistant Secretary of State, and the additional appraiser general.

Mr. JONES. I am in favor of having this officer pass the ordeal of the Senate; but I shall vote to make the law prospective, and not retrospective. I have no reference to Mr. Washington whatever. It is not necessary upon this occasion for me to say what would have been my course, if I had been consulted, or had had anything to do with his appointment; but I say that justice requires that when laws are passed—yes, sir, in all cases—their effect should be prospective, and not retrospective; and it is for this reason, and this only, that upon the present occasion I shall vote to make this law prospective only in its effect. My course would be the same, no matter who was in the office; no matter whether he were my political friend or opponent; whether my per-

sonal friend or adversary, I should vote in the same manner.

Sir, reference was made here by the gentleman from Illinois, [Mr. WENTWORTH], particularly to the Committee on Ways and Means, and to the power which he thinks that committee can exercise. It is, sir, a position, as none know better than yourself, which the individual who now addresses you never desired. But I think the gentleman has wholly misconceived the powers and duties of that committee. If that committee should grasp all the power of this House, perhaps they may bring their recommendations here; but gentlemen should remember that although they may do this, something more is necessary to their being passed. If that committee will confine itself to its legitimate and prescribed duties, the members of it, as such, will be the mere drudges of this House. What are these duties? To originate measures for the action of this House? By no means, in my opinion. The great duties assigned to that committee, and which they should perform with care and attention, are to take the estimates for appropriations which you send to them from the Departments; to look to the existing laws of the country; to mark the provisions of existing treaties; to see what are the liabilities of the Government; to ascertain whether the estimates submitted and recommended are required or necessary to meet, and comply with, existing laws and obligations; and to report the facts to the House. It is not the business of that committee, in my opinion, to originate the great measures—the plundering schemes that are brought into this House—but to confine themselves strictly to the duties prescribed in your rules: that of reporting the appropriations necessary to meet existing liabilities. If they will do that, they will have sufficient labor to perform.

The gentleman from Illinois said that that committee was eating up all the other committees of this House. So far as my experience goes, I am inclined to think the reverse is the fact. It is the other committees of this House that are breaking down the appropriation bills, by failing in the early part of the session to digest and prepare and report their measures on the days appropriately belonging to them, and bringing them here that we may have time to deliberate upon and discuss them, and pass or reject them, as the House may think proper, and not wait till the very close of the session to be passed in an appropriation bill. If these things were considered early, and not crowded upon us at the very last moment, by way of amendments to those bills which are necessary to be passed to meet the exigencies of the public service, we should see a very different state of things here; and these appropriation bills would not be made to bear all the odium of all the legislation of Congress.

The business of the Committee on Ways and Means is to recommend appropriations—not for new measures, but to carry on those already in existence—to defray the expenses for which the Government is liable. Take for instance the recommendation to increase the Navy—and there is a recommendation of that kind now before the House to increase it to a considerable extent by means of steam propellers—I think that properly belongs to the Committee on Naval Affairs; and if they think there should be an increase, they should report a bill to that effect, and let Congress act upon it. When that has been done, when they shall have reported, and when Congress shall have determined what the amount of the increase of the Navy shall be, then it will be for the Department to estimate, and then for the Committee on Ways and Means, in the legitimate discharge of their duty, to report what appropriation is needed to carry out the law passed to increase the Navy. And so with regard to the increase of the Army. Let Congress determine whether they will have this increase—these augmented expenditures of the Government.

Mr. MACDONALD. I rise to a question of order. I desire to know whether it is legitimate to discuss the whole matter of legislation on a mere question of reference?

The SPEAKER. The Chair sustains the point of order.

Mr. JONES. I know it is not strictly in order; but as the Committee on Ways and Means was referred to, I merely wished to state what I think the duties of that committee are.

[Many Voices. "Go on!"]

The SPEAKER. The Chair sustains the point of order. The remarks of the gentleman from Tennessee are not strictly in order.

Mr. JONES. I have no disposition to detain the House longer.

[Cries of "Go on!"]

Mr. BRECKINRIDGE obtained the floor.

Mr. CAMPBELL, of Ohio. Will the gentleman give way for a motion to adjourn? It is now late in the afternoon.

Mr. BRECKINRIDGE. I prefer to go on now, as I do not propose to detain the House five minutes; and I do hope that this matter will be disposed of before we adjourn. I do not intend to go into the discussion which has been opened up here this evening. I do not intend even to defend the occupant of the chair from the assault which has been made upon him, even though he occupies a position which prevents him from replying to that assault. I have the satisfaction to know that the House and the country are familiar enough with the public character and distinguished public services of the Speaker to make it unnecessary. Nor do I intend to enter into the discussion of the constitutional question which has been brought up this afternoon, nor to discuss the question whether the Administration is on trial before the House of Representatives upon the matter of the appointment of the Assistant Secretary of the Treasury. It would be a weak and staggering Administration, indeed, that would depend upon the settlement of that question in any form. It would be a weak and staggering Secretary of the Treasury who would depend upon the settlement of that question in any form.

The proposition before the House, submitted by the gentleman from Alabama, [Mr. HUSTON], the chairman of the Committee on Ways and Means, is to put the joint resolution from the Senate upon its passage, with such an amendment as to make the confirmation by the Senate of the Assistant Secretary of the Treasury prospective, and not to affect the present officer. I say to the gentleman from Alabama, that, in my opinion, from what I have seen this afternoon, if a vote is taken upon the question now, and with the information at present in the possession of the House, his amendment will be voted down. I do not know but that the amendment ought to be voted down. I am not prepared to say. I think that the proper course will be to pursue the ordinary mode, and refer the resolution from the Senate to the Committee on Ways and Means, so that they may report to the House, and then the House may act upon this as they do upon other questions. Why make this an exception? There are other officers of this Government of equal grade with the Assistant Secretary of the Treasury, who have not been confirmed by the Senate; but under the operation of laws recently passed, when hereafter vacancies occur, and these offices are to be filled, the appointees are to be confirmed by the Senate. It may be proper that these officers should all be put upon the same footing, and it may be proper that the present Assistant Secretary of the Treasury should undergo the ordeal of the Senate. If so, the Committee on Ways and Means, to whom, I suppose, this resolution would be appropriately referred, may report back the Senate resolution with an amendment applying its provisions also to the officers in the Post Office Department and others.

Mr. DISNEY. It should go to the Judiciary Committee.

Mr. BRECKINRIDGE. I confess I do not attach so much consequence to the constitutional question as my friends from Virginia and Ohio, [Messrs. BAYLY and DISNEY;] and the remarks of the gentleman from Alabama [Mr. PHILIPS] strike me as perfectly conclusive on that point. I am sure I have no particular desire that this resolution should be referred to the Ways and Means Committee; and if it is the general sense of the House, I will move to refer it to the Committee on the Judiciary.

[Several Voices. "That's right."]

Mr. BRECKINRIDGE. It is proper that I should say that the gentleman from Alabama [Mr. HUSTON] originally proposed to refer the resolution, and yielded to the suggestions of others in asking for action upon it at once. I now move that the joint resolution from the Senate be referred

to the Committee on the Judiciary, and upon that motion I demand the previous question.

Mr. CAMPBELL, of Ohio. I move that the House do now adjourn.

Mr. GROW. I appeal to the gentleman to withdraw his motion for a moment.

Mr. CAMPBELL. I would do so with great pleasure at any other time; but it is now very late, and I think the House ought to adjourn.

Mr. STANTON, of Kentucky. I rise to a privileged question. I move that when the House adjourns to-day it be to meet on Monday next.

The question was taken, and the motion was agreed to.

The question was then taken on Mr. CAMPBELL's motion, and it was agreed to.

The House then adjourned.

IN SENATE.

MONDAY, December 19, 1853.

Prayer by the Rev. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

CREDENTIALS.

Mr. CLAY presented the credentials of the Hon. BENJAMIN FITZPATRICK, elected a Senator from the State of Alabama, by the Legislature of that State, to fill the vacancy occasioned by the resignation of the Hon. WILLIAM R. KING, which, during a portion of the last session, he filled by Executive appointment.

The oath prescribed by law having been administered to Mr. FITZPATRICK, he took his seat in the Senate.

DEATH OF THE HON. C. G. ATHERTON.

Mr. NORRIS. Mr. President, I ask the unanimous consent of the Senate to introduce resolutions in relation to the death of my late colleague, the Hon. CHARLES G. ATHERTON.

Unanimous consent was given.

Mr. NORRIS. Mr. President, before offering the resolutions, which, by the kind indulgence of the Senate, I am enabled to present at this time, I will submit a few remarks in connection with the subject.

During the four years I have been honored with a seat in this Chamber, often has the attention of the Senate been arrested from its ordinary business to the contemplation of the solemn scenes of death. Of those who have been associated with us here during that brief period, no less than nine have passed to their final account. The most distinguished minds of the land—I might well say of the world—have been removed from us by the hand of death. Their wisdom to counsel—their eloquence to inspire—live only in the history of the past. It seems to me that if ever there was a body of men taught by the admonitions of an all-wise Providence the utter emptiness of the highest earthly places of honor and trust, that body is the Senate of the United States. While the pathway of death has been thronged by our fellow-countrymen who have conferred upon us the high places we occupy, that dark pathway has also been trod by an unprecedented number of our associates, all hastening to, and mingling together in the same common resting-place—the grave.

The last on the catalogue of the fated number of our associates was my esteemed and lamented friend and colleague, CHARLES GORDON ATHERTON, who at the time of his recent death was a member of this body from the State of New Hampshire. He died suddenly at Manchester, in that State, on the 15th of November last, of paralysis. On the morning of the 10th, he came into the court-room in that city, where he had been actively and laboriously engaged some two or three weeks in the discharge of professional duties, apparently as full of health and spirits as any of us now enjoy, and with the brightest prospects of a useful and distinguished future. Soon after coming into the court, while conversing with a member of the bar, his countenance suddenly changed, and his tongue refused its utterance. His left side was paralyzed. He was immediately removed to his lodgings, and the ablest medical aid procured. During the remainder of that day (Thursday) and the next he seemed fully conscious of his condition, and communicated with his friends; but on Saturday he sunk into a state of unconsciousness, from which he never awoke, but continued to sink gradually under the

force of the attack until Tuesday, the 15th, at one o'clock p. m., when he breathed his last.

Thus, abruptly, has been stricken down in an unexpected moment, our late esteemed associate, in the meridian of physical and intellectual manhood.

He left us at the close of the last special session with as well-founded expectations of being here to-day as any member of this body—but, alas! that seat has been vacated. How suddenly does Providence, by his inscrutable decrees, blast our fondest anticipations, and teach us the true tenure of man's estate—the true, yet frail tenure of all earthly honor and station, and of life itself. Indeed, what are all these but an empty inheritance, except so far as they are made subservient to individual and the public prosperity—to the happiness and permanent good of the race?

Mr. Atherton left no children. His parents, indeed the whole of his father's family, had gone before him to the tomb. Nevertheless, he died amid a large circle of ardent and cherished friends, who sincerely mourn his death. He was descended from ancestors distinguished in the history of his State. His grandfather, Joshua Atherton, was a lawyer of much eminence, and settled early at Amherst, the Shire town of Hillsborough county—was a member of the Convention which ratified the Constitution of the United States, and subsequently a Senator and Attorney General of New Hampshire. His father, Charles H. Atherton, was also a thoroughly-read and accomplished lawyer, a man of brilliant genius, and a fine orator. He was frequently a member of the State Legislature, and a member of the House of Representatives in the Fourteenth Congress.

The subject of my present remarks was born at Amherst, Hillsborough county, in the State of New Hampshire, the residence of his father and grandfather, on the fourth day of July, 1804. He exhibited, at a very early age, a strong taste for classic literature, and a capacity to master, with remarkable quickness and ease, the fundamental elements of a classic and liberal education. He entered Cambridge University in 1818, being then only fourteen years of age, and graduated in 1822, beloved and esteemed both by the faculty and his fellow-students. His college life was exemplary, and his standing as a scholar was among the first of his class.

After leaving college, he studied law in the office of his father, and was admitted to the bar at the age of twenty-one years, and established himself in his profession at Nashua, in his native county, where he resided until his recent death.

Mr. ATHERTON had been much in public life, a circumstance showing better, perhaps, than any other test, the high estimation in which he was held for fidelity and capacity, by the people of his State. In 1830 he was chosen a member of the Legislature, and in 1831 he was elected Secretary of the Senate. He was again chosen a member of the Legislature in 1833, and continued a member until 1836, and was the Speaker of the House of Representatives for three successive years. He was a member of the House of Representatives of the United States, for the Twenty-Fifth, Twenty-Sixth, and Twenty-Seventh Congresses. In the year 1842 he was chosen by the Legislature of the State of New Hampshire a member of this body for the term of six years. After having served out his term, he retired from public life and resumed the practice of his profession. In 1850 he was elected to the Convention called to revise the Constitution of the State of New Hampshire. In 1852 he was again elected to represent his State in the Senate of the United States for six years, and took his seat here on the fourth day of March last. From the tasks of the school-room to the high duties of a Senator, he well and ably acted his part. As a scholar, he was thorough, enthusiastic, and accomplished; as a lawyer, a master in the profession, quick of perception, yet always safe and judicious in council; as an advocate, forcible and logical, oftentimes soaring into the highest regions of forensic eloquence; as a statesman, he was fearless and just, enlightened and able. While tenacious of the interest of his own immediate constituents, he was always liberal and just towards the interests of every other section of the country, taking the Constitution as the great chart to guide and limit his action. As a patriot, his views were

as broad as the Confederacy, adhering with inflexible firmness to those conservative and constitutional principles which secure to every section of our common country the rights peculiar to each. He acknowledged no political law higher or more sacred for his rule of conduct here than that sacred instrument which we are all sworn to support. As a friend, he was ever faithful and true.

The death of such a man is not merely a sad bereavement to the State whose immediate representative he was, but a calamity coextensive with the Union, reaching as deep as the foundation of those great principles of republican liberty on which our prosperity and happiness as a united people depend.

This lamentable event again teaches us the all-important and solemn lesson to be "also ready," for we know not the moment when we, too, shall be called to our final account.

Sir, while we, in common with his numerous friends, lament his death, let us not forget that there is one of his own immediate family circle left behind with whom we can only sympathize: I mean the loved and chosen partner of his youth—the amiable and accomplished companion of his maturer manhood—who, with stricken heart and a soothing care that none but woman can bestow, watched with anxious solicitude the fitful pulsations of sinking nature, and bathed his aching head with her tears. While we extend to her our deepest sympathies, it is God alone can heal the crushed heart.

I offer the following resolutions:

Resolved, That the Senate deeply laments the death of the Hon. CHARLES GORDON ATHERTON, who, at the time of his decease was a member of this body from the State of New Hampshire, and tenders to his widow a sincere sympathy in this most afflictive bereavement.

Resolved, That the Secretary communicate a copy of the foregoing resolution to the widow of the deceased; and further, that he communicate these proceedings to the House of Representatives.

Mr. HUNTER. I rise to second the resolution which the Senator from New Hampshire has offered, and to which he has spoken so feelingly and eloquently. This is the second time within the brief period of our session that the Senate has been called upon to pay funeral honors to the dead. A while ago it was to one, who, ripe with years and honors, descended to the tomb when life had fulfilled its promises, and seemed to have reached its natural and appropriate close. Now, sir, we are to pay them to one stricken down in the prime of life, with his hopes and aspirations fresh and growing around him. He had already won a high position before the country, and had possessed himself of great opportunities for future usefulness, which, in hands able to use them, are, perhaps, to be reckoned among the chief of earthly blessings.

Trusted by his friends, respected by his opponents, and honored by his State, a thousand favoring circumstances invited his reappearance upon the political arena, and a bright and promising future seemed to be opening before him. And yet, in an instant of time, with the untasted cup beside him, without forewarning or foreshadow of the fatal event which was coming so swiftly upon him, he was stricken down in mid-career. The mind was smitten in its fastness, and the stream of life stood still at its spring. The living spirit which sometimes "o'er-informs its tenement of clay," had loosed the connecting link between mind and body, and the oracle was hushed whilst the earth-built walls of its sanctuary still remained. Under such circumstances continued existence could have been no blessing; and our regrets are more due to the first than to the second blow, which completed the ruin after the grace and charm of life had fled.

Mr. President, my acquaintance with CHARLES G. ATHERTON commenced in 1837, when I first entered the House of Representatives, of which body I found him an ardent, active, and efficient member. Even at that early day he was a marked and trusted man in his party. Here, sir, I afterwards served with him in more intimate relations upon the Committee of Finance, on which he was chairman. I can safely testify to his fidelity to principle, and the efficiency with which he discharged the duties of that trust. He was upright and honorable in all the relations of life. As his colleague has well said, he was an eminently safe man in council, and one, I may add, who pursued his purposes, when once they were formed, with firmness and ability.

Mr. President, when we look to a life thus cut short in its midst, as it were, we feel as if we had heard some half-told tale, and the imagination is on the stretch to fill up the vacuum, and supply the loss. What is lost we cannot restore; and yet we have enough of his history to warrant the belief that, with the last sigh of his physical existence, there passed away thoughts, conceptions, and aspirations which constituted a noble scheme of life. The objects of pursuit of such a man must have been pure and elevated, and we have every reason to believe that his expectations were founded upon a just confidence in his own high character and abilities. That he did not live to fulfill this scheme, his friends most deeply deplore; but who, sir, shall undertake to reason upon the decrees of Providence, unless he is also acquainted with his secrets?

Mr. WILLIAMS. Mr. President, such has been my acquaintance with our friend whose death has been announced by my colleague, that I cannot refrain on this, to me, unexpected occasion, from adding my humble but heartfelt tribute to his memory. My first acquaintance with Mr. ATHERTON commenced in 1830. He was then a member of the New Hampshire House of Representatives; and I was connected with him as a member of the House or State Senate for seven successive years. Three years of that time he was Speaker of the House, and by a dignified, impartial, prompt, and correct discharge of duty, distinguished himself as an efficient and accomplished presiding officer.

The next four years, during the administration of Mr. Van Buren, I was associated with him as a member of the House of Representatives in the other end of this building. In that body, very few, if any, brought to its service more integrity of purpose, more clear and discriminating judgment to settle questions of difficulty, or more ready powers in debate, or greater legislative knowledge, skill, and ability. It was my happiness generally to concur with him on all important national questions, and to share so liberally in his personal friendship, as to be able to estimate his personal, as well as his public character. He was not only distinguished for high qualities in the discharge of public duty, but equally distinguished for his humane, sincere, generous, and kind feelings, which endeared him to his friends. The perfect respect and friendship then formed for his character I shall fondly and gratefully cherish for his memory till I am gathered with him to the silent tomb.

In his manners, Mr. ATHERTON was naturally reserved, quiet, and unobtrusive, but affable and courteous, gentlemanly and polished. He was incapable of deceiving by false or hypocritical professions, and by keeping his faith with all, gave a beautiful exemplification of the *incorrupta fides*, in a life devoted to fidelity, justice, and truth, which left among the living not a single resentment or unkind feeling to be buried in his grave. The deceased was a graduate of Harvard College, an accomplished scholar, of varied and extensive literary attainments, possessing a mind quick, clear, and vigorous, highly cultivated, and remarkably well balanced.

Of his eminent talents, public character and services, it is unnecessary for me to add to what has been eloquently and truthfully said by those who have preceded me. These are the property of the country, and belong to the bright pages of its history. It belongs to me now only to say, that in every position to which the deceased was elevated, he discharged his duty acceptably, and with marked fidelity and ability.

In his native State, which he represented here, he shared, as he richly deserved, largely in her confidence and support, and was regarded by her citizens as the head of their bar, and one of their most able lawyers and eloquent advocates. His constituents admired his high, noble, and patriotic character, and often felt a glow of exultation and State pride, in view of the signal ability with which he maintained an honorable position here amidst the assembled galaxy of the master-minds of the nation. He loved his country, and nobly maintained those principles on which its prosperity and security depend. Happy will it be for us if our footsteps are guided by the calm and steady light of his example, which brightly shines along the pathway of duty and usefulness.

His accomplished and worthy partner, to whom

he was ever devoted in his kindness and affection, and whose hand assuaged the bitterness of his parting life, lives to mourn her irreparable loss. To her stricken bosom should our sympathy and consolation be addressed. If her constant, abiding, and self-sacrificing affection, her cares, sympathies, and efforts triumphing over fatigue and exhausted nature, could have availed, her husband would long have been spared to her and to his friends, who now deplore his loss. But, alas! he has gone the road all must once pass. *Calcandu semel via lethi*. Talents and wealth, position and power, could not avert the arrows of death. In the prime of life and vigor of intellect, and mid-career of his usefulness, he has been stricken down, and a great light extinguished forever—leaving a seat here which cannot be filled with equal ability and devotion to principle, and a nation to mourn a sad and melancholy bereavement.

The resolutions were unanimously adopted.

Mr. NORRIS. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 19, 1853.

The House met at twelve o'clock, m.

Prayer by the Rev. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

Mr. MURRAY. I desire to present a report from the Committee on Printing.

CREDENTIALS OF JOSE MANUEL GALLEGOS.

Mr. BENTON. I rise to a question of privilege. I ask to present the credentials of Señor José Gallegos, a delegate from the Territory of New Mexico; and that he may be sworn and take his seat.

Mr. RICHARDSON. I desire that the commission under which it is proposed to introduce Mr. Gallegos may be read; and before any action is taken upon it, I desire to call the attention of the House to what I conceive to be the state of the case under this presentation—that neither of the contestants is *prima facie* entitled to a seat upon this floor.

The credentials were read at the Clerk's table as follows:

*United States of America,
Territory of New Mexico:*

I, David Meriwether, Governor of the Territory of New Mexico, do hereby certify, that on the twentieth day of September, A. D. one thousand eight hundred and fifty-three, and in my presence, William S. Messervy, Secretary for said Territory, proceeded to open and count the returns of votes given at a general election held in the several counties of said Territory, on the fifth day of the present month, for a Delegate to the Thirty-Third Congress of the United States, and that counting the entire vote, as returned by the several prefects, the result stands as follows: José Manuel Gallegos received.....4,971 votes. William Carr Lane received.....4,526 "

Majority for José Manuel Gallegos..... 445 votes. And, that after throwing out of the count such returns as were not made in strict accordance with law, the result stands as follows: José Manuel Gallegos received.....2,806 votes. William Carr Lane received.....2,367 "

Majority for José Manuel Gallegos..... 539 "

Therefore I, the said David Meriwether, Governor as aforesaid, do declare and make known that the said José Manuel Gallegos was and is duly elected Delegate from said Territory to the Thirty-Third Congress of the United States, according to law.

In testimony whereof I have hereunto signed my name, and affixed the seal of the Territory of New Mexico, [L. S.] this twenty-first day of September, A. D. one thousand eight hundred and fifty-three.

D. MERIWETHER.

By the Governor:
WILLIAM S. MESSERVY, Secretary of Territory.

*United States of America,
Territory of New Mexico:*

I, William S. Messervy, Secretary of the Territory of New Mexico, do hereby certify, that on the 20th day of September, A. D. 1853, and in the presence of the Governor of said Territory, I proceeded to count the returns of votes given at a general election held in the several counties of said Territory, on the fifth day of September last, for a Delegate to the Thirty-Third Congress of the United States; and that counting the entire vote as returned to this office by the several prefects, the result stands as follows: José Manuel Gallegos received.....4,971 votes. William Carr Lane received.....4,526 "

Majority for José Manuel Gallegos..... 445 "

And that after throwing out of the count such returns as were not made in strict accordance with law, the result stands as follows:

José Manuel Gallegos received.....2,806 votes.
William Carr Lane received.....2,267 "

Majority for Don José Manuel Gallegos..... 539 "

Therefore, I, the said William S. Messervy, Secretary as aforesaid, do hereby certify that the said José Manuel Gallegos was and is duly elected the Delegate from said Territory to the Thirty-Third Congress of the United States, according to law.

In testimony whereof, I have hereunto signed my name and affixed my seal of the Territory of New Mexico, this second day of October, A. D. 1853.
WM. S. MESSERVY, Secretary of Territory.

Mr. RICHARDSON. It seems that Mr. GALLEGOS's credentials are covered by two certificates, which, of course, presents a *prima facie* case. I must state, however, in explanation of the position I took, that previously the Secretary of the Territory issued a certificate in conflict, as I conceive, with the one just read. So far as any investigation I could make, it appeared that Mr. GALLEGOS came under the certificate of the Governor. The papers before me show that the Secretary had given a certificate under his seal, and not that of the Territory, to the contestant, WILLIAM CARR LANE. Mr. GALLEGOS, being armed with certificates from both of the officers of that Territory, presents himself, in compliance with the law; and I shall interpose no further objection to his being sworn in. The case will be sent hereafter, I presume, to the Committee on Elections.

Señor GALLEGOS was then presented to the Speaker by Mr. BENTON, and took the usual oath to support the Constitution.

Mr. SMITH, of Virginia. I rise to what I conceive to be a privileged question.

The SPEAKER. The gentleman from New York [Mr. MURRAY] is entitled to the floor, having given way for the presentation of the credentials of the Delegate from the Territory of New Mexico, [Mr. GALLEGOS.]

Mr. MURRAY, from the Committee on Printing, to whom the subject was referred, reported the following resolution:

Resolved, That the members of the House Committee on Printing cause to be published and bound in pamphlet form, in such manner as may seem to them appropriate, for the use of the House, thirty thousand copies of the proceedings of the Senate and House of Representatives, and the addresses of the members, in regard to the death of the late Vice President of the United States, the Hon. WILLIAM R. KING, together with so much of the President's message of the present session as relates thereto, and the proceedings of the Supreme Court of the United States on the same subject.

The question was taken, and the resolution was adopted.

EXCUSE FROM SERVING ON COMMITTEE.

Mr. SMITH, of Virginia. I was honored with a position on the Committee on the Territories by the Speaker, and what I now request is simply that the House will excuse me from serving on that committee.

Mr. CULLOM. I am totally ignorant of the cause for which the gentleman asks to be excused from serving on that committee. If he has given any to the House, we upon this side of the Hall have not heard it.

Mr. RICHARDSON. The gentleman from Virginia has given no reason why he should be excused.

Mr. SMITH, of Virginia. I did not suppose that it was necessary to offer to the House any reason why I desired to be excused from service upon that committee. I thought, as the committee was so entirely unimportant, and its duties required so little labor, the simple expression of a desire on the part of a member, especially when his place could be so easily supplied, would address itself to the courtesy of this House, and be sufficient to obtain an excuse, without any assignment of reasons for the request. I do not desire to state any reasons, but respectfully ask the House to allow me to be excused from service upon that committee. I could state my reasons, if required. I should deem it a personal accommodation if the House will excuse me, and therefore I will leave it with them, without consuming further the time of the House.

Mr. RICHARDSON. So far as it would be a personal accommodation I should be very glad to excuse the gentleman. But the gentleman is mistaken as to the amount of labor to be performed by that committee, as also in reference to

its importance. There are now, I believe, some seven Territories. The business for all those Territories passes through that committee. That business is important, and requires experience. My friend from Virginia, [Mr. SMITH] has that experience, and we very much need the benefit of his counsel and advice upon that committee. I trust, therefore, he will withdraw his application to be excused.

Mr. SMITH. I trust that the privilege which I ask of the House, of being excused, will be accorded. I do not suppose, sir, that my experience is so much appreciated by others as it appears to be by the gentleman from Illinois, [Mr. RICHARDSON,] and hence I desire to be excused from service upon that committee. I am out of place upon that committee, and wholly unacquainted with its duties, and have no experience to bring to the discharge of them. I beg that the House will excuse me, as I have requested, and allow me to content myself with an outside position in reference to that committee.

Mr. BOCK. My colleague from Virginia [Mr. SMITH] assigned as one, and the principal reason, why he desired to be excused, that the duties of that committee were entirely unimportant. I am as much disposed as any member of this House to grant any reasonable request of my colleague; but I differ entirely from him in regard to the position he takes in relation to the importance of the Committee on the Territories. So far from being entirely unimportant, it is at this time one of the most important committees constituted by the Speaker of this House. I fear that my colleague has not given to the business of that committee that reflection and attention which he usually gives to subjects upon which he is called to act. If the reason assigned be the only excuse of my colleague, however much I may desire to grant a personal accommodation under other circumstances, I shall be compelled to vote against his request.

The question was then taken, and there were, on a division, ayes 103; noes not counted.

So Mr. SMITH was excused from service on the committee.

Mr. RICHARDSON. I desire to present to the House, for the purpose of reference to the Committee on Elections, the evidence and poll-book in the contested election case from New Mexico. The documents in this case are voluminous, and I desire to send them to that committee.

There being no objection, it was so ordered.

REPORT OF COMMISSIONER OF GENERAL LAND OFFICE.

Mr. DISNEY. I offer the following resolution, and ask that it be referred to the Committee on Printing:

Resolved, That five hundred extra copies of the report of the Commissioner of the General Land Office, with accompanying documents, be printed for the use of said office.

Mr. DAVIS, of Indiana. I object.

The SPEAKER. The resolution, under the rules of the House, will go to the Committee on Printing.

Mr. WASHBURN, of Illinois. Will not the gentleman from Ohio amend his resolution by increasing the number of copies?

Mr. DISNEY. I simply desire to say to the House that I offer the resolution at the request of the Commissioner of the General Land Office, and that the number named was suggested by himself. My object is simply to have the resolution referred to the Committee on Printing, conformable to the rules and practice of the House.

The SPEAKER. If there is no objection, the resolution will go to the Committee on Printing.

There being no objection, it was so ordered.

Mr. PERKINS, of New York. I rise to a privileged question. The congressional district which I now represent is, in part, composed of the county of Herkimer, formerly represented by Alexander Buell. There is a large share of the documents printed for that congressional district that remain with the Clerk. I desire to offer a resolution that they shall be delivered to me for distribution in that district.

Several MEMBERS. It is not a question of privilege.

Mr. DISNEY. I desire to offer the following resolution—

Mr. WALSH. I object. Resolutions are not in order now.

Mr. DISNEY. I move to suspend the rules for the purpose of introducing the resolution which I wish to present.

Mr. RICHARDSON. Read it for information. The resolution was then read as follows:

Resolved, That the Committee on Public Lands be authorized to employ a clerk at a compensation not exceeding four dollars per day.

Mr. HOUSTON. The gentleman can reach his object when committees are called for reports.

The SPEAKER. Reports are now in order from committees.

APPROPRIATION BILLS.

Mr. HOUSTON, from the Committee on Ways and Means, reported the following bills; which were severally read by their titles and referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1855;

A bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1854; and

A bill making appropriations for the payment of invalid and other pensions of the United States, for the year ending the 30th June, 1855.

CLERK FOR COMMITTEE ON PUBLIC LANDS.

When the Committee on Public Lands was called,

Mr. DISNEY said: I now desire to introduce from the Committee on Public Lands the resolution in regard to which I asked the unanimous consent of the House a few minutes ago. I offer, in behalf of that committee, the following resolution:

Resolved, That the Committee on Public Lands be authorized to employ a clerk at a compensation not exceeding four dollars a day.

Mr. PRATT. I ask the gentleman whether it has been customary for that committee to employ a clerk?

Mr. DISNEY. It is, perhaps, proper for me to say to the House, in connection with this subject, that I should not have asked for the adoption of a resolution of this sort if, in my opinion, it were not imperatively required. The amount of labor imposed upon that committee is, perhaps, familiar to a majority of the members of this House.

Mr. DAVIS, of Indiana, (interrupting,) I wish to inquire whether this resolution comes up in order as a report of a committee?

The SPEAKER. It was introduced by the gentleman from Ohio as a report from the Committee on Public Lands.

Mr. DAVIS. I will only say that I should object to its introduction out of order.

Mr. DISNEY. To illustrate, if the House will permit me: at the first meeting of our committee we found referred to us forty-five petitions; and the history of the labors of that committee shows that in a single Congress they have had as many as between four and five hundred bills upon their calendar. These bills require a vast amount of investigation, and the constant attention of the members of that committee; the whole forming a mass of labor utterly impossible for them to perform, and, at the same time, pay any sort of regard to their other legislative duties. To impose the duties of clerk upon the secretary of that committee would be denying to him entirely the privilege of exercising his legislative functions.

It is true the committee might employ a clerk at the expense of the individual members; but I apprehend that it is hardly becoming the dignity of this Congress to impose upon any one of its members labors which require him to sacrifice his other duties, or employ assistance at his own expense.

So far as I am individually concerned, the duties of clerk do not affect me; and so far as this resolution applies to myself, I do not care a feather whether it is adopted or not. But, sir, it is to impose a wrong upon other members of the committee not to grant this request. It is wrong to require any member of this House to perform labor that will compel him to neglect his duties as a Representative upon this floor. I repeat, it is beneath the dignity of this House to impose upon its committees, labors they cannot perform without either foregoing all participation in the labors

of the House or defraying the expenses of employing assistance from their own pockets.

Mr. CAMPBELL, of Ohio. Will my colleague allow me to interrupt him for a moment?

Mr. DISNEY. Certainly, I will; but before doing so will my colleague allow me one remark? He is my friend, and, I am sure, will not take offense at what I intend to say. I allude to a practice which has grown up here until it has become the grossest abuse. It is a common—almost universal practice—that whenever a gentleman rises to speak upon this floor he cannot be allowed to proceed for three minutes without being interrupted. I do not say this to any particular individual, and should not say it to the gentleman from Ohio, [Mr. CAMPBELL,] if he were not my friend; but what I say is true, and it is a practice which I utterly detest.

Mr. CAMPBELL. I am very willing to receive any suggestion from my colleague in relation to this system of interruption which he may be pleased to give, although I think that perhaps he is as much in the habit of violating the rule which he seeks to lay down as any gentleman upon this floor.

Mr. DISNEY. Oh, no! oh, no!

Mr. CAMPBELL. I did not rise to interrupt my colleague, but merely to suggest to him in the kindest manner possible a defect in his resolution; and, if he is not prepared to receive it in a kindly spirit—

Mr. DISNEY. Certainly; I will receive it in that spirit.

Mr. CAMPBELL. Then we may debate its propriety.

Mr. DISNEY. I will receive any suggestion from my colleague.

Mr. CAMPBELL. Now, sir, we had a little trouble the other day in relation to a matter of this kind. If it is necessary to employ a clerk for this committee, I do not wish to throw any obstacles in the way. The resolution offered by my colleague authorizes the committee to employ a clerk at a fixed salary per day, without limiting the time; and hence, if it should pass in its present shape, that committee would be authorized to employ a clerk all the time, even during the whole year, at the salary therein named. I rose, therefore, to suggest to my colleague that he should amend his proposition by adding to his resolution that the committee be authorized to employ a clerk at a rate of compensation not to exceed four dollars per day for the time he may be actually employed during the session; because, if the resolution is not so modified, I shall vote against it. Gentlemen will find that the resolution passed the other day, giving a clerk to the Committee on Ways and Means, was restricted; and for one I never will consent to give the Committee on Public Lands a greater privilege in this respect than the Committee on Ways and Means, whose duties are known to be greater, and involve more responsibility than those of any other committee. I would, therefore, suggest to my friend that he would modify his resolution; and if he is not disposed to do so himself, I hope he will yield the floor, so that some other member may have an opportunity of doing so.

Mr. DISNEY. In conformity with the usual practice of the House, I have had a speech made within my speech. My friend over the way [Mr. CAMPBELL] is a warm personal friend of mine, and I take all the remarks which he has made on this occasion in good feeling. I was not, however, complaining of him, but of the practice which has grown up in this House, and of which I must take this opportunity of expressing my abhorrence.

Mr. CAMPBELL. I rise to a question of order.

The SPEAKER. The gentleman from Ohio will state his point of order.

Mr. CAMPBELL. The gentleman is not discussing the proposition before the House, but is complaining, if I may say so, in rather a petulant manner of the general conduct of this body.

The SPEAKER. The gentleman from Ohio [Mr. DISNEY] will confine himself to the subject-matter before the House.

Mr. DISNEY. My colleague knows full well that I am not the man to make any remark in a petulant spirit. I think he will, if he reflects, be ready to admit that I am about as sweet a tempered man as any in this House.

But, sir, let that pass. I come back to the subject of the resolution. The suggestion made by my colleague may perhaps be well enough in the end if it did not involve a charge against the discretion and judgment of the committee itself.

I think that the House should presume that in all such cases, the committee will exercise a fair and just discretion in the appointment; in the first place, that they will not employ a clerk, unless the state of business really requires the services of one; in the second place, that they will endeavor to select such an individual as will best discharge the duties; and finally, that when the services of such an officer become unnecessary, they will discharge him from their employment. That is the reasonable presumption in the case. But, sir, if the House are unwilling to trust to the discretion of the committee in this particular case, or in any other, let them, by express words in the resolution, limit the power of the committee to employ a clerk to such time as they may think proper. That there is a necessity for a clerk in this particular case, I know. That the committee will not undertake to retain the services of a clerk longer than the necessities of the case seem to require, I believe, and hence I have reported the resolution precisely as it was adopted by the committee, and I now leave it for the decision of the House.

Mr. COBB. I avail myself of this occasion, as it is perhaps as appropriate as any other will be, to define my position in regard to these matters. I invariably vote against the employment of a clerk by any committee, and I am opposed to the employment of a clerk for the Committee on Public Lands, of which I am a member. Inasmuch, however, as a majority of our committee deemed it necessary that we should have a clerk, and as it is a delicate subject, so far as my colleagues and myself are concerned, I shall not state any reasons why I am opposed to it, but will only add that I am opposed to this motion, as I am to all propositions of a similar character.

Mr. DISNEY. It is probably right that I should state that the gentleman from Alabama, who has just taken his seat, voted in the committee against this resolution, and he was the only member of the committee who so voted. He stated then, as he states now, that he was opposed to allowing clerks to any committees.

Mr. PRATT. Some minutes since I asked the gentleman from Ohio [Mr. DISNEY] a very civil question in a very respectful manner, or, I intended it, at least. I inquired of him if it had been usual to employ a clerk for this committee—

Mr. DISNEY. I ask the gentleman's pardon; I had forgotten it.

Mr. PRATT. The gentleman did not see fit to answer the question; but a gentleman in front of me, who was also a member of the last Congress, answered my question in a gentlemanly manner, that such had not been the practice.

Now, sir, I am opposed to granting any such privilege as this to a committee. If one committee is entitled to a clerk, why, I ask, are not all the committees of this House entitled to similar assistance? For what object are the committees constituted? They are to furnish legislation for this House. It is well known that a large portion of legislation is done by the committees at the present day; and if they are to have an assistant—some one employed at the expense of the Government, to draw up their bills, resolutions, and so forth, why they can have very little to do themselves. As a matter of course, I take it for granted that gentlemen come here to serve their constituents and their country, and are prepared to devote their time to that service. With that view of the matter, I am opposed, utterly opposed, to the appointment of clerks for any committees.

Mr. COBB, (interrupting.) I should have said, whilst I was up just now, that if any committee of this House deserves a clerk, it is the Committee on Public Lands. If the labors to be performed this session are such as we have had to perform during former Congresses, I say, without fear of contradiction, that there are more cases to be considered by that committee than by any other committee of the House. I know that such was the case during the last Congress.

Sir, I am opposed to the general principle of the thing; but if a clerk is to be allowed to any

committee, none deserves it better than the Committee on Public Lands, in view of the labors of that committee.

Mr. PRATT. I will admit that what the gentleman from Alabama says is true. The duties of that committee are doubtless arduous. I voted the other day in favor of allowing the Committee on Ways and Means a clerk, at four dollars per diem, because it is customary for that committee to have a clerk. I was opposed to allowing that committee a clerk at a salary of fifteen hundred dollars per annum. I have since had occasion to regret that I voted to allow them a clerk at all—even at four dollars a day.

I deem it the duty of every committee of this House to attend to the discharge of its legitimate functions. I have understood that members have sought places upon certain committees. If the members of the Committee on Public Lands have sought their places on that committee, they ought to be willing to discharge the duties incident thereto. I propose now in regard to that committee—and I know but little about it—indeed, I only know two gentlemen upon it, the gentleman from Alabama, [Mr. Cobb,] and the gentleman from Ohio, [Mr. DISNEY,] that if they have onerous duties to perform, and are unable to perform them, and will say so, there are other gentlemen in this House who will readily take their places. [Laughter.] I hope that the resolution will not pass.

Mr. CLINGMAN. Believing that the debate has taken up time enough, I call for the previous question.

Mr. RICHARDSON. I trust that the gentleman will withdraw his call for the previous question until I make a single remark.

Mr. CLINGMAN. I withdraw my call for the previous question.

Mr. RICHARDSON. Mr. Speaker, I think that the Committee on Public Lands ought to have a clerk, but with restrictions.

Mr. DISNEY. With the gentleman's permission, I modify my resolution so as to limit its operation to the present session.

Mr. RICHARDSON. It is my sincere conviction that any young man who has the least prospect before him in the world, and comes here and accepts a clerkship, is on the sure road to ruin. I regret that this is so. The amount paid these clerks while employed—four dollars per day—is a matter of no consideration; but you make loafers of them, as a general thing, when they are out of employment.

Mr. LETCHER. I move to lay the resolution upon the table.

Mr. DISNEY. Let us have a direct vote upon the resolution.

Mr. LETCHER. The sense of the House, in respect to the matter, can be as well tested on a motion to lay upon the table as in any other way. I demand the yeas and nays upon my motion.

The yeas and nays were not ordered; 18 only voting in the affirmative.

The question was then taken, and the House refused to lay the resolution upon the table.

Mr. DISNEY. I call for the previous question on the adoption of the resolution.

The call for the previous question was then seconded, and the main question was ordered to be put.

At the request of Mr. ORR, the resolution, as modified, was read.

Mr. WALSH. I understood that the modification was to limit the pay to the time actually employed.

Mr. HOUSTON. That was put in the original resolution.

The question was then taken upon the adoption of the resolution as modified, and there were, upon a division, yeas 101; noes not counted.

So the resolution was adopted.

Mr. HENN moved to reconsider the vote just taken, and also to lay the motion to reconsider upon the table; which latter motion was agreed to.

DEATH OF HON. C. G. ATHERTON.

A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, communicating to the House the following resolution passed by that body:

"Resolved unanimously, That the Senate deeply lament the recent death of the Hon. CHARLES GORDON ATHERTON, who, at the time of his decease, was a member of this body."

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, DECEMBER 22, 1853.

NEW SERIES....No. 5.

from the State of New Hampshire; and tenders to his widow a sincere sympathy in this most afflictive bereavement."

"Ordered, That the Secretary communicate a copy of the foregoing resolution to the widow of the deceased, and, further, that he communicate these proceedings to the House of Representatives."

Mr. HIBBARD rose and said: Mr. Speaker, the tones of eloquent eulogy which announced the death of the illustrious statesman of Alabama have hardly ceased to linger in these halls ere the message from the Senate reminds us of the decease of an eminent member of that body—the Hon. CHARLES G. ATHERTON, of New Hampshire. And while I am glad to pay my humble tribute to his memory, the duty is yet sad and painful. It awakens anew our recollections of the public bereavement. It thrills, alas, but too keenly, in many hearts, the freshly sundered ties of domestic affection and personal friendship.

It was said by one of the gifted of ancient days, that no man's life should be accounted happy until it had ended. For we know not what clouds may darken the setting of the most brilliant meridian sun. Tried by this rule even, the life of ATHERTON must be deemed a most prosperous one. Learning, intellect, wealth, and distinction, all were his. His public career was one ascending series of honors, fairly won and worthily sustained. Quiet and unostentatious in private life, he enjoyed the respect and good will of all; while those so fortunate as to be numbered among his familiar friends, were bound to him as with hooks of steel. He was a gentleman of unsullied probity, and a high sense of personal honor. No serious illness is known ever to have afflicted him, until that fearful stroke which consigned him so suddenly, though with little apparent agony, to an untimely grave—retaining his entire consciousness for most of the time until the final moment. He knew from the first attack that his end was nigh. He met it like one prepared. Calmly, and without fear,

"—he sank to rest,
By all his country's wishes blest."

The family of Atherton has long been noted in New Hampshire for talent and accomplishment. But it has become extinct, in the direct line, with the subject of these remarks.

CHARLES GORDON ATHERTON was born at Amherst, in Hillsborough county, New Hampshire, July 4, 1804. He graduated at Cambridge University, with unusual reputation for ability and scholarship, at an early age. He studied law in the office of his distinguished father, Hon. Charles H. Atherton, was admitted to the bar at the age of twenty-one, and established himself in business in the town of Dunstable, now Nashua, in his native county. In his profession his success was decided, and his rise rapid. His mind clear, logical, and strong, with the ballast of excellent common sense, the adornments of a quick fancy and a cultivated taste, was admirably adapted to the studies and the labors of the law. So far as was permitted by the interruptions of political life he continued to the last in the active practice of his chosen profession. As a lawyer, it is not too much to say of him that he stood in the front rank of a bar which has always been fruitful of legal strength and acumen. His place was side by side with such compeers as Pierce, Woodbury, Parker, Bartlett, and Bell—following, not unworthily, in the path of those earlier "giants of the law," Webster, Mason, and Jeremiah Smith.

In 1830, if I rightly remember, he commenced his public career as a representative from Nashua in the New Hampshire Legislature. In this office he was continued for a period of several years. He was Speaker of the House of Representatives for the last three of those years. In March, 1837, he was chosen one of the Representatives of New Hampshire, in the National Congress, where he remained for three successive terms. At the expiration of that period he was transferred to the Senate of the United States for the term of six years. In November, 1852, he was again elected to the Senate, and occupied a seat in that body during the Executive session succeeding the inauguration of President Pierce, in March last.

At a term of court held at Manchester, in November, Mr. ATHERTON was present, actively engaged in professional business. While standing in his place in the bar conversing with another counselor, respecting the disposition of a cause, he was stricken with paralysis. He was carried to his rooms, where he lingered a few days in a lethargic state, and, on the 15th of November he breathed his last.

I shall not, Mr. Speaker, dwell in detail upon the events of his public life. They are part and parcel of the records of the legislative bodies in which he served. As was said the other day of the lamented King, he was a party man. With his earnestness of conviction, and decided habits of action, he could not have been otherwise. But he was free from that spirit of acrimony which often adds asperity to the discussions and struggles of political life. He was slow to censure, and dealt not in harsh invective. The general character of his speech was clear, terse, and convincing, rather than impassioned or fervidly eloquent. But there were times when his lips seemed touched as with a coal from the very altar of truth, and poured forth "thoughts that breathe and words that burn." He was a statesman of the Jeffersonian school—a fair exponent of that political faith to which our State has been, for a long period of years, so firmly and uniformly devoted. He was a rigid economist of public finance, a strict observer of the provisions of the Constitution, strictly construed; a stern and unflinching defender of THE RIGHTS OF THE STATES. No feature of his political life was more distinctly marked than his active and uncompromising opposition to all assaults upon the rights and institutions of the several States; from what source soever they came, and to whatever quarter they were directed. Reproach and obloquy were liberally showered upon him for this cause, in times of excited sectional controversy. But it moved him not. Cool and self-reliant, confident of the future, and regardless of present consequences, he steadily pursued the path his judgment had marked out.

The timid good might stand aloof,
The sage might frown, yet blanched he not.

His straight-forwardness of conduct commanded respect, if it did not always produce agreement. He trusted to time to make manifest the purity of his motives and the propriety of his acts. If it would not savor too much of partisan discussion for this occasion, I would say that the day of clear and triumphant vindication to which he looked forward HAS ALREADY COME.

But a few weeks ago, I saw him in the scene of his last professional labors. Of all those present there was no one who would not have been selected as the first probable victim of the great Destroyer as soon as he. Absorbed in professional engagements, his mind yet found time to dwell upon the anticipated duties of his senatorial station, to which he was proposing soon to repair—the chosen representative of his beloved State—largely honored with the friendship and confidence of the Chief Magistrate of the nation. A few days, and the tidings came that death had touched him with his palsying hand. Another interval of painful suspense, and we knew that he slept the sleep which knows no waking. "The silver cord was loosed; the golden bowl was broken; the pitcher was broken at the fountain." The mourners had gone about the streets, and he had gone to his long home.

"Can storied urn, or animated bust,
Back to its mansion call the fleeting breath?
Can honor's voice provoke the silent dust,
Or flattery soothe the dull, cold ear of death?"

It was not his fate to waste by slow decay. No gradually-advancing decrepitude, nor torturing malady, nor faltering of the outworn faculties gave premonition of his approaching end. Suddenly and without warning, "ere his eye was dimmed, or his natural force abated," he was stricken down in the maturity of his intellect, the vigor of his manhood, and the pride of place and power. His voice will be heard no more in yonder Hall.

His familiar presence will no longer adorn the social circle, nor gladden again the bereaved one who mourns his loss in the pleasant home his departure has made desolate. But his name will live among us in the recollections of his well-spent life. His cherished memory will beam and brighten with an effulgence not soon to fade away.

In conclusion, sir, I offer the following resolutions:

Resolved, unanimously, That, as a testimonial of respect for the memory of CHARLES G. ATHERTON, late a member of the United States Senate, now deceased, the members and officers of this House will go into mourning, and wear crapes on the left arm for thirty days.

Resolved, That the Clerk be directed to communicate a copy of these resolutions to the widow of the deceased.

Resolved, As a further mark of respect, that the House do now adjourn.

The resolutions having been read,

Mr. ORR rose, and said:

Mr. SPEAKER: I rise, sir, to second the resolutions of my honorable friend from New Hampshire. I have been a participant in the felicitations resulting from the political triumphs of New Hampshire's sons; and now, when the heavy hand of affliction sorely oppresses them, I come to mingle my tears with theirs, and to soothe their grief by heartfelt sympathy in their sorrow.

The death of Mr. ATHERTON—so sudden and untimely—is well calculated to arrest our attention, and teaches us how precarious and evanescent is life and its pursuits. When the heart, with all its glowing affections—the intellect, with all its noble powers—are congealed by the chilling embrace of death, what a striking illustration is presented of the emptiness of worldly renown and the vanity of earthly honor.

But yesterday he was in our midst, full of life, and hope, and promise; enjoying physical and intellectual vigor—modestly wearing the high honors of his loving and beloved State—a brilliant senatorial career opening to his view—a proud intellect, enriched with the treasures of learning and experience—sustained by a confiding, generous constituency, and with the laudable ambition of a noble heart fully gratified, how hopeful and promising to him was the future.

But to-day the scene is sadly changed. The fires of his intellect are quenched; his body is cold and lifeless; his future blighted; and all his hopes, and those of cherished friends, blasted. He is dead!

The living and the dead statesmen of New Hampshire have imbued her loyal sons with pure sentiments of justice and constitutional right, and wherever patriotism has demanded a service or a sacrifice in the face of hostile armaments, or in the councils of the country, the call upon her sons has been never made in vain. That inflexibility and integrity of political purpose which signalizes the character of any people is, in a high degree, the result of the upright and fearless public conduct of those whose position, education, experience, and virtue designate them as the fit exemplars for popular imitation. Political licentiousness in public men soon devastates the morals of the people. But ATHERTON, WOODBURY, and a host of others whose genius has illuminated every page of her history, and whose names are already inscribed on the rolls of an honorable fame, have preserved the political morals and principles of New Hampshire uncorrupted in the past, and incorruptible, we trust, in the future.

Let the honest historian who toils for posterity exonerate the granite bound State from the suspicion of selfishness and venality. Let the honest historian tell our children with what fidelity she stood by the Constitution and its compromises. And finally, let the honest historian deal justly with the memory of CHARLES G. ATHERTON, by telling that no man lived within her borders who devoted his energies and talents more sedulously as a legislator and citizen than he to the prosperity of the whole country, and to the dissemination of elevated political ethics.

He knew no sectionalism—the Constitution was his chart. He was faithful to his own con-

stituents, and yet his vision was broad enough to see, and his heart generous enough to concede, every right due his brethren in this great political household.

He illustrated the annals of his congressional career at an early day with an exposition of principles which has withstood the assault of time—"the only test of truth," and if they had been sacredly observed our fraternal concord and domestic repose could not have been shaken or disturbed. It was bold and manly in him, and evinced the highest moral courage; and were I now called upon to indite the inscription on the plain granite obelisk which kind affection will rear to his memory, I would make it brief and simple:

THE MORTAL REMAINS OF THE AUTHOR OF ATTERTON'S RESOLUTIONS.

This fact, so honorable to his head and heart, which the epitaph would commemorate, will live in the records of his country, though the shaft that points heavenwards from his mouldering clay may crumble into dust.

The loss of such a man, sir, at any time is a national calamity. It is especially heavy now, when death has stricken down in a few brief years so many "stars of the first magnitude" from the political firmament.

If the ordering of human events had been committed to frail man he would have been spared to adorn the high place he so worthily filled. But for the goodness and justice of the Ruler of nations we might murmur at the sad decree, when we remember the tempestuous sea through which we have passed; and now that the sun of domestic peace has just arisen, with genial rays, to warm fraternal affection sadly chilled, he is suddenly summoned away without partaking the felicity of restored friendship which he contributed so much to consummate."

I will not invade the hallowed precincts of that grief-stricken family circle where he so lately stood as a shining center, dispensing light and joy; but now, alas! made so dark and cheerless. Time alone furnishes a soothing balm where the heart bleeds. Outside of that circle there is one whose sensibilities have been deeply wrung by the event. Our honored Chief Magistrate has lost one of his earliest and truest friends. The arm which he had fondly hoped to lean upon in the trying responsibilities of his situation is now cold and pulseless—that tongue, always devoted to truth, upon which he trusted to vindicate his motives and his honor, is silent in death. The learning and wisdom which were to counsel him in his troubles have sunk, like bright lights, to rise no more. Oh, what sad havoc has not death recently made with those around whom the President's affections have been entwined! Let not the solemn admonition be lost upon him or upon ourselves.

The question was then taken, and the resolutions were unanimously adopted.

The House accordingly adjourned till to-morrow at twelve o'clock.

REGENTS OF SMITHSONIAN INSTITUTION.

In compliance with the provisions of the act for the establishment of the Smithsonian Institution "for the increase and diffusion of knowledge among men," the Speaker, on the 14th day of December, appointed Messrs. JAMES MEACHAM of Vermont, WILLIAM H. ENGLISH of Indiana, and DAVID STUART of Michigan, the Regents of the said Institution on the part of the House.

IN SENATE.

TUESDAY, December 20, 1853.

Prayer by the Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented the petition of Thomas T. Fauntleroy and others, officers of the Army, and the petition of W. A. Nicholls and others, officers of the Army, praying an increase of compensation; which were referred to the Committee on Military Affairs.

Mr. SHIELDS presented five petitions from officers of the Army, praying an increase of compensation; which were referred to the Committee on Military Affairs.

Also, the petition of Albert Hart, praying an

increase of pension; which was referred to the Committee on Pensions.

Also, the memorial and accompanying documents of Franklin Chase, late Collector at the port of Tampico, praying to be paid his proportion of the proceeds of the sale of the schooner Oregon, seized at Tampico during the late war with Mexico, for a violation of the revenue laws; which were referred to the Committee on Claims.

Mr. WADE presented the petition of E. G. Chambers and others, proposing to construct a wagon road between the Mississippi river and the Pacific ocean, upon certain conditions; which was referred to the Committee on Roads and Canals.

Mr. HAMLIN presented the petition of Sarah Harmon, formerly widow of Timothy Murray, who was killed in the military service of the United States during the last war with Great Britain, praying to be allowed half pay and bounty land; which was referred to the Committee on Pensions.

Mr. SEWARD presented the petition of citizens of Rochester, New York, remonstrating against the ratification of an international copy-right treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Also, the petition of the Oneida Annual Conference of the Methodist Episcopal Church, praying the recognition of the independence of Liberia; which was referred to the Committee on Foreign Relations.

Also, a petition of the inhabitants of Detroit, citizens of the United States, praying for aid in the construction of a ship canal around the Falls of Niagara; which was referred to the Committee on Commerce.

Also, a petition of the Central Canal Company of Indiana, asking for a grant of land in aid of the construction of the said canal; which was referred to the Committee on Commerce.

Mr. WELLER. I desire to present a memorial of officers of the United States Army serving in California, praying for an increase of the compensation of officers and soldiers on duty on the Pacific coast. I may be allowed to say that I sincerely hope it will receive the early and favorable consideration of the Committee on Military Affairs. It is utterly impossible for United States officers to subsist on the pay that is now allowed them under the law. I believe that a colonel of one of the regiments on the frontier receives less compensation than is paid to a brick-mason in the city of San Francisco. I think it requires as much mental and physical ability to command a regiment on the frontier as to construct a brick wall. I believe there is less paid to a captain than to a common hod-carrier; and that a lieutenant receives less compensation than a city scavenger. I do sincerely hope that a legislative act will apply the appropriate remedy. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HUNTER presented a petition of a committee of the clerks in the Executive Departments at Washington, praying an increase of the salaries of the clerks, messengers, packers, laborers, and watchmen employed in those Departments; which was referred to the Committee on Retrenchment.

Also, the petition of Mary A. M. Jones, widow of Brevet Major General Roger Jones, late Adjutant General of the Army, praying a pension; which was referred to the Committee on Pensions.

Mr. DODGE, of Wisconsin, presented the petition of Alexander Waugh, administrator of George Waugh, an officer in the militia during the revolutionary war, praying a pension; which was referred to the Committee on Pensions.

Also, the petition of Benjamin Burton, administrator of Major Burton, of the Army of the Revolution, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. FITZPATRICK presented a petition of the Alabama and Mississippi River Railroad Company, and a petition of the Alabama and Tennessee River Railroad Company, praying to be allowed a credit for the duties on rails to be imported for those railroads; which were referred to the Committee on Finance.

Mr. FISH presented three petitions of citizens of the State of New York, praying an extension of the patent granted to Uri Emmons, for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Also, a memorial of the Chamber of Commerce of New York, complaining of the duties, &c., im-

posed on the commerce of the United States with the Baltic sea, and asking the adoption of measures by the Government of the United States, with the view of abating such imposition; which was referred to the Committee on Foreign Relations.

Mr. CLAYTON presented the petition of Henry La Reintrie, praying compensation for services as interpreter and acting secretary of legation, at St. Jago de Chili, and as bearer of dispatches; which was referred to the Committee on Foreign Relations.

Mr. JONES, of Iowa, presented the memorial of the Mayor and Aldermen of the city of Dubuque, praying a donation of a lot of ground in that city set apart as a cemetery; which was referred to the Committee on Public Lands.

Mr. ADAMS. I have been requested to present the memorial of the Mississippi Baptist State Convention, addressed to the President of the United States and the Senate, asking that steps may be taken by which religious liberty, or liberty of conscience, may be secured to citizens of the United States resident in the different countries with which we have intercourse, to the same extent that the citizens of other countries have in the United States. I had the honor at the last session to introduce a petition from the same respectable religious denomination, and it was referred to the Committee on Commerce. I ask that this memorial may have the same reference.

The memorial was referred to the Committee on Commerce.

Mr. JOHNSON presented the memorial of certain officers of the United States Army, praying for an increase of compensation; which was referred to the Committee on Military Affairs.

Mr. JOHNSON also presented the petition of Pierre Menard and Joseph Bogy, for advances made by them to the Illinois regiment, in the service of Virginia, in the years 1779 and 1780; which was referred to the Committee on Revolutionary Claims.

Mr. BRIGHT presented the petition of William W. Gitt, as assignee of lost land warrants, praying the passage of an act authorizing the Commissioner of the General Land Office to issue other warrants in his favor; which was referred to the Committee on Private Land Claims.

Mr. PRATT presented the memorial of Captain William Chapman and other officers of the Army, praying additional compensation; which was referred to the Committee on Military Affairs.

Mr. BENJAMIN presented the petition of Charles Derbigny and others, praying the confirmation of their land claim to a tract of land situated in the Bayou des Allemands, in the south-east land district of Louisiana; which was referred to the Committee on Private Land Claims.

Also, the petition of Hewitt, Norton & Company, and other merchants of New Orleans, praying an extension of the port of New Orleans; which was referred to the Committee on Commerce.

Mr. BRODHEAD presented documents in relation to the claim of the administrator of the estate of the surviving partner of the late firm of Curtis & Peter Grubb, praying the payment of a certain final-settlement certificate; which was referred to the Committee on Revolutionary Claims.

Also, the memorial of Margaret Barnitz, only daughter and heir of Lieutenant Colonel David Grier, praying commutation and the payment of moneys due her late father, on account of advances made by him during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also, the memorial of Frances Ann McCauley, praying remuneration for losses and expenses incurred by her late husband, while United States consul at Tripoli; which was referred to the Committee on Foreign Relations.

Mr. BADGER submitted additional documents relating to the claim of Samuel Mickum, which, with his memorial on the files of the Senate, were referred to the Committee on Naval Affairs.

Mr. SLIDELL presented the memorial of J. A. Ragan, proposing a plan to reclaim the inundated lands upon the Mississippi and its tributaries; which was referred to the Committee on Public Lands.

Also, the petition of Joseph Reynes, representing that his father purchased a certain tract of land of the General Intendancy of the Province of

Louisiana, in 1803, the title to which has been decided by the Supreme Court not to be in him, and praying relief; which was referred to the Committee on Claims.

Mr. GWIN presented the memorial of the Rev. John Reynolds, chaplain in the army, stationed in California, praying to be allowed extra pay and traveling expenses; which was referred to the Committee on Military Affairs.

Also, the petition of G. A. Dabney and others, mechanics enlisted in the service of the United States, praying to be allowed for transportation from California to the Atlantic States of the Union; which was referred to the Committee on Claims.

Also, the petition of Isaac Swain, praying remuneration for losses caused by the failure of the agents of Government to comply with the terms of a contract with him for the transportation of certain commissariat stores from Valparaiso to Benicia; which was referred to the Committee on Claims.

Also, the petition of Martha L. Downes, widow of Lieutenant Downes, commander of the United States schooner Grampus at the time she was lost, praying that the same allowance of pay money may be made to the widows and orphans of persons belonging to that vessel as have been made in similar cases; which was referred to the Committee on Naval Affairs.

Mr. DODGE, of Iowa, presented a memorial of the packers in the General Land Office, praying an increase of compensation; which was referred to the Committee on Finance.

Also, the memorial of Thomas S. Russell, praying compensation for services during the war with the Seminole Indians in Florida in 1836; which was referred to the Committee on Military Affairs.

Also, the memorial of a convention of the people of Iowa, asking a grant of lands for the Fort Madison, Keosauqua, and Bloomfield railroad, Iowa; which was referred to the Committee on Public Lands.

REPORTS FROM STANDING COMMITTEES.

Mr. FISH, from the Committee on Naval Affairs, to which was referred the petition of Thomas M. Tayloe, submitted a report, accompanied by a bill for his relief; which was read and passed to a second reading.

The report was ordered to be printed.

He also, from the same committee, submitted a report, accompanied by a bill, for the relief of Francis B. Stockton; which was read and passed to a second reading.

The report was ordered to be printed.

He also, from the same committee, submitted a report, accompanied by a bill for the relief of Joseph Gideon; which was read and passed to a second reading.

The report was ordered to be printed.

Mr. DODGE, of Iowa, from the Committee on Public Lands, reported a bill for the relief of Joseph Mitchell; which was read, and passed to a second reading.

Mr. CHASE, from the Committee on Claims, submitted a report, accompanied by a bill, for the relief of the legal representatives of Major Caleb Swan, deceased; which was read and passed to a second reading.

The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to which was referred a bill for the relief of Benjamin S. Roberts, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on the Judiciary; which was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. WADE, it was

Ordered, That the papers in the case of Moses Olmstead be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That the papers relating to the claim of the legal representatives of the late Governor Shelby, of Kentucky, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. SHIELDS, it was

Ordered, That the papers relating to the claim of Bryan Callaghan be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. SHIELDS, it was

Ordered, That the papers in the case of Harriet F. Fisher, widow of Marvin W. Fisher, be withdrawn from the files

of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. SUMNER, it was

Ordered, That the papers in the case of Josiah Mann be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. HAMLIN, it was

Ordered, That the memorial of James Dunning be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. HUNTER, it was

Ordered, That the petition and papers relating to the case of Cyrus H. McCormick be withdrawn from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by Mr. MASON, it was

Ordered, That the papers in the case of Frederick Vincent be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. BENJAMIN, it was

Ordered, That the memorial and papers in the case of Thomas J. Durant be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. BADGER, it was

Ordered, That the documents in relation to the claim of Francis B. Stockton be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of James P. Espy be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. WILLIAMS, it was

Ordered, That the papers relating to the claim of George Dennet be withdrawn from the files of the Senate, for the purpose of being presented in the House of Representatives.

On motion by Mr. PRATT, it was

Ordered, That the papers in the case of the heirs of Simon Sumners be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. PRATT, it was

Ordered, That the papers in the case of William G. Williams be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. SLIDELL, it was

Ordered, That the petition and papers in the case of Joseph H. D. Bowmar be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. SLIDELL, it was

Ordered, That the papers in the case of J. Boyd be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. BRODHEAD, it was

Ordered, That the memorial of John Duff and Joseph Gonder be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. BRODHEAD, it was

Ordered, That the petition of Chambers C. Mullin be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. BRODHEAD, it was

Ordered, That the petition of Maria Stevenson, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the papers in the case of Zadock C. Ingram be withdrawn from the files of the Senate, for the purpose of presentation at the proper Department.

On motion by Mr. NORRIS, it was

Ordered, That the papers in the case of Jameson and Williamson be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. FISH, it was

Ordered, That the memorial and papers in the case of Mrs. Susannah Scott, widow of William Scott, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. DAWSON, it was

Ordered, That the papers in the case of Passed Assistant Surgeon Joseph Hopkinson be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. SLIDELL, it was

Ordered, That the memorial of the legal representatives of William Weeks be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. FISH, it was

Ordered, That the memorial of the legal representatives of William Jones be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. CHASE, it was

Ordered, That the petition of the administrator of Elijah Weed be withdrawn from the files of the Senate, and referred to the Committee on Claims.

NOTICES OF BILLS.

Mr. SHIELDS gave notice of his intention to

ask leave to introduce a joint resolution, authorizing the President of the United States to confer the title of lieutenant general by brevet for eminent services; and

A bill for the benefit of locators and purchasers of swamp lands.

Mr. STUART gave notice of his intention to ask leave to introduce a bill granting to the State of Michigan the right of way and a portion of the public lands to aid in the construction of the Oakland and Ottawa railroad, with branches from Corunna and Grand Rapids to Mackinaw Straits, and from thence to the Montreal river.

Mr. DIXON gave notice of his intention to ask leave to introduce a bill for the relief of the heirs at law of Lieutenant Charles A. Wickliffe, Jr.

Mr. BAYARD. I give notice that I intend to ask leave to introduce a bill to provide for the execution of the public printing, engraving, and binding. I do not intend that such bill shall affect the arrangements for the public printing of the present Congress.

Mr. FOOT gave notice of his intention to ask leave to introduce a bill making a grant of public lands to the several States and Territories of the Union for the benefit of indigent insane persons.

Mr. HAMLIN gave notice of his intention to ask leave to introduce a bill to remunerate the States of Maine and Massachusetts for lands taken to satisfy stipulations of the treaty of Washington.

Mr. FITZPATRICK gave notice of his intention to ask leave to introduce a bill to authorize the payment of certain claims for losses sustained during hostilities with the Creek and Seminole Indians in the years 1836 and 1837.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill to amend the third section of an act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854, approved March 3, 1853.

Mr. CHASE gave notice of his intention to ask leave to introduce a bill to divide the State of Ohio into two judicial districts.

BILLS INTRODUCED.

Mr. DODGE, of Iowa, in pursuance of previous notice, asked and obtained leave to introduce a bill to sell the lands heretofore reserved for military purposes and the use of Indian tribes in Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAMLIN, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for the ascertainment and satisfaction of the claims of American citizens for spoiliations committed by the French prior to the 31st of July, 1801.

The bill was read a first time.

Mr. HAMLIN. I now ask that the bill be read a second time, and that it, together with the papers on the files of the Senate relating to the subject, be referred to the Committee on Foreign Relations.

The motion was agreed to, and the bill was ordered to be printed.

Mr. HUNTER, agreeably to previous notice, asked and obtained leave to introduce a bill to extend the warehousing system, by establishing private bonded warehouses, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Finance.

The bill was ordered to be printed.

Mr. EVERETT, agreeably to previous notice, asked and obtained leave to introduce a bill making provision for the accommodation of the Courts of the United States and their officers, in the district of Massachusetts; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. JOHNSON, agreeably to previous notice, asked and obtained leave to introduce a bill granting to the State of Arkansas the right of way, and making a grant of land to aid in the construction of a railroad from Gaine's Landing, or some point on the Mississippi river, to the Texas boundary, near Fulton, in Arkansas; which was read a first and second time by its title, and referred to the Committee on Public Lands.

The bill was ordered to be printed.

He also asked and obtained leave to introduce a bill to grant to the States of Arkansas, Louis-

iana, and Missouri, the right of way and alternate sections of the public lands, to aid in the construction of a railroad from Shreveport, in Louisiana, via Washington, Fort Smith, and Van Buren, in Arkansas, and by Springfield and Independence, to St. Joseph's, in Missouri; which was read a first and second time by its title, and referred to the Committee on Public Lands.

The bill was ordered to be printed.

Mr. EVANS, agreeably to previous notice, asked and obtained leave to introduce a bill to indemnify the State of South Carolina for money expended for the United States in the war with the Seminole Indians in Florida; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. THOMPSON, of Kentucky, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army; which was read a first and second time by its title, and referred to the Committee on Revolutionary Claims.

Mr. BADGER asked and obtained the unanimous consent of the Senate to introduce a bill for the relief of M. K. Warrington and C. St. John Chubb, executors of Captain Lewis Warrington; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

OPEN EXECUTIVE SESSIONS.

Mr. CHASE submitted the following resolution for consideration:

Resolved, That the following rule be adopted for the regulation of proceedings in the Senate, and that so much of the 39th, 40th, and 41st rules as may be inconsistent with the rule hereby established be rescinded:

All sessions and all proceedings of the Senate shall be public and open, except when matters communicated in confidence by the President shall be received, and in such other cases as the Senate by resolution, from time to time, may specially order.

RIGHTS OF CITIZENSHIP.

Mr. SEWARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary inquire whether any provision by law is necessary to secure the rights of citizenship to children of American citizens born in foreign countries.

BAKER A. JAMESON.

Mr. CASS. I desire to submit the following resolution:

Resolved, That Baker A. Jameson, who is now doing duty as a messenger, be paid in that capacity so long as he may be continued by the Sergeant-at-Arms.

I would merely observe, that the young man named in that resolution was brought up in the Senate, and has behaved exceedingly well. His term as a page has expired, and he is now employed in doing duty at one of the doors. The only object of the resolution is to allow the Sergeant-at-Arms to pay him while he continues to be thus employed. I think that those who have been faithful in the service of the Senate should be promoted when there is any opportunity of doing it with propriety, for the sake of an example and encouragement to our employees.

Mr. PRATT. I concur altogether in what the Senator from Michigan has said; but there is one difficulty to which the Senator has not adverted. It is, sir, that at present we have no fund from which we can legitimately order the payment to be made. The contingent fund of the Senate has not yet been appropriated, and we have no means of paying this officer. If I understand the resolution, it is that so long as he shall be employed he shall be paid; and being a direction that he shall be paid, it is a direction to do that which we have no authority to do, so long as we have no fund with which to make the payment.

Mr. CASS. I do not conceive that that is any objection at all. We very frequently pass bills providing for the payment of claims out of any money in the Treasury not otherwise appropriated. This will be in the same situation with all other claims before the Senate to be paid when there is an appropriation. That is the only effect of it. I am perfectly willing, however, in order to remove the objection of the honorable Senator from Maryland, to insert in the body of the resolution that the money shall be paid when there is an appropriation which can be used for the purpose; though, without those words, it will stand

on the same footing as any other payment which is authorized to be made.

Mr. WALKER. I have no objection to the resolution; but there seems to me to be something curious about it. If this young man is employed, why is there not power now to pay him? If he be a supernumerary, how does it happen?

Mr. CASS. The necessity for the resolution is, that he is employed for a special service. It is a temporary employment for a temporary purpose, and the resolution merely authorizes him to be paid while he is employed in that capacity by the Sergeant-at-Arms. That is all.

The resolution was agreed to.

CHEAP OCEAN POSTAGE.

Mr. SUMNER offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire, whether the present charges on letters carried by the ocean steamers are not unnecessarily large and burdensome, operating as a check upon commerce, as a barrier between the two hemispheres, and especially as a grievous tax upon European emigrants seeking a home in the United States, and whether something may not be done, and if so, what, to secure the benefits of cheap ocean postage?

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the Superintendent of the Census; which, on motion by Mr. ADAMS, was ordered to lie on the table and be printed.

THE SANDWICH ISLANDS.

The Senate proceeded to consider the following resolution, which was submitted by Mr. SEWARD on the 5th instant; and it was agreed to:

Resolved, That the President be requested, if not in his opinion incompatible with the public interest, to communicate to the Senate any correspondence that may have taken place between the Government of the United States and his Majesty the King of the Sandwich Islands."

RAILROAD TO THE PACIFIC.

On motion by Mr. CHASE, the Senate proceeded to consider the following resolution, submitted by him on the 14th instant:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing for the construction of a railroad from some point on the western line of one of the existing States to some point on the eastern line of California."

Mr. GWIN. Inasmuch as that resolution will probably lead to some discussion in reference to the committee to which the subject ought properly to be committed, I hope the Senate will postpone its further consideration until to-morrow, and proceed now to the consideration of Executive business. There are a number of important Executive communications on the table from the President of the United States. I move, therefore, that the consideration of the resolution be postponed until to-morrow, in order that we may proceed to the consideration of Executive business.

Mr. CHASE. I should like to know what objection there can be to the reference proposed to be given to the subject by the resolution now before the Senate? If the Committee on Roads and Canals is constituted for any purpose, it seems to me to be the very committee to which an inquiry of this sort should be directed. I hope the resolution will be disposed of at present, and not postponed to a future day.

Mr. GWIN. The Committee on Territories has heretofore reported on the same subject, and therefore it was that I presumed there might be discussion as to the proper reference. I do not myself intend to participate in any such discussion; but I presume some discussion will arise as to the appropriate committee to take charge of the subject. I hope my motion will be agreed to. It is that this subject be passed over for the present, in order that we may proceed to the consideration of Executive business.

Mr. DOUGLAS. I wish to state, that so far as the Committee on Territories is concerned, I have no objection to the resolution. I am very willing that the Committee on Roads and Canals should take charge of the subject, if they so desire.

Mr. GWIN. I insist on my motion to postpone the further consideration of this resolution.

The motion was agreed to.

WITHDRAWAL OF A MAP.

Mr. DOUGLAS. I wish to withdraw from the

files of the Senate a map of the public survey of a reservation adjoining the city of Chicago. The map was filed here as the basis of action by this Government in authorizing the widening of the harbor. I wish it withdrawn merely in order to have a copy of it made, so that it may be known there what is the meaning of the bill which was passed, and then I shall bring back the original, and place it upon the files again. I move that leave be granted to withdraw the map referred to.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

MESSAGES FROM THE PRESIDENT.

A message was received from the President of the United States, transmitting certain documents in answer to a resolution of the Senate of the 6th of April last, requesting information in regard to certain transactions between Captain Hollins, of the Cyane, and the authorities of San Juan de Nicaragua; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Also, a message communicating a copy of the correspondence relative to the claim of the brig General Armstrong; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INDIAN LAWS.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to consider the expediency of providing by law for the appointment of a commission to prepare a code of laws for the government of the country in possession of the various Indian tribes within the limits of the United States, upon the basis of the existing "Intercourse laws," and other laws of the United States, applying to the different portions of the Indian country, containing in such code all that is valuable in existing laws, and rejecting all that is useless or obsolete, supplying all existing deficiencies in such laws, carefully defining the jurisdiction of the different courts of the United States over the Indian country, so as to prevent conflict of jurisdiction, or exercise of doubtful power, and especially designating all offenses to be punished under such laws; and report such code to Congress for its final action, in order that it may take the place of all existing laws upon such subject.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 20, 1853.

The House met at twelve o'clock, m.

Prayer by the Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

IMPROVEMENT OF THE HARBOR OF MOBILE.

The SPEAKER laid before the House a communication from the War Department, transmitting, in compliance with the resolution of the House of the 12th instant, which called upon the Secretary of War "to report to the House any report or plan existing in his Department, showing the cost and practicability of deepening the harbor of Mobile," a letter of the Chief Engineer, inclosing a report of Major William H. Chase, of the Corps of Engineers, giving the information desired.

Mr. PHILIPS. I move that that communication and the accompanying papers be referred to the Committee on Commerce, and ordered to be printed.

The question was taken; and the motion was agreed to.

PRIVILEGE OF THE HALL.

The SPEAKER. If it be the pleasure of the House, I would be glad to communicate to it the fact that, for the better protection of the Doorkeeper in the discharge of his duties, and to prevent the inconvenience and difficulty which frequently arises in the discharge of those duties, believing that the power to do so was full and complete in me, as the Presiding Officer of this body, I have directed the Doorkeeper to open a register, and to cause to be entered therein the names of such persons, other than members, as are entitled to the privilege of a place upon this floor. Understanding that some question has arisen in regard to the power of the Speaker so to direct, I shall be pleased to have the sense of the House on the subject. Those who have been here with me know very

well the trouble that the Doorkeeper of the House has had in reference to questions growing out of claims to the privilege of the Hall by persons not members of Congress.

Mr. EWING. I submit the motion, that the register alluded to by the Speaker, be ordered to be kept by the Doorkeeper.

Mr. HOUSTON. I understand that the proposed register will not at all vary the rules of the House.

The SPEAKER. It will not vary the rules in the slightest degree.

Mr. HOUSTON. It is simply, as I understand, a means designed for the purpose of enforcing those rules.

The SPEAKER. The Chair had no doubt at all that the power was in his hand to direct as he has done; but as it has been questioned, he would be pleased to have the sense of the House on the subject.

The question was taken on the motion of Mr. EWING, and it was agreed to.

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

Mr. RUSSELL from the Committee on Printing, to whom the subject was referred, reported the following resolution:

Resolved, That five hundred copies of the report of the Commissioner of the General Land Office, with the accompanying documents, be printed for the use of said office.

The resolution was adopted.

ELIJAH BEEBEE.

Mr. EASTMAN, from the Committee on Military Affairs, reported a bill for the relief of the widow and heirs of Elijah Beebee; which was read by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

NEW STEAM FRIGATES.

Mr. BOCKOCK, from the Committee on Naval Affairs, reported a bill to authorize the construction of six first-class steam frigates, and for other purposes; which was read by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

FAILURE OF STEAM FRIGATES.

Mr. BOCKOCK. I have in my hand a report of certain officers appointed by the Secretary of the Navy, to investigate the causes of the failure of certain steam frigates. The Committee on Naval Affairs, before whom the information has been laid, have considered it of sufficient importance to authorize the printing of the same for the use of the House, in order that they may know, when that subject shall come up for their investigation, the causes of such failure. By instruction of the committee, I therefore move that the report be printed.

The question was then taken, and the motion was agreed to.

ISAAC T. SIMONTON.

Mr. MACE, from the Committee on Claims, reported a bill for the relief of the legal representatives of Isaac T. Simonton, deceased; which was read by its title, and referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

MADISON PARDON.

Also, a bill for the relief of Madison Pardon; which was read by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

THOMAS B. KING.

On motion by Mr. FULLER, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the petition and papers of Thomas B. King, and that the same be referred to the Committee on Claims.

On motion by Mr. FULLER, it was

Ordered, That the same committee be discharged from the further consideration of the memorial of sundry citizens of the State of New York, and that the same be referred to the Committee on the Post Office and Post Roads.

CHAIRMAN OF THE LIBRARY COMMITTEE.

Mr. BENTON. I have to give the same information, with respect to the Library Committee, that I had with respect to the Committee on Military Affairs. Being the first named as chairman of the Library Committee, the members of that

committee have been kind enough to release me from the duties of chairman, although I still remain a member of the committee, and elected Mr. CHANDLER, of Pennsylvania, in my place.

PURCHASE OF MOUNT VERNON.

The SPEAKER. The question first in order is the motion to lay upon the table the resolution authorizing the Secretary of the Interior, (provided first he obtain the consent of the State of Virginia,) to contract with the proprietor or proprietors for the purchase of the estate of Mount Vernon.

Mr. BAYLY, of Virginia. Were the yeas and nays ordered upon the motion?

The SPEAKER. They were not.

Mr. BAYLY. Then I demand the yeas and nays.

Mr. CLINGMAN. I ask my friend from Virginia if he will not withdraw his demand for the yeas and nays, and then let us, by common consent, send this subject to a committee, so that they may bring in a bill?

Mr. BAYLY. I beg the gentleman's pardon. I am willing to oblige the gentleman; but I want to kill this thing in the most emphatic manner possible.

The yeas and nays were ordered.

Mr. TAYLOR. I ask my friend from Virginia to withdraw his motion for a moment, to allow me to make a short statement, which I am authorized to make by the proprietor of the estate of Mount Vernon.

Mr. BAYLY. No, sir.

The question was then taken on laying the resolution upon the table; and there were—yeas 88, nays 85; as follows:

YEAS.—Messrs. James C. Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Benton, Biscock, Boyce, Breckinridge, Brooks, Lewis D. Campbell, Chamberlain, Clingman, Cobb, Cox, Craig, Dawson, Dean, Dowdell, Dunbar, Eastman, Edgerton, Ewing, Fuller, Gamble, Giddings, Goode, Green, Grow, Sampson W. Harris, Wiley P. Harris, Hastings, Hens, Hibbard, Houston, Johnson, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Lamb, Latham, Letcher, Lindsey, Macdonald, McMullin, McQueen, Mace, Macy, Maxwell, Mayall, Morrison, Nichols, Orr, Packer, Peckham, Bishop Perkins, Phelps, Powell, Pratt, Richardson, Thomas Ritchey, Robbins, Ruffin, Sapp, Seymour, Shaw, Singleton, Skelton, Gerrit Smith, George W. Smythe, Frederick P. Stanton, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Thurston, Vansant, Wade, Walker, Walsh, Witte, Daniel B. Wright, and Hendrick B. Wright.—87.

NAYS.—Messrs. Abercrombie, Aiken, Willis Allen, Appleton, Ball, Benson, Bugg, Lewis D. Campbell, Carpenter, Chandler, Chase, Chastain, Clark, Cook, Corwin, Crocker, Culom, Curtis, Cutting, John G. Davis, Dent, Dick, Drum, Eddy, Edwards, Ellison, English, Etheridge, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Greenwood, Aaron Harlan, Harrison, Haven, Hendricks, Hill, Howe, Hughes, Hunt, Knox, Kurtz, Lane, Lilly, Lindley, McCulloch, Meacham, Middlesworth, John G. Miller, Smith Miller, Morgan, Noble, Norton, Andrew Oliver, Parker, Peck, John Perkins, Pringle, Puryear, Ready, David Ritchie, Rogers, Russell, Sabin, Sage, Seward, Simmons, Sollers, Hester L. Stevens, John L. Taylor, Tracy, Trout, Tweed, Vail, Walbridge, Walker, Warren, Ellihu B. Washburne, Israel Washburne, Wells, Tappan Wentworth, Wheeler, and Zollicoffer.—85.

So the resolution was laid upon the table.

Pending the announcement of the vote—

Mr. STRAUB said: I understand the object of this resolution is for the purpose of assisting a few individuals in a speculative way; but for patriotic purposes, I vote aye.

Mr. PENNINGTON. If I had been in the bar when my name was called, I should have voted aye.

Mr. KIDWELL. If I had been in the bar when my name was called, I should have voted aye.

Mr. BAYLY. I move to reconsider the vote by which the resolution was laid on the table, and to lay that motion upon the table.

Mr. CAMPBELL, of Ohio. Upon that motion I demand the yeas and nays.

Mr. BAYLY. I withdraw my motion.

Mr. CAMPBELL. I move to reconsider the vote just taken.

The SPEAKER. The gentleman from Ohio, [Mr. CAMPBELL,] having voted in the majority, moves to reconsider the vote by which the resolution was laid upon the table.

Mr. DEAN. I move to lay that motion upon the table.

Mr. CAMPBELL. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and the result was—yeas 97, nays 84; as follows:

YEAS.—Messrs. James C. Allen, Ashe, David J. Bailey, Thos. H. Bayly, Barksdale, Barry, Belcher, Benton, Bissell, Biscock, Boyce, Brooks, Caskie, Chamberlain, Chrisman, Churchill, Clingman, Cobb, Cox, Craig, Dawson, Dean, Dickinson, Disney, Dowdell, Dunbar, Dunham, Eastman, Edgerton, Edmundson, Ewing, Faulkner, Fuller, Gamble, Giddings, Goode, Green, Grow, Sampson W. Harris, Wiley P. Harris, Hens, Hibbard, Houston, Johnson, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kittredge, Lamb, Latham, Letcher, Lindsey, Macdonald, McMullin, McQueen, Mace, Macy, Maxwell, Mayall, Morrison, Nichols, Orr, Packer, Peckham, Bishop Perkins, Phelps, Powell, Pratt, Richardson, Thomas Ritchey, Robbins, Ruffin, Sapp, Seymour, Shaw, Singleton, Skelton, Gerrit Smith, George W. Smythe, Frederick P. Stanton, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Thurston, Vansant, Wade, Walker, Walsh, Witte, Daniel B. Wright, and Hendrick B. Wright.—97.

NAYS.—Messrs. Abercrombie, Aiken, Willis Allen, Appleton, Ball, Benson, Bugg, Lewis D. Campbell, Carpenter, Chandler, Chase, Chastain, Clark, Cook, Corwin, Crocker, Culom, Curtis, Cutting, John G. Davis, Dent, Dick, Drum, Eddy, Edwards, Ellison, English, Etheridge, Everhart, Farley, Flagler, Florence, Franklin, Greenwood, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Hendricks, Hill, Howe, Hughes, Hunt, Knox, Kurtz, Lane, Lilly, Lindley, McCulloch, Meacham, Middlesworth, John G. Miller, Smith Miller, Morgan, Noble, Norton, Parker, Peck, Pennington, John Perkins, Pringle, Puryear, Ready, David Ritchie, Russell, Sabin, Sage, Seward, Simmons, Sollers, Hester L. Stevens, John L. Taylor, Tracy, Trout, Tweed, Vail, Walbridge, Warren, Ellihu B. Washburne, Israel Washburne, Wells, Tappan Wentworth, Wheeler, and Zollicoffer.—84.

So the motion to reconsider was laid upon the table.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Loud cries of "No, no."]

Mr. CLINGMAN. I hope the gentleman from Alabama will not insist upon his motion, but let the States be called for resolutions.

Mr. HOUSTON. I hope the motion will prevail, and that the President's message will be taken up and referred. It is important that it should be referred, and that the several committees should have the subjects contained in it to act upon.

The question was taken, and the House refused to go into the Committee of the Whole on the state of the Union—yeas 64, nays 84.

CALL OF THE STATES FOR RESOLUTIONS.

The States were next called for resolutions, commencing with the State of New York.

CAPTAIN INGRAHAM.

Mr. DEAN presented a joint resolution—previous notice having been given—of the following title:

"Joint resolution of the thanks of Congress, and for the presentation of a sword to Captain Duncan N. Ingraham."

Mr. DEAN. As I presume no one desires to debate this resolution, I call the previous question upon its passage.

[Cries of "Oh, no!"]

Mr. BAYLY, of Virginia. I move to refer the resolution to the Committee on Foreign Affairs.

The SPEAKER. The Chair must inform the gentleman from Virginia that the previous question having been demanded cuts off all motions to refer or to amend.

Mr. BAYLY. I am aware of that, but I hope the House will vote down the motion for the previous question, and then I will move to refer.

Several MEMBERS. Read the resolution.

The joint resolution was read through by the Clerk. It provides for presenting the thanks of Congress to Captain Ingraham, and the officers under his command, for their gallant conduct, on the second day of July last, in asserting and maintaining the rights of American citizens, whether native or adopted, and for the presentation of a sword to that officer.

Mr. DEAN. I now call the previous question upon the passage of the resolution.

Mr. JONES, of Tennessee. I move that the resolution do lie upon the table.

Mr. CLINGMAN. I hope the resolution will be allowed to go to the Committee on Foreign Affairs.

Several MEMBERS. Vote down the motion to lay on the table.

The question was taken, and the House refused to lay the resolution upon the table.

Mr. WALSH. I appeal to my colleague from New York, [Mr. DEAN,] to postpone the consid-

eration of this matter for a few days, as another colleague of mine, [Mr. Lyons,] who is exceedingly desirous to take part in this little piece of Buncombe, is now absent. He wishes to move an addition to the resolution providing for presenting Captain Ingraham with a medal and a pair of epaulettes, and perhaps some other additions. [Laughter.] I hope the consideration of the matter will be postponed until he may be here.

Mr. DEAN. As several gentlemen around me seem desirous that this resolution should go to a committee, I will withdraw the motion for the previous question, and move to refer to the Committee on Foreign Affairs, and upon that motion I demand the previous question.

Mr. SMITH, of New York. Is it in order to make remarks upon the subject of the resolution at the present time?

The SPEAKER. Not until the motion for the previous question is disposed of.

Mr. SMITH, of Alabama. I move to lay the resolution upon the table.

Mr. CLINGMAN. Is that motion in order, having just been voted down?

The SPEAKER. It is—business having intervened.

Mr. SMITH. I call the yeas and nays upon my motion.

The yeas and nays were not ordered.

The question was taken; and the House refused to lay it upon the table.

The previous question was then seconded, and the main question ordered to be put; and, under the operation thereof, the resolution was referred to the Committee on Foreign Affairs.

MINT IN THE CITY OF NEW YORK.

Mr. TWEED, in pursuance of previous notice, asked and obtained leave to introduce the following bill; which was read twice by its title, and referred to the Committee on Ways and Means: "A bill to establish a Mint of the United States in the city of New York."

RELATIONS WITH DENMARK.

On motion by Mr. WALKER, it was

Resolved, That the President of the United States be requested to communicate to the House, as far as the public interest may permit, the state of the negotiations between this country and Denmark in relation to the imposition of "sound dues" upon our commerce to the Baltic, together with such correspondence as may have passed between the two nations upon that subject.

PROOFS IN PENSION CASES.

Mr. HUGHES offered the following joint resolution; which was read twice, and referred to the Committee on Revolutionary Pensions:

"A joint resolution in relation to proofs in pension cases."

RIGHT OF CITIZENSHIP.

Mr. CHANDLER offered the following resolution:

Resolved, That the Committee on the Judiciary be, and it is hereby, instructed to inquire whether any, and if any, what legislation is necessary to secure the right of citizenship to children born out of the United States, whose parents, at the time of such births, are citizens of the United States, and that the committee report at as early a day as possible, by bill or otherwise.

The resolution was adopted.

HOMESTEAD BILL.

Mr. GROW. I desire to offer a substitute for House bill No. 37—the homestead bill—and to have it referred to the Committee of the Whole on the state of the Union, and printed.

The SPEAKER. Is the bill for which the gentleman desires to offer a substitute, before the body in any form?

Mr. GROW. The bill is before the House in the Committee of the Whole on the state of the Union.

Mr. RICHARDSON. It is not before the House.

The SPEAKER. The bill is not before the House at this time for action.

Mr. GROW. I desire only to introduce the substitute, and have it printed.

The SPEAKER. The gentleman from Pennsylvania asks the unanimous consent of the House to introduce the substitute and have it printed. [Cries of "Object!"]

Mr. GROW. I appeal to gentlemen to allow me to introduce the substitute, and have it printed.

Mr. SAPP. I object.

Mr. RICHARDSON. Has the gentleman from Pennsylvania given notice of his bill?

Mr. GROW. I have.

Mr. RICHARDSON. Then the gentleman has a right to introduce the bill under that notice.

Mr. GROW. Notice has been given of this bill, and I only ask that I may be allowed to move it as a substitute, and that it may be referred to the Committee of the Whole on the state of the Union, and printed.

The SPEAKER. It is objected to.

Mr. GROW. I again appeal to the gentlemen to withdraw their objections, and allow the substitute to be referred and printed.

Several MEMBERS. "No, no," and "object."

BOUNTY LANDS.

Mr. FLORENCE. In pursuance of previous notice, I beg leave to introduce a bill "extending the provisions of the several laws granting bounty land to the officers and soldiers who have been engaged in the military service of the United States."

The bill was read a first and second time by its title.

Mr. FLORENCE. I move that the bill be referred to the Committee on Military Affairs, which is, I believe, the appropriate committee to which to send it.

Mr. COBB. I object to that reference, and move to refer the bill to the Committee on Public Lands. The gentleman has already referred a thick batch of petitions upon this subject to that committee, and I presume that the bill ought to have the same reference.

Mr. FLORENCE. I certainly have no objection to the reference of the bill to the Committee on Public Lands, although I confess I fear it is digging a grave for it, and covering it up pretty well; but I believe that it ought to receive, and will receive, full and fair consideration at the hands of any committee of this House. I am sure I have no feeling in the matter. I believe that any committee to which the bill may be referred will report favorably upon it, and I am very willing that it shall go to the Committee on Public Lands.

Mr. COBB. I am sorry that the gentleman from Pennsylvania has thought proper to predict that the reference of his bill to the Committee on Public Lands would be digging a grave for it, and covering it up.

Mr. FLORENCE. I said I feared that would be the result.

Mr. COBB. I understood the gentleman to say that it would be so. Does not the gentleman know that the original bounty land bill came from that committee, that it was acted upon by that committee favorably, and reported back to the House? What right has he then to make such an assertion relative to the action of the committee? Why, sir, he has ventured to refer all his petitions upon this subject to us, thus giving us all possible light upon it, and now he seeks to give the bill itself a different direction.

Mr. FLORENCE. I trust I may be permitted to make a few remarks, by way of explanation. There is certainly a great deal of force in the argument of the gentleman from Alabama.

Mr. WHEELER. I call the gentleman to order.

The SPEAKER. What is the point of order which the gentleman desires to raise?

Mr. WHEELER. I wish to know how many times a gentleman is allowed to speak upon one subject?

The SPEAKER. If any other gentleman had desired to speak the Chair would have assigned the floor to him; but no other gentleman rising to speak, the Chair, in conformity with the practice of the House, recognized the gentleman from Pennsylvania.

Mr. FLORENCE. If the gentleman wishes to advocate the bill, I will yield him the floor for that purpose. I have no desire to make a speech upon the bill now. I shall probably make a speech in favor of it when it comes before the House for action. I merely wish to say, in explanation, if it may be considered any apology for the remark which I made, that I had forgotten that the petitions upon this subject had been referred to the Committee on Public Lands, and I was fearful that the immense amount of business referred to that committee would prevent this bill from receiving that consideration to which it is

entitled. I certainly did not desire nor intend to reflect upon the character of that committee for integrity, candor, and industry; and I am very willing, without detaining the House further, to make the motion, if it has not been already made, that the proposition be referred to the Committee on Public Lands, with instructions to report favorably upon it, if that be in order.

The SPEAKER. The gentleman from Pennsylvania withdraws his motion to refer to the Committee on Military Affairs, and moves that the proposition be referred to the Committee on Public Lands, with instructions to report favorably thereon.

Several MEMBERS. Let us have the motion without the instructions.

Mr. FLORENCE. I modify my motion so as to strike out that portion of it in regard to instructions.

The question was then taken, and the proposition was referred to the Committee on the Public Lands.

CREDIT TO IMPORTERS OF RAILROAD IRON.

Mr. CLINGMAN. I ask leave to introduce a bill entitled "A bill to give credit to importers of railroad iron;" of which previous notice has been given.

There was no objection, and the bill was read a first and second time by its title.

Mr. CLINGMAN. This is a subject, Mr. Speaker, which we frequently had before the last Congress, but which was not acted upon. I do not know what is the present feeling of this House, but I think there is a strong necessity for the passage of such a law at this time. In the last Congress it may, perhaps, be remembered that the proposition failed by a single vote on one occasion. At that time there were five members out of the House who had promised me on the previous day that they would be present to vote for the proposition. I only mention this fact to show it was a mere accident that a provision similar to the one of the bill I submit did not take effect at the last Congress.

You will also recollect, Mr. Speaker, that during the last Congress we allowed several companies credit on the terms proposed in this bill; but we did not succeed in passing any general law. It is a simple matter, and I presume that every member of the House has an opinion upon it now.

I beg leave to remind gentlemen, that within the last eighteen months there has been an enormous rise in the price of railroad iron. Less than two years ago it could be had for forty dollars per ton in this country, after paying all the duties and charges, and now it is worth nearly eighty dollars per ton to the consumer here. The consequence is, that many of the States and companies which began to execute works with sufficient capital two years ago, find, owing to this great rise, that it is difficult, if not impossible, for them to proceed.

I also understand, Mr. Speaker, that the money is not needed at this time in the Treasury. We have a large surplus on hand. My bill proposes a credit of four years. In all probability at the end of that period, the Government may need the money very much. If the duty goes into the Treasury now, instead of what I propose, it will be expended before that time, when it may be wanted.

I think therefore, as a financial measure, it would be a wise policy to throw the receipt of this money four years ahead, leaving the present surplus in the Treasury to be exhausted, for the construction of national vessels, or for any other purpose which the House may propose; and if it turns out that at the end of four years, we are involved in some war—and we are getting to be a war-like people, and need all the means we can lay our hands upon—this money will come in very opportunely. I think it would have been well, perhaps, for the Secretary of the Treasury to have recommended this as one of the means by which to get rid of the surplus revenue which we are now receiving from year to year. If the proposition which he has made in his report should be adopted and carried into effect, the reduction of the revenue would not take place until a year from next January, and, in the mean time, there will have been a large accumulation. I propose, then, with a view of trying the sense of the House, to move—

Mr. SKELTON, (interrupting.) I would ask the gentleman from North Carolina [Mr. CLING-

MAN] whether it would not be well to include in the bill the importing merchants of the United States?

Mr. CLINGMAN. That raises a question which I will discuss, with great pleasure, with the gentleman from New Jersey at another time. There are two reasons why that should not be done. First, the price of goods, generally, has not undergone any great rise during the last eighteen months, and in the next place, these importations by merchants are importations for private purposes, while the other is an importation for railroads, which are made by the States and companies for the benefit of the public, and especially the great agricultural interests. I have no doubt the farmers of the country are willing to pay taxes whenever the Government stands in need of them. I submit, however, that they ought not to be compelled to pay cash duties when they are not needed for any purpose whatever. I know there is a certain interest in this House which is represented with more fidelity than any other interest under the Government; and notwithstanding it has a large number of representatives upon this floor, who are faithful, diligent, and zealous, it also has a large outside representation here, which is operating more strongly—

Mr. SKELTON, (interrupting.) I am not here as the representative of the iron interest, by any means; but I desire to have an eye to all the interests of our common country.

Mr. MEACHAM. I rise to a question of order. It is that the gentleman has no right, during the call upon the States for petitions, to present this bill and discuss the question, before it comes before the House.

Mr. CLINGMAN. The question is upon the engrossment of the bill.

The SPEAKER. The Chair overrules the question of order.

Mr. CLINGMAN. I did not intend to detain the House long. I was saying that we have had, for the last few years, a remarkable condition of things. There is no necessity for collecting these taxes from the farmers, and yet this iron interest is not willing that the Government should indulge the tax payers, when it does not need the money. Its representatives come up here from time to time, and insist that the Government shall collect its taxes forthwith. They fight this matter as though I proposed to get into their private purses. They claim a sort of prescriptive right to have the whole country taxed for their benefit; and hence, when any proposition of this kind comes before them, gentlemen identified with that particular interest, throw all manner of obstacles in its way; not being content merely that the whole country should be heavily taxed for their benefit, they also insist that the taxes shall be collected without delay. I ask for the reading of this bill, and then I propose to move the previous question, and put it on its passage.

The bill was then read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases of the importation of railroad iron for the period of two years from the passage of this act, upon its appearing to the satisfaction of the Secretary of the Treasury that said iron has been imported *bona fide* for the use of some railroad in the United States, it may be lawful for those importing the same, if they desire it, instead of paying in cash the duties now levied, to give bonds with approved security, conditioned to pay the said duties with interest, at the end of four years from the date of the importation: *Provided*, That if, at any time hereafter, it should appear any importation had not been made *bona fide* for the use of some railroad, then, besides the duties then due, fifty per centum additional shall be payable to the United States.

Sec. 2. *And be it further enacted*, That the benefits of this act shall be extended to all cases when iron for the use of railroads has been imported, and on which the duties have not already been paid.

Mr. C. It will be seen that this bill is similar in its provisions to several other bills which were passed at the last session of Congress for the benefit of particular companies. I think there is no impropriety in the action asked for in regard to this proposition. We shall assist the railroad companies, and in four years, when they have laid down their rails, they will be in a condition to dispense with such assistance, and the moneys received for transportation of the mails will most probably be sufficient to pay off the duties. I have submitted this resolution with a view of ascertaining the sense of the House, because I know that many members are very anxious that such a provision should be adopted at once. I hope,

therefore, that there will be no objection to the adoption of the bill. I appeal to my friends who represent particularly the iron interest, and I trust that they will allow this credit to be given; and, whether the tariff be modified or not, let the people take the chance of the benefit of any changes which may be made in their favor. If not, we shall, at any rate, get the money when we want it. It is not needed now. I hope that all who are favorable to the proposition will assist me in relieving railroad companies of the duties upon iron. If the bill goes to the Committee of the Whole on the state of the Union, or the Committee on Ways and Means, we will never reach it. I hope all who are for relief, in any form, will come up at this time, and help to pass this as a temporary measure, leaving the question of repeal or reduction of duties to be investigated hereafter. I therefore move the previous question.

Mr. HOUSTON. I ask the gentleman if he will not withdraw the demand for the previous question, in order that I may suggest a slight modification of his bill? The gentleman's argument is, that within the last eighteen months or two years a great rise has taken place in the price of railroad iron. The railroads in my own State, and particularly the railroad in my own district, have been importing and paying duties within the last twelve or eighteen months, and I desire to have them relieved by the same process by which others are relieved.

Mr. CLINGMAN. The railroads of which the gentleman speaks are in the same condition with some of my own State that have already paid. The bill which I have introduced, however, covers all cases where duties are not paid, this being as much as I suppose it practicable to accomplish.

Mr. JONES, of Tennessee. I move to lay the bill upon the table. I am opposed to this manner of reducing the tariff.

Mr. CLINGMAN. I demand the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was then taken and there were—yeas 81, nays 104; as follows:

YEAS—Messrs. Appleton, David J. Bailey, Belcher, Benson, Bliss, Carpenter, Chandler, Chastain, Chrisman, Cox, Crocker, Cunningham, Curtis, Cutting, Dawson, Dean, Dick, Drum, Eastman, Eastman, Edgerton, Everhart, Farley, Faulkner, Flagler, Florence, Franklin, Fuller, Gamble, Giddings, Grow, Hastings, Hibbard, Howe, Hughes, Daniel T. Jones, George W. Jones, Kittredge, Kurtz, Lamb, Letcher, Lilly, Lindsay, McCulloch, Macdonald, Mayall, Meacham, Middlesworth, Morgan, Morrison, Murray, Nichols, Andrew Oliver, Packard, Peck, Peckham, Pennington, Bishop Perkins, Pringle, David Ritchie, Robbins, Russell, Sage, Seymour, Simmons, Skelton, Gerrit Smith, William Smith, Stratton, Straub, John J. Taylor, Thurston, Trout, Vail, Vansant, Wade, Tappan Wentworth, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—81.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Ball, Barksdale, Barry, Benton, Bissell, Biscoe, Brooks, Bugg, Lewis D. Campbell, Caskie, Chamberlain, Chase, Chastain, Churchwell, Clark, Clingman, Cobb, Cook, Corwin, Craig, Cullom, John G. Davis, Dent, Dowdell, Dunbar, Craig, Cullom, John G. Davis, Dent, Dowdell, Dunbar, Eddy, Edmundson, Ellison, English, Etheridge, Ewing, Faulkner, Goode, Greenwood, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Hibbard, Hill, Houston, Hunt, Johnson, Keitt, Kidwell, Knox, Lane, Lindsey, McMullin, McQueen, Mace, Macy, Maxwell, May, John G. Miller, Smith Miller, Noble, Norton, Mordecai Oliver, Orr, Parker, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Ready, Reese, Riddle, Thomas Ritchey, Rogers, Rufin, Sapp, Seward, Shaw, Singleton, Samuel A. Smith, William Smith, William R. Smith, Hestor L. Stevens, Andrew Stuart, Tracy, Tweed, Walbridge, Walsh, Warren, Ellihu B. Washburne, Wells, John Wentworth, and Zollicoffer—104.

So the House refused to lay the bill upon the table.

Mr. COBB. I ask the gentleman from North Carolina to accept a modification.

Mr. CLINGMAN. I will do so with pleasure, and had made a modification myself, but prefer to take his modification.

The amendment, as proposed by Mr. Cobb, was then read as follows:

Provided further, That in all cases of extension there shall be paid at the rate of six per cent. interest per annum by such person thus extending.

Mr. JONES, of Tennessee. If the House refuse to second the demand for the previous question, the bill can be then referred.

Mr. CLINGMAN. Let the modification be made.

The SPEAKER. The bill having received its first and second reading is open for amendment;

but the gentleman from North Carolina has not withdrawn the demand for the previous question.

Mr. CLINGMAN. I have a right before any vote is taken to modify my resolution under the rules.

Mr. PECK. Is it true, that the gentleman has a right to amend the bill?

The SPEAKER. The bill has received its first and second reading, and the gentleman has a right at this stage to amend it.

Mr. JONES. Is not the demand for the previous question still pending?

Mr. CLINGMAN. I withdraw the demand for the previous question, in order that the gentleman from Alabama may offer the amendment he has suggested.

Mr. COBB. I then offer the amendment which has already been read; and upon it I move the previous question.

The amendment was again read.

Mr. SMITH, of Virginia. I would be glad if the gentleman from North Carolina would withdraw his demand for the previous question. It is not right that he should make a speech in favor of his proposition, and then deprive others of the privilege of speaking in opposition by a call for the previous question.

The SPEAKER. The Chair does not understand that any motion for the previous question is pending.

Mr. COBB. I moved an amendment, and then called the previous question.

Mr. JONES, of Tennessee. Did the gentleman from Alabama demand the previous question before the gentleman from Virginia [Mr. Smith] obtained the floor?

Mr. COBB. I did.

Mr. JONES. Then I move to lay the bill and amendment upon the table.

Mr. PECK. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and the result was—yeas 86, nays 95; as follows:

YEAS—Messrs. Appleton, David J. Bailey, Belcher, Benson, Bliss, Carpenter, Chandler, Chastain, Chrisman, Cox, Crocker, Cunningham, Curtis, Cutting, Dawson, Dean, Dent, Drum, Duham, Eastman, Edgerton, Everhart, Farley, Faulkner, Flagler, Florence, Franklin, Fuller, Gamble, Giddings, Grow, Hastings, Hibbard, Howe, Hughes, Daniel T. Jones, George W. Jones, Kittredge, Kurtz, Lamb, Letcher, Lilly, McCulloch, Macdonald, Mayall, Meacham, Middlesworth, Morgan, Morrison, Murray, Nichols, Andrew Oliver, Packard, Peck, Peckham, Pennington, Bishop Perkins, Pringle, David Ritchie, Robbins, Russell, Sage, Seymour, Simmons, Skelton, Gerrit Smith, William Smith, Stratton, Straub, John J. Taylor, John L. Taylor, Thurston, Trout, Vail, Vansant, Wade, Tappan Wentworth, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—86.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, Ball, Barksdale, Barry, Benton, Bissell, Biscoe, Boyce, Brooks, Bugg, Lewis D. Campbell, Caskie, Chamberlain, Chase, Churchwell, Clark, Clingman, Cobb, Cook, Corwin, Craig, Cullom, John G. Davis, Dowdell, Dunbar, Eddy, Edmundson, Ellison, English, Etheridge, Ewing, Goode, Greenwood, Aaron Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Hill, Houston, Hunt, Johnson, Keitt, Kidwell, Knox, Lane, Latham, Lindsey, Lindsey, McMullin, McQueen, Mace, Macy, Maxwell, John G. Miller, Smith Miller, Noble, Norton, Mordecai Oliver, Orr, Parker, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Rogers, Rufin, Sapp, Seward, Shaw, Singleton, Samuel A. Smith, William R. Smith, George W. Smyth, Hestor L. Stevens, Andrew Stuart, David Stuart, Tracy, Warren, Ellihu B. Washburne, Wells, John Wentworth, and Zollicoffer—95.

So the House refused to lay the bill and amendment upon the table.

Mr. STRAUB. Is it in order now to move to amend?

The SPEAKER. It is not, the previous question having been demanded.

Mr. PECK. Is it in order to move to refer the bill to one of the standing committees of the House?

The SPEAKER. It is not until the motion for the previous question is disposed of. The effect of that motion is to cut off all motions to refer and to amend.

Mr. FLORENCE. Is it in order to demand the yeas and nays upon the call for the previous question?

The SPEAKER. It is not. If the previous question be seconded, it will be competent for the House to order the yeas and nays upon ordering the main question.

Mr. COBB. I made the demand for the previous question under a promise made by me to

the gentleman from North Carolina, [Mr. CLINGMAN.]

Mr. JONES, of Tennessee. Has the demand for the previous question been withdrawn?

The SPEAKER. It has not.

Mr. JONES. Then debate is not in order.

Mr. COBB. I was going to say, that, with the consent of the gentleman from North Carolina, I would withdraw the demand.

The demand for the previous question was not seconded, only forty members having voted therefor.

Mr. PECK. I now move to refer this bill to the Committee on Ways and Means.

Mr. STRAUB. Is it now in order to move to amend this bill?

The SPEAKER. There is already a motion to amend offered by the gentleman from Alabama [Mr. Cobb] pending. There is, however, a motion also pending to refer the bill to the Committee on Ways and Means, and until that motion is disposed of, no motion to amend can be acted on.

Mr. DAWSON. Upon the motion to refer I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The bill, with the amendment, was then referred to the Committee on Ways and Means.

Mr. HOWE. I move that the vote last taken, by which the bill was referred to the Committee on Ways and Means, be reconsidered, and that the motion to reconsider do lie upon the table.

The question was taken, and the latter motion was agreed to.

PRESIDENT'S MESSAGE.

Mr. HOUSTON. For the purpose of again testing the sense of the House, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Cries of "No, no," and "Let us go through the call of the States."]

The question was put, and the motion agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The first business in order being the consideration of the President's message,

Mr. HOUSTON. I now desire to submit a series of resolutions for the distribution of the President's message among the several committees. I submit the following:

1. *Resolved*, That so much of the annual message of the President of the United States to the two Houses of Congress as relates to our foreign affairs, together with the accompanying correspondence in relation thereto; to the claims of the subjects of Spain for losses in the case of the schooner *Amistad*; making the boundary line between the United States and the British Provinces on the northwest, as designated in the convention of the 15th June 1846, be referred to the Committee on Foreign Affairs.

2. *Resolved*, That so much of said message and accompanying papers as relates to the existing tariff, and recommends a revision and change of its provisions; so much as relates to the condition of the Treasury and finances of the Government; to the public debt and its payment; the estimated receipts and expenditures for the ensuing fiscal year, be referred to the Committee on Ways and Means.

3. *Resolved*, That so much of said message and accompanying papers as relates to the condition and operation of the Army of the United States, and recommends an increase or modification of the same; also, all recommendations for new arsenals, magazines, and barracks, together with the report of the Secretary of War, be referred to the Committee on Military Affairs.

4. *Resolved*, That so much of said message and accompanying papers, as relates to the Navy of the United States, its condition and operation, and recommends an increase of the same, together with the report of the Secretary of the Navy, be referred to the Committee on Naval Affairs.

5. *Resolved*, That so much of said message and accompanying documents, as relates to the enlargement and modification of the present judicial system of the United States, and to the prevention of frauds upon the pension bureau—be referred to the Committee on the Judiciary.

6. *Resolved*, That so much of said message and accompanying documents as relates to the intercourse with the Indian tribes, be referred to the Committee on Indian Affairs.

7. *Resolved*, That so much of said message and accompanying documents as relates to the Post Office Department, its condition and operation, together with the report of the Postmaster General, be referred to the Committee on the Post Office and Post Roads.

8. *Resolved*, That so much of said message and accompanying documents as relates to commerce and tonnage duties, be referred to the Committee on Commerce.

9. *Resolved*, That so much of said message and accompanying documents as relates to the public lands, their survey and sale, the extension of the present land system over the Territories of Utah and New Mexico, the extension of the preemption principle, and free grants of land in aid of the construction of railways, be referred to the Committee on Public Lands.

10. *Resolved*, That so much of said message and accompanying documents as relates to the District of Columbia, be referred to the Committee on the District of Columbia.

11. *Resolved*, That so much of said message and accompanying documents as relates to a survey and construction of a railroad from the river Mississippi to the Pacific ocean, be referred to the Committee on Roads and Canals.

12. *Resolved*, That so much of the said message and accompanying documents as relates to the public buildings, be referred to the Committee on Public Buildings and Grounds.

13. *Resolved*, That so much of the said message and accompanying documents as relates to patents, the operations of the Patent Office, and the modification of existing patent laws, be referred to the Committee on Patents and the Patent Office.

Mr. BAYLY, of Virginia. I move that the committee do now rise. I desire to address the committee on some points involved in these resolutions, but the House perceives that I am entirely too hoarse to do so now.

Mr. GIDDINGS. Perhaps the gentleman from Virginia will give way. If he is not ready or able to address the House at this time, some other member may be.

Mr. BAYLY. I may not be able to get the floor again.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia, that the committee do now rise.

Mr. GIDDINGS. I hope the gentleman from Virginia will not press his motion.

Mr. BAYLY. I am surprised at such a request coming from the gentleman from Ohio. He knows, as well as any gentleman in this House, how difficult it is to obtain the floor. I have got it now, and if, through courtesy to him, I yield it, I have no assurance that I shall be able to get it again.

Mr. GIDDINGS. Will the gentleman allow me to assign a reason why I desire him to withdraw his motion?

The CHAIRMAN. The question is on the motion of the committee do now rise.

The question was then taken, and a division being demanded, there were—ayes 65, noes 64.

Mr. BAYLY. As the vote is so close, sir, I withdraw my motion that the committee rise, and surrender my right to the floor.

Mr. SMITH, of New York, obtained the floor, and addressed the House, presenting his views in the Koszta affair; lauding the conduct of Captain Ingraham; but arguing that he should have demanded the immediate release of Koszta without consulting the French consul. (See Appendix for the speech.)

Mr. S. having concluded—

Mr. PRESTON said: I have listened, Mr. Chairman, not without a certain degree of interest, to the gentleman from New York, [Mr. SMITH,] who has just addressed the committee; and I now desire its indulgence for a brief response, though nothing could have been further from my intentions than the design of offering any remarks to-day in relation to any subject that engages the legislative attention.

Living, as I do, in a State recognizing slavery, and firmly convinced, as I am, of the propriety of protecting our property in slaves, yet I do not desire to reply in any intolerant spirit to the views which have been advanced by the gentleman from New York. I feel conscious that the great and wise men who ushered our Government into existence, and laid its foundations deep in truth and justice, were not inferior in religion or philanthropy to those who assail the rights of the southern members of the Confederacy, assail their institutions, and decry their people. And although I may feel, with a strength of conviction that my language cannot adequately express, the injustice of assailing those rights, yet it is far from me to desire to evade or strangle discussion by denunciation or violence. I trust to the power of truth to show that the men of the South are not the representatives of a people enduring the odious tyranny that the gentleman asserts; that they are not men tolerating and fostering a wrong against every dictate of humanity and justice, but entertaining far wiser and more practical views than those misguided enthusiasts who would shake to its center a Government planned by patriots and statesmen, and cemented by the public prosperity.

Enthusiasm, sir, is respectable even in error. It is attractive when clothed in the fullness of appropriate language, and marked by eloquent delivery; but this should not blind us to the pernicious sentiments contained in the remarks we have heard

The gentleman from New York has sought to institute a parallel between the principles of abolition and those contained in the letter of the Secretary of State to the Chevalier Hülsenmann in relation to the surrender of Martin Koszta. To institute a comparison which would unite principles so dissimilar, would be to create a monster in the political world more deformed than the Siamese twins in the physical world.

The sum of the doctrine in the Koszta letter, as asserted by the American Secretary, is, that Martin Koszta, having taken the initiatory steps to become a citizen of the United States, and having filed his declaration of intention in our courts, became clothed with such a nationality that, having gone into the city of Smyrna, in the peaceful pursuit of business or of pleasure, that he was still under the protecting power of the American flag, and beyond recapture by the power of Austria. But, let me ask the gentleman, if a treaty had existed between Austria and the Government of the United States, by which the solemn faith of the American Government were pledged to restore such refugees, as we stipulate for the extradition of felons with Great Britain under the Ashburton treaty, whether, without a violation of faith, we could have refused to surrender the fugitive? There can be but one solution to the question. Yet, have not the States of the American Union something more solemn and more obligatory than a mere treaty to compel the extradition of fugitive slaves; something more than a compact, as Webster expounded it, in his memorable reply to Hayne; something more solemn and more binding than treaty or compact—the very Constitution itself, upon which our Government exists. A sovereign can recede from a treaty or a compact, and no tribunal on earth but itself can judge it; but in our Constitution—the most solemn form of obligation that society knows—a tribunal, the Supreme Court, is established to assist in the enforcement of the rights of the people composing the Confederacy. This Constitution, solemnly ratified, guarantees to the slaveholding States the protection of their property, and the extradition of fugitive slaves, when they escape into sister States where the institution is not recognized. Shall those solemn promises be fulfilled?—or shall the pseudo-philanthropist, with the Bible in his hand—the Bible upon which the founders of our Government, and the two hundred and thirty-eight gentlemen here assembled, were sworn to support the Constitution—invoke our body to disregard its precept, and commit meditated perjury by violating its provisions? Yet, such is the morality that fanatical enthusiasm proposes.

The logic of the Secretary of State has been assailed, upon the ground that he has chosen to place an unwarranted limitation upon the divine injunction that you should "do unto others as you would they should do unto you;" yet I would ask of the gentleman who has so keenly criticised the expression, if it is not a plain matter to an unsophisticated mind, that we should fulfill the promises that we make to others? and if, under this principle, the people of the North are not morally bound to fulfill their promises to their southern brethren?

The correspondence in relation to the seizure of Koszta does honor to the Administration and the Government; but while the Secretary sustained his views with great ability, I trust I may be pardoned the digression if I remark that, in my opinion, the acts of Congress in relation to naturalization still further fortified his position. Our whole theory of the right of expatriation is in conflict with the English, and, I believe, the general European law, which maintains that a subject has no power to divest himself of the allegiance due to the Government under whose jurisdiction he is born. It is clear that if Koszta had received his final letters of naturalization, that, according to our theory, it was undoubtedly our duty to protect him. Until the year 1848, our naturalization laws required an alien to reside in the United States continuously for five years before the final letters were granted. Any non-residence or absence from our jurisdiction vitiated his right. In the year 1848, an act was passed by Congress permitting the time to be computed during the absence of the alien, which, by implication, authorized him to go abroad during the period of his acquiring citizenship. This act, as I conceive, gave full authority to Koszta to visit Smyrna; and the

United States were as much bound to afford him the protection of our Government as they would have been to an alien fully naturalized, or to a native citizen.

The gentleman from New York, Mr. Chairman, has not only criticised the letter of the Secretary, but has chosen to make this the occasion for a general denunciation of the institution of slavery in the southern States. I know, sir, that the subject is trite and exhausted; but I feel unwilling that the remarks which he has uttered should pass without some reply.

The southern States, since their earliest colonial history, have been peopled by two races, of different color and of different civilization. We hold them in bondage because we are unwilling to amalgamate with them, and desire to keep our Teutonic blood pure and uncorrupted by any baser admixture; because we prefer that their untutored labor should be directed by the superior intelligence of our race to useful industry, rather than that they should be freed from all wholesome restraint, and left without coercion to pollute our blood and destroy our progress. It is not within our comprehension to divine the cause which has made the Ruler of Nations establish this order of things.

The wisdom of man cannot foresee or penetrate the means by which the civilization of nations is directed by Him. We see ourselves surrounded by three millions of the African race, who, under the dominion of the white race, has, in two hundred years, made greater advances in religion and civilization than they have made in four thousand years in their aboriginal condition. If, at this hour, the angel of death were to breathe upon the face of our people, as it did upon the hosts of Sennacherib, the surviving black race would exhibit a picture of civilization more remarkable than any that Africa has ever exhibited. But the African is not the only race which has been subject to slavery. Eight hundred years since our boasted Saxon ancestors endured a slavery as abject as that of the southern negro. The history of all savage races who have attained the blessings of civilization, show that they have marched to freedom through the portals of slavery. Where two races of widely different civilization exist together, the superior exterminate or enslave the inferior. The indocility of the Indian will cause him to be swept from the face of the earth. Slavery seems to be the price that ignorance pays to intelligence for its tuition in the arts of civilization.

Nothing can be more disastrous to a State than the premature enfranchisement of an enslaved race. They gangrene upon the face of its society, until it perishes under the affliction. It is a singular historical fact, and worthy of note, that the first Abolitionist was the first person who introduced African slavery upon the shores of America. Las Casas, the Bishop of Chiapas, after Cortez conquered Mexico, felt the deepest compassion for the Indians who were allotted as slaves to his Spanish adventurers. He petitioned the King of Spain that these Indian slaves should be enfranchised; and that the more robust and hardy negroes of the African coast should be imported. His prayer was granted; and it is to him the thralldom of the African in America is to be first attributed. The misfortunes of Mexico at this hour are, in my opinion, attributable, in a great measure, to the indiscreet philanthropy of Las Casas. The barriers which separated the races were cast down, the Castilian blood no longer ran pure and unpolluted in the veins of the people. The great preponderating Mestizo, or mixed race, was engendered; and he who will walk through the streets of Mexico will see all the horrid results of a debased amalgamated race, as he sees the Mexican of pure Spanish descent spurn from him with his foot, as he would some beast, the loathly Mestizo that obstructs the way.

But let me turn for a moment from a consideration of this picture, and ask if our forefathers had framed the wise and beneficent government we enjoy; if to-morrow the Ohio were the military line of demarcation between the North and South, as the Rhine between Germany and France; if forts were erected, custom-houses established, and armies posted; if union were proposed to remedy all these evils, would it be accepted? If we were assembled as delegates, and the South were to demand the same terms our Constitution guarantees, and the regulation of our

own domestic institutions, can we for a moment doubt, that after all the benefits we have experienced, the North would not be willing and anxious to accede to its provisions? Or would we of the South, forgetful of the gallant spirit of our forefathers who planted the southern colonies, and whose descendants, surmounting the crests of the Alleghenies, bore civilization and religion into the primeval forests of the West, until they were borne over Kentucky and Missouri, even to the golden shores of California, prove recreant to the glorious memories of the past, and submit to dishonorable dictation?

I respect the generosity of emotion that seems to move the gentleman from New York, decisively as I differ from every sentiment he utters; but I must say, that the abolition of African slavery, and its agitation, are fraught only with the most pernicious consequences to our common country. I live in a State in which the institution of slavery exists, in which we have stood by our southern brethren, and will stand by them in the defense of our rights; and that if slavery be not perpetual, the hand of time will do more for the cause than the misdirected efforts of philanthropy or fanaticism. We may aptly say, when we point to the ameliorations wrought already by time in the condition of our slaves,

"Turne, quod optanti Divum promittere nemo
Auderet, volvenda dies en attui ultro."

I trust, Mr. Chairman, that this topic may no longer be the subject of agitation; for I feel assured that, if it is continued, it will overwhelm the institutions we have inherited from our wise and patriotic ancestors in irretrievable ruin.

Mr. DEAN obtained the floor, but yielded to Mr. McMULLIN, who moved that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman [Mr. ORR] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the annual message of the President of the United States, and had come to no conclusion thereon.

On motion by Mr. EASTMAN,
The House then adjourned until to-morrow.

IN SENATE.

WEDNESDAY, December 21, 1853.

Prayer by the Rev. WILLIAM H. MILBURN.
The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. CHASE presented the petition of C. Son-tag, a citizen of Cincinnati, praying indemnity for spoliation committed by the French prior to 1801; which was referred to the Committee on Foreign Relations.

Mr. BRIGHT presented the petition of certain citizens of Georgetown, in the District of Columbia, praying that they may be incorporated as a company for the manufacture of gas; which was referred to the Committee on the District of Columbia.

Mr. THOMSON, of New Jersey, presented joint resolutions passed by the Legislature of New Jersey, requesting the Senators and Representatives from that State to use their influence to obtain an appropriation for the purpose of constructing a light-house on Absecom beach, and anchoring a bell buoy outside of Absecom bar; which were read, referred to the Committee on Commerce, and ordered to be printed.

Also, joint resolutions of the Legislature of New Jersey, requesting the Senators and Representatives from that State to endeavor to procure an appropriation for the construction of a break-water at Cape May; which were read, referred to the Committee on Commerce, and ordered to be printed.

Mr. JONES, of Iowa, presented the petition of the Lyons Railroad Company, asking a grant of land to aid in the construction of their railroad from Lyons, on the Mississippi river, to the Missouri river, in said State; which was referred to the Committee on Public Lands.

Also, additional documents in support of the claim of Mrs. Caroline Nichol; which, with the

papers already on file, were referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. WALKER, it was

Ordered, That the petition and papers in the case of James M. Crane be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. WADE, it was

Ordered, That the petition and papers in the case of John Devlin be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. WADE, it was

Ordered, That the papers in the case of Nancy Scott, and the papers of the heirs of Daniel Landon, be withdrawn from the files of the Senate, for the purpose of being presented in the House of Representatives.

On motion by Mr. SEWARD, it was

Ordered, That the papers in the case of Reeder, Johnson, and Jones be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. THOMSON, of New Jersey, it was

Ordered, That the petition and papers of Mary C. Hamilton be withdrawn from the files, and be referred to the Committee on Pensions.

On motion by Mr. THOMSON, of New Jersey, it was

Ordered, That the petition and papers relative to the claim of Jonathan H. Carter be withdrawn from the files, and referred to the Committee on Naval Affairs.

On motion by Mr. FITZPATRICK, it was

Ordered, That the papers in the case of Hugh Wallace Wormley be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. PRATT, it was

Ordered, That the petition and papers of Erkskine and Eichelberger be withdrawn from the files, and referred to the Committee on Claims.

On motion by Mr. CASS, it was

Ordered, That the petition and papers relative to the claim of Hezekiah Miller be withdrawn from the files, and referred to the Committee on Claims.

On motion by Mr. MASON, it was

Ordered, That Nathaniel Kuykendall have leave to withdraw his petition and papers from the files of the Senate.

NOTICES OF BILLS.

Mr. HAMLIN gave notice of his intention to ask leave to introduce a bill authorizing the construction of a line of telegraph from the Mississippi river to the Pacific ocean.

Mr. SLIDELL gave notice of his intention to ask leave to introduce a bill granting the right of way and a portion of the public lands to the State of Florida, to aid in the construction of a railroad across the peninsula of that State.

BILLS INTRODUCED.

Mr. SHIELDS, in pursuance of previous notice, asked and obtained leave to introduce a bill for the benefit of locators and purchasers of swamp and overflowed lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CHASE, in pursuance of previous notice, asked and obtained leave to introduce a bill to divide the State of Ohio into two judicial districts, and to provide for holding the district and circuit courts of the United States therein; which was read twice by its title, laid on the table, and ordered to be printed.

Mr. DIXON, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the heirs at law of Lieutenant Charles A. Wickliffe, Jr.; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. HAMLIN, in pursuance of previous notice, asked and obtained leave to introduce a bill to remunerate the States of Maine and Massachusetts for lands conveyed to enable the United States to fulfill stipulations of the treaty of Washington; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FITZPATRICK, agreeably to previous notice, asked and obtained leave to introduce a bill to authorize the payment of certain claims for losses sustained and depredations committed during hostilities with the Creek and Seminole Indians, in the years 1836 and 1837.

The bill was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FOOT, agreeably to previous notice, asked and obtained leave to introduce a bill making a grant of lands to the several States and Territories of the Union for the benefit of indigent insane persons.

The bill was read twice by its title, and referred to the Committee on Public Lands, and ordered to be printed.

FRENCH SPOILIATION BILL.

On motion by Mr. HAMLIN, it was

Ordered, That the Committee on Foreign Relations be discharged from the further consideration of the bill to provide for the ascertainment and satisfaction of the claims of American citizens, for spoiliations committed by the French prior to the 31st day of July, in the year 1801, and that the bill, together with all matters relating to the subject, be referred to a select committee of five, to be appointed by the President *pro tem*.

REPORTS OF STANDING COMMITTEES.

Mr. HAMLIN. The Committee on Commerce, to which was referred the memorial of the Mississippi Baptist State Convention, praying that adequate measures may be taken to secure to American citizens religious liberty abroad, ask to be discharged from the further consideration thereof, and that it be referred, together with all papers in regard to that subject, to the Committee on Foreign Relations.

The motion was agreed to.

He also, from the same committee, to which was referred the petition of Noah Miller, submitted a report, accompanied by a bill for his relief, entitled "A bill for the relief of the legal representatives of Noah Miller."

The bill was read and passed to a second reading. The report was ordered to be printed.

Mr. WADE, from the Committee on Claims, to which was referred the petition of Priscilla C. Simonds, submitted a report, accompanied by a bill, for her relief. The bill was read and ordered to a second reading; and the report was ordered to be printed.

Mr. PRATT, from the Committee on Claims, to which was referred the petition of the legal representatives of Doctor William Somerville, deceased, submitted a report, accompanied by a bill for their relief. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. BENJAMIN, from the Committee on Commerce, to which was referred the petition of merchants of New Orleans, praying an extension of that port, submitted a report, accompanied by a bill to extend the limits of the port of New Orleans. The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the memorial of Cornelius Macauley, submitted a report, accompanied by a bill for his relief; which was read and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to which the subject was referred, submitted a report, accompanied by a bill for the relief of Mary E. D. Blaney, widow of the late George Blaney; which was read and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Daniel Winslow, submitted a report, accompanied by a bill for his relief; which was read a first time, and passed to a second reading.

The report was ordered to be printed.

INCREASE OF THE NAVY.

Mr. GWIN, from the Committee on Naval Affairs, reported that the committee had had under consideration that portion of the report of the Secretary of the Navy recommending an increase of the navy, in which he asks for authority to have constructed, at least, six first-class frigate propellers, and suggests that if the authority be granted, the appropriation should be made at an early date to enable the Department to build them with dispatch; and that the committee fully concurred in the suggestions and recommendations of the Secretary of the Navy, and would give its attention to the bill, making appropriations for this object, which is expected at an early day from the House of Representatives.

The report was read.

Mr. GWIN. Mr. President, the subject embraced by that report was earnestly presented to the consideration of Congress by the Secretary of the Navy, and the Committee on Naval Affairs has acted upon it promptly, so far as the principle is concerned. The Committee on Naval Affairs of the House has reported a bill to provide for the construction of six steam frigates, and I notify

the Senate that, as soon as that bill comes here, I shall move for an early consideration of it.

BRIG KATE BOYD.

Mr. SEWARD. The Committee on Commerce, to which was referred a joint resolution for the relief of the owners of the brig Kate Boyd, have directed me to report the same back to the Senate, with the recommendation that it do pass. The subject of the joint resolution arises from an application by the owners of the Kate Boyd, of Boston, for indemnity for losses sustained by the detention of the vessel at New York by order of the officers of the Government, in 1850. The case was at the last session the subject of correspondence between the committee and the Departments of State and the Treasury.

The joint resolution proposes to refer the subject for adjustment to the Departments, namely, to the Secretary of State and the Attorney General. I will ask the unanimous consent of the Senate to consider it at this time.

The resolution was considered by unanimous consent as in Committee of the Whole. It proposes to direct that the petition and papers of the owners of the brig Kate Boyd, formerly owned chiefly by Gregorson & Sumner, of Boston, praying for indemnity for losses sustained in consequence of its seizure at New York, by the district attorney of that district, under the authority of the President, be referred to the Secretary of State and the Attorney General to adjust the same; and if the legal rights of the petitioners were violated, whereby they received damage, to allow such indemnity as to them shall appear to be just; and that the Secretary of the Treasury shall cause such allowance, if any be made, to be paid to the owners.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed. The report of the committee was ordered to be printed.

WAREHOUSING SYSTEM.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill to extend the warehousing system by establishing private bonded warehouses, and for other purposes, reported the same back without amendment, and recommended its passage.

SMALL NOTES IN THE DISTRICT.

Mr. NORRIS, from the Committee on the District of Columbia, to which was referred a bill to suppress the circulation of small notes as a currency in the District of Columbia, reported the same back with an amendment.

Mr. ADAMS. I desire to ask the Senate to consider the bill at this time.

The PRESIDENT. It requires unanimous consent.

Mr. ADAMS. I hope there will be no objection.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill. It proposes to forbid the making, issuing, emitting, signing, drawing, or indorsing of any paper as a currency in the District of Columbia less than five dollars; that for every violation of the provision, the party violating it shall forfeit ten dollars, one half for the use of the person who shall sue therefor, and the other half for the use of the county of Washington; that it shall be unlawful for any person, or body politic, or corporate, to pass such paper as currency, under the penalty of forfeiting not less than five, nor more than ten dollars for every offense; that on failure of any person or body issuing such paper, to redeem the same when presented, they shall forfeit twenty dollars for every offense; that the penalty shall be recovered in an action of debt, before any justice of the peace in the District; that all contracts, whether written or verbal, to pay or deliver money, or any valuable thing, the consideration whereof may be wholly or in part any circulating medium under five dollars, shall be held illegal; that it shall be lawful for the court before which the suit may be brought, to cause to be examined as witnesses any defendants to such suit, touching the matter in controversy; that where evidence sufficient to prove the nature of a contract, above specified, cannot be obtained, it shall be lawful for the court to require the plaintiff to be sworn to testify the truth in regard to the transaction; that

when any one in business, under a license, shall either receive or pay out such paper, it shall be the duty of the attorney of the United States for the District to institute proceedings in the circuit court, requiring the offenders to show cause why their license should not be forfeited; and that, on proof of such charge, the license shall be forfeited; and that the act shall be in force from and after the passage thereof; and any parts of former acts which may be repugnant to it, shall be repealed.

The amendment of the committee was to insert in the fifth section, after the word "verbal," the words "hereafter made," so that it will read:

"All contracts, whether written or verbal, hereafter made to pay or deliver money, or any valuable thing, or thing purporting to be a valuable thing, the consideration whereof may be either wholly or in part any paper currency or circulating medium under five dollars, or other paper or currency prohibited by the act, shall be deemed and held to be illegal."

The amendment was agreed to.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) If there be no further amendment, the bill will be reported to the Senate as amended.

Mr. PEARCE. The subject embraced by the bill is an important one, and one which I think should not be hurried through the Senate in this manner. I would suggest that it should have a more mature consideration on the part of the Senate, and that its further consideration should be postponed for a few days.

Mr. ADAMS. As the consideration of the bill is objected to, I will not press it at this time, but ask that it be made the special order for some future day. What day will the Senator suggest?

Mr. PEARCE. I will suggest Tuesday week, and at the same time move that the bill, as amended, be printed.

Mr. ADAMS. I move then that the bill be postponed until next Tuesday week, and be made the special order of the day for one o'clock.

Mr. GWIN. The bill is an important one, and should be acted upon at an early period. The Senator from Maryland only asks for a short delay. I therefore suggest that it be made the special order of the day for Tuesday next. I make that motion.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The question will be put on the longest period first.

Mr. ADAMS. I withdraw my motion.

Mr. Gwin's motion was agreed to, and the bill was ordered to be printed.

LIEUTENANT GENERALCY.

Mr. SHIELDS, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution, authorizing the President of the United States to confer the title of lieutenant general by brevet for eminent services; which was read twice by its title.

Mr. SHIELDS. I move that the joint resolution be referred to the Committee on Military Affairs.

Mr. DAWSON. I trust the resolution will not be referred. It has often been before the Senate at previous sessions, and has been passed more than once. I think it would be better for the Senate to designate a day on which to take up and act upon the resolution. I hope that course will be pursued.

Mr. SHIELDS. The honorable Senator is correct when he says that this joint resolution is precisely similar to the one which was passed by the Senate at the last session, by a very decisive vote, and without any very serious opposition.

Mr. SEWARD. Why not pass it now?

Mr. SHIELDS. If there be no objection, I should be very much pleased to have the resolution acted upon at this time. But I anticipated some opposition to that course, and therefore I proposed the reference. I ask, however, if there be no objection, that the resolution may be considered at this time.

Mr. PETTIT. I object to the consideration of the resolution at this time.

Mr. DAWSON. Then let it be referred.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The question will now be on the motion to refer.

Mr. SHIELDS. I withdraw the motion, so as to let the joint resolution take its place on the Calendar.

PIONEER MANUFACTURING COMPANY.

Mr. PRATT. I am instructed by the Com-

mittee on the District of Columbia to report a bill to incorporate the Pioneer Manufacturing Company of Georgetown. I presume there can be no objection on the part of any one to the passage of the bill at this time. It was considered by the Senate, and passed unanimously at the last session.

The bill was read twice by its title, and considered by the Senate as in Committee of the Whole. It proposes to incorporate Thomas Wilson, Evan Lyons, Esau Pickereil, Thomas Brown, their associates, successors, and assigns, as a body-politic and corporate, for the purpose of manufacturing cotton, woolen, and silk goods at Georgetown, in the District of Columbia, and authorizes them to have a capital stock of \$200,000, divided into shares of \$100 each. It further proposes to give the company the usual privileges of incorporated companies, and restricts them from the exercise of banking powers; and reserves to Congress the right to alter or repeal the charter, whenever the public good may require it.

Mr. PETTIT. I would ask the honorable Senator from Maryland whether the bill contains the individual liability clause? Whether it makes the stockholders liable individually for the indebtedness of the company?

Mr. PRATT. It does not.

Mr. PETTIT. I desire to prepare and offer an amendment providing that the stockholders shall be individually responsible for the liabilities of the company.

Mr. GWIN. I hope the Senator from Maryland will consent to let this subject go over, if it is to lead to debate. Certainly a debate on the subject was not expected.

Mr. PRATT. I did not anticipate that there would be any objection to the bill.

Mr. PETTIT. Has the bill been reported from a committee?

Mr. PRATT. Yes, sir; and in precisely the same form in which it passed the Senate at the last session.

Mr. GWIN. I move to postpone the further consideration of the subject until to-morrow.

Mr. PRATT. If the Senator from Indiana insists on his amendment, I suppose the bill must go over.

Mr. PETTIT. I shall insist upon it. I shall vote for it myself, but I do not know the feeling of the Senate in regard to it.

Mr. PRATT. Then let the bill go over.

The motion to postpone was agreed to.

Mr. GWIN. I move that the bill, as reported, and the proposed amendment, be ordered to be printed.

The motion was agreed to.

REFERENCE OF JUDICIAL PROCEEDINGS.

Mr. SEWARD. I offer the following resolution:

Resolved, That the Committee on the Judiciary inquire whether, consistently with the Constitution, provision can be made for referring causes instituted according to the course of the common-law, to referees, and whether such provisions, if they could be constitutionally made, would be expedient.

Mr. President, I hold in my hand communications from a judge of the Supreme Court, and from some professional gentlemen, upon the subject involved in the resolution. I ask, if there be no objection, that the resolution be now considered, and that the communications which I hold in my hand be referred to the Committee on the Judiciary.

The resolution was agreed to, and the communications were so referred.

CENSUS PRINTING.

Mr. BRODHEAD. During the last session of the last Congress, the House of Representatives ordered the publication of one hundred thousand copies of the "Abstract of the Census," for the use of that body. The Senate has not yet ordered the abstract to be published. I think it will be necessary for us to have some fifteen or twenty thousand copies of that document. We have daily applications for the Abstract of the Census. I beg leave, therefore, to offer a resolution ordering the printing of twenty thousand copies of the Abstract of the Census, being the report of the Superintendent, which was published by the House of Representatives. I hold in my hand a copy of the document; perhaps Senators have seen it. I offer the resolution, and ask for its consideration at this time:

Resolved, That there be printed for the use of the Senate, twenty thousand copies of the Abstract of the Seventh Census, being a report of the Superintendent of the Census as published by the House of Representatives at the last session of the last Congress.

Mr. HAMLIN. Is the resolution of the Senator from Pennsylvania before the Senate for consideration? Do not the rules require that all such resolutions shall go to the Committee on Printing?

The PRESIDING OFFICER. If there be any objection, the resolution must go over as a matter of course.

Mr. HAMLIN. I make no objection to the consideration of the resolution at this time. I only desire to say that a resolution, similar in its import, was submitted to the Senate at the last session, and I believe that the Committee on Printing came to the conclusion not to report favorably upon it, for the reason that they believed there were such inaccuracies in the abstract that they would not be warranted or justified in recommending its publication. I now desire to say, that the subject of printing an additional number of the census, as finished under the superintendence of Mr. De Bow, together with abstracts of the same, and other matters connected with that subject, are now before the Committee on Printing; and with that matter before them, I do not myself see the necessity for ordering an additional number of the old abstract which has already been printed.

Mr. GWIN. I am in favor of printing additional copies of the census, but not of the abstract. I think that the number of the census which has been printed is entirely too small. As a member of this body, I have received numerous applications for copies of the census, as taken by the officers of the United States. I am in favor of printing it in large numbers, and distributing it among the people. Therefore, I object to this resolution, and hope the Senate will order the publication of an additional number of the census.

Mr. CASS. What is the number of copies of the census which has been printed for the Senate?

Mr. HAMLIN. Eight thousand, I believe.

The PRESIDING OFFICER. If objection be made, the resolution must go to the Committee on Printing.

Mr. PRATT. Mr. President, the abstract which has been prepared, and one copy of which has been laid on the table of every Senator, is a document which I cannot wish to see printed for the Senate, although I believe that a proper abstract of the Census would be a document which should be printed, for the purpose of being more generally distributed amongst our constituents than the Census at large will be. But I agree with those Senators, who think that the abstract of the Census which has been prepared, is not such a document as is worthy to be printed and sent abroad. I have looked over it, and I do not think that there is more than a single table, containing about half of a page, which would be of the least practical utility to the public, if printed and sent amongst them. I refer to the last table in the book. That would be useful, but it does not cover more than half of one page.

I think that the subject—being before the Committee on Printing—should be allowed to rest there for the present, that they may cause, in some way, such an abstract to be made of this immense volume as will be useful to our constituents; and that a sufficient number of it may be printed by us to give it a general circulation.

The PRESIDING OFFICER. The resolution being objected to, must go, as a matter of course, to the Committee on Printing, under the rules.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 21, 1853.

The House met at twelve o'clock, m.

Prayer by the Rev. Mr. MILBURN.

The Journal of yesterday was read and approved.

Mr. ROLAND JONES, a Representative from the State of Louisiana, appeared, and was qualified by taking the customary oath to support the Constitution of the United States.

SEAMEN IN THE MERCHANT SERVICE.

The SPEAKER laid before the House a communication from the Secretary of State, containing an abstract of the returns made to the Department by the collectors of customs, showing the

number of seamen registered in the several ports of entry in the United States, during the year ending September 30, 1853.

On motion by Mr. BAYLY, of Virginia, the communication was laid upon the table and ordered to be printed.

CENSUS REPORT.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, inclosing the report of the Superintendent of the Census, dated the 14th instant, to which brief allusion was made in the annual report of said Secretary; which was ordered to lie upon the table and be printed.

REPORTS FROM COMMITTEES.

The SPEAKER then proceeded to call the committees for reports.

On motion by Mr. PECKHAM, the Committee on Revolutionary Claims was discharged from the further consideration of the following petitions; and the same were referred to the Committee on Revolutionary Pensions:

The petition of Hannah Reed, of Pennsylvania, asking for an increase of revolutionary pension; And the petition of the heirs of Michael Shaver, of Virginia, asking for a pension on account of their father having been killed at the battle of Camden.

RICHARD W. MEAD.

Mr. CHANDLER, from the Committee on Foreign Affairs, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed;

"A bill for settling the claim of the legal representatives of Richard W. Mead, deceased."

DELEGATE FROM NEBRASKA.

On motion by Mr. RICHARDSON, the Committee on the Territories was discharged from the further consideration of the memorial of Thomas Johnson, praying to be admitted a Delegate in Congress from the Territory of Nebraska; and the same was referred to the Committee on Elections.

SAMUEL COLT.

Mr. THURSTON, from the Committee on Patents and the Patent Office, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Samuel Colt."

The SPEAKER then proceeded to call the States for resolutions.

BOOKS ORDERED BY CONGRESS.

Mr. ORR. I offer the following resolution, and upon it I demand the previous question:

Resolved, That the House members of the Joint Committee on the Library be instructed to inquire into, and report what books have been ordered to be printed by authority of Congress which have not been completed; the progress made with the respective works; the time when they will probably be completed; the names of the contractors, and the work each one is to print; the contract prices stipulated to be paid for editing and publishing; and such other facts as may inform the House fully on the subject.

The previous question received a second, and the main question was ordered to be now put.

The question was then taken, and it was decided in the affirmative.

So the resolution was adopted.

POST OFFICE IN SAVANNAH.

Mr. SEWARD. I offer the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency and necessity of erecting a post office building in the city of Savannah, Georgia, and to report upon the same by bill or otherwise.

Mr. FLORENCE. If it be in order I would like to have an amendment attached to the gentleman's resolution, that the same inquiry be made by the Committee on the Post Office and Post Roads in regard to the city of Philadelphia. Perhaps it would be well enough to ask the committee to inquire into the expediency and necessity of affording better accommodations for post office purposes in all the principal cities of the United States.

The SPEAKER. Will the gentleman please submit his amendment in writing?

Mr. FLORENCE. I shall have to prepare it;

and not desiring to interrupt the gentleman's resolution, I now give notice that, when the opportunity is afforded me, I shall submit a resolution covering the whole ground of my suggestion.

The question was then taken on the resolution of Mr. SEWARD, and it was adopted.

OBSTRUCTIONS IN THE SAVANNAH RIVER.

Mr. SEWARD. I ask leave to introduce a bill, entitled "A bill to provide for the removal of obstructions in the river Savannah, in the State of Georgia, and for improvement of the same; and to reimburse the city council of Savannah for such sums as said city authorities may have heretofore expended for that purpose," of which previous notice has been given.

There was no objection, and the bill was read a first and second time by its title, and referred to the Committee on Commerce.

NAVY-YARD AND DEPÔT ON THE COAST OF GEORGIA.

Mr. S. also asked leave to introduce a bill, entitled "A bill to authorize the establishing of a navy-yard and depôt on the coast of Georgia, at the city of Brunswick, in Glynn county," of which previous notice had been given.

There was no objection, and the bill was read a first and second time by its title, and referred to the Committee on Naval Affairs.

CHAPLAINS TO CONGRESS AND THE ARMY AND NAVY.

Mr. DENT. I desire to present a memorial of sundry citizens of Georgia, praying the abolition of the office of Chaplain in Congress and the Army and Navy of the United States.

The SPEAKER. The gentleman can send his memorial to the Clerk's table, to be filed under the rule.

Mr. DENT. I know that, sir; but I desire to move a special reference of this petition, as it involves constitutional questions. I move its reference to the Committee on the Judiciary.

The SPEAKER. The gentleman can order it to be so referred when filing it with the Clerk.

SELMA AND GADSDEN RAILROAD.

Mr. DOWDELL. I ask leave of the House to introduce a bill, entitled "a bill granting the right of way to the State of Alabama, and a portion of the public lands to aid in the construction of a railroad from Selma, on the Alabama river, to Gadsden, on the Coosa river, in said State," of which previous notice has been given.

There was no objection; and the bill was read a first and second time by its title, and referred to the Committee on Public Lands.

HARBOR IMPROVEMENTS.

Mr. PHILIPS offered a resolution; which was read as follows:

Resolved, That the Committee on Commerce be instructed to inquire into the propriety of continuing and completing such of the river and harbor improvements as were appropriated for at the last Congress, and which, in the opinion of the committee, are within the constitutional powers of this Government, and of general interest and importance; and that they report at an early day of the session by bill or otherwise.

Mr. PHILIPS. Upon that resolution I demand the previous question.

Mr. DUNHAM. I would request the gentleman from Alabama [Mr. PHILIPS] to withdraw his demand for the previous question, until I can offer an amendment.

[Cries of "No!" "No!"]

Mr. DUNHAM. I desire, if the gentleman will withdraw the call for the previous question, to so amend the resolution that it shall be referred to the appropriate committee.

Under the rule of the House that resolution should go to the Committee on Roads and Canals. My purpose is, if the call for the previous question is not sustained, or if the gentleman withdraws it, to make the amendment I have indicated.

The SPEAKER. Is the call for the previous question withdrawn?

Mr. PHILIPS. I do not withdraw it, as I understand that the Committee on Commerce is the appropriate committee to which the resolution will be referred, under the rule of the House.

Mr. WENTWORTH, of Illinois. I ask for tellers upon the call for the previous question.

Tellers were ordered; and Messrs. HARRIS and MACE appointed.

Mr. DUNHAM. Before the question is taken, I desire to have the 95th rule read.

The SPEAKER. If there be no objection, the rule will be read.

There being no objection, the rule was read, as follows:

"98. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto, as to them shall seem expedient."

The question was then taken, and the tellers reported—ayes 76, noes 44.

So the previous question received a second.

The main question was then ordered.

Mr. WENTWORTH. I demand the yeas and nays upon the passage of the resolution.

The yeas and nays were ordered.

The resolution was again read by the Clerk.

Mr. MACDONALD. I move to lay the resolution upon the table.

Mr. WENTWORTH. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and the result was—yeas 55, nays 112; as follows:

YEAS—Messrs. Abercrombie, Willis Allen, David J. Bailey, Thos. H. Bayly, Bocoek, Boyce, Brooks, Chastain, Cobb, Craig, Cutting, John G. Davis, Dean, Dent, Disney, Dunham, Edmundson, Faulkner, Goode, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Hibbard, Hillyer, Houston, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Kurtz, Lamb, Lecher, Lilly, Macdonald, McQueen, Mace, Mayall, Morrison, Murray, Olds, Andrew Oliver, Orr, Packer, Bishop Perkins, Powell, Singleton, Skelton, William Smith, Snodgrass, Richard H. Stanton, John J. Taylor, Tweed, Vail, and Walker—55.

NAYS—Messrs. James C. Allen, Appleton, Belcher, Benson, Bissell, Bugg, Lewis D. Campbell, Carpenter, Chandler, Chase, Churchwell, Clark, Clingman, Corwin, Cox, Crocker, Cullom, Cumming, Curtis, Dawson, Dick, Dunbar, Eastman, Eddy, Edgarton, Edmunds, Ellison, English, Etheridge, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Giddings, Aaron Harlan, Harrison, Hastings, Haven, Henn, Hill, Howe, Hughes, Hunt, Johnson, Roland Jones, Keitt, Knox, Lane, Latham, Lindley, Lindsey, McCulloch, McMullin, Mace, Meacham, Middlesworth, John G. Miller, Morgan, Nichols, Noble, Norton, Mordecai Oliver, Parker, Peck, Peckham, Pennington, John Perkins, Phillips, Pratt, Preston, Pringle, Puryear, Ready, Reese, Richardson, Riddle, David Ritchie, Thomas Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Sapp, Seward, Seymour, Simmons, Gerrit Smith, Samuel A. Smith, William L. Smith, George W. Smyth, Frederick P. Stanton, Hester L. Stevens, Straub, Andrew Stuart, John L. Taylor, Thurston, Trout, Vansant, Wade, Walbridge, Walsh, Elihu B. Washburne, Israel Washburne, Wells, John Wentworth, Tappan Wentworth, Wheeler, Hendrick B. Wright, Yates, and Zollicofer—112.

So the House refused to lay the resolution upon the table.

Pending the call of the roll—

Mr. DISNEY said: I am in favor of this reference, though I was opposed to the river and harbor bill of the last Congress.

The question then recurred upon the passage of the resolution upon which the yeas and nays had been ordered, and being taken, the result was—yeas 111, nays 54; as follows:

YEAS—Messrs. James C. Allen, Appleton, Belcher, Benson, Bissell, Bugg, Lewis D. Campbell, Carpenter, Chandler, Chase, Churchwell, Clark, Clingman, Cook, Corwin, Cox, Crocker, Cullom, Dawson, Dick, Dunbar, Dunham, Eastman, Eddy, Edgarton, Edmunds, Ellison, English, Etheridge, Everhart, Ewing, Farley, Flagler, Florence, Franklin, Aaron Harlan, Harrison, Hastings, Haven, Henn, Hill, Howe, Hughes, Hunt, Johnson, Roland Jones, Knox, Lane, Latham, Lindley, Lindsey, McCulloch, Mace, Maxwell, Meacham, Middlesworth, John G. Miller, Smith Miller, Morgan, Nichols, Noble, Norton, Mordecai Oliver, Parker, Peck, Peckham, Pennington, Phillips, Pratt, Preston, Pringle, Puryear, Ready, Richardson, Riddle, David Ritchie, Thomas Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Sapp, Seward, Seymour, Simmons, Gerrit Smith, Samuel A. Smith, William L. Smith, George W. Smyth, Frederick P. Stanton, Hester L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Trout, Tweed, Vansant, Wade, Walbridge, Walker, Washburn, Wells, John Wentworth, Tappan Wentworth, Hendrick B. Wright, Yates, and Zollicofer—111.

NAYS—Messrs. Abercrombie, Willis Allen, David J. Bailey, Thomas H. Bayly, Barksdale, Bocoek, Boyce, Brooks, Chastain, Christian, Cobb, Craig, John G. Davis, Dean, Dent, Disney, Edmundson, Goode, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Hibbard, Hillyer, Houston, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Lecher, Lilly, McMullin, McQueen, Mayall, Morrison, Murray, Olds, Andrew Oliver, Packer, John Perkins, Powell, Reese, Rufin, Shaw, Singleton, William Smith, Snodgrass, Soliers, Richard H. Stanton, John J. Taylor, Vail, Walsh, and Wheeler—54.

So the resolution was passed.

Mr. DUNHAM. I move to reconsider the vote just taken by which the resolution passed; and, I believe, as the previous question has exhausted itself, the motion is debatable.

The SPEAKER assented.

Mr. DUNHAM. Mr. Speaker, it is as well that this House should settle now the principle upon which they are to act in reference to the matter which is to be referred to the Committee on Commerce and the Committee on Roads and Canals, so that both committees may not feel themselves called upon to go into the consideration of the same subjects. The question which we are now called upon to decide is, whether this matter properly belongs to the Committee on Commerce or to the Committee on Roads and Canals.

Mr. CLINGMAN, (interrupting.) I beg leave to suggest this question of order. I agree perfectly in opinion with the gentleman from Indiana, [Mr. DUNHAM,] that the previous question has exhausted itself, and that his motion is debatable. But I think it was decided the last session differently. I raise the point now, for the purpose of calling the attention of the Chair to the subject, so that the rule may be uniform. If I am not mistaken, the Speaker decided the last session that motions to reconsider, coming up under the circumstances similar to the present, were not debatable.

The SPEAKER. The recollection of the Chair is, that the practice has been uniform both before and during the last Congress, that the previous question had exhausted itself.

Mr. CLINGMAN. I think it will be recollected that during the last Congress, when motions to reconsider votes, taken under the operation of the previous question, were made, the decision of the Speaker was, that such motions were not debatable.

The SPEAKER. It is very often the case that incidental questions come up—the previous question resting upon the main question—which have been decided as not debatable; but it has been the uniform practice, according to the recollection of the Chair, that the previous question is exhausted whenever the final vote has been taken upon the main question to which it applies.

Mr. CLINGMAN. This resolution was adopted under the operation of the previous question, and I think the Chair now rightly decides that, when the question upon its adoption had been taken, the previous question was exhausted; but if he will consult the Journals of the House, I think he will find some decisions made the other way.

The SPEAKER. The Chair thinks the gentleman will find that the distinction has always been made between motions incidental to, and motions directly affecting, the main question.

Mr. CLINGMAN. I am certainly satisfied with the decision of the Chair; I only desired to call his attention to the subject, so that a uniform rule may be adhered to with respect to it.

Mr. DUNHAM. I was proceeding to remark, that it is a matter of some importance that the House shall decide now, and decide definitely, in reference to the proper reference of this subject; for it is useless, certainly, for two of the committees of the House to undertake to recommend legislation upon the same subject. Of course I do not consider the action of the House this morning as an insinuation of impropriety upon the part of the committee to which I have the honor to belong, in the course they have pursued in reference to this subject. Nevertheless, if this subject does properly belong to the Committee on Roads and Canals, the action of the House in taking it from them and in giving it to another committee, indicates at least, a want of confidence in them.

Now, sir, if gentlemen will refer to the 83d rule of the House, prescribing the duties of the Committee on Commerce, they will see that that committee has nothing whatever to do with the improvement of the channels of rivers. Their duties are confined to matters of commerce itself—commerce, in the strictest sense of the term. Again, if gentlemen will turn to the ninety-eighth rule, defining the duties of the Committee on Roads and Canals, they will find that the subject of the improvement of the channels of rivers is placed under their charge. The two subjects are perfectly distinct, the one from the other.

Mr. PHILIPS made a remark, which was inaudible to the reporter.

Mr. DUNHAM. I will read the rule, if the gentleman desires it.

Mr. PHILIPS. To what rule does the gentleman refer?

Mr. DUNHAM. To the 98th. I will read it: "98. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions, and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto, as to them shall seem expedient."

Mr. PHILIPS. Will the gentleman undertake to say that the subject of light-houses does not properly go to the Committee on Commerce?

Mr. DUNHAM. The subject of light-houses is not included in the bill to which this resolution refers. There is no conflict, I apprehend, between the two committees in reference to the subject of light-houses. The control of that subject has always been conceded to the Committee on Commerce.

So far as the subject of harbors is concerned, I present this view of the case: The rule prescribing the duties of the Committee on Commerce certainly has no more reference to the subject of harbors than the one I have read. Now, if there are some matters in that bill which, by an express rule of the House, go to one committee, and none of them to the other, I submit it to the gentleman from Alabama [Mr. PHILIPS] if the bill should not go to our committee?

The 83d rule reads as follows:

"83. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters of things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report, from time to time, their opinion thereon."

There is nothing in that rule that refers either to harbors, or rivers, or canals, but there is something in the other rule which does refer to them, and I therefore apprehend that there is a subject embraced in this bill which does not properly, under the rule, go to either of these committees; and also, a subject which does distinctly go to one committee. I say that the whole thing should go to that committee which is pointed out by the rule.

Now, I think there can be no doubt as to what these rules mean. The one refers to commerce in the abstract—to matters and things relating to commerce, as between States, and also as between this nation and other nations. This rule merely refers to the channels of commerce, or the means by which it is to be carried on. The one question goes to the Committee on Commerce, the other to the Committee on Roads and Canals. And, sir, when this House undertake to say that they will treat that matter which properly belongs to the Committee on Roads and Canals, and to give it to another committee—I will not say that the House so intends it—but it certainly carries with it the inference of a lack of confidence on the part of the House towards this committee.

Mr. YATES. Will the gentleman from Indiana allow me to ask him a question?

Mr. DUNHAM. Certainly.

Mr. YATES. I would ask whether this subject has not heretofore been referred, indifferently, to either committee; and, secondly, whether the Committee on Commerce has not always reported the river and harbor bills, and not the Committee on Roads and Canals?

Mr. DUNHAM. I will answer the inquiry of the gentleman from Illinois. This matter has heretofore been a mooted question. It has always been usual to refer these bills to the Committee on Roads and Canals. This committee was raised for the purpose of having such questions as this referred to it; and it is well known in this House that it is frequently the case, that when a rule stands in the way of the accomplishment of any particular object, a majority of this House are usually to be found ready to override the rule; and under such a practice I am willing to concede that this subject has been sometimes referred to a committee to which it does not belong.

In reference to the other inquiry which the gentleman puts, I will say merely that the gentleman is mistaken. I believe that in all cases where a matter has been referred to the Committee on Commerce, that committee has reported bills in regard to rivers and harbors; and I am inclined to think, in no case has the subject been referred to the Committee on Roads and Canals; but that committee has sometimes reported bills of this kind. I recollect that in the Congress preceding the last, this subject was referred to the Com-

mittee on Roads and Canals, of which a colleague of mine was chairman; and I know that in that case a bill was reported to this House, and, with that exception, I think there has never been an instance in which the subject was referred to the Committee on Roads and Canals.

But, sir, that is neither here nor there. I apprehend, that even if that committee has not done its duty heretofore, no fair inference can be drawn from that fact that the present committee, now for the first time organized, and containing, as it does, perhaps, not a single member who ever served upon it before, will not discharge its duty to this House and the country. I apprehend that, because a man may have held an office under the Government, and have failed to do his duty and been discharged, you are not to infer from it that the man who may succeed him will not do his duty either. It is a wrong inference, and that is the very thing that I complain of here. The vote of this House seems to say to the House and the country, that they have no confidence in the Committee on Roads and Canals, and that that committee will not discharge the duty intrusted to it. It is a gratuitous charge, if so intended—but I do not apprehend that it was so intended—because we have had no opportunity to show our hands—whether we will discharge our duty in this matter or not.

I maintain, then, that so far as the rules of the House are concerned, this matter should go to the Committee on Roads and Canals. So far as the practice of the House is concerned, the practice has been, as I have already remarked, to refer this subject to the Committee on Roads and Canals, except in cases where a majority of the House has taken it from that committee, because they feared that committee, and referred it to some other committee, where they thought they would have a better chance of success.

Now, sir, whilst I am upon this point as to whether that committee will do its duty upon this subject, I wish to call the attention of the House to the organization of the committees. Will gentlemen just take their list of committees, and look over the two committees? Look at the gentlemen placed upon the committees—their localities and the interests they represent. I submit to them whether they see anything in the organization of the Committee on Roads and Canals that foreshadows that this subject of internal improvements will not receive fair, full, and ample consideration at the hands of that committee? If gentlemen will look at the organization of the two committees, they will find that one of them has been expressly organized with reference to the commerce of the country, chiefly of members from the sea-board, while the other has been taken from the whole country—not only from the sea-board, but from the interior, where these improvements exist.

I have no doubt that if members look at the organization of these committees, they will see that the Committee on Roads and Canals, from its locality, is by far the most appropriate committee to which this subject can be referred. You will find upon it members not only from the sea-board but the interior of the northwest, and other interior portions of every section of the country, and that the subject can have fair consideration at the hands of the committee.

I think, therefore, sir, that this vote ought to be reconsidered; that this matter should be referred to the appropriate committee; that that committee should not be condemned in advance without trial; that the matter should be referred to them, and then, if they fail to discharge their duty to the House, the House will have the power of coercion, either by express order, that the committee shall report the bill, or by taking the matter from the committee, and giving it to another.

Mr. CAMPBELL, of Ohio. I desire merely to say that I concur fully in the remarks which have been submitted by the gentleman from Indiana upon this subject.

Mr. JONES, of Tennessee. I rise to a question of order. Has the gentleman from Indiana yielded the floor to the gentleman from Ohio?

Mr. WALSH. I rise to a question of order.

The SPEAKER. The gentleman from Tennessee will first state his point of order.

Mr. WALSH. My point of order has reference to the gentleman from Tennessee.

The SPEAKER. The gentleman will state what it is.

Mr. WALSH. I understand that, by the rules of the House, a gentleman must rise from his seat when he wishes to speak, and address the Chair. Now, the gentleman from Tennessee has not risen from his seat.

The SPEAKER. The Chair overrules the question of order. The gentleman from Tennessee is regularly on the floor.

Mr. JONES. I desire to know if the gentleman from Indiana has yielded the floor to the gentleman from Ohio?

The SPEAKER. The Chair understands that the gentleman from Indiana has yielded to the gentleman from Ohio.

Mr. JONES. Then, sir, I think it is high time to put a stop to this practice, which this House got into during the last Congress, of permitting one gentleman to hold the floor for an hour, and peddle it round the House. I believe the rule is that the floor can be yielded for explanation only, and not for debate.

The SPEAKER. It can be yielded for explanation only.

Mr. JONES. The gentleman from Ohio knows the practice which has prevailed heretofore, and I hope he will not, therefore, think that I make this point for the purpose of depriving him of the floor. My only wish is that the rules shall be enforced. The gentlemen are both old members, and know the abuses that grew out of this practice during the last Congress, and I hope they will unite with me in correcting them.

The SPEAKER. The gentleman from Indiana can only yield the floor to the gentleman from Ohio for explanation.

Mr. DUNHAM. I will yield my right to the floor now. I can do that.

Mr. CAMPBELL, of Ohio. I should have concluded my remarks by this time, had I not been interrupted by the honorable gentleman from Tennessee; and I do not think it very properly becomes him to charge any of us with a disposition to peddle out the floor, and waste the time of this House.

I desire simply to say that I think there is great propriety in the suggestions made by the gentleman from Indiana, [Mr. DUNHAM.] I do not know that the great question of river and harbor improvements will find a sufficient number of friends in this House to carry any bill, if we may judge of the temper of the majority from the somewhat illiberal character of the recommendations of the President of the United States in his annual message; but whether we are in a majority or not, it is certainly due to the friends of that great system that this subject should have a proper direction at the outset. I agree with the gentleman from Indiana, that in view of the duties of these two committees, the Speaker, in their organization, has exhibited a great deal of prudence and discretion. If I understand the duties of the Committee on Commerce, they appertain particularly to the external commerce of the country more than to the improvements of the great thoroughfares of the commerce of the interior; and by looking at the list of the members of that committee, it will be seen that the Speaker, in view of this fact, has given to the sea-board a large representation upon that committee, whilst, on the other hand, he has given to the interior a large representation upon the Committee on Roads and Canals.

Then again, sir, the bill of the last Congress to which this resolution refers, made appropriations for a vast number of improvements in the basin of the Mississippi and for the northern lakes; and the inquiry directed to be made by this resolution is, whether it is expedient and proper to make appropriations for the continuation of those improvements? Now, sir, there are but two representatives of the great basin of the Mississippi upon the Committee of Commerce, and it is hardly to be presumed, from the locality of the members of the Committee on Commerce, that they will be so well-informed in regard to what is expedient and proper in relation to those appropriations as the men who represent that section of our country. And, sir, whether the system is to rise or fall, I appeal to this House, as one of the representatives of the Great West, whether it is not due to the friends of the system that such a reference should be made as will secure at least a favorable report, in order that this House may decide upon it?

Mr. Speaker, I have said all that I desired to

say. I feel, although I may not have sufficient reasons for doing so, that if this great interest is to go into the hands of the Committee on Commerce, there is an end to all hope for the continuance of our great improvements in the interior; at least, I feel assured that the friends of the system ought to make the reference to the Committee on Roads and Canals. Although no pledge to call for the previous question was exacted from me as a condition to yielding me the floor, I now submit that motion, unless some gentleman desires to reply to what has been said.

Mr. PHILIPS. I would be obliged to the gentleman from Ohio if he would withdraw his call for the previous question, that I may submit a few remarks on the subject under consideration.

Mr. CAMPBELL. I withdraw the call for the previous question, if the gentleman will renew it when he concludes.

Mr. PHILIPS. Mr. Speaker, I do not desire that I shall be understood as making any imputation upon the Committee on Roads and Canals. It was not for any favor which I anticipated from the Committee on Commerce, or for any disfavor which I apprehended from the Committee on Roads and Canals, that induced me to frame the resolution as it now is. At the last session of Congress, the Committee on Commerce reported a bill making appropriations for works of internal improvement. The resolution before the House instructs that committee to inquire how far we should proceed with those works. What! is it not proper to refer to the very committee which appropriated money for the construction of works, the inquiry whether those works should be continued; or is it proper, as in the estimation of the gentleman from Indiana, [Mr. DUNHAM,] to take from a committee which commenced a system of internal improvements and refer it to another committee, an inquiry whether those works should be prosecuted or not?

Mr. CAMPBELL. With the gentleman's permission, I will say a word in relation to the internal improvement bill of the last session. Nearly all the appropriations in that bill for the West originated, not in the Committee on Commerce, but in the House and the Senate.

Mr. FULLER. I desire to correct the gentleman in relation to the distribution of the appropriations in the bill for the improvement of rivers and harbors, which came from the Committee on Commerce at the last session of Congress.

That committee, sir, after giving the subject a patient and careful consideration, agreed to report a bill upon the basis that it should be reasonable in its amount—about a million of dollars—which was all that the Government corps of engineers could expend in one year; and that it should be equally distributed, one third upon the Atlantic sea-board, one third upon the lake shore, and one third upon the Mississippi and its tributaries. In conformity to the result of that consideration, the bill was reported, and after having been so reported, and after having been passed by the House, it was sent to the other wing of the Capitol, and the friends of the bill in this House, and the committee, had the painful reflection of seeing it there loaded down with amendments, and converted into a most incongruous bill.

Mr. EWING. Will the gentleman from Alabama [Mr. PHILIPS] allow me to say a single word? I shall not consume much of his time.

Mr. PHILIPS. If I should yield to the gentleman, I must yield to members all around the House, and the debate would run into the discussion of topics which are not at all germane to the subject under consideration, and I must therefore decline.

Mr. EWING. I should have finished what I had to say in the time which the gentleman has consumed in declining to yield.

Mr. PHILIPS. I was stating to the House the reason why I worded the resolution as it is. It was because the Committee on Commerce had reported the bill. They were, therefore, best prepared to say whether they could complete and execute all those works, or only a portion of them. They were better prepared to do so than any other committee. Besides, I stated, not upon my own authority—for I am but a new member here—but upon the authority of others, and upon the authority of my own reading of former proceedings of this House, that my motion, so far from being an unexampled one, properly conforms to

the action of this House upon former occasions. As I understand it, the rule has been, for many years past, that the harbor and river bill should be reported from the Committee on Commerce.

Mr. DUNHAM. If the gentleman will allow me a word, I will say that I think he will find himself mistaken. I think that bill has never been referred, by unanimous consent, to the Committee on Commerce.

Mr. PHILIPS. I did not say it had been done by unanimous consent. I stated the action of the House, and not the means by which that action had been arrived at. I say that, generally, the bill for the improvement of rivers and harbors had proceeded from the Committee on Commerce, and I am sustained in that assertion by the oldest and most experienced members of this House. The gentleman from Indiana [Mr. DUNHAM] says that committee is not the appropriate one, under the rules of the House, and that if the practice of the House was such as I stated it to be, the practice was in opposition to the rules of the House. But the gentleman has wholly failed to show any rule by which a bill for the improvement of harbors should be referred to the Committee on Roads and Canals. Now, sir, the improvement of harbors constitutes one of the most important portions of the jurisdiction of this Government. And yet, sir, the rule of the House to which he refers is entirely silent in reference to harbors; and if it was intended to embrace a matter of so much importance and dignity as the improvement of the harbors of the country, it would be extraordinary indeed that it should be omitted.

The gentleman seems to think there is no propriety in the idea of referring this to the Committee on Commerce. A large portion of the members of this House only maintain the constitutionality of this measure, as far as it is connected with the jurisdiction of Congress over the commerce of the country.

The mouths of rivers, which are to a great extent themselves harbors, are within the appropriate jurisdiction of this very committee; and I proposed to refer the subject to them, because standing, as I do with many others, in denying the constitutionality of any action of this Government in making roads and canals, I am compelled to admit the constitutional right of this House to regulate the commerce of this country, by erecting light-houses and building piers, and which I believe is justified by the contemporaneous history of the country at the time of the adoption of the Constitution. I therefore proposed the reference to the Committee on Commerce, because I considered it an appropriate reference. I hope, therefore, that the motion for reconsideration will not prevail.

Mr. ORR. I move the previous question.

Mr. WENTWORTH. I move to lay the motion to reconsider on the table.

Mr. EWING. I hope the gentleman from South Carolina [Mr. ORR] will withdraw the demand for the previous question for a single moment. I wish to make a brief statement.

Mr. ORR. I cannot.

The SPEAKER. The Chair, with the permission of the House, desires to state, that by the 25th rule, resolutions giving rise to debate must go over. This resolution was introduced, the previous question demanded upon it, and sustained by the House, which cut off debate, and brought the House to action upon the resolution. It was passed through the House without debate; for if debate had arisen upon its introduction, it must have gone over. The 56th rule reads as follows:

"When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn; and shall not be withdrawn after the said or succeeding day without the consent of the House, and thereafter any member may call it up for reconsideration."

This resolution, upon a motion to reconsider, gives rise to debate. The question is, whether or not it shall go over. The Chair thinks, to make these several rules consistent with each other, that it would have been better to have held that the motion to reconsider must be taken under the circumstances without debate. The House having declared its purpose to reconsider the resolution, the Chair in this case does not enforce the rule; but in all cases hereafter he will decide that motions to reconsider must be taken without debate.

Mr. CAMPBELL, of Ohio. I demand the yeas and nays upon the motion to lay the motion to reconsider upon the table.

The yeas and nays were not ordered.

The question was then taken upon Mr. WENTWORTH's motion, and there were—ayes 97, noes not counted.

So the motion to reconsider was laid upon the table.

Mr. HOUSTON. I wish to inquire of the Chair if the morning hour has expired?

The SPEAKER. It has expired.

Mr. HOUSTON. I then move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. COBB. I ask my colleague to withdraw his motion for a moment, to allow me to introduce a bill, of which previous notice has been given.

Mr. HOUSTON. I think the morning hour is sufficient for these things. The State of Alabama will be called in its order, and the gentleman will then have an opportunity to introduce his bill. I ask for the question upon my motion.

The question was put, and the motion was agreed to.

PRESIDENT'S MESSAGE.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair,) and resumed the consideration of the President's message, the question pending being upon the adoption of the resolutions of Mr. Houston, providing for the reference of that document to the appropriate standing committees.

Mr. DEAN being entitled to the floor, rose and addressed the Committee as follows:

He said: Mr. CHAIRMAN: Having at an early day in the session given notice of my intention to offer some resolutions in reference to the conduct of Captain Ingraham, and having yesterday offered those resolutions, I stated at the time of offering them that I supposed they would give rise to no debate. I myself did not desire to debate them, and they were referred to a committee without debate. But almost immediately after this occurrence, a colleague of mine [Mr. SMITH] commenced a debate upon the President's message, and referred directly to Captain Ingraham's conduct, and referred to it in a party aspect. Sir, I regret this deeply. I regret that, upon a question of this kind—a question which has no party affinities—on a subject having reference to the conduct of an officer of our Navy, in relation to whom, I presume, not a man in the House knows to which party he belongs—I say I regret deeply, that upon a subject of this kind, any attempt should be made to connect it with party. For, sir, I undertake to say, that the American people—the will of the entire American people—has been represented by the conduct of the Government; and I say here now, although we may be divided upon some questions; although, in the dispensation of offices, party lines must be observed to some extent, yet the President is the representative of the whole people, and not the representative of any party; and in this act, which has challenged the attention of all men of all parties, and, indeed, of the whole world, more than any other single occurrence of the last quarter of a century, the conduct of our Government in sustaining its officers, has met the universal approval of every party in this country, and all classes of men throughout the world; and that the question which lies at the bottom involves a principle which should not be brought into the arena of party politics; and I thank the gentleman from Kentucky [Mr. PRESTON] for so gallantly coming forward and defending the conduct of Captain Ingraham and our Government in this affair.

Sir, I come not here to defend the Administration. I have nothing to do with that question now, and utterly disclaim any such motive; but I cannot permit a remark or two which my colleague from the Madison district [Mr. SMITH] made yesterday in reference to our Government to pass unnoticed. The gentleman told this committee, and through the committee has published it to the world, that although Austria is a despotism, yet this Government is a greater and a guiltier oppressor than even Austria—that the American Government, of which he forms a part, is a guilt-

tier oppressor than Austria, and that this Administration owes its very being and existence to the slave power, and to the fact that it had been pledged in advance to that power.

Sir, upon that subject I shall avoid saying anything, except that this Administration, instead of being pledged to the slave power, or to any other power, is pledged only to those great principles which have been cherished and adopted by a vast majority of the American people—principles in reference to the action of the Federal Government on the subject of slavery in the States that have been understood for years, and affirmed and reaffirmed in every national convention, for the last twelve years at any rate. They have adopted the doctrine that this Government was a confederacy of independent States formed for definite and specified purposes; that the powers of Congress are limited by the Constitution which created Congress; that the institution of slavery in the States is a local institution, existing by virtue of municipal laws over which Congress has no control; that it existed at the time of the adoption of the Constitution; that such being the case, Congress had nothing to do in its creation, or with its existence in any of the States of this Union.

Mr. GIDDINGS. Will the gentleman allow me a single moment to explain?

The CHAIRMAN. Does the gentleman from New York yield the floor to the gentleman from Ohio?

Mr. DEAN. I very decline to do so. These interruptions are very inconvenient.

My colleague [Mr. SMITH] said, yesterday, that this Government was a more guilty oppressor than Austria; and, by way of illustrating the position that he took, he made use of a very strong simile, which I shall not here repeat. Mr. Chairman, were it not for the well-known intelligence of that gentleman—were it not that he is known, not only throughout New York, but throughout the whole United States, as a man not only of enlightened philanthropy and entire sincerity—as a gentleman, and also as a scholar possessing the very highest intelligence—I should be inclined to impute to him ignorance of the subject on which he spoke, to imagine that he could not have known the system of government which prevails in Austria, or he never would have made such an assertion. He could not have known that in Austria the will of one man is law. He could not have known that the present Emperor, Francis Joseph, has wrested from the people a constitution which they compelled him to give them, only four or five years ago, and that now the police are authorized to arrest, without warrant, and imprison, any three men in Austria who may be found standing together. He could not have known that to-day, women—women of the highest rank, women of education, women of the purest character; ay, *Christian women*—are pining in the dungeons of Austria, merely for political offenses. The gentleman certainly must have forgotten, in his zeal, the celebrated proclamation of Haynau, a portion of which I beg leave to read. It is the proclamation of July, 1849, and was addressed to the Hungarians who were then engaged in a revolution, which excited the warmest sympathy, not only of the American people, but of every lover of freedom throughout the world. Haynau, in addressing them on that occasion, said:

“Although the greater majority of you are Germans by language and by habit, yet, led on by a rascally hero of words, you have participated in the chimerical project of forming a Republic.” * * * “But I conform to the magnanimity of my Emperor and master. Hearken, however, to the voice of an old soldier who has shown how he keeps his word. Death will be visited, *without regard to condition or sex*, without delay, and on the spot where the deed is committed, upon every one: 1. Who attempts to assist the cause of the rebels, by word or deed, or by wearing revolutionary emblems. 2. Who dares to insult, by word or deed, one of my soldiers, or one of the soldiers of my brave allies. 3. Who enters into treasonable connections with the enemies of the Crown, and who attempts to kindle the spark of rebellion by malignant reports. 4. Who dares to secrete arms—as was, unfortunately, formerly the case—and does not deliver them during the space of time appointed by another proclamation of mine.”

That proclamation, sir, ordered the death of every Hungarian who set up for a republican form of government, without regard to age or sex; and that proclamation did not proceed from Haynau; it was authorized by the Emperor of that country than which ours is said to be guiltier. But, sir, we need not go back to 1849. We have only to look at the position of Austria to-day in

the struggle now going on between Turkey and Russia, which is a struggle for existence on the part of one of the acknowledged European nations. Austria, true to its instincts of despotism, refuses to allow the telegraph to be used for the purpose of transmitting intelligence of Turkish victories; liberty of the press does not exist there; and nobody is allowed to publish anything unless it is in favor of the Government, and approved by its appointed censors. I say, therefore, that I must differ from my colleague when he attempts to institute a comparison between our Government and that, which is favorable to the latter. But, sir, I shall dismiss that subject—it has no relevancy to the conduct of Captain Ingraham, or of our Government in sustaining him.

I desire now to call the attention of the committee for a few minutes to the reasons which influenced me in introducing the resolutions in relation to Captain Ingraham. They will probably come up for action in the House in a few days, and, as is often the case, there may then be no opportunity of debating them at all. I therefore ask the attention of the committee to the subject now.

The object of introducing these resolutions and passing them here is not for the purpose merely of glorifying Captain Ingraham, nor yet for the purpose of bestowing praise or casting censure upon this Administration; but it is simply as an act of justice to a man who, alone, thousands of miles from his country, has dared to be brave, prudent, and resolute; and who, in the assertion of a great principle, has been victorious without the shedding of blood; and who, by his conduct, has maintained the great principle of American law, the right of expatriation, the right of every man to select his own place of residence, no matter where he may have been born. It is for another purpose—it is to show the world that American citizenship is worth possessing. Pass these resolutions, and you say to our people engaged in commerce, and traveling in whatever country, that wherever American enterprise may lead them, there American valor will defend; and that there is no one entitled to the protection of our Government, no matter how insignificant, but its whole power, if need be, will be brought to his aid. And, sir, whether Koszta was a citizen, and entitled to protection as a citizen, or whether he was a mere stranger and sojourner, it matters not; he had a paper which led Captain Ingraham to believe he was a proper subject for the exercise of power; it was exercised, and he was rescued; the principle was established, even if the person had no right to claim its exercise in his case. But we are told that he should not be protected because he was not a citizen, that he had only declared his intention to become such. I submit that citizenship has nothing to do with the case. The question is whether, when a man is entitled to the protection of the American flag by having resided in this country, and obtained a domicile here, or having declared his intention to become a citizen of these States, or by passport, or in any other way has placed himself in the situation of a subject, whether our brave naval officers are not to be sustained in affording it, even though they may be compelled to do it at the cannon's mouth. We have voted swords to Generals Scott and Taylor, and to other officers of our army, and unanimously. We are now called upon, and, in concert with the President, who has sustained Captain Ingraham, and the Secretary of the Navy—we being a coördinate and independent branch of the Government, the war-making power—to uphold the great principle involved. It is our duty to do so by some plain and explicit declaration, and I know of no more appropriate and emphatic manner of doing it than by adopting the resolutions that have been proposed.

Now, sir, I shall not go into any argument to justify Captain Ingraham. That has been done already by abler hands than mine. If any arguments were needed to sustain his conduct, gentlemen can find them by reference to that world-renowned correspondence. If any precedents be needed, they are cited there; but no precedents, no arguments could make this case plainer. God made each of us a man before He made him a citizen; and one has only to refer to the heart that is within him to justify the act at Smyrna.

I shall detain the committee no longer, Mr. Chairman. I trust that whenever this matter comes before the House it will be promptly acted

on, and that the resolutions will be unanimously passed, and go forth to the world to show that the American Congress is willing to sustain American officers in the defense of American rights, and the protection of American citizens, both native and adopted.

Mr. GIDDINGS replied to Mr. DEAN, and said, in the course of his remarks, that no man on this floor—no “free Democrat”—had ever asked Congress to interfere with slavery; but, on the contrary, they wished to wash their hands of the contagion, and leave it to the States in which it exists. This Government has not the constitutional right to involve him in the turpitude or disgrace in the traffic. Any man who seeks to involve the people of New York, or of any other State, in the traffic, is an enemy to the human race, and opposed to the very principles which Jefferson, Hancock, Adams, and others, proclaimed.

He then opposed the recommendation of the President to indemnify certain citizens of Spain, growing out of the Amistad affair, and gave a history of the case.

[His speech will be found in the Appendix.]

Mr. WALSH next obtained the floor.

Mr. BAYLY, of Virginia. I ask the gentleman from New York to give me the floor a moment, for the purpose of explanation?

Mr. WALSH. I will yield for a moment.

Mr. BAYLY. I desire, then, to say that the speech just made by the gentleman from Ohio [Mr. GIDDINGS] is full of errors, both of law and of fact; errors which, at some future time, will be exposed.

Mr. GIDDINGS. No threats. No threats.

Mr. BAYLY. I do not propose to make any threats. I only want to ask that the House will not prejudice the merits of this case; for, I repeat, that the argument so elaborately gone into by the gentleman from Ohio is full of errors, both of law and of fact.

Mr. GIDDINGS. Which I suppose the gentleman will pledge himself to show.

Mr. BAYLY. Yes, sir, I pledge myself to show it when the proper opportunity shall present itself.

Mr. JONES, of Tennessee. I ask the gentleman from New York, [Mr. WALSH], who holds the floor, to give way for a motion that the committee rise.

Mr. CHANDLER. I ask the gentleman to allow me a moment for personal explanation.

Mr. WALSH. I will yield to the gentleman from Pennsylvania for that purpose.

Mr. CHANDLER. I desire to take no part in the discussion of the question now before the committee, and I should not have troubled the House with a word, but for an assertion, as I understood it, made by the gentleman from Ohio, who has just taken his seat, viz: that a statement made by a former member from the city of Philadelphia was a deliberate and willful misrepresentation.

Mr. GIDDINGS. I did not say precisely that. I said that I considered it as such, and that I would produce facts to prove that it was such.

Mr. CHANDLER. Not knowing who was chairman of the Committee on Foreign Affairs in 1844, and knowing who was the representative of the city of Philadelphia at that time, I felt anxious to interpose a word with reference to my immediate predecessor. I now understand that reference was had, not to that gentleman, but to his kinsman, who then represented a district of Philadelphia county, not adjoining that which is contained in the city.

The reference, however, is to a gentleman and a scholar, whose fault of being a Democrat of course I condemn and deeply deplore, but of whom, in his absence, such a charge should not be made. He is now one of my constituents, and without feeling that I need make myself his champion, I cannot, certainly with propriety, allow such an imputation—and to be made in the presence of so many new members—without expressing dissent. The statements and arguments of the report mentioned may be erroneous, but I cannot think that it is right, in the absence of the author, to designate them as willful misrepresentations. The discrepancies mentioned by the gentleman from Ohio, as occurring in the report, are too patent to warrant any supposition of intended error.

Mr. FLORENCE. And no other gentleman from Pennsylvania on this floor would willingly state what he believed to be untrue.

Mr. GIDDINGS. I hope the gentleman from New York [Mr. WALSH] will favor me with the floor for one moment. I trust he will extend to me the same courtesy he extended to the gentleman from Pennsylvania.

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Ohio?

Mr. WALSH. I feel under an obligation to decline the request.

[Loud cries of "Go on!" "Go on!"]

Mr. WALSH. I had intended to make some remarks at length on this question, but I have too much regard for the feelings of an already exhausted House, and too much respect for myself, to indulge in those remarks to-day.

I am not so desirous of making a speech that I will attempt to do so now, but shall confine myself to one or two suggestions in regard to the course which the gentleman from Ohio [Mr. GIDDINGS] has undertaken to-day. Among theologians, as a general thing, when a man undertakes to be pious, when he gets what, in theological parlance, is called religion, he is taken kindly by the hand and is prayed for, and encouraged. He is not repelled and repulsed. And when one of my Soft friends from New York, who is in what may be said to be a chrysalis state of Abolitionism, and is gradually softening, and becoming encouraged by the regularly-avowed Abolitionists, might be soon found, after the patronage of the President is entirely disposed of, and all the inducements for men to belie and falsify their humanity have passed—I say, when such men might be found gradually softening until they are dissolved in the political cess-pool of their Abolitionism, I think it is at least impolitic, not to say ungenerous, on the part of the gentleman from Ohio [Mr. GIDDINGS] to have met these attempts which the Softs of New York have been so studiously making, when freed from the contaminating influences of political partisans, to renew the coalition which they once formed with them in 1848. [Laughter.] Now, sir, the other day a couple of gentlemen stood upon this floor gratuitously to vindicate an Administration which has not been assailed in this House. They thought to draw the true men of New York from their position into an attack upon this Administration—which they never have contemplated; but we have proved ourselves too good tacticians to be caught by that dodge. It was not a little strange, it was not a little ominous, that this gratuitous, this uncalled-for defense of the Administration, should have come from men—the one a Free-Soiler and the other a Whig—both opposed to the principles on which Franklin Pierce was whirled into the White House. Sir, when the time comes—and it has not come yet—New York will utter her voice; but, thus far, I, and those who cooperate with me, have sat in our seats like orderly and respectable citizens, and like quiet and sincere Christians. [Laughter.]

We have sat still and watched and prayed, and the result of it has been a beautiful quarrel between the Abolitionists of the strongest grade and the incipient Abolitionists—a quarrel which I have no disposition to spoil. [Laughter.] But, sir, let me tell this House that when the time does come for New York to speak—when the time arrives for the true Democracy of New York to tell the Administration, or this House, or the country, what they think of its course, New York will speak in language that will admit of no two interpretations. New York will speak in language that nobody will misunderstand. Until that happy day arrives, I shall content myself with returning to my quiet and orderly position. [Laughter.]

Mr. WRIGHT, of Pennsylvania, obtained the floor, but yielded it to

Mr. RIDDLE, who moved that the committee do now rise.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the annual message of the President of the United States, and had come to no conclusion thereon.

On motion by Mr. DAVIS, of Indiana,
The House then adjourned until to-morrow.

IN SENATE.

THURSDAY, December 22, 1853.

Prayer by the Rev. WILLIAM H. MILBURN.
The Journal of yesterday was read and approved.

FRENCH SPOILIATIONS.

The PRESIDENT *pro tempore* appointed Messrs. HAMLIN, THOMSON, of New Jersey, DAWSON, PEARCE, and JOHNSON, the select committee to consider the bill "to provide for the ascertainment and satisfaction of the claims of American citizens for spoiliations committed by the French prior to the 31st day of July, in the year 1801."

CHRISTMAS HOLIDAYS.

Mr. BADGER. Mr. President, I wish, before the call for petitions, to submit a motion which I believe is even now in order. It is in respect to the adjournment over. As next Sunday will be Christmas day, and as Monday will be devoted to the usual Christmas festivities, instead of submitting the usual motion for an adjournment over from Thursday to Monday, I move that when the Senate adjourns to-morrow, it will adjourn to meet on Tuesday next.

The motion was agreed to.

PETITIONS, ETC.

Mr. FISH presented the petition of the heirs of Captain John Burnham, asking indemnity for losses sustained by their father during his captivity in Algiers; which was referred to the Committee on Claims.

Mr. EVANS presented the petition of A. V. Toomer and others, praying remuneration for a church destroyed by the British army in the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

PAPERS WITHDRAWN AND REFERRED.

Mr. SEWARD. I move that the memorial and papers in the case of Horace Southmayd & Son, of New York, praying the return of duties imposed on a cargo of goods imported into Mexico during the late war, be withdrawn from the files and referred to the Committee on Finance. I am requested by the applicants to say that this memorial has been for six years before the Senate of the United States. It has every year been referred to the appropriate committee, but has never yet been reported upon. I take the freedom, therefore, under the circumstances of the case, to invite to it the attention of the Committee on Finance.

Leave was granted.

On motion by Mr. SEWARD, it was

Ordered, That the papers in the case of the heirs of John Morgan, deceased, be withdrawn from the files, and referred to the Committee on Revolutionary Claims.

On motion by Mr. BENJAMIN, it was

Ordered, That the petition of Albert G. Howell be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. BENJAMIN, it was

Ordered, That the petition of William Darby be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. JAMES, it was

Ordered, That the petition and papers of Abigail Stafford be withdrawn from the files, and referred to the Committee on Revolutionary Claims.

On motion by Mr. JAMES, it was

Ordered, That the petition and papers of James H. West, of Bristol, Rhode Island, be withdrawn from the files, and referred to the Committee on Foreign Relations.

On motion by Mr. JAMES, it was

Ordered, That the petition of William Jones, late of Massachusetts, and the papers in the case of Elizabeth Arnold, of Pawtucket, Rhode Island, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. MASON, it was

Ordered, That the petition and papers of Lieutenant William D. Porter be withdrawn from the files, and referred to the Committee on Foreign Relations.

On motion by Mr. DAWSON, it was

Ordered, That the papers in the case of B. Piemont and Max Woodhull, be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. BENJAMIN, it was

Ordered, That the petition and papers relative to the claim of Priscilla Prewett, be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

Mr. BRODHEAD. I move that the papers, petitions, and memorials on the files of the Senate,

which were presented during the last Congress, relating to the bill granting further remedies to patentees, may be withdrawn from the files, and referred to the Committee on Patents and the Patent Office, to which the bill was referred.

The motion was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. CLAY, from the Committee on Claims, to which was referred the memorial of Hodges & Ladsdale, and the legal representatives of Rinaldo Johnson, and of Ann E. Johnson, submitted a report, accompanied by a bill for their relief; which was read and passed to a second reading, and the report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to which was referred the petition of Richard M. Boughton, George Wright, and the widow of Marvin W. Fisher, reported a bill for their relief; which was read, and ordered to a second reading.

He also, from the same committee, to which was referred a bill to reimburse the Common Council of New York city for expenditures made for the first regiment of New York volunteers, reported the bill back, and recommended its passage.

OFFICERS OF THE SENATE.

Mr. MASON. I offer the following resolution:

Resolved, That a select committee be appointed to take into consideration the several resolutions and orders of the Senate providing for the appointment and prescribing the duties of its officers, to report rules and regulations, fixing the number of such officers and subordinates, classifying them and fixing their compensation, prescribing the mode of appointment and dismissal from office, and effecting such organization generally, as better to insure their responsibility and efficiency; the committee to consist of three members, to be appointed by the President *pro tempore*.

At the last session, it will be remembered that I intimated a purpose to offer a resolution of this character at the commencement of the present session. I have been satisfied, after some inquiry and some experience, that the organization of the corps of officers of this body requires some investigation and remodeling. I do not propose to ask for the consideration of the resolution now, as it will be printed, as a matter of course, and I presume the Senate will take it into consideration at an early day after the first of January.

Mr. DAWSON. Why not consider it now?

Mr. MASON. If there be no objection, I would be glad to have it considered now.

Mr. GWIN. Is the resolution now on its passage?

Mr. MASON. I stated, when the Senator was not present, that I had no disposition to urge its consideration now; but Senators suggested that it should be acted upon at the present time.

Mr. GWIN. I prefer that it should lie over for a day for further consideration, though I do not know that I have the least objection to it. However, I will not be alone in making objections to its consideration now.

The resolution was agreed to.

POST OFFICE ORDERS.

Mr. SUMNER submitted the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be directed to consider the expediency of providing for the convenience and security of remittances abroad in small sums, by authorizing orders or drafts from our post office on foreign post offices with which it is in correspondence, constituting an international system of post office orders.

The resolution was considered by unanimous consent, and agreed to.

AMENDMENT TO SENATE RULES.

Mr. BADGER gave notice of his intention to introduce a resolution to amend the 48th rule of the Senate.

WIDOW OF CAPTAIN GUNNISON.

Mr. CASS. I have a resolution to propose, to the consideration of which, at this time, I hope there will be no objection. It is one which should claim our immediate attention. It is as follows:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to the widow of Captain Gunnison, late of the Army, and recently killed by the Indians in Utah while in the performance of his duty.

Mr. GWIN. Were there not other persons massacred on the occasion alluded to in the resolution?

Mr. CASS. I believe so.

Mr. GWIN. Will it not be necessary, if they

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, DECEMBER 27, 1853.

NEW SERIES....No. 6.

are to be provided for, to take some such action in regard to them? I think provision should be made for them also; and I may feel called upon to have it made, either by an amendment to this resolution, or by introducing an independent one.

Mr. CASS. I have no objection to the consideration of such a proposition; but this is a case which should stand by itself; and I do not want the widow of Captain Gunnison to go without the provision which the resolution proposes to make. We have received the affecting intelligence that Captain Gunnison, while in the performance of his duty, was killed, under very aggravating circumstances, by the Indians. He was a most estimable citizen, and a very faithful, intelligent, and able officer. I learn, on inquiry, that he has left a widow and three small children. He has left them with means very incompetent for their support, as is very often the case with officers of the Army; for theirs is anything but a money-making profession. I find, too, on examination, that the existing laws do not apply to the case, because there is no such state of war with the Indians as would justify the Pension Office applying the ordinance which is in force, and therefore I introduce the resolution. If the honorable Senator from California wishes to introduce any other principle, or include any other persons, I would rather that he should introduce a separate resolution, than include it in this.

On the request of Mr. SHIELDS, the resolution was again read.

Mr. CASS. I will observe that under the same circumstances in which Captain Gunnison was killed, if there had been a recognized state of war with the Indians, it would have required no resolution in order to give a pension to his widow. He was killed in a mere assault by the Indians, which cannot be recognized as coming within the existing principle.

Mr. SHIELDS. I concur with the honorable Senator from Michigan, that according to the construction which is given to the existing law, this case does not come within the principle, but I think that the construction which is given to the law is entirely too narrow; a wider range should be given to it. I concur with the honorable Senator from Michigan in the object which his resolution proposes, and I hope it will not be burdened by others. I hope the Senator from California will not feel called upon to offer an amendment.

Mr. GWIN. I do not intend to move any amendment to the resolution; I merely made an inquiry. I want all the persons who were massacred on the occasion alluded to, to be provided for by the Government, if it can be done without introducing a dangerous principle. I have merely declared that I intend, hereafter, to bring before the Senate, the question whether all the persons massacred while in the performance of their duty should not be provided for.

Mr. CASS. I think it might be a suitable matter of inquiry whether some provision should not be made in cases of other than military men, as men driving teams in the army, when killed in the line of their duty; but still, I think that the inquiry should be made independent of this resolution.

The resolution was considered by unanimous consent, and agreed to.

ILLINOIS JUDICIAL DISTRICTS.

Mr. SHIELDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of dividing the State of Illinois into two United States judicial districts.

NOTICES OF BILLS.

Mr. GWIN gave notice of his intention to ask leave to introduce a bill making a grant of land to aid in the construction of the following railroads in the State of California, to wit: from San Francisco to San Jose, from Sacramento to Nevada City, and from Stockton to Sonora.

Mr. SLIDELL gave notice of his intention to ask leave to introduce a bill to establish a navy-yard and depot near the city of New Orleans.

Also, a bill to provide for the removal of obstructions in the navigation of the Mississippi river at the Southwest Pass.

Mr. SEBASTIAN gave notice of his intention to ask leave to introduce a bill for extending the time for issuing and locating military land warrants.

BILLS INTRODUCED.

Mr. BRIGHT, agreeably to previous notice, asked and obtained leave to introduce a bill to amend the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854, approved March 3, 1853; which was read a first and second time, and referred to the Committee on Finance.

Mr. SLIDELL, agreeably to previous notice, asked and obtained leave to introduce a bill granting the right of way and a portion of the public lands to the State of Florida, to aid in the construction of a railroad across the peninsula in said State; which was read a first and second time, and referred to the Committee on Public Lands.

Mr. SEBASTIAN, agreeably to previous notice, asked and obtained leave to introduce a bill to amend an act to divide the district of Arkansas into two judicial districts, and for other purposes; which was read a first and second time, and referred to the Committee on Indian Affairs.

Mr. HAMLIN, in pursuance of previous notice, asked and obtained leave to introduce a bill authorizing the construction of a line of telegraph from the Mississippi river to the Pacific ocean; which was read twice by its title, and referred to the Committee on Territories.

LIEUTENANT GENERALCY.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution to confer the title of lieutenant general by brevet for eminent services. It proposes to revive the grade of lieutenant general by brevet in the Army, in order that the President and Senate may acknowledge eminent services in the last war with Mexico, by the conferring of that title by brevet; with a proviso, that when it shall have been filled and become vacant, it shall not again be conferred.

Mr. ADAMS. A similar proposition was before the Senate at the last session of Congress, having reference by name to a distinguished general who has rendered service to his country—General Scott. I opposed it then upon principle. I was then, as I am now, of opinion that that distinguished individual, having received a vote of thanks from the representatives of the people in both branches of Congress, had conferred upon him the highest compliment that could be legitimately bestowed upon him. I concurred fully in the propriety of that vote of thanks; but to create a title in this republican Government, simply for the purpose of distinction, is, in my humble opinion, wrong, and is setting a bad precedent. If we want to give him a title, let us give him an old and familiar one, as duke or lord. If you wish to ape foreign Powers, ape them—follow them in language and in terms. I see no necessity for creating additional rank, because I think that as much honor as any military man or civilian ought to desire, can be received in the positions already provided for by law. If there be a necessity for this office, provide for it by law; but a mere title to be created by the American Congress, to be conferred upon an individual, in my humble judgment, bestows no honor upon him, nor does it benefit the institutions of the country. These, sir, are my objections to the joint resolution. I shall ask for the yeas and nays upon its passage.

Mr. WALKER. Mr. President, I feel very much as the Senator from Mississippi does. I have some aversion to making any opposition to the passage of this resolution, and particularly upon the ground that I do feel opposition to it; for I know that the ground of objection to it, in my own mind, is one that does not obtain in the estimation of the honorable Senator who introduced it, [Mr. SMITHS.] I know that no one is prompted

by a more patriotic feeling, or by a stronger devotion to the Constitution, than that honorable Senator.

My objection, sir, to the proposition now before the Senate is, that it is a violation of the spirit of the Constitution. Suppose that, at the time the Constitution was adopted, the title proposed to be conferred in this case had been one known to exist under monarchical Governments in Europe, would any one hesitate for a moment to say that this proposition would embrace a case which was intended to be prohibited by the Constitution? The titles of nobility in Europe were, at the time of the adoption of the Constitution, known to those who framed that instrument. We now recognize certain titles existing there as known titles of nobility. This is not among them. But what was the meaning of the Constitution? I take it to be simply this: a prohibition to confer any style or title which should be unconnected with the performance of duty—any style or title which might be deemed a mere honorary or complimentary mark of distinction. If we should substitute, in this instance, one of the known styles or titles of nobility, no one could for a moment doubt that it would be an infringement of the Constitution.

If you can confer this title of distinction, pray let me ask you, why can you not substitute some other name for that of lieutenant general? Suppose that in the case of the distinguished individual to whom, more than any other, this resolution is designed to refer, we should, instead of saying lieutenant general, propose to confer the title of Duke of New Jersey, would any one then doubt for an instant that it was an infringement, not only of the spirit, but of the very letter of the Constitution? It seems to me that no one could doubt it.

Now, sir, this title of distinction, of preëminence, or, if you please, having reference to the spirit of the Constitution, this title of nobility, is not designed to be connected with the performance of any duty. Ours was designed to be a plain Government. When an individual was called upon to perform public service, to designate his grade an official name was permitted by the Constitution to be given to the character of his employment. But, as I view it, the Constitution was intended to prohibit the bestowal of any style, name, or mark of distinction unconnected with the absolute performance of duty to the public. I may be wrong, or I may be right; but while the Constitution remains as it is, I am unwilling to go around the bush to touch the sanctity even of its spirit, for I know not what I am about to do.

Mr. SHIELDS. Mr. President, I do not think it is necessary to waste much time in attempting to reply to the honorable Senator from Wisconsin. He paid me a compliment for which I must return him my thanks. I should certainly regret very much, knowingly to bring in any resolution which would violate the Constitution, either in letter or in spirit. But, sir, if this resolution violates the Constitution, it has been violated since its formation, by every title that has been conferred upon an officer of the army—by the conferring of the title of captain as much as the title of general. What is the difference in principle between conferring a brevet for a lieutenant generalcy, and a brevet for a captaincy or a major generalcy, or any other rank in the Army.

The title of general, the highest title, which in some countries is called generalissimo, was conferred on General Washington. He commanded the army in the revolutionary war by that title. It is the highest title in a military sense that can be conferred upon a man. Napoleon, it is true, created the title of marshal, but it was very much the same. Afterwards, the title of lieutenant general was conferred upon Washington, by mistake, at a time when it was believed we were about to get into a war with France. He was then recalled from his retircacy, and was about to be placed at the head of the army by the title of lieutenant general; but it was found that, instead of giving a higher title than he had possessed in the revolu-

tionary war, they had made a mistake. They were degrading him, and the title of lieutenant general was never actually conferred upon him, but he received his old title of general. But this title was created at that time by Congress, and the object of this resolution is merely to revive it in a brevet shape, as in the case of a captain, a colonel, a brigadier general, or a major general.

I have before stated, and it is scarcely worth while to repeat it, that of all the officers who served in the Mexican war, the only one who derives no benefit, no profit, no technical honor, from his services, is General Scott. Why, sir, humble as I am, I had the honor of receiving a brevet, and others had the honor of receiving two, and some even three brevets; lieutenants, captains, and colonels, received brevets for almost every act of gallant service; and yet, sir, the man who, at the head of that army, conducted it not only with success, but with such success as will be hard to repeat again, from Vera Cruz to the city of Mexico, has received neither additional pay nor additional honor, except such as the country voluntarily bestowed upon him for his glorious service. What is the object of this resolution? Merely to do him that justice which has been done to the whole army that served under him. And how long will this last? General Scott is an old man. He is far advanced in life, and I am sorry to say that there will soon be very few of these men upon whom you can confer brevets or anything else. They are falling around you every day. Men younger than he, who participated in that war, have fallen—but few of them are left. You will not be troubled with them long. Those who did not fall by the sword brought home disease, which is sweeping them off almost by myriads, every year.

I regretted to see the opposition which a similar resolution met with at the last session, not in this body, I am happy to say, but in the other House. If there is to be any opposition to arise to it, I should prefer that it would come from some of our friends on this [the Whig] side of the Chamber. I think the successful should always be generous and magnanimous. If there is any principle that I value most highly in Democracy, it is that I believe it is generous and liberal towards its opponents; for even liberty without liberality is sometimes rather harsh.

I shall not waste the time of the Senate by saying any more upon this subject. I think the honorable Senator from Wisconsin, for whose opinion I have a high respect, has made a mistake in supposing that this resolution can, by any possibility, be construed or tortured into a violation of the Constitution. If it be, then we have been violating the Constitution ever since it was framed.

Mr. PETTIT. Before the Senator sits down, I wish to ask him a question. Will this rank confer greater emoluments, or greater pay on General Scott?

Mr. SHIELDS. I am free to say that it is my intention and wish that it should.

Mr. PETTIT. That would be an inducement for me to vote for it. But I wish to ask a further question.

Mr. SHIELDS. I will reply to this first. That is a matter within the discretion of the President of the United States. No brevet confers pay of itself. It is merely intended as a high honorary military compliment for gallant services. But if the President of the United States assigns a man to a command proportioned to his brevet rank, then he is entitled to pay according to that rank, and in no other case; so that it will depend upon the President of the United States.

Mr. PETTIT. I wish to ask the Senator whether there is any higher command than General Scott now has, to which he can be assigned? Is there a substance in this, or is it a mere bauble? Is it a name, or a substance, or a bauble?

Mr. SHIELDS. I do not know what the honorable Senator means by "substance."

Mr. PETTIT. I mean by "substance," additional pay, money, command; an increase, a greater command, a greater power in the army. By "form," or by "shadow," I mean mere title, a mere bauble, which I think would be of no use to General Scott.

Mr. SHIELDS. The honorable Senator takes a very practical view of this matter. He looks upon the money as the substantial thing, and upon the title as the "bauble;" but soldiers sometimes,

without any reference to money or pecuniary advantages, like to earn and receive such baubles. I am happy to say that this substantial interest is not as highly prized in the army as it is in some civil branches.

Mr. PETTIT. It is now-a-days considered necessary to have some regard to filthy lucre. [Laughter.]

Mr. SHIELDS. But, sir, as I remarked before, my hope is that General Scott will, for the few short years he is to remain among us, receive some additional compensation. I think he deserves it, and ought to have it.

Mr. PETTIT. Is there any higher command which he can have to entitle him to it?

Mr. SHIELDS. No, sir; there is no higher command. That is very true. He cannot have a higher command than that of being the commanding general of the army, next to the President, who is the commander-in-chief. I repeat that I not only wish to see the title conferred upon him, but I expect that additional pay will also be granted.

Mr. WALKER. Mr. President, the Senator from Illinois is not doubtless aware that he has, in the course of his remarks, given, perhaps, the best justification for my objection which he could have given. He says that General Scott is the only officer who fought in the Mexican war who has not received any honorary—any titular reward. Why, let him advert to the Constitution for an instant, let any Senator do it, and find, if he can, (and if he find it let him point it out to me, or to the Senate,) where there is any authority for titular reward in that instrument. Upon the contrary, there is the most express prohibition in spirit of anything of the kind. The Senator himself did obtain a brevet for his services, and no one deserved it more meritoriously than that Senator.

Mr. SHIELDS. Will the Senator from Wisconsin permit me to ask him whether he does not recognize a distinction—a broad, clear, and marked distinction—between military titles and titles of nobility?

Mr. WALKER. I do not, when the style or title is conferred unassociated with the performance of duty, but as a mere mark of distinction above, and preëminent to his associates. The Senator has likened this case to the ordinary case of brevets. It is useless to speak as to the policy, the propriety, or the constitutionality of the brevet system, for it has been established by precedent; but I think that if it were now to arise for the first time, it might well be the subject of very serious consideration. I know of many who have been breveted since I have had the honor of a seat upon this floor. It gave me pleasure, I must say, so far as my knowledge of the individuals was concerned, to see those brevets bestowed. In no case was I more pleased than in the case of the honorable Senator who introduced this resolution. I know of none who better deserved a brevet. But as to the constitutional question, I say, if it were now an original one, it might well be the subject of more serious contemplation.

The Senator said that if this be a violation of the Constitution, it had been violated ever since its formation. He asks what is the difference between conferring the brevet title of captain and that of general? I said in my first remarks that when an individual is set aside for the performance of duty, he is from necessity to receive some designation, but it is always associated with duty. When we speak of a captain, we speak of one who has command of a company, and whose duty it is to command it. When we speak of a colonel, it is of one who has command of a regiment, and whose duty it is to command that regiment. When we speak of a general, we speak of him as associated with his military duty, and the performance of it. The Senator has admitted that a major general is the highest military station that we have for the performance of military duty. Now, when we come to speak of a lieutenant general, with what service to the country, either civil or military, do we associate the title? Whenever we divest it of any association whatever with the performance of duty, do we not at once perceive something counter to the spirit of the Constitution, something that is merely ideal, something that is mere style, mere title, and intended to elevate an individual as a marked point of preëminence above the rest of his fellow-citizens, without imposing upon him any duty? It seems to me to be so.

I am, however, perfectly aware that opposition to the passage of this resolution is hopeless. I believe it will be passed by the Senate by a large majority. But, sir, I have reflected upon the subject; I believe I said nothing in regard to it at the last session, but I thought of it then; I have thought of it since, and I am most seriously of the impression that it is a violation of the spirit of the Constitution.

Suppose, sir, that some one shall outstrip even the gallant general spoken of by the honorable Senator from Illinois. Suppose that when this country shall be in more imminent peril than it has been; when the combined nations, with their combined armies, shall be coming against us, and shall be about to hurl us from the high preëminence which we now enjoy, there shall step forward some one who can clothe himself with even more glory than Washington or Scott; what shall we do for him? Ah, sir, there will then be a serious reflection, whether the bestowal of this title was not the fatal step beyond the performance of duty. It will then be seriously thought whether we cannot do something more for that great one than for those who preceded him. It is in this light, in this point of view, that I cannot favor this step. I hope that I shall never see the time when there will be a necessity for calling upon any one to perform for us greater services than have heretofore been performed; but if he ever shall arise, what then shall we do for him? The title of lieutenant general will have been bestowed, and some greater mark of distinction will have to be bestowed upon him; what shall it be?

Mr. MASON. I did not intend, Mr. President, to take any part in this debate, although, perhaps, it might have been expected, representing, as I do, the State which had the honor to give birth to the gallant captain upon whom it is proposed to confer this mark of distinction, but that a suggestion has been made by the Senator who has just taken his seat, that there was something in conflict with the Constitution in conferring this brevet rank. Sir, I think I have been in the habit of construing the Constitution and its powers as strictly as most Senators on this floor; but it never occurred to me, nor has it occurred to those who have heretofore conferred brevet rank—for if the objection applies to the grade of lieutenant general, it applies as well to the subordinate grades—that when you increase military rank by a military name, you thereby create a title of any sort; for it is at last but creating a new military rank by a military name.

The prohibition in the Constitution, I apprehend, is perfectly intelligible. It is confined to an order and a class known as well to the common-law of the world as any other class or order. When you speak of the nobility upon the continent of Europe, or in England, that separates a class just as effectually as the sexes are separated. The prohibition in the Constitution is against granting a title creating such a class, or such a distinction of nobility. I do not see—although I am satisfied that the honorable Senator from Wisconsin is sincere—that there is really anything substantial in the constitutional objection which he has raised.

Sir, I did not intend to say anything. I could say nothing that would add either in the opinion of the country, or of the world, one cubit to the gallant stature which this distinguished man achieved in the Mexican war. If I were to say he has shed luster upon our arms, and renown upon our country, I should but echo what has been said not only here, but abroad; but there is one feature which has, I confess, impressed me more strongly in the career of this gallant captain, than any which has been alluded to. It is the great moral example which he set to the world in the conduct of an invading army in a foreign country. He carried no devastation, no ruin—he sacked no villages, plundered no people; but cast over them the arm of his protection wherever he went. When he seized their capital, he established a police law which will impress itself upon the character of that nation forever hereafter. So far from countenancing or permitting the least license in his soldiers, in his officers, in the hangers-on of his camp, the least violation of his strict orders in that respect was exemplarily punished. The name of Scott will be treasured up in Mexico by the patriots of that land, although he was a conqueror. Sir, the great moral example which he set the world, will cast more luster upon the

American name than the prowess of his arms. And where does he stand? Why, as has well been said by the very gallant and distinguished Senator from Illinois, who offered this resolution, he is the only one of all his colleagues who has received no recognition of his services in Mexico by additional military rank.

What, then, is it proposed to do? Simply to revive, by brevet, an office which once existed. Whether it will or will not carry with it additional emolument, I do not know, and should not inquire. I hope it may carry some additional emolument, because that man who commands the Army, who is obliged from the necessity of his position to consider himself the representative of the Army at home and abroad, has expenses necessarily devolved upon him which he ought to have the means of discharging. I have not inquired whether this brevet rank will or will not carry with it additional emolument, though I trust it may. I shall be gratified with the passage of the resolution, and I hope it will be the pleasure of the Senate to pass it.

Mr. SHIELDS. I desire to say a word upon the point suggested by the Senator. The bill is drawn in such a shape that there is no possibility of making this brevet different from all other brevets which are conferred upon other officers. It is precisely the same provision that applies to the case of other brevets. Whether the officer shall receive additional pay or not, will depend upon the discretion of the President as to whether he will give him a command proportioned to the rank.

Mr. PETTIT. I do not know but that the questions which I asked the Senator from Illinois, and the motives which induced me to ask them, have been misunderstood. I simply desired to know whether the brevet rank, which it is proposed to confer, would give any additional command to General Scott, and whether it would carry with it any additional pay? I have been revolving the matter in my mind as to whether these things would take place or not. I cannot say that I am very well informed about the organization of our Army; but it seems to me that as to the first proposition, there can be no higher command under the President conferred than General Scott now has, in time of peace especially. He is next in command to the President—the President being the constitutional commander of the Army. As to the increase of pay, if we have any existing law providing that a brevet officer shall have a higher pay than one who is not breveted, then this may increase General Scott's pay. The idea that I intended to convey by the question that I asked, was, that if I could learn that there was a necessity of increasing the command—giving a greater command than General Scott now has—and that it would directly or indirectly increase his pay, it would be an inducement for me to vote for the joint resolution, believing, as I do, that neither the Army nor the civil list of the United States is more than half paid. I would, however, rather make it directly; and I said to the Senator from Illinois, that I would vote for a proposition directly to increase General Scott's pay; and I do not know but that I am prepared now, even in his lifetime, to fix, in anticipation, a pension upon his widow and his children; but that may be talked of hereafter. There is no man who entertains a higher estimation of the talents and military services of General Scott than I do—none understanding them no better than I do—nor would I do anything to cast a blight or gloom over the declining years of that gallant officer. If he be desirous of receiving a bauble, or an additional feather in his cap, I do not know that I could find it in my heart to refuse it; but I would much rather know that it conferred substantial, lasting, and tangible benefit upon him, to soothe his declining years and benefit his family. If, therefore, it follows that there is that lasting, tangible, and substantial benefit following the conferring of this title, I should be much readier to vote for it.

Mr. ADAMS. I do not wish to be understood as opposing any proposition which is intended to confer honor upon General Scott, or reward him for the distinguished services which he has rendered to his country; but, notwithstanding what has been said in favor of the joint resolution which is before us, I am yet at a loss to see how a joint resolution, creating a new title, a higher military title than can now exist by law, will confer any additional honor upon him, over and

above the vote of thanks which has already passed the two Houses of Congress. If the object be to pay him an additional compensation for his services, let it come up as a direct proposition. If he has not been sufficiently paid, the country is ready to pay him; but do not let us do it indirectly.

It is said, however, by the distinguished Senator from Illinois, [Mr. SHIELDS,] that brevet appointments have been conferred upon various individuals, from the commencement of the Government to the present time. That is true, sir; individuals, having a particular rank in the Army, have, by a vote of Congress, been complimented with a rank above their actual command, and received pay accordingly. But I believe there is no solitary instance of creating a title or an office, simply to bestow it as a compliment. It is where the office has existed that the individual has been complimented with the title of a higher grade than his command. The proposition in the case of General Washington, was to confer upon him a command which, it was supposed at the time, his title would confer, and not as a compliment. The Father of his Country never had to receive it as a compliment. In the case where Mr. Polk asked the creation of a lieutenant general, it was not intended as a compliment. The condition of things, which Senators will recollect, and which caused a conflict between this distinguished individual and the late President of the United States, with regard to their separate commands, placed the then President in an awkward and unpleasant condition in relation to their difference. And, in order that there might be a command above what the law then authorized, he asked that the office of lieutenant general might be created in the Army. Congress refused to agree to the proposition; and I believe there is no solitary instance in the history of this country of an office being created expressly to bestow a compliment.

Mr. SHIELDS. Will the honorable Senator permit me to say that this is not the creation of an office, but the reviving of one that has been created? But the principle may be the same in both cases. However, it is reviving the office in the shape of a brevet, instead of a command.

Mr. ADAMS. I understand that, sir; I understand that it is called a revival; yet it is the creation of an office to confer honor on an individual, when that individual has received and occupies the highest position in the Army known to the laws of the land. It is said that every other distinguished general, who has rendered services to the country, has been breveted; and why is it that this distinguished individual has not been breveted? Because he already holds the highest office in the Army, except that held by the President, known to the laws of the country. We can confer no higher. There is no possible chance of conferring upon him a higher honor than the vote of thanks which has been bestowed upon him; and who could desire more? Yet it is asked that a new office should be created expressly to be conferred upon him. It is the precedent that I object to. I think that by no means are the objections fallaciously made by my friend from Wisconsin. It is true, as the honorable Senator from Virginia has said, that "nobility," as known in the Constitution, had reference to a particular class of known titles; but I think myself that the spirit of the Constitution did contemplate that there should be no title, either military or otherwise, conferred as a mere distinction, without reference to the discharge of duties connected with it. I think the objections are well taken.

Mr. DOUGLAS. If I were to consult my feelings alone on this occasion, I should vote for the joint resolution; but looking at it as a question of practical legislation, I do not see that I can do so. It is evidently intended as a compliment to General Scott. So far as the Senate of the United States can pay him a compliment, by expressing its approbation of his military conduct, its gratitude even, for his services in the Mexican campaign, I would heartily and cheerfully unite in the expression; but I think that has already been done. If I mistake not, we have already voted General Scott a medal for his conduct. We have already given him a vote of thanks for his services. What higher compliment can we pay him? What higher compliment has the Senate or the nation ever been able to pay any man? Was more than that done for the Father of his Country? Was

more done for George Washington, in consideration of his services, than the expression of a nation's gratitude? No. So far as I am advised, no man ever proposed anything in addition to that for the services of Washington to his country.

The conferring the rank of lieutenant general upon General Washington is cited as a precedent for this case. I do not regard it as a precedent, nor do I regard it as an act from which any authority for this proposition can be drawn. The point in that case was this: General Washington had retired from the army; he was a private citizen; it was apprehended that we were about to engage in a war with France; it was the wish of the nation that George Washington should be placed at the head of the Army, in order that he might conduct that war on our part; the highest ranks in the Army were then filled; and if he should be made a major general, the highest rank then known to the Army, he would still be ranked by officers who held commissions of the same grade and of older date. It was necessary, therefore, to create a higher rank, in order to enable General Washington to take the command of the Army; in order to put him at its head; in order that the country might avail itself of his invaluable services. For that reason the rank of lieutenant general was created. It had no reference as a compliment to Washington's past services. No compliment could be paid him in that manner. It was created with reference to the necessity for his future services. It was with a view to the interests of his country, and to them alone, that the office was then created, and that George Washington was appointed to it. If, then, it can be shown that the interests of this country require that the commanding officer shall have the rank of lieutenant general, I am willing to vote for it. And, sir, if the interests of the army, if its legitimate organization, if its usefulness, require the office of lieutenant general to exist, then the law ought to be a permanent one, and should apply to the future as well as to the present.

Mr. SHIELDS. I will state to my colleague the difference between the brevet rank and the positive rank. The brevet rank is conferred for past services, the positive refers to future services.

Mr. DOUGLAS. I am very glad that my colleague has called my attention to that distinction, because I wish to make a remark upon it. I am aware that it is usual to confer a brevet rank upon an officer for past gallant services. That practice has prevailed heretofore in this country, and it is not my object now to object to it; but while the law has recognized the propriety of conferring a brevet rank for gallant services, it has never extended it to the General-in-Chief of the Army. And why? Because it was not possible to extend it to him. He was at the head—he was at the top of the column. There was no higher point to which he could be raised. But, sir, if because the General-in-Chief has distinguished himself, and rendered valuable services, we are to brevet him with the office of lieutenant general, when you have another war, and your lieutenant general shall establish his title to the gratitude of his country, you must create another rank for him, and so on increasing the rank with a new title every time the incumbent shall distinguish himself in the line of his profession; and where is the vocabulary which will furnish titles enough, in all time to come, to make a new rank each time that a man performs gallant services? We have heretofore acted upon the principle that when a man was at the head of his profession, there was no further promotion—that he could not go above that point.

General Scott has all the honor now that he could have if you created a new rank for him. He is now at the head. If you make a higher rank, and put him into it, he is then only at the head of the Army. If you still make another for his successor, you only put him at the head of the Army. Hence the point which I present is this: Are you to create a new title for every man at the head of the Army who performs valuable services?—for certainly it is only a mere name, and the name gets its value from the fact that you have created a new title for him especially; otherwise, the name of lieutenant general would not be more valuable than that of major general. The words imply, if you translate them literally, that the office of lieutenant general is beneath General Scott's present rank. A lieutenant would seem to

be lower than a major; but the value of the compliment consists in the fact that you have created the office especially for him to fill it. Now, if you set the example of creating a new office for the General-in-Chief every time that he performs gallant services, it would be offensive hereafter to refuse to make a new title for the next man who distinguishes himself as much as General Scott has done. It is not offensive now to refuse to confer a higher rank upon him. Why? Because it was not done for the Father of his Country. We are now called upon to depart from the example that was then set. We are now asked to do more for a living general than the American people did for him who led our armies through the battles of the Revolution.

Sir, my position is this. You ask me to vote thanks to General Scott; I will vote them cheerfully; if you ask me to vote him a sword, I will do it readily; if you ask me to vote him medal after medal, I will do it with all my heart; and if you will ask any other expression of approbation, of gratitude, of approval, in honor of the gallant officer, which will be a safe precedent to be followed in the future, and which may be applied with safety when another case arises, I will cheerfully do it; but, sir, I cannot agree to establish the principle that a new office must always be created for the head of the Army when he performs his duty, and thereby entitles him to our gratitude. It is with great reluctance that I am obliged to differ from my colleague, and what I apprehend to be, the majority of the Senate, upon this question. It was not my purpose to have said a word; but I have thought it due to myself to explain the ground upon which I shall give my vote, in order that no inference may be drawn of an unwillingness to vote whatever approbation may be given of the conduct of General Scott, which would still be a safe precedent for the future. One word on another point, and I have done.

It has been intimated that the object is to increase the emoluments that should be enjoyed by General Scott. If the Committee on Military Affairs are of the opinion that his pay as General-in-Chief of the Army was not enough in time of war, let them report a bill, and I will vote for the highest sum that they will propose. If they are of opinion that his pay is not sufficient in time of peace, let them bring forward a bill, and I will vote for the increase. If his pay is not sufficient, we ought to increase it. If he has not been adequately paid in money for his services and his sacrifices, let us foot the bill at once; but do it by a direct money appropriation. Then, sir, when we have voted our thanks and our medals, and done all that we can do by way of compliment—and when we shall have made him a pecuniary compensation at the highest point which the Military Committee shall deem him entitled to, I know of nothing more that we can do without establishing a precedent which I do not deem it safe to establish.

Mr. BADGER. Mr. President, I shall have very great pleasure in voting for this bill, which proposes to do honor to a gallant soldier, a noble-hearted gentleman, and an ardent patriot. I shall vote for it, sir, because I believe he has earned the distinction which it is the object of this bill to confer upon him—earned it, not by a mere discharge of duty, but earned it by showing himself in the service of his country to be one of the most consummate generals that the history of the world can produce;—earned it by a campaign unrivaled in modern history, and perhaps in ancient;—earned it by a campaign contrived with the most consummate military skill, executed with the most fearless courage, and the most unerring accuracy;—earned it by a campaign in the midst of a distant and conquered people, where, from the nature of the case, his powers were almost without limit, without the presentation of a single incident in which, with his knowledge, with his consent, or so far as his ability to prevent it extended, the smallest wrong was done to the most humble and dependent of his Mexican foes;—earned it, sir, by showing that war can be conducted with the utmost bravery and gallantry; that fortified places can be stormed, and armies defeated, in the open field, without surrendering the generous emotions that should belong to the heart of man; and that the most perfect humanity, the most generous and considerate pity, can occupy the same breast simultaneously with a courage which would do

honor to the masters of war in any age of the world;—earned it, sir, by shedding from himself and the gallant troops that he led, and the noble officers who seconded his exertions, a lustre upon the character of his own country which shall endure forever; not that mere suspicious, and sometimes unworthy, fame which may spring from mere bravery separated from what is otherwise noble and generous in the human breast; but earned it by the union of every noble and excellent quality which can excite the admiration or demand the approbation of mankind;—earned it, sir, because this last, this noble scene of his services in behalf of his country, is worthy of everything that has preceded it in days that have gone by. This last is but the Corinthian capital which crowns the column. It is not an adorned head surmounting a deformed and unornamented shaft, but all is consistent and harmonious: and, Mr. President, allow me to add, what in such a connection should never be forgotten, that over the character of this distinguished military chief there is a purity of moral virtue and excellence, completing a picture upon which the heart of the patriot and the Christian can rest with untiring and unalloyed satisfaction. Sir, he has earned this distinction by rendering military services in the cause of his country, surpassed only by those of that man to whom none is equal, and none is second—he who led our forefathers through the dreadful conflicts of the revolutionary struggle, to an independence which they earned for us, and which we now enjoy.

Mr. President, I did not expect to say one word on the subject of this resolution. I had felt that it was scarcely proper that gentlemen on this side of the Chamber should say a word upon the subject. I have heard this matter more than once discussed in the Senate, and I have remained silent; but I now feel that there is nothing in the circumstances of the case which should induce me to withhold the expression of a sentiment which I deeply feel towards one who, I am satisfied, nobly and richly deserves it. And why, Mr. President, should not this resolution pass? All admit the merits of the object whose promotion to this additional rank is sought by it. Who, sir, will it harm? Will it displace any man from the just rank which he has acquired? Will it pluck a sprig of laurel from any gallant brows that now wear a wreath? Will it endanger the republican institutions under which we live? Why, surely, Mr. President, all these questions must be answered in the negative. Why, then, I repeat, should not this resolution pass, and this brevet—this complimentary rank—be conferred upon this distinguished general?

My friend from Illinois [Mr. DOUGLAS] says that he stands prepared to give a vote of thanks. That has been already done, and certainly it would be in exceedingly bad taste to repeat the thanks which have been once solemnly given by the Congress of the United States. He says that he stands ready to vote him a sword. A sword is not the appropriate complimentary tribute to be given to one of his rank. He says that he is willing to vote him an increase of pay, but he is not willing to give the President an opportunity to confer upon him a lieutenantship by brevet. Why not? Is it anything in the world but a distinction without a difference? He is willing to honor General Scott, and the "brevet" will honor him. He is willing to increase his pay, and the "brevet" will increase it. He is struck with this difficulty: that if we establish the principle that every officer who does his duty is to receive a brevet, we shall find ourselves inconveniently situated, because we shall want ranks in the army to supply the demands made on us for this complimentary distinction. I would say, Mr. President, that I have no idea that a brevet is ever bestowed upon an officer for a mere discharge of his duty. If that were the case, permit me to say, sir, that the consequence would be that every officer who served in the Mexican war, and who did not receive a brevet, would be stigmatized by the omission with the neglect of duty. The brevet is conferred for extraordinary and successful services. Permit me to say that we may safely leave the difficulty that my friend from Illinois has suggested to take care of itself in the time that will come hereafter; for he may rest assured that if brevets upon the commanders of armies are never conferred except on those who shall achieve them by such a brilliant campaign as celebrated the ad-

vance of General Scott from Vera Cruz to the city of Mexico, centuries will probably pass before we shall be made so poor in titles as not to be at liberty to acknowledge them. Do not let us look so far ahead. We have the case before us. The compliment is deserved—richly and eminently deserved. We have the means of paying it. Do not tell us that the generosity of the nation may in time become bankrupt, and therefore we shall refuse to honor the just claims upon it now.

Mr. President, I have been tempted into these remarks. I arose mainly for the purpose of making an explanation in respect to the lieutenant generalship conferred on General George Washington. My impression is that gentlemen are mistaken. The title was not conferred on General Washington for the purpose of preventing him from being out-ranked. At the time of our difficulties with France—the quasi war, as it was called—upon the recommendation of Mr. Adams, then President of the United States, a bill was passed which authorized the President to appoint an officer to be commissioned as lieutenant general, and who should command all the armies of the United States. He was made a lieutenant general, and, as lieutenant general, was made commander-in-chief, or rather the general-in-chief, the President himself being, by the Constitution, technically commander-in-chief. It was discovered, though, that by an oversight, in making Washington a lieutenant general, they had really put him in a lower grade than that which he had filled during the revolutionary war, when he was a full general. My friend from Illinois will put me right if I am mistaken in saying that he was a full general and commander of all the forces; and at the very next session of Congress, if my memory serves me rightly, an act of Congress was passed correcting the mistake, and giving to Washington the title of general.

Mr. CLAYTON. If the Senator will allow me, I will read the provision to which he refers, which is contained in the ninth section of the act of March 3, 1799, "for the better regulation of the troops of the United States, and for other purposes." It is in these words:

"Be it further enacted, That a commander of the Army of the United States shall be appointed and commissioned by the style of 'General of the Armies of the United States'; and the present office and title of lieutenant general shall thereafter be abolished."

Mr. BADGER. Allow me, Mr. President, to say one word more; and I will not weary the Senate. As has been said by my noble friend from Illinois, who sits near me, [Mr. SMITHS,] General Scott is an old man. The sands of his life are fast running away. At no distant day, in the ordinary course of human events, he will be no longer among us. Now, sir, if we feel, as all my friends on both sides of the Chamber have said, this ready acquiescence in his merits, admiration of his services, and willingness to do him honor, let us do him this honor. It may be that it is a bauble. It may be that it is but a feather. Why, sir, we know that when we measure the value of things by the highest standard all the distinctions of earth dwindle into insignificance, and vanish into worthlessness. Be it a bauble or a feather, to a soldier's heart it is dearer than untold millions. And although I have never exchanged a word with that gallant officer upon the subject of this brevet, yet I have reason to know that he would value it more, and feel it more deeply, than any and every testimony of approbation which his country has ever bestowed upon him, dearly as he values them all. Let us now, while he is here, while he is among us, while Providence spares him to us, gild his declining years with this testimony which he values. When we can do it without wrong or injury to others, without interference with our institutions, without constituting any precedent, bad or mischievous, let us honor him gracefully, in the manner that will be most acceptable to his feelings.

Mr. DOUGLAS. I desire to say a word in reply to the Senator from North Carolina. It will be perceived, by the reading of the act to bestow the office of lieutenant general upon George Washington, that that office was created to enable Washington to enter the army in a rank above others. That was the reason for the passage of the law. Hence it was passed with reference to future services. It then being discovered that the rank of lieutenant general was below that which General Washington held while in command of the army of the Revolution

the subsequent act was passed to put him on the same footing which he occupied when he commanded the armies of the Revolution, thus showing that the object was to bring him into the army with the same rank in which he had acquired all his glory. They did not increase his rank above that of a general. There were many ranks known to military history much higher than that of general, and if the object of Congress had been to compliment General Washington by promoting him to a higher rank than he formerly occupied, they would have made one higher than that of general, instead of being contented with conferring upon him the same old rank in which he had served through the Revolution.

I make this explanation only to show that this country did not deem it proper to increase the rank of General Washington in consequence of the services which he had rendered. He having been the head of the Army, that was the highest rank which he could hold, and they contented themselves with conferring upon him the same rank, instead of creating a new title in the army.

Mr. CASS. I had no idea of entering into the discussion of this matter, because I have already heretofore given my views upon it to the Senate. I desire, however, to ask the Senator from Illinois [Mr. SHIELDS] whether this is the same bill that passed the Senate at the last session?

Mr. SHIELDS. It is precisely word for word.

Mr. CASS. Then I shall vote for it, Mr. President. But I want to say one or two words in reply to some remarks which have been made here. This Government has adopted the practice of extending the reward of brevet rank to military officers. We all know that it has been done ever since the foundation of the Government. Every man acquainted with the military system knows it. It is in full force, and now to refuse it in this case, simply on the grounds which have been urged to-day, would be a most invidious distinction. We have had some fine views expressed about human nature—about the despicable nature of gew-gaws, distinctions, and all that. Well, sir, we have had presented to us a human nature of which I knew nothing. We are all in search of distinction. We do not come here for the compensation attached to our offices solely. We all seek such distinction, from the cradle to the grave; and I ask what your military establishment, without it, would be worth? Not one cent. It would be an armed mob. What sends the officer and soldier to the cannon's mouth, and leads them to perform the duties and actions which become a part of your history? Their life is a life searching for distinction. I repeat, your military establishment would not be worth a straw—your officers would not be worth having—if they were not animated by that noble sentiment. It animates us all, more or less, and it should do so. But beyond that, it is this feeling, this desire for distinction, which upholds the military code and military establishment of every nation, and has done, since the first army went forth to battle.

My honorable friend from Illinois [Mr. DOUGLAS] says that you cannot give to General Scott this brevet rank without creating a new rank. I would create a new rank. As to all that has been said about military offices being titles of nobility, I have not a word to say, except that I have not heard the shadow of an argument to establish the position. There was a time when you had not a full major general in your Army. From the first year of the accession of Jefferson to something like the year 1808 or 1809, when the Army was increased, General Wilkinson, with the rank of brigadier general, was at the head of the Army. Suppose General Wilkinson had been placed at the head of the Army, and had been sent to Mexico, and had carried on such a campaign as General Scott did, should we be met with the objection that we have no office of major general, and therefore to confer the distinction upon him would be to create a rank of nobility? The argument would not be received for a moment. There is nothing in the rank of lieutenant general, or in the duties of lieutenant general, that takes it out of the usual class of military officers and duties. Ranks are an ascending scale, and necessarily so, in naval and military establishments. Your second lieutenant, on the field of battle, if he is the highest officer able to command, would command the regiment, or brigade, or army; but that is no reason

why you should trust such a command to a second lieutenant. You establish a series of grades to give a man proper influence and proper means of command, that his authority, for the sake of the country, should be properly exercised. That is the object of the regulation.

Now, then, there is nothing in the office of lieutenant general that takes it out of this state of things. I say, as the honorable Senator from North Carolina [Mr. BANGER] has said, better than I am able to do to my honorable friend from Illinois, [Mr. DOUGLAS,] I trust this country never will be so bankrupt in its power to reward as not to be capable of rewarding such high and gallant feats as those which were performed by our army in Mexico. When such a case presents itself, we shall find in the national exchequer—I do not mean the exchequer of cash, but the exchequer of true gratitude and feeling—the means of giving rewards. This is no common case. It is not the case of a man who in battle meets the enemy, and behaves valiantly. It is the case of a high and noble commander, who led our armies from Vera Cruz to Mexico, and carried the standard of the country, in triumph and honor, above difficulties and dangers, and opposition, almost unprecedented since the earliest ages. His name is written in imperishable characters upon the military history of the country. He has placed himself among the great commanders of the age. His name will go down to posterity among those men whose names I need not repeat, who stand preëminently forward in the history of the military world for the last century. He needs no eulogium of mine. His best eulogies are his own deeds, and the affections of his country. That is all I have to say on the subject.

Mr. WALKER. The Senator from Michigan said that he had heard nothing which appeared to him like even the shadow of an argument, showing the unconstitutionality of the proposition now before the Senate.

Mr. CASS. I said that I had heard nothing to show that a military title was a title of nobility.

Mr. WALKER. That is what the Senator says now; that is what he meant. I listened to the argument of the Senator from Illinois, [Mr. DOUGLAS,] and I thought that in what he said, there was something which appeared to be, not only a shadow, but the most material substance. The honorable Senator from Michigan is complimentary! He says he has heard nothing like the shadow of an argument in support of the constitutional objection. If I had made that remark in regard to the argument of the honorable Senators on the other side of the question, it might have been attributed either to the real weakness of the argument, or to my obtuseness in not perceiving its force.

Mr. CASS. I wish to say to the honorable Senator, that when I used the phrase "shadow of an argument," I did not do so in a general sense, but simply as to one point; I used it in reference to the supposition that a military title is a title of nobility. It was to that that I confined the remark. I intended no invidious allusion to any gentleman.

Mr. WALKER. I attempted, in my humble place, to answer that point when made by the Senator from Illinois, who introduced the resolution. He had asked; in reply to me, if there was not a distinction between a title of nobility and any title or office which at present exists in the Army, and he instanced the title of captain, major, colonel, and major general. I replied to that, and admitted that when duty is imposed there must be some term or designation applicable to the person who discharges that duty. I then added, as I believe, prudently, if any Senator could point out any duty to be associated with the style or title which this resolution proposes to bestow? I have not yet heard an answer to that question. I have not heard it alleged that there is any duty to be associated or connected with the title or style proposed to be conferred by the resolution. I also stated, and so did the Senator from Illinois, [Mr. DOUGLAS,] that it was not in my power to determine what style or title should be bestowed upon the man who may hereafter equal General Scott or General Washington, if any shall equal them. The Senator from Michigan says that when the occasion shall arise, the exchequer of the nation's gratitude may be safely drawn upon for the reward to be bestowed. Reward to be bestowed!

What is implied in that term? That we shall go on from step to step, from one to another, until finally we shall have to adopt what is not only seemingly an infraction of the Constitution, but manifestly a direct violation of it, in bestowing what is known to be a distinction—a title of nobility.

What is the spirit of a title of nobility? It is a mark, an appellation, a style, or title which is merely complimentary, merely titular, and which particularly sets an individual apart as one distinguished above his fellow-men for something which he has done. Will the Senator venture to go on further, from person to person, from degree to degree of service, until he shall have reached that point? If he is not willing to do that, let me say that he is now, in my opinion, about to take the first step of departure from the Constitution. Whether he does, or does not, perceive the force of the constitutional objection, he is now taking the first step in this degree to confer a title of preferment upon an individual unassociated with any demand upon him for service.

Perhaps it may be inferred by some that those who make opposition to the resolution would disparage the character of General Scott for his military services. Far be any such design from us! The man who will not acknowledge in General Scott the highest degree of eminence as a military man, must either not have read and studied history, and the very modern history of the country, or he must have been unable to appreciate it when he did read it.

Sir, there were circumstances associated with the Mexican war which, in some respects, place General Scott preëminently above all other military men. But is this a reason why I should confer on him a mere title of distinction, unassociated with duty? Take the case of the attack upon the City of Mexico. In the first attack, the American army under General Scott—a little army of less than nine thousand men—was before a city with a population of more than sixty thousand, and with an armed force of twenty-five thousand to defend it. The Americans fought the opposing army; they vanquished the foe. The foe were retreating; they were entering the gates of the city, crying that the Americans were upon them. It would then have been easy for our army, in the flush of its excitement and exhilaration of spirit impelled by feelings of ambition, actuated by the events of the moment, to rush in and take the city, and put an end to the matter. But was that done? No. If that had been done, it might have been attributed to the exhilaration of spirit natural to military men under such circumstances; but it was not done. There was a stop, an armistice. The armistice existed for days. In the mean time the enemy within the walls were arming; even the citizens themselves took up arms to resist the final and ultimate attack anticipated; the fact is, I believe that the armistice was sought on the part of Santa Anna to enable his forces to render themselves as strong as possible. The Americans sat quietly down; their blood cooled; and so they remained until the armistice was at an end.

There is a moral associated with the uprising of that little army with mighty odds against them, which, I think, is unprecedented in the annals of warfare. They rose; they resolved to take the city, though it contained a population of sixty thousand, and an armed force of twenty-five thousand within its walls; and, without excitement, by the mere exercise of cool and deliberate courage, they marched forward and took it. When within its walls, it was found that the streets were barricaded and fortified by batteries of cannon, and that the immediate thoroughfare to the citadel could not be traveled; and General Scott and his army turned aside; they forced their way through solid walls and blocks of buildings until they reached a point where they could actually command the city.

Never before in the history of warfare, in my opinion, was there such a feat accomplished with so much cool blood and courage. And standing above all, and commanding all in that transaction, was the man whom it is now proposed to honor. Sir, if, in my view of the Constitution, it were in my power, I would bestow the highest possible honor upon him. But I really think that this resolution is a departure from the Constitution; and believing so, I cannot vote for it. It proposes to confer

a mere titular honor, infringing the spirit of the Constitution, which prohibits the bestowal of titles of nobility, and for that I cannot vote.

Mr. SEWARD. Mr. President, for a period of five years, in five consecutive sessions of the Senate of the United States, the proposition has been submitted to authorize the President of the United States to confer the rank of brevet lieutenant general upon the commander of the American army in the late war with Mexico. Circumstances in the condition of the country have prevented, on all those occasions, that dispassionate consideration which should have been given to the subject. This is a time of peace and of political harmony throughout the country. It is a time when the country is ready and willing to see such honor bestowed upon this venerable general as he truly deserves. I have seen nothing more gratifying, since I have been in this place, than the very general disposition which is manifested on the other side of the Chamber to receive this proposition, to consider it, to weigh it carefully, and to give a final and just decision upon it. I am convinced, sir, that every word that has been said by every Senator who has given his testimony to the character of General Scott as a soldier, as a civilian, as a patriot, and as a Christian, was sincerely spoken; and I do most fully believe that the Senators who oppose the proposition, oppose it conscientiously upon the grounds which they state, and upon convictions of public duty which they have adopted, and not from any opposition to the distinguished citizen.

Mr. President, what reason can be given why the proposition shall not be adopted? It is said by the gentleman who last addressed the Senate, that it is proposing to confer a brevet military rank, which is equivalent to conferring a title of nobility, and that it is therefore, in spirit at least, a violation of the Constitution. It seems to me, sir, that if there is any violation of the Constitution in this measure, the Constitution has been violated and wounded every year for the last fifty years, every year since it was established. An army, as organized, has various ranks, various ascending grades of office. The first which needs to be noticed is the rank of cadet, and the last and highest is that of commander-in-chief. In the very first step of the organization of our Army we appoint cadets, who serve a certain period to qualify themselves for filling places in the Army of the United States. When they have done that, and have acquired the education necessary to fit them for active service, the very first thing we do, if there is a vacancy in the rank above them, is to promote them to that vacancy. The next rank is that of second lieutenant; but inasmuch as the office of second lieutenant is generally filled, we resort, and have resorted, from the earliest adoption of our military organization, to the practice of promoting the cadet to the office of second lieutenant *by brevet*. And so, when the second lieutenant has performed his duties faithfully, and has distinguished himself, we promote him, if there is a vacancy, to a higher place. If there be no vacancy in the rank above him, we confer upon him the office of first lieutenant *by brevet*. So it is with regard to the offices of captain, major, colonel, brigadier general, and every officer of every grade. He achieves, and wins, and receives, in consideration of the distinguished services he has rendered to his country, absolute promotion, if it be in our power to promote him, and if not, he receives such a promotion as we can give, viz: promotion *by brevet*. That is to say, we give him the brevet place now, which will entitle him to the place fully when a vacancy shall happen.

If, then, there is any violation of the Constitution in making a major general a lieutenant general *by brevet*, there is no more than there is in making a second lieutenant a first lieutenant, or a captain *by brevet*. The principle is the same throughout.

I do not intend to say a word upon the general subject of the ground upon which this honor should be bestowed upon the gallant soldier for whom it is intended; but I will say that there are circumstances in the case which require that the honor, if it is ever to be conferred, should be conferred now. Gentlemen have alluded to the claims which have been established by this distinguished commander to receive this honor at the hands of his country by his services in the Mexican war. It is truly said by the honorable Senator from

North Carolina, that those services were only the capital placed on the top of the column. We have only to go back and remember that, when he was a stripling, a youth, he entered the service of his country as a volunteer, and obtained a commission in the war with Great Britain, in 1812. We find him wounded, and shattered, and broken in the direst conflicts of that war; and we see that he recovered his strength, his vigor, his powers only to offer himself to new and more dangerous trials at every time and on every occasion afterwards when his country was exposed to danger. Sir, he is shattered and bruised all over with wounds received from the enemies of his country in her defense, and he cannot survive long. At the same time, as has been truly said, there has never been shed one drop of blood by him unnecessarily; there has never been drawn from suffering humanity, by him, one tear without compunction.

Why, then, shall we not pass this resolution, and reward the gallant officer upon whom it is proposed to confer this high honor? We are told that we shall give a dangerous precedent. Sir, there is no danger of precedent here, for such services come very rarely. Gentlemen have tasked their recollection to find precedents in the history of the country, and have found only one which they can quote as at all bearing upon this question, and that is the case of General Washington at the close of the American Revolution. It is a period of sixty years, then, since any soldier has come before the Government of the United States claiming such honors, or since they have been claimed in behalf of a soldier such as it is said were offered to Washington. If we can judge of the future by the past, it will be sixty years more—ay, sir, I fear it will be hundreds of years more before there will arise another commander so brave, so pure, so humane, so wise, so generous, so devoted to his country and to humanity as Winfield Scott.

What is this honor that we propose to give him? It is only to give him a higher grade in the Army than that which he now occupies. Do we forget—can we forget, that the country which he subdued—Mexico, the enemy whom he prostrated and humbled—tendered to him, not merely the empty honor of a title, but the Presidency—the actual government of that Republic. He declined that, as a faithful citizen of the United States. It is but just, then, that we should reward him with this rank; for a soldier, it is the highest that our country has in her power to give.

The joint resolution was reported to the Senate without amendment, and the question upon ordering it to be engrossed for a third reading was taken by yeas and nays, with the following result:

YEAS—Messrs. Allen, Atchison, Badger, Bayard, Benjamin, Brodhead, Cass, Clayton, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Evans, Fish, Foot, Gwin, James, Jones of Tennessee, Mason, Pearce, Pratt, Sebastian, Seward, Shields, Stuart, Thompson of Kentucky, Thomson of New Jersey, Wade, Weller, and Wright—30.

NAYS—Messrs. Adams, Bright, Chase, Clay, Douglas, Fitzpatrick, Hamlin, Norris, Slidell, Sumner, Walker, and Williams—12.

Mr. SHIELDS. I ask the unanimous consent of the Senate to allow the joint resolution to be now read the third time. The sense of the Senate has been taken, and the subject may as well be disposed of now.

There being no objection, the resolution was read the third time and passed.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 22, 1853.

The House met at twelve o'clock, m.

Prayer by the Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

DELEGATE FROM NEBRASKA.

Mr. HENN. I rise to a privileged question. I beg leave to present the credentials of H. D. JOHNSON, Delegate from Nebraska Territory, and move that they be referred to the Committee on Elections.

The motion was agreed to.

DELEGATE FROM NEW MEXICO.

Mr. HENN. I would also inquire whether the credentials of the Delegate from New Mexico have yet been referred?

The SPEAKER. They have not.

Mr. HENN. I think it would be proper to refer them to the Committee on Elections.

The SPEAKER. They were presented by the gentleman from Missouri, [Mr. BENTON,] and were not referred.

Mr. HENN. Then I move that they be referred to the Committee on Elections.

The motion was agreed to.

MEMORIAL OF THE MEDICAL ASSOCIATION OF THE UNITED STATES.

Mr. ORR. I ask the unanimous consent of the House to present a memorial. By a rule which was adopted the other day, it is not in order to present petitions in open House. The memorial which I hold in my hand ought, I think, to be referred to a select committee. It is from the Medical Association of the United States—a very respectable body of gentlemen—and requires legislation of Congress.

Mr. JONES, of Tennessee. I insist on the regular order.

Mr. WALSH. I object. I have got several petitions of a similar character myself, which I wish to present.

Mr. ORR. I have accomplished my purpose. I was in hopes that this courtesy would have been extended to the medical fraternity of the United States.

The SPEAKER. It is objected to.

ADJOURNMENT UNTIL MONDAY.

Mr. FLORENCE. I rise to what I conceive to be a privileged question. I move that when this House adjourns, it be to meet on Monday next; and I do it, if I may be permitted to state my reasons—

[Cries of "Order!"]

The SPEAKER. Debate is not in order.

Mr. FLORENCE. May I not state the reasons why I make the motion?

The SPEAKER. It is not in order.

Mr. FLORENCE. I conceive, sir, that the motion—

[Cries of "Order!"]

The SPEAKER. The gentleman is not in order.

Mr. FLORENCE. I will withdraw the motion. I only desired to explain my reasons for making it.

The SPEAKER. The Chair did not decide that the motion was out of order. The Chair only decided that discussion was not in order.

Mr. FLORENCE. I so understood the Chair; but failing in my purpose to explain my motives, I withdraw the motion.

The SPEAKER then proceeded to call the committees for reports.

CHARLES LEE JONES.

Mr. FAULKNER, from the Committee on Military Affairs, reported a bill for the relief of Charles Lee Jones; which was read a first and second time by its title, and referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

NAVAL STEAMSHIP SERVICE.

The SPEAKER then laid before the House a communication from the Post Office Department, transmitting estimates for the carrying on of that portion of the mail steamship service which passes under the supervision of that Department.

Mr. HOUSTON. I move the reference of the communication to the Committee on Ways and Means, and that it be ordered to be printed.

The question was taken, and the motion was agreed to.

The call upon committees for reports having been gone through with, the Speaker called upon States for resolutions.

BOUNTY LAND CLAIMS.

Mr. COBB. I am glad, Mr. Speaker, of this opportunity to contribute my humble mite in favor of doing justice to the widows and orphans of those who nobly defended our country in the hour of need. I ask leave of the House to introduce a bill entitled "A bill giving further time for satisfying claims for bounty lands, and for other purposes," of which previous notice has been given.

There was no objection; and the bill was read a

first and second time by its title, and referred to the Committee on Public Lands.

MOBILE AND NEW ORLEANS RAILROAD.

Mr. PHILIPS. I ask leave to introduce a bill entitled "A bill making a grant of alternate sections of land to the States of Alabama, Mississippi, and Louisiana, to aid in the construction of a railroad from Mobile to New Orleans."

There was no objection; and the bill was read a first and second time by its title, and referred to the Committee on Public Lands.

MOBILE HARBOR.

Mr. PHILIPS asked and obtained leave, and introduced a bill for the improvement of the harbor of Mobile; which was read a first and second time by its title, and referred to the Committee on Commerce.

PAY OF THE OFFICERS OF THE ARMY.

Mr. HOUSTON offered the following resolution; which was read and adopted:

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of so modifying the laws fixing and regulating the pay and allowance to the officers of the Army, as to give a compensation in money per month, and such rations in kind as may be necessary for their subsistence, abolishing longevity rations, together with all other extra allowances; and also, into the propriety of so modifying existing laws, that brevet appointments shall in no case increase the compensation.

NAVY-YARDS AND MARINE HOSPITALS.

Mr. HOUSTON offered the following resolution; which was read and adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of abolishing and disposing of such of the navy-yards and marine hospitals belonging to the United States as can be dispensed with, consistently with the public interests, and curtailing the expenses and annual costs of those which may be retained; and also inquire into the propriety of abolishing all extra allowances and rations to officers of the Marine Corps.

LANDS FOR THE SOUTHERN RAILROAD.

Mr. SINGLETON asked and obtained leave, and introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill granting to the State of Mississippi the right of way, and alternate sections of public land, for the purpose of locating and constructing the Southern Railroad."

IMPROVING PASSES OF THE MISSISSIPPI.

Mr. HUNT offered the following resolution; which was read and adopted:

Resolved, That the Secretary of War be, and he is hereby, instructed to report to this House the reports, maps, and estimates on file in his Department, showing the practicability and expediency of deepening and otherwise improving the passes of the Mississippi.

Mr. DUNBAR, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill to remove obstructions to navigation in the mouths of the Mississippi, at the Southwest Pass and Pass à l'Ouvre."

Mr. D. also introduced a bill to establish a navy-yard and depot near the city of New Orleans; which was read the first and second time by its title, and referred to the Committee on Naval Affairs.

Also, a bill granting to the State of Louisiana the right of way, and a donation of the public lands, for the purpose of locating and constructing a railroad from New Orleans to the Mississippi State line in the direction of the town of Jackson in said State; which was read the first and second time by its title, and referred to the Committee on Public Lands.

On motion by Mr. DUNBAR, it was

Ordered, That he have leave to withdraw from the files of the House the papers of Alexander Lee, for the purpose of reference in the Senate.

Mr. PERKINS, of Louisiana, offered the following resolution:

Resolved, That the Secretary of the Treasury be requested to inform the House what changes have been made within the last year in the manner of keeping the public revenue; and how far the Assistant Treasurers have been made available as depositaries for disbursing officers for the General Government.

The question was taken, and the resolution was agreed to.

SPOILIATION BILL.

Mr. DISNEY, in pursuance of previous notice, introduced a bill of the following title: "A bill for the indemnification of certain American citizens for spoiliations committed by France prior

to 1801;" which was read the first and second time by its title, and referred to the Committee on Foreign Affairs.

Mr. SAPP, in pursuance of previous notice, introduced a bill of the following title: "A bill granting the right of way and making a grant of land to the States of Ohio, Indiana, and Illinois, in aid of the construction of a railroad from the town of Coshocton via Mount Vernon, Mount Gilead, and Marion, and Fort Wayne, in Indiana, to Chicago, Illinois;" which was read the first and second time by its title, and referred to the Committee on Public Lands.

Mr. EDGERTON, in pursuance of previous notice, introduced a bill of the following title: "A bill explanatory of the act, entitled 'An act for the relief of Benjamin S. Roberts;'" which was read the first and second time by its title, and referred to the Committee on the Judiciary.

Mr. E. also offered the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of contracting for the erection of a custom-house and marine hospital at Toledo, Ohio; and clearing out and working channels in the Maumee Bay, in Ohio.

The question was taken, and the resolution was adopted.

GUNNISON'S SURVEY.

Mr. CHURCHWELL introduced the following resolution; which was read and adopted:

Resolved, That the Secretary of War be requested to furnish to this House all the information in his possession relative to Captain Gunnison's survey, as far as it has gone.

ARMORY IN INDIANA.

Mr. ENGLISH. I desire to offer a resolution to which I hope no member will object. It is merely a resolution of inquiry. I offer the following:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national foundry and armory in the State of Indiana, at or near the Falls of the Ohio river.

The question was taken, and the resolution adopted.

SWAMP LANDS.

Mr. ENGLISH, on leave, introduced a bill, of which previous notice had been given, giving to the States the entire control and disposition of swamp lands within their limits, granted by act of Congress, approved September 28, 1850, and repealing so much of said act as requires the proceeds of such lands to be used in the construction of levees and drains; which was read a first and second time by its title, and referred to the Committee on Public Lands.

CANAL AROUND THE FALLS OF THE OHIO.

Mr. DUNHAM, on leave, introduced a bill, of which previous notice had been given, providing for the construction of a steamboat canal around the Falls of the Ohio river; for the enlargement of the Louisville and Portland canal; and for the extinguishment of the stock of private stockholders in the Louisville and Portland Canal Company; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

INDIANAPOLIS AND SPRINGFIELD RAILROAD.

Mr. DAVIS, of Indiana, on leave, introduced a bill, of which previous notice had been given, granting the right of way and making a grant of the public land to the States of Indiana and Illinois, to aid in the construction of a railroad from Indianapolis, in Indiana, to Springfield, in the State of Illinois; which was read a first and second time by its title, and referred to the Committee on Public Lands.

CAIRO, A PORT OF DELIVERY.

Mr. BISSELL, on leave, introduced a bill, of which previous notice had been given, constituting Cairo, in the State of Illinois, a port of delivery; which was read a first and second time by its title, and referred to the Committee on Commerce.

IMPROVEMENT OF THE GALENA RIVER.

Mr. WASHBURN, of Illinois, on leave, previous notice having been given, introduced a bill for the improvement of the navigation of the Galena river and harbor of Galena, in Illinois; which was read a first and second time by its title, and referred to the Committee on Commerce.

LANDS TO IOWA AND MINNESOTA.

Mr. WASHBURN, of Illinois, in pursuance

of previous notice, asked and obtained leave to introduce the following bill:

"A bill granting the right of way and making a grant of the public lands to the State of Iowa and the Territory of Minnesota, to aid in the construction of the Northwestern Railroad, from Galena, in the State of Illinois, by the valley of the Tete de Mort, to the great bend in the Minnesota river, in the Territory of Minnesota."

The bill was read a first and second time by its title, and referred to the Committee on Public Lands.

MODIFICATION OF THE JUDICIAL SYSTEM.

Mr. WASHBURN, of Illinois, offered the following resolution:

Resolved, That the President of the United States be requested to communicate to this House the plan which he is prepared to recommend for the enlargement and modification of the present judicial system.

The resolution was adopted.

UNSOLD LANDS.

Mr. WENTWORTH, of Illinois, in pursuance of previous notice, asked and obtained leave, and introduced "A bill granting to the States all the unsold lands in every land office district where the expenses for any quarter exceed the receipts;" which was read a first and second time by its title, and referred to the Committee on Public Lands.

AMENDMENT OF THE RULES.

Mr. WENTWORTH, of Illinois. I ask leave to introduce a resolution, which I offer at the request of a very large influence outside of this House:

Resolved, That the Committee on Rules be instructed to inquire into the expediency of providing, by rule, for the equalization of the privileges of claims agents in Congress, so as to admit all persons within the bar of the House who may be claims agents, or else to exclude privileged persons whenever they may be engaged in the lobbying for claims, the object of the rule being purely to give no one claims agent an advantage over another within the bar of this House.

Several MEMBERS. Read it again.

The resolution was again read for the information of the House.

Mr. BAYLY, of Virginia. That subject is already before the committee on the rules, and everything else connected with the amendment of the rules. I cannot regard the resolution otherwise than as a mere piece of Buncombe. I therefore move to lay it upon the table.

[Loud cries of "No! No!" and "Let it go to the committee."]

The question was then taken on the motion to lay the resolution upon the table, and it was decided in the negative.

Mr. JONES, of Tennessee, demanded the previous question, which was seconded, and the main question was ordered to be now put.

The question recurring upon the adoption of the resolution, it was put, and the motion was agreed to.

Mr. WENTWORTH, of Illinois, moved to reconsider the vote by which the resolution was agreed to, and to lay the motion to reconsider upon the table.

The question was taken on the latter motion, and it was agreed to.

TERRITORY OF NEBRASKA.

Mr. MILLER, of Missouri, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Territories:

"A bill to organize the Territory of Nebraska."

THE MEXICAN WAR.

Mr. MILLER. In pursuance of previous notice, also introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Military Affairs:

"A bill explanatory of an act approved July 19, 1848, entitled, 'An act to amend an act,' entitled 'An act supplementary to an act,' entitled 'An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes.'"

IMPROVEMENT OF WESTERN RIVERS.

Mr. OLIVER, of Missouri, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Commerce:

"A bill making appropriations for the improvement of the Missouri, Mississippi, and Ohio rivers."

RAILROAD IN MISSOURI.

Mr. LINDLEY, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill granting to the State of Missouri the right of way and a portion of the public domain to aid in the construction of certain railroads therein."

RAILROADS IN ARKANSAS.

Mr. GREENWOOD, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill granting the right of way and making a grant of land to the State of Arkansas, to aid in the construction of a railroad from a point on the southwest boundary of the State of Missouri, and a line from Springfield, Missouri, to Bentonville, Arkansas, via Bentonville, Fayetteville, Van Buren, and Fort Smith, to the southern boundary of the State, north of the Red river raft, to be denominated "the Western Border Railroad."

WITHDRAWAL OF PAPERS.

Mr. GREENWOOD. I ask leave to withdraw from the files of the House the papers of Captain John Fagan, with a view of sending them to the Senate, to be presented by Senator JOHNSON, to whose charge they were confided while he was a member of this House. I hope there will be no objection.

There being no objection, leave was granted.

OAKLAND AND OTTAWA RAILROAD.

Mr. CLARK, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill granting the right of way to the State of Michigan, and a portion of the public lands, to aid in the construction of the Oakland and Ottawa Railroad, and branches in said State."

HARBOR IMPROVEMENTS.

Mr. CLARK also, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Commerce:

"A bill making appropriations for the improvement of certain harbors."

SCHOOL LANDS.

Mr. HENN, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill confirmatory of certain school selections."

RELICS OF GEORGE WASHINGTON.

Mr. HENN. I offer the following resolution: *Resolved*, That the Committee on Expenditures on the Public Buildings be requested to inquire into the expediency of setting apart an appropriate room in the Executive Mansion, to be furnished exclusively with articles used by George Washington during his lifetime.

Mr. JONES, of Tennessee. I desire to debate that resolution.

The SPEAKER. Then the resolution must lie over.

RAILROADS IN WISCONSIN.

Mr. MACY, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill to be entitled an act giving a right of way, and granting alternate sections of certain public lands, to the State of Wisconsin, and its grantees and assigns, to further the construction of certain railroads therein specified."

IMPROVEMENT OF GREAT RIVER AT POTOMI.

Mr. EASTMAN offered the following resolution; which was read and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill making an appropriation for completing the improvement of the mouths of the Great River at Potomac, Wisconsin.

REDUCTION OF OCEAN POSTAGE.

Mr. WELLS offered the following resolution; which was read and adopted:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reducing ocean postage, and to report upon the same, at an early day, by bill or otherwise.

REFUNDING OF DUTIES TO CALIFORNIA.

Mr. LATHAM, on leave, introduced "A bill to

authorize and direct the payment of certain moneys into the treasury of the State of California, which were collected in the ports of said State as revenue on imports since the ratification of the treaty of peace between the United States and the Republic of Mexico, and prior to the admission of said State into the Union," of which previous notice had been given; which was read a first and second time by its title, and referred to the Committee on Ways and Means.

UNIVERSITY OF THE PACIFIC.

Mr. LATHAM, on leave, introduced "A bill to grant certain privileges to the trustees of the University of the Pacific, situated in the county of Santa Clara, State of California," of which previous notice had been given; which was read a first and second time, and referred to the Committee on Public Lands.

INDIAN AGGRESSIONS IN CALIFORNIA.

Mr. LATHAM, on leave, introduced "A bill to refund to the State of California the expenses incurred in suppressing Indian aggressions in that State," of which previous notice had been given; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

NAVIGATION IN MINNESOTA.

Mr. RICE, on leave, introduced "A bill to provide for the removal of obstructions to navigation in certain harbors in the Territory of Minnesota, of which previous notice had been given; which was read a first and second time by its title, and referred to the Committee on Commerce.

CONSTRUCTION OF ROADS IN MINNESOTA.

Mr. RICE, on leave, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Roads and Canals:

"A bill for the construction of roads in the Territory of Minnesota, for military and other purposes."

Also, the following resolution; which was read and adopted:

Resolved, That the Secretary of War be requested to furnish the House of Representatives, as soon as practicable, with a copy of the report, estimates, and maps of the survey of the road from Mendota to the Big Sioux river.

EXPENSES OF A CODE OF LAWS FOR OREGON.

Mr. LANE, of Oregon, presented the following joint resolution; which was read a first and second time by its title:

"Joint resolution authorizing the accounting officers of the Treasury to adjust the expenses of a board of commissioners appointed by the Territorial Assembly of Oregon, to prepare a code of laws; also, to adjust the expenses of collecting and printing certain laws and archives of the Territory of Oregon."

Mr. LANE. I ask the unanimous consent of the House that the joint resolution just read may be read a third time and passed.

Mr. BISSELL. Unless there be very pressing reasons for the immediate passage of that resolution, I think it had better take the usual course. I am very unwilling to make any objection to the request of the gentleman from Oregon, but I think it is a resolution which it would be well to look into before we vote upon it.

Mr. LANE. I am unwilling to urge upon the House the passage of any measure for the Territory of Oregon which my friend from Illinois, [Mr. BISSELL,] or any other gentleman, may reasonably object to. The reason why I ask the passage of this resolution at this time is, that the last Congress made an appropriation to defray certain expenses in Oregon Territory.

Now, all I desire by the adoption of the resolution is, that certain persons shall be paid for the services they rendered according to the direction of the Legislative Assembly. The money has been already appropriated. Commissioners appointed by the Legislative Assembly have performed certain duties, and the Comptroller of the Treasury Department asks that he should be directed to pay, or rather asks that this joint resolution may be passed, authorizing him to audit and pay their accounts. It is not asking for money, but for the privilege of disbursing money heretofore appropriated for the Territory of Oregon for services already rendered. I can see no objection to the adoption of the resolution, and I am inclined to think that my friend from Illinois [Mr. BISSELL]

will not persist in his objection. I ask the Clerk to read the following letter from the Treasury Department upon the subject.

The letter was then read, as follows:

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE.
December 19, 1853.

SIR: The Legislative Assembly of the Territory of Oregon, by an act of the 8th and 12th of January last, created a board of commissioners, consisting of three persons, to prepare a code of laws for said Territory.

The compensation of the commissioners was fixed at \$6 per day; and \$6,000 were appropriated out of any money appropriated by Congress to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses.

Another act was passed on the 22d of December and 26th of January, appointing L. F. Grover a commissioner to collect and prepare for publication the laws, journals, Governors' messages, and public papers of Oregon, from the earliest attempt to form a government, &c., down to, and inclusive of, the session of 1849, except the laws of that session, which were published in the bound volume of the statutes of Oregon City in 1851.—*Laws of Oregon*, session 1852-53, pages 57 and 65.

On the 7th of October last, George L. Carmy, Secretary of the Territory, addressed a letter to the Hon. James Guthrie, Secretary of the Treasury, desiring to be informed whether he was authorized to settle the expenses incurred under those acts.

That letter is referred to this office.

By an act of Congress, approved August 29, 1802, vol. 5, page 540, the accounting officers are expressly prohibited from allowing any expenses for which estimates have not been made by the Secretary of the Treasury, although they may have been incurred by direction of the Territorial Legislature. The Territory of New Mexico created a board of commissioners to prepare a code of laws, and application having been made to defray the expense, the question was examined with the result that it could not be paid without the further legislation of Congress, authorizing payment to be made. A representation thereof being reported to Congress, an appropriation was made, in the general appropriation act of March 3d, 1853.—*Session Laws*, page 198, chapter 97.

The balance standing to the credit of the appropriations for compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly of Oregon, is \$36,827 22.

If the accounting officers should be authorized to settle the expense incurred under said laws of Oregon, and to pay it out of said balance, there would not be a necessity of making a further appropriation. A joint resolution, of the character mentioned, need not be referred to a Committee of the Whole, and it might be passed at once, if it should be the pleasure of the two Houses to act on it promptly.

If authority should be given to the accounting officers to settle these expenses, I will advise you or the Secretary, in regard to the testimony that should accompany the accounts. Most sincerely yours,

ELISHA WHITTLESEY.

Hon. JOSEPH LANE, House of Representatives

Mr. BISSELL. It is always to me an ungrateful task to oppose the slightest objection to anything which the gentleman from Oregon [Mr. LANE] asks for; as a general rule, I am bound to say, according to my experience here, that what he asks is reasonable; but I am not yet convinced that we ought to pass this resolution to-day. I think, notwithstanding all the gentleman has said, that the resolution ought to go to a committee, in order that they may find out what is right, as I have no doubt they will; and then upon their representations, when they report, we can pass it. I would adopt the suggestion in the letter which has just been read, that the matter should go to the Committee of the Whole.

I do think it quite prudent, that inasmuch as the resolution is an important one, that it should be referred; although it makes no appropriation of money, yet it does direct the payment of money. We have not ascertained the amount which it proposes to pay, and I repeat that I think it quite prudent that it should be referred to some committee. Let it go to the Committee on the Territories, and I pledge my word that the honorable chairman of that committee, my colleague from Illinois, [Mr. RICHARDSON,] will use all reasonable dispatch in investigating the matter, and in reporting it back to the House for its action. I move to refer the bill to the Committee on the Territories.

The question was taken, and the bill was accordingly referred.

THE LATE SAMUEL R. THURSTON.

Mr. LANE. I now ask the consent of the House to introduce the following resolution:

Resolved, That the Committee on Mileage be requested to inquire into the expediency of reporting to this House a resolution authorizing the payment to the widow and heirs of the late Samuel R. Thurston, former Delegate from the Territory of Oregon, such balance of his mileage as will make the amount equal to the sum paid the present Delegate for mileage.

The question was taken, and the resolution was agreed to.

Mr. SMITH, of Virginia. I ask the Speaker if the call of States for resolutions has been gone through with?

The SPEAKER. It has. Under the rule of the House, it is the duty of the Speaker to begin the call precisely where it was left off the day before. If it is the pleasure of the House, however, under the circumstances, the Chair will again commence the call, beginning with the State of Maine.

Mr. PHELPS. I submit the motion, if it be in order, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. SMITH. I hope the gentleman will withdraw his motion for a moment.

Mr. PHELPS. I cannot yield. The gentleman will have an opportunity to attend to his business during the morning hour to-morrow.

The question was taken, and the motion agreed to—ayes 88, noes not counted.

So the rules were suspended.

REFERENCE OF PRESIDENT'S MESSAGE.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. ORR in the chair,) and resumed the consideration of the President's message; the question pending being upon the adoption of certain resolutions providing for its distribution to the appropriate standing committees, introduced by Mr. Housron, upon which Mr. WRIGHT, of Pennsylvania, was entitled to the floor.

Mr. WRIGHT. The opening debate of this House at the commencement of this session has taken a somewhat unusual course. I do not think that the country at large was prepared to anticipate the result, with regard to the opening debates of this House, that we have realized within the last two or three days. I am one of those who believed, that after the great contests the country has so recently passed through, when both the great political parties of the nation seemed to have concluded this warfare, and when the great battle was fought and the victory won—I say, I am one of those who believed that abolitionism was dead and buried; and until the day before yesterday, when the gentleman from New York [Mr. SMITH] exhumed its lifeless body, and dragged it again before this House and the country, I supposed that it was dead and gone; but like the ghost of Banquo, it is again in this Hall, and before the country. I do not propose to go into a discussion of the abstract question of abolition. Wiser heads than mine have already not only touched upon, but dissected that subject, until it has not a limb left to its body that is not completely mutilated. I repeat, that at this moment it is lifeless and inanimate; and the eloquence and power of the gentleman from New York [Mr. SMITH] cannot resuscitate its putrid carcass.

Perhaps, Mr. Chairman, I ought not to reply to an argument on the subject of abolition in this Hall. I know that a large portion of the Democratic party in this House are opposed to renew the discussion on the question of abolition. They think, as a great portion of their party thought, that no notice whatever should have been paid to any debate that had a tendency again to bring before the country a question which is fraught with so much evil to the country as that subject is, and would be, if its principles are carried out. Yet, Mr. Chairman, I never can sit in an American Congress with my mouth closed, and hear doctrines advanced such as were advanced here the day before yesterday by the gentleman from New York. I refer you, sir, and members of this House, to a single paragraph in the reported speech of that gentleman, and I hope I may have the indulgence of the attention of the committee, while I read the paragraph to which I have referred.

That there may be no mistake, sir, I will read the paragraph:

"I admit that Austria is an oppressor; but is it not equally and more glaringly true, that America is a far greater and guiltier oppressor? Indeed, Austrian despotism, compared with our despotism, which classes millions of men, women, and children with cattle, is but as the little finger to the loins."

And the gentleman placed his hands on his body as he made use of the expression. Now, sir, when I am told in a high place that there is a greater despotism in America—free, independent, powerful, and gigantic as she is—when I am told there is a greater despotism here than there is in that degraded Austrian empire, I cannot repress

my feelings, nor can I permit such talk to go out to the country without a notice of condemnation and without a reprimand, I care not from what source it emanates or who utters it. Sir, that work of exaggerated fiction which has lately gone forth to the world, called "Uncle Tom's Cabin," written by Mrs. Harriet Beecher Stowe, the object of which was to impair and diminish the character, the power, the importance, and the social relations of this country abroad, is perhaps unworthy to be noticed here; but when a gentleman with the high character for talent and learning as the gentleman from New York, comes here to stigmatize his own country, it is time for patriotic men to speak, and to speak openly. The gentleman eulogizes that Government which but a short period ago formed a combination with Russia and Prussia to blot from the chart of nations the nationality of Poland, and took her share of the spoils in the division.

There was no despotism, sir, in that act! The gentleman from New York, standing in his place in the American Congress, eulogizes that nation which but a few years after, not only trampled upon fifteen millions of Hungarians, but made them worse slaves than the slaves of the American States; and in that, I suppose, there was no despotism! The gentleman is the eulogist of a State where the public press is entirely abolished and obliterated, so far as regards all practical purposes, and where the people at this day are in a more degraded condition than perhaps any other people upon the continent of Europe. And that is the country where, according to the gentleman from New York, the despotism is inferior to the despotism of this great and mighty Union! Had the gentleman never heard of a certain General Haynau, I think his name was, who, commanding an Austrian army upon Hungarian territory, butchered and slaughtered indiscriminately, men, women, and children; and does he come within the broad terms of the eulogy that the honorable gentleman from New York applies to Austria? A monster in human form, and whose only passion seemed to have been to know how much blood would flow from Hungarian veins. And who, afterwards, when mobbed by the brewers of London, instead of being drenched in the horse-pond, should have been hung upon Judge Lynch's gallows. A man destitute of feeling, and deaf and blind to all the common sympathies of life. A man in proportions, but a monster in mind and disposition.

Mr. Chairman, I must have the candor to say that, with regard to those gentlemen who differ from me on the subject of abolition, I am willing to accord them all the merit and honor that flow from a somewhat overgrown philanthropy; but when they ask me to indulge them in that philanthropy, at the fearful expense of degrading the honor of my country and my country's flag, I cannot consent to look upon their conduct with the least grain of allowance. I had supposed, as I remarked a moment ago, that this question of abolition was dead. Practically it is. It has not in this country at this time even a god-father to stand by it in its extremity. Both the Whig and Democratic conventions, which met at Baltimore some eighteen months ago, ruled the question of abolition as effectually out of existence as the Austrian Government, of which the gentleman is an eulogist, ruled out of existence poor, prostrate, dismembered Poland. Upon neither of the Baltimore platforms of the two great parties of this Union dared that hydra-headed monster enter. At this day I do not think there is any respectable body of men—I speak as a matter of course of numbers—who have the hardihood to stand up before the American people and proclaim they are identified with that thing which, of all other things, is most to be feared, but which, thank God, is this day as harmless as the infant just ushered into life. It is powerless, and so are its advocates.

And in rising to reply to the gentleman, although, perhaps, it might be saying what I ought not to say here, I am giving character to the position he has assumed, which otherwise would go unnoticed. How long has it been since that question was met and disposed of—and met and disposed of by the best and purest patriots of our country? Why, sir, does the gentleman recollect that two years since this subject underwent a full discussion in both branches of Congress; and that men, irrespective of party, marched up to the issue and dis-

posed of it, as they thought, forever? Sir, what were the counsels of those great men; some of whom have left the stage of action, and some of whom are still upon it? What has the gentleman to say in regard to the views of his illustrious friend—as I presume that he was, being of the same political party—the great man, and the celebrated constitutional expounder, who but a few brief months since laid himself down to die, confronting that ocean upon which he had looked with admiration for so many years, and to which he had talked as friend talks to friend, and who died with the blessings of his country on his head; and his acts were fully approved, on this question, by millions of his fellow-men; and a man whose patriotism underwent the test of the age in which he lived, and who lived but to adorn all the social relations of life. A statesman in every sense of the word, and, above all, a gentleman.

What shall I say of the counsel of that great man who has but just left the American stage? What shall I say of another great statesman and pure patriot who hailed from Kentucky, and whose lips, in this Hall, touched by the fire of inspiration, for half a century poured out the purest eloquence, and the loftiest patriotism, and whose funeral requiem has scarcely ceased now to vibrate within these Halls? What also shall I say in regard to that distinguished man who occupies a proud position in the coordinate branch of this legislative body—I allude to the distinguished man who represents, in part, the State of Michigan, and who, but a short time since, when representing his country at a foreign court, rose up, and, in the presence of all Europe, proclaimed to the world the freedom of the seas?

These three men were the men who, but yesterday, in the Senate Chamber of the United States, joined hand in hand upon these compromise measures which have gone forth to the country, and have been adopted as its organic law. After this sacrifice and mutual concession, and mutual forbearance of southern rights and northern rights, after all had been taken into account, are we at this day, after the question has gone to rest, to be annoyed by the gentleman from New York, [Mr. SMITH] who comes here to throw a firebrand into the midst of the country, endeavoring, at the same time, to dignify it by his position upon this floor, while he degrades our common country by stigmatizing it as a greater despotism than the most despotic power upon the European continent?

I honor the gentleman from New York, sir, for his zeal; but so far as regards his judgment in this matter, at this time, it may be a question admitting of some considerable doubt; his zeal and discretion are by no means evenly matched.

Now, Mr. Chairman, having disposed of that part of the speech which refers to the despotism of this country, I want the committee to bear with me until I make reference to another quotation from the gentleman's address, and which is in keeping with what I have already read and stated to the House. I find this paragraph:

"Alas! sir, what a pitiable spectacle does our Administration present in thus willfully corrupting Christianity, for the sake of saving so vile and abominable a thing as slavery? And then, sir, what a pitiable spectacle do the American people present in choosing such an Administration, and in remaining patient under it!"

In the estimation of that gentleman, this Administration, indorsing these measures of compromise, after they had been adopted by Congress, and by both of the dominant parties in the United States, upon their respective platforms at Baltimore, presents to the country a most "pitiable" and humiliating position. Why? For its observance of the law? For its adherence to the Constitution? For doing right in the face of Heaven and of men? Does the gentleman from New York pay due regard to the Constitution and laws of his country? I assume, sir, that he has been sworn as a member of this body, and having been sworn, I want to refer him to a single clause in the Constitution of the land. I read from the 3d clause, section 11, and article 4:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Then I desire to propound to the gentleman a question: How, in accordance with that clause in the Constitution of our country, can he stand up

here an advocate of a law that is superior to the Constitution itself?

The gentleman is a renowned and distinguished lawyer, and he has read that clause of the Constitution time and time again. How, then, let me ask him, can he, as a constituent part of this legislative body, put his hand upon the Holy Evangelist, and swear to support the written Constitution of the country, and, at the same time, be the advocate here of a principle which says that there is a higher law than the Constitution of his country? I know no law with regard to municipal regulations, with regard to questions of government, that should be superior, that is superior to the written Constitution of our country. And, sir, if the day shall ever come in this country when higher law shall be used as a substitute for the written law, God in his mercy protect us, and the twenty-three millions who enjoy the blessings of free institutions with us.

Mr. SMITH, of New York. Will the gentleman yield me the floor to reply to his question?

Mr. WRIGHT. Does the gentleman desire to make a speech?

Mr. SMITH. I rose, not because I wish to reply to the gentleman's question, for I do not wish to reply to it. But, as he put the question to me, and might deem me uncivil were I not to reply to it, I am willing to reply to it; and I trust that the gentleman will feel no better after my reply.

Mr. WRIGHT. After having called the gentleman out, I cannot refuse him the floor.

Mr. SMITH. The gentleman has referred me to that clause of the Constitution which respects fugitives from service; and it is on this clause that his question is based. Now, not to consume the time of the gentleman with any other reason for my denying that the word "service" in the Constitution refers to slavery, I will only advert to the fact, that three days previous to the close of the convention which framed the Constitution, the committee on style made their report; and that then it was moved to strike out the word "servitude," and to supply its place with the word "service." This substitution was made by a unanimous vote, and for the avowed reason that "servitude" denotes the condition of slaves, and "service" the condition of freemen. I hold, therefore, that the word "service" in the Constitution refers to freemen, and to freemen only. To hold that the framers of the Constitution did, after the substitution I have referred to, mean that the word should refer to slavery, would be to stigmatize them with hypocrisy. I add that the facts I have here given, may be found in the Madison papers.

Mr. WRIGHT. That is not my recollection of the historical proceedings of that convention which formed the Constitution.

Mr. SMITH. I refer the gentleman to the Madison papers.

Mr. WRIGHT. That is not my construction of those papers. The very change of which the gentleman speaks was made upon the suggestion of a southern member of that body, who thought it would be better not to introduce the word "slave" into the Constitution, and therefore he moved to strike it out and insert in its place, "involuntary servitude." That is the history of this change, as I think I am prepared to show to the gentleman from New York, to the House, and to the country. And can the gentleman—I am not putting the question to him now with a view of an answer—(laughter)—I say, can the gentleman, as a sound lawyer, putting upon the Constitution a proper construction, as he has the ability to do, can he assert that this third clause of the Constitution does not embrace slaves as well as other persons held to involuntary servitude? So the courts have decided. So lawyers have learned it; and none have perused it, I presume, more carefully than the distinguished gentleman from New York, [Mr. SMITH.]

When that gentleman approached that stand, and with the Evangelist in his hand, swore to support the Constitution of his country, upon what principle can he get up here and state that he is governed by a higher power than that which he has sworn to support and obey? No, sir; the gentleman cannot answer that question. It is not susceptible of an answer. There he must swing, upon the position he has fixed for himself.

Mr. SMITH. Will the gentleman allow me to try to answer it? [Laughter.]

Mr. WRIGHT. No, sir; I cannot allow the

gentleman to interfere with my time, for it is precious. Now, having been elected a member of this body, and having sworn to support the Constitution of the country, I maintain that there is no power, either above or below, that is superior to that Constitution, which has received his solemn assent, and to support which he is bound by all the obligations of a solemn oath.

Mr. Chairman, I do not know what effect the gentleman's speech is going to have upon the country. It has gone out—it has been published—it has been read, I presume, by every Abolitionist in the land; or, if it has not, it certainly will be, for I regard that gentleman as the head and front—the great leader of that very small party—at the present time. But I have no idea that the arguments contained in that speech will make any new converts to his theory.

I think the time has gone by in the annals of American politics and philanthropy when a faction—as the Abolition faction is—will be permitted even to carry a firebrand, much less to attempt to burn our fair political fabric. They have not the power to do evil, if they have the inclination.

Many years ago, the great State of Pennsylvania, which I have the honor, in part, to represent, and which I am proud to represent—for I do not say as others have said, that it was my wish to have been born in some other part of the Union than Pennsylvania—for I am proud to come here as a Pennsylvanian, and rejoice in the land of my birth—I honor her name and her institutions;—but I am digressing. I was about to say that years and years ago, the Commonwealth of Pennsylvania abolished from her statute-book, the right to hold persons in involuntary servitude. She did it as a sovereign State; she had a constitutional right to do it; and neither the gentleman from New York, nor any other gentleman has any right to complain of this exercise of this constitutional sovereignty as regards the State of Pennsylvania. In the full plenitude of her power and sovereignty, she acted. She impaired no bond she had entered into with the Federal Government. She violated no pledge. She acted in view of, and consonant with, her own vested rights, and the act being sovereign and supreme, no power on earth had the right to question her motives. And because my State did this act, I rejoice at it, for slavery, in the abstract, I condemn; but to abolish it elsewhere is an entirely different position, so far as Pennsylvania is concerned, and also the General Government, as to its power to interfere with the domestic relations of the States.

Whether the State of New York was a slave State or not I do not know.

Mr. SMITH. She was.

Mr. WRIGHT. Some gentleman answers the question in the affirmative. I presume that answer is correct. If she were a slave State then, the gentleman will admit that, under the power of her organic law, and under the canopy of her State sovereignty, she abolished that institution. And what right had the State of Pennsylvania to make any complaint in regard to it? None, sir, whatever.

The States, all will admit, are sovereign and supreme for the enactment of all their internal regulations, except such as they have conceded to Congress, under the Constitution of the United States; but the doctrine of the gentleman from New York, if his theory be carried out and adopted, goes to destroy that sovereignty, and to consolidate all power here; to destroy, for all practical purposes, a combination and league of these respective sovereignties which has conferred countless blessings upon man—which has produced much of the liberty we enjoy at home, and all the advantages which we have experienced in our commercial relations abroad.

It has been said and contended, time and again, that Congress has no power to legislate upon this question. Why, then, does the gentleman from New York drag it before the country, when it is acknowledged, on all hands, that we have no power over the subject—just as powerless as that hand would be if every bone in this arm were broken. Yet, forsooth, this question must be talked about; it must be made a theme for speeches; and time and time again, no doubt, during the present session we shall have the scare-crow of the "death's head and cross-bones" staring us in the face; and, perhaps, before the session is ended, the gentleman from New York will not even know his own bantling.

Now, what shall I say in reply to the honorable gentleman from the State of Ohio, [Mr. Giddings?] What shall I say in reply to his observations? Do not let the gentleman suppose that I am putting the question now with the view of obtaining from him an immediate answer. [A laugh.] I know he is always ready; and will, perhaps, answer at much greater length than I would be willing he should in view of the time allotted me under the rules. By no means let him suppose so. [Laughter.]

Mr. GIDDINGS. I will answer the gentleman from Pennsylvania if he desires it.

Mr. WRIGHT. Not at all, at present. [Renewed laughter.] I pay deference at all times to age, and the gentleman from New York, is, undoubtedly, many years the junior—at least, such is my impression when I look at the two gentlemen in their seats. But what shall I say to the gentleman from Ohio? He used very hard talk yesterday, when he said that every man north of Mason and Dixon's line, was a "dough-face." I would ask the gentleman a question, and will not object to a categorical answer. I would ask him if he lives north of Mason and Dixon's line?

Mr. GIDDINGS. I do.

Mr. WRIGHT. Then, according to the gentleman's own assertion, he is himself a "dough-face." [Great laughter.] He is in the same catalogue he places the rest of us. He is very kind.

Sir, the speech that the gentleman from Ohio made yesterday I have heard time after time, and again and again, during the last ten years. It is a stereotyped edition, and as the country is bound to be afflicted with it annually, and as we were to have a repetition of it this session, as we have had in former sessions, it was just as well that he should put it to press now, and send it out at this early stage. It was all ready.

Now, as the gentleman has designated every man who resides north of Mason and Dixon's line as a "dough-face," I would ask—

Mr. GIDDINGS. I hope now that the gentleman will allow me to explain.

Mr. WRIGHT. No, no; I cannot. I am afraid the gentleman from Ohio will occupy more of my time than I would be willing to allow; and I do not desire the hour the committee allows me to be filled up with principles and doctrines I abhor.

The gentleman having made this remark in regard to "dough-faces," I merely wanted to make an allusion to it. As to the substance of what he said yesterday, it has been so often replied to in the Congress of the United States, that I pass it by, even without a single solitary remark. It is not my purpose to give him notoriety by noticing his argument.

I desire now to refer the House, and particularly the gentleman from New York, to the concluding sentence of the great speech made by Daniel Webster in the other branch of this legislative body on the subject of the compromise measures. I desire the gentleman from New York to listen to the quotation from the speech of that great man. Mr. Webster says in that speech:

"No monarchical throne presses those States together; no iron chain of despotic power encircles them; they live and stand upon a government popular in its form, reputable in its character, founded on principles of equality, and calculated, we hope, to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins all full of enterprise, courage, and honorable love of glory and renown."

But why do I call the gentleman's attention to this speech, delivered by undoubtedly the master-mind of the age in which he lived? I regard Daniel Webster as the greatest spirit of the nation—the man of the most mind. Possessing the profoundest intellect, and the largest judgment of any of his contemporaries. I think there can be no question in regard to that, and no two opinions upon the subject. What I want the attention of the gentleman to is these words: "It has trodden down no man's liberty; it has crushed no State." And yet that great country which has "crushed no State," which "has trodden down no man's liberty," is a despotism, in the opinion of the gentleman from New York, worse than the despotism of Austria! The great Secretary, in reply to Mr. Hülsemann, with one brush of his hand, displaced "the patch" which before had resented Austria in the diplomacy of nations.

Had the gentleman from New York been an Austrian subject, he would, in all probability, have disappeared with "the patch." He may thank his stars he was not. I hope he may hereafter reflect upon the quotation I have made—and that at least one man in this Union dare assert—that this Government "has trodden down no man's liberty; has crushed no State." Can he say the same of Austria? Let Poland and Hungary answer.

Now, Mr. Chairman, I have done with Abolition. I have done with it now and forever. I have nothing more to say upon the subject. Let its bones be reinterred; and to the gentlemen from New York and Ohio I assign the solemn duties of doing it burial. During my official term in the Thirty-Third Congress, I have given my views, not upon the abstract principle; I have only made a few commentaries upon what the gentleman from New York has assumed to himself to utter.

Allow me to say a word or two, in reference to this "pitiable" Administration. The gentleman says: "Alas! sir, what a pitiable spectacle does our Administration present, in thus willfully corrupting Christianity for the sake of saving so vile and abominable a thing as slavery."

Now, sir, so far as regards this Administration, I have a word, and a word only, to say. Let me utter it coolly and in a kindly temperament as regards my colleagues in this House, and the high purposes upon which I am going to speak. As an humble individual, representing, in part, a great State, I have unbounded confidence in this Administration. I believe the Administration to have been conducted upon principles that are entirely Democratic. So far as relates to what has occurred in the history of Franklin Pierce, there has been no act that I am aware of, in his long legislative career, which has drawn upon him the censure of the country in the least particular.

I believe that frugality, and correct notions with regard to the public expenditures, have been faithfully carried out during the time this Administration has been in power. "Pitiable" as the Administration may be in the eyes of the gentleman from New York, nevertheless, it is the head of a great people, and a great and mighty nation. I believe that from no part of the country have there come up complaints of wasteful expenditures upon the part of that Administration. All its means have been husbanded. All the resources of the country have been turned to good account. I believe, sir, that when history shall record the acts of the Administration, it will look more to the great and fundamental principles that have been carried out by Franklin Pierce than to the men he has appointed to office. It is not a question of appointments, but of principles; and it is due to the Administration that the great Democratic party of the country—with all its moral power and energy—should give it a fair and candid trial, and a generous and unhesitating support. Judge it by its measures; judge it by its principles. I feel certain that the American people generally indorse all those principles which have been advocated by the President from the time when he stood upon the eastern portico of this Capitol, talking to the upturned faces of thousands of his fellow-citizens, to the moment when he sent his annual message to this House. I believe that all the principles advocated in both of those papers meet with the hearty commendation of the country; and that the country is ready to give Franklin Pierce a generous support.

Sir, I do not pretend to speak for those gentlemen who entertain different views upon this subject from those which I entertain. I do not stand up here as a member of the Democratic party to throw a fire-brand into the midst of that party. I stand up only as an humble individual, speaking my own mind, but claiming the right to speak that mind freely and openly.

If the Democratic party in this House and in the Senate will give the Administration a fair opportunity to carry out the measures embodied in the two State papers to which I have referred, those measures will, I believe, not only meet with their approbation, but with the approbation of the country. I believe that the President is surrounded by able, correct, and pure men. I have no doubt of it.

As an evidence of that, it is only necessary to refer to the fact that but a few days since, the

Secretary of the Navy sent his annual report to Congress, recommending that an appropriation of five million dollars should be made to increase and strengthen the Navy, by the addition of six steam frigates of the first class, and that in less than a week after that report came in here, a bill was reported by the Naval Committee to carry out the recommendations of the Secretary in that regard. Ay, sir, and I for one am willing to avow here that I would vote for the building of twelve additional steam frigates, at a cost of ten millions of dollars, instead of five millions, in order to strengthen the naval marine of this nation.

In that very report of the Secretary of the Navy, we are told that the United States stands as a fifth-rate naval power, compared with the first States of Europe. Could my vote do it, I would make it the first. Our Navy should be our right arm of power. Upon the land no combination of power from abroad can reach or disturb us. I believe the great battle of civil and religious liberty is to be fought upon the seas. Let us prepare for the issue. The free principles which flow from this land to all points of the civilized world, while they carry balm and healing to those who are striving to imitate our example, also create envy and hatred towards us. It is to be the flag of the Union on the one side, and, possibly, united Europe on the other. Liberty to man shall be the issue, and the great ocean the battle-field.

I do, sir, rejoice at this recommendation of the Secretary of the Navy. He has come up fully to the expectation of the country. He has anticipated the age of progress. But, sir, I am digressing. I intended to speak of the recommendations of the whole Cabinet—to single out no one. I believe that all of them will be indorsed by the Democratic party in this House. So far as regards my own position here, I stand by the Democratic party and the Administration of Franklin Pierce, and I am willing to extend the hand of fellowship to all who come within the pale of that party. I make no distinctions.

When I speak of the Administration, I include the men who surround it; who are its advisers. Our flag has not been dishonored; our fame has not been tarnished; our country has advanced. Let the Administration have all the credit for it. To err is human; because there is a spot upon the sun, would you destroy the luminary of day and have a long night of darkness? Would this be wisdom? Difficulties will always arise in the dispensation of power; it ever has been so, and ever will be. Past experience has taught us this, "and we can judge of the future but by the past." I have yet to hear the first murmur of complaint, by the Democracy of the country, as to a single national principle uttered by Franklin Pierce, which belied his and our creed. I stand here today, not as his eulogist, but to do him even-handed justice.

There is another duty incumbent upon us. We came into power with a large majority, and we now have the responsibility of the Government upon our shoulders. It is our duty, having assumed that important trust, to stand together as a band of brothers, and to permit no dissensions that will lead to our defeat and disorganization. By the record let us try the Administration, and, I think, in that we shall find no error.

Mr. Chairman, having but a moment left of the hour allowed me in committee, I beg to direct the attention of members to the bill from the Senate in regard to the appointment of the Assistant Secretary of the Treasury. I have time to say but little upon the subject. The position was taken in this House lately, that the office of the Assistant Secretary of the Treasury was among those high offices enumerated in the Constitution, and he must necessarily be appointed by the President of the United States, subject to be confirmed by the Senate. The following are the words of the Constitution having a bearing on the case:

"And be (the President) shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of Departments."

Under this clause the gentleman from Virginia, [Mr. BAYLY], and the gentleman from Ohio [Mr.

DISNEY] contend that the office of Assistant Secretary must necessarily be made by the President. I cannot agree with these gentlemen in this construction. In this way they would make two superior officers at the same desk. Two captains in the place of one captain and a lieutenant. The Constitution names the officers which are superior, and leaves the inferiors to be appointed by the provisions of law. Neither of these learned gentlemen can pretend that the clerk of the Supreme Court must necessarily be an Executive appointment. The assistant secretary can do no act of himself, no more than the clerk of the court. His acts are all defined by law, and he is literally, though having the name of an assistant, but the chief clerk of the Secretary.

I refer the committee to the report of Hon. R. J. Walker, then the Secretary of the Treasury, who recommended the appointment of this officer. The report is in my hand. I read from it. It was made to this House on the 11th of December, 1848, and the law was subsequently enacted:

"Having transferred the laborious duties enumerated from the Secretary of the Treasury, Congress should authorize him to appoint an assistant secretary, who should be a man of great talent and experience, with a salary not less than \$3,000 a year, who should examine all letters, contracts, and warrants prepared for the signature of the Secretary, and perform such other duties not requiring the signature of the Secretary as might conveniently be devolved upon him by the Department. TO MAINTAIN THE UNITY AND EFFICIENCY OF THE SYSTEM, HE SHOULD BE APPOINTED BY THE SECRETARY, AND SUBJECT TO HIS DICTATION."

On the 3d of March, 1849, the office was created by Congress, and the duties defined, in the very words of Mr. Walker, in the law.

It was unity that Mr. Walker recommended in his report, and that the Assistant Secretary of the Treasury ought to be appointed by the Secretary, and subject to his removal. He said it was necessary that there should be between the superior and inferior such terms and understanding as the important trust confided to them might require; and when Congress legislated on the subject, it incorporated in the law the very words of the recommendation of Mr. Walker.

And this officer is now classed by gentlemen on the footing of ambassadors, judges, and other high functionaries of the Government, whose duties are all ministerial, and who have the power to do no act not subject to revision and sanction by their superior. And it is claimed that the President alone can constitutionally appoint him. Congress, at its last session, created the office of Assistant Postmaster General, and I crave attention to the words used in that law. I do not pretend but that Congress has the power to transfer these appointments from the Secretary to the President.

But at the last Congress the two Houses, by a law, provided for the appointment of an Assistant Postmaster General. They use, in that law, the word "hereafter;" that is, that when any vacancy shall occur hereafter, the appointment shall be made by the President, subject to confirmation by the Senate. Now, I say with regard to this bill sent to us from the Senate, this Congress ought to apply to it the same rule that was applied by the last Congress, in the appointment of the Assistant Postmaster General, and that the appointment, if it is to be made in the manner that the bill contemplates, should be made to take effect hereafter; for however gentlemen may regard and view it, it might be construed as a vote of censure upon a very high, able, and important officer of the United States—I mean Mr. Peter G. Washington—who, I am told, is a man as well qualified to discharge the duties of his position as any man under the Government.

Therefore, if the House is disposed to pass the Senate bill, changing the character of the appointment, let it be put upon the same basis precisely, that the last Congress adopted in regard to the appointment of the Assistant Postmaster General; and let its effect be prospective, and not retrospective.

There are gentlemen here who differ from me, and among them the chairman of the Committee on Foreign Relations, [Mr. BAYLY.] I am willing always to give full weight to views coming from so eminent a quarter, but, at the same time, I do not see why the gentleman from Virginia [Mr. BAYLY] should not agree to the position that the same rule should be applied in regard to the Assistant Secretary of the Treasury as was applied by

the last Congress to the Assistant Postmaster General. Put them both upon the same basis—let the law be perfected. These are all the remarks I desire to present at this time.

Mr. BAYLY, of Virginia, followed, and advocated the joint resolution of the Senate, prescribing the mode of appointing the Assistant Secretary of the Treasury. He argued at length to prove that he was correct in asserting, when this subject was under consideration in the House the other day, that the Constitution required officers of this grade to undergo the supervision of the Senate, and extensively quoted the debates on the formation of that instrument, in support of this position.

[Mr. B.'s remarks will be found in the Appendix.]

Mr. B. having concluded—

Mr. PHILIPS obtained the floor.

Mr. HILLYER. I would suggest to the gentleman from Alabama to give way for a motion that the committee do now rise.

Mr. PHILIPS. I yield for that motion, if it be the pleasure of the committee.

Mr. HILLYER. I move that the committee do now rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the annual message of the President of the United States, and had come to no resolution thereon.

Mr. LETCHER. I move that the House do now adjourn.

Mr. DAWSON. I move that when this House adjourns to-day, it be to meet on Monday next.

Several MEMBERS. Let us wait till to-morrow, and then adjourn over till Tuesday.

Mr. ENGLISH. I call for the yeas and nays upon the motion of the gentleman from Pennsylvania, [Mr. DAWSON.]

The yeas and nays were not ordered.

Mr. CHURCHWELL demanded tellers upon the motion; which were ordered; and Messrs. JONES, of New York, and SAPP were appointed.

The question was taken, and the tellers reported—ayes 45.

The SPEAKER, (Mr. JONES, of Tennessee, in the chair.) The motion is lost, as nothing less than a majority can adjourn over longer than from day to day.

On motion by Mr. ASHE, the House then adjourned.

IN SENATE.

FRIDAY, December 23, 1853.

Prayer by the Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. STUART. I have been requested to present the memorial of Thomas G. Wickham and others, masters of first-class sailing vessels engaged in the lake trade, praying that a light-house may be erected at St. James, on Beaver Island, in Lake Michigan; which I ask may be referred to the Committee on Commerce.

It was so referred.

Mr. WADE presented the petition of the heirs of Captain Joshua Chamberlain, praying compensation for services rendered by him in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. DODGE, of Iowa, presented the petition of William Rees, praying to be allowed to locate ten thousand acres of land, in one tract, for a normal settlement; which was referred to the Committee on Public Lands.

Mr. BRIGHT. I present the memorial of Major J. S. Simonson, in behalf of himself and other officers of the regiment of mounted riflemen serving in Oregon, praying that the same extra pay which is allowed by the act of March 3, 1853, to the troops of the same regiment which is stationed at Fort Laramie, may be extended to those serving in Oregon. A similar petition was presented a few days ago by the Senator from California, [Mr. WELLER,] asking an increase of compensation for the troops serving in California. I see no reason why the same rate of compensa-

tion should not be allowed to those who served in Oregon at the same time; certainly, the expenses there are equal, if not greater; and I join with the Senator from California in urging the immediate consideration of the subject on the Committee on Military Affairs, to which I move that the petition be referred.

The motion was agreed to.

Mr. JOHNSON presented the petition of James D. Cobb, praying to be allowed a just amount of arrearages of pay, as an officer of the Army, for having been dismissed from the same by the sentence of an illegal court-martial; which was referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore* presented the memorial of the Legislature of Missouri, praying a grant of land to aid in the construction of the Mississippi branch of the St. Louis and Iron Mountain Railroad; which was referred to the Committee on Public Lands.

Also, two memorials of the Legislature of Missouri, praying a grant of land to aid in the construction of the North Missouri Railroad; which were referred to the Committee on Public Lands.

Mr. FITZPATRICK presented the petition of Ann Simmons, widow of Samuel Simmons, a soldier who died in service, during the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Mr. FISH presented a petition of V. R. Hall and others, boatswains, gunners, carpenters, and sailmakers in the Navy, asking for an increase of pay; which was referred to the Committee on Naval Affairs.

REPORT OF A COMMITTEE.

Mr. WILLIAMS, from the Committee on Claims, to which was referred the petition of the legal representatives of John G. Mackall, deceased, submitted a report, accompanied by a bill for their relief; which was read a first time, and passed to a second reading.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. THOMSON, of New Jersey, it was

Ordered, That the petition and papers of Mary W. Perrine be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. FITZPATRICK, it was

Ordered, That the petition and papers of William C. Easton be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

NOTICES OF BILLS.

Mr. JONES, of Tennessee, gave notice of his intention to ask leave to introduce a bill to distribute the proceeds of the public lands among the States.

Mr. JAMES gave notice of his intention to ask leave to introduce a joint resolution directing a sword to be presented to the nearest male relative of Major Samuel Ringgold, late of the United States Army.

Mr. BRODHEAD gave notice of his intention to ask leave to introduce a bill making further provision against counterfeiting the current coin of the United States, and passing counterfeit coin.

BILL INTRODUCED.

Mr. SEBASTIAN, in pursuance of previous notice, asked and obtained leave to introduce a bill giving further time for satisfying claims for bounty land for military services in the war of 1812; which was read a first and second time by unanimous consent, and referred to the Committee on Public Lands.

OFFICERS OF THE SENATE.

On motion by Mr. MASON, it was

Ordered, That the select committee, which was raised yesterday, to consider and report in regard to the proper organization of the officers of the Senate, be enlarged from three to five members.

The President appointed Messrs. MASON, CASS, CLAYTON, BAYARD, and PEARCE, as the committee.

SELECT COMMITTEE ON FRENCH SPOILIATIONS.

Mr. JOHNSON. I desire to ask the consent of the Senate to be excused from serving on the select committee, to which the bill and documents relating to French spoiliations were referred, upon which I was placed by the Presiding Officer. I desire merely to say to the Senate, that I have already on my hands more business than I feel myself able to perform satisfactorily. I shall be

glad, therefore, if the Senate will excuse me from serving on that select committee.

He was accordingly excused, and the President appointed Mr. ADAMS to fill the vacancy.

PRIVATE BILLS.

Mr. PRATT. As the morning business seems to be completed, I propose, with the consent of the Senate, that three or four bills which passed the Senate at the last session, and which have been reported again at this session from the Committee on Claims, be now taken up and passed. They were acted upon by the Senate at the last session, when there was a full Senate, and therefore I think the only objection which can be urged to their being taken up and passed now, by reason of there not being so many Senators present as might be necessary were it business which had not before received the consideration of the Senate, is obviated.

The PRESIDENT. The Chair will suggest to the Senator from Maryland that there does not appear to be a quorum present at this time.

Mr. CHASE. One of the bills referred to by the honorable Senator from Maryland has been printed, and lies upon the tables of Senators. It is a bill "for the relief of the legal representatives of Major Caleb Swann, deceased." That bill is to provide for the payment of a very meritorious claim. It was reported upon favorably last year, after a very careful investigation, and it has again been reported upon favorably this year. The bill passed the Senate last session in a full Senate. I hope it will be the pleasure of the body to take it up and act upon it at this time.

Mr. BADGER. I have no objection to that course of proceeding, and I shall interpose none; but the Presiding Officer has announced that there is no quorum present, and I do not think we ought to proceed with any business until we ascertain that fact.

Mr. PRATT. There is a quorum now present.

Mr. BADGER. Very well.

Mr. CHASE's motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to the legal representatives of Major Caleb Swann, the amount of his compensation as paymaster in the Army from July 1, to December 31, 1808, and a commission of one half of one per centum on the amount of bills of exchange negotiated by him under the directions of the War Department, for the purpose of raising money for the use of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

Mr. PRATT. I now ask the Senate to do me the favor to take up and consider one of the bills to which I have referred, and which has been reported by the Committee on Claims. I refer to the bill "for the relief of the legal representatives of Doctor William Somerville, deceased," which was passed in a full Senate at the last session of Congress.

The PRESIDENT. The Chair is informed that the bill has been sent to the printer, and has not yet been returned.

CRYSTAL PALACE EXHIBITION.

The PRESIDENT. I have received a letter from Theodore Sedgwick, President of the Association for the Exhibition of the Industry of all Nations, with a request to lay it before the Senate. It will be read.

The letter was read. It invites the members of the Senate to visit the Exhibition of the Industry of all Nations, now open in the city of New York, and incloses tickets, on the presumption that it would be more convenient for members of the Senate to go singly, at such times as might suit them, rather than go in a body; though, if they prefer the latter course, the Association will be ready to receive them.

The letter was ordered to lie on the table.

PRIVATE LAND CLAIMS IN CALIFORNIA.

Mr. GWIN asked, and by unanimous consent obtained, leave to introduce a bill "to continue in force the act entitled, 'An act to ascertain and settle the private land claims in California,' and for other purposes;" which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

Mr. PETTIT subsequently said: Mr. President, I desire to report back from the Committee

on Private Land Claims, the bill introduced this morning by the Senator from California. I have consulted with a majority of the members of that committee, and they are satisfied that the bill ought to be reported back without amendment, and passed at once. I therefore report it back, and ask that it may now be put upon its passage.

Mr. GWIN. I hope the bill will be taken up and acted upon immediately. It simply continues the board of land commissioners in California for a short time longer.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole. It proposes to continue in force the act of March 3, 1851, "to ascertain and settle the private land claims in the State of California," until the 3d of March, 1855, in order to enable the board of commissioners to determine the claims presented under that act. It also proposes to authorize the board to appoint one or more competent persons, not exceeding three, as commissioners to take testimony to be used before the board, at a compensation not exceeding ten dollars per diem.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

On motion, the Senate adjourned to Tuesday.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 23, 1853.

The House met at twelve o'clock, m.

Prayer by the Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

LIEUTENANT GENERAL BY BREVET.

A message was received from the Senate by the hands of Mr. MACHEN, informing the House that the Senate had passed a bill authorizing the President of the United States to confer the title of lieutenant general by brevet for eminent services; in which he was directed to ask the concurrence of the House.

HOLIDAYS.

Mr. ORR. With the view of enabling the members of this House to participate in the festivities of the coming week, I move that when this House adjourns to-day, it be to meet on Tuesday next.

Mr. CLINGMAN. That is right.

The question was taken, and the motion was agreed to.

COMMUNICATION FROM THE CLERK.

The SPEAKER. I beg leave to present a communication from the Clerk of this House, to this body.

No objection being made, the communication was read, as follows:

OFFICE OF CLERK OF HOUSE OF REPRESENTATIVES, }
WASHINGTON, December 23, 1853. }

SIR: Of the documents voted by the last House of Representatives to the members of that body, for distribution among the people, some have been published since the meeting of the present Congress, and after the expiration of the franking privilege of the retiring members. I have been called upon to decide whether the documents, thus published since the meeting of the Thirty-Third Congress, belong to the members of the House of the Thirty-Second Congress, or whether, as they are intended for distribution among the people under the frank of the member receiving them, they should not be disposed of, in whole or in part, to the members of the present House. The resolution under which these documents were voted is explicit; but the practice of the House has been, on one former occasion, at least, to disregard the resolution under circumstances similar to those which now exist.

The following letter from Mr. French, a former Clerk of this House, is referred to as covering the whole question:

OFFICE OF CLERK OF HOUSE OF REPRESENTATIVES, }
January 21, 1846. }

To the Speaker of the House of Representatives:

SIR: On the 13th instant, the House passed a resolution in the following words:

"Resolved, That the Clerk of this House be, and he hereby is, directed to distribute the extra copies of Lieutenant Frémont's reports, ordered to be printed by the last House, amongst the members of the present House."

The document which the undersigned was thus directed to distribute to the members of this House, was ordered to be printed and distributed by a resolution of the last House of Representatives, adopted on the 25th day of February, 1845, in the following words:

"Resolved, That the Clerk of this House be, and he hereby is, directed to receive, in the recess of Congress, the reports of Lieutenant (now brevet captain) Frémont's expedition of 1843 and 1844, to Oregon and North California, as the same shall be published from the War Department; and that ten thousand extra copies thereof be printed, together with the lithographed maps and drawings accom-

panying the same, for the use of the members of the present Congress; and also the report of the same officer, of his expedition to the Rocky Mountains, in the year 1842, be reprinted, with the report of the last expedition, without the appendix of astronomical and meteorological observations."

In view of the contradiction in terms contained in the foregoing resolutions, the undersigned entertained doubts as to the effect of the resolution passed by the last House. It became a question in his mind whether that resolution did not vest a right of property in the document ordered by that resolution to be distributed, in the members of that Congress, of which those persons could alone divest themselves. And the Clerk having them in his possession, an order of a member of the last Congress, dated March 7, 1845, to deliver "all public documents or books" due to him as a member of the Twenty-Eighth Congress, to a gentleman in this city, deemed it proper, on the day of the adoption of the resolution on the 13th instant, by the present House, to address a letter to the Attorney General of the United States, setting out the facts, and respectfully requesting his opinion whether the Clerk could deliver the copies of Frémont's report, still undelivered, to the members of this House, without subjecting himself to a legal prosecution by members of the last House for thus disposing of books which they claimed as their property. And also whether, by the passage of the resolution of the 25th of February, 1845, the property of the books ordered vested in the members of the House which passed the resolution.

The Attorney General has not replied in writing, or officially, to the letter of the undersigned, but at a personal interview with that officer he declined giving an opinion, and advised the undersigned to bring all the facts before the House, through the Speaker.

The undersigned respectfully states, that no question has ever heretofore been made, within his knowledge, as to the private and personal right of a member to such books and documents as the House had, by resolution, ordered to be distributed among the members; and there are many cases on the files of the office where executors, administrators, and assignees have applied for, and received, the books and documents of their testators, intestates, or assignors; and there are now in the possession of the undersigned, as Clerk of this House, hundreds of volumes of books belonging to members of former Congresses, which he has ever held to be as sacredly their private property as he would the value in money of those same books deposited with him in trust.

There is no question that the members of the last House of Representatives, who are not members of this House, consider themselves entitled each to his portion of the ten thousand copies of Frémont's report, ordered by the resolution of the last House; and many of those members have sent to their successors in the present House orders upon the Clerk to deliver the copies to which they are entitled, to those successors, for distribution among their common constituents. Since the adoption by the House of the resolution of the 13th instant, the undersigned has received letters from several members of the last House of Representatives, who are not members of this House, protesting against the delivery of the copies of Frémont's report claimed by them, to any person other than themselves, except by their order.

Those letters are communicated herewith, together with a letter from a highly respectable member of this House, protesting generally, "in behalf of those who are absent, to my taking any step whatever to deprive them of Frémont's journal, to which they are entitled, by virtue of a solemn, a legal, and valid act of the last House of Representatives."

Under these circumstances, the undersigned feels that he is placed in a most unpleasant dilemma. While he may subject himself, on the one hand, to legal prosecution, by complying with the order of the 13th instant, he is aware that he may, on the other hand, incur blame and censure by failing to do so.

He knows, however, that in appealing, through you, to the House of Representatives, to relieve him in some way from the embarrassment in which he is placed, he appeals to a body composed of individuals not one of whom would require him to do an act which would have the remotest tendency to involve him in personal difficulty.

He therefore most respectfully, but earnestly, prays that the House may take such order in the premises as will relieve him from the unpleasant situation in which the conflicting resolutions of the last and present sessions above referred to have placed him.

With the disposition to carry out, promptly and faithfully, every order of the House of Representatives, of which he may be made the instrument, he subscribes himself,

Most respectfully, your obedient servant,

B. B. FRENCH,

Clerk of the House of Representatives.

HON JOHN W. DAVIS, Speaker of the House.

The proceedings of the House upon the aforesaid communication were as follows:

Mr. JAMES TROMPSON moved the following resolution: "Resolved, That the Clerk forthwith distribute the report of Frémont's expedition, according to the resolution of the House of 13th January, instant;" which was adopted by the following vote: Yeas 94; nays 81.

It may be proper to add that in the Senate all the documents published are divided between the Senator elect and his predecessor, so long as the latter has the franking privilege, and when that expires all the remaining documents are delivered to his successor.

In order to settle the question, I am constrained to invoke the opinion of the House of Representatives, and will be gratified to carry out any instructions they may give on the subject.

Very respectfully, JOHN W. FORNEY.

HON. LINN BOYD, Speaker of the House.

Mr. ORR. This communication raises a legal question, which I think is entitled to the very respectful consideration of a committee. I therefore move that the communication be referred to the Committee on the Judiciary.

Mr. HOUSTON. I hope the gentleman will include in his motion also that to print.

Mr. ORR. I have no objection if that is desired. I see, however, no necessity for its being printed.

Mr. HOUSTON. The whole question is presented before us in the communication; I should be glad to see it in print.

Mr. JONES, of Tennessee. I suppose the printing of the communication will be entirely unnecessary, as it will go entire into the columns of the Globe and be printed, and before the members, in that form, by to-morrow morning, so that every person who wishes to examine it can have the opportunity. I hope, therefore, the gentleman from South Carolina [Mr. ORR] will not insist upon his motion to refer to a committee, but will withdraw it, and substitute in its place a motion that the Clerk of the House be directed to deliver to the members of the present House all documents, extra copies of which were ordered to be printed by the last House of Representatives for distribution, but not delivered before the meeting of the present Congress.

Sir, all the extra copies of those documents were ordered for distribution among the people, and not for the purpose of private emolument, or benefit of the members who happened at the time to be representing particular districts. Such books as are voted to the member for himself, become his private property, and the House have no right, by any subsequent order, to interfere with them. When the House, however, orders ten thousand extra copies of the Census Report, or one hundred thousand extra copies of the Patent Office Report for distribution, those documents are not designed for the member's private benefit. He is but the trustee for the people of his district, and must, in good faith, distribute them among his constituents.

Mr. RIDDLE. I ask the gentleman from Tennessee what provision he would make in cases where a portion of documents have been delivered to members of the old Congress, and the remainder of the same documents have not been delivered?

Mr. JONES. I am not aware that any such cases exist.

Mr. RIDDLE. A portion of Andrews's report has been distributed, but the maps and charts which should accompany the work have not been delivered.

Mr. JONES. Then they would have to be distributed by the members of the present Congress. But I ask the gentleman how many of the members of the last Congress would be willing to pay the postage upon those documents, to send them to their old constituents? Many of those members have removed from the districts which they then represented, and in such cases the people of the districts will be deprived of the works ordered by the House for their benefit, if you say the members of the last House shall have them. Under the operation of the existing law, they lost, at the expiration of the last Congress, their right to the franking privilege, and I presume few of them would be willing to pay the postage upon the documents.

Sir, during the last Congress there was but one gentleman here from the State of Arkansas. There are two gentlemen here now, representing the two districts in that State, who have not been here before. One gentleman from that State, who was on this floor in the last Congress, has been called to occupy a position in the other wing of this Capitol. He will get his portion of documents there, and the gentlemen here will frank them to the different parts of that State. So, sir, with the State of Mississippi. There is not a solitary member here from that State who was here during the last Congress. So it is with the State of Louisiana, and in a great measure such is the case in regard to New York, and several other States. With many of the States the delegations have been materially changed. Some of the gentlemen who were here during the last Congress are now in California, and will perhaps never return to the districts which they formerly represented here. What, then, is to become of the documents to which they were entitled? Are they to be sent to California? Why, sir, some of those gentlemen have died; and are we to send documents to their administrators? What would become of them? Why, they would be sold at private sale, or at public auction, as our docu-

ments have been sold time and again, for mere waste paper, instead of being distributed through the various districts of the several States for the benefit of which these extra documents were printed. I think that we are bound, if we would do right, to direct the Clerk to deliver those extra copies which are not yet distributed to the gentlemen who now represent the districts in which it was intended they should be circulated, who are ready and willing to send them out to the country where they were originally designed to go. If the gentleman who offered this motion to refer will withdraw it, I will make the motion I have indicated.

Mr. ORR. I do not propose to controvert any of the views stated, or of the positions taken by the gentleman from Tennessee, [Mr. JONES.] It may be quite right and proper that all these extra documents ordered to be printed by the last Congress, which have not been delivered during the recess, should go to the successors of those gentlemen who served in the last Congress. All that, I say, may be right and proper, but there is a legal question in the way, which I imagine cannot be properly determined unless we send it to the consideration of the Committee on the Judiciary. The argument of my friend from Tennessee [Mr. JONES] is an argument which should be addressed to that committee, and they should report on the propriety of sending these documents to the successors of those who, during the last Congress, would have been entitled to them.

But gentlemen must see the very awkward position in which the Clerk would be placed, as well as ourselves, unless this question is settled. The gentleman from Delaware [Mr. RIDDLE] propounded to the gentleman from Tennessee a very significant question. He said that there were some works which had not yet been completed—which had only been published in parts—and he desired to know what was to be done with them. I believe that the third volume (if there were three volumes) of the President's message to the last session and the accompanying documents has not been delivered. At all events I have not mine yet.

Now, you will give two volumes of this message and documents to the old members, and the third volume to the new members, having no reference to anything except the proceedings of the last Congress, and thus breaking the set. I think, therefore, that this reference should be made to the Judiciary Committee. They can examine the question, and decide whether the new members are to be entitled to these books. Their decision is necessary in another point of view. It is admitted that this matter should go to the committee referred to, in order that they may decide whether the Clerk should be protected or not from the various annoyances, and even suits at law, which may be brought against him.

On these considerations, I hope the gentleman will withdraw his objection to the reference, and let this question go to the Judiciary Committee.

[Loud cries of "Move the previous question!" and "No, no!"]

Mr. ORR. I do not like to make a speech, and then to move the previous question. There seems to be a great disposition on the part of the House that the previous question should be moved. I will, as such seems to be the wish of the House, demand the previous question; and if the House concur with the demand, well and good. If not, I shall be quite as well satisfied.

Mr. FLORENCE. Will the gentleman from South Carolina allow me a few moments?

[Cries of "Oh, no!"]

Mr. ORR. I cannot.

Mr. FLORENCE. Is it in order to move to lay the motion to refer upon the table?

The SPEAKER. That motion would carry the letter of the Clerk with it.

Mr. FLORENCE. I do not wish to interrupt the regular proceedings of the House, but I do desire—

The SPEAKER. Debate is not in order. The question is on seconding the demand for the previous question.

Mr. ORR. On that question, I demand tellers. Tellers were ordered; and Messrs. CLINGMAN and ORR were appointed.

The question was then put; and the tellers reported—ayes 78, noes 44.

So the previous question received a second.

Mr. LANE. I would request the honorable gentleman from South Carolina [Mr. ORR] to withdraw his motion.

The SPEAKER. It is not now within the power of the gentleman from South Carolina to withdraw his motion.

Mr. FLORENCE. Is it in order to demand the yeas and nays on the question to sustain the call for the previous question?

The SPEAKER. It is in order.

Mr. FLORENCE. I demand the yeas and nays then on that question.

The yeas and nays were not ordered.

The main question was then ordered to be put.

The question was taken, and it was decided in the negative.

So the House refused to refer the communication to the Committee on the Judiciary.

Mr. FLORENCE. Mr. Speaker, stronger reasons have occurred to my mind than those urged by the gentleman from Delaware, [Mr. RIDDLE,] why the suggestion of the gentleman from Tennessee [Mr. JONES] should not be adopted by the House. Andrews's report, and the Report of the Superintendent of the Coast Survey, have both been sent to members without the maps which are to accompany them, and by which they are made valuable.

Mr. LETCHER. I rise to a question of order. There is no question before the House, and therefore, as I understand the rules, discussion is out of order.

The SPEAKER. The motion to refer the communication to the Committee on the Judiciary having been voted down, there is now no question before the House, and, as suggested by the gentleman from Virginia, discussion is out of order.

Mr. FLORENCE. I move that the communication be referred to the Committee of the Whole on the state of the Union; and would inquire of the Chair whether that motion is not debatable?

The SPEAKER. It is debatable.

Mr. FLORENCE. When interrupted, I was going on to say that a difficulty might occur which, perhaps, the members of this House have not thought of, and which those who have spoken on the subject could not have anticipated. In the document room below stairs, there has been a great anxiety to get off all the documents to the members of the last House who have not been reelected to this, to which the officers having in charge their distribution considered, from a sense of its justice, and from usage which has doubtless established a precedent, which I regard a safe one, they were entitled. The probability is, consequently, that two thirds of the members of the last Congress have received their documents. The other third who have come back to Congress have not yet received all of their documents. The distinction in the distribution during the recess was made because after a certain time—the first of November or the first of December—the franking privilege of members of the last Congress not elected to this ceased; and hence, unless they received their documents previous to that time, they could not distribute them among their constituents under their frank.

Now, sir, I have received copies of Andrews's report, and not the maps which are to go with it. The members of the last Congress who have not come back to this Congress may have been placed in the same situation; and, as was suggested by the gentleman from Delaware, [Mr. RIDDLE,] how are you to make the distinction? The maps and the books are related to each other so intimately that one of them is useless without the other. Hence, if the old members have received one part, and the new members the other part, they are valueless to either party to whom they may have been addressed. The third part of the President's message is in the same situation, as was stated by the gentleman from South Carolina, [Mr. ORR.] It strikes me, as it will, no doubt, gentlemen who were members of the last Congress, that when a question similar to this was mooted upon this floor, in relation to the Census Report, it was said very clearly and distinctly—and if gentlemen will refer to the Congressional reports they will see that I am supported in my assertion—that copies of the Census were to be distributed to members of the Thirty-Second Congress; and they are to be thus distributed.

It seems to me, sir, that, so far as an expression of the opinion of the House is concerned, that ex-

pression is binding upon the officers of this House, and binding upon the members of this House; and those documents should be distributed to the members of the last Congress.

I have heard it said, sir, that some of the members of the last Congress are dead. A colleague of mine, sitting along side of me, says his immediate predecessor has died since the last Congress. It seems to me it would be very proper to make a distinction in such cases. It is impossible that the documents can have a proper distribution through any other channel than the gentleman who has succeeded him. Where members of the last Congress are living, they probably have pledged themselves to their former constituents, and to public institutions within their own districts, to distribute those works; and it is the duty of this House, towards those who have so pledged themselves, to place them in a position in which they can redeem those pledges.

I will state for myself, that so far as copies of the Census are concerned, I have promised them to public institutions, and public institutions only, existing within my district; and had I not been returned to this Congress, and were this Congress to refuse what I consider to be my right, that is, control of the distribution of these documents, I should conceive it to be an exceedingly hard case. Acting under this impression, and it being the solemn conviction of my judgment, allow me to ask this House to pursue the course indicated by it when the vote which was taken at the time the Census was ordered to be printed by the last Congress, led all who were present to believe would be religiously adhered to; and it is no more than just, in my opinion, that all the documents which were ordered to be printed by the Thirty-Second Congress should be forwarded to members of that Congress, except, perhaps, in case of the death of a member; and, in that event, his successor may, with great propriety, be intrusted with the delivery of them.

Mr. STANTON, of Tennessee. I was of the opinion that it was unnecessary to refer this matter to the Committee on the Judiciary, because I believed there was no legal question involved. So far as the books are concerned, which are given to members for their own use—I mean the regular and usual number authorized to be printed by this House—they belong to the members as their private property. The extra numbers are given to them for the purpose of being distributed, and it is a matter between the member and his constituents whether he distributes them in conformity to their wants and requirements, whether he properly performed his duties as a public agent. Now, if the remaining books are given to the present members, who were not members of the last Congress, to be distributed, it imposes upon them the duty of inquiring to what persons the other part of the books have been distributed; and it is a question between him and his constituents whether he give the third volume of the President's message to those who have received the first and second numbers; and there is no one to whom this duty can properly be confided except the present representative, who has been designated by his constituents to perform the duties of his predecessor.

There are other difficulties mentioned by the gentleman, which might be imposed upon individuals standing in the position in which I stand. I do not represent the same congressional district which I represented in the last Congress. I represent a portion of the district which was represented by Mr. WILLIAMS, in that Congress. My colleague [Mr. ETHERIDGE] represents a portion of that district and a portion of other districts; and while there were eleven Representatives in the last Congress, there are only ten in the present from the State. I think that we ought to give these books to the members of the present Congress, and impose upon them the duty of ascertaining to whom they are to be distributed, and impose upon them, also, the labor and responsibility of doing it correctly. They are the proper persons, in my judgment, upon whom the responsibility ought to fall. I think, therefore, that the resolution suggested by my colleague, ought to be adopted—distributing the books among members of the present Congress.

Mr. JONES. As nothing can be gained by referring this subject to the Committee of the Whole on the state of the Union, I hope that the gentleman from Pennsylvania [Mr. FLORENCE]

will withdraw that motion, so that we may take a vote upon the question whether we will order these books to be distributed to members of this House or not.

Mr. HENN. I move the previous question.

Mr. FLORENCE. I will withdraw my motion.

Mr. JONES. I now move that the Clerk be directed to deliver to members of this House, all extra copies of documents which were ordered for distribution at the last Congress, but not delivered before the present Congress; and upon that motion I ask the previous question.

Mr. WASHBURN, of Illinois. I desire to ask the honorable gentleman from Tennessee under what rule he proposes to make this distribution?

Mr. JONES. Under the same rule by which you distribute books ordered by this House.

Mr. WASHBURN. The State of Illinois has two more members, and the districts there are entirely changed.

The SPEAKER. The previous question has been demanded, and debate is out of order.

Mr. SEYMOUR. I appeal to gentlemen to allow this matter to go to some committee, who may present it in a proper shape.

Mr. STANTON, of Kentucky. I desire to know if the resolution is intended to direct the Clerk to distribute all the extra copies of books now on hand, and ordered to be published by the last Congress, whether a different distribution has been ordered by law or not? If I am not mistaken, some of the books, when ordered, were directed to be distributed among the members of the House then ordering them.

The SPEAKER. No debate is in order, unless the demand for the previous question be withdrawn.

The previous question was seconded, and the main question ordered to be put.

Mr. ORR. I must call for the yeas and nays upon the passage of the resolution. The House will involve themselves in difficulty if they undertake to pass it.

The yeas and nays were not ordered, only twenty voting therefor.

The question was then taken, and the resolution adopted.

Mr. JONES, of Tennessee. I move that the vote last taken, by which the resolution was adopted, be reconsidered, and that the motion to reconsider do lie upon the table.

The question was taken, and the latter motion agreed to.

NOTICE OF A BILL.

Mr. BARKSDALE gave notice that to-morrow, or some subsequent day, he would introduce a bill of the following title:

"A bill granting the right of way and making a donation of public land to the States of Mississippi, Alabama, and Louisiana, in aid of the construction of certain railroads therein mentioned."

BUSINESS ON THE SPEAKER'S TABLE.

The first business in order being the consideration of business on the Speaker's table, the following joint resolution was taken up, read a first and second time by its title, and referred to the Committee on Commerce:

A bill for the relief of the owners of the brig Kate Boyd.

Mr. CULLOM. I move that the House do now adjourn.

The question was put, and the House refused to adjourn.

Mr. EDGERTON. As this is private bill day, and objection day, it being the last Friday in the month, and as there are some bills upon the private calendar which could very well be disposed of to-day, I move that the House resolve itself into a Committee of the Whole House upon the private calendar.

Mr. JONES, of Tennessee. The gentleman says this is private bill day and objection day, which is true; but as I suppose there has not much business yet been referred to that committee, I give notice that if the gentleman's motion fails, I will then move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. EDGERTON. It is true that there are but few bills as yet upon that calendar, and for that reason it will take but a very short time to dispose of them. If they are objected to, of

course, they are disposed of at once; and if not, I shall ask that they may be reported to the House.

Mr. JONES. Have the reports accompanying the bill been printed?

Mr. EDGERTON. In some cases they have not, and for that reason may be objected to, and will consume no time. It will take but a few minutes to go through with the calendar, and I hope the motion will be adopted.

The question was put, and the House refused to go into a Committee of the Whole House—ayes 61, noes 66.

Mr. JONES. I now submit the motion, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. EWING. I move that the House do now adjourn.

The question being put on the motion to adjourn a division was demanded; and there were—ayes 41, noes not counted.

Mr. EWING demanded tellers; which were not ordered; and the question being again put, was decided in the negative.

So the House refused to adjourn.

The question then recurred on the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

PRINTING OF THE LAST CENSUS.

Mr. CHANDLER. Before the question is taken upon that motion, I desire to ask the unanimous consent of the House to put a question to the Committee on Printing.

No objection was made.

Mr. CHANDLER. I desire to know whether the report of the Census Bureau is in a situation in which the egregious errors which are found in it may be corrected—whether the type is standing or distributed, or whether the report is to go forth with all its acknowledged faults and imperfections, and thus greatly mislead the community in very important matters?

Mr. JONES, of Tennessee. This is out of order, and I object.

Several MEMBERS. Well, well, let us have an answer to the question.

The SPEAKER. Does the gentleman from Tennessee persist in his objection?

Mr. JONES. I do.

Mr. CHANDLER. I hear no answer to my question.

The SPEAKER. Objection is made, and the inquiry propounded by the gentleman from Pennsylvania cannot be proceeded with. The question, therefore, now is on the motion to go into the Committee of the Whole on the state of the Union.

The question was then put; and, on a division being demanded, there were—ayes 81, noes not counted.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

REFERENCE OF PRESIDENT'S MESSAGE.

The CHAIRMAN stated that when the committee rose yesterday, the subject then under consideration was the reference of these several portions of the message of the President of the United States to the committees which had been suggested, and that the gentleman from Alabama [Mr. PHILIPS] was entitled to the floor.

Mr. PHILIPS said the question before the committee was the reference of the President's message; and yet, from the latitude of debate, not only had the principles of the message been involved, but the question of slavery, the conduct of Captain Ingraham, the Koszta affair, and the constitutionality of the act of 1849, which invested in the Secretary of the Treasury the appointment of the Assistant Secretary. And whatever else was to be involved in the discussion, or on what other unknown sea they were yet to be launched, no one could tell; not even that notorious person, the "oldest inhabitant."

He could not say that he was surprised by the sentiments which fell from the gentleman from New York, [Mr. SMITH,] and from the gentleman from Ohio, [Mr. GIDDINGS,] though he confessed the sentiments in themselves were somewhat startling. He repeated, he was not surprised, because those stereotyped sentimentalities which

issue from the lips of Abolitionists had fallen too often on the ear of the country to excite at this day the least emotion of surprise. Inveective, unmeasured and unsparing abuse, had been poured out by the gentlemen on the institutions of the South, and southern members have maintained their seats in quiet, in decorum, and without reply. Nay, more: they had been called on to listen to the remarks of those who, denying the obligation of their constitutional oath, would falsify history and the plain provisions of the Constitution to support and sustain them in the violation of their pledged faith.

This institution of slavery had been inherited. It was sacred to him by the Federal compact. He would not lend himself to do what he knew was the cherished object of those gentlemen; that they might establish this place as the center from which they may speed their fiery arrows to every section of the Union to light up a flame of discord. When the Constitution shall fail to secure southern rights, for which it was ordained, he was strong in the expression of the belief that this institution had inherent power enough to protect itself.

He then referred to what he termed the novel idea of Mr. SMITH, of New York, namely, that Secretary Marcy did not go further than he did in the Koszta affair, and declare to the world that even if Koszta was not a citizen of the United States by law, he was one by the rule of reason and justice. He said that citizenship exists only under the conditions, limitations, and restraints, which the law imposes. But the sword of Captain Ingraham and the pen of Secretary Marcy are destined to joint immortality.

He then replied, at length, to the constitutional argument of Mr. BAYLY, delivered yesterday, in relation to the mode of appointing the Assistant Secretary of the Treasury, contending that the appointment was not one of those designed by the Constitution to be confirmed by the Senate.

[The speech of Mr. PHILIPS will be found in the Appendix.]

Mr. BAYLY, of Virginia, now claimed the floor, for the purpose of offering an amendment.

Mr. CRAIGE. I rise to a question of order. I ask how this question comes before the committee? The House resolved itself into the Committee of the Whole on the state of the Union, the President's message being the subject under consideration. Now, as the subject of the appointment of the Assistant Secretary of the Treasury is not referred to in the President's message, I submit that it is not regularly before the House.

The CHAIRMAN. It has been the usual practice of the House, when in Committee of the Whole on the state of the Union, for gentlemen to debate almost any question which was pending before Congress.

Mr. CRAIGE. That is not the question upon which I made my point of order. The gentleman from Virginia, [Mr. BAYLY,] as I understand it, proposes to amend a resolution which is before the Committee on the Judiciary—the resolution relating to the Assistant Secretary of the Treasury.

The CHAIRMAN. The Chair understood the gentleman as proposing to amend the resolutions submitted by the gentleman from Alabama, [Mr. HOUSTON,] in respect to the reference of the President's message, which he had the right to do.

Mr. BAYLY. That is what I proposed to do.

Mr. CRAIGE. I am not aware that the gentleman from Alabama has offered any resolutions.

The CHAIRMAN. The gentleman offered a series of resolutions for referring to the appropriate standing committees the President's message; which resolutions are open to amendment.

Mr. BAYLY. I ask the Clerk to read that resolution which refers a certain portion of the message to the Committee on the Judiciary.

The resolution was read, as follows:

"5. Resolved, That so much of said message and accompanying documents as relates to the enlargement and modification of the present judicial system of the United States, and to the prevention of frauds upon the Pension Bureau, be referred to the Committee on the Judiciary."

Mr. BAYLY. I move to add, at the end of the resolution, the following:

And, also, whether the Assistant Secretary of the Treasury should be appointed by the Secretary of the Treasury alone, or by the President, by and with the advice and consent of the Senate.

Mr. HOUSTON. I rise to a question of order.

Mr. BAYLY. I will save the gentleman from

Alabama that trouble. I know he is going to say that the subject of my amendment is not in the President's message at all.

Mr. HOUSTON. That is my point.

Mr. BAYLY. The gentleman is correct. I withdraw my amendment, and move to strike out the following resolution:

"2. Resolved, That so much of said message and accompanying papers as relates to the existing tariff, and recommend a revision and change of its provisions; so much as relates to the condition of the Treasury and finances of the Government; to the public debt and its payment; the estimated receipts and expenditures for the ensuing fiscal year, be referred to the Committee on Ways and Means."

Mr. HOUSTON. I rise to another question of order. The question now before the committee is upon the distribution or reference of the President's message, upon which the gentleman from Virginia [Mr. BAYLY] has once addressed the committee. Now, by reference to the rule—and I have not recently read it—the Chair will discover that no member is allowed to speak twice upon the same question. I am perfectly willing to hear the gentleman from Virginia speak upon this question another hour, but there are plenty of other opportunities. I raise the point of order now, because there is a principle involved; and if we permit its invasion now, we shall never be able to get the President's message referred. If any member is allowed to move amendments at pleasure, and to go on for an hour to speak upon each, there will be no end to speeches.

The CHAIRMAN. The Chair is of the opinion that nevertheless the gentleman has a right to move to amend.

Mr. BAYLY. If the Chair will allow me, I will explain the principle upon which I moved the amendment. The resolutions before the Committee are upon the subject of the President's message. I have moved to strike out the resolution proposing to refer certain portions of it to the Committee on Ways and Means; that is, I move that none of it be referred to that committee. I am ready to acknowledge that the amendment is not one that should be adopted. My only object is to give me an opportunity to speak again, which I could not otherwise have.

The CHAIRMAN. The gentleman is in order in moving his amendment, and is entitled to the floor to speak upon it.

Mr. JONES, of Tennessee. I rise to another question of order. Suppose the gentleman from Virginia had, yesterday, two minutes before his hour had expired—while he still held the floor—moved an amendment, would that have entitled him to another hour's speech? If it would not, then I think that an hour having intervened, which has been occupied by the gentleman from Alabama, [Mr. PHILIPS], will not confer upon the gentleman from Virginia the right to move an amendment, and, upon that motion to amend, to make another hour's speech.

The CHAIRMAN. The Chair understands that such has been the practice of the House under the 37th rule. That rule provides that "No member shall speak more than once upon the same question, without leave of the House."

That is the first provision in the rule, and as it stood at an early day; but it was subsequently amended, and it now continues to read, "unless he be the mover, proposer, or introducer of the matter pending; in which case, he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken."

The Chair is aware that the practice of the House has been to allow a member to move an amendment to the pending proposition, thus changing the nature of the proposition, and upon that amendment to make another speech. The Chair desires to state, however, that he would not have recognized the gentleman from Virginia [Mr. BAYLY] if any other gentleman had risen and sought the floor. The Chair thinks the gentleman from Virginia is in order. He has moved an amendment, and upon that amendment he is entitled to occupy the floor for one hour.

Mr. JONES. I would respectfully ask the Chair if the practice to which he refers did not arise under the five-minutes rule, and refer to five-minute speeches only?

The CHAIRMAN. The Chair thinks not. It evidently, to the mind of the Chair, is the meaning of the 37th rule, and the Chair makes his decision under that rule.

Mr. HOUSTON. I ask the Chair if the prac-

tice to which he refers is not confined strictly, and in every case, to a resolution or bill which is pending before the House, and under, and by virtue of the five-minutes' rule referred to by the gentleman from Tennessee. I would like the Chair to refer me to a single instance in which this practice has been observed in the distribution of the President's message to the several committees. I confess that, in a service of some ten or twelve years, I have never known such to be the case.

The CHAIRMAN. The Chair is decidedly of opinion that the precedent has been set since he has had the honor of occupying a seat upon the floor of this House. It is very clear that no member would be entitled to speak twice upon the same question without the permission of the House; but it is certainly competent, as the gentleman from Alabama [Mr. HOUSTON] must know, to move to amend a bill or resolution; and that, by such motion, the whole subject is entirely changed, and the gentleman moving the amendment is entitled to the floor.

Mr. HOUSTON. Then I present another point of order for the consideration of the Chair.

The CHAIRMAN. The gentleman from Alabama will state his point of order.

Mr. HOUSTON. It is whether, when an avowal is made to the House that the object of offering an amendment is merely to obtain an opportunity of making another long speech—I ask, I say, whether, in administering the rules of this House, it is the duty of the Chair to allow such a practice?

The CHAIRMAN. The Chair can only decide upon the question when it comes up upon an amendment. If the amendment of the gentleman from Virginia [Mr. BAYLY] is germane to the resolutions offered by the gentleman from Alabama, [Mr. HOUSTON], the Chair is bound to entertain that amendment, and the right of the gentleman offering it to address the House thereupon accrues.

Mr. BAYLY, of Virginia. I move to amend, by striking out the resolution referring all these subjects to the Committee on Ways and Means, and to propose that, instead of that committee, they be referred to the Committee on Commerce.

Mr. HOUSTON. I rise now to another point of order.

The CHAIRMAN. The gentleman from Alabama will state his question of order.

Mr. HOUSTON. The gentleman from Virginia [Mr. BAYLY] moves to refer all those parts of the President's message, and accompanying documents, to the Committee on Commerce, in preference to the Committee on Ways and Means—the committee to which these portions are usually referred. There is a rule of the House—I cannot call to mind its number at this moment, but I am satisfied that such a rule exists—which absolutely requires that these things should be referred to the Committee on Ways and Means.

The CHAIRMAN. Will the gentleman from Alabama be kind enough to indicate the rule to which he refers?

Mr. HOUSTON. I cannot recollect what the number of the rule is; but I am very certain that there is such a rule, directing that certain subjects shall be referred to the Committee on Ways and Means, so that I think the motion of the gentleman from Virginia is out of order when he proposes to change the reference.

The CHAIRMAN. Will the gentleman suspend for a moment, until the Chair has an opportunity of looking at the rules?

Mr. HOUSTON. I will; and I am very certain the Chair will find such a rule.

Mr. BAYLY, of Virginia. To save further time and trouble, I will withdraw my motion to change the reference.

Mr. STANTON, of Tennessee. I understand the Chair already to have decided this question upon a point wholly different from those which have been raised by these gentlemen, and that was, that nobody else sought the floor but Mr. BAYLY; and by the rule, if I remember it correctly, any one is allowed to speak as often as he pleases, provided there is no one else seeking the floor at the same time, and proposing to speak.

The CHAIRMAN. The rule reads, "No member shall speak more than once on the same question, without leave of the House."

The Chair stated that he would not have recog-

nized the gentleman from Virginia, if anybody else had sought the floor; but as no one did so, and as the gentleman from Virginia rose in his place and proposed to amend the resolutions of the gentleman from Alabama, [Mr. HOUSTON], now before the committee, the Chair assigned him the floor, and will entertain the amendment, if it is germane to the resolutions.

Mr. BAYLY. I believe I can submit an additional resolution. This is an amendment which is certainly in order. I move to refer the question of the propriety of laying tonnage duties, as the means of improving harbors, to the Committee on Commerce.

Mr. HOUSTON. If the gentleman will have the resolutions read, he will find that it is already proposed to refer that subject to the Committee on Commerce.

Mr. BAYLY. Very well. Then I move to refer it to the Committee on Roads and Canals. [Laughter.] Is that in order?

Mr. HOUSTON. The point I presented in connection with the Committee on Ways and Means would apply to this committee also. All subjects relating to the commerce of the country must go to the Committee on Commerce. By reading the rule creating the Committee on Roads and Canals, you will see that this committee is expressly confined to the subject of rivers and roads.

Mr. BAYLY. I will relieve the Chair, if he pleases. We all know that we are not going to do anything else to-day. The House will adjourn shortly, and if there is an indisposition on the part of the committee to allow me to say a few words in reply to the gentleman from Alabama on this subject, I will not say a word.

[Loud cries of "Go on! go on!"]

Mr. HOUSTON. It is due to myself that I should say now, that in that aspect of the case I have not the least objection to the gentleman's proceeding with his remarks. I was not willing, however, to have the practice invaded in this regard, as it would prevent me from getting along with the business that necessarily proceeds from the committee of which I am the head. I have no earthly objection to the gentleman being allowed to speak.

Mr. BAYLY, of Virginia, took the floor, and replied to the arguments advanced by Mr. PHILIPS. He argued at length to show that the office of Assistant Secretary of the Treasury was not an inferior one, but an office of that grade, which the Constitution required should receive the confirmation of the Senate.

[See Appendix for Mr. BAYLY's speech.] Mr. WHEELER next obtained the floor, and moved that the committee rise; which motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the annual message of the President of the United States, and had come to no resolution thereon.

Mr. WALBRIDGE. I move that the House do now adjourn.

CRYSTAL PALACE EXHIBITION.

The SPEAKER. If the gentleman will suspend his motion for a moment, the Chair will present to the House a letter from Theodore Sedgwick, President of the "Exhibition of the Industry of all Nations."

No objection being made, the letter was read, containing an invitation from the directors of said association, to the Members of the House of Representatives, to visit the exhibition now open in New York.

The letter was accompanied by tickets for the members individually.

The question was then taken on Mr. WALBRIDGE's motion, and the House adjourned till Tuesday next.

IN SENATE.

TUESDAY, December 27, 1853.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

PETITIONS, ETC.

Mr. SEWARD presented the petition of the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

TUESDAY, JANUARY 3, 1854.

NEW SERIES....No. 7.

heirs-at-law of Francis Mountz; the petition of the heirs-at-law of Thomas Reid; the petition of the heirs-at-law of Garret Tunison; the petition of the heirs-at-law of Samuel Gibbs; the petition of the heirs-at-law of Clement Gosselin; the petition of the heirs-at-law of James Sawyer; and the petition of the heirs-at-law of Andrew Finck, praying to be allowed for the depreciation of commutation certificates; which were referred to the Committee on Revolutionary Claims.

Mr. DODGE, of Wisconsin, presented the memorial of the Legislature of Wisconsin, praying a grant of land to aid in the construction of the Rock River Valley Union Railroad; which was referred to the Committee on Public Lands.

Also, the petition of sundry citizens of Wisconsin, asking the preemption of the even sections of land in the grant of land for the improvement of the Fox and Wisconsin rivers; which was referred to the Committee on Public Lands.

Mr. JONES, of Iowa, presented the petition of certain officers of the army stationed at Fort Kearney, praying for an increase of their rations; which, together with a letter from the War Department on the subject, was referred to the Committee on Military Affairs.

Also, the petition of William L. S. Dearing, praying compensation for surveying certain public lands, and losses occasioned thereby; which was referred to the Committee on Public Lands.

Also, the petition of William Bowmer, of Wisconsin, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WADE presented the petition of the board of trade of the city of Cleveland, praying a grant of land in aid of the construction of a ship canal around Niagara falls; which was referred to the Committee on Roads and Canals.

Mr. PRATT presented the memorial of the heirs of Lieutenant Colonel Uriah Forrest for half-pay, under resolves of Congress of 10th April, and 21st October, 1780, with interest, deducting seven years' half-pay advanced by the State of Maryland, also with interest; which was referred to the Committee on Revolutionary Claims.

Mr. WELLER presented the petition of Nathaniel Frye, asking compensation for performing the duties of Paymaster General, during the sickness of that officer from June 19, 1818, to August 26, 1819; which was referred to the Committee on Military Affairs.

Also, the petition of Cyrus Palmer, and Lafayette Bach, owners of the schooner Damarisco, praying compensation for rescuing certain shipwrecked American seamen, under contract with the collector of the customs at the port of Puget's Sound; which was referred to the Committee on Naval Affairs.

PETITIONS WITHDRAWN AND REFERRED.

On motion by Mr. SEWARD, it was

Ordered, That the petition and papers in the several cases of the heirs of Colonel Philip Van Cortlandt, the heirs of Colonel Peter Gansevoort, the heirs of Lieutenant William Beaumont, the heirs of Lieutenant Nathan Weeks, the heirs of Surgeon Nicholas Schuyler, the heirs of Ensign Derrick Schuyler, the heirs of Major Wills Clift, the heirs of Captain Lemuel Clift, the heirs of Lieutenant Samuel Lewis, the heirs of Lieutenant Joshua Danforth, and the heirs of General James Clinton be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. DODGE, of Wisconsin, it was

Ordered, That the petition and papers in the case of James Pool be withdrawn from the files of the Senate, for the purpose of presentation in the House of Representatives.

On motion by Mr. SLIDELL, it was

Ordered, That the petition of William Chandler be withdrawn from the files of the Senate, and referred to the Committee on Finance.

CREDENTIALS.

Mr. SLIDELL presented the credentials of his election as a Senator from the State of Louisiana, to fill the vacancy occasioned by the resignation of the Hon. PIERRE SOULE; which were read and placed on file. When he took his seat at the commencement of the session, these credentials had not arrived.

BILLS INTRODUCED.

Mr. SEWARD, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for a military and postal railroad through the Territories of the United States lying between the Atlantic States and the State of California; which was read twice by its title, and referred to the Committee on the Post Office and Post Roads. The bill was ordered to be printed.

Mr. SLIDELL, in pursuance of previous notice, asked and obtained leave to introduce a bill to remove the obstructions to navigation in the mouth of the Mississippi, at the Southwest Pass and Pass à l'Ouvre; which was read a first and second time by unanimous consent, and referred to the Committee on Commerce.

He also, in pursuance of previous notice, asked and obtained leave to introduce a bill to establish a navy-yard and depot near the city of New Orleans; which was read a first and second time by unanimous consent, and referred to the Committee on Naval Affairs.

ONONDAGA AND TURK'S ISLAND SALT.

Mr. SEWARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War furnish to the Senate copies of all the reports made by officers of the Army within the last three years, of experiments for testing the relative efficacy and usefulness of the Onondaga solar salt and the Turk's Island salt, in the cure and packing of provisions, together with a copy of the instructions under which such experiments were made, with any other information which the Department may have illustrating the results of said experiments.

MAJOR CALEB SWANN.

Mr. ADAMS. I wish to move a reconsideration of the vote by which the bill for the relief of the heirs of Major Caleb Swann was passed on Friday last. I understand that the object of the Committee on Claims was to allow the same compensation by that bill as was allowed by a bill which passed this body at the last session. It was originally reported with an allowance of a commission of one half of one per cent., but on further consideration the committee deemed it proper to allow one per cent. I understand from the committee that the bill was by mistake reported at this session so as to give only one half of one per cent. I desire now, therefore, to move a reconsideration of the vote on the passage of the bill, and have it entered upon the Journal.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Department of the Interior, in answer to a resolution of the Senate, communicating information respecting the allowances made in the expenditures for running the northern boundary line of Iowa; which was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore* presented a report of the Secretary of the Senate in relation to the contingent fund of the Senate; which was ordered to be printed.

IMPROVEMENT OF ALBEMARLE SOUND.

Mr. BADGER asked, and by unanimous consent, obtained leave to introduce a bill to amend "An act making appropriations for the improvement of certain harbors and rivers," approved August 30, 1852; which was read a first time, and ordered to a second reading.

The bill proposes to amend the act of August 30, 1852, by striking out the words "by the construction of a breakwater across Croatan sound," from the clause appropriating \$50,000 "for reopening the communication between Albemarle sound and the Atlantic ocean, by the construction of a breakwater across Croatan sound."

Mr. BADGER. The bill explains itself; but I will state that an appropriation of \$50,000 was made for reopening that inlet "by the construction of a breakwater." But when the War Department sent out officers to make the necessary examinations, it was ascertained that the construction of a breakwater would involve a very large expenditure, and would, in fact, be useless;

but the Secretary did not feel at liberty to apply the money to any other purpose than that which was specified in the act. The object of this bill is to allow the Department to apply the money for the reopening of the inlet by striking out the words "by the construction of a breakwater." It is to take away the restriction as to the manner in which the money shall be applied.

The bill was read a second time and considered as in Committee of the Whole, and no amendment being made, it was reported to the Senate, ordered to be engrossed for a third reading, and was read a third time and passed.

DEATH OF HON. BROOKINS CAMPBELL.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing the death of the Hon. BROOKINS CAMPBELL, a member of that House from the State of Tennessee, and the proceedings of the House thereon; which were read.

Mr. JONES, of Tennessee. Mr. President, thrice within the last few days have we been called to do honor to the dead. This Hall, draped in the insignia of mourning, announces to us and the country that some distinguished personage has been called from the walks of men, and that the nation honors his memory. I need not remind you, sir, that the object of this honored reminiscence was the Vice President of the nation. A few days after paying this mournful tribute of respect to this departed patriot, we were summoned to perform a like sad office in doing honor to the memory of one of our colleagues, Mr. Atherton, a Senator from New Hampshire. Today we are called to mourn the loss of one of the people's Representatives in the other branch of the National Council.

How strikingly, Mr. President, should these oft-repeated bereavements admonish us of the uncertain tenure of everything that is human; how forcibly should it teach us "what shadows we are, what shadows we pursue!" The message from the House of Representatives informs us that BROOKINS CAMPBELL is no more: he departed this life in this city on Sunday last, about one o'clock. He is numbered with the dead, having passed to that bourne from which there is no return.

Mr. CAMPBELL, the Representative of the First Congressional District of Tennessee, reached this city, in feeble health, about the opening of the present session of Congress. His health continued to decline until nature, wearied with the unequal contest, yielded to the stern fiat of Heaven, and the spirit, released from its fetters, winged its flight to the invisible world. The casket remains, but the jewel is gone.

The honored subject of this humble tribute was a native of Tennessee; born in the county of Washington, in the year 1808. For many years he was a member of the Legislature of the State, and in 1845 was chosen to preside over the deliberations of its House of Representatives. In the commencement of the war with Mexico he was appointed assistant quartermaster, and in the discharge of the duties of this arduous service, he doubtless contracted the disease that has thus prematurely closed a life full of hope and promise.

Thus, again, Mr. President, is the nation called to mourn the loss of another of its sons, whose life was given to vindicate its honor and defend its flag. What multitudes of that patriot army have been gathered to their fathers, and now sleep the long sleep of death! Many fell in the fierce conflict of arms, and many more by the slow but no less fatal progress of disease. Though many sleep beneath a foreign soil, in a stranger land, and others were permitted to be buried with their fathers—yet, sir, scattered as are their remains, varied as were their fortunes and their deaths, they are not forgotten. Their deeds and their memories are graven on a nation's heart, where they will live, and freshen, and bloom, as long as liberty shall have a name, or freedom a home.

I know, Mr. President, that eulogies are often as unmeaning as they are unmerited. I can never deal in mere panegyric. I shall say no more than

is due to truth and justice. **BROOKINS CAMPBELL** was an honest man; and in all the varied relations of life vindicated his title to this high distinction. As husband, father, and friend, he was affectionate, kind, just, and true. But all these virtues clustering around him and shedding their lustre on his pathway of life, were not sufficient to shield him from the shafts of death. The devoted fondness of a wife, a child, and friends, afforded no immunity from the dread fiat. If a life of usefulness to his family, his friends, and his country, could have availed anything, then he had not died. But alas, how impotent is all human effort; how unheeded the entreaties of friendship; how unavailing the tears of love and affection! Who but the Omnipotent can arrest the demands of insatiate Death, or stay its fearful desolations? The decree is irrevocable—dust thou art, and to dust shalt thou return; he has met the demand, and sleeps quietly.

Whilst we, his colleagues, who knew him, and knew him only to love and admire, mourn his loss; whilst his State, and a large, large circle of friends will join us in our sad regrets, yet there is a heart on which this painful event will fall with crushing force—the companion of his bosom, the object of his devoted affection.

If the sincerest sympathy, or aught of human effort, or human kindness could avail anything to lighten this blow, or soothe the anguished spirit, it would be freely offered. But here all earthly efforts fail: all human consolations are mere mockeries. We are left to commend her to Him who tempereth the wind to the shorn lamb, and hath promised to be a father to the fatherless, and husband to the widow. As a last tribute of respect and affection to the memory of the dead, I offer, Mr. President, the following resolutions:

Resolved, That the Senate has received with deep sensibility the message from the House of Representatives announcing the death of the Hon. **BROOKINS CAMPBELL**, a Representative from the State of Tennessee.

Resolved, That in token of respect for the memory of the deceased, the Senate will attend his funeral at the hour appointed by the House of Representatives, and will wear the usual badge of mourning for thirty days.

Resolved, That, as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

The resolutions were unanimously agreed to; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 27, 1853.

The House met at twelve o'clock, m.

Prayer by Rev. **WILLIAM H. MILBURN**.

The Journal of Friday was read and approved.

DEATH OF HON. BROOKINS CAMPBELL.

Mr. **SMITH**, of Tennessee. Mr. Speaker, twice have we been called upon to mourn the loss of distinguished public servants since the meeting of the present Congress. And to-day I am instructed to ask the indulgence of the House to pause in its labors, while I perform the melancholy duty of announcing the death of my worthy colleague and friend, the Hon. **BROOKINS CAMPBELL**, of the First Congressional District of the State of Tennessee. He died in this city on Sunday last, at one o'clock, p. m., leaving a fond wife, and infant daughter, to mourn the loss of a kind husband and father. It is hard, sir, to die under any circumstances, but peculiarly so when away from home, and deprived of the kind and delicate attentions of that ministering angel—a wife—whose tears soften the pillow of the dying husband, and whose presence blunts even the sting of death itself. Such, however, was the misfortune of Mr. **CAMPBELL**. He left home about the 20th of November, in feeble health, and came here to enter upon the discharge of the duties of the important trust confided to him by a generous constituency.

Soon after his arrival in this city, he was confined to a sick bed, by a lingering disease, which baffled the best skill of the medical profession, and prevented him from ever taking his seat in this Hall, as a member of this body. Conscious of his situation and impending dissolution, it will be gratifying to his bereaved family and friends to know that he met the dread summons with calmness and Christian resignation—with a firm belief of his qualification and complete preparation to pass from a world of sorrow to one of eternal rest.

Mr. **CAMPBELL** was born in Washington county, in the State of Tennessee, in the year 1808, and continued to reside in his native county up to the day of his death. The many public trusts conferred upon him by his immediate neighbors and friends attest more strongly than I can by language his many private virtues, and his sincere and unwavering devotion to the public interest.

In 1835 he was elected a representative to the State Legislature from his native county, and was reelected in 1837. In 1841 he was again returned to the popular branch of the Legislature of his State, and continued a member of that body, at each successive session, until 1846. In 1845 he was, by the unanimous vote of the Democratic members of the House of Representatives of his State, chosen as the presiding officer of that body. It was in this responsible position that Mr. **CAMPBELL** exhibited, in a high degree, those excellent qualities of head and heart which so endeared him to his friends, and won for him the admiration of his political opponents. His urbanity of manner, amenity of disposition, honesty of purpose, and impartiality of decision, gained for him that respect and confidence of every member of the House, so necessary to the preservation of decorum and good order in a Legislative Assembly.

In 1846, Mr. **CAMPBELL** was appointed, by President Polk, an assistant quartermaster to the army of the United States, then in active service on the plains of Mexico. He repaired promptly to the post assigned him by his Government, and discharged the duties of his office with an ability and fidelity which gained for him, not only the good opinion and universal respect of the division of the army with which he was associated, but the hearty approval of the President of the United States. It was in that foreign clime, and while in the military service of his country, he contracted the fatal disease which has cut him off in the meridian of life and "in the midst of his usefulness."

In 1850 he was again elected a Representative to the State Legislature, and by his wise, zealous, and successful advocacy of those public measures of that session—which looked to the development of the resources, and the promotion of the prosperity of the whole State—Mr. **CAMPBELL** acquired an influence and power possessed by but few other members of either branch of the General Assembly. In gratitude for his distinguished services, as well as on account of his ability and purity of character, he was chosen by his district, in August last, to represent it in this branch of the National Legislature.

In politics, Mr. **CAMPBELL** was a Democrat, and radical, too, in his political faith. He engaged actively in most of the political struggles in his native State since 1834. But no prejudice, no political excitement, could make him swerve from the path of religious duty.

For some time past he had desired to represent his district in the Congress of the United States. He reached the goal of his ambition, and arrived here in time only for his soul to take its departure from the capital of the nation to that city above, "not made with hands, eternal in the Heavens."

He
 "So lived, that when the summons came to join
 The innumerable caravan that moves
 To that mysterious realm, where each shall take
 His chamber in the silent halls of death,
 He went, not like the quarry-slave at night,
 Scourged to his dungeon, but sustained and soothed
 By an unfaltering trust; approached the grave
 Like one that draws the drapery of his couch
 About him, and lies down to pleasant dreams."

In token of respect for his memory, and as an expression of our sympathy with his bereaved family, I move the adoption of the following resolutions:

Resolved, That this House deeply laments the death of the honorable **BROOKINS CAMPBELL**, who, at the time of his decease, was a member of this House from the First district of Tennessee, and tenders to his widow a sincere sympathy in this most afflictive bereavement.

Resolved, That the Clerk communicate a copy of the foregoing resolution to the widow of the deceased; and, further, that he communicate these proceedings to the Senate.

Resolved, That the members and officers of this House will attend the funeral of the deceased to-morrow, at twelve o'clock, m.

Resolved, As a further mark of respect for the memory of the deceased, that the members and officers of this House will wear the usual badge of mourning for thirty days, and that this House do now adjourn.

The resolutions having been read,

Mr. **CARUTHERS** said: A residence of many years in the State of Tennessee, where I learned to admire the character of **BROOKINS CAMPBELL**—intimacy ripened into the warmest friendship between him and my relations there—having often seen him in his place in the councils of his State, and knowing much of the deep love Tennessee bore the man and will bear his memory, makes it, perhaps, peculiarly proper that I should mingle my voice with his colleagues in mournful expression of their State's and the country's bereavement.

How sadly frequent have become these occasions in this Hall. The mourning in which it is shrouded speaks gloomily yet eloquently of the memory of the late high-souled and chivalrous Vice President of the United States. The voice of eulogy of the lamented Atherton, and of sorrow for his death, still lingers here.

To-day, for the third time during this session, (of yet but a few weeks,) we are mourners—mourning the loss of the gifted and pure. The death of Mr. **CAMPBELL** has fallen upon this House—upon the country—upon his family, with all the crushing and stunning force of an unexpected bereavement. His district, the country, had scarce heard the story of his illness—his wife, the wife of his love, had not heard the story of his danger; but his death is to fall upon her heart as the lightning of Heaven falls, shivering to ruin all its cherished hopes. It may carry with it a balm of some soothing to that crushed and bleeding heart, to know that a nation appreciates highly his lofty talents, his extensive usefulness, his unwavering firmness, his unbending integrity, his pure patriotism, his charming social qualities; that his last hours were tended with all the kind ministrations of friendship, and his death grieved by all who knew him—for they all loved him—with all the agony of a personal bereavement.

Beloved in his life, mourned in his death, he has gone to that shadowy land from which there is no returning. He was cut down in the bloom of his manhood—in the pride of his intellect—in the service of his country. How impressively sad this warning, teaching of the mutability of human life—of how powerless are the earthly hands of love and of friendship to save, and teaching, too, how sincerely the good and the wise, and the kind are deplored. When the sad tidings shall go through the land, with its wail of anguish, that **BROOKINS CAMPBELL** is dead, Tennessee, his own beloved Tennessee, will feel that she has lost one of the noblest and best of her noble and good sons. Tennessee, Alabama, New Hampshire, a bereaved trio, weep over their honored dead. Missouri would mingle her voice and her tears with their voices and their tears. I second the resolutions of my honorable friend from Tennessee.

The question was then taken on the resolutions, and they were agreed to; and

The House thereupon adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, December 28, 1853.

FUNERAL OF HON. BROOKINS CAMPBELL.

In accordance with the resolution adopted yesterday, the Senate proceeded to the Hall of the House of Representatives, for the purpose of attending the services connected with the funeral of the Hon. **BROOKINS CAMPBELL**, deceased, late a member of that House from the State of Tennessee.

On the conclusion of the services, the Senators returned to their Chamber.

On motion by Mr. **BADGER**, the reading of the Journal was dispensed with.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 28, 1853.

The House met at twelve o'clock, m., for the purpose of attending the funeral obsequies of Hon. **BROOKINS CAMPBELL**, late the Representative from the First Congressional District of the State of Tennessee.

Rev. Mr. **MILBURN**, Chaplain to the House, offered up a suitable prayer.

After a brief interval, the corpse of the deceased

member was borne into the Hall in charge of the Committee of Arrangements, attended by the Sergeant-at-Arms of the House, and by the pall-bearers, and followed by the Senators and Representatives from the State of Tennessee as mourners. The coffin was placed in the area immediately in front of the Clerk's desk.

At a quarter past twelve o'clock, the Senate of the United States, preceded by its officers, entered the Hall, and were received by the House standing. The Senators took seats assigned to them on the right of the Speaker's chair. The Presiding Officer of the Senate (Hon. DAVID R. ATCHISON, of Missouri) was conducted to a seat on the left of the Speaker.

The President of the United States, and the members of his Cabinet, and the Supreme Court of the United States, accompanied by their officers, subsequently entered the Hall, and having been received by the House standing, were conducted to appropriate seats on the right and left of the Speaker's chair.

Services appropriate to the occasion were then conducted by Rev. HENRY SLICER, Chaplain of the Senate, and a beautiful and impressive discourse was delivered by Rev. Mr. MILBURN, Chaplain of the House.

At the conclusion of these services, the funeral procession moved from the Hall to the Southern boat, in the following order:

The Chaplains of both Houses of Congress.

Physicians who attended the deceased.

Committee of Arrangements:

Mr. F. P. Stanton,	Mr. Samuel Caruthers,
Mr. W. M. Churchwell,	Mr. Wm. Appleton,
Mr. James L. Orr,	Mr. John L. Taylor,
Mr. John G. Davis,	Mr. Wm. R. Smith,
Mr. William Cullom.	

Pall-bearers:

Mr. Harry Hibbard,	Mr. James Meacham,
Mr. William S. Ashe,	Mr. Leander M. Cox,
Mr. John L. Dawson,	Mr. Bernhart Henn,
Mr. Thos. J. D. Fuller,	Mr. Theodore G. Hunt.

The family and friends of the deceased.

The Senators and Representatives from the State of Tennessee, as mourners.

The Sergeant-at-Arms of the House of Representatives.

The House of Representatives, preceded by their Speaker and Clerk.

The other officers of the House of Representatives.

The Sergeant-at-Arms of the Senate.

The Senate of the United States, preceded by their Presiding Officer and Secretary.

and their Secretary.

The other officers of the Senate.

The President of the United States.

The Heads of Departments.

The Chief Justice and Associate Justices of the Supreme Court of the United States,

and its officers.

The Diplomatic Corps.

Judges of the United States.

Officers of the Executive Departments.

Officers of the Army and Navy.

The Mayor of Washington.

Citizens and strangers.

At twenty minutes past two o'clock the Speaker again called the House to order.

ADJOURNMENT UNTIL SATURDAY.

Mr. CHURCHWELL. I move that when this House adjourns, it adjourn to meet on Saturday next.

The motion was agreed to.

On motion by Mr. DAVIS, of Indiana, the House then adjourned.

IN SENATE.

THURSDAY, December 29, 1853.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

Hon. SAMUEL S. PHELPS, of Vermont, appeared in his seat this morning.

PETITIONS, ETC.

Mr. SEWARD presented the petition of John Bamsey, praying the passage of an act authorizing the locating of a land warrant, granted him for military services during the late war with

Great Britain, on any of the public lands subject to private entry; which was referred to the Committee on Private Land Claims.

Mr. WADE presented the petition of John Brown, praying for back pension from the time he was disabled in the service of the United States; which was referred to the Committee on Pensions.

Mr. SUMNER. I present a memorial of the American Peace Society, signed by their president, William Jay, in which they request that this body will sanction the principle of arbitration in the settlement of international questions; which I ask may be referred to the Committee on Foreign Relations.

It was so referred.

Mr. SLIDELL presented the petition of Alexander Lea, of Mississippi, praying compensation for losses sustained by the destruction of a lighthouse at Chandeleur Island, on the coast of Mississippi, of which he was keeper; which was referred to the Committee on Commerce.

Mr. SEBASTIAN presented the petition of Jonathan E. Ferris, asking an allowance for services rendered in the naval service of the United States, as lieutenant-commanding, while holding the position of sailing master; which was referred to the Committee on Naval Affairs.

Mr. SLIDELL presented the petition of Caleb Green, late clerk of the district court of the United States for the western district of Louisiana, praying the reimbursement of office rent paid by him; which was referred to the Committee on the Judiciary.

Mr. BRODHEAD presented the petition of the children of George Felker, praying that the same allowance may be made to them as would have been made if their father had not been stricken from the pension roll; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN.

On motion by Mr. PETTIT, it was

Ordered, That the memorial and papers of John Epes Cowan be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. WADE, it was

Ordered, That the petition and papers of Cadwallader Wallace be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. SUMNER, it was

Ordered, That the petition of the heirs of Benjamin and Nathaniel Goddard be withdrawn from the files of the Senate, for the purpose of presentation in the House of Representatives.

On motion by Mr. HAMLIN, it was

Ordered, That the memorial of Charles Cooper & Co. be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. DAWSON, it was

Ordered, That the petition and accompanying papers of Cyrus H. McCormick be withdrawn from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by Mr. DAWSON, it was

Ordered, That the petition of Catharine B. Turner, widow of Commodore Daniel Turner, be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. WILLIAMS, it was

Ordered, That the papers in the case of Israel Ketchum be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by the PRESIDENT *pro tempore*, it was

Ordered, That the documents in the case of Henry C. Miller, Philip W. Thompson, and Jesse B. Turley be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

On motion by Mr. BRODHEAD, it was

Ordered, That the memorial of William Clark be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

UNITED STATES ARMORY AT CANNELTON, INDIANA.

Mr. PETTIT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs, in taking into consideration that part of the report of the Secretary of War which alludes to the removal of one of the armories of the United States, or the establishment of a new one, be instructed to inquire into the expediency of locating such removed, or new armory, at Cannelton, in the State of Indiana.

Mr. PETTIT. I desire to send to the committee, with that resolution, a pamphlet, showing

the advantages connected with that town for an armory, together with a letter of my own, and one of Hamilton Smith, upon the subject. I ask that they may be referred to the committee.

They were so referred.

NOTICES OF BILLS.

Mr. ALLEN gave notice of his intention to ask leave to introduce a bill for increasing the compensation of the district judge of the United States for the district of Rhode Island.

Mr. SLIDELL gave notice of his intention to ask leave to introduce a bill for the relief of Richard King.

BILL AND JOINT RESOLUTION INTRODUCED.

The PRESIDENT *pro tempore* asked, and by unanimous consent obtained, leave to introduce a bill granting to the States of Missouri, Illinois, Indiana, and Ohio the right of way for, and a portion of the public lands to aid in the construction of, a railroad from Kansas, via Jefferson City, St. Louis, and Vincennes, to Cincinnati, with a branch from Vincennes to Louisville, Kentucky; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. JAMES, agreeably to previous notice, asked and obtained leave to introduce a joint resolution for the presentation of a sword to the nearest male relative of Major Samuel Ringgold; which was read a first and second time by its title, and referred to the Committee on Military Affairs, and ordered to be printed. It is as follows:

Be it resolved, &c., That in testimony of the appreciation by Congress of the gallant acts and private worth of the late Major Samuel Ringgold, who was slain, in command of the light artillery, in the glorious battle of Palo Alto—the first in the war with Mexico—the President of the United States is requested to present a sword to the nearest male relative of that distinguished officer.

REPORT FROM A STANDING COMMITTEE.

Mr. BRODHEAD. The Committee on Naval Affairs, to which was referred the memorial of John Gonder, jr., and John Duff, has instructed me to report a bill for their relief. This is a bill that was reported unanimously by the Committee on Naval Affairs at the last session. It received the favorable action of the Senate, and was passed. I ask that the bill may now be read through, that the Senate may understand its purport, and I will then ask that it be put on its passage, the reason for which I will explain in a few words.

The bill was read a first and second time. It proposes to authorize the Secretary of the Navy to discontinue a suit brought against John Gonder, jr., and John Duff, in the district court of the United States for the eastern district of Pennsylvania, for the alleged violation of a contract made the 20th June, 1846, to furnish stone for the dry dock at the Brooklyn navy-yard.

The PRESIDENT. The Chair will suggest to the Senator from Pennsylvania that it is doubtful whether there is a quorum present. I have, therefore, instructed the Sergeant-at-Arms to ascertain that fact.

The Sergeant-at-Arms reported that there were but twenty-seven Senators present.

No quorum being present; on motion, The Senate adjourned.

IN SENATE.

FRIDAY, December 30, 1853.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ADJOURNMENT TO TUESDAY.

Mr. PETTIT. I move that when the Senate adjourns to-day, it be to meet on Tuesday next. The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasury Department, transmitting, in compliance with the act of March 3, 1853, a report of Professor A. D. Bache, Superintendent of the Coast Survey, showing the number and names of the persons employed in the Coast Survey during the year ending June 30, 1853, their compensation, and the time of their employment, together with a statement of all expenditures made under the direction of the Superintendent; which was ordered to lie on the table, and be printed.

On motion by Mr. HAMLIN, the report of the Superintendent of the Coast Survey was referred to the Committee on Printing.

PETITION.

Mr. BENJAMIN presented the petition of Henry Yates and Richard McIntyre, praying for permission to locate certain lands; which was referred to the Committee on Private Land Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FITZPATRICK, it was Ordered, That the petition of Thomas Rhodes be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That the memorial and petition of Jacob Gideon, praying compensation for past services in the execution of certain binding for the Navy Department, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

NOTICES OF BILLS.

Mr. FITZPATRICK gave notice of his intention to ask leave to introduce a bill for the relief of the legal representatives of Joshua Kennedy, deceased.

Mr. FISH gave notice of his intention to ask leave to introduce a bill to authorize the business of banking in the District of Columbia, and to regulate the issuing and circulation of notes as money.

REPORTS FROM A STANDING COMMITTEE.

Mr. SEBASTIAN, from the Committee on Private Land Claims, to which was referred the petition of John B. and Thomas Johnson, praying remuneration for expenses incurred in defending a defective title to land from the United States, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to which was referred the petition of Priscilla Prewitt, reported a bill for the relief of the heirs and representatives of Uriah Prewitt, deceased; which was read, and passed to the second reading.

Mr. ALLEN, from the Committee on Private Land Claims, to which was referred a bill for the relief of Ira Baldwin, reported back the same without amendment.

COMMITTEE ON PRINTING.

Mr. HAMLIN. I am requested by the Senator from Florida, [Mr. MALLORY,] who is now at his lodgings, to submit a motion to the Senate to excuse him from serving on the Printing Committee. The state of his health is such that he thinks he will be totally unable to discharge the duties that will be devolved on him by that position. I therefore submit the motion to excuse him, at his request.

The motion was agreed to.

Mr. HAMLIN. I now submit a motion that the President *pro tempore* fill the vacancy occasioned by the honorable Senator's resignation.

The motion was agreed to, and Mr. FITZPATRICK was appointed.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 31, 1853.

The House met at twelve o'clock, m.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Wednesday was read and approved.

REPORT OF THE COAST SURVEY.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting, for the information of the House, the report made to that Department by Professor A. D. Bache, Superintendent of the Coast Survey, showing the progress of said work during the year ending November 1st, 1853, with the accompanying map prepared at the Coast Survey Office, in accordance with the provisions of the act of Congress, approved March 3d, 1853.

Mr. HOUSTON. I move that that communication be laid upon the table, and ordered to be printed.

The question was taken, and the motion was agreed to.

Mr. HOUSTON. It has been usual to move the printing of an extra number of this communication. I do not recollect what the extra number usually has been; but I will move that ten thousand

extra copies be printed, so that the subject may go to the Committee on Printing.

Mr. STANTON, of Kentucky. I have a resolution which covers the gentleman's suggestion; it is as follows:

Resolved, That ten thousand copies of the letter of the Secretary of the Treasury, communicating the report of the Superintendent of the Coast Survey for the year 1853, in addition to the usual number, be printed; five thousand thereof for the use of the House, and the remainder for the use of the Coast Survey Office; and that the same be printed and bound with the plates, in quarto form, and that the plates be printed under the superintendence of the Coast Survey.

Mr. HOUSTON. I move that ten thousand extra copies be printed; and that that motion be referred to the Committee on Printing.

The SPEAKER. Does the gentleman from Kentucky withdraw his resolution?

Mr. STANTON. I do, sir.

The question was then taken on Mr. HOUSTON's motion, and it was agreed to.

OBSTRUCTION TO TRAVEL AT ERIE.

Mr. HENDRICKS. Mr. Speaker, I hold in my hand an account of the proceedings of a large meeting of citizens of the State of Indiana, held at the city of Indianapolis, on the 24th day of this month. I have not filed it with the Clerk, and had it referred, as I might have done under the rules of the House; but because of the weighty character of the meeting, the distinguished position of many of the gentlemen who took part in its proceedings, and because of the character and great importance of the question considered, I have felt it my duty to present it directly and publicly to the House, and to ask that it be by the House referred to the appropriate committee. The people convened to make a proper "expression in regard to the outrages at Erie, in breaking up a great national thoroughfare." I ask the unanimous consent of the House that the account of their proceedings may be presented and properly referred.

For many days, mobs, and large bodies of armed men, at and near the city of Erie, in the State of Pennsylvania, have held, and by menaces, force, and bloodshed, do hold and obstruct one of the great channels of commerce and travel between the east and the northwest; and now the property and persons of the people may not in safety pass that way.

By one of the resolutions of the meeting at Indianapolis, "the attention of the General Government is earnestly called to the lawless interruption of commerce, and the public mails, by the Erie rioters," "and Congress and the National Executive are asked to take such action as may be consistent with their delegated powers, to suppress the evil and prevent the recurrence of a similar calamity."

Sir, this is not a matter of local interest and concern alone. It is not alone a question between the people of Erie and the railroad companies. New York has an interest in the question. Indiana and all the West is a party to it. It is now of national importance and consequence. The fact that the local authorities seem to sympathize with, if they do not abet, this great public wrong, gives it additional and thrilling interest and importance.

If companies of six, and seven, and eight hundred armed men had invaded our borders, and impaired our internal commerce, stopped our mails, and hindered the free intercourse of our people, the attention of the nation would at once have been arrested, and all the power of the Government commanded. Sir, the same article, section, and clause of the Constitution which gives this Government power to repel invasions, confers the power, and imposes the correlative obligation, to suppress insurrections. I will not undertake to say what line of conduct the Government ought to adopt in this case, but I will say that its importance demands a most careful and earnest consideration. I therefore move that the report of the proceedings of the meeting at Indianapolis be referred to the Committee on Military Affairs.

Mr. McNAIR. The Legislature of Pennsylvania is about to assemble; and I have no doubt that it will take this subject up for consideration, so far as Erie is concerned. In my opinion, the suggestion of the gentleman is not at all necessary, so far as we are concerned in that State. I have no doubt, though I cannot say so positively, that Governor Bigler will make mention of the matter in his message, and that then an immediate settlement of the difficulty will be had.

Mr. RITCHIE, of Pennsylvania. I can state a reason, Mr. Speaker, in addition to that already stated by my colleague, why this subject should not be brought before the House at all. This whole subject is at present before the supreme court of Pennsylvania, and also before the district court of the United States, sitting at Pittsburgh. They have ample jurisdiction to decide this whole question in accordance with the laws as they now exist.

The gentleman from Indiana, as I have been informed, is entirely in error in regard to the nature of the whole case. The facts, as I have been informed, are simply these: This railroad, which passes through the county of Erie, was authorized to be constructed at a particular gauge—four feet eight inches and a half—such as is authorized by the general railroad law of Pennsylvania. In defiance of that law, this railroad company laid down its rails at a gauge of six feet, in order to accommodate gauges on different parts of the same road, making a break in their road at some town in the State of New York, by the name of Dunkirk, instead of at Erie, where it ought to be. The six feet gauge was authorized to be brought into the town of Erie on one side, and carried forward on the other side, at a gauge of four feet eight inches and a half. The railroad company, in defiance of this law, laid down the whole track at a gauge of six feet, and they have been thus the first aggressors. I am informed that the people of Erie are acting under the legal advice of some of the most eminent counsel of the bar at that place, based on information of all the facts in the case.

There are differences of opinion among different counsel in different portions of Pennsylvania; but the whole subject is before the United States district court for the western district of Pennsylvania, and before the supreme court of Pennsylvania. I am informed that there will not be the slightest difficulty in enforcing any order of the courts. The parties will submit at once. It is therefore entirely unnecessary to ask action of the House in the matter; and the proceedings in Indiana must have been had under an entire misapprehension.

Mr. BOYCE. This is one of those accidents to which the northern States are and will be subject, because they have not the institution of slavery among them. [Laughter.] We from the South are sorry for them. We have long since seen this, and believe that it is only the beginning of the end. If we can do anything for the members from those States, we shall be glad to do so, for we of the South are conservative. You must tell us, however, what we can do for you. At present we can only offer you our sympathies. It is one of those misfortunes to which you will be exposed from having the whole of your population made up of freemen. [Laughter.]

Mr. DICK. As a Representative, in part, of the State of Pennsylvania, I think it incumbent upon me to state the history of the origin of the difficulty which has occurred in Erie county. Originally, this road, from the State line of New York to the city of Erie, was constructed with a six-foot gauge. An arrangement had been entered into by the New York and Erie road with the Northeast State Line road, to construct their road from the town of Dunkirk to the State line of New York, and thereby connect with the six-foot track from the city of Erie. It seems to me that the Lake Shore road—

Mr. DAVIS, of Indiana, (interrupting.) I rise to a question of order. It is this: Is it in order to enter into this discussion upon a mere motion to refer the memorial from the State of Indiana? The motion was made to refer, and, as I understand the matter, it has been referred.

The SPEAKER. The memorial has not been referred, and it is not in order to refer it, if there be any objection.

Mr. DAVIS, of Indiana. This memorial ought to be referred to a committee. But I object to the wide range which this debate is about to take on the Erie riots.

My colleague [Mr. HENDRICKS] presented this memorial, and made a short explanation of its objects and contents. The gentleman from Pennsylvania [Mr. RITCHIE] has replied; now my only object is to put a stop to this debate, which is clearly out of order at this time. Let the memorial go to the Committee on Military Affairs under the rule, and upon their report the whole question involved

will be legitimately before the House for discussion.

The SPEAKER. The Chair understood that the gentleman from Pennsylvania [Mr. RITCHIE] did object to any action being had upon that subject. The rule in such cases is, that the memorial must come before this body by presentation at the Clerk's table, and be referred under the supervision of the Speaker.

Mr. ORR. I desire to say one word.

The SPEAKER. The gentleman from Pennsylvania [Mr. DICK] is upon the floor, and was interrupted by a question of order.

Mr. ORR. I was simply going to suggest that the gentleman from Indiana [Mr. DAVIS] should not raise a question of order upon the gentleman from Pennsylvania. His colleague [Mr. HENDRICKS] made a statement in reference to this difficulty, and it is but common justice that the gentleman from Pennsylvania should be allowed to make an explanation in reference to the same subject.

The SPEAKER. The gentleman from Indiana [Mr. HENDRICKS] made his remarks by the unanimous consent of the House, and the Chair was not disposed to interrupt other gentlemen who were speaking to the same subject.

Mr. DAVIS. When my colleague [Mr. HENDRICKS] presented this memorial, he made a short explanation of the facts contained in it. The gentleman from Pennsylvania [Mr. RITCHIE] then replied to those statements at some length. Now, this debate is taking a very wide range, and I desire to know if such debate is in order, after the explanation of my colleague, and the reply thereto by the gentleman from Pennsylvania? Is it in order to enter into a discussion of the whole merits of these Erie riots?

The SPEAKER. Discussion is not in order.

Mr. RITCHIE, of Pennsylvania. I perceive that the gentleman, [Mr. DICK,] who is the immediate Representative of Erie, is upon the floor. I supposed, when I made my remarks, that he was absent from town, and hence I interfered in this matter. I hope the House will allow him to proceed with his remarks.

Mr. RICHARDSON. As I understand it, the question upon the reception of a petition, raises the whole merits of the question contained in it.

The SPEAKER. The Chair decides that debate is not in order, if objected to by any member of the House; and that it is not in order to present the memorial, if objected to. The Chair understands that it has been objected to by the gentleman from Pennsylvania, and therefore there is no question before the House.

Mr. HENDRICKS. I wish, then, that under the supervision of the Chair, this memorial may be referred to the Committee on Military Affairs.

APPROPRIATION BILLS.

Mr. HOUSTON. I am instructed by the Committee on Ways and Means, to introduce "A bill making appropriations for the support of the Army for the year ending the 30th June, 1855;" and I move that it be printed, with the accompanying papers, and referred to the Committee of the Whole on the state of the Union.

I am instructed, also, by the same committee, to introduce "A bill making appropriations for the transportation of the United States mail, by ocean steamers and otherwise, during the fiscal year ending 30th June, 1855;" and I ask that it be printed, and referred to the Committee of the Whole on the state of the Union.

The question was then taken, and the bills were accordingly ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I am instructed by the Committee on Ways and Means to ask that they be discharged from so much of the estimates of the Secretary of War as relate to rivers and harbors, and that it be referred to the Committee on Commerce.

Mr. EWING. I object to that reference, and would suggest that the reference be made to the Committee on Roads and Canals.

Mr. HOUSTON. I am perfectly willing that the matter should go there; and my own judgment was that it should take that course.

Mr. EWING. I desire to say but a single word, and give my reason for the reference I ask. The Committee on Commerce for several Con-

gresses past has had this matter under their consideration, and made reports upon the subject. During the last Congress they reported a bill for which I could not conscientiously cast my vote, after having advocated the propriety and constitutionality of these appropriations during the whole of my canvass at home. After the principle announced by the chairman of the Committee on Commerce the other day, as the principle which governs them in these appropriations, I think they demonstrate themselves as unfit for the duty intrusted to them.

The chairman of that committee told us, with a tone of exultation, that they were disposed to do justice to all sections of the country, and in order to accomplish this they made an arbitrary division of these appropriations into three distinct parts, for three distinct divisions of the country, without reference to the wants of either of these sections of the country—without reference to the constitutionality or propriety of the appropriations to be made. It is exactly under such a principle as that, that nine tenths of the appropriations of doubtful constitutionality have been made upon the Atlantic sea-board, where millions upon millions have been appropriated, with lavish prodigality, in the history of the past, before the commerce of the West had an existence; and now, as an arbitrary division of the spoils is to be made to them, the Big Suduses and the Little Suduses must be hunted up, and places which are not entitled to appropriations, upon any principle of propriety or constitutionality, must come in to receive their share of such arbitrary distribution.

I insist that this subject shall go to the Committee on Roads and Canals, composed, fortunately for us who live in the Mississippi valley, of a majority of men living in that valley. Under the peculiar difficulties which surround this subject, with our President not living in that section—I offer it as an excuse for him, and not by way of accusation—and, I presume, finding it impossible to appreciate, understand, and sympathize with the condition of things in that valley—seemingly—and I will venture so far upon exegesis as to hazard that expression—I say, with our President seeming to disapprove of such appropriations upon the part of Congress, and with the peculiar difficulties which surround us, we claim, as I think we have the right to do, that the committee having this subject in charge should be, for once, constituted favorably to making appropriations for the benefit of the Mississippi valley.

I say the President seems to be opposed to these appropriations. I labored through that part of his message with some difficulty in respect to its interpretation. I do not know but the whole document furnishes, perhaps, a rather wide field for exegetical criticism. I labored, however, carefully and laboriously on through that portion of it which seems to refer to appropriations for the improvement of rivers and harbors—until I arrived at that point where he seems to recommend to Congress the levying of tonnage duties for the purpose of making such improvements, and there, as the navigators of western waters say, "I struck a fog, and had to tie up all night."

But, Mr. Speaker, I am not disposed to detain the House at this time. I may, perhaps, at some future time present my views upon this subject as briefly as possible, for I never make hour speeches. I do not care to have my right to the floor knocked off under the auctioneer's hammer. I prefer to dispose of it by private transfer. I say I may, perhaps, at some future time, if I can get the floor, make a short speech upon this subject, in behalf of the small minority of this House, laboring, as we are, under the weight of the frown and disapprobation of the Executive. If this subject is not sent to a committee whose policy, as already set forth, I fear would strangle it in its infancy, I will unite, as far as my feeble abilities will enable me, with those who are struggling to enforce the just claims of the country from which I come.

The question being first upon the motion to refer to the Committee on Commerce, it was put, and upon a division, there were 45 in the affirmative.

Mr. RICHARDSON. I demand the yeas and nays.

The yeas and nays were not ordered; only 21 members voting therefor.

Mr. RICHARDSON. I demand tellers upon the call for the yeas and nays.

A VOICE. Too late.

Mr. RICHARDSON. I have the right to demand tellers.

The SPEAKER. The gentleman's right would have been clear, if he had demanded tellers in time. The Chair, however, will put the question upon the call, if no one objects.

Mr. HOUSTON. If the Chair will allow me, I will suggest to the gentleman from Kentucky [Mr. EWING] that he allow this subject to go to the Committee on Commerce for the present; he can then move to reconsider, and the question can come up some other day upon the motion when the House is full. There is a very slim attendance to-day, perhaps not a quorum, and there will be difficulty in settling the question at this time. There is other business which I hope will be attended to to-day, and I therefore suggest to the gentleman that he allow the matter to take the course recommended by the Committee on Ways and Means for the present, and it can come up at some other time upon a reconsideration.

Mr. EWING. I have no objection to the course suggested by the gentleman from Alabama, [Mr. HOUSTON,] if it be the wish of the House, and will withdraw my motion.

A MEMBER. I object.

Mr. CLINGMAN. I rise to make a motion, which, I suppose, will take precedence of those now pending. I presume it is in order to move to postpone the further consideration of this subject until some future day, and that such a motion will take precedence of the one made by the gentleman. If it be postponed until, perhaps, Tuesday next, we shall probably then have a full House, and the matter could be fairly tested. At least, I presume there will be no objection to its being postponed until Tuesday or Wednesday. A motion to commit would keep it before the House.

The SPEAKER. It may be postponed to a day certain.

Mr. CLINGMAN. My motion was to postpone it until Tuesday.

Mr. PRESTON. I entirely agree with my colleague, that—

The SPEAKER. The question is not debatable.

Mr. PRESTON. I was not going to debate it. I think it may, perhaps, be best for our interest that it should be referred to the committee to which the chairman of the Committee on Ways and Means moved its reference. I therefore trust that the motion of the gentleman from North Carolina [Mr. CLINGMAN] may prevail. But I would suggest that I do not think there will be a quorum present on even Tuesday, to which day it is most probable we will adjourn; and as there seems to be a disposition to have this question discussed when a quorum is present, I would suggest to the gentleman from North Carolina to amend his motion, so as to postpone it until Friday next.

Mr. CLINGMAN. I accept the suggestion of the gentleman from Kentucky, and will so modify my motion as to have the question postponed until Friday next.

The question was then taken, on the motion to postpone until Friday next, and it was agreed to.

SUPPLY OF WATER FOR WASHINGTON AND GEORGETOWN.

On motion by Mr. HOUSTON, the Committee on Ways and Means was discharged from so much of the estimates of the Secretary of War as referred to supplying the citizens of Washington and Georgetown with water; and the same was referred to the Committee on the District of Columbia.

NAVAL APPROPRIATION BILL.

Mr. PHELPS, of Missouri, from the Committee on Ways and Means, reported the following bill; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying documents, ordered to be printed:

"A bill making appropriations for the naval service for the year ending 30th June, 1855."

ADJOURNMENT OVER.

Mr. DAVIS, of Indiana. I move that when this House adjourns, it adjourn to meet on Tuesday next.

The motion was agreed to.

EMPLOYEES IN THE COAST SURVEY.

The SPEAKER. By permission of the House, the Chair will present a communication from the Treasury Department.

The communication was read. It was dated the 27th instant, signed by A. D. Bache, Superintendent of the Coast Survey, showing the number and names of the persons employed during the last fiscal year in that department of the public service, the business connected therewith, the amount of compensation, &c., &c.

Mr. HOUSTON. That report is made in pursuance of the requirements of a law passed last session; and I move that, for the present, the report be laid upon the table.

The motion to lay the report upon the table was agreed to.

HENRY LEWIS.

Mr. MACE, from the Committee on Claims, introduced the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Henry Lewis, of Clinton county, Indiana."

Mr. MACE. I ask the unanimous consent of the House to introduce a resolution.

Mr. WALSH. I object.

Several MEMBERS. Read the resolution.

The SPEAKER. Is the reading of the resolution objected to?

Mr. WALSH. It is.

ADVERSE REPORTS.

Mr. LETCHER, from the Committee on Claims, made adverse reports on the petitions of John P. Shelden and Martin L. Patterson; which were ordered to lie upon the table, and be printed.

Mr. EASTMAN moved to reconsider the vote by which the adverse report on the petition of John P. Shelden was ordered to lie upon the table, and asked that the motion be entered for consideration on some future day.

It was so ordered.

Mr. MILLER, of Missouri, from the Committee on Claims, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Captain George Sympton, of Galveston."

Mr. PRESTON gave notice that he would to-morrow, or on some future day, introduce a bill concerning the Louisville and Portland Canal.

Mr. HENDRICKS, from the Committee on Invalid Pensions, reported "a bill for the relief of William Blake;" which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. HENDRICKS, from the same committee, reported adversely to the prayer of the petition of Eliza Merrill, of Bangor, Maine, for arrears of pension due James Merrill; which was ordered to lie on the table, and be printed.

Mr. HENDRICKS, from the same committee, reported adversely in the case of John Droat; which report was ordered to lie upon the table, and be printed.

Mr. WASHBURN, of Illinois. I wish it to be entered on the Journal, for action hereafter, that the vote by which the report just made was laid upon the table, be reconsidered.

BOUNTY LAND LAW.

Mr. BISSELL, from the Committee on Military Affairs, reported "A bill to repeal the first proviso of the fourth section of the act entitled 'an act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,' approved September 28, 1850;" which was read a first and second time by its title.

Mr. B. I am willing myself that the bill should go to the Committee of the Whole on the state of the Union; but it is suggested that the House might save itself that trouble, and pass the bill at once. I will say, by way of explanation of its intent—

Mr. McMULLIN. I object to the bill being passed at this time.

Mr. BISSELL. Very well. I move that the

bill be referred to the Committee of the Whole on the state of the Union.

The question was taken, and the motion was agreed to.

GENERAL WOOL.

Mr. BISSELL. The Committee on Military Affairs have directed me to report the following resolutions to the House, with the recommendation that they do pass:

Resolved, unanimously, by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered, to Brevet Major General John E. Wool, for his distinguished services in the late war with Mexico, and especially for the skill, enterprise, and courage which distinguished his conduct at the battle of Buena Vista.

Resolved, That the President be requested to cause a sword, with suitable devices, to be presented to General Wool, as a testimonial of the high sense entertained by Congress of his gallant and judicious conduct on that memorable occasion.

Resolved, That the President be requested to cause a copy of the foregoing resolutions to be transmitted to General Wool.

The resolutions were read a second time.

Mr. BISSELL. I hope no objection, similar to the one made a few moments ago, will be made to the immediate consideration and adoption of these resolutions. If there be any objection, I am well aware, this not being a day on which I can move to suspend the rules, that the resolutions must necessarily go to the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I do not interpose any objection to the passage of the resolutions reported by the gentleman from Illinois [Mr. BISSELL] whenever there is a quorum present. It is evident there is no quorum here, and it is wrong to legislate without a quorum.

Mr. BISSELL. If there is no quorum, and that be conceded, I am not disposed to press the question; though I will say to the gentleman from Tennessee, that I particularly desire that these resolutions should pass pretty soon. The distinguished man, whom these resolutions are designed to honor appropriately, is about to depart on an important expedition to the Pacific coast. It will gratify him very much, and it will gratify the whole country, if these resolutions should pass before he takes his departure. It is a matter of mere sentiment and feeling.

Mr. JONES. I would suggest to the gentleman that he withdraw these resolutions, and present them the next day of our meeting, which will be Tuesday next.

The SPEAKER. Or postpone the consideration of them until that time.

Mr. JONES. To save the question, I move that the resolutions be referred to the Committee of the Whole on the state of the Union; and I move that the House adjourn.

Mr. CLINGMAN. No, no. Do not adjourn.

Mr. BISSELL. If the gentleman from Tennessee [Mr. JONES] will permit me, and it be in order, I move that it be recommitted to the Committee on Military Affairs.

Mr. JONES. There is no objection to that, as I believe the list of committees have been called through for reports.

The SPEAKER. The Chair hears no objection, and the resolutions will be referred as moved by the gentleman from Illinois.

CALL FOR RESOLUTIONS.

Mr. CLINGMAN. I hope the gentleman from Tennessee [Mr. JONES] will withdraw the motion to adjourn. I suggest to him that we should allow the States to be called over, and let gentlemen get their bills before the committees. We have had a week of holidays, and we can sit here an hour or two for that purpose.

Mr. JONES. I withdraw the motion to adjourn.

The SPEAKER then commenced the call of the States for resolutions, beginning with the State of Maine.

NAVY STEAMERS.

Mr. MACDONALD presented a resolution; which was read, as follows:

Resolved, That the Secretary of the Navy communicate to this House, the information called for by the following interrogatories:

1st. The number and names of steamers built for the Navy in each year since January, 1836, their power, tonnage, proportion of guns to the ton, as actually armed, and the length of time between the commencement of each vessel and her sailing on her first cruise.

2d. The actual cost of each vessel from the time of their

commencement till first commissioned for sea service, the number of times repaired or altered in the United States, and the cost of such repairs before proceeding to sea.

3d. The number of times each steamer has undergone foreign repairs, on foreign stations, from accident, and the nature and cause of such accident, as well as the cost of such repairs.

4th. The actual cost of each steamer in the Navy, from the time of building until the end of the fiscal year 1853, including repairs, of whatever description, the actual service at sea performed by each vessel, as well as the aggregate cost of the entire steam navy, and the various experiments connected therewith, until the close of the fiscal year 1853.

5th. The names of the head of bureaus, constructors, engineers, and other persons concerned in the construction or equipment of each and every steamer in the Navy.

6th. The present condition of the steam navy, including readiness for immediate service, capacity for conveying fuel, accommodating crew, and ratio of guns to tonnage.

7th. The number of steamers purchased for the Navy, their first cost, the amount expended to fit them for war vessels, the power, burden, proportion of actual armament and tonnage, entire cost of repairs of all kinds, to the close of the fiscal year 1853, the service performed, their present condition and fitness for service, and the names of the agent who made the purchase for the Government.

Mr. MACDONALD. I would state that this information from the Navy Department is nearly prepared, under a resolution of a similar character passed by the last Congress. It will only be necessary to extend the tables from 1852 to 1853. Under the rules of the House, a resolution, asking for information, would have to lie over, but I trust that this being short we will act upon it now. I hope that there will be no objection to this course, so that we may have this information early for our intelligent action upon questions which will be shortly before us.

The SPEAKER. The question is upon the adoption of the resolution.

Mr. WALSH. I rise to a question of order. I made objection to the resolution.

The SPEAKER. The Chair did not hear any objection.

Mr. WALSH. I think I made it loud enough to be heard upon the other side of the Hall.

The SPEAKER. The gentleman from New York [Mr. WALSH] is not in order. As objection is made, the resolution will lie over.

On motion by Mr. WASHBURN, of Maine, it was

Ordered, That he have leave to withdraw from the files of the House the petition and papers of Benjamin Bibbins, and that they be referred to the Pension Bureau.

Mr. APPLETON. I ask leave to introduce "A bill to provide for the accommodation of the courts of the United States in the district of Massachusetts."

The bill was read the first and second time by its title.

Mr. MILLSON. Is there any motion to refer the bill?

The SPEAKER. There is not.

Mr. MILLSON. Has the bill been reported from any committee?

The SPEAKER. It has not been so reported.

Mr. MILLSON. I move then to refer it to the Committee on the Judiciary.

The SPEAKER. No objection being made, it will be so ordered.

Mr. WALSH. I object.

The SPEAKER. The gentleman's objection is overruled by the Chair, the business before the body being in order, under the rules of the House.

Mr. HENN. I think it is unfair to absent members of the House, that we should go on with the business; and I therefore move that the House adjourn.

Mr. CLINGMAN. I hope not. We have had a week's holiday, and let us now go on with our business to-day.

The question was then taken upon Mr. HENN's motion, and it was decided in the negative.

So the House refused to adjourn.

WITHDRAWAL OF PAPERS.

Mr. ABERCROMBIE. I ask the unanimous consent of the House to withdraw from its files the petition and papers in the case of Charles E. Gunter, for the purpose of reference to a committee of the House. I will state, for the information of the House, that a bill passed the House for the relief of the petitioner, and the papers are on file. I now desire to withdraw them, and have them referred to the Committee on Claims, in order that the case may again come up for the action of the House.

A MEMBER. Is that in order?

The SPEAKER. The gentleman's object can

be accomplished under the rule, by making application at the Clerk's desk, and not in open House.

OUTRAGES UPON AMERICAN CITIZENS.

Mr. INGERSOLL. If it be in order, I wish now to call up the resolution offered by me the other day, calling upon the President of the United States for copies of the correspondence between this Government and Spain, relative to the seizure and imprisonment of Captain Thaddeus Beecher, and the officers and crew, of the schooner North Carolina. It is merely a resolution of inquiry, to which I presume there will be no objection, and I wish to put it upon its passage.

Several Voices. That is not in order.

The SPEAKER. The resolution, having lain over one day, comes up in order, in the opinion of the Chair.

Mr. JONES, of Tennessee. When the resolution went over, it took its place upon the Calendar.

Mr. CLINGMAN. I rise to a point of order. I submit that in calling the States for resolutions, when a resolution goes over, it does not come up in order upon the next resolution day, but takes its place upon the Calendar.

The SPEAKER. If there be a rule requiring that disposition, the Chair asks the gentleman to direct his attention to it.

Mr. CLINGMAN. My objection is that we are now calling the States for resolutions, and it has never been the practice that resolutions of this character, lying over from a previous day, should come up under the call.

The SPEAKER. The Chair doubts whether it was not the first business in order before the call commenced.

Mr. CLINGMAN. I think that has not been the practice of the House.

Mr. JONES. I should suppose, if resolutions lying over, under this rule, came up as suggested by the Chair, they would come up in their order. Now, if there be no Calendar kept by the Speaker for that purpose, they must go upon the Speaker's table, and will come up in their order, when that class of business is before the House. If members have the right to call up resolutions of this character, during the call of the States for resolutions, and they give rise to debate, and consume the time of the House, I ask when can we have another call for resolutions? You cannot do it to-morrow. The rule is, since you have abolished the calling of States for petitions, that committees shall be first called for reports, and then the States called for resolutions. If any resolution, offered under this rule, gives rise to debate, it must go over—not certainly to come up the next day, when the same State is called. The reason for prescribing in the rule that resolutions giving rise to debate shall go over, is to give members an opportunity to get their business before the House; and if such resolutions are to come up the next day during the call, the whole object of the rule would be defeated.

The SPEAKER. If they do not come up the next day, the question is, when shall they be in order? The Chair is of the opinion, that during the whole of the last Congress, this question never once arose, and he does not recollect what was the practice of the House previous to that time. He is, however, of the opinion, that if a resolution, giving rise to debate, goes over under the rule, having lain for one day, it comes up first in order on the day following, when it is debatable.

Mr. JONES, of Tennessee. Suppose it gives rise to debate, when will you call the States for resolutions again?

The SPEAKER. The States having all been called, it seems to the Chair that resolutions lying over under the rule, should be called up for action.

Mr. MACDONALD. I ask the attention of the Chair to the 61st rule, which is as follows:

"61. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster General—or to print an extra number of any document, or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with, or referred to in it, shall lie on the table one day, for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered."

The SPEAKER. The Chair is inclined to think

that they would come up before the next call under the rule.

LANDS FOR SCHOOLS AND RAILROADS.

Mr. BENNETT, by the unanimous consent of the House introduced—

"A bill granting lands equally to the several States, to aid in the construction of railroads, and for the support of schools;" which was read a first and second time by its title.

Mr. BENNETT. I move that the bill be referred to the Committee on Public Lands.

Mr. JONES, of Tennessee. I move to lay the bill upon the table.

Mr. HENN. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. SAPP. I move that the House do now adjourn.

The question was taken, and the motion being agreed to,

The House adjourned to meet again on Tuesday next, at twelve o'clock, m.

IN SENATE.

TUESDAY, January 3, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

HON. ANDREW P. BUTLER, of South Carolina, HON. HENRY S. GEYER, of Missouri, and HON. SAM HOUSTON, of Texas, appeared in their seats this morning.

VERMONT SENATORIAL REPRESENTATION.

Mr. SEWARD. I desire to call the attention of the Senate to a question of privilege. We have seen, sir, during the last week, an honorable gentleman from the State of Vermont arrive here, take his seat as a member of this body, and I am sure that all the members of this body, like myself, are proud to receive him and welcome him here. At the same time it is known to the Senate that the circumstances under which he appears now to resume his seat are peculiar; and they are said (though I do not know that it is the fact) to be new. I refer to the honorable gentleman from Vermont, [Mr. PHELPS.]

The facts are understood to be these: During the recess of the Legislature of Vermont, he was appointed by the Governor of that State to fill the vacancy which had happened during the recess, by the death of the Hon. William Upham, who belonged to that class of Senators whose terms expire on the 4th of March, 1855. Mr. Phelps appeared and took his seat, and attended during the last special session of the Senate. It is understood that since that time the Legislature of the State of Vermont has convened, and has adjourned *sine die* without filling the vacancy. The question which arises is, whether, by that adjournment of the Legislature, the seat of the honorable Senator from Vermont has been vacated or not? It is a question proper to be brought before the Senate. Somebody must bring it before this body. It seemed to the gentlemen on this side of the Hall to be ungracious that the question should be required to be raised on the opposite side of the Chamber; and after consultation with the honorable Senator himself, and with friends, it seemed proper, at least not unbecoming, that I should raise the question; because I have heretofore objected somewhat strenuously to the admission of Senators coming into the Chamber on the opposite side of the Hall, and have required a diligent scrutiny into the circumstances attending their cases. It has been thought, also, that no one could doubt my desire that the State of Vermont should be fully represented here, or my equally strong desire that it should be represented here in the person of the honorable Senator who now claims the seat, if it can be so consistently with the Constitution and laws. Under these circumstances, I beg leave to submit the following resolution:

Whereas, the Hon. SAMUEL S. PHELPS was appointed by his Excellency the Governor of Vermont, in the recess of the Legislature of that State, to fill the vacancy in the Senate of the United States, which happened by the death of the Hon. William Upham, a Senator whose term of six years would have continued till the 4th of March, 1855; and

Whereas, it is understood that since that temporary appointment was made, the Legislature of Vermont has been convened at their annual session, and has adjourned without filling such vacancy: Therefore,

Resolved, That the Committee on the Judiciary inquire

whether the Hon. SAMUEL S. PHELPS is entitled to retain his seat in the Senate of the United States.

If there be no objection, I ask the consideration of the resolution at this time.

Mr. BUTLER. I would inform the gentleman that, at this time, there is not a quorum of the Committee on the Judiciary in the city, and there is not likely to be one, as I understand, at present. I think these questions should be considered primarily by the Senate itself. I know that the same question has been before the Committee on the Judiciary on a former occasion. But on another occasion, I believe in the case of the honorable Senator from Kentucky, [Mr. DIXON,] it was considered proper that the Senate itself should take up the subject and dispose of it. I think that is the proper mode; and I would suggest, therefore, to the honorable gentleman from New York, to withdraw his motion to refer the resolution to the committee, particularly as the reference will delay final action upon the question.

Mr. BADGER. Let it stand till to-morrow.

Mr. SEWARD. I am willing to delay the motion till to-morrow.

The question on the resolution was therefore postponed.

PETITIONS, ETC.

Mr. PETTIT presented the memorial of several citizens of Indiana, in favor of the construction of a ship canal around the Falls of Niagara; which was referred to the Committee on Commerce.

He also presented a joint resolution of the General Assembly of Indiana on the same subject; which was referred to the Committee on Commerce.

Mr. SEWARD presented sundry petitions of citizens of the city of Oswego, business men in that city, asking aid for the construction of a ship canal around the Falls of Niagara; which were referred to the Committee on Commerce.

He also presented the petition of Joseph L. Smith, praying that copies of the Patent Office Reports, and reports from certain other Departments, be distributed among the common schools of the United States; which was referred to the Committee on Patents and the Patent Office.

Mr. SHIELDS presented the petition of the widow of General Childs, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Morris Powers, praying for a pension in consequence of wounds received by him in the war with Mexico; which was referred to the Committee on Pensions.

Also, a petition of citizens of the city of Washington, for the improvement of Delaware avenue; which was referred to the Committee on the District of Columbia.

Also, the petition of John Reynolds, and other citizens of Illinois, praying the establishment of a subterranean line of telegraph from St. Louis to San Francisco; which was referred to the Committee on Roads and Canals.

Mr. BRIGHT presented the petition of David Hines, praying compensation for damages sustained in consequence of a change in the grade of Pennsylvania avenue; which was referred to the Committee on the District of Columbia.

Also, the petition of J. S. Neal, praying that the name of his vessel may be changed; which was referred to the Committee on Commerce.

Mr. SUMNER presented the memorial of Edward Hamilton, asking that the present duty upon coal may be repealed, and that hereafter that article may be allowed to enter free of duty into the ports of the United States; which was referred to the Committee on Finance.

Mr. FISH presented the petition of Hammond Howe and others, praying for an amendment of the laws for the safety of passengers on board steamboats, requiring the adoption of John Thomas's improvement in steamboats; which was referred to the Committee on Commerce.

Mr. BUTLER presented the petition of M. C. Mordecai, Isaac E. Hertz, and others, of the firm of Mordecai & Co., of Charleston, South Carolina, praying that the name of a brig owned by them may be changed to Emma Eger; which was referred to the Committee on Commerce.

Mr. CHASE presented the memorial of Isaac Moore and others, soldiers in the war of 1812, praying for a grant of the same amount of land as is already provided by law for the soldiers who served in the Mexican war; which, together with

a letter on the subject, was referred to the Committee on Public Lands.

Mr. CHASE. Mr. President, I have also a memorial of John Lea, a citizen of Cincinnati, which I am requested to present to the Senate. He represents that, from the year 1832, his researches have been particularly directed to the discovery of a prophylactic against cholera, the general result of which is this: that in no case has that disease, within the range of his observations and examinations, attacked any person who used sandstone water and rain water. This is a fact of very great importance, if it can be properly authenticated. The memorialist prays for such action as Congress may see fit to take upon the subject. I ask that it may be referred to the special committee that has already been raised for the purpose of taking into consideration the causes of mortality on board of emigrant vessels.

The memorial was so referred.

Mr. HAMLIN presented a petition of citizens of Presque Isle and its vicinity, in the State of Maine, praying that a mail route may be established from the boundary line between that State and the Province of New Brunswick to Aroostook; which was referred to the Committee on the Post Office and Post Roads.

The PRESIDENT *pro tempore* presented the memorial of Helen Mackay, widow and administratrix of Colonel Eneas Mackay, deceased, praying that the accounting officers may be directed to receive certain vouchers as evidence in the settlement of her husband's accounts; which was referred to the Committee on Military Affairs.

Also, the petition of James McDaniel and others, praying the establishment of a tri-weekly mail from Kansas to Platte City, Missouri; which was referred to the Committee on the Post Office and Post Roads.

Mr. DODGE, of Iowa, submitted documents in the case of Z. C. Ingram, praying to be relieved from a judgment obtained against him by the United States; which were referred to the Committee on the Post Office and Post Roads.

Mr. BADGER presented the petition of the administrator of David Richardson, a soldier during the revolutionary war, praying to be allowed the difference between the pension he received and the amount he represents him to have been entitled to; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. PETTIT, it was

Ordered, That the papers in the case of J. L. Collins be withdrawn from the files of the Senate, and, together with additional evidence submitted by him, referred to the Committee on Claims.

On motion by Mr. STUART, it was

Ordered, That the memorial of Ezra Williams be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. CASS, it was

Ordered, That the petition and papers in the case of John Bronson be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. FOOT, it was

Ordered, That the petition of the administrator of Michael Evely be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the petition of Orson Young be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. SLIDELL, it was

Ordered, That the petition of Richard King be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. SLIDELL, it was

Ordered, That the petition of Francis Barnes be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the legal representatives of John Rice Jones have leave to withdraw their petition and papers, in order to be presented in the House of Representatives.

On motion by Mr. JONES, of Iowa, it was

Ordered, That leave be granted to withdraw the petition of William Hempstead and others in behalf of David L. Davis, in order to be presented in the House of Representatives.

On motion by Mr. STUART, it was

Ordered, That the petition of William Woodbridge and Henry Chipman be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. STUART, it was

Ordered, That the petition of J. Logan Chipman, one of the heirs of Keauinsee Shawaah, a Chippewa chief, be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

NOTICES OF BILLS.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill to provide a site, and for the construction of a suitable building, for the accommodation of the district and circuit courts, and a post office of the United States, at Indianapolis, in the State of Indiana.

Also, a bill to establish a court for the investigation of claims against the United States.

Mr. JAMES gave notice of his intention to ask leave to introduce a bill for the relief of the officers and soldiers who served in the Rhode Island brigade in the revolutionary war.

BILLS INTRODUCED.

Mr. WELLER, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for the transportation of the United States mail in steamships, between San Francisco and California, via the Sandwich Islands and China, and for other purposes; which was read a first and second time by unanimous consent.

Mr. WELLER. As that is a subject which may elicit a good deal of discussion, I desire that the bill be printed, and referred to the Committee on the Post Office and Post Roads.

The motion was agreed to.

Mr. GWIN, in pursuance of previous notice, asked and obtained leave to introduce a bill making a grant of land to the State of California to aid in the construction of railroads from San Francisco to San José, Benicia to Marysville, Sacramento City, via Auburn to Nevada City, and Stockton to Sonora; which was read a first and second time, by unanimous consent, and referred to the Committee on Public Lands.

Mr. GWIN. Mr. President, as that bill is of a form somewhat different from previous bills which we have passed, and which contain a surplusage, in my opinion, granting the right of way, a general bill having been passed granting the right of way, I move that the bill be printed for the information of the Senate.

The motion was agreed to.

Mr. BRODHEAD, in pursuance of previous notice, asked and obtained leave to introduce a bill making further provision against counterfeiting the current coin of the United States, and passing counterfeit coin; which was read a first and second time by unanimous consent.

Mr. BRODHEAD. As the bill makes provision for the punishment of offenders against the law, I move its reference to the Committee on the Judiciary, and that it be printed.

The motion was agreed to.

Mr. SHIELDS asked, and by unanimous consent obtained, leave to introduce a bill to divide the State of Illinois into two judicial districts; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it had passed a bill to change the name of the American-built brig John Dutton, and to grant a register in her name. Also, that it had passed a joint resolution of thanks to General John E. Wool.

BOOKS FOR MEMBERS OF CONGRESS.

Mr. BADGER asked and obtained the unanimous consent of the Senate to introduce a joint resolution for supplying new members of the Senate and House of Representatives with such books of a public character as have been heretofore supplied; which was read a first and second time, by unanimous consent, and considered as in Committee of the Whole.

It proposes to direct that each of the new members of the two Houses of Congress be supplied with the same number and description of books of a public character as were supplied to each member of the Senate or House of Representatives during the last Congress; provided they be furnished by the publishers at prices not exceeding those at which they have been heretofore supplied for the use of the members of either House.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

UNITED STATES COURTS IN CALIFORNIA.

Mr. GWIN. A few days ago I introduced a bill entitled "A bill concerning the district courts of the United States in California," the object of which was to authorize the President to appoint a judge for the southern district of California, which was referred to the Committee on the Judiciary. There is not a quorum of that committee present; but the question has been examined by a member of the committee, [Mr. PETTIT] who was present when the bill was introduced, and upon whose motion it was referred to the committee; and he is perfectly satisfied that the bill ought to pass. It is one of pressing necessity to the State, and ought to be passed at once; and therefore I move that the Committee on the Judiciary be discharged from its consideration, in order to bring it before the Senate for its action at this time.

Mr. PETTIT. When the bill to which the Senator from California refers was introduced, I moved its reference to the Committee on the Judiciary, as it proposed to make some change in the judicial system of one of the States, believing that it was proper that that reference should be made; but it is true, as the Senator says, that there never has been a quorum of the committee present to act upon the bill; indeed, throughout a great portion of the time that the Senate has been in session, there has been no other member of the Committee but myself present. At the instance of the Senator, I have examined the bill, have conversed with both Senators from California in regard to it, and am satisfied that it ought to pass. There is nothing wrong in it. After the investigation which I have given to it, I do not see that any alteration is necessary in the bill, and I therefore join with the honorable Senator in asking that the committee be discharged from its consideration. I have myself brought the bill into the Senate, and now send it to the Secretary.

The motion to discharge the committee was agreed to; and on motion by Mr. GWIN, the Senate proceeded to consider the bill as in Committee of the Whole. No amendment being proposed, it was reported to the Senate, ordered to be engrossed for a third reading, read a third time, and passed.

REPORT FROM THE LAND OFFICE.

Mr. SHIELDS. I was not present when the report of the Commissioner of the General Land Office was presented to the Senate. It has been usual to ask for the printing of a certain number of copies, for the purpose of retaining them in the office for future use, and also to send them to the different bureaus; I will, therefore, ask for the printing of five hundred extra copies of that report.

Mr. DOUGLAS. I would ask my colleague whether it has not been usual to order an extra number of copies for the use of the Senate, and to take five hundred copies out of that number for the purpose to which he has referred?

Mr. SHIELDS. I would say to my colleague that these copies are asked for for a special purpose—to be filed away in the office for future use.

The PRESIDENT. The Chair will suggest that the motion goes to the Committee on Printing, unless the Senate dispense with the rules.

The motion was so referred.

VICTOR MORASS.

Mr. PETTIT, from the Committee on Private Land Claims, to which was referred the petition of Victor Morass, praying the confirmation of his title to a tract of land in the Detroit land district, submitted a report, accompanied by a bill to authorize Victor Morass to relinquish certain lands, and enter the same quantity elsewhere; which was read a first time, and ordered to a second reading.

On motion by Mr. PETTIT, the bill was read a second time, and considered by the Senate as in Committee of the Whole. It proposes to authorize Victor Morass to enter without payment, at any land office in the State of Michigan, two hundred and eighty acres of land, provided that he shall file with the Secretary of the Interior good and sufficient deed or deeds of release to the United States, of the claim confirmed to him under the act approved April 17, 1828.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

HEIRS OF DR. WILLIAM SOMERVILLE.

Mr. PRATT. About ten days since the Senate

agreed to take up the bill for the relief of the heirs of Dr. William Somerville. It is a bill which has heretofore passed the Senate in a full Senate, and would have been passed on the day referred to by me but for the ascertainment—which was accidental, I believe—that no quorum was present. I hope the Senate will consent to take up and pass the bill at this time.

The motion was agreed to, and the bill was read a second time, and considered as in Committee of the Whole. It proposes to direct the proper accounting officers of the Treasury Department to ascertain the value of the property of the late Dr. William Somerville, of Calvert county, Maryland, which was destroyed by the British troops during the invasion of that State in 1814, in consequence of its occupancy by the troops in the service of the United States, and to pay them the amount so found due.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JUDICIAL DISTRICTS IN OHIO.

Mr. CHASE. Mr. President, some days since I introduced a bill to divide the State of Ohio into two judicial districts, and to provide for holding the district and circuit courts of the United States therein. This bill received the favorable consideration of the Committee on the Judiciary at the last session of Congress, and was then passed by the Senate; but it failed in the House of Representatives, in consequence of not being reached. I move that it be taken up and acted upon at this time.

The motion was agreed to; and the Senate proceeded to consider the bill as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. BADGER. I presume this is identical with the bill which was passed at the last session, and therefore it is hardly necessary to read it again. I hope the question will be taken upon the passage of the bill.

Mr. PETTIT. I think the bill ought either to be read, or to be referred to the Committee on the Judiciary. It has not been referred.

Mr. BADGER. Then I have no objection to the reading of the bill.

The Secretary continued and finished the reading. The bill proposes to enact, that the counties of Belmont, Guernsey, Muskingum, Licking, Franklin, Madison, Champaign, Shelby, and Mercer, and all that part of Ohio lying south of them, shall be the southern district of Ohio, the courts for which shall be held at the city of Cincinnati; and the remaining portion of the State shall constitute another district, to be called the northern district of Ohio, the courts for which shall be held at Cleveland. The bill makes provision for the appointment of a district judge for the northern district, and of a district attorney and marshal for the southern district, and makes other provisions in reference to the proposed division.

Mr. WELLER. I wish to ask the Senator from Ohio whether the Legislature of the State of Ohio has taken any action upon this subject, and if so, what that action has been?

Mr. CHASE. I am not aware of any recent action by the Legislature, nor can I answer the question of the Senator as to whether any action has been taken.

Mr. WELLER. I asked the question because my action here upon this bill will depend upon the fact whether the Legislature of Ohio desires that this division shall take place. It seems to me that if the public interests there demanded this division, the Legislature would have taken some action in regard to it. There is a diversity of opinion, I know, amongst the citizens of that State in regard to the necessity for this division; and I should be much better satisfied if the Legislature had expressed some opinion in regard to it.

Mr. BADGER. Mr. President, I see now clearly that the Senator from Indiana was right in requiring that this bill should be read, and that I very properly put force upon my own inclinations, and concluded to listen to certain parts of it. I am very strongly inclined to think that the last section in this bill is founded upon an erroneous principle. It provides that the judge of the district court, for each of the proposed districts in Ohio, shall reside at the place where the court is to be held; the necessary consequence of which is,

that in the appointments to be made, nobody will be, practically, eligible for the station, except the particular members of the bar who happen to live at the towns or places where the court is to be held. Sir, I think this is not exactly the way to coerce the performance of duties from judges. The range of selection ought not, in my opinion, to be narrowed when the Executive comes to make the appointment, which, practically, it would be under this bill.

I would therefore suggest to the Senator from Ohio, that perhaps it would be better that we should have a report from the Committee on the Judiciary in regard to this bill; and if he will not take it to be at all unkind in reference to his measure, I will move its reference to the Committee on the Judiciary.

The PRESIDING OFFICER. (Mr. COOPER in the chair.) The question is upon the motion to refer.

Mr. CHASE. I do not understand that that motion has been made by my friend from North Carolina.

Mr. BADGER. Yes, sir, I made the motion.

Mr. CHASE. Then I trust the Senator will withdraw the motion after a statement to which, I hope, he will listen. This bill was referred to the Committee on the Judiciary heretofore, and it then contained the same provision which is now objected to. It was reported upon favorably, and received the action of the Senate at the last session, and was passed, I think, without a dissenting voice. I would not object to a reference to the committee, I should not have objected at the time the bill was introduced, if it had not been known that there was but a single member of that committee then present. There is not now a quorum of that committee present, and it is uncertain when there will be. Under those circumstances it seemed to me that the unanimous action of a former committee, and the favorable action of the Senate upon it at a former session, might well be taken in lieu of a report at this session. I hope, therefore, that my friend from North Carolina will withdraw his motion to refer, unless there be some special reason for it.

In regard to the objection which is made to the last section of the bill, I will say that it was contained in the former bill, but I am not at all strenuous about retaining it. The section will not, however, by any means have the effect which is contemplated. It requires the judge for the southern district to reside in the city of Cincinnati, where the courts of the southern district are directed to be held, and the judge of the northern district to reside at the city of Cleveland, where the courts for the northern district are directed to be held. I think that the difficulty will not be so much in confining the selection to judges from those particular places as it will be in selecting from the number of candidates who will present themselves from different sections of the State. This provision is not objected to by any gentleman from Ohio, so far as I am aware; it is not objected to by either of the Senators from Ohio; and I trust, therefore, we may be allowed to manage our local bills in our own way, having those provisions in them which are satisfactory to the gentlemen concerned in their passage.

So far as the action of the Legislature is concerned, I beg leave to say that we are not, I believe, here in the habit of waiting for the instructions of our Legislature upon every question before we act upon those matters which concern the interests of our State. It is enough for me that there is a decided majority of the delegation from Ohio, of both parties, in the other House, who desire the passage of this bill, that the bar and the suitors throughout the State desire its passage, and that it will result, in my judgment, in a very large economy to the Government. I might illustrate this, if it were required, by a reference to a recent suit, very well known throughout the country as the Martha Washington case, where witnesses, residing for the most part at Cincinnati, were all to be summoned to Columbus; and finally the case actually went against the Government, because, as is supposed, it was impossible to get all the witnesses to attend in the interior of the State. This division is demanded by the public interests; it is demanded by the wishes of the people; it is demanded by the desires of those who are concerned in the administration of justice; it is desired by a majority of the delegation from Ohio; it is con-

curred in by both her Senators; and I trust the bill will be allowed to pass.

Mr. BADGER. Mr. President, I fear that the state of facts which the Senator from Ohio has brought to the attention of the Senate proves, not that we ought not now to pass this bill without its undergoing the revision of a committee, but that we acted at the last session of Congress too much under the influence of favor without a particular inquiry into the character of the measure which we were passing. Now, sir, I do not think that the provision of the bill to which I have objected is one of that local character which should be left to be settled, as an affair of their own, by the Ohio delegation; very far from it, sir. The judges of the United States in Ohio are appointed, far less for the benefit of the citizens of Ohio than for the benefit of the citizens of other States. They are judges of the nation. They hold courts to take cognizance of pleas between the citizens of other States and the citizens of Ohio. We of other States look up to them specially for the administration of justice, in cases where it was supposed by the framers of our institutions we might not have the same confident reason to expect its impartial administration from the local tribunals. To say, then, that the constitution and regulation of the courts of the United States, to be held in the individual States, is to be treated as a matter of local concern, and to be settled according to the views or wishes of the representatives of the locality, is, I think, to introduce a principle entirely at war with the very purpose for which those courts were established.

I look upon this provision as wrong in principle. It is the commencement of a system of restrictions by law upon the judges, which may be of the most mischievous character. It is a matter of no importance to suitors where the judge resides, in what part of his district he resides, provided he is always at the place where the courts are to be held to transact the public business of the country, when it is necessary for him to be there. If the duties of his office require him to be there all the time, of course he will reside there. The manifest propriety and the convenience of the thing would dictate that result to him; but if the duties of his office can be as well discharged by his living ten, fifteen, twenty, or thirty miles from the city or town in which the court is to be held, I pray you, what advantage is gained to the world, what to the nation, what to the suitors, by imposing upon him, by law, a particular locality of residence? I think it is wrong in principle. Our friends from Ohio may be willing to put such restrictions upon their local judges. That is their affair. Let them put it there if they please, but not upon judges who are appointed under the Constitution of the United States mainly to administer justice to those who are citizens of other States.

However, sir, I do not wish to go into this question now. I merely wish to say, that having discovered that the bill contains this objectionable provision, it seems to me that it is proper that it should undergo the revision of the Committee on the Judiciary. That course will take very little time. There will be a majority of the committee here to-morrow. There are three members of the committee here now, and the Senator from Delaware, [Mr. BAYARD,] who is a member of the committee, will be here to-morrow; and I really think it will be worth while to have the delay of a day or two, in order to allow this matter to be looked into.

Mr. PRATT. Mr. President, the feature of this bill which is objected to by the Senator from North Carolina, does not apply to the appointment, but to the location of the judge after he shall have been appointed. If the bill be adopted as presented, I apprehend the President will have the whole State of Ohio from which to make the selection; but the judges, when selected, will be obliged to reside at Cincinnati or Cleveland, where the courts are to be held. Now, I apprehend, that the feature which is objected to, is one which would be beneficial. If it would be so inconvenient to reside at the seat of justice, that a gentleman living elsewhere would not accept the judgeship if coupled with that condition, it might also be so inconvenient as to prevent that gentleman attending when the services of the public would require his attention. Practically, I know, sir, that the Executive has attempted to enforce, with

out law, the very provision which is incorporated into this bill; for in a recent appointment in my own State, I know that the late President of the United States made it a condition precedent on the part of the parties who were applicants for the situation, that they should agree, if appointed, to reside at the city of Baltimore, where the United States courts are held. I thought myself that that was right, because I have known that there was, with regard to my own district, almost every day, business occurring there which required the attention of the judge in Chambers; and I know that a gentleman would not be so efficient a judge for the United States, if he resided some twenty or thirty miles from the city at which the courts were held, as he would be if he resided there. I have said that the late President of the United States required that the persons who were applicants for the judgeship, in my district, should consent to reside, if appointed, at the city of Baltimore. That grew out of some necessity. It grew out of the fact that heretofore, where judges in Maryland had accepted that position, and had resided at a distance from the city of Baltimore, they were not so attentive as the people thought the public interests required. The President of the United States in that case, without authority of law, attempted to carry out the very provision which the Senator from Ohio has introduced into this bill. If that be the only objection to the bill, I can see no utility in its being referred now to the Committee on the Judiciary, which is composed of nearly the same members as it was at the last session, when the same committee reported this bill with this identical provision in it.

Mr. BADGER. Mr. President, I was entirely aware of the particular form of the provision which is contained in this bill, and I did not suppose that the bill contained anything directory on the President in the selection of the persons to hold the office; but I inferred, that practically the provision to which I have objected would reduce the range of selection to the members of the bar of the cities of Cincinnati and Cleveland, because it is not to be conceived, I imagine, that gentlemen of the legal attainments which ought to be possessed by persons who hold these offices, would remove to those cities for the very moderate compensation which the bill proposes to give. Now, sir, in regard to the propriety of this provision, there are one or two other views of it which are entitled to consideration. Suppose the provision to be enacted, and a judge should not reside at the place required, what is your remedy? Will you sue him?

Mr. PRATT. Impeach him.

Mr. BADGER. Very well. I will say to my friend, that if the judge does not attend the court and discharge his duty, it would be proper to impeach him; but if you make a provision by law that he shall reside at a particular place, it gives you no other remedy—no other power of coercion—except, at last, impeachment. Is it not just as easy to impeach him for a neglect to discharge his duty, as for a failure to reside at the place where the courts must be held?

Mr. PRATT. Every one knows, Mr. President, the great difficulty which always occurs in cases of impeachment for breach of duty. You have to prove before the proper authorities before whom the impeachment is to be tried the breach of duty; but where you have a specific regulation that the officer is to reside at a particular place, and he does not reside there, the impeachment necessarily prevails. If the man does not live there, he disqualifies himself, and therefore his impeachment would certainly be more effectual in such a case than in the mere case of breach of duty.

Mr. BADGER. I think, Mr. President, that my friend would find considerable difficulty in making out that proposition; for, in the first place, a man is not impeachable for any and every cause—he is not impeachable for the violation of any and every law. Under the Constitution he is impeachable only for treason, and high crimes and misdemeanors—official high crimes and misdemeanors. I will say to my friend that if, under such provision of law, a judge should be impeached, and the allegation should be, that he did not reside in the city of Cincinnati, where the law required him to reside, and it appeared that, notwithstanding he had discharged all the duties of his office faithfully, it would require a good deal

more authority than I have ever heard on such a subject, or that occurs to me now, to establish that his failure to reside there was a high crime and misdemeanor for which he would be removable under the Constitution. I do not hold that Congress, by passing a law, can make anything a high crime or an impeachable misdemeanor—not a whit more in this particular case, if the duties of the office are discharged, than if an act of Congress regulated the judges' robes, and that act was departed from in some slight and unimportant particular.

But, sir, if we are going to have the system to which I object introduced, let it be by a general law applicable to all the judges. I object either to applying it capriciously to one district or part of the Union, or to allowing our friends in any particular locality to pass such provisions as they think proper with regard to the district judges of the United States.

A word now in regard to what the Senator from Maryland stated was done by the late President of the United States. That was a very different affair from this. The President had no idea that he was imposing a law of conduct upon the gentleman whom he was to appoint, but he said, "I think it important in the condition of the business of the United States, in such a court as that for the district of Maryland, that the judge should reside in Baltimore, and therefore, I wish you to understand, that if you are appointed, it is with the understanding between you and me, as a matter of honorable pledge between gentlemen, that you will make your residence in the city of Baltimore." That is the whole of it. The late President of the United States never had any idea that he was imposing any legal authority; not at all. But, sir, I should be very glad to have the bill undergo the revision of the Committee on the Judiciary.

The motion to refer was agreed to.

JOSHUA KENNEDY.

Mr. FITZPATRICK, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of the legal representatives of Joshua Kennedy, deceased; which was read and ordered to a second reading.

Mr. FITZPATRICK. It is unnecessary to trouble the standing committee with the consideration of this bill. It has been reported upon favorably three times, at least, in this body, and has been passed here threetimes. It is the identical bill which has already passed this body. It has also been passed in the House of Representatives on several occasions, but failed here. I ask the indulgence of the Senate to have the report read, and the bill considered at the present time.

No objection being made, the bill was read a second time, and considered as in Committee of the Whole. It provides that the Secretary of the Treasury pay to the legal representatives of Joshua Kennedy, deceased, the sum of \$6,500, in full compensation for the destruction of property by the Creek Indians in 1813.

The report of the committee of the last session was read, in which they state that, having examined the case with great care, they fully concur in the report of the committee of the House of Representatives on the same subject. They state that they entered on the examination of the case with some distrust of its justice, occasioned by the fact that it had remained unsettled so long, although a committee had been appointed for the express purpose of examining this and similar claims. They, however, ascertained that the delay had not been caused by any laches on the part of the petitioner. Inasmuch as the destruction of the property for which indemnity was asked, took place while the troops of the United States occupied it, and there could be no doubt that such occupation was the cause of its destruction, the committee thought that the case came within the spirit, if not the letter, of the law of 1816, and other subsequent acts; and they therefore recommended the passage of the accompanying bill.

The bill was reported to the Senate without amendment.

Mr. SHIELDS. I desire to ask the honorable Senator from Alabama whether the bill has been submitted to the consideration of a committee of this body, and reported upon?

Mr. FITZPATRICK. The report which has been read was made to this body at the last session.

I will inform the honorable gentleman from Illinois that it has passed this body three times, and has been reported upon favorably, either in this House or the other, eight times. It has undergone every species of examination which was possible, and has passed both Houses, but not at the same session, in consequence of want of time to consider it in one body or the other. It has been thoroughly and rigidly scrutinized.

The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

MAJOR CALEB SWAN.

Mr. CHASE. I desire to ask the Senate to take up for consideration a motion submitted by the honorable Senator from Mississippi [Mr. ADAMS] to reconsider the vote on the passage of the bill for the relief of the heirs of Major Caleb Swan, deceased. I move that the Senate proceed to consider it.

The motion was agreed to, and the motion to reconsider was also agreed to.

Mr. CHASE. I now move to amend the bill by striking out the words "one half of," so that the allowance shall be a commission of one per cent.

The amendment was agreed to, and the bill, as amended, passed.

RELIEF OF JOSEPH GONDER AND ANOTHER.

On motion by Mr. BRODHEAD, the Senate, as in Committee of the Whole, proceeded to consider the bill from the Committee on Naval Affairs, for the relief of Joseph Gonder, jr., and John Duff. It authorizes the Secretary of the Navy to discontinue the suit brought against Joseph Gonder, jr., and John Duff, in the district court of the United States for the eastern district of Pennsylvania, for the alleged violation of a contract to furnish stone for the dry-dock at the Brooklyn navy-yard.

Mr. WELLER. Mr. President, before we pass that bill, I should like to ask the Senator from Pennsylvania to give some explanation of it. It may be that it is a proper bill; but at all events, before we decide upon it, I should like to know what are the reasons for its passage. I am not willing to let it pass without being satisfied of the grounds upon which we are asked to pass it.

Mr. BRODHEAD. I shall take great pleasure in giving my friend from California a brief statement of the facts relating to the case; and I am quite certain that, when he hears the statement, he will agree to the passage of the bill.

The memorial of the parties whom it is proposed to relieve, was presented to the Senate at the last session of Congress; it received the unanimous approval of the Committee on Naval Affairs, to which it was referred, and a bill for their relief passed the Senate without objection. It is to relieve them from a suit brought against them in the United States court for the eastern district of Pennsylvania, upon the recommendation of the Navy Department. There was an alleged violation of a contract which was entered into by these gentlemen for supplying stone at New York. The Department thought it was necessary to bring the suit, but determined, at the same time, to recommend Congress to grant relief. The head of the Bureau of Docks and Yards says:

"The case is one which will enlist the sympathy, and perhaps the favorable consideration, of Congress."

The engineer of the work also says:

"In arranging the plans of the work, I deemed it necessary to make radical changes in the arrangement and size of the stone."

And hence it was impossible for the gentlemen, under the circumstances, to comply with the provisions of the contract. I could read the letters from the Navy Department, and also from the engineer, but it may not be necessary. I hope, therefore, under the circumstances, there will be no objection to the passage of the bill.

Mr. PETTIT. Before the Senator from Pennsylvania takes his seat, I desire to ask him why the Secretary of the Navy is directed to dismiss this suit? Why can he not act himself? Why should not the President direct it to be discontinued?

Mr. BRODHEAD. The subject pertains to that Department, and the suit was brought under instructions from it. It became necessary, under the rules of the Department, that the suit should be instituted; but the Secretary of the Navy recommends that it be not prosecuted.

Mr. PETTIT. The Secretary of the Navy so recommends?

Mr. BROADHEAD. The head of the Bureau of Docks and Yards does, and the recommendation is sent here by the Secretary of the Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

THE ARKANSAS RIVER.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to communicate to the Senate all the information on file in his department respecting the execution of so much of the law approved the 30th day of August, 1852, for the improvement of rivers and harbors, as makes an appropriation for the Arkansas river; how far the sum appropriated for that purpose has been expended; for what purposes, and for what kind and amount of service; also, how much has been expended in the construction of snag-boats for said river.

CAPITOL EXTENSION.

Mr. JONES, of Tennessee, submitted the following resolution for consideration:

Resolved, That the Committee on Public Buildings be instructed to inquire whether any change in the plan of the Capitol extension has been made since the adjournment of the last Congress, and if so, by what authority such alteration has been made, and whether such change, if any, involves an additional expenditure of the public money.

SMALL NOTES IN THE DISTRICT.

On the motion of Mr. ADAMS, the Senate, as in Committee of the Whole, resumed the consideration of the bill to suppress the circulation of small notes as a currency in the District of Columbia.

The amendment reported from the Committee on the District of Columbia was agreed to by the Senate, as in Committee of the Whole, when the bill was under its consideration on Wednesday, the 21st ultimo.

Mr. ADAMS. At the instance of the Mayor of Georgetown, I have consented to propose an amendment to the bill. I learn from him that the authorities of Georgetown have no opposition to make to the bill; but, owing to the amount of small notes which they have in circulation, they ask until the first day of July next to take up that circulation. I have thought it not an unreasonable request, and have agreed to offer an amendment to that effect.

Mr. SHIELDS. How long a time does the Mayor of Georgetown ask?

Mr. ADAMS. Until the first day of July next. That will afford them ample time to take up the circulation. The bill seems to meet the approbation of the authorities of the District, so far as I have had an opportunity to learn from my intercourse with them; and as they only desire that its operation should be postponed until the time mentioned, I move to amend the bill by striking out of the ninth section the words "the passage thereof," and insert the words "provided that this act shall take effect, and be in force, from and after the first day of July next."

Mr. BADGER. I will suggest to the Senator from Mississippi that by the adoption of that amendment we may find ourselves in a difficulty. It is altogether probable that the bill will not be acted upon by the House of Representatives until July is past; and, if so, by the adoption of the amendment, instead of making the bill take effect from and after the first of July of this year, it will have the effect to postpone it a year longer; because the act will speak, at the time of its passage, of "first day of July next" after its passage. I would suggest, therefore, to the Senator that he modify his amendment so as to make it take effect from and after the first day of July, 1854.

Mr. ADAMS. I have no objection to that. I would suggest, however, to the Senator from North Carolina, that I have no doubt the bill will pass the House of Representatives earlier than he anticipates; and by putting that time in it, public attention in the District will be directed to it. It is the time which the authorities ask. I have no doubt, from the fact that a similar bill passed the other House at the last session, by a large majority, and from the general desire of the country that the bill shall pass, that it will be favorably acted upon finally before the time specified arrives. If, however, it should not, it will be an easy matter for the House to amend the bill in accordance with the circumstances of the case.

The PRESIDING OFFICER, (Mr. COOPER in the chair.) Does the Senator from North Carolina move to amend the amendment?

Mr. BADGER. No, sir; I cheerfully yield to the suggestion of the honorable Senator, and am very glad to hear his remark, because I know he would not speak so, unless he had reason to think that the House would act upon the bill in a few days.

Mr. DAWSON. I think the time from which the bill is to take effect should be extended still further than is proposed by the Senator from Mississippi. I understand that the corporation of Georgetown have about \$60,000 of notes in circulation, and the means will have to be raised to take up their circulation. I think they will be unable to do it by the time proposed. It is proper that they should have time to withdraw their notes from circulation, and therefore I suggest to my honorable friend to modify his amendment, so as to make it read the first of November next. Let the authorities have time to prepare to redeem their bills. No injury can result from it.

Mr. ADAMS. As I have already stated, I have adopted the time that the Mayor himself suggested—he, as I understood, representing the views, fully expressed, of his board. I have adopted his own time; and I think it is sufficient to enable them to conform to the object of the bill.

Mr. DAWSON. It will require an effort on the part of the corporation to take up the circulation of their notes, and sufficient time should be given to them to adopt the necessary measures to do so. I therefore move to amend the amendment by striking out July and inserting November. No harm can result to any one from doing that.

Mr. ADAMS. Under other circumstances, I would accept that proposition; but the Mayor of Georgetown called upon me in person, and asked only for the time which I propose. I understood from him that it would be sufficient. If he had asked a longer time, I would have yielded it.

Mr. PETTIT. I desire to say that the Mayor of Georgetown called upon me, and had with me a conversation precisely similar to that detailed by the honorable Senator from Mississippi. He did not deem it prudent to ask any longer time than the Senator proposes to give. He said that until the first day of July next would afford ample opportunity to take up their circulation.

Mr. DAWSON. I have no doubt that the statements made by the honorable Senator are correct; but no harm can be done by extending the time.

Mr. BRIGHT. I desire to make a statement to the honorable Senator from Mississippi, which I have erroneously omitted to make before. I certainly intended to suggest to the honorable Senator that the Mayor called here for the purpose of seeing him, but as the honorable gentleman was not in his place, the Mayor desired me to say to him that it is his wish that the time should be extended twelve months. He believes that a less time than that would really embarrass the operations of the corporation. He said, what I repeat here, that he could see no good reason why the time should not be given. I hope, therefore, the honorable Senator will not press his amendment.

The amendment to the amendment was agreed to, and the amendment as amended was agreed to. The bill was then reported to the Senate as amended; and the amendment was concurred in; and the bill was ordered to be engrossed for a third reading, and was read a third time and passed.

BANKING IN THE DISTRICT OF COLUMBIA.

Mr. FISH, agreeably to previous notice, asked and obtained leave to introduce a bill to authorize the business of banking in the District of Columbia, and to regulate the issuing and circulation of notes as money; which was read a first and second time by its title, and referred to the Committee on the District of Columbia.

CLAIMS AGAINST HAYTI.

The PRESIDING OFFICER (Mr. COOPER in the chair) laid before the Senate a communication from the President of the United States, in answer to a resolution of the Senate of January 18, 1853, with regard to the claims of American citizens against Hayti, and the correspondence of the special agent sent to Hayti and San Domingo in 1849, transmitting a report of the Secretary of

State, and various documents connected therewith; which were referred to the Committee on Foreign Relations, and ordered to be printed.

CLAYTON-BULWER TREATY.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, in answer to a resolution of the Senate of December 12, 1853, calling for any correspondence which had taken place between the Government of the United States and that of Great Britain on any subject growing out of the treaty of Washington of July 4, 1850.

Mr. CASS. Those documents are long; and I suppose it will not be necessary to read them. I move that they lie upon the table and be printed.

Mr. CLAYTON. I hold in my hand a paper which I should like to have printed in connection with those documents. As I understand, sir, those documents contain the construction which the British Government place upon the treaty of Washington of July 4, 1850, and the construction of their law officer. I hold in my hand the opinion of the Attorney General of the United States, at the time the treaty was negotiated, giving his construction to the treaty. I would simply ask that it be printed in connection with the documents which have been transmitted to us.

Mr. CASS. There are some very extraordinary disclosures in those documents, which are calculated to excite a good deal of attention in the country. There are set up in them claims, on the part of England, which go entirely, in my opinion, to nullify the treaty; and among them is the opinion of the Queen's Advocate, supporting those pretensions. The honorable Senator from Delaware has done me the honor to show me the paper to which he alludes, and a most powerful document it is. Mr. Johnson, who wrote it, was, at the time of the negotiation of the treaty, the Attorney General of the United States. It is exceedingly proper, I think, that it should be printed with the others, and go out to the country at the same time with them. There is a portion of it connected with the declaration, which was annexed to the treaty, with which I do not agree, as I have already stated; but with respect to the main part of the paper, contesting the claims of England in relation to that treaty, the effect of which would be to nullify the treaty, I consider it a very powerful and able document—one which would give great satisfaction to the American people. I trust, therefore, the Senate will suffer it to be printed with the other documents.

The motion was agreed to.

Mr. CLAYTON. The next disposition which will be made of the documents, will be, I suppose, to refer them to the Committee on Foreign Relations. As they are very important, I trust that the Senate will unanimously consent to have them read before that action is taken. I ask that they may be read, so that the Senate may understand them.

No objection was made; and the documents were accordingly read.

Mr. CLAYTON. Mr. President, I have a few remarks to make in regard to the papers which have been communicated to us by the President, before their reference to the Committee on Foreign Relations. Among the documents which have been communicated by the President are two letters, to which I take special exception. One is a letter from the Earl of Clarendon to Mr. Cramp-ton, dated the 27th of May, 1853; the other is from the Queen's advocate to the British Minister for Foreign Affairs, Lord Clarendon, dated the 15th of April previous. They show that the remarks which I made in my place here, as a Senator, on the 8th of March last, were formally transmitted by the British Minister to the British Cabinet, there taken into consideration, and referred to Doctors Commons; that an opinion was obtained from the Queen's Advocate, reviewing my remarks, and that the review was then sent back to this Government. For what purpose, sir? The call made by the resolution of the Senate, presented by the Senator from Michigan, [Mr. Cass,] was dated the 12th of December. That was the day on which that resolution passed. Three days afterwards, on the 15th of December last, the British Minister took off, if I may use the phrase, the injunction of secrecy from these dispatches, and communicated them officially to the American Secretary of State, so that those papers reviewing my

speech in the Senate of the United States, might be transmitted to this body under the call of the 12th of December. Remember, sir, that the first communication of Mr. Crampton, transmitting these two letters, was a confidential one. The veil of secrecy was over the papers. They could not have been sent to the Senate under the call of the 12th of December, if the British Minister had not moved again, seemingly for the very purpose of placing the papers within the reach of the call, so that I might be met here upon the floor by Lord Clarendon and Mr. Hardinge, the Queen's advocate.

Sir, I should have no objections whatever, if the Earl of Clarendon were upon this floor, and entitled to the privileges of a Senator of the United States, to meet him in fair, manly argument upon this whole question; I should not flinch from the controversy if the Queen's advocate were by his side aiding in the discussion; but I do object, as a Senator of the United States, to this mode of reviewing in a British cabinet, speeches made by me in Congress, because this mode of managing the controversy allows me no fair play. If his lordship were here discussing the question with me, I could, as I should to one of my brother Senators in debate, put questions to him that might elicit confessions, both of fact and of law, all-important for the decision of the controversy between us. But now, I can make no rejoinder whatever to his replication.

The two papers to which I have referred contain nothing but a dogmatical assertion that the treaty of the 4th of July, 1850, means this and that. There is no argument in the papers. If those whose names are subscribed to them were here, and should make these declarations in my hearing, upon their responsibility as Senators of the United States, I could call for the argument to sustain the assertions. But, sir, as it is, I say, with all due deference to others, that my rights as a member of Congress have been invaded by this whole proceeding; and I rise for the purpose of protesting against it. I do not now intend to go into any discussion as to the proper construction of that treaty. On some future occasion I shall do so; and I shall then meet what is contained in these papers, and whatever can be said from any quarter on that question, and I shall be happy to do so; but for the present, as I have said, my chief object is to protest against this proceeding as inconsistent with my rights as a Senator.

The British Government has the undoubted right to read and review anything that we say here; but was it ever before known, in the history of this country, that a speech made by a member of Congress, was thus reviewed by order of one of the British Cabinet, and the review sent back to the body of which he was a member? I do not remember, and I do not believe there has ever been, in the history of the country, a parallel instance to this. In 1848 a discussion did arise between Mr. Buchanan, as Secretary of State, and Mr. De la Rosa, the Mexican Minister, residing near this Government, on this subject. At that time President Polk had sent to the House of Representatives a message vindicating his course in regard to what is called "the Mexican protocol." I mean the protocol of conferences made at Queretaro, between Messrs. Sevier and Clifford on the one side, and Mr. De la Rosa on the other, professing to make explanations of the treaty of Guadalupe Hidalgo. In one of Mr. De la Rosa's notes he undertook to review the debates in Congress upon that message of the President, and also the message itself. Mr. Buchanan replied to him. As I think that the remarks then made by the Secretary of State are appropriate now, I ask the Secretary to read a passage which I have marked from Mr. Buchanan's answer.

The Secretary read as follows:

"I have been this minute in detailing the substance of your note for the purpose of showing that it clearly raises the question, whether a foreign Minister, accredited to the United States, has the right to ask explanations from the President concerning the debates and proceedings of Congress, or any message which he may transmit to either House, in the exercise of his constitutional power and duty.

"Under the Constitution of the United States, Congress is a distinct, independent, and coordinate branch of the Federal Government. Their legislative powers and duties are of the most important and responsible character. The President himself possesses no power whatever to question or to control their proceedings, except in the single case of the qualified veto, conferred upon him by the Constitution. To secure their absolute freedom of discussion, a vital

principle in every popular Government, the Constitution itself declares, in regard to Senators and Representatives, that 'for any speech or debate, in either House, they shall not be questioned in any other place.' The President would violate the most sacred rights of the legislative branch of the Government if he were to criticise or condemn any portion of their proceedings, even to his own countrymen: much less, therefore, can he be called upon by the representative of a foreign Government for any explanation, condemnation, defense, or approval of these proceedings. For them, Congress is responsible to their own constituents and their country, and to no other human power. This inviolability is essential to the permanence of our free institutions.

"It is believed that, so far as regards the debates or proceedings of Congress, this is the first occasion in our history on which it has become necessary to address the representative of any foreign Government. Not so in relation to the messages of the President to Congress. There is, at least, one case of a similar character, which you may find in the archives of your own legation. Mr. Castillo, one of your predecessors, in a note of the 11th December, 1835, addressed to Mr. Forsyth, then Secretary of State, called upon him for an explanation of the meaning of a paragraph relating to Mexico, contained in President Jackson's annual message to Congress, of December, 1835. The answer of Mr. Forsyth was prompt and decided. In a note, dated on the 16th December, 1835, he informed Mr. Castillo 'that remarks made by the President in a message to Congress are not deemed a proper subject upon which to enter into explanation with the representative of a foreign Government.' On a somewhat similar occasion, Mr. Livingston, then our Minister to France, on the 13th January, 1835, informed the French Minister of Foreign Affairs that, in the message of President Jackson to Congress, of the previous December, 'there was nothing addressed to the French nation; and he likened it, very properly, to a proceeding well known in the French law, (a family council in which their concerns and interests are discussed,) but of which, in our case, the debates were necessarily public.'"

"Under our Constitution, it is the duty of the President, from time to time to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall deem necessary and expedient." It is indispensable to the independent action of the Government that these communications between its coordinate branches should be free and unreserved. These are properly likened, by Mr. Livingston, to a family council. It is a domestic concern, with which foreign nations have no right to interfere. If this were otherwise, if the representative of a foreign Government could ask the President for explanations of such parts of his messages to Congress, or of their proceedings, as might, in the opinion of such Minister, prove unsatisfactory to his Government at home, this would necessarily either impose a restraint on the freedom of action both of the President and Congress, or involve the Executive in endless and useless discussions with the other Powers of the world."

MR. CLAYTON. Mr. President, my object in making this protest against what I deem to be a violation of my rights as a Senator on this floor, is not with a view to evade the discussion that is tendered by the British Minister. I repeat, sir, that, at a suitable time, when the honorable Senator who made this call shall have been heard, I shall avail myself of an opportunity of meeting the whole question; and I shall endeavor to show that the dogmatical assertions contained in these diplomatic dispatches, are not worthy of the high sources from which they have emanated.

I do not desire to be understood, by anything which I have said or may say, as imputing intentional wrong to Lord Clarendon, or to the distinguished and amiable gentleman who represents the British Government here. My associations with the latter gentleman have been such as have taught me to respect and admire him; but I cannot avoid lamenting on this occasion that he should have fallen into such an error; and I am rather inclined to think, casting the mantle of charity over this act, that it has been done by the order of his Government without reflection. I hope, sir, that as this has been the first instance in the history of this Government in which such a thing was ever attempted, it may be the last in which any foreign Minister may venture to intrude himself upon our family councils.

Now, sir, a few words in regard to what is contained in the note of the 27th of May last. It never was contended by me that the British protectorate, *eo nomine*, was abolished by the treaty of 1850. What I contended for, and what I think I can show beyond doubt to be true, is, that the treaty disarmed the protectorate.

It is stated, in the letter of the 27th of May, that Her Britannic Majesty's Government did not, by the treaty, intend to renounce the protectorate. I have not claimed that they did. In another note, one dated, I think, on the 29th of April, not a month before the date of the note to which I last adverted, this remarkable expression is contained: Great Britain, in case our Government does not make a treaty supplementary or additional to the treaty of 1850, "will retain her position with regard to the Mosquito territory, which the convention of 1850, if practically carried

out, was calculated and intended to modify; and which, as its provisions have not been carried out, has not altered." That, if I understand the English language, is a distinct concession in that dispatch, that the treaty was both calculated and intended to modify and alter the position which Great Britain held in reference to the Mosquito country, but for the reason given. Well, what is the reason assigned for her refusal to permit it to be modified and altered agreeably to the intention of the treaty? Because, says the British Minister, the provisions of the treaty have not been practically carried out. What is the meaning of that? Is it pretended that this Government has refused to carry out the provisions of the treaty? No, sir; it is not pretended anywhere, in that or any other correspondence which we have seen, that this Government has not acted in perfect good faith with Great Britain, with reference to this as well as every other treaty.

It has been suggested to me that perhaps the British Government mean by this to contend that because the canal, which was contemplated by the treaty, has not been made, therefore the provisions of the treaty have not been carried out. If that pretext is set up for the sake of getting rid of the stipulations contained in the convention, then, I ask, is there anything in the treaty that binds us to make the canal? No, sir. This Government did not guaranty that the company engaged in the construction of the canal, or which it was said was about to be engaged in its construction, should complete it or even begin it. If, then, the canal has not been made by the company, with what sort of propriety can Great Britain contend that she is exonerated from the stipulations of the treaty, alleging that its provisions have not been practically carried out? If any other construction can be put upon these words, in this dispatch, by the ingenuity of any man, I should be very happy to hear him.

I repeat, that I consider that very statement as a distinct admission by the British Government that the convention of 1850 was both calculated and intended to modify and alter the position of the British Government in regard to the Mosquito country.

It appears that the letters of the Earl of Clarendon, addressed to Mr. Crampton nominally, but really to the American Secretary of State, have this great object in view: to induce this Government to make another treaty in addition to the treaty of 1850, which the British Government would like better. They are not well pleased with the treaty of 1850; but the American Secretary of State, very properly, I think, passes over all the impositions of the British Government to make another treaty, and goes on quietly, in his note to Mr. Ingersoll, to discuss the rights of the American Transit Company at Punta Arinas. In the final letter, in reply to the Secretary's note to Mr. Ingersoll, the Earl of Clarendon states that he considers the tone of Mr. Marcy's note as hostile, or, at all events, such as was not to have been hoped for under the circumstances. What was it that was regarded as hostile in the note of the Secretary? There was nothing in the expressions which were hostile; but I suppose that the thing which was felt most deeply was the silence of Mr. Marcy in answer to all those entreaties or impositions to which I have referred. That silence, I presume, they interpreted rightly to mean that when the Secretary saw that a treaty had been made in plain language, binding the British Government not to occupy Central America, which they were not disposed to observe, he thought it would be very idle to attempt to make another.

It is said by the Earl of Clarendon that Great Britain intends, "religiously" to observe the stipulations of the treaty. Yes, sir, "religiously"—that is the word. By the second article of the treaty of Versailles, of the 3d of September, 1783, it was provided that the two parties to it should "exactly and religiously" observe all the provisions of all former treaties, and among the rest, of the treaty of Paris of 1763, the object of the seventeenth article of which last treaty was to prevent the British from occupying this very country about which we are now debating. They obligated themselves "religiously and exactly"—such are the words—to observe that treaty. It is interesting to look back at the history of the negotiations attending the treaty of 1783, and the con-

duct of Great Britain afterwards, to see how "religiously and exactly" those stipulations were observed.

Lord John Russell has, within the last year, published the correspondence of Charles James Fox, who was the British Premier at the time of the negotiation of the treaty of Versailles by the Duke of Manchester. By looking into the second volume of that correspondence, the minutes of the Cabinet to which the treaty of 1783 was referred, will be found. It will there be seen that the British Cabinet were recommended that the sixth Spanish article, as it was called—that is, the sixth article of that treaty—should be deferred for six months, and that the rest of the treaty should be signed by the negotiators. That article was the one which bound Great Britain not to occupy or hold any part of the Spanish continent embracing, as was understood, what we now call Central America and the Mosquito coast. Mr. Fox, as will be found by looking at the volume to which I have referred, immediately wrote to the King, (on the 18th July, 1783,) stating—

"There has been a great deal of discussion upon this matter; but it appearing to be still in our power to put our own interpretation upon the words '*Continent Espagnol*,' and to determine upon prudential considerations whether the Mosquito shore comes under that description or not, it was the opinion of your Majesty's confidential servants present (except Lord Stormont) that the desirableness of getting the treaty signed ought to prevail."

Remark, sir, they were to determine the meaning of the treaty by *prudential considerations* only. Lord Russell says Fox was a statesman who never would condescend to an intrigue, and never would betray a principle.

It was soon found by the Spaniards that the considerations which were to govern in the construction of that treaty, were not the religious views of the case, but the "prudential considerations." If, from prudential considerations hereafter, says Mr. Fox, in effect, we should see fit to construe the words "Spanish continent" to mean something entirely different from what the Spaniards understood them to mean in the making of the treaty, we shall be at liberty to do so. This was the mental reservation made by one of the most fair and ingenious of British statesmen, at the time of negotiating a great treaty. The king wrote back, saying, in effect, that "it was a very untoward circumstance that a definitive treaty could not be made without leaving clear ground for fresh disputes."

In a few days, Mr. Fox wrote a letter to the Duke of Manchester, speaking of the sixth Spanish article; and then we learn how the intention of "religiously" observing the article was to be kept, when we find Mr. Fox speaking of it to the Duke as "the cursed clause in the sixth Spanish article." A short time after that, the British Ministry determined that the words "Spanish continent," did not mean what everybody else understood the Spanish continent was; but that the Spaniards had no possessions, and no right over that coast called the Mosquito coast; and so they resolved that the treaty was, in this respect, of no effect, and refused to evacuate the country.

The Spaniards were not very well satisfied with that. They complained of a breach of faith; and in three years afterwards they brought the British Government to another treaty—the treaty of London of July 14, 1786, which had no other object but to exclude them from this very country where they now claim full and absolute right, and over which, Mr. Harding says, they have dominion. The treaty of 1786, was drawn out at length in such strong language, that it was at last agreed that the English were bound to leave the country. The words "Spanish continent," were no longer left to be quibbled upon. They were compelled to leave that very Mosquito protectorate which Lord Clarendon says that Great Britain has continued for two hundred years.

After this, a motion was made in the House of Lords to censure the Ministry for the negotiation of the treaty of 1786, which compelled the British to abandon that country; and you will find, sir, by looking into the Parliamentary Register, that the great lion of the Administration of that day, Lord Chancellor Thurlow, participated in the discussion. In reply to all the attacks made by the other side upon the Ministry, he demonstrated beyond doubt, that Great Britain had no claim in that country; and so far from the opposition ob-

taining a vote of censure against the Ministry for abandoning the country, the vote in the House of Lords stood fifty-three to seventeen against the resolution of censure.

Shortly afterwards, Mr. Pitt succeeding Mr. Fox in the administration of the Government, introduced a bill into the House of Commons to indemnify the British subjects, who, allured into that country by the false claims of Great Britain, had settled there, and were compelled to evacuate by the treaty of 1786; and a sum, amounting to £12,500 sterling, was voted to them as an indemnity.

The British aggression in that country, peculiarly interesting to us as a nation, occurred six days after we made the treaty with Guadalupe Hidalgo, by which we acquired the country on the Pacific. Then this claim, through the Mosquito King, was renewed. The British ships-of-war, *Alarm* and *Vixen*, entered the river San Juan, drove the Nicaraguans from the town of San Juan de Nicaragua, called it Greytown, fought the Nicaraguans at Fort Serrapape, drove them still further into the country; and finally Captain Locke, who was the commander of the expedition, made an arrangement with them, by which they were not to attempt again to disturb the title of the Mosquito King, under the penalty of war with Great Britain.

This brings us down to the time when the negotiations for the treaty of 1850 commenced. The object of those negotiations will be apparent from the brief history which I have given of the affair. I forbear to go into a discussion of the question of the proper construction of that treaty, which would not be very intelligible without the documents yet to be printed, reserving what I intend to say upon that subject for a future occasion.

Mr. PRATT. There is a single point to which I wish to ask the attention of the Senate. I have not had an opportunity of examining the papers, which my honorable friend himself appears to have had, but I have certainly very much misunderstood their purport from the reading of them by the Secretary, if the honorable Senator from Delaware is right in the protest which he has made against the action of the British Minister here, and the British Government in regard to himself. What is that action? He made a speech in the Senate, in which I, for one, entirely concurred. The British Minister, supposing that to be the best exposition of the views of the American Government on the subject, sent that speech to his Government, as exhibiting the views of the American Government. The Senator certainly cannot complain of that. The British Minister for Foreign Affairs sent the speech to the Queen's advocate for the purpose of having his opinion upon the construction of one of the articles of the treaty embraced in that speech of the honorable Senator, and that opinion was given to the British Minister for Foreign Affairs. It was afterward sent to the representative of the British Government here, and he showed it to the Secretary of State in a confidential communication. It remained as a confidential communication until after the Senate had requested the President to furnish the information embraced in the paper which has been read. How was the injunction of secrecy, originally placed upon that communication by the British Minister here, withdrawn? Was it by him? No, sir. By the reading of the paper, it appears that it was withdrawn at the request of the Secretary of State. The Secretary of State requested that the veil of secrecy might be withdrawn to enable him to send it here; therefore, the protest which the honorable Senator from Delaware designs to put here before the country against the action of the British Minister appropriately belongs, if the communication has been improperly brought here, to our own Secretary of State, who requested the withdrawal of the veil of secrecy which the British Minister had thrown around it, in order that he might send it here.

It is certainly very complimentary to the Senator from Delaware, that the British Government should have thought it necessary to have his speech sent to the Queen's advocate, for the purpose of getting the opinion of that officer in reference to the article of the treaty which was commented upon. There was nothing wrong in that, I suppose. He cannot object to that opinion being sent to the representative of the British Government here. The whole proceeding is very complimentary to the Senator. What, then, is the

objection which is urged here as a protest against the action of the British Minister? It is that he has, at the instance of our own Secretary of State, consented to withdraw the obligation of secrecy which he had imposed, when he originally showed the communication to our Secretary, to enable him, in obedience to a request of the Senate, to send the paper to us. I rose simply for the purpose of doing what I thought was an act of justice to the representative of the British Government.

Mr. CLAYTON. Mr. President, the honorable Senator from Maryland, I think, overlooks entirely one point to which I would direct his attention. Does he think that it is competent for a foreign minister to address a note to our Government in reference to remarks made, or debates in Congress?

Mr. PRATT. Of course not.

Mr. CLAYTON. The honorable Senator concurs with me, then. Well, sir, the British Minister has done that very thing. He has done that for which Mr. Buchanan censured Mr. De la Rosa. He has taken the speech of a Senator on this floor, and made it the subject of comment in a note to the President of the United States; and there—I beg the attention of the honorable Senator to the fact—was the error, and against that I protest. Still more erroneous was it to throw this paper in the way of the resolution of the Senator from Michigan, so that it must necessarily be dragged before the Senate. The gentleman says he only consented to that. How that is I do not know. At any rate the paper could not have been sent here without his consent. The resolution did not cover it while it was an unofficial paper; but the moment it became, by the British Minister's consent, an official paper, the Secretary of State was bound to send it here. Whether there was any request made by the Secretary of State to the British Minister I know not.

Sir, it is not that I have felt personally aggrieved that I have made the remarks which I have made to-day; but I have thought it my duty to vindicate the rights of an American Senator in my own person. I should have made the same protest in the case of any other Senator; and I repeat, that I trust this will be the last time that any foreign minister will attempt to interfere in our family councils.

Mr. PRATT. I beg pardon for having trespassed upon the attention of the Senate with regard to this matter. The only difference between the Senator from Delaware and myself is with regard to the facts of the case. Is it an interference? If I understand the matter correctly, some time in May last this official communication was made by the British Minister to the Secretary of State of the United States. I am correct, I believe, in that. As far back, at least, as May, this communication was made. It was then confidential; it remained confidential.

Now, if there was an error, if there was an impropriety, if there was an impertinence on the part of the representative of the British Government, in making such an official communication to the representative of the American Government, it was for our Secretary of State to have frowned it down, and to have said that it was not legitimate for it to have been made. But the communication was made confidentially. That confidence was not withdrawn until the Senate had requested all the information upon this subject in the possession of the Department; and then it was withdrawn at the instance of the Secretary of State, and by his request. I do not apprehend, sir, that the representative of a foreign Government here, when he has acted at the request of the representative of our own Government, the Secretary of State, having the management of our foreign relations, can be accused of an impertinent interference with our family quarrels. In this case the British Minister has acted solely, as I have stated, at the request of our own Secretary, who has charge of our foreign relations.

Mr. CLAYTON. I do not know that it appears on the face of the paper that the British Minister acted solely at the request of the American Secretary of State. If the honorable gentleman so understood it, I did not hear it.

Mr. PRATT. I so understood the communication as it was read.

Mr. CLAYTON. I do not profess to have examined the paper with the view of ascertaining that fact. I do not suppose that the American Secretary of State ever attempted to interfere with

the rights of this or the other branch of Congress.

Mr. PRATT. Nor I.

Mr. CLAYTON. And I shall be slow to believe that he has been actuated by any such purpose. But no matter who may be censurable for such an act, beyond all question, in my judgment, it was wrong; and if it is not rebuked it may introduce a precedent in consequence of which hereafter all the debates in this body may be reviewed abroad, and under the embarrassing circumstance to the members of not being allowed an opportunity to reply.

Mr. CASS. I imagine it will be found that these papers were the subject of conversation between the Secretary of State and the British Minister; and, after talking the subject over, and hearing the communication read, I imagine the Secretary of State asked for a copy of it. I suppose this to be the fact. Then it was communicated confidentially, and so it remained until that injunction of confidence was removed.

I wish to say, Mr. President, that if the papers come in from the printer to-morrow, as I hope they may, or as soon as they come in, I shall move to refer them to the Committee on Foreign Relations, and on that motion I shall ask the Senate to hear me on the subject on some convenient day, which I trust will be some time during the next week, if that will suit the honorable Senator from Delaware. I shall wait until the papers come in, and then I shall submit a motion to refer, in hopes that the Senate will hear me.

Mr. CLAYTON. Any time after the papers shall have been printed will be convenient to me.

Mr. CASS. Very well; I shall wait till the papers shall have been printed; and then I shall ask the Senate to hear me on some convenient day.

REFERENCE OF HOUSE BILLS.

The bill from the House of Representatives to change the name of the American-built brig "John Dutton," and to grant a register in her name, was read twice by its title, and referred to the Committee on Commerce.

The House joint resolution "of thanks to General John E. Wool," was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

On motion by Mr. BRODHEAD, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 3, 1854.

The House met at twelve o'clock, m.

Prayer by Rev. Mr. SLICER.

The Journal of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate by the hands of Mr. MACHEN, the Assistant Secretary, announcing that that body had passed certain bills, and desiring the concurrence of the House therein.

BILLS REPORTED.

Mr. FULLER, from the Committee on Commerce, reported "A bill for the relief of Ferdinand Clark," which was read twice by its title, and referred to a Committee of the Whole House, and, with the accompanying report, was ordered to be printed.

Also, "A bill for the relief of Adolphus Mier & Co., of St. Louis;" which was read twice, and referred to a Committee of the Whole House.

BILL PASSED.

Mr. AIKEN, from the Committee on Commerce, reported "A bill to change the name of the American-built brig John Dutton, and to grant a register in her name; which was read twice by its title, ordered to be engrossed for a third reading, and, being engrossed, was subsequently read a third time, and passed.

SWAMP AND OVERFLOWED LANDS.

Mr. HENN, from the Committee on Public Lands, to which was referred House bill No. 9, "for the relief of the purchasers and locators of swamp and overflowed lands," reported back the same with an amendment, and with a recommendation that it do pass.

The bill and amendment were referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

ROBERT GRIGNON.

Mr. EASTMAN, from the Committee on Indian Affairs, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Robert Grignon."

On motion by Mr. BISSELL, the Committee on Military Affairs was discharged from the further consideration of the petition of John R. Bond, praying compensation for his services as acting purser; and the same was referred to the Committee on Naval Affairs.

Also, of the petition of Mrs. Hope S. Newbold; and the same was referred to the Committee on Agriculture.

THANKS TO GENERAL WOOL.

Mr. BISSELL, from the Committee on Military Affairs, reported joint resolutions of thanks to General John E. Wool; which were read a first and second time by their title.

Mr. BISSELL. I believe I never asked a favor of this House but once in my life, and I recollect very distinctly that it was not then granted. I now ask that these joint resolutions may be put upon their passage.

Mr. GIDDINGS. With the permission of the gentleman opposite, I would inquire what reason there is for passing these resolutions—what claim they have upon the House?

If I understand it, it is not in conformity with our practice. I think it is the first time within my recollection, when it has been proposed to tender the thanks of Congress, or to present a sword, to any officer, save the general commanding in any battle. I do not know that I am right in this. I believe I am, however. It is introducing a new principle, and a new practice. We have heretofore presented the thanks of Congress to the commander of the battle of Buena Vista, and to the officers and soldiers under his command. I may be mistaken in this, and if so, I hope the honorable chairman of the Committee on Military Affairs will correct me. But if I am not, we are now called upon to tender our thanks to General Wool a second time. Now, how far are we to carry the thing? Shall we again thank each officer or man who performed his duty gallantly at the battle of Buena Vista? Those men are as much entitled to it as General Wool is. If we do not adopt a similar resolution in relation to each of them, we shall do them injustice. I will not appeal to the gentleman from Illinois [Mr. BISSELL] himself, but I would ask others if that gentleman did not do his country as good service as General Wool did at Buena Vista? And shall we now omit that gentleman, and his gallant companions in arms, and tender our thanks to General Wool only, and present him alone with a sword, in token of the gratitude of the American nation, omitting all reference to the gentleman now on this floor, who served and participated in the dangers and honors of that day? It strikes me that would be wrong.

Now, I do not wish to interfere in this business; but I am of the impression that it is doing injustice to those of minor grade. Our practice has been to tender to the commander and his officers and soldiers our gratitude, and there, according to my recollection, it has ended. Another practice is to be introduced, and if it is to be carried out, we must go down to subalterns, and to every man who gallantly defended his country on that field, and fought as became an American soldier. And if we go down to the subaltern, is the soldier who fought there with equal courage and equal patriotism to be denied and passed over? Now, I believe it to be doing injustice to the other officers and soldiers to select one of the minor officers—any officer less than the commandant—and tender to him the formal gratitude of the nation. Sir, it is an affront offered to all minor officers and soldiers who participated on that occasion. Such is my impression. I am not aware of the particular circumstances which demand the passage of these resolutions at this time, and in order that the gentleman may place on the record the reasons which should urge us to their adoption, I will, if it meet with his approbation, as well as that of the House, move to refer them back to the Committee on Military Affairs. Let that committee report back to us the circumstances which require this proposed expression of gratitude at our hands. At

present there is nothing of the kind on record. These resolutions come on the mere introduction of that committee. There are no facts stated which should justify us in turning aside from the transaction of our ordinary business to pass these resolutions. There is no committee responsible for them. There has been no written report; and, for the purpose of getting all the facts before the House, I would, in all kindness, move to recommit the resolutions, and let them go to the Committee of the Whole on the state of the Union; but I prefer that they should go to the gentleman himself, who is a friend of the measure, that he may report the reasons why we should turn aside to pass them.

Mr. BISSELL. I shall do little more in reply to the gentleman from Ohio, than to answer the questions which he propounded to me at the outset of his remarks, and I do strongly suspect, that in that answer, will be found the cause of the gentleman's hostility to this measure. He asks what is the occasion for the passage of these resolutions? The answer is, that it is for gallant services rendered to the country in its wars.

Mr. GIDDINGS. Will the gentleman permit me to interrupt him?

Mr. BISSELL. Certainly, sir, for inquiry.

Mr. GIDDINGS. I would most respectfully inquire of the gentleman whether General Wool served more gallantly than the gentleman himself on that day at Buena Vista?

Mr. BISSELL. Neither myself nor any other friend of General Wool desire to avoid discussion as to his merits on this occasion; the only objection being that it would be an unnecessary consumption of the time of the House. No man, in my opinion, ever performed his duty more strictly and amply than General Wool did on the occasion alluded to; but I am not going into a debate on that point. I will simply remark, in addition to what I have already said, and then call for the previous question, that for services rendered in Mexico, General Taylor twice received the thanks of Congress and two gold medals. Generals Worth, Quitman, Twiggs, Butler, Henderson, and other generals, whom I do not now remember, as well as the eldest son of General Hamar, received swords for the same services. General Wool, as I apprehend, through pure omission, and not from design, has never been referred to in connection with the gallant services rendered in Mexico. I feel it in some measure a charge against me that it has been so; and I feel that I am now discharging an act of tardy justice, and for two reasons; in the first place, because I had the honor to serve under General Wool, and had personal knowledge of his merits; and, in the next place, because, since I have had the honor of serving in Congress, I have been on the Military Committee. Both reasons make it peculiarly appropriate that these resolutions should come from me. I have neglected the matter too long. May I not now ask the House whether the brilliant services of General Wool do not justify, and should secure, the immediate passage of those resolutions?

Mr. GIDDINGS. Will the gentleman from Illinois permit me—

Mr. BISSELL. I understood the gentleman [Mr. GIDDINGS] to say, or to intimate, that these resolutions had not been before a committee.

Mr. GIDDINGS. No; will the gentleman permit me to correct his error?

Mr. BISSELL. Now, I would do almost anything in the matter with a great deal of pleasure, if I did not know the gentleman's [Mr. GIDDINGS] pertinacity, and that he is disposed to be troublesome to the House on occasions of this sort. He therefore must excuse me, if I decline to grant him any more patience on this occasion. I now, Mr. Speaker, move the previous question.

The previous question was seconded.

Mr. SKELTON. I ask for the reading of the resolutions.

The Clerk read the resolutions, as follows:

Resolved, unanimously, by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered to Brevet Major General John E. Wool, for his distinguished services in the late war with Mexico, and especially for the skill, enterprise and courage which distinguished his conduct at the battle of Buena Vista.

Resolved, That the President be requested to cause a sword, with suitable devices, to be presented to General Wool, as a testimonial of the high sense entertained by Congress of his gallant and judicious conduct on that memorable occasion.

Resolved, That the President be requested to cause a copy of the foregoing resolutions to be transmitted to General Wool.

The main question on the adoption of the joint resolutions was then ordered.

The resolutions were then read a third time and passed.

Mr. BISSELL moved to reconsider the vote by which the joint resolutions had just been adopted, and to lay the motion to reconsider on the table; which latter motion was agreed to.

SWAMP AND WASTE LANDS.

Mr. WASHBURN, of Illinois. I ask to reconsider the vote by which a bill has just been referred to the Committee of the Whole on the state of the Union, for the purpose of putting it upon its passage. It is the bill which has just been reported from the Committee on Public Lands, entitled, "An act granting relief to the purchasers and locators of swamp and waste lands."

The Clerk read the bill.

The SPEAKER. The following is the amendment reported by the committee to the bill:

"*Provided*, That the proceeds of the land located under this act, shall be exclusively applied, as far as necessary, to the drainage of the swamp and overflowed lands in said State."

Mr. WASHBURN. I desire, Mr. Speaker, merely to state the reasons why I wish to have reconsidered the vote by which the bill was referred to the Committee of the Whole on the state of the Union.

The bill has been read from the Clerk's table, and gentlemen will see from that reading what it is. Under the act of September 28, 1850, granting to the State of Arkansas, and certain other States, the swamp lands lying within their limits, great confusion has arisen in regard to the location of those lands. Before the selections of these lands were made by the State, parties had gone on, and in good faith made their entries of them; and they are now claimed by the State, after they have been purchased in good faith by individuals.

This bill proposes a remedy for this state of things. It proposes that upon a relinquishment of these lands by the States in which they lie, that the entries by individuals shall hold good, while the States shall be permitted to select an equal quantity of land elsewhere in lieu thereof. It will be perceived that this bill takes nothing from the Treasury; and if this be not done under the law, and under the rule of the Land Office, purchasers of these lands will be permitted to apply for the repayment of the purchase money. That, sir, will not remedy the evil, although it will take from the Treasury an amount of money equal to that for which the lands would sell for at the minimum price. In many, and, in fact, in most of these cases, the settler has gone upon these lands, purchased them in good faith, and paid his money for them, and has placed improvements upon them which, in many cases, are of greater value than the original purchase money.

It is proposed, now, that where parties have gone on in good faith, and purchased and now hold these lands, that the State may relinquish its right to them, and select an equal quantity of land elsewhere.

Let me state a reason why there should be early action upon this matter. A great many patents have been suspended by the Land Office, amounting to between fifty and a hundred thousand, and a very large number have been made out by the office; and that bureau wants to have this matter settled in some way, so that it can go on in its ordinary routine of business. Again, there should be early action in regard to this matter, because titles are becoming more and more involved. The purchasers from Government are selling, and yet the States are coming in, under the construction given to this law, and claiming these lands as absolute grants to them from the time of the passage of the act.

I hope, therefore, Mr. Speaker, that the House will reconsider the vote by which this bill was referred to the Committee of the Whole on the state of the Union, and that it will be put upon its passage. I certainly see no objection to this course, nor to the bill itself, because, as I have stated before, it takes no money from the Government; and unless you give these lands, as the bill provides, these innocent purchasers will be permitted to come in, and, under the law, be entitled to receive from the Treasury the money they have

paid for the land purchased by them. The question is, will you pay back this money to the purchaser of the land from your Treasury, or will you permit an equal quantity of land which is in market, and which you want to sell, to be taken in lieu of the money?

Mr. HILLYER. This bill requires more consideration than we are now prepared to give to it; I therefore move—

Mr. DISNEY, (interrupting.) If the gentleman will allow me one moment?

Mr. HILLYER. I yield for the moment.

Mr. DISNEY. I apprehend that no gentleman who possesses himself of the facts connected with this bill, will entertain any doubt as to the propriety of passing it. It will be well to state the facts: By the construction given at the Land Office to the act which has been alluded to by the gentleman from Illinois, [Mr. WASHBURN,] it has been held that the title to all the swamp lands vested in the respective States, at and from the time of the passage of the act.

Mr. HILLYER, (resuming). I cannot yield the floor to the gentleman for the purpose of making a speech. I understood the gentleman desired merely to make a remark. I move to lay the motion to reconsider upon the table.

The question was put, and there were upon a division—ayes 78, noes not counted.

So the motion was agreed to.

GEORGE G. BISHOP, ETC.

Mr. HILL, in behalf of the Committee on Patents and the Patent Office, introduced a bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report, ordered to be printed:

"A bill for the relief of George G. Bishop and the legal representatives of John Arnold, deceased."

The list of committees having been called through,

Mr. STANTON, of Kentucky: I ask if the Committee on Printing has been called?

The SPEAKER. That committee being privileged to report at any time, is not regularly called at all. The gentleman has the right to make a report from that committee, if he desires.

REPORT OF THE COAST SURVEY.

Mr. STANTON, from the Committee on Printing, then presented the following resolution; which was read and adopted:

Resolved, That ten thousand copies of the Report of the Secretary of the Treasury, communicating the report of the Superintendent of the Coast Survey, for the year 1853, in addition to the usual number, be printed; six thousand copies thereof for the use of the House, and the remainder for distribution by the Coast Survey; that the same be printed and bound in quarto form, and that the plates be printed under the superintendence of the Coast Survey.

OUTRAGES UPON AMERICAN CITIZENS.

The following resolution, offered by Mr. INGERSOLL on the 14th December, having laid over one day under the rule, was taken up and adopted:

"*Resolved*, That the President of the United States is required to furnish Congress, if, in his opinion, the public interests will allow, with copies of all the correspondence that has passed between this Government and Spain relating to the seizure and imprisonment of Captain Thaddeus Beecher and the officers and crew of the schooner North Carolina, of and from New Haven, Connecticut, by the Spanish authorities at Porto Rico, in the month of March, 1850."

NAVAL STEAMERS.

The resolutions offered on Saturday last by Mr. MACDONALD, calling on the Secretary of the Navy for information concerning Navy steamers, was taken up, read, and adopted.

DISPOSAL OF THE PUBLIC LANDS.

The SPEAKER. When the House was last in session, and pending the call of the States for resolutions, the gentleman from New York [Mr. BENNETT] introduced a bill "granting lands equally to the several States to aid in the construction of railroads, and for the support of schools." The bill was regularly introduced, and a motion having been made to refer it to the Committee on Public Lands, the gentleman from Tennessee [Mr. JONES] moved that it do lie upon the table, and upon that motion the yeas and nays were ordered; whereupon the House adjourned.

The question now is upon the motion to lay that bill upon the table.

Mr. BENNETT. I desire to raise a point of order upon that motion, to lay the bill upon the table. I insist that it was not in order, and could

not take precedence of the motion to commit. The bill was introduced merely for the purpose of reference. It was not up for action, or discussion; but a motion was made to commit it to the Committee on Public Lands. When the State of New York was called for resolutions, that bill was regularly introduced under the 114th rule, and it falls under the same rule as resolutions are governed by. Now, under that rule, no resolution can be debated on the day on which it is presented. It is not open to debate, or discussion; and the same rule applies, of course, to bills introduced under the call for resolutions. The 46th rule, which gives a motion to lay on the table priority over other motions, only applies to cases in which the question "is under debate"—is up for discussion and action. In any other case, I insist that the motion first made must be first put.

I submit, then, first, that when a bill is introduced, and a motion is made to refer it to a committee, there can be no motion to lay it upon the table. It is not before the House. The bill is imperfect. It is not complete, according to Jefferson's Manual.

I submit, secondly, that even if such a motion could be made, it does not take priority of other motions, and, therefore, that the question on the motion to refer must be first put.

And, lastly, I insist that the motion of the gentleman from Tennessee [Mr. JONES] was made too late. The Chair will recollect that I introduced this bill without objection; and that it was read a first and second time without objection. I then moved its reference to the Committee on Public Lands, and the Chair declared that it would be so ordered. And then, after that had taken place, the gentleman from Tennessee [Mr. JONES] rose and moved that the bill lie upon the table; and I insist that, under those circumstances, that unusual motion—to say the least of it—could not be made.

Mr. JONES, of Tennessee. I submitted the motion that the bill do lie upon the table; and if I understand the rule under which the States are called for resolutions, it does not authorize a member to introduce a bill at that time.

It has been the practice to give leave at such time to introduce bills of which previous notice had been given; but suppose you place it on the ground that the gentleman had a right to introduce the bill when the State of New York was called for resolutions; that he did introduce it, and that there was no objection; and that it was read the first time; then the course would have been to submit a motion to reject it. That motion was not made. The bill was read a second time, and then it was open for commitment or amendment. If there were no amendment, or the motion of reference were voted down, then the question would be on the engrossment of the bill. Certainly, sir, after all these proceedings in the House, it is clearly within the rules to lay upon the table, to postpone to a day certain, to postpone indefinitely, or to submit any motion which could be made upon it, as if it had been referred to the committee and reported back here, and then gone through the Committee of the Whole on the state of the Union, and come back here again. It was clearly in order to move to lay on the table at any time before the vote on reference was taken. The call for the yeas and nays was also certainly in accordance with the construction of the rule.

The SPEAKER. Under the 114th rule, the bill was regularly before the body, and the motion to lay on the table was clearly submitted in order. That motion was a highly privileged one, and the Chair has no doubt that the motion was properly made, or that it was in order for the House to refer or to postpone to a day certain, or to lay on the table. The motion to lay upon the table may be for to-day, or for all time to come, depending upon the action of the House thereafter.

Mr. BENNETT. Do I understand the Chair to say that the motion in chief was made in time?

The SPEAKER. The Chair so holds, no objection having been made at the time to the entertaining of the motion. It has been the habit of the Chair, in order to facilitate business, to ask members what action they propose in reference to bills which have been introduced, and on their reply, to state that it is so ordered, unless objected to—sometimes omitting the words "unless objected to."

Mr. BENNETT. My objection is, that this

motion does not take priority. The 46th rule gives it priority when it arises on a question under debate. If I had moved to put the bill on its passage, such would have been the case. The 24th rule says that petitions shall not be debated on the day that they are presented; but the 25th rule goes on to say, that "resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions;" and they consequently cannot be debated.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from New York. The question now is upon the motion to lay on the table; and on that question the yeas and nays have been ordered.

Mr. ENGLISH. This bill has only been read by its title. I cannot vote for it without knowing its contents, and therefore demand that it be read through.

The Clerk then read the bill through.

Mr. McMULLIN. I should like very much to get the gentleman from Tennessee [Mr. JONES] to withdraw his motion, so as to enable me to propound an interrogatory to the gentleman from New York, [Mr. BENNETT.]

Mr. JONES withdrew the motion to lay on the table.

Mr. McMULLIN. Mr. Speaker, I desire to know from the gentleman from New York [Mr. BENNETT] if he will accept of an amendment of such a character as that which I now send to the Clerk's desk to be read?

The Clerk read the following as the amendment proposed:

Resolved, That the Committee on Public Lands inquire into the expediency of setting apart the proceeds of the sales of the public lands, and appropriating the same to the repairs and building up of the Navy; the surplus, if any, to be applied to the annual support of the Navy; and that said committee have leave to report by bill, or otherwise.

Mr. McMULLIN. Mr. Speaker, this land question has given rise to a great deal of discussion in the country. No subject has attracted more attention in my section than the bill which the gentleman from New York [Mr. BENNETT] presented at the last Congress. Now, sir, I should like very much if the gentleman from Tennessee [Mr. JONES] would not renew his motion to lay the bill upon the table, but let it be referred to a committee. That is usual, according to the courtesy of this House; and I think, sir, that when a committee shall have acted on the subject, we shall be able, at least, to defeat the object which the gentleman from New York [Mr. BENNETT] has in view. This subject does demand the careful consideration of Congress; and I hope that the gentleman from Tennessee will allow it to be referred. I ask, therefore, that the subject of that resolution, which has just been read from the Clerk's desk, be referred to a committee, with a view to have it incorporated as part of the gentleman's [Mr. BENNETT's] bill, or as a substitute for such bill. I move, if it be in order, that the bill be referred to the appropriate committee, with instructions that my resolution shall be incorporated in, or taken as a substitute for the bill.

The SPEAKER. A motion is now pending that it be referred to the Committee on Public Lands.

Mr. McMULLIN. Then I move to instruct that committee to inquire into the expediency of incorporating my proposition into the bill, or of making it a substitute for the same.

Mr. BENNETT. I can say that I have no objection to any instructions which may be given to the Committee on Public Lands, which the House will vote for. I thank the gentleman from Virginia, [Mr. McMULLIN,] who, if he is opposed to the features of this bill, has at least the magnanimity to allow it to take the usual course, and go to a committee, and to let it come up for our consideration upon their report. In fact, this motion to lay the bill upon the table, before it has been referred to the consideration of a committee, is so unusual, that I have never before heard it made.

I wish to say to the gentleman that this bill is not precisely the bill of the last session although it does embrace and assert the principle that all the States have an interest in the public lands. That is what I contend for here, and shall continue to contend for. It is true that there are applications upon applications to the Committee on Public Lands for grants of lands. There are

between forty and fifty applications from the western States, not for national roads, but for State and neighborhood roads. Lands have been granted year after year for these purposes, and I do not raise the question of the right to make such grants; and I do not oppose a reasonable grant of land for roads in the western States. What I contend for is, that if these grants are made for roads in the western States, it is reasonable and right and fair that some equivalent should be made to the old States, either in land warrants granted to them, or in some other way, by which they should receive their proportion of the benefits of these lands, in which all the States have an interest.

I shall take the opportunity to prove before this House, notwithstanding the report of the Secretary of the Interior—and I think the fact is capable of demonstration—that the public lands have cost the Government very much more than they have received for them; that the lands are greatly in debt to the Government; that they have been paid for by the old States as well as the new; and that it is not right or proper to give these lands to the western States, without some consideration to the old States. I think it can be demonstrated by the public records, that the public lands are largely in debt to the Government.

While I have the floor, I wish to state what the features of this bill are: This bill proposes, first, to grant to each of the western States, an equal proportion of land, to aid in the construction of railroads in their respective States; to give to each State a sufficient quantity to enable it to construct a road across the State each way, by a grant of six sections to each mile of road constructed.

Mr. CLINGMAN. Will the gentleman allow me to propound a question to the gentleman from Virginia, [Mr. McMULLIN?]

Mr. BENNETT. I have no objection.

Mr. CLINGMAN. On reading the proposition of the gentleman from Virginia, which he sent to the Clerk's table, and which has been read, it will be seen that it proposes an appropriation of the proceeds of the public lands to the support of the Navy. Now I suggest to that gentleman that the difficulty of his proposition is this, that it is evasive in its present shape. If we continue to make grants of land to railroad companies or to anybody else, we shall derive no revenue from the public lands, and hence no proceeds to apply to that purpose. I hope the gentleman from Virginia [Mr. McMULLIN] will modify his proposition so as to provide that all the lands shall be appropriated to that purpose, and thereby put it out of the power of Congress to vote them to railroad companies, States, or to anybody else. If he does that, I will vote for his proposition.

Mr. McMULLIN. I will say to the gentleman from New York, [Mr. BENNETT,] that I thought I had framed my proposition so as to provide that the surplus, if any, should take that destination; and I will most cheerfully modify my proposition so as to meet the views of the gentleman from North Carolina, [Mr. CLINGMAN,] for we must meet this question in some shape or other. I do think that we had better refer this subject to a committee, giving them full and ample power to act upon this whole subject, without allowing the gentleman from New York, or gentlemen from other States, an opportunity to come forward and produce an exciting discussion, for the purpose of making capital at home. Let us meet this question like men and statesmen. I hope the gentleman from New York, if he desires, as he professes, that the old States should participate in a distribution of the public lands, will come forward and adopt my proposition as a substitute for his; and then every State in the Confederacy of States, will participate equitably, justly, and fairly in the sale and entire distribution of the public lands. I will, with great pleasure, adopt the suggestion of the gentleman from North Carolina, [Mr. CLINGMAN,] but before I take my seat I desire to make a suggestion to the gentleman from New York, and appeal to his sense of justice. As the gentleman from Tennessee [Mr. JONES] withdrew his motion to lay the bill upon the table, I hope that the gentleman from New York will close the debate upon this question by allowing the subject to be referred, and not occupy the time of the House now unnecessarily with this matter.

Mr. BENNETT. What I have said already about the bill was entirely incidental, and I do not

now desire to detain the House long. As a motion was made to lay the bill upon the table—thus not treating with ordinary courtesy a bill whose principles were sanctioned by the last Congress—I thought I ought to explain enough of it to show what the character of the bill was. While we see every session, more or less of the public lands granted to the West, and railroad grants made constantly to the new States, we find gentlemen from some of the old States—of this we have had an illustration this morning—who think it unconstitutional to distribute among the old States an acre of the public lands. You can build school-houses, academies, colleges, for the purposes of education at the West; and you can build court-houses and make roads for the improvement of the western States; but it is unconstitutional, in the opinion of these gentlemen, to appropriate a single acre of land, for the same purpose precisely, to any of the older States. They will allow lands to be granted to Missouri and Arkansas, but they have constitutional doubts about making such grants to Tennessee and old Virginia for the benefit of their schools and roads. I suppose that the States are all bound together in one common union; and if we have a constitutional right to make a grant of lands of this description to these States, we also have the same right to make the grants of a similar character to any other State, and that they cannot be confined to one State more than to another.

These grants of land have been made for almost every purpose under heaven. It may be asserted in round terms, without taking the trouble to go into detail upon this subject, that we have given away, since the land system was first established, more lands than have been sold. To whom have they been granted? They have been given exclusively to the western States; they have had the exclusive benefit of these grants, so far as grants have been made to any of the States. I desire to introduce a different principle; that is, that these lands shall be held as common property. In part these lands were granted to the General Government by the old States. In part, they have been purchased and acquired; and, in all these purchases, the old States have paid their portion of the purchase; when, therefore, they are granted for public purposes in one portion of the country, the same right should be extended to other portions of the Union. I am not wedded to this or that particular scheme. As far as the land is sold and the purchase money goes into the general Treasury, it is all right, as it is expended for the common good of all. So far as grants of lands are made, they should be made with reference to the benefit of all the States. I do not design to discuss this bill, but I ask simply that the same courtesy shall be extended to this bill that is extended to other bills, and that it shall be referred to the appropriate committee, who have already before them a great number of bills in regard to the public lands.

I hope some measure will be adopted by which these gifts will be made equal to all the States. I do not pretend that my bill will give as much to the old States as it does to the new ones; but it gives something to them, and it asserts the principle that all the States have an interest in the public lands. I do not wish to detain the House upon this subject, and I therefore call the previous question.

Mr. WENTWORTH, of Illinois. I do not propose to debate this question. It is the old land distribution scheme, which everybody understands. I move to lay the bill on the table, and upon that motion I demand the yeas and nays.

Mr. MILLSON. Before voting upon the motion to lay upon the table, I desire to ask a question of the Chair. I want to know if the resolution of instructions offered by my colleague [Mr. McMULLIN] is not now pending?

The SPEAKER. The gentleman from Virginia [Mr. McMULLIN] proposed to amend the motion to refer by adding certain instructions to that committee. The motion to lay upon the table, however, carries with it the bill with the motion to refer and the amendment.

The question was taken, and the result was—yeas 61, nays 91; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Barksdale, Barry, Benton, Bissell, Boyce, Brooks, Chrisman, Cook, Craige, Cutting, John G. Davis, Eastman, Eddy, English, Faulkner, Flor-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1ST SESSION.

THURSDAY, JANUARY 5, 1854.

NEW SERIES...No. 8.

ence, Fuller, Greenwood, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hendricks, Henn, Hibbard, Houston, Johnson, George W. Jones, Roland Jones, Keitt, Knox, Lamb, Lindsley, McNair, McQueen, Mace, Maxwell, Smith Miller, Nichols, Noble, Norton, Orr, John Perkins, Phelps, Robbins, Ruffin, Shannon, Gerrit Smith, Hester L. Stevens, Andrew Stuart, Vansant, Warren, Elihu B. Washburne, Wells, John Wentworth, Daniel B. Wright, and Yates—61.

YAYS.—Messrs. Appleton, Ball, Belcher, Bennett, Benson, Bockock, Bridges, Campbell, Carpenter, Caskey, Chandler, Chase, Chastain, Churchwell, Clingman, Cobb, Corwin, Cox, Crocker, Cullom, Dick, Disney, Dowdell, Dunbar, Edmunds, Edmundson, Ellison, Etheridge, Ewing, Farley, Fenton, Giddings, Grey, Grow, Aaron Harlan, Hastings, Haven, Hiestler, Hill, Hillyer, Hughes, Hunt, Ingersoll, Daniel T. Jones, Kidwell, Latham, Letcher, Lilly, Lindley, McCulloch, Macdonald, McDougall, McMullin, John G. Miller, Milson, Morrison, Murray, Andrew Oliver, Mordecai Oliver, Parker, Peckham, Bishop Perkins, Phillips, Powell, Pratt, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Rogers, Rowe, Russell, Sabin, Snpp, Seymour, Simmons, Skelton, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, John J. Taylor, John L. Taylor, Thurston, Tracy, Vail, Walbridge, Walsh, Israel Washburn, Tappan Wentworth, and Zollcoffer—91.

So the House rejected the motion to lay upon the table.

The question then recurred upon seconding the demand for the previous question; which having been taken, was seconded, and the main question ordered to be put.

Mr. CLINGMAN. I desire to know if the proposition now before the House is upon the motion to refer?

The SPEAKER. It is upon the motion of the gentleman from Virginia [Mr. McMULLIN] to amend the motion to refer the bill to the Committee on Public Lands. The amendment proposes to refer with instructions.

Mr. CLINGMAN. Then the effect of it is to commit with instructions. I hope it will be permitted to go to the committee without instructions.

Mr. CULLOM. Is not the question divisible, so that it may first be taken upon the motion to refer, and afterwards upon the instructions proposed by the gentleman from Virginia?

The SPEAKER. The question upon the instructions comes up first in order. It will then recur upon the motion to refer.

Mr. McNAIR. I call for the reading of the amendment.

It was again read by the Clerk.

The question was taken, and the amendment disagreed to.

The bill was then referred to the Committee on Public Lands.

PRESENTATION OF A PETITION.

Mr. SIMMONS, asked unanimous consent of the House to present the petition of Joseph Burden; and have it referred to the Committee on Revolutionary Pensions.

Mr. CLINGMAN. I object.

The SPEAKER. The gentleman can present his petition at the Clerk's desk, and have it referred; but it cannot be done in open House.

Mr. SIMMONS. Will it be entered upon the Journal?

The SPEAKER. It will not be entered upon the Journal, but will be appropriately referred.

NOTICES OF BILLS.

Mr. SIMMONS. I desire to give notice that on to-morrow, or some subsequent day, I will introduce a bill of the following title:

"A bill granting the right of way through the United States military lands at Plattsburg, in the State of New York, for a railroad from that place to Whitehall, or Fort Edward, and for a grant of public lands to aid in its construction."

Mr. CLINGMAN. I object.

Mr. SIMMONS. I have another petition, which I desire to present.

Mr. CLINGMAN. I object to the presentation of petitions in this way. It is not in order.

The SPEAKER. The Chair begs leave to state again to the gentleman from New York that petitions can be referred by application at the Clerk's desk.

Mr. SIMMONS. So I understand, but—

The SPEAKER. It cannot be done by motion in open House.

Mr. SIMMONS. I was going to give notice of my intention to introduce another bill.

Mr. CLINGMAN. I object to that also. It can be done at the Clerk's desk.

Mr. SIMMONS. Can I give notice of a bill in the same way?

The SPEAKER. You can.

REMOVAL OF JUDGE BRONSON.

Mr. CUTTING. I offer the following resolution:

Whereas, publications have appeared in the public prints purporting to be copies of a correspondence between the Secretary of the Treasury and Greene C. Bronson, the late Collector of the Customs for the Port of New York, relating to "the subject of the unfortunate division in the Democratic party in New York;" the distribution of offices "among the different sections of the party;" and in which, after referring "to that portion of the party to which Mr. Bronson adhered," the Secretary of the Treasury expressed an expectation that the Collector would "recognize the other portion of the party in the only way that would carry conviction with it;" which publications consist of alleged letters from the Secretary of the Treasury to the Collector aforesaid, bearing date respectively the 3d, 4th, and 22d days of October last, and of letters from the latter to the former, bearing date the 17th and 31st days of October last: And whereas, in the newspaper called "The Daily Union," of Wednesday, the 28th December last, it is stated, apparently "by authority," that the removal of Mr. Bronson was the act of the President, who "freely shoulders the entire responsibility," and justifies his act not merely upon the ground of alleged official insubordination, but upon the further distinct ground that the late Collector had "prostituted his office for political ends, and otherwise abused his official trust for party purposes;" therefore,

Resolved, That the Secretary be, and he is hereby, requested to communicate to this House a copy of the correspondence above referred to, (if any such there be,) and of any other letters that may have passed between himself and Greene C. Bronson, the late collector of the customs for the port of New York, relating to the subject-matter aforesaid.

As that resolution, sir, simply calls for copies of alleged correspondence, if any such exists, the moment has not arrived when these matters are susceptible of debate. I therefore do not propose to discuss it, but simply to ask for its adoption, in order that we may have, in an authentic shape, the charges contained in the correspondence of the Secretary, and the grounds upon which he removed the collector, and that we may be able to ascertain whether one of those grounds was or was not that he had prostituted his office for political and party purposes. I content myself now simply with moving the adoption of that resolution; and I call for the previous question.

Mr. McMULLIN. I would inquire, Mr. Speaker, whether the resolution does not lie over one day under the rules of the House?

The SPEAKER. The Chair was about announcing that fact to the gentleman from New York.

Mr. CUTTING. If the resolution be matter of debate, I understand that it goes over; but can it be a question of debate?

The SPEAKER. If objection be made at all, it must go over.

Mr. CUTTING. I ask the unanimous consent of the House to allow me to put the resolution on its passage.

The SPEAKER. So that there may be no misunderstanding, the Chair will refer to the rule bearing on the point that has been raised. The 61st rule reads as follows:

"61. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster General—or to print an extra number of any document, or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with, or referred to in it, shall lie on the table one day, for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered."

Mr. CUTTING. As this matter is merely preliminary to an investigation of the question, whether or not the late collector of New York, Mr. Bronson, has been guilty of the high misdemeanor imputed to him, I trust no gentleman will desire that correspondence should be kept back. I ask

the unanimous consent of the House to allow me to put the resolution on its passage.

Mr. JONES, of Louisiana. I move that the resolution be laid on the table.

The SPEAKER. The resolution must go over, if objection be made. The proposition to act on it, either by laying on the table or otherwise, is not in order at this time, the resolution not being up for the action of the body.

Mr. CUTTING. I have heard of no objection to the passage of the resolution.

Mr. BRIDGES. I object.

Mr. CHURCHWELL. I trust the objection will be withdrawn. If this matter is to be considered and acted on, it may as well be done now as at any other time.

The objection was not withdrawn, and the resolution accordingly lies over.

DUNKIRK, A COLLECTION DISTRICT AND PORT OF ENTRY.

Mr. FENTON, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Commerce:

"A bill creating a collection district in New York, to be called the district of Dunkirk, and constituting Dunkirk a port of entry."

ACCOUNTS BETWEEN THE UNITED STATES AND NEW YORK.

Mr. FENTON, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title:

"A bill authorizing the payment of balances of the property accounts between the United States, and the State of New York, for military stores in the war of 1812."

Mr. FENTON said: I desire to put the bill on its passage, but before doing so, I shall submit a few words in explanation of its provisions. It is as it purports to be—

The SPEAKER. As the gentleman proposes to put the bill on its passage, it will be read: *in extenso.*

The Clerk then read the bill through.

Mr. LETCHER. The bill must go to the Committee of the Whole, as an appropriation is provided for in it; but I intended to propose that it be referred to the Committee on Military Affairs, and let them report on it.

The SPEAKER. The bill containing an appropriation must, under the rules of the House, go to the Committee of the Whole, except by unanimous consent.

Mr. FENTON. Then I consent to its being referred to the Committee on Military Affairs.

It was so referred.

Mr. FENTON. I submit, also, documents in explanation of the bill.

The SPEAKER. Does the gentleman propose that these communications accompany the bill?

Mr. FENTON. Yes, sir.

The SPEAKER. They will go to the committee with the bill.

SCHOOLCRAFT'S INDIAN HISTORY.

Mr. HUGHES offered the following resolution:

Resolved, That the Committee on Printing be, and they are hereby, requested to inquire into the propriety of causing to be printed parts two and three of Schoolcraft's Indian history, for distribution to the new members of this House—one to each.

Mr. HUGHES. I introduce this resolution for the reason that, on inquiry, I find—

The SPEAKER. The resolution must go to the Committee on Printing, under the express rule of the House. It will be so referred.

COMPENSATION TO CERTAIN OFFICERS OF THE HOUSE.

Mr. SKELTON offered the following resolution:

Resolved, That Thomas J. Galt, superintendent of the folding-room, S. H. Lamborn, superintendent of the document-room, Joseph L. Wright, in charge of the Register, and Christopher Cole, messenger to the Sergeant-at Arms, be allowed the same annual compensation as received by the two messengers in the Clerk's office in charge of the

books and stationery, commencing with the present Congress.

Mr. SKELTON. I move that the resolution be put upon its passage, and on that I call for the previous question.

Mr. CLINGMAN. Will the gentleman allow the resolution to be referred?

Mr. ORR. As the previous question has been moved without explanation, I move to lay the resolution on the table.

The question was taken, and the resolution was laid upon the table.

Mr. CLINGMAN moved to reconsider the vote last taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

THE SMITHSONIAN FUND.

Mr. CHANDLER offered the following resolution:

Resolved, That a select committee, consisting of nine members, be appointed, and instructed to inquire into the expediency of withdrawing from the Treasury of the United States the Smithsonian fund, and investing the same in sound stocks, or in such other way as may be to the interests of said fund.

Mr. CHANDLER. This money is lying in the Treasury of the United States, and the Government has to pay for the use of it, when it is buying up its own stock at a large premium. It is, therefore, desirable to place the fund in some other situation.

Mr. JONES, of Tennessee. I desire to make one inquiry of the gentleman, and it is, whether there is any certainty that a method can be devised by which he can so invest this money in stocks, or in any other way, that, provided it should be lost, the Government will not have to refund it? We made one investment of a portion of this fund, and had to pay the amount of the investment.

Mr. CHANDLER. Invest it in eastern stocks, and not in western.

Mr. BAYLY, of Virginia, called for the reading of the resolution, and no objection being made, it was accordingly again read.

The question was then taken on the adoption of the resolution; and there were, on a division—ayes 84; noes not counted.

So the resolution was adopted.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. CHANDLER also offered a joint resolution, instructing the Committee on the Congressional Library to inquire into the propriety of providing for the distribution of certain public documents now in the State Department.

The resolution was read for information.

Mr. CHANDLER. If the House will allow me, I will say that there is a great call for certain documents, for completing sets of books, where partial distributions have been made. I learn from the State Department that these documents are there in great abundance, but that the Department wants authority to distribute them. This resolution does not confer the authority to distribute, but only authorizes an inquiry into the expediency of making such distribution.

The question was taken upon the adoption of the resolution, and it was decided in the affirmative.

NATIONAL FOUNDRY.

Mr. BRIDGES. I offer the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national foundry and armory in Allentown, in the county of Lehigh, State of Pennsylvania.

Mr. CAMPBELL. I object.

The SPEAKER. Under the rules of the House, the resolution of course lies over.

ASSAY OFFICE.

Mr. FLORENCE. I offer the following resolution:

Resolved, That the Committee on Ways and Means be requested to inquire into the expediency of suspending the appropriations for so much of the building of the assay office for the city of New York as provides for a refining establishment in connection with the said assay office, and to report by bill, or otherwise, at as early a day as possible consistent with the public interest, and the importance of the question involved in this inquiry.

I offer this resolution from a conviction of duty. The action of Congress at the last session—

The SPEAKER. A resolution must go over where it gives rise to debate.

Mr. FLORENCE. I desire to have the reso-

lution referred: I prefer that it should go to the Committee on Ways and Means, rather than prevent the consideration of a question so important as this, and I make that motion. I will not debate it. I move the previous question upon my motion.

The SPEAKER. It is too late.

Mr. FLORENCE. I did not, really, intend to debate the resolution. Do I understand, if I debate the resolution, it goes over?

Mr. LETCHER. I rise to a question of order.

The SPEAKER. The gentleman from Virginia rises to a point of order, and the Chair decides, under an express rule of the House, that the resolution giving rise to debate must lie over.

On motion by Mr. VANSANT, it was

Ordered, That leave be granted to withdraw from the files of the House the papers of Stephen G. Logan, praying for a pension on account of disability consequent upon his services in the Army of the United States, in order that the same may be filed in the office of the Commissioner of Pensions.

BOUNTY LANDS.

Mr. MILLSON. I offer the following resolution:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of further extending the time for satisfying claims for bounty lands for military services in the war of 1812 with Great Britain; and that they report by bill or otherwise.

The question was then taken upon the resolution, and it was agreed to.

Mr. McMULLIN. I ask leave to withdraw from the files of the House the petition and papers of George W. Hopkins, for the purpose of referring them to a committee.

The SPEAKER. Under the rule, as the gentleman will recollect, that may be done by application at the Clerk's desk.

Mr. McMULLIN. I was aware that the papers must be obtained by application there, but I thought it was necessary to obtain leave of the House.

The SPEAKER. The gentleman can accomplish his object without asking leave.

CUSTOM-HOUSE AT WHEELING.

Mr. KIDWELL presented the following resolution; which was read and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill for the construction of a custom-house in Wheeling, Virginia.

LANDS FOR NAVAL PURPOSES.

Mr. McMULLIN. I now beg leave to present, in the form of a resolution, the matter embraced in the amendment which I offered to the motion of the gentleman from New York [Mr. BENNETT] a short time ago. I offer the following:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of setting apart the proceeds of the sales of the public lands, and of appropriating the same for the repairs and building of vessels for the Navy; the surplus, if any, to be applied to the support of the Navy; and that the said Committee have leave to report by bill or otherwise.

The question upon the adoption of the resolution was put, and the Chair announced that the noes seemed to have it.

Mr. McMULLIN. If this resolution gives rise to debate, I understand that it must go over. Now, sir, I give notice that I intend to debate it. [Laughter.]

Several MEMBERS. It is too late for that.

The SPEAKER. The result of the vote had not been definitely announced when the gentleman from Virginia rose. The Chair, therefore, decides that the resolution must lie over.

GOVERNMENT VESSELS VS. PRIVATE VESSELS.

Mr. CLINGMAN offered the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Foreign Affairs be instructed to report to the House whether there are any existing treaty stipulations which would forbid the passage of an act of Congress to prevent vessels, maintained wholly or in part by our own or other Governments, from bringing into our ports passengers or freight, so as to interfere with private enterprise; and that if no such obstacles exist by reason of treaties or otherwise, that they be authorized to report a bill for such a purpose, with or without, as they may think best, a provision to except vessels carrying mails, provided that all contracts for such purpose be let to the lowest bidders of all nations; and that if they shall report that there are objections at this time to the passage of such a law, that then they report what steps are necessary to remove said obstacles.

AMENDMENT OF THE BOUNTY LAND LAW.

Mr. HILLYER, in pursuance of previous notice, introduced the following bill; which was read

a first and second time by its title, and referred to the Committee on Invalid Pensions:

"A bill to amend the third section of an act entitled 'an act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.'"

Mr. CHASTAIN. I ask the unanimous consent of the House to withdraw from the files the memorial of certain citizens—

The SPEAKER. The gentleman can accomplish his object at the Clerk's desk.

Mr. CHASTAIN. I understand that the rule does not apply that far, and that I cannot withdraw the papers without asking the consent of the House.

The SPEAKER. The practice is to withdraw papers at the Clerk's desk to be re-referred. If the design is to withdraw the papers entirely from the files, it must be done in open session.

Mr. CHASTAIN. Then I can accomplish my object at the Clerk's desk.

RAILROADS IN LOUISIANA AND MISSISSIPPI.

Mr. BARKSDALE, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands.

"A bill granting the right of way and a donation of the public lands to the States of Louisiana and Mississippi, in aid of the construction of certain railroads therein."

EXTENSION OF THE PORT OF NEW ORLEANS.

Mr. HUNT, in pursuance of previous notice given by one of his colleagues, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Commerce:

"A bill to extend the limits of the port of New Orleans."

DUTY ON RAILROAD IRON.

Mr. PERKINS, of Louisiana. I offer the following resolution, and upon it I demand the previous question:

Resolved, That the Committee on Ways and Means be instructed to report a bill repealing all duty on railroad iron.

Mr. HAMILTON. I move to lay that resolution upon the table.

Mr. CLINGMAN. What question will come up first?

The SPEAKER. The question on the motion of the gentleman from Maryland, to lay the resolution upon the table.

Mr. CLINGMAN. Upon that I ask the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Tennessee. I ask that the resolution may be read.

The Clerk again read the resolution.

The question was then put on the motion to lay the resolution on the table, and the roll having been called, there were—yeas 78, nays 65; as follows:

YEAS—Messrs. Appleton, Ball, Belcher, Benson, Benton, Bridges, Carpenter, Chandler, Chastain, Clark, Cobb, Corwin, Cox, Crocker, Cuming, Dawson, Dick, Disney, Edmunds, Ellison, Farley, Faulkner, Florence, Fuller, Grow, Hamilton, Aaron Harlan, Hastings, Haven, Hendricks, Hiestler, Hillyer, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kidwell, Lamb, Letcher, Lilly, Lindley, Lindsley, McCulloch, Macdonald, McNair, John G. Miller, Morrison, Murray, Andrew Oliver, Peckham, Bishop Perkins, Phelps, Pratt, Preston, Ready, David Ritchie, Thomas Ritchey, Robbins, Russell, Sabin, Sapp, Seymour, Shannon, Simmons, Skelton, Gerrit Smith, Richard H. Stanton, John J. Taylor, John L. Taylor, Thurston, Tracy, Vail, Vansant, Walsh, Tappan Wentworth, and Zollicoffer—78.

NAYS—Messrs. Abernethy, Aiken, James C. Allen, Wilks Allen, Ashe, Thomas H. Bayly, Barksdale, Barry, Bissell, Biscoe, Boyce, Brooks, Campbell, Caskie, Churchwell, Chingman, Cook, Craig, Cullom, John G. Davis, Dickinson, Dowdell, Dunbar, Eastman, Edmundson, English, Etheridge, Greenwood, Grey, Sampson W. Harris, Henn, Hill, Hunt, Roland Jones, Kerr, Knox, McDougal, McMullin, McQueen, Mace, Maxwell, Smith Miller, Milson, Nichols, Noble, Norton, Orr, Parker, John Perkins, Phillips, Phelps, Powell, Puryear, Reese, Rogers, Ruffin, William R. Smith, George W. Smyth, Frederick P. Stanton, Hester L. Stevens, Warren, Elihu B. Washburne, Wells, John Wentworth, Daniel B. Wright, and Yates—65.

So the resolution was laid on the table.

Mr. HOUSTON. I move to reconsider the vote by which the resolution was laid upon the table; and to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

WILLIAM DARBY.

Mr. DUNBAR, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Claims:

"A bill for the relief of William Darby."

NAVIGATION OF THE RED RIVER.

Mr. JONES, of Louisiana, offered the following resolution; which was read and adopted:

Resolved, That the Secretary of War furnish this House, as soon as practicable, with a statement of the expenses incurred by the United States, in consequence of the impediments to the navigation of the Red river.

OBSTRUCTIONS TO TRADE AND TRAVEL.

Mr. CAMPBELL. I offer the following resolution, and call for the previous question on its adoption:

Resolved, That the President be respectfully requested to inform the House what information, if any, has been received in the Post Office Department in relation to obstructions to the transportation of the mails of the United States on the route between Buffalo, New York, and Cleveland, Ohio, through the town of Erie, in the State of Pennsylvania; and what measures have been taken, if any, by the Executive, to secure the uninterrupted transportation of the mails upon said route.

The SPEAKER. The resolution must lie over, unless it be the unanimous consent of the House to pass it.

Several MEMBERS objected.

Mr. CAMPBELL. I ask the gentleman who makes the objection to rise in his place.

Mr. RITCHIE, of Pennsylvania. I object, for one.

HEIRS OF REVOLUTIONARY SOLDIERS.

Mr. CORWIN, in pursuance of previous notice, introduced a joint resolution; which was read a first and second time by its title, as follows:

"A joint resolution explaining the acts of 17th of July, 1838; March 3, 1842, and June 17, 1844."

I hope there will be no objection to the resolution being now put on its passage. It is intended for the benefit of the Department here by which those claims are adjusted. On the 3d day of March, 1851, a resolution was passed by this House to give to the widows and children of deceased revolutionary soldiers the benefits they were entitled to at the time of their death. The construction given by the Department to that joint resolution was, that it applied to the children of the widows who were living at the time of its passage. One or two cases happened in my own district, in which the widows died previous to the 3d of March, 1851. A very considerable amount of money would be due to their children, if the resolution of that date were construed differently from what it is by the Department. The joint resolution I have just introduced amends the joint resolution of March 3, 1851, so as to include within its provisions the children of those widows who died before that time. My resolution only carries out the intentions of the framers of the original resolution.

Mr. JONES, of Tennessee. In my opinion this is a very important movement. It is substantially introducing a new principle into the pension laws. It is, in effect, giving pensions to the children of revolutionary soldiers. The law of which the gentleman wishes to correct the construction, of course could not give the pension to those who were not living at the time of its passage; and if there were any who were living at that time, but died before they made their application, of course what was due them went to their children. But the construction now sought to be given is, that though the widow was dead at the time of the passage of the law, her children shall have its benefits. Nothing was due her, because she was not in existence at the time the law was passed. I think this is a question which requires investigation, and that it ought to go to the Committee on Revolutionary Pensions. I submit that motion.

The question was taken, and the motion was agreed to.

PEACE ARBITRATIONS BETWEEN NATIONS.

Mr. GIDDINGS offered the following resolution:

Resolved, That a select committee be appointed by the Speaker, to which all petitions and memorials on the subject of peace, and the establishment of arbitrations between nations, shall be referred for report thereon.

Mr. JONES, of Tennessee. I propose to debate that resolution.

The resolution went over under the rules.

PATENT OFFICE REPORT IN GERMAN.

Mr. LINDSLEY offered the following resolution:

Resolved, That there be printed in the German language five thousand additional copies of the agricultural part of the Patent Office Report, and also five thousand copies of the Abstract Census Report, for the use of the members of this House.

Several MEMBERS objected to the resolution.

So it lies over under the rules.

ELEANOR WILLIAMS.

Mr. EWING, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Revolutionary Pensions:

"A bill for the relief of Eleanor Williams."

Mr. STANTON, of Kentucky. I ask leave to withdraw from the files of the House the petition and papers of J. C. F. Salomon.

The SPEAKER. For what purpose?

Mr. STANTON. The memorialist himself desires the withdrawal of the papers for his own use.

Mr. LETCHER. I object to it. We have several like cases.

The SPEAKER. Debate is not in order.

Mr. BAYLY, of Virginia. Is the motion made to withdraw for the purpose of reference?

Mr. STANTON. I understand the motion is objected to, and I cannot explain.

Mr. CAMPBELL. You can call for the previous question.

Mr. STANTON. Well, I call for the previous question on the following resolution:

Resolved, That the papers in the case of J. C. F. Salomon be withdrawn from the files of the House.

Mr. DAVIS, of Indiana. I hope the gentleman will withdraw his call for the previous question.

Mr. LETCHER. Can that resolution be debated?

The SPEAKER. No; it cannot be debated until the demand for the previous question is disposed of.

Mr. DAVIS. If the gentleman will withdraw his call for the previous question, I will explain the reason against the withdrawal of these papers. Mr. STANTON withdrew his demand.

Mr. DAVIS. I desire to make a statement in explanation of the reasons why I am opposed to the resolution. These papers were filed before the Committee of the District of Columbia, of which I was a member.

Mr. CLINGMAN. Mr. Speaker, I make the point of order that a resolution, giving rise to debate, goes over.

The SPEAKER. The point of order is well taken, and this resolution goes over, under the rule.

Mr. DAVIS. If the resolution goes over, I have attained my object.

THE BRITISH NORTH AMERICAN FISHERIES.

Mr. PRESTON moved the following resolution:

Resolved, That the President be requested, if in his opinion it be not incompatible with the public interest, to communicate to this House the correspondence and various orders which have been issued during the last year, to officers of the Navy, commanding vessels or squadrons on the Atlantic coast of British North America, for the purpose of protecting the rights of fishing and navigation, secured to citizens of the United States, under the treaties with Great Britain.

The resolution was adopted.

JAMES H. BRADBURY.

On motion by Mr. STANTON, of Kentucky, it was

Ordered, That the petition and papers of James H. Bradbury, praying for a pension, be withdrawn from the files of the House, for the purpose of reference to a committee of the Senate.

DUTY ON RAILROAD IRON.

Mr. CHURCHWELL offered the following resolution:

Resolved, That the Committee on Ways and Means be instructed to report a bill giving a credit of four years to railroad companies to pay the duty on iron imported by them for railroad purposes.

Mr. HAMILTON. I move that the resolution be laid upon the table.

Mr. CLINGMAN. With the view of having

a full House when this question is taken, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly adjourned.

IN SENATE.

WEDNESDAY, January 4, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Hon. STEPHEN R. MALLORY, of Florida, who, since his arrival in this city, has been prevented from taking his seat by indisposition, appeared in his seat this morning.

TERRITORY OF NEBRASKA.

Mr. DOUGLAS. Mr. President, the Committee on Territories, to which was referred the bill to organize the Territory of Nebraska, has given the subject the serious and deliberate consideration which its great importance demands; and I beg leave, on behalf of the committee, to report back the bill to the Senate, with various amendments, accompanied by a special report. I move that the report and bill be printed for the use of the Senate.

The motion was agreed to.

On motion by Mr. DODGE, of Iowa, it was *Ordered*, That five thousand copies of the bill and amendments, with the report accompanying the same, be printed for the use of the Senate.

VERMONT SENATORIAL REPRESENTATION.

The Senate, on the motion of Mr. SEWARD, proceeded to consider the following resolution, submitted by him yesterday:

"Whereas, the Hon. SAMUEL S. PHELPS was appointed by his Excellency the Governor of Vermont, in the recess of the Legislature of that State, to fill the vacancy in the Senate of the United States, which happened by the death of the Hon. William Upham, a Senator whose term of six years would have continued till the 4th of March, 1855; and whereas, it is understood that since that temporary appointment was made, the Legislature of Vermont has been convened at their annual session, and has adjourned without filling such vacancy: Therefore,

Resolved, That the Committee on the Judiciary inquire whether the Hon. SAMUEL S. PHELPS is entitled to retain his seat in the Senate of the United States."

Mr. FOOT. It is due to my colleague that I should briefly make an explanation to the Senate. We all doubtless fully appreciate the delicacy and embarrassment of his position. That position is not of his seeking. Although he may be apprehensive of a seeming appearance of obtrusiveness in retaining his seat here, and claiming the right to retain it, he is but acting in obedience to the dictates of a sense of obligation to the people of that State, who have honored him so long with a seat on this floor, and which, I may be allowed to say, he has filled with distinguished ability. The opinion prevails in that State, and I may say it prevailed in the Legislature, and had more or less influence in the Legislature in controlling its action in reference to the election of a Senator; that in the event of the failure of the Legislature to make an election of Senator, the previous Executive appointment would continue. My colleague could do no otherwise, in justice to the State, than come here and resume the seat to which he was entitled upon the face of his credentials, and present, for the decision of the Senate, the question of his right to retain it, and the right of the State to have him retain it.

The question, Mr. President, is an important one; and, in some of its features, an entirely new one. It is a question of that magnitude and importance which ought never to be disposed of in a running, off-hand discussion in the Senate, without the previous investigation of an appropriate committee. I trust that the resolution offered by the Senator from New York may be adopted. I trust that it will meet with no opposition, but that the question will be referred to the Judiciary Committee. As a case involving complex questions of constitutional law—as a case involving important questions of personal and State rights and privileges, it is eminently entitled to the considerate and patient investigation of your Judiciary Committee; and when their report shall be laid before us, we shall all be better prepared to form a correct conclusion on the questions involved.

I came into the Senate Chamber this morning with the purpose of stating the facts to the Senate upon which the case rests, and of expressing my own views, in brief, upon some of its promi-

ment points, hoping at least to be able to satisfy Senators that the case is not quite so clear of all doubt against the right as to require no reference and no investigation; but having discovered a general inclination to let the case go to the Committee on the Judiciary, I shall refrain from entering on the discussion of the question until the committee shall have made their report.

Mr. BADGER. Mr. President, I concur entirely in the propriety of adopting the resolution by which this question is proposed to be submitted to the examination of the Committee on the Judiciary; and I think that is the general sense of the Senate, in order that the precedents—if there be any, as I understand there are, although I am not myself at all familiar with them—may be collected by that committee, and by their intelligent care and observation brought to the consideration of their force and bearing upon this question now submitted to the Senate. Therefore I shall postpone entirely, as my friend who has just taken his seat has done, going into any discussion upon the subject at the present time. I am not now prepared to deliver any opinion of my own, but in the mean time I would take the liberty of saying, if the honorable Senator from Vermont [Mr. PHELPS] has examined the question as to his right to continue in a seat in this body, and would feel himself prepared to present his views to us, I should be extremely glad, for one member of the Senate, if he would be kind enough to favor us this morning with his general views of the question.

I make this request for two reasons: first, because every member of this body who has served with him, knows his profound acquirements as a lawyer, and the clearness and force of his understanding as a reasoner; and in the second place, because I should like to have my own mind guided, in some measure, into a train for the examination of this question; for I say frankly, though I have not yet particularly examined it, all my previous inclinations of opinion have been strong and clear against the right of the honorable member to continue in his seat. Without, therefore, desiring in any way to introduce a debate upon the subject, I shall be extremely happy, and I think it will be very becoming and appropriate, if the honorable Senator has examined this question, and has matured his views upon it, that he should now give them to us previous to the reference of the question. It will aid us all, and I have no doubt will not be disregarded by my honorable friend at the head of the Judiciary Committee.

Mr. BUTLER. I made but a suggestion yesterday, and I would not have it inferred at all that I had any aversion to the question going to the committee. I thought, however, as it was a question of privilege, that it was rather due to the gentleman himself to have it considered now than to have it postponed. My remarks were made with a view to give all the benefit to the honorable Senator from Vermont [Mr. PHELPS] himself; but, sir, as a motion has been made to refer the question, my respect for that honorable Senator, my respect for the State of Vermont, my respect for the commission, as I understand the gentleman has one, induce me to withdraw any opposition to its going to the committee. That honorable gentleman has served upon the Judiciary Committee, and as far as I can bear testimony, I have scarcely known one upon the committee who could examine a question with more care and attention, and upon whose judgment I would sooner rely than upon his. I therefore desire to be understood, that my remarks yesterday were made out of no opposition to him, and with no disposition at all to compromise his rights. I hope that will be generally understood.

Mr. PHELPS. Mr. President, I did not come prepared this morning to present an argument to the Senate upon this question; nor is it my purpose to do so now. I did desire, however, an opportunity to explain to the Senate the motives which induced me to present myself here, claiming, in behalf of the State which I profess to represent, a right to a seat in this body. The explanation, however, given by my colleague, the honorable Senator from that State, [Mr. FOOT], has satisfied me, and I therefore desire to say no more.

I trust that the Senate will do me the justice to believe that I come here, not with any personal pretensions, but to assert and enforce what I consider the constitutional right of a sovereign State.

Waiving that matter, however, Mr. President, I am perfectly willing to comply with the desire expressed by the Senator from North Carolina, [Mr. BADGER], in presenting to the Senate, as I think I can do in a very few words, the grounds upon which my claim to a seat here rests.

I am perfectly aware, Mr. President, that the general impression is such as has been expressed by the Senator from North Carolina; but from a careful examination of the phraseology of the Constitution—from an examination of the precedents, as far as they have gone, indicating the sense of the Senate from time to time, I must say it is my deliberate opinion that the commission under which I took my seat here at the last session has not yet expired.

The expression of the Constitution under which this appointment was made, is in these words, if I recollect them rightly: In case of a vacancy, (such as occurred by the decease of Mr. Upham) the Executive of the State is authorized "to make temporary appointments until the next meeting of the Legislature" of the State, "which shall then fill such vacancy." The impression to which I allude, as expressed by the honorable Senator from North Carolina, is, that the limitation implied in the words "until the next meeting of the Legislature," is a limitation of the office or appointment, which therefore terminates the right of the appointee.

This impression, I apprehend, is altogether erroneous. The limitation, in my judgment, applies to the power of the Executive, and nothing else; and viewing it, in this light, as a limitation upon the power of the Executive, the language of the Constitution, "until the next meeting of the Legislature," is peculiarly appropriate.

If I am right, sir, in this construction of the Constitution, in considering the limitation as applicable, not to the office created by the appointment, but to the power which makes it, it will be seen at once that the prevailing impression upon this subject is altogether erroneous. If, however, the other construction be adopted, the office terminates, unquestionably, at the moment when the Legislature of the State is organized, and in a capacity to act; but this construction has been uniformly repudiated.

I will not go into a minute examination of the precedents; but I may allude to what, so far as I am acquainted with the proceedings of this body, is the first precedent on the subject. It was the case of Mr. Smith, of Maryland, who held his place here under an appointment of the Executive of the State of Maryland. The Legislature of Maryland met whilst this body was in session. The question arose whether the meeting of that Legislature did not terminate the office of Mr. Smith as a member of this body. A resolution was introduced, and carried by a most decided majority, that the member from Maryland was entitled to retain his seat in this body "during (such is the language of the resolution) the session of the Legislature."

Well, sir, this word "during" is susceptible of two interpretations; the one is to the effect that the member was entitled to his seat, although the Legislature of his State was in session; the other is, that he was entitled to his seat until the termination of that session. It must be apparent to all, that the latter interpretation could not, with any propriety be given to the resolution, because the member was liable to be displaced at any moment by the action of the Legislature of Maryland. The import of the resolution therefore was this: that he was entitled to retain his seat, notwithstanding the limitation to which I have alluded in the Constitution—the limitation "until the next meeting of the Legislature."

Now, sir, from this resolution, I infer that my own construction of the Constitution in this particular, is the correct one. I believe that in every instance in which the subject has been before the Senate, this precedent has been adhered to. I am not aware of any case in which a member has been excluded from a seat here in consequence of the meeting of the Legislature of his State.

But, sir, when making this assertion, it is proper that I should remark, that I know of no case in which the question has come before this body under circumstances precisely like the present, because I know of no case where the question has been raised after the adjournment of the Legislature. The precedents, therefore, as far as they

go, tend to sustain my own construction of the Constitution; but the question of the effect of the adjournment of the Legislature is one with respect to which there is, I believe, no precedent either way. I may be permitted to say, however—although I am not disposed now to go into a formal argument on the subject—that there is nothing in the Constitution which tends to terminate the appointment at the adjournment of the Legislature. If the limitation applies at all, it applies to the meeting of it, and must apply to its commencement, its organization, and capacity to act. That it means this, is perfectly apparent from the fact that we all admit that this limitation does apply to the power of the Governor; and, as applicable to that—the appointing power of the Governor—it must mean the commencement, and not the termination of the session.

But, sir, I shall not violate my promise. I am not disposed now to go into any formal argument, by way of illustration or reference to precedents, in regard to the question. My only object is to advise the Senate of the grounds upon which the claim to the seat here stands. And I will merely add, Mr. President, that, according to the view which I have taken of the Constitution, there is no express limitation to the appointment made by the Governor in such a case. I say there is no express limitation in the Constitution at all; and according to the view which I have taken of the matter, there was no necessity for such limitation. The appointment carries with it its own limitation. It is, in the first place, to fill a vacancy. It can endure no longer than that vacancy exists. In the second place, it is a provisional appointment, subject to the action of a superior authority—the Legislative power of the State. It is, therefore, terminable at any moment when that Legislature has the capacity to act, and does, in its discretion, see fit to act.

These, sir, are the grounds upon which the claim of my State to a full representation here rests. It will be seen at once by gentlemen, that if the argument were ever so far extended, it must turn at last upon the simple question as to the import or application of the limitation in the Constitution. If that limitation applies to the office, to the term of service, it unquestionably ends at the same moment that it terminates the power of the Executive to make such appointment. If it does not apply, why then we have no express limitation in the Constitution.

The idea that the adjournment of the Legislature terminates the appointment is nothing more than a sort of corollary, or inference from the idea that an express limitation applies to the appointment. If, then, we are left without any express limitation on the appointment, the consequence is that we are to look, not to the words of the Constitution for its termination, but we are to look to the nature and purpose of the appointment, and we are to have reference to that power which may, in its discretion, terminate it. In other words, it can endure no longer than the vacancy endures, and it terminates when the superior authority, by supplying the place, or, in the words of the Constitution, filling the vacancy, puts an end, in a constitutional manner, to the temporary or provisional appointment.

These are substantially the reasons, and not only substantially, but altogether the whole of the argument on the subject. I do not know that I could illustrate it, or could add to it, if I were to spend an hour or two upon the subject. I believe I have gone far enough to make the basis of the argument understood; and if so, I have effected the only object which I had now in view—to call the attention of the Senate to the real question which is presented.

And I may be permitted to say, that, although the manner in which this question was necessarily presented to the Senate, is one which might affect the sensibility of almost any gentleman, situated as I am, yet I beg the Senate to understand that I would not for a moment claim a seat here upon any other ground than for the purpose of securing to the State of Vermont its constitutional right here. As to the mode in which the question is brought up here, I desire the privilege of setting myself right—if I may use a set phrase—"before the Senate and the country."

I came here and occupied my seat. I did this, Mr. President, with the advice of others; and you, sir, are aware from what sources that advice was

derived. That was the only manner in which the question could be raised here; it was a matter of necessity. I could not petition the Senate for a seat as a member upon this floor. The Senate have no right to give any seat. If I come here, I must do so upon the strength of my credentials—the authority of my State. Those credentials are already on file. They are, on the face of them, in force. There is nothing at this moment on the records of the Senate which would terminate my duties here; there is nothing on record which would authorize the President or the Secretary to erase my name from the roll. So far as the Senate are officially advised, there is and can be no question upon the subject. But facts are understood to have transpired, of which the Senate has as yet no official notice, which may affect my right to a seat here.

Under these circumstances, it must be apparent to every one, that the only mode of bringing the question before the Senate, was to appear here as a member of the body, leaving it to my friends, or my enemies, if I have any, [Several SENATORS: Not one.] to raise the question. Under these circumstances, I believe those friends will do me the justice to say that when I came here, I came with the question on my tongue, consulting with members in what manner it would be most appropriate to bring it before the Senate. Sir, I trust I may not be regarded as having presented myself here from mere personal considerations, nor be looked upon in the light of a squatter upon this floor.

Mr. SEWARD. It is proper that I should say, by way of confirmation of the remarks of the honorable Senator, that at the earliest day, and even before his arrival in this city, his friends were advised that they were desired to consider as to the proper manner in which the question should be brought up here; and what has been done has been done in concurrence with the delicate wishes expressed by the honorable gentleman himself.

The resolution was agreed to.

PETITIONS, ETC.

Mr. BRODHEAD presented the petition of Gideon Hotchkiss, praying the extension of a patent for improvements in reacting water-wheels and their appendages; which, with the papers on file relating to the same case, was referred to the Committee on Patents and the Patent Office.

Mr. JOHNSON presented the petition of John Phagan, praying compensation for exploring a country for the Seminole Indians, west of Arkansas, under an order of the Secretary of War; which was referred to the Committee on Indian Affairs.

Mr. DODGE, of Wisconsin, presented the memorial of the Rock River Valley Union Railroad Company, of Wisconsin, praying a grant of land to aid in the construction of their railroad; which was referred to the Committee on Public Lands.

Mr. FISH presented the memorial of the heirs of Andrew Buchanan, praying indemnity for French spoils prior to 1801; which was referred to the Select Committee appointed on that subject.

Also, the petition of William W. Woodworth, administrator of William Woodworth, deceased, praying the extension of a patent for a planing and grooving machine; which was referred to the Committee on Patents and the Patent Office.

Mr. SEWARD presented the petition of Joseph McCracken, praying bounty land for the services of his father during the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. EVERETT. I have been requested to present the petition of Peter Amey, who was on board the United States frigate Essex, in the year 1814, at the time of the memorable action in which that vessel was engaged. On that occasion he received a severe wound. He now asks for a pension. I move that the petition and accompanying papers be referred to the Committee on Pensions.

Mr. CASS presented the petition of Laurence Taliaferro, praying a pension on account of disease contracted in the military service of the United States during the last war with Great Britain.

Mr. MALLORY presented two petitions of officers of the Army, praying an increase of compensation; which were referred to the Committee on Military Affairs.

Mr. BRIGHT presented the petition of Major James P. Heath, praying compensation as an aid-

de-camp to Governor Winder, commander-in-chief of the Maryland Militia in the war of 1812; which was referred to the Committee on Military Affairs.

Mr. MALLORY presented the memorial of William Ballard, praying that certain improvements made by him in the construction of vessels designed for the Navy may be tried in the construction of one of the vessels about to be built; which was referred to the Committee on Naval Affairs.

CHEAP OCEAN POSTAGE.

Mr. SUMNER. Mr. President, I hold in my hand a memorial from citizens of Boston, assembled in Faneuil Hall, in which they pray that the rate of ocean postage may be reduced to the uniform charge of two cents, or one English penny, for single transit service for letters under half an ounce in weight. The meeting at which the memorial was adopted was presided over by the Mayor of the city, assisted by vice presidents, men the most eminent in literature and business in that community. It was addressed also by eminent gentlemen of different parties. The memorial is brief, and singularly well drawn. I would, therefore, while moving its reference to the Committee on the Post Office and Post Roads, ask the unanimous consent of the Senate that it be printed. I believe the chairman of the Committee on Printing agrees with me that it is expedient that it should be printed.

The memorial was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

NOTICES OF BILLS.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill granting to the State of Florida alternate sections of the public lands, for the construction of railroads in that State.

Also, a bill to provide for the building of a marine hospital at Appalachicola, Florida.

Also, a bill to provide for the building of a marine hospital at St. Marks, Florida.

Also, a bill to create a new land district in Florida.

BILLS INTRODUCED.

Mr. BRODHEAD, in pursuance of previous notice, asked and obtained leave to introduce a bill extending the provisions of the several laws granting bounty lands to the officers and soldiers who have been engaged in the military service of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

The honorable Senator asked for the bill an early and favorable consideration by the committee.

Mr. STUART, in pursuance of previous notice, asked and obtained leave to introduce a bill granting the right of way, and making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa Railroad, from Pontiac to Lake Michigan, and branches from Corunna and Grand Rapids to the straits of Mackinaw, and a continuous branch from thence to the Montreal river, in said State; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BRIGHT, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide a site, and for the construction of a suitable building, for the accommodation of the district and circuit courts, and a post office of the United States, at Indianapolis, in the State of Indiana; which was read, and ordered to a second reading.

The PRESIDENT. The bill will now have its second reading, with a view to reference, if there be no objection.

Mr. BRIGHT. I do not wish to have the bill referred. Let it take its place upon the Calendar.

The PRESIDENT. That course will be pursued.

Mr. JAMES, according to previous notice, asked and obtained leave to introduce a bill for the relief of the officers and soldiers who served in the Rhode Island brigade in the revolutionary army, their heirs and assigns; which was read twice, referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. DODGE, of Iowa, in pursuance of previous notice, asked and obtained leave to introduce a bill to lay off the town of Council Bluffs, in Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SUMNER, it was

Ordered, That the memorial of James H. Bradford, praying for arrears of pension, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. MALLORY, it was

Ordered, That the petition of Gad Humphreys be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. MALLORY, it was

Ordered, That the petition of Allen G. Johnson be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. GWIN, it was

Ordered, That the documents relating to the claim of B. Juan Domercq, a Spanish subject, be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. GWIN, it was

Ordered, That the petition of M. Jean Deplaigne, a French subject, be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. FISH, it was

Ordered, That the memorial of Harman Blennerhassett and Joseph Lewis Blennerhassett be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. MALLORY, it was

Ordered, That the memorial of John M. McIntosh be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. MALLORY, it was

Ordered, That the memorial and papers in the case of Isaac Varnes be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. MALLORY, it was

Ordered, That the memorial of A. H. Cole be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. MALLORY, it was

Ordered, That the petition of Dempsey Pitman be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. MALLORY, it was

Ordered, That the petition of Joseph T. Walker in behalf of Eli. Harrelson, Samuel H. Stevenson, Ezekiel Parrish, and Albert D. Rogero, be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. JONES, of Iowa, it was

Ordered, That Emilie Hooe have leave to withdraw the documents on the files of the Senate relating to her claim.

RESOLUTIONS AGREED TO.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the subject-matter of relief to the innocent purchasers and settlers on the Maison Rouge and the De Bastrop grants, which lie in the States of Louisiana and Arkansas, be, and the same is hereby, referred to the Committee on Private Land Claims.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting to Major Jonathan Kearsley, an invalid officer of the war of 1812, the pension originally allowed him, but subsequently reduced under an opinion of the Attorney General.

REPORTS FROM STANDING COMMITTEES.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the petition of Charles Cooper & Co., praying for interest for delay in the payment of an amount due them under a contract with the Quartermaster's Department, submitted a report, accompanied by a bill for their relief; which was read a first time, and ordered to a second reading, and the report was ordered to be printed.

He also, from the same committee, to which was referred the petition of J. Boyd, of Louisiana, praying compensation for extra expenses incurred in taking the census in the parish of Iberville, in that State, submitted a report, accompanied by a bill for his relief; which was read a first time, and ordered to a second reading, and the report was ordered to be printed.

He also, from the same committee, to which was referred the petition of Jacob Gideon, praying damages for the violation of a contract made by him for binding for the Navy Department, submitted a report, accompanied by a bill for his relief; which was read, and ordered to a second reading, and the report was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the petition of B. E. Abbott, praying to be remunerated for expenses incurred by his father, George Frederick Abbott,

while vice consul of the United States at Salonica, submitted an adverse report; which was ordered to be printed.

Mr. WILLIAMS, from the Committee on Claims, to which was referred the petition of James Dunning, praying that he may be allowed interest on account of delay in paying him an amount due under a charter-party, contract with the Quartermaster's Department, reported a bill for his relief; which was read a first time, and ordered to a second reading, and the report was ordered to be printed.

Mr. PRATT, from the Committee on Claims, to which was referred the petition of the heirs of the late Captain William G. Williams, of the Corps of Topographical Engineers, praying for a settlement of his accounts at the Treasury, upon equitable and just principles, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, reported a bill for the relief of William G. Ridgely; which was read a first time, and passed to a second reading, and the report was ordered to be printed.

CHANGE OF NAME OF VESSELS.

Mr. HAMLIN. Mr. President, the Committee on Commerce, to which was referred the petition of Mordecai & Co., of Charleston, South Carolina, asking leave to change the name of the brig John Dutton, has had the same under consideration; and has directed me to ask that the committee be discharged from its further consideration, inasmuch as there is a bill from the House of Representatives for the same object.

The motion to discharge the committee was agreed to.

Mr. HAMLIN. I am directed by the same committee to report back the bill from the House of Representatives, entitled "An act to change the name of the American-built brig John Dutton, and granting a register in her name," without amendment; and recommend its passage at this time.

The Senate proceeded to consider the bill as in Committee of the Whole; and no amendment being proposed, it was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

Mr. HAMLIN. I am directed by the same committee, to which was referred the memorial of J. S. Neal, master and owner of the steamer Falcon, plying between Cincinnati and Louisville, praying that the name of that steamer may be changed to that of Queen City, to report a bill "changing the name of the American-built steamer Falcon to that of Queen City," in accordance with the wish of the memorialist. I ask the unanimous consent of the Senate to have the bill considered at this time.

There being no objection, the bill was read a first and second time, and considered as in Committee of the Whole. No amendment being proposed, it was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by Mr. J. W. FORNEY, its Clerk, announcing that it had passed a joint resolution instructing the Joint Committee on the Congressional Library to inquire into the propriety of providing for the distribution of certain public documents now in the State Department.

The joint resolution was read twice, and referred to the Committee on the Library.

THANKS TO GENERAL WOOL.

Mr. SHIELDS. Mr. President, the Committee on Military Affairs, to which was referred the joint resolution of thanks to General John E. Wool, received yesterday from the House of Representatives, has instructed me to report it back without amendment, and ask its immediate consideration and passage.

There being no objection, the Senate proceeded to consider the joint resolution, as in Committee of the Whole. It proposes to resolve that the thanks of Congress are due, and are tendered, to Brevet Major General John E. Wool, for his distinguished services in the late war with Mexico, and especially for the skill, enterprise, and courage which distinguished his conduct at the

battle of Buena Vista, and requests the President to cause a sword with suitable devices to be presented to General Wool, as a testimony of the high sense entertained by Congress of his gallant and judicious conduct on that memorable occasion.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

WAREHOUSING SYSTEM.

On motion by Mr. HUNTER, the Senate proceeded, as in Committee of the Whole, to consider the bill to extend the warehousing system, by establishing private bonded warehouses, and for other purposes.

Mr. HUNTER. Mr. President, I stated that I would call the bill up for the purpose of asking the Senate to make it a special order; but it has been suggested to me that that is hardly necessary. This bill, or one providing for the same object, was considered and passed by the Senate last session, but was lost in the House for want of time. I will state that the only material difference between this bill and the one of last session is, that this allows three years instead of one year for withdrawing goods for consumption out of the warehouses. That is the only material change made in the bill of last year. As it has been suggested that it had better be put on its passage now, I hope there will be no objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

MILITARY ASYLUM.

Mr. JONES, of Tennessee, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to furnish the Senate with the report of the board of commissioners appointed to locate military asylums, if one has been made.

RAILROAD TO THE PACIFIC.

On motion by Mr. CHASE, the Senate resumed the consideration of the following resolution, submitted by him on the 14th ultimo:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing for the construction of a railroad from some point on the western line of one of the existing States to some point on the eastern line of California.

Mr. GWIN. I move to strike out the whole of the resolution from the word "Resolved," and insert the following:

That so much of the President's message and accompanying documents as refers to the subject of a national railroad from the Mississippi valley to the Pacific ocean, together with all the bills pertaining to the same that have been or may be presented to the Senate, be referred to a select committee of — members.

The propriety of this reference must be apparent to every member of the Senate. The subject embraces so many important objects of a national character, that it cannot be embraced legitimately within the sphere of duty of any one of our standing committees.

The bill offered by the Senator from New York, [Mr. SEWARD,] a few days ago, and referred to the Committee on the Post Office and Post Roads, proposes to build a road through the territories of the United States, from the western border of some State west of the Mississippi river to the eastern boundary of the State of California, for military and postal purposes. Why was it referred to the Committee on Post Offices and Post Roads in preference to the Committee on Military Affairs—both committees having an equal right to claim the jurisdiction of the bill?

The bill further proposes to contribute from the National Treasury a portion of the means required to build the road—a subject which properly belongs to the Committee on Finance; to raise the price of public lands within a specified distance of the road—a subject requiring the action of the Committee on Public Lands; it proposes to build a road—and, therefore, should go to the Committee on Roads and Canals.

This road is to be within the territories of the United States, outside the limits of any State—a subject to be considered by the Committee on Territories. It gives Congress the power to regulate the tolls on merchandise—a subject under the jurisdiction of the Committee on Commerce; and, finally, it provides for the transportation of officers of the Navy, seamen, and marines, naval

stores, and armaments—a subject which belongs to the Committee on Naval Affairs.

I need say nothing further in favor of the motion I have made—its propriety must be apparent to every one. I have not stated in the resolution how the committee shall be appointed, whether by the Chair or by ballot, or of what number of Senators it shall be composed, leaving both to the decision of the Senate. My preference is for a large committee of not less than nine members, so that the deliberations of so large a number of the members of this body, when matured, may receive a favorable consideration from the Senate.

The subject of a national railroad, connecting the Pacific and Atlantic coasts of the United States, is one that must command the deliberate consideration of the Senate—the public sentiment of our constituents requires it. No question of the present day approaches it in importance, or is more the subject of discussion throughout the country. It is surrounded by many difficulties, and requires the utmost precaution in preparing its details. I have an abiding faith in the perpetuity of the union of these States, which can only be preserved by connecting our Atlantic and Pacific possessions by means of a railroad.

The difficulties in accomplishing this important result are great, but not insurmountable. That Providence which guided our forefathers to Plymouth rock, and their descendants across this continent to the Pacific ocean, building up one of the greatest empires in the world, will still guide us in making that empire imperishable by the accomplishment of this work. Its fate depends upon the action of this Congress. The subject cannot be postponed without outraging the public sentiment of the country; and the sooner it is prepared for legislative action the better; and whatever direction it is determined to give it, whether by reference to a select committee, or one of our standing committees, I hope the Senate will act at once.

Mr. BADGER. If the Senator from California will allow me, I will suggest that a difficulty presents itself in regard to his amendment. That part of it which refers to the reference of the portion of the President's message relating to the subject of the Pacific railroad is very proper; but I suggest to the Senator, that if it is desired to refer bills on the same subject, which have been introduced and referred to standing committees, it will be necessary to discharge those committees from their consideration before they can be referred to the select committee. In regard to bills that may be introduced hereafter, they cannot be referred until they are presented. I suggest, therefore, to the Senator, that the latter portion of his amendment, in regard to bills which have been or may be presented to the Senate, be struck out.

Mr. GWIN. I will agree to the suggestion, and strike out all except that which relates to the President's message.

Mr. CHASE. I have no special concern in regard to the disposition of this subject, nor do I desire now to enter at length into the debate on the resolution. I introduced the resolution, thinking that the inquiry which it proposes properly addresses itself to the standing Committee on Roads and Canals, constituted for the purpose of taking in charge subjects of this nature. I still think that that is the proper reference. The Senator from California was kind enough to advise me of the amendment which he has now proposed; but being of the opinion that the direction originally contemplated by me is the proper one, I prefer to take the sense of the Senate. I shall cheerfully acquiesce in its decision, whatever it may be.

The Committee on Roads and Canals is constituted for the especial purpose of taking subjects of this character into consideration. If this is not a matter proper to be referred to it, I know of none which is. The resolution proposes an inquiry into the expediency of a road. That is its primary subject. Whatever else is connected with it is incidental. It is very true that the construction of the road will involve an expenditure of money; it is very true that the road, when once constructed, will be used for the transportation of the mails. In its first aspect it might be a proper subject of reference to the Committee on Finance; in its second aspect it might be a proper subject of reference to the Committee on the Post Office and Post Roads; but the primary element is the road;

and the Committee on Roads and Canals is organized for the express purpose of taking charge of this class of subjects.

I have not inquired into the composition of that committee, nor into the probable composition of the select committee proposed to be raised. It is enough for me to know that a standing committee of the Senate is charged with the general duty of considering propositions of this nature. There ought to be some special reason for withdrawing this particular proposition from it, if it is to be withdrawn. I see no reason at present for such a course.

Already, through the State of Missouri, a road, which may become a portion of the great railroad to the Pacific, is in process of construction; another road is contemplated, if not already commenced, through the State of Arkansas; another, still, through the State of Iowa. Bills granting lands in aid of all these roads have been referred to the Committee on Public Lands. Some of these bills have become laws. It was not thought necessary to raise a select committee to take into consideration any one of them. The Senator from California himself has, at this session, proposed a grant of public lands in aid of a railroad and branches from the State of California, designed to connect with the great railroad, and that, too, was referred to the standing Committee on Public Lands. Why, then, should not this inquiry, which contemplates nothing more nor less than a territorial road, be referred to a standing committee? I can see no reason for a departure from the ordinary practice.

It will be remembered by Senators that, at the last session, a select committee was raised for the purpose of taking into consideration the Pacific railroad bill. That committee sat, considered, and reported a bill. The bill which was reported failed. The initiatory measures under which the explorations and surveys, preparatory to the action of Congress upon the subject of that road are now going on, originated with the Committee on Roads and Canals. The only measure which has thus far passed this body, and received the favorable consideration of Congress, originated there. I reported it myself. That committee, therefore, has had the subject under its charge, and I see no reason now for withdrawing it from their jurisdiction.

Mr. BRIGHT. It is proper, Mr. President, I think, that I, as chairman of the Committee on Roads and Canals, should claim for that committee what really belongs to it. As my friend from Ohio has properly said, the object for which that committee was raised, is to decide questions in reference to such objects as the one now before us; and if there is any proposition which could legitimately be referred to it, I think it is just such a one as is now before the Senate. I have not heretofore claimed for that committee that which I felt belonged to it, for the reason, that on several occasions the Committee on Public Lands was anxious to take charge of the subjects. At the last session, the Committee on the Post Office and Post Roads seemed anxious to consider what I thought properly belonged to that committee. In addition to this, I have had a great deal of other business to attend to in connection with my duties here, and I felt rather disposed to avoid the labor which would result from taking charge of such subjects, if others could do it better.

If it is the pleasure of the Senate to refer this proposition to a select committee, I do not object; but, if it is to be referred to one of the standing committees of the body, then I claim it for the Committee on Roads and Canals. It does not belong either to the Committee on Public Lands or the Committee on the Post Office and Post Roads. Every proposition, having for its object the appropriation either of money or of land to make a railroad or a canal, belongs to the Committee on Roads and Canals. I have not insisted upon the reference of this subject to that committee, for the reason that I am perhaps a little more stringent in my views, a little more conservative, than the majority of the members of this body. I know that the honorable Senator from California takes a deep interest in this matter. I have talked with him and compared notes with him, and I doubt whether I can go for his proposition in the shape in which he desires it to pass. It is a question which involves the expenditures of money and land—if it is the pleasure of Congress to appropriate money

for such objects—to a great extent. Every section of the Union may, with propriety, claim an interest in it, and it is only by enlarging the committee as the Senator proposes, to nine members, that every section of the Union could have a voice in framing the measure.

As I have said before, if it be the pleasure of the Senate to organize a select committee of nine—that is the number, I believe, which the Senator from California suggests—for the purpose of representing every interest, and harmonizing conflicting opinions, upon the subject—if that can be done more effectually in that manner, than by referring the subject to the Committee on Roads and Canals, I shall not object; but I repeat, if it is to go to a standing committee, I hope the Senate will refer it where it properly belongs—to the Committee on Roads and Canals.

Mr. SEWARD. I submitted the bill the other day to which the honorable Senator from California refers, for the construction of a railroad from the western border of the Atlantic States through the Territories of the United States. I was embarrassed at the time by the question as to which committee it should be referred to. I remembered that at the last session of Congress there was a similar bill referred to a select committee, and I remembered, with pride and satisfaction, the ability with which that committee discharged its duties. I should have been glad to have had the bill which I introduced referred to such a committee, if it had existed. As there was none, I knew none more appropriate to which to send the bill than the Committee on the Post Office and Post Roads. I am aware that there will be many different plans presented; I trust we shall have a great many, and that out of all of them, by a comparison, we shall be able to obtain one that will receive the favor of this body, and the favor of Congress.

I would only add, that it seems to me that the precedent set at the last session is one which is worthy to be followed during the present session; and it is my desire that the bill which I have had the honor to submit shall be taken from the committee to which it was referred, and referred to one which shall have charge of all the plans that may be presented, and that we may have a report which will represent all the different interests of different sections of the Union. I quite concur, therefore, in the proposition of the Senator from California.

Mr. WELLER. I think the course that the debate has taken demonstrates the necessity of the organization of a select committee. My friend from Indiana claims that this subject properly belongs to the Committee on Roads and Canals. There is a great difference of opinion as to what committee the subject should be referred. It is because of that difference of opinion that it seems to me to be absolutely indispensable that a select committee be appointed, to which all the plans which may be submitted to the Senate could be properly referred. I am in favor, therefore, of amending the proposition submitted by the honorable Senator from Ohio, and of changing the proposition of my colleague as it now stands before the Senate, so as not only to refer the President's message, but all bills and all memorials upon the subject, and everything connected therewith, to the same committee.

Mr. President, this is a subject upon which a deep interest is felt, not only here, but throughout the country. Each one may be wedded to some particular scheme; but in order to get any one bill in a substantial form before the Senate, proposing a practicable plan for the construction of a railroad, the organization of a select committee, is, as I have already said, indispensable. At the last session of Congress you raised a select committee, that committee labored assiduously in the discharge of the duty imposed upon them. They presented a plan for the construction of the Pacific Railroad, to which I could not give my support. Notwithstanding my exceeding anxiety for the construction of that road, and notwithstanding I regard it as essential to the perpetuity of the Union, and to the prosperity and happiness of that section of the country from whence I come, that bill, which was the result of the labor of that committee, presented such features as could not receive the sanction of my vote. But I have no doubt that a committee can be organized at this session, with all the light and experience that they are now enabled to command, which can present such a

scheme as will secure, not only the votes of a majority of this body, but a majority of the other branch of Congress.

The proposition before us, as it now stands, simply proposes to refer so much of the President's message as alludes to this subject to a select committee. That is a proper subject, I believe, for a select committee to investigate, because there is a difference of opinion here, as well as in the country, as to the proper construction to be given to that portion of the President's message. Whether he is in favor of such a plan as would meet the approval of my judgment I know not. At all events, let us send this subject to a select committee, and after they have presented a scheme we shall be enabled to perfect it in such a way as to command the votes of every friend of the measure. I have no plan of my own. I have no favorite route; I care not at what point you begin. If you will only give me a plan within the limits of the Federal Constitution, that plan shall receive my support. I do not now desire to enter into the discussion of this important question; the time for that discussion has not yet arrived; but when it is presented I will undertake to demonstrate that not only the commercial and the political prosperity of this country, but the absolute perpetuity of the Union, demand the construction of the road. Sir, I am not an alarmist. I do not belong to that class of men who see danger afar off; but I know that unless there be a more intimate communion between the far West and the East, and unless you bind our interests more closely together—unless you make us, who stand upon the Pacific ocean, feel that we are a part and parcel of the American family—it will be utterly impossible to preserve this Union.

Now, sir, in regard to a question of this magnitude, which affects interests that lie at the very foundation of your Government, is it not a proper subject to refer to a select committee, a committee selected, if you choose, by this body, who shall examine all the plans submitted, and be enabled to present such a scheme as will command a successful vote in this and the other branch of Congress?

Mr. GWIN. In accordance with the suggestion of my colleague in regard to referring all bills upon the subject to the select committee, I will modify my amendment so that it shall read as follows:

Resolved, That so much of the President's message and accompanying documents as refer to the subject of a national railroad from the Mississippi valley to the Pacific ocean, be referred to a select committee of — members.

Resolved, further, That the committees to whom the several bills and papers relating to the subject have been referred, be discharged from the further consideration of the same, and that they be also referred to said select committee.

Mr. PRATT. The subject of this resolution is one of immense importance and general interest. I believe that a large majority of the people of the United States are in favor of the construction of a road, but the great difficulty has been, and will be, to ascertain how that road is to be constructed. In bringing my own mind to a correct conclusion as to whether the subject should be referred to a standing committee, or a select committee, I am embarrassed by this consideration. It is proposed to refer that part of the President's message which relates to the subject. I confess I have read with that desire to understand, which every member of the Senate ought to do, the message of the Executive of the country, and I equally confess my utter inability to decide what the opinion of the President of the United States is in reference to the powers of this Government over the subject of the resolution. My honorable friend from Ohio, [Mr. CHASE,] who has spoken on the subject, is a member of one of the standing committees—that on roads and canals. If he can enlighten the Senate, if he can tell us what is the opinion of that standing committee as to the opinions of the President in regard to the powers of this Government over the subject-matter of the resolution, and they are favorable to the construction of the road, I should prefer that the resolution go to that standing committee. If my friend from Michigan, [Mr. CASS,] who may be supposed to be much better acquainted with the opinions of the President, has come to a conclusion as to the powers which he supposes to exist, I should be glad to hear from him.

It must be apparent, that if we cannot get from the standing committee what may be their opinions, the proposition of my friend from California

is the correct one—that we should have as numerous a committee as possible, taken from every section of the country, that, by some possibility, we may arrive at what may be the President's views in regard to the powers of the Government over the subject on which we are asked to legislate. I shall therefore vote with the honorable Senators from California, so that we may have as large a committee as possible, with the view of ascertaining in some way what is the opinion of the chief Executive officer of our Government; who, at last, may control our legislation upon a subject of such momentous consequences that embraced by the resolution.

Mr. BUTLER. I am, and always have been, opposed to all these motions to raise special committees. The regular committees of the Senate are appointed upon the assumption that they are competent to discharge the duties within the sphere of the matters referred to them. It is upon the assumption that they are not committed to this project or that project that they are appointed. They are not appointed in reference to their being in favor of this system of policy or that system of policy. They are appointed as impartial jurors; and I must be permitted to say that a number of gentlemen appointed from this body, I take it, will be quite as competent, as any select committee that could be appointed to consider the matter, unless it is determined to have one known to be in favor of the project.

I know that these special committees are well organized, and always organized with a view to perfect the very measures referred to them. I know it is incidental to the organization of such committees to appoint them with a view to favor and make an argument to the public in favor of the very matters referred to them. A standing committee is not supposed to be so far committed to the subject, and generally would do justice to it. I do not now intend to express myself upon the general topic. It is one of great magnitude. I have heretofore expressed my opinions freely—though perhaps not upon the exact form in which the subject presents itself now—of a reference to a standing or special committee. But this thing of appointing special committees upon all occasions, when questions of great magnitude come up, I know is a dangerous and mischievous invasion upon parliamentary usage.

Mr. BADGER. I have finally come to the conclusion to vote with the Senators from California for a select committee; and as I had intimated to my friends, that I should go for a reference to a standing committee, and as I dislike to appear to have changed my opinion, without giving the reasons for it, I desire to state what has at last disposed me to conclude to go for a select committee. My reason is quite different from that of the Senator from Maryland. It is not with a view to get a large committee selected from different portions of the Union, to endeavor to find some one that will ascertain the views of the President, and endeavor to shape the measure so as to meet his views when a bill shall be passed. My reasons are different. The Senator from California, [Mr. GWIN,] who submits this amendment, has very satisfactorily proved, I think, that this measure does not belong either to the Committee on Roads and Canals, or the Committee on Finance, or any other of the particular committees which it was thought worth while for him to turn his attention to.

My friend from Indiana [Mr. BRIGHT] has put in his claim, if this subject is to go to any standing committee, that it shall go to the Committee on Roads and Canals. Now, the Senator from California has shown that while this matter relates to a road, and therefore, so far, belongs to that committee, it embraces other subjects, which require that it should go to the Committee on Finance, and still others which would require its destination to another standing committee; and he proposes, therefore, in order to do no injustice to any one of these committees, which have rightful claims upon the several parts and proportions of the particular measure, to put them all aside, and get a select committee. Now, sir, if it had been the pleasure of the Senate, instead of selecting with an invidious discrimination two or three committees, and inquiring into the propriety of referring this measure to them, to have taken an impartial survey of all the standing committees of the body, they might without difficulty have found one to

which, considering the vast magnitude and importance of the measure, and the probability that its adoption will entail a large expenditure upon the country, upon all considerations of propriety, this subject ought to be referred, and that is the committee of which I have the honor to be an humble member, and of which the honorable Senator from Mississippi [Mr. ADAMS] is chairman—the Committee on Retrenchment. [Laughter.]

But our claims have been overlooked; they have been considered, on this occasion, as unworthy of consideration by anybody; and, therefore, I tell the honorable Senator from Indiana, that, as he has overlooked my committee, I will go against his. Justice and a fair distribution of the business of the Senate, and particularly the desire that gentlemen should have an opportunity to distinguish themselves upon the working committees—and such is the committee to which I have the honor to belong—which, I think, should always characterize the decisions of the Senate, require that the peculiar fitness of the committee to which I have referred should be regarded in the consideration of this question. If the Committee on Roads and Canals is so selfishly engrossed with claiming its own as to overlook what properly belongs to the honorable Senator from Mississippi and myself, I have no alternative—reluctant as I may be to do it—but to disregard the claims of the Committee on Roads and Canals, and go for the organization of a select committee. [Laughter.]

Mr. CHASE. In respect to the suggestion of my honorable friend from North Carolina of the propriety of referring this subject to the committee of which he is so excellent a member, I will only observe, that the best foundation for it seems to be the fact that that committee has nothing to do.

Mr. BADGER. I beg the honorable Senator's pardon for interrupting him, but he is entirely mistaken. He will learn in a few days from the Senator who is at the head of that committee that we have been promptly engaged in the investigation of the subjects which have been referred to us, and that we shall present the first fruits of the labors of the Committee on Retrenchment by a bill to increase the salaries of the Executive officers. [Laughter.]

Mr. CHASE. The "first fruits" to which the honorable Senator refers, of the labors of that committee, are precisely such as might be expected of a committee so admirably constituted as that is for the purpose for which it is raised. I was, however, about to suggest, that a claim in favor of that committee, upon the ground that it has nothing to do—and certainly it might better do nothing than report a bill for the increase of the expenditures, when the very end of its organization is retrenchment—

Mr. BADGER. And reform.

Mr. CHASE. This claim on the score of lack of employment is quite as valid in favor of the committee of which my friend from Indiana [Mr. BRIGHT] is chairman. The Committee on Roads and Canals has, literally, nothing to do.

It was expected, I suppose, to do something; but I believe no reference, or not more than one, has been made to it during this session. During the last session, if I recollect right, nothing was referred to it, besides propositions connected with this road, except one or two unimportant matters. A few days ago, however, in anticipation, I must presume, of the extraordinary labors which it was supposed were about to be devolved upon the committee, the number of its members was increased from five to six, and the Senate assigned it a clerk. Now, however, it seems that the Senate designs to relieve the committee from its chief duties by constituting a select committee, to take charge of almost the only subject of importance which will come within its jurisdiction at this session. The committee and its clerk are to be left without labors. Would it not be well to go a step further, and abolish the committee altogether? That done, the committee and clerk would gracefully disappear.

Seriously, however, Mr. President, there has been no argument yet urged, so far as I have heard, in favor of a reference of this subject to a select committee, which would not apply as well to every road for which an appropriation of the public lands has been asked; and, in fact, to every subject of any importance which ever comes under the consideration of this body. We have, it is true,

many local questions; but it is also true that most of the questions submitted to the consideration of this body are not local. They extend to the whole Union, and influence the destinies of the whole country. If the important character of this measure requires that a select committee should be charged with its consideration, then, upon this single reason, we ought to consign every important subject submitted to this body to the charge of such a committee. It is said, to be sure, that there are peculiar reasons for this reference. But I see none. It is urged that there are various committees to which it might as well be referred as to that on roads and canals.

For instance, it is said that the construction of this road will involve an appropriation of the public lands, and the bill should therefore go to the Committee on Public Lands; it may involve the expenditure of money, and therefore it should go to the Committee on Finance; it may involve, and will necessarily involve, the transmission of the mail, and therefore it should go to the Committee on the Post Office and Post Roads. To all that my reply has been already urged, that the committee to which I propose to refer this subject, to a committee constituted to take charge of roads and canals; and this is a road, and all the uses to which the road may be put, and the means by which it may be constructed, are incidental, and not primary. The primary character of the measure ought to determine its reference. Every claim submitted to this body involves the expenditure of money. Do we refer them all to the Committee on Finance? Not at all. Some of them arise from claims for military service, some from claims for civil service, and some are of a mixed character. We refer each claim to the committee which the general character of the claim indicates as being the appropriate one.

All I claim for this subject is, that it be referred to the committee which has the charge of measures of this general character. I have not inquired into the constitution of the committee. I have the honor to be a member of it myself. I am favorable to the construction of a road, such as is proposed, through the Territories. During the last session of the Senate, I gave my humble support to every proposition, having in view the construction of this road, which seemed to me constitutional and judicious. I had the honor, as a member of that committee, to report the only measure connected with this subject, which received the sanction of both Houses at the last session. I refer to those provisions under which the explorations and surveys are now going on. I have not inquired into the opinions of the gentlemen associated with me upon that committee. I know they are selected from different parts of the country, and with a view, as I must suppose, to the character of the questions they were to act upon. I have no doubt they will give this measure a fair consideration, and will make a fair report; and the measure which they report will be as likely to receive the sanction of the body, I trust, as any reported from a select committee.

I have thus thought it due to myself to state the reasons which govern me in the course which I have thought proper to take; but I repeat, if it is the wish of a majority of the Senate to refer the matter to a select committee, I shall interpose no further objection.

The amendment was agreed to by a vote, on a division of—ayes 24, noes 9.

The resolution, as amended, was adopted.

On motion by Mr. GWIN, it was

Ordered, That the blank in the resolution be filled with nine, so that the committee shall consist of nine members.

On motion by Mr. GWIN, it was

Ordered, That the committee be appointed by the President *pro tempore*.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 4, 1854.

The House met at twelve o'clock, m.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. HUNT. With a view to my character and position in this House, I ask leave of the House to make a personal explanation in regard to a vote which I gave yesterday.

The SPEAKER. If no objection be made, the gentleman will be allowed to proceed. The Chair hears no objection, and the gentleman from Louisiana has the floor.

Mr. HUNT. Mr. Speaker, I feel it due to my character, and to my position in this House, to ask leave to make an explanation of a personal nature in regard to a vote I gave yesterday. Under a mistake as to the proceedings of the House, which I did not hear fully and correctly, and misapprehending the effect of a motion to lay on the table a resolution offered by a member from Louisiana, instructing the Committee on Commerce to report a bill to repeal the duties on railroad iron, I voted in error against that motion. I now desire to correct that error, as far as may be, by declaring that, while I will always be ready to afford reasonable aid to railroad enterprise, and am willing to vote, for instance, under existing circumstances, for the motion of the member from North Carolina, to give a credit of four years to railroad companies to pay duties on iron imported by them for railroad purposes, I never will consent to do away with a just measure of protection of American industry and capital, and to open the door to foreign industry and capital for a monopoly of our home market. Nor will I give my sanction and approval to any ill-judged or insidious attempt to strike at a tariff system, by an attack upon one great interest of the country alone, under an apparent zeal to promote a class of popular internal improvements. I will only further add, Mr. Speaker, that I disapprove, and will oppose, the plan of legislating, too often resorted to in this House, and unfortunately adopted by the mover of the resolution yesterday, of accompanying a proposition with a motion for the gag-law. We are sent here to discuss public questions, and to arrive at just conclusions by an interchange of sentiments and a comparison of views. I thank the House for the opportunity it has afforded me of doing myself justice in the matter to which I have called their attention.

REPORTS FROM COMMITTEES.

The SPEAKER announced that reports from committees were first in order, and commenced the call with the Committee on Ways and Means.

APPROPRIATION FOR FORTIFICATIONS, ETC.

Mr. HOUSTON, from the Committee on Ways and Means, reported a bill making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters for the year ending June 30, 1855; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

CUSTOM-HOUSES AND MARINE HOSPITALS.

Mr. HOUSTON. I have in my hand, and will send to the Clerk, a correspondence which has been had between the Committee on Ways and Means and the Secretary of the Treasury, in relation to custom-houses and marine hospitals; which I am instructed by that committee to ask the House to have printed.

No objection was made, and the correspondence was ordered to be printed.

JOB M. SAYTON AND ANTHONY GALE.

Mr. BOYCE, from the Committee on Claims, made adverse reports upon the claims of Job M. Sayton and Anthony Gale; which were laid on the table, and ordered to be printed.

BOGART AND KNEELAND.

Mr. CHANDLER. I am instructed by the Committee on Foreign Affairs to report back to this House the petition and memorial of Bogart & Kneeland, Benjamin L. Swan, the executor of Thaddeus Stevens and Jacob Idler, and to report that the subject of the papers properly belongs to the Executive Department.

The papers were ordered to be laid on the table and printed.

FRENCH SPOILIATIONS.

Mr. BAYLY, of Virginia, from the Committee on Foreign Affairs, reported the following bill; which was read the first and second time by its title, ordered to be printed, and referred to the Committee of the Whole on the state of the Union: "A bill to provide for the ascertainment and satisfaction of the claims of American citizens for spoiliations committed by the French prior to the 31st of July, 1801."

Mr. VAIL, from the Committee on Invalid Pensions, submitted adverse reports in the following cases: John H. Hicks, Mary Hopperton, widow of Edward Hopperton, James S. Barbour, James Butler, and Beniah Wright; which were laid on the table, and ordered to be printed.

MESSAGE FROM THE SENATE.

[A message was here received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, announcing that that body had passed bills and resolutions of the following titles, and asking the concurrence of the House therein:

A resolution for supplying new members of the Senate and House of Representatives with such books of a public character as have been heretofore supplied;

An act to suppress the circulation of small notes as a currency in the District of Columbia;

An act for the relief of the legal representatives of Dr. William Somerville, deceased;

An act concerning the district courts of the United States in California;

An act authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere;

An act for the relief of the legal representatives of Major Caleb Swan, deceased; and

An act for the relief of Joseph Gonder and John Duff.]

COLLECTOR BRONSON.

Mr. CUTTING. I now call for the order of business, pursuant to the 61st rule of this House.

The SPEAKER. The resolution offered yesterday by the gentleman from New York [Mr. CUTTING] is now regularly in order:

The resolution was read, and is as follows:

Whereas, publications have appeared in the public prints purporting to be copies of a correspondence between the Secretary of the Treasury and Greecie C. Bronson, the late Collector of the Customs for the Port of New York, relating to "the subject of the unfortunate division in the Democratic party in New York," the distribution of offices "among the different sections of the party," and in which, after referring "to that portion of the party to which Mr. Bronson adhered," the Secretary of the Treasury expressed an expectation that the Collector would "recognize the other portion of the party in the only way that would carry conviction with it;" which publications consist of alleged letters from the Secretary of the Treasury to the Collector aforesaid, bearing date respectively the 3d, 4th, and 23d days of October last, and of letters from the latter to the former, bearing date the 17th and 31st days of October last; And whereas, in the newspaper called "The Daily Union," of Wednesday, the 28th December last, it is stated, apparently "by authority," that the removal of Mr. Bronson was the act of the President, who "freely shoulders the entire responsibility," and justifies his act not merely upon the ground of alleged official insubordination, but upon the further distinct ground that the late Collector had "prostituted his office for political ends, and otherwise abused his official trust for party purposes;" therefore,

Resolved, That the Secretary be, and he is hereby, requested to communicate to this House a copy of the correspondence above referred to, (if any such there be,) and of any other letters that may have passed between himself and Greecie C. Bronson, the late collector of the customs for the port of New York, relating to the subject-matter aforesaid.

Mr. CUTTING. I remarked yesterday to the House, when I offered this resolution, that it was not my purpose to enter into any discussion or debate of the topics involved in it, because, until we had authentic information before the House, it would not, in my opinion, answer any good purpose to discuss that which must necessarily, when it comes up, excite our attention. That design remains unchanged.

The time, I trust, will come when we shall have an opportunity to enter fully into the merits of a matter which has occupied the public mind, perhaps more than any other question of that description which has ever occurred—certainly, more than any I have ever known in the course of my experience. My purpose now is, to move the adoption of this resolution; and upon that motion, as the time for debate has not yet arrived, I shall ask the previous question.

Mr. ORR. I desire to ask the gentleman—

The SPEAKER. No debate is in order, unless the demand for the previous question be withdrawn.

Mr. CUTTING. I desire simply to conclude my sentence, for I do not wish to take my seat with it unfinished. I say, I desire, inasmuch as the period for debate has not arrived, to ask simply for the adoption of the resolution, and for that reason I shall call the previous question. At the same time I will remark, that should there be opposition to sustaining the call, I shall ask for the

yeas and nays, in order that we may ascertain whether or no there is any disposition to shrink from this investigation. There has been uttered what I believe to be a calumny against the character of an eminent citizen of my State; and the Representatives of that State, I trust, are here to stand by its sons when they are assailed, no matter from what quarter it may come. I ask for the previous question.

Mr. CLINGMAN. Before the previous question is seconded, I desire to ask the gentleman from New York a single question.

Mr. CUTTING. I will withdraw the call for that purpose.

Mr. CLINGMAN. My object is simply this: I desire to know whether the purpose of the gentleman, in getting this information, is, if the facts should require it, to take any further steps in the matter? I will explain to him the object of my question in a few words. It has always been my practice to vote against mere political resolutions upon this floor. At the same time, if the object of the gentleman is to get at facts, with a view to enable us to legislate, if necessary, or to direct proceedings against any officer which it is competent to us under the Constitution to do, I think he is entitled to the information. While, therefore, I would vote against the adoption of any mere political resolution intended to make political capital, at the same time, if I understand that the object of the gentleman from New York is to obtain information which, in his judgment, may be important either to regulate the legislation of this House, or if he has any further object in view as an American representative, I will, of course, vote for his proposition. I cannot tell what his object is, for the resolution is not very definite in some respects. I desire to vote understandingly upon this question. I do not intend to take any part in a mere political contest. On the contrary, I always vote to lay on the table mere political resolutions, when they are introduced here by any gentleman. I ask the gentleman the question with this view.

Mr. CUTTING. In answer to the question propounded by the gentleman from North Carolina, I beg leave to say that, as this question stood no longer than a week ago, it would not have been necessary, in my judgment, to have troubled this body with the questions involved in that resolution. I would have been content, sir, as the correspondence between the Secretary of the Treasury and the late Collector of New York had been published in almost every print of large or mean circulation in the United States; as it had been extensively read by almost all persons who engage themselves in political matters, or look after the affairs of the Government; as most of the people of this country had made up a deliberate judgment upon the matter of that correspondence—I would have been content, for one, to leave the whole question to the sober thoughts of the people of this country. But since then this question has assumed a new aspect. The removal of Judge Bronson was alleged to have been occasioned by his supposed insubordination to his Chief—the Secretary of the Treasury. The argument upon that subject, however, has been placed before the public, and every man of any intelligence has, before this, made up his mind as to whether or not the accusation on the part of the Secretary of the Treasury was well or ill founded. But in an article of a most inflammatory character, published no later than 28th December last—months after this subject had been promulgated to the American people; months after a deliberate judgment of some kind had been formed—a newspaper, to which is attributed the speaking of the same sentiments as the highest officer of the Government, renews this subject, reopens the question, and charges one of the most eminent citizens of the State of New York with having violated the official trusts that had been delivered to him for execution—charges him, sir, with a base misdemeanor in having prostituted his high office for political purpose. If that accusation be true, we ought to know it; if it be unfounded, I think we ought to interpose a shield between a private citizen and the head of the Government.

One word more, and then I will allow the gentleman from North Carolina to propound any further questions to me. This accusation that is now made seeks to place the removal of Mr. Bronson from office not upon the ground of insubordination merely, but upon the further dis-

tingent ground that he had been guilty of the misdemeanor charged against him in this article; and it obtains the high sanction of purporting to be made as coming from the President of the United States, and as being his justification for this act of removal.

Now, when a charge of this description is made by a mere newspaper, no matter how respectable, I agree that the citizen is not to be put on his trial on that account; but when the charge is backed by the allegation that the President of the United States shoulders the responsibility, and justifies the act because the officer was guilty of these high crimes and misdemeanors—if the fact appear by the papers that I call for, and such other information as I shall demand when those papers come in, that he was removed by the President of the United States, under the conviction and the belief that Mr. Bronson had been guilty of these high offenses—then I shall call upon the House to give the matter to a committee, chosen by itself, so that there shall be no responsibility on the Speaker—where it ought not to be—that we may investigate the fact, whether it be true that Mr. Bronson is the corrupt man that he is now charged with being; or whether or not the President of the United States has been deluded and deceived by persons hanging around him?

Now, I will say, in answer to the gentleman from North Carolina, [Mr. CLINGMAN,] that I propose to take further action if, when I get the papers in answer to my call, further action be necessary. What that action may be of course must depend altogether on the information that the resolution before the House, and another one, may elicit.

Mr. CLINGMAN. I am not sure whether I entirely understand the gentleman from New York. If his object be simply to vindicate the character of a distinguished citizen of his State—as I think that the House of Representatives has more important duties to discharge than that—I should certainly decline to give my support to his motion. I leave individuals to defend themselves as they may find necessary, either in the public prints or otherwise. If that be his only object, I should not vote to entertain his proposition; but if I understand that he has reason to believe that there is an officer of this Government against whom it may be necessary for us to introduce an impeachment, or if he believes that abuses have grown up in the management of the Executive Departments which require legislation—if he has sufficient reason, as a member of this House, on his own responsibility, to make a movement having such objects in view, I will not oppose him; on the contrary, I shall feel bound to give him my support. But I am not willing that the House shall step in to vindicate anybody, and become the mere tryer of attacks on any gentleman. If a charge be made against a member, affecting his official conduct, it might be necessary to institute proceedings. If, however, a mere slander was made in the newspapers against any member, I should not feel disposed to pass a resolution, or to institute proceedings of the character indicated. Nearly all the members who have been a few years here have had charges made against them, from time to time, and charges very injurious to their characters; and yet none of them have felt it proper to institute proceedings to defend themselves. If the gentleman's only object is to defend a distinguished citizen of New York—

Mr. CUTTING. I asked the gentleman to put any further interrogatory to me that might occur to him. I yielded for that purpose, and that alone.

Mr. CLINGMAN. My object was to let the gentleman know the difficulty I encountered in this matter.

Mr. CUTTING. I prefer that the gentleman shall put any interrogatory to me which may have the tendency, in some degree, to remove the difficulties oppressing his mind. While I shall regret the want of his support, I must now call for the previous question.

Mr. OLDS. I move to lay the resolution on the table.

Mr. BISSELL. I wish to ask the gentleman from New York a question; if I understand him aright—

Mr. CUTTING. I would do it with a great deal of pleasure; for nothing can afford me more than to oblige the gentleman from Illinois, provided his inquiry be not an argument. If it should be an argument, I shall object to it for this

reason—as I desire to give a reason for what I do: I have already stated that I did not rise to debate the resolution which I offer—

Mr. BISSELL. I only wish to ask a question. If the House shall see an argument in that it shall not be my fault.

The SPEAKER. The member from Illinois [Mr. BISSELL] desires to ask a question.

Mr. CUTTING. I yield for the purpose of enabling him to propound an interrogatory.

Mr. BISSELL. The gentleman from New York [Mr. CUTTING] informed us, on making the motion, that as things stood with respect to the subject of his resolution a week ago, all was right; the country had pronounced its verdict, with which he seems to have been satisfied. Now the question I wish to propose to him is: Is it possible that the publication of an article in a political journal—the country knowing the value to be attached to a political newspaper—has made it necessary for Congress to take up this subject so well settled before the publication of the newspaper article?

Mr. WARREN. I move that the resolution be laid on the table.

The SPEAKER. The gentleman from New York has the floor.

Mr. CUTTING. In answer to the inquiry put by the gentleman from Illinois, [Mr. BISSELL,] I shall say that, as a general rule,—

Mr. WARREN. I rise to a question of order. The gentleman from New York [Mr. CUTTING] has called for the previous question several times, and I simply want to know how often he can do so.

The SPEAKER. The gentleman from New York withdrew the demand for the previous question.

Mr. CUTTING. With the gentleman from Arkansas, I am most anxious to have the previous question put, and the fact that I have proposed it so often only shows how anxious I am to have it put. I have withdrawn the demand for the previous question simply because members of the House, for whom I entertain a very great respect, have desired to put questions to me; among others the gentleman from Illinois, [Mr. BISSELL.] I will say to that gallant member that, as a general rule, I think that that which appears in newspapers, whether of high or low degree, ought not to be referred to in a parliamentary body like this; but, like all general rules, it seems it has exceptions.

We know, Mr. Speaker, that the proprietor of that paper is the public printer of this House. We know that, so far as it speaks in the name of the President, and for the President, and in the name of the Administration, and for the Administration, that it speaks—not officially, but by authority—the views and sentiments of those high officers. It therefore stands in that ambiguous and equivocal position of not being an official organ, like the French *Moniteur*, nor yet, again, the paper to which we can ascribe any sort of connection with the Government. It is in that middle state of being neither the conceded organ, nor yet one which is repudiated. It, beyond all doubt, purports to speak, and is allowed to speak, under the very eyes of the Administration, that which it declares are the sentiments of the Administration. Now, I submit to this House, and to the gentleman, [Mr. BISSELL,] in all candor—I submit to every man to whom, it seems to me, a ready response must come, if he be a right-minded man, that an accusation of a grave character—of the violation of official trusts—promulgated in that paper as coming from the President, and being the views of the President, is stated as a justification for the removal—I say, I put it to the gentleman candidly to say, whether such a print, standing in that position, has not that degree of sanction imparted to it as to make an accusation against any citizen one that ought to be noticed? It requires to be noticed when the charge is made, as this is made. I have it in my hand, as the accusation of the President himself—the highest of all officers. I therefore answer the gentleman from Illinois, [Mr. BISSELL,] that this, in my humble opinion, for the reasons I have stated, constitutes an exception to that rule which he lays down, and in which, as a general rule, I most cheerfully concur.

I therefore, Mr. Speaker, as there will be quite time enough for all gentlemen to indulge in debate upon this matter, after we get the necessary information—

Mr. JONES, of Tennessee, (interrupting.) I wish to ask the gentleman a single question, before he calls the previous question. It is, whether the letters referred to in his preamble, as having been addressed by the Secretary of the Treasury to the late Collector at New York, and those addressed by that Collector to the Secretary, and called for in his resolution, have not been published throughout this country by all the newspapers, and whether he doubts the authenticity of a single one of those letters?

Mr. CUTTING. I will state to the gentleman from Tennessee, [Mr. JONES,] that the question propounded by the gallant member from Illinois [Mr. BISSELL] answers his question. But when the gentleman from Tennessee asks if you are going to notice newspaper publications, and make them alone the ground of proceedings in this House, and whether I contend that such a course would be parliamentary, I answer, certainly not. Would it be tolerated, that I should bring into this House the subject of a mere publication by a paper known or unknown, not authenticated in any way, without the authority of the communication under consideration, and that I should proceed to base any charge upon it, and attempt to raise a committee in this House upon papers of that description? No, I answer the gentleman from Tennessee, [Mr. JONES,] But where there is a deliberate charge of corruption against Mr. Bronson it ought to be investigated, and in the investigation I want to proceed upon something else than the mere unauthenticated copy of a newspaper publication. I want it presented before this House in official form, so that we may take that as the basis of our action upon the subject.

One word more and I will finish my remarks. I further observe to the gentleman from Tennessee, [Mr. JONES,] that if this newspaper publication of the correspondence be genuine, then the only ground of removal charged there is insubordination to the Secretary of the Treasury.

This charge is, that the President removed him only upon the distinct ground of corruption in office. Now, if that were the distinct ground, it does not appear by this correspondence—I mean the genuine correspondence—and there is a striking contrast between the ground of removal assumed in October last, and the ground upon which the Administration seeks to justify the removal in December last.

I wish to know what makes that striking contrast; because the ground, of course, existed before the removal was made. It was either upon the ground assigned by the Secretary—that is the ground assigned in the correspondence—or else it was upon another ground, which ought to appear in the correspondence, and that I want. I want to get the facts, and before I get the facts, I did not intend to undertake to debate this matter.

I therefore move the previous question.

Mr. ORR. I move to lay the resolution upon the table, and upon that motion I call for the yeas and nays.

Mr. HOUSTON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 104, nays 66; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Barksdale, Barry, Belcher, Benton, Bissell, Bockock, Boyce, Breckinridge, Bridges, Brooks, Caskey, Chastain, Chrisman, Churchwell, Clark, Cobb, Craig, Cumming, John G. Davis, Disney, Dowdell, Drum, Dunbar, Eddy, Elliott, Ellison, English, Faulkner, Fenton, Florence, Fuller, Greenwood, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kidwell, Kurtz, Lamb, Latham, Letcher, Lilly, Lindsey, Maedonald, McDougal, McMullin, McNair, McQueen, Mace, Maxwell, May, Smith Miller, Millson, Morrison, Murray, Nichols, Noble, Olds, Orr, Bishop Perkins, John Perkins, Phelps, Phillips, Pratt, Richardson, Thomas Ritchey, Robbins, Ruffin, Seymour, Shannon, Shaw, Shower, Singleton, Skelton, William R. Smith, George W. Smyth, Snodgrass, Hester L. Stevens, Andrew Stuart, John J. Taylor, Thurston, Vail, Vansant, Warren, Wells, John Wentworth, and Daniel B. Wright—104.

NAYS—Messrs. Abercrombie, Appleton, Thomas H. Bayly, Ball, Benson, Campbell, Carpenter, Cauthers, Chandler, Chase, Clingman, Cook, Corwin, Crocker, Culom, Cutting, Dick, Eastman, Edmonds, Etheridge, Everhart, Ewing, Farley, Giddings, Grey, Aaron Harlan, Haven, Biester, Hill, Hunt, Kerr, Knox, Lindley, McCulloch, Middleswarth, John G. Miller, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peckham, Preston, Parvay, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Sapp, Simmons, Gerrit Smith, Frederick P. Stanton, Richard H.

Stanton, John L. Taylor, Tracy, Upham, Walbridge, Walsh, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—66.

So the resolution was laid upon the table.

Pending the call of the roll, Mr. WENTWORTH, of Illinois, said: I ask the unanimous consent of the House to have another call of the roll, so that those who were not present then may now have the privilege of voting.

Several MEMBERS objected.

Mr. WASHBURN, of Maine. Has the morning hour expired?

The SPEAKER. It has expired.

Mr. WASHBURN. I move, then, that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HARRIS. I rise to what I consider is a privileged question. I move to reconsider the vote just taken, and to lay that motion upon the table.

The question was then taken, and the motion was agreed to.

Mr. HOUSTON. I desire to introduce a resolution terminating debate in Committee of the Whole upon the President's message. I suppose that we shall have general debate upon all the appropriation bills, and I therefore propose a resolution terminating debate upon the President's message at three o'clock this evening. The appropriation bills are ready to be called up immediately. I think it is time that we were voting upon something, and therefore I move such a resolution.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House to introduce a resolution, to which I am sure there will be no objection.

Mr. JONES, of Tennessee. The gentleman cannot make such motion while the resolution offered by the gentleman from Alabama [Mr. Houston] is pending.

Mr. STANTON. I ask that the resolution which I desire to present may be read, and I am sure that there will be no objection to its adoption.

Mr. JONES. I will suggest to the gentleman from Alabama that he so modify his resolution as to close debate in Committee of the Whole upon the President's message next Thursday at three o'clock. That will allow sufficiently short time for debate upon the message.

Mr. HOUSTON. If this was a termination of general debate, I would have no objection to such modification.

Mr. JONES. I move to amend the resolution offered by the gentleman from Alabama, by striking out the words "three o'clock this evening," and inserting "Thursday of next week, at three o'clock;" and upon that motion I call the previous question.

Mr. TAYLOR, of Ohio. Is an amendment to the motion now in order?

The SPEAKER. It would not be in order, the previous question having been demanded.

Mr. TAYLOR. I move to lay the resolution upon the table.

The question was taken, and Mr. TAYLOR's motion was agreed to.

Mr. HOUSTON. I ask for the yeas and nays. The yeas and nays were not ordered.

CALIFORNIA LAND COMMISSION.

Mr. LATHAM. I ask the unanimous consent of the House to take from the Speaker's table a Senate bill providing for extending the act authorizing the creation of a California land commission.

The SPEAKER. It can only be done by unanimous consent.

Mr. DAVIS, of Indiana, (in his seat.) I object.

The SPEAKER. The Chair must request gentlemen, when they make objections, to rise in their places and address the Chair.

Mr. DAVIS, (rising.) Mr. Speaker, I object.

WIDOW OF THE LATE HON. B. CAMPBELL.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House to submit a resolution to which—if the House will hear it read—there will not, I am sure, be a single objection. I offer the following resolution:

Resolved, That the Speaker cause to be paid to the widow of the late Brooks Campbell, of this House, the amount of his mileage and per diem, from the commencement of the session up to the day of his death.

No objection was made, and the resolution was received, considered, and agreed to.

HALF PAY TO WIDOWS.

Mr. READY. I ask leave to introduce a bill to amend the several acts of Congress allowing and continuing to widows of deceased officers and soldiers of the United States half pay in certain cases for a specified time.

Mr. JONES, of Tennessee. I ask the Chair if there is not already a motion before the House?

The SPEAKER. There is a motion pending to lay the resolution of the gentleman from Alabama upon the table.

Mr. READY. Well, sir, I ask unanimous consent to introduce the bill merely for reference.

Mr. WALSH. I object.

Mr. CHURCHWELL. I desire to know what will become of the resolution in regard to duties on railroad iron, which was before the House yesterday when we adjourned?

The SPEAKER. That resolution will be taken up when the States are again called for resolutions, which will be on Monday next.

Mr. CHURCHWELL. Have the thirty days in which the States may, under the rules, be called for resolutions expired?

The SPEAKER. They have expired, and the States will hereafter be called every alternate Monday, commencing with Monday next.

Mr. CLINGMAN. I beg leave to call the attention of the Chair to an expression in the 27th rule of the House, which, as it seems to me, would bring up any resolution in the condition of this one.

The SPEAKER. If it be the unanimous consent of the House to settle the question to which the gentleman refers, at this time, the gentleman may proceed.

Mr. HAMILTON. I object.

Mr. CLINGMAN. I make the point of order that, unless the morning hour has expired, the resolution is now first in order.

The SPEAKER. The morning hour has expired, and the question before the House is the motion to lay upon the table the resolution of the gentleman from Alabama [Mr. Houston] to close debate in Committee of the Whole on the state of the Union.

The question was taken, and the resolution was laid upon the table.

The question then recurred upon the motion to go into the Committee of the Whole on the state of the Union.

WITHDRAWAL OF PAPERS.

On motion by Mr. GIDDINGS, leave was granted to withdraw from the files of the House the papers of Isaac Cooke and of P. Sheppard, for the purpose of presentation in the Senate.

MESSAGE FROM THE SENATE.

[Here a message was received from the Senate, by the hands of Mr. MACHEN, its Assistant Secretary, announcing that the Senate had passed a bill from the House "to change the name of the American-built brig John Dutton, and to grant a register in her name."

Also, a joint resolution from the House of thanks to General John E. Wool.

Also, that the Senate had passed bills of the following titles; in which he was requested to ask the concurrence of the House:

"An act to extend the warehousing system by establishing private bonded warehouses, and for other purposes;" and

"An act to change the name of the American-built steamer Falcon."

The question then recurred on the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; and, being put, it was decided in the affirmative.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

THE PRESIDENT'S MESSAGE.

The CHAIRMAN stated, that when the committee last rose it had under consideration the annual message of the President of the United States, and the resolutions of the gentleman from Alabama, [Mr. Houston], proposing to refer the same, and that the gentleman from New York [Mr. WHEELER] was entitled to the floor.

Mr. WASHBURN, of Maine. I understand from the gentleman from New York that he does not desire to occupy the floor at this time.

Mr. WHEELER. I will waive my right to it in behalf of the gentleman from Maine.

Mr. WASHBURN, of Maine, desired to make a few remarks on a subject which was of general interest. With the doctrine of "manifest destiny" he had but little sympathy, notwithstanding the popularity of that doctrine with many statesmen. He did not believe in our acquiring more territory; but the best way to promote our substantial and lasting welfare was to attend to the home interests of the country—such as removing obstructions in our rivers, the improvement of our harbors, and the construction of a railroad to the Pacific, so that we might combine the interests of the Atlantic and Pacific coasts. These were the legitimate objects of our Government. Following them, we might rely upon permanent success.

Referring to the President's message, he remarked that the exultant satisfaction with which the President seemed to contemplate our foreign relations might, perhaps, induce us to hesitate to unite with him in that exultation, when keeping out of view the great and national objects and pursuits within ourselves requiring legislative care.

By the general terms of the message, when interpreted by the resolutions of 1798, it might be understood as confining the powers of the General Government within the narrowest limits of strict construction. There was a middle ground to be observed. Not opposed to all increase of territory, he did not think that that was the first point of our duty. Its tendency was immoral. Men were more than mountains—more valuable than any extent of barren territory. Governments which looked to territory alone necessarily became weak; while those who attended to the wants of their inhabitants became strong. True, new acquisitions would have to be made by us; but they should be made with due regard to many circumstances involving considerations of interest affecting both the Government receiving those acquisitions, and those coming under the protection of our Government.

On these grounds he was opposed to an annexation of the Sandwich Islands. [Mr. W. here gave a description of the geographical position, products, facilities for trade, &c., of these islands, with their history, as detailed by various authorities; their persons, habits, manners, and other interesting details.] Opposed as he was to annexation at this time, the period might arrive when it would have his approval; but that time must be marked by a sense of justice and the convenience of both parties.

If there were to be any further annexation at all, perhaps the Sandwich Islands had the nearest and best claim. We wanted a home for our whaling ships in the Pacific; the claims of California, too, in this respect, were great; the nearness of a portion of the Russian dominions to our western coast, were all questions which would suggest the value of these islands to the United States.

He noticed some objections which had been urged against their union with the United States; such as the smallness of population; the alleged want of facilities for trade; the colonial system of Europe having failed, &c.; which he combated.

Having endeavored to show that there were many reasons why we should consent to the annexation of those Islands, if they desired it, and combated some objections, he addressed a few words to the conservative feeling of the country. He did not entertain the fears expressed by some, that in an extension of our territory we would necessarily become weaker. All our annexations hitherto had added to our strength; and when the Sandwich Islands should be annexed, and the Pacific railroad built, they would be as near to Washington as we were when admitted into the Union; and between unbridled progress and stolid conservatism, there could be no question as to the choice to be preferred in the matter before him.

[Mr. WASHBURN's speech will be found in the Appendix.]

The question now being upon concurring in the resolutions offered by Mr. Houston, distributing the President's message to the appropriate committees, the following resolution was read:

"1. *Resolved*, That so much of the annual message of the President of the United States to the two Houses of Congress as relates to our foreign affairs, together with the accompanying correspondence in relation thereto: to the claims of the subjects of Spain for losses in the case of the schooner *Amistad*; making the boundary line between the United States and the British Provinces on the north-

west, as designated in the convention of the 15th June, 1846, be referred to the Committee on Foreign Affairs."

Mr. BAYLY, of Virginia. I desire to amend that resolution. This is the first time I ever knew debate in this House to be stopped for want of any one to take the floor, and I am taken a little by surprise. I, however, desire to call the attention of the chairman of the Committee on Ways and Means, [Mr. Houston,] to the subject, and I will state my amendment verbally. I move to amend by referring so much of the President's message as relates to the guano question to the Committee on Foreign Affairs.

Mr. HOUSTON. I have no objection to that amendment. I think it is covered substantially by the resolution as before the committee. I will, however, accept the gentleman's amendment.

Mr. BAYLY. I think the resolutions specify some other subjects. My impression is that the subject, connected as it is with our foreign relations, goes to the Committee on Foreign Affairs, without being particularly specified. I, however, wish that it may be specified, that there may be no mistake about it.

Mr. EWING. My attention was diverted for a moment. Do I understand this resolution as proposing to stop debate in Committee of the Whole?

The CHAIRMAN. The question is upon agreeing to the resolutions for the distribution, among the standing committees of the House, of the President's message.

Mr. EWING. It is my desire to make a short speech, and I could do it as conveniently now as at any other time if I had a few authorities here to which I wish to refer. But not knowing that the House would go into Committee of the Whole on the state of the Union to-day, I have left those authorities at home, and without them I can not speak.

Mr. CAMPBELL. If the gentleman will give way for that purpose, I will move that the committee do now rise.

Mr. EWING. I will yield the floor for that purpose.

Mr. CAMPBELL. Then I move that the committee do now rise.

Mr. HAVEN. I would suggest to the gentleman from Ohio that we might lay aside this order of business, and take up one of the small appropriation bills that we could push along.

Mr. HOUSTON. I was just going to ask that that course should be pursued.

Mr. CAMPBELL. There is business in the House proper that we can transact. We need not adjourn at once.

Mr. CLINGMAN. We can take up the business on the Speaker's table.

The CHAIRMAN. Debate is not in order, as the gentleman from Ohio declines to accede to the suggestion of the gentleman from New York, and withdrew the motion for the committee to rise.

The question was taken on Mr. CAMPBELL's motion, and it was agreed to.

The committee accordingly rose, and the Speaker *pro tempore* (Mr. JONES, of Tennessee,) having taken the chair, the chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had had under consideration, according to order, the state of the Union generally, and particularly the annual message of the President of the United States, and had come to no resolution thereon.

Mr. CLINGMAN. I move that the House do now proceed to the business on the Speaker's table.

The motion was agreed to.

LIEUTENANT GENERAL BY BREVET.

The SPEAKER *pro tempore* stated that the first business in order on the Speaker's table was a joint resolution from the Senate, "authorizing the President of the United States to confer the title of lieutenant general, by brevet, for eminent services."

The joint resolution was taken from the Speaker's table, and read a first and second time by its title.

Mr. BISSELL. I move that the joint resolution be referred to the Committee on Military Affairs.

Mr. HILLYER. I move that it be laid upon the table.

Mr. BISSELL. I hope the gentleman from Georgia will give that joint resolution at least

some little chance. I think a very proper disposition of it would be to refer it to a committee.

Mr. WHEELER. I ask for the yeas and nays on the motion that the joint resolution do lie upon the table.

Mr. BAYLY, of Virginia. I ask for the reading of the resolution.

The Clerk read the resolution.

Mr. HILLYER. It is due to myself that I should say—

The SPEAKER *pro tempore*. Debate is not in order. The gentleman has made a motion to lay the joint resolution upon the table.

Mr. HILLYER. I withdraw that motion for the present.

Mr. HILLYER. It is due to myself, Mr. Speaker, and it is due to General Scott, that I should say to the House, that, in submitting the motion to lay this joint resolution upon the table, I am actuated by no disrespect to that distinguished individual; nor do I desire it to be considered as any evidence that I do not appreciate most highly his invaluable military services to his country. My opposition to this resolution is predicated upon the ground that it is not a suitable testimonial to the worth of an American citizen. I look upon the title which is proposed to be conferred as a mere title of nobility, as an honor which our Constitution condemns, and which, also, the taste, feeling, and judgment of our people condemn. These are the reasons which have actuated me in making the motion to lay the resolution upon the table. The subject is not a new one to members; it has been before us before; and I apprehend that the judgment of members is made up. Therefore I renew the motion to lay upon the table.

Mr. WHEELER. I demand the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. TAYLOR, of Ohio. I wish the gentleman from Georgia would withdraw his motion to lay upon the table, so that the joint resolution may be referred to the Committee on Military Affairs. Yesterday I acceded promptly to the passage of a resolution introduced by the gentleman from Illinois [Mr. BISSELL] complimenting General Wool.

The SPEAKER. The gentleman from Ohio is aware that discussion is not now in order.

Mr. TAYLOR. I am aware of that fact. I endeavored to get the ear of the Speaker before the motion to lay upon the table was submitted, but did not succeed in doing so.

Mr. HILLYER. At the suggestion of several members, I will withdraw my motion to lay upon the table.

Mr. TAYLOR. It is not my purpose to detain the House by any extended remarks on this question.

Mr. PRATT. I rise to a question of order. Can the gentleman debate the proposition after the call for the previous question has been made?

The SPEAKER. The call for the previous question has not been made. The motion to lay upon the table having been withdrawn, discussion is now in order.

Mr. TAYLOR. It will be recollected by gentlemen that this joint resolution passed the Senate of the United States at the last session of Congress with great unanimity.

The SPEAKER. With the permission of the gentleman, the Chair will state that the question now before the House is the motion to refer the resolution to the Committee on Military Affairs.

Mr. TAYLOR. So I understand. I will detain the House but a moment. If it be the disposition of members to refer this resolution to the Committee on Military Affairs, I am perfectly willing that such action shall be had. After examination, I trust that the Committee on Military Affairs will report it back, and that then we shall do this act of tardy justice to one of the most eminent military men that the world has ever seen. Yesterday a proper compliment was paid to General Wool, with a unanimity of which I was proud. Why should we withhold this tribute of respect and applause, dearer to a soldier than all the pay this Congress could vote him? Why should we oppose it when the whole country is disposed to award it, to him? I trust that the motion to refer will prevail.

Mr. WHEELER. I am desirous of having this question acted on at once; and rather than the resolution should go to the Committee on

Military Affairs, I move that the House do now adjourn.

Mr. CLINGMAN. If the House now adjourn, will this resolution be the first business in order in the morning, when we get to the Speaker's table?

The SPEAKER, (Mr. JONES, of Tennessee, in the chair.) The present occupant of the chair is of opinion that it will be. He cannot say, however, what the decision of the Speaker will be when the question is raised in the morning.

The question was taken, and the House refused to adjourn.

Mr. BRIDGES. I move to lay the resolution upon the table.

Mr. WHEELER demanded the yeas and nays on the motion to lay upon the table, and they were ordered.

The question was then taken on laying the resolution on the table, and there were—yeas 56, nays 82; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Ashe, Barksdale, Barry, Belcher, Bridges, Caskie, Chastain, Churchill, Cobb, Cutting, John G. Davis, Dowdell, Drum, Eastman, English, Fuller, Giddings, Grow, Hamilton, Sampson W. Harris, Henn, Hillyer, Houston, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Kidwell, Lamb, Letcher, Lilly, Macdonald, McNair, McQueen, Maxwell, May, Millson, Morrison, Murray, Noble, Orr, Pennington, Bishop Perkins, John Perkins, Pratt, Robbins, Ruffin, Singleton, Skelton, Gerrit Smith, George W. Smyth, Andrew Stuart, Vail, Walsh, and Daniel B. Wright—56.

NAYS—Messrs. Abercrombie, Aiken, Appleton, Thomas, H. Bayly, Ball, Benson, Bissell, Breckinridge, Brooks, Campbell, Carpenter, Chandler, Clark, Clingman, Corwin, Cox, Craig, Crocker, Cullom, Cumming, Dawson, Disney, Dunbar, Eddy, Edmunds, Edmundson, Etheridge, Everhart, Ewing, Farley, Fenton, Florence, Greenwood, Hastings, Haven, Hiestler, Hill, Hughes, Hunt, Ingersoll, Kerr, Knox, Latham, Lindley, McCulloch, Middleswarth, John G. Miller, Smith Miller, Norton, Andrew Oliver, Parker, Peckham, Phillips, Preston, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sapp, Shannon, Shaw, Showler, William R. Smith, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Straub, David Stuart, John J. Taylor, John L. Taylor, Tracy, Walbridge, Ellihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—82.

So the motion to lay the resolution on the table was rejected.

Mr. BISSELL. The question now is on the reference of the resolution to the Committee on Military Affairs.

The question on such reference was put, and decided in the affirmative.

Mr. DRUM. I move that the House do now adjourn.

The question was put, and the motion was not agreed to.

So the House refused to adjourn.

Mr. WHEELER called for the yeas and nays on the motion to adjourn; but they were not ordered.

A MEMBER. I call for tellers.

Tellers were not ordered.

Mr. HAVEN. I hope the House will sit for a few minutes longer, till the bills on the table be appropriately referred. We can put them under way, and then adjourn.

LAND CLAIMS IN CALIFORNIA.

The first business upon the Speaker's table was Senate bill to continue in force "An act entitled 'an act to ascertain and settle private land claims in California, and for other purposes,'" which was taken up, and read a first and second time by its title.

Mr. LATHAM. I do not want to consume the time of the House, but I wish to have this bill put upon its passage.

Several MEMBERS. "No, no!"

Mr. LATHAM. Then I move that it be referred to the Committee on Public Lands.

The question was put, and the motion was agreed to.

RIVERS AND HARBORS.

The next business in order on the Speaker's table, was Senate bill to amend an act making an appropriation for the improvement of certain harbors and rivers, approved August 30, 1852; which was taken up, read a first and second time by its title, and referred to the Committee on Commerce.

Mr. HESTER. I move that the House do now adjourn.

The question was put, and the motion was agreed to.

BOOKS TO MEMBERS.

The next business in order was joint resolution from the Senate, entitled "Resolution for supplying new members of the Senate and House of Representatives with such books of a public character as have been heretofore supplied;" which was read a first and second time by its title.

Mr. CLINGMAN. I move the reference of that resolution to the Joint Committee on the Library. I call for its reading.

No objection being made, the resolution was read, as follows:

"That each of the new members of the two Houses of Congress be supplied with the same number and description of such books of a public character, as were supplied to each member of the Senate or House of Representatives during the last Congress, provided they be furnished by the publisher at prices not exceeding those at which they have been heretofore furnished, for the use of either House."

Mr. FLORENCE. As this is a question in which almost every new member of Congress is interested, and as the House seems to be very thin, and a large number of the new members absent, I move that the House do now adjourn, so that tomorrow there may be a sufficient number of members present to insure a fair discussion of the question.

[Cries of "No!" "No!" "Vote it down!"] The question was taken, and the motion was not agreed to.

So the House refused to adjourn.

Mr. CULLOM. I regard this resolution as proper. It has been considered by the Senate, and it is in pursuance of immemorial usage in this branch of the National Legislature. I hope the resolution will receive no serious opposition from any part of this House.

Mr. CLINGMAN. This is a proposition which I have regularly opposed for a good many sessions, and I shall do so again. But before saying anything upon the subject, or making any motion, I will ask the Chair whether there is contained in the joint resolution any appropriation which requires it to be referred?

Many MEMBERS. "No!" "No!"

Mr. CULLOM. I wish to ask the gentleman from North Carolina [Mr. CLINGMAN] a question, and that is, whether, though he has opposed the adoption of similar resolutions heretofore, has he not, after they have been passed, received the benefit of them?

Mr. CLINGMAN. I thank the gentleman for the opportunity he has afforded me, and I now say to him that I have never received a single book under these and similar resolutions. I stated during the last Congress, that though I was entitled to books under the resolutions passed from time to time, yet if the House would stop the practice of donating them, I would decline the books to which I have been entitled for the last ten years. I thought it was well to stop this practice, and voted against it upon a call of the yeas and nays, and hope I shall have an opportunity to do so again.

If we are to take all the books which are voted by those who precede us, where is the system ever to stop? If we pass this resolution, we get all the books which have been ordered by previous Congresses, to be distributed among their members. Why not limit it to the books ordered to be published by each Congress? If you go on as heretofore, the result will be that, in the end, the Treasury will feel very sensibly this large appropriation. I say if the practice continues, I shall take my books and give them to some public library or literary institution.

I wish gentlemen to understand that the cost of these books is some seven or eight hundred dollars for each member. If a contribution of this amount is to be made, I should prefer to have it in some other shape.

Mr. CAMPBELL, (interrupting.) The resolution does not propose, I believe, to reprint any of the books. I see no reason why the books already on hand may not be distributed.

Mr. CLINGMAN. They are not in our hands, unfortunately. That remark is one of the things which are thrown in to deceive new members; and the idea may be created that we have these books already paid for, and that they can be had as well as not. It is a mistake altogether. These books will be bought as other books are.

I wish gentlemen to understand the matter, though I am well aware that it is difficult for us, who are entitled under former acts, to be heard

upon the subject. Yet why not stop the practice here?

I will now say to that gentleman, and my friends, that I will relinquish my right to any books to which I may be entitled. I have not taken them yet, and I will give an order of relinquishment, if this Congress will stop this practice. Unless we do begin to stop it ourselves, we shall go on *ad infinitum* with such distribution, and incur, in consequence, a large expenditure. It was not my purpose to make any remarks upon the subject. My desire is, simply to ask for the yeas and nays, that I may have an opportunity of placing myself right upon the record, and before the country. The Twenty-Seventh Congress made an order for books, and I believe the then members got them; but they did not get half as many as we should on the passage of this resolution. Why not go back, and say, in addition to our present per diem and mileage, that we will take the per diem and mileage of previous Congresses. I see no difference between these cases. I hope that the yeas and nays will be ordered. A gentleman near me suggests, that some members sell these books, instead of retaining them, or giving them to some literary institution in their districts. I know not how the fact is, but I have heard that remark again and again. I now say, what I will say upon any other occasion, that if any gentleman has made such a disposition of his books, I would vote to expel him from the House. I should consider it as a fraud upon the order, if any member should sell these books, instead of distributing them to his district as primarily contemplated.

Mr. CAMPBELL. Will the gentleman yield me the floor an instant?

Mr. CLINGMAN. Certainly.

Mr. CAMPBELL. This imputation has been thrown out to-day; and I have heard it before whenever this question has been presented. I think it is time to put an end to this general slander upon the character of the House.

The SPEAKER. The gentleman from North Carolina cannot yield the floor to the gentleman to make a speech.

Mr. CAMPBELL. I simply wish to make an explanation. If the gentleman who makes this charge against members, and sends it forth to the world, is not prepared to give us some information by which the persons who have been guilty of so high a misdemeanor can be exposed, I think he ought to withdraw it. As one member, I do not feel like indorsing any portion of such a charge thus indefinitely made. If the gentleman who makes the charge knows it to be true, I call upon him in his place to name the member, in order that those who are not guilty may relieve themselves from the imputation thus cast upon their character. For my own part I voted, when I was interested, against this thing, but I have always voted for it since. I am in favor of the distribution of these books, and will go for it now, believing that we do better service to the country by sending them abroad into the libraries of our congressional districts than we do by a great many other appropriations that we make. It would be much better to take from the gun-manufacturing branch of the public service the amount that is necessary to distribute this useful information. I should like to have the gentleman who makes the charge specify the names of such members as have sold their books.

Mr. PRATT. I do not understand that the gentleman from North Carolina charged any one with having sold books delivered to him by order of the House. He stated that he had heard that such things happened.

Mr. CLINGMAN. A gentleman upon my left asked me the question whether such was the fact. I stated that I had heard such a report, but did not know that it was so. I concur with the gentleman from Ohio as to the impropriety of such a thing, and I do not know that any member was ever guilty of such an act. I have felt this thing sensibly, for this reason: I have endeavored, for three years together, in common with others, to reduce certain expenditures of the Government; and we are met in the newspapers by the allegation that we are in the habit of voting books to ourselves, and wasting a great deal of money for other purposes. You cannot propose any measure for preventing any abuse in the Army or Navy without this very thing being thrown in your teeth.

I believe this distribution of books among the members is not an expenditure which the wants of the country demand. I agree with the gentleman, however, that it is important to distribute works of this character among the public libraries of the country; and if any gentleman will introduce a bill proposing such a distribution, or a distribution to one such library in each congressional district, I will vote for it.

Mr. STANTON, of Tennessee. A single word with reference to selling these books. I want to ask the gentleman from North Carolina a question—and I premise it by saying that I never sold a book furnished me in this manner in my life—whether it is not a fact, that any gentleman who may have received these books for his own use is at liberty to dispose of them as he may think proper?

Mr. CLINGMAN. I have no doubt that he is, as a matter of law; but, as I have already said, the object of the House in voting these books is, undoubtedly, that they shall be used for public purposes, and not for the benefit of the individual members. And I repeat what I have already said, that whenever a member, instead of disposing of books voted him for that purpose, by giving them to some public library, or by disposing of them in some manner for the public benefit,—undertakes to make money out of them, I would not only regard it as a very discreditable act, but I would vote to expel any such member, because it would be an abuse of sufficient magnitude to warrant some decided action upon the part of the House.

You, Mr. Speaker, will remember—I allude to the present occupant of the chair [Mr. JONES, of Tennessee]—that during a former Congress you and I discussed the matter of adopting some regulation by which this system could be stopped; and we came to the conclusion that nothing better could be done than to put a clause into a general appropriation bill that should prevent either House from distributing books of this description by its own vote—requiring a joint resolution, passed by both Houses of Congress, and signed by the President, to effect the object. Such a provision was introduced, by way of amendment, into an appropriation bill the last Congress, and adopted. The result is, that here we have a joint resolution coming from the Senate to accomplish the same purpose.

Now, I desire that this resolution shall go to the Library Committee—if that is the appropriate one—that they may look at the matter, and see whether they cannot devise some other arrangement for the distribution of these books, which shall accomplish the purpose designed by the distribution, and, at the same time, relieve members from the odium to which they are exposed under the present system.

If you are to carry out this system by continuing to multiply indefinitely every book which has ever been ordered to be printed by Congress for the use of members, it is a perversion of the functions of Congress. We might as well vote the money to ourselves as an addition to our salaries.

I have made these remarks by way of justifying my own course, and not with any expectation of changing the result. I presume gentlemen have already made up their minds as to the course they are to pursue with reference to it, and will vote accordingly. What I want to explain is, that in asking for the yeas and nays upon the passage of the resolution, and in recording my vote against its passage, I am not actuated by any narrow, mean feeling in excluding others from an advantage which has been accorded to me under the law.

Mr. HAVEN. I will only detain the House with a single remark in reference to the resolution under consideration. I think it is one that the House will pass whenever it comes up.

As I understand the resolution, I mean to vote for it when it is properly reported from a committee; but I should not like it to go out to the country that we apply a mode of legislation to ourselves which we refuse to our constituents and to the public service. Let the bill be referred, in the ordinary way, to a committee, and I pledge myself to give it my support when it comes back into the House, unless, indeed, I see something decidedly objectionable in it.

Mr. SKELTON obtained the floor.

Mr. HILLYER. I move the previous question.

The SPEAKER *pro tempore*. The gentleman cannot submit that motion.

Mr. HILLYER. Why not, sir?

The SPEAKER *pro tempore*. Because the gentleman was not recognized by the Chair. The floor was assigned to the gentleman from New Jersey.

Mr. SKELTON. I will not detain the House long. I desire only to say a word or two. It may have been supposed by the House, from the remarks of several gentlemen who rose when I asked the gentleman from North Carolina [Mr. CLINGMAN] a question; that I made a charge against the House. That was not the case. I merely propounded a question to the gentleman who was upon the floor.

But this much I have to say, sir, without bringing any charge against any member of this House, that if gentlemen on this floor are so sensitive upon these points, and about these rumors which I have heard outside of the Hall, they can ask for the appointment of a committee, and the affair can be fully examined into.

I make no charge against any one. I am not prepared, nor do I intend to make any—

Mr. CAMPBELL, (interrupting.) Will the gentleman yield me the floor for one moment?

Mr. SKELTON. I have said all I desire to say upon the subject. I yield the floor.

Mr. CAMPBELL. I suppose the gentleman from New Jersey alludes to me, as one of those who exhibit some degree of sensitiveness about this matter, as I spoke of the fact that I had heard of these things before. I have to say to him, that I, for my own part, have no sort of feeling on this subject, other than a desire to protect the characters of the members of this House from a little, low, petty system of wholesale slander. That is all.

Now, if the gentleman from New Jersey has heard these rumors, and is satisfied, from his information, that this outrage has been committed, he, sir, is derelict in duty as a member of this House, if he does not bring the fact before it, and ask for a committee.

Mr. SKELTON. I state again that I have brought no charge against the House.

Mr. CAMPBELL. The gentleman talks of "rumor." Now, sir, of all the liars that I have ever heard or read of, "Common Rumor" is the greatest; and, for one, I hope that I may never come into this House and make an insinuation that affects the integrity of its members, and then give as my author, "Rumor."

If the gentleman from New Jersey has such information on this subject as will justify him in bringing a charge of this kind against any member of the House, I assert that he is derelict in his duty in not making that charge, and demanding a committee of inquiry. "Sensitive gentlemen" are not coming here to ask this House to appoint a committee to investigate any subject which can be traced to no source further back than to Madam Rumor, known to be the greatest liar ever heard or read of. I shall not ask for any such committee; and I hope that, hereafter, we shall hear no more of these charges, unless gentlemen are prepared to give the House such information as will induce it to appoint a committee, and have an investigation. I now move the previous question.

Mr. GIDDINGS. I ask my colleague to withdraw the demand for the previous question for a few moments, to allow me to say a word or two. [Cries of "No!" "No!"]

Mr. CAMPBELL. I will do it, if my colleague will renew the demand when he has said what he desires to say.

Mr. GIDDINGS. I will do so.

Mr. CAMPBELL. Then I withdraw the demand for the previous question.

Mr. GIDDINGS. Mr. Speaker, this same discussion has taken place, I believe, in every Congress for the last twenty years. The books that are the present subject of debate contain the political history of our Government, which can be found in no other books. That matter has never been and never will be published by private enterprise; and unless it be distributed in the manner proposed, the people of the United States will never get it. It is on this principle that Congress has adopted the system of distributing these documents through its members. They are sent to each district, and the inhabitants have uni-

formly free access to them as common records. For one, I have ever held that I had not a particle of interest in these books. I have bestowed them upon the county of which I am a resident, and its commissioner has regarded them as the nucleus of a political library. Every man there has free access to them.

I believe, Mr. Speaker, that the great leading policy which ought to characterize statesmen is the diffusion of information throughout the land; to inform, enlighten, and elevate the people, to give them a perfect knowledge of all that has transpired in the carrying on of our Government, and particularly the transactions of both Houses of Congress. I do not know but that the power to distribute these documents has been abused; if it has, the people of the district affected by such abuse can correct it. I am willing to trust the people of each district to see that their Representative does not dispose of his books in any improper manner. As to how they are distributed is no matter to us here. Let us send this information out, and let the people have it. Of the fifty millions of dollars that are expended annually, look at the small and pitiful sum expended for the increase of the intelligence of the community. I have ever advocated the system proposed in the resolution, and I advocate it now most heartily. I shall vote as willingly for it now as I have done for the last fifteen or sixteen years.

Mr. MIDDLESWARTH. I am a new member here, and should be very much obliged if any of the gentlemen who have been here before would enumerate what kind of books will be covered by the resolution. I desire to vote understandingly.

Mr. GIDDINGS. Among the books which will be covered by the resolution, will be the American Archives; The American State Papers, consisting of twenty-two large volumes; The Congressional Globe and Appendix, from its commencement, will be the next in importance; then will follow the Madison Papers, and the Debates in the Convention which framed the Constitution of the United States, as well as the Debates in the Conventions of the several States on the Adoption of the Constitution; Gales & Seaton's Register of Debates, Elliot's Debates, and the Annals of Congress, which consist of some eight or ten volumes. I cannot enumerate them all; but those I have named are some of them.

Mr. PRESTON. I presume that the House has sufficient information in reference to the question, which is merely one of reference, and I therefore call for the previous question.

The call for the previous question was seconded, and the main question was ordered to be put.

Mr. WHEELER. I demand tellers on the question.

Tellers were ordered, and Messrs. CAMPBELL and BRIDGES were appointed.

The question was then taken, and the tellers reported—ayes 46, noes 63; no quorum voting.

Mr. ORR. I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

The House accordingly, at half-past three o'clock, adjourned.

IN SENATE.

THURSDAY, January 5, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ADJOURNMENT TO MONDAY.

Mr. BADGER. I desire, before petitions are called for, to move that when the Senate adjourns to-day, it be to meet on Monday next.

The motion was agreed to.

EMPLOYEES IN THE SECRETARY'S OFFICE.

The PRESIDENT *pro tempore* presented a report from the Secretary of the Senate, containing a list of the persons employed in his office; which was ordered to be printed.

PETITIONS, ETC.

Mr. BADGER presented the petition of R. Piermont, M. Woodall, and others, praying compensation for saving the United States ships *Raritan* and *Vandalia* from destruction by fire, on the 11th October, 1847; which was referred to the Committee on Naval Affairs.

Mr. WADE presented the petition of Isaac Cook, Benjamin A. Napier, and Pelatiah Shepherd, praying compensation for the schooner *Tempest*, which was pressed into the service of the Government in 1814, by order of the General Government; which was referred to the Committee on Claims.

Mr. DAWSON presented the petition of Colonel Talcott, of the United States Army, and Dr. John M. Galt, asking increase of compensation; which was referred to the Committee on Military Affairs.

Also, a petition from the inspectors of customs at the port of Baltimore, asking an increase of compensation; which was referred to the Committee on Finance.

Mr. BUTLER presented the petition of the American Medical Association, praying that a regular physician may be employed upon all vessels having a certain number of seamen; which was referred to the Committee on Naval Affairs.

Mr. JAMES presented the petition of L. P. Holliday & Co., praying Congress for the lease of public grounds for the erection of a first-class public house in Washington city; which was referred to the Committee on the District of Columbia.

Mr. GWIN presented the memorial of James McCormick, praying the payment of an amount due him under a contract with Commodore Jones, while commanding the United States squadron in the Pacific; which was referred to the Committee on Naval Affairs.

Mr. HUNTER presented the petition of the heirs-at-law of Captain Thomas Buckner, and others, praying payment of depreciation on commutation certificates received under the resolution of October 21, 1783; which was referred to the Committee on Revolutionary Claims.

Mr. MASON presented the memorial of Mrs. Mary Ray, asking for a grant of bounty land for the services of her husband in the war of 1812; which was referred to the Committee on Pensions.

Also, the petition of Mrs. Margaret C. Hanson, asking that a pension be allowed to her for the services of her husband in the Florida war, and that the pension may be dated from the day of his death; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BELL, it was

Ordered, That the petition of Jehial Brooks be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the petition of Mrs. Pamela Brown, heretofore presented, be taken from the table and referred to the Committee on Pensions.

On motion by Mr. BELL, it was

Ordered, That the papers relative to the claim of the legal representatives of Richard M. Johnson be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of Thomas Butler be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

On motion by Mr. CASS, it was

Ordered, That the petition and accompanying papers in the case of Pamela Hook be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. JOHNSON, it was

Ordered, That the petition and papers in the case of Mark Bean and Richard H. Bean be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. DAWSON, it was

Ordered, That the memorial of members of the bar of the District of Columbia, praying for an increase of the compensation of the judge of the orphans' court in the District, be withdrawn from the files, and referred to the Committee on the Judiciary.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the petition of A. D. Stuart be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

COMMITTEE ON PENSIONS.

On motion by Mr. JONES, of Iowa, under instructions from the Committee on Pensions, it was

Ordered, That the President *pro tempore* appoint an additional member of the Committee on Pensions.

NOTICES OF BILLS.

Mr. JOHNSON gave notice of his intention to ask leave to introduce a bill granting to the new

States an additional section of land in each township for school purposes.

Mr. DODGE, of Iowa, gave notice of his intention to ask leave to introduce a bill to establish an additional land office in the State of Iowa.

PACIFIC RAILROAD.

Mr. FOOT. I desire to give notice of my intention to ask leave to introduce a bill providing for the construction of a railroad between the Mississippi river and the Pacific coast. Being, sir, somewhat of a practical railroad man, I propose to offer to the consideration of the Senate a plan differing in some of its features from any of the plans which have, as yet, been submitted. I shall, therefore, ask the indulgence of the Senate to explain its provisions, upon its introduction.

BILL INTRODUCED.

Mr. MALLORY, agreeably to previous notice, asked and obtained leave to introduce a bill to establish a new land district in the State of Florida, to be called the district of Tampa; which was read a first and second time by its title, and referred to the Committee on Public Lands.

REMOVAL OF FLORIDA INDIANS.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to communicate to the Senate the amount of public money received and expended by Luther Blake, late agent of the United States for the removal of Indians from Florida, as such agent, with the objects for which said money was expended, and the number of Indians removed by him.

HARBORS ON LAKE SUPERIOR.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the survey of the harbors on Lake Superior, within the limits of the United States.

PURCHASE OF PLANETARIUMS.

Mr. JONES, of Tennessee, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of purchasing three of Thomas H. Barlow's planetariums for the use of West Point Military Academy, Annapolis Naval School, and the National Observatory.

TERRITORY OF NEBRASKA.

Mr. DODGE, of Iowa. I offer the following order:

Ordered, That the bill for organizing the Territory of Nebraska be annexed, in document form, to the extra copies of the report accompanying that bill, which have been heretofore ordered to be printed.

It will be remembered that the Senate yesterday made an order to print five thousand additional copies of the report on this subject. It was suggested by the Senator from Maryland [Mr. PRATT] that the printing of extra numbers of the bill, beyond the usual number laid on the tables of Senators, would be an unnecessary expense. The order which I now propose, and which I hope will be adopted, provides that extra copies of the bill shall be printed in document form, and be annexed to the report, and be made a part of the same document with it. The report will be very incomplete and unsatisfactory without the bill; we might as well, in fact, not order the printing of the report. I learn from the Superintendent of Printing that this printing will cost a very trifling amount—but \$34 20. I hope the order will be adopted.

The order was agreed to.

CENSUS PRINTING.

Mr. HAMLIN. I am directed by the Committee on Printing to report adversely on the resolution of Wednesday, December 21, directing the committee to inquire into the expediency of printing twenty thousand copies of the Abstract of the Seventh Census, printed by order of the House of Representatives at the last session of Congress. The resolution on which the committee have acted was offered by the Senator from Pennsylvania, [Mr. BRODHEAD.] I will state the reasons for the report. The committee have directed the preparation of an abstract, in accordance with the recommendation of the Superintendent of the Census, which will embrace a volume of some two or three hundred pages that will be really worth something,

and vastly more desirable for general circulation than the abstract to which the resolution of the Senator from Pennsylvania refers. Under these circumstances I am directed to report adversely, and I hope the report will now be acted upon.

Mr. BRODHEAD. I have no objection to the consideration of the resolution at this time; but from the fact that we are constantly written to for this Abstract of the Census, we may presume that our constituents generally think that it is published. I should, therefore, like to inquire of the Senator from Maine how soon we may expect the abstract to which he refers?

Mr. HAMLIN. It is impossible for me to say how soon it will be published. A vast amount of matter has been collected, and unless this abstract be taken out of its order, it will necessarily take some time before it will be printed. I cannot answer as to the length of time which will elapse before its publication; but it will be done as early as possible.

The report of the committee was considered and concurred in.

LAND OFFICE REPORT.

Mr. HAMLIN. I am directed by the Committee on Printing to report back the order offered by the Senator from Illinois [Mr. SHIELDS] in relation to printing five hundred copies of the General Land Office Report, with an amendment.

The Senate proceeded to consider the amendment; which was to insert after the word "printed" the words "for the use of the Land Office;" so that it shall read:

"That five hundred additional copies of the Report of the Commissioner of the General Land Office, which accompanied the President's message, be printed for the use of the Land Office."

The amendment was agreed to; and the resolution, as amended, was adopted.

DEPARTMENTAL BUILDINGS.

Mr. HUNTER. I offer a resolution of inquiry, which I ask may now be considered:

Resolved, That the Committee on Public Buildings inquire into the expediency of providing by law for the erection of a suitable building for the Department of State.

Mr. DOUGLAS. I would suggest the propriety of inserting the other Departments which need additional accommodation—the Departments of War and the Interior, and others.

Mr. HUNTER. This is merely a resolution of inquiry; but if the question were before us for action I think I could show the gentleman that we had better first go on and complete the buildings which have already been commenced. As originally designed, the building to be occupied by the Department of State is to form a portion of the quadrangle of which the Treasury building constituted one side.

Mr. DOUGLAS. That is no doubt correct; but my suggestion was as to the propriety of extending the inquiry to proper buildings for the other Departments which need them. I suppose the honorable Senator can have no objection to that.

Mr. HUNTER. I did not understand the gentleman before: I have no objection to the amendment which he suggests.

Mr. DOUGLAS. I move to amend the resolution by adding "Interior, War, and the Navy," so as to include "the Departments of State, Interior, War, and the Navy."

Mr. HUNTER. I accept the amendment. The resolution, as amended, was agreed to.

CLAYTON-BULWER TREATY.

Mr. CASS. I move to refer the President's message communicating certain correspondence in reference to the treaty of July 4, 1850, with the accompanying papers, to the Committee on Foreign Relations, in the hope that the Senate will make the motion the order of the day for Tuesday, so that the subject may then be taken up and considered. I believe the Senator from Delaware [Mr. CLAYTON] is perfectly agreed with this course. I move also that the consideration of the motion to refer be postponed to, and made the order of the day for Tuesday next.

The latter motion was agreed to.

JOSEPH MITCHELL.

On motion by Mr. HAMLIN, the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of Joseph Mitchell, which had been reported from the Committee on Public Lands without amendment.

It proposes to direct the proper accounting officers of the Government to examine the claim of Joseph Mitchell, of the State of Maine, a soldier in the late war with Great Britain, for bounty land and arrearages of pay and bounty; and to direct them to issue to him a warrant for such land, and pay him such arrearages, as would be his due if he had received an honorable discharge on the expiration of his term of enlistment at the close of the war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

RESOLUTIONS CONSIDERED.

The Senate proceeded to consider the resolutions lying on the table.

The PRESIDENT announced that the first in order was the resolution of the Senator from Iowa, [Mr. DODGE,] to amend the rules, so as to provide that in all elections of officers the vote shall be *viva voce*.

Mr. DODGE, of Iowa. I hope that resolution will be passed over this morning; but I shall ask the Senate to consider it on Monday morning.

The PRESIDENT. The resolution will be passed over. The next resolution is one submitted by the Senator from Ohio, [Mr. CHASE,] to provide that all proceedings shall be with open doors, unless otherwise ordered.

Mr. CHASE. I propose to call up that resolution on Monday morning. Let it be passed over for the present.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 5, 1854.

The House met at twelve o'clock, m.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. APPLETON presented the credentials of Hon. SAMUEL H. WALLEY, a Representative from Massachusetts.

He was presented to the Speaker, and took the usual oath to support the Constitution.

COMMUNICATION FROM THE TREASURY DEPARTMENT.

The SPEAKER laid before the House a communication received from the Treasury Department, announcing the loss of the revenue cutter Hamilton, wrecked on Folly breakers, off Charleston harbor, on the 9th of December last, and recommending an appropriation of \$60,000 for the building of four new revenue cutters, and also to increase the compensation now allowed to naval officers, petty officers, gunners, and marines on the Pacific coast.

On motion by Mr. HOUSTON, it was referred to the Committee on Commerce, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, inclosing, for the consideration of the House, a copy of a letter addressed to that Department by R. J. Hammond, collector at San Francisco, and Samuel J. Bridges, general appraiser for California, representing the insufficiency in point of size of the rented building now occupied as an appraiser's store, and recommending the construction of a building one hundred and twenty feet by forty-five feet ten inches for that purpose.

On motion by Mr. HOUSTON, it was referred to the Committee on Ways and Means.

Also, laid before the House a communication from the War Department, transmitting a report of the Colonel of Engineers, with maps and estimates, showing the practicability and expediency of deepening and otherwise improving the basin of the Mississippi.

On motion by Mr. FULLER, the matter was referred to the Committee on Commerce, and ordered to be printed.

REPORTS OF COMMITTEES.

On motion by Mr. LETCHER, it was

Ordered, That the Committee on Claims be discharged from the consideration of the petition of Jonathan Lewis, and that it be referred to the Committee on Indian Affairs.

THANKS OF CONGRESS TO D. N. INGRAHAM.

Mr. DEAN, from the Committee on Foreign Affairs, to which was referred the resolutions relating to the presentation of the thanks of Con-

gress to Duncan N. Ingraham, reported back the same with a substitute; which was read as follows:

Be it resolved by the Senate and House of Representatives in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Duncan N. Ingraham, commanding the United States sloop-of-war St. Louis, for his judicious and gallant conduct on the second day of July last, in extending the protection of the American Government to Martin Koszta, by rescuing him from forcible and illegal seizure and imprisonment on board the Austrian brig Hussar.

Resolved, That the President of the United States be, and is hereby, requested to cause to be made a medal, with suitable devices, and presented to Captain Duncan N. Ingraham, as a testimonial of the high sense entertained by Congress of his valor, promptness, and judicious conduct on the above-mentioned occasion.

Resolved, That the President of the United States cause the foregoing resolutions to be communicated to Captain Duncan N. Ingraham in such terms as he may deem best calculated to give effect to the objects thereof.

Mr. DEAN. As there is no proper place to which to refer these resolutions, and as they are reported here by a committee, and are a mere declaration of thanks to Captain Ingraham, without asserting anything as to the citizenship of Koszta, I hope the House will consent to their immediate passage; and if there is no one who desires to speak upon the subject, I move the previous question.

Mr. CLINGMAN called for tellers upon the demand for the previous question; which were ordered; and Messrs. HARRIS and CAMPBELL were appointed.

The question was then taken, and the tellers reported—ayes 55, noes not counted.

The SPEAKER. There not being a majority of a quorum, the proposition falls.

Mr. WHEELER. I move that the resolutions be referred to the Committee of the Whole on the state of the Union.

Mr. ORR. I was absent for a single moment, and was somewhat surprised that the previous question was not seconded in this matter. I suppose no debate is necessary in regard to the resolution. If the House understand it, I presume there will be no objection to passing it, as it has been reported unanimously by the Committee on Foreign Affairs. I have so understood it.

Mr. BAYLY, of Virginia. The committee were unanimous in reporting it.

Mr. ORR. The resolutions which were originally offered by the gentleman from New York, [Mr. DEAN,] are changed. They provided for giving a sword to Captain Ingraham; but the committee have changed the direction, and provide for presenting him with a medal.

Mr. BAYLY. Do I understand the gentleman from South Carolina to say that that is the only change?

Mr. ORR. I think that is the only one.

Mr. BAYLY. Then my friend is mistaken. The resolutions have been changed in more respects than that. We not only changed the direction from a sword to a medal, because we regarded the conduct of Captain Ingraham as rather civil than military, but we changed it very essentially in other particulars. We avoided all questions about citizenship. If the House will look at the resolutions, they will find that we thank Captain Ingraham for nothing but judicious conduct in extending protection to a man illegally imprisoned. The ground of the extension of that protection is not settled at all. It was by design, and properly, too, that we did not go into that question. We merely thank him for his prompt and judicious conduct in extending the protection of our nationality over Koszta, to which he was undoubtedly entitled. All controverted questions that had been brought up have been carefully left out; and, in this case, I do not hesitate to say, properly and judiciously left out.

Mr. MILLSON. Will my colleague yield the floor, to allow me to ask a question?

The SPEAKER. The gentleman from South Carolina [Mr. ORR] is entitled to the floor, and yielded to the gentleman from Virginia for explanation. The gentleman, therefore, has no right to yield the floor.

Mr. ORR. I desire that the gentleman from Virginia [Mr. MILLSON] shall propound his question to his colleague, and will yield the floor for that purpose.

Mr. MILLSON. I was about to ask my colleague, [Mr. BAYLY,] who I supposed was entitled to the floor, if there was any necessity for the immediate consideration of these joint resolutions?

I am informed—and I gather as much from the remarks just made by my colleague—that the resolutions referred to the Committee on Foreign Affairs have been materially changed by that committee.

The resolutions are long, and, affecting as they do our foreign relations, they ought to be carefully considered.

Now, sir, I have no hesitation in saying that I have never entertained a doubt that the justification of the conduct of Captain Ingraham was complete; but not for many of the reasons which have been assigned. I concur in much of the reasoning contained in the letter of the Secretary of State upon this subject; but I am anxious to see that no resolution passed by the House shall commit Congress to any questionable principle; and for this reason I greatly desire that this matter should be referred to the Committee of the Whole on the state of the Union, and that it shall there be taken up at some convenient day—at some early day—and disposed of as may seem proper.

I make these remarks, not with a view of interposing any obstacle to the passage of the resolutions, but for the purpose of giving me an opportunity of becoming assured for myself that they are in such terms, and contain such sentiments, as I shall be willing to subscribe to. I can see no necessity for any immediate action in relation to them, and I hope, therefore, that they will be referred to the Committee of the Whole on the state of the Union.

Mr. BAYLY. I dislike to trespass upon the time of my friend from South Carolina, [Mr. ORR,] and will not proceed further if he objects.

Mr. ORR. Go on.

Mr. BAYLY. Then, as the gentleman has no objection, I will say a word in reply to my colleague, [Mr. MILLSON.] Now, in respect to the proposition to refer to the Committee of the Whole on the state of the Union, let us look at it. When the resolutions were first introduced by the gentleman from New York, [Mr. DEAN,] I took the ground that they should go to the Committee on Foreign Affairs. I did it for a reason that I did not choose to assign at the time. I did it because I thought in framing them he had followed too closely precedents set in other cases, and especially in one case which I had in view. I thought if we could get them into the Committee on Foreign Affairs, composed of such gentlemen as the gentleman from Pennsylvania, [Mr. CHANDLER,] and others who are known to this House—I mention that gentleman particularly, because he is known to be, what he prides himself upon being, not only a Whig, but a Federalist—[laughter]—he has been an editor, and is an able critic; he understands the use of the English language—I say I thought that a committee of that sort, if they met together to talk over their phraseology, could, after a while, get them nearly right. Well, we did meet and talk them over. We made suggestions, and we made amendments, and at last we got the resolutions in such a shape that the committee agreed to them unanimously; and they have been reported back to the House by the gentleman from New York.

My colleague wants to send them now to the Committee of the Whole on the state of the Union. *Cui bono?* To talk over the language of them again? To get them right again? Why, sir, this matter of paying a compliment amounts to nothing if it is grudgingly and tardily done.

My colleague asks what is the occasion of immediate action? That is partly the occasion for immediate action. But beyond that, I undertake to say here, we have taken in this matter a new department in respect to our foreign affairs. If I may be excused for using technical expressions, this nation has been constantly the plaintiff. We have always been after other nations for what they have done to us. Now, I am tired of seeing this nation eternally the plaintiff. I want a new era. I want to see this nation sometimes the defendant. I say it emphatically, and I wish it to go out to the country. Not only is that my opinion, but I believe that it is the opinion of the Committee on Foreign Affairs. We are tired of eternally being the plaintiff; we want to be the defendant sometimes.

I approve of Captain Ingraham's conduct, thoroughly and entirely. The resolutions avoid assigning the reason for that approval, and, in my

opinion, properly so. There is the judgment; every member of this court may assign his own reason for it, and I do not care one cent whether the reason is a good one or not if the judgment is right. I think the judgment is right. It does not matter a particle whether Koszta was an American citizen or not. I presume no one claims that he was a citizen, but he was entitled to American protection; he was illegally seized in violation of the laws of nations; he was imprisoned in violation of law; and I do not care whether he was an American citizen or not. Further than that, I do not care whether he was entitled to American protection or not.

I shall not go on with that idea. But I do maintain that there are cases in which we may interfere in defense of humanity, and for the prevention of wrongful injuries, even when we are not bound to interfere. I draw a distinction between where you are bound to do and where you may do it. But, sir, it seems to me that this debate has sprung up too suddenly. This is a matter too important for any man to undertake to speak upon without that decision which preparation alone can afford.

Mr. ORR obtained the floor.

INTERPRETER TO MR. GALLEGOS.

Mr. STANTON, of Tennessee. I rise to what I consider a privileged question. I offer the following resolution for the adoption of the House:

Resolved, That Señor José MANUEL GALLEGOS, the sitting Delegate from the Territory of New Mexico, be allowed to introduce an interpreter on the floor of the House, to enable him to understand its proceedings; and that said interpreter be paid ——— dollars per diem out of the contingent fund.

Mr. ORR. I must object to having my speech interrupted by the resolution of the honorable gentleman from Tennessee.

Mr. HUNT. I should like to know of the gentleman from Tennessee whether the resolution just read has been introduced with the consent of the Delegate from New Mexico?

Mr. STANTON. It has.

The SPEAKER. The Chair does not regard the resolution offered by the gentleman from Tennessee as of a privileged character.

Mr. STANTON. That decision prevents me from saying anything in regard to the resolution. I should like to do so.

CAPTAIN INGRAHAM AGAIN.

Mr. ORR. Mr. Speaker, I had not the least idea, when I came into this Hall this morning, that these resolutions would be reported, or, if reported, that I would say a single word in reference to them. I supposed that they would pass the House without objection being started by a single gentleman on this floor. The resolutions have undergone the scrutiny of one of the ablest committees of this House. They have undergone the scrutiny of Democratic and Whig members.

They have been reported in such manner that objection cannot be taken to them. The Government is not committed to any principle to which all parties within the limits of the United States are not entirely willing to subscribe.

Mr. MILLSON. I only wish to say, Mr. Speaker, that I have as much confidence in the Committee on Foreign Relations, as, perhaps, any other gentleman upon this floor. It is out of no want of confidence in its members that I desire the reference of the resolutions to the Committee of the Whole on the state of the Union. I wish to see the resolutions in print. I have very little doubt that I shall concur in the adoption of them, when I have examined them. From what my colleague [Mr. BAYLY] said, I am inclined to the opinion that I shall agree with him in his conclusions; but up to this moment I have not heard one word of the resolutions. When they were reported from the Clerk's desk, such was the confusion then prevailing that their contents could not be heard where I sit.

Mr. ORR. I will read the resolutions, and I beg that the gentleman will give them his attention.

He then read the resolutions, as above reported.

Mr. ORR, after reading the resolutions through, said: These, Mr. Speaker, are the joint resolutions which have been reported by the Committee on Foreign Relations. The gentleman from Virginia proposes that they shall be referred to the Committee of the Whole on the state of the Union. I would inquire of gentlemen who have heretofore had seats in this Hall, if that motion be agreed to,

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, JANUARY 10, 1854.

NEW SERIES...No. 9.

whether it is not equivalent to sending the resolutions to their death?

Mr. MILLSON. The adoption of the motion to refer will insure the printing of the resolutions. After it has been adopted, a motion can be made to reconsider, and to-morrow, after we have had time for examination, the reference may be reconsidered, and the resolutions may be adopted.

Mr. ORR. Then, Mr. Speaker, the object of the gentleman from Virginia [Mr. MILLSON] I suppose is not to have these resolutions discussed in committee. I am glad to hear that at least. But, I think that the House is prepared at the present time to vote on the resolutions. They do nothing more than simply return the thanks of Congress to Captain Ingraham for a gallant act. It was, sir, an act of gallantry, and it is not necessary that it should be vindicated on this floor upon any other principle—according to the resolutions—than upon the great principle of humanity. He performed it on the great principle of humanity. And what has Captain Ingraham done? He has infused new life and spirit into your Navy; he has caused your flag to be respected on every sea, and in every land on the habitable globe. He has done more than your armies perhaps accomplished during the Mexican war—to have this country respected in every land and nation on the face of the earth. In the adoption of these resolutions the House does not commit itself, and the country does not commit itself to any of the debatable propositions which may be contained in the able letter of the Secretary of State—in some of which I fully concur.

These resolutions, sir, do not commit the Government or the country, if they should be passed. Captain Ingraham did not deliberate as long as we have been deliberating here before he determined that Martin Koszta should not be seized by Austrian authority, and incarcerated in Austrian dungeons. I trust, sir, that the example set us by Captain Ingraham, in doing his duty promptly, will be followed by this House.

Mr. RICHARDSON. In the discussion of this subject, Mr. Speaker, I have heard no objection interposed to the language or to the sentiment of the resolutions. They are very simple. They present, in my judgment, a single point. The only point presented in them is this—will Congress return to Captain Ingraham its thanks for his gallant conduct? I presume, Mr. Speaker, that there is not in this House, or in the country, one single man, having an American heart, who does not admire the manner in which Captain Ingraham conducted that matter in a foreign country, with a single vessel, in the face of a foe twice as great as the force he commanded himself. There is about this whole matter something which has made me, for one, rejoice that the whole affair has taken place.

Sir, there is more than the conduct of Captain Ingraham. I am glad to see that an American Secretary, in the discussion of this question, and with American authority, came forward to support the acts of our officers. If we are that great and proud nation which we claim to be, it is time that we should have something to say in the law of nations. The American Secretary of State has, for the first time, justified the conduct of an American officer by American law and American precedent. I think that heretofore, in the discussion of these questions, our own country has been at fault if she has not attained the position which she is entitled to among the nations of the earth. I am rejoiced, not only that Captain Ingraham displayed, in the face of European authority, a gallantry and courage unmatched, in my opinion, in the annals of history, but I am also rejoiced that an American Secretary has placed his justification for the act upon American authority.

Now, I wish to inquire of my friend from Virginia, [Mr. MILLSON], who has interposed, not an objection to the resolutions, but an intimation of his desire that they should go to a committee, if there is in the history of legislation a single instance where resolutions of this description have been sent to the Committee of the Whole? The

thanks are worth nothing, if doled out and forced reluctantly through the American Congress—

Mr. MILLSON, (interrupting.) I do not wish to be placed in a false position upon this subject. Mr. RICHARDSON. Certainly not.

Mr. MILLSON. I do not wish to be considered here as one who is suggesting objections to the resolution. No man has defended the course and conduct of Captain Ingraham more warmly and more earnestly than I have done in repeated conversations. But I suggest here whether this tribute will not be more acceptable to Captain Ingraham himself, as the result of the mature deliberation of this House, than as only a spontaneous outpouring of inconsideration?

Mr. BAYLY. If my colleague will allow me, I desire to ask a single question: Does he consider a resolution introduced into this House, and referred to a committee to which it appropriately belongs, and which has undergone its anxious scrutiny, as one that has been precipitately and incautiously brought before this House?

Mr. MILLSON. I reply, that while I have all proper confidence in the Committee on Foreign Affairs, and while I consider that my confidence is justified by my knowledge of the materials of which that committee is composed, yet I regard the committees of this House as but aids to the House, and not substitutes for it; and that this House ought not, in any case, to commit themselves, with a blind adherence, to conclusions to which their committees may have arrived. The committee have not assisted us by any written report of the views they entertain, and the reasons upon which they are founded. It is for these reasons that I desire, as well on Captain Ingraham's as on other accounts, that the question should be referred, rather for the purpose of having the resolutions printed, than for the purpose of giving rise to any protracted discussion hereafter.

If my friend from Illinois [Mr. RICHARDSON] will allow me a word more, I will say, that at the time when I made the suggestion to the House I had not read the resolutions, and I wanted to know something about them. I wanted to know whether the resolutions committed the American Congress and the American Government to any questionable doctrines. I concur in the opinion expressed, that the course of Captain Ingraham is to be justified, and, perhaps, alone justified upon the consideration of humanity. Captain Ingraham might with as much propriety have used the force under his command in the harbor of Smyrna for the protection of an oppressed fellow-being there, as he might, in the desert of Africa, have drawn the sword which he wore, as an officer of his Government, to protect some fellow-being from force and violence.

But how far is this act the act of the American Government? That is the question. It is for that reason that I desire the opportunity of considering this question, believing, if my suggestion had been adopted, that the tribute to Captain Ingraham would have been much more acceptable, and the time of the House would not have been so much occupied. There would have really been no objection to it, and there would have been a unanimous consent by the House, when it properly came up for consideration.

Mr. RICHARDSON. The resolutions have been before the House, and have been read and discussed several times during the morning. I think there is no gentleman upon the floor who objects to the conclusions or phraseology of the resolutions. If there were gentlemen here who object to their phraseology or conclusions, for one, I should not urge their passage. The gentleman says the difficulty which presents itself to his mind is, about making the conduct of Captain Ingraham the act of the Government. For one, if it is not the act of the Government, I desire to make it so. I desire that such gallantry, such bravery, and such a display of noble and high qualities should become an act of the Government, and be acknowledged by it. If his conduct has not been made the act of the Government by the action of

any Department, or the President of the United States, I desire that Congress should make it so. I concur with the gentleman from South Carolina, that this transaction of Captain Ingraham has contributed more than any other act or any other display of gallantry ever made by our troops or marine corps to elevate our character, protect our commerce wherever our flag is unfurled, and to give our citizens protection and safety beneath its folds. I desire to see the resolutions passed at once, unless there is some substantial objection to either their phraseology or conclusions.

Mr. HILLYER. I concur in the resolutions which have been just reported from the Committee on Foreign Affairs. I concur in their phraseology. The resolutions themselves will not only go before the country and before the world, but the reasons given in their favor will also go before the country in the Congressional Globe. I am not prepared to assent to the reasoning of the gentlemen from Virginia [Mr. BAYLY] and of South Carolina, [Mr. ORR.] They advocate the passage of these resolutions upon the ground that they commit this Government to no particular policy—to no particular course of argument or reasoning. I desire to commit the Government to both. They seem to advocate the resolutions upon the ground that Captain Ingraham has acted upon the great moral principle of benevolence—of humanity—in rescuing a distressed individual from the oppression of a foreign Power. That reasoning does not command my approbation, and I must dissent from it. When the debate in this House goes before the world, I desire that it shall exhibit other reasons for the passage of these resolutions than those assigned by the gentlemen, of mere charity—of humanity.

When a man acts from moral principle he deserves the approbation of every good man, but he does not deserve the thanks of a great nation. We are called upon as the representatives of an independent nation to thank an officer of our Government for an act performed in the discharge of his official duty. I insist upon it that that act should be of a public character, and concern the public welfare; and such I consider the conduct of Captain Ingraham to be; and it is for this reason that I am willing to thank him. I am willing to support these resolutions, not because he has exercised a charitable feeling, and performed a moral duty for the relief of a distressed individual, but because by his gallantry he has asserted a great American principle—the principle that whenever a foreigner has filed his declaration, under our naturalization laws, of an intention to become an American citizen, he thereby becomes entitled to our protection, and the right to have all the energies of our mighty Republic exerted to rescue him from the oppressor.

The position taken by Captain Ingraham concerns the Republic, and it is for taking that position that he deserves our thanks. However pre-eminent his conduct may have been as a moralist, it deserves not the thanks of his country.

I say, Mr. Speaker, I have made these remarks not in opposition to the resolutions themselves; not in opposition to their phraseology—but to let the country know that there are other, and, in my judgment, better reasons for supporting the resolutions than those given by the gentlemen from South Carolina [Mr. ORR] and from Virginia, [Mr. BAYLY.]

Mr. CHANDLER. Having been a member of the committee to which these resolutions were referred, I rise to express my approval of the words which have fallen from the lips of the honorable chairman of that committee, [Mr. BAYLY,] with a single exception perhaps—I mean to that which related to myself. But since he has imputed to me the sin of ancient politics, [laughter.] I think I stand upon the right footing when, as an ancient member of that defunct party, I rise to defend the action of the favorite child of that party—the American Navy.

This matter, as presented in the resolutions which now lie upon your table, has been divested of all that doubtful species of question which is involved

in the argument referred to by gentlemen who have preceded me, viz: the argument presented by the honorable Secretary of State. We are not called upon now to inquire whether it is the duty of an American commander to defend the rights of inchoate citizenship; but we are called upon to say that we approve of the conduct of a man who, in the name of his country and under the flag of his country, asserts and defends the cause of humanity.

The honorable gentleman from Georgia [Mr. HILLYER] says such an act as that entitles him to no consideration at the hands of this House, which is the representative of the nation. A nation of republicans—a nation of freemen—a nation which, by their Constitution, and by the policy of their Government, are identified with individuals, in their collective character, are called upon to approve of conduct which illustrates our common nature, and pours splendor upon the character of the American nation.

Sir, the Queen of England never allows an act of humanity towards one who claims to be the subject of Great Britain, no matter what may be his situation, to escape without some distinguished token of regard; and hundreds of American seamen are, at this moment, wearing upon their persons, or preserving at their homes, the tokens of that Queen's appreciation of the exercise of humanity towards her suffering subjects. Is the claim of American citizenship less than the claim of citizenship elsewhere? I speak only of inchoate, not perfect citizenship. Is the cause of humanity—that is what I would now speak of—less to be regarded here, and less to be approved, than it is abroad? If it is, I do not understand that. I fall back upon that old defunct party to which the gentleman from Virginia assigns me, and declare that that was the principle of that party; and if it comes down to me—to baptize me with old foggyism—I receive it as I do some other unfashionable portions of my creed.

But, we are asked to refer these resolutions to the Committee of the Whole on the state of the Union, and we are told by the eloquent gentleman from Virginia, [Mr. MILLSON,] that they will be more acceptable to Captain Ingraham after that reference, than if we pass upon them at once. We stand here, sir, to reward Captain Ingraham for what he has done in our behalf, and not to consult his feelings. The measure that we are now engaged in is one of self-respect. If we were to consult Captain Ingraham, the honorable gentleman knows that there is no proverb more applicable to the case than the old Latin proverb, "*Bis dat qui cito dat*"—"he gives twice who gives quickly." Why, sir, while we are deliberating—while we are discussing, the spirit of our good action is evaporating, and the whole is becoming a mere piece of formal legislation.

I regret that the gentleman from New York [Mr. DEAN]—the author of these resolutions—did not, before offering them to the House, submit them to a few friends who would have suggested some slight modifications and amendments—which I know he would have promptly accepted—and then this House would have done itself honor by a prompt acceptance of them from his hands, and by passing them without all this deliberation. The time will come when the President's message will be further discussed—unless, indeed, the signs of yesterday signify that we have already done with it—and I shall hope then to take part in the debate. That will be the proper time to consider how far Koszta was entitled to our protection as an American citizen—how far his inchoate citizenship gave him a claim on us to our protection. In my opinion, if it did not give him a perfect claim, it gave him a claim on our humanity which was perfect, if not as a citizen. It may have given the claim of a citizen, however. It is clear that the Secretary of State is not himself fully satisfied on that point, as in a more recent case he seems to have departed from that decision. Let it be distinctly understood, however, that this man was not upon Austrian soil; he had nothing to do with the Austrian Government. On that ground, and on that alone, if I am to make reference to Koszta's political position, should I take the stand that I have taken in behalf of this resolution.

I will not occupy the attention of the House in attempting to discuss it. It is one that appeals to our feelings as Americans; it is one that appeals to us as the representatives of Americans. It is

no question whether this man or that man bore with him a perfect claim to defense, but it is a question whether the flag of the United States streams in vain in any quarter of the world—whether the oppressed and suffering of the world may not claim exception from that species of tyranny to which this man was exposed. And, consequently, whether we ought not, out of self-respect, dignify the legislation of this body by showing that we can prove that we have the virtue to appreciate and approve and applaud, and, as far as possible, to reward an action which reflects credit at home, and at every place where it is discussed in reference to the Navy of our country.

I had an opportunity, sir, a few months since, to listen abroad to discussions on this very question, and though men doubted whether we might not involve ourselves in difficulty in undertaking to defend a citizen whose claim had not been fully established—one who had only lodged with us his intention to become a citizen—still they believed that humanity, and the progress of human rights, justify the action of Captain Ingraham, and call for applause. When the law of nations comes again to be discussed, we shall, perhaps, hear of some new Puffendorf, some new Vattel, or some new Grotius in our country, who will, on our action, and the peculiar situation of affairs in our country, demand that there shall be a new provision in that law—a proviso which we never will cease to enforce by all the means which humanity and power place in our hands. I trust that this House will adopt the resolutions at once, and vote down the motion to refer them to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I call for the previous question on the motion to refer.

Mr. SMITH, of Alabama. I would be obliged to the gentleman if he would withdraw his call for the previous question for a few moments.

Mr. HOUSTON. There are at least a dozen gentlemen desirous of speaking on these resolutions, and I must decline yielding to the gentleman.

Mr. SMITH. If the gentleman will withdraw his call, when I shall have concluded what I have to say I will renew it.

Mr. HOUSTON. If I withdraw for the gentleman, I must do so for others who may make the same request.

Mr. SMITH. I give my colleague my particular thanks for calling the previous question just as I was about obtaining the possession of the floor.

Mr. HOUSTON. I did not see that my colleague was seeking the floor.

Mr. CHURCHWELL. Has the morning hour expired?

The SPEAKER. It has.

Mr. CHURCHWELL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. BAYLY, of Virginia. I trust that the motion of the gentleman from Tennessee may not prevail.

Mr. MURRAY. I rise to a privileged question. I desire to submit a report from the Committee on Printing.

The SPEAKER. The motion to go into the Committee of the Whole on the state of the Union is also privileged, and being submitted first takes precedence.

Mr. CHURCHWELL. I desire, Mr. Speaker, to know the effect of my motion. If it be adopted will it send the resolutions to the committee? If so, I withdraw it.

Mr. WHEELER. I renew the motion to go into the Committee of the Whole on the state of the Union, if the gentleman has withdrawn it.

The question was taken, and the House refused to suspend the rules and resolve itself into the Committee of the Whole on the state of the Union.

The question then recurred on seconding the call for the previous question.

Mr. WHEELER. I demand tellers.

Tellers were ordered; and Messrs. CLINGMAN and CHURCHWELL were appointed.

The question was then taken, and the tellers reported—ayes 63, noes 80.

So the previous question was not seconded.

Mr. PHILLIPS. Mr. Speaker, I shall vote for the resolution reported by the Committee on For-

eign Affairs, not because I approve the terms of it, but because it is the best now offered to us.

I must, however, be permitted to say that, in my judgment, the committee have emasculated the original resolution. They have taken from it all its vigor and manhood, and given us a weak and poor substitute. Out of the open and bold resolution applauding Captain Ingraham for "vindictive right of American citizenship," we are now treated to one which places the thanks of this nation upon the ground of personal gallantry and humanity.

We are not left in doubt as to how far the resolution was intended to cover the principle involved in the case; for we have the out-spoken declarations of the chairman, [Mr. BAYLY,] and the eloquent gentleman from Pennsylvania, [Mr. CHANDLER,] that the resolution was purposely so framed that while it applauded Captain Ingraham for his gallantry, it avoided the debatable question, as to how far Koszta was legally entitled to the protection he received by virtue of his inchoate citizenship. For one, sir, I should much have preferred a bold and open avowal of principle, even at the hazard of a division in this House, to a poor compromise with unanimity.

Let me ask, Mr. Speaker, whence comes this resolution? No one who has observed events can for one moment suppose it originated in this House. It is but a reflex of the popular judgment long since declared. It but gives "form and pressure" to the great movement which agitated the public mind when the act of Ingraham was first heralded on our shores. And what, sir, was the foundation of this agitation? What was it that so moved the American heart to its lowest depths? Can any one believe that this was all the result of a mere act of humanity in releasing an individual from imprisonment? No, sir; far deeper lies the cause of the national approval. It rests upon the broader basis, that an American officer, in a foreign country, without instructions from the home Government, and under circumstances of great trial, had the wisdom to recognize the legal right of Koszta to American protection, and the energy to declare that he should have it at all hazards. It was not the introduction of a new policy, but the manly assertion of a well-established right, enforced conspicuously upon the attention of the European Governments, that has given to the act the public importance which has attached to it.

And now, Mr. Speaker, let me ask, why should we separate the act of Ingraham from the ground of its vindication? His name is now historical; it is properly associated in the minds of our people with a great political principle, which is destined to embalm it, and those who would disassociate them are unjust to him, to the event, and to the expectation of our people.

While the resolution was intended to withhold all commitment upon the principle of protection, it invokes a legislative approval of the act upon the ground of its humanity. This is not a sufficient cause for the action of the National Legislature. Mere acts of humanity or personal gallantry are not so rare in our Navy as to excite our "special wonder," or to call for this extraordinary testimonial of the Government.

In the exercise of the feelings of humanity, Ingraham may have chosen to hazard his own personal safety; but when he proceeds to jeopard the lives of the men who were intrusted to his care, when he places upon chance the involvement of his country in all the horrors of war, he must act upon the principles of duty; he must look to the right and laws of his country, and not to the impulses dictated by the feelings of humanity.

I have been greatly surprised at the strong evidence of a great diversity of opinion here as to the legal right of Koszta to American protection. I was not prepared for this, as the indication of public opinion in this country had given assurance of great unanimity. Citizenship has been spoken of as a thing complete in itself, admitting of no degree or modification. Now, it has never been contended by any one that Koszta was a citizen, in the full sense of that term, for our laws plainly demonstrate the contrary; but the residence of the party, and the preliminary oath of intention, give to him an incipient citizenship, which would in due time ripen into full citizenship; and this condition bound him to obedience to the Government, and entitled him to the correlative obligations of protection from the Government. Without dis-

puting about words, but looking to the right involved, I apprehend, whatever differences of opinion may here spring up, the judgment of this country is irrevocably determined. Let not the oppressed foreigner, therefore, fleeing from governmental persecution, fear that when once he has landed upon our shores, and entered upon the duties of a citizen, that the laws of our country or the will of our people will prove inadequate to his protection, here or elsewhere.

Mr. SMITH, of Alabama, rose, and was recognized by the Speaker.

Mr. BARRY. Will the gentleman yield for a moment to allow me to move an amendment?

Mr. SMITH. I will yield for that purpose.

Mr. BARRY. I move to insert after the words "Martin Koszta," the following:

A refugee from Hungary, who had fled to the United States; who had filed a declaration in the proper court of his intention to become an American citizen, and who was at the time of his seizure upon Turkish territory.

I want that amendment to be inserted in the original resolutions, after the word "Koszta," for the purpose of stating, as far as it can be stated, the ground upon which the defense of Captain Ingraham's conduct must rest. I agree with the gentleman from Alabama, [Mr. PHILLIPS,] that this resolution, as it now stands before us, is not worth much, because it does not purport to assert any principle. Now, I propose to place Captain Ingraham's conduct upon the only ground on which it can be placed—namely, that Koszta was an inchoate citizen, and was entitled to the rights of inchoate citizenship, and not upon the ground of humanity, for I deny that we have any right to pass any such resolutions, or to interfere in any such case, upon that ground.

Mr. HILLYER. Will the gentleman from Alabama allow me to offer an amendment to the original resolutions?

Mr. SMITH. I do not propose to go very deeply into any investigation of the subject of these resolutions. I will yield to the gentleman.

Mr. HILLYER. If it be in order, I will then send up my resolution to the Clerk's desk.

The SPEAKER. Two amendments are already pending, and the gentleman's amendment is not, therefore, at this time, in order.

Mr. SMITH. I expect to vote against these resolutions in all shapes and forms, and I desire to say only a very few words in justification of my position. From the enthusiasm of certain gentlemen who advocate the passage of these or similar resolutions, and from what my colleague from Alabama [Mr. PHILLIPS,] takes to be the great movement in the American heart, I take it for granted that I shall be in a very small minority. I remember, sir, that on a former occasion in this House, I was in a minority of one upon a question wilder, more frantic, and more enthusiastic than this—(the Kossuth welcome)—therefore I do not dread minorities, as you may know. It seems that the friends of these resolutions cannot be satisfied with any form of resolution. The gentleman from New York [Mr. SMITH] is not satisfied with the Administration, or with the letter of the Secretary of State. They have not gone far enough for him.

My colleague from Alabama, [Mr. PHILLIPS,] complains that the original resolution has been emasculated, and that these resolutions are worthless. Well, sir, I hope that these, or any other resolutions of a similar character, worthless or not, as they may be, may not pass this House now, or on any other occasion.

Sir, what do you propose to do? You propose to thank a man, in this extraordinary manner, for doing simply his duty.

It is not at all surprising that we should manifest some consternation and surprise, when we see any man doing his duty. Any set of two hundred and thirty-seven men who would deliberately waste fifteen days of the public time, in the first month of their session, ought to be surprised that any man should do his duty under any circumstances. [Laughter.] Here you propose to thank a commander in your Navy for simply doing his duty, and nothing further. And I do say, that however gallant, personally, however honorable to his chivalry and spirit, however noble the act may have been in him as a man, yet as a national act, I do question its propriety; and I design, on some future occasion, to show that there are reasons for questioning this act. I take the liberty of saying,

further, that the letter of the Secretary of State, however elaborated, and however ingeniously devised and worded it may be, is fuller of fallacies generally, and false positions, than any document of its character that has been published under the sanction of the Government in this country for the last twenty-five years. I desire that these resolutions shall be passed over now, in order that we may discuss them more thoroughly; and on some other occasion I shall take the liberty of denying the doctrines asserted in that paper; and perhaps I may be able to induce the House at last to pause to consider its consequences.

Sir, I would advise my honorable and distinguished friend from Alabama [Mr. PHILLIPS,] not to be governed by the heart. He says that we are but responding to a great movement in the American heart. Well, sir, a statesman had better be governed by his head than his heart. The head is better than the heart here. Statesmen who have been governed by the heart may be found in such men as Pericles at the feet of Aspasia, and Samson in the lap of Delilah. Let us follow judgment and not feeling, on great national questions, as this unquestionably is. Let us give our heads to the State, and our hearts to the women. I remember, sir, that two years ago this whole country was wild with enthusiasm about Kossuth; and now it seems to be going wild about Koszta: parallel cases.

But let us go back to this proposition. You propose to reward a naval commander for the simple performance of his duty. Some of the very gentlemen who are to-day so earnestly advocating this measure, refused yesterday, and perhaps many times before, to give to a gallant general a mere compliment—the title of lieutenant general to General Scott.

Mr. Speaker, let us be consistent. There are many cases in the history of our Navy of this character. When Captain Long, of the frigate Mississippi, off Marseilles, by his judicious and gallant conduct prevented a rupture between France and the United States, by keeping down that insubordinate and rebellious agitator, Koszuth, thereby indicating his great courage, great firmness, and great intuitive sagacity, he was denounced from one end of this Union to the other by the papers which were pandering to the public heart, to use the favorite phrase of my colleague, [Mr. PHILLIPS,] and to the agitation got up by a distracting foreigner. Captain Long was a man of great distinction, great capacity, and great character; and yet this House absolutely refused to print his letter of vindication, by voting down a motion which I submitted to that effect. Yet public opinion has long since vindicated Captain Long. There is another instance of a like kind in our naval history. When Lieutenant Hunter took Alvarado by himself, on his own hook, he was denounced, tried by a court martial, and dismissed in disgrace from the service of his country! Yes, sir, that gallant young lieutenant, for doing more than his duty, and taking a town without the aid of foggy diagrams, was absolutely dismissed from the service for the simple act—all the fleet not doing as much during the whole war. Is that the way you would, in your wisdom, reward merit? Is this the way for a great Government and a great people to be consistent?

Sir, this House is too frequently led away by what may be considered to be popular applause and popular sentiment. I think that it is time for these things to cease. I am of opinion that Captain Ingraham, as a man, deserves credit and applause for the gallant and chivalrous impulse by which he was governed and prompted in acting as he did; and as such I applaud, and should be proud to do him honor. But I do not wish to commit the Government to an act upon which I look as one of questionable propriety in a national view. These resolutions do not only commit the Government to the act of Captain Ingraham, but also to the message of the President of the United States, and to the letter of the Secretary of State. They commit it to all by indorsing the act of the commander in the most solemn manner, and in rewarding, not by a sword, but by a medal—which is a higher honor than that intimated by a sword—the act itself.

When I rose, Mr. Speaker, I had no idea of speaking half as long as I have. I desired briefly to give one or two reasons why I intended to oppose these resolutions to the very end. Trusting and

believing, from the indications which I see around me, that it is the sense of the House to let these resolutions lie over for further discussion, I will now say that it is my intention hereafter to examine, with a great deal of care and elaboration, the letter of the Secretary of State, as well as the message of the President of the United States—disputing both as unsound. In order that the House may have the better opportunity to discuss this thing fully and thoroughly, as connected with the President's message and the letter of the Secretary of State, I move that the resolutions be referred to the Committee of the Whole on the state of the Union, and ordered to be printed. I hope we shall stay here until the resolutions are better understood, and until they be defeated in some way or other.

Mr. STANTON, of Tennessee. Mr. Speaker, like the gentleman from Alabama, I shall state, in the outset of my remarks, that I intend to be exceedingly brief. I consider the object intended to be attained by these resolutions as a very just and very important one. It is a part of the duty of this House to be performed towards a most meritorious officer—a duty as important as any that can be, or is likely to be, performed by this House, or this Congress, during this session.

The gentleman who was last up [Mr. SMITH, of Alabama] argued that this naval officer had performed a simple duty, and therefore was not entitled to the high honor proposed to be bestowed on him by this resolution. It is true, sir, that he has performed a simple duty, but he has performed it under circumstances which make his act an example of the highest possible courage—higher courage than is exhibited by a military officer on the field of battle. It is an instance of moral courage—of the very highest moral courage—which could possibly have been exhibited. It is not that Commander Ingraham carried his vessel alongside of the Austrian ship, threw his cable over her chains in such a way as to expose his vessel to the fire of a superior force, surrounded by Austrian vessels in the bay of Smyrna; it is not that, sir, which gives him a title to the high honor which we propose to do him; because I have no doubt you may find a thousand officers, or, at least, may find many officers in the American Navy who would be capable of a similar act of gallantry. But the commander of that vessel was under the necessity of determining a great question of international law, and of taking on himself a high responsibility, relying on the justice and propriety of his own decision, and relying on the support of the people of the United States to sustain him in performing a duty which few of our officers, perhaps, under similar circumstances, would have been ready to perform.

Take an instance somewhat similar in circumstances, but very different in results, and very different in the action of the individual who then held the honor, and perhaps the lives, of American citizens in his hands, or at least in some degree in his power. Take the instance of the officer who commanded the American ship at the port of Havana, on a recent occasion, when a bloody tragedy was enacted there, and ask yourself what might have been the difference in the result there if he had had the spirit and character of Ingraham? Sir, it was the moral courage displayed in this instance which entitles Commander Ingraham to the act we are now about to perform. I regret that the usages of the service and the laws of the country do not permit this meritorious officer to be rewarded in even a better form, and in a higher degree, than he can be by the passage of these resolutions, and by the presentation of a medal. I regret that he cannot be promoted for that act of gallantry and high moral courage. My friend from Virginia [Mr. BAYLY] informs me that the Austrian commander has actually been promoted for the performance of his duty on that occasion. This is the spirit with which these transactions are viewed by foreign Governments.

This is not the proper occasion to enter into an elaborate argument in regard to the principles contained in the Marcy letter—the great questions involved in the passage of these resolutions—but in reference to the phraseology of these resolutions, I cannot see the propriety of the objection made by the honorable gentleman from Alabama, [Mr. PHILLIPS,] I submit to him, and to every gentleman upon this floor, whether the resolutions are not sufficiently distinct and explicit upon that point,

and whether it is necessary to insert in them the reasons for approving of what the resolutions call a judicious and gallant act on the part of Captain Ingraham, on the second day of July last, "in extending the protection of the American Government to Martin Koszta, by rescuing him from forcible and illegal seizure and imprisonment on board the Austrian brig *Hussar*."

Why, sir, it is certainly not to be inferred from these resolutions that the action of this naval officer was a mere act of humanity. If it was a mere act of humanity—an interference in favor of a person who had no right to the protection of the American Government—it certainly would not have been judicious conduct on the part of Captain Ingraham.

Mr. PHILLIPS, (interrupting.) The chairman of the committee which introduced these resolutions, expressly stated that the resolutions were so framed as to exclude the question which involved the right of citizenship of Martin Koszta.

Mr. BAYLY, of Virginia. It is due to the Committee on Foreign Affairs that I should repeat what I have already said, as I am still misunderstood. We meant, by our decision, to exclude all debatable questions, and not that the decision should be less emphatic from the cause that we did not assign the reasons for it. We left the resolutions to speak for themselves. That is what I have said over and over again.

Mr. STANTON, (resuming.) I think the resolutions do speak for themselves, just as explicitly as they would if you should insert in them every fact connected with the affair. How much would it add to the strength of the resolutions if you should say by them "that Martin Koszta, a native of a Hungary, who had declared his intention of becoming an American citizen," &c.? It does not exclude the fact, because the whole world is aware of its existence. If the gentleman intends to declare an abstract principle of international law, I apprehend this is not the place to assert such a principle, and this not the mode in which it ought to be done. It seems to me that everything which is important is in these resolutions. It has the sanction of the American Congress—the sanction of a great act of gallantry in an American naval officer, as well as of high moral courage, in executing his simple duty, as the gentleman from Alabama [Mr. SMITH] says; and that duty the preservation of the rights of those entitled to the protection of the American Government.

Mr. SMITH, of Virginia. It certainly is not my purpose to enter elaborately into the discussion of this question, but to make a few remarks upon it for the consideration of the House, which I hope will not be entirely without effect.

When the honorable chairman of the committee, or a member of the Committee on Foreign Affairs, reported these resolutions to the House this morning, the gentleman from South Carolina [Mr. ORR] seemed to regard it as a matter of course that they should pass. He represented to the House that they had been reported from one of the ablest committees of this body, and therefore there should be an end of all inquiry; in truth, that we ought to adopt them without debate, because they were reported by a committee of this high intellectual character.

The suggestion was made by my colleague that some time should be taken for the consideration of these important resolutions. Instantly a great degree of feeling and animation was manifested, not only by the gentlemen from South Carolina and Virginia, but also by the gentleman from Illinois, and others. The simple proposition that we should greatly consider this matter, and deliberately perform the high duty required at our hands, and take time for the purpose of enabling us to do so, was regarded as an act of treason to the country. I cannot understand the reason of this. If there be any one thing in public conduct, or in public legislation, more valuable in its results to the common wants of mankind than another, it is that sentiment, opinion, and action which is expressed after careful consideration and deliberation. I do not hesitate to say to this House, that if Captain Ingraham shall receive the compliment of resolutions passed by this body, he would infinitely prefer that they should pass after a deliberate examination of the whole question, than as a matter of *furor* and feeling. In this particular case, what are the facts? The chairman

of the Committee on Foreign Affairs, or at least that committee report a series of resolutions, in which, as has been truly said, not one principle is professed to be decided. The committee, instead of meeting this question in the spirit in which Captain Ingraham met the difficulty in which he was placed—instead of coming forward and fearlessly taking the responsibility of the movement before the world—avoid the question, and report simple resolutions evading all commitment to any principle whatever. I say to you, Mr. Speaker, and this House, that I will never act upon any such considerations.

Mr. HARRIS, of Alabama. I wish to ask the gentleman a single question, and that is, if the duty of protection by the American Government is not expressly implied from the very phraseology of the resolutions?

Mr. SMITH. We are told by the gentleman who reported the resolutions, and by those gentlemen who have spoken in their favor, that they intend to commit themselves to nothing.

Mr. BAYLY. I do not want to interrupt my colleague, but I want to make a single explanation. I hope I shall have an opportunity soon of being heard upon this question. I have said, and I say now to my friend—for he is my friend—that I have made no such assertion as he has represented me as having made. What I said was, that we had not declared the reasoning which brought us to the conclusion that we had declared the principle of protection—the right of protection for the American Government. One colleague of mine objects to a part of the resolutions as being deficient. Another colleague of mine objects to that part in which we have said that he was entitled to the protection of the American Government. Between these two fires I do not know where I am to land.

Mr. SMITH. I will only say one word in reference to my colleague. The House will remember that but a moment ago he was endeavoring to obtain the floor. I took the liberty, as a friend, to suggest to him that I thought he ought to give others a turn; but he declared solemnly to me, that he had not made a speech upon the subject at all, and that he had not said a word. [Laughter.]

Mr. BAYLY. Mr. Speaker, that is a style of debate my colleague is certainly not accustomed to—I mean to misrepresent a friend. He never did it knowingly, that I recollect. He says I told him that I had not had the floor to-day. Now I did not say that at all. I said that I had not the floor upon my own account; that other gentlemen had had the floor, and that they had allowed me to make explanations, just as my colleague [Mr. SMITH] is now doing. That is what I said.

Now, the gentleman ought to be parliamentary enough—for he has won nearly all his renown in parliamentary bodies—to understand the distinction between having the floor regularly assigned to him, and being allowed to occupy it for the purpose of explanation through the courtesy of other gentlemen. Sir, the Chair has never assigned the floor to me upon this question, though I hope he will do it before this debate is over.

Mr. SMITH. I do not profess to be much of a parliamentarian, but I will state, that whether my colleague [Mr. BAYLY] is a parliamentarian or not, he is certainly an able tactician; for if he does not succeed in getting the floor upon his own hook, he does succeed in getting it upon everybody else's hook. But let this pass.

The President of the United States, in his inaugural address, lays down admirable views in reference to this subject—views which, I venture to say, will find a response in the breast of every American citizen. He declares that every citizen of the United States shall have the broad axis of his country spread over him wherever he may be. That is the principle which I desire to see adopted in the future action of this Government, wherever an American citizen, whether by birth or adoption, may be—in whatever portion of the globe he may be found—the fact that he is an American citizen should be enough. Yes, Mr. Speaker, it should be enough, in the hour of difficulty and trial, for him to stand up and say, "I am an American citizen."

Sir, that sentiment in the inaugural address was responded to literally by the deepest pulsations of every American heart; and no American will be found who will not stand up and vindicate that sentiment wherever it may be assailed.

Well, sir, the Secretary of State, following up the sentiment so beautifully expressed in the President's inaugural, of which the gentleman from Alabama, over the way, [Mr. SMITH] seemed to think so lightly, gave to the world that State paper to which allusion has been made—a paper which never has, and never can be, answered—a paper which will stand the scrutiny of time. He avowed a principle of international law which will, ere long, become acknowledged by the world.

Gentlemen have undertaken to put the action of Captain Ingraham upon the ground that Koszta was, in whole or in part, an American citizen. Now, I wish to be distinctly understood. Sir, I repeat, here in the presence of those with whom I am associated in the great purposes of legislation, that that paper of the Secretary of State does not, directly or indirectly, in any respect whatsoever, place the justification of Captain Ingraham's conduct upon the ground that Koszta was, in whole or in part, an American citizen, and the country does not so understand it. The Secretary of State expressly puts it upon the ground that Koszta had acquired the rights and privileges of habitancy, and refers to the fact that he had taken the proper initiative steps to become an American citizen, as evidence to show that he had obtained the right of habitancy in good faith; and then he goes on further to say, in answering the objection which might be made, and has been made, that a foreign revolutionist might come here and take the initiative steps in one of our courts to become an American citizen, with the view of entangling us in controversies with foreign Powers, that while any person has the power to obtain the right of habitancy, the Government is not bound to maintain and protect him in those rights, unless acquired in good faith. The right of the Government to protect itself against the effect of such an attempt is clear and unmistakable. That is the doctrine of Mr. Marcy, and it is a doctrine upon which the country may stand with safety.

Mr. Speaker, in this state of the question, when the President has spoken out, when the Secretary of State has spoken out, why has not the honorable Committee on Foreign Affairs, with the same frankness and courage, spoken out also?

Mr. SMITH, of Alabama. Do I understand the gentleman from Virginia to say that the letter of the Secretary of State does not sanction and applaud Captain Ingraham's conduct?

Mr. SMITH, of Virginia. Oh, no! Certainly, on the contrary, that letter did sanction and applaud his conduct. I hope the reporter better understands the position I take. I repeat, that the Secretary of State did not justify the conduct of Captain Ingraham upon the ground that Koszta was, in whole or in part, an American citizen. He justified it upon the ground that Koszta had acquired the right of domicile, and he referred to the initiative steps that he had taken to become a citizen, as evidence that that right had been acquired in good faith. That is the ground he took; and he took the further position, in answer to the charge which might be made of involving us in conflicts with foreign countries, that this right was not a perfect and complete one, imposing a duty on this Government to be exercised under all circumstances, but one which left this Government at liberty to extend its protection or not.

Then, sir, the President had spoken in a tone that went to the heart of the country; the Secretary of State had spoken in a tone which had reached the extreme borders of our Republic, and had scarcely called forth a single expression of dissent; and not only that, but Europe herself has been silenced. Sir, it is one of the most remarkable facts, perhaps, in the history of the day, that in reference to that great State paper, which has produced such a sensation in this country, and commanded so much applause, Europe, so sharp to observe the doings of Young America, and so ready to censure and to criticize upon all occasions, has been almost entirely silent on this subject; the public press and politicians of Europe have not, in this instance, indulged in their usual criticisms, because they could not find fault with that great paper, or with the doctrines promulgated in it. The subject is now brought to the attention of another branch of the Government—the Congress of the United States—and that, too, in a very interesting form, and we ought to rise up to the dignity of the occasion—we ought to back up the other Departments of the Government, and base

our approval of their course in reference to Koszta upon a sentiment, and not upon

"The baseless fabric of a vision."

Sir, it was avowed by the chairman of the Committee on Foreign Affairs, in the opening of this debate—although he never had the floor—and it has been referred to again and again, in the course of the discussion, that these resolutions would not commit anybody to any principle, as there was a diversity of opinion upon this occasion. Now, I want to be committed to a principle. I want this House to be divided upon a principle.

Mr. BAYLY, of Virginia. What principle?

Mr. SMITH. I want the vote on the resolutions commending Captain Ingraham, to be put upon a principle.

Mr. BAYLY. Tell us what principle.

Mr. SMITH. I will do so if the gentleman will give me time. My colleague asks me upon what principle I would have this question put. Sir, I would have it put upon the great principle of right—upon the principle stated in the celebrated letter of the Secretary of State.

What was the situation of Captain Ingraham in the bay of Smyrna? He saw enough to satisfy him as to his course of conduct; he saw this man, Koszta, in the hands of Austrian power, with an American protection in his hands.

Sir, did it become an officer of this country to look behind that paper? It was enough that the competent authorities had placed a paper in the hands of Koszta, which gave him a claim upon the country; and I do not hesitate to say that Captain Ingraham would have been false to the character which belongs to the American sailor, and false to the pride that belongs to an American citizen, if, when finding a man, who had the evidence of a right to American protection in his hands, in "durance vile," among lawless Austrians, I may say, he did not do exactly as he did. Was he right or not in acting in conformity to the paper in Koszta's possession? If he were right, why not say so? Why do you not spread over the face of the earth the fact that an American soldier, or an American sailor, has no right to inquire whether a competent authority issued by the proper authorities was rightfully issued or not? That is enough for our sailors and soldiers, that the man claiming American protection has the evidence of his right to it in his possession? Can our seamen in foreign lands pause for an instant to inquire whether that evidence was issued or not by the one who had the right to do it?

But that is not all. Are the doctrines involved in the higher view of the question sound or not? Could not this committee go into the principles of international law which have been spread before the country, and give them the seal of the approbation of the assembled Representatives of the American people? The President of the United States has indicated his sentiments and opinions conclusively. The Secretary of State, who has our foreign relations in charge, has given his to the public unmistakably. The people's Representatives have now nothing to do but confirm the doctrine thus promulgated, and thus give a moral tone, as well as legal effect, to the question abroad for its perfect settlement in the future. I cannot, for my life, see why this thing cannot be done. I cannot imagine why it is not proper.

I think then, sir, that under these views of the case, without meaning to transgress further on the time of the House, that this committee ought to have reported the grounds upon which Captain Ingraham's conduct was to be justified and applauded. The truth is, his merit is in the fact, that, in a foreign port, where this question was sprung suddenly upon him, and without affording him time for reflection, he performed his high duty in a gallant and praiseworthy manner.

Here, before I close, let me say that no man is to suppose for an instant that the course of discussion or remark had to-day involves any hostility to Captain Ingraham. I think, it is true, that in adopting these resolutions we do more than the simple performance of our duties: but that is the fashion of the day. Nobody can imagine that any one of us is unwilling to give the just measure of praise to the gallant officer who so nobly illustrated our country's institutions.

Mr. SMITH, of New York. Perhaps, Mr. Speaker, I should not have presumed to rise, had I been duly influenced by what the gentleman from Alabama has just now told us, of the character-

istics of a statesman. For, in that gentleman's esteem, the heart does not enter into the composition of a statesman. With him the statesman is a creature all head and no heart. With me, on the contrary, the heart is of more account than the head—and that, too, in all the possible circumstances of life, including even the province of statesmanship. A higher authority than the gentleman from Alabama makes more of the heart than of the head. His command, as well upon the statesman as upon every other person, is, "my son, give me thine heart." The heart first, and the head afterwards. The faculties of man drive on but to mischief and ruin, unless the heart be first given to the right and the true.

I find that gentlemen of Alabama agree in their definition of a statesman. Another gentleman from that State, [Mr. PHILLIPS,] when reviewing my speech, a fortnight ago, kindly informed me that I am but a sentimentalist, and not a statesman. To use almost precisely his words: "Though I had attained some notoriety in the country as a sentimentalist, I had never risen to the dignity of a statesman." I beg that gentleman to be patient with me. I may yet become the dignified, heartless, frigid, conventional sort of being that makes up the accepted and current idea of a statesman. They say that Congress is a capital place for making a statesman of one who is willing to come under the process. They say so, for the reason that Congress is a capital place for getting rid of all sentiment, and sympathy, and conscience. Now, I cannot say that I am very ambitious to have realized, in my own person, the popular idea of a statesman. Nevertheless, I beg the gentleman to be patient with me. When I shall have been in Congress a few weeks longer, I may so far have lost my heart, and killed my soul, as to be a statesman. And then the honorable gentleman will, no doubt, be willing to take me by his own right hand, and install me into that dignity which he and other statesmen so self-complacently enjoy.

But to come to the resolutions. I like them exceedingly; and I should rejoice to see them pass unanimously. I like them exceedingly, and especially because they avoid all questions of nationality and citizenship; and leave the justification of Captain Ingraham to rest on the naked ground of humanity. I was much pleased to find the distinguished gentlemen from Virginia and South Carolina, [Mr. BAYLY and Mr. ORR,] defending the resolutions in this light. Delighted was I, when I heard the gentleman from South Carolina [Mr. ORR] declare, in such impassioned language, that humanity is, of itself, ample justification for Captain Ingraham's conduct.

Captain Ingraham, according to the implication of the resolutions, and according to these gentlemen's interpretation and defense of the resolutions, obeyed the simple law of humanity—that law, against which, to use Bible language, "there is no law." Not only is it paramount law—but against it there can be no law. Captain Ingraham recognized no law for kidnapping and oppressing his fellow man. He believed that law is for the protection of rights; and he would not acknowledge as law what was for the destruction of rights; and, therefore, without pausing to inquire into any enactments of Turkey or Austria, he generously and nobly surrendered himself to the commands of the law of humanity, and delivered Koszta.

Captain Ingraham saw in Koszta a man—a kidnapped and oppressed man; and, therefore, he determined to set him free. The manhood of Koszta was all the warrant that Captain Ingraham needed to demand the liberty of Koszta. Captain Ingraham's sympathies are not bounded by State or National lines. They are not controlled by questions of nationality and citizenship; but where he sees his brother kidnapped or outraged, thither does he let his sympathies go out effectively for the deliverance of such brother.

I was glad, sir, to hear the gentleman from Pennsylvania, [Mr. CHANDLER,] in the course of his eloquent speech, quote the maxim "*Bis dat qui cito dat*," (he gives twice who gives quickly,) to incite us to the prompt passage of the resolution. Well does Captain Ingraham deserve the benefit of this apposite and happy quotation, for he acted bravely and beautifully under the inspiration, if not of another Latin maxim, nevertheless of the sentiment of another Latin maxim; "*Nil humani a me alienum*," (nothing that concerns man is foreign

to me.) Yes, Captain Ingraham honored this sublime maxim, which was coined by a slave; for Terence, its high-souled author, was a Roman slave.

Pass these resolutions, Mr. Speaker—pass them promptly and unanimously. By doing so we shall honor humanity and honor ourselves; by doing so we shall rebuke our Government for having taken, three years ago, the diabolical position, that they who rescue their kidnapped, and oppressed, and outraged, and crushed brethren, merit, at the hands of this Government, fines and imprisonment. Pass these resolutions, and you will put the seal of your emphatic condemnation on that diabolical position; and you will cheer the hearts of those who have rescued such poor brethren, and of others who are determined to rescue them whenever they can get the opportunity to do so. Pass these resolutions; and these passed, the future rescuers of the most wronged of all men will rejoice in knowing, that upon the principle of these resolutions, and upon the principle by which some on this floor have advocated them, they are entitled, not to suffer fines and imprisonment, but to receive gold medals.

Mr. CHURCHWELL. Remarkable debate! The enlightened world will be astonished when it shall have read the debates of the popular branch of the American Congress of to-day, in connection with the great American State paper upon this subject; and it will be astonished at the different positions assumed by the legislators upon this floor. We find able Representatives, upon both sides of the House, arguing the question upon the ground of humanity; and I was almost forced, by the remarks of the honorable member from New York, [Mr. SMITH,] to ask the Speaker whether Martin Koszta was a colored man or not. We find American history crowded with those great events which justly make us proud of our country. In that record there is no incident, perhaps, more brilliant than the act of the gallant Ingraham in the port of Smyrna.

But, sir, I propose not to go into the argument as to the right of giving protection to Martin Koszta. The right either existed, or it did not. But acting upon the belief that he was entitled to protection, I shall go for the resolutions as they exist; and, I may remark, that I should have gone for the original resolutions.

As regards the matter of the recommendation of these resolutions by the able committee [on foreign affairs] which reported them, I will say, that I think the House owes some respect to that recommendation. It has examined them more thoroughly, perhaps, than any gentleman not a member of it who has taken part in this running debate. In that judgment I heartily concur, having formed my opinion after a careful perusal of the State paper of Mr. Marcy.

The effect of this debate just at this time, upon the other side of the water, when the leading war spirit [Lord Palmerston] has just retired from the British Ministry, will be startling; and the discussion which has taken place here to-day will be read there with a remarkable degree of interest. It may be the means of introducing a new Ministry, and bringing back to Parliament the war spirit which has just retired from it. The history of passing events is of the most thrilling interest. While the old world is convulsed with agitation, and while all eyes are directed to the Eastern question with intense anxiety, we have still happily a quiet and peaceful state of affairs at home. But who knows what a few months may bring forth? The Turko-Russian question, notwithstanding the present belligerent aspect of affairs, may be adjusted by negotiation.

When Cuba and its Africanization may enlist the tender sympathies of potentates and their stipendiaries, the apparent impending war scene may be changed to this hemisphere, and become a reality.

Much is involved in the Cuban question. All parties look to its solution with the liveliest interest. While it is charged that Great Britain is conniving at schemes adverse to our interest, we have a denial of such interference upon the part of that Power—that she has entered into no stipulations upon the subject. But the fact of her having intermeddled is too glaring to deceive even the most common observer of passing events, and revelations are becoming daily apparent to the public eye. But I will not go further into this subject.

Notwithstanding the variety of argument adduced here, notwithstanding the different views which have been presented by members who have spoken upon this question, I think, if we understand each other aright, that there is no member of this House opposed to tendering thanks and a medal to an accomplished officer, whose valorous conduct has attracted the admiration and the plaudits of the good of every land. I hope the House will pass the resolutions reported by the committee unanimously.

Mr. ORR. The remarks made by the gentleman from Virginia furthest from me, [Mr. SMITH,] require that I shall make a brief explanation in behalf of the Committee on Foreign Affairs. I will make a suggestion, and I hope the chairman of that committee will elucidate it at length. Neither the President's message nor the accompanying documents have as yet been referred to the Committee on Foreign Relations. How then could it be expected that this committee, in these resolutions, should have stated the grounds, as insisted upon by the gentleman from Virginia, [Mr. SMITH,] for tendering thanks to Captain Ingraham? They have had no official cognizance of the message or correspondence accompanying it at all. When this correspondence is referred to the Committee on Foreign Affairs, and it is found necessary by them to give expression to the opinions of this Congress in the shape of resolutions, I have no doubt that such resolutions will be reported by that committee.

One more remark in reply to the gentleman from Virginia, [Mr. SMITH,] When was it ever known to be necessary that, in a resolution of thanks—for the present resolutions are substantially such—that we should go into an argument to vindicate the great principle of international law, or any other law?

Do you proceed to detail the plan and order of battle when you thank a general? Not at all. Do you explain and set forth, in detail, the grounds upon which his conduct is meritorious, or state the causes of the war leading to the battle, or do you not rather make the simple declaration that your thanks are due for the gallant and good conduct of the officer? That is all. That is precisely what it is proposed to do in this case.

The passage of the resolutions will be justified upon the ground of humanity, without assigning any other reason in debate, that were not necessary to be stated in the resolutions. Captain Ingraham found Koszta had been illegally seized, and unlawfully detained, by Austrian authorities in Turkish territory. If the illegal act was consummated by transferring him to an Austrian dungeon, then his doom was sealed; and it was a noble humanity that prompted Captain Ingraham to step forward, at eminent personal hazard, and rescue this unfortunate man from the high-handed outrage perpetrated upon him, and, through him, upon humanity. I thank the gentleman from Virginia [Mr. BAYLY] for his courtesy in allowing me to make these remarks.

Mr. HARRIS, of Alabama. Will the gentleman from Virginia now allow me for a minute?

Mr. BAYLY. I will yield to the gentleman.

Mr. HARRIS. I do not rise for the purpose of consuming the time of the House; but being a member of the committee which reported these resolutions, I desire simply to say a word in explanation; for it seems to me that, in the course of the debate, a mist has quite unnecessarily been thrown around these resolutions, while a simple analysis would render them perfectly clear, and show that they are not liable to the misinterpretation which has been put upon them by some gentlemen here this morning.

It has been asserted that these resolutions are entirely destitute of everything like principle. Sir, if that had been the case, I should not have been found here supporting them. I believe in the principle put forth in the document emanating from the State Department, to which allusion has so often been made this morning. I believe with other gentlemen, that it is one of the most remarkable documents of the day, and that it is likely to constitute a new era in the history of international law. Well, sir, these resolutions, I hold to be based—to be predicated upon that document. The letter of the Secretary of State does not pretend to go into a declaration that Koszta was entitled to the claim of full citizenship, but it does assert the proposition that he was entitled to the

protection of the American Government. To that extent it goes, and no further.

Now, let me ask the honorable gentleman from Virginia [Mr. SMITH] what he would have us assert? It seems to me, with all due deference to him, that he misunderstands the idea expressed in the resolutions. If I understand them, they come directly up and assert the principle expressed by the gentleman himself—as broadly as he himself asserts it. They assert the great principle that Koszta was entitled to the protection of the Government.

Mr. SMITH, of Virginia. I dislike to interrupt the gentleman, but I desire to say that it is very likely I may have misunderstood the resolutions. Of course I, being entirely an outsider, could not have seen the resolutions until they were brought in here, and reported by the Committee on Foreign Affairs. They were reported to the House, but every one knows how difficult it is to hear in the bustle and confusion of this Hall. I say, therefore, that it is very possible I may have misunderstood them. But it is very evident from the discussion, that other gentlemen, too, have fallen into the same error. I understood the gentleman from New York [Mr. SMITH] to put the justification for the resolutions upon the ground of humanity; and that then he branched off into the question of succoring the oppressed all over the world.

Mr. HARRIS. The resolutions speak for themselves. I will read them, and I ask the attention of the House to them.

Mr. BARRY. I rise to a question of order. I do not like to be discourteous to gentlemen, but I ask that the question may be settled. I desire to know whether the gentleman from Virginia, [Mr. BAYLY,] holding the floor, has the right to yield it to other gentlemen for the purpose of making speeches? I raise the question as to the rule. As I understand it, no gentleman has the power to yield the floor to another, except for the purpose of explanation. I raise the question in all kindness to the gentleman, and I hope I will not be misunderstood.

The SPEAKER. The gentleman has only the right to yield for explanation.

Mr. HARRIS. It was precisely for the purpose of explanation that I rose. I desire that the House may understand what the joint resolutions embrace.

Mr. H. here read the first resolution, and then resumed, as follows:

Now, sir, is there not a principle involved there? What is it? Precisely the principle that was asserted in the letter of the Secretary of State, that Martin Koszta, although he had not been admitted to the full rights of distinct citizenship, was still entitled to the right of protection by the American Government. That is as far as that document went; it is as far as I understand the gentleman from Virginia is willing to go; it is as far as the joint resolutions go. It occurs to me, that in this form there can be no possible objection to them.

Mr. PHILLIPS. The objection to them is that they do not assert the right of Koszta to protection. The words that were in the original resolutions, vindicating the rights of the American citizen, are not in these resolutions. There is nothing in them which asserts the right of Koszta to protection.

Mr. HARRIS. It would hardly be supposed that the Congress of the United States would tender thanks to a man for doing a thing which he had no right to do. That is the reply which I make to my colleague. The act of tendering thanks to Captain Ingraham is a recognition of his authority to extend protection that could not be justified, much less commended, save upon the idea that Koszta had the right to claim it.

Mr. JONES, of Tennessee. The gentleman from Alabama, [Mr. HARRIS,] if I understand him, says that Koszta was entitled to the protection of the American Government. I ask the gentleman how far he was entitled to that protection? If Austria had refused to give him up, or to release him, would this country have been justified in declaring war against Austria?

Mr. HARRIS. That is carrying the matter far beyond the limits of the present resolutions. It would open the whole field of debate. I do not propose to follow the gentleman, and the point I am debating is their proper construction. The simple purpose of these resolutions is a tender of thanks for what has been done. That is all.

Mr. JONES. Then, if I understand the ground taken by gentlemen who are favorable to these resolutions, it is that we had a right to demand the release of Koszta; and if Austria refused to give him up, why we could just go about our business. Now, I believe that if we had a right—

Mr. HARRIS. I cannot yield the floor to enable the gentleman to make a speech.

Mr. JONES. If Koszta had a right to the protection of this Government, we should have had to enforce his rights, even if we had had to resort to war in so doing.

[Cries of "Order!"]

Mr. HARRIS. I cannot yield to the gentleman. I feel that I have already trespassed too long upon the kindness of my friend from Virginia, and I now resign the floor to him.

Mr. BAYLY, of Virginia. This debate, and the character of the criticisms which have been made on the resolutions, would have surprised me, if anything nowadays could surprise me in the House of Representatives. The Committee on Foreign Affairs, on this occasion, have appeared to me very much like the man in the frontispiece of the almanacs—we are fired at from every sign in the zodiac; and, in getting up to say a word in defense of what we have done, I have some difficulty as to whether I shall reply to Taurus, who, with his stentorian voice, speaks with so much emphasis from the other side of the House, or to Sagittarius, or to Cancer, or to Pisces. I do not know precisely to whom I shall reply; Leo has not spoken. I shall attempt, however, as far as it is possible for me to do it, to take up the salient points of this debate.

And, sir, it first becomes me to state to the House precisely what we have, and what we have not done; for it seems that gentlemen have entered with great zeal into this debate, without understanding, as their own admission shows, what they are talking about. The gentleman from New York, [Mr. DEAN]—in a hurry, as he will admit, when he comes to speak on this question, which he will have a right to do—did what is generally a very safe thing. He looked to a precedent in drawing these resolutions; and, as I said before, when interrupting my friend from South Carolina, [Mr. ORR,] the Committee on Foreign Affairs thought the gentleman from New York had followed that precedent too literally. He proposed the following:

"Resolved, That the thanks of Congress be and they are hereby presented to Captain Duncan N. Ingraham, commanding the United States sloop of war St. Louis, and to the officers and men under his command for their gallant conduct on the second day of July last, in asserting and protecting the right of American citizenship, native and adopted, by the rescue of Martin Koszta, in the harbor of Smyrna, from his forcible and illegal seizure and imprisonment."

The gentleman from Alabama says that we have emasculated that resolution. Let us see to what extent we have amended it; and then let the American Congress decide whether we are liable or not to the charge of having emasculated it. We struck out the vote of thanks to the officers and men under the command of Captain Ingraham. And why did we do it? His was not an act such as that of a general or commodore fighting a battle. The officers and men had nothing to do with it in this case—in those generally most. It was a moral act in this case. We struck out "the officers and men" because they incurred no responsibility; they did nothing. Well, what else did we do? In lieu of the words "for their gallant conduct in asserting the rights of American citizenship, native and adopted," we substituted "for his judicious and gallant conduct, on the second day of July last, in extending the protection of the American Government to Martin Koszta, by rescuing him from forcible and illegal seizure and imprisonment on board the Austrian brig Hussar."

Now, sir, if there be anything in American diplomacy to which I object—and God knows that I am as proud of it as any other American ought to be—it is the disposition manifested in the Department of State to make forensic arguments in diplomatic papers. We are too forensic in all our State papers. All the other Governments of the world, whose example is to be respected, have satisfied themselves with stating conclusions.

It is the fashion in this country of late, however, not only to come to conclusions, but to make forensic arguments. I do not want to condemn anybody, but I think for a long time that it

has been a great error in American diplomacy to be dealing in forensic arguments. In the early days of the Republic, when our State papers were so distinguished, it was not so. When we had the question of 54° 40' up, and now when we had the Koszta question up, you had and have long forensic arguments. And then, when they go before the American people—and this House is in that respect a type of the American people—the whole trouble and difficulty is with the arguments, and not with the judgments of the Government. I am opposed to forensic arguments; I am in favor of precise judgments.

Mr. WHEELER. I do not like to take the floor from the gentleman from Virginia; but as he is opposed to argument, and in favor of judgment, I propose that the House go to the consideration of the business on the Speaker's table, and thus cut off argument.

The question was put on Mr. WHEELER's motion and negatived.

Mr. BAYLY. Mr. Speaker, move up your dial a little, so as not to take that time out of my turn. I was answering the objection of my friend from Virginia, and of other gentlemen, that in these resolutions we propounded a conclusion, and did not assign a reason. Well, I was surprised to hear my friend from Virginia [Mr. SMITH] make a difficulty of this sort, for he and I have studied the history of politics; and it has occurred that at one time—in better days than these, Mr. Speaker—in the days of Jefferson—the republican party, with Jefferson at its head, arraigned the Supreme Court for not contenting themselves with pronouncing judgments, but giving opinions embracing questions not involved in the cause. And it was a good criticism. They did not content themselves with deciding the causes before them, but went on and gave opinions to be regarded as law in other cases. I have always been with Jefferson and the republican party in that respect. The duty of the Supreme Court was to pronounce judgment, and not to give opinions, in which opinions were expressed that were not called for in the case before them.

If it is true with the courts that they ought to confine themselves to the cases before them, it is more emphatically true in acts of the Government connected with our foreign affairs. Pronounce judgment, and let everybody find out for himself the reasons for supporting that judgment—not weaken the judgment by giving a bad reason for it. My opinion is that it would be a very judicious course to pursue. Not to pronounce *equivocal judgments*—not as the gentleman from Alabama [Mr. PHILLIPS] says, we have done on this occasion, come here with a compromise—but to pronounce a clear and distinct judgment. That is what the committee has done on this occasion. That does not seem, however, to satisfy gentlemen. They are not content to applaud Captain Ingraham for what he has done; they are not content with the governmental sanction of what he has done; but they want us to write it out in a long treatise, with all the "ifs" and "ands," and qualifications of argument. What Captain Ingraham did is what the Committee on Foreign Affairs call on the American Congress to approve, and not what anybody has said in justification of the act. I suppose they want us to quote the whole record and the argument of the counsel in the judgment.

Well, sir, that was not the view which the Committee on Foreign Affairs took of the matter. We made no compromise—for there was none—the House will allow me this reference to the action of the committee, though not exactly parliamentary—we went there like nine respectable gentlemen; we all had the same thing in view—to do a proper thing in a proper way; we talked over it, we looked at the difficulties and came to the conclusion, that if we brought in a resolution declaring that we approved of the conduct of Captain Ingraham, and designated by day and date the conduct to which we alluded, and not alone by referring to the day and date, but by description also, that would be sufficient without going into the question whether that conduct was right on this ground or that—whether he was entitled to protection on the ground that he was an American citizen, or upon the ground taken by my friend from Pennsylvania, [Mr. CHANDLER,] of humanity. We came to the conclusion that all which the Committee on Foreign Affairs ought to do, was to ask the opinion of Congress upon this act itself, without asking its

opinion of the reason assigned in justification of the act.

Sir, we never ought to give reasons in such a case as this. One gentleman said we did not have the subject before us, as the President's message had not been referred. Well, it so happens that the gentleman from New York [Mr. DEAN] introduced his resolutions, to which I have already referred, and this House did refer them to us, and require us to make a report upon them. Like industrious men, we performed our duty and reported upon them. We reported speedily, too, for the reason I assigned when I was interrupting my friend from South Carolina, [Mr. ORR,] and for a reason which was much more eloquently assigned by my colleague upon the committee, the gentleman from Pennsylvania, [Mr. CHANDLER,] that the thanks amounted to nothing, if tardily proffered. The Austrian Government has promoted its officer who was engaged in this affair, and has conferred upon him a high and unusual honor. For what, I am not precisely able to ascertain, unless it be that he was entitled to credit for saving his ships from destruction. That is a very proper reason for promotion, I admit, if the thing had been done in a different way. We have nothing to do with that, however. They have promoted their officer for saving their ships, as I presume. We cannot promote Captain Ingraham, although he saved his ship, too, and did it without complying with terms, usages and laws as they now are; but we can do something more significant—we can say to him that the heart of the American Congress is with him; and that ought to be more to him than all the stars and garters which can be conferred.

The gentleman from Alabama [Mr. PHILLIPS] has pursued a course of argument upon this occasion not at all unusual, in which he undertook to condemn the conclusion at which we had arrived, on account of the unsoundness of some of the reasons which had been assigned in support of it. He says that the gentleman from Pennsylvania [Mr. CHANDLER] puts it upon the ground of humanity, and he argues that Captain Ingraham had no right to interfere upon any such ground as an American officer. To act from feelings of humanity was not within the line of his duty.

Have we come this, that the American Army and Navy can never act to prevent a wrong not immediately their own? Has it come to this, that we are so wrapped up in our selfishness, that an officer ought to be censured, rather than be praised, for interfering, as an officer of the Government, in an act of humanity, in which American citizens are not concerned? I do not so understand their duties. I admit that our officers have no right to go out as propagandists, as philanthropists, to meddle in the affairs of other people, when their sympathies might lead them to interfere. But I do say that there are occasions when they ought to interfere; and in cases of pressing emergency, not wait for instructions. Our resolutions are full and comprehensive, and assert everything which ought to be asserted. We assert that Captain Ingraham was right in extending American protection to this man, under the circumstances in which he acted. What more do gentlemen want? Emasculated, indeed? Resolutions, asserting such principles as these do, to be spoken of as *unmeaning*—I will not say *unmanly*! Charge, indeed, with non-committalism resolutions so pregnant with meaning as these! My friend from Virginia [Mr. SMITH] thought—

Mr. SMITH, of Virginia, (interrupting.) Let me ask my friend a single question, while upon this particular point. Suppose Koszta had had no claim upon the United States at all; that he had never been here; that he was a British subject, and had been unlawfully seized and taken on board the Hussar, would not your resolutions have covered such a case just as well?

Mr. BAYLY. Why, my friend, the resolutions thank Captain Ingraham for having gallantly and judiciously extended the protection of the American Government in the precise case in which he acted. Such is the character of these resolutions. Does any gentleman suppose that we are going to protect everybody. Why, no! To redress the wrongs of every man? Why, no! I may hereafter define, if I find it proper, the cases in which alone—and there are such cases, interference of our officers in cases not immediately *our own* might be proper. But I have not time now.

I was going on to say, when my colleague from the Fairfax district [Mr. SMITH] interrupted me, that my colleague from the Norfolk district [Mr. MILLSON] had complained that the House had not had an opportunity for consideration. Why, sir, that thing is constantly said about everything that comes before the House. But let us see how it is on this occasion—let us see whether there has been no opportunity for the examination of these resolutions. The gentleman from New York [Mr. DEAN] introduced the resolutions. They lay over under the rule. When they came up again he yielded to a suggestion of mine that they had better go to the Committee on Foreign Affairs, of which he was a member. They went to that committee. They were there scrutinized and brought in here indorsed by the unanimous vote of the committee. They are short and simple; but yet, forsooth, the gentleman says they have not undergone sufficient consideration. I do not know what gentlemen mean by subjecting a resolution to sufficient consideration; but it seems to me that such a charge surely cannot be brought in a case like this.

I dislike to detain the House unnecessarily by any remarks of mine, but, before I conclude, I desire to refer to the remarks of the gentleman over the way from Alabama, [Mr. SMITH.] That gentleman seems to think this is another Koszta affair. Why, that gentleman knows that, as far as that matter is concerned, I went with him in opposition to the Koszta movement.

Mr. SMITH, of Alabama. My impression is that the gentleman is taking rather more credit to himself than he deserves. I do not recollect distinctly, but my impression is, that, for a considerable time, I stood very solitary in my opposition to that movement.

Mr. BAYLY. Well, about that I do not know. I think myself that upon that occasion the gentleman ran a little ahead of the music, as I think he is doing on this occasion. [Laughter.] I do not know whether I kept up with him in running ahead of the music. I do not think I did. That gentleman, however, must recollect that I voted against the admission of Koszta upon this floor; and that I was denounced as not being a friend of liberty, because I did not think that man the impersonation of the spirit of liberty. I may have come tardily to the gentleman's support, but when I did come—

A voice. You made your mark.

Mr. BAYLY. I do not say that, but I will say that when I did come, although I may not have made as good speeches as the gentleman from Alabama did, yet I think they were as well timed, and that I did quite as effectual service in that contest as the gentleman. The country can judge of that, however. But, sir, what analogy is there between this case and that of Koszta?

Mr. SMITH. I will answer that question if the gentleman will permit me—at least if he asked it with a view of being answered.

Mr. BAYLY. Well, I have no objection.

Mr. SMITH. The similarity is this: Koszta was a refugee from Hungary, and Koszta was one of his peculiar men. I look upon them both as agitators, as revolutionists; and as, having been driven from their own country, going about on the face of the earth seeking to disturb the peace of the universe; and Martin Koszta under the bare pretext of making a showing in the beginning of naturalization, left this country, as we may best suppose, from his disposition to stir up a fuss somewhere. That is my answer, and that is the similarity.

Mr. BAYLY. We will see how that is. It is true that I took part with the gentleman from Alabama, two years ago, in opposing the unusual honors that were proposed to be offered to Koszta; but the cases have not one whit more to do with one another than they have with the Reformers. They are quite as distinct. Koszta came here as an agitator, to ask us to afford him "material aid,"—to enlist our Government in his schemes—to ask us to change our foreign policy, which he implied we did not understand. He did not come here as an emigrant to become a citizen, although, I undertake to say, that the design of the American Government, in offering him a free passage to this country, was to enable him to come here and enjoy that liberty which, I fear, he will never be able to achieve in Europe. He not only did not become naturalized; but he did not take the initiative steps to become naturalized, I

believe; he did nothing to put himself under the ægis of American protection. But even if he had, the question then would have been presented whether we would make a fuss over the arrival of such a man. I did not think there was anything in the case to justify the fuss. When Koszta came here he declared his intention to become an American citizen. He came here with a purpose, declared in open court, to put himself under the protection of American laws, and with an intention of securing American rights. But Koszta, after coming here, went back to Europe, and an attempt was made to seize on him illegally in a neutral port. Well, gentlemen may say that that was a matter for Turkey to resent, and that we had no right to interfere, even though he was clothed with our nationality.

Sir, I recollect that in our intercourse with Mexico, a British-born subject, naturalized as an American citizen, claimed the protection of the British Minister, in the city of Mexico, from illegal violence. He went, mortifying as the fact is, not to the American Minister, but to the British Minister. The British Minister approached the Mexican Government, and said, this man has been wronged, and reparation must be made; and similar wrongs must not be perpetrated in future. The Mexican Government said we could not help it—the outrage was committed by a revolutionary mob, and we are not responsible for it.

The reply of the British Minister was, "if you cannot help it, Great Britain can." You are to protect him "on your own soil, and in your own capital, but if you cannot, we can." And in so replying he only gave utterance to what is the law of nations. I want it to be not only the law of nations with Great Britain, but I want it to be the law of nations with America. If any one clothed with our nationality be in any place where the authorities cannot or will not protect him, I want the American Government to reply as the British Minister did: "If you do not protect him we will." When a foreign state declares their inability to protect, then our right begins.

We have not said in the resolutions that Koszta was entitled to protection as an American citizen. He was not; but I do not want my argument to have any connection with the resolutions. Let the resolutions speak for themselves. Mr. Marcy does not contend, nor does anybody else, that he was entitled to protection as an American citizen; but we do contend that Austria had no right to act as she did, through her officer. He was not on Austrian, but on Turkish territory. If we have done any wrong it is to Turkey; but Turkey does not complain. He had been clothed with our nationality, and being so, the very moment that the American commander saw the local authorities would not afford the protection to which he was entitled, and which civil authorities would have given him if he had been in New York instead of Smyrna, he knew the performance of his duties commenced to act as he did.

What do you want with a navy? We know what we want with our Army. It is to take care of the Indians; and I believe that is all it is occupied in; and how usefully, the country can determine. What do you want with a navy? What! are you to go to all the expense of retaining squadrons in foreign ports, if they are to do nothing in any emergency, and in a case like this to await instructions?—if they are, to use a homely expression, to lock the door when the steed is stolen? I do not like the standing instructions given to our naval officers. Our naval officers are prohibited, by the standing instructions, from talking. There is a gag law on them. I like that. I am not for their talking. Let gentlemen look into those instructions and see what they really are. The officers have followed them heretofore, too literally. Captain Ingraham has carried them out in the proper spirit, and that is a good foundation for this movement. The gentleman from Alabama says that he has no sympathy with this constantly voting of thanks; that it is making them cheap. Well, in that I sympathize with him.

Mr. SMITH, of Alabama. The gentleman misapprehended me. I said that, as a man, I would be prepared to give Captain Ingraham my thanks and sympathy for the gallantry of his conduct and the chivalry of his nature; but that I doubted the propriety of thanks as a national act.

Mr. BAYLY. It is because this is proposed to be a national act that I think it proper. The

gentleman from Alabama the other day deliberately voted a resolution of thanks to General Wool, principally for his conduct at the battle of Buena Vista. He did not then propose to assign all the reasons for his vote, and go into all of the reasonings about the justice and necessity of the Mexican war. That is the way he voted. Let us compare Captain Ingraham's conduct to that of General Wool. What did General Wool do? He did his duty, nobly and manfully, with courage and gallantry. He incurred no other risk or responsibility, however, than that danger which the soldier covets. If he fell, he fell with honor, and doubly blessed. If he conquered, he had in store for him the applause of the nation. No risk was incurred of his being dismissed from the service. No risk did he incur of being brought before civilians with hours and weeks and months to investigate and to examine whether the law was with him or not. He had a plain path of duty before him. There was no difficulty or doubt about it. He could not hesitate or doubt. I do not mean to say he would have hesitated or doubted if there had been any responsibility attached to his duty. But there was none. He incurred a risk which was a soldier's pride. That was all.

But what was Captain Ingraham's case? He, a military man, was doing a civil act; he, a military man, was deciding on a legal question. If he decided wrongly, he was in danger of being censured by his Government. And if that erroneous legal decision had led to mischief, if he had not been broken from the rank he held, he would have been execrated. He had to act on a delicate occasion, in a matter in which civilians here, who have had time and opportunity to examine it, are doubtful as to whether his conduct was right. But he consulted his heart—that South Carolinian heart which beats in his bosom—without going to precedents and musty authorities. And yet, when civilians come to examine it, they say that the impulse of the heart was in accordance with principles of national law.

He not entitled to our thanks! And we thank General Wool, and with the vote of the gentleman from Alabama! [Mr. SMITH.] Not thank Captain Ingraham in a case of this sort! Gentlemen, this is not a case of mere physical courage; that is a common quality; and when you find a deficiency in it, it is the exception, and not the rule. But moral courage is rare; and when you find an eminent instance of it, it should be marked and honored.

Mr. Chairman, I never take notes of a debate, and I do not know that I have touched on all the points which have been raised. I have avoided especially and by design, any reply to the remarks of the gentleman from New York, [Mr. SMITH.] Everybody here knows, without my saying it, that there is no analogy in the case of a legal capture and detention and that of an illegal capture and detention. The distinction is too broad between the cases to require illustration. He is in favor of violating law in obedience to false and morbid sympathy. We are in favor of sustaining law—national law—and complimenting the gallantry which sustains it.

This is not an ordinary case. As I said in the few remarks I made, when interrupting my friend from South Carolina, [Mr. ORR,] that our Government, in this matter of Captain Ingraham, has taken a new departure, and hence it is that I want the American Congress to applaud what he has done. I am tired of submitting to everything; and when we have done so, going to other nations begging for damages. We want errors committed, if committed at all, the other way. If there is to be any question of damages, I want to be defendant.

Mr. CLINGMAN. We have been plaintiffs long enough.

Mr. BAYLY. My friend from North Carolina [Mr. CLINGMAN] says we have been plaintiffs long enough. That is what I was saying. With nations, as with individuals, the fear of a tardy verdict for damages for wrongs committed is not always the best security against them.

Mr. PERKINS, of Louisiana, here obtained the floor, but yielded to

Mr. BOCK, who moved that the House do now adjourn.

The motion was agreed to; and the House accordingly adjourned until to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 6, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved. EXPENSES OF MILITARY ESTABLISHMENTS.

The SPEAKER presented to the House a communication from the War Department, transmitting a statement of the expenditures during the year 1853, from the appropriation for "Contingent Expenses of the Military Establishments;" which was read, and ordered to be laid upon the table, and printed.

CAPTAIN GUNNISON'S SURVEY.

Also, a communication from the same Department, in compliance with a resolution of the House of Representatives of the 22d ultimo, transmitting a report of the Colonel of Topographical Engineers, containing all the information relative to Captain Gunnison's survey in the possession of the War Department; which was read, and ordered to be laid upon the table, and printed.

HERNDON AND GIBBON'S REPORTS.

Mr. MURRAY, from the Committee on Printing, reported the following resolution; which was read and adopted:

Resolved, That there be printed, for the use of the members of this House, ten thousand extra copies of the report of the Secretary of the Navy, communicating the reports of the explorations of the river Amazon and its tributaries, made by Lieutenant Herndon and Gibbon, with the accompanying maps and plates.

ESTIMATES FOR RIVERS AND HARBORS.

The SPEAKER. On the 31st of December last, by the unanimous consent of the House, the further consideration of a letter from the Secretary of War, transmitting a memorandum explanatory of the estimates for rivers and harbors, was postponed until this day. There are two motions pending in relation to it; one to refer it to the Committee on Commerce, and another to the Committee on Roads and Canals.

Mr. FULLER. Which is the first question in order?

The SPEAKER. The motion to refer to the Committee on Commerce.

Mr. FULLER. It will be recollected by the House that the subject is already before the Committee on Commerce, on a resolution of inquiry, introduced by the gentleman from Alabama, [Mr. DUNBAR.] The Committee on Commerce are engaged in an inquiry into that subject; and it strikes me that this is a subject which should appropriately go to that committee, and falls within the class of inquiries embraced in that resolution of inquiry. But if it be the opinion of this House that the subject-matter of the Secretary's letter would be more appropriately referred to the Committee on Roads and Canals, then I think it is proper for the Committee on Commerce to ask to be discharged from the further consideration of the subject already referred to them. I hope, however, that it will be allowed to take the direction I have intimated, and be referred to the Committee on Commerce.

One remark further; when this subject was before the House on a former occasion, in reply to a statement made by the gentleman from Ohio, [Mr. CAMPBELL,] with reference to the character of former bills reported from the same committee, to this House, I made some allegations, merely intending to meet the objection then made, and said that that committee had considered all sections of the country in relation to appropriations.

I was not in the House when the gentleman from Kentucky [Mr. EWING] made some remarks alluding to the Committee on Commerce; for, as chairman of that committee, I was engaged in investigating and obtaining information from the Departments in relation to this subject. If the gentleman from Kentucky had listened fully to the remarks made upon this subject, he would have spared that committee some of the censure which he cast upon it. I will not take up the time of the House by further allusion to his remarks; and I hope that the subject will take the course indicated.

Mr. MILLSON. I would like to hear the report of the committee read.

The SPEAKER. It is a communication from the Secretary of War, which will be read for the information of the House.

Mr. HOUSTON. I notice that my friend from

Maine [Mr. FULLER] misapprehends the point. It is a proposition, not to refer the communication of the Secretary of War, but a proposition to refer some half dozen items embraced in the estimates which were laid upon the table upon the first day of the session, under the head of rivers and harbors. It is a motion to refer the estimates, and not the report.

The report of the committee was then read.

Mr. HOUSTON. I ask the Clerk to read the estimates which I send up.

The estimates were then read by the Clerk, providing for the construction of steam dredges for the Gulf of Mexico; for snag boats for the Mississippi and its tributaries; for the preservation of public property; and for the improvement of western rivers and harbors.

Mr. HOUSTON. The explanatory letters in the possession of the committee, and what has been read by the Clerk, show the object and elucidate the point now before the House.

Mr. MILLSON. I wish to know whether the motion of the gentleman from Alabama was not to discharge the Committee on Ways and Means from the consideration of these estimates, and to refer them to the Committee on Roads and Canals. Is the question divisible? Must not the question be taken first upon the motion to discharge the Committee on Ways and Means?

The SPEAKER. A proposition was made to refer this subject to the Committee on Commerce, and another to the Committee on Roads and Canals. The question will first be taken upon the motion to refer to the Committee on Commerce.

Mr. MILLSON. I understand that these estimates have already been referred to the Committee on Ways and Means, and that that committee now move to be discharged from the further consideration of that question, and that the reference of it be made to the Committee on Commerce.

The SPEAKER. The precise form in which the motion is usually put the Chair does not recollect.

Mr. HOUSTON. That is the usual form.

Mr. MILLSON. I desire to ask the Chair whether the question is not divisible, so that it may first be taken upon the motion to discharge the Committee on Ways and Means, and afterward upon the motion to refer? I wish this question to be left with the Committee on Ways and Means. They now have it under consideration. It has been referred to them, and I should prefer to have it remain with them.

The SPEAKER. In the opinion of the Chair, the question is divisible, and if it be called, the question will be first taken upon the motion to discharge the Committee on Ways and Means from the further consideration of the subject in question.

Mr. MILLSON. Then I shall call for a division. I think an important principle is involved in the settlement of this question of reference; and to that principle I ask the earnest attention of the members of the House.

I cannot vote for the reference of this subject to either of the committees proposed. I do not want to vote to refer it to the Committee on Commerce, because, by so doing, I should recognize the principle that the improvement of rivers and harbors was one of the objects legitimately placed under the power of the Government for making general regulations concerning commerce.

Again, I do not wish to refer it to the Committee on Roads and Canals, because the improvement of rivers and harbors does not under the rules come under the cognizance of that committee. It seems to me that this subject, if we have any right to consider it at all, belongs to the Committee on Ways and Means. It involves a general appropriation of money from the Treasury, and that committee has charge of all such subjects. I therefore think it should remain in the possession of that committee. I know of no standing committee of this House to which the subject can be appropriately referred, if it is not cognizable by the Committee on Ways and Means.

The question of the improvement of rivers and harbors in some sort involves that of the jurisdiction of the Government over the soil of the individual States. It involves a claim of the Government of a property in that soil; and therefore, in that view of the subject, may, perhaps, appropriately go to the Committee on Public Buildings

and Grounds. But, sir, the Committee on Ways and Means now have possession of the subject, and I am opposed to discharging them from its further consideration.

Mr. CLINGMAN. I was about to say that I presumed the members of the House have made up their minds in reference to the committee they propose to refer this subject to, and I would therefore call the previous question; but—

Mr. HOUSTON. I ask the gentleman to allow me to say a single word before he calls the previous question.

Mr. CLINGMAN. I was going to say that I would not call it now.

Mr. HOUSTON. I have only to say, in connection with the subject which is now presented, that I believe it is entirely in conflict with the whole former practice of legislation here, for the Committee on Ways and Means to report a river and harbor bill. I do not believe they have ever reported such a bill, nor do I believe they ever examined or reported upon the estimates for such a measure.

There is already a great deal of complaint that the Committee on Ways and Means are, in their legitimate action, absorbing too much of the business of legislation; and while I have no particular care in respect to such complaints, while the complaints are unfounded, proposing as I do to discharge my duty as best I can as one of the members of this body, yet if this subject should be referred to that committee, and placed in their charge, I am not sure but some ground may exist for such a complaint.

Sir, I am unwilling as a member of this body, and as a member of the Democratic party—entertaining the political sentiments I do upon this subject—to embody these estimates in any one of the ordinary appropriation bills. The estimates are before us, and if voted, they are to be expended under the direction of the Secretary of War; but I do not wish to acknowledge, or to admit the principle that they can appropriately find a place in the Army appropriation bill; because if you do that, you may load down appropriation bills that should be, under the practice of the two Houses of Congress, confined to expenditures authorized by law, with appropriations that are not provided for by law.

I think that the practice of the House heretofore, upon this subject, has been a sound and proper one; and I therefore hope that the House will discharge the Committee on Ways and Means from the further consideration of these estimates, and transfer them to any other committee that this House, in its judgment, may think proper.

[Cries of "Question!"]

Mr. DUNBAR. As a member of the Committee on Commerce, I wish to disabuse the mind of the House from some impressions that were endeavored to be made the other day by the gentleman from Kentucky [Mr. EWING] with regard to the sentiments of that committee upon the subject of internal improvements. He appeared to have taken up the idea that the Committee on Commerce was opposed to internal improvements. Now, sir, as a member of that committee, I beg leave to state to the House that I am decidedly in favor of those improvements, and I think that the motion of the gentleman from Alabama—the chairman of the Committee on Ways and Means—to refer these estimates to the Committee on Commerce, ought to prevail. The Committee on Commerce want the estimates that have been made by the Secretary of War upon the subject of these improvements of our rivers and harbors. The subject has been referred to us, and it is necessary for us, in order that we should act understandingly upon it, that we should have those estimates.

Now, sir, assuredly the interests of the State of Louisiana, which I in part represent, are identical with the interests of the valley of the Mississippi.

Mr. EWING, (interrupting.) I desire to make a brief explanation. I seem to have been misunderstood, in the remarks which I made the other day, by several of the members of the Committee on Commerce. I certainly entertain no unkind feelings towards any of them; and so far as the gentleman from Louisiana [Mr. DUNBAR] is concerned, I would willingly intrust the formation of the details of the bill to him. I would trust him in advance; because of his locality; but it so happens that a majority of the members of the Committee on

Commerce do not represent States whose interests are identical with the interests of the Mississippi valley. I am assured that they will report a bill; I have not a doubt of that; but I fear that it will be such a bill as was reported at the last session of Congress, and against which I was compelled in conscience to cast my vote. I do not want simply that a bill shall be reported, but I want a bill that is fair and just to that section of the country from which I come.

There is one reason—begging the gentleman's pardon for retaining the floor—a peculiar reason why this is a matter of great importance.

A new system of taxation, proposed hitherto by the distinguished Senator from Illinois, [Mr. DOUGLAS], and now recommended, if I understand him, by the President of the United States, so peculiarly onerous that we could never submit to it: I speak of the proposition to lay a tonnage duty on domestic commerce. Now, sir, it is extremely important, under these novel circumstances, that a committee, representing the interests of the Mississippi valley, should have the charge of this matter. I do not wish to be understood as making any imputation against the fairness of the Committee on Commerce. I only intimate that, like myself, its members may seek to represent peculiarly and especially the interests of the country from which they come.

Mr. DUNBAR. I did not mean to accuse the gentleman from Kentucky of unfairness in the remarks which he made the other day in regard to the Committee on Commerce. I wished merely to disabuse his mind of the impression that the Committee on Commerce, not having been selected principally from the western States, were therefore opposed to these public improvements. Now, so far as I understand the sentiments of the members composing that committee, they are in favor of the improvement of rivers and harbors. I have no authority to speak for the whole of the committee; but I speak for myself in saying that one of its members is decidedly in favor of these improvements. I believe that the majority of the committee are also in favor of them.

It does appear to me, Mr. Speaker, to be an entire perversion of terms to refer the improvements of rivers and harbors to the Committee on Roads and Canals. I understand that our standing committees are intrusted with certain powers, and have referred to each certain peculiar subjects. Names are given to those committees for the purpose of indicating what subjects should be referred to each of them. Now, I ask why should the subject of the improvements of rivers and harbors be referred to the Committee on Roads and Canals? Assuredly there is no reason for our doing so. I understand, indeed, that it has not heretofore been the custom of this House to refer subjects of this kind to that committee. If that be so, why should a new practice be now introduced; and why should there be a perversion of terms?

Mr. RITCHIE, of Pennsylvania. With the gentleman's permission, I would request the Clerk to read the rule which sets forth the appropriate duties of the Committee on Roads and Canals.

Mr. DUNBAR. I yield the floor, that the rule referred to may be read.

The Clerk then read the 98th rule, as follows:

"98. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto, as to them shall seem expedient."

Mr. DUNBAR. I am a novice in legislation, and do not pretend to be *au fait* in the practice of this House, and the duties peculiar to each of its committees; but I perceive that the rule which has just been read gives the Committee on Roads and Canals more power than I supposed it possessed, looking to the nomenclature of the committees of this House. Be that as it may, it only shows that either committee may appropriately consider the subject of internal improvements. I rose for the purpose of disabusing the House of the allegations made on its floor in reference to the sentiments and opinions of the members of the Committee on Commerce on the subject of internal improvements. And I do believe, Mr. Speaker, that the Committee on Commerce are as much in favor of internal improvements—the improvements of harbors and rivers—as any other committee

in this House, whether it be the Committee on Roads and Canals, or any other committee.

I am referred, Mr. Speaker, to the 83d rule of this House, which I will take the liberty of reading.

"It shall be the duty of the Committee on Commerce to take into consideration such petitions and matters or things touching the commerce of the United States, as shall be presented, or shall or may come into question, and be referred to them by the House, and to report from time to time their opinion thereon."

Now, this and other rules show that it is peculiarly the duty of the Committee on Commerce to take subjects of this kind into consideration. And it has been the custom, I am informed, of the House to have these subjects of the improvement of harbors and rivers referred to the Committee on Commerce. Now, unless there be some good reason given why a different rule should be followed to that which has been heretofore pursued, I shall consider that the motion of the gentleman from Alabama, [Mr. Houston,] to refer the subject to the Committee on Commerce, ought to prevail.

I stated, Mr. Speaker, when I first rose, that the interests of my constituents were identical with the interests of the constituents of the gentleman from Kentucky, [Mr. Ewing.] We represent here the interests of the valley of the Mississippi. I represent that portion of it which lies at the mouth of the Mississippi, and I take great interest in the subject of internal improvements. At the commencement of the session I introduced a bill into this House for the purpose of removing obstructions at the mouth of the Mississippi; and I propose that this subject—a subject in which I take great interest—should be referred to the consideration of the Committee on Commerce.

Now, if the motion of the gentleman prevail, that this subject be referred to the Committee on Roads and Canals, let me ask what becomes of the disposition of the bill which I introduced, for the purpose of removing obstructions from the mouth of the Mississippi? It appears to me right, and I ask that it be referred to the Committee on Commerce, because I consider that the proper reference. And we also want the estimates of the Secretary of War to be referred to that committee.

Mr. HOUSTON. I desire to say to my friend from Louisiana, [Mr. Dunbar,] that he will find that those estimates are in gross, and that if it is his purpose to introduce a bill having for its object any specific improvement, he can propose to refer it to any committee he may see fit. These estimates are in gross, for the operations which have been commenced under the bill passed at the last session of Congress.

Mr. DUNBAR. I must say that I am obliged to the gentleman from Alabama [Mr. Houston] for his explanation. But the difficulty of referring these subjects to different committees, is this: The danger is that we should not be able to pass any bills on the subject. Different bills will be introduced; and I understand, from what has been done here for years, that it would be impossible, in such cases, to pass any bill, reported for any public improvements. This House always has a bill introduced by a committee; and if such should be for various public improvements, I understand it would then be impossible to introduce a bill for any particular improvements—for instance: a bill for the improvement of the mouth of the Mississippi—and to get the House to consider a bill and pass it upon its own merits. I would much rather have that course pursued. I consider it would be a much better system of legislation for Congress to pass each bill on its own merits, and decide whether this improvement, or that improvement, should be made on merits of its own.

But we know that this is contrary to all the experience of legislation in this House, and it is impossible to get a bill of this kind passed upon its own merits. I fear if this matter is to be reported upon by the Committee on Commerce, and by the Committee on Roads and Canals, that, between the two committees, both of the bills introduced for the same purpose may be lost, and neither of them passed. Though I am a strict constructionist of the Constitution, and go for State rights, yet at the same time I have never doubted that this Government has the right to make appropriations for great works of national importance—that this Government has the right to make appropriations for the improvement of the mouth of the Mississippi, and its branches which run

through various States. I have never had a doubt that the Government has the right to improve harbors. I have always considered that the internal commerce of the United States was of vastly more importance to us than all our foreign commerce. Our internal commerce has been the cause of the growth and prosperity of this country, more than any other cause whatever, save the free institutions of our people. Therefore I have never had a doubt for a moment that this Government has the right to make appropriations for great objects of National improvements.

The danger is, that the bill may be got up in such a way as to prevent its passage through this House and the Senate, or if not to prevent such passage, yet to prevent the obtaining of the signature of the President of the United States, for the same reason that Mr. Polk vetoed the river and harbor bill.

I am in favor of a reasonable bill, not for extravagant appropriations or for local objects, but for national objects. I feel warranted, as one of the Committee on Commerce, in saying that a majority of that committee will go for such a bill.

Mr. HUNT. I was opposed to this reference, because I believed that that committee, as constituted, to be unfriendly to the subject of improvements. I am glad to see my colleague [Mr. Dunbar] come out in favor of the great cause of internal improvement. I hope this House will take it as true—as true it must be—that that committee is constituted so as to advance this great cause.

With this assurance of the gentleman in reference to that matter, I hope the House will allow this subject to go to the Committee on Commerce, as it is proposed. I understand that gentleman to say that the committee is not going to oppose the system of internal improvements which the friends of that system are to bring before this House.

Mr. MILLSON. I suppose my friend speaks only of a majority of that committee.

Mr. HUNT. As a matter of course.

Mr. DUNBAR. I do not wish to be misunderstood upon this subject. I have only given my opinion upon the matter under discussion; and have given my opinion as to what I believe to be the opinions and impressions of a majority of the Committee on Commerce.

I do not wish to be understood as supporting any general system of internal improvement, no more than I wish to be understood as supporting the great American system, so ably advocated, years ago, by the distinguished Mr. Clay. I wish to be understood as in favor of great national improvements; and I have no doubt but the Government has the right to make appropriations for such improvements of rivers and harbors; for the improvement of such rivers as the Mississippi, the Ohio, and other streams which run through different States. I do not desire to be understood as in favor of any wasteful system of expenditure, as was advocated during the administration of John Quincy Adams. I do not wish to be understood as advocating any such general system, but I am in favor of liberal and reasonable appropriations for works of a national character.

Mr. HUNT. I am not satisfied with the explanation of my colleague. I am not willing to trust the internal improvement of the country to gentlemen making declarations with such limitations. I desire to stand by my friends who are in favor of a system of internal improvements, and for a reference of the subject to a committee that can take charge of it, and advocate such a system as friends.

Mr. CAMPBELL. The gentleman from Louisiana, [Mr. Dunbar,] speaking as if by authority from the Committee on Commerce, intimates that there is no doubt but that the committee will, within a reasonable time, report a bill. The great difficulty, I fear, that we shall have to encounter, will be, as I intimated the other day, that that committee will not be disposed to report such a bill as the friends of the system desire. The remarks of the honorable gentleman from Louisiana tend to convince my mind upon that point more fully than I was convinced before. He says that he is opposed to a general system of internal improvements. Now, had the gentleman gone on to define what he means by a general system, we should have been better able to understand his position. That is a little like being in favor of a judicious tariff, which I understand to mean protection to sugar in Louisiana—free trade in every-

thing else; protection to iron in Pennsylvania—and free trade for everything else.

I concur with the gentleman from Louisiana [Mr. Hunt] who last spoke, and I was quite pleased with his remarks the other morning upon the subject of the tariff. We go for such a system of internal improvements as will promote the great interests of commerce throughout the entire length and breadth of this land; and we go for such a system of protection as shall protect all branches of American industry. If we cannot get a committee to report upon the tariff, or upon the subject of internal improvements, in such a manner as will embody these great principles, I, for one, stand here ready to oppose any partial system. It is for that reason that I will do everything in my power to strike down this idea of protecting iron in Pennsylvania, unless Pennsylvania, and other States engaged in the manufacture of iron, will come forward and say that they will protect the other branches of American industry.

I will notify the gentlemen upon the Committee on Commerce, especially the chairman of that committee, who told us the other day that the committee in the last Congress reported a bill to divide equally into three parts the amount of appropriations, that if, in making up this bill, he will take into consideration the amount of commerce, and the population in these divisions, not forgetting the other appropriations to be made for the benefit of the commerce upon our sea-board—for light-houses, for breakwaters, and for other improvements for the benefit of commerce—I say, if he will make up his calculation in full, allowing an appropriation to each section of the country, in proportion to its population and its commerce, I shall be satisfied with the bill; but if not, I shall stand here to oppose every proposition that may be made for the benefit of the light-house system, or for the benefit of the commerce of our sea-board. This is what we ask for—we demand justice.

There are loud and deep complaints from the valley of the Mississippi, in regard to the system which has heretofore prevailed with reference to these appropriations, and sooner or later a voice will come from that great West which cannot be disregarded by the representatives upon this floor.

I still think, as I said the other morning, that the Committee on Roads and Canals is the proper committee to take charge of the subject; and, as I then stated my reasons for that opinion, I do not think it necessary at this time to repeat them.

Mr. WENTWORTH, of Illinois. I regret exceedingly that there should be any difference among the friends of harbor and river improvements as to the proper reference of these estimates, and am afraid that this difference will be disastrous to the common object of us all—the passage of a proper river and harbor bill. After eight years of ardent devotion to harbor and river improvements in this House, I think both the friends and enemies of such improvements will concede that, in the course I take, I have but one end in view, and that is a final triumph. These estimates should go to the most friendly committee; and I have thoroughly investigated the organization of the different committees of the House, and can come to no other conclusion than that the Committee on Commerce can be trusted by the friends of harbor and river improvements to a fuller extent than any other committee. I have no delicacy about my own committee. I would freely support a reference to any other, did I not have full confidence in the Committee on Commerce.

Mr. EWING. Will the gentleman state to the House his reasons for coming to the conclusions he has stated? Let us know whether they have gone fully into the details of the matter, and if so, what those details are.

Mr. WENTWORTH. That is exactly what I arose for. But I cannot begin at the end of what I have to say, and speak it backwards. Let the gentleman be patient; I am aware I speak slowly, but—

Mr. EWING. I am afraid you will never get to that point.

Mr. WENTWORTH. I must inform my friend from Kentucky that it is out of order to refer in the House to anything that has taken place in committee. I shall take pleasure in communicating to his private ear any information in my possession, but not in open House. I repeat,

however, that as a devoted friend of river and harbor improvements, I shall go for the reference of these estimates to the Committee on Commerce in preference to any other committee in the House.

I will be frank with the gentlemen opposed to these improvements. I always endeavor to be frank. I think there is nothing gained by being otherwise. If I were an enemy of harbor and river improvements, I would by no means allow these estimates to be referred there. I would advocate their reference to the Committee on Roads and Canals. Their enemies ought to show an undivided front in favor of that committee.

Mr. HUNT. Does the gentleman mean to say that I am not a friend to internal improvements?

Mr. WENTWORTH. Certainly not. I know his location, and I have heard his remarks, and I want him to go with me in referring these estimates where we both can attain our object.

Mr. HUNT. Well, sir, I wish always to be distinctly understood in reference to any remarks by which any imputation or insinuation may be made in reference to my position, and therefore I asked the gentleman the question.

Mr. WENTWORTH. I have made no reference to the gentleman. I said if I were an enemy of harbor and river improvements, I would vote for some other committee than the Committee on Commerce.

[Mr. SMYTHE, of Texas, (interrupting,) here announced that his colleague [Hon. PETER H. BELL] was present, and desired to be sworn in. Mr. BELL accordingly presented himself, and was qualified by taking the usual oath of office.]

Mr. WENTWORTH, (resuming.) Informer times efforts were made to frighten Democrats from favoring harbor and river improvements, by charging that they were anti-Democratic, although General Jackson signed bills appropriating more money for harbor and river improvements than all the other Presidents. It was argued that the Baltimore Convention declared against a general system of internal improvements. And I so declare, and ever have declared. I am now, and ever have been, opposed to all improvements that are not of a national and general character. This was the doctrine of General Jackson, who signed harbor and river bills, and vetoed works for internal improvement. The candidates for nomination for President, at the late Baltimore Convention, of the old Democracy and of the young Democracy, at present and then in the other wing of the Capitol, [Senators CASS and DOUGLAS,] voted for the last harbor and river bill, large as it was; and yet neither would desert the Baltimore platform.

Now, the Committee on Roads and Canals is an internal improvement committee in every sense of the word. It is a very necessary committee for Territories, and for the District of Columbia, but I contend that it has no jurisdiction within a sovereign State. To refer these estimates to the Committee on Roads and Canals is to make a strong point against us. It is saying that they are works of internal improvement within sovereign States, and, therefore, are unconstitutional and anti-Democratic. I have voted for every harbor and river bill that has passed Congress during my term of service here, and have had some hand in framing all of them, and I say not one conflicts with the Baltimore platform; not one whose works were not of a national, as contrasted with a State character; not one that was not of a general, as contrasted with a local nature.

If you take this subject away from the Committee on Commerce—a great national committee—and give it to a local committee—a committee of internal improvements, a committee on roads and canals—then, I say, the enemies of the system have made a great and important point against us; and as a friend of a river and harbor bill, I should regret with all my heart that such a thing had been done.

Now, in relation to the committees, the gentleman from Ohio [Mr. CAMPBELL] thinks that the Committee on Roads and Canals is more favorable to the river and harbor improvements than the Committee on Commerce is. On what facts does he base that opinion? I have before me the record of the proceedings of the last Congress, and I find by that, that the present chairman of the Committee on Commerce voted for the river and harbor bill of the last session; whereas the

present chairman of the Committee on Roads and Canals voted against it.

Mr. FULLER. I desire to say a word in explanation. The gentleman will find my vote recorded in favor of the river and harbor bill of the last session, as reported by the Committee on Commerce. I was not present when the bill finally passed, but if I had been I should have voted against it.

Mr. WENTWORTH. As amended by the Senate?

Mr. FULLER. Yes; I should have voted against it as amended by the Senate.

Mr. WENTWORTH. I only intended to say that you were in favor of reporting a bill, and voted for the bill that your committee reported, whereas the present chairman of the Committee on Roads and Canals did not vote for the bill; and yet the gentleman from Ohio wants to send these estimates to the latter committee.

Mr. GREY. Will the gentleman allow me to ask him a question?

Mr. WENTWORTH. Certainly. These little interruptions are far from being disagreeable to me. The sooner we understand one another the better. We want to know our friends, and knowing them, I want to advise them in this matter of common interest.

Mr. GREY. The gentleman must bear in mind that the river and harbor bill, which the chairman of the Committee on Commerce voted for last session, was the bill reported to the House before it was amended by the Senate. But did the friends of internal improvements in the West, and in the interior, vote for that bill? Did the friends of the improvements of the rivers and harbors of the West vote for it?

Sir, the river and harbor bill which the gentleman from Maine voted for was not the one that passed last Congress. The West voted against the bill reported to this House by the Committee on Commerce. It passed, however, and went to the Senate, and there appropriations of three or four hundred thousand dollars were added to it, for the benefit of the West. It came back here, and western members agreed to the amendments of the Senate, and the bill therefore passed. But the gentleman from Maine voted against it in the only form in which it was acceptable to western interests.

As the bill passed this House, and before it went to the Senate, it was not acceptable to the gentleman from Ohio, nor was it acceptable to the members from the West. It was only made acceptable by the adoption of most of the amendments made in the Senate.

Mr. FULLER. I would ask the gentleman from Kentucky how many of the members from that State voted for the bill as it passed with the amendments of the Senate?

Mr. GREY. I think, sir, that but a single member voted for the bill as it was reported from the Committee on Commerce. I am of the opinion that every Whig member from that State voted for it as it finally passed Congress. I do not know what was the case elsewhere.

Mr. FULLER. I understood the gentleman's colleague to say that he had voted for the bill; but I do not find his name on the record.

Mr. EWING. I did not vote for the bill which first passed this House; but, as my colleague stated, I voted for it as it was amended by the Senate, it then doing something like justice to the West, for which reason the chairman of the Committee on Commerce says that he could not vote for it.

Mr. FULLER. I have looked over the record, and I do not find the gentleman's name recorded.

Mr. EWING. You will find me voting against the motion to lay the bill upon the table, which was the only motion upon which the yeas and nays were ordered.

Mr. FULLER. The bill, as it was returned from the Senate, appropriated \$2,100,000, one million of which amount was appropriated for the valley of the Mississippi. That, I suppose, was the reason why the bill was constitutional in the opinion of the gentlemen from that part of the country.

Mr. WENTWORTH. I am sorry for these local disputes and jealousies. I can have no participation in them. Neither my own sentiments, nor those of my constituents, nor my location will allow me to be sectional. I am a national man in every sense of the word, a National Dem-

ocrat, and am growing stronger and stronger in the faith every day I live. The commerce of my constituents is that of the whole nation. Whether there is a harbor made on the Atlantic or the Pacific, on the Gulf of Mexico or the lakes, it is equally their harbor. So of the great rivers. In my legislation here I shall not attempt to withhold from others their deserts because I cannot get my own. As to who gets most in these appropriations, it is enough for me to know at this time that the most fortunate get too little; and unless we act in concert, we shall hereafter get nothing.

Now, the gentleman from Ohio, and the gentleman from Kentucky, are of the opinion that the great Mississippi valley is not properly represented in the Committee on Commerce. I do not see how it can be better represented than it is there. The four members on it from that part of the country are as warmly in favor of these improvements as the gentleman from Ohio or the gentleman from Kentucky. In my opinion, six out of the nine of its members are decidedly in favor of harbor and river improvements. I have no hesitation in saying—though I cannot speak as to the facts, but I say it as my belief, and I would say it of my own knowledge, too, were it not unparliamentary to do so—that six out of nine of this committee are as much in favor of these improvements as the gentleman from Kentucky, [Mr. EWING.] I am afraid I cannot say the same of four members of the other committee.

A VOICE. How are the Democrats on the committee?

Mr. WENTWORTH. All right. Four of the seven Democrats, if not five of the seven, and both of the Whigs, are right.

Now, Mr. Speaker, the only fear with our friends seems to be, is the great West fairly represented on the committee. In addition to my former course, and what I have said to-day, I will add that my district extends from the lakes, on one side, to the Mississippi river on the other. Then there is the gentleman from New Orleans, who so ably addressed us this morning, [Mr. DUNBAR.] Then there is the gentleman from the Dunkirk district, New York, [Mr. FENTON,] and the gentleman from Ohio, [Mr. HARLAN.] We four gentlemen would certainly not do the West, our own homes, injustice, any more than my own votes here show that I would do the East injustice. Indeed, come from what quarter he will, I do not believe there is one man on the Committee on Commerce hostile to the West. With this view of the facts, Mr. Speaker,—

Mr. CAMPBELL. Will the gentleman permit me to say a few words here?

Mr. WENTWORTH yielded the floor.

Mr. CAMPBELL. I feel, Mr. Speaker, that I have a deep interest in this system; and the only purpose that I have had in view, in what I have said, and in the motion which I submitted—and which failed—some days ago, was to secure an early report, and a free and liberal appropriation for the improvement of the rivers and harbors of this country. Now, sir, the gentleman from Illinois, [Mr. WENTWORTH,] belonging to the majority in this House, and being, I may say, one of its leaders—

Mr. WENTWORTH. Oh, no, sir! I am but an humble follower in the ranks of the great Democratic party, to which I have ever belonged, in the footsteps of Jefferson and Jackson.

Mr. CAMPBELL. He speaks for that majority, and pledges us that there is a majority in the Committee on Commerce who are in favor of an early report, and of a liberal bill. He takes on himself that responsibility.

Mr. WENTWORTH. I do, sir.

Mr. CAMPBELL. He takes the responsibility of speaking for them, and assures the House that the Democratic members of that committee are in favor of such a report. Now, sir, if that be true—and I am bound to think that it is true, for I presume the gentleman [Mr. WENTWORTH] speaks by the book, and by authority—he takes the responsibility of a failure, should a failure of that system follow the bill. Then I say, in view of this fact, and as I belong to that almost hopeless minority who are, nevertheless, the only true and steadfast friends of the system, I do not feel like taking the responsibility of pressing, under these circumstances, my views any longer upon the House. I am willing to trust once more to the Democratic

promise; once more, Mr. Speaker, am I willing to trust to it, especially as it comes from such a high quarter as the gentleman from Illinois, [Mr. WENTWORTH.] In view of these facts, therefore, I desire to say that I do not intend to make any further active opposition to his proposition.

Mr. HUNT. I also beg to say that I am now satisfied with the reference of this subject to the Committee on Commerce. In doing so, however, I am standing exclusively on the same ground that I took originally. I wish that these matters go to the friends of internal improvements.

Mr. WENTWORTH. Will not the others withdraw their opposition also? Let the good work go on—let us act together.

Mr. EWING. Will the gentleman permit me to make a remark?

Mr. WENTWORTH yielded the floor.

Mr. EWING. The gentleman yields to me the floor for the purpose of withdrawing my motion. I must be permitted, however, to say, that I am not at all satisfied—from the experience I have had—with the arrangement made. My experience in regard to these matters is too recent for me to be willing to trust the Committee on Commerce in reference to the details of the bill, and to the equal distribution of appropriations, so far as the West is concerned.

But, sir, as I find that western members are willing once more, as they say, to trust the Committee on Commerce, I know it would be vain for me to struggle against even my own friends. I know that the enemies of appropriations for the improvement of rivers and harbors will, of course, vote for the Committee on Commerce; and if the friends of the system will also vote for that committee, there is no chance for me to press my motion. I therefore, sir, withdraw it.

Mr. WENTWORTH, of Illinois. The skies are brightening. Concert of action, so absolutely necessary among friends of a common cause, is likely to be secured. A few days ago, a resolution of inquiry upon this subject was referred to the Committee on Commerce, by a large vote. Under the instruction of the House, we are inquiring into this matter. The information we want is upon your table. We want the estimates to guide us in framing our bill. Shall we have them? This is the only question before the House. I move the previous question.

Mr. RICHARDSON. Do I understand that the motion to refer the matter to the Committee on Roads and Canals has been withdrawn?

The SPEAKER. The motion was withdrawn.

The previous question then received a second, and the main question was ordered to be put.

The question was then taken on the motion to discharge the Committee on Ways and Means from the further consideration of the estimates, and it was decided in the affirmative.

Mr. JONES, of Tennessee. As the Committee on Ways and Means have been discharged, and the question is now before the House, and being opposed to the whole system, I move to lay the estimates upon the table.

The question was taken, and the motion was disagreed to.

The question then recurred upon the motion to refer the estimates to the Committee on Commerce; and, being put, it was decided in the affirmative.

Mr. WENTWORTH, moved to reconsider the vote last taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

ROGUE RIVER WAR, AND MILITARY ROAD IN OREGON.

Mr. LANE, in pursuance of previous notice, introduced the following bills; which were severally read a first and second time by their titles, and referred to the Committee on Military Affairs:

A bill to authorize the Secretary of War to settle and adjust the expenses of the Rogue river war, in Oregon; and

A bill to provide for the continuance of the military road from Myrtle creek to Scottsburg, in Oregon.

Mr. JONES, of Tennessee. What is the regular order of business?

The SPEAKER. The consideration of private bills.

Mr. JONES. Then I call for that order of business.

The first bill in order was a bill of the Senate for the relief of the legal representatives of Caleb Swan; which was taken up, read a first and second time by its title, and referred to the Committee on Naval Affairs.

Senate bill "for the relief of the legal representatives of Dr. William Somerville, deceased," was read the first and second time by its title, and referred to the Committee on Claims.

Senate bill "for the relief of Joseph Gonder, jr., and John Duff," was read the first and second time by its title, and referred to the Committee on Naval Affairs.

Senate bill "for the relief of the legal representatives of Joshua Kennedy, deceased," was read the first and second time by its title.

Mr. COBB. I move that it be referred to the Committee on Claims.

Mr. LETCHER. What kind of a claim is it? Mr. COBB. It is a claim for Indian depredations.

Mr. LETCHER. Then it should go to the Committee on Indian Affairs; and I make that motion.

The question was first taken upon Mr. COBB's motion to refer the bill to the Committee on Claims; and it was decided in the negative.

The bill was then referred to the Committee on Indian Affairs.

Senate bill "authorizing Victor Morass to relinquish certain lands, and enter the same quantity elsewhere," was read the first and second time by its title, and referred to the Committee on Private Land Claims.

Senate bill "changing the name of the American-built steamer Falcon to that of Queen City," was read the first and second time by its title, and referred to the Committee on Commerce.

Mr. WARREN. As a matter of courtesy, I ask leave to introduce a bill of which notice has been given.

Mr. JONES. I object.

The SPEAKER. There being no further private business upon the Speaker's table, the House will, unless otherwise ordered, now proceed to consider the report of the Committee on Foreign Affairs.

A message was here received from the Senate, informing the House of the passage by that body of a bill of the following title:

"A bill for the relief of Joseph Mitchell."

Mr. FAULKNER. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

The question was then taken, and it was decided in the affirmative.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. DISNEY in the chair.)

INDIANA UNIVERSITY LAND.

The CHAIRMAN announced the first business in order to be the consideration of the following bill:

"An act to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816."

The bill was read through by the Clerk.

Mr. JONES, of Tennessee. This is objection day. The gentleman who had charge of this bill is not now present, but I presume the House are satisfied with the discussion which has been had upon it, and that no one will object to its passage. I propose, therefore, that the bill be laid aside to be reported to the House.

Mr. LETCHER. I object to that proposition. I understand that there is a suit pending in reference to this matter which has not been disposed of. I do not wish to see the matter disposed of here until the termination of that suit.

Mr. ORR. It has been disposed of.

Mr. LETCHER. I do not so understand it.

Mr. HENDRICKS. Must the bill be laid aside if objected to?

The CHAIRMAN. It must be passed over if any gentleman objects.

The next bill in order was the following:

"A bill for the relief of Lewis B. Willis, late a paymaster in the Army of the United States."

The bill was read through.

The report of the Committee on Naval Affairs which accompanied the bill, was read; from which it appears that the petitioner was a paymaster in

the Army of the United States during the late war with Great Britain, and as such disbursed very large sums of money. He visited Washington city in 1816, for the purpose of having his accounts finally settled, but in consequence of the destruction of a portion of his accounts and vouchers in the conflagration of the public buildings by the enemy in 1814, no final settlement could be made. In 1822, a suit was instituted against him by the United States in the district court of Louisiana for an alleged defalcation, and after the amounts received by the petitioner and the sums disbursed by him had been carefully and vigilantly scanned by the jury and court, a verdict was rendered that the sum of \$593 50 was due the petitioner. That verdict was approved by the court, and judgment was entered against the United States for the amount. The claim was subsequently presented at the Treasury Department, but was rejected on the ground that it could not be paid without an act of Congress making the necessary appropriation. The object of the bill is to make that appropriation.

Mr. JONES, of Tennessee. Before that bill is laid aside to be reported to the House, I would ask of the gentleman who reported it, whether the committee were satisfied of the justice of the claim, independent of the judgment; or whether they reported the bill because there was a judgment rendered against the Government? I do not know by what authority the court could render a judgment against the Government.

Mr. FAULKNER. I would remark to the gentleman from Tennessee that an examination of this case was made at the Treasury Department, and nothing could be found to impugn the validity and justice of that judgment. The gentleman himself will perceive that the Solicitor of the Treasury states, on the authority of the district attorney, that the vouchers filed by Captain Willis were ample and sufficient, and that there was no just ground of appeal on the behalf of the Government. Inquiry into the matter was instituted at the Treasury Department, and there seemed to be a general acquiescence in the justice of the claim.

The bill was then laid aside to be reported to the House, with the recommendation that it do pass.

The committee next proceeded to the consideration of House bill No. 51, entitled "A bill for the relief of the widow and heirs of Elijah Beebe, deceased." The bill was read through.

At the request of Mr. EASTMAN, the report accompanying the bill was read for the information of the committee.

The CHAIRMAN. I hear no objection to the bill.

Mr. HOUSTON. Mr. Chairman, I should like some information from the Committee on Indian Affairs with reference to this bill. It seems to me, from the reading of the report, that the appropriation is for depredations committed by a tribe of Indians on the property of the claimants, or of their ancestor. If this be true, there is a law bearing upon cases of the kind; and I should like to know from the gentleman who reported that bill whether it comes within the provisions of the law I allude to. I believe it is the law of 1834. I speak now of the intercourse act; and my recollection of that law is, that it requires that, in cases of this sort, where depredations have been committed by a tribe of Indians to which the Government is paying annuities, the amount shall be taken from the annuity of the Indian tribe; and if the depredations have been committed by a tribe of Indians to whom the Government is not paying annuities, then I understand the rule to be that the Government is not bound to make compensation.

Several MEMBERS. "No!" "No!"

Mr. HOUSTON. I tell the gentleman, then, that I will make this objection when the case comes up.

Mr. JONES, of Tennessee. Is that objection made?

The CHAIRMAN. It is.

Mr. JONES. Then, sir, by the rule, the bill, when it gives rise to discussion, cannot be considered.

The CHAIRMAN. The Chair did not understand the gentleman from Alabama [Mr. Houston] as objecting to the passage of the bill, but as merely rising to inquire for information. Of course, if he objects to the passage of the bill, it must go over. The Chair cannot give any construction to the gentleman's remarks; but it under-

stood that he merely put them forward for the purpose of eliciting information.

Mr. HOUSTON. I do not want to prevent the passage of the bill; I merely want information on the point I have mentioned.

Mr. WASHBURN, of Illinois. This bill has been before a committee. I may state that the matter of it was fully investigated by two committees, and reported on unanimously by both these committees. It was also investigated carefully by Mr. Dodge, one of the most scrupulous and faithful public servants in the country. I trust no objection will be offered to its passage.

Mr. LETCHER. If I understand it aright, this claim for Indian depredations originated in the year 1822. If my recollection serves me in regard to this intercourse act, one of the sections of that act requires that before the Government can be made liable for depredations of this sort, the party setting up the claim for damages shall have raised the question in the Indian territory, and fixed the liability upon the parties there.

This case originated in 1822, and from that time to the present, this is the first occasion upon which this claim has come up for consideration. I should like to know whether this case comes within the limits of the law; whether it is shown that the depredations were committed; and whether the facts have been settled in regard to them; and, if so, why this claim has not been brought up for discussion during the period intervening between 1822 and 1853—thirty-one years.

Mr. WASHBURN. I answer to the gentleman from Virginia, [Mr. LETCHER,] that this claim did originate in 1822. The proofs were made in conformity to the act called the "intercourse act" of 1802, but the matter was not acted upon by the Department. The party, Mr. Beebe, died soon after the application for indemnity was made. The heirs did not follow up the matter, and no action was taken by the proper Department of the Government until the year 1837, when the Commissioner of Indian Affairs instructed Mr. Dodge, Governor of Wisconsin, and *ex officio* Superintendent of Indian Affairs, to make an investigation of the claim. He did as he was instructed, and made an investigation of the matter, and gave the certificate which has been read here by the Clerk. There was no action taken upon that action of Governor Dodge for some length of time. When that action was taken, objection was made by the Indian Bureau as to the formality and sufficiency of the testimony which had been taken in the case. Hence it is that the parties come here for relief. The whole matter has been investigated, under the direction of the Government, by a long-trying, vigilant, and most faithful public servant. All the testimony and facts in the case were before Governor Dodge, and his adjudication ought to be satisfactory. Under the act of 1802, there was no limit as to the time when the claim against the tribes of Indians committing the depredations should be made; but this claim was actually made within two years, I think. This application for relief was first presented here at the last Congress.

Mr. Beebe died in 1823; but I stated that within his lifetime he made an application to the Indians, and furnished the proof required by the act which has been referred to.

Governor Dodge, upon his investigation of the claim, gave interest to the claimants, which made the amount nearly six thousand dollars. But the committee, in their investigation, concluded to cut off the claim of interest, and they give only the original amount.

I hope, therefore, under the circumstances, that the committee will allow the bill to be reported to the House without objection.

Mr. LETCHER. I went this morning to the committee room for the purpose of getting the report in this case. This is the second time I have been there to get reports, in order to inform myself in regard to the merits of all claims which come up here for consideration. I was told that the report was not printed. I find this report here is a very long one, embracing some twelve or fifteen pages, one third of which has probably not been read to the House, and consequently the House is not in possession of the facts upon the record. I therefore object, in order to give members time to investigate the case.

Objection being made, the bill went over under the rule.

ISAAC P. SIMONTON.

Senate bill "for the relief of the legal representatives of Isaac P. Simonton, deceased," was next taken up.

The bill was read through by the Clerk.

A MEMBER. Read the report.

Mr. MACE. I can, in a minute, explain to the House the nature of this case, without detaining them with the reading of these lengthy documents.

The payment of \$800 is provided for in the treaty of 1837 with these Indians. It was, however, to be made from the proceeds of the sales of certain lands belonging to the United States, as soon as these lands should be sold.

In 1838, another treaty was made, appropriating \$75,000 for the purpose of paying the demands specified in the first treaty. That appropriation was exhausted without paying this demand, and one other small claim which has since been paid, and is referred to in this report.

The lands set apart for the payment of this claim is now, and has been, since the ratification of the treaty of 1837, held at \$2 50 an acre, while the lands adjoining have been sold at the usual price of \$1 25 per acre.

The Committee on Claims do not deem it necessary, in the small matter of this account, to ask the Commissioner of the Land Office whether the sum of eight hundred dollars had been realized from the sale of the lands set apart for the payment of these claims; but inasmuch as it was a claim which must at last be paid out of the general treasury, thought it would be better to pay the heirs of Major Simonton the sum stipulated by the treaty. As I remarked, this is the last claim remaining unpaid arising out of the stipulations of that treaty. I hope, therefore, there will be no objection, but that the bill will be laid aside to be reported to the House.

There was no objection, and the bill was accordingly laid aside.

MADISON PARTON.

The next bill in order was the "bill for the relief of Madison Parton."

The bill and report were read through by the Clerk.

Mr. JONES, of Tennessee. I ask if this bill provides for the payment of interest?

Mr. HILLYER. I will reply to the gentleman from Tennessee. I understand the nature of this case, for I have had the management of it since it has been pending before the Committee on Claims. It is a very small claim, originating in the year 1838. Madison Parton, enlisted in the service of the United States in July, 1837, and served until February, 1838. He was paid about the last of October, 1837, what was then due him, to wit: for about two months and twenty days' service. At the time of his discharge in 1838, his name of course was stricken from the roll, so that when the roll was returned to the War Department, his name did not appear upon it. On his application to the War Department for the amount that was due from November, 1837, until February, 1838—about three months—he was informed that the Department could not pay him, because it was controlled by the muster-roll. The muster-roll furnished conclusive evidence as to who were members of the company, and the length of time they had served.

The amount of the claim is small. Parton is a poor man, and an ignorant man, and has never been able to prosecute his claim before this House with effect. It has been pending here, however, since 1848, in some shape or other, and was pending before different Departments of the Government long prior to that time. He has been, to the best of his ability, prosecuting his claim ever since it originated.

I will say to the gentleman from Tennessee [Mr. JONES] that this bill does provide for the payment of interest upon the claim, on the ground that it is justly due as any part of the claim; but I hope the gentleman will not object to the bill on that score.

Mr. JONES, of Tennessee. I move to strike out that part of the bill which provides for the payment of interest. If that is not done, I shall object to the passage of the bill.

Mr. HILLYER. I hope the gentleman will not insist upon that amendment. He can move to strike out that portion of the bill when it comes into the House. I earnestly appeal to him to let the bill go before the House in its present shape.

Mr. JONES. The bill has been referred to this committee in order that it may be perfected, and no gentleman here knows better than the gentleman from Georgia that we can do nothing in the way of amending it after it gets into the House. The previous question will be called upon it, and all amendments will be cut off.

Mr. HILLYER. Well, I have no objection to a vote being taken on the amendment in the committee.

Mr. MACE. I desire to say but a word or two. The only reason why the Committee on Claims inserted a provision in this bill for the payment of interest was, that they believed the claimant was entitled to the money from the time he made application for his pay to the War Department; and such being the case, we could see no reason why the Government should not pay interest as well as an individual. Usually the committee refuse to allow interest on claims. But this is a very small matter any how.

The question was then taken on Mr. Jones's amendment; and, on a division, there were only 48 in the affirmative.

Mr. HILLYER. I do not want a further division. I am willing to let the amendment be adopted.

Mr. JONES, of Tennessee. I must object to the bill. Let it go over till another day.

Mr. HILLYER. I will agree to the amendment which has been proposed, if the gentleman will withdraw his objection.

Mr. JONES. No, sir, I prefer that the bill shall go over.

The bill was therefore laid over.

The committee next proceeded to the consideration of House bill No. 58, "for settling the claims of the legal representatives of Richard W. Meade, deceased."

The CHAIRMAN. The Chair is advised that the report accompanying the bill is extremely long.

Mr. JONES, of Tennessee. It is too important a bill to be considered at this time. It claims the payment by the Government of half a million of dollars, on which amount interest will also be demanded. I object.

Objection being made, the bill was passed over.

The committee next proceeded to the consideration of House bill No. 59, "A bill authorizing the issuing of patents to award an extension of the patent of Samuel Colt, a citizen of the United States, for an improvement in fire-arms."

The bill was read through.

Mr. HENN. I object to that bill.

The bill, objection being made, was passed over under the rule.

The committee next proceeded to the consideration of House bill No. 63, "for the relief of Charles Lee Jones."

Mr. JONES, of Tennessee, objected to it, and it went over under the rule.

The committee next took up House bill No. 98, "A bill for the relief of Henry Lewis, of Clinton county, New York."

Mr. MACE. A motion has been made in the committee from which that bill came to reconsider its favorable report, and I therefore ask that it be passed over.

Mr. LETCHER. Had it not better be recommended to the committee?

Mr. MACE. I do not think that it is necessary to do so. We can consider the motion to reconsider as well without the motion of reference as with it.

The bill for the relief of George Simpton coming up next in order, was read.

Mr. HAMILTON objected, and it went over under the rule.

The next bill in order on the Calendar was a bill for the relief of William Blake, providing for an increase of pension.

No objection being made, it was laid aside, to be reported to the House, with a recommendation that it do pass.

House bill (No. 103) "for the relief of Ferdinand Clark," coming up in order, was read by the Clerk.

Mr. FULLER. As the report in this case is lengthy, I can give a short synopsis of it by way of explanation to the House.

By the act of Congress of the 30th of June, 1834, certain duties were imposed upon Spanish vessels clearing from ports of the United States, and countervailing duties upon American vessels landing cargoes in Cuba and Porto Rico. The memorial-

ist in this case being an American citizen, instead of shipping his rice and lard on board an American vessel, whereby he would have had to pay duty upon landing the goods, shipped them on board of a Spanish brig, and paid the duties upon them to the collector of the port of Charleston. The brig was wrecked, and never reached the port of destination.

The report sets forth that it was the object of the law to impose those duties upon goods in Spanish vessels, landed in Cuba. But inasmuch as the petitioner never had the benefit of landing the goods there, it was considered unjust to impose upon him the tonnage duties.

Mr. JONES, of Tennessee. Let it go over.

Objection being made to the bill, it went over under the rule.

House bill (No. 104) "for the relief of Adolphus Mier & Co., of St. Louis," coming up in order; and having been read,

Mr. SKELTON objected, and it went over under the rule.

Senate bill "for the relief of Wilson & Brothers, of St. Louis, Missouri," coming up in order, was read through by the Clerk.

Mr. SKELTON objected to its consideration, and it was laid over.

Senate bill "for the relief of Robert Grignon" was then read through by the Clerk. This bill provides for the payment to Robert Grignon of the sum of \$19,000, in full satisfaction of his claims arising out of the treaty with the Menomonee tribe of Indians.

Mr. HENDRICKS. The sum claimed is a very large one, and this matter ought to be investigated.

Mr. EASTMAN. There is not a more just claim before Congress; and gentlemen will be satisfied of the fact, if they will take the trouble to listen to the reading of the report of the committee.

The Clerk then proceeded to read the report.

Mr. HAVEN, (interrupting.) I think this claim ought to be looked into. I object.

Mr. EASTMAN. If the gentleman will only have patience to hear the report read, he will see that it is a perfectly clear case, and I am sure will not object.

Mr. HAVEN. I have heard enough to satisfy me that it involves a question which we ought not to settle without examination.

Mr. EASTMAN. There is no question at all involved.

Mr. HAVEN. I must object.

Mr. EASTMAN. I ask the gentleman to withdraw his objection, at least until he can hear read a communication from the Commissioner of Indian Affairs.

Mr. HAVEN. I cannot withdraw my objection.

The bill was therefore passed over.

The next bill coming up in order was the bill "for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased."

Mr. EASTMAN. I object to its consideration.

The Calendar having now been read through, Mr. STANTON, of Tennessee, moved that the committee rise, and report to the House the bills laid aside for that purpose.

The motion was agreed to.

The committee accordingly rose, and the Speaker *pro tempore* [Mr. JONES, of Tennessee] having taken the chair, the Chairman [Mr. DISNEY] reported that the Committee of the Whole House had, according to order, had under consideration various private bills, and had directed him to report back the following, with a recommendation that they do pass:

House bill (No. 6) "for the relief of Lewis B. Willis, late a paymaster in the Army of the United States;"

House bill (No. 53) "for the relief of the legal representatives of Isaac B. Simonton, deceased;" and

House bill (No. 100) "for the relief of William Blake."

ADJOURNMENT TILL TUESDAY.

Mr. STANTON, of Kentucky. I move that when the House adjourns, it adjourn to meet on Tuesday next.

[Cries of "No! No!"]

Mr. EWING. I would suggest to my colleague

the propriety of not adjourning over to-morrow, if we are to adjourn on Monday.

Mr. STANTON. I propose that we should adjourn over till Tuesday, because Monday is set apart as the day on which the battle of New Orleans is to be celebrated. That is my only reason.

Mr. WHEELER. I call for the yeas and nays.

Mr. CHURCHWELL. I demand tellers.

The yeas and nays were not ordered.

Mr. CHURCHWELL. I will withdraw the demand for tellers.

Mr. ROBBINS. I renew it.

Tellers were ordered; and Messrs. MACE and SAPP were appointed.

The question was then taken on Mr. STANTON's motion; and it was decided in the affirmative—yeas 96, noes 37.

So the motion was agreed to.

Mr. WASHBURN, of Illinois. Is it in order to submit the motion that the House now proceed to the consideration of the business upon the Speaker's table?

The SPEAKER. It is not; this being private bill day.

The bill "for the relief of Lewis P. Willis, late a paymaster in the Army of the United States," was then taken up, ordered to be engrossed and read a third time; and being engrossed, was read a third time, and passed.

Mr. TAYLOR, of Ohio. Is it not competent to move that the bills reported from the Committee of the Whole, with recommendations that they do pass, be voted on *en masse*?

The SPEAKER. That can only be done by unanimous consent.

Mr. WHEELER. I object.

Bills Nos. 53 and 100, which were reported to the House with the recommendation that they do pass, were severally ordered to be engrossed and read a third time; and being engrossed, were read a third time, and passed.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. WHEELER. I move that the House do now proceed to the consideration of the business on the Speaker's table.

The question was taken; and the motion was agreed to.

SMALL NOTES IN DISTRICT OF COLUMBIA.

The SPEAKER laid before the House Senate bill, entitled "A bill to suppress the circulation of small notes as a currency in the District of Columbia;" which was read a first and second time by its title; and,

On motion by Mr. HAMILTON, referred to the Committee on the District of Columbia.

DISTRICT COURTS IN CALIFORNIA.

The SPEAKER also laid before the House Senate bill No. 28, "A bill concerning the district courts of the United States in California;" which was read a first and second time by its title; and,

On motion by Mr. LATHAM, referred to the Committee on the Judiciary.

WAREHOUSING.

The SPEAKER laid before the House Senate bill No. 39, "A bill to extend the warehousing system by establishing private bonded warehouses and for other purposes;" which was read a first and second time by its title; and,

On motion by Mr. COBB, referred to the Committee on Commerce.

ASSISTANT SECRETARY OF THE TREASURY.

The next bill upon the Speaker's table was Senate bill No. 13, entitled "A bill prescribing the manner of appointing the Assistant Secretary of the Treasury."

The SPEAKER. This bill is upon its third reading; and upon that the previous question has been demanded.

Mr. BRECKINRIDGE. I wish to inquire, sir, whether that is the Senate bill?

The SPEAKER. It is.

Mr. BRECKINRIDGE. My impression was that the question was upon a motion made by myself, that the bill should be referred to the Committee on the Judiciary. I therefore move the previous question.

The SPEAKER. The question now is on the third reading of the bill. If the previous question be seconded, then the question will be on its reference; if that fail, then the question will be on the amendment; and if that fail, then on ordering the bill to its third reading.

Mr. ORR. Will the gentleman from Kentucky [Mr. BRECKINRIDGE] withdraw his demand for the previous question? I propose to offer a substitute for the bill.

Several MEMBERS. "No!" "No!"

The SPEAKER. Then the question will be on seconding the demand for the previous question.

Mr. BRECKINRIDGE. I suppose the gentleman from South Carolina [Mr. ORR] would not make the request he has made, unless he had fully considered the effect of his substitute. As I am not in the habit of standing in the way of gentlemen under such circumstances, I withdraw my motion for the previous question.

Mr. ORR. I propose, sir, to offer a substitute for the bill from the Senate. I desire the attention of the gentleman from Alabama, [Mr. PHILLIPS.]

The SPEAKER. The Chair would remind the gentleman from South Carolina that a motion to refer having been made, and being now pending, a motion to amend the bill is not now in order.

Mr. ORR. I would inquire who made the motion to refer?

The SPEAKER. The Chair does not recollect, but he has the impression that it was made by the gentleman from Kentucky, [Mr. BRECKINRIDGE.]

Mr. ORR. Will the gentleman from Kentucky, then, oblige me by withdrawing that motion also?

The SPEAKER. The Chair is reminded, and he now recollects, that there are two motions of reference pending, one to refer to the Committee on Ways and Means, and the other, which was made by the gentleman from Kentucky, [Mr. BRECKINRIDGE,] to refer to the Judiciary Committee.

Mr. ORR. The motion to refer to the Committee on Ways and Means was withdrawn.

The SPEAKER. That motion was made by the gentleman from New Hampshire, [Mr. HIBBARD.]

Mr. HIBBARD. To accommodate the gentleman from South Carolina, I will withdraw that motion.

Mr. BAYLY, of Virginia. I object to the withdrawal of those motions to refer.

The SPEAKER. The Chair would say to the gentleman from Virginia that he cannot object, or at least, that his objection will not prevent the withdrawal of the motions, because any motion made by a member of the House is within his control until the House shall have taken action upon it, and thereby taken it out of his possession.

Mr. BRECKINRIDGE. If it is in order, to accommodate the gentleman I will withdraw my motion to refer the bill to the Judiciary Committee.

Mr. BAYLY. I did not mean, nor do I now mean, at all to make a point upon the Speaker, or to take an appeal from his decision. I wish, therefore, that the Chair would not tell me that I have nothing to say. [Laughter.] I apprehended that the Chair was going to say that I meant to intimate that when a motion had been once made, and was in the possession of the House for two or three days, no one member had a right to withdraw it.

Mr. ORR. The only motion that cannot be withdrawn is a motion to reconsider after the second day succeeding the disposition of the question proposed to be reconsidered.

The SPEAKER. The 45th rule provides:

"After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment."

There has been no decision or amendment on either of the motions to refer; consequently, under that rule, the Chair thinks the motions are under the control of the movers. A motion made for reconsideration cannot be withdrawn by the mover after the time has expired in which a motion for reconsideration can be made. That rule is to prevent persons from making a motion of that kind, and then, after the time has expired in which the motion can be again made, withdrawing it, and thus take it out of the power of the House to have a reconsideration.

Mr. ORR. I propose to amend the Senate resolution by striking out all after the word "resolved," and insert in lieu thereof the words:

"That hereafter, as the office of Assistant Secretary of the Treasury shall be vacated, the appointment of his successor shall be made by the President of the United States, by and with the advice and consent of the Senate."

In presenting this amendment, I desire to make a brief statement, and I shall not consume much

of the time of the House in debating it. I desire to conform the legislation of this Congress to that of the last Congress. At the last Congress it was thought necessary, in consequence of the increased dignity of the Assistant Postmaster General—that that officer should be appointed by the President, by and with the advice and consent of the Senate. That provision was, therefore, inserted in the Post Office bill of the last session of Congress, and the amendment which I have proposed and read was copied from it, word for word. The provision was made prospective in its operation, as all legislation should be.

Gentlemen upon this floor have protested—and I believe their protestations—that they have no hostility to any particular individual in pressing the passage of this Senate resolution.

It does look as if in other quarters, not here, that hostility was aimed at a particular person. Now, special legislation against an individual is generally dangerous, and it is always unjust. This office was created in 1849, and it was not found for a period of five years that he was of that class or description of superior officers which are required to be nominated by the President and confirmed by the Senate. I do not think now that he is an officer of that description. But why, if there be no hostility to a particular person, is it now thus suddenly found that the Constitution requires this officer to be appointed by the President and confirmed by the Senate? The very title of the officer is a sufficient description to my mind of the character of the office which he holds. It is that of *Assistant Secretary of the Treasury*. That defines the character of the officer; and if the legislative department of the Government choose to invest the appointment of that officer with the head of the bureau, or with the President alone, they have a perfect right, in my judgment, to do so.

I concur very fully in the constitutional argument made by my friend from Alabama, [Mr. PHILLIPS.] I concede that there is plausibility in the argument made by the gentleman from Virginia, but I do not think that the House will concur in the conclusions to which he comes, that this officer is one of that class of superior officers who should, of necessity, be nominated by the President and confirmed by the Senate. The amendment, as I stated before, will conform the legislation of the present to that of the last Congress. It was not pretended, during the last Congress, in the section in the Post Office bill, which came from the Senate, that it would be just, right, and proper to apply the law to the existing Assistant Postmaster General; neither is it right to apply the law which is proposed to be passed now to the Assistant Secretary of the Treasury.

Mr. STANTON, of Tennessee. I would ask the gentleman from South Carolina whether the act to which he refers was not passed near the close of the last session of Congress, when a new Administration was coming into power, and when the reasonable supposition was that there would be an important change among those officers who were to be appointed by the President, by and with the consent and advice of the Senate?

Mr. ORR. I have no doubt there was an expectation that there might be a change in the appointment of these officers. The effect of the resolution, whether these officers were to hold ten days, ten months, or ten years, is precisely the same. The declared purpose of Congress was not to legislate out of office an inferior officer who had derived his existence and authority from his superior in office, and the principle was universally acquiesced in as correct. Now I desire that we shall follow this wholesome precedent and make the resolution of the Senate retrospective in its operation—apply the same rule to the Assistant Secretary of the Treasury that our predecessors applied to the Assistant Postmaster General. The substitute I offer accomplishes this result. This matter has undergone a very full discussion, and if the House concur with me in the view which I take of it, they will pass the amendment which I offer; and upon it I call the previous question.

Mr. BAYLY, of Virginia. I desire to speak upon the amendment.

The SPEAKER. There is a demand for the previous question.

Upon seconding the demand for the previous question, a division being had, there were—ayes 70, noes not counted.

Mr. TAYLOR, of Ohio. I demand tellers. Tellers were ordered.

Mr. LETCHER. I move that the House do now adjourn.

Mr. WHEELER. Upon that motion I call for tellers.

Tellers were ordered; and Messrs. FAULKNER and WHEELER were appointed.

The question was then taken; and the tellers reported—ayes 73, noes 69.

So the motion was agreed to; and

The House, at three o'clock, p. m., adjourned until Tuesday.

IN SENATE.

MONDAY, January 9, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Thursday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. NORRIS in the chair) laid before the Senate a report from the Secretary of War, communicating, in pursuance of the act of April 2, 1794, a statement of the expenses of the national armories, and the number of arms and appendages made thereat during the year ending June 3, 1853; which was ordered to lie on the table and be printed.

Also, a report from the Secretary of War, communicating, in pursuance of the act of March 3, 1809, a statement of the expenditures for the contingent expenses of the military establishment during the year 1853; which was ordered to lie on the table, and be printed.

Also, a report of the Secretary of War, in answer to the resolution of the Senate of the 27th ultimo, relative to the experiments made to test the relative efficacy and usefulness of the Onondaga solar salt, and the Turk's Island salt, in the cure and packing of provisions; which was ordered to lie on the table, and be printed.

PETITIONS, ETC.

Mr. WELLER presented the petition of Edward Wheeler, praying a pension in consideration of the services of his father, Samuel Wheeler, during the war of the revolution; which was referred to the Committee on Revolutionary Claims.

Also, the petition of John Boykin, praying a pension in consideration of the services of his father, Bias Boykin, during the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. BRIGHT presented the petition of Judson R. Osgood, of Indianapolis, praying the enactment of such laws relating to American patents as shall more effectually guard the rights of patentees from foreign infractions; which was referred to the Committee on Patents and the Patent Office.

Mr. CHASE. I hold in my hand, and desire to ask for it the favorable consideration of the Committee on the Judiciary, a memorial signed by the judges and members of the bar of Cincinnati, representing the great importance of speedy action upon the bill to divide the State of Ohio into two judicial districts, growing out of the extension of maritime jurisdiction in the courts of the United States. I ask that it may be referred to the Committee on the Judiciary, and I hope the committee will give early attention to the subject.

It was so referred.

Mr. CHASE presented the petition of C. H. Crawford and others, of Dayton, Ohio, praying the enactment of a law giving further remedies to patentees; which was referred to the Committee on Patents and the Patent Office.

Also, the proceedings of a meeting of citizens of Cincinnati, Ohio, held on the 30th of December, 1853, relative to the destruction of the railroad passing through the city of Erie, by the citizens of Erie; which was referred to the Committee on the Post Office and Post Roads.

Mr. CASS presented the petition of George Fitzsimmons, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Also, the petition of David P. Weeks, praying to be allowed his pension, which was suspended during the time he was employed in the War Department; which was referred to the Committee on Pensions.

Mr. JOHNSON presented the petition of R.

W. Johnson, praying the establishment of a mail route from Antoine to Camden, in the State of Arkansas; which was referred to the Committee on the Post Office and Post Roads.

Also, a letter from F. Boothe, in favor of the establishment of a mail route from Powhattan to Gainesville, in Arkansas; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial of chaplains of the Army, praying the establishment of a corps of chaplains similar to the medical corps; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BELL, it was

Ordered, That the memorial and papers relative to the claim of A. J. Williamson be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. SEBASTIAN, it was

Ordered, That the memorial and papers of William Senna Factor be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That the petition of William L. Meredith, praying compensation for the services of his father in the army of the Revolution, be withdrawn from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion by Mr. ADAMS, it was

Ordered, That the memorial and papers in the case of George Barrell and S. V. S. Wilder, in behalf of themselves and other heirs of the owners of the ship Columbia and sloop Washington, and others, be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. PEARCE, it was

Ordered, That the petition and papers of Robert H. Hamilton be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. PEARCE, it was

Ordered, That the petition and papers of the administrators of C. P. Van Ness be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. SHIELDS, it was

Ordered, That Jean Baptiste Beaubien have leave to withdraw his petition and papers.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of the administrators of William A. Slacum, deceased, be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

REPORTS FROM STANDING COMMITTEES.

Mr. FOOT. I am requested to ask that the Committee on Public Lands, to which was referred the memorial of Robert B. Steptoe and others, be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims, to which committee it appropriately belongs.

The motion was agreed to.

Mr. GWIN, from the Committee on Military Affairs, to which was referred the petition of the Rev. John Reynolds, praying to be allowed extra pay and traveling expenses as chaplain in the army stationed in California, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BENJAMIN, from the Committee on Private Land Claims, to which was referred the petition of Albert G. Howel, submitted a report accompanied by a bill for the relief of the heirs and legal representatives of William Weeks; which was read a first time, and ordered to a second reading; and the report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Charles Derbigny and others, submitted a report accompanied by a bill confirming a certain land claim in Louisiana known as the Fleurian claim; which was read a first time, and ordered to a second reading; and the report was ordered to be printed.

He also, from the same committee, to which was referred a bill confirming certain land claims in Louisiana in the Bastrop grant, reported it back without amendment, and recommended its passage.

He also, from the Committee on Commerce, to which was referred the memorial of Francis B. Ogden, submitted an adverse report thereon.

Mr. HAMLIN, from the Committee on Printing, submitted the following order; which was considered, by unanimous consent, and agreed to:

Ordered, That ten thousand copies of the letter of the Secretary of the Treasury, communicating the report of the Superintendent of the Coast Survey for the year 1853, in addition to the usual number, be printed; five thousand copies thereof for the use of the Senate, and the remainder

for distribution by the Coast Survey Office; and that the same be bound with the plates, in quarto form, and that the plates be printed under the direction of the Superintendent of the Coast Survey.

Mr. HAMLIN. I believe there has been no vote of the Senate ordering the printing of that document. I move, therefore, that the usual number be printed for the use of the Senate.

The motion was agreed to.

Mr. HAMLIN, from the same committee, reported a joint resolution authorizing an increase of the force in the office of the Superintendent of Public Printing; which was read a first time, and ordered to a second reading; and, on Mr. HAMLIN's motion, a letter from the late Superintendent, accompanying the joint resolution, was ordered to be printed.

Mr. FOOT, from the Committee on Pensions, to which was referred the petition of the administrator of the late Lieutenant Michael Everly, an officer in the war of the Revolution, praying that a pension may be granted to his children, submitted a report, accompanied by a bill for the relief of the children of the late Lieutenant Michael Everly, a revolutionary officer. The bill was read a first time, and ordered to a second reading; and the report was ordered to be printed.

He also, from the same committee, to which was referred the petition of Mary C. Hamilton, widow of the late Captain Hamilton, praying for a pension, submitted a report accompanied by a bill for her relief. The bill was read a first time, and ordered to a second reading; and the report was ordered to be printed.

He also, from the same committee, to which was referred the petition of Daniel Nichols, submitted an adverse report thereon; which was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to which were referred the memorial and papers of Amos and John E. Kendall, asked to be discharged from the further consideration of the same, and that they be referred to the Committee on the Judiciary; which was agreed to.

He also, from the same committee, to which was referred the bill to amend the act "to divide the State of Arkansas into two judicial districts, and for other purposes," asked to be discharged from the further consideration of the same, and that it be referred to the Committee on the Judiciary; which was agreed to.

NOTICES OF BILLS.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill granting the right of way and making a grant of land to certain railroad companies, for the benefit of the States in which they are situated.

Mr. MASON gave notice of his intention to ask leave to introduce a bill to authorize the payment of invalid pensions in certain cases.

Mr. DODGE, of Wisconsin, gave notice of his intention to ask leave to introduce a bill making grants of land in aid of the construction of a railroad from Madison, in the State of Wisconsin, to the Mississippi river, in said State.

Mr. JONES, of Iowa, gave notice of his intention to ask leave to introduce a bill for the relief of paymasters' clerks who served in Mexico.

BILLS INTRODUCED.

Mr. BADGER asked, and by unanimous consent obtained, leave to introduce a bill allowing a credit, for a limited period, on duties on railroad iron imported into the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. BRIGHT, in pursuance of previous notice, asked and obtained leave to introduce a bill to establish a court for the investigation of claims against the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MALLORY, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for the establishment of a marine hospital at St. Marks, in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. THOMPSON, of Kentucky, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850; which was read twice by its title, and referred to the Committee on Finance.

Mr. MALLORY, in pursuance of previous notice, asked and obtained leave to introduce a bill giving the right of way and granting alternate sections of certain public lands to the State of Florida, to further the construction of certain railroads therein; which was read twice by its title, and referred to the Committee on Public Lands.

PUBLIC PRINTING.

Mr. BAYARD, in pursuance of previous notice, asked and obtained leave to introduce "A bill to provide for the public printing, engraving, and binding;" which was read twice by its title, and referred to the Committee on Printing.

Mr. WALKER. Without a special order, that bill will not be printed until after it is reported from the committee. As it is a bill of so general interest, I feel anxious to see it, and therefore move that it be printed.

The motion was agreed to.

ISTHMUS OF TEHUANTEPEC.

Mr. BENJAMIN. I beg leave to offer the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate, if not in his opinion incompatible with the public interest, any correspondence that may have taken place between the Government of the United States and that of Mexico respecting the right of way across the Isthmus of Tehuantepec, not embraced in the communication made by President Fillmore on that subject to the Senate on July 27, 1852; also, under like limitation, to communicate to the Senate all information in the possession of the Executive concerning the action of the Mexican Government in relation to said right of way, and any proposed convention concerning it.

Mr. President, as this resolution is one of inquiry only, I propose to ask the unanimous consent of the Senate for its adoption at this time. But before doing so, in order to prevent any misapprehension of motive, I desire to say a few words. The Senate has now under consideration a communication from the Executive, made in response to a resolution offered by the gentleman from Michigan, [Mr. Cass.] The discussion which is about to take place on that communication, it is evident to all, will take a much wider range than the simple interpretation of the treaty, which was the basis of the call of that Senator.

In that discussion it is not my intention to participate; I leave it in abler and better hands. But, sir, when that treaty comes under discussion before the Senate, with the communications from both Governments in relation to that treaty, it will be found that the treaty embraces the whole subject of Isthmian communication. It embraces the communication across that very Isthmus to which my resolution is pointed—a communication which particularly interests not only my own constituency, but nearly every southern State, every State in the valley of the Mississippi, and the entire American population on the Pacific ocean. I think it will be found that that subject is one necessarily embraced in the discussion, which will form a proper corollary to it, and in relation to which I shall ask the indulgence of the Senate for a hearing; but it will only be after the general discussion shall have been closed, and with the view that the Committee on Foreign Relations may be put in possession of the entire subject-matter, so that their report may present all the matters of interest embraced in these Isthmian lines of communication. It is with that view that I propose to make this call; and I hope there is no objection to the passage of the resolution, being, as I said before, merely one of inquiry.

The resolution was considered by unanimous consent, and agreed to.

RAILROAD TO THE PACIFIC.

The PRESIDENT appointed Messrs. GWIN, BRIGHT, RUSK, DOUGLAS, BELL, EVERETT, SEWARD, GEYER, and EVANS, the select committee to consider that portion of the President's message and accompanying documents relative to a railroad to the Pacific ocean, and the various bills relating thereto; which was ordered to be appointed by the resolution adopted on the 4th instant.

HARBOR AND RIVER IMPROVEMENTS.

Mr. JONES, of Iowa. I submit the following resolution:

Resolved, That the Secretary of the Department of War furnish the Senate, as soon as practicable, with a report of all the work done under the appropriations of 1853, in reference to western rivers and harbors.

I do not think there can be any objection to that resolution. It relates to rivers and harbors. I

therefore hope the Senate will oblige me by considering it now.

Mr. STUART. As I understand it, I should prefer to let it lie over.

Mr. JONES. Very well. Let it go over.

DETENTION OF THE NORTHERN MAIL.

Mr. FOOT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be requested to communicate to the Senate the causes of the repeated detention of the northern mail, particularly between the cities of New York and Washington; and whether, in his opinion, any action is required on the part of Congress for the effectual removal of those causes.

NEW POST ROUTES.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing, by law, post routes from Memphis, in the State of Tennessee, by way of Witsburg and Augusta, to Searcy, in White county, Arkansas; and from Jacksonport, in the State of Arkansas, to White Haus, in the county of Izard, in the same State; and from Jacksonport to Clarksville, all in said State.

On motion, the Senate adjourned.

IN SENATE.

Tuesday, January 10, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

CLAYTON-BULWER TREATY.

Mr. CASS. A message will soon be received from the House of Representatives, which will undoubtedly render it proper for us to adjourn in the course of a few minutes. To-day was assigned for the consideration of the motion to refer the President's message and documents in relation to the Clayton-Bulwer treaty. As we cannot consider that subject to-day, I move that it be postponed to, and made the special order for, to-morrow.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a report from Willis A. Gorman and Richard M. Young, commissioners appointed by the President of the United States to investigate the charges of fraud alleged against Alexander Ramsey, late Superintendent of Indian Affairs in Minnesota Territory; which was referred to the Committee on Indian Affairs.

PETITIONS, ETC.

Mr. FISH presented the petition of Henry K. Brown, praying for fourteen pieces of condemned brass cannon, to enable him to cast an equestrian statue of Washington, to be erected in the city of New York; which was referred to the Committee on Military Affairs.

Also, the petition of John Thomas, praying an appropriation to enable him to build an engine as an improvement on the steam-engine; which was referred to the Committee on Commerce.

Also, certain proceedings of the grand jury in the southern district of New York, representing the necessity of the Government providing buildings for the detention and custody of prisoners and persons held as witnesses; which was referred to the Committee on the Judiciary.

Mr. MALLORY presented the memorial of certain officers of the Army at Fort Vancouver, in Washington Territory, praying an increase of the commutation price of their rations; which was referred to the Committee on Military Affairs.

Mr. SHIELDS presented two petitions from citizens of Blair county, Pennsylvania, praying that one hundred and sixty acres of land may be granted to each of the soldiers in the war of 1812, and all subsequent wars, without regard to rank and length of service; which was referred to the Committee on Public Lands.

Mr. DAWSON presented the petition of Moren Moore, praying to be allowed the difference between the pensions paid his father and mother and that to which they were entitled; which was referred to the Committee on Revolutionary Claims.

Mr. SEWARD presented two petitions of citizens of New York, praying that a contract may be entered into with Christian Hansen, for the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, JANUARY 12, 1854.

NEW SERIES....No. 10.

establishment of certain lines of steamers; which were referred, with the papers on file relating thereto, to the Committee on the Post Office and Post Roads.

Also, the petition of Barnum Whipple, praying the enactment of a law requiring the Secretary of the Treasury to report the amount of money collected by each of the collectors of the customs for the support of marine hospitals; which was referred to the Committee on Finance.

Also, the petition of the grandchildren of Peter J. Vosburgh, praying to be allowed the commutation to which their grandfather was entitled under the resolution of 1783; which was referred to the Committee on Revolutionary Claims.

Also, documents in relation to the claims of B. M. Van Derveer to a pension for the services of his father, Albert Van Derveer, in the revolutionary war; which were referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. WADE, from the Committee on Claims, to which was referred the petition of the heirs of Daniel Loomis, deceased, submitted a report, accompanied by a bill for the relief of the legal representatives of Daniel Loomis, deceased; which was read a first time, and passed to a second reading; and the report was ordered to be printed.

Mr. FOOT, from the Committee on Pensions, to which was referred the petition of Rebecca Freeman, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading; and the report was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the petition of Mary Ray, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

NOTICES OF BILLS.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill to provide a suitable building for the United States district court of the southern district of Florida.

Also, a bill to repeal certain discriminating duties on Spanish tonnage.

BILLS INTRODUCED.

Mr. MASON, in accordance with previous notice, asked and obtained leave to introduce a bill to authorize the payment of invalid pensions in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRIGHT, in accordance with previous notice, asked and obtained leave to introduce a bill granting the right of way, and making grants of land to certain railroad companies, for the benefit of the States in which they are situated; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DODGE, of Wisconsin, in accordance with previous notice, asked and obtained leave to introduce a bill granting to the State of Wisconsin land to aid in the construction of a railroad from Madison to the Mississippi river; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DODGE, of Iowa, in accordance with previous notice, asked and obtained leave to introduce a bill to divide the northern and Missouri river land districts in the State of Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. JONES, of Iowa, in accordance with previous notice, asked and obtained leave to introduce a bill for the relief of paymasters' clerks who served in Mexico; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FISH, it was

Ordered, That the petition of Julia M. Lawrence, widow of Captain James Lawrence, one of the captors of the *Creole* Philadelphia, be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. SEBASTIAN, it was

Ordered, That leave be granted to withdraw the memorial

of Russell & Jones, surviving partners of Brown, Russell & Co.

On motion by Mr. MALLORY, it was

Ordered, That John W. Simonton have leave to withdraw his petition and papers.

On motion by Mr. MALLORY, it was

Ordered, That the documents on the files of the Senate relating to the claim of Richard Fitzpatrick, be referred to the Committee on Claims.

On motion by Mr. HOUSTON, it was

Ordered, That George T. Howard have leave to withdraw his petition and papers.

On motion by Mr. HAMLIN, it was

Ordered, That the petition and papers of John O. Means be withdrawn from the files of the Senate, for the purpose of presentation in the House of Representatives.

On motion by Mr. DODGE, of Wisconsin, it was

Ordered, That Charles A. Grignon have leave to withdraw his petition and papers.

On motion by Mr. SEWARD, it was

Ordered, That Thomas W. Phelps have leave to withdraw his petition and papers.

On motion by Mr. SEBASTIAN, it was

Ordered, That the petition of Samuel H. Hempstead be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

REFERENCE OF PRESIDENT'S MESSAGE.

On motion by Mr. DAWSON, it was

Ordered, That so much of the message of the President of the United States as relates to the District of Columbia, be referred to the Committee on the District of Columbia.

CAPITOL EXTENSION.

The following resolution, submitted by Mr. JONES, of Tennessee, on the 3d instant, was considered and agreed to:

"Resolved, That the Committee on Public Buildings be instructed to inquire whether any change in the plan of the Capitol extension has been made since the adjournment of the last Congress, and if so, by what authority such alteration has been made, and whether such change, if any, involves an additional expenditure of the public money."

RIVER AND HARBOR IMPROVEMENTS.

The following resolution, submitted yesterday by Mr. JONES, of Iowa, was considered and agreed to:

"Resolved, That the Secretary of the Department of War furnish the Senate, as soon as practicable, with a report of all the work done under the appropriations of 1852, in reference to western rivers and harbors."

GEORGE R. C. FLOYD.

Mr. GWIN. The Committee on Finance, to which was referred a joint resolution for the relief of George R. C. Floyd, late Secretary of Wisconsin Territory, and sureties, has instructed me to report it back with an amendment. The amendment puts the joint resolution exactly in the shape in which it was passed at the last session of Congress; and I ask the unanimous consent of the Senate to take it up for consideration at this time.

There being no objection, the Senate proceeded to consider the resolution, as in Committee of the Whole. The amendment of the committee was to strike out all after the resolving clause, and insert the following:

"That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to settle the accounts of George R. C. Floyd, late Secretary of Wisconsin Territory, on the principles of equity and justice."

The amendment was agreed to.

Mr. DAWSON. I desire to know why the difficulties existing between the Government and this officer cannot be settled now, as the Government requires no claims to be settled except according to the principles of equity and justice. If there be no law regulating the manner of settlement I should like to know it.

Mr. DODGE, of Iowa. Mr. President, I am somewhat familiar with this case, and will state very briefly the facts relating to it. All who know anything of the Territorial organizations, know that the Secretary is the fiscal or disbursing officer of the Territory. Mr. Floyd was such officer for Wisconsin Territory, and, under resolves of the Territorial Legislature, he incurred expenses for the transportation of specie, and other services which

were outside of, and not provided for in the general law regulating these things. Congress passed a very stringent law providing that no allowances could be made by the Territorial Legislatures for certain things. The items to which Mr. Whittlesey has objected, under the law, are such as he approves of, and says are right, and should be equitably credited to Mr. Floyd; but the law of 1842, the stringent law to which I have already alluded, prevents him making the allowance. The object of this resolution is to give Mr. Whittlesey that discretion which will enable him to settle the accounts on principles of equity and justice; there being some four or five items for which Mr. Floyd is justly entitled to credit, having performed the service and paid the money, but which he cannot receive, owing to the provisions of the law to which I have alluded.

Mr. BRIGHT. I concur, sir, in all that the Senator from Iowa has stated. The Committee on Finance has examined the provisions of the joint resolution, and believing it to be just, has made a favorable report, recommending its passage. Territorial officers, as has been well said by the Senator from Iowa, are frequently clothed with enlarged discretionary powers, and it necessarily must be so, in order to carry out the interests of the Government in the Territories. In this way this officer has incurred some expenses which ought to be reimbursed to him; but there is no law, the letter of which warrants the allowance of them. By passing an act of this kind, the accounting officer will allow some items in his account that he could not otherwise do.

Mr. DAWSON. I understand the character of the claim, and I have no objection to it; but I wish to see a general principle adopted and carried out. The act of 1842 is called a stringent law. Its object was to protect the Government against improprieties and indiscretions on the part of its disbursing officers. The law was made with a view to restrict and control them in the expenditure of the public money, and under that law this officer cannot be allowed these items. There are hundreds of cases of the same class now pending before the various Departments of the Government. If we intend to repeal the law of 1842, and allow each disbursing officer to be regulated by his own judgment of what he supposes to be expenditures according to the principles of equity and justice, we shall have no limitation to guard the rights of the Government. I think the better plan will be to refer this subject to a committee, and let them consider whether they will recommend the alterations in the law of 1842 so as to leave no limitation on the powers of the disbursing officers.

I have not a word to say against the allowance here proposed to be made; but is not this an improper mode of doing things? Why allow these items of expenditure, when there are hundreds of others of the same class? If any gentleman will go to the various offices, and inquire as to the expenditures in the Territory of New Mexico, the most distant of our territorial governments, he will find that large amounts have been rejected, although the officers who disbursed the money, in some cases, are dead. Why not have a general law regulating all these cases by a fixed principle? We thought we accomplished this in the year 1842; but we have found that we were mistaken, and now it is proposed that the expenditure of the public money shall be regulated by the principles of equity and justice. Who are to be the judges of what the limitations are when we use the words "equity and justice?" No one.

Mr. DODGE, of Iowa. Elisha Whittlesey.

Mr. DAWSON. Very well; Elisha Whittlesey's watchfulness is to be counted for nothing, and that great reputation which he has for taking care of the public money is to be put aside, and he is to be regulated in the discharge of his duty by "the principles of equity and justice." The general law is intended to declare what the principles of equity and justice are. I have no doubt that I should agree with my friend from Iowa that many of these items fall within our views of equity and justice. All that I want, however, is a gen-

eral law. If this joint resolution be passed, we shall have case after case teeming in here, calling upon us for the application of the same principles of "equity and justice."

I repeat, again, I am not opposed to doing justice to all disbursing officers, but all that I want is a general law to meet all cases in a like condition; and, therefore, I would ask my friend from Iowa to move the reference of this subject to a committee, so that they may report a general law extending, if necessary, the provisions of the act of 1842, which I myself believe to be too restrictive.

Mr. GWIN. I have no objection to make to the views expressed by the Senator from Georgia with regard to a general law; but this is a special case which stands upon its own merits. It was investigated during the last Congress by the Committee on Finance, and I was instructed by that committee to report a bill, which passed the Senate without a dissenting voice, and which was precisely the same, word for word, as the one now reported. This subject came up, and was referred to the committee in an isolated shape, and I hope the Senator from Georgia will not object to the passage of this resolution. The accounting officer of the Treasury has recommended the passage of the resolution; he thinks the allowance should be made, and I hope the Senator will not bring the principle in favor of a general law, to which we do not object, to bear against this, and thereby create a postponement. I hope he will withdraw his objection, and let the resolution pass. So far as I am concerned, I am in favor of a general law, and should approve of one if the subject should be brought up in the Committee on Finance.

Mr. DAWSON. I have made no objection to this case. I merely wished to make the suggestion for the consideration of the friends of the measure and the Committee on Finance, that the committee should propose some general law upon the subject, and not leave the matter so entirely to the discretion of the Government officers. I have no objection to the resolution; but I want a general law to provide for such cases.

Mr. DODGE, of Iowa. The law of 1842, to which the honorable Senator from Georgia refers, shows on its face that it is not a general law. It was one relating to Wisconsin Territory. It was not a general law, applying to all cases. A very unwise and ridiculous law was passed, which denied to the Territorial Legislature the power of crediting and allowing a disbursing officer, who went in obedience to its resolve, and, at his own expense, brought this public money five or six hundred miles to be disbursed for the purpose of paying the expenses of the Legislature. Such expenses are excluded by this special law having reference to Wisconsin Territory; and, under its stringent provisions, it is impossible for the accounting officer to do justice to Mr. Floyd. No such case, from Iowa or New Mexico, has ever occurred. There are none such pending. This case comes from Wisconsin, and it is a meritorious and just one.

Mr. DAWSON. My friend from Iowa is mistaken. The same difficulty is pending before Mr. Whittlesey, with regard to the accounts of officers in the Territory of New Mexico, a Territory much more distant. The accounts of those officers are, many of them, very just and proper, but they cannot be paid under the existing law. That is the reason why I wish to have a general law. I do not wish to oppose the passage of the joint resolution now before us; but I should be glad to see a general bill passed to meet such cases.

Mr. DODGE, of Iowa. This may be a special case; but this is a matter with regard to which there should not be a general law passed. The Governor of New Mexico should not have any such accounts to be settled. He does not stand in the relation of an officer who has any accounts to settle after receiving his salary. If he has incurred any extraordinary expenses by meeting or treating with the Indian tribes, so as to make the case anomalous in its nature, and has asked for remuneration, the subject will address itself to the justice of Congress, and we should pass a bill for his relief. But no Governor of a Territory ever could or should have any such accounts as those embraced by the resolution to be settled.

The joint resolution was reported to the Senate as amended; the amendment was concurred in;

the resolution was ordered to be engrossed for a third reading, was read a third time, and passed.

THOMAS MARSTON TAYLOR.

The Senate, as in Committee of the Whole, proceeded to consider the bill reported from the Committee on Naval Affairs, for the relief of Thomas Marston Taylor.

It proposes to direct the proper accounting officers of the Treasury to allow Mr. Taylor, a pursuer in the Navy, in the settlement of his accounts, for such deficiency as he shall show to exist, by reason of his making deposits of treasury notes in the Phoenix Bank at Charlestown, Massachusetts, subsequent to April, 1842; and, also, to allow him such reasonable and proper expenses as he has actually incurred and paid in prosecuting any suit brought to enforce the supposed priority of the claims of the United States over other creditors upon the assets of said bank in the hands of the trustees.

The Secretary, at the request of Mr. WALKER, commenced the reading of the report of the committee; but, before concluding, on the motion of Mr. BRODHEAD, the further consideration of the bill was postponed until to-morrow.

DEATH OF HON. H. A. MUHLENBERG.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing the death of the Hon. HENRY A. MUHLENBERG, a member of the House from the State of Pennsylvania, and its proceedings thereon; which were read.

Mr. BRODHEAD. The melancholy event, of which the message from the House of Representatives gives us official notice, is of painful interest in this Capitol, and especially in Pennsylvania. To me, personally, it is a great affliction, for the deceased was my friend, in the true sense of the term, tried by time and the hour of need. I was much with him during his protracted and fatal illness. He breathed his last at my residence last evening, at half past ten o'clock; and I can now hardly command my feelings and arrange my thoughts in a manner proper for this occasion.

The name of MUHLENBERG is intimately associated with the history of Pennsylvania; and I may add with that of this country and Government. Upon the records of the old Continental Congress, and upon nearly every page of the history of our revolutionary struggle, it can be found. For more than one hundred years the family has been conspicuous in everything calculated to advance the cause of religion, of letters, and of good government.

The great-grandfather of the deceased, an eminent scholar and divine, settled, at an early day, in Pennsylvania, then an almost unbroken wilderness, and well earned the name of the Father of the Lutheran Church in America. His three sons, one the grandfather of the deceased, were educated for the same profession; but the difficulties with our mother country came on; their country's agony called them from the temple and the altar to the council-board and the camp; they wielded their pens and their swords in their country's cause, and became the associates of Washington, Franklin, Jefferson, Wayne, and Greene, and rendered good service over almost every part of the wide field of the revolutionary contest. The battlefields of Brandywine, Germantown, Stony Point, and the siege of Yorktown, attest their heroism.

The father of the deceased, although he lived in more peaceful times, was scarcely less distinguished. During the whole of General Jackson's presidential term he was a Representative in Congress. He was a statesman without the arts of the demagogue; wise in council, and resolute in action. Such a man could not fail to attract the attention of President Jackson, and, entertaining the same political views, they were, consequently, personal and political friends. He was, subsequently, our Minister at the Court of Austria; and, on his return, was nominated as the Democratic candidate for Governor of Pennsylvania, his native State. His friends responded to his nomination in a way that demonstrated their confidence in their chosen chief, but he was stricken down with the banner in his hands, and died but a short time before the election.

His son, HENRY A. MUHLENBERG, my deceased friend, not depending upon the fame and fortune left him by his ancestors, as is too often the case in this country, thought it his duty to

make himself useful in his day and generation, and lay in a large stock of reputation on his own account. He possessed the qualities of head and heart to enable him to do it. He was honest and industrious, sagacious and patient. Although a man of self-reliance and iron will, (essential ingredients in the composition of a leading mind,) his pretensions never exceeded his real merits. He was the most fearless person I ever knew in the discharge of duty. He never sought security from censure by prudent silence or time-serving neutrality. And great as were the qualities of his mind, they were fully equalled, if not eclipsed, by those of his heart. Thousands throughout the country, and some of the members of this body, who have shared his hospitality, will attest the truth of this remark. On my way to this place I was a guest for days, with my family, in his hospitable mansion.

Although but about thirty years of age, he had made himself a man of mark. He was an accurate and well-read lawyer; an energetic and thorough man of business, connecting himself with every enterprise calculated to advance the prosperity, or give employment to the labor of his native place. He had distinguished himself as a member of our State Senate, in which he served for three years, and was then elected a member of the present Congress, by the same "old Berks" district, so long represented by his father; and came here, at the opening of the present session, to enter upon the discharge of his duties in this great arena of national concern. But, alas! how little do we know that which we are! how less what we may be!

He appeared in the House of Representatives but one day, the day on which it was organized. Before he had fairly entered upon the discharge of the high and responsible duties assigned him by a confiding constituency, with the path of glory bright before him; in the noonday of life; we are summoned to mourn his loss. But a few weeks ago his neighbors and friends at Reading, his place of residence, gazed with admiration upon the erect and manly form of their favorite, to-morrow they will see that form stretched upon its lowly bier, brought back to them for interment with his fathers by a committee of the House of Representatives. He has, however, left behind him his character, the influence of his example, and, in his unexpected death, the admonition that public honors, and exalted station, can add no strength to the tenure by which life is held.

During his illness (typhoid fever) he had the consoling presence of the partner of his bosom, and a devoted sister, whose attentions to him, day after day, and week after week, were as assiduous as it was possible for the most devoted affection of the living to bestow upon the most beloved of the dying. The warmest and tenderest ties have been severed by his death. He has left a widow and an orphan boy to mourn his untimely death. May that "Being who tempers the wind to the shorn lamb" protect them against the "wintry blasts" of a cold and heartless world.

Mr. President, I have in my hand resolutions which I intend to submit for the adoption of the Senate, that we may unite with the House in paying some tribute of respect to the memory of the deceased. The last one provides for an adjournment. It is usual to "strike our colors" at each repeated triumph of the "fell destroyer."

I offer the following resolutions:

Resolved, That the Senate has heard the announcement of the death of HON. HENRY A. MUHLENBERG, a member of the House of Representatives from the State of Pennsylvania, with feelings of deep sensibility.

Resolved, That, in testimony of respect for his memory, the members and officers of the Senate will wear crape on the left arm for the space of thirty days.

Resolved, That, as a further testimonial of respect for the memory of the deceased, the Senate will now adjourn.

The resolutions were unanimously adopted, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 10, 1854.

The House met at the usual hour. Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

DEATH OF HON. H. A. MUHLENBERG.

Mr. DRUM rose, and said:

With a heart profoundly afflicted with the sad

event which has just befallen, I rise to occupy for a few moments the attention of this House. The melancholy duty has been imposed upon me to announce to you the death of Hon. HENRY A. MUHLBERG, a Representative in Congress from the State of Pennsylvania. He died about half past ten o'clock last night, after an illness of four or five weeks.

Death, sir, is the common lot of all mankind. We are taught to expect it from the time our feet begin to tread the pathway of life until our mental vision expands upon the great mysteries of eternity. All that we enjoy—all that we love—all that makes this world bright and beautiful to us, alike pass away under the inexorable touch of decay. And not alone is this stern lesson taught in the material world around us. Upon every lineament of our moral being is to be seen the never-ceasing element of change. The fresh feelings of the heart with which youth begins to climb the hill of the future, are chilled before the summit is half gained; the hopes we so eagerly form in early life, before middle age become delusions—affections twine themselves around us, and are rent away—the heart becomes seared with disappointment and affliction, until its early sensibilities are crushed out, and most men go to their graves in advanced age, feeling that they realize the solemn truth that change and decay are written everywhere. And yet, sir, notwithstanding this, although we know and feel it to be the universal law, death is a most solemn event. Though it surrounds us everywhere, and is ever present—though it comes to us upon the wings of the gentlest breeze, and lies hidden in the fragrance of the loveliest flower—though we may familiarize ourselves with all its shapes, and prepare ourselves to meet its stern demands, yet, sir, it never comes without speaking to the souls of the living its tones of terrible instruction. Oh, sir, there is no eloquence like that of death.

Mr. Speaker, the voice that sounds to us the death of my lamented friend and colleague, speaks no common warning. A few short days ago, and he was glowing with joy, and youth, and the vigor of health; he now lies wrapped in the last cold garment of mortality, and we stand here around his grave. Then, there were few on earth whose existence was radiant with brighter prospects of fame and happiness. The center of a charmed circle that beamed with intelligence and love, he surrendered himself to all the allurements of affection, and all the fascinations of refined intellectual enjoyment. He was firmly seated in the attachment of a noble constituency, and he came to Washington buoyant with the honest hope of faithfully serving them, and of writing his own name upon the historical records of his country. He rose fearlessly with his eye fixed upon the sun, but alas! it was only to be extinguished in its blaze. Now, the urn that holds his sacred dust is all of mortality that remains. The illusion is past, and the hope that animated and sustained him is quenched forever.

Among other peculiarities of Mr. MUHLBERG's situation in life, was the circumstance that he sprung from an ancestry whose names are familiar words in the history of this country. When the vast field of benevolent enterprise opened in the New World, and learning and piety came from the cloistered cells of Europe to reclaim and fertilize the barren waste of humanity in the western hemisphere, there were they to be found, zealously and faithfully laboring to instill into the hearts of the humble settlers the great truths of eternal life, and to teach them in what manner to assert the dignity of immortal manhood to which God had predestined them. When the pathway of the desert—full of peril, and ambuscade, and death—was to be explored, that the children of the forest might be brought to know and acknowledge the dominion of our race, there was still another of that same great ancestry, faithful to the high trust ever reposed in his fidelity, and fearless of dangers that might appal the stoutest heart, toiling steadily forward in the path of duty. When, again, the hand of oppression pressed heavily upon the infant colonies, and men appealed, with stern resolution, to the sword to redress their wrongs, not the last to array himself in the ranks of patriotism was still one more of this illustrious name, who abandoned the sacred desk to gird his sword upon his thigh—who gathered from his congregation the material for a regi-

ment, and who served throughout the war of the Revolution with a character most eminent for fidelity and gallantry. One of Mr. MUHLBERG's ancestors was among the first members of Congress from Pennsylvania, and occupied for many years the position of Speaker of that body. His father also occupied a very high position as a public man in the State of Pennsylvania. He represented in Congress for a series of terms the same county but recently represented by my deceased friend. During the administration of General Jackson, he held the situation abroad of Minister to the Court of Austria; and at the period of his death, he was the nominated candidate of the Democracy of Pennsylvania for Governor of that State. Death, sudden and unlooked-for, snatched from his grasp the crowning honor of a well-spent life, as it has just now arrested the brilliant career of this, his promising son.

But although Mr. MUHLBERG's pathway in life was surrounded with the luster of a distinguished ancestry, he yet lived long enough to prove that in his own true, noble, and intellectual character was contained the germ of high distinction and usefulness. Elected in 1850, by the people of Berks county, Pennsylvania, to the Senate of that State, he occupied for three years a seat in that body; and upon the expiration of his term of office, was elected by them to the present Congress. During a portion of his term in the Senate I was associated with him, and can testify to the ability, fearlessness, and truth with which he served his constituents and the State. With a clear and comprehensive intellect, a sound, cautious, and cultivated judgment; a devotion to business, and a taste for public affairs, he united the high quality of fearlessness in the discharge of what he believed to be his duty; and the ray of light that comes from yonder sun was not more direct than was he in all his intentions and purposes. Though but so short a time in the Senate, he was able, as I have reason to know, to impress his character indelibly upon the legislation of his native State.

In the loss of my lamented friend and colleague, Pennsylvania has suffered what will be to her a grievous loss. Talent he had, but that may be easily repaired; but his high honor, his chivalrous sense of public integrity, and his devotion to the best interests of the State he loved so well, are qualities much too rare to be lost without the deepest regret. It affords me much gratification to believe that this Congress will regret the loss it has sustained in his death. To me his sudden and untimely decease comes with the most sincere, heartfelt, and poignant sorrow. Few, very few, in all this world, unconnected by ties of blood, stood in closer relationship to him we now deplore than for the last few years I stood. None knew him, I believe, so well; and surely, surely none loved him better. But were it within the bounds of propriety to obtrude in this place the sorrow I feel, I must yet remember there are others whose grief is more sacred than mine. Dear and anxious relatives waited and watched around his bed of death, and received his parting sigh. In the innermost recesses of their affectionate hearts was he enshrined. He was their idol and their pride, and the terrible blow that struck him from existence has crushed them too. And she whose comfort and whose joy he was through so many hours of happiness; that mourner who is without sympathy because none can enter into the depths of her woe; she whose life but yesterday was one unbroken scene of gladness, and to-day is filled with gloom, without light, without hope, desolate and dreary; oh! may there be given to her from above the only balm that can restore the bowed and wounded heart to bear her up and sustain her through this sad trial, until time, the great physician, shall have alleviated her sorrows and soothed her bitter woes.

As for him, Mr. Speaker, our departed friend and brother, who, in the full flush of early manhood, has gone before us, and explored the mysteries of life, death, and immortality, we dare have no regrets for him. With the seal of truth and probity upon his brow, with all the endearments with which affection can beguile the descent to the grave clustering around his footsteps, he has entered the portals of the glorious life eternal.

"For him let not dejected pity mourn,
For him no tear of anguish bid to flow;
While pensive memory doth his name mourn,
Let joy commingle in the cup of woe.
Few have, like him, to soothe the dying hour,

The sorrowing group bewailing his sad doom;
Or feel, with grateful soul, affection's power,
That strew'd with flowers his passage to an early tomb.
Departed shade! though fleet thy days and few,
Short the fruition of each high desire,
As gorgeous tracery of the morning dew,
Or the bright embers of day's fading fire,
Virtue shall cite thy lesson to mankind;
And death, while remorseful, blunt his dart;
To the cold elements of earth resigned,
Thy cenotaph shall be a fond and faithful heart."

Mr. Speaker, I offer the following resolutions:

Resolved, That this House has heard with deep emotion the announcement of the death of the Hon. HENRY A. MUHLBERG, a member of this House from the State of Pennsylvania.

Resolved, That this House tenders to the relatives of the deceased the expression of its sympathy on this afflicting event; and as a testimony of respect for the memory of the deceased, the members and officers of the House will go into mourning by wearing crape on the left arm for thirty days.

Resolved, That the Clerk of this House communicate a copy of the foregoing resolutions to the widow of the deceased.

Resolved, That the Speaker appoint a committee of four members to accompany the remains of the deceased to his late residence.

Resolved, That, as a further mark of respect for the memory of the deceased, this House do now adjourn.

Mr. DAWSON. Mr. Speaker, it is, sir, with feelings of no ordinary emotion that I rise to notice the melancholy event which has just been announced. As associated with the deceased in the representation on this floor of the people of Pennsylvania, and standing to him in the relation of personal and intimate friendship, I feel that I am but discharging the last painful duty.

HENRY A. MUHLBERG, as has been well remarked, could boast an ancestry of eminent distinction. The brother of his grandfather, Frederick Augustus Muhlenberg, was the first Speaker chosen to preside over the House of Representatives of the United States under the present Constitution. Joseph Heister, his maternal grandfather was among the early Governors of Pennsylvania. His father, Henry A. Muhlenberg, long a distinguished member of this body, was afterwards chosen by General Jackson the representative of his Government to the court of Vienna; and after discharging with high credit to his reputation the duties of that responsible position, he was, shortly after his return to Pennsylvania, nominated to the highest office known to her constitution.

It will be fresh, sir, in the memory of many who now hear me, how, with the prospect of being carried triumphantly to the chief magistracy of that honored Commonwealth, the father was stricken down by the hand of the same invisible enemy which now, on the threshold of a public career, and in the bright morning of life, has prostrated the son.

The deceased, sir, was a man of high character, of inflexible integrity, of polished education and manners, and with a mind richly stored with solid and practical information. It was conceded by all who knew him that he would have been a most invaluable member of this body. True, he had represented his native county—the ancient county of Berks—in the Senate of Pennsylvania, and had shown an ability which promised much for the future. Although comparatively a stranger in this body his death will cast a gloom over every portion of his native Commonwealth.

As a husband and a father his happiness was complete, and it is with feelings of sympathy, the most heartfelt, that we recur to the images of the devoted wife, and little boy—an only child—watching anxiously, and hopefully, by the bed of the stricken sufferer, soothing by their presence his dying moments, and rendering the last sad tribute of affection.

Sir, it is a solemn thing to die. When we close our eyes, for the last time, upon the objects of our affections, and the bright light of the morning—to feel, to know that when the portals of the tomb close upon all that pertains to this perishing mortality, the spirit has taken its flight to "that undiscovered country from whose bourn no traveler returns!" The column which will mark his grave may serve to perpetuate by its inscription the memory of his virtues, but the desolation of his own home nothing can supply.

When we contemplate, Mr. Speaker, the domestic woe, as well as the public loss, which an event so sudden and overwhelming occasions, we cannot but feel, with a painful sense of its reality, the uncertain tenure of our mortal existence. But

yesterday, and I saw him within these marble columns, full of life and spirits, participating in the organization of this House, wearing modestly the honors of his trust; and to-day, numbered with the dead! It is in the providence of God to create and to destroy. The honored and the lowly crumble alike before his power. In a few short years, and the national representation now seated around me will follow in the path of our departed friend, and the grave become a common receptacle.

I second, Mr. Speaker, the resolutions which have been offered by my colleague.

Mr. STRAUB said:

Mr. SPEAKER: It is but one brief hour since I heard of the demise of the Hon. HENRY A. MUHLENBERG, and not being accustomed to public speaking, much less to deliver a becoming eulogy, it illy suits me to undertake so grave and important a task; and more particularly so in the present case, as that duty has been so ably and eloquently performed by the gentlemen who have preceded me; but as Mr. MUHLENBERG was my neighbor and social friend, (having lived in an adjoining county,) I will add a few words more on this solemn and heart-rending occasion.

Mr. Speaker, another light has been extinguished. The Hon. HENRY A. MUHLENBERG, of Berks county, Pennsylvania, is no more. He has passed to the dark valley of the shadow of death—has passed from time to eternity. With the deceased I was personally acquainted; and it is due to my own feelings that I should avail myself of the occasion, which is a most melancholy one to me, to add, in my feeble manner, a tribute to his memory.

Sir, Mr. MUHLENBERG died last evening in this city, at the residence of his bosom friend, the Hon. RICHARD BRODHEAD. A few days ago we saw him in the flush of manhood, and, apparently, in the enjoyment of health; but he is gone; and by his demise how truthful is the lesson taught us, "That in the midst of life we are in death."

The deceased, young as he was, in point of ability had very few superiors. He possessed a mind clear and logical, and an energy of character rarely surpassed. In deportment he was extremely kind and gentlemanly, yet firm and unwavering in his attachment to the principles which governed his conduct in life. At an early day he was elected by the people of his native county (Berks) to a seat in the Senate of Pennsylvania, where he distinguished himself with such signal ability as to secure the unlimited confidence of his constituents; and they, desirous of evincing their regard for the services of one whose youthful, but towering intellect so well fitted him for a seat in the Congress of the nation, at the first opportunity that presented itself after the expiration of his Senatorial term, elected him to a seat in this body. But, Mr. Speaker, he has left us, and his spirit has winged its flight to another, and, I trust, a better world.

"When forced to part from those we love,
Though sure to meet to-morrow,
We yet a kind of censor prove,
And feel a sense of sorrow;
But oh! what art can paint the grief
Of those who are forced to sever,
To meet no more—no more forever!"

The deceased, whose loss we now deplore, was born in Berks county, Pennsylvania, and was descended of an illustrious ancestry. Gen. Muhlenberg, the grandfather of the man whose death we now mourn, was intimately connected with the early history of the Republic. He was an associate of Washington and La Fayette. Prominent among that band of patriots who gained our national independence, his deeds will shine brighter and brighter as the nation progresses. He enlisted first as a clergyman in the service of the Redeemer; but no sooner was the cry of war sounded than, dismissing the flock over which he presided, he joined the service of his country—and battled in the cause of freedom. Clergyman, soldier, and statesman; after the war with Great Britain was ended, he received the honor of his countrymen. His deeds were worthy a Cincinnatus. He was elected a member of the House of Representatives of the United States, over which body he was subsequently called to preside. Such was the grandfather of the deceased.

Henry A. Muhlenberg, the father of our lamented friend, was not inferior to his sire in the

cause of patriotism. A minister of the Gospel, he was subsequently called by the people of his district to the Congress of the United States, where, by his towering ability, suavity of manners, and gentlemanly deportment, he became a universal favorite. General Jackson, appreciating as he did the noble elevation of his character, without solicitation upon his part, appointed him Minister to the Court of Vienna, where, as a diplomatist, he ably represented the country which had thus honored him with her confidence. After his return, at the request of a large majority of the people of his native State, he became a candidate for the gubernatorial chair; but before the election took place, he was summoned by the hand of death to the scenes of another world. Such is the history of the forefathers of the deceased.

Mr. Speaker, the record of the tomb is fast, very fast, filling up. In the providence of an all-wise God, a proportion of victims more than usual have been snatched from the councils of the nation by the hand of the dread destroyer. Should not the rapid recurrence of these melancholy circumstances cause us to pause and reflect whether there is not something portentous in these mysterious providences of a wonder-working God, who holds the destinies of the nation in the palm of his hand?

These reflections have been suggested by the announcement, one after another, in quick succession, within the last few months, of the death of our great men. First in the list was our beloved and much-lamented Vice President of the United States, the late William R. King. Following in quick succession were Mr. Atherton, of New Hampshire, late a Senator of the United States; and Mr. Campbell, of Tennessee, late a member of this House, and now HENRY A. MUHLENBERG, of Pennsylvania.

Mr. Speaker, is there nothing portentous in this train of events? Does not the death of these great and good men, filling as they did some of the most exalted positions in the nation, portend something more than if they had been snatched from more humble positions in life? Believing, however, as we do, that the hand of God was at work in the establishment of this great Republic, may we not continue to look to him as our helmsman, to guide the ship of State to that exalted destiny which a wise Providence has designed for us?

The question was then put on the resolutions, and they were unanimously adopted; and

The SPEAKER appointed the following gentlemen to constitute the committee to attend the remains of the deceased to his late residence: Mr. DRUM, of Pennsylvania; Mr. LILLY, of New Jersey; Mr. RUSSELL, of Pennsylvania; and Mr. JOHNSON, of Ohio.

The House then adjourned till to-morrow.

IN SENATE.

WEDNESDAY, January 11, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS.

Mr. SEWARD presented the petition of the heirs of Captain Antoine Paulet, and of the heirs of Lewis Gosselin, praying remuneration for the depreciation of commutation certificates; which were referred to the Committee on Revolutionary Claims.

Also, the memorial of J. Wilson Smith, praying indemnity for the illegal seizure of the steamer Fanny by the United States district attorney and the custom-house officers at Savannah; which was referred to the Committee on Commerce.

CLAYTON-BULWER TREATY.

The Senate proceeded to consider the motion submitted by Mr. CASS on Thursday, the 5th instant, to refer to the Committee on Foreign Relations the message of the President of the United States received on the 3d instant, communicating, in compliance with the resolution of the Senate of December 12, 1853, the correspondence which had taken place with the British Government on subjects growing out of the treaty of Washington of July 4, 1850, since the message of the President of December 30, 1852.

Mr. CASS then rose and addressed the Senate at great length, chiefly in reply to the speech delivered in the Senate at the called session of the Senate, by Mr. CLAYTON, and in vindication of the

views originally expressed by him on the construction placed on the Clayton-Bulwer treaty by the Senate at the time of its ratification.

[The speech will be found in the Appendix.]

Mr. CLAYTON. Mr. President—

Mr. BUTLER. Does the Senator wish an adjournment?

Mr. CLAYTON. I am perfectly willing to go on now; but if the Senate wish to adjourn, I have no objections.

Several SENATORS. Let us adjourn.

Mr. BUTLER. In order to give the Senator a full opportunity to be heard, I move that the Senate do now adjourn.

Mr. HAMLIN. Unless the Senator from Delaware desires that motion to be made, I trust that he will move to postpone the further consideration of the subject till to-morrow, so that we may proceed to the consideration of Executive business.

Mr. CLAYTON. I am anxious to proceed with my reply, when I commence, without being interrupted by other business. If the Senate is willing to hear me, I am prepared to go on now; but if the Senate desires an adjournment I am willing to yield; or if the Senate desires an Executive session, I shall not object.

Mr. BUTLER. I withdraw the motion to adjourn.

Mr. HAMLIN. I move that the further consideration of the subject be postponed until to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it had passed the following bills:

- A bill for the relief of Lewis B. Willis, late a paymaster in the Army of the United States;
- A bill for the relief of the legal representatives of Isaac P. Simonton, deceased; and
- A bill for the relief of William Blake.

EXECUTIVE SESSION.

On motion by Mr. HAMLIN, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 11, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

COMMUNICATIONS FROM THE EXECUTIVE DEPARTMENTS.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting statements furnished by the heads of the several bureaus of that Department, in pursuance of the act of Congress approved August 26, 1842, requiring a detailed statement of the manner in which the contingent fund of the said Department had been expended; which was laid upon the table, and ordered to be printed.

Also, a communication from the War Department, transmitting a statement of the expenditures of the national armories, and of the arms and appendages made thereat during the year ending June 30, 1853; which was laid upon the table, and ordered to be printed.

CAPTAIN INGRAHAM.

The SPEAKER stated the business first in order to be the consideration of the joint resolution of thanks, and presentation of a sword, to Captain Duncan N. Ingraham, the question pending being the motion to commit to the Committee of the Whole on the state of the Union.

Mr. DISNEY rose and addressed the Speaker.

The SPEAKER. The gentleman from Louisiana having obtained the floor when the resolution was last before the House, is still entitled to it if he wishes to address the House.

Mr. DISNEY. Well, sir, I will then only give notice that I desire to address the House upon the subject of these resolutions when the opportunity shall occur.

Mr. HOUSTON. Does the Chair decide that the motion to commit keeps this resolution before the House as unfinished business?

The SPEAKER. The Chair decides that the

resolution, being a report from a committee, and a motion having been made to commit to the Committee of the Whole on the state of the Union, is regularly before the House as unfinished business.

Mr. PERKINS. Mr. Speaker, I have been informed that the gentleman from Alabama [Mr. PHILLIPS] desires to offer an amendment to the amendment, or rather a substitute for the amendment of the gentleman from Mississippi, [Mr. BARRY.] If he desires to offer it now, I will give way for that purpose.

Mr. PHILLIPS. In availing myself of the polite invitation of the gentleman from Louisiana, and of the promise of the gentleman from Mississippi to accept my amendment in place of his own, I propose to strike out the words "in extending the protection of the American Government over Martin Koszta," and to insert in lieu thereof, "in vindicating the right of Martin Koszta to American protection."

This, sir, will directly meet the issue which was made up when the question was before the House.

Mr. PERKINS. I desire to offer a resolution of inquiry, which I ask the unanimous consent of the House to adopt, before I make any remarks in reply to the gentlemen from Alabama and Virginia. The resolution reads:

Resolved, That the President be requested to communicate to this House, as far as may not be incompatible with the public interest, all correspondence, other than that heretofore communicated, that may have taken place between the State Department and our representatives abroad, or the representatives of foreign Powers and States near this Government, in regard to the protection extended by the United States Government to its citizens in foreign countries, and to those who have declared an intention to become its citizens.

A MEMBER objected.

Mr. PERKINS. I am grateful for the consideration of the gentleman from Virginia [Mr. BOGGS] in moving an adjournment on Friday last, in order that I might have the floor this morning.

I should have preferred, however, to have said then what I design saying now. I desired that some explanation of the action of the Committee on Foreign Affairs in relation to the subject before the House should have accompanied the criticisms of the gentleman from Alabama [Mr. PHILLIPS] upon the action of that committee, which he must excuse me for calling a little unkind.

As a member of that committee, I confess to some sensitiveness under the imputation of having evaded the expression of any principle it was our duty to declare.

Sir, the friends of Captain Ingraham must be gratified at the fact revealed by this discussion, that there is not a dissenting voice in this House as to the propriety and gallantry of his conduct in the rescue of Martin Koszta.

The difficulty of the gentlemen who complain of the action of the Committee on Foreign Affairs, seems to be, that that committee has not been able to find language sufficiently expressive of their sense of the high gallantry of Captain Ingraham's conduct, and, at the same time, distinctly enunciate of those great principles upon which they think that conduct justified. In their embarrassment in this particular I sympathize. They can frame no eulogy on the conduct of Captain Ingraham in which I will not concur. They can express in no language too forcible my admiration of the ability of the letter of the Secretary of State. I think that, in this matter, the Secretary has been almost as fortunate as Captain Ingraham; and that as the rescue of Koszta will forever remain a bright act in our naval history, so will the letter of the Secretary be regarded as inaugurating a new era in American diplomacy.

I make these remarks that I may not appear subject to the imputation that the gentleman from Alabama casts upon the Committee on Foreign Affairs, of having evaded a frank and direct expression of opinion upon the sentiments of that letter. I do not, however, consider that that imputation was, at all called for by the resolution before the House.

What was the original proposition of the gentleman from New York, [Mr. DEAN?] It was simply a vote of thanks to Captain Ingraham and the officers and men under his command for their gallant conduct in asserting and protecting the rights of American citizens, native and adopted.

The resolutions read:

"Resolved, That the thanks of Congress be, and they are hereby, presented to Captain Duncan N. Ingraham, commanding the United States sloop of war St. Louis, and to the officers and men under his command, for their gallant conduct on the second day of July last, in asserting and protecting the right of American citizenship, native and adopted, by the rescue of Martin Koszta, in the harbor of Smyrna, from his forcible and illegal seizure and imprisonment.

"Resolved, That the President of the United States be, and is hereby, requested to cause to be made a sword, with suitable devices, and presented to Captain Duncan N. Ingraham, as a testimonial of the high sense entertained by Congress of his valor, promptness, and judicious conduct on the above-mentioned occasion.

"Resolved, That the President of the United States cause the foregoing resolutions to be communicated to Captain Duncan N. Ingraham, in such terms as he may deem best calculated to give effect to the objects thereof."

When these resolutions were referred to the Committee on Foreign Affairs, what was their position? They desired to respond at once to sentiments which they believed, with the gentleman from Alabama, to be those of the national heart.

In what manner could they best do so? They considered that these resolutions had two objects: First, to compliment, in just and proper terms, Captain Ingraham; and second, to nationalize, as far as the action of the committee could, conduct which, as that of an individual, had reflected credit upon the country. They had not before them the President's message, the correspondence of the Secretary of State, nor the additional correspondence which the resolution I have just offered proposes to give the House. They considered, however, that, as the gentleman from New York [Mr. DEAN] disclaimed all party purposes—as the name of Mr. Marcy was not mentioned, as the President was not referred to—he desired his resolutions to be what the gentleman from Alabama wished them to be—a response to the great national heart, which, he said, had been stirred to its utmost depth.

The committee thought it could best make such a response by putting the resolutions in a form that would secure prompt and unanimous action upon them. They did not wait to have diplomatic documents before them. They did not wait for the call which I have sent to the Clerk's desk; but they came immediately into this House, with resolutions so framed as to secure the unanimous approbation of a committee composed of both Whigs and Democrats.

Sir, if the gentleman from Alabama will pardon me, I will suggest, in all kindness, that he might have hesitated to charge these resolutions as worthless, and stripped of all their original force, when he found them coming back from the Committee on Foreign Affairs under such circumstances, and reported by their original mover, satisfied with their amendment.

But, sir, I meet the gentleman on this issue. What are the resolutions as reported back by the committee? Has that committee weakened, in any degree, their original force? The committee reported back to the House that the thanks of Congress, with a medal, be given to Captain Ingraham for his judicious and gallant conduct in extending the protection of the Government to Martin Koszta. The resolutions read:

"Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Duncan N. Ingraham, commanding the United States sloop of war St. Louis, for his judicious and gallant conduct on the second day of July last, in extending the protection of the American Government to Martin Koszta, by rescuing him from forcible and illegal seizure and imprisonment on board the Austrian brig *Huszar*.

"Resolved, That the President of the United States be, and is hereby, requested to cause to be made a medal, with suitable devices, and presented to Captain Duncan N. Ingraham, as a testimonial of the high sense entertained by Congress of his valor, promptness, and judicious conduct on the above-mentioned occasion.

"Resolved, That the President of the United States cause the foregoing resolutions to be communicated to Captain Duncan N. Ingraham in such terms as he may deem best calculated to give effect to the objects thereof."

Now, sir, what are the changes made in the resolutions by the committee? First, they have struck out "his officers and men." They have left the resolution distinctly a compliment to Captain Ingraham. They concluded that the moral force, and the gallantry displayed in that act, was Captain Ingraham's alone. Therefore, they have left the resolution more complimentary in its present form than it was before. The original resolution proposed the presentation of a sword—the one

reported by the committee proposes the presentation of a medal.

In fixing the value of a compliment, from the action of this House, we must refer to its usages, and the estimation in which it is regarded by naval men. Now, it so happens that the presentation of a sword is not one of the highest expressions of approbation from this House to an officer of the Navy. A higher one than that is the presentation of a silver medal; and a higher one still is the presentation of a gold medal, which has only been given to naval officers engaged in successful combat in command of a vessel-of-war. It was in this way Commodore Truxton was honored in 1800; Captains Hull, Decatur, and Jones in 1813; and Captain Stewart in 1816. A higher compliment than any I have mentioned, is a vote of thanks and a medal. Within the history of our country this has only been voted on three memorable occasions: first in 1804, to Captain Preble; secondly, in 1813, to Captains Perry and Elliott; thirdly, in 1814, to Captain MacDonough, on Lake Champlain. In every instance the naval officers commanded squadrons, and were successful in gallant engagements.

Sir, the Committee on Foreign Affairs did not suppose, when they redeemed the original resolution from a faint expression of thanks, and elevated its object into the same rank with MacDonough, with Perry, and with Preble, that they were to be told that they were weakening and making contemptible the expression of Congress.

Mr. PHILLIPS, (from his seat.) I had no reference to the thanks to Captain Ingraham personally.

Mr. PERKINS. The gentleman says he has no reference to that. Well, then, we will regard it in another light—with reference to the expression of principle, as embodied in that resolution.

Now, sir, have the committee, by the change made in the form of the resolutions, weakened the enunciation of any great principle? Sir, a great French orator has remarked that in certain connections words are things. The committee, sir, in regarding the facts, came to the conclusion that this act of Captain Ingraham was in itself a principle. If the gentleman insists, however, that some great principle—a principle of international law—should have been embodied in these resolutions, I would ask him if the principle embodied in the original resolution meets to-day, as it did on Friday, his approbation?

Sir, what was the principle asserted in the rescue of Koszta? How could the committee best express that principle? It was evidently not expressed in the resolution referred by the House. That voted the thanks of Congress to Captain Ingraham—for what? For asserting and protecting the rights of American citizens, native and adopted? Now the committee concluded that Captain Ingraham had done nothing of the kind in the rescue of Koszta. He [Koszta] was neither a citizen, native or adopted. Therefore, the resolutions did not answer the purpose of the original mover, nor did they embody all the principles of the Secretary's letter. That letter went further than that—that letter stated three grounds, each one of which, according to the reasonings of the Secretary, was in itself distinctly sufficient to justify that act. What were those principles?

1st. That of humanity.

2d. That of nationality arising from domiciliation in a country: carrying with it the duty of protection.

3d. That of nationality resulting from the possession of a tessera or certificate of protection, such as it is customary for consuls in the East to give to those recognized as under the protection of their respective Governments. Now, sir, did the original resolutions assert any one of these principles?

The gentleman disclaims for them the first—that of humanity; and as American citizenship, native or adopted, complete or inchoate, is not identical, nor always coexistent, nor in any way necessarily connected with the nationalities spoken of by the Secretary—the resolutions certainly do not declare the other two grounds.

What, then, were they based upon? Upon no principle at all; but simply upon the fact, and by no means a material fact, of Martin Koszta's having declared in one of our courts an intention to become a citizen of the United States.

Now, sir, the circumstance of such a declara-

tion of intention to become a citizen was not referred to by the Secretary as a prerequisite to nationality, but simply in evidence of Koszta's domicile in this country; and so careful was the Secretary to make this appear, that he expressly states that had Koszta's declaration been just the reverse—that is, had he sworn to an intention never to become a citizen of the United States—still, if his domicile here was established beyond all question, he was entitled to our protection.

Then, sir, as the original resolutions did not express the great principles embodied in the act of Captain Ingraham, and argued in the letter of the Secretary, what was the committee to do? Why, certainly, that which they proceeded to do; to frame such resolutions as they thought would best express the national significance attached to Captain Ingraham's conduct.

They did not feel disposed, sir, even if they approved all the reasonings of that letter, to make it a kind of test act for the approbation of Captain Ingraham's conduct. Some members of this House, without being able to concur in all three of the grounds taken by the Secretary of State, might yet find in one of them an ample vindication of Captain Ingraham's conduct. Others, like the gentleman from Alabama, might have additional grounds of justification for that conduct. Between the act of Captain Ingraham and the letter of Mr. Marcy there was no necessary connection, and the committee, looking at the rescue of Koszta as a great act, responded to by the national heart, did not feel disposed, acting above party considerations, and above sectional interests, to come into this House and say to the large and respectable body composing the Whig party, "unless you indorse such and such reasonings, you shall be placed in the false position of disapproving an act which has met the approbation of the whole country."

But, sir, there was another alteration. All resolutions heretofore passed, complimentary of naval officers, have been worded, "for their good and gallant conduct." The committee supposed that this House took a higher ground than that contained in any action of this House merely complimentary. They therefore inserted the words "judicious and gallant conduct." They wished to ascribe to Captain Ingraham something of the judgment of a statesman. They thought this act united the moral courage and sagacity of a statesman with the spirit of a soldier, and hence they said "for his judicious and gallant conduct on the second day of July last, in extending the protection of the American Government to Martin Koszta," &c.

I think the gentleman himself, on reflection, will agree with me, that in this view of the case, we have not weakened, but rather extended the principle embodied in the resolutions. I ask the gentleman when he proposes to approve the conduct of Captain Ingraham specifically, if he does not limit the extent of that approbation? He reduces a mere question of principle to one of fact. If it should happen that he had not acted exactly in accordance with the gentleman's statement, he is then, by implication at least, censured.

But I go further. I take higher ground. I contend that if the committee had simply in view the enunciation of a great principle of nationality, they could not have adopted more suitable language than that they have employed. What was the issue? When Captain Ingraham first rescued Martin Koszta, the act was met by the protest of the Russian Government, and by that of Austria and Prussia. Protests against what? Against any doctrine of nationality, against any right to protect our own citizens, native or adopted, against any reasoning in the letter of Secretary Marcy, against any action of this Government? Not at all. It was simply against the act of Captain Ingraham. When Mr. Hülsemann made his complaint to this Government in reference to this matter, was it directed against the action of this Government, against the assertion of any great principle, against any reasoning of Secretary Marcy? By no means. After alluding in his letter to some preliminary matters which he did not consider of importance, he proceeds to say that the greatest cause of complaint is the conduct of the American officers at Smyrna; and he concludes by asserting the expectation that this Government will not hesitate to rebuke that conduct, and give reparation to Austria. That, then, is the issue? It is Captain Ingraham's conduct, in extending the protection of this

Government to Martin Koszta. The issue is made by the protests of foreign Governments—it is made by Mr. Hülsemann with the Secretary of State. And how does the Secretary meet it? He begins by saying that the President of the United States has maturely considered the cause of the complaint against the American officers; and concludes by saying that he is not prepared to disclaim that action, and make the reparation demanded. How does the President meet it? Instead of disclaiming, he is constrained to approve the conduct of Captain Ingraham. Then what was the issue before the committee? It was not a question of reasoning to the American people. They were preparing to utter the voice of the American people in regard to this matter. Should they respond in the same manner that the Secretary had done, that the President had done? In what form did they give that response? They could have confined themselves simply to saying that they disclaimed that act. They might have gone as far as the President, and said that they simply approved that conduct. But the committee propose to go further, and vote thanks for the gallant and judicious conduct of Captain Ingraham. The Government of Austria has promoted the commander of the Austrian vessel. This House cannot promote Captain Ingraham. But the committee have done what they could to honor him, by proposing to confer upon him the highest compliment in their power.

Mr. Speaker, in discussing the resolutions before the House, I have sought to confine myself to a defense of the action of the Committee on Foreign Affairs. I have not felt that the conduct of Captain Ingraham required an eulogy. It has already received the approbation of the country. The action of this House can only make permanent the evidence of that approbation.

By European nations the passage of these resolutions may be regarded as an indorsement by the country of the reasoning of the letter of Mr. Marcy, as well as of the act of Captain Ingraham. Let it be so. That letter is not now properly before us, and I am therefore not disposed to follow gentlemen into a discussion of its principles. Whenever it comes up in some practical form, I have no doubt it will be responded to by this House, as it has been by the country. There are sentiments in it, however, so appropriate to the action of the House on the present occasion, that I have found it difficult to check their utterance. I especially admire his expression of our "duty to make our nationality respected by other nations, and respectable in every quarter of the globe," "without being obliged to explain" our "conduct to any foreign Power."

It was in this view that I thought there was much force in the remark of the chairman of the committee, when he said that we were to pronounce judgment, but not to give our reasoning in this matter. I cannot agree with him, however, that American State papers lose either in beauty or force by being addressed in language which the popular mind can understand, and with which the popular heart can sympathize. I think it is an honorable peculiarity of our institutions, that while the State papers of Europe are frigid with a dignity that addresses itself simply to the learned, the dispatches of this Government are clothed in language simple and easy of apprehension. But in this instance we are not speaking to the American people. We are speaking to foreign Governments; and the more concise and forcible our language, the more likely are we to command respect.

Although I have spoken in approval of the doctrines contained in the letter of the Secretary of State, I do not admit that the letter itself embodies any new principle. The Secretary himself protests against this idea.

He says, speaking of nationality resulting from domicile:

"It is no new doctrine now for the first time brought into operation by the United States; it is common to all nations, and has had the sanction of their practice for ages; but it is new that, at this late period, when the United States assert a claim to it as a common inheritance, it should at once be discovered that it is a doctrine fraught with danger, and likely to compromise the peace of the world."

The merit of the Secretary's letter is, however, greater to my mind than if its doctrines were novel. I think it no light thing that he has brought forward, in a bold and forcible manner, on a highly proper occasion, a great principle of international law that has been suffered to lie long dormant in

our law books. As early as 1817, in the case of the *Pizarro*, 2d Wheaton, this doctrine of nationality, resulting from domicile, was laid down in broad terms by Judge Story, and concurred in by Judges Marshall, Washington, Livingston, and Johnston. Secretary Marcy has only given to it vitality by its application to persons as well as property. There is no just reason for its being restricted, so as to apply to one and not to the other.

The principle is broad enough for both, and that it has not always been extended to protect both is attributable to the watchful jealousy with which the monarchical Governments of Europe have sought to make perpetual the allegiance of the subject. Recognizing, as we do in this country, the opposite doctrine—that is, the right of an individual to expatriate himself—the reasoning of the Secretary, and the conclusions of his letter, are in harmony with the spirit of our institutions.

I agree with the chairman of the Committee on Foreign Affairs, that the time had arrived when the voice of this country should be heard in declaring the law of nations. I think we have acquiesced long enough in European interpretation of that law. For the last fifty years it has been moulded to suit the necessities of particular nations. At this time it is practically little more than a code, conventional in its character, for the protection of existing institutions—interpreted always against the individual, and in behalf of the Government. Now, sir, while I yield to no one in reverence for those great principles of right that civilians tell us lie at the base of abstract justice, and constitute the links that bind together the great commonwealths of mankind in the mutual practice of honesty and humanity, and while I would not willingly interfere with their legitimate influence, nor rashly add to or subtract from them, still I think that we have reason to complain against their perversion.

I think, sir, the time is coming when this country will be forced to declare, in some degree, its independence of a code which is so framed as to justify tyranny in almost all its forms—a code which is too often made a screen for the perpetration of great national crime. When we do declare our independence of the perversions of this code, I believe the act will be attended with moral results almost equal to those which attended the establishment of our colonial independence.

In these sentiments I may not have the concurrence of all the members of this House, nor even of all those who will vote for a resolution of thanks to Captain Ingraham, and I am unwilling that their utterance should be made a barrier to a full vote on the resolutions before the House. For this reason I think the phraseology used by the Committee peculiarly happy. It takes the whole subject out of the region of party, and enables all to unite in the expression of their gratitude. To attempt to write down, in the form of a resolution, and to classify, as you would political principles, the emotions excited by the act of Captain Ingraham is impossible. You might as well attempt to write down the emotions excited by one of our martial airs, or by the sight of our flag victorious in battle.

The gentleman from Alabama on my left, [Mr. PHILLIPS,] seems to think that the resolution, as reported, will have no significance. I cannot agree with him. The act, as that of an individual, has caused the flag of our country to be hailed with enthusiasm in all the ports of the East, and cannot have less significance when made a national act.

An act which has thrown around our nationality a degree of honor which it has never enjoyed before may well precede the disturbance of the peace of Europe. It may well precede the movement which is felt in all the ports of Asia.

I rejoice that this act occurred just when, and where, and as it did. The circumstances attending associate themselves, in my mind, with something of the sublime.

The great Powers of Europe were negotiating in those seas with reference to territorial limits and dynastic rights. With these questions America and American officers had no sympathy; but so soon as a great principle of international law was invaded; so soon as an individual—an outcast from other Governments, yet clothed with our nationality—was touched in his rights, the protection of our Government was thrown around him.

I am proud of the act—I rejoice that while this

country, by its enterprise, was peopling the valleys of the great West, and dotting, with towns and cities, the shores of the Pacific, it was yet equal to such a moral display in the remote East. I look upon the rescue of Koszta, in all its circumstances, and in all its consequences, at home and abroad, as vindicating, in the strongest and most unmistakable manner, the great principle of our nationality.

Mr. DISNEY. When this resolution was before the House the other day, the gentleman from Georgia [Mr. HILLYER] remarked that the world would not only notice the passage of this resolution, but would also examine the observations which had been made, and the opinions which might be expressed, when the resolution was under consideration. There is truth in the remark. And had it not been that during this discussion some opinions have been advanced from which I must totally dissent, I should not have participated in the debate.

So far as the resolution itself is concerned, I feel that after the exceedingly able, clear, and lucid defense which the gentleman from Louisiana [Mr. PERKINS] has just made, any additional remarks of mine in that regard may perhaps be said to be entirely uncalled for. That gentleman has placed the resolution and its phraseology, and the reasons which operated on the committee to adopt that phraseology, upon grounds unmistakable, and, in my judgment, not to be questioned.

I believe that it is conceded, on all hands, that the thanks of Congress are justly due to Captain Ingraham for his gallant action; and the only difference of opinion, so far as I understand it, is in regard to the reasons upon which that act should be based. I believe that every gentleman is prepared to go to the extent to which the resolution goes; and allow me here to say, that I see no substantial difference between the resolution, as it now reads, and the substitute suggested by the gentleman from Alabama, [Mr. PHILLIPS.]

What is the resolution as it now stands before the House? It proposes a vote of thanks to Captain Ingraham, for his judicious and gallant conduct in extending the protection of the American flag to Martin Koszta, under the facts, and under all the facts of the case, without any limitation. It is true, that the facts themselves are not specially set forth in the resolution; nor would usage or good taste permit a thing of the sort. But by necessary and unavoidable implication, the resolution proposes to give a vote of thanks to Captain Ingraham for extending the protection of the American flag under the facts. Nay more, sir; the resolution goes further, for it declares that the seizure of Martin Koszta was illegal. What more can gentlemen ask than a resolution which declares that Captain Ingraham is entitled to the thanks of the American Congress for his judicious and gallant conduct in extending the protection of the American flag to Martin Koszta, who has been seized in violation of his rights, and in view of his relations to the American Government? Does not that cover the whole case? I ask the question, is there any substantial difference in idea or principle between the resolution as it stands, and the amendment suggested by the gentleman from Alabama?

Mr. PHILLIPS. I think there is. The resolution reported by the committee nowhere asserts the right of Martin Koszta to protection. The seizure might be illegal in reference to other Governments as well as to our own. It is the right of Koszta to protection that is the proper foundation of the whole proceeding.

Mr. DISNEY. The right to ask protection, and the duty to grant it, are correlative and co-existent. That resolution asserts that Captain Ingraham did right in extending the protection of the American flag to Martin Koszta; and, by necessary implication, the right of Martin Koszta to that protection is asserted. I repeat, that the resolution is, as I take it, an avowal of the principles agitated, and whose avowal is asked for by the gentleman from Alabama.

But, sir, as I have already said, the very able elucidation and defense of the resolution, by the gentleman from Louisiana, has rendered it entirely unnecessary for me to interpose any additional observations upon these points. But remarks have been elicited during this discussion, and opinions have been enunciated, from which I am compelled to dissent. It is at all times unpleasant

to differ from one's friends, and the more unpleasant as the occasion rises in dignity and importance. Nobody has a higher admiration for the ability of the present distinguished Secretary of State than I have. I am proud to call him my friend. I admire his ability, an ability exhibited on no occasion with more signal success than upon the occasion of Martin Koszta's seizure; but there are points in his letter with which I cannot agree. When this country shall undertake to interpolate the law of nations with new principles and a new creed, it will be time for us to consider the policy of so doing.

It has been remarked, as well in the Koszta letter as upon this floor, that the Secretary of State set forth on that occasion no new doctrine; that he only referred to principles known to the law of nations. To this I must give my dissent. I do not so read it. For the purpose of commerce, the laws of nations have recognized the fact that an individual may acquire a domicile in a country alien to the one of his origin. They have recognized that, for commercial purposes, he may be clothed with the nationality of a country alien to the one to which he owes his allegiance; and the error of the Secretary consists in this: that while he finds the language which he uses running through the books upon the subject, yet he has omitted to notice and recognize the distinction of which I have spoken, that the nationality which is given by domicile is conferred for commercial purposes; and that this distinction is palpably and unmistakably laid down in the very authorities which the Secretary himself cites; and that in this nationality the individual must be limited to such acts as are not incompatible with his allegiance.

Clothed with the nationality for commercial purposes! The distinction, sir, is an important one. In a state of war between two countries, in order to define the rights of respective parties, courts have tried, with exceeding nicety, the relations existing with parties under certain circumstances; and it has been held, that when an individual acquires a domicile in a country alien to the country to which he owes his allegiance, he does so for commercial purposes; but that such nationality does not affect his allegiance.

It has been held, sir, by the English and French, as well as by the American courts, that as the property of a country constitutes a part of its strength, so the legitimate right of a country in time of war is to weaken its enemy by the destruction and capture of its property; and they have held that in the execution of this right it is not to be permitted to an individual, under cover of nationality, to protect the property which is the product of the hostile soil. So in the case of a subject of Great Britain domiciled in the city of New York, and still retaining his allegiance, never having abjured it to the crown of Great Britain, but still professing and acknowledging it. When, under these conditions, his property is destroyed, in a state of war between the two countries, that property—even though it is owned by a British subject, if domiciled within the limits of the United States of America—is to be considered as American property, and as a just object of legal prize and capture. Because, though his allegiance was due to the British crown, and he was, in every respect, a British subject, yet his domiciliation clothed him with the American nationality for commercial purposes, and his property was therefore American property.

More, sir; the courts have gone further; they have held that even where there are two parties in copartnership, who hold a joint adventure, one of them having domiciled in the country of one belligerent, and the other being a resident of the country of the other belligerent, but without having abjured his allegiance, the courts will proceed to inquire into the domiciliation of the parties, and make a partition, though both be subjects of the belligerent which has made the capture; because the domiciliation of the one has clothed him with the nationality of the other country for commercial purposes; so strictly has it been held that domiciliation clothes with nationality for commercial purposes. And this principle is acted on in all cases; and, as I have said already, is laid down as authority by the very writers cited by the Secretary of State himself.

I am not desirous to weary the House by going into the multitude of cases to be found in the books of England, and France, and this country, nor to

fatigue the House by reading the authorities now lying before me. Permit me to state, however, in general terms, that the essence of the whole law can be found in Kent. The case of the *Venus* illustrates it. The authorities are clear and distinct. It is, perhaps, right and fair to say, that in all of these cases the American writers, as well as the American courts, have copied and fully indorsed the principles laid down by Sir William Scott.

In reference to the intimations which have been made, that this right of protection should extend to citizens and persons who have declared their intentions to become citizens, I would repeat what has been said by the gentleman from Louisiana, that the decision of the question of Martin Koszta's right to protection as an inchoate citizen has not been contemplated by the Secretary's letter. The essential point of it, in that respect, was that Martin Koszta intended to acquire a permanent residence in this country; and this was evidence of his good faith, and his intent to acquire rights of domiciliation. But what is the position of an individual who has merely declared his intention to become a citizen of the United States? By the terms of the naturalization laws, you recognize the fact that these persons, so declaring their intentions, owe allegiance to the country of their origin. By its terms, before you recognize them as citizens of these United States, you require them to make an express abjuration of their allegiance to the country of their birth. You require, in addition, that they shall take upon themselves an assumption of allegiance to this country. Neither of these things have been done upon the part of a man who has merely declared his intention to do them at some future day—not now, but in the future—that he would swear and assume that allegiance to you. Upon a mere declaration of an intention in the future to do these things, are you to take the things as though already done, and thereby create all those legal obligations between the parties which clothe them with the relative duties of protection and dependence? No, sir. The Secretary of State too well understood the case to lay down any such doctrine. He merely alluded to the fact, that Martin Koszta had made a declaration of intention, in order to show that his domicile was here, and that his residence among us was made *bona fide*, and with an intention so to remain within our community as to acquire that nationality of character which domiciliation gives. This point was well understood and stated to the House by the gentleman from Virginia, [Mr. SUMNER.]

The Secretary makes a point on the nationality which domiciliation gives. Why, sir, the whole course and policy of our Government would have to be changed if this doctrine were avowed and sanctioned by the American Congress. Your usage now is, to refuse a passport unless the fact of citizenship is established to the satisfaction of the authorities of the Government. You do not undertake to give passports of protection to anybody but those who are citizens. You never have, and, in my judgment, you never will. The policy of this Government has been settled and uniform. While I appreciate all that glowing loyalty which prompts gentlemen to extend the protection of the Government, even before they become citizens, to those who come to this country from foreign lands, and while, as all who know me well understand, my feeling toward the emigrant is as broad and generous as those of any gentleman upon this floor, or elsewhere, still a regard to the future of this country—a future which every statesman will endeavor to look to, and jealously guard—will not permit me to yield to those feelings when they propose to lead me into the impracticable and the indefensible.

You have, sir, upon the statute-book, a law which recognizes the very principle of which I am speaking. You have a law there which declares that any man who, owing allegiance to this Government, shall be found in arms, and doing violence to her citizens, though under color of a commission, or of authority, and the direction of a foreign prince, shall be deemed and treated as a pirate. That act shows the rule which you have adopted in reference to the conduct of your own citizens; and can you adopt a different rule in regard to the citizens of other Powers? By that act you avow the doctrine that a man owes allegiance to his Government, and can do no act incompat-

ible with that allegiance; and if he does, he thereby compromises his own safety, and is a traitor to the country to which his allegiance is due. There must be an express abjuration of his original allegiance, and a formal assumption of another, before the authority of that other can be held as a justification for his obedience to it in opposition to the allegiance of his origin. Nay, more, it may be well for gentlemen before they enunciate an opinion upon this subject, to examine with some care what ground our country has taken upon these subjects heretofore. It is quite a common event for American citizens to domiciliate themselves in England, in France, and in other countries, in order to carry on their commercial transactions there.

Is it to be said, as it necessarily must be by the doctrine of the Secretary, that the American merchant who crosses the ocean and locates himself in Great Britain for commercial purposes, with the *bona fide* intention of acquiring a domicile, but with the equally *bona fide* intention to retain his rights as an American citizen, becomes entitled to the protection of the British Government, and, as a matter of necessity, subjects himself to the correlative duties of a British subject, and thereby of necessity loses his right as a citizen of this Republic? And yet such must be the result of the doctrine which I combat. I repeat, that the right of protection, and the duty which the individual owes the Government, are correlative, and are *co-existent*; and where there is no allegiance, there is no right or duty of protection. The whole difficulty in this case has arisen from confounding commercial relations with the right and duty of an individual, as a subject; and I use the word "subject," not in contra-distinction to the term which we use in this country—that of "citizen"—but to designate the relations between the governed and the Government. I am inquiring into the relations of the individual under the Government, without regard to a foreign Government. The right and duty of an individual under a Government, viewed in his political relations to that Government, and the rights of that individual toward that Government, in his commercial transactions, in regard to the property of the country in which he is a resident, are different and separate things.

Mr. PHILLIPS. The gentleman from Ohio states a proposition accurate in itself; that is, that allegiance and protection are correlative. I would then ask him, whether that protection is not due to the individual who establishes his home among us, though the full term of five years may not have expired, which admits him to the right of full citizenship?

Mr. DISNEY. I am glad that the gentleman from Alabama has asked this question, and called my attention precisely to this point. There are two sorts of allegiance. The books of this country and Europe recognize them with entire distinctness. The temporary allegiance growing out of a domicile, and connected with the commercial transactions of the country, and the permanent allegiance growing out of the duties of the citizen in the abstract, without regard to his commercial relations and connection with the property of the country. Permanent allegiance imposes upon an individual the obligation to support, defend, and obey the Government, whether at home or abroad; temporary allegiance imposes upon the individual the necessity of obeying the laws of the country, while he is within the jurisdiction of the country within which he is residing, within which he is domiciliated, provided they are not incompatible with the obligations he owes to the country to which his permanent allegiance is due. This is a distinction which the Secretary of State has overlooked. It is an important one, vast and mighty in its consequences.

Take the case of Koszta to illustrate this: while he remained within the limits of the Republic, with an intention to remain permanently here, he owed temporary allegiance to the Government, and was entitled to protection within its jurisdiction. But if he had left these shores without the intention of returning, no sooner had he quitted the dock at New York, than he would have been divested from all his obligations of temporary allegiance to this Government, and this Government would have been relieved from all obligations in respect to his protection. They were under obligations to protect him in his property and in his

relations to his property, but not to protect the individual outside of the jurisdiction of the country on account of any claim which he may have acquired in his relations to the institutions of the country during his residence here.

But, sir, before we can decide whether Martin Koszta was entitled to any privileges even of domiciliation, we must first inquire into the intention of the party in leaving our shores—whether it was for temporary purposes merely. In the case of Koszta, he left, as we understand, with the intention of returning to this country. What, then, was the position he occupied? To that question, my reply is, that he occupied precisely the position of a British subject residing—domiciliated—as a merchant in New York, who leaves the country and takes a voyage to France to accomplish certain purposes connected with his business. Now, sir, while he is there in the heart of France, he is an American merchant, but a British subject—with a temporary allegiance to the United States, but a permanent allegiance to Great Britain. Martin Koszta, in commercial matters, would have been as an American merchant who was temporarily in Smyrna; but though occupying such relations, he might have been an Austrian subject beside. Such is the doctrine of the law. It was the right and duty of the United States to protect his property as an American merchant; but as soon as he left our shores he was absolved from all allegiance to this Government, and the Government at the same time was absolved from obligations to protect him while he remained without the jurisdiction of the country. As an individual, Koszta owed no allegiance to the American Government; and, as I before observed, the American Government were then relieved from the correlative duty of affording him its protection. He stood in the attitude of an American citizen, so far as property was concerned; and as such, the American Government were placed under obligations to protect him in his property. His right to such protection would have been recognized in any of the courts of Europe, or in any courts of our own.

But, sir, it is not my intention to detain the House with the multitudinous cases which might be produced in illustration of this rule; I only desire to add, in this connection, that, in my judgment, the Secretary of State is entirely mistaken in supposing that, in asserting the right of this Government to extend its protection over Martin Koszta, on the ground of his domiciliation in the United States, he is uttering no new doctrine in regard to the law of nations.

Mr. MACDONALD, (interrupting.) I desire to inquire if the morning hour has expired?

The SPEAKER. It has expired.

Mr. MACDONALD. I move, then, that the House proceed to the business on the Speaker's table.

[Loud cries of "No!" "No!" "Go on with your speech!"]

The question was taken, and the House refused to proceed with the business on the Speaker's table.

Mr. DISNEY, (resuming.) Sir, I shall not detain the House much longer. But there is another point in the defense of the Secretary of State to which, I confess, I do not attach much importance;—I allude to the point where he refers to the fact of the extradition of Koszta, with the consent of the Austrian Government, and that, under the laws of Austria, a subject of that Empire, under certain circumstances, forfeits his rights as such. I confess that I am not able to see the force of that position. As I understand the law in such cases, a criminal who forfeits his rights of citizenship does not thereby necessarily divest himself of the duties devolving on him as a matter of allegiance to his Government. A citizen of one of these States, who, by the commission of crime, is divested of the rights of citizenship, does not thereby render himself incapable of committing high treason against the Government. But I will not trespass on the time of the House by amplifying upon this point. Gentlemen can themselves trace the suggestions to their necessary results, and conceive the illustration of the point I present.

With regard to the policy of adopting the doctrine that an individual coming here without any assumption of allegiance creates a duty upon the part of this Government to extend to him its pro-

tection, the idea is utterly absurd; and if this Government attempts to defend such a position, it will ere long be compelled to retract and retrace its steps. Our Government is but one among a community of nations.

Mr. SMITH, of Virginia, (interrupting.) I dislike to interrupt the gentleman from Ohio; but I ask him if Secretary Marcy does not distinctly state that the right of Koszta to protection was an imperfect right, and that the obligation on the part of this Government to protect him was also imperfect, to be exercised or not, according to the discretion of the Government?

Mr. DISNEY. I am unwilling to trespass on the time of the House to go fully into that question. I have authorities before me; I could refer to them without number; I could cite them by the hour. But I have even avoided reading the paper of the Secretary, that I might shorten the time during which I should trespass on the attention of the House. Were I to go fully into these matters, I could show still more conclusively than I have done the authority of the position I have taken. The very authorities which the Secretary has consulted, and whose language may be found in every page of his document, have laid down the doctrine for which I contend. Gentlemen can find them; they are easy of access. The admiralty reports of England and the United States, and the American law writers, all lay down the doctrine which I have referred to. I repeat again, that the very authorities cited by the Secretary of State lay down the doctrine of which I have spoken, and the limitations which he has entirely overlooked—that is, that the nationality of which he speaks is acquired for commercial purposes, and can impose no duty incompatible with allegiance.

Sir, I have said enough to call the attention of the House and the country to the doctrine. I have referred them to the reports and the books. Another word on the point in which I was, when interrupted by the gentleman from Virginia, and I have done. This thing called the law of nations is those rules which are to govern and control nations in their international intercourse. This country is now occupying a position among the nations of the earth vastly more important than what she has heretofore done. That position is becoming more and more important. As the future comes upon us, there is no American in this country, having the feelings which belong to the American heart, who does not view and contemplate that future with a just and exulting pride. And proud as we are, and just in proportion as we are proud of the glory, and the honor, and the renown, and dignity, and the reputation of this Republic, we will be chary of putting this country in any position which may inflict hereafter a stain upon that reputation and renown. I say, for this Government, exalted as she is in character, and developed as she is in strength, to lay down doctrines from which, in the future, she will be compelled to recede, would be a stain upon that character; and it is to avoid a position of that kind that I have felt myself called upon to direct the attention of the House and the country to the doctrines which have heretofore been entertained, not only by our own Government, but by every Government in Europe, in this connection.

Sir, I will not detain the House longer by attempting to persuade it. I have done all I intended to do. I have shown the House and the country in what, in my judgment, the error of the Secretary of State consists. The authorities show the matter as I have stated it. It would be injurious to pass the resolution on the grounds advocated in some quarters of the House. I concede and admire the impregnable defense made by the Secretary of State of the action of our Government and its officers; but the points which, in my opinion, he has in that defense unnecessarily made, and which, in my judgment are indefensible, and portentous of evil in the future, I must, as a matter of necessity, repudiate.

[During the delivery of Mr. DISNEY's remarks, a message was received from the President of the United States, by the hand of his Private Secretary, SIDNEY WEBSTER, Esq.]

Mr. McMULLIN obtained the floor.

Mr. PRESTON. It was my intention to have interrogated the gentleman from Ohio in reference to certain matters which weigh upon my mind, before he yielded his right to the floor.

Mr. DISNEY. I should like to accommodate

the gentleman; but not being now in possession of the floor I cannot do so.

Mr. McMULLIN. It occurs to me that we have had discussion enough on this subject, and unless there is some gentleman present who is not prepared to vote, and desires further discussion to enable him to do so, I shall call for the previous question.

Mr. PRESTON. I desire to submit a few remarks, and would ask the gentleman from Virginia whether or not he insists upon his call for the previous question.

Mr. McMULLIN. I do insist upon my call, unless there is some gentleman present unprepared to vote at this time.

Mr. SMITH, of Virginia. I would appeal to my colleague to withdraw his call for the previous question.

[Cries of "No!" "Hold on to the call for the previous question."]

Mr. SMITH. I am not prepared to vote. [Laughter.]

Mr. McMULLIN. Many gentlemen around me ask for the withdrawal of my call for the previous question; and as the gentleman from Kentucky desires to submit some remarks on the question under consideration, I do withdraw it.

Mr. PRESTON. If it is agreeable to the House—

Mr. McMULLIN. I would request my friend from Kentucky [Mr. PRESTON] to renew the motion for the previous question.

Several MEMBERS. "No!" "No!"

Mr. PRESTON. I have listened with a great deal of interest to the gentleman from Ohio [Mr. DISNEY] in his criticism on the Secretary's letter; and I intended to wait for an appropriate opportunity to ask him a question, so that I might not interrupt him while he was pursuing the current of his thought in the elucidation of the proposition under discussion; but he had concluded before I could attract his attention to it.

For my own part, sir, I see nothing censurable, but, on the contrary, much to be commended in the doctrines of domiciliation as laid down by Secretary Marcy, and feel that the principles of his letter might be decisively indorsed in this House. I believe, sir, the committee, however, have placed the matter on true grounds; and that the resolution is not open to the objection of the gentleman from Alabama, [Mr. PHILLIPS], who wants it more definitive; nor to the criticisms which have been advanced by the gentleman from Ohio, [Mr. DISNEY].

What is the resolution? It is a return of thanks, in general terms like a Baltimore platform, on which everybody can stand without doing violence to their particular views; for the more you multiply propositions the more will you multiply objections to the resolution. As it stands now, it is a simple vote of thanks to Captain Ingraham for his protection of Martin Koszta. Is this the appropriate body, let me ask the gentleman from Alabama, [Mr. PHILLIPS], to announce diplomatic doctrines? Or should we, as a matter of taste, permit the declaration of principles of public law to emanate from the Secretary of State and the Executive Department; and is it not proper to confine ourselves to returning thanks to the gallant officer for guarding the rights of one who had been, impliedly, promised the protection of the American flag abroad?

Mr. PHILLIPS. I desire to answer the question of the gentleman from Kentucky [Mr. PRESTON] addressed to me. I do say, sir, that this House, constituting as it does the representation of the American people, is an apt place for the assertion of the great American principles on which our Government should be conducted.

Mr. PRESTON. The point, sir, is one of taste. The gentleman [Mr. PHILLIPS] might desire the whole Marcy letter spread upon the record as a preamble to the resolutions of thanks. Congress might prefix a whole treatise on national law as expressive of the views of the House. No body doubts the power of the House thus to express its opinions; and if there were any pressing reason, the House might appropriately go into the discussion of public law. But with all due deference, I think it is better for us to look on the simple fact that Ingraham has done his duty in this matter bravely and patriotically; and to thank him for what he has done, without going into an examination of the principles of national law in-

involved in the correspondence of the Secretary of State and Chevalier Hüsemann. I think the committee stopped rightly there.

I would attract the attention of the gentleman from Ohio, [Mr. DISNEY]—and I am now prepared to yield to him, for the purpose of permitting him to answer, the time which his own regard to the supposed wishes of the House prevented him from occupying—I ask him whether or not, under the acts of Congress, prior to 1848, an alien was not forbidden to leave this country under pain of forfeiting the privileges acquired by residence? So that if an alien, having resided here for four years, should touch his foot for one instant upon foreign soil, would not his inchoate right of citizenship have been gone?

But in 1848 all that part of the law which required a continued residence was repealed, and the Congress of the United States, and the Government of the United States, said, by implication, to every alien, that they might go to foreign lands, and the time of their absence should not be deducted from the period required by law to acquire the rights of citizenship. If Congress had expressly said to Martin Koszta, "you may go abroad into any neutral port in the world, and you shall still be within the protection of the American flag, and be still acquiring the right of American citizenship, according to your declaration of intention," would not this Government be faithless to its promise, would it not be betraying the hope it had inspired, if its officer had permitted the brig Hussar to carry him back, torn from the port of Smyrna, to gratify the vengeance of the Government of Austria?

Mr. DISNEY, (interrupting.) The gentleman propounded me a question which I did not fully understand.

Mr. PRESTON. The question which I asked was, whether the act of Congress of 1848 does not permit an alien to go abroad, and still acquire his right of citizenship, and render that absence lawful?

Mr. DISNEY. Admit the fact, and what does it prove? It has been the custom of every country in Europe to adopt naturalization laws—in England and France, as well as the United States. The principle of naturalization, that is, the adoption of citizens of alien birth, is as old as the earliest ages of the world. It is not an invention of our day. It is no modern thing. But the terms and conditions upon which an individual shall be admitted into the Government, as a member of the community, are to be regulated by each community according to its own notions of right and wrong.

Now, that portion of the laws of the United States which prescribe a residence of five years, or any other term, does not confer the right of citizenship; but it is made a condition, a compliance with which, and other conditions—the more important of which is an express abjuration of all existing allegiance, and an express assumption of a new allegiance to the United States—creates, for the first time, the relative relations of which I have spoken. Until the conditions have been complied with, this relation of the individual to the Government, the citizen to the ruler—the relation of protection on the one hand, and allegiance on the other—cannot be created and established. The act spoken of by the gentleman from Kentucky is simply a modification of one of the conditions by which, when complied with, the individual becomes invested with the rights of citizenship, and entitled to the protection which follows.

Mr. PRESTON. If the Government of the United States permits the alien to go abroad under the authority of our laws and the protection of our flag, it is impossible, in good faith, that we shall afterward stultify ourselves by declaring that he placed himself beyond the pale of safety. If the Government of the United States had declared expressly that aliens might go abroad into foreign ports, the Secretary of State is bound in his correspondence to support that right, and the Government is bound to afford him protection. Up to the year 1848, as I stated, the acts of Congress, in regard to naturalization, did not permit the alien to leave the United States or interrupt his residence, and required that he should have resided within their jurisdiction for the continued term of five years, without being at any time absent from our territory, before he could demand his final papers. These were the provisions of the act of

1813. In 1848, Congress repealed that clause in the act of 1813, and rendered the absence of the alien in foreign and neutral ports lawful.

Martin Koszta, when he landed in the city of Smyrna, in my opinion, did so under the implied authority of the act of Congress, and his absence was lawful. If such absence were lawful, the United States were in duty bound to protect him. If it were unlawful, the United States were not bound to protect him.

There is one part of the letter of Mr. Marcy which is justly subject to criticism. It is in the concluding portion of the letter, in which he says it is optional with the United States to protect Koszta or not. Let me read the passage:

"The conclusions at which the President has arrived, after a full examination of the transactions at Smyrna, and a respectful consideration of the views of the Austrian Government thereon, as presented in Mr. Hüsemann's note, are, that Koszta, when seized and imprisoned, was invested with the nationality of the United States, and they had, therefore, the right, if they chose to exercise it, to extend their protection to him; that from international law—the only law which can be rightfully appealed to for rules of action in this case—Austria could derive no authority to obstruct or interfere with the United States in the exercise of this right, in affecting the liberation of Koszta; and that Captain Ingraham's interposition for his release was, under the peculiar and extraordinary circumstances of the case, right and proper."

If Koszta was absent with the sanction of the United States; if he had the right of protection, it was at once the duty of the United States, without any choice or option at all, to give him protection; and the conclusion of the letter is in conflict with its antecedent positions, in which Mr. Marcy asserts that Koszta had an unequal right to the protection of the United States, and it was the unquestionable duty of our Government to afford it.

The history of the case shows that Martin Koszta went to Smyrna with the belief that he was under the protection of our Government; that he obtained a passport, or *tezkereh*—a sort of safe conduct permitted by the Sultan, and issued by our Consul—which was considered sufficient to protect him from molestation; and it was to assert those rights, and afford that protection, that Captain Ingraham approached the Austrian brig.

Mr. CUMMING. Will the gentleman allow me to ask a question, merely for information?

Mr. PRESTON. I will yield to the gentleman.

Mr. CUMMING. Did Captain Ingraham, or did he not, write to the *Chargé ad interim* at Constantinople—for I believe the *Chargé* himself was absent—for instructions before he demanded Koszta's release? And did he not receive instructions to that effect from our representative at Constantinople, Mr. Brown? I merely ask these questions for the sake of information.

Mr. PRESTON. My impression is that he did not delay his action; but it is a matter quite immaterial to my present argument.

Mr. CUMMING. I was under the impression that he did.

Mr. PRESTON. I do not remember all the facts and the dates of the correspondence between Mr. Brown and Captain Ingraham, in reference to the point to which the gentleman alludes. The correspondence, however, will show; nor is it material to the view I desire to present.

Mr. TAYLOR, of Ohio. If the gentleman will allow me, I think I can inform the gentleman upon this point. I had occasion a day or two since to look at the correspondence upon this subject, and I recollect to have seen a letter from Mr. Brown, *Chargé ad interim*, dated the 28th of June, in which he advises Captain Ingraham to demand Koszta's release, and to extend the protection of the American flag over him.

Mr. PRESTON. Well, sir, whether he did or not is not a matter of much importance to my purpose. My main object is that this country shall stand by the doctrine asserted by the Secretary of State in his letter, and when he maintains our international rights with ability, I, as a Whig, do not desire to criticize his action, but to indorse his course—

Mr. CUMMING. If the gentleman will allow me for a moment more, I desire to read a single paragraph from Mr. Hüsemann's letter, upon the point to which I rose a moment since. He says:

"On the morning of the 2d of July the commander of the American sloop-of-war *St. Louis*, Mr. Ingraham, sent a message to the commanding officer of the Hussar, to the effect that, in pursuance of instructions received from the *Chargé d'Affaires* of the United States, at Constantinople, he had to call upon him to deliver the aforesaid Koszta into his hands; adding, that if he did not receive a satisfactory

answer by four o'clock in the afternoon, he should cause the prisoner to be taken away by main force."

Mr. PRESTON. Still stronger. I did not recollect the passage the gentleman has quoted; but it serves still further to authorize the act of Captain Ingraham. Under the circumstances, Captain Ingraham fulfilled his duty as a naval commander; and it is for that very reason we propose to return him the thanks of Congress. The resolution of the committee simply declares our approval of his act, and leaves all questions of public law to be settled by correspondence of the diplomatic functionaries. We leave Mr. Marcy to vindicate the principles which he has asserted in his correspondence.

The correspondence approves the acts of Captain Ingraham, and more than covers the views which the gentleman from Alabama [Mr. PHILLIPS] desires to express by his amendment; but yet, to my mind, it seems better to adhere to the resolution as reported by the Committee on Foreign Relations; because, though no objection may exist as to principles—correct in themselves—yet it does not seem necessary to reassert them in a simple resolution of thanks.

Every speech uttered by those who profess to be in favor of returning thanks to Captain Ingraham, has been an additional argument for adopting the resolution as it now stands, without the insertion of other views, which might need controversy. We all approach the same end by different roads. Let us all concur in the chief object, which is to return the thanks of the American Congress to Captain Duncan N. Ingraham for his gallant conduct in the bay of Smyrna. Let the alien who seeks to become a citizen among us, when he goes to foreign lands, feel the consolation of security, and that he is still within the protecting shadow of the flag of the Union. Do not let us damp the courage of our Navy, by refusing, after this protracted discussion, to pay a tribute of respect which might possibly have been pretermitted if we had not gone thus far. Let us take no steps backward. I would rather adopt the amendment of the gentleman from Alabama, [Mr. PHILLIPS,] than recede from the resolution—

Mr. JONES, of Tennessee, (interrupting.) I desire to ask a question of the gentleman, and also of the chairman of the Committee on Foreign Affairs. If Captain Ingraham acted, as appears to be the fact, under the instructions of Mr. Brown, the *Chargé d'Affaires* of the United States at Constantinople, instead of upon his own responsibility and his own judgment, would it not be more appropriate to give this vote of thanks to Mr. Brown, than to Captain Ingraham?

Mr. PRESTON. I will not attempt to answer that question. It would involve a consideration of all the opinions about this matter which may be entertained here—

Mr. BAYLY, of Virginia, (interrupting.) If the gentleman will allow me, I will answer it. To my mind, there is some significance in the question put by the gentleman from New York, [Mr. CUMMING,] followed up by the gentleman from Ohio, [Mr. TAYLOR,] and still later by the gentleman from Tennessee, [Mr. JONES.] It is asked, if Captain Ingraham acted under the instructions of Mr. Brown, whether Mr. Brown is not the man to be thanked instead of Ingraham? Well, now, the reply to that is a very easy one. I know that Mr. Brown acted very well in this matter, and I mean to see that justice is done him; but Mr. Brown is in civil life and can be promoted, and this administration ought to promote him. Ingraham cannot be promoted under our laws and usage; and this is the only return we can make him.

Mr. RICHARDSON. Will the gentleman from Kentucky allow me to ask the gentleman from Tennessee a question?

Mr. PRESTON. I am afraid that in all this cross-fire I shall lose the floor myself; but I will permit the gentleman to ask the question.

Mr. RICHARDSON. Then I ask the gentleman why it is that we have passed resolutions thanking our generals for fighting our battles? They have done it under the direction of the President and Secretary of War; and yet I never heard of a resolution being passed thanking those officials for their conduct.

Mr. JONES. The gentleman from Illinois has the advantage of me in having been in the wars. I never have been.

Mr. RICHARDSON. That does not answer my question.

Mr. JONES. I shall answer your question, though. I have no recollection of ever having seen, in any report of the battles in which that gentleman was engaged, and so gallantly behaved himself, or of any battle in Mexico, or any battle fought by the American arms in any one of the wars in which we have been, where the President or the Secretary of War gave orders to fight a particular battle, and to conduct it in a particular way. It is the commanding general, as I understand, who has the whole control, the arrangement and direction of these things in the field. Congress declares war, and the President sends forward troops; but the responsibility of fighting, when and how, rests upon the commander. The commanding general takes the responsibility, and he it is whom we have been in the habit of thanking for victories, and rewarding with sword and medal.

Mr. RICHARDSON. With the permission of the gentleman from Kentucky, I will say a word or two by way of reply. The President commands the army to fight the battle, and they fight it in their own way. The gentleman from Tennessee says that they ought to be thanked. Mr. Brown told Captain Ingraham to do this thing, and he did it. He stands, therefore, in about the same relation as a general. I can see no difference between them.

Mr. PRESTON. I feel so dislocated—not complicated—by the interruptions which have taken place—though I have willingly yielded to them, and would do so again—that I desire to fulfill my promise not to obtrude longer upon the time of the House. I think that nearly every gentleman present has made up his opinion. The purpose for which I rose was to say, that we now have either to recommit, reject, or adopt this resolution. Why not act upon it at once? Why discuss it further? It will be gratifying to Captain Ingraham, who deserves it, and honorable to Congress if we pass it.

Whatever may be the desire of the friends of Ingraham in this House, they can have no better opportunity of testifying their appreciation of his services and gallantry than that which the committee have offered. Shall we recede and refuse to pass the resolution? I cannot agree with the gentleman from Alabama when he proposes such a course. Ingraham is an American officer, who, in my judgment, deserves this honor.

It was but a few days since that I most cheerfully concurred in offering a similar compliment to General Wool. I trust a like sentiment will prevail among us in concurring in the resolution of the Senate, intended to bestow a merited honor upon General Scott. Much, however, as I think the country is indebted to him for the most memorable, valuable, and brilliant military services, and richly as I think the tribute due to the greatest living captain and soldier of the age, yet, whatever may be its fate, it cannot affect my wish to see justice done to Wool and Ingraham.

It is suggested that I should call the previous question; but it is foreign to my habit to do so, and would be very inappropriate after the indulgence extended by the House. Allow me to say, in conclusion, that I earnestly hope the House will adopt the resolution as modified by the Committee on Foreign Relations, without ingrafting any amendment upon it.

Mr. CLINGMAN. I move the previous question.

The previous question being seconded, the main question was ordered to be put—ayes 82, noes 58.

Mr. WHEELER. Mr. Speaker, what is the main question?

The SPEAKER. The first proposition is to commit to the Committee of the Whole on the state of the Union.

Mr. DEAN. I shall not, Mr. Speaker, at this hour of the day, avail myself of the opportunity which the rules afford me to occupy the attention of the House by making a speech on this subject, as I have already once addressed it. I shall rather take the opportunity to write out and publish my views at length in the Appendix to the Congressional Globe. But I think it is proper that I, as the mover of the original resolution, should explain that I approve of the act of the committee on this subject. And in doing that, sir, I wish it to be understood, distinctly and unequivocally,

that I am in favor of the resolution of the committee as reported, instead of the resolution which I offered here on the second day of the session.

I am in favor of the resolution as amended by the committee, instead of those which I proposed, for this reason: because they now come from one of the standing committees of this House; and for that reason it goes forth to the country as the matured expression of the committee rather than the production of an individual, and the result of careful and deliberate consideration. I, therefore, sir, dropping all personal considerations, which I might be supposed to entertain in regard to the adoption of my own proposition unamended, say that I am, under all the circumstances, in favor of the amended resolution of the committee rather than of my own, as originally proposed. The resolutions, as first offered here, were drawn by me in haste at my desk in the House, and without having had time to consult with any one, and with no opportunity to select the best form of expression to convey the principles intended to be asserted. They were offered the very day on which the President's message came into the House, in which we were informed that the Government, after mature deliberation, had given its approbation to the conduct of Commander Ingraham. And I was anxious, sir, that the same medium of communication—whether mail or telegraph—which carried forth that declaration by the President, should also convey the intelligence to the whole world that the Congress of the United States—another branch of the Government—approved the conduct of Captain Ingraham as emphatically as the President had done. And, sir, so long as the object is attained, I care not in what particular language the information is conveyed—I am for the substance, and not for the letter—the particular form of expression matters not. The people, on looking at that vote of thanks, and the presentation of the medal, will regard the thing, and not the precise phraseology in which our thanks are conveyed. The act is more eloquent than all the studied forms of speech; and the simpler the expression, the more emphatic the approval. They, sir, will not haggle about words, or study the force of sentences; but they will see that their representatives, the representatives of the American people, have, in Congress assembled, deliberately approved of that conduct which they have so emphatically indorsed—

Mr. SMITH, of Virginia, (interrupting.) I beg to assure the House that I do not rise for the sake of making a speech upon this question, but simply to propound a question to the gentleman from New York, [Mr. DEAN,] in relation to the phraseology of the resolution. As the gentleman from New York originally offered the resolution, I beg leave to propound the question to him.

Mr. DEAN. Though disliking more than I can express the habit of interrogating gentlemen while addressing the House, if the gentleman from Virginia desires to ask me a question I will answer it.

Mr. SMITH. The preamble of the resolution is in these words: "In extending the protection of the American Government to Martin Koszta by rescuing him from forcible and illegal seizure and imprisonment on board of the Austrian brig Huzzar." What I wish to know is this: Did this committee mean to assert that he was seized on board the brig Huzzar? Another question; the resolution says "forcible seizure." I want to know the use of the word "forcible?" The word "seizure and imprisonment" imply force. There is a manifest tautology, and in a matter of this importance, I would not send out to the world a paper defective in phraseology in this respect.

Mr. DEAN. I hope, in a discussion of this importance, that Congress will not be turned into a grammar school, [laughter,] and that we shall not be forced from the discussion of a matter of national importance to the settlement of a question of syntax; or be compelled to consult our dictionaries, or refer to some work upon synonyms. The words "forcible seizure," however, are intentional, and mean something where they occur, and I desire to meet the gentleman upon his own criticism. We have in our law books—and I have not the pleasure to know whether the gentleman is a lawyer or not—we have a term which says "*molitor manus imposuit*"—he placed his hands lightly upon him. We mean to convey by the

expression "forcible seizure" directly the reverse of "*molliter manus impositus*," and to say that the commander of the Austrian ship, who was at the time the representative of the Austrian Government, with his hired body of men, who seized the Hungarian refugee and forced him from neutral territory on board the Huzzar, did not go up to Koszta and say to him, "We desire you to come on board of this ship," but that they committed the outrage "*vi et armis*"—with force and arms—not in the technical sense of the term, but in its fullest meaning and significance.

Now, sir, I will answer the other criticism of the gentleman, and that is in reference to whether we mean that he was seized on board of the ship Huzzar. We did not design, in this resolution, to go on and give the whole history of the affair. That history was known to every man who reads the English, or any other language. The original seizure being forcible, and Koszta being carried on board the ship, the seizure continued to be forcible and illegal, as larceny in one country is larceny in every country into which the thing stolen is carried. It was proper, therefore, that it should be put in this language, and is far more expressive than a detailed statement of the whole transaction.

Now, Mr. Speaker, I desire, as one of the committee, and as a member of this House, to say here, in my place, distinctly and unequivocally, that the object of this resolution is not merely to pay a personal compliment to Captain Ingraham. That, of course, is included in it. But, sir, the compliment has been paid by the united voice of the world. It has already been paid, not only by this Government, but by the freemen of every Government, and by the liberal press all over Europe. But if we pass this resolution, as I trust we shall, we are going to do far more. We are going to declare that we, the representatives of the people of this country, approve of the act in the light of all its surrounding circumstances. It is the attending circumstances which give character to every transaction, and not the act itself. Killing is felonious, excusable, justifiable, or it may be praiseworthy—depending upon the circumstances under which it occurred—so that we, if we make this declaration, do it now, that we know the circumstances which invest and give importance and character to the act.

And the compliment which is conveyed is merely an incident, while the declaration of principle is the object for which the resolution was introduced, and for which, if passed at all, it should be adopted. And I must dissent from the remark which has been made during this debate, that this is not the place to enunciate principles. So did not the signers of the Declaration of Independence think. But they, in Congress assembled, proclaimed their principles; and we, by passing this resolution, will announce and affirm a principle of vital importance. As a member of the great family of nations, it is our duty, as well as our right, to take part in the settlement of questions which concern us; and in these matters our power, our intelligence, and progress, allow and require us to take an elevated position. We have, in fact, the power to take our own position; and it is time, high time, that we should have something to say in reference to international law, and that in the discussion and settlement of these questions, we should consult reason, justice, and humanity, rather than the musty codes of worn-out despotisms. We have declared new principles in our system of Government—principles vitally affecting the rights of individuals, as distinguished from the State; and it is proper that those principles should be carried out to their results. And now I will state what I understand by this resolution.

I understand the first resolution—and that, of course, is the one which contains the whole declaration of principles—to contain three distinct propositions. The first is, the right of an individual to expatriate himself, the right of a man to choose his own place of residence, irrespective of the accident of birth, and a distinct denial of the right of a Prince to track his subject into foreign countries and there claim jurisdiction over him. The second proposition is, the right of this Government to afford protection to such persons as choose to come here, and adopt this country as their place of residence. The third proposition is, the approval by Congress of the act of Captain Ingra-

ham, and the act of our Government in sustaining him. If there is any man in this House who is not prepared to take this new step, who is not now ready to assume this position, I trust that he will vote against these resolutions. I understand them to sustain these three distinct propositions; and I believe the time has come when we should, and when we must, concur in these principles. The Executive branch of the Government has already done so in the letter of Secretary Marcy, which has so often been referred to—a letter which, let me say, is destined to an immortality equal to the Declaration of Independence, or Magna Charta, if it is not sacrilegious to compare anything to the Declaration of Independence. This letter, sir, is another Magna Charta—one that has long been needed—a Magna Charta for adopted citizens.

It cannot be inappropriate for me to allude here to a fact in our past history. The war of 1812 was declared and fought for the assertion of these great principles. Our merchant vessels were forcibly entered and searched, to take from them natives of Great Britain who were engaged on board them; and in the exercise of this pretended right, two thousand American-born citizens had been impressed, and were in the service of Great Britain at the time of the declaration of war; and after fighting two years, a treaty of peace was concluded, in which there was no distinct abandonment of this right on the part of England. As we have increased in strength, and as public opinion has exerted its force upon the legislation and the diplomacy of the country, one thing after another has occurred which has enabled this Government to assert the rights of our citizens abroad, and at last, in the harbor of Smyrna, it was the good fortune of Captain Ingraham to be able again to assert and vindicate them.

Mr. MILLSON. It seems to me that the friends of this resolution unnecessarily create prejudice against it, by attributing to the letter of the Secretary of State a position which he never meant to assume. My friend from New York has just told us that the position taken by the Secretary of State in his letter, was one novel and hitherto unknown in international history. Now, I wish very briefly to call his attention to a paragraph in that letter, in which I think he will discover that the Secretary did not regard his position as at all novel or unknown. He says:

"The vindication of these agents is not placed upon any principle new to the international code, or unknown in the practice of enlightened nations. These nations do not hesitate, in the exercise of the right of protection, to extend it to persons (not always subjects according to their municipal laws) who are clothed with their nationality; and in some instances they have carried this right of protection to limits which this Government would not venture, because it would not feel justified, to approach; nor have any of these nations been disposed to abandon the exercise of this right from a timid apprehension that it might possibly bring them into an occasional collision with other Powers."

I will not take up the time of the gentleman from New York, by reading further, but will content myself by declaring that this letter of Secretary Marcy has been very often entirely misunderstood in relation to this point. Mr. Marcy never said that the Government of the United States were bound to protect Martin Koszta, but in twenty instances he has said that they had the right to protect him; and in saying this, he expressly says that he asserts a principle not new to the international code. And the whole experience of the present day justifies him in saying it. At this very moment it is a question under consideration by England and France whether they shall not interpose, in the exercise of their sovereign discretion, for the protection of the Sultan of Turkey. Yet no gentleman will pretend that the Sultan is a citizen of either Power, or that there is any obligation resting upon them, except in their own discretion, to afford him any such protection.

Mr. PARKER. I ask the gentleman from New York to allow me for a moment.

Mr. DEAN. How long does the gentleman want to talk?

Mr. PARKER. Only a moment. I think the gentleman from Virginia [Mr. MILLSON] is laboring under a mistake.

Mr. DEAN. I must interrupt the gentleman. I prefer to answer the gentleman from Virginia myself.

Mr. PARKER. Will the gentleman allow me to quote a single sentence from the letter of the Secretary of State?

Mr. DEAN. Well, I will hear the quotation.

Mr. PARKER. The Secretary says:

"This right to protect persons having a domicile, though not native born or naturalized citizens, rests on the firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not at liberty to disregard."

I think this is conclusive upon this point.

Mr. DEAN. I had the letter of the Secretary open at that precise point, and was about to read, in reply to my friend from Virginia, in reference to one misunderstanding of the position of the Secretary of State. I had not intended to do it; but, inasmuch as the gentleman from Virginia has called attention to the point, I desire also to call attention to what he does say upon this subject, and to what I regard as American law in relation to naturalized citizens, and the duty of the Government to protect those citizens; and not only to protect them, but also those who have come to our shores, under the invitation of the Government, to become citizens. The clause to which I allude is this:

"Whenever, by the operation of the law of nations, an individual becomes clothed with our national character, be he a native-born or naturalized citizen, an exile driven from his early home by political oppression, or an emigrant enticed from it by the hopes of a better fortune for himself and his posterity, he can claim the protection of this Government, and it may respond to that claim without being obliged to explain its conduct to any foreign Power; for it is its duty to make its nationality respected by other nations, and respectable in every quarter of the globe."

Now, sir, in that part of the Secretary's letter is contained the ground upon which I plant myself for the justification of Captain Ingraham's conduct; and upon that ground it can be justified, notwithstanding the principle always claimed by England, that "once a subject, always a subject."

My colleague from New York [Mr. MAURICE] refers me to another place, in which the Secretary puts it upon the ground of domicile—that upon that ground Martin Koszta had a right to claim protection, and the Government had a right to extend it to him. The Secretary, as I understand it, puts it upon three distinct grounds, which I will not now reiterate, and domicile is one of them.

Now, sir, the Committee on Foreign Affairs, in preparing this resolution, decided that they would leave the argument with the State Department; that we would report the resolution without giving our reasons for it. In rendering a verdict, a jury simply finds "guilty" or "not guilty;" they do not give their reasons for that verdict. The surrounding circumstances must be taken into consideration; and so it is with regard to this resolution. The third proposition, which I suppose is included in this resolution, is an indorsement of the act of Captain Ingraham in full, and of the action of the Government in approving that act.

And now, sir, at this precise point, I wish to correct a misapprehension that has gone abroad in reference to the conduct of the Government on this question. It has been erroneously stated, in the public press, that the Government did not at first approve the conduct of Captain Ingraham; that the Government doubted and hesitated; and that it was not until they felt the beating of the popular pulse that the President and his Cabinet came up to the mark and approved of Captain Ingraham's conduct. That is an entire mistake. The letter of Captain Ingraham, giving an account of the transactions in the Bay of Smyrna, arrived here about the 19th of August, and immediately the Secretary of the Navy addressed an answer to him, in which he said that the Government approved his prompt and judicious conduct. The next day the Secretary of State corresponded with our diplomatic agents at Smyrna and at Constantinople, unconditionally approving the act without giving the reasons for that approval. Subsequently, and after the protest of the three Powers—Russia, Prussia, and Austria—and the letter of Mr. Hülsemann, the Secretary of State came out and gave the reasons which justified the conduct of Captain Ingraham, and why the Government approved it.

The Government never for a moment held back or hesitated about the matter, and when gentlemen say that this is a question of doubtful propriety, I tell them that upon that point the Administration take issue with them, and for the verdict appeal to the country. That there may be no misapprehension, and that no one may vote for this resolution ignorant of the facts, what did

Captain Ingraham do? And here let me pause to say a word in reply to the objection raised by the gentleman from Tennessee, [Mr. JONES.] The gentleman wants to know why we do not tender this vote of thanks to Mr. Brown instead of to Captain Ingraham? If the gentleman will look at the letter of Mr. Hülsemann, he will see that Mr. Brown directed, or rather advised, Captain Ingraham to demand the release of Koszta. Well, he did demand his release, but what use would it have been if he had stopped there? The letter of his instructions beyond this was silent. But Captain Ingraham, having demanded the release of Koszta, went further, took the means necessary to make that demand effectual, and told the representative of the Austrian Government—the commander of the Hussar—on the morning of the 2d July, that unless the man was delivered up by four o'clock in the afternoon he would take him by force. It was his gallant, prompt, and judicious conduct in going further that awards the great merit to Captain Ingraham, and which has invested his name and the flag he bore with such peculiar glory.

Mr. Hülsemann says that he then drew his ship up in line of battle, and prepared to carry out his threat. I will say further, that the captain of the Austrian brig waited until within ten minutes of four o'clock before he undertook to release his prisoner. Koszta was in the hold of his vessel, and in irons. At that time, having made previous threats of shooting him, they sent down for him. He was afraid that they were taking him to be shot, for he had been told in the morning that such would be his fate, if the demand of Ingraham was persisted in. It was a sublime right—one which has rarely been equaled in history—to see Captain Ingraham standing on the deck of his vessel, with her guns pointed, the torches lighted, and he awaiting, with watch in hand, to give the word of command to fire; the Austrian officers, however, just before the expiration of the time, said, hurriedly, to the prisoner, "we want you no longer here," and he was delivered just three minutes before four o'clock.

The gentleman inquired the other day whether, if Koszta had not been given up, Ingraham would have been justified in firing into the Austrian vessel? I answer promptly that he would; and if he had done it, the whole American people, and the laws of nations, would have sustained him. He was at that time the representative of our nation, and demanding the release of a man who claimed the protection of our Government, and who had in his possession papers which entitled him to that protection.

Mr. JONES, of Tennessee. I put no such question as the one the gentleman states.

Mr. DEAN. I understood the gentleman to put the question.

Mr. JONES. I said that if the Austrian commander refused to give Koszta up, would this Government be justified in declaring war against Austria?

Mr. DEAN. I desire to meet this thing fairly, and follow it to its utmost conclusion. I say, sir, that the great object of Government is to afford protection to those who owe it allegiance. If the Government of Austria had refused to deliver Koszta, and Captain Ingraham, our representative in the Bay of Smyrna, after using all the force within his power, had failed to release him, it would be right for us to carry out our demands at all hazards—at all hazards.

Now, there is another ground upon which the American people will justify Captain Ingraham, and that is this: Our diplomatic agents, whether properly or not, have been charged with remissness in asserting the rights of Americans traveling abroad. They have waited, and they have doubted. Ingraham, in this case, the moment he received the word from our agent that there was a man claiming the protection of the American Government in imprisonment, did not send home to search the parish registers to know where he was born, nor trace out the branch of the genealogical tree from which he claimed to spring. He did not wait to examine the records of all the courts to see whether he had declared his intention to become a citizen—or to ascertain the genuineness of the papers he bore, or inquire into the power of the court to grant them. Is an American commander to do so in any case? On the contrary, when the right is claimed by one whom he is satisfied is entitled to

it, he should get nine points of the law—that is, possession—leaving the question involved to be afterward settled between the two Governments. That is the manner in which our representatives should act. And the conduct of Ingraham, acting as he has, promptly and successfully, upon these principles, has given us respect abroad, and dignity and consideration everywhere.

I was reading but yesterday an extract from a letter received from one of the officers of the St. Louis, which stated that when Captain Ingraham entered the harbor of Alexandria he was received amid the joyful ringing of bells and firing of cannon; and that when he entered the theater the American flag was flying, and he was received with cheers. Such tributes as these, sir, make an American proud of his country, and will have their effect in the Army and Navy. No single battle has ever added such luster to the American name. It has given us a respect abroad which could not be secured by the most successful naval engagement.

I did intend, Mr. Speaker, to answer some of the objections which have been urged against the Marcy letter—objections, sir, many of them arising, I think, from misapprehension of the Secretary's reasoning, and from taking disconnected portions of it, and not regarding it as one entire argument.

But this discussion has taken so wide a range—so much has been spoken on the subject, and the hour is so late—the press and the people having so unanimously approved it—that I leave that part of the case, saying only that, in my judgment, it can be sustained fully and entirely—as a whole, and in each distinct proposition. I will, however, say a single word in reply to the gentleman from Alabama, [Mr. SMITH,] who advised us never to consult the heart, but rather the head. Sir, on any question like the one now under discussion, I had rather trust the heart—in its warm, its generous impulses—than the cool calculations of the wisest philosopher. And though he says that Samson will lose his strength in the lap of Delilah, yet, sir, nature will soon restore that again. But when a man lets his heart be eaten out by the rust of conservatism, it withers and becomes paralyzed, and is forever incapable of conceiving a noble thought, or appreciating a generous or heroic act.

He said that Lieutenant Hunter was dismissed from the Navy because he had gone forward and had "taken Alvarado," without the aid of foggy diagrams. The gentleman is mistaken in what he said. Lieutenant Hunter was, it is true, court-martialed for disobedience of orders. He pleaded guilty. But, instead of being dismissed from the service, he was dismissed from that squadron, and was immediately transferred, by the Secretary of the Navy, to the command of the Taney. That was the only thing. He pleaded guilty to the charge of disobedience of orders—and was simply reprimanded, and transferred from the command of one ship to the command of another.

There is, however, one point in the gentleman's speech to which I most heartily subscribe; and that is, that this resolution does commit the Government to the act of Captain Ingraham, to the letter of the Secretary of State, and to the message of the President of the United States. I agree with him there; and, agreeing with him, I shall vote for it with that distinct understanding, and because it does thus commit us.

Now, sir, for a single word further. I desire that this vote, when taken, shall go forth as a deliberate expression of this House. When I first introduced the resolution, I supposed that no debate could arise, and therefore I moved the previous question; but debate having arisen, and gentlemen belonging to all parties having spoken, I am glad that debate has so arisen; and as we come now to vote upon the resolution, and to send that vote forth, it must be taken, and will be received by the country, as the deliberate expression of the legislative branch of the Government. Wherever that vote goes on this continent, it will carry joy and gladness; and wherever it is translated—as it will be into all the languages of the earth—it will carry with it a weight and a power which cannot be resisted.

Mr. CUMMING. Will my colleague allow me to explain?

Mr. DEAN. Certainly.

Mr. CUMMING. I had not intended, sir, to

mingle in this affair at all. I intended to cast my vote for the resolution as brought forward by the Committee on Foreign Affairs. But, in order to relieve myself from any sort of false position, I think it right to state at once that I intended to vote for this resolution. But, sir, I cannot subscribe to the ground taken by my friend and colleague, [Mr. DEAN,] with some other gentlemen here. I cannot subscribe to the proposition that this compliment intended to be paid to Captain Ingraham shall, for one moment, go forth to the world as the expression of a great principle, as the gentleman calls it.

Mr. FAULKNER. I call the gentleman from New York to order. I have desired to express my own views on this question, but have been cut off by the previous question. I cannot consent that any gentleman shall exercise a privilege on this floor, of which I and others have been deprived by the action of this House.

Mr. CUMMING. I was merely making an explanation, in order to set my position right on this matter. I am in favor of conferring this honor upon Captain Ingraham. The only question is the ground upon which it shall be conferred. For the gallant and chivalrous performance of his duty, I am perfectly willing to give a medal and the thanks of Congress—or, if you choose, for his vindication of our common humanity. But, sir, as an exposition of principles, I am not willing, as far as I am concerned, that this Congress should send the resolution forth clothed in this way.

The gentleman says, according to the English code, "once a citizen, always a citizen." Now, apply that to this very case.

The SPEAKER, (interrupting.) The Chair will remark, that the previous question having been called, the gentleman is cut off thereby from making a speech upon the subject; and nothing but an explanation is allowed.

Mr. DEAN, (resuming.) I was willing my colleague should explain; I will not longer detain the House. As I understand the matter, the first motion to be put to the House is to commit this resolution to the Committee of the Whole. I desire to say that, if that should be done, it would be equivalent to a vote against the resolution.

Mr. WHEELER. I would ask my colleague how that would be equivalent to a vote against the resolution?

Mr. DEAN. It is upon this ground: If sent to the Committee of the Whole, it is sent there for further discussion and examination. But appropriation bills and special orders having preference over others, those of us who have served here before know it will be impossible ever to reach this resolution again. It has now been discussed for two days, and at length, and the House is as well prepared to vote as it can be. I trust, therefore, that the vote upon it will be taken at this time.

Mr. WHEELER. My colleague will remember that we have a very patriotic colleague [Mr. LYON] now absent, who has been with Captain Ingraham at Smyrna and has examined into this subject with great care and deliberation. He is desirous of taking a part in the debate of this question, and I hope he will be allowed to do so. I cannot see what object the gentleman can have in calling the previous question, and forcing the House to a vote now.

Mr. DEAN. I am quite willing that my colleague from the Lewis and Jefferson district [Mr. LYON] should have an opportunity to discuss this question. I know that he has been with Captain Ingraham at Smyrna; but the passage of this resolution now will in no way interfere to prevent him from speaking on the subject. The President's message is still under discussion in Committee of the Whole, and whenever we again go into committee, he can avail himself of that opportunity to speak upon this subject.

Mr. WHEELER. I only wish to state one thing. My colleague [Mr. DEAN] should be aware that certain gentlemen in this House are desirous of applying the Administration-gag again, even upon the President's message. Gentlemen have already called the previous question upon a motion to stop debate upon the message, and they are anxious to do it again, and we shall be cut off.

Mr. DEAN. I do not exactly understand the force of the expression the "Administration-gag" upon the President's message.

Mr. WHEELER. I will explain it fully, if the gentleman desires.

Mr. DEAN. It is always in the power of the House to determine when debate should close upon any subject—a power that has always been exercised since the adoption of the present rules, and which is absolutely necessary in so numerous a body as this. I have full confidence that that power will not be improperly exercised.

I have explained this matter so that gentlemen may vote understandingly, and not send this resolution to the Committee of the Whole, where it must inevitably be lost. We have long since taken our position in reference to European colonization on this continent. President Pierce has reiterated the doctrine in his inaugural, and extended it. This continent—this whole continent—and the adjacent islands, are safe to us and our institutions.

We are now called upon to take our position in reference to another matter, and that is the right of our citizens abroad. And those who favor the passage of this resolution mean to send word to all, that it is the deliberate voice of the American Congress that the rights of an American citizen abroad shall be guarded as vigilantly as if he were upon our own soil; and if necessary, that the whole force of the Government shall be invoked to afford him protection—that the deck of an American ship is sacred, and the spot on which a person entitled to the protection of our Government stands, whether at home or abroad, is as inviolable as the sanctuary of the gods.

The SPEAKER. The question first in order is the motion made by the gentleman from Virginia [Mr. MILLSON] to commit the resolutions to the Committee of the Whole on the state of the Union.

Mr. BAYLY, of Virginia. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 30, nays 153; as follows:

YEAS—Messrs. Abernethy, Barry, Campbell, Canuthers, Cox, Crocker, Cullom, Cumming, Eastman, Franklin, Aaron Harlan, Haven, Hill, Hunt, George W. Jones, McMullin, Mayall, Meacham, Parker, Peckham, Pratt, Puryear, Ready, Reese, William Smith, William R. Smith, Solters, John L. Taylor, Tracy, and Zollcoffer—30.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Thomas H. Bayly, Banks, Barksdale, Belcher, Bell, Benson, Bissell, Boyce, Breckinridge, Brooks, Carpenter, Chamberlain, Chandler, Chase, Chrisman, Cobb, Cook, Corwin, Craig, Crocker, Cullom, Cumming, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, Disney, Dowdell, Dumbur, Eddy, Edwards, Edmundson, Ellison, English, Etheridge, Everhart, Ewing, Farley, Faulkner, Fenton, Flagler, Franklin, Fuller, Giddings, Greenwood, Grey, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Hendricks, Hens, Hibbard, Hiestor, Hilyer, Houston, Howe, Hughes, Ingersoll, Daniel T. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kirtledge, Knox, Kurtz, Lamb, Lane, Latham, Lindsey, Lindley, McNair, Mace, Macy, Matteson, Maurice, Maxwell, May, Middlesworth, John G. Miller, Smith Miller, Morrison, Murray, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Peck, Peckham, Pennington, Bishop Perkins, John Perkins, Phelps, Phillips, Preston, Pringle, Ready, Richardson, Riddle, David Ritchie, Robbins, Rogers, Rowe, Rufin, Sablin, Sapp, Seymour, Shaw, Shower, Simmons, Singleton, Skelton, Gerrit Smith, George W. Smyth, Snodgrass, Solters, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, John L. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Vail, Wade, Walbridge, Walker, Walley, Walsh, Warren, Ellihu B. Washburne, Israel Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrock, Wheeler, Witte, Daniel B. Wright, and Yates—153.

The SPEAKER. The question now in order is upon the substitute proposed by the Committee on Foreign Relations for the resolutions originally offered.

The substitute is as follows:

Be it resolved by the Senate and House of Representatives of the United States in Congress assembled, That the thanks of Congress be, and they are hereby, presented to Duncan N. Ingraham, commanding the United States sloop-of-war St. Louis, for his judicious and gallant conduct on the second day of July last, in extending the protection of the American Government to Martin Koszta, by rescuing him from forcible and illegal seizure and imprisonment on board the Austrian brig Hussar.

Resolved, That the President of the United States, and is hereby, requested to cause to be made a medal, with suitable devices, and presented to Captain Duncan N. Ingraham, as a testimonial of the high sense entertained by Congress of his valor, promptness, and judicious conduct on the above mentioned occasion.

Resolved, That the President of the United States cause the foregoing resolutions to be communicated to Captain Duncan N. Ingraham in such terms as he may deem best calculated to give effect to the objects thereof.

Pending its consideration, Mr. BARRY offered

the following amendment, to insert after the words "Martin Koszta" the following:

A refugee from Hungary, who had fled to the United States; who had filed a declaration in the proper court of his intentions to become an American citizen, and who was at the time of his seizure upon Turkish territory.

The amendment will be the first question in order.

The question was then taken on the amendment to the substitute; and it was not agreed to.

The question was then taken on the substitute; and it was decided in the affirmative.

The SPEAKER. The question now is upon ordering the resolutions to be engrossed as amended.

The resolutions, as amended, were then read the third time, and ordered to be engrossed.

Mr. DEAN. I move the previous question upon the adoption of the resolutions.

The previous question was seconded, and the main question ordered.

Mr. CAMPBELL. Upon the passage of the resolutions I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 173, nays 9; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bell, Benson, Bissell, Boyce, Breckinridge, Bridges, Brooks, Campbell, Carpenter, Chamberlain, Chandler, Chase, Chrisman, Churchwell, Clingman, Cobb, Cook, Corwin, Cox, Craig, Crocker, Cullom, Cumming, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, Disney, Dowdell, Dumbur, Eddy, Edwards, Edmundson, Ellison, English, Etheridge, Everhart, Ewing, Farley, Faulkner, Fenton, Flagler, Franklin, Fuller, Giddings, Greenwood, Grey, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Hendricks, Hens, Hibbard, Hiestor, Hilyer, Houston, Howe, Hughes, Hunt, Ingersoll, Daniel T. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kirtledge, Knox, Kurtz, Lamb, Lane, Latham, Lindsey, Lindley, McMullin, McNair, Mace, Macy, Matteson, Maurice, Maxwell, May, Middlesworth, John G. Miller, Smith Miller, Morrison, Murray, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Peck, Peckham, Pennington, Bishop Perkins, John Perkins, Phelps, Phillips, Pratt, Preston, Pringle, Ready, Richardson, Riddle, David Ritchie, Robbins, Rogers, Rowe, Rufin, Sablin, Sapp, Seymour, Shaw, Shower, Simmons, Singleton, Skelton, Gerrit Smith, George W. Smyth, Snodgrass, Solters, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, John L. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Vail, Wade, Walbridge, Walker, Walley, Walsh, Warren, Ellihu B. Washburne, Israel Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrock, Wheeler, Witte, Daniel B. Wright, Yates, and Zollcoffer—173.

NAYS—Messrs. Abernethy, Barry, Campbell, Canuthers, Cox, Crocker, Cullom, Cumming, Eastman, Franklin, Aaron Harlan, Haven, Hill, Hunt, George W. Jones, McMullin, Mayall, Meacham, Parker, Peckham, Pratt, Puryear, Ready, Reese, William Smith, William R. Smith, Solters, John L. Taylor, Tracy, and Zollcoffer—9.

So the resolutions, as amended, were agreed to.

Mr. SMITH, of Virginia, pending the call of the roll, said: Not having been within the bar when my name was called, I desire to say that I should have voted in the negative had I been present.

Mr. DEAN. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The question was then taken on the latter motion; and it was decided in the affirmative.

The resolution was then read by its title.

Mr. DEAN. I move to amend the title by inserting "medal," instead of "sword."

The SPEAKER. There being no objection, the change will be made.

Mr. HAMILTON. I move that we proceed to the business upon the Speaker's table.

The question was taken; and it was decided in the affirmative.

CENSUS.

Mr. STANTON, of Kentucky. I beg leave to present the following report from the Committee on Printing:

The members of the House on the Committee on Printing, to whom were referred the resolution of Mr. STRAUB, proposing the publication of five thousand additional copies of the report of the Superintendent of the Seventh Census, and thirty thousand copies of the Abstract; the resolution of Mr. FETTER, proposing to publish fifteen thousand additional copies of the report of the Seventh Census; and the resolution of Mr. WRIGHT, proposing to publish thirty thousand copies of the Seventh Census, report:

That there were published, by order of the last Congress, for the use of the Senate, seven thousand, and for the use of the House of Representatives, ten thousand copies of the returns of the Seventh Census; which, together with the usual numbers, made an aggregate of about twenty thousand copies. The work is comprised in one large quarto volume of eleven hundred and sixty pages, and was printed by the public printer at a cost, including paper and binding, of about two dollars and seventy-five cents per copy, or fifty-five thousand dollars for the whole number.

From its size and minute statistical details, the work is more designed for reference than popular use. It is, in the opinion of the committee, better adapted for the public libraries, institutions of learning, and learned societies of the country, than for general distribution. The number already published is more than sufficient to supply each public library, college, learned society, and county in the United States, with one copy, and will afford an excess of several thousand for distribution to such other public institutions and individuals as it may be desirable to supply. In view of these facts, the committee see no reason why a further edition of so expensive a publication should be issued, and therefore decline recommending it.

They are, however, of the opinion that a work embracing all the material results of the census, as shown by the volume already published, of smaller form, and suitable for popular distribution, would prove highly acceptable and useful to that class of readers who cannot necessarily be supplied with the larger volume. A compendium, from which would be excluded the most unnecessary of the minute details, and presenting only such comparative and aggregate tables as would exhibit the important results, and be valuable and interesting to the general reader, may be published in royal octavo form, not exceeding at the utmost four hundred pages, at comparatively inconsiderable cost. If the work should embrace as many as four hundred pages, the cost, including paper, and binding, will only be thirty-seven and a half cents per copy; but, it is believed by the committee, that the matter they propose to republish will not reach that number of pages; and if so, the cost will be proportionally diminished.

For one third of the sum it has cost the Government to publish twenty thousand copies of the large volume, may be published fifty thousand copies of a compendium, suitable for general distribution, and possessing to that class of the people into whose hands it would fall, all the value of the more comprehensive work. A book like this, suited to the popular want, of convenient size, and capable of safe and easy transmission by the mails, is the best means known to the committee, by which can be secured the general diffusion of the important and interesting information contained in the census returns. They therefore recommend the adoption of the following resolution:

*Resolved, That there be printed, for the use of the House of Representatives, by the public printer of the House, fifty thousand copies of a Compendium of the Seventh Census, to be arranged by the Superintendent of the Census, embracing the population by towns and counties; the ratio tables of population; tables of activities, births, marriages, and deaths; of the deaf, dumb, blind, insane, and idiotic; of schools and colleges; of aggregates of occupations; of churches; of newspapers and libraries; and of agricultural products, with illustrative notes and comparative tables: *Provided*, The said Compendium shall be printed in royal octavo form, and not exceed four hundred pages.*

Mr. PERKINS, of Louisiana. Will the gentleman from Kentucky permit me to offer an amendment before he proceeds with his remarks?

Mr. STANTON. I will hear the gentleman's amendment.

Mr. PERKINS. I have a resolution which I propose to offer as an amendment. It is, in substance, that the Committee on Printing be authorized and instructed to cause to be published the statistics of industry authorized to be collected in the act for taking the census, but which has not appeared in the volume published by order of Congress.

Mr. STANTON. I presume the gentleman's resolution is not in order as an amendment; and if it were in order, I should be compelled to object to it for this reason: The statistics to which the gentleman alludes, are now, or will be, under consideration by the joint Committee on Printing, from which a full report in due season may be expected. This being a question of some interest, and several members having manifested some anxiety in reference to the republication of the larger volume, and three or four resolutions upon the subject having been referred to us, we thought proper to consult the Senate committee on the subject and learn their views, that the action of the two Houses might be uniform. A joint meeting was held, and both committees concurred in the opinion that it was unnecessary to republish the large book, containing, as it did, a great many details uninteresting to the general reader, and which would be useful only to learned gentlemen who might have occasion to consult it.

Mr. CLINGMAN. Before the gentleman from Kentucky takes his seat, I would like to inquire how many copies of the Census Report in the different forms have already been published by order of Congress? I believe 100,000 copies of a short abstract, published in the Congressional Globe, were first published. After that, we published a great many copies of another abstract. I merely want to know, for information, how many copies of that report, in all the different forms, have been published?

Mr. STANTON. We published one hundred thousand copies of some of the tables which had appeared in the Congressional Globe, and which cost the Government, I believe, only one cent a

copy. These were printed upon a single sheet of the size of the Congressional Globe, and were only intended for temporary use, and not for preservation.

We published afterwards one hundred thousand copies of the Abstract of the Census—a very imperfect and unsatisfactory work, so far as it purported to give the general results of the census. I do not recollect exactly what it cost; but it does not contain one-twentieth part of the important information contained in the compendium which it is now proposed to publish. The resolution that I have offered contains the titles of all the tables that will be incorporated into the proposed volume; and gentlemen who are familiar with the large volume, will see that this one will embrace all the important results that were obtained by taking the census.

In reference to the statistics of industry and the statistics of mortality, they were excluded by the joint resolution which authorized the publication of the census, although nearly prepared and ready for publication. It is important that they should be published. They were collected at great expense, and ought not to be lost to the public for want of publication. The Joint Committee on Printing have that matter under consideration, and may report hereafter a proposition to publish them. I presume that will be the last of the publications in reference to the census, as the public will then have all the information obtained by the returns of the marshals.

Mr. CHANDLER. Before the gentleman takes his seat, I want to inquire whether the proposition which he now presents from the Committee on Printing involves the introduction into this new book of any of the tables of industry?

Mr. STANTON. I think not; but there is a table in reference to occupations.

Mr. CHANDLER. That is in the large book, and is very erroneous; but that is not what I am speaking of. I should protest against the introduction of any of the tables of industry, because they are so exceedingly erroneous. I ought to say, however, that those tables are not of the compilation of the Superintendent; and therefore that no censure attaches to him. I have no objection to this proposition, if it does not embrace those industrial tables.

Mr. STANTON. The industrial statistics, as I said before, were excluded from publication by the joint resolution authorizing the publication of the large volume. They were said not to be reliable; but I am well convinced they are equally as much so as the statistics of population, or any other ever taken by this Government. Absolute certainty, or precise truth on all subjects, is utterly impossible, when reliance is necessarily placed upon so many persons, of such different capacities as were employed in taking the census. These statistics never have been published in any form, and the proposition now is to publish nothing but what is to be found in the large volume.

Mr. MEACHAM. If the gentleman from Kentucky will allow me, I will move that the House do now adjourn.

[Cries of "Oh, no!" and "Pass the resolution!"]

Mr. STANTON. Before I consent to yield the floor, I would inquire of the Speaker what would be the condition of this report if the House was now to adjourn?

The SPEAKER. It will go upon the Speaker's table, and be the first business in order when the House proceeds to the business on the table.

Mr. STANTON. Well, sir, I move to recommit that resolution, so as to bring it up the first thing.

The SPEAKER. Being a privileged question, the gentleman can call it up at any time.

Mr. MEACHAM. I move that the House do now adjourn.

The question was taken; and, on a division, there were—ayes 65, noes 84.

So the House refused to adjourn.

Mr. RICHARDSON. The first part of the report from the Committee on Printing I like very much; the latter part of it I think is rather a lame and impotent conclusion from so good a start.

I am opposed to the proposition submitted by the Committee on Printing. We have increased the amount of the public printing until the expenditures have become enormous. The amount of printing is not the only thing for which we

have to incur expense. In order to carry out the recommendation of the committee, I presume that it will be necessary to continue in employment the Superintendent of the Census and the clerks under him. Besides, it will be some time before we can get the report printed in the manner proposed by the committee. We have already distributed 100,000 copies of the Abstract of the Census. Do gentlemen propose to print enough to furnish every constituent of each member with a copy? Is that the purpose?

I have another objection to the printing of any more of these reports. So far as I have been able to look into them, there are few points in reference to which they state facts correctly. If Congress is determined to print everything reported to it in sufficient numbers to furnish every man in the Union with a copy, the sooner we get into a great book-concern the better. If gentlemen will only direct their attention to the matter, they will find that our expenditures for printing are enough to support a State Government. It has grown to be a great evil. Every paper which is brought forward is printed before we get done with it. I am opposed to the whole resolution.

Mr. MEACHAM. I desire to make a few remarks upon the resolution. Before doing so, however, I wish to consult some books, and therefore move that the House do now adjourn.

The question was taken, and the motion was agreed to.

And the House thereupon (at half-past three o'clock) adjourned.

IN SENATE.

THURSDAY, January 12, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report from the Secretary of War, in answer to a resolution of the Senate of the 4th instant, communicating the report of the board of commissioners appointed to examine different sites for a military asylum in the West; which was referred to the Committee on Military Affairs, and ordered to be printed.

JUDICIARY COMMITTEE.

Mr. BUTLER. Mr. President, for some cause, which it is not worth while to mention here, the Judiciary Committee has not been able to be fully organized. I therefore suggest the propriety of adding a provisional member, until the absent members shall have arrived.

The PRESIDENT. The motion is to add an additional member to the Judiciary Committee.

The motion was agreed to; and

The PRESIDENT *pro tempore* appointed Mr. WILLIAMS.

ACCESSORY TRANSIT COMPANY.

Mr. COOPER. Mr. President: At the request of the "Accessory Transit Company," I beg leave to present to the Senate the memorial of its President, Charles Morgan, Esq., asking such legislation at the hands of Congress as will enable the company to own and register in its own name the steamships and steamboats running on the line between the cities of New York and San Francisco.

This company, although composed of American citizens, who reside principally in the city of New York, was incorporated by the State of Nicaragua, in consequence of which, under the construction given to an act of Congress by our revenue officers, the company can neither hold the ships in its own name, nor sail them under the flag of the United States. To obviate the difficulty interposed by the law, as well as to have its ships admitted to registry in our ports, the company has been compelled to resort to the inconvenient intervention of trustees. It was either obliged to do this, or forego the privilege of sailing its vessels under the American flag; and to give up this privilege would be equally distasteful to the company and the country—distasteful to the former to sail under a less respected flag, and to the latter to compel so fine and efficient a part of its commercial marine to seek foreign registration, and devote it to foreign ownership.

The act of Congress which subjects the company to the inconveniences which the memorialist

complains of, was intended to prevent foreign vessels from using our flag, or being admitted to registry in our ports; but was not designed, though it has the effect, to prevent vessels built in the United States, owned in the United States, and running between ports of the United States, from sailing under their flag and being registered in their ports, because the company which owns them was incorporated by a State, over the territory of which a part of the route between the two oceans lie.

The advantages derived by the public from the enterprise of this company has been immense. Without aid from the Government in any form, it transports passengers and freight of all kinds from the ports on the Atlantic to those on the Pacific, in the shortest time, and at the lowest rates. Since this company commenced its operations, the passage between New York and San Francisco has been reduced to twenty-three days, and the price of fare from six hundred dollars to two hundred and fifty dollars in the cabin, and from two hundred and fifty dollars to ninety dollars in the steerage. Its ships are of the finest class of ocean steamers, formed on the best models for strength and speed; and the fact that they are uniformly in advance of the vessels of all other lines on both sides of the Isthmus, exhibits a superiority worthy of encouragement. I hope, therefore, a bill will be speedily passed in conformity with the prayer of the memorialist.

I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

LIGHT-HOUSES ON THE PACIFIC.

Mr. WELLER. I present the memorial of Francis A. Gibbons and F. X. Kelly, praying compensation for work performed and services rendered in the construction of light-houses upon the Pacific coast. I desire to move the reference of this memorial to the Committee on Claims, and I hope it will receive the prompt attention of that committee, for the reason that there can be no light-house constructed at San Diego, as was ordered by the law of 1850, until the committee shall have reported upon the present memorial. It has been found, in regard to the construction of the light-house, that the only point at which it can be built is some six or seven miles from San Diego. The contractors claim that, under their contract, they never stipulated to put up a light-house at any other point than San Diego. The point which the Coast Survey has reported as the only one where it should be constructed, is distant some six or seven miles from the town of San Diego; and hence has arisen the difficulty. I move that the memorial be referred to the Committee on Claims.

The motion was agreed to.

PROHIBITION OF SLAVERY IN TERRITORIES.

Mr. CHASE. I ask leave to present the memorial of Edward A. Stansbury and others, of the city of New York, praying for the prohibition of slavery in the Territories, and wherever, elsewhere, the General Government has constitutional power to prohibit it. I recognize among the signatures affixed to this petition the names of not a few among the prominent business men of New York. I observe, also, the name of John Jay, a worthy grandson of the first Chief Justice of the United States; and that of John P. Hale, recently one of our associates in this Chamber.

The character of the memorialists, and, in my judgment, also the objects which they seek, commend this memorial to our favorable consideration. I am aware, however, that the Committee on Territories, to which memorials of this description would, perhaps, be most appropriately referred, is opposed to the prayer of these memorialists. I shall, therefore, move that the petition be received, and, for the present, laid upon the table. I give notice, however, that I shall hereafter submit a motion that this memorial, and others on the same and similar subjects, be taken up and referred to a select committee.

The memorial lies upon the table.

PETITIONS, ETC.

Mr. WADE presented documents in relation to the claim of John Metcalf, praying indemnity for losses sustained in consequence of the impressment of the schooner *Tempest* into the military service of the United States during the last war with Great Britain; which were referred to the Committee on Claims.

Mr. HAMLIN presented a memorial of merchants and ship-owners of Belfast, in the State of Maine, praying an appropriation for the erection of a custom-house at that place; which was referred to the Committee on Commerce.

Mr. MASON presented the petition of Isaac S. Bowman, praying to be allowed half pay, in consideration of the services of his father, Isaac Bowman, during the war of the Revolution; which was referred to the Committee on Pensions.

Mr. DODGE, of Iowa. I present the memorial of J. Lewis, and others, citizens of southern Iowa, in which they respectfully call the attention of Congress to a memorial already presented, adopted at a great mass railroad convention, held at the city of Fort Madison, Iowa, the 9th of September, 1853, asking for a donation of public land to aid in the construction of the Fort Madison, West Point, Kessauqua, and Bloomfield railroad. The petitioners desire the early and favorable consideration of Congress on the subject. They also request, if along any part of the route of the said railroad there should be no public lands, that Congress will grant a like portion of land prayed for in said memorial as will be equivalent, in some part of the public domain in that State. I move its reference to the Committee on Public Lands.

The motion was agreed to.

Mr. DODGE, of Iowa. I present, also, the petition of Charles Gordon, in which the memorialist states that he was employed under the resolution of the Senate of February 28, 1823, for about seven years as draughtsman, and continued in the employment of the Committee on Public Lands, under resolutions of the Senate of July 2, 1836, and June 28, 1838, until March 4, 1839, when the Senate passed a resolution rescinding all resolutions authorizing the compilation of manuscript maps for the Senate, but saving to the persons employed in that business their right to compensation for all work actually done. The petitioner also states that the Senate having adjourned, and he having nine maps of the land States then in mathematical construction, and also a balance of money due him of \$2,100, certain members of the committee and others advised him to continue the work until the following session of Congress. The petitioner did so; the maps were put in complete order and delivered to the Committee on Public Lands, in conformity with their order, and the committee expressed much satisfaction at the draughting and labor done. The memorialist therefore prays that he be paid the amount due him, agreeably to an account annexed to the memorial, it being at the same rate of compensation paid by the Senate, under the orders aforesaid, no part of which having been paid him. I move that the petition, together with the papers already on file in regard to the same subject, be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. DODGE, of Iowa, also presented the petition of citizens of Waukon, Iowa, praying the establishment of a mail route from Rossville to that place; which was referred to the Committee on the Post Office and Post Roads.

Mr. BRIGHT presented a memorial of the citizens of Washington and Georgetown, praying an appropriation for the purchase of a site and the erection of a custom-house, for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WALKER presented a memorial of the President and Secretary of the La Crosse and Milwaukee Railroad Company, asking a grant of land for the construction of a railroad between these two points; which was referred to the Committee on Public Lands.

Mr. BADGER presented the petition of Cranstoun Laurie, a clerk in the Post Office Department, praying compensation for extra services; which was referred to the Committee on the Post Office and Post Roads.

Mr. DODGE, of Wisconsin, presented a memorial of the commissioners appointed by the State of Wisconsin to locate and select saline lands in that State, praying the relinquishment to the State, for the benefit of the University of Wisconsin, of certain salt springs and lands; which was referred to the Committee on Public Lands.

Mr. PEARCE presented the memorial of John B. Kerr, late Chargé d'Affaires, praying compensation for official services under commissions to other Republics in Central America, apart from

Nicaragua; which was referred to the Committee on Foreign Relations.

REPORTS FROM COMMITTEES.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the resolution of the Senate, directing it to inquire into the expediency of making Brunswick, in the State of Georgia, a port of entry, reported a bill for that and for other purposes; which was read a first time, and ordered to a second reading.

He also, from the same committee, to which was referred the bill to provide for the establishment of a marine hospital at St. Mark's, State of Florida, reported the same back, with the recommendation that it pass.

On motion by Mr. HAMLIN, a letter from the Treasury Department on the subject, was ordered to be printed with the bill.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred the petition of Samuel Nickum, reported a bill for his relief; which was read a first time, and ordered to a second reading.

He also, from the same committee, to which was referred the petition of Thomas Pember, reported a bill for his relief; which was read a first time, and ordered to a second reading.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the memorial of Harriet Ward, praying that her pension may be extended back to the period of the death of her husband, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to which were referred documents in reference to the claim of Thomas B. Parsons to arrears of pension, asked to be discharged from their further consideration, and that they be referred to the Committee on Pensions; which was agreed to.

He also, from the Committee on Naval Affairs, to which the subject was referred, reported a bill for the relief of the widows and orphans of the officers and seamen of the United States schooner *Grampus*, who were lost in that vessel in March, 1843, near the coast of the United States; which was read a first time, and ordered to a second reading.

He also, from the same committee, to which was referred the bill for the relief of M. K. Warrington and C. St. J. Chubb, executors of Captain L. Warrington, and others, reported back the same without amendment.

Mr. ALLEN, from the Committee on Pensions, to which were referred the following petitions, submitted adverse reports thereon, which were ordered to be printed:

The petition of Alexander Waugh, administrator of George Waugh;

The petition of William Bowmer; and

The petition of Catherine Weaver.

He also, from the same committee, to which was referred the petition of Moses Olmstead, praying a pension in consideration of injuries received in the war of 1812, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading.

The report was ordered to be printed.

Mr. FISL, from the Committee on Naval Affairs, to which was referred the petition of Mrs. Julia M. Lawrence, reported a bill for the relief of the captors of the frigate *Philadelphia*; which was read a first time, and ordered to a second reading.

He also, from the same committee, to which was referred the petition of the American Medical Association, praying the enactment of a law to compel the carrying of a surgeon on board of emigrant vessels carrying a certain number of seamen and passengers, asked to be discharged from its further consideration, and that it be referred to the Select Committee on the subject of the mortality in emigrant vessels; which was agreed to.

He also, from the same committee, to which was referred the memorial of William Ballard, praying that certain improvements made by him in the construction of steam-vessels, may be tested in Government vessels, asked to be discharged from its consideration, and that it be ordered to lie upon the table; which was agreed to.

NOTICES OF BILLS.

Mr. WELLER gave notice of his intention to ask leave to introduce a bill providing for a semi-

monthly mail between the Atlantic and Pacific ocean, via Nicaragua.

Mr. NORRIS gave notice of his intention to ask leave to introduce a bill to incorporate the proprietors of the Washington Cemetery.

Mr. MALLORY gave notice of his intention to ask leave to introduce a bill to authorize the sale of reserved lands in certain cases.

Mr. DOUGLAS gave notice of his intention to ask leave to introduce a bill to authorize the sale of reserved lands, and for other purposes.

BILLS INTRODUCED.

Mr. MALLORY, in accordance with previous notice, asked and obtained leave to introduce a bill to repeal an act entitled "An act concerning tonnage duties on Spanish vessels;" which was read twice by its title, and referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. DODGE, of Wisconsin, it was

Ordered, That the petition of John R. Presher be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. NORRIS, it was

Ordered, That the petitions of citizens of Washington, District of Columbia, praying the removal of the county jail, be withdrawn from the files of the Senate, and referred to the Committee on the District of Columbia.

On motion by Mr. MASON, it was

Ordered, That the petition of Francisco Lope Urriza be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

AMERICAN CITIZENS IN CHILE.

Mr. BELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, if in his judgment not incompatible with the public interest, copies of the correspondence between the Legation of the United States and the Government at Chili, in relation to the imprisonment, or forcible abduction of four seamen from the United States whale ship *Addison*, in the port of Valparaiso in October, 1850; and also in the case of William A. Stuart, an American citizen, who was imprisoned at Valparaiso upon a charge of murder, and, on conviction, was released by the Chilean authorities.

CLERKS TO COMMITTEES.

Mr. GWIN. I am instructed by the Special Committee on the subject of the Pacific railroad, to report the following resolution, and ask for its consideration at this time:

Resolved, That the Select Committee, appointed on the fourth instant, upon the subject of a railroad between the Mississippi river and the Pacific ocean, be authorized to employ a clerk, who shall receive the same rate of compensation as that allowed to other clerks of committees of the Senate.

The resolution was considered by unanimous consent, and agreed to.

Mr. ADAMS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Retrenchment and Reform be authorized to employ a clerk.

ADMISSION ON SENATE FLOOR.

Mr. BADGER. In pursuance of a notice which I gave some days ago, I submit a resolution for amending the 48th rule of the Senate, which I ask may be printed. I give notice that I shall also ask the Senate to take it up a day or two hence.

The resolution was read as follows, (the words within brackets being proposed additions to the rule:)

Resolved, That the 48th rule of the Senate be amended to read as follows:

48. The following persons, and none others, shall be admitted on the floor of the Senate: Members of the House of Representatives, and their Clerk; the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Attorney General, and the Postmaster General; the private Secretary of the President, Chaplains to Congress, Judges of the United States, foreign Ministers and their secretaries; [Ministers of the United States to foreign Governments, and their secretaries, and persons who have been such Ministers or secretaries:] officers who, by name, have received, or shall hereafter receive the thanks of Congress for their gallantry and good conduct in the service of their country, or who have received medals by a vote of Congress; the Governor, for the time being, of any State or Territory of the Union; the ex-Governors of the several States; and persons of the courts of record of the several States; [Judges who have held those offices:] the ex-officers of the Senate; such gentlemen as have been heads of Departments, secretaries, clerks, [Sergeants-at-Arms,] or members of either branch of Congress; persons who, for the time being, belong to the respective State and Territorial Legislatures; and persons belonging to such Legislatures of foreign Governments as are in amity with the United States.

No person, except members and officers of the Senate, shall be admitted at either of the side doors of the Senate Chamber; and all persons claiming admission on the floor, excepting members and the clerk [and Sergeant-at-Arms] of the House of Representatives, for the time being, the heads of the several Departments, the private Secretary of the President, the Chaplains to Congress, Judges of the United States, [and of the several States], Foreign Ministers and their Secretaries, [Ministers and ex-Ministers of the United States, their secretaries and ex-secretaries], and officers who, by name, shall have received the thanks of Congress, or medals by a vote of Congress, shall (each time, before being admitted upon the floor) enter their names, together with the official position in right of which they claim admission, in a book to be provided and kept at the main entrance to the Senate Chamber; and no person except members of the Senate shall be allowed within the bar of the Senate, or to occupy the seat of any Senator.

The resolution was ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. BADGER. Although the regular season has passed, during which the Senate usually adjourns from this day to Monday, there is a reason, which I will assign to the Senate; why I think we should continue, at least for this week, to adjourn over to Monday.

I understand that the Committee on the Judiciary—and I suppose it was for that reason that the additional member has been appointed—has determined to take up this week, consider, and dispose of, the question of privilege in regard to the right to the seat claimed by the gentleman from Vermont.

It is certainly important that that question should be promptly considered and decided as soon as possible. It is due to this body; it is due to the gentleman whose right to the seat is called into question; and, at the same time, it is a question which should be very deliberately and carefully considered. I hope, therefore, there will be no objection to the motion I submit, that when the Senate adjourns to-day, it will be to meet on Monday next.

Mr. BUTLER. I hope so.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it had passed a joint resolution of thanks of Congress, and the presentation of a medal, to Captain Duncan N. Ingraham.

The joint resolution was read twice by its title, and referred to the Committee on Naval Affairs.

HOUSE BILLS REFERRED.

The following bills, from the House of Representatives, were severally read twice by their titles, and referred:

The bill for the relief of Lewis P. Willis, late a paymaster in the Army of the United States—to the Committee on Military Affairs.

The bill for the relief of the legal representatives of Isaac B. Simonton, deceased—to the Committee on Claims.

The bill for the relief of William Blake—to the Committee on Pensions.

PRISCILLA C. SIMONDS.

On motion by Mr. WADE, the bill for the relief of Priscilla C. Simonds was read a second time, and considered by the Senate as in Committee of the Whole. It proposes to direct the proper accounting officer of the Treasury to pay to Priscilla C. Simonds \$418, being the value of the property of the late Captain Moses H. Simonds, which was taken possession of by the authority of the United States.

The bill was reported to the Senate without amendment.

Mr. WELLER. I should like to have some explanation of the bill before a vote is taken upon it. I know nothing about it.

Mr. WADE. The bill passed the Senate at the last session in a full Senate; and it has been unanimously reported by the Committee on Claims again. The sum which it proposes to pay is a small one for the loss of the military equipments and accoutrements of Captain Simonds, who died in the service while on his way to Mexico. His mother was a widow when they were taken, and this bill is to provide compensation to her for the loss of the property.

Mr. WELLER. Is she still a widow?

Mr. WADE. Yes, sir.

Mr. WELLER. I have no objection to the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, was read a third time, and passed.

CLAYTON-BULWER TREATY.

On motion by Mr. HUNTER, all prior orders of business were postponed, and the Senate proceeded to consider the motion submitted by Mr. CASS, on Thursday, the 5th instant, to refer to the Committee on Foreign Relations the message of the President of the United States received on the 3d instant, communicating, in compliance with the resolution of the Senate of December 12, 1853, the correspondence which had taken place with the British Government on subjects growing out of the treaty of Washington of July 4, 1850, since the message of the President of December 30, 1852.

Mr. CLAYTON proceeded to answer the speech of Mr. CASS, delivered, and published in the Globe, yesterday.

Having spoken about an hour and a half—

Mr. BADGER interposed, and said: Mr. President, I will ask my friend from Delaware, who seems to be a good deal exhausted, to give way in the discussion of this subject, and I will submit a motion that the Senate do now adjourn.

Mr. CLAYTON yielded the floor; Mr. BADGER's motion was agreed to, and

The Senate adjourned.

[Mr. CLAYTON's speech will be found in the Appendix.]

HOUSE OF REPRESENTATIVES.

THURSDAY, January 12, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

FISHERIES.

Mr. STANTON, of Kentucky. I believe, Mr. Speaker, that the first business in order is the consideration of the resolution which I submitted on yesterday, previous to the adjournment of the House.

The SPEAKER. It will be the first business in order, if called up. Before that is done, the Chair desires to lay before the House a communication from the President of the United States, transmitting, in compliance with its resolution of January 3, 1854, the correspondence with, and the various orders which have been issued during the past year to, the officers of the Navy commanding vessels or squadrons on the Atlantic coast of British North America, for the purpose of protecting the rights to fishing and navigation, secured to citizens of the United States under the treaties with Great Britain.

Mr. HOUSTON. I presume it was the intention to have that information referred to the Committee on Naval Affairs; but I do not see the chairman of that committee present. I move that the communication be laid upon the table, and ordered to be printed.

The question was taken, and the motion was agreed to.

The SPEAKER also laid before the House a communication from the Post Office Department, stating, in compliance with the act of Congress approved July 2, 1836, the fines imposed and the deductions from the pay of contractors during the preceding year for failures to deliver the mail, and for other causes, the names of the delinquents, and the nature of the delinquencies, the routes on which they occurred, the time when the fines were imposed, whether the fines have been remitted, or the order for the deductions rescinded, and for what reasons.

Mr. HOUSTON. I move that that communication be laid upon the table, and ordered to be printed.

The question was taken, and the motion was agreed to.

CENSUS REPORT.

The SPEAKER. The business first in order is the consideration of the following resolution, submitted last evening from the Committee on Printing, by the gentleman from Kentucky, [Mr. STANTON:]

"Resolved, That there be printed, for the use of the House of Representatives, by the public printer of the House, fifty thousand copies of a Compendium of the Seventh Census, to be arranged by the Superintendent of the Census, embracing the population by towns and counties; the ratio tables of population; tables of nativities, births, marriages, and deaths; of the deaf, dumb, blind, insane, and idiotic; of schools and colleges; of aggregates of occupations; of churches; of newspapers and libraries; and of agricultural products, with illustrative notes and comparative tables: *Provided*, The said Compendium shall be

printed in royal octavo form, and not exceed four hundred pages."

Mr. MEACHAM. Mr. Speaker, I wish to make an amendment to the resolution which has just been read, that there be printed 100,000, instead of 50,000, copies of the proposed document. The object I have in view is to give this document to all of the people in the land. We have now gathered statistics at an expense to the country of a million and a half of dollars.

We have now made that compendium. What are we to do with it? Are we to put it merely into the Library of Congress, and into our public libraries throughout the land, where there is not one in a hundred, or one in a thousand, of the people who can ever reach it?

My impression is, in respect to this matter, that we ought to put that compendium in such a position that it shall be accessible to every man in the land. I know that the gentleman from Illinois says we cannot give it to every voter. That is all very true. The number of voters who voted at the last Presidential election was three million and one hundred and twenty-six thousand. We could not print that number. The number of those who are entitled to vote in this land is probably over four million. But we can make this book accessible to every man in the land by putting it in public, assigned, and known places.

It has been my habit, sir, since I have been a member of this House, to send one copy of every permanent public document printed by order of the House to the town clerk of every town in my district; so that there is not a voter in that whole district but may have access to each public document printed. Let this plan be continued for twenty, fifty, or a hundred years hence, and we will have got a library of public documents which will be of immense value to the public in giving information. I know it is said, and I suppose you will accord its truth, that there is not in the whole country a regular set of public documents published by order of the Congress of the United States. I suppose that a regular, full, and complete set cannot be found on the whole globe.

Now, the object I have in view, is to put a number of this document within the reach of every man who wishes to consult it. I believe it is our duty to put this work into the hands of every man conducting a public press, so that he may be able to diffuse the information among the people, and thus put it in the hands of every man who wishes to consult it.

The only object I had in view, Mr. Speaker, was to move this amendment; and now I have done that—

The SPEAKER was proceeding to put the amendment, but was interrupted by—

Mr. MEACHAM. I have not done yet. Let me say further, Mr. Speaker, that if we print a hundred thousand copies of this document, as was proposed by the chairman of the Committee on Printing, it will cost only thirty thousand dollars. We have been at an expense, in fitting up the inside of the Library of Congress—where the walls were standing, and where we had not purchased a single book, but merely for setting up and adorning the inside of the library—which would have printed more than two hundred thousand copies of this work. The sum of thirty thousand dollars will send a hundred thousand copies of it through all the land; and I believe that there is no other way in which we can expend our money more profitably.

Mr. EASTMAN. I have but a single word to say, Mr. Speaker, in respect to this matter; but I, for one, am opposed to the amendment as moved by the gentleman from Vermont. And my reason for opposing it is this: I think that the book—the large volume which has been published—is full of errors. So far as my observations have extended, I am sure it is. In proof of this assertion I will mention one fact. The county in which I reside—the county of Grant, in the State of Wisconsin—is composed, or was composed in 1850—

Several MEMBERS. "Louder!" "Louder!"

Mr. EASTMAN. If gentlemen do not hear my remarks, they can read them. I was saying, Mr. Speaker, that the county of Grant in the State of Wisconsin, was composed, in 1850, of sixteen towns. In the book, as published, it is represented to contain only ten towns. The number of the population, in 1850, when the census returns were made, was over sixteen thousand. As

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

MONDAY, JANUARY 16, 1854.

NEW SERIES....No. 11.

returned, it only appears to contain ten thousand, or rather about nine thousand five hundred.

Now my attention was drawn to this naturally by looking at the returns for the county in which I reside. How many more errors there may be in the book I cannot say, for I have not the means to ascertain; but I have ascertained these errors from my memory alone. I dare say that every gentleman in this Hall can, from his own memory, make the same statement in reference to his own section of the country, and can point out similar corrections which should be made.*

Mr. WASHBURN, of Illinois. The gentleman from Wisconsin [Mr. EASTMAN] resides in nearly the same part of the country that I do—in that part which is known as the "mineral district"—the lead mines of the northwest. I wish to ascertain from him whether, in his examination of that work, he has found anything which goes to show that we have any mineral product there?

Mr. EASTMAN. I answer, Not a single word. Our staple last year amounted to two millions of dollars, the year before it was a little less, and yet not a single line, or a single figure in the whole of that book, shows that there is any such thing in the whole States of Wisconsin and Illinois, as a pound of pig-lead, or any mineral whatever.

Mr. STANTON, of Kentucky. If the gentleman will allow me a single word of explanation, I will say that that part of the census which embraces the statistics of industry has never been printed at all. The last Congress forbade their being printed, and that is the reason why the gentleman from Wisconsin does not find the statistics of the subject to which he refers. It is for the House to say whether those statistics shall be printed at all or not. I suppose that at some future time the Committee on Printing will bring a proposition before the House, the object of which will be to have them determine whether they shall be printed or not.

Mr. WASHBURN. Why not publish them altogether?

Mr. STANTON. The last Congress thought it improper to have them printed, on account of their want of reliability. The Senate Committee, and the House Committee on Printing, have that subject under consideration now, and will, at some future time, make a report of their conclusion upon it. When they are printed, they cannot be published in the form now proposed—the octavo form. They must be published in the quarto form, if at all.

The Committee on Printing did not propose, by this resolution, to touch that matter now. They desire to omit an immense amount of details, and thereby save to the country a large sum of money in the publication of the book. This small book proposed to be published will be useful to all readers. Individuals who desire to consult them can

have access thereto at the places in the various counties where they will be deposited, and in the numerous libraries of the country.

Mr. EASTMAN. My main objection to extending the number to be printed beyond that contemplated in the resolution, is that error shall not be disseminated throughout the land. I set out with the remark that the book was full of errors. Well, according to the language of an old adage, "if we cannot have too much of a good thing," we cannot have too little of a bad thing. I say, then, that inasmuch as the book is full of errors, we have already had enough of it. I do not want my own State to appear worse than it is. We are few enough in numbers already, and we do not want information, coming officially from this body, to be disseminated, which does us such gross injustice. I think the number is large enough.

Mr. BISSELL. That there are errors in the census report is quite likely. To expect that such a document will ever be put out in this country totally free from error is absurd. In my own opinion, this is as correct a document of the kind as we have ever had, or need ever expect to get. I think that my colleague, [Mr. RICHARDSON,] generally so nearly right, was partially wrong yesterday, in his remarks upon this subject—partially, but not altogether wrong. He is right in saying that we expend quite too much money upon printing. I think he is wrong when he proposes to commence retrenchment by withholding the publication of the census report. I think it the most important information to be disseminated among the people of anything which we order to be printed. I except nothing. The book contains statistics which lie at the foundation of our greatness, of our prosperity, and of our glory; and I want every man who is in the habit of priding himself upon these things, who glories in the prosperity of his country, to be able to give a reason for the faith that is in him. I want this document condensed in such a shape and form as shall level it to the comprehension of all men of ordinary understanding. Then, in that form, I want to send it liberally through the country to every town, hamlet, and neighborhood too. The country has had some reason to complain of our expenditures in the matter of printing; but, trust me, they will not complain of this. Commence your retrenchment in other matters. I agree in opinion with the gentleman from Vermont, [Mr. MEACHAM,] having expended a million and a half of dollars in collecting the information contained in this report, that it is very mistaken economy which would now lock it up and exclude it from the hands of the people for whom it was designed. I am in favor of the proposition of the committee to print the report, and I hope that the proposition will be adopted.

Mr. STRAUB. I rise merely to inquire of the chairman of the committee whether it is contemplated in the work which is proposed to be printed, to insert some of the most important tables relating to certain branches of our industry which are now entirely omitted? I have not examined the work thoroughly, but it is said that it abounds in errors. I am not prepared to make that charge, because I have not examined the work; but from what I hear, I suppose it is a fact, that there are omissions of vital importance to a large portion of the people of a few of our States at least. I speak, now, of the mineral production of this country. I understand that there is not a line or figure in the work upon that subject. If it is not contemplated to insert in the work statistics relating to this important item of information, in which the people of the whole country have a deep interest, I, for one, cannot support the resolution.

Mr. SKELTON. I rise for the purpose of advocating the amendment just proposed by the honorable gentleman from Vermont, [Mr. MEACHAM.] I think this document should be printed, and circulated to the largest extent throughout our country. The demands from my district for public documents of this kind is extensive, and if the amount of one hundred thousand was doubled I should not be able to supply the wants of my con-

stituents in my district. While I am opposed to extravagant expenditures in the Government—while I am opposed to a distribution of books to ourselves, in any shape or form—I am in favor of disseminating among the people the greatest amount of intelligence which is consistent with the public interest.

I think it is a mistaken notion of economy to suppose that the expenditure of thirty or sixty thousand dollars by this Government, for the purpose of disseminating information and intelligence among the people, is an unwise expenditure, or that the money would be badly spent. I believe that such expenditures will return in the prosperity of the people of the country one hundred fold increased; I believe that on the principle of economy—upon the most rigid principle of economy—we are promoting the interest of the country by printing the largest number of this Abstract of the Census, which has been published.

The gentleman from Wisconsin [Mr. EASTMAN] objects that this document shows the statistics of his State upon too small a scale. Now, it is for this very reason that the publication of these decennial censuses is the more important. It shows the prosperity of the country. I hope the gentleman from Wisconsin will circulate as many copies of this report among his constituents as possible, that they may see, when the next decennial census is taken, the rapid increase in wealth and population his State is making, and will make. Look at the progress of the State of Ohio and of the other States in the great West in population, and in every branch of industry, and see with what rapidity that great country has grown up. Why, sir, I can recollect, young as I am, when the great State of Ohio was nothing but a western wilderness.

Now, I look with pride to the growth of these western States. When I recur to the statistics of the country, as published in the former censuses, and see the small population they exhibit, I say, I look with pride at the present condition of the great West, and look forward with pride in anticipation of what it is destined to become.

I would like to have these records placed in the libraries of as many families throughout the United States as possible, that the generations which come after us may look back upon the records of the past, and then look at the present condition of the country with pride and exultation.

A knowledge of those statistics stimulate the action of the human mind. They will have their influence in stimulating the patriotism, the industry, and the enterprise of the American people. And they will have their influence throughout the world. When the history of the statistics of the United States go forth to the world, as they are about doing, showing the rotten monarchies of Europe, which have occupied a stationary condition for centuries past, what a mighty nation has sprung up within the limits almost of one generation, they will not be without their influence.

These things appeal to our patriotism—they appeal to our pride. They stimulate our intelligence; they increase our energies, and, for one, I would like them to go forth to the world in as extensive a form as possible consistent with the public interests. I therefore feel it my duty to advocate upon this floor the printing of the largest number of this document which has yet been suggested. I hope the amendment will be adopted by the House.

Mr. FLORENCE. I have always been in favor of printing the largest number of public documents, and I have never considered it an extravagant expenditure by Congress of the public money. I feel it to be my duty, and acting from the impulses which should govern our conduct here, I believe it to be our duty to give all the information in our power to our constituents, and to give them the means of information as to the action of their public servants here, and as to the action of their public servants in the different departments of the Government; and acting from this belief, I shall go for printing the largest number of copies of this census report recommended to

* The aggregate population of the county of Grant, in the State of Wisconsin, in 1850, was 16,169. The following table, on page 920, purports to give the towns in this county, and the aggregate population of each.

Table II.—Population, by Subdivision of Counties.
6—Grant County.

Cities, towns, townships, districts, parishes, precincts, wards, hamlets, &c.	Whites.		Free Col'd.		Aggregate Population.
	M.	F. Tot.	M.	F. Tot.	
Fennimore.....	183	112 325	-	-	325
Harrison.....	418	315 763	1	-	764
Hazle Green.....	1019	821 1840	-	-	1840
Highland.....	332	265 597	-	-	597
Jamestown.....	392	273 665	1	-	665
Luna.....	306	274 580	-	-	580
Paris.....	210	180 390	1	-	391
Platteville.....	1182	988 2170	1	-	2171
Snethers Grove.....	409	320 729	-	-	729
Wingville.....	573	471 1044	-	-	1044
					9107

Six towns, which with those named in the table, compose the county, to wit: Potosi, Beetown, Cassville, Patch Grove, Waterloo, and Lancaster—the latter the shire, or county-town—with an aggregate population of 7,662, are entirely omitted, and are not found in the whole book.

be printed by the Committee on Public Printing.

There are in my district some fifty or a hundred public libraries—voluntary associations of men, organized for the benefit of their fellow creatures.

I have upon my table one hundred and fifty or two hundred letters from parties in the city and county of Philadelphia, and especially in my own district, asking that they may be put in possession of copies of the census.

Now, as I understand the resolution reported by the Committee on Printing, it provides for a compendium of the statistics that have already been published, and I take it for granted that if errors have occurred, an opportunity will be afforded for the Superintendent of the Census to correct those errors.

The gentleman from Wisconsin refers to the fact, that the number of inhabitants in a certain county in his State is not correctly stated. I can easily understand why that is the case. The census was taken two or three years ago, and the probability is that since that time there has been a large increase of the number of inhabitants in that county, as there has been all over the Union. There has, perhaps, been an increase of several millions of inhabitants in the whole Union since the last census was taken.

I take it for granted that the statistics are as nearly correct as it is possible to get them. The imperfect manner in which the census is taken sometimes makes me wonder that the results are as correct as they are. I regret to say that in the selection of deputy marshals to take the census—as is unfortunately the case in all the other operations of the Government—sufficient care is not taken to appoint the most intelligent men. Political preference is exercised in making the choice of agents for that purpose, rather than a regard to the ability they possess, and it is therefore not to be wondered at, that errors have occurred in preparing the tables.

Another reason may, perhaps, be found in the change of the Superintendent of the Census. I do not pretend to say that it is so, because I do not know it to be the fact; but I will say, without arraigning anybody who thought proper to make that change, that it did not meet the approbation of my judgment. I considered the gentleman who was first selected as Superintendent of the Census, eminently capable for the performance of the duties of that office; and I took occasion to show, by my vote upon this floor, how well convinced I was of the entire fidelity with which he conducted that important Department of the Government.

There are public libraries in my district to which I feel it to be my duty always to send the public documents which are given to me in trust for distribution. I make it a point to supply public institutions first, and individuals afterwards; and I have answered almost every individual who has written to me, asking for copies of the census, that I cannot comply with the request unless Congress adds to the number of copies placed in the hands of members for distribution.

Speaking for my constituents—a part, and permit me to say, a very important part of the people of this nation—I have felt it my duty, in this humble manner, briefly to state the reasons why I shall vote for the largest number of these documents, and to ask the House to vote the additional number, in order that this information may be properly distributed among the people, to whom it belongs; and if there are errors in it, they can be corrected by the statistical papers made up in the different States and counties in the Union. Certainly it will afford a basis for a proper calculation of the population, and the great manufacturing and agricultural interests of this country; and when another census comes to be taken, a knowledge of the error committed in the making up of the present table, will enable our officers to avoid the rock upon which they may seem to have split at this time.

While I am up, I will, with the indulgence of the House, make a personal explanation. I was detained from taking my seat in the Hall yesterday by an annoying and irritating indisposition. Had I been present I should have voted with the majority on the resolution tendering the thanks of Congress and a medal to Captain Ingraham for his gallant act of daring and humanity in the Bay of Smyrna.

Mr. HAMILTON. I move to lay the resolution and amendment upon the table.

The question was taken, and the motion was disagreed to—only 24 voting in the affirmative.

Mr. HOUSTON. I suppose that the proposition under consideration is understood by the House, and as it is important for us to get on to other business, I call for the previous question.

Mr. WALSH. I rise to a question of order. I would like to know whether it is in order for a gentleman to remain standing on the floor with a view of keeping it from other members?

Several MEMBERS. It is decidedly out of order to do so.

The SPEAKER. In assigning the floor, it is impossible for the Chair to tell who have been standing or who have risen from their seats to claim his attention. It is presumed that members always rise from their seats to address the Chair. The Chair decides that the gentleman from Alabama is in order.

The call for the previous question was seconded, and the main question was ordered to be put.

Mr. GREENWOOD. Will the Chair be pleased to state the exact condition of the question before the House?

The SPEAKER. The question upon which the House will first vote is the amendment which was submitted to the resolution of the gentleman from Kentucky, [Mr. STANTON] by the gentleman from Vermont, [Mr. MEACHAM], to provide for the printing of one hundred thousand, instead of fifty thousand copies of the compendium of the census.

Mr. HAMILTON. I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was then taken, and the amendment was agreed to—yeas 114, nays 64; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Belcher, Benson, Bissell, Bridges, Campbell, Carpenter, Caruthers, Chamberlain, Chase, Churchwell, Cook, Corwin, Crocker, Thomas Davis, De Witt, Dick, Dickinson, Disney, Eddy, Edmunds, Elliott, English, Everhart, Farley, Florence, Franklin, Giddings, Green, Greenwood, Andrew J. Harlan, Wiley P. Harris, Harrison, Hiestler, Hill, Howe, Hughes, Hunt, Daniel T. Jones, Kerr, Kidwell, Kittredge, Knox, Kurtz, Lane, Latham, Lindley, Lyon, McCulloch, McDougal, McNair, Macy, Matteson, Mayall, Meacham, Middlesworth, Smith Miller, Morgan, Noble, Norton, Andrew Oliver, Mordecai Oliver, Orr, Parker, Peckham, Pennington, John Perkins, Pratt, Puryear, Ready, Thomas Ritchey, Rogers, Sabin, Sage, Sapp, Seward, Seymour, Shannon, Shower, Skelton, Gerrit Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Straub, Andrew Stuart, John I. Taylor, John L. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Vail, Vansant, Wade, Walbridge, Walker, Walley, Warren, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, Witte, Hendrick B. Wright, and Yates—114.

NAYS—Messrs. Abercrombie, Aiken, Appleton, Ash, Barry, Bocoek, Breckinridge, Brooks, Clark, Clingman, Cobb, Cox, Craig, Cutting, John G. Davis, Dawson, Dean, Dowdell, Dunbar, Eastman, Edmundson, Ellison, Etheridge, Ewing, Faulkner, Fuller, Goode, Grey, Grow, Hamilton, Sampson W. Harris, Hastings, Haven, Hendricks, Henn, Hibbard, Hillyer, Houston, Ingersoll, George W. Jones, Roland Jones, Keitt, Macdonald, McMullin, McQueen, Mace, Manrice, Maxwell, John G. Miller, Millson, Morrison, Murray, Nichols, Peck, Phelps, Preston, Reese, Richardson, Robbins, Ruffin, Snodgrass, Walsh, Wheeler, and Zollicoffer—64.

So the amendment was agreed to.

Mr. HILLYER. I demand the yeas and nays on the passage of the resolution, as amended.

The yeas and nays were not ordered.

The question was then taken; and the resolution was adopted.

Mr. STANTON, of Kentucky. I move to reconsider the vote by which the resolution was adopted, and that that motion be laid upon the table.

The latter motion was agreed to.

The SPEAKER then proceeded to call upon committees for reports, beginning with the Committee on Foreign Relations, at which the call stopped on the last day.

Mr. HENDRICKS, from the Committee on Invalid Pensions, reported back the petition and papers of William Brown, and moved their reference to the Committee on Claims; which motion was agreed to.

Also, reported from the same committee, "A bill for the relief of Henry N. Halstead;" which was read a first and second time by its title, referred to a Committee of the Whole House, and made the order of the day for to-morrow; and the bill and report ordered to be printed.

Also, from the same committee, made an adverse report on the petition and papers of Samuel

C. Dickinson; which was laid upon the table, and ordered to be printed.

Mr. HENDRICKS, from the same committee, reported the following bills; which were severally read a first and second time by their titles, referred to Committees of the Whole House, and made the order of the day for to-morrow, and, with the reports accompanying, ordered to be printed:

A bill for the relief of Benjamin Hammond, of the State of New York;

A bill for the relief of Henry J. Snow, of Rome, in the State of New York; and

A bill for the relief of Charles Staples.

On motion by Mr. STUART, of Ohio, the Committee on Invalid Pensions was discharged from the further consideration of the following petitions; and they were ordered to lie on the table:

The petition of Margaret C. Hanson;
The petition of Joshua Lewis;
The petition of John Gallagher;
The petition of Fielding G. Brown;
The petition of the daughter of General Solomon Van Rensselaer, deceased;
The petition of Josiah Martin;
The petition of Elijah Armstrong;
The petition of the legal representatives of Samuel J. Smith, deceased; and
The petition of R. R. Platt.

Mr. STUART, of Ohio, from the Committee on Invalid Pensions, to whom was referred the petitions of Lemuel Hudson, of Harriet Leavenworth, of George S. Clafin, and of James F. Green, made reports thereon, accompanied by bills of the following titles:

House bill (No. 124) "for the relief of Lemuel Hudson;"

House bill (No. 125) "for the relief of Harriet Leavenworth, widow of the late brevet Brigadier General Leavenworth;"

House bill (No. 126) "for the relief of George S. Clafin;" and

House bill (No. 127) "for the relief of James F. Green."

Which bills were severally read a first and second time by their titles, committed to a Committee of the Whole House, made the order of the day for to-morrow, and the bills and reports ordered to be printed.

Mr. EDMANDS, from the same committee, to which were referred the petitions of Thomas Frazer, of Cornelius H. Latham, and Samuel W. Brady, made reports thereon, accompanied by the following bills:

House bill (No. 128) "for the relief of Thomas Frazer;"

House bill (No. 129) "for the relief of Cornelius H. Latham;" and

House bill (No. 130) "for the relief of Samuel W. Brady."

Which bills were severally read a first and second time by their titles, committed to a Committee of the Whole House, made the order of the day for to-morrow, and the bills and reports ordered to be printed.

On motion by Mr. EDMANDS, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of Levi M. Roberts, and that the same be laid upon the table.

On motion by Mr. EDMANDS, it was also

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petitions of Cotton Murry, of the widow of William Flora, of Jacob Sailor, of James Shorey, of Levi W. Roberts, of Holly Guile, of Cephas Chase, and of Reuben Cahoon, and that the same be laid upon the table.

On motion by Mr. VAIL, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petitions of Henry Miller, of the heirs of Henry Dyer, of Abraham Pettengill, of Daniel Hager, Jr., of Parkison Mitchell, and of Robert Stevenson, and that the same be laid upon the table.

On motion by Mr. TWEED, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petitions of Aaron Tucker, of Maine; of George Babcock, of Michigan; of Thomas B. Harvey, and of John Baird, and that the same be laid upon the table.

On motion by Mr. HOUSTON, it was

Ordered, That the Committee on Ways and Means be discharged from the further consideration of the petitions of William H. Winder, offering for sale a building owned by him and now in the occupancy of the Government in this city, and the proceedings of the citizens of Indiana relative to an appropriation for the building of a United States courthouse and land office at Indianapolis, Indiana; and that

the same be referred to the Committee on Public Buildings and Grounds.

[A message was here received from the Senate, by Mr. MACHEN, its Chief Clerk, informing the House that the Senate had passed a bill (No. 54) entitled "An act for the relief of Priscilla C. Simonds," and requesting the concurrence of the House therein.]

DISBURSEMENT OF THE SENATE'S CONTINGENT FUND.

Mr. HOUSTON. I am instructed by the Committee on Ways and Means to report back to the House the Senate bill in relation to the pay of members of the Senate, with amendments. I will say to the House, that this is the bill which was under discussion some week or ten days since. We have made several amendments to it, and I think that we have obviated all the difficulties which have been presented to it heretofore; but as these amendments may not be very thoroughly understood by the House, I propose that the consideration of the bill may be postponed until some other day, and that the amendments may be printed. I therefore move that the further consideration of the bill be postponed until Tuesday next, and that the bill and amendments be printed.

Mr. CLINGMAN. I rise simply for the purpose of saying that I think it is but fair to the Senate, that we should act upon this matter promptly.

Mr. HOUSTON. That is what I want to do.

Mr. CLINGMAN. I was about to inquire whether the subject would come up as a matter of necessity next Tuesday, if we postpone its consideration until that day? While I desire that we should act understandingly upon this subject, I think it is but fair that in such a matter we should act promptly.

The SPEAKER. If the House agree to postpone until Tuesday, it will come up on that day in order, when the Committee on Ways and Means are called for reports.

Mr. HOUSTON. I suppose the House would prefer postponing it until some day next week. As far as I am concerned, I am anxious that the bill should be acted on as soon as possible; and if the House prefer it, I will move to postpone until to-morrow instead of Tuesday.

Mr. BAYLY, of Virginia. I hope the House will not postpone the consideration of this bill. I know the fact that Senators, or a large number of them, have already suffered very great inconvenience in consequence of the delay in passing that bill. And I know more than that—

Mr. HOUSTON. In order to obviate discussion upon that point, I will withdraw the motion to postpone, and allow the bill to remain before the House. I merely made the motion to postpone and print, because I thought the House would prefer to have the amendments in their possession before acting upon them. If, however, that is not necessary, I greatly prefer that the House should act at once. If the gentleman from Virginia will allow me, I will make a brief explanation of the amendments proposed by the Committee on Ways and Means. It will not take more than a minute.

In the first place, we propose to strike from the bill all that relates to the contingent fund of the Senate, and confine its provisions to the compensation of the members of the Senate.

Mr. CLINGMAN. I wish to inquire of the chairman of the Committee on Ways and Means, if he will allow me, whether this bill, as reported by that committee, will prove satisfactory to the Senators themselves?

Mr. HOUSTON. I believe it will. But, to proceed: We have made the bill apply to the compensation of the Senators alone. We have stricken from it the clause giving an extra compensation to the Secretary of the Senate. We have made him a disbursing officer, subject, however, to the supervision of the proper auditing officer in the Treasury Department.

We have stricken from the bill the entire third section, which proposes that the expenses to be paid from the contingent fund of the Senate, shall be audited by a committee of the Senate. We prefer to let them go to the regular accounting officers of the Treasury.

Mr. BAYLY. If the chairman of the Committee on Ways and Means has correctly described these amendments, I am, for one, prepared to act pretty promptly in reference to them, without taking the

time to print. The Senate have passed a law providing for the administration, by themselves, of their own contingent fund, and providing a mode for paying their own officers. Now, I do not care what they have put in the bill in reference to this subject. I do not care what are its provisions. I maintain that, in consideration of the relations which exist between the two Houses of Congress, this body ought not to assume a guardianship over the Senate as to the mode of auditing their own contingent fund, or as to the mode of paying, or amount to be paid, its officers. Our rules are so jealous of any interference by one of the Houses of Congress with the other, that it is not even in order here to refer in debate to what occurs there.

So far as the management of our own affairs goes—the election of our officers, the expenditure of our contingent funds, and our own payment—these bodies ought to have nothing whatever to do with each other. Ill feeling has already been created by an attempt to put a guardianship over the Senate in this matter. Gentlemen are not content with making the Secretary of the Senate a disbursing officer, and letting the Senators be paid their legal allowances through him, but the auditing of their contingent fund is to be taken from the Senate and carried to the Treasury Department.

Mr. HOUSTON, (interrupting.) I hope the gentleman from Virginia will not press his view in favor of sustaining this third section, because I think that by doing so he endangers the passage of the whole bill. I want the bill to pass as the Committee on Ways and Means propose, and I think the Senate will be satisfied with it in that shape.

I think the gentleman is slightly mistaken in the remark which he last made. We do not propose to take the auditing of their accounts from the Senate at all. The vouchers and accounts for all the expenditures they make out of their contingent fund are audited now in the Treasury Department, just precisely as the accounts of the expenditures of this House are audited there. The bill as it comes from the Senate proposes to introduce a new rule and a new principle into our legislation, and we propose to let the matter be regulated by existing laws.

Mr. BAYLY. I may have misunderstood the action of the Senate, and I should therefore like to have the bill read, so that we may understand it properly.

Mr. HOUSTON. The third section of the bill is the one that brings up this point. That section proposes that the Committee on Accounts shall audit all the vouchers and expenditures growing out of the contingent fund, and that the auditing of that committee shall be conclusive upon all the auditing departments of the Treasury. The Committee on Ways and Means propose to strike out that section, and to let the Senate's accounts—not for the per diem and mileage of Senators, or anything that relates to them personally, but for the expenditure of their contingent fund—go to the Department, and be audited as ours are.

Mr. WHEELER. Let us have the bill read. It will enable us to understand the matter far better than all these explanations.

The Clerk then read the bill, as proposed to be amended by the committee.

Mr. BAYLY, of Virginia. I am in favor of the Senate bill precisely as it came to us, for two reasons: in the first place, because I think that the bill is right, and see no occasion for any amendment; and in the second place, because I am opposed to amending it by this House in the particulars proposed by the Committee on Ways and Means, for the simple reason that I think the Senate ought to be intrusted with the management of their own contingent fund, and with the selection of a depository to hold that fund—not only of their contingent fund, but also the payment of their per diem, without having to go through all of the forms in auditing accounts at the Treasury. Those amendments, it occurs to me, are offensive to the Senate. If I were a member of that body, I am perfectly free to say, I should feel that they were offensive to that body as a body.

This House impliedly undertakes to say to the Senate, that in passing the bill it does propose proper guards in respect to its contingent fund and the payment of the per diem and mileage of its members; that it has left open opportunities to fraud and corruption upon the part of one of its committees and its officers. The Senate have

thought that they threw guards enough around a matter which concerns themselves, and this House comes in and says "Oh no! your accounts must go to one of the auditors; for it is not sufficient that a committee of the Senate, composed of representatives of sovereign States, and under all the responsibilities of the senatorial character, should have charge of the matter; it is not sufficient that the accounts of your contingent fund should be audited by that accounting officer; but you must undergo the supervision of an appointee of the Executive." I do not care so much about the provisions of the bill, as I do about this attempt to institute a sort of guardianship over the Senate in the management of their own contingent fund and other affairs.

The gentleman said, if I understood him correctly—and I do not always understand him correctly, it seems—that that was the law now. Well, if it be the law—and I do not think it is—if it be the law now, the Senate in this matter wish for a more convenient and appropriate mode—

Mr. HOUSTON. Mr. Speaker, I interrupt the gentleman from Virginia, because he really does not understand me. I presume, however, it is my fault that he does not. I said this: that as the law now stood, all of the expenditures of the Senate out of their contingent fund had to undergo the scrutiny of the auditing Department of the Treasury. That is what I said was the law; and the third section of this bill proposes a change in it. It proposes to take away from the Treasury Department all control over the expenditures of the Senate in its contingent fund, and to leave the auditing of them to the committee of that body, entirely irresponsible to the ordinary channels through the Treasury Department.

Now, sir, this bill proposes to make an inroad upon the existing law and usage, and to cut itself loose, as far as the contingent fund of the Senate is concerned, from all responsibility; and thereby to have one mode of passing on the accounts of the Senate, and another mode for the House, such as the great mass of the people, in getting their accounts audited, would have to submit to. Now, sir, I think the proper way is that we should have one mode for the two Houses of Congress, and one and the same mode for everybody else.

Mr. BAYLY. The gentleman from Alabama complains that I do not understand his remarks. I certainly have endeavored to understand him; and if I did not succeed in doing so he must excuse me, seeing that it is not from any want of an effort to that effect on my part. One thing is very certain: the gentleman in his statements is very obscure, or I am very obtuse. I tried to understand him, sir; and I do not know how it was that I did not.

But he says that this is a bill to change the existing law—and it is to change it—in what respect? It is to change it so as to allow a committee of the Senate to audit their contingent fund. It withdraws from the Treasury any review of the manner in which the Senate shall dispose of its own contingent fund, and of the character of the vouchers upon which that fund is to be audited. I do not think that this House ought to refuse to allow the Senate to have such mode of auditing their accounts as may seem convenient to them. There can be no reason given why they should not have that privilege awarded them, except under the supposition that you will find more honesty in an accounting officer of the Treasury, not responsible to the Senate, than you will find in the Senators themselves—the representatives of sovereign States, coming here not indorsed simply by Executive nomination, but indorsed by the confidence of the Legislatures of sovereign States.

But there is a principle in this bill. As I said just now, in that courtesy which ought to prevail between the two departments of this Legislature, one of them ought not to undertake to control and to dictate to the other how to manage their own affairs. I go further than that. I say that in view of that independence—not to say in view of that necessity of acts of courtesy—which ought to exist between the Senate and the House of Representatives, as well as between both of these two legislative bodies and the Executive branch of the Government—and which is necessary to keep and preserve a proper feeling between these three great departments of the Government—I think we ought not to be interfering with each other in this way—

Mr. PECKHAM, (interposing.) Will the gen-

tleman from Virginia [Mr. BAYLY] allow me to propound a question to the gentleman from Alabama, [Mr. HOUSTON?]

Mr. BAYLY. Certainly.

Mr. PECKHAM. I desire to ask the gentleman from Alabama whether, as he understands this law, the accounting officer of the Treasury is to look to the legality and propriety of the expenditure of the Senate from their contingent fund? or is he to look to the mere fact of the expenditure?

Mr. HOUSTON. I understand that the account is to undergo the same scrutiny which all other accounts that come to the Department are obliged to undergo. And if it is not passed by the Department, it is to be rejected in the same manner as that of an individual account under the existing law.

Mr. PECKHAM. Then the Auditor there overrules the Senate?

Mr. HOUSTON. It overlooks the accounts of the Senate, just as it does those of the Senate's constituents.

Mr. PECKHAM. They revise, then, the legislation of the Senate?

Mr. BAYLY, (resuming.) If I do not now misunderstand the gentleman from Alabama, [Mr. HOUSTON]—and I think I do not—his idea is, that the accounting officers of the Treasury are not only to look to the fact of the allowance, but, also, to the legality of it. You here purpose, by law, to put the accounting officer of the Treasury over one of the two branches of Congress, and to do it without their consent.

I should not probably have given so much attention to this bill had I not been here so long that I know, I believe, every member of the Senate, and had not more than one half of them spoken to me about this very bill. I know they are sensitive about it, and they are properly sensitive. This is an attack upon that body wholly unauthorized by any action of theirs. I hope the amendments of the Committee on Ways and Means will be voted down, and that the bill will be passed as it is.

Mr. JONES, of Tennessee. I hope that, as a member of this House, I would be incapable of doing a thing which would be discourteous to members of the Senate. But, sir, when that body asks me to do a thing which I think is contrary to the principles which should govern us, I cannot, for fear of being subjected to the charge of want of courtesy to that body, do that thing for them.

What is the rule prescribed by the laws of Congress in the adjustment of the various accounts of different persons with this Government? You provide by law that you shall have a First and Second Comptroller. You provide that you shall have Auditors in the Treasury Department. The Constitution provides that no money shall be drawn from the Treasury, except in pursuance of appropriations made by law. When these appropriations have been made, and the disbursing officers have discharged their duty by paying out these appropriations, they are required by law to come to the Treasury Department and there present their vouchers; and the accounting officers are required to examine them, and see whether they are in accordance with the laws making the appropriations. Is there, I ask, anything wrong in this? If there is, repeal the laws, and make the proper corrections.

The President of the United States is subjected to the surveillance of the accounting officer for his salary. The members of both Houses of Congress, and all the officers of the civil, military, and naval Departments of the Government are subjected to it. Why, I ask you, shall the contingent fund of the Senate be excepted from the same rule? Our legislation should be kept pure, and the rules which direct us in the management of the business of the Government should be strictly adhered to. I do not think that either branch of Congress ought to prescribe rules more lax for themselves, in the adjustment of their accounts, than those they prescribe for other persons in the employ of the Government. The gentleman from Virginia [Mr. BAYLY] says it looks as if we were fearful that the Senate will not do right, and that we wish to put guards over them. What is the amount of this fund? The civil and diplomatic appropriation bill, which the chairman of the Committee on Ways and Means has reported to

this House, appropriates \$278,000 for the contingent fund for the Senate. If this third section passes, that whole amount will be taken from under the control of the accounting officers of the Government, and a new board of auditors and comptrollers will be constituted to pass upon the disbursements of the Secretary.

Another question arises, which has already been made here—and I think I have heard my friend from Virginia advocate it also—that the Senate of the United States shall fix their own amount of contingent fund, and that this House should never inquire into the amount. If they send an estimate for contingencies here, and I vote for them, am I not responsible for that vote as much as for any other appropriation for which I shall vote? If this House, as a matter of courtesy, is to vote whatever amount of contingency may be said by the Secretary of the Senate to be due, and then relieve that Secretary from the ordeal of the accounting officers of the Treasury, I ask you to what will it not lead in the course of time? May you not in that way put it in the power of one branch of this Government to expend thousands, yea, millions of dollars, without its having been constitutionally appropriated?

Mr. BAYLY. Does the gentleman from Tennessee mean to maintain that I ever supposed one dollar was to be expended by the Senate, from its contingent fund, which was not appropriated by law? I have certainly never supposed any such thing. The appropriation bills must specify the sum beyond which no appropriation can be made by the simple resolution of the Senate. All I did say was that, ordinarily, we ought to allow them such a sum for their contingent fund as they may choose to specify as being necessary.

If they were to come here asking for millions of dollars to be appropriated for their contingent fund, then would be the proper time for Congress to interfere; then would be the proper time for the suspicion of members of this House to be excited upon the subject. But, sir, that time will never come until there has been such a thorough and deep corruption of the Senate, as will not long precede the dissolution of the Government itself.

Mr. JONES. It is not my purpose to go into an investigation of the question as to how the Senate have spent their contingent fund heretofore. If the gentleman from Virginia will look into that matter, perhaps he will see how it has been done. I am not upon that subject now. But, sir, I am against making innovations upon the laws of the country for the benefit of the legislators, who are the law-givers of the country.

We sometimes find the example of the Senate quoted as a reason for passing measures in this House. For instance, we sometimes find that when it is proposed to effect an increase in the compensation of the employees about this Hall, the example of the Senate is quoted as a reason. And when members propose to vote newspapers for themselves, we do not find them coming forward and telling us how many they will be able to read, or how many will be necessary to enable them to discharge faithfully and efficiently their public duties here; but we do find them coming forward and asking for as many as the Senators have voted for themselves, without reference to any other consideration. And, again, we find them recommending the increase of the salaries of certain officers to the same amount paid to similar ones in the Senate.

Now, sir, if we pass this third section, how long will it be before we shall have a bill introduced here proposing that the contingent fund of the House shall be audited in the same manner? That will be the effect; and if the rule is a correct one in its application to one body, it certainly is in regard to the other. But, sir, I shall oppose the passage of a bill applying any such rule to this House, whether it be introduced here before or after its application to the Senate.

Mr. STANTON, of Tennessee. Will my colleague allow me to ask him a question?

Mr. JONES. I will.

Mr. STANTON. I desire to know whether, after the contingent funds for the Senate and House have been appropriated, a resolution passed by either, directing a payment to be made out of its contingent fund, would not be valid?

Mr. JONES. Certainly; I suppose so, if it were properly audited.

Mr. STANTON. Then the Senate can now

dispose of its contingent fund by simple resolution.

Mr. JONES. I suppose so; though I do not know whether the Auditors of the Treasury would regard such a resolution as a good voucher. But I will say to my colleague, that were I one of the accounting officers of the Treasury, and an account were presented to me which I believed to be contrary to law, I would not allow it merely on account of its being authorized by a resolution of this House, or of the Senate.

Mr. STANTON. My colleague does not understand the question I ask. I wish simply to know whether a resolution of this House, or of the Senate, disbursing its own contingent fund, is or is not a good voucher?

Mr. JONES. I do not know whether such resolutions are regarded as good vouchers or not.

Mr. STANTON. But you think they ought not to be.

Mr. JONES. I do, unless there is some law to authorize them. That is my opinion.

Mr. STANTON. That is what I wanted to know.

Mr. JONES. That is my opinion, certainly. I have no concealment about it.

Mr. STANTON. I wish to know if it has not been the uniform practice of the Government to allow the resolutions, authorizing such payments to be made, to be vouchers?

Mr. JONES. I do not know that, for I have not been up to the Department to examine the vouchers.

Mr. BAYLY. Certainly it has.

Mr. JONES. I will tell you what I do know, and what I think was very wrong on the part of the Congress of the United States. A few sessions ago, a provision was pressed through Congress in the last hours of its session, as an amendment to one of the appropriation bills, that the certificates of the presiding officers of this body and of the Senate respectively, as to the amount due to a member, should be conclusive upon all the accounting officers of the Treasury as to the amount due that member. I urged the rejection of the civil and diplomatic bill rather than to have that provision incorporated into the law of the country. I think that the certificate of the officer who certifies that a certain amount is due to a member of this House, should be subject to the scrutiny of the accounting officers of the Treasury; and if he finds that that amount is not in accordance with the services performed in the Hall, they should not be bound to pass that voucher, merely because the Presiding Officer has put his name to it.

Mr. STANTON. I do not wish to make a speech on this subject, but I think that a few questions answered by my colleague, who has made himself familiar with all such questions as this, will place the matter in a proper light before the House.

If I understand my colleague's position, he maintains that every expenditure made out of the contingent fund should be in pursuance of a law; and that it should not be allowed by the accounting officers of the Treasury unless it is in pursuance of a law. Then, sir, it would be necessary to foresee and anticipate every expenditure from the contingent fund of either House of twenty, fifty, or a hundred dollars, that may be necessary for any purpose about these Halls, and to pass a law appropriating that particular item before it could be allowed by the accounting officers of the Treasury. Instead of doing the thing, as we now do, by resolution directing the appropriation of particular portions of the contingent fund, we should be obliged to pass a formal bill through both Houses of Congress in every such case.

Mr. JONES. Not at all.

Mr. STANTON. That is how I understand it.

Mr. JONES. Not at all, sir. Included in the contingent fund are various items for printing, paper, and a great many other things—and then there is an item of a few thousand dollars for miscellanies. Well, suppose that there is a resolution that authorizes the furnishing of papers. When the vouchers for that expenditure comes up before the accounting officer, he has only to look to the appropriations in that contingent fund, and see if money has been appropriated for the purpose, and if the money so appropriated has been properly paid; and if so, he passes the vouchers.

There are various small matters about these two Halls, such as the repairing and furnishing of

desks and chairs, the furnishing of committee rooms, and so forth, all of which would come under that general miscellaneous item. But when it comes to the appropriation, by either House, of thousands and thousands of dollars which cannot by any legal construction be made a contingency of that House, I hold that it is not in strict accordance with the Constitution of the country; and, for one, I cannot support such an appropriation, by whichever House it may be made. It may be that I am wrong in this; if so, I should be glad to be corrected; but until I am, my course is taken.

The bill, as recommended to be amended by the Committee on Ways and Means, will leave the contingent funds of the Senate and House to be paid and audited just as they are now, and have been for years; it will change the existing law so far only as to make the Secretary of the Senate a disbursing officer to pay the per diem and mileage of the members of that body. When he has paid them, he will have to go and settle his accounts with the Treasury Department; he will have to present his vouchers for that payment, as well as for the disbursement of the contingent fund. The proviso in the appropriation bill of 1850, perhaps, makes the certificate of the Presiding Officer conclusive upon the Treasury Department as to the amount. The Secretary, under this bill, has merely to show the certificate of the Presiding Officer at the end of the session, and his account for per diem and mileage will be settled. If the third section be stricken out, he will have, in settling his accounts for the contingent fund, to present his vouchers, and point to the laws under which his disbursements were made. I do not see myself any very good reason for the passage of the law at all; but if the amendments of the Committee on Ways and Means be agreed to, the original bill will be pruned of most of its objectionable features. Their adoption or rejection is with the House.

Mr. MACE. I do not know, Mr. Speaker, whether I should have made any remarks on this occasion were it not for the fact, that when the bill under consideration was first reported from the Committee on Ways and Means I objected to it. That objection, perhaps, led to debate, and the bill was ultimately referred back to the Committee on Ways and Means. I hope, sir, that I shall never be lacking in courtesy to the Senate of the United States, or to any other body; but I do not see for the life of me that a question of courtesy is involved in the consideration of this bill. Nor can I conceive, as was stated by the gentleman from Virginia [Mr. BAYLY] that, because Senators of the United States are elected by the Legislatures of the several States, they occupy such a position in this nation as shields them from all scrutiny into their acts by this House.

I shall not engage in a discussion of the principles upon which the members of the Senate are elected by the Legislatures of the several States, because it would not be germane to a discussion of the bill; but I do not think that the fact of their election by the Legislatures of the States authorizes us of this House to do implicitly their will in all things. Now, sir, from the commencement of this session of Congress to the present hour, though Senators have felt great solicitude about the bill, there has been no difficulty in their getting out of the Treasury both their per diem and mileage—none at all. I understand that they are not willing to resort to that course, and that up to this time their pay has been taken from another quarter.

Sir, what are the features of this first section of the bill, that should induce us implicitly to adopt it? I do not make any attack on Mr. Dickens. He may be, and doubtless is, a very honorable man. "And we are all, all honorable men." But in the formation of a law it is always wise to legislate against dishonesty; that ought to be the course of legislation. Now, what is the provision of the first section of the bill, which the gentleman from Virginia [Mr. BAYLY] thinks ought to be passed? It is that Mr. Dickens, as the disbursing officer of the Senate, can go to the Treasury of the United States, under the first section, as soon as the bill becomes a law, and by one draft take from the Treasury over half a million of dollars. The bill then provides that eight days after Mr. Dickens shall give bond in the sum of twenty thousand dollars. Thus the

bill of the Senate places at the disposal of the Secretary of the Senate over half a million of dollars; and, eight days after he gets the money, he can file a bond in the sum of twenty thousand dollars.

Mr. Dickens may perhaps account for money properly; and all of our collectors of customs and public officers might, without bond, pay over the appropriations correctly. But the object of legislation is to provide against dishonesty. So much then for the first section of the bill. The second section proposes—

Mr. BAYLY, of Virginia. Will my friend from Indiana permit me to correct him? This bill only proposes to make the Secretary of the Senate a disbursing officer. It leaves him under all the checks and restrictions created by the Sub-Treasury act in regard to public officers. And as to the difference between the sum which he may draw, or which may be in his control, and the bond given by him, why, sir, in large appropriations that is always the case. Why, the Sub-Treasurer at New York could never give a bond equal to the amount of the moneys in his hands. The security is not so much in the bond as it is in all the restrictions, limitations, and safeguards of the Sub-Treasury act. The bill merely makes the Secretary of the Senate a disbursing officer, with all the responsibilities, all the penalties, all the checks provided by the Sub-Treasury law in relation to other disbursing officers.

The main feature of the bill is, that it allows a committee of the Senate to audit their contingent fund, in place of having it audited at the Treasury Department.

I dislike to interrupt gentlemen; but the fact is, that this has been practically—however the strict letter of the law may be—has been practically the law ever since the Sub-Treasury act was passed. For I am told, that when the committee of this House, or of the Senate, in relation to their contingent fund, have passed an account, the accounting officers have always—till of late—refused to go behind that act. I know that such has been the practice in this House. In other words, the accounting officers have taken the action of the Committee on Accounts as conclusive in the case.

Mr. HOUSTON. One word of explanation in regard to the contingent fund. The gentleman from Virginia [Mr. BAYLY] is mistaken in relation to it. The contingent fund of the Senate is now drawn from the Treasury, under the law of 1823. The President of the United States, under the authority conferred upon him by that law, makes a special direction that the Clerk of the House and the Secretary of the Senate shall give a bond in the sum of \$20,000, and that they may draw from the Treasury the funds, which are necessarily to be disbursed by them, in sums not to exceed, at any one time, the amount of their bonds. That refers to the contingent fund of the Senate and of the House. They are not permitted, therefore, to have, at any one time, in their hands more than the sum of \$20,000.

Mr. MACE, (resuming.) I understand very well the former operation of the system by which officers draw money out of the Treasury, and also that a sum exceeding \$20,000 is not to go into the hands of the disbursing officers of the Senate or of the House at any one time. That is simply a Treasury regulation; but that regulation is overridden by the first section of the Senate bill. I am certainly lawyer enough to know that the moment the bill passes, and is approved by the President of the United States, Mr. Dickens, the Secretary of the Senate, can go to the Treasury Department, draw out half a million of dollars, and in eight days afterwards give a bond for the faithful disbursement of it.

Now, so much for that branch of the case. I apprehend that, so far as the creating of a Committee on Accounts in the Senate and a Board of Comptrollers, is concerned, perhaps all the gentlemen upon this floor may not understand the operation of it, and may have been misled by the question propounded by the gentleman from Tennessee to his colleague. That question was, if the Senate of the United States should pass a resolution appropriating a portion of the contingent fund, whether that would not be binding upon the Comptroller of the Treasury Department? Unquestionably it would. But under this bill, the control of the contingent fund is taken from the Senate, taken from the President, and taken from every Depart-

ment of this Government, and submitted wholly to the Committee on Accounts in the Senate. Under the provisions of the bill, the accounting officers in the Treasury Department are not permitted to look at the items at all. The committee may charge for a horse, for a buggy, for a suit of rooms, for a parlor, or for clothes, and all that the officer has to do is to set down the figures, and that is conclusive upon the accounting officers of the Treasury Department. Yes, as a member says, \$5,000 may be charged for the entertainment of Koszuth; and \$100,000 for the entertainment of Koszta, I suppose.

Now, sir, I am free to admit that, in all human probability, the Secretary of the Senate, Mr. Dickens, would disburse this money properly, although not bound to do it under any legal restraint; and in all probability, if the Senators are infallible, if the Committee on Accounts shall prove to be infallible, or is now infallible, the money would be properly disbursed. The objection I make is this: it is loose and improvident legislation. It is setting a precedent in reference to one branch of this Government which, if carried out in all its ramifications, would make this nation bankrupt, and a thousand like it. The experience that we all have had proves that we are emphatically a money-loving people.

I have found in the history of this country that many men occupying the highest stations, and elevated to the very highest pinnacle of fame—Secretaries of the Treasury, if you please—have, for the purpose of laying up an immense fortune, ruined their reputation forever. Such, then, is the history of the times; and why it is that the Senate should not be satisfied with a provision of law that brings them within the rules which govern all other bodies, I am at loss to know. I do know—if I was in the condition of the disbursing officer of the Senate, Mr. Dickens—that I could take out half a million of dollars from the Treasury, place it in bank with Corcoran & Riggs, and realize six per cent. from the time I made the deposit till I withdrew it for the purpose of paying it over, with no loss to the Government, but the realization of a large and handsome fortune to myself out of that operation. I do not say that Mr. Dickens would do such a thing; but I say that he can do it.

Mr. PECKHAM. Not by law.

Mr. MACE. He can if this bill be passed without the amendments.

Mr. PECKHAM. Does not the general Sub-Treasury law apply to such cases?

Mr. MACE. In reference to this matter, I will say, it is a principle of criminal law—under a law defining a class of offenses—if offenses of a different character are embodied in the law subsequent to its passage, that they are not indictable. Let me illustrate this, and make my position clear to every lawyer in the House. We have a law against the forgery of public securities of almost every kind. We passed a bounty land law providing for the issue of land warrants, and many were forged; but there was not a court in the United States where a man could be convicted under the United States laws, because the offense was not specially set forth in the original act. Why should we be discussing these things? What do the Senate want? They want their pay out of the Treasury of the country. They should be willing to receive their pay in the mode now pointed out by law, rather than ask this House to pass a bill of the character which they have sent us, and which leaves the law open to such immense fraud. I have no doubt that every member of the Committee on Accounts in the Senate is a high-minded, honorable man. But, when Tom, Dick, and Harry, and everybody else, are presenting their claims to that committee to be paid out of the contingent fund, we must all know the loose manner in which that committee would necessarily discharge that duty. Why not let these accounts go to the accounting officer?

I hope, therefore, that the action of the Committee on Ways and Means, who have deliberated upon this matter, will be concurred in by the House. So far as I am concerned, I am not guided by what the Senate, collectively or individually, may do. I follow in the wake of no man or Senator, and hold myself only responsible to my constituents.

Mr. TAYLOR, of Ohio. It is my purpose to detain the House but a moment upon this subject. I have listened very attentively—as I am in the

habit of doing in relation to every question coming before the House—to what has been said upon this subject. I have listened attentively to-day, with the view of ascertaining, if I could, whether there was anything which could properly prevent the House of Representatives from acceding to the request of the Senate as expressed in the provisions of this bill as passed by that body. I find there is much difference of opinion among the gentlemen upon the opposite side of the chamber as to the propriety of the measure. I am informed, however—and my attention was directed to the fact by a very respectable member of the Senate—that for want of action upon the part of this House upon the bill sent here on the 13th of December, now nearly a month since, the Senators have as yet been unable to draw their pay.

Now, sir, I think there was a great deal of good sense in the remarks of the gentleman from Virginia, [Mr. BAYLY,] and I will do him the credit to say that, although I disagree with him upon many political questions, yet generally his views are very correct, very national, and very statesmanlike, in regard to the department of the Government of which we compose a portion.

I have examined to some extent the bill before us, and what is it? In the first place, it provides for making the Secretary of the Senate a disbursing agent. They propose to make him a disbursing agent, requiring him to give bond, and to add \$1,000 to his salary in payment for this service. But a committee of this House have examined the provision and recommend us, in effect, to say to the Senate, "You shall not pay your own officer; we will take charge of him; we will strike out the clause providing for his compensation, and require him to give bond, and to discharge the duty for nothing." Is this courteous? Is it right? Would members of the House of Representatives think the Senate were acting properly if they were to come here and undertake to dictate how much we should give the Clerk of the House? I believe we give him \$2,000 a year—three times as much as many gentlemen in the Senate receive for their services during a short session of Congress; an inequality which, in my opinion, loudly calls for reformation at the hands of the people of the States. But, sir, the Senate choose to fix the compensation of this officer at \$1,000 a year for his services as the disbursing agent of that body. Now, would it be treating that body with the courtesy due it from this House if we were to refuse the passage of such a provision?

Mr. CLINGMAN. I wish to inquire, if the gentleman will allow me, what is the present compensation of the Secretary of the Senate?

Mr. TAYLOR. I cannot say, nor do I think it the province of the House to inquire.

Mr. CLINGMAN. I desire to know if he does not already receive \$3,000 per annum?

Mr. JONES, of Tennessee. I can answer the gentleman. That is the compensation allowed him.

Mr. HOUSTON. His compensation is \$3,000 a year, and he is allowed a clerk, at a salary of \$1,500 per annum, whose duty it is to attend to this very business for which this \$1,000 extra is proposed to be given to him.

Mr. CLINGMAN. I would like also to know whether he has not all along been performing these same duties without extra compensation?

Mr. JONES. He has.

Mr. TAYLOR. I am not prepared to say what are the duties devolving upon the Secretary of the Senate, or what extra compensation he has received for his services. In fact I do not think it very well becomes the members of the House of Representatives to scrutinize that matter. Why should we go abroad to look after trouble? Let us reform the inequalities that exist here in our own body.

Sir, if the Senate think proper to impose an additional duty upon the Secretary of that body—the disbursing, as the gentleman from Indiana [Mr. MACE] says, of half a million of money—it is not right that the members of this House should say that that officer shall discharge that extra duty without receiving additional compensation. It is possible that this duty may require very great labor; certainly it requires great responsibility; and where there is labor and responsibility, there ought to be adequate compensation. The present compensation may be adequate. I do not pretend to judge of that. But I do say,

that if the Senate of the United States think proper to give additional compensation to one of their officers for additional duties which they seek to impose upon him, it is not becoming in us to interfere. I speak only for myself. I, for one, do not desire to call in question the action of the Senate of the United States because they choose to fix the compensation of one of their own officers, and require him to give bond in the sum of \$20,000 for the faithful discharge of his duty.

Sir, I listened with great respect and attention to the chairman of the Committee on Ways and Means, [Mr. HOUSTON,] to the gentleman from Tennessee, [Mr. JONES,] who is so industrious and able a member of that committee, and to the gentleman from Indiana, [Mr. MACE,] who has discussed this matter, to ascertain if it was possible that the Senate of the United States sought to put in the hands of their Secretary half a million of dollars at once, and require him to give bond only to the amount of \$20,000. I have also read the bill which lies on the Clerk's table, and for the life of me, I cannot see that any such purpose is designed by the Senate. Nay more, the chairman of the Committee on Ways and Means, in discussing this question, stated that under the law of 1823, I think he said, only \$20,000 may be drawn at one time by this officer. The gentleman from Indiana is therefore wrong.

Mr. HOUSTON, (interrupting.) The gentleman from Ohio should bear in mind the distinction between the two funds; and there seems to be a great deal of confusion in the minds of members in that respect.

Two funds are intended to be operated upon by this bill; one is the per diem and mileage of Senators, and the other is the contingent fund of the Senate. I presume that the gentleman from Indiana spoke of both the funds together.

When I spoke of the \$20,000, I referred to the law of 1823 authorizing the President of the United States to make a special order as to the amount to be advanced to certain officers who have disbursements to make. The Presidents of the United States have universally done it at the beginning of each administration from that time till the present; and General Pierce last March made that order, under the law of 1823, saying that the Secretary of the Senate and the Clerk of this House of Representatives should each have advanced to them the amount of \$20,000 at one time out of the contingent fund, to pay the hirelings and officers of Congress, and other contingent expenses. But this bill proposes to put the contingent fund and the compensation of Senators upon the same footing, and to have it all under the control of the Secretary of the Senate, with but one bond.

Mr. TAYLOR. I am not prepared to draw the conclusions from the reading of the bill, which the gentleman from Indiana and the chairman of the Committee on Ways and Means have drawn from it.

Sir, I think that a bill of this character, which is likely to lead to a conflict between the two Houses of Congress, or, at all events, between one branch of Congress and some of the Executive Departments, is of sufficient importance to attract the attention of members. For my own part, I thought it of sufficient importance to justify an examination of its details; and, after such an examination, I cannot draw from it the inference that it will place in the hands of the Secretary of the Senate \$500,000. If I thought so, I would vote against the whole bill; I would vote to lay it upon the table. I do not think so, however. I think that the bill authorizes the Secretary of the Senate to draw to an amount not exceeding his bond, for the purposes designated in the bill. He is required to give a bond in the sum of \$20,000, and to disburse the money which he may draw under the direction of a committee of the Senate; and the certificate of that committee is to be final and conclusive at the Treasury Department.

And why not, sir? Have you more confidence in the Auditor's supervision of the expenditures incurred by the Senate than in that of a committee of that body? I have not. There is evidently some conflict. I desire, as a representative of the people, to do right; but I do not wish to act offensively to the Senate, and to say that they shall not pay their own mileage, per diem, and contingencies in their own way, by their own officer, who is to be paid as they shall think proper.

The gentleman from Tennessee [Mr. JONES] induced me—by his representation of the fact, that no appropriation could be drawn from the Treasury except by law—to look at the constitutional provision on the subject. If I were satisfied that we should place, by the passage of this bill, without an appropriation by law, large amounts of money in the hands of the Secretary of the Senate, I should vote at once to lay it upon the table. The constitutional provision, I find, reads in this wise:

"No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published from time to time."

If I understood the gentleman from Tennessee correctly, there is already in the appropriation bill reported to the House to meet the contingencies of the Senate, some \$260,000 or \$270,000. If that bill becomes a law, and they choose to draw it by their Secretary in the form prescribed in it, I do not apprehend that it will be a violation of the Constitution. It will be according to law.

Mr. MACE. I suppose, Mr. Speaker, that a large majority of the members of the House, if not all, understand the question.

Mr. TAYLOR. I have not yielded the floor to the gentleman for the purpose of his making an argument.

Mr. MACE. I only desire to occupy a few minutes.

Mr. TAYLOR. That is as much time as I contemplate occupying myself. The gentleman has already made a speech.

Mr. MACE. The words are "moneys which have been, or may hereafter be, appropriated for members, and officers, and for contingent expenses." Now, that is the money which has been appropriated for the contingent fund, and the pay of members, and officers of the Senate, shall be paid at the Treasury on requisition drawn by the Secretary of the Senate. What is it he can draw? He can draw the whole of it; and the order to which the gentleman refers, as having been made by the President of the United States under an old law, has nothing to do with overriding the provisions of that bill.

Mr. TAYLOR. I find myself in somewhat of a difficulty. I do not know whether I shall consult the disposition of the Senate, composed of sixty-two members chosen by sovereign States of the Union, to do right, and under the Constitution sworn to do right—whether I shall reconcile the discrepancies of gentlemen on either side of the House, or whether I shall act for myself. I think that the best plan is to read the law, to ascertain what has been done heretofore, and then to draw my own conclusions. I am not yet convinced that the Secretary of the Senate would, under that or any other law, having given a bond of \$20,000, be entitled to draw more than \$20,000 at a time. I may be wrong; but I do not wish to place it within his power to take \$500,000 out of the Treasury, and to dispose of it without any further responsibility than his bond of \$20,000 would give.

I do not wish to prolong this debate. I am not in the habit of making long speeches. I have been rather practical than tedious in my course here; but I do desire, when a question of this importance is presented, to have it clearly stated. I cannot see why we should endeavor so to change the bill that the Senate has sent to us, in respect to their own pay and the duty of their own officers, as to make it perfectly inefficient for all the purposes for which it was designed. I do not desire to act offensively. I do not wish both branches of the National Legislature to be brought into conflict. There is evidently some misunderstanding, which has induced the Senate of the United States to pass this bill and to abstain, up to this 12th day of January, from drawing any pay. They desire the passage of this bill that they may have the money due them.

I have looked into the bill, and I see nothing in its provisions, as sent from the Senate, but what I can vote for. I desire to vote for the Senate bill, and against the amendments proposed by the Committee on Ways and Means. I ask the previous question.

Mr. CLINGMAN. I wish the gentleman would withdraw the call for the previous question. I will renew it.

Mr. TAYLOR. I will withdraw it.

Mr. CLINGMAN. I would say a single word

on the subject before the House. I will occupy but a moment's time. I say, at the outset, that if I were a Senator I should vote against this bill. I think it is a bad bill; and I have heard no reason assigned, either upon this floor or from the little inquiries I have made from Senators—I have heard no reason whatever assigned for passing it. On the contrary, I have no doubt that the Senate and officers can be paid as they are at present paid in this House. After the gentleman from Indiana [Mr. MACE] offered his amendment, some weeks ago, to this bill, I took it upon me to inquire of the Speaker, and I learned from him that there was no difficulty whatever in the payment of the members and officers in the way they are now paid, and that there is no necessity for any change. As it now is, the money remains in the Treasury, where it is perfectly safe, and the payments are made from time to time, as we all understand.

If this bill passes, then the Secretary of the Senate may obtain money from the Treasury to any amount he wishes—to the extent of several hundred thousand dollars—and, as it is suggested, he would probably deposit it for safe-keeping in some one of the banks of the city. Well, then, if this bank breaks, of course the money is lost, because, though the Secretary may give a bond, neither the Senate nor the House would be likely to collect it from him, if there were no default on his part. I am not disposed, therefore, to have the public funds placed in that situation, because I think there is no necessity for it, viz: to put them in peril unnecessarily. Nevertheless, I stand in a very difficult position on this matter. The Senate may have good reasons, which they do not think proper to give us, for their desire so to place a portion of the public funds, as a matter of convenience, in a state which may be more agreeable to them than if it were in the Treasury. I say that, for their personal gratification, or convenience, they may desire this thing to be done. Well, sir, if I vote for the bill, I shall vote against my own judgment, very decidedly formed, to gratify the Senate. I rather think that I will vote for the bill, if amended as proposed by our committee; and yet, even then, I am placed in a situation of embarrassment, caused by a conflict between a feeling of courtesy to the Senate, and of doubt as to the propriety of the measure.

Again: I have objections to the salary of the Secretary of the Senate. He has heretofore performed the like duties for his present salary of \$3,000 a year, with the aid of a clerk, who, I am told, gets \$1,500 a year to attend to this very business of paying Senators, &c.; and it is proposed to give the Secretary \$1,000 a year more for doing the same duties that he has already been doing. I dislike that. I do not agree with my friend from Ohio, that we have nothing to do with the pay that the Senate may choose to give their officers. Sir, the officers of the Senate are officers of the United States, and we may very well inquire what compensation they ought to have. I will tell you, in effect, what will probably result from this thing. If we vote the Secretary of the Senate \$1,000 additional for no additional duty—for he performed this branch of his duties heretofore, and had a clerk with a salary of \$1,500 a year to help him to perform this identical duty of disbursing the funds of the Senate, besides a number of other clerks to aid him in his duties—you will find some gentlemen coming into this House, perhaps before the end of the present session, and saying that the Clerk of the House has just as arduous duties to perform as the Secretary of the Senate, and therefore his salary should be increased to \$4,000. I have observed these things carefully; and I am glad that this debate has sprung up at this time, because I hope it will induce those who are new members upon this floor to take occasion to examine into the matter. We shall see, I say, during the course of this session, probably, a number of propositions brought before us for the increase of salaries, and the paying of extra allowances to officers who are already well paid. I have carefully noted how these matters go on. Somebody presents to the House the case of an officer who, he says, ought to have an increase of salary, on the ground that he has great trouble in the discharge of his duties, and is, withal, a very meritorious individual. You, therefore, increase his compensation; and, upon the strength of that action of the House, somebody else brings in another bill for the increase of the

salary of another officer of the same grade of office. You push him up also; and then follows, as the next step, a general bill to raise the salaries of all the officers of that class; and they will remain so raised for a few sessions. Then, after awhile, some one will represent to the House that a certain officer, A, for instance, does more work than B, and that he should receive a still further increase of salary; and so it will go on.

Now, in my experience in Congress for many years, there has never been an office abolished by Congress; and never an instance in which a salary has been reduced. When, therefore, we shall come to the matter of the increase of the salaries of officers, it is well to look about us, and see the general consequence. I think there is no reason for an increase of this salary of the Secretary of the Senate. I shall therefore vote for the amendment which strikes out that provision of the original bill. I think I shall vote for the bill under protest, if it be amended as proposed. I shall vote for the bill to gratify the Senators. They think they have a right to the control and disposition of their contingent fund—

Mr. CRAIGE, (interrupting.) Will the gentleman vote to gratify the Senators against his own judgment?

Mr. CLINGMAN. If I vote for it at all, I can put it upon no other ground than a desire, as a matter of courtesy, to oblige Senators. The members of the Senate are, perhaps, a more dignified body than the House; and, perhaps, for that reason, they do not like the idea of going down to the Treasury Department, from time to time, for such little sums as they may happen to need. This is a mere matter of taste; yet I am willing to gratify them, if we can do so without putting the public funds in peril. I wish, however, that this bill had expressly provided—and I regret that the chairman of the Committee on Ways and Means did not recommend that amendment—that the Secretary should not draw out over \$20,000 at a time. I would inquire of the gentleman from Alabama whether, if this bill passes, and the Secretary of the Senate gives bonds for \$20,000, he is authorized to draw from the Treasury a larger sum than that?

Mr. HOUSTON. There is no restriction in the bill as to the amount which he shall draw. If this bill passes as it came from the Senate, he will have the control, not only of the pay for the mileage and per diem of the Senators, but of the entire contingent fund of the Senate.

Mr. CLINGMAN. If that be so, and I presume the gentleman from Alabama is right, he may draw several hundred thousand dollars, and deposit it in one of the banks of this city. I do not know whether the Secretary of the Senate would take six per cent. for the use of it while there, and I have no reason to think that he will. But it is not improbable that, when he comes to choose between the banks, some of them may make liberal offers, and those banks which are the least secure will be ready to offer the greatest inducement to him to put the money in their hands, and he may, in that manner, realize an immense sum annually, if he chooses. Now, I do not like to expose any officers to temptations of that sort. I believe Mr. Dickens is an honest man; but I regret that there is not a limitation, as I would vote for the bill cheerfully with a limitation of the kind I have pointed out; and I am in doubt whether I ought to vote for it without such a limitation, even if it be amended as the committee propose. Would it be in order to move an amendment providing that the Secretary should not, at any one time, receive a larger amount than the amount to be paid?

Mr. HOUSTON. The gentleman can accomplish his object if he will vote for the amendment which separates the two funds, and leaves the contingent fund of the Senate just where it is. If he will vote for the amendment to keep the funds separate, and guarded by proper restrictions, there will be no difficulty about the matter; and then this bill will apply alone to the pay and mileage of Senators.

Mr. CLINGMAN. I understand that; but at the same time I am willing that some portion of the contingent fund of the Senate should stand upon the same footing with their per diem and mileage, so that, for instance, their little daily expenses may be paid off also. If a member's chair or desk is broken, I am willing that they should have the

means of arranging such matters, without being obliged to go to the Treasury. I should rather have an amendment which limits the amount in the hands of the Secretary, and then reject the last amendment of the Committee on Ways and Means, though we may possibly attain the same object by agreeing to the amendment. I make this suggestion, because I have some difficulty about the matter, and because I hope also that gentlemen will join me in looking into some of the proposed expenditures which will come before us during the session. I promised my friend from Ohio [Mr. TAYLOR] to renew the previous question.

The previous question was seconded, and the main question ordered.

The first section of the bill reads as follows:

"That all moneys which have been, or may hereafter be, appropriated for the compensation of members and officers, and for the contingent expenses of the Senate, shall be paid out of the Treasury on requisition drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him according to law; and the said Secretary shall be deemed the disbursing officer, and shall be allowed the sum of \$1,000 per annum as a compensation, over and above his salary as Secretary of the Senate, for the duties hereby imposed upon him."

The SPEAKER. The question first in order will be upon the first amendment proposed by the committee, which is to strike out after the word "members" the words, "and officers, and for the contingent expenses."

Mr. BAYLY, of Virginia. As there is to be a quarrel between the two Houses, I want to see who will make it, and I therefore call for the yeas and nays upon the adoption of the amendment.

The yeas and nays were not ordered.

The question was then taken, and the amendment was agreed to.

The SPEAKER. The question next in order will be upon the second amendment proposed by the committee to the first section, which is to strike out the words "and shall be allowed the sum of \$1,000 per annum, as a compensation over and above his salary as Secretary of the Senate, for the duties hereby imposed upon him."

Mr. WHEELER. I call for the yeas and nays upon the adoption of the amendment.

The yeas and nays were not ordered.

The question was then taken, and the amendment was agreed to.

The second section of the bill reads as follows:

"And be it further enacted, That in lieu of the bond now required by law to be given by the Secretary of the Senate, he shall give bond to the United States, within ten days after the passage of this act, with one or more sureties, to be approved by the Comptrollers of the Treasury, in the penal sum of \$20,000, with condition for the faithful application and disbursement of such funds as may be drawn from the Treasury under this act, which bond shall be deposited in the Comptrollers' office; and it shall be the duty of each and every Secretary of the Senate who may hereafter be chosen, to give bond as aforesaid, within thirty days after he enters upon the duties of his office, and before making any requisition as aforesaid."

The SPEAKER. The third amendment proposed by the committee is to strike out of the second section the words "in lieu of," and insert in place thereof the words "in addition to."

The question was then taken, and the amendment was agreed to.

The fourth amendment was the following:

"Page 1, line 23, after the words 'by the,' insert the word 'first,' so as to make the clause read 'to be approved by the First Comptroller of the Treasury.'"

The question was put, and the amendment was agreed to.

The fifth amendment was the following:

"Page 1, line 29, after the words 'of the,' insert the word 'first.'"

Mr. HOUSTON. This amendment makes the same change as the last.

The question was put, and the amendment was agreed to.

The sixth amendment was to strike out the third section.

Mr. BAYLY. I call for the yeas and nays, and, that there may be no mistake, I ask for tellers on ordering them.

Tellers were ordered; and Messrs. HARLAN, of Indiana, and WHEELER were appointed.

Several MEMBERS. Read the section.

The section proposed to be stricken out was read by the Clerk, as follows:

"And be it further enacted, That the accounts of the Secretary of the Senate, of his disbursements of moneys on account of the contingent expenses of the Senate, when passed by the committee to audit and control such contingent expenses, and certified to have been so passed by the

chairman of such committee, shall be deemed and held conclusive by all the officers of the Treasury Department."

Upon seconding the call for the yeas and nays, the tellers reported—yeas 29, noes 90.

So the yeas and nays were ordered.

Mr. PECKHAM. I sent for the Sub-Treasury act, and I desire now to call the attention of gentlemen—

The SPEAKER. It is too late to make any remarks, unless by the unanimous consent of the House, for the previous question has been ordered.

Mr. PECKHAM. I desire only to make the suggestion that the Sub-Treasury act is entirely at war with the position taken by gentlemen upon this floor in reference to the effect of the bill now under consideration. It is, beyond all doubt or controversy, that a disbursing officer has no right to make a deposit of the money, or to use it—

[Cries of "Order!"]

The SPEAKER. Debate is not in order, as the main question has been ordered to be now put.

Mr. WHEELER. I desire to make a brief explanation, if I have the permission of the House to do so. I will not detain the House long.

[Loud cries of "Object!"]

The SPEAKER. It is too late to make any explanation now. The question is upon the last amendment proposed by the Committee on Ways and Means, and upon that question the yeas and nays have been ordered.

Mr. SMITH, of Virginia. I think the Chair is mistaken. I understood that the result of the tellers was, that the yeas and nays were not ordered.

The SPEAKER. The gentleman is in error; they were ordered.

Mr. McMULLIN. I desire to know if the Committee on Ways and Means recommend the adoption of this amendment?

The SPEAKER. The amendment was reported by the Committee on Ways and Means.

The question was then taken upon the amendment to strike out the third section of the bill; and it was decided in the affirmative—yeas 126, nays 54; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Banks, Belcher, Bell, Boyce, Breckinridge, Bridges, Brooks, Chamberlain, Chrisman, Churchwell, Clark, Clingman, Cobb, Corwin, Craig, Culison, John G. Davis, Thomas Davis, Dawson, Dean, De Witt, Dowdell, Dunbar, Eastman, Eddy, Edmundson, Ellison, English, Everhart, Faulkner, Flagler, Florence, Fuller, Giddings, Green, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hendricks, Henn, Hibbard, Houston, Howe, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kerr, Kittredge, Knox, Kurtz, Lamb, Lane, Latham, Lindsey, Lyon, McCulloch, McMullin, McQueen, Mace, Maxwell, Mayall, Middleswarth, Smith Miller, Millson, Morrison, Murray, Nichols, Norton, Olds, Mordecai Oliver, Orr, Parker, Peck, John Perkins, Phelps, Phillips, Pratt, Puryear, Reese, Richardson, Thomas Ritchey, Robbins, Rowe, Ruffin, Sabin, Sapp, Seward, Seymour, Shaw, Shower, Singleton, Skelton, William Smith, William R. Smith, George W. Smyth, Snodgrass, Hester L. Stevens, Stratton, Andrew Stuart, John J. Taylor, Thurston, Tracy, Trout, Vansant, Wade, Walker, Walsh, Warren, Ellihu B. Washburne, Wells, John Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Yates—126.

NAYS—Messrs. Appleton, Ashe, Thomas H. Bailey, Benson, Bissell, Campbell, Carpenter, Caruthers, Chandler, Chase, Cook, Cox, Crocker, Cutting, Disney, Edmunds, Etheridge, Farley, Franklin, Goode, Greenwood, Harrison, Hiestler, Hill, Hunt, Kidwell, Macdonald, McNair, Macy, Matteson, Maurice, Meacham, John G. Miller, Morgan, Peckham, Pennington, Pringle, Ready, Riddle, David Ritchie, Rogers, Frederick P. Stanton, Straub, David Stuart, John L. Taylor, Tweed, Upham, Vail, Walbridge, Walley, Tappan Wentworth, Witte, Hendrick B. Wright, and Zollicoffer—54.

So the amendment was adopted.

The amendments reported by the Committee on Ways and Means having now been disposed of, the question recurred upon the amendment offered by Mr. MACE, to add the following as an additional section to the bill:

"Sec.—And be it further enacted, That the moneys which have been, or may hereafter be, appropriated for the per diem and mileage of members of the House of Representatives, shall be paid at the Treasury, on requisition drawn by the Sergeant at Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law. And the said Sergeant at Arms shall be deemed a disbursing officer, and in lieu of the bond now required of him, under the rules of the House of Representatives, he shall give bond to the United States, within ten days after the passage of this act, with one or more sureties, to be approved by the Comptroller of the Treasury, in the penal sum of one hundred thousand dollars, with condition for the faithful application and disbursement of such funds as may be drawn from the Treasury under this act, which bond shall be deposited in the Comptroller's office."

Mr. MACE. If I have it in my power to do so, I will withdraw that amendment.

The SPEAKER. It can only be withdrawn by unanimous consent.

Mr. MACE. I hope I shall have that consent. No objection being made, the amendment was withdrawn.

The bill was then ordered to a third reading; and was subsequently read the third time.

The question now being, "Shall the bill pass?"

Mr. HOUSTON demanded the previous question.

The previous question received a second; and the main question was ordered to be now put.

Mr. WALSH. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. GREENWOOD. I should like to have the bill again read as it stands amended.

The SPEAKER. If there be no objection, the bill will again be reported.

No objection being made, the bill was once more read through by the Clerk.

The question was taken; and the bill was passed—yeas 113, nays 52; as follows:

YEAS—Messrs. Aiken, Willis Allen, Appleton, Banks, Barksdale, Barry, Bocoock, Breckinridge, Bridges, Brooks, Campbell, Carpenter, Caruthers, Churchwell, Clark, Clingman, Cook, Corwin, Crocker, Cutting, Dawson, Dean, De Witt, Dick, Dickinson, Disney, Dowdell, Dunbar, Eddy, English, Faulkner, Flagler, Florence, Fuller, Goode, Green, Greenwood, Grey, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Haven, Hendricks, Hibbard, Hiestler, Houston, Howe, Hughes, Ingersoll, Roland Jones, Kerr, Kidwell, Kittredge, Knox, Kurtz, Lamb, Lane, Latham, Lindsey, McCulloch, McMullin, Mace, Matteson, Maxwell, Mayall, Meacham, Middleswarth, Smith Miller, Millson, Morrison, Murray, Norton, Olds, Mordecai Oliver, Orr, Parker, Peck, John Perkins, Phelps, Phillips, Pratt, Puryear, Ready, Richardson, Thomas Ritchey, Robbins, Ruffin, Sabin, Sapp, Seymour, Shaw, Shower, Singleton, Skelton, William R. Smith, George W. Smyth, Snodgrass, Richard H. Stanton, Hester L. Stevens, John J. Taylor, Thurston, Tracy, Trout, Vail, Wade, Walker, Ellihu B. Washburne, John Wentworth, Westbrook, Daniel B. Wright, Yates, and Zollicoffer—113.

NAYS—Messrs. James C. Allen, Thomas H. Bailey, Belcher, Benson, Bissell, Boyce, Chamberlain, Chandler, Chase, Cobb, Craig, John G. Davis, Eastman, Edmunds, Ellison, Etheridge, Farley, Franklin, Giddings, Grow, Hamilton, Hunt, Daniel T. Jones, George W. Jones, McNair, Macy, Maurice, John G. Miller, Morgan, Nichols, Peckham, Pennington, David Ritchie, Rogers, Rowe, Seward, William Smith, Stratton, Straub, Andrew Stuart, David Stuart, John L. Taylor, Tweed, Upham, Vansant, Walbridge, Walley, Walsh, Wells, Tappan Wentworth, Wheeler, and Witte—52.

So the bill was passed.

The question was put upon the following amendment to the title, and it was agreed to:

Strike out the words "A bill regulating the disbursement of the contingent fund of the Senate, and for other purposes," and insert in lieu thereof: "A bill to constitute the Secretary of the Senate a disbursing officer for the purposes therein mentioned."

Mr. FULLER. I move that the vote by which the bill was passed be reconsidered, and that that motion be laid upon the table.

The latter motion was agreed to.

Mr. CHANDLER. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

Thereupon the House adjourned (at half past three o'clock) until to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 13, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House, Senate bill entitled "An act for the relief of Joseph Mitchell;" which was read a first and second time by its title, and,

On motion by Mr. JONES, of Tennessee, it was referred to the Committee on Public Lands.

Mr. HUGHES. I rise, Mr. Speaker, to what I conceive to be a question of privilege. Yesterday, when the Committee on Invalid Pensions was called, they reported adversely in the case of Royal R. Platt. On speaking with the chairman of that committee, I have ascertained that they had only the memorial of the party before them, and that the proofs had, by some mistake, been sent to the Committee on Revolutionary Pensions. I now move that the memorial be recommitted to the

Committee on Invalid Pensions, and that the other papers be withdrawn from the Committee on Revolutionary Pensions, and take the same reference.

The question was taken, and the motion was agreed to.

THE COMMERCIAL MARINE.

Mr. DRUM. I ask the unanimous consent of the House to offer a resolution.

Mr. EDGERTON. I call for the regular order of business.

Mr. CLINGMAN. I raise this question of order: The gentleman from Ohio arose in his place and demanded the regular order of business. I insist, therefore, that under that demand the resolution proposed to be submitted by the gentleman from Pennsylvania is out of order.

Several MEMBERS. Let the resolution be read.

Mr. EDGERTON. I withdraw my objection.

The resolution was then read; as follows:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of authorizing by law, the Secretary of the Navy to equip and maintain three public vessels at the harbors of Boston, New York, and Norfolk, respectively, which shall, in case of disaster to the commercial marine of the country, or of other exigencies requiring aid from the Navy Department, be at all times in a condition to act promptly under the orders of the Department.

Mr. JONES, of Tennessee. Mr. Speaker, how does that resolution get in?

The SPEAKER. If objected to, it cannot be introduced.

Mr. JONES. I object to its introduction.

GEORGE R. C. FLOYD.

The SPEAKER laid before the House a joint resolution from the Senate, entitled "A joint resolution for the relief of John R. C. Floyd, late Secretary of Wisconsin Territory, and sureties;" which was read a first and second time by its title.

Mr. JONES, of Tennessee. I move that that joint resolution be referred to the Committee on Claims.

Mr. EASTMAN. I move its reference to the Committee on the Judiciary, which is, in my opinion, the most appropriate committee for its consideration. It is in regard to the settlement of certain accounts.

The question was taken; and the joint resolution was referred to the Committee on Claims.

The SPEAKER also laid before the House a Senate bill, entitled "An act for the relief of Priscilla C. Simonds;" which was read a first and second time by its title, and referred to the Committee on Claims.

REPORTS FROM COMMITTEES.

The SPEAKER then proceeded to call upon committees for reports.

Mr. MACE moved that the Committee on Claims be discharged from the further consideration of the petition and papers in the case of Samuel Grimes, and that they be referred to the Committee on Public Lands; which motion was agreed to.

Mr. MACE, from the Committee on Claims, reported "A bill for the relief of the heirs of Joseph Girard;" which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and the bill and report ordered to be printed.

Mr. GIDDINGS, from the Committee on Claims, moved that that committee be discharged from the further consideration of the petition and papers in the case of J. A. Lapham, and also in the case of William Darby; and that they be referred to the Committee on Public Lands; which motion was agreed to.

Mr. GIDDINGS also, from the same committee, made an adverse report on the petition of Captain Francis Allyn and the owners of the ship Cadmus; which report was laid upon the table, and ordered to be printed.

On motion by Mr. GIDDINGS, leave was granted to withdraw the petition and papers of Alexander Weed from the files of the House, and that they be referred to the War Department; and also to withdraw the petition and papers of John Metcalf, for the purpose of reference to the Senate.

STEAMER FALCON.

Mr. FULLER, from the Committee on Commerce, reported back, without amendment, and with a recommendation that it do pass, Senate bill No. 81, entitled "An act changing the name of the

American-built steamer Falcon to that of Queen City."

Mr. FULLER. This is a matter which I think nobody in this House will object to. I therefore move that the bill be read a third time, and be put upon its passage.

There being no objection, the bill was read a third time, and passed.

Mr. MORRISON, from the Committee on Commerce, made an adverse report on the memorial of the Atlantic Mutual Insurance Company of Baltimore; which was ordered to lie on the table, and be printed.

PRIVATE LAND CLAIMS IN CALIFORNIA.

Mr. LATHAM, from the Committee on Public Lands, reported back, without amendment, and with a recommendation that it do pass, Senate bill, entitled "An act to continue in force the act entitled 'An act to ascertain and settle the land claims in the State of California.'"

The Clerk read the bill; which provides that the term for which the commissioners for the settlement of private land claims in the State of California, appointed by an act of Congress of March 3, 1851, be extended for one year further, to be computed from and after March 3, 1854.

Mr. LATHAM. Mr. Speaker, I ask the unanimous consent of the House to make a statement relative to this bill.

The SPEAKER. The gentleman from California is entitled to the floor, and may make such statement.

Mr. LATHAM. The bill for this commission for the settlement of private land claims in California, was passed by Congress in the spring of the year 1851. The commission itself was never organized until some time in January, I think, of 1852. By the spring of 1852, there were between eight and nine hundred claims filed before this commission in California, claiming something over eleven million acres of land within the limits of that State. That commission has been in continued session from that time up to the present, and has disposed of about three hundred cases. Some two hundred cases have been argued and submitted to the board, and yet remain undecided.

This bill, Mr. Speaker, merely asks that the term of the district commission may be extended for one year, in order that they may complete the business which they have already undertaken. A large majority of the cases decided have gone into the United States district court, and will come to the Supreme Court of the country. It is essential that this bill should pass before the twentieth of this month. The steamer which next goes to California leaves on that day, and will not reach there—even if she have the best of weather—till some time early in March. The commission expires on the third day of March. Now, then, if this bill go through the ordinary course of legislation, it will be absolutely impossible for it to be reached on the Calendar before the sailing of the next steamer; and the result will be that the commission will have expired, and great loss will have ensued, not only to the country, but to the respective claimants who have filed claims before that commission for adjudication. I therefore, with this statement of facts, and with a view to save loss to the Government itself, and to save loss to the claimants themselves, ask the unanimous consent of the House that this bill be now put upon its passage.

If any gentleman has any doubt as regards the condition of this commission, of the business which has been performed by it, and of the business which is now before it, I think I can satisfy him that the commission are doing the best they can, and have been doing the best they could do, to facilitate the business of the Government.

The SPEAKER. The question is upon ordering the bill to be read a third time.

Mr. LATHAM. I call the previous question. The previous question was seconded; and the main question was ordered to be put.

The main question being, "Shall the bill be read a third time?" was put, and decided in the affirmative.

The bill was then read a third time, and passed.

HOMESTEAD BILL.

Mr. COBB. The Committee on Public Lands, to which was referred House bill No. 1—better known as the homestead bill—leaving out many preliminary parts of the title—have had the same

under consideration for several weeks, and have instructed me to report back a bill in the form of a substitute.

I desire to make one suggestion before the bill passes out of my hands, or, at least, out of my control. This is an important measure, and one in which the whole country, perhaps, more or less, feel a deep interest, and also a deep interest in the action which Congress may take upon the subject. Now, the question is, will we put the bill in such a condition, that this Congress cannot act upon it? Shall we let it go upon the Calendar where it can never again be reached? I desire to make this suggestion, and, if it shall be in order, to make a motion to that effect before I sit down, that this bill, with all other bills that have been, or may hereafter be reported in relation to this subject, may be made the special order for the second Tuesday of February next. Before that time, all the measures relating to the matter will be before Congress, and be printed, so that every gentleman in this House will be able to come to a conclusion as to the course of action which will be proper to be taken upon the subject; and they will be ready then to meet the expectation of the whole country. Shall we let this opportunity pass, and allow this bill to go to the Committee of the Whole on the state of the Union, where it never will be again reached, without some action making it a special order, so that it may come up at some particular time—say the second Tuesday of February next? I trust not; and if it be in order, I submit the motion that it be made a special order for the day named; and I hope no gentleman will object to it.

Mr. CLINGMAN. I object to making it a special order for that day, or any other.

The SPEAKER. For what bill is this a substitute?

Mr. COBB. For the bill which relates to the subject of homesteads—being bill No. 1—the first which was introduced into the House. Does the Speaker entertain the motion to make it a special order?

The SPEAKER. The gentleman will allow the bill to be reported to the House first.

The title of the bill was then reported as follows:

"A bill to encourage agriculture, commerce, and manufactures, and all other branches of industry, and for granting to every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy, and cultivation of the same for the period herein specified; and to graduate and reduce the price of public lands."

The SPEAKER. This bill is reported back with an amendment.

Mr. COBB. The amendment relates to the graduation and reduction of the price of public lands.

The SPEAKER. The gentleman from Alabama proposes to make the bill now reported, with all the other bills relating to the homestead policy, the special order for Tuesday next. The gentleman from North Carolina [Mr. CLINGMAN] objects to such order; and the Chair rules that the motion is out of order.

Mr. COBB. Then I shall have to submit. I think the Chair is perfectly right in his decision; and therefore I move that the bill be referred to the Committee of the Whole on the state of the Union, and that it be printed.

The question was taken, and the motion was agreed to.

Mr. JONES, of Tennessee, obtained the floor.

Mr. MILLSON. I rise to a privileged question. I move to reconsider the vote referring this bill to the Committee of the Whole on the state of the Union, and to lay the motion to reconsider upon the table.

Mr. COBB. The gentleman has not the floor to make that motion.

The SPEAKER. The gentleman from Tennessee was recognized by the Chair; but the gentleman from Virginia rose, and said that he had a privileged question. The Chair does not understand the gentleman from Tennessee as yielding the floor.

Mr. COBB. Does the Chair suppose that I have yielded the floor?

The SPEAKER. The Chair does not suppose that the gentleman has the floor upon this particular proposition.

Mr. COBB. I will yield the floor, satisfied that the bill is in good hands.

Mr. JONES. I merely wish to remark that, if I can get the floor on Monday next, I shall move to suspend the rules, so as to make the homestead bill a special order for some future day.

Mr. COBB. I was about to say that I should try to get the floor for the same purpose; so that, between us both, we may accomplish this object.

Mr. GIDDINGS. I rise to inquire what would be the effect of the motion made by the gentleman from Virginia? [Mr. MILLSON.] Will it not carry the bill with it?

The SPEAKER. It will not.

The question was then taken upon Mr. MILLSON's motion; and it was decided in the affirmative.

Mr. COBB. I am instructed by the Committee on Public Lands to report an amendment to that portion of the homestead bill just referred which related to the graduation of the price of the public lands.

The SPEAKER. By the unanimous consent of the House the amendment can be sent to the Committee of the Whole, to be considered in connection with the homestead bill.

Mr. WHEELER. I object.

Mr. COBB. What right has the gentleman from New York to object?

The SPEAKER. The Chair understands the gentleman from Alabama as having reported, a few minutes ago, the homestead bill, which, upon his motion, was referred to the Committee of the Whole on the state of the Union. The gentleman now rises in his place and proposes to offer a substitute—

Mr. COBB. No, sir, not a substitute—an amendment.

The SPEAKER. The gentleman proposes then to offer an amendment, which he desires shall accompany the bill as such. The Chair decides that it can only be done by unanimous consent.

Mr. COBB. The amendment pertains to, and is a part of the same bill.

The SPEAKER. The amendment should have accompanied the bill at the time it was reported by the committee. The Chair would suggest, however, to the gentleman, that perhaps he may accomplish his purpose by offering his amendment as a separate bill.

Mr. COBB. Then I will offer it as such.

The bill was then introduced as "A bill to reduce and graduate the price of the public lands;" which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union, and, with the report, ordered to be printed.

CHILDREN OF CITIZENS OF THE UNITED STATES BORN ABROAD.

Mr. CUTTING. I am instructed by the Committee on the Judiciary, to which was referred the inquiry whether any, and if any, what legislation is necessary to secure the right of citizenship to children born out of the United States, whose parents at the time of such birth are citizens of the United States, and directing them to report at as early a day as possible, by bill or otherwise, to report to the House a bill, which is eminently necessary in order to correct a lamentable defect in the law as it now stands. After the bill has been read, with the permission of the House, I will briefly explain the objects of the bill; and I am convinced that, from a sense of justice, the sympathies and patriotic sentiments of members of the House will concur in saying that it deserves immediate action at the hands of the House.

The bill was read a first and second time by its title, as follows:

"A bill to secure the rights of citizenship to the children of citizens born out of the limits of the United States."

It was then read *in extenso* by the Clerk.

It provides that all persons born out of the limits or jurisdiction of the United States, whose fathers were, at the time of their birth, citizens of the United States, shall be deemed and considered as citizens of the United States, provided that the rights of citizenship shall not descend to persons whose fathers never resided in the United States.

It also provides that when a woman, not a citizen of the United States, is married to a citizen, she shall be deemed to be a citizen of the United States.

Mr. CUTTING. I desire to explain to the House the legislation that is necessary for the protection of this very interesting portion of what is supposed to be our population; and in order to do so, it will be necessary for me to advert to the state of the law upon this subject as it exists, independently of any legislation.

By the common-law, the better opinion always was, although there were some few *dicta* to the contrary, that the children of subjects born out of the allegiance of the crown, and under the allegiance of another dominion, were aliens to the former, and were subjects of the latter, or not, according to the municipal regulations of the country in which the births might have happened to take place.

At a very early period, as early as the year 1350—the 25th of Edward III.—England, with that foresight which has always characterized her, for the purpose of extending the trade and commerce of the country as much as possible, and therefore to take away any embarrassment or difficulty to her subjects in planting themselves over the world, passed an act by which, reciting that there were some doubts upon this subject, it was declared that the children of British subjects born out of allegiance, where their mothers had gone by and with the consent of their husbands, should be deemed natural-born subjects of England. That provision continued in full force, with some alterations, until the reign of George II., when an act was passed which was similar—almost identical, indeed, in phraseology—to the first section of the bill that I have been instructed to report. It provided that in all cases of children born of British parents out of the allegiance of England, they, and all thereafter to be born, should be taken to be subjects of England.

In the reign of George III., in the year 1773, that act was extended so as to give the same privileges to the children born of the second generation; that is to say, the children of fathers whose fathers were English subjects were naturalized, and made equivalent to natural-born subjects.

In the reign of Victoria, in the year 1844, the English Parliament provided that the children of English mothers, though married to foreigners, should have the rights and privileges of English subjects, though born out of allegiance. I have not, in this bill, gone to that extent, as the House will have observed from the reading of it.

The same condition of statute regulation prevails in France, and, so far as my information extends, in every civilized country—protecting the children of their subjects who happen to be born abroad.

In the year 1790 Congress legislated upon this subject, and in the act providing for the naturalization of aliens, there was a section introduced protecting and securing the rights of American children born abroad; and the provisions of that section were entirely sufficient to have met every exigency that existed, because it applied not only to the children of parents then living, but to the children of all parents thereafter to exist who might be born abroad.

This act of 1790 continued in force as respects this branch of it until the 14th of April, 1802, when the whole series of the naturalization laws were by one blow repealed, and a substitute passed by Congress; and in legislating upon what seemed to be the minor consideration in reenacting that small portion of the original act of 1790, which was designed to provide for the security of the children of our own citizens, it was embodied in a form of expression so loose and so ambiguous that it was exceedingly difficult ever to gather its true sense and meaning.

But a more fatal difficulty existed. By the phraseology of the act of 1802, it seems that only those parents are embraced within its provisions who existed on the 14th of April, 1802, when this act was passed; so that while that statute lives to the children of all persons born abroad on the 14th of April, 1802, or anterior to that time, the rights of American citizens, it so happens that every citizen born a minute after the expiration of the 14th of April, 1802, and who, with their families, have traveled abroad, either upon visits of pleasure or for the purpose of trade or business, or for the higher purpose of spreading the Gospel and shedding the lights of Christianity upon darkened countries—the children of all of these persons, no matter what their objects and motives may have been in traveling abroad, born to them abroad, are

aliens to this country; so that the children of a man who happened to be in the world on the 14th of April, 1802, born abroad, are American citizens, while the children of persons born on the 15th of April, 1802, are aliens to the country.

Well, now, this injustice, this inequality was not manifest for a long period of time, because it only created or left this disability to the children of those persons who were to be born after 1802, and, of course, you had to go forward a quarter of a century before you found the parents, and then you had to advance nearly another quarter of a century before the children of these parents were placed in a position to ascertain what their political and civil rights were.

Some ten or twelve years ago, the embarrassment arising out of this defective legislation was ascertained and perceived. Of course it created great anxiety in the minds of those of our citizens who had been and are still abroad; because though away from the soil, they carry with them that love, that affection for their fatherland, that those who remain in it constantly have, and perhaps in a greater degree. Those persons who are out of our limits look back to the country of their childhood and their early homes, with a degree of energetic affection that perhaps does not exist, or is not aroused within us while we are here, scarcely feeling the glory and the advantages that we derive from the fact of bearing the proud name of American citizen.

Now it seems to me that this is a case of defective legislation, which ought to be immediately acted upon. We find, by looking at what has been done, that in 1841 a bill, substantially the same in legislation as the one I have the honor to propose, was introduced into the Senate, and immediately ordered to a third reading, but then seemed to have been forgotten, and remained in that condition. So, too, I observe that the Committee on the Judiciary in this House have, at another session, reported a bill, but, unfortunately, that bill thus reported for the purpose of correcting this great evil, took its direction to that committee which is the receptacle—it seems to me—of all things which are to be lost—I mean to the Committee of the Whole on the state of the Union. And, undoubtedly, the chances are that if this direction be given to this proposed correction of that great evil, it will not again be reached.

Now, it appears to me that there is no matter of legislation which can appeal more strongly to the sensibilities of this House. It seems to me that there is no more interesting portion of our people than those who leave this country for the purpose of extending the trade and commerce of the country, or for the purpose of carrying the great principles of our institutions, and of the institutions of Christianity, into foreign lands—that there can be no subject brought to the attention of this House which will more earnestly address itself to their bosoms and to their right feelings; and, in this expectation, believing that the House, and each member of the House, will feel that this is a subject interesting to himself individually, and that each member of this House will desire to advance and carry it through, I throw myself on each one of them to assist in at once correcting this evil, the existence of which I admit.

One word more, Mr. Speaker, as explanatory of the second section of the proposed bill, and I have done.

The second section of this act provides that where an American citizen marries a woman—a foreigner—that by the act of marriage itself the political character of the wife shall at once conform to the political character of the husband. That section was taken in so many words, or in nearly so many words, from the recent act of 1844, Victoria. And it is a remarkable fact that where England has been a power antagonistic as it were to that great principle of legislation which has prevailed with us—namely, that honorable liberality by which we naturalize foreigners—although, I say, the legislation of Great Britain up to 1844 has been the reverse of this, yet, to the honor of that country be it said, they have been always foremost in promoting the interests and in protecting the rights of its own subjects. And they have said, that where a wife—a foreigner—is married to a subject of England, it is better that she should understand that she is an English subject, so that she may at once inculcate in the minds of her children those principles of that coun-

try to whose political fortunes she has become united. And the House will perceive, sir, that there can be no objection to it, because women possess no political rights; and where you confer on her the political character of her husband, it is a relief to the husband, it aids him in the instilling of proper principles in his children, and cannot interfere with any possible right of a political character. And therefore, sir, it is that the section, in my opinion, ought to be immediately passed. For there is no good reason why we should put a woman into the probationary term required by the naturalization laws, nor to the inconvenience of attending at the necessary courts, or places for the purpose of declaring her intentions and renouncing her allegiance; nor, again, put the husband to the expense of the proceeding; nor, yet again, to the embarrassments connected with the transfer of real property. I ask the House, therefore—

Mr. FULLER. Will the gentleman from New York permit me to make an observation?

Mr. CUTTING. Certainly.

Mr. FULLER. The gentleman from New York has brought forward a bill in which the people of my district—which is bounded by the Province of New Brunswick for two hundred miles—are deeply interested. And I hope that the bill will be considered.

Mr. CUTTING. And let me say to my friend from Maine [Mr. FULLER] in addition—and I will add to his remarks—that this subject has recently attracted the notice of a great many very worthy and respectable people, who feel that this great evil ought to be relieved by the speedy and prompt action of the Government. In the State of New York it has been an object in our legislation to pass special acts for the relief of persons, in reference to property, coming by descent from children who should be escheated in consequence of their birth abroad.

We cannot, of course, in the State of New York, regulate their political rights—that must be done by Congress; but to the small extent to which we can go, you will find upon the statute-book from year to year, for five or six years past, special acts of legislation designed to provide against escheat of property, by reason of the alienage of the children born abroad of American citizens.

I have had sent to me a pamphlet written by one of the most eminent lawyers in the United States, whose fame is known from the northern extreme to the southern boundaries of our country—I refer to Horace Binney; and gentlemen who are acquainted with his standing and position before this country, will perceive that I have not overrated him. He has recently published an elaborate pamphlet, intending thereby to draw the attention to the subject to which I have now invited the attention of this House.

I beg leave to close the remarks which I have made—and which have been much more extended than I intended—by simply appealing to the individual feelings of patriotism, and sense of right of every member of this House, to put this bill upon its passage, so that there may be no delay. It is a reproach to us that it has not been acted upon before.

Mr. McNAIR, (interrupting.) I wish to inquire of the gentleman from New York, if this section of the law now upon the statute-book does not meet his case? It is this:

“That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject by the Government of the United States, may have become citizens of any one of said States under the laws thereof, being under the age of twenty-one years at the time of their parents being so naturalized, or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits or jurisdiction of the United States, be considered citizens of the United States.”

Mr. CUTTING. Does not the gentleman see that the very vice which I have referred to is contained in the language which he has read? The phraseology is, “that the children of persons who now are,” that is on the 14th day of April, 1802, “or who have been citizens of the United States, shall, though born out of,” &c. Does not the gentleman see therein the very lamentable fact of which I have spoken? The difficulty is, that the act is not prospective in its terms.

Mr. HAVEN. As there seems to be no neces-

sity that there should be further discussion upon this bill, I move the previous question.

The previous question was seconded, and the main question was then ordered to be put.

The main question being, "Shall the bill be ordered to be engrossed and read a third time?" was put, and decided in the affirmative.

The bill was subsequently engrossed, and read a third time.

A MEMBER. Let the bill be read through.

There being no objection, the bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons heretofore born, or hereafter to be born, out of the limits and jurisdiction of the United States, whose fathers were or shall be, at the time of their birth, citizens of the United States, shall be deemed and considered, and are hereby declared to be citizens of the said United States: *Provided, however,* That the rights of citizenship shall not descend to persons whose fathers never resided in the United States.

SEC. 2. *Be it further enacted,* That any woman, married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen of the United States.

Mr. DRUM. I move to refer this bill to the Committee of the Whole on the state of the Union. I approve of the bill, but the naturalization laws, in many particulars, besides the one already under discussion, need amendment.

Mr. CUTTING. I rise to a question of order. Has not the previous question been ordered?

The SPEAKER. The previous question has been exhausted.

Mr. DRUM. Because the naturalization laws need amendment, I think the only chance of amending them would be to amend a bill of the kind now before us, which is preëminently worthy of adoption; and for the purpose of procuring an amendment of these laws in many other particulars, some of which are quite as lamentable as the cases provided for by this bill, and which have come under my personal notice, I move that the bill be referred to the Committee of the Whole on the state of the Union, for the purpose of general amendment.

One case I will relate, and it arises out of a very similar State law to the one complained of by the gentleman from New York, [Mr. CUTTING,] and provided for in this bill. The case to which I refer is this: There are many cases of foreigners who have come to this country, left their homes and children, became naturalized citizens here, and whose children have subsequently, after the lapse of a few years, been brought to this country; but they are not naturalized citizens under the act of Congress which has been read by my colleague. That act of Congress has been considered not to embrace cases of this kind. There are many such instances in which persons have grown up believing themselves to be naturalized by the naturalization of their parents, but they are not citizens of the United States. I could mention various other instances in which the naturalization laws need amendment, besides the special case provided for in this bill.

Mr. ORR. I think there is no necessity for referring this bill to the Committee of the Whole. The bill has been reported by the Judiciary Committee, and it remedies a very glaring defect in the existing law. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. DRUM. I will withdraw the motion I made to refer the bill to the Committee of the Whole.

The question being upon the passage of the bill, it was taken, and decided in the affirmative.

So the bill was passed.

Mr. CHANDLER. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The question was then taken; and it was decided in the affirmative.

ROBERT G. WARD.

Mr. STANTON, of Tennessee, from the Committee on the Judiciary, reported "A bill for the relief of Robert G. Ward," which was read the first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

JUDICIAL DISTRICTS IN ARKANSAS.

Mr. STANTON. I am instructed by the Com-

mittee on the Judiciary to report the following bill, with an amendment:

"A bill to amend an act, entitled 'An act to divide the State of Arkansas into two judicial Districts,' approved March 3, 1851."

Mr. STANTON. That is a bill providing simply that the courts in the western judicial district of Arkansas shall be authorized to sentence persons who may be convicted to confinement in the penitentiary, which is in the eastern district of that State. It is a very important provision, but one which can give rise to no debate. The amendment I propose is to remedy an omission which was in the original bill.

The bill was then read through by the Clerk. It provides that the courts in the western judicial district of Arkansas shall have authority, upon conviction of persons of offenses for which punishment by confinement in the penitentiary is annexed, to sentence such convicts to undergo imprisonment in the penitentiary in the eastern judicial district of the said State.

The following amendment is proposed by the committee, to come in at the end of the bill:

"And the counties of Sevier and Sebastian, in said State, are hereby added to and made a part of the said second western district."

Mr. STANTON. These two counties lie upon the extreme western border of the State, and were omitted by accident in the bill creating that district. I suppose of course there will be no objection to its adoption.

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and having been engrossed, was read a third time, and passed.

Mr. HILLYER. I desire to know if the morning hour has expired?

The SPEAKER. It has not yet expired.

DISTRICT COURTS IN CALIFORNIA.

Mr. STANTON, of Tennessee, from the Committee on the Judiciary, reported back, without amendment, the following bill, with a recommendation that it do pass:

"An act concerning the district courts of the United States in California."

The bill was then read through by the Clerk. It provides that there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the southern judicial district, heretofore established in California; and that the sessions of the district court of San José, Stockton, and Sacramento, shall be abolished. It also prescribes that in case of the sickness or inability of the said district judge to hold the terms of the district court at the places prescribed by law, or either of them, it shall be lawful for the district judge of the northern district of California to hold the said sessions of the southern district; and that in case of the sickness or inability of the district judge for the northern district to hold the sessions of said court at the times and places prescribed by law, or either of them, it shall be lawful for the judge for the southern district to hold said sessions for the northern district.

Mr. STANTON. The original bill passed in 1851, extending the judicial system of the United States over California, established two judicial districts, and provided for the appointment of two judges. In 1852—in a general appropriation bill, on account of some difficulty, as I understand, between the Senate and President, in regard to the nomination of a judge—the law was so altered as to require the judge of the northern district to perform the duties of both. I have been informed by the Senators and Representatives from California, that the duties of that judge are so onerous as to render it almost impossible for him to perform them. They inform me that he is engaged constantly, from the beginning of the year to the end, without any intermission of his duties. I can readily believe this to be true, from the fact that all the cases before the land commission in California are generally taken by appeal to the United States district court of that State.

Under these circumstances, this bill becomes necessary, not only for the purpose of enabling these judges to interchange with each other, but for the purpose of reinstating the law as it originally stood in 1851, when the judicial system of California was established.

Mr. HOUSTON. I should like to ask the

chairman of the Committee on the Judiciary a question. I think I understand the statement he has just now made. It is true that the act of last Congress devolved the duties of both districts upon one judge. It was done, however, with the assent, and, I believe, at the suggestion of the Representatives or Senators from the State of California. But my recollection is that the salary of the judge who has been acting was increased—that he either received the salaries of both judges, or that his own was increased. Am I correct in that?

Mr. STANTON. He did not receive the salaries of both, but his own salary was increased from \$3,500 to \$5,000.

Mr. HOUSTON. I recollected the general fact that the salary was increased upon the express ground that he was required to discharge a double duty, and I should like the gentleman from Tennessee now to tell me whether he proposes to interfere with the salary which was appropriated by the last Congress?

Mr. STANTON. The act of 1851 established the salaries of these judges at \$3,500. The act of 1852 devolved the duties of both of the judges upon one, and raised his salary to \$5,000. I have not examined the phraseology of the act of 1851, but I presume that it controls the salary of this judge. At the same time, I should be glad that the salary should be raised to \$5,000, because I think that \$3,500 is entirely insufficient. The commissioners in the land commission get \$8,000, and they are an inferior tribunal to the district court, because cases are carried by appeal from that commission to the district court.

Mr. HOUSTON. I do not intend to throw any obstruction in the way of the passage of this bill. But I desired this information because I think it would be as well, at once, to throw back the salaries of these judges to the amount they were fixed at by the original law. As the duties are again to be separated, I think the former salaries ought to be restored.

Mr. LATHAM. I think I can satisfy the gentleman from Alabama that it would be wrong to throw this salary back to \$3,500; and I will state the reason: It was supposed, when the duties of the two districts were devolved upon one judge, that one judge would be able to discharge the duties of both. Experience has satisfied all persons in that State that that is a matter of absolute impossibility. The court is in session, almost without intermission, from the first day of January to the last day of December. He has the revision of the acts of the California land commission, which is composed of three commissioners, besides the ordinary jurisdiction which belongs to the United States district court, and a maritime jurisdiction extending over about one thousand miles of our Pacific coast. It is an absolute impossibility for one judge to discharge the whole of the business imposed upon him. Now, then, this bill simply provides that, under the provisions of the bill of 1851 the President may appoint a judge for the southern district, in order to relieve this judge of the northern district from a portion of his labor. The annual salary of the new judge will be \$3,500. The salary of the judge of the northern district will be what it is at present. He certainly earns it, for there is no judicial officer who works more laboriously than he does, and who is so poorly compensated.

Mr. HILLYER. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. JONES, of Tennessee. I would remark to the House that there are at present but few private bills on the Calendar. Some of them, however, are of a very important character, and involve considerable amounts of money. The reports have only recently been made, and members have not had an opportunity to look into them and to inform themselves of the character of the claims. If we go to the Private Calendar, we will make but little progress to-day; and, if the motion of the gentleman from Georgia be withdrawn, I shall move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I do not wish to be the means of causing the bill reported by the Committee on the Judiciary to be put out of its place, and, therefore, would inquire of the Chair what would be its condition if now passed over?

The SPEAKER. No motion being made to recommit, it would go to the table.

Mr. HOUSTON. I then move that the bill be recommitted to the Committee on the Judiciary.

The SPEAKER. That motion will be entertained.

Mr. HILLYER. I will make a remark in reply to the gentleman from Tennessee, [Mr. JONES.] This is the regular day for considering the bills upon the Private Calendar. Those bills interest a very large portion of our community, who, I will venture to say, have been badly treated by this House. Many of these claims are just. They have been pending for years before the legislative body of our country, and have not yet been acted upon. I do hope that the House will not depart from the regular order of its business so as to disturb its action on these private claims. I trust that the House will resolve itself into a Committee of the Whole House, according to our rules, and according to the rights this day of parties upon the Private Calendar.

The SPEAKER. The Chair must remark that he has indulged the gentleman from Tennessee, and the gentleman from Georgia, in remarks upon the motion that the House resolve itself into a Committee of the Whole House; but such motion is not debatable.

The question now being on the motion, that the House resolve itself into a Committee of the Whole House on the Private Calendar,

Mr. WALSH demanded tellers; which were ordered, and Mr. McNAIR, and Mr. HARRIS of Alabama, were appointed.

The question was then put, and the tellers reported—ayes 87, noes 90.

So the motion was disagreed to.

The SPEAKER. The question recurs upon the motion that the House resolve itself into the Committee of the Whole on the state of the Union. With the permission of the House, however, before that question is taken, the Chair will present a communication from the State Department.

No objection being made—

The SPEAKER laid before the House a communication from the State Department, transmitting certain reports and statements required by "An act to regulate and fix the compensation of clerks in the different offices," approved April 20, 1818; and by the eleventh section of "An act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills, without authority of law, and to fix and provide for certain incidental expenses of the Departments and offices, and for other purposes," approved 26th August, 1842; and also that called for by the resolution of the House of Representatives, of January 13, 1846.

REFERENCE OF PRESIDENT'S MESSAGE.

The question was then taken upon the motion that the House resolve itself into the Committee of the Whole on the state of the Union, and it was decided in the affirmative.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN. The committee, at its last meeting, had under consideration the subject of the reference of the President's message, and upon that subject the gentleman from Kentucky [Mr. EWING] is entitled to the floor.

Mr. EWING having the floor, remarked that there was one point in the message of the President on which he desired to make a few remarks—the levying of tonnage duties on domestic commerce for the support of internal improvements. He objected to the recommendation contained in the President's message in this respect, especially on the grounds of its unconstitutionality. Were this mode carried out, he considered that it would be the introduction, not only of a system of unjust taxation, but of great discord, and, perhaps, of a dissolution of the Union. By a careful examination of the Constitution, it would be found that the only power of a State to levy duties was upon foreign, and not upon domestic commerce. [Mr. E. quoted various authorities in support of this position, which will hereafter be published.]

Having referred to the constitutionality of the question, and assuming that he had only been partially successful in the proving the position he had laid down, he might content himself, and there rest. But perhaps he might be allowed to say

that, after the West had born its fair share of the burden of taxation, by which the Atlantic coast was studded with buoys, light-houses, dock-yards, and fortifications, it seemed to be somewhat ungracious for the President of the United States and the Senator from Illinois [Mr. DOUGLAS] to make such suggestions as that such improvements as were required in our western States should be made by a tax upon the localities requiring them.

Such being the statement of a President coming from one of the older States, it might perhaps hardly be wondered at; but what should be said of a western Senator—a man of much judgment and popularity—recommending such a course as this? This was indeed a heavy burden which he proposed to add to those the people of the West had already to bear, and he trusted such a measure would never receive the sanction of the Government of this country.

Untold millions had been expended upon the States bordering upon the sea—millions to which all the States had contributed—and yet they were advised to make sub-confederacies, and levy tonnage duties to make those improvements which were necessary to the very existence of that commerce which contributed to the welfare of all. This was the most monstrous suggestion ever heard of. There was already one great Confederacy; in that the whole States were united; and now they were advised to split it up into fragments, in order to meet this fanciful constitutional objection to internal improvements! Was ever anything more monstrous?

During the delivery of Mr. E.'s remarks, a discussion arose upon a point of order as to whether a member of the House could advert to remarks made by a member of the Senate; which the Chairman decided could not be done in order.

[Mr. EWING's speech will be found in the Appendix.]

The CHAIRMAN, (Mr. ORR.) The Chair is of opinion that he decided the question of order raised by the gentleman from Alabama [Mr. PHILLIPS] too broadly. I find in the Manual this rule:

"It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independence, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses."

Mr. EWING. I think the Chair is laboring under a mistake. The speech from which I read was a speech of the last session, and it has, consequently, passed out of the power of Congress as completely as if it were a matter of half a century gone by. It has been published by the Senator himself to the country. It was a matter belonging to the action of the last Congress. It is a part of the history of that Congress, and is not now a proposition pending before the other branch of the National Legislature.

The CHAIRMAN. If the remarks of the gentleman [Mr. EWING] had been confined exclusively to the action of the last Congress—to the proceedings of the last Congress—the Chair is of opinion that the gentleman might have alluded to them in order; but if the gentleman alludes to a matter now pending before another branch of Congress, the Chair thinks he is not in order; and the gentleman, I understand, made some allusion to what had transpired during the present Congress, and such an allusion would be out of order according to the Manual. That which has been said or done in the Senate at a preceding Congress is a legitimate subject of comment.

Mr. RICHARDSON. I desire to say a word.

Mr. CLINGMAN. If the gentleman [Mr. RICHARDSON] be not going to speak in reference to the point of order, he will permit me to make a single suggestion.

Mr. RICHARDSON. I desire to make a remark on that subject. It is proper that the question should be decided correctly.

Mr. BAYLY, of Virginia. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. RICHARDSON. I did not choose to interrupt the gentleman from Kentucky [Mr. EWING] during the progress of his remarks, though the point suggested itself to me at once, when the allusion was made. During the short period that I have served here, no gentleman has ever been permitted to allude to remarks made in the Senate.

To avoid that rule, they have very often quoted from speeches which they have seen published in such and such a paper.

Mr. CLINGMAN. In the public newspapers.

Mr. RICHARDSON. Yes. The point has been made even then, and the Chair has sustained it, and the House has sustained the Chair in its decision. The reason for the rule is, that there may be no conflict between the members of the two bodies; and the moment you depart from that rule you open the door which lets in consequences which would be evil enough, God knows.

Mr. KEITT obtained the floor.

Mr. McQUEEN. My colleague [Mr. KEITT] supposed that the House would have gone into the consideration of private bills to-day, and not into committee. He is therefore not at this moment prepared for the question under consideration, and asks the courtesy of the House to rise. I make that motion.

The question was put, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman of the committee [Mr. ORR] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the President's message, and had come to no conclusion thereon.

Mr. HOUSTON. I move that the House do now proceed to the consideration of the business upon the Speaker's table.

The question was taken, and the motion was agreed to.

ASSISTANT SECRETARY OF THE TREASURY.

The SPEAKER. The first business upon the Speaker's table is Senate bill No. 13, entitled "An act prescribing the manner of appointing the Assistant Secretary of the Treasury." The demand for the previous question was pending when this bill was last under consideration.

The previous question was then seconded, and the main question ordered to be put.

The SPEAKER. There is an amendment to the original bill, proposed by the gentleman from Alabama, [Mr. HOUSTON.] The question will first be taken upon that amendment, and then upon the substitute offered by the gentleman from South Carolina, [Mr. ORR.]

Mr. HOUSTON. I am willing to withdraw that amendment, as the substitute of the gentleman from South Carolina covers the same ground.

The SPEAKER. It can be withdrawn if there be no objection.

No objection was made, and the amendment was withdrawn.

The SPEAKER. The Clerk will report the bill, and then the substitute.

The bill was then read, as follows:

"Be it enacted, &c., That the Assistant Secretary of the Treasury, authorized by the thirteenth section of the Act to establish the Home Department, and to provide for the Treasury Department an Assistant Secretary of the Treasury, and a Commissioner of the Customs," approved the 3d of March, 1849, be, from and after the passage of this act, appointed by the President of the United States, by and with the advice and consent of the Senate."

The SPEAKER. The substitute is to strike out all after the enacting clause, and substitute in lieu thereof what will be read by the Clerk.

The Clerk read the substitute, as follows:

"That hereafter, as the office of Assistant Secretary of the Treasury shall be vacated, the appointment of his successor shall be made by the President of the United States, by and with the advice and consent of the Senate."

The SPEAKER. The question is upon the adoption of the substitute for the bill.

Mr. BAYLY, of Virginia. I call for the yeas and nays upon that question.

The yeas and nays were ordered.

The question was then put, upon the adoption of the substitute, and decided in the affirmative—yeas 96, nays 70; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Barksdale, Barry, Belcher, Bissell, Bovee, Breckinridge, Bridges, Brooks, Churchwell, Clark, Cobb, Colquitt, Craze, John G. Davis, Thomas Davis, Dawson, De Witt, Dowdell, Dunbar, Edmundson, Ellison, Etheridge, Farley, Faulkner, Florence, Fuller, Goode, Green, Greenwood, Grey, Grow, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Hillyer, Houston, Howe, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kidwell, Kurtz, Lamb, Lane, Lilly, Macdonald, McNair, McQueen, Maxwell, Mayall, Smith Miller, Millson, Morrison, Murray, Noble, Orr, Bishop Perkins, John Perkins, Phelps, Phillips, Pratt, Richardson, Thomas Ritchey, Robbins, Rowe, Rufin, Sapp, Seward, Seymour,

Shaw, Shower, Singleton, Skelton, George W. Smyth, Hester L. Stevens, Stratton, Straub, John J. Taylor, Thurston, Trout, Walker, Warren, Wells, John Wentworth, Westbrook, Daniel B. Wright, and Hendrick B. Wright—96.

YAYS—Messrs. Abercrombie, Appleton, Thomas H. Bayly, Benton, Carpenter, Caruthers, Chandler, Chase, Cook, Corwin, Cox, Crocker, Cullom, Cutting, Dick, Dickinson, Eastman, Everhart, Ewing, Flagler, Franklin, Haven, Hester, Hill, Hunt, Kerr, Knox, Lindley, Lindsey, McCulloch, McMullin, Matteson, Maurice, Middlesworth, John G. Miller, Morgan, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Powell, Pringle, Puryear, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Sage, Shannon, Gerrit Smith, Snodgrass, Frederick P. Stanton, Andrew Stuart, John L. Taylor, Tracy, Upham, Wade, Walbridge, Walley, Walsh, Elihu B. Washburne, Tappan Wentworth, Wheeler, Witte, Yates, and Zollieffer—70.

So the substitute was adopted.

THE SPEAKER. The question now is upon ordering the bill to be read the third time. Upon that question the previous question is not exhausted.

Mr. WHEELER. I move that the House adjourn.

Mr. SMITH, of New York. Is it now in order to make any remarks?

THE SPEAKER. It is not in order at this time.

Mr. HOUSTON. I move to reconsider the vote by which the substitute was adopted, and to lay the motion to reconsider upon the table.

Mr. STANTON, of Tennessee. Upon that motion I call for the yeas and nays.

Mr. WHEELER. I ask for tellers upon the yeas and nays.

Tellers were ordered; and Messrs. BRIDGES and WHEELER were appointed.

The House was divided upon the demand for the yeas and nays, and the tellers reported—ayes 50, noes not counted.

So the yeas and nays were ordered.

Mr. HOUSTON. I will withdraw my motion to reconsider and lay upon the table.

The question upon ordering the bill to a third reading was then put.

[Considerable confusion prevailed in the Hall.]

Mr. WHEELER. I moved to adjourn before the Chair put the question upon ordering the bill to a third reading. I insist that the motion be entertained.

THE SPEAKER pro tempore, (Mr. JONES.) The gentleman could not have made the motion, for he was certainly not recognized by the Chair.

Mr. ORR. Has the result of the vote upon ordering the bill to a third reading been announced?

THE SPEAKER pro tempore. The Chair will consider the question as not having been put.

ADJOURNMENT TILL MONDAY.

Mr. HILLYER. I move that when the House adjourn, it adjourn to meet on Monday next.

[Cries of "No!" "No!" and "Yes!"]

Mr. TAYLOR, of Ohio. I ask the indulgence of the House to make a single remark, suggested to me by the Doorkeeper of the House. I never made a motion to adjourn over since I have been in Congress; but I am informed that such an adjournment, upon the present occasion, is absolutely necessary, in order to adjust the gas fixtures about the Hall, to render it tolerable and healthful.

The question was put, and carried in the affirmative.

Mr. SAGE. I move that the House do now adjourn.

The question was put; and the House refused to adjourn.

The question then recurred upon ordering the bill to be engrossed and read a third time; and having been put, was agreed to.

The bill was then read a third time by its title.

Mr. ORR. I move the previous question upon the passage of the bill.

The previous question was then seconded, and the main question ordered to be put.

Mr. BAYLY, of Virginia. I move that the House do now adjourn.

The question was put; and the House refused to adjourn.

Mr. BAYLY. I move that there be a call of the House; and upon that motion I demand the yeas and nays.

THE SPEAKER pro tempore. The previous question having been seconded, and the main question ordered to be put, a motion for a call of the House cannot be entertained.

Mr. TAYLOR, of Ohio. Upon the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and decided in the negative—yeas 70, nays 107; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Barksdale, Barry, Belcher, Benton, Bissell, Bocoek, Brooks, Carpenter, Churchwell, Clingman, Craige, John G. Davis, Thomas Davis, DeWitt, Disney, Dunbar, Eddy, Edmundson, Elliott, Ewing, Farley, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Haven, Hendricks, Henn, Hibbard, Hillyer, Houston, Howe, Hughes, Ingersoll, Keitt, Kidwell, Kurtz, Lamb, Lane, McQueen, Maxwell, Mayall, Meacham, Smith Miller, Morrison, Murray, Noble, Orr, Bishop Perkins, Phelps, Pratt, Ready, Riddle, Robbins, Ruffin, Seymour, Shaw, Singleton, Skelton, George W. Smyth, Hester L. Stevens, Stratton, Thurston, Trout, Vail, Warren, Daniel B. Wright, and Zollieffer—70.

NAYS—Messrs. Abercrombie, Aiken, Appleton, Thomas H. Bayly, Breckinridge, Bridges, Chandler, Chase, Clark, Cobb, Colquitt, Cook, Corwin, Cox, Crocker, Cullom, Cutting, Dawson, Dick, Dickinson, Dowdell, Drum, Eastman, Edgerton, Ellison, English, Etheridge, Everhart, Flagler, Florence, Franklin, Fuller, Green, Grey, Hastings, Hester, Hill, Hunt, George W. Jones, Roland Jones, Kerr, Knox, Lilly, Lindley, Lindsey, McCulloch, Macdonald, McDougal, McMullin, McNair, Mace, Matteson, Maurice, Middlesworth, John G. Miller, Milson, Morgan, Nichols Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Pennington, John Perkins, Phillips, Powell, Pringle, Puryear, Reese, Richardson, David Ritchie, Thomas Ritchey, Rogers, Rowe, Russell, Sabin, Sage, Sapp, Seward, Shannon, Shower, Gerrit Smith, Snodgrass, Frederick P. Stanton, Straub, Andrew Stuart, John J. Taylor, John L. Taylor, Tracy, Tweed, Upham, Wade, Walbridge, Walker, Walley, Walsh, Elihu B. Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Witte, Hendrick B. Wright, and Yates—107.

So the bill did not pass.

Mr. MACDONALD. I move to reconsider the vote by which the House refused to pass the bill, and to lay the motion to reconsider upon the table.

Mr. STANTON, of Tennessee. On that motion I demand the yeas and nays.

Mr. CHURCHWELL. I call for tellers on the yeas and nays.

Mr. McMULLIN. I move that this House do now adjourn.

[Loud cries of "No!" "No!"]

Mr. ROBBINS. I call for tellers on that motion.

Tellers were ordered, and Messrs. SAPP and CHURCHWELL were appointed.

The question was then put; and the tellers reported—ayes 71, noes 83.

So the House refused to adjourn.

The House was then divided on the demand for the yeas and nays on Mr. MACDONALD's motion; and there were 26 in the affirmative.

Mr. BAYLY, of Virginia. I call for tellers on the yeas and nays. They were called for before the vote on the adjournment.

Tellers were not ordered, only 23 members rising in the affirmative.

Mr. TAYLOR, of Ohio. Count the other side.

THE SPEAKER pro tempore, (Mr. JONES, of Tennessee.) It does not make any difference. It requires one fifth of the members present to order the yeas and nays; and, in the opinion of the present occupant of the chair, the yeas and nays have already been ordered—26 members having voted for them.

Mr. STANTON, of Tennessee. I move that the House do now adjourn.

THE SPEAKER pro tempore. The Chair holds that that motion is not in order, the House having just decided that question by refusing to adjourn.

Mr. STANTON. The yeas and nays have been ordered on the motion of the gentleman from Maine since the last motion to adjourn was made and voted on.

THE SPEAKER. The Chair does not think that that is such action as would authorize him to entertain another motion to adjourn now.

Mr. BAYLY, of Virginia. I move that there be a call of the House; and upon that motion I demand the yeas and nays. I want to have a full vote upon this question.

The yeas and nays were ordered.

Mr. STANTON, of Tennessee. I move that the House do now adjourn.

[Cries of "Yes!" "No!" "Pass the bill first!"]

Mr. WHEELER. I demand tellers on the question.

Tellers were ordered; and Messrs. RICHARDSON and WHEELER were appointed.

The question was taken, and the House refused to adjourn; there being, on a division—ayes 77, noes 79.

[Cries of "Call the roll!" "Call the roll!"]

The roll was then called; and there were 32 in the affirmative, and 128 in the negative.

So the motion to order a call of the House was not agreed to.

THE SPEAKER pro tempore. The question now is on laying the motion to reconsider on the table. On that question the yeas and nays are ordered.

Mr. SAPP. I move that the House do now adjourn.

Mr. WENTWORTH, of Illinois. I rise to a question of order.

THE SPEAKER. State your point of order.

Mr. WENTWORTH. The point of order is, that the Clerk ought to have called the names in time; and that if he had called the names in proper time, the House would have been saved this trouble.

The Chair decided against the point of order.

The Clerk proceeded to call the roll, but was interrupted by

Mr. BAYLY, of Virginia. Mr. Speaker, does the Chair decide that the call for a division was not made before the yeas and noes were ordered?

THE SPEAKER. The Chair decided that the call was not made until after the decision had been announced, and the calling of the roll had commenced.

Mr. RICHARDSON. I rise to another question of order, and it is, that during the calling of the roll no point of order can be raised.

Mr. WHEELER. What is the question before the House, Mr. Speaker?

THE SPEAKER. The question is on laying the motion to reconsider on the table.

The roll was then called; and there were—yeas 106, nays 30; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Barksdale, Barry, Belcher, Bocoek, Breckinridge, Bridges, Brooks, Carpenter, Churchwell, Clark, Clingman, Colquitt, Corwin, Craige, John G. Davis, Thomas Davis, Dawson, De Witt, Dowdell, Drum, Dunbar, Edmundson, Ellison, Everhart, Farley, Faulkner, Florence, Fuller, Giddings, Goode, Green, Greenwood, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hendricks, Hibbard, Houston, Howe, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kerr, Kittredge, Lamb, Lane, Latham, Lilly, Lindley, Macdonald, McNair, Mace, Maxwell, Mayall, Smith Miller, Milson, Morrison, Murray, Nichols, Noble, Orr, Bishop Perkins, John Perkins, Phelps, Phillips, Pratt, Puryear, Richardson, Riddle, Thomas Ritchey, Robbins, Rowe, Ruffin, Sabin, Sapp, Seward, Seymour, Shaw, Shower, Singleton, Skelton, Gerrit Smith, George W. Smyth, Hester L. Stevens, Stratton, Andrew Stuart, John J. Taylor, Tracy, Tweed, Upham, Wade, Walker, Warren, John Wentworth, Westbrook, Daniel B. Wright, and Hendrick B. Wright—106.

NAYS—Messrs. Appleton, Chandler, Cox, Crocker, Dick, Eastman, Eddy, Etheridge, Ewing, Grey, Grow, Hester, Hill, Hillyer, Knox, McMullin, Matteson, Middlesworth, John G. Miller, Morgan, Pennington, Ready, Russell, Sage, John L. Taylor, Tracy, Walsh, Elihu B. Washburne, Wheeler, and Yates—30.

So the motion to reconsider was laid on the table.

Mr. PERKINS, of New York. I move that the House do now adjourn.

The question was put; and the motion was agreed to.

Thereupon the House adjourned, (at four p. m.,) to twelve o'clock, m., on Monday.

IN SENATE.

MONDAY, January 16, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

THE STEAMSHIP SAN FRANCISCO.

Mr. PEARCE. Mr. President, I ask leave of the Senate at this time to submit a resolution, to which I am sure there will be no objection:

Resolved, That the Committee on Naval Affairs be instructed to report upon the expediency of making suitable acknowledgments, and presenting testimonials to the commanders and crews of the British ship *Three Bells*, the American bark *Kilby*, and the ship *Antarctic*, for the humanity and gallantry displayed in the rescue of the surviving officers, passengers, and crew of the steamship *San Francisco*.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. PEARCE. Mr. President, I beg leave to say a very few words upon the subject of the resolution. The recent catastrophe of the steamship *San Francisco* was so unusual—the perils of those who were on board of her were so imminent, and prolonged amidst such variety and intensity of suffering—they were so connected with the Government, and their rescue was achieved by efforts

of such bold, generous, and persevering humanity, that the occasion seems to me to demand acknowledgments on the part of the Government which are seldom made. The wrecked steamship was in the employment of the Government. The persons rescued were, for the most part, our own officers and troops.

For nearly or quite two weeks, their sufferings and perils were prolonged, while the shattered ship was exposed to the fury of the ocean under the most appalling circumstances, and with the prospect of destruction every hour. Her rescue was effected, sir, by men who could be moved only by the noblest impulses, and who thus impelled, themselves encountered extraordinary risks and dangers.

The ship *Three Bells*, though not first in the rescue, may appropriately be named first, because she was a British ship. Though this ship was leaking and short of provisions, her noble-hearted commander and his crew lay by this shattered wreck for six days, straining every nerve for the rescue of their fellowmen; and all the accounts testify that nothing could exceed the tenderness and kindness with which those who were rescued were treated on board of that ship.

The bark *Kilby* was American, and was the first in the rescue. She, too, had been storm-tossed and disabled in part; yet for two days her gallant commander and crew lay by the wreck of the *San Francisco*; and were then only parted from it by the irresistible force of the ocean. For two days more they cruised about amidst a stormy sea in search of her; and even now that vessel is a wanderer amidst the perils of that stormy element; though, happily, many of those who were rescued by her were transferred to another ship, and have arrived safely among their countrymen and friends.

The conduct of the officers and crew of the ship *Antarctic* is equally honorable.

Other Governments, sir, recognize and reward such services as these. Very lately, Captain Nye, of the mail steamship *Pacific*, his mate and boat's crew, were thanked and rewarded by the British Government, in a most liberal and grateful spirit, for a similar rescue of British sailors. It becomes us, sir, to follow, with at least equal steps, this example; and as our Executive does not possess the necessary means and authority, Congress should supply them. This will be both just and wise, as rewarding great merit, and encouraging others to similar gallantry hereafter.

Extraordinary heroism and humanity will always receive the just applause of men. But the public authority should furnish an enduring evidence of the public approbation, and such memorials of it as may be honorable to the Government, and cherished by the brave men who have so richly earned them.

The committee will, of course, obtain authentic and official information before they report for the final action of Congress.

I have said nothing, sir, of the officers and crew of the lost ship. All accounts agree as to the unblenching courage, the active skill, and patient perseverance of her commander, who seems to have displayed all the qualities which give honor to the character of the American seaman. What shall be due to him, his officers and crew, and the destitute troops on board his ship, will doubtless be properly determined hereafter. The acknowledgment due to the rescuers, to be graceful, should be as prompt as possible.

Mr. SHIELDS. If the Senator will permit me, I will state that I have just come from the War Department, and have had a conference with the head of that Department in relation to this matter. I have also prepared a resolution of inquiry for the purpose of ascertaining something authentic in relation to everything connected with the matter, so that we may know not only on whom to bestow thanks, but where to afford relief. This is a matter which properly belongs to the War Department. The men who were lost were soldiers, and the vessel was chartered by the War Department, and the vessels sent in search of it were sent by that Department. All the authentic information will be obtained from that Department. In consultation with the Secretary of War, I learned that within two or three days he expects to have full and authentic information on the whole subject. With the consent of the honorable Senator from Maryland, therefore, I wish to offer a

resolution in lieu of his, calling for information. I do not wish to enter into any comment on the matter, because the information is not yet authentic, and we cannot yet act wisely, or perhaps justly, towards the parties engaged in the rescue of this vessel, or towards those who are accused of neglecting to render efficient aid, without having the whole authentic information before the body.

The PRESIDENT. The proposition of the Senator from Illinois is, to strike out all after the word "resolved" and insert

That the Secretary of War be requested to lay before the Senate all authentic information which he may possess in relation to the wreck of the steamer *San Francisco*, and the loss of life and property occasioned by this disaster, the means employed by the Department and otherwise for the rescue of the vessel and passengers, the number and situation of the survivors, and the nature and extent of the relief required by their calamitous condition.

Mr. PEARCE. Mr. President, the considerations which the Senator from Illinois has stated to the Senate had prevented me from submitting a resolution for the direct action of the Senate. I made this a resolution of inquiry in its character, so that from its terms the committee would be enabled to make just such inquiries as the Senator proposes the Secretary of War shall be asked to make. I do not therefore see that it is very important; however, I am quite willing, if the Senate is anxious to substitute one for the other, that it may do so.

Mr. GWIN. I hope the resolution will pass as offered by the Senator from Maryland. The subject, that he proposes to refer to the Naval Committee has reference to the gallantry displayed by the commanders and crews of the vessels that relieved the persons on board the *San Francisco*. The Committee on Naval Affairs had this subject under consideration this morning, and has instructed one of its members to introduce a resolution from the committee covering the subject in the one under consideration. Presuming that that portion of the subject would pertain to the action of the committee, I am glad to see the Senator from Maryland entertains the same opinion, and has taken the initiative in this matter to instruct the committee to act.

There are several acts of legislation which, it seems to me, are required at the hands of Congress in connection with this great disaster, some of which should be matured by the Committee on Military Affairs, others by the Committee on Commerce; and what should be done in appreciation of the conduct of those on board of the vessels who relieved the sufferers on board the *San Francisco*, by the Naval Committee. There ought to be pensions granted to the heirs and legal representatives of those who were lost on that vessel, who were in the service of the United States. There ought to be additional pay granted to the officers, non-commissioned officers and soldiers, who have been saved from the wreck.

I have been informed by an officer of the Army that they drew six months' pay in advance, to give themselves an outfit; all of which is lost, as well as their private baggage. The Government ought to provide for these sufferers by a liberal extra pay, to meet the actual loss they have thus sustained. I hope the Senator from Illinois [Mr. SHIELDS] will confine his resolution to those questions which properly pertain to the action of the Military Committee, in granting extra pay; and that the chairman of the Committee on Commerce will take charge of such a portion as may pertain to that committee, in regard to the testimonials that should be given to the officers and crews of those ships. I think that the subject should go to the Committee on Naval Affairs; and I hope the Committee on Pensions will be instructed to report a bill giving pensions to the heirs or legal representatives of those persons in the service of the United States, who were lost by this terrible shipwreck.

Mr. SHIELDS. I have not the slightest objection to let the resolution of the Senator from Maryland go to the committee of which the Senator from California is chairman. The resolution which I was about to offer is one entirely different, because it is one covering the whole ground, and is one asking for authentic information in relation to the whole matter. Now, sir, I intended, in offering that resolution, to abstain from any comment, from a single observation either of thanks or otherwise, until we have full information before us. First, as to the nature of the disaster; second,

as to the relief which the Government was able to furnish—and I understand that the Government was not able to furnish relief very promptly for the want of the proper kind of vessels—next, as to the relief afforded by private individuals; next, as to the number who were lost by the disaster; next, as to the survivors, their condition, and the character of the relief to be extended to them.

It is only information for this body that I ask for from the proper Department, now engaged in the collection of that information, having sent to the city of New York for officers, who are to be here in a day or two, to give all the information. That is all the object I had in view. It does not conflict with the resolution of the honorable Senator from Maryland; but I do not wish to commence bestowing thanks, or basing any action in this body upon newspaper report merely. I do not think any Senator ought to rise up here and single out any one individual, although I agree fully with the Senator from California, that if these reports be true, and this gallant Englishman, at the risk of his own life and vessel, lay by the side of the *San Francisco* for days, and rescued the survivors, he is entitled to the thanks of this country. But let us ascertain that fact authentically; let us not fly off here, as we often do, without having one particle of correct, authentic information. How can we distribute justice among these men, or how can we afford relief properly, without information? I want information immediately, and an officer is expected in this city to-night who can give that information. That is my object; but I do not desire to interfere with the proposition of the Senator from Maryland. Let that go to the committee; they will have enough to do, and I hope, as I am sure they will, do what is requisite, with great ability.

Mr. MASON. I understand that the two resolutions are entirely distinct. The resolution offered by the Senator from Maryland, provides for some appropriate testimonial on the part of Congress in honor of the gallantry and humanity which led those three vessels to the rescue of the survivors on the wreck. The object of the Senator from Illinois—and a very proper object—is to inquire and ascertain the facts, and see what other duties or obligations may devolve upon the Government.

Now, sir, I respond entirely and fully to what has fallen from the Senator from Maryland. This is an extraordinary occasion, and one which should be extraordinarily met. We have not full accounts, but we have facts which none can dispute, showing that the officers of these three vessels, although themselves disabled by the same storm, impelled their own lives, and the vessels committed to them, in order to make this rescue; and they did it gallantly, by perseverance for days and nights. But I want to say this also: it strikes me forcibly that the resolution of the honorable Senator from Maryland should be referred to the Committee on Military Affairs; not from any choice between the two committees, but because it is the appropriate duty of that committee to make this acknowledgment. The *San Francisco* was chartered by the War Department; it was filled with troops of the United States, belonging to the War Department; the loss has occurred to that branch of the military service, and the acknowledgment, it seems to me, should come from it. The Secretary of War, under whose guidance this vessel was chartered, and the troops prepared to be sent abroad, I should think, would feel, very deeply feel, it a duty on his Department, and on him personally, to be responsible for that matter. The resolution of the Senator from Maryland goes only to some appropriate testimonial for the gallantry of the officers and crews of the three ships; and, with his permission, I would suggest that the reference should be changed to the Committee on Military Affairs, as properly belonging to that committee, instead of the Committee on Naval Affairs.

I would say, further, in reference to what has fallen from the Senator from California, that it will devolve upon this Government, and ought to devolve upon it, to make full remuneration for the losses which have been sustained by the officers and troops who were on board that ship, and who were survivors; and to provide, so far as may be right and proper for those who are left, and the families of those who are deceased. But we must do it with care and judgment to avoid a bad pre-

cedent hereafter. I am willing to go as far as any gentleman can go in making a suitable testimonial. I therefore think that if the honorable Senator from Illinois will withdraw his resolution for the present, and permit the resolution of the Senator from Maryland to go to his committee, it will be the proper reference. I say again, I do not suggest this from a desire to make any distinction between the two committees, but because it seems to me that the subject belongs more properly to the one than to the other.

Mr. GWIN. I have no pride about this subject, and no desire except to do justice to those parties for whose benefit the resolution is intended; but I will state to the Senator from Virginia, that he is mistaken in regard to the chartering of the San Francisco. The War Department shipped on board of it a portion of a regiment and provisions; but the vessel was open to other passengers, and received other passengers, and had other passengers on board. The great loss has fallen, it is true, on the officers from that regiment, because a majority of the passengers belonged to it. The vessel, I repeat, was not chartered by the War Department; it was open to other passengers as other vessels were; but inasmuch as this pertains to the ocean, and the subject has been brought before the Committee on Naval Affairs this morning by other members—not by myself—I thought it was an appropriate reference, or I should have said nothing on the resolution of the Senator from Maryland. But as this is one of the smallest portions of the duty imposed on Congress, in consequence of this disaster—the making a complimentary return to the officers and crews of those ships who gallantly rescued our officers—it is a matter immaterial to me where it shall go.

Mr. SHIELDS. It is wholly so to me; and I hope the Senator from Virginia will permit the resolution to remain as it stands. I agree with my honorable friend from Virginia, that this matter properly belongs to the military department; but it matters very little to which committee it goes. I will therefore withdraw my amendment, and permit a vote to be taken upon the resolution of the Senator from Maryland, and submit mine afterwards, as an independent proposition.

Mr. MASON. I understand that the Senator from Maryland has modified his resolution so as to make the reference to the Committee on Military Affairs.

Mr. SHIELDS. I hope not.

Mr. MASON. I hope, with all respect to the chairman of that committee, that it will be done.

Mr. PEARCE. It is of course a subject indifferent to me, whether the resolution goes to the Committee on Military Affairs, or the Committee on Naval Affairs. I believe that I should have acquiesced in the suggestion of the Senator from Virginia, but I find that the Senator from Illinois, who is chairman of that committee, does not wish it to go to his committee; for that reason I decline to alter the reference.

Mr. BUTLER. I desire to make a single suggestion. I understand from the Senator from Illinois, the chairman of the Committee on Military Affairs, that he has had a communication on this subject with the War Department. He has stated so to the Senate. It then appears to the Senate that the War Department has already instituted inquiry upon this subject, and the information to be communicated must come through that Department; and when that much is announced to us—that the Secretary of War has already taken the initiative on this subject—it necessarily must be under his official cognizance that we are to receive the information; and it, therefore, does seem to me that both parliamentary courtesy and propriety require that the subject should go to the Committee on Military Affairs.

I do not intend to go into some of the topics which have been touched upon here; but the information which shall be afforded may disclose much that we know nothing of, and may touch delicate questions of obligation upon the part of this Government—may touch, sir, the liabilities of the owners of the vessel; and I have no doubt that it will show a very different degree of merit, so far as regards the conduct of the different officers whom we intend to honor. It is presumed—and I hope very properly presumed—that they are entitled to all that has been indicated; but how far the owners of the vessel may be subject to liability, I cannot undertake to say. That will depend

upon the information furnished, and upon the severe judgment of the Senate. In connection, however, with that, I must say, whatever may be the liability of the vessel, I cannot withhold here the common opinion which was expressed towards its captain—Captain Watkins. Sir, the nine cheers which were given to him on that occasion were the best language that can be pronounced on any occasion so far as regards himself.

Mr. BADGER. Mr. President, I have only one regret in connection with this subject—that on a resolution, offered under such circumstances, and with such purposes, there should appear to be any difference of opinion in the Senate. I do not think it a matter of much importance whether the resolution be directed to the Committee on Naval Affairs, or the Committee on Military Affairs. It would be very proper for either committee. Nor do I think that the consideration should at all influence us that the Secretary of War has instituted inquiries for the purpose of ascertaining the facts of the case. Our committee can obtain the information, wherever it should be. Even if in itself it were a little more desirable that the Military Committee should have been named, I would not, for one, alter the resolution from what it is as offered. With regard to the relative amount of merit, what may be the relative meritorious services rendered by the different persons connected with the achievement, there is nothing in the resolution prejudging it.

It is a simple direction to the Committee on Naval Affairs to inquire what would be a proper acknowledgment of those services in respect to the several parties connected with them. If the Committee on Naval Affairs find that no acknowledgment is due to any one of them, they will say so; if they find that more is due to one than to another, they will say so. I think it is a great deal better, therefore, though in itself not a matter of much importance, to pass the resolution as it is offered.

Mr. HOUSTON. Mr. President, I did not intend to occupy a moment of the precious time of the Senate this morning by any remarks; but it seems to me that these resolutions are distinct, and present separate duties for the respective committees contemplated in them. It will be a matter of some labor for each committee to examine all the facts connected with the case. It will occupy some time on the part of the Committee on Naval Affairs. It will also occupy much time on the part of the Committee on Military Affairs, if the resolution of the honorable Senator from Illinois be referred to it. If I understand it, they are distinct in their character, and separate entirely in the purpose which dictates them. In the first place, the proposition was to inquire what honor was due to the civilians, or maritime gentlemen, who interfered in the rescue and salvation of the crew, and to relieve, if possible, the vessel. It is to ascertain what honor, on the part of this Government, would be considered either complimentary or remunerative to them. That is one distinct branch of the subject, and I think a very important one; for we have no example of a case so extraordinary as this—as to the fidelity of purpose with which these mercantile gentlemen lay to, surrounded the wreck, and rescued the crew. I believe, therefore, that some honor worthy of this Government, worthy of the humanity, and worthy of the daring gallantry of these men, ought to be rendered to them. Whatever remuneration is necessary to be made to the soldiers on board, and whatever provision is necessary to be made for them, or for the survivors, and the heirs of those who perished, is another distinct part of the subject, separated and disconnected from the other entirely.

By referring these subjects to different committees they will have an opportunity of making more rapid progress, and the consequence will be, that it will meet with more ready dispatch. We shall thus show the promptitude of this Government on occasions of this kind, in giving expression to its sense of obligation, and how it feels for the generous conduct of those who rescued the ill-fated beings who were found on that wreck. It will show that this Government is never laggard in discharging its duty as the representative of a generous people; for whatever may be the action, no matter how generous and liberal towards those who are to be remunerated for their conduct, or whatever may be the expression of Congress, I am satisfied that the American people will cheer-

fully respond to it. Well, sir, believing that it will hasten the objects contemplated in this resolution more rapidly by referring the resolution of the honorable gentleman from Maryland to the Committee on Naval Affairs, and the other to the Committee on Military Affairs, and that it will not be offering disrespect to either the Navy or the War Departments, but will be simplifying matters and presenting them to the Senate more clearly, with less delay, and enable them to ascertain with more dispatch, and perhaps with equal justice, in the end, I am in favor of referring the resolution of the gentleman from Maryland to the Committee on Naval Affairs, and the resolution of the Senator from Illinois to the Committee on Military Affairs. These are the views which I entertain. I insist that they are right. I have confidence in the capacity and investigating powers and industry of both committees; and I hope they will harmonize in their acts. In my humble opinion, this matter, to some extent, concerns the public honor.

The question was then taken on the resolution; and it was adopted unanimously.

Mr. SHIELDS. I now offer my proposition as a distinct resolution, and hope it will be considered at this time.

The resolution, as inserted above, was considered by unanimous consent, and agreed to.

NEBRASKA TERRITORY.

Mr. DIXON stated to the Senate, that when the bill to establish a territorial government in the Territory of Nebraska should come up for consideration, he should offer the following amendment:

SEC. 22. And be it further enacted, That so much of the 8th section of an act approved March 6, 1820, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," as declares "That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36 degrees 30 minutes north latitude, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be forever prohibited," shall not be so construed as to apply to the Territory contemplated by this act, or to any other Territory of the United States; but that the citizens of the several States or Territories shall be at liberty to take and hold their slaves within any of the Territories of the United States, or of the States to be formed therefrom, as if the said act, entitled as aforesaid, and approved as aforesaid, had never been passed.

That Senators might be afforded an opportunity to consider it, he moved that the amendment be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that it had passed the bill from the Senate to regulate the disbursement of the contingent fund of the Senate, and for other purposes, with various amendments, in which it asked the concurrence of the Senate.

The bill, on motion by Mr. HUNTER, was referred to the Committee on Finance.

Also, that it had passed a bill to secure the rights of citizenship to the children of citizens born out of the limits of the United States. Also, that it had passed the bill from the Senate to continue in force the act entitled "An act to ascertain and settle the private land claims in the State of California," and for other purposes.

Also, that it had passed a bill to amend an act entitled "An act to divide the State of Arkansas into two judicial districts," approved March 3, 1851.

Also, that it had passed Senate bill changing the name of the American-built steamer Falcon to that of Queen City; and had rejected the bill prescribing the manner of appointing the Assistant Secretary of the Treasury.

COMMITTEE ON PENSIONS.

The PRESIDENT, *pro tempore* appointed Mr. ALLEN an additional member of the Committee on Pensions, in accordance with a motion by Mr. JONES, of Iowa, adopted January 5, 1854.

PETITIONS, ETC.

Mr. GWIN presented the petition of the Sacramento, Auburn, and Nevada Railroad Company, praying the right of way and a donation of land in aid of the construction of their railroad; which was referred to the Committee on Public Lands.

Also, a petition of the officers, non-commissioned officers, musicians, and privates of the first regiment of New York volunteers during the war with Mexico, praying to be allowed extra pay while on service in California; which was referred to the Committee on Military Affairs.

Mr. HAMLIN presented the petition of the heirs of Joseph Pomroy, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. PETTIT presented the memorial of the Ohio Falls Marine Railroad Company, praying the aid of the United States in the construction of a marine railway for the transportation of steamboats around the Falls of the Ohio; which was referred to the Committee on Roads and Canals.

Mr. HUNTER presented the memorial of the Southern Baptist Convention, praying that stipulations may be made in our treaties with foreign countries to secure religious toleration to American citizens who may be resident therein; which was referred to the Committee on Foreign Relations.

Mr. BRODHEAD presented the petition of inspectors of the customs and agents of the revenue at Philadelphia, praying an increase of compensation; which was referred to the Committee on Commerce.

Mr. FOOT presented the memorial of Captain Hiram B. Sawyer, of the Navy, praying to be restored to the pension roll, and allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. MASON presented the petition of R. M. Walsh, praying compensation for services as Charge d'Affaires at Mexico; which was referred to the Committee on Foreign Relations.

Also, a petition of the officers of the penitentiary for the District of Columbia, praying an increase of compensation; which was referred to the Committee on the District of Columbia.

Mr. JONES, of Iowa, presented the petition of the administrator of J. Dickerhoof, a soldier in the war with Mexico, praying a pension on account of disease contracted in the service; which was referred to the Committee on Pensions.

Mr. DODGE, of Iowa, presented the petition of E. Mayne, county judge of Van Buren county, Iowa, praying that that county may be reimbursed an amount of money expended for the benefit of the United States; which was referred to the Committee on Finance.

NOTICE OF A BILL.

Mr. COOPER gave notice of his intention to ask leave to introduce a bill making a grant of land to the State of Pennsylvania for purposes of internal improvement, and to establish and endow a normal school for the education of teachers.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That the petition of Elizabeth R. Drane, widow of Anthony Drane, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That the documents on the files of the Senate relating to the claim of William S. Waller, be referred to the Committee on Claims.

On motion by Mr. MALLORY, it was

Ordered, That the documents on the files of the Senate relating to the claim of John P. Duvall, be referred to the Committee on Territories.

On motion by Mr. MALLORY, it was

Ordered, That the documents on the files of the Senate relating to the claim of John G. Camp, be referred to the Committee on the Judiciary.

On motion by Mr. EVANS, it was

Ordered, That the memorial of the heirs and executors of Samuel Prioleau be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. THOMPSON, of New Jersey, it was

Ordered, That the memorial of Mary F. B. Levely be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. WILLIAMS, it was

Ordered, That the memorial of Charles Stearns be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

VERMONT SENATORSHIP.

Mr. PETTIT. The Committee on the Judiciary, to which was referred the resolution in ref-

erence to the right of the Hon. SAMUEL S. PHELPS to a seat in the Senate, has had the same under consideration, and has directed me to submit a report. I am also requested to present a paper in connection with it, expressing the views of the minority. While I am up, I will ask that the report accompanying the papers lie upon the table, and be printed; and that the subject be set down for consideration for Wednesday next. I am so directed by the committee which has had the subject under consideration. I therefore move that the report and the accompanying papers be printed, and that the consideration of the subject be postponed until Wednesday next, and made the special order for that day.

The motion was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to which were referred the proceedings of a meeting, in the city of Philadelphia, of the soldiers of 1812, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the petition of Pamela Brown, widow of the late Major General Jacob Brown, submitted a report, accompanied by a bill for her relief. The bill was read a first time and ordered to a second reading, and the report was ordered to be printed.

Mr. PETTIT, from the Committee on the Judiciary, to which was referred the bill to divide the State of Ohio into two judicial districts, and for other purposes, reported it back with several amendments.

Mr. HAMLIN, from the Committee on Printing, reported a bill "providing for the payment for the printing of the returns of the Seventh Census, and for the paper purchased for said printing;" which was read a first time, and ordered to a second reading.

Mr. SHIELDS, from the Committee on Military Affairs, reported the following bills; which were severally read a first time and ordered to a second reading:

"A bill to increase the present military establishment of the United States, and for other purposes;"

"A bill to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes;" and

"A bill to promote the efficiency of the Army by retiring disabled officers."

Mr. CHASE, from the Committee on Patents and the Patent Office, to which was referred the petition of John Thomas, submitted an adverse report thereon, which was ordered to be printed.

Mr. ADAMS. The Committee on Retrenchment and Reform, under the reform portion of its duties, has had under consideration the petition of the clerks in the Executive Departments, asking an increase of compensation, and has directed me to report a bill to amend the third section of the "act making appropriations for the civil and diplomatic expenses of Government for the year ending 30th June, 1854, and for other purposes."

The bill was read a first time, and ordered to a second reading.

COMPENDIUM OF THE SEVENTH CENSUS.

Mr. HAMLIN. The Committee on Printing has directed me to offer the following resolution; which I ask may be considered at this time:

Resolved, That there be printed for the use of the Senate, — thousand copies of a compendium of the Seventh Census, to be arranged by the Superintendent of the Census, embracing the population by towns and counties; the ratio tables of population; tables of nativities, births, marriages, and deaths; of the deaf, dumb, blind, insane, and idiotic; of schools and colleges; of aggregates of occupations; of churches; of newspapers and libraries; and of agricultural products; with illustrative notes and comparative tables: *Provided*, The said compendium shall be printed in royal octavo form, and not exceed four hundred pages.

Mr. GWIN. What is the number of copies proposed to be printed?

Mr. HAMLIN. The number is left blank in the resolution. I may state that the House of Representatives has ordered one hundred thousand copies of this abstract to be printed. If the Senate shall order an edition of twenty thousand copies it will cost \$7,873. An edition of thirty thousand will cost but \$10,717. As the number increases the comparative cost diminishes.

Mr. BADGER. Then let us have thirty thousand copies.

Mr. HAMLIN. Fifty thousand copies will cost about \$14,000.

Mr. GWIN. I hope the blank will be filled with fifty thousand, as the additional cost is very small. I make a motion to fill the blank with "fifty."

Mr. BADGER. That is even better than thirty thousand.

Mr. DAWSON. I would inquire what abstract it is that is to be printed?

Mr. HAMLIN. If the Senator had given his attention to the reading of the resolution, it would answer his question as well, if not better than I can. It specifies precisely what the abstract shall contain. It is, I think, if I may be allowed the expression of an opinion, the best abstract that can be obtained from the work, and will be contained in an octavo volume of four hundred pages—one hundred less than the document which I hold in my hand, the size of which Senators can see.

Mr. DAWSON. Has it yet been compiled?

Mr. HAMLIN. It is, by the terms of the resolution, to be compiled by the present Superintendent, but the resolution specifies of what it is to be composed.

Mr. DAWSON. I am aware of that; but the point which I wish to suggest is, whether it would not be better that the abstract should be presented in manuscript to the committee, and an order afterwards made for its publication.

Mr. FITZPATRICK. The resolution specifies of what the abstract shall be composed.

Mr. DAWSON. But we do not know whether it will come out right or not. One abstract has already been published.

Mr. BADGER. We must take it on trust.

The motion to fill the blank with "fifty" was agreed to; and the resolution, as thus amended, was adopted.

CAPTAIN INGRAHAM.

Mr. GWIN. The Committee on Naval Affairs, to which was referred the House joint resolution of thanks of Congress, and the presentation of a medal to Captain Duncan N. Ingraham, has requested me to report it back without amendment. The committee has also instructed me to ask the Senate to put it on its passage at this time. It is a short resolution, and I presume there can be no objection to it.

The resolution was read, and the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. BADGER. I wish to submit an amendment to that resolution, but I do not desire to have the subject brought up now. It is past the hour of one o'clock, and I think it unfair to the Senator from Delaware [Mr. CLAYTON] to proceed with this matter now.

Mr. CASS. Certainly it is.

Mr. BADGER. I therefore move to postpone the further consideration of the joint resolution until to-morrow.

The motion was agreed to.

CLAYTON-BULWER TREATY.

The Senate resumed the consideration of the motion submitted by Mr. Cass on the 5th instant, to refer to the Committee on Foreign Relations the message of the President of the United States received on the 3d instant, communicating, in compliance with the resolution of the Senate of December 12, 1853, the correspondence which had taken place with the British Government on subjects growing out of the treaty of Washington of July 4, 1850, since the message of the President of December 30, 1852.

Mr. CLAYTON continued his reply to Mr. Cass, which he commenced on Thursday last.

Mr. CASS briefly responded when the Senator from Delaware concluded.

Mr. CLAYTON rejoined, and after a few words from Mr. CASS,

On motion by Mr. GWIN, the subject was laid upon the table.

[See Appendix for this debate.]

THE SAN FRANCISCO.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, informing the Senate that the House had adopted a joint resolution authorizing the appointment of a joint committee of the two Houses of Congress, to consider and report on the form of acknowledgment

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, JANUARY 17, 1854.

NEW SERIES...No. 12.

due to the officers and crews of the several ships which rendered assistance to the passengers, officers, and crew of the steamer San Francisco.

The Senate proceeded to consider the joint resolution.

Mr. GWIN. Mr. President, it seems to me that that resolution cannot be passed and become a law, unless it goes to the President for his approval. A joint resolution has to go through the forms of law, and be signed by the President. We can therefore take no action on the resolution, unless it can be amended under our rules in such a manner as to provide that such committee as may be appointed by the Senate may have intercourse with the committee to be ordered by the House, to consider the subject jointly. I certainly think that the resolution cannot be passed without the signature of the President of the United States; and I leave it to the Senate to decide what disposition shall be made of it.

Mr. HOUSTON. I would suggest that it would be better to refer it to the Committee on Naval Affairs.

Mr. SHIELDS. I think the reference is unnecessary. I have prepared an amendment which, I hope, will relieve the resolution of the objection which the honorable Senator from California has raised, and which, perhaps, is well founded. I move to strike out all after the word "Resolved," and insert the following:

That a committee of five members on the part of the Senate be appointed to join such committee as may be appointed on the part of the House of Representatives to inquire and report in what form the acknowledgments of Congress and the gratitude of the nation may be most appropriately expressed to those benevolent and courageous men who, under Providence, were the means of rescuing from death so many citizens of this Republic.

The PRESIDENT stated the question to be upon the amendment.

Mr. SHIELDS. After consultation with several Senators, I understand that it is incompetent for the Senate to convert a resolution, which is originally joint, into a separate one by its own action. If that be the case, all that we can do in this instance is to lay the joint resolution of the House on the table, and to pass, as an independent proposition, the resolution which I have offered. I therefore withdraw my amendment, and move that the resolution which we have received from the House do lie on the table.

The motion was agreed to.

Mr. SHIELDS. I now offer my resolution as a substantive proposition, instead of as an amendment.

The resolution was considered by unanimous consent, and agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, January 16, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication received from the Secretary of War, transmitting a report giving information of the expenses incurred by the United States in consequence of the impediments to the navigation of Red river, accompanied by a report from the Quartermaster General in regard to certain expenses of the Army.

The SPEAKER. The question is on a reference of the communication and report.

Mr. BISSELL. Is it on reference of the message from the War Department?

The SPEAKER. Yes.

Mr. BISSELL. Then I move its reference to the Committee on Military Affairs.

Mr. CHANDLER. I move its reference to the Committee on Commerce.

Mr. BISSELL. I amend my motion. I move that it be referred to the Committee on Commerce.

The SPEAKER. The motion to refer to the Committee on Military Affairs is withdrawn, and the motion now is that it be referred to the Committee on Commerce, and that it be printed.

It was so ordered.

Mr. FLORENCE. Mr. Speaker—

The SPEAKER. The pending question the Chair will state to the House. It is to lay the resolution of the gentleman from Tennessee, [Mr. CHURCHWELL] in regard to the duty on railroad iron, on the table. It is a privileged proposition, and no other motion can be in order except to adjourn.

SUFFERERS ON THE SAN FRANCISCO.

Mr. BISSELL. I ask the unanimous consent of the House for the introduction of a bill for the purpose of referring it to the Committee on Military Affairs. It is a very important bill, requiring immediate action. I will read the title of the bill, and I think that no gentleman will offer any objection to it:

"A bill for the relief of the citizens of the United States who are sufferers by the recent disasters on board the steamship San Francisco."

I hope there is no objection to letting that bill be put on its passage.

Mr. FLORENCE. I move an amendment to that proposition.

Mr. CHANDLER. I ask the unanimous consent of the House—if the gentleman from Pennsylvania [Mr. FLORENCE] will excuse me—to introduce a resolution which will make room for his, and which has a concurrent action.

The SPEAKER. The gentleman from Pennsylvania [Mr. FLORENCE] addressed the Chair; but the Chair has not yet heard what the gentleman proposes.

Mr. CHANDLER. I rise to ask the permission of the House to offer a resolution in my place; which, if the Chair will allow me, I will read.

Mr. BISSELL. I believe my proposition is first entitled to consideration.

The SPEAKER. The gentleman from Illinois [Mr. BISSELL] is entitled to the floor.

Mr. BISSELL. The bill is brief, and I ask that it may be read.

The SPEAKER. If there is no objection, the bill will be read.

No objection was made, and the bill was read for information, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid, under the direction of the President, to each of the officers, non-commissioned officers, musicians, and privates who, on the — day of December, 1853, embarked at New York, under orders for California, on the steamship San Francisco, and who was on board that vessel on the occasion of her recent disaster at sea, a sum equal in amount to his pay and allowances for four months.

And be it further enacted, That if any such officer, non-commissioned officer, musician, or private, shall have died before the passage of this act, from any cause consequent upon said disaster, his widow, if one survive him, and if not, then his children, if any there be, shall be paid the same sum to which he would otherwise have been entitled under the provisions of this act.

Mr. BISSELL. I wish to say one word upon the bill, and one word only.

The SPEAKER. If there be no objection, the gentleman will proceed.

No objection was made.

Mr. BISSELL. As there seems to be no objection to the introduction of the bill, I will simply move to refer it to the Committee on Military Affairs, and will detain the House no longer.

Mr. CHANDLER. I now ask the unanimous consent of the House to read a resolution which I propose to offer to the House.

No objection was made; and the resolution was read by Mr. CHANDLER, as follows:

Whereas information has been received that more than five hundred citizens, many of them officers and soldiers of the Army of the United States, on board the steamship San Francisco, have been saved from death by the gallant, perilous, and merciful interposition of the officers and crew of the Brush ship Three Bells, and of the American ship Antarctic and bark Kilby, after a severe gale on the Atlantic ocean, by which the San Francisco was utterly dis-

abled, and nearly two hundred persons had miserably perished:

And whereas it is becoming a Republic to cherish the lives of its citizens, and especially to make appropriate acknowledgments of the obligation conferred by those who, at the imminent peril of property and life, rescue from certain destruction the persons of those citizens, and particularly the special servants of the nation:

Be it resolved, (the Senate concurring) That a joint special committee, to consist of nine persons on the part of the House of Representatives, and of — persons on the part of the Senate, be appointed, and instructed to inquire and to report in what form the acknowledgments of Congress and the gratitude of the nation may be most appropriately expressed to those benevolent and courageous men, who, under Providence, were the means of rescuing from death so many citizens of this Republic.

Mr. CUTTING. I wish to ask the gentleman from Pennsylvania [Mr. CHANDLER] whether he would have any objections to send to the committee which shall be charged with the consideration of his resolution, a resolution that they shall make a further inquiry and report thereon to this House, to this effect? That it is unbecoming this Government to allow the owners and masters of the merchant ships which were hove to, to lose their time in taking on board these unfortunate men, and in transporting them to a place of safety, without awarding to them the same reasonable compensation that would be paid if a bargain had been made? It is not fitting that this Republic should have her officers and soldiers transported gratis, without paying a proper remuneration.

I ask the gentleman whether, if I read the resolutions, he will adopt them as his own. I do this, not from my own suggestion, but in conformity with letters received from citizens of New York, and in deference to those gentlemen. With the consent of the gentleman from Pennsylvania, I will offer the resolutions.

I had supposed that the Committee on Military Affairs was the proper one to take this matter under consideration, and to whom this subject should be referred. I will read the resolutions which I have drawn up.

The resolutions were then read, as follows:

Resolved, That the said joint committee be requested to inquire and report whether some provision, by way of pension, or otherwise, ought not to be made in favor of the widows—or if no widows—in favor of the minor children of those officers and men who were embarked by order of the Government on board of the steamer San Francisco, and who were deprived of life while in the service of their country, by the perils they encountered after leaving the port of New York, on their way to California. And that the said committee do also inquire and report whether an indemnity ought not to be provided in favor of those officers and men in the service of the Government, whose baggage and effects were lost, or damaged, on board of the said steamer, by the accidents and perils of the voyage.

Resolved, That the committee do also report to this House some suitable mode of testifying to Captain Creighton, of the British ship Three Bells, and to his officers and crew, and to the masters, officers, and crews of the bark Kilby, and the ship Antarctic, the appreciation by Congress of their humane, persevering, and gallant conduct, by which, under Providence, so many American citizens were rescued by them from the wreck of the San Francisco.

Resolved, That the said committee do also inquire and report whether compensation or indemnity ought not to be made by this Government to the owners and masters of the ships Three Bells, Antarctic, Lucy Thompson, and the bark Kilby, for services rendered, and for losses and expenses incurred by them in saving, and transporting to a place of safety, the officers and men in the service of the United States, who were rescued from the wreck of the aforesaid steamer.

Mr. FLORENCE. If my colleague [Mr. CHANDLER] will yield me the floor for one moment, I have some resolutions in regard to this subject which I desire to present for the consideration of the House.

Mr. COBB. How many others are there?

Mr. FLORENCE. I am responsible for these only. I desire, if a committee should be raised, that the resolutions which I hold in my hand, and which I will read for the information of the House, may be referred to such committee.

The resolutions were then read, as follows:

Whereas, a distressing calamity has occurred in the disaster which befell the steamer San Francisco on her recent voyage to California, in which vessel was being conveyed officers and troops of the United States, with their families, and by which disaster nearly or quite two hundred souls found a watery grave; and

Whereas, it is right and proper, when such an event happens, eliciting, as it has, the sympathy of the whole nation for the sufferers, and appalling entire communities by the

painful suspense which for a period of ten days has hung over the fate of those on board the ill-starred vessel, that suitable action should be had by an American Congress, in consideration of the gallant and heroic conduct of those who, governed by the generous impulses of brave hearts, risked their lives, and periled the safety of the vessels in which they were embarked, in affording comfort and succor to the officers, crew, and passengers of the San Francisco, by which act of daring and praiseworthy humanity five hundred souls were saved from an awful and painful death which stared them in the face, and to which, but for such providential intervention, they would have soon been hastened: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sincere and heartfelt thanks of an American Congress are extended to those gallant men who commanded the American bark Kilby, the British ship Three Belis, and the American ship Antarctic, for their heroic, humane, and gallant conduct, as displayed in their untiring efforts to restore to their friends and country the unfortunate persons for whose safety the liveliest interest has been felt wherever the disaster to the steamship San Francisco has been made known.

Resolved, That the President of the United States be authorized and requested to have suitable medals struck off, commemorative of this sad event, to be presented, with copies of these resolutions, to all who were engaged in the act of safety afforded to the officers and troops of the United States.

Resolved, That in view of the sad effects of the calamity to the San Francisco, and the pecuniary loss sustained by the survivors and those who met a watery grave, the Secretary of War is instructed to afford such relief to the survivors and their families, as shall, in his judgment, seem to be just and proper; and report such action, at an early period, to this Congress.

Pending the reading of the above, Mr. WALSH, rising to a point of order, said: There is so much noise in this part of the Hall that I cannot possibly pay proper attention to those soul-thrilling resolutions.

The SPEAKER. Gentlemen must resume their seats, and preserve order.

Mr. CHANDLER. I accept the addition suggested by the gentleman from New York, [Mr. CUTTING.]

Mr. FAULKNER. I ask the gentleman from Pennsylvania to allow all these propositions to be referred at once to the Committee on Military Affairs.

Mr. HOUSTON. That would be the best reference.

Mr. CHANDLER. Oh, no; we want a special committee. The Committee on Military Affairs has nothing to do with the subject.

Mr. FAULKNER. This subject has already in one form been referred to the Committee on Military Affairs, and the proposition of the gentleman from New York [Mr. CUTTING] directly calls for the action of that committee in another and more extended form. I suggest, therefore, whether it would not be better to let the whole subject go before them, and let them make an early report upon it.

Mr. CHANDLER. It is necessary that it should go to a joint committee, and there is no joint committee on Military Affairs.

Mr. CAMPBELL. I rise to a point of order. I hold that the gentleman from Pennsylvania has no right to yield the floor to others for the purpose of reading essays on the subject, nor has he a right to yield it for the purpose of debate, nor has he a right to debate himself. If he will present the question upon his own proposition, disconnected from any proposition to pay for services, and to give pensions, and all that sort of thing, I shall vote for it very cordially; if not, I am in favor of the reference to the Committee on Military Affairs.

Mr. FLORENCE. I call the gentleman from Ohio to order.

Mr. BISSELL. Will the gentleman from Pennsylvania yield to me a moment.

Mr. CHANDLER. Certainly, sir.

Mr. BISSELL. I only desire to make a single remark. I wish to say that it is clothing and food that these poor fellows want; and they want them now. They arrived in New York without a change of clothing, with icicles dangling from their garments. They want food; they want clothing immediately. They have drawn three months' extra pay, and used it up. I think that when we have attended to the matter of supplying them with food and clothing, that we may then, if we choose, adopt the resolutions giving medals and votes of thanks.

Mr. CAMPBELL. With the permission of the gentleman from Pennsylvania, I will remark—

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. CHANDLER. I think that gentlemen are taking too much advantage of my good nature this morning.

At the request of several members, Mr. CHANDLER's proposition was again read.

Mr. FAULKNER. I move, Mr. Speaker, a reference of the whole subject to the Committee on Military Affairs.

Mr. CHANDLER. I hope that my proposition will not take that course. In the first place, the Committee on Military Affairs is not a joint committee; and in the next place, it does not officially and professionally know anything about the risks which have been incurred—not only risk of life, but imminent risk of property—and of danger incurred by violation of charters and things of that kind. All this should go before a special committee. I move, therefore, that the resolution be adopted. I accept, as a modification of my proposition, if it be thought proper, the resolutions which were read by the gentleman from New York, [Mr. CUTTING.]

At the request of several members, and by unanimous consent, the resolutions of Mr. CUTTING were again read.

Mr. HAMILTON. In my judgment, this whole subject should be referred to the Committee on Military Affairs. Will the Chair be pleased to state whether the resolutions are before the House for consideration?

The SPEAKER. They are before the House by its unanimous consent.

Mr. CHANDLER. The gentleman from New York [Mr. CUTTING] authorizes me to say that he withdraws his resolutions, which were accepted by me as a modification of my proposition.

Mr. CUTTING. I desire my resolutions to go to the Committee on Military Affairs.

Mr. CHANDLER. I call for the previous question on the adoption of my resolution.

Mr. WALBRIDGE. I would appeal to the gentleman from Pennsylvania to withdraw his call for the previous question but a single moment.

[Cries of "Withdraw!" "Hold on to the call!" &c.]

Mr. WALBRIDGE. I move that all of the resolutions presented touching this question be referred to the Committee on Military Affairs. It was my purpose to have requested that they be sent to the Committee on Commerce, and therefore had prepared a couple of resolutions with that view. I know that the patience of the House is now exhausted on the subject; but, if it be the general pleasure, I will read them.

[Cries of "Read, read!" "Object, object!"]

Mr. WALBRIDGE. I can only assure gentlemen that they are infinitely briefer than any of those which have already been presented.

The SPEAKER. The gentleman objecting to the reading of the resolutions will please rise in his place and object.

Mr. LETCHER. I object to the reading of the resolutions.

Mr. CHANDLER. I have not withdrawn my call for the previous question.

Mr. WALSH. I simply desire to ask a question for information. Will the motion which has just been made carry all of the propositions to the Committee on Military Affairs?

The SPEAKER. The gentleman from New York [Mr. CUTTING] has withdrawn so much of the proposition as was included in the proposition presented by the gentleman from Pennsylvania [Mr. CHANDLER] as he himself presented; so that the resolutions originally offered by the gentleman from Pennsylvania, are alone before the House, and upon their adoption the previous question has been called, which cuts off all amendments and all debate.

Mr. WALBRIDGE. I understood that the gentleman from Pennsylvania withdrew his call for the previous question in my favor.

The SPEAKER. He declined doing so.

[Cries of "Question!" "Question!"]

Mr. WALSH. I desire to make a remark.

Mr. CHANDLER took the floor.

The SPEAKER. Is it the unanimous consent of the House that suggestions be made by the gentleman from Pennsylvania or the gentleman from New York touching the matter now under consideration?

[Cries all over the House of "No!" "No!"]

The SPEAKER. The Chair is then compelled

to rule everything out of order until action has been taken on the call for the previous question.

Mr. WALSH said, (amidst much confusion:) If I understood the proposition of the gentleman from Pennsylvania, [Mr. FLORENCE,] it proposed that, besides votes of thanks and medals, copies of his resolutions should be presented. Now, sir, I am opposed to accompanying an act of charity with the infliction of the reading of all those resolutions.

Mr. ORR. I trust that the gentleman from Pennsylvania will allow a motion to be made to refer this whole matter to the Committee on Military Affairs?

Mr. CHANDLER. I decline to withdraw my call for the previous question.

The SPEAKER. No discussion; no motion is in order, and the Chair must hold gentlemen to the rules.

Mr. WALBRIDGE. Has my colleague [Mr. CUTTING] entirely withdrawn his resolutions?

The SPEAKER. He has.

Mr. WALBRIDGE. I ask the gentleman from Pennsylvania [Mr. CHANDLER] then to allow my resolutions to be attached to his own by way of amendment?

Mr. FAULKNER. I rise to inquire whether my proposition to refer this whole subject to the Committee on Military Affairs does not take precedence of the call for the previous question?

The SPEAKER. It does not, for the reason that, at the moment the gentleman proposed to submit the motion, the gentleman from Pennsylvania was upon the floor; which the Chair stated at the time.

Mr. FAULKNER. He, however, yielded the floor to me, as the Chair is aware.

The SPEAKER. The gentleman from Pennsylvania, as the Chair understood at the moment, declined to yield the floor. There was a good deal of confusion at the time.

Mr. CLINGMAN. I rise to a point of order, which is, that this whole debate is out of order, the previous question having been demanded.

The SPEAKER. The gentleman from North Carolina is quite right. No further proposition is in order, nor any further debate. As many, therefore, as second the demand for the previous question, will rise.

Mr. ORR demanded a count; and there were—

ayes 105, noes not counted.

So the previous question was seconded; and the main question was ordered to be now put.

The question was then taken on the adoption of the resolution; and it was decided in the affirmative.

Mr. HAMILTON. I now call for the regular order of business.

Mr. DEAN. I rise to a privileged question.

The SPEAKER. The gentleman will state his question.

Mr. DEAN. I move to reconsider the vote just taken, and to lay that motion upon the table.

The latter motion was agreed to.

The question was then taken on the motion of Mr. HAMILTON, and it was agreed to.

DUTIES ON RAILROAD IRON.

The SPEAKER. The first business in order is the following resolution, which will be read by the Clerk:

Resolved, That the Committee on Ways and Means be requested to report a bill giving a credit of four years to railroad companies, to pay duty upon iron imported by them for railroad purposes.

The SPEAKER. Upon the adoption of this resolution the previous question was demanded and ordered; and a motion was then made to lay the resolution on the table.

Mr. CHURCHWELL. Upon the motion to lay the resolution upon the table I demand the yeas and nays.

Mr. JONES, of Tennessee. I wish to suggest to my colleague the propriety of so modifying his resolution as to instruct the committee to inquire into the propriety of such a resolution. This resolution, with the whole subject of the tariff, has been referred to that committee, and I think it would be quite as well—

Mr. CLINGMAN. I object to this debate. We have already two resolutions before the House, and the previous question has been ordered.

Mr. JONES. Will my colleague take a suggestion from me?

Mr. CHURCHWELL. I would gratify my colleague, but the Committee on Ways and Means have before them now two resolutions of the character of his proposition.

The SPEAKER. Debate is not in order; and even suggestions cannot be permitted, if objection is made, under the previous question.

The roll was called; and there were—yeas 98, nays 91; as follows:

YEAS—Messrs. Barry, Belcher, Benson, Boyce, Bridges, Caruthers, Chandler, Clark, Corwin, Cox, Crocker, Curtis, Cutting, Thos. Davis, Dawson, Dean, Dick, Dickinson, Disney, Drum, Edgerton, Edmunds, Ellison, Everhart, Farley, Faulkner, Fenton, Flagler, Florence, Franklin, Fuller, Goodrich, Grow, Hamilton, Hastings, Haven, Hibbard, Hillyer, Houston, Howe, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kidwell, Kurtz, Lamb, Leitcher, Lilly, Linsley, McCulloch, Macdonald, McNair, Matteson, Meacham, Middletown, Smith Miller, Millson, Morrison, Murray, Andrew Oliver, Packer, Peck, Pennington, Bishop Perkins, Phelps, Pringle, David Ritchie, Robbins, Rowe, Russell, Sabin, Sage, Seymour, Shower, Simmons, Skelton, Gerrit Smith, Stratton, Straub, John J. Taylor, John L. Taylor, Thurston, Tracy, Trout, Upham, Vail, Vansant, Wade, Walbridge, Walker, Walley, Walsh, Tappan Wentworth, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—98.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Banks, Barksdale, Benton, Bissell, Bocoek, Breckinridge, Brooks, Campbell, Chamberlain, Chase, Chrisman, Churchwell, Clingman, Cobb, Cook, Craige, Cullom, John G. Davis, De Witt, Dowdell, Dunbar, Eastman, Eddy, Edmundson, English, Etheridge, Ewing, Giddings, Goode, Green, Greenwood, Grey, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Hens, Hill, Hunt, Roland Jones, Keitt, Kerr, Kidwell, Lamb, Leitcher, McQueen, Mills, Morrison, Orr, Bishop Perkins, John Perkins, Powell, Pratt, Puryear, Reese, Rogers, Ruffin, Seward, Seymour, Shaw, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, Warren, Elihu B. Washburne, Wells, John Wentworth, Westbrook, Yates, and Zolllicoffer—91.

So the motion to lay on the table was agreed to.

Mr. JONES. Mr. Speaker—

Mr. WHEELER. I rise to a privileged question.

The SPEAKER. The gentleman will state his privileged question.

Mr. WHEELER. I desire to move a reconsideration of the vote just taken, by which the resolution was laid on the table; and that the latter motion be laid on the table.

The latter motion was agreed to.

HOMESTEAD BILL.

Mr. JONES, of Tennessee. Mr. Speaker, I propose the following resolution, and move to suspend the rules in order to enable me to offer it: The Clerk read the resolution, as follows:

Resolved, That House bill No. 1, "to encourage agriculture, commerce, and manufactures, and all other branches of industry, and for granting to every man who is the head of a family and a citizen of the United States a homestead of one hundred and sixty acres of land out of the public domain, on condition of occupancy and cultivation of the same for the period herein specified, and to graduate and reduce the price of public lands;" and House bill No. 37, "a bill to encourage agriculture, commerce, and manufactures, and all other branches of industry, by granting to every man who is the head of a family and a citizen of the United States a homestead of one hundred and sixty acres of land out of the public domain, on condition of occupancy and cultivation of the same for the period herein specified," be the special order of the day in the order in which they were reported to the House, for Tuesday, 14th of February next, and for each successive day (private bill days excepted) till disposed of.

Resolved, That all debate upon said special order or bills shall terminate in the Committee of the Whole on the state of the Union, at three o'clock p. m., on Tuesday, the 21st of February next, when the committee shall proceed to vote on the pending amendments, such as may be offered to said bills; after which the committee shall rise and report to the House.

The SPEAKER. The Chair proposes that, by unanimous consent, the House take a single vote on the adoption of the resolution, if carried by two-thirds—

A MEMBER. I object.

The SPEAKER. If the resolutions were carried by a vote of two thirds it would work a suspension of the rules. The gentleman might object, at any rate. I only mention it for the convenience of the House.

The question was then put on the motion to suspend the rules, and the Speaker announced 102 votes in the affirmative.

Mr. COBB. I move that the yeas and nays be called, on the motion to suspend.

The yeas and nays were ordered.

The roll was then called, and there were—yeas 138, nays 53; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Appleton,

Banks, Belcher, Benton, Bissell, Breckinridge, Bridges, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chase, Chrisman, Churchwell, Clark, Cobb, Cook, Corwin, Cox, Cullom, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, De Witt, Dick, Disney, Drum, Eastman, Eddy, Edgerton, Elliott, Ellison, English, Etheridge, Farley, Fenton, Florence, Giddings, Goodrich, Green, Greenwood, Grey, Grow, Andrew J. Harlan, Wiley P. Harris, Harrison, Hastings, Hendricks, Hens, Houston, Howe, Hughes, Hunt, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Knox, Kurtz, Lane, Latham, Lilly, Lindley, Linsley, Lyon, McCulloch, McDougal, McMullin, McNair, Mace, Macy, Matteson, Maurice, Maxwell, Mayall, Meacham, Middletown, John C. Miller, Murray, Nichols, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Packer, Parker, Peck, Phelps, Preston, Pringle, Ready, Richardson, Riddle, David Ritchie, Robbins, Rowe, Russell, Sabin, Sage, Shannon, Shower, Simmons, Skelton, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Straub, Andrew Stuart, John J. Taylor, John L. Taylor, Thurston, Trout, Upham, Vail, Vansant, Wade, Walbridge, Walker, Walsh, Warren, Elihu B. Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Witte, Hendrick B. Wright, Yates, and Zolllicoffer—138.

NAYS—Messrs. Abernethy, Aiken, Ashe, Thomas H. Bayly, Barksdale, Barry, Benson, Bocoek, Brooks, Clingman, Colquitt, Craige, Crocker, Dickinson, Dowdell, Dunbar, Edmunds, Faulkner, Flagler, Franklin, Fuller, Goode, Hamilton, Sampson W. Harris, Haven, Hibbard, Hill, Hillyer, Roland Jones, Keitt, Kerr, Kidwell, Lamb, Leitcher, McQueen, Mills, Morrison, Orr, Bishop Perkins, John Perkins, Powell, Pratt, Puryear, Reese, Rogers, Ruffin, Seward, Seymour, Shaw, George W. Smyth, Snodgrass, Walley, and Daniel B. Wright—53.

So the rules were suspended, two thirds voting in favor thereof.

Mr. JONES, of Tennessee. I now introduce the resolution which has been read, and ask the previous question upon its adoption.

Mr. ORR. I rise to a question of order. The gentleman proposes to terminate debate upon this bill at a particular time. The Committee of the Whole have not yet considered it; and I think, according to precedent, the House cannot close debate upon a bill until it has been considered in the committee.

The SPEAKER. The Chair overrules the question of order, as the suggestion would interfere with the object of the resolution to suspend the rules.

Mr. JONES. We are now acting under a suspension of the rules.

The previous question was then seconded, and the main question ordered to be put.

The main question being, "Shall the resolution be adopted?"

Mr. HILLYER called for the yeas and nays thereon.

The yeas and nays were refused.

The question was then, taken and decided in the affirmative.

So the resolution was adopted.

Mr. JONES moved to reconsider the vote last taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

MILITARY ACADEMY IN TENNESSEE.

Mr. ZOLLICOFFER presented the following resolution, which was read by the Clerk:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and practicability of establishing a branch of the Military Academy of the United States at the Hermitage, in the State of Tennessee.

The question was taken on the adoption of the resolution, and there were on a division—yeas 38, noes not counted.

So the resolution was rejected.

HALF PAY TO WIDOWS, ETC.

Mr. READY, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Revolutionary Pensions:

"A bill to amend the several acts of Congress allowing and continuing to widows of deceased officers and soldiers of the United States half pay, in certain cases, for a specified time."

STEAM FRIGATES.

Mr. ZOLLICOFFER offered a resolution, which was read by the Clerk, as follows:

Resolved, That the House bill (No. 52) entitled "A bill to authorize the construction of six first-class steamers, and for other purposes," be made the special order of the day, in the Committee of the Whole, for Thursday, the 19th day of January instant, and for each successive day thereafter, private bill days excepted, until the same shall be concluded.

Mr. BOCOCK. That resolution has been offered by my friend from Tennessee [Mr. Zolllicoffer] at my request. I have nothing to say at this stage of the proceedings, but I hope the House

will make it a special order, for the time specified in the resolution.

Mr. HOUSTON. I would like to have the gentleman from Virginia, [Mr. Bocoek,] if he intends to press that matter, make some limitation as to the time in which it shall be disposed of; for when debate of that character arises everything else is cut off.

Mr. BOCOCK. I am perfectly willing to agree to any reasonable limitation that the gentleman may ask for, but it can be done at any time. When the House goes into Committee of the Whole to consider the bill, if there is anything like a disposition upon the part of the committee to spend too much time in its consideration, a resolution can be offered by the gentleman from Alabama, or any other gentleman, to limit the debate. Such a resolution can be offered at any time.

Mr. HOUSTON. My friend knows very well that the proper time to close debate upon any subject is before the steam gets up. When we once get under way in the discussion of a matter like this it is almost impossible to limit debate.

Mr. CAMPBELL. I call both of the gentleman to order.

Mr. WHEELER. I object to the introduction of the resolution. The gentleman from Tennessee has already offered one resolution.

The SPEAKER. The objection comes too late.

Mr. RISSELL. I do not wish to debate this matter, but merely desire to say that I am not aware there is any reason why such peculiar privilege should be given to this bill.

The question was then taken upon the adoption of the resolution; and there were—yeas 66, noes not counted; so the rules were not suspended.

THE DISPOSITION OF THE PUBLIC LANDS.

Mr. CHAMBERLAIN. I desire to offer the following resolutions.

The resolutions were read, as follows:

Whereas, in the opinion of this House the true policy of the Government of the United States, in disposing of the public lands, requires that they should be disposed of in such manner as best to facilitate the settlement thereof, and the commercial interests of the nation: And whereas, in the judgment of this House both of these important ends will be best attained by granting donations of land to actual settlers, and by making such appropriations thereof, to aid in the construction of such railroads as are of a leading national character, as may come clearly within the exercise of the constitutional powers of the General Government—to which class of railroads we think these belong—which shall extend from the States lying on the east side of the Rocky Mountains, to those which are, or hereafter may be, organized on the west side of said mountains: Therefore,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reporting a bill to the House, embracing the following features, to wit:

1. To provide for the prosecution of such surveys by the General Government, of railroad routes to commercial points in the States and Territories on the west side of the Rocky Mountains, as may already have been commenced; and such additional surveys as may be necessary to determine the practicability of constructing one or more railroads of the character above described, and for the completion of such surveys to the perfection and establishment of railroad lines permanently, not exceeding three in number, on the most practicable, suitable and direct routes aforesaid.

2. To provide for a grant, by donation, of one hundred and sixty acres of land, to be selected in quarter sections, equal to four quarter sections, out of each three sections, to each actual settler, within forty miles on each side of the railroads hereinafter mentioned, in such manner as the President may direct, with the proper restrictions as to the time of settlement and cultivation, the character of persons who may avail themselves of such grants, and the mode of perfecting such grants, and such other provisions as may be deemed necessary to give each settler a permanent homestead.

3. To provide for the incorporation of companies upon such conditions as shall enable them to avail themselves of the provisions hereinafter named—one or more on each of said lines of railroad. No one company, however, to be incorporated for the construction of less than one hundred miles road, and for the whole extent of such road or roads, to be laid off into divisions of one hundred miles each.

4. To provide that the shares of stock in each of said companies shall be \$200 each. That when any holder of a share of said stock shall produce the proper certificates, share of said stock shall produce, in cash, or its bona fide equivalent, the full amount thereof, and that such railroad is finished and in actual operation throughout an entire division of one hundred miles—such holder of stock, upon the production of such certificates to the proper department of the Government, shall, for each such share of stock, be entitled to a land warrant for one hundred and sixty acres of land, upon any of the unoccupied land hereinafter appropriated to that purpose, and in the manner, and subject to the restrictions hereinafter provided.

5. To provide for the free grant to such companies, of the right of way for such railroad or roads, throughout the whole extent thereof, over the public domain, of sufficient width for a double track road; and also for reserving at

least sufficient width of land, along such railroad or roads, for a free common wagon road, of such construction as Congress may at any time hereafter provide for, with the privilege of crossing such railroad or roads therewith, at any points which may be found necessary, and requiring such company or companies to construct the necessary crossings; and to provide for such other reservations as the public interests may require.

6. To provide for the surveying into townships, sections, and quarter sections, in the manner in which public lands are now surveyed, of the public lands, to the distance of at least forty miles on each side of such right of way and reservations, and for the reservation of every sixteenth section for schools; and also for such other reservations for educational and such other purposes as the public interests may require, in conformity with the present policy of the Government in these particulars.

7. To provide for the application of the preemption laws to that portion of the said lands, forty miles each side of said railroad or roads, which shall not have been designated by the President, for donation to actual settlers, as herein above provided, for the protection of the rights of such of the stockholders in each of said companies, as shall, by actual settlement and improvement thereon, entitle themselves to a preemption claim; as also the rights of such preemptors as may have settled upon the residue, or every third quarter section thereof, herein reserved by the United States.

8. To provide for the location, upon one hundred and sixty acres of said land, so surveyed, forty miles on each side of said railroad, or roads, to be selected in quarter sections, equal to four quarter sections, out of each three sections, of each land warrant issued upon each share of railroad stock, as above provided, in such manner as the President may direct, with the proper provisions for the protection of the interests and rights of those who may entitle themselves to preference in such location, by virtue of their preemption claims as above provided; each holder of such land warrants being authorized to locate the same, upon any of the unoccupied portion of said lands set apart for this purpose, only within the limits of the length of that division of said railroad, or roads, within which the certificates of stock shall have issued, upon which such warrants shall have been granted; and preference in such location shall be given, in the order of the date of the payment, as aforesaid, of each of such shares of stock.

9. To provide for the manner in which several companies, upon each or either of said lines of railroad, shall so consolidate the service thereof as best to subserve the public interests and facilitate the movement and convenience of the rolling machinery thereon; and also for the reservation, in the General Government, of the power to establish, from time to time, a maximum tariff of rates of toll, within which said companies shall be limited. And also to provide for the reservation of the perpetual right of the United States to transport their mails upon all such railroads free of charge.

10. To provide for the extinguishment of Indian titles along such railroads, and upon the lands to be surveyed as aforesaid.

Mr. BOYCE. I move that the resolution be laid upon the table.

Mr. CHAMBERLAIN. I will suggest that the resolution is simply one of inquiry relative to a proposition upon which we shall be speedily called to act. I trust that the objection which has been made will be withdrawn, and that the resolution will go to the Committee on Public Lands.

Mr. BOYCE. I withdraw the motion which I submitted to lay the resolution upon the table.

The question was taken; and the resolution was adopted.

JUDICIAL DISTRICTS OF INDIANA.

Mr. MACE obtained the floor.

Mr. RIDDLE. I rise to what I deem to be a privileged question. I have been instructed by the Committee on Engraving to submit a resolution to the House. I have been waiting for some days for an opportunity to do so.

The SPEAKER. The State of Indiana is now being called upon for resolutions. The gentleman from Indiana having been recognized by the Chair, he will, under the circumstances, be entitled to the floor for the present.

Mr. MACE, in pursuance of previous notice, introduced a bill of the following title; which was read a first and second time by its title:

"A bill to divide the State of Indiana into two judicial districts, and to provide for holding the circuit and district courts therein."

Mr. MACE. My friend and colleague wishes to propose an amendment to the provisions of the bill. After it has been adopted, I shall move a reference of the bill to the Committee on the Judiciary.

Mr. ENGLISH. There is an amendment I should like to see made to this bill. No place is fixed in the bill for the holding of courts in the southern circuit. I think New Albany is obviously the place which should be selected, and I make that motion, and hope my colleague will consent to it.

Mr. MACE. I accept my colleague's amendment.

The bill was then referred to the Committee on the Judiciary.

MAPS AND DRAWINGS ACCOMPANYING THE PRESIDENT'S MESSAGE.

Mr. RIDDLE. I am instructed by the Committee on Engraving to submit the following resolution for the adoption of the House:

Resolved, That the Committee on Engraving be, and they are hereby, authorized to contract for the engraving and printing of the maps and drawings accompanying the President's message for nine hundred and thirty copies; also the maps accompanying the Report of the Commissioner of the General Land Office for five hundred extra copies: *Provided*, That the cost shall not exceed the sum of \$900.

Mr. R. said: I am instructed by the committee to state that the resolution simply provides for the engraving only of maps and drawings for the numbers of the messages of the President which are bound for the use of members.

Mr. DAVIS, of Indiana. I desire, Mr. Speaker, to know whether it is in order, while the State of Indiana is being called upon for resolutions, to submit a report from a committee?

The SPEAKER. The Committee on Engraving is privileged under the rules to submit reports at any time. The gentleman from Delaware is in order in submitting the resolution which has just been read.

Mr. RIDDLE. The resolution simply provides for the engraving of the maps and plates for the copies which are bound for our libraries and the individual members. The committee found that to engrave the maps and plates for the whole number of copies of the message would consume more than one half of the amount appropriated for that purpose. All consume about thirteen thousand. The resolution provides that about one thousand shall be printed, which will consume eight hundred and fifty or nine hundred.

The question was then put; and the resolution was adopted.

PENSIONS TO SURGEONS.

Mr. LANE, of Indiana, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Invalid Pensions:

"A bill extending the provisions of the pension and bounty land laws now in force, so as to include surgeons who served in the Mexican war under contracts with the commandants of regiments."

Mr. HENDRICKS, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Buildings and Grounds:

"An act to erect in the city of Indianapolis, in the State of Indiana, a United States court-house and land office."

Mr. MILLER, of Indiana. I have an amendment to that bill which I beg leave to offer.

The Clerk read the amendment; as follows:

SEC. 2. *Be it further enacted*, That the further sum of — dollars be appropriated for the construction of a suitable building for the distributing post office at the city of Vincennes, in the State of Indiana; the said appropriation, and the erection of said building, to be under the control and direction of the President of the United States.

Mr. MILLER. I move its reference to the Committee on the Post Office and Post Roads.

The SPEAKER. I would inform the gentleman that a motion is pending to commit the bill and amendment to the Committee on Public Buildings and Grounds; and unless objected to, they will be so committed.

No objection was made, and they were so referred.

INDIANA BONDS.

Mr. DAVIS, of Indiana, in pursuance of previous notice introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Claims:

"A bill authorizing the Secretary of War and the Secretary of the Treasury to surrender to the State of Indiana certain bonds to the government of the State of Indiana."

Mr. LANE. I desire to offer the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of equalizing the salaries of district judges, so as to increase the salary of the judge for the district of Indiana.

There being no objection, the question was taken, and the resolution was adopted.

COMPENSATION IN CASES OF DISASTERS.

Mr. BISSELL offered a resolution, which was read by the Clerk, as follows:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of making an annual appropriation, so as to enable the President of the United States to make suitable acknowledgment to captains of foreign vessels that may risk their ships and lives in rescuing American citizens in marine disasters.

The question was taken on the adoption of the resolution, and it was decided in the affirmative.

PUBLIC BUILDINGS AT CHICAGO.

Mr. WENTWORTH, of Illinois, in pursuance of previous notice, introduced the following bill, which was read a first and second time by its title, and referred to the Committee on Commerce:

"A bill to provide for the erection of suitable buildings for a post office, custom-house, land office, bonded warehouse, and United States court-house in the city of Chicago."

Mr. WENTWORTH also submitted the following resolution:

Resolved, That the Committee on Ways and Means be instructed, after consultation with the Secretary of the Treasury and the Postmaster General, to inquire into the expediency of giving a credit for duties upon railroad iron to such railroad companies as shall obligate themselves to pay for the same by the transportation of the mail, under such regulations, and at such rate of compensation, as shall be prescribed by the Post Office Department.

Mr. SKELTON. I propose to debate that resolution.

Mr. WENTWORTH. I move the previous question, upon the adoption of the resolution.

Mr. LILLY. I rise to a question of order. The gentleman from Illinois has introduced two resolutions, whereas, under the rule, he is entitled to offer only one at a time.

The SPEAKER. The Chair would inform the gentleman from New Jersey that the gentleman from Illinois has introduced but one resolution. The first paper offered by him was a bill.

Mr. SKELTON. I rise to a question of order. When a resolution is introduced into this House which gives rise to debate it passes over, under the rules of the House. I rose in my place, and proposed to debate the resolution.

The SPEAKER. The Chair would inform the gentleman that the gentleman from Illinois [Mr. WENTWORTH] was on the floor, and was entitled to the floor at the time, and was in order in moving the previous question; and that motion will cut off debate, if it is sustained by the House.

Mr. FULLER. I move to lay the resolution upon the table.

Mr. WENTWORTH. I demand the yeas and nays upon that motion.

Mr. BAYLY, of Virginia. Is the resolution open to amendment?

The SPEAKER. It is not, a motion having been made to lay the resolution upon the table.

The House was then divided on a call for the yeas and nays, and they were ordered.

The question was then taken; and it was decided in the affirmative, there being—yeas 91, nays 64; as follows:

YEAS—Messrs. Appleton, Thomas H. Bayly, Barksdale, Barry, Belcher, Benson, Benton, Boyce, Bridges, Brooks, Campbell, Caruthers, Chandler, Cox, Crocker, Cumming, Cutting, Thomas Davis, Dawson, Dean, Dick, Dickinson, Drum, Edgerton, Edmonds, Etheridge, Farley, Faulkner, Fenton, Flager, Florence, Franklin, Fuller, Goodrich, Grow, Hamilton, Hastings, Haven, Hill, Hillyer, Houston, Howe, Ingersoll, Daniel T. Jones, George W. Jones, Kidwell, Kitredge, Knox, Kurtz, Letcher, Lilly, McCulloch, Macdonald, McMullin, Matteson, Maurice, Middlesworth, Smith Miller, Milson, Morrison, Murray, Packer, Peck, Phelps, Pringle, David Ritchie, Robbins, Rowe, Russell, Sage, Seymour, Shower, Simmons, Skelton, Gerrit Smith, Snodgrass, Stratton, Straub, John L. Taylor, Trout, Upham, Vail, Vansant, Walbridge, Walker, Walley, Walsh, Tappan Wentworth, Wheeler, Witte, and Hendrick B. Wright—91.

NAYS—Messrs. Aiken, James C. Allen, Banks, Bissell, Boeck, Chamberlain, Chrisman, Churchwell, Clingman, Cobb, Colquitt, Cook, Corwin, Craig, John G. Davis, De Witt, Disney, Dowdell, Dunbar, Eastman, Eddy, Edmundson, Elliott, Ellison, English, Ewing, Green, Grey, Sampson W. Harris, Hendricks, Henn, Johnson, Roland Jones, Kerr, Lane, Latham, Lindley, Lindsley, Mace, Macy, Nichols, Noble, Olds, Orr, Paker, Bishop Perkins, Pratt, Puryear, Ready, Reese, Rogers, Ruffin, Sapp, Shannon, Shaw, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, David Stuart, Ellihu B. Washburn, Wells, John Wentworth, Westbrook, and Yates—64.

So the resolution was laid upon the table.

CUMBERLAND ROAD.

Mr. JAMES C. ALLEN. I desire to introduce the following bill, of which previous notice has been given, and I ask that it be referred to the Committee on Roads and Canals:

A bill to cede to the State of Illinois that part of the Cumberland road lying within the said State. Mr. JONES, of Tennessee. Why not put it upon its passage? We want to get rid of that road.

The bill was then read a first and second time by its title, and referred to the Committee on Roads and Canals.

Mr. WASHBURN, of Illinois, offered the following resolution:

Resolved, That the Secretary of War be requested to communicate to this House the progress which has been made in the improvement of the Rock Island and Des Moines rapids, under the appropriation of \$100,000 voted for that purpose; what plan of improvement has been adopted; how much of the work has been completed; the character of said work; and what amount of said appropriation has been expended.

Mr. BOCOCK. The resolution being a call for information, it should lie over. I therefore object to its consideration now.

The SPEAKER. The resolution lies over under the rule.

Mr. WASHBURN, of Illinois, offered the following resolution; which was read, and adopted:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of passing a law providing for the settlement of claims growing out of depredations committed by the Indians in the Black Hawk war of 1832.

GRANTS OF LANDS.

Mr. LAMB, in pursuance of previous notice, introduced a bill granting lands to the States of Louisiana, Mississippi, Arkansas, Missouri, Iowa, and to Minnesota Territory, in aid of the construction of a railroad from New Orleans to St. Paul's; which was read the first and second time by its title, and referred to the Committee on Public Lands.

Mr. LAMB also, in pursuance of previous notice, introduced a bill to enlarge the powers, and increase the compensation of the district judge of the United States for the district of Missouri; which was read the first and second time by its title, and referred to the Committee on the Judiciary.

CESSION TO ST. LOUIS.

Mr. BENTON offered the following resolution; which was read, and adopted:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of ceding to the city of St. Louis, for the purpose of a public park, forever the ground on which the United States arsenal now stands.

IRON MOUNTAIN RAILROAD.

Mr. CARUTHERS, in pursuance of previous notice, introduced a bill granting to the State of Missouri a portion of the public domain, to aid in the construction of the Iron Mountain railroad; which was read the first and second time by its title, and referred to the Committee on Public Lands.

Mr. WARREN, in pursuance of previous notice, introduced a bill for the relief of John Gossett; which was read the first and second time by its title, and, together with the accompanying papers, referred to the Committee on Public Lands.

INDEMNITY TO FLORIDA.

Mr. MAXWELL, in pursuance of previous notice, introduced a bill "to indemnify and reimburse the State of Florida for moneys paid in protecting her frontier citizens against the Seminole Indians;" which was read the first and second time by its title, and referred to the Committee on Indian Affairs.

Mr. STUART, of Michigan, introduced the following resolution; which was read, and adopted:

Resolved, That the Committee on Commerce be, and it is hereby, instructed to inquire into the necessity and propriety of constructing a custom-house and Government warehouse, with rooms suitable for holding United States court therein, at the city of Detroit, in the State of Michigan; and that said committee report to this House the conclusion they may arrive at upon said inquiry, and what action, if any, it may deem necessary and expedient for the public interest in the premises.

ROCK RIVER AND DES MOINES RAPIDS.

Mr. HIENN, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Commerce:

"A bill for the more effectual improvement of the Des Moines and Rock River Rapids, in the Mississippi river."

LAND DISTRICTS IN IOWA.

Mr. HIENN also, in pursuance of previous no-

tice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill to divide the northern and Missouri river land districts in the State of Iowa."

RAILROADS IN WISCONSIN AND MICHIGAN.

Mr. WELLS, in pursuance of previous notice, introduced the following bills; which were severally read a first and second time by their respective titles, and referred to the Committee on Public Lands:

"A bill giving the right of way and grating alternate sections of the public lands to the State of Wisconsin, and its grantees and assigns, to aid in the construction of a railroad from Milwaukee to Prairie du Chien, on the Mississippi river."

A bill giving a right of way and granting alternate sections of certain public lands to the State of Wisconsin, and its grantees and assigns, to further the construction of a certain railroad therein specified; and

A bill giving a right of way and granting alternate sections of certain public lands to the States of Michigan and Wisconsin, and their grantees and assigns, to further the construction of certain railroads therein specified.

TRESPASSES ON THE PUBLIC LANDS.

Mr. EASTMAN. I offer the following resolution:

Resolved, That the Secretary of the Interior inform this House what steps he has taken to prevent trespasses upon the pine timber lands in the State of Wisconsin and Minnesota Territory; and whether or not he has appointed an agent or agents for that purpose; and if so, who are appointed, and the dates of appointment; and under what provision of law are they appointed; and what instructions he has given them; and also communicate to this House any report that said agents have made, in full; and what salary or compensation is paid to such agents; and how much money has been received by said agents from persons who have cut timber on the lands of the United States, by way of compounding such trespass; and the expenses incurred in collecting the same, and all the items thereof.

The SPEAKER. That being a resolution calling for information, it must lie over one day, unless, by unanimous consent, it can be considered now.

Mr. EASTMAN. I ask the unanimous consent of the House that it may be considered now.

Mr. WALSH. I object.

The SPEAKER. Then the resolution must lie over.

Mr. EASTMAN. I move to suspend the rule of this House which requires that the resolution shall lie over one day, that it may be put on its passage at this time.

Mr. HOUSTON. I would like to ask the gentleman a question in reference to that resolution.

The SPEAKER. The question is not debatable.

Mr. HOUSTON. I am not going to debate it. I understand that the appointment of the officers alluded to in the resolution is in the hands of the Secretary of the Navy, unless some special law has been passed lately.

Mr. EASTMAN. I desire to ascertain whether that be so or not.

Mr. HOUSTON. The Secretary of the Navy appoints them in my country.

The question was taken; and the rules were not suspended. So the resolution lies over.

RAILROADS AND PRE-EMPTIONS.

Mr. LATHAM, in pursuance of previous notice, introduced the following bills; which were severally read a first and second time by their titles, and referred to the Committee on Public Lands:

"A bill granting to the State of California a portion of the public lands to aid in the construction of a railroad from Sacramento City, via Auburn, to Nevada City, in said State;"

"A bill for the extension of the preemption privilege in the State of California;" and

"A bill granting to the State of California a portion of the public lands to aid in the construction of a railroad from Marysville to Benicia, in said State."

UNITED STATES MARSHALS IN CALIFORNIA.

Mr. LATHAM, in pursuance of previous notice, introduced a bill to regulate the fees of United States marshals in the State of California; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. McDUGALL, in pursuance of previous notice, introduced the following bills; which were severally read a first and second time by their

titles, and referred to the Committee on Public Lands:

"A bill making a grant of land to the State of California, in alternate sections, to aid in the construction of certain railroads in said State;" and

"A bill making a grant of land to the State of California, in alternate sections, to aid in the construction of a railroad from San Francisco to San José."

MAIL LINE FROM CALIFORNIA TO CHINA.

Mr. McDUGALL, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads:

"A bill authorizing the Postmaster General to contract for a semi-monthly mail, by steamships, between San Francisco and some point in China."

MAIL SERVICE.

Mr. McDUGALL also, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads:

"A bill to provide for the increase of the mail service between New York, San Francisco, and Oregon; and between New Orleans, San Francisco, and Oregon, and for other purposes."

MILITARY POSTS.

Mr. McDUGALL also, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title:

"A bill to provide for the establishment of a line of military posts and common road; also, authorizing the construction of a telegraph line and a railroad from the valley of the Mississippi to the Bay of San Francisco."

Mr. McDUGALL. Mr. Speaker, preliminary to the reference of this bill, I ask the indulgence of the House for the purpose of explanation.

The SPEAKER. The Chair did not hear the remark of the gentleman from California.

Mr. McDUGALL. I simply wish to ask the indulgence of the House for the purpose of making an explanation of my motion to refer the bill just introduced.

The SPEAKER. If it be the pleasure of the House to permit the explanation.

Mr. EASTMAN. I object.

The SPEAKER. The gentleman from California has a right to be heard on the proposition now before the House, which is that the bill be read a third time and referred.

Mr. McDUGALL. I believe, Mr. Speaker, that it is understood throughout the country and by this House that this is the most important subject of legislation which will come before this Congress; and while it is the most important, it is at the same time the most difficult; and I have a right to say that the country demands the action of this Congress on this particular subject-matter.

There is not in this House a committee organized with respect to this particular subject—the subject-matter of this bill, or any other bill with the same object, embracing questions that pertain to four or five of the regular standing committees of the House. More than that, the great difficulty about this measure is the conflict of opinion with respect to the manner in which the bill should be brought forward, and the conflict of interests between different localities on the Atlantic side. Now, by the organization of a large special committee brought from the different sections of the country, whose business it shall be to frame a bill avoiding or adjusting all conflicting interests, we may be able to present a bill which will possess sufficient claims to the confidence of this House to secure its affirmative action.

Therefore, Mr. Speaker, I move that this bill, with the entire subject-matter, be referred to a special committee of thirteen; and upon that motion I move the previous question.

Mr. DEAN. I would ask the gentleman from California to withdraw the call for the previous question, until the bill is read again.

The SPEAKER. It can be read by the unanimous consent of the House.

A MEMBER. Does the gentleman desire to have the entire bill read?

Mr. DEAN. The entire bill.

Mr. TAYLOR, of Ohio. It is a long bill, and

as members desire to look at it, I object to the reading of the bill now.

The SPEAKER. It will be read by its title.

The bill was accordingly again read by its title. Mr. McDUGALL. I withdraw the demand for the previous question, for the purpose of answering an interrogatory. The character of this bill is inquired into. I wish to say to gentlemen that it is not material what the particular character of this bill is. The object which I have in view is to secure a committee. I do not flatter myself that I have been able to mature a perfect bill; but, coming from California, where we are not affected by any of the local interests which disturb the States on this side, I think it my business to act upon this matter. I do not claim that I have brought forward a complete measure; but I ask the House to constitute a committee whose business it shall be to consider the opinions and views of all gentlemen who may present them to this body, so as to secure definite and sound action upon the matter. I move the previous question.

Mr. MILLSON. I wish to inquire of the Chair whether, if the House should sustain the previous question, it will not force us to vote between two propositions alone; the first upon a reference to a select committee, and, that failing, then upon the passage of the bill?

The SPEAKER. It will be competent, the previous question being sustained, to bring the House to vote upon the bill, if the House refuse to refer.

The SPEAKER. The question is upon seconding the demand for the previous question.

Mr. RICHARDSON. I call for tellers upon that question.

Tellers were ordered, and Messrs. HARLAN, of Indiana, and CAMPBELL were appointed.

The House was then divided, and the tellers reported—ayes 84, noes not counted.

So the previous question was seconded.

The main question was then ordered to be put.

The question was then taken upon Mr. McDUGALL's motion; and it was decided in the affirmative.

So the bill was referred to a select committee.

ENROLLED BILLS.

Mr. DE WITT, from the Committee on Enrolled Bills, reported back as correctly enrolled the following bills; which thereupon received the signature of the Speaker:

"A bill to change the name of the American-built frigate Falcon to that of Queen City;" and

"A bill to continue in force an act entitled 'An act relating to the settlement of private land claims in California, and for other purposes.'"

SALARIES OF OFFICERS IN OREGON AND NEW MEXICO.

Mr. LANE, of Oregon, in pursuance of previous notice, introduced a bill "to increase the salaries of the executive and judiciary officers in Oregon and New Mexico;" which was read the first and second time by its title, and referred to the Committee on the Judiciary.

WILLAMETTE RIVER.

Mr. L. also introduced a bill "to improve the navigation of the river Willamette, and to appropriate money for that purpose;" which was read the first and second time by its title, and referred to the Committee on Commerce.

ROADS, ETC., IN MINNESOTA.

Mr. RICE, in pursuance of previous notice, introduced "a bill making further appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department;" which was read the first and second time by its title, and referred to the Committee on Territories.

Also, a bill to purchase the Sioux half-breed reservation on Lake Pepin, in the Territory of Minnesota; which was read the first and second time by its title, and referred to the Committee on Indian Affairs.

Also, a bill to establish additional land districts in the Territory of Minnesota; which was read the first and second time by its title, and referred to the Committee on Public Lands.

INDIAN TITLES TO MINERAL LANDS.

Mr. RICE also submitted the following resolution, which was read, considered, and agreed to:

Resolved, That the Committee on Indian Affairs be re-

quested to inquire into the expediency of extinguishing the Indian title to the mineral lands lying east of the Mississippi river, and west of Lake Superior, and to report by bill, or otherwise.

CLERK FOR COMMITTEE ON COMMERCE.

Mr. FULLER. I am instructed by the Committee on Commerce to offer the following resolution:

Resolved, That the Committee on Commerce be authorized to employ a clerk for the remaining time of the present session of Congress: *Provided*, the compensation to be paid said clerk shall not exceed four dollars per day.

Mr. HOUSTON. A suspension of the rules is required to pass that resolution. I object to it.

The SPEAKER. The gentleman from Maine is in order in presenting the resolution, his State having been regularly called for resolutions.

Mr. FULLER. I hope the resolution will be adopted.

Mr. EASTMAN. I move to amend the resolution so as to include the Committee on the Militia. [A laugh.]

Mr. WHEELER. And I move still further to amend it so as to include the Committee on the Expenditures of the War Department. [Laughter.]

Mr. HAMILTON. I move to lay the resolution and amendments on the table.

The question was put, and it was decided in the affirmative.

So the resolution was laid upon the table.

Mr. WHEELER. I move to reconsider the vote just taken, and I also move to lay the motion to reconsider upon the table.

The question was put on the latter motion, and it was disagreed to.

The question recurred on reconsidering the vote by which the resolution was laid upon the table; and, being put, it was decided in the negative.

So the House refused to reconsider the said vote.

Mr. DAVIS, of Indiana. I move that the House do now adjourn.

Mr. JONES, of Tennessee. I ask the gentleman from Indiana to withhold that motion until I can ask leave of the House to withdraw a resolution which stands at the head of the Calendar. I introduced it sometime during the early part of the session, but it was not acted on then, and now it never will be reached, unless I withdraw it; it will have to be printed in every Calendar from this time to the close of the session, and I wish, therefore, to withdraw it at once.

Mr. DAVIS. I withdraw my motion for the purpose indicated by the gentleman from Tennessee.

The SPEAKER. Is there any objection to the proposition of the gentleman from Tennessee?

Mr. WALSH. I object.

Mr. WASHBURN, of Illinois. I move that the House do now proceed to the consideration of the business upon the Speaker's table.

Mr. HOUSTON. I hope that the motion which has just been made will be agreed to. There are but two or three bills upon the table, which we can dispose of in a few minutes.

Mr. TAYLOR, of Ohio. I trust that the gentleman from Illinois will withdraw his motion to go to the business upon the Speaker's table, and allow the States which have not been called this morning to be called for resolutions now. Some of them have not been called for a fortnight.

The question was taken on Mr. WASHBURN's motion, and it was disagreed to.

SURVEY OF A RIVER AND HARBOR.

Mr. CROCKER offered the following resolution; which was considered, and adopted by unanimous consent:

Resolved, That the Secretary of War be directed to communicate to this House a report of the survey of Taunton river and New Bedford harbor, in the State of Massachusetts, ordered by the last Congress.

SURVEY OF SCITUATE HARBOR.

Mr. CROCKER offered the following resolution; which was considered by unanimous consent, and adopted:

Resolved, That the Secretary of War be directed to communicate to this House the report of the survey of Scituate harbor and North river, in the State of Massachusetts, ordered by the last Congress.

PENSIONERS UNDER ACT OF 1853.

Mr. EDMANDS, in pursuance of previous notice, introduced the following bill; which was read

a first and second time by its title, and referred to the Committee on Invalid Pensions:

"A bill for the relief of pensioners under the act of February 3, 1853."

EX-ACTING CONSUL AT CONSTANTINOPLE.

Mr. INGERSOLL. I am instructed by the Committee on Foreign Affairs to offer the following resolution:

Resolved, That the President of the United States is requested to furnish this House, if, in his opinion, the public interests will allow, with all of the correspondence relative to the alleged violation of the rights and forcible ejection from office of the acting consul of the United States at Constantinople, in July, 1851; also, the papers relative to the subsequent promotion of said acting consul to the consulate at said city; also, the papers relative to an alleged refusal of Captain Stringham, of the United States Navy, to convey said consul to his post in accordance with the instructions of the State and Navy Departments; and also the correspondence relative to the removal of said consul from his place.

There was no objection to the consideration of the resolution; and, the question being taken, it was adopted.

SUFFERERS ON STEAMER SAN FRANCISCO.

Mr. CUTTING. I move that the resolution which I had the honor to introduce this morning in reference to the steamer San Francisco be referred to the Committee on Military Affairs.

It was so ordered.

THE PUBLIC LANDS.

Mr. SMITH, of New York. I beg leave to offer the following resolutions.

The Clerk read the resolutions, as follows:

Whereas, all the members of the human family, notwithstanding all contrary enactments and arrangements, have at all times, and in all circumstances, as equal a right to the soil as to the light and air, because as equal a natural need of the one as of the other; And whereas, this invariably equal right to the soil leaves no room to buy, or sell, or give it away: Therefore,

1. *Resolved*, That no bill or proposition should find any favor with Congress which implies the right of Congress to dispose of the public lands, or any part of them, either by sale or gift.

2. *Resolved*, That the duty of civil government in regard to public lands, and indeed to all lands, is but to regulate the occupation of them; and that this regulation should ever proceed upon the principle that the right of all persons to the soil—to the great source of human subsistence—is as equal, as inherent, and as sacred, as the right to life itself.

3. *Resolved*, That Government will have done but little toward securing the equal right to land, until it shall have made essential to the validity of every claim to land both the fact that it is actually possessed, and the fact that it does not exceed in quantity the maximum which it is the duty of Government to prescribe.

4. *Resolved*, That it is not because land monopoly is the most efficient cause of inordinate and tyrannical riches on the one hand, and of dependent and abject poverty on the other; and that it is not because it is, therefore, the most efficient cause of that inequality of condition so well-nigh fatal to the spread of democracy and Christianity, that Government is called upon to abolish it; but it is because the right which this mighty agent of evil violates and tramples under foot is among those clear, certain, essential, natural rights which it is the province of Government to protect at all hazards, and irrespective of all consequences.

Mr. HIBBARD. I move that the resolutions be laid upon the table.

Mr. GIDDINGS. I call for the yeas and nays on that motion.

The yeas and nays were not ordered.

The question was then put on the motion to lay the resolutions on the table, and it was agreed to.

ASSAY OFFICE IN NEW YORK.

Mr. WALKER. I offer the following resolution; and on its adoption I move the previous question.

The Clerk read the resolution; as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, required to report to this House whether the assay office now in course of construction in the city of New York is of sufficient capacity for the coinage of gold and silver; and if so, whether, in his opinion, it would be convenient and proper for Congress to authorize said coinage at the said office.

Mr. WALKER. On that resolution I move the previous question.

The SPEAKER. Under the rule of the House the resolution must lie over.

Mr. WALKER. Does not the motion for the previous question relieve it from the operation of that rule?

The SPEAKER. The motion for the previous question does not exempt it from the operation of the rule. We have an express rule which requires that all resolutions calling for information must lie over one day. That is the language of the rule. But the Chair hears no objection to the motion.

Mr. FLORENCE. I object.

Mr. WALKER. Then I move the suspension of the rules, or of so much of the rules as applies to this case.

Mr. TAYLOR. I did not hear the resolution distinctly. Will the Clerk read it again?

The resolution was accordingly read a second time.

The SPEAKER. The gentleman from New York moves to suspend the rule, which requires the resolution to lie over one day.

Mr. WALKER. I call for tellers upon that motion.

Tellers were not ordered.

The question was then taken, and the motion was not agreed to.

So the resolution went over under the rules.

THANKS OF CONGRESS.

Mr. WALBRIDGE. I was prevented this morning from submitting the resolutions which I hold in my hand, and I offer them now, moving at the same time to refer them to the select committee which is to be appointed to consider the subject-matter of similar resolutions which were offered this morning, and upon the resolutions I call the previous question.

The resolutions were read, as follows:

Resolved, That the Committee on Military Affairs be instructed to have prepared a joint resolution, extending the thanks of Congress to Captain Creighton, of the British ship *Three Bells*, to the commanders of the bark *Kilby*, of Boston, and ship *Antarctic*, of New York, for the humane and generous conduct in rescuing the officers and crew of the mail steamer *San Francisco* in their late perilous exposure on the ocean; which was accomplished at the imminent hazard of their lives, and those who acted under their command.

Resolved, That the committee, by bill or otherwise, report the necessary legislation, making provision by the Government of the United States to indemnify the losses incurred by the commanders and owners of the vessels above named, in their endeavors to save the lives of the officers and soldiers of the United States Army from the wreck of the *San Francisco*, and to inquire into the propriety of granting some testimonial of approbation to the commanders, officers, and crew of the *Three Bells*, *Kilby*, and *Antarctic*.

The SPEAKER. The committee to which the gentleman proposes to refer the resolutions is a joint committee of the two Houses.

Mr. WALBRIDGE. Then I move that it be referred to the Committee on Military Affairs.

The question was taken, and the resolution was so referred.

REMOVAL OF GREENE C. BRONSON.

Mr. MAURICE offered the following resolution:

Resolved, That the removal of Greene C. Bronson, late Collector of the port of New York, by the Secretary of the Treasury, for the causes alleged in the correspondence between such Secretary and the said Bronson, and the recently published letter of the Attorney General of the United States to a citizen of Massachusetts, in relation to the design of the Government to "crush out" a particular sentiment of political action, were, and each of them was, a gross infringement of the sacred principle of State rights, and an attempt on the part of the Federal Government to control or influence the free exercise of the elective franchise by the people of sovereign States, and, as such, deserves the disapprobation and censure of this House.

Resolved, That it be referred to the Committee on the Judiciary to inquire and report whether any legislation is necessary to preserve from future violation the inalienable right of the citizens of the several States to conduct their separate State elections in their own way, unswayed and un-influenced by the interference of federal officers in such elections.

Mr. WALSH. I propose to debate that resolution.

Mr. HIBBARD. I move to lay the resolution upon the table.

The SPEAKER. The proposition of the gentleman from New York to debate the resolution carries it over.

PROTECTION TO AMERICAN CITIZENS.

Mr. LYON presented the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the sentiments of his Excellency the President of the United States, as set forth in his inaugural address, in respect to the right of every American citizen, in any part of the world, to the protection of the United States Government, and the great principles of international law enunciated in the correspondence of Secretary Marry, with the Chevalier Hülsenmann, are hereby recognized and affirmed, and that whenever a proper occasion occurs, the same ought to be applied and enforced.

Mr. PERKINS. I move that the House adjourn.

Mr. ROWE. I ask leave to withdraw the papers and petition of Joseph M. Young, asking for an increase of pension for services in the war

of 1812, for the purpose of verification, and for other proof.

Mr. LETCHER. I object.

The SPEAKER. It is competent for the House to vote it.

Mr. LETCHER. It is not unusual for gentlemen to withdraw papers, and to present them, after an interval of ten years, in an entirely different shape. I have no objection to allowing certified copies to be taken of the papers.

The SPEAKER. If debated, the proposition goes over.

Mr. DAVIS, of Indiana. I move that the House adjourn.

NEW REGISTER.

Mr. GREEN, from the Committee on Enrolled Bills, reported back, as correctly enrolled, a bill "to change the name of the American-built brig *John Dutton*, and to grant a register in her name;" which thereupon received the signature of the Speaker.

THE NAVIGATION OF THE HUDSON.

Mr. WHEELER. I offer the following resolution:

Resolved, That the Secretary of War be requested to communicate to this House for what reasons the appropriation of \$50,000, made by the last Congress for the improvement of the navigation of the Hudson river, has been withheld; and also, why some definite action has not been taken in reference to the said improvement."

Mr. EASTMAN. I object.

Mr. DAVIS, of Indiana. I move that the House adjourn.

Mr. FLORENCE. I hope that the gentleman will withdraw his motion for a moment.

Mr. DRUM. I hold in my hands a resolution relative to the pay and mileage of Mr. Muhlenberg, which I desire to offer.

Mr. TAYLOR. I wish to inquire if the motion to adjourn prevails, whether it would be in order to introduce resolutions for the next two weeks; all the States have not been called, and I think it is unfair to adjourn now, without completing the call of the States.

The SPEAKER. The question now pending is the motion made by the gentleman from Indiana, [Mr. Davis,] that the House adjourn.

Mr. WHEELER. I demand the yeas and nays on the adjournment.

[Loud Cries of "Oh, no!"]

Mr. WHEELER. Well, I will withdraw the demand.

Mr. FLORENCE. I renew it.

Mr. CHURCHWELL. I ask for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The question was then taken; and, on a division, there were—yeas 73, noes 75.

So the House refused to adjourn.

CIRCUIT COURT IN NORTHERN NEW YORK.

Mr. HAVEN, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on the Judiciary:

"A bill to provide for holding a stated session of the circuit court of the United States for the northern district of New York at the city of Buffalo, in said district, and to increase the salary of the district judge in said district."

Mr. H., in moving the reference of the above bill to the Committee on the Judiciary, expressed a hope that that committee would give it an early consideration.

COMMON SCHOOLS IN THE DISTRICT.

Mr. HAVEN. I desire to offer a resolution. It is one in which I have no personal interest as a Representative; but I offer it at the urgent request of several gentlemen who are citizens of the District of Columbia, and I desire some action on the subject at the proper time.

The resolution is in these words:

Resolved, That the Committee on the District of Columbia be instructed to inquire whether there are any, and if any, what laws are now in force in the District of Columbia in reference to schools in said District; and that said Committee further inquire whether legislation is needed and expedient by Congress on the subject of common schools in said District; and that said committee report by bill or otherwise.

It will be perceived that the resolution merely asks for an inquiry into the subject, and I hope the House will pass it.

The question was taken upon the resolution, and it was agreed to.

THE ERIE CANAL.

Mr. FLAGLER submitted the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making suitable grants of public lands to aid in the enlargement of the Erie Canal.

The question was taken upon the resolution; and it was rejected.

INVALID PENSIONS.

Mr. SIMMONS, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Invalid Pensions:

"A bill concerning invalid pensions, and regulating the time of their commencement."

HENRY A. MUHLENBERG, DECEASED.

Mr. DRUM offered the following resolution; which was considered by unanimous consent, and adopted:

Resolved, That the Speaker be authorized to direct the payment to the widow of the Hon. Henry A. Muhlenberg, deceased, late a member of this House, the daily pay and mileage due him at the day of his death.

Mr. DEAN. I move that the House do now adjourn.

DISASTERS TO THE COMMERCIAL MARINE.

Mr. DRUM. I desire to offer another resolution.

Mr. WHEELER. Let Pennsylvania have as fair a chance as the other States.

Mr. DEAN. I withdraw my motion.

Mr. DRUM. I offer the following resolution; and if there be objection to its consideration, move a suspension of the rules:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of authorizing, by law, the Secretary of the Navy to equip and maintain three public vessels at the harbors of Boston, New York, and Norfolk, respectively, which may promptly be used by the Navy Department, in the event of any disaster to our commercial marine, or of any other exigency requiring their aid.

Mr. JONES, of Tennessee. I propose to debate that resolution.

Mr. ORR. I move that the House do now adjourn.

Mr. LILLY. Did not the Chair forget to call the State of New Jersey in its order?

The SPEAKER. The Chair was about to state to the House that he had, through inadvertence, skipped over the State of New Jersey in the call upon States for resolutions.

Mr. LILLY. I would ask whether, if the House now adjourns, New Jersey or Pennsylvania will be the first State in the call at the next time?

The SPEAKER. New Jersey. If the House refuses to adjourn, it is the purpose of the Chair to call New Jersey.

The question was taken, and the House refused to adjourn; there being, on a division, only 63 in the affirmative.

Mr. LILLY. I desire to offer a resolution of inquiry.

Mr. DEAN. The gentleman cannot do so now, for the reason that there is already a resolution pending.

The SPEAKER. The question now recurs on the resolution proposed by the gentleman from Pennsylvania, [Mr. Drum.]

Mr. MAXWELL. I propose an amendment to the gentleman's resolution. I move that a vessel of the character proposed be also stationed at Pensacola, in the State of Florida.

Mr. FLORENCE. I would also suggest that there be one at the Delaware breakwater.

Mr. BOCK. I would ask the gentleman who has offered the resolution one question. I do not propose to offer an amendment.

The SPEAKER. No discussion, no amendment is now in order.

Mr. MAXWELL. If the gentleman from Pennsylvania accepts the amendment I have proposed, I will introduce it at this point.

The SPEAKER. The gentleman's amendment will be in order after the House determines the proposition to suspend the rule requiring the resolution, as it is one for information, to lie over one day.

The question was then put on the motion to suspend the rule, and it was not agreed to.

Mr. LILLY. I propose the following resolution:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of making a grant of land to James W. Marshall, the discoverer of gold in California; and to report by bill or otherwise.

The question was put on the adoption of the resolution; and was not agreed to.

Mr. HAMILTON. I move that the House do now adjourn.

Mr. JONES, of Tennessee. I call for tellers on that motion.

Tellers were ordered; and Messrs. PERKINS, of New York, and CLINGMAN were appointed.

The question was taken; and the tellers reported—ayes 83, noes not counted.

Mr. FLORENCE. I call for the yeas and nays, and move that tellers be appointed on the yeas and nays.

The yeas and nays were not ordered.

The tellers then resumed their places; and having counted the negative votes, reported noes 44.

So the motion was carried, and the House accordingly adjourned at twenty-five minutes before four o'clock.

IN SENATE.

TUESDAY, January 17, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

STEAMSHIP SAN FRANCISCO.

THE PRESIDENT *pro tem.* appointed Messrs. SHIELDS, GWIN, PEARCE, HAMLIN, and EVERETT the select committee on the part of the Senate, in accordance with the resolution adopted yesterday, to join such committee as may be appointed by the House of Representatives, to consider and report on a proper form of suitable acknowledgment to the gallant men who rescued the passengers and crew of the steamship San Francisco.

EXECUTIVE COMMUNICATIONS.

THE PRESIDENT laid before the Senate a communication from the Post Office Department, communicating, in compliance with the resolution of the 9th instant, a statement of the causes of the detentions of the northern mail between the cities of New York and Washington; which was referred to the Committee on the Post Office and Post Roads.

Also, a communication from the State Department, transmitting, in compliance with the acts of April 20, 1818, and August 26, 1842, a statement of the names of clerks and other officers employed in the Department, or in any of its offices, during the year 1853, &c.

Also, a communication from the Department of the Interior, transmitting, in compliance with the joint resolution of May 29, 1830, a list of such persons as have made application for pensions, and who ought, in the opinion of the Department, to be placed on the pension rolls, but for which there is no sufficient authority in law, on account of an omission in the act of February 3, 1853, to provide for their class of claims; which was referred to the Committee on Pensions.

PETITIONS, ETC.

Mr. SUMNER presented the memorial of Jacques Charlant, praying for arrearages of pay for services in the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

Also, a memorial of citizens of Portsmouth, New Hampshire, praying for the reduction of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. CHASE presented the petition of John Young, and other citizens of Ohio, praying that further protection be afforded to inventors, and those holding rights under them; which was referred to the Committee on Patents and the Patent Office.

Mr. SUMNER. I have in my hand a memorial from citizens of New York, in which they pray that Congress will take such steps as may be necessary to separate the Federal Government from all connection whatever with slavery and the slave trade by the repealing of all acts authorizing or supporting the same. Among the signers of this memorial are many eminent in various walks of life. Here are William Jay and John Jay, who in the second and third generation honor the

name of an illustrious revolutionary patriot, and the first chief justice of this country. Here also is the name of our recent associate in this body, John P. Hale. As this memorial, in its various points and bearings, is not within the province of any single standing committee of the body, I shall not move its reference to any one of them; but shall await the motion for a special committee. In the mean time, I move that it lie upon the table.

The motion was agreed to.

Mr. SUMNER. I have also a remonstrance, signed by some of the same persons from the city of New York, against paying for the Amistad negroes, on the ground that they were native negroes who had been kidnapped and reduced to slavery by an act of piracy. As the question of paying for these negroes is now before the Committee on Foreign Relations, I move the reference of the remonstrance to that committee.

The motion was agreed to.

Mr. COOPER presented the petition of Robert C. Thompson, only surviving child and administrator of William Thompson, praying to be allowed the seven years' half pay to which his father was entitled for services during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also, the memorial of citizens of Philadelphia, praying that the United States Mint in that city may not be removed therefrom; which was referred to the Committee on Commerce.

Also, the petition of Mary F. B. Levely, praying to be allowed the arrears of pension due her husband, Henry Levely; which was referred to the Committee on Pensions.

Mr. THOMPSON, of Kentucky, presented the petition of John Reddin, late a soldier in the army, and discharged on account of a disability, praying a pension; which was referred to the Committee on Pensions.

Mr. BRIGHT presented a petition of citizens of Allen county, Indiana, praying a donation of land to the States of Indiana, Illinois, and Iowa, for the construction of a railroad from Fort Wayne via Rochester, Lacon, New Boston, and Wapello, to Council Bluff City; which was referred to the Committee on Public Lands.

Mr. JOHNSON presented a petition of Daniel Kelly, praying compensation for his losses and suffering during his imprisonment in the Island of Cuba in 1810; which was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred the memorial of Hiram Paulding, submitted a report, accompanied by a bill for his relief. The bill was read, and ordered to a second reading; and the report was ordered to be printed.

Mr. ALLEN, from the Committee on Pensions, to which was referred the petition of Albert Hart, reported a bill increasing his pension; which was read, and ordered to a second reading.

He also, from the same committee, reported a bill for the relief of Lavinia Taylor; which was read, and ordered to a second reading.

He also, from the same committee, submitted adverse reports upon the petitions of John Brown and Orson Young; which were ordered to be printed.

Mr. THOMPSON, of Kentucky, from the Committee on Patents and the Patent Office, to which was referred the memorial of Joseph L. Smith, praying that certain public documents may be given to each of the common schools of the United States, asked to be discharged from its further consideration; which was agreed to.

He also, from the Committee on Private Land Claims, to which was referred the memorial of John Bamsey, praying authority to locate a land warrant granted to him for services in the war of 1812, on any public lands subject to private entry, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. SHIELDS, from the Committee on Military Affairs, to which was referred the bill to extend the provisions of the several laws granting bounty lands to officers and soldiers who have been engaged in the military service of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, asked to be discharged from the further consideration of the papers in the case of William Eaton, in the case of James D. Cobb, and in the case of A. A. Cole; which was agreed to. The reports of the committee were ordered to be printed.

He also, from the same committee, to which were referred the papers in the case of Allen G. Johnson, reported a bill for his relief; which was read, and ordered to a second reading.

He also, from the same committee, to which was referred the petition of Adam B. Stewart, a paymaster in the United States Army, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. FOOT, from the Committee on Pensions, to which were referred the petition of Catharine Clark, and the petition of Benjamin Perkins, submitted adverse reports thereon.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to which were referred documents in the case of William Senna Factor, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. JOHNSON, from the Committee on Military Affairs, to which was referred the memorial of John M. Mackintosh, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

FRENCH SPOILIATIONS.

Mr. HAMLIN. The select committee to which were referred the bill to provide for the ascertainment and satisfaction of French spoiliations prior to July 31, 1801, and sundry papers on the subject, has directed me to report back the bill, with a recommendation in favor of its passage. I desire to give notice that I shall at an early day ask for a vote of the Senate upon the bill.

MAJOR RINGGOLD.

Mr. JOHNSON. The Committee on Military Affairs, to which was referred a joint resolution for the presentation of a sword to the nearest male relative of the late Major Samuel Ringgold, has had the same under consideration, and directed me to report that it is inconsistent with the institutions of the country to pass such a resolution. Honors and distinctions are not hereditary with us. The committee does not think that an exception should be made by special legislation; and, therefore, while it acknowledges the meritorious services and gallant conduct of the late Major Ringgold, it directs me to report adversely, and to move that the joint resolution lie upon the table.

NOTICE OF A BILL.

Mr. EVERETT gave notice of his intention to ask leave to introduce a bill for the relief of Charles A. Kilby.

BILLS INTRODUCED.

Mr. DOUGLAS, in accordance with previous notice, asked and obtained leave to introduce a bill to authorize the sale of reserved lands, and for other purposes; which was read twice, and referred to the Committee on Military Affairs.

Mr. SHIELDS asked, and by unanimous consent, obtained leave to introduce a bill to aid the Territory of Minnesota in constructing a railroad for military, postal, and other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. DODGE, of Iowa, asked, and by unanimous consent, obtained leave to introduce a bill for the payment of outstanding loan office and final settlement certificates, issued for money loaned, or for services, or for supplies during the revolutionary war; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. NORRIS, agreeably to previous notice, asked and obtained leave to introduce a bill to incorporate the proprietors of the Washington Cemetery; which was read a first and second time by its title, and referred to the Committee on the District of Columbia.

JUDICIAL DISTRICTS IN OHIO.

Mr. CHASE. I ask the Senate to proceed to the consideration of the bill to divide the State of Ohio into two judicial districts. It will be remembered that a few days ago, this bill was considered by the Senate; but on the motion of the Senator from North Carolina, [Mr. BADGER,] it was

referred to the Committee on the Judiciary. That committee has had the bill under consideration, and has reported it with one or two amendments, one of which was suggested by that Senator. I hope the bill will be taken up.

Mr. WADE. I wish my colleague would consent to let that bill lie over for a few days. I am in favor of the bill myself, but I have received several communications from the central part of Ohio, informing me that the people of certain portions of the State are not satisfied that it ought to be divided, and they wish to come here and make their opposition known. They, in fact, desire that I should cause the bill to be delayed until the beginning of February; when they expect to be here, and show reasons why the bill should not be passed. I hardly think they can show that. I am in favor of the bill; but I am willing to give them an opportunity to make their opposition known. For that reason, I would prefer that the bill should lie over until they can appear and state their own views upon it.

Mr. CHASE. I think I can satisfy my colleague that this bill should be taken up and passed now.

I have in my hand, and should have presented to the Senate, but for the report of the committee, a memorial signed by fifty members of the Legislature, of all parties, from all parts of the State, urging the prompt consideration of the bill. If it is not considered at an early period of the session, it can hardly receive the action of the House of Representatives. It has been defeated once before by delay. There are, undoubtedly, gentlemen in the interior of the State who will object to the passage of this bill, inasmuch as the court is now located at Columbus. Its passage would interfere with the comfort of a few, while it would materially advance the interest of nearly all the suitors, and the convenience of nearly the whole bar. Under these circumstances I feel justified in asking the Senate to proceed to the consideration of the bill at this time. It is in accordance with the wishes of the members of the Legislature, and in accordance with the wishes of a great majority of the people of the State.

The PRESIDING OFFICER, (Mr. Foot in the chair). The Chair will apprise the Senator from Ohio that the amendments have been sent to the printer, who has not yet returned them.

Mr. CHASE. The bill was printed when it was introduced.

The PRESIDING OFFICER. But the amendments are not here to be acted upon.

Mr. BADGER. Let it go over for the present.

Mr. CHASE. Such being the case, I will withdraw my request for the consideration of the bill.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BUTLER, it was
Ordered, That the petition of Mary Perry be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. SEBASTIAN, it was
Ordered, That the memorial and papers in the case of Theodore E. Elliott be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

On motion by Mr. MALLORY, it was
Ordered, That the memorial of E. A. Williams and W. D. Ligon be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. SHIELDS, it was
Ordered, That the petition and papers in the case of the widow and children of John Balster be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. SHIELDS, it was
Ordered, That the petition and accompanying papers in the case of William Gunton and others be withdrawn from the files of the Senate, and referred to the Committee on the District of Columbia.

On motion by Mr. SHIELDS, it was
Ordered, That the petition and papers in the case of David P. Wells be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

CENSUS REPORT.

Mr. BENJAMIN submitted the following resolution for consideration:

Resolved, That one hundred copies of the census volume of 1850, out of the extra number of copies printed for the use of the Senate, be delivered to the Superintendent of the Census for distribution from his office, and for preservation in it.

HOUSE BILLS REFERRED.

The bill from the House of Representatives to amend an act entitled "An act to divide the State of Arkansas into two judicial districts," approved March 3, 1851, was read a first and second time by its title.

The PRESIDENT. The bill will be referred to the Committee on the Judiciary, if there be no objection.

Mr. SEBASTIAN. This bill should properly be referred to the Committee on Indian Affairs. It relates entirely to amendments of the Indian intercourse law. I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

The bill from the House of Representatives, to secure the rights of citizenship to the children of citizens of the United States, born out of the limits thereof, was read a first and second time by its title, and referred to the Committee on the Judiciary.

SALINE LANDS IN WISCONSIN.

Mr. WALKER. The Committee on Public Lands, to which was referred the memorial of the commissioner appointed by the State of Wisconsin to locate and select saline lands in the State, praying that the land may be granted to the State for the benefit of the University, has directed me to report a bill relinquishing to the State of Wisconsin lands reserved for salt springs therein.

The bill was read a first time, and ordered to a second reading.

Mr. WALKER. That bill, it will be recollected by the Senate, proposes to grant no land whatever to the State of Wisconsin; but briefly what it does provide for is this: To Wisconsin, as to the other States formed out of the Northwestern Territory, were granted twelve salt springs, with six sections of land adjacent to each. That land has been located by the commissioner authorized to make the location by the Legislature of Wisconsin. The State now comes forward with a memorial, which is among the papers, and asks Congress to change the purpose for which the land was granted, from that of saline purposes to that of aiding our State University. It is simply to change the appropriation of land from the one purpose to the other. As there will probably be no contest about it, I ask that the bill may be considered and passed now.

The bill was read a second time, and considered by the Senate as in Committee of the Whole; and no amendment being proposed, it was reported to the Senate, ordered to be engrossed for a third reading, read a third time, and passed.

JOHN FAGAN.

Mr. ADAMS, from the Committee on Indian Affairs, to which was referred the petition of John Fagan, reported a bill for his relief; which was read a first time, and ordered to a second reading.

Mr. JOHNSON. With the permission of the Senate, I will make a brief statement in reference to this bill. It has been depending in the other branch of Congress for several years. It has been considered by committees, and has been favorably reported upon several times, and hence it has been maturely examined. It is not a case of much magnitude, for it only involves some two hundred and twenty-two days' services, which are worth \$444. I believe that is the amount.

Mr. ADAMS. Yes, sir.

Mr. JOHNSON. It is a case which is proved by the records from the War Department. This is my recollection of it; and as it has been more recently examined by the Senator from Mississippi, he can correct me, if I fall into any error. The claim is for services in the Indian Department many years ago by the applicant, who is now a very old man, who has hitherto failed to get it through the other House for—as Senators are aware is frequently the case—want of time. If necessary, I will ask that the report of the committee be read; and I express the hope that the Senate will put the bill upon its passage.

The bill was read a second time by unanimous consent, and considered by the Senate as in Committee of the Whole. It proposes to direct that four hundred and forty-four dollars be paid to John Fagan for his services in taking charge of a delegation of Seminole Indians, and removing them from Florida to the country west of the Arkansas.

The bill was reported to the Senate without

amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CAPTAIN LEWIS WARRINGTON.

On motion by Mr. GWIN, the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of M. K. Warrington and C. St. J. Chubb, executors of Captain Lewis Warrington and others. It proposes to direct the Secretary of the Navy to open an account with the parties named, the officers and crew of the sloop-of-war Peacock, their legal representatives and assigns, on account of one moiety of the proceeds of the ship Epervier, her tackle, guns, implements of war, and specie on board at the time of her capture in 1814; which moiety was, by mistake, paid into the Treasury of the United States; and to satisfy their respective rights therein, according to the act of April 23, 1800, for the better government of the Navy of the United States, and to pay the sum which may be found due.

The report of the Committee on Naval Affairs was read, from which the following facts appeared: In April, 1814, the British ship Epervier was captured by the United States ship-of-war Peacock, and afterward, in the district court of Georgia, decreed, with her tackle, guns, and other implements of war, as a prize to the captors; and a sale ordered to be made by the marshal. A large sum of specie on board was also decreed to be a prize. The sale was made. The Epervier was a vessel of equal force with the Peacock, as appears by the report of the captors, by the report of the officer put in charge by Captain Warrington, by the negotiations between the Department and Captain Warrington for the purchase of the prize, and by the decree of condemnation.

By the act of April 25, 1850, it is enacted that the proceeds of all vessels, and the goods taken on board of them, of equal force with the capturing vessel, shall be adjudged good prizes. In this case, however, one moiety was, by mistake, paid into the Treasury of the United States. It is to remedy this mistake that the committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

MOSES OLMSTEAD.

On motion by Mr. WADE, the bill for the relief of Moses Olmstead was read a second time, and considered by the Senate as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place his name on the invalid pension list, at a pension of eight dollars a month for life, from January 20, 1853.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

PIONEER MANUFACTURING COMPANY.

On motion by Mr. NORRIS, the Senate, as in Committee of the Whole, resumed the consideration of the bill to incorporate the Pioneer Manufacturing Company of Georgetown, in the District of Columbia, the pending question being on the amendment submitted by Mr. PETTIT, when the bill was formerly under consideration, to add the following:

"And provided, further, That the stockholders, individually and collectively, shall be responsible for all the acts done, and obligations incurred, for the corporation created by this act."

Mr. PETTIT. In offering that amendment, I did not design to occupy the time of the Senate in the discussion of the principle involved in it. It is one so well understood, and has been so much discussed in all the legislative bodies of the country, as well as before the public otherwise, that I think no new light can be thrown upon the principle proposed by me to be grafted upon the bill. Heretofore, I understand that this manufacturing has been carried on by an individual, whose name I do not now remember, who has been liable for all his engagements and contracts in reference to this manufacturing business. He may have had one or two partners with him. He now proposes, as I understand, to extend the number of his partners, and obtain an act of incorporation. The only object of a corporation can be, that a great number of men associated may assume a given or fictitious or legislative name to avoid difficulty in making and executing contracts, to avoid difficulties in suits and litigations.

That is the main object of an incorporation. It is neither more nor less than a partnership to be created here; and I cannot consent to create it by an enactment of Congress. I cannot see why those whom he associates with himself, those into whose confidence he enters—and they entering into his in return—should not be collectively liable for all the engagements incurred in the carrying on of that business for which he himself was individually liable before. It is beyond my power of comprehension.

It is no more and no less than a partnership. If A starts a mercantile or manufacturing business here, you say by your law he shall be liable for all the debts incurred for carrying it on, of any and every description. But you say, if you do not adopt this amendment, that if a dozen or twenty men associate themselves together for the same purpose, they shall not be, or need not be, liable for all their debts. This is a violation of principle, and one which ought not to be adopted.

Gentlemen may say it is a convenience for these men who propose to carry on this business. That may be all true; it may be a convenience for all of us to slip a liability for our engagements; but let me say to Senators that it is a convenience, and an especial convenience, to the employees of this corporation, and to the persons from whom it may purchase its commodities for manufacturing, that they shall be secure; that there shall be a liability by which they may be indemnified for labor done and performed, or for materials furnished.

I know no reason, I repeat, why it is that a dozen men, associated under the name of a corporation, shall be exempt from liability, when one or two would be liable for all their engagements in carrying on the same business. I ask for the yeas and nays upon the adoption of the amendment.

The yeas and nays were ordered and taken, with the following result:

YEAS—Messrs. Adams, Allen, Bright, Brodhead, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Gwin, Hamlin, Houston, Johnson, Jones of Iowa, Mallory, Norris, Pettit, Sebastian, Slidell, Stuart, Thomson of New Jersey, Wade, Walker, Williams, and Wright—27.

NAYS—Messrs. Badger, Bell, Benjamin, Cooper, Dawson, Everett, Fish, Foot, Jones of Tennessee, Mason, Pearce, Smith, Sumner, and Thompson of Kentucky—14.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

THE NEBRASKA TERRITORY.

Mr. DOUGLAS. Mr. President, I wish to give notice that on Monday next I shall ask the Senate to take up the bill to organize the Territory of Nebraska. I give this notice for the purpose of calling the attention of Senators to the subject.

Mr. SUMNER subsequently gave notice that when the bill to organize the Territory of Nebraska should come up for consideration, he would move the following amendment:

Provided, That nothing herein contained shall be construed to abrogate or in any way contravene the act of March 6, 1820, entitled "An act to authorize the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," wherein it is expressly enacted that "in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall be, and is hereby, forever prohibited."

The amendment was received informally, and ordered to be printed.

JOSEPH GIDEON.

On motion by Mr. BELL, the Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Joseph Gideon.

It proposes to direct the proper accounting officer to settle and adjust the account of Joseph Gideon as an acting purser of the storeship Fredonia, from December 18, 1847, to May 16, 1848, and from June 8, 1848, to January 18, 1851, and to pay him the difference between the compensation of a captain's clerk and an acting purser during those periods.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time and passed.

JUDITH WORTHEN.

Mr. WILLIAMS, from the Committee on Pensions, to which was referred the petition of the heirs of Judith Worthen, deceased, reported a bill for their relief; which was read a first time, and ordered to a second reading.

Mr. HAMLIN. That bill has passed the Senate half a dozen different times, I believe. Its design is to place the heirs of the individual within the provision of the general law, where she would have been placed but for the rule adopted by the Department. A general law has been passed, bringing all within its principle except this one person. I therefore hope the Senate will consider and pass the bill now. It is a bill involving the payment of some \$200. I move that the Senate proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Secretary of War to pay to the heirs of Judith Worthen, deceased, widow of Isaac Worthen, late a revolutionary pensioner, such sum as she would, if now living, be entitled to receive under the "act granting half pay and pension to certain widows;" approved July 7, 1838, and the several acts of Congress on the same subject subsequent thereto.

At the request of Mr. BRIGHT, the report of the Committee on Pensions was read, from which the following facts appear: Judith Worthen applied at the Pension Office for a pension, under the act of July 7, 1838, which gave to the widows of certain revolutionary soldiers, for the term of five years from March 4, 1836, the annuity or pension which might have been allowed to her husband under a previous act, if living at the time it was passed. Her husband received his pension under the previous act referred to until his death, on the first of March, 1841.

On the third of March, 1843, she made her declaration, under the act of July 7, 1838, and the next month filed her papers with the Commissioner of Pensions; but they were not finally acted upon until April 30, 1844, on which day an act was passed providing that no pension should thereafter be granted to a widow for the same time for which her husband had received one. The five years for which the pension is claimed by the widow, by the act of July 7, 1838, extends from March 4, 1836, to March 4, 1841. The husband died March 1, 1841, and, in consequence of the law of that date, the Commissioner granted his widow a pension for only three days. This arose from the neglect to examine her papers in time. It is, therefore, claimed that the delay should not prejudice her right, and that the money should be paid to her heirs. To avoid the injustice of the act of 1844, in cases like this, a joint resolution was passed January 3, 1845, providing that the restriction should not be considered to affect the claims of those widows whose applications for pensions or arrears of pensions, had been made at the passage of the resolution. The restriction was reenacted in February 1845. But such a case as this was excepted from its operation. On this statement of the facts the committee reported the bill.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, and was read a third time, and passed.

EZRA WILLIAMS.

Mr. CHASE, from the Committee on Claims, to which was referred the petition of Ezra Williams, reported a bill for his relief; which was read a first time, and ordered to a second reading.

Mr. CHASE. As that claim is a very meritorious one, and the amount is very small, I ask the unanimous consent of the Senate to consider it now.

The bill was read a second time by unanimous consent, and considered by the Senate as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay to Ezra Williams \$500, in full, for his services in preparing an alphabetical index of the numerical register of warrants in the land bounty division of the general land office under direction of the late Commissioner, Richard M. Young.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CLAIMS IN THE BASTROP GRANT.

Mr. SLIDELL. I ask the Senate to proceed now to the consideration of the bill "confirming

certain land claims in Louisiana, in the Bastrop grant." This bill was passed by the Senate at the last session of Congress. It merely proposes to carry into effect the provisions of a previous law, and there can be no possible objection to it. It will occupy but a very few minutes. I move that the bill be taken up.

The motion was agreed to; and the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to confirm such of the claims entered in the report of the register and receiver at Monroe, Louisiana, of July 30, 1852, as, in their opinion, ought to be confirmed, according to the principles of the act of Congress of March 3, 1851, in pursuance of which their report was made; which confirmation is to operate only as a relinquishment on the part of the United States. It also provides, that where any claim, thus proposed to be confirmed, was not actually located prior to March 3, 1851, no location of it shall be made to the prejudice of any actual settler; but such claim may be located on any public land in the Ouachita district, subject to private entry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

PRE-EMPTION IN CALIFORNIA.

Mr. GWIN asked and obtained the unanimous consent of the Senate to introduce a bill for the extension of the preemption privilege in the State of California; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DODGE, of Iowa, subsequently said: I am instructed by the Committee on Public Lands, to which the bill for the extension of the preemption privilege in the State of California was referred, to report it back, with a recommendation that it pass. As it is a matter of very great importance to the people of that State, and as it is a simple extension of the preemption privilege, I ask that the bill be now considered.

No objection was made, and the Senate proceeded to consider the bill as in Committee of the Whole. It proposes to direct that the provisions of the act of September 4, 1841, granting preemption rights to settlers on the public lands, as modified and made applicable to the State of California, by the act of March 3, 1853, shall be further modified, so far as such claims apply to lands subject to private entry, by granting to each settler in the State who is entitled to preemption under those laws, an extension of time, for the term of two years, after the commencement of settlement, as the period within which the proof of right and payment shall be made for the lands granted; and that the third proviso in the sixth section of the act of March 3, 1853, shall be so modified as to extend said rights to settlement made prior to, and within two years after, the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

SUPERINTENDENT OF PUBLIC PRINTING.

On motion by Mr. HAMLIN, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution authorizing an increase of the force in the office of the Superintendent of the Public Printing.

It proposes to authorize the Superintendent of the Public Printing to increase the force in his office by the appointment of two additional clerks, at the same salary as is now paid to the clerks already employed.

Mr. HAMLIN. I ask that the letter of the late Superintendent of the Public Printing, addressed to me as chairman of the Committee on Printing, may be read. He was a very competent officer. No one could be more so. He understood the duties of his office very well, and I think his statement is entitled to more credit than that of any other gentleman, here, at least.

The letter was read, as follows:

WASHINGTON, January 2, 1854.
DEAR SIR: In reply to your inquiry "whether, in my opinion, any increased clerical force is necessary in the office of the Superintendent of the Public Printing," I have to state, that at the time of the passage of the printing law of 1852, and my appointment to the office of Superintendent, much diversity of opinion existed in and out of Congress as to the number of persons that would be required to render the requirements of the law effective, some estimating it as high as ten, and none less than five. The duties of the office were attempted to be performed by me

alone, from September until December—the more pressing duties under the law not coming into operation until the commencement of the session of Congress—but I had to solicit the gratuitous services of others to aid me in bringing up the work. Upon the meeting of Congress, I found it indispensably necessary to ask for the assistance of two clerks and a messenger, (which were promptly granted by Congress,) with the hope and expectation that the law could be given a fair trial with this small force, by diligent attention to business. Since the commencement of the present session of Congress the entire duties of the office under the law have come into operation. During the last session the Department work was executed under previous contracts, which had not expired; during the recess the Department work came into operation; and at the commencement of the present session the law was, for the first time, in full operation in all its provisions at the same time. Since the passage of the act of 1852 the duties of the office have been very materially increased by the first section of the civil and diplomatic bill, which required the Superintendent to take charge of, inspect, &c., the binding and engraving of the Government, so far as the public documents were concerned. These duties are very laborious, and are of great importance in securing the faithful execution of the public work connected with the printing and binding of the documents, numbering as they do hundreds of thousands of volumes, many of them containing costly maps and engravings. It was at the suggestion of the late chairman of the Committee on Printing, Mr. Borland, that this additional duty was imposed upon the office. From his long service on the committee, he had experienced the necessity of having some disinterested authority to interpose between the binders and the engravers, and ascertain when the proper number had been furnished, and whether they were furnished in time for the printing of the documents which they were to accompany. Previous to this there had been no officer of the Government to receive this work. It went from the engraver to the binder, and complaints were frequently made of the loss of public documents in consequence of the loss or non-reception of the plates. Great complaint had also been made as to the manner of executing the binding, and the necessity was felt of having some one to examine it before the work was received and paid for; and I can say, with perfect safety, that this portion of the duty imposed on the office was during the recess equal to that of the printing of the documents.

The printing of Congress is now divided between two offices, involving considerable additional duty on the Superintendent, and from this cause alone I was not unprepared for the request from him for additional assistance.

In conclusion, taking all these things into consideration, I think that the additional aid which you inform me he asks is not only necessary for the faithful performance of the duty imposed on him, but that, if properly employed, will much more than remunerate the Government for their expense, and facilitate the completion and delivery of the public documents. An examination into the details of the office by any one will elucidate this fact better than I can explain it in writing.

I am yours, very respectfully,

JOHN T. TOWERS.

Hon. H. HAMLIN, *United States Senate.*

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

COMPENDIUM OF THE CENSUS.

Mr. BUTLER. I hold in my hand a motion in writing, which it is proper that I should submit now, if at all. It is to reconsider the vote by which the Senate yesterday adopted a resolution ordering the printing of fifty thousand copies of a compendium of the census. I was not in when that resolution was under consideration, or I should have opposed it. It is well known to gentlemen that I entertain peculiar constitutional views in reference to this whole matter; and I think that originally there was more matter included in the census than the Constitution warranted us in having collected. I understand now that the Senate yesterday ordered the printing of fifty thousand copies of an abstract which has been ordered by the House of Representatives, without ever having seen the abstract. Hence I make the motion to reconsider; for I have no idea of taking these things on faith merely. The motion may lie over, if gentlemen do not desire its consideration now.

Mr. FITZPATRICK. Did I understand the gentleman to say that he did not vote for the resolution yesterday?

Mr. BUTLER. I said so.

Mr. FITZPATRICK. Then a question of order will arise, whether he can make a motion to reconsider, when he did not vote for the resolution.

Mr. MASON. I will make the motion. I was here yesterday, and I voted in the affirmative, I presume, by being silent. There were no yeas and nays taken.

Mr. FITZPATRICK. Did the gentleman from Virginia vote for the resolution yesterday?

Mr. MASON. I was silent, I believe; but as there was no division, I may be presumed to have given an affirmative vote, according to parliamentary usage.

Mr. BADGER. Undoubtedly, whenever no division takes place.

The PRESIDING OFFICER, (Mr. Foot in

the chair.) The Chair so regards it. The motion of the Senator from Virginia is now before the Senate. What disposition shall be made of it?

Mr. MASON. I leave it to the disposition of the Senator who originally made the motion.

Mr. BUTLER. I do not wish to have the question considered now. I am, however, very decided in my opinion that the vote of yesterday ought to be reconsidered. The reason which I stated is of itself sufficient—that it is proposed that we shall take fifty thousand copies of an abstract which has been ordered by the House, without ever having seen it, or heard any explanation of what it is.

The PRESIDING OFFICER. The motion will be entered on the Journal.

EXECUTIVE SESSION.

On motion by Mr. HAMLIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 17, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Clerk proceeded with the reading of the Journal of yesterday, but was interrupted by

Mr. COBB, who remarked: It is obvious that it will take nearly an hour to read the Journal this morning, and as we have had experience in the correctness of the Clerk in making up the Journal, I presume all are satisfied that it is correct. If, therefore, it is the pleasure of the House to suspend the reading thereof at this point, we shall save an hour. I believe nobody is paying any attention to the reading of the Journal.

The SPEAKER. By unanimous consent the further reading of the Journal can be dispensed with.

Mr. CURTIS. I object.

Mr. ORR. I believe there is not a quorum present, and I think the reading had better proceed.

The SPEAKER. As objection is made the Journal must be read. The Clerk might omit the reading of the resolutions. If that be the pleasure of the House, the Clerk will proceed, omitting the resolutions.

Many MEMBERS. "Yes!" "Yes!"

The Clerk accordingly proceeded with the reading of the Journal, omitting the portions referred to.

The SPEAKER here laid before the House a communication from the Commissioner of Public Buildings, transmitting, in conformity with an act of Congress of July, 1840, some estimates for deficiencies, an appropriation to supply which he represented as necessary, and without which the public service under his supervision must suffer.

The same was read, and referred to the Committee on Public Buildings and Grounds.

DELEGATE FROM NEW MEXICO.

On motion by Mr. STANTON, of Kentucky, it was

Ordered, That the credentials of the Delegate from New Mexico, [JOSE MANUEL GALLEGOS,] heretofore presented to the House, be referred to the Committee on Elections.

SUFFERERS OF THE SAN FRANCISCO.

A message was received from the Senate, by the hands of Mr. MACHEN, its Clerk, informing the House that the Senate had appointed a committee to join such committee as may be appointed on the part of the House of Representatives, to take certain action relative to the sufferers on board of the steamship San Francisco.

Mr. CHANDLER. I move that the House immediately proceed to the consideration of the resolution from the Senate. I hope the House will do so. It is only a modification of the resolution which went from the House to the Senate yesterday morning, and to prevent, too, its assuming the form of a joint resolution.

The SPEAKER. If it is not objected to, the resolution of the Senate will be reported to the House for information.

There was no objection, and the resolution was read, as follows:

Resolved, That a committee of five members on the part of the Senate be appointed to join such committee as may be appointed on the part of the House of Representa-

tives, to inquire and report in what form the acknowledgment of Congress, and the gratitude of the nation, may be most appropriately expressed to those benevolent and courageous men, who, under Providence, were the means of rescuing from death so many citizens of this Republic."

Mr. CHANDLER. I move that the House concur in that resolution.

Mr. HOUSTON. There is no necessity of a vote of concurrence. It is a simple resolution. The Senate have passed one, and we have passed another.

Mr. CHANDLER. The House resolution of yesterday was a joint resolution.

Mr. HOUSTON. I would inquire of the Chair if the resolution passed by the House was in the form of a joint resolution?

The SPEAKER. The House passed a resolution containing the words "the Senate concurring."

Mr. CHANDLER. I move that the House concur.

Mr. FLORENCE. If it is in order, I move the resolutions, which I offered yesterday, as an amendment to this proposition.

Mr. HOUSTON. I call for the regular order of business.

The SPEAKER. Then the gentleman's motion must go over.

Mr. FLORENCE. Then I ask the unanimous consent of the House to refer those resolutions to the Committee on Military Affairs.

No objection being made, the resolutions were so referred.

Mr. STANTON, of Tennessee. I suggest that the resolution just passed over, the one from the Senate take the same direction, otherwise we shall hardly be able to reach them at all.

Mr. CHANDLER. I ask the concurrence of the House in the adoption of this resolution.

The SPEAKER. The gentleman from Alabama [Mr. HOUSTON] insists upon the regular order of business.

Mr. HOUSTON. I have no objection to concurring with the Senate in this resolution. I thought that we had concurred in it.

The question was then taken upon Mr. CHANDLER's motion, and it was decided in the affirmative.

So the Senate resolution was concurred in.

Mr. STANTON, of Tennessee. I believe the first business in order is a report from the Committee on the Judiciary, being Senate bill No. 28, concerning the district courts of the United States in California.

Mr. HOUSTON. I believe I have the floor upon a proposition to refer this bill, which was reported to the House from the Judiciary Committee.

The SPEAKER. That bill is in order. A proposition is pending to recommit to the Committee on the Judiciary.

Mr. HOUSTON. I have examined the bill and the law since that motion was made. I propose to withdraw the motion I made. I think the bill ought to pass.

The SPEAKER. The motion to recommit is withdrawn.

Mr. JONES, of Tennessee. I wish to inquire if resolutions, which have been heretofore offered, calling for information from the Departments, and which are required to lie over, do not come up now?

The SPEAKER. Not until after the select committees are called upon for reports.

Mr. WHEELER. I would ask the unanimous consent of the House to take up the resolution of inquiry which I presented yesterday. It is merely a resolution of inquiry.

Mr. ORR. I call for the regular order of business.

The SPEAKER. The first business in order is upon ordering the following bill to a third reading:

"A bill concerning the district courts of the United States in California."

The question was then taken; and it was decided in the affirmative; and the bill being engrossed, was read the third time, and passed.

Mr. STANTON, of Tennessee. I have been instructed by the Committee on the Judiciary to offer a resolution, which I hope will be adopted by unanimous consent. It is merely a call for information.

The resolution was then read, as follows:

Resolved, That the President of the United States be requested to inform the House what arrangements are now made to obtain buildings for the accommodation of the several circuit and district courts of the United States; what is the amount of rent; what other expenses are annually paid in said districts, and what general provision, in his judgment, can be judiciously made to provide buildings for the immediate convenience of said courts and their officers; and whether any, and what, difficulties and embarrassments occur in the use of the State prisons by the officers of the United States courts, and what remedy can be provided therefor.

The resolution was, by unanimous consent, considered and agreed to.

COLONEL BENJAMIN S. ROBERTS.

Mr. PARKER, from the Committee on the Judiciary, reported back, without amendment, the bill of the House, No. 63, explanatory of the act for the relief of Colonel Roberts, of the United States Army.

Mr. P. said: The Committee on the Judiciary have directed me to report this bill back to the House without amendment. It is accompanied by a report, which may be read, if any gentleman desires it; or I will state in a few words the substance of the bill, and the reasons for adopting it.

It is a bill for the relief of Colonel Roberts, of the United States Army. During the last Congress a bill was passed by this House for the relief of this officer, who was forced to resign his commission contrary to law in the year 1839. The case was brought before the last Congress, and elaborately examined by the Judiciary Committee in the Senate; and Mr. Berrien, in behalf of that committee, made a report recommending the restoration to Colonel Roberts of his pay, allowances, and emoluments during the time in which he was withdrawn from the Army.

The facts are simply these: In 1837 there was a considerable amount of money—some four or five thousand dollars placed in his hands—to disburse as an army agent. This money consisted principally of paper issued by the Commercial Bank of Cincinnati. Under a regulation of the Government at that time, no money was allowed to be paid out by Government agents from banks which did not redeem their notes in specie; and about the time this money was placed in Colonel Roberts's hands, that bank declined to pay specie. The consequence was that he appeared as a defaulter to the Government, and he was soon notified by his commanding officer that, unless he immediately resigned his commission, he would be dismissed from the service. This, it has been ascertained, was directly in the face of the law. The result was, that Colonel Roberts was withdrawn from the service, and continued so until the breaking out of the war with Mexico—some seven years after—when he was again allowed to enter the Army, and was rapidly promoted, as a reward of his gallantry.

The regulations of the Government at the time Colonel Roberts was withdrawn from the service, required that whenever an officer of the army, having in his charge the disbursement of money, was charged with being a defaulter, his case was to be presented to the proper authorities, and he was to be allowed, as the lawyers would say, a "day in court," in which to defend himself. No such privilege was allowed to Colonel Roberts. He was driven from the Army, without any opportunity of defending himself, upon the simple notice of his commanding officer that unless he resigned his commission he would be dismissed from the service. This was in direct violation of a law of Congress, passed in 1823. In 1828 another law was passed, providing that where a defalcation was charged against an officer, his pay and emoluments should be retained until the defalcation was made out. This was not done in Colonel Roberts's case when he was in fact dismissed from the Army—

Mr. MILLSON, (interrupting.) I ask the gentleman to allow me to make a single suggestion. The bill and report, as I understand it, have not been read to the House. I would suggest to the gentleman from Indiana that if he will allow the report of the committee upon the bill to be read, the House will better understand his argument upon it.

Mr. PARKER, (resuming.) I am stating the substance of the report. This case, as I was going to observe, came up before the Senate during the last session of Congress.

Mr. Berrien, from the Committee on the Judi-

ciary, then made a full report of the facts of the case, the substance of which I have stated. And upon that report a bill was predicated which, upon its face, provided for the payment to Colonel Roberts of his pay and subsistence during the time he was thus illegally and most oppressively dropped from the service.

It was ascertained, on referring the matter to the accounting officers of the Treasury, that the words used in that bill, "pay and subsistence," under a regulation of the Department, did not cover the whole of the compensation to which Colonel Roberts was entitled; and the sole object of this bill is to remedy that defect in the phraseology of the legislation of the last Congress.

I am further informed that the report of Mr. Berrien contemplated the payment of the whole of what we now propose to give this officer; but the clerk to whom the drafting of the bill was confided used expressions different from those employed in the report, and thus Colonel Roberts was unable to obtain the full compensation to which he was entitled.

This bill simply provides that the words "pay, emolument, and allowances" shall be substituted for the words "pay and subsistence."

Mr. WASHBURN, of Illinois. I move the previous question on the passage of the bill.

Mr. HOUSTON. I hope the gentleman from Illinois will allow a motion to be made to refer the bill to a Committee of the Whole House, so that the House may have a choice in the matter.

Mr. WASHBURN. I cannot withdraw the demand for the previous question.

Mr. PARKER. The case has been examined with great care.

[Cries of "Read the bill!"]

The Clerk then read the bill.

Mr. PARKER. I ask for tellers on seconding the demand for the previous question.

Tellers were ordered; and Messrs. BOCK and EASTMAN were appointed.

The question was then put; and the tellers reported—yeas 85, noes 41.

So the previous question received a second.

The question then was, "Shall the main question be now put?"

Mr. MILLSON. I feel constrained in this place to demand the yeas and nays on the ordering of the main question; so that it may be seen who are in favor of forcing this bill through in an unusual manner, without discussion.

The yeas and nays were ordered.

At the request of several members, and by unanimous consent, the bill was again read through.

Mr. DAVIS, of Indiana. The report of the committee accompanying the bill has not been read. I ask the unanimous consent of the House that it may be now read at the Clerk's desk; so that all members may understand upon what grounds the passage of the bill is proposed.

There was no objection; and the report was read by the Clerk.

Mr. STANTON, of Tennessee. I desire to put a question to the Speaker before the yeas and nays are called. What will be the effect of voting against the putting of the main question now?

The SPEAKER. The effect will be to carry the bill over until to-morrow, or another day, at all events.

The roll was then called, and there were—yeas 113, nays 60; as follows:

YEAS—Messrs. Abercrombie, Aiken, Belcher, Benson, Bissell, Boyce, Breckinridge, Brooks, Carpenter, Canthers, Chamberlain, Chandler, Chrisman, Clark, Cook, Corwin, Cox, Crocker, Culloin, Cunningham, Cutting, John G. Davis, Thomas Davis, Dean, De Witt, Dick, Dickinson, Dowdell, Eddy, Edgerton, Edmonds, Edmonson, Elliott, Elison, English, Etheridge, Everhart, Farley, Flagler, Florence, Fuller, Goodrich, Green, Greenwood, Grey, Andrew J. Harlan, Wiley P. Harris, Harrison, Haven, Hendricks, Hibbard, Hill, Howe, Hughes, Hunt, Ingersoll, Johnson, Keitt, Knox, Lane, Latham, Lindley, McCulloch, McDougall, Macy, Matteson, Maurice, Meacham, John G. Miller, Smith Miller, Nichols, Norton, Andrew Oliver, Parker, Pennington, Phillips, Pratt, Pringle, Puryear, Reese, Ritchie, David Ritchie, Robbins, Rogers, Sabin, Sage, Sapp, Seymour, Shannon, Shaw, Simmons, Samuel A. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Straub, John L. Taylor, Thurston, Tracy, Tweed, Upham, Vansant, Walley, Elihu B. Washburn, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Hendrick B. Wright, and Yates—113.

NAYS—Messrs. James C. Allen, Willis Allen, Ashe, Barksdale, Barry, Bock, Bridges, Churchwell, Clingman, Cobb, Craig, Curtis, Dawson, Drum, Faulkner, Fenton, Giddings, Grow, Hamilton, Hastings, Houston, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Kuriz, Lamb, Lilly, Macdonald, McMullin, McNair, Mc-

Queen, Maxwell, Mayall, Middleswarth, Millson, Morrison, Murray, Noble, Olds, Orr, Packer, Peck, Bishop Perkins, John Perkins, Rufin, Shower, Skelton, Gerrit Smith, William Smith, William R. Smith, Stratton, John S. Taylor, Trout, Vail, Wade, Walbridge, Walsh, Witte, and Daniel B. Wright—60.

So the main question was ordered to be put.

The main question—that the bill be engrossed and read a third time—was then put and agreed to; and the bill being engrossed, was read the third time and passed.

Mr. PARKER moved that the vote by which the bill was passed be reconsidered, and that that motion do lie on the table; which latter motion was agreed to.

PRESIDENT AND VICE PRESIDENT.

Mr. PARKER, from the Committee on the Judiciary, presented the following report; which was read:

The Committee on the Judiciary, to which was referred the resolution of this House, presented by Hon. PRESLEY EWING, of Kentucky, proposing an amendment of the Constitution in the mode of electing the President and Vice President of the United States, report:

That having had the benefit, in committee, of an oral and interesting exposition of this important question by the honorable mover of the resolution, they have bestowed upon the same much anxious consideration, and are satisfied that there is decided merit in the amendment as proposed. They are also satisfied that the conviction in the public mind is strong, and almost universal, that there are serious evils inseparably connected with the existing provisions in this behalf that may and should be remedied; and believing that there is now a calm in the political elements most auspicious for the grave consideration of this subject, the committee deem it due the American people that Congress should propose to them some carefully-considered and well-digested amendment in the premises. They therefore ask that their committee may be discharged from the further consideration of the subject, and recommend the adoption of the following resolution:

Resolved, (the Senate concurring,) That a select joint committee, composed of nine Representatives, and five Senators, be appointed by the presiding officers of the two Houses respectively, to whom shall be referred the said resolution proposing an amendment of the Constitution in the mode of electing the President and Vice President of the United States, with instructions to take that matter, and the subject generally, into consideration, and to report upon the same in such manner as to them may seem most expedient.

Mr. McMULLIN. Mr. Speaker, I move to lay that report on the table, and that it be printed.

While I am up, Mr. Speaker, I will state that I should like very much if the members of committees would make their reports in such manner as not to occupy the whole of the morning hour of the House.

Mr. PARKER. Mr. Speaker, I imagine that there is no necessity for this matter being laid over. It is a simple question of inquiry, and one, I believe, which has elicited the attention of almost every American citizen. There is no newspaper in the land that does not condemn the present mode of electing the President and Vice President of the United States.

The SPEAKER. The resolution is not debatable.

Mr. CLINGMAN. I beg leave to suggest that this is not merely a motion to lay on the table, but it is a motion to lay on the table and print; and the motion to print is debatable.

The SPEAKER. The first question is on laying the report on the table.

Mr. EWING. Mr. Speaker, I ask the Chair what would be the fate of this movement if it were ordered that the report lie on the table? and whether that would be the closing up all further inquiry on that subject?

The SPEAKER. Practically it would be, unless taken up by the vote of the House.

Mr. McMULLIN. If the gentleman desires to debate the question he will not be prevented. He can do so by moving to recommit. My object is to economize the time of the House.

The SPEAKER. The report of the committee closes with a resolution proposing a select committee to which this subject shall be referred.

Mr. McMULLIN. I am aware of that, sir, but—

Mr. EWING. Will the gentleman from Virginia withdraw his motion till I make one solitary word of explanation?

Mr. McMULLIN. I will withdraw my motion, for the gentleman's convenience.

Mr. EWING. I wish to say, Mr. Speaker, that the course proposed now is not a suggestion of mine. I had this resolution—when it was first presented—referred to the Judiciary Committee, in preference to its reference to a select committee;

and, contrary to the advice of many in this House and in the Senate, who professed to take some interest in the matter, I had it referred to the Judiciary Committee, because I believed that, by an explanation of the purposes and probable consequences of the change, that committee, or any other committee, would see the importance, at least, of the proposed reform, and the propriety of inquiry into the matter. I wanted the sanction of a regular standing committee—of that eminently respectable committee—of this House. I believed that they could bring public attention—the attention of this House—to the question in a degree which I could not secure for it myself.

I therefore originally desired that the Judiciary Committee should act upon it. I went before them, and—by an indulgence of no ordinary kind, and by a kindness and courtesy for which I take great pleasure in making my acknowledgments now, and will at all other times—I was allowed to explain the objects of the proposed change; and they agreed to report in favor of it. But subsequently, they seem to have arrived at the conclusion, that perhaps it would be more proper to make the report now upon our table. They, therefore, themselves propose a select committee. If in intending to advance the purpose which they had in view, they have pursued such a course, they put an end to all inquiry about the matter. Thus, if the motion of the gentleman from Virginia, [Mr. McMULLIN], almost—if he will allow me to say—inconsiderately made, should prevail, and that all further inquiry should be closed upon the matter, I should regret, and I am sure that the committee would regret, that they have not attained the purpose which they had in making the report. If they had made it as I desired, and thought myself, individually, that it should have been made, it would not have been brought to so premature an end, as will be the case if the proposition of the gentleman from Virginia [Mr. McMULLIN] is adopted. I hope that gentleman will not now, whatever his private opinions may be upon the examination which he has given to the subject, insist in bringing to so premature and summary a conclusion, all inquiry upon this subject. Does the gentleman insist upon the motion which he has made?

Mr. McMULLIN. The gentleman from Kentucky is mistaken if he supposes that I have acted prematurely in this matter. I am as well prepared now as I shall be at any time during this session to act upon this question. I had supposed that every other gentleman upon this floor, like myself, was prepared to act; and it was for that reason, and because I was unwilling to have the time of the House occupied with the consideration of this question, that I submitted the motion I did. But if it shall seem to be the pleasure of this House, or of a respectable number of it, that this subject be disposed of, with a view to its discussion, I will not act adversely to the feelings of the House, by insisting upon the motion which I have made. My purpose was to move that the subject be recommitted—

Mr. BISSELL, (interrupting.) If this debate is not in order, I object to it.

The SPEAKER. It is in order, the proposition to lay upon the table having been withdrawn.

Mr. McMULLIN. If the gentleman from Illinois will allow me a moment further, I will, for the purpose of testing the sense of the House, move to recommit the subject; and upon that motion I call the previous question, so as to afford gentlemen the opportunity of discussing it hereafter.

The SPEAKER. The Chair would suggest, as a matter of form, that the resolution should be so amended as to read "to act with such committee as shall be appointed by the Senate," instead of "the Senate concurring."

No objection was made; and the modification was adopted.

Mr. FLORENCE. I would inquire of the gentleman from Virginia what object he desires to attain by moving to recommit to this committee?

The SPEAKER. The motion to recommit is not debatable.

Mr. FLORENCE. I am aware of that; but I rose simply to an inquiry. I was desirous of knowing what the gentleman expected to accomplish by his motion.

Mr. JONES, of Tennessee. Has the morning hour expired?

The SPEAKER. It has not quite.

Mr. JONES. I believe it is in order, however, to move to go into the Committee of the Whole on the state of the Union at any time, and I therefore make that motion now.

The question was taken, and there appeared, upon a division—ayes 79, noes 65; whereupon

Mr. DAVIS, of Indiana, called for tellers upon the motion; and they were ordered.

Mr. JONES, of Tennessee. Before the question is taken upon that motion, I wish to offer another. I move that all debate in Committee of the Whole, upon the President's message, be terminated on Thursday next at one o'clock; and upon that motion I call the previous question.

Mr. WALSH. Is that motion in order?

The SPEAKER. It is.

Mr. WHEELER. I hope the House will not agree to the resolution of the gentleman from Tennessee, [Mr. JONES.]

Mr. WALSH. It was very magnanimous.

The House was divided, and the previous question was not seconded.

Mr. TAYLOR, of Ohio. I now move to amend the resolution of the gentleman from Tennessee, by inserting the first day of March in place of Thursday next.

Mr. JONES, of Tennessee, demanded the yeas and nays upon that motion; which were ordered.

The question was then taken upon Mr. TAYLOR's amendment; and there were—yeas 72, nays 102; as follows:

YEAS—Messrs. Abercrombie, Barry, Benson, Boyce, Bridges, Carpenter, Chamberlain, Chase, Corwin, Cox, Crocker, Cumming, Cutting, Thomas Davis, De Witt, Dick, Dickinson, Disney, Edmunds, Etheridge, Everhart, Farley, Flagler, Franklin, Goodrich, Grey, Grow, Hill, Howe, Johnson, Kerr, Knox, Lindley, McCulloch, Mace, Matteson, Maurice, Meacham, John G. Miller, Noble, Norton, Andrew Oliver, Mordecai Oliver, Parker, Pennington, Bishop Perkins, Pringle, Puryear, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Gerrit Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, John L. Taylor, Tracy, Upham, Wade, Walbridge, Walley, Elishu B. Washburne, Westbrock, Wheeler, Witte, Hendrick B. Wright, and Yates—72.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Banks, Barksdale, Barry, Belcher, Bissell, Bliss, Boeck, Breckinridge, Brooks, Chandler, Chrisman, Churchill, Cobb, Colquitt, Craigie, Curtis, John G. Davis, Dawson, Dean, Dowdell, Drum, Dunbar, Eastman, Edgerton, Elliott, Ellison, English, Faulkner, Fenton, Florence, Fuller, Goode, Green, Greenwood, Grey, Grow, Hamilton, Hastings, Haven, Hendricks, Henn, Hibbard, Houston, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kidwell, Kittredge, Kurtz, Lamb, Lane, Lindsley, Macdonald, McMullin, McNair, McQueen, Mace, Macey, Mayall, Smith Miller, Morrison, Murray, Nichols, Orr, John Perkins, Phelps, Phillips, Powell, Pratt, Riddle, Robbins, Ruffin, Rufin, Seymour, Shaw, Shower, Skelton, William Smith, George W. Smyth, Stratton, Straub, David Stuart, John J. Taylor, Thurston, Trout, Vail, Vansant, Walker, Walsh, Wells, John Wentworth, and Tappan Wentworth—102.

So the amendment was not agreed to.

Mr. WHEELER. I move to lay the resolution of the gentleman from Tennessee upon the table.

Mr. CLINGMAN. Upon that motion I demand the yeas and nays.

Mr. SMITH, of Virginia. Would it be in order for me to offer an amendment?

The SPEAKER. It would not—as there is a motion pending to lay the resolution upon the table.

Mr. SMITH. Will the gentleman from New York withdraw his motion, and allow me to offer an amendment?

Mr. WHEELER. I cannot.

Mr. JONES. As I suppose it would be in order for me to modify my resolution, I move to amend it by substituting "Thursday week next, the 26th," instead of next Thursday, as the time for closing the debate.

Mr. WHEELER. I demand the yeas and nays upon the motion I made.

Mr. ORR. If the House will indulge me for a moment, I think I can satisfy them that the resolution ought to pass.

The SPEAKER. Debate is not in order.

Mr. ORR. The resolution does not restrict the latitude of debate at all.

Mr. CHURCHWELL demanded tellers upon the yeas and nays, which were not ordered.

Mr. DEAN demanded tellers upon Mr. WHEELER's motion to lay the resolution upon the table, which were ordered; and Messrs. Wright and Vail were appointed.

The question was then taken, and the tellers reported—ayes 74, noes 76.

So the House refused to lay the resolution upon the table.

Mr. JONES, of Tennessee. I demand the previous question upon the adoption of the resolution.

Mr. TAYLOR. Upon seconding the demand I ask tellers.

Tellers were ordered; and Messrs. Vail and Wright were appointed.

The question was then taken, and the tellers reported—ayes 78, noes 73.

So the previous question received a second.

The main question was then ordered to be put. The question now being upon the adoption of Mr. JONES's resolution,

Mr. TAYLOR, of Ohio, demanded the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH. Will the Chair be kind enough to have the resolution again read?

The SPEAKER. It will be read if there is no objection.

No objection being made, the Clerk again read the resolution.

The question was then put; and it was decided in the affirmative—yeas 97, nays 82; as follows:

YEAS—Messrs. Aiken, James C. Allen, Appleton, Ashe, Banks, Barksdale, Barry, Belcher, Bissell, Bliss, Boeck, Breckinridge, Bridges, Churchill, Clark, Clingman, Cobb, Colquitt, Craigie, Curtis, John G. Davis, Dawson, Dean, Dowdell, Drum, Dunbar, Eastman, Edgerton, Elliott, Ellison, English, Faulkner, Fenton, Florence, Fuller, Goode, Green, Greenwood, Grey, Grow, Hamilton, Hastings, Haven, Hendricks, Henn, Hibbard, Houston, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kidwell, Kittredge, Kurtz, Lamb, Lane, Lindsley, Macdonald, McMullin, McNair, McQueen, Mace, Macey, Mayall, Smith Miller, Morrison, Murray, Nichols, Orr, John Perkins, Phelps, Phillips, Powell, Pratt, Riddle, Robbins, Ruffin, Rufin, Seymour, Shaw, Shower, Skelton, William Smith, George W. Smyth, Stratton, Straub, David Stuart, John J. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Walker, Wells, John Wentworth, and Daniel B. Wright—97.

NAYS—Messrs. Willis Allen, Benson, Boyce, Carpenter, Caruthers, Chamberlain, Chandler, Cook, Corwin, Cox, Crocker, Cumming, Cutting, Thomas Davis, De Witt, Dick, Dickinson, Disney, Edmunds, Etheridge, Everhart, Ewing, Farley, Flagler, Franklin, Goodrich, Harrison, Hill, Howe, Hunt, Johnson, Kerr, Knox, Lilly, Lindley, Lyon, McCulloch, Matteson, Maurice, Meacham, Middlesworth, John G. Miller, Noble, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Pennington, Bishop Perkins, Pringle, Puryear, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Shannon, Simmons, Gerrit Smith, William R. Smith, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Tracy, Upham, Wade, Walbridge, Walley, Walsh, Elishu B. Washburne, Tappan Wentworth, Wheeler, Witte, Hendrick B. Wright, Yates, and Zolllicoffer—82.

So the resolution was adopted.

Mr. JONES, of Tennessee. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

The question was put upon the latter motion, and it was agreed to.

The question recurred upon Mr. JONES's motion that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union; and being put, it was decided in the affirmative.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN stated that when the committee last rose, it had under consideration the annual message of the President of the United States, and the resolutions submitted by the gentleman from Alabama, [Mr. Houston,] proposing to refer the same; and that upon that subject the gentleman from South Carolina [Mr. Keitt] was entitled to the floor.

Mr. HOUSTON. The gentleman from South Carolina who is entitled to the floor is indisposed to-day, and would prefer that the committee should take up some other bill; and I therefore ask that this bill be laid aside for the present, and that the committee shall take up the invalid pensions appropriation bill. It is a very small bill, and we can soon pass it. There are two or three of these small appropriation bills which can be passed this evening; and when the House goes into committee to-morrow, the President's message can again be taken up, and the gentleman from South Carolina will be able to make his speech.

Mr. DRUM. I would ask what the order is upon the Calendar?

Mr. CLINGMAN. I believe that appropri-

tion bills, by an express rule, take precedence of all other bills.

The CHAIRMAN. It is competent for a motion to be made to take up any of the appropriation bills. The gentleman from Alabama moves that the President's message, and the resolutions in reference thereto, offered by himself, be laid aside for the purpose of taking up House bill No. 50, being "A bill making appropriations for the payment of invalid and other pensions of the United States, for the year ending June 30, 1855." The question is first upon laying aside the President's message.

Mr. WALSH. I would ask whether the gentleman from South Carolina, [Mr. KERR], to whom the floor has been awarded, will be in possession of it when the House next goes into Committee of the Whole on the state of the Union, or does he forfeit his right to it by refusing to speak now?

The CHAIRMAN. The Chair is of opinion that the gentleman from South Carolina will be entitled to the floor when next the House goes into committee, if the motion of the gentleman from Alabama prevails, inasmuch as he yields the floor to the gentleman from Alabama for the purpose of making that motion.

Mr. DRUM. I will state to the committee that I believe the next order on the Calendar is a bill in reference to the payment of the amount authorized to be paid to the gentleman who is codifying the revenue laws. I think that it is the next thing in order. It authorizes the payment of his salary. Now, sir, that gentleman has been engaged for nine months past, and has not yet been compensated.

The CHAIRMAN. The Chair dislikes to interrupt the gentleman from Pennsylvania; but debate is not in order on a question of priority of business.

Mr. DRUM. I was not aware of that fact.

The question was then taken on the motion of Mr. Houston, and, upon a division, there were—ayes 90—

[Cries of "We give it up!"]

The CHAIRMAN. If there be no objection the proposition will be decided to be carried in the affirmative.

There was no objection, and it was so decided.

Mr. WALSH. Those who voted in the affirmative are the ones who cry "We give it up!"

Mr. WHEELER. Is it in order to decide a question without calling for the negative? The Chair called for the affirmative, and decided that the motion was agreed to without calling for the negative.

The CHAIRMAN. The Chair asked whether a further count was insisted upon; and no gentleman did insist.

Mr. WHEELER. I heard no gentleman give up the count. When a gentleman does so, he is required by the rules to rise in his seat.

Mr. CLINGMAN. It is now too late to raise the point.

The CHAIRMAN. So the Chair rules.

Mr. WHEELER. It is always too late to raise a point when a question of right is concerned.

Mr. WALSH. The day of grace has passed. [Laughter.]

The CHAIRMAN. The question before the committee is the consideration of "A bill making appropriations for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1855."

It will be read through by sections for amendment.

The bill was read through by sections, but no amendment was proposed.

Mr. HOUSTON. I move that the bill be laid aside to be reported to the House, with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, it will be so ordered.

Mr. WALSH. I object.

The question was taken, and the bill was laid aside to be reported to the House, with the recommendation that it do pass.

MILITARY ACADEMY BILL.

Mr. HOUSTON. I move that the committee now take up for consideration House bill No. 47, making appropriations for the support of the Military Academy, for the year ending the 30th of June, 1855.

The question was taken; and the motion was agreed to.

The Clerk then read the bill through by sections for amendment.

The CHAIRMAN. The question will be on laying aside bill No. 47, and reporting it to the House.

Mr. WALSH. Mr. Speaker, I wish to inquire what latitude of debate is allowed on these bills?

The CHAIRMAN. The widest latitude is allowed to gentlemen—according to the practice of the committee—on any of the general appropriation bills.

Mr. WALSH. Then, Mr. Chairman, I—
Mr. HOUSTON. Will the gentleman from New York yield the floor?

Mr. WALSH. The gentleman from New York will certainly yield the floor to a gentleman who is always entitled to it.

Mr. HOUSTON. I am just going to ask the gentleman from New York to let the committee report that bill to the House, and then take up the deficiency bill, when he will have an opportunity to make a speech.

Mr. WALSH. I shall dispense with making a speech, and yield the floor. I have no particular desire to make a speech.

The question, that House bill 47 should be laid aside to be reported to the House, with a recommendation that it do pass, was agreed to.

Mr. HOUSTON. I now ask that House bill No. 49, being a bill to supply the deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1854, be taken up for consideration.

The question was taken, and the motion was agreed to.

The Clerk read the first clause of the bill.

Mr. WALSH. Mr. Chairman, I do not propose to detain the House at any length; neither do I propose to make what is called a set speech; but from the evident disposition manifested by this House, no other opportunity will probably occur wherein I shall be enabled to say anything upon the subject of which I now propose to speak.

On a former occasion I felt called upon, in reply to some remarks made by gentlemen upon this floor, to say a few words, which the meanest and dullest understanding, not willfully blinded to the truth, could not fail to apprehend. When I used the word "democracy," I, of course, intended to be understood as alone referring to that chivalrous and self-sacrificing party which—whether in the pride of victory and the plenitude of power, or under the vicissitude of defeat—has ever sustained and preserved the Constitution in its purity, and in the unshaken integrity of its letter and its spirit, against the open assaults of insane, though, perhaps, not dishonest, fanatics, and against the more wily, and dangerous, and dastardly assaults of that mean, despicable, and hollow-hearted set of hungry traitors who, at a pepper-and-salt convention, held in Buffalo, in 1848, fraternized, with pertinacious assumption of well-dissembled sincerity, with disappointed and disloyal Whigs, rampant Abolitionists, and long-heeled Negroes, pampered by the traitorous artifices of demagogues, whose hearts and purposes were blacker than the faces of the poor dupes they were deluding in doing so.

In using the word "democracy," sir, I used it as I do now, and as I have ever done, and as I ever shall do—for whatever the Cabinet may do in this respect—and I apprehend it is not of the slightest possible consequences to any one beyond the vampires and parasites who surround it—the Democracy has ever been, and ever will remain indivisibly united.

The time to which I then alluded, as best befitting the national men of New York to speak, has, in my opinion, more than fully arrived already. Though I have been anxiously desirous that some one among my associates should give utterance to our views upon this subject, I can no longer remain silent, with a due regard to my own self-respect, with a proper appreciation of what is due to me and to that noble and devoted party, whose services, and sacrifices, and undeviating devotion to principle, will live in the hearts of all true and patriotic men long after the corrupt coalition which now surrounds us is resolved back to the conflicting elements of which it is composed, and the official skeletons of their hungry leaders are left dangling upon the gibbets to which public

execration and condemnation have consigned them—yes, consigned them as an impressive warning to all political malefactors. [Laughter.] Sir, we have suffered, in the estimation of many, the most ignominious and flagrant wrongs, and the most persevering persecutions, from those we have elevated to power, upon principles which they loudly profess in theory, but which, I regret to say, they have sadly, if not shamelessly, violated in practice. Every opportunity has been afforded to them to retrieve their blunders, and to make reparation, as far as the case will now admit, for the unexampled outrages perpetrated upon us. Instead of accepting the golden opportunity thus generously presented, they have, with a most willful obtuseness, construed our forbearance into cowardice—our magnanimity into slavish acquiescence.

Sir, notwithstanding the bitter lesson administered by the result of our last election in the State of New York—a lesson which, to men not intoxicated with power, unwisely conferred, but still more unwisely, if not ungratefully, exercised, would have been as instructive as it was unexpected—the Administration still seems egregiously to underrate and totally misunderstand the true character of the men with whom they have been so long and stupidly trifling. Sir, the misrepresentations which have been so meanly, so sneakily, and so perseveringly circulated against our motives, our acts, our present position, our purest, brightest, and boldest men, have been so flagrant, so false, and so numerous, that I, for one, can no longer stand passive, and refrain from doing what I can to rescue truth from the polluting and deadly embrace of this miserable sophistry.

For President Pierce I entertain, personally, a very high degree of regard, more particularly if he were simply a citizen, and not a President. He is a very kind, agreeable man; and he is what the ladies would term a very polite, affable, and pleasant gentleman—far more so, I am afraid, than it will ever be my lot to be considered. He has always treated me with marked kindness and seeming confidence; but since I have ascertained that this is generally his disposition to everybody, I must be compelled to take off an extraordinary discount for the compliment to myself. [Laughter.]

He reminds me of that English commander to whom Napoleon surrendered on board of the *Bellevue*. When he came into England, Napoleon was very anxious to have an interview with the King of Great Britain, and asked permission of the ministers who were sent to see him. They asked the commander who came over with him from France whether such a step would be politic? "By no means," said he. "Why?" "Because, if you allow them to have five minutes' conversation, they will become the best friends in the world. Don't it, sir, it will never do."

Now, sir, it is in consequence of my own quiet, susceptible nature, when I have to do with those of my own sex—and Heaven knows what would be the effect were it with those of the opposite sex, [laughter]—that I have studiously avoided calling upon the President of the United States since the opening of the present session of Congress. From what I have said, I presume every gentleman will infer that I am not going to use any unkind expression towards that high functionary. I am simply going to set forth a few facts before the House, and then allow them to draw their own inferences.

Sir, the position which the New York Democracy have occupied before the country has been grossly and shamelessly misrepresented. This contest, which had its final issue in the last election, commenced in 1844. The men who were instrumental in defeating General Cass, in 1848, had then arrayed themselves against the admission of Texas, or rather against its annexation to the United States. The men who figure as the Softs in New York now, are those who attended and took part in the anti-annexation meeting at the Tabernacle in 1848, and are the men who then got up the secret circular in the State of New York, calling upon their friends, while they voted for Silas Wright for Governor, to vote against James K. Polk for President; the result of which was, that the Democratic vote for President ran far behind that for Governor of the State; and had this organization—this treacherous organization—been made as perfect then as it was in 1848, the result of their reasonable efforts would have been quite as successful.

But their course is known to all. There was never a more sublime spectacle presented to the world than that presented by the National Democracy in 1848, when, casting patronage to the winds, they stood up to defend the integrity of the Constitution against those who, taking advantage of the excitement of a popular election, were endeavoring to create a sectional feeling, to array one portion of our people against the other, to the imminent danger of ultimate ruin to the country itself.

Sir, after the result of that election—for I promised not to detain the House long on this occasion, and I shall not do it—they found that public opinion was coming about—that the action of that which Martin Van Buren called “the sober second thought of the people”—and it is the only sentence that Martin Van Buren ever uttered that will bear repetition—[much laughter]—and that “sober second thought of the people” has consigned him and his associate traitors to an ignominious oblivion, from which even the archangel’s trumpet will never awaken them. [Renewed laughter.] Sir, through that sober second thought the determined sense and patriotism of this people had stricken treason to the dust, and the result was, that any man whose past history showed a fair record—if he had received the nomination at Baltimore—would have been elected just as easily as President Pierce was. These men, finding that the overwhelming tide of popular sentiment was about to sweep them into oblivion; finding that a storm was coming which they had neither the manhood to meet, nor the ability to resist; finding that they stood in the position in which they now stand, like rattlesnakes with their poisonous fangs extracted—with the same disposition to strike, but without the power to harm—they pretended to get upon a platform which the Union says was a delusion and a cheat, but which the Administration, in its practice, says was a wiping out of all past sins.

It is, as we all know, a well-established rule, at least among the truly orthodox and faithful in the church, that whenever a man deserts the church he must, before he can come back into full communion, do penance for his crimes, and show signs of sincere contrition; and I know of no good reason why the same principle should not be applied to political backsliders. [A laugh.]

Now, sir, in 1852, the Democracy of the country met in the Baltimore convention, and a platform was there laid down, upon which General Pierce was nominated. If he received that nomination without a pledge, he did not receive the votes of the people of the United States without a pledge; because, in his letter of acceptance, he said, distinctly and emphatically, that he accepted the nomination with the accompanying resolutions, not because those resolutions were a condition of the nomination, but because they were in strict keeping with every act of his past political life. How has that pledge been carried out in his appointments to office?

And here let me tell gentlemen that if they suppose that the opposition to the Administration comes from men who have been disappointed office-seekers, they sadly underrate the character of the men with whom they have to deal. If they suppose there is any disposition upon the part of the Democracy of the State of New York to make war upon the Administration, they are wrong. But when the Administration undertook to interfere in our local elections—when they sent forth the mandate that Greene C. Bronson must do their dirty work—and if they were deceived in Mr. Bronson’s character it was their own fault—if they expected to find a poor, servile tool in Judge Bronson, and found an honorable, high-minded man, it was their fault, not ours; when they uttered a threat to interfere in our elections, under the miserable expectation that we were weak, and our adversaries were strong—we heard the mandate in sorrow—we hurled back the threat with contemptuous indignation; we defied its power, and ultimately triumphed to our hearts’ content. We triumphed, sir, against all the power, and all the appliances of the Administration.

And let me tell the friends of the Administration in this House now, that when the next election comes they will find that triumph ten times more signal than it was before. Those who were Barnburners in 1848 are now what are called “Softs.” [Laughter.] Well, what is a Soft? We are

called “Hards.” The best illustration of anything hard is a diamond. It is a fair representation of our purity and our hardness. [Laughter.] We all know what soft means in morals. A man soft in morals is open to any rascality. [Laughter.] A “Soft” in politics is pretty much the same thing. We all know what is meant by a man with a soft head. Such a one is intellectually soft. A “Soft” is simply an individual whose morals and politics are of the putty character, and who is ready to accommodate himself to any form which promises profit. [Laughter.]

I once told one of our State officers, outside of the capitol in Albany, as follows: Said he, “Mike, what reason have you to question the sincerity of men who were true in 1848?” I asked him, “Were you true in 1848?” “Wasn’t I,” he replied. “I did not hear,” said I, “of your doing anything negatively. I do not know whether you had the power, if you would, to do so.” “What do you mean?” he asked. “Provided you were, as Redfield is said to have been, square in 1848, does that go to show that you are square now?” “Yes,” he said. “Not unless I have read history to but little profit, sir. Benedict Arnold was as sincere and as gallant a patriot before there was a sufficient amount of British gold offered for his treason. Not unless my theological knowledge is equally deficient. Judas Iscariot was an humble and true follower of our Saviour before those thirty pieces of silver were shoved at him.” [Laughter.] I can readily understand, Mr. Chairman, how a corrupt and mercenary man, when he is offered to be helped into position far beyond the measure of his merits, by those who are formally arrayed against him, can play the part of Benedict Arnold or Judas Iscariot. The only difference between a Soft and an actual Abolitionist is, that the one is in the decomposing process. [Laughter.]

Now, sir, I wish, so far as I am concerned, to be distinctly understood in this committee; and I believe what I say will not conflict at all with the opinions of our friends. We do not propose to array ourselves against anything Democratic which may come through the Administration, no more than we would be governed in our action, provided the Administration were opposed to it. The Democratic party, as it formerly existed, was a party of well-defined and universally-understood principles; but the course which has been pursued latterly, of recognizing the claim of factionists to the smiles and favor of the Administration, is a degrading declaration sent forth to the world that hereafter we are to come together, not upon common ground of principle, but that we are to come together like a band of bandits, amalgamated for the sake of common plunder; and then, after we have gained our purpose, like John Van Buren, to stand upon the platform, true to General Pierce’s Administration—or, in other words, as long as we hold office—and afterwards to be at liberty to return to our old sins.

Now, Mr. Chairman, previous to closing, I want to refer to one point, and that is, the various votes which have been taken in this House (and where those who have voted have denied that their votes were to be taken as any test question) have all been claimed as Administration triumphs as soon as they were effected. I have been told by gentlemen upon this floor, and by gentlemen occupying high positions in the Government—and I wish to be distinctly understood on this subject—I have been told, I say, that their sympathies are with us; but that they did not regard the casting of their votes on certain questions as arraying them against the action, or as indorsing the action of the Administration.

Let me repeat here, sir, what I have told those gentlemen, that we are not objects of sympathy—we despise sympathy. Sympathy may be fit for sick cripples or old ladies, but not for men who have gallantly stood up against the power and patronage of State and General Administrations. We are objects of admiration and respect, but we are not objects of sympathy. We despise sympathy.

Mr. SMITH, of Alabama. Mr. Speaker, I propose to say a very few words. A very important question has arisen in the country which is not understood; and as the ball has been started here to-day, I shall ask the honorable gentleman from New York [Mr. WALSH] to give an explanation which may go out to the country with his

speech—with either his or my own. The information I wish here, and the question which the people throughout the United States wish to understand is, what is the reason for the political designation—what is the difference between the New York Hards and the New York Softs? I will give way to the honorable gentleman from New York to reply to the question.

Mr. WALSH. The difference is the difference between an honest man and a rogue. [Great laughter.]

Mr. SMITH. I must confess, Mr. Speaker, that the reply of the gentleman from New York is a little equivocal. I do not yet know whether the Soft is the rogue, or whether the Hard is the rogue.

Mr. WALSH. That deficiency of knowledge must be ascribed to the gentleman’s understanding inasmuch as—

Mr. SMITH. Will the gentleman repeat his reply? I have not heard it.

Mr. WALSH did not take the floor.

Mr. SMITH. Well, it is not a matter of very much importance. Mr. Chairman, I think it is time really that the Democracy of the country should understand something about this matter; and I, being a Democrat,—as I claim to be,—desired to be really informed on this distinction between the Hards and Softs. I expected to hear from the gentleman from New York [Mr. WALSH] a serious and sincere answer; but being characteristic of him, of course he is excusable for not explaining further.

Mr. WALSH. Mr. Chairman, I should like to know what the gentleman means by the term characteristic, and if he means it to imply any want of sincerity on my part?

Mr. SMITH. I mean that the gentleman is brief, blunt, and not always satisfactory. I meant nothing disrespectful to the gentleman.

Mr. CUTTING. If the gentleman from Alabama will allow me, I will say, that if no other gentleman does it, I will seek the opportunity to explain the difference between the “Hards” and the “Softs” of the State of New York, and in so doing, it will be necessary simply to trace the history of the party in New York. That history will furnish the gentleman with the information he desires.

Mr. SMITH. I yield to the gentleman to do it now.

Mr. CUTTING. Not at this time.

Mr. SMITH. I expected to hear from the gentleman from New York [Mr. WALSH] an explanation of what the difference is.

Mr. WALSH. I will tell the gentleman what it is in a few words. The difference between a Barnburner and an Abolitionist in disguise—that is, a “Soft”—is, that a “Soft” is a man who has never done anything for the Democratic party except for his own personal advancement and aggrandizement; bearing the name of Democrat merely for the purpose of benefiting himself.

Mr. SMITH. In responding to the gentleman from New York, I must confess that, for one, when this controversy first broke out, my sympathies were with the “Hards,” as I understood the subject; but, upon a closer examination of this whole matter, I confess that I do believe that the whole controversy is too sectional—I may say too factional—to disturb the harmony of the Democratic party throughout this country.

Now, sir, to be a little playful, I propose to refer the honorable gentleman from New York [Mr. WALSH] to a part of the history of Gulliver’s adventures in Lilliput, to show the smallness of the political quarrel—the absurdity of the political quarrel; and to show that, however much it may distract the party within the borders of the State of New York, it ought not to extend beyond it—

Mr. CUTTING, (interrupting.) Even though assailed beyond it?

Mr. SMITH. Many gentlemen will remember that when Gulliver went into Lilliput he found that government in a state of great turmoil, and he very naturally inquired into the cause of it. I have the history of the matter here before me, and I propose to read it, in order that we may be enlightened as to the extent of the words “Hard” and “Soft.” The history of the subject, after some preliminary matter, runs thus:

“Which two mighty Powers have, as I was going to tell you, been engaged in a most obstinate war for six and thirty moons past. It began upon the following occasion:

It is allowed on all hands, that the primitive way of breaking eggs, before we eat them, was upon the larger end; but his present majesty's grandfather, while he was a boy, going to eat an egg, and breaking it according to the ancient practice, happened to cut one of his fingers. Whereupon the emperor's father published an edict, commanding all his subjects, upon great penalties, to break the smaller ends of their eggs. The people so highly resented this law that, our histories tell us, there have been six rebellions raised on that account; wherein one emperor lost his life, and another his crown. These civil commotions were constantly fomented by the monarchs of Bilefescu; and when they were quelled the exiles always fled for refuge to that empire. It is computed that eleven thousand persons have, at several times, suffered death, rather than submit to break their eggs at the smaller end. Many hundred large volumes have been published upon this controversy: but the books of the Big-Endians have been long forbidden, and the whole party rendered incapable by law of holding employment. During the course of these troubles, the emperors of Bilefescu did frequently expostulate by their ambassadors, accusing us of making a schism in religion by offending against a fundamental doctrine of our great prophet Lustrig, in the fifty-fourth chapter of the Bideuceral, (which is their Alcoran.) This, however, is thought to be a mere strain upon the text; for the words are these: that all true believers break their eggs at the convenient end. And which is the convenient end, seems, in my humble opinion, to be left to every man's conscience, or, at least, in the power of the chief magistrate to determine. Now, the Big-Endians exiles have found so much credit in the emperor of Bilefescu's court, and so much private assistance and encouragement from their party here at home, that a bloody war has been carried on between the two empires for six and thirty moons, with various success: during which time we have lost forty capital ships, and a much greater number of smaller vessels, together with thirty thousand of our best seamen and soldiers; and the damage received by the enemy is reckoned to be somewhat greater than ours. However, they have now equipped a numerous fleet, and are just preparing to make a descent upon us; and his imperial majesty, placing great confidence in your valor and strength, has commanded me to lay this account of his affairs before you."

From this history it will be seen that the State was in great turmoil upon this question. One party contended that, according to an old and ancient edict of the government, the people were bound to break their eggs upon the small end. A party, however, rose up on the other side, and declared that, upon a more ancient law still—the law of custom—the people had the right to break their eggs upon the big end. The controversy was called the Big-Endian, and the Little-Endian controversy. It is said, in this history, that eleven thousand persons fell, because they would not relinquish the right of breaking the egg upon the small end.

It strikes me that the difference between the "Hards" and the "Softs" is simply this—they want to stone the President to death, and the question is, is he a hard egg or a soft egg?

Mr. WHEELER, (interrupting.) In your opinion.

Mr. SMITH. It is so in my opinion; and I hope that the gentleman who promised to make the distinction between the "Hards" and the "Softs" will take this opportunity to do it. I suppose the people of the country are interested to know the real distinction, and to know who are upon the right side.

Mr. CUTTING rose to answer the question.

Mr. PERKINS, of New York. Will the gentleman yield me the floor?

Mr. CUTTING. For what purpose?

Mr. PERKINS. In order to make a motion that the committee rise, and the gentleman can take the floor to-morrow.

Mr. CUTTING. I have now risen, Mr. Chairman, simply for the purpose of responding to the invitation extended to me by the gentleman from Alabama, (Mr. SMITH,) who has just read us a passage from Gulliver's Travels, from which he infers that the "Softs," as well as the "Hards," are now endeavoring to stone the President, and declares that he cannot distinguish between them. There was a period, very recent in the history of this country, when gentlemen from the South did not need to inquire who, at the North, were the "Hards" that stood by them, through good report and through evil report, at a time when the hurricane of Free-Soilism was sweeping over the land, as had never been seen before, or to profess to be ignorant who they were who showed themselves, at that critical period, true to the constitutional rights of the States, true to the South, as the South was true to itself. [Great applause.] I ask was there any gentleman from a southern State who then rose in his place for the purpose of reading Gulliver's Travels as a lecture and sneer at the North, for the purpose of disparaging those true and faithful men who, under circumstances that were enough to quail the stoutest heart, stood

by the equal rights of the States, and insisted that the people of each State and each Territory should do what we do at the North—govern themselves, and regulate their own domestic affairs and institutions in their own way, and according to their own best judgment?

In the brief time which has elapsed since then, has the South already forgotten, now that the danger is over, what that party was, and what were the principles of those who stood by them—who nailed their colors to the mast at a time when the ship of State appeared to be upon the point of settling and sinking? Did they then not know who were the Hards? But it seems it has already escaped their attention who and what we were, and are. I regret it, Mr. Chairman, if the fact be so. I would have preferred that this inquiry had come from the Representative of a colder region. A blow from an enemy can be repelled by a blow, but when it is inflicted by what was believed to be a friendly hand, it wounds the heart, and it is difficult to heal an injury to that delicate and sensitive organ. But it is true that what we did in those trying times was not for the purpose of currying favor with the South. We advocated the principles upon which we planted ourselves, not for the purpose of gaining favor anywhere, but simply because those principles were the principles of State rights, upon which we—the Hards—had always stood, which we advocated then, and stand by now. The party of 1848, to whom allusion has been made, is a party well known even in New Hampshire, where, at one period, many of its present so-called "leaders" gave way and joined the Free-Soil standard. Those of the Democrats who have since then made a coalition with the Buffalo leaders—they who now form a part and parcel of the Van Buren party in the State of New York, who left their own standard, abandoned their own friends, and for the sake of office and patronage united with the Free-Soilers—these men, who were in 1848 honestly and truly, if you please, for General Cass, but who since have deserted for the purpose of preferment, have coalesced with the Free-Soilers—they who now sustain the Administration in New York, and the Cabinet of General Pierce—these are the men who are called "Softs." Does the gentleman from Alabama begin to perceive the difference between the Hards and the Softs?

The "Softs" are the men who are led by the somewhat celebrated son of a former President of the United States; they are the men into whose scale the influence of the sword of General Jackson was thrown at the last New-York election by the legatee to whom it was bequeathed, (the proprietor of the Union, and public printer) who threw that sword into the Van Buren scale to make weight against the Hards. It was the first time that good sword was ever employed in a bad cause, and the first time it ever failed to effect its purpose. That gallant sword, ever before in the hands of one of the truest patriots this country has ever seen, was now drawn by its legatee, in order to accomplish the purposes of those who at Buffalo, in 1848, had assailed the Constitution of the United States, and the good blade proved, for the first time, to be utterly powerless. Now, who are the Hards of New York? The men against whom this weapon was used. Is the gentleman from Alabama answered?

Mr. Chairman, in 1844, after Martin Van Buren had been defeated in 1840, and when he yearned again to be a candidate for the Presidency, Texas had applied for admission into the Union. When Mr. Van Buren and Mr. Clay came out against the doctrine of annexation, the pages of that glorious history will show that we—the Hards—were the men who refused to follow Mr. Van Buren, and sacrificed our own political preferences for the purpose of standing with those who were in favor of the admission of Texas into the Union. This difference of sentiment brought about a separation of our party, as is well known to those who have read the political history of our State. From the day when Mr. Van Buren took ground for excluding Texas from the United States, from that day the "Hards" of New York determined to go for a presidential candidate who was in favor of bringing Texas into the Union. The result was, that Mr. Van Buren was defeated at Baltimore, and Mr. Polk was nominated.

We, who are called "the Hards" of New York,

are the men who went into that presidential canvass with unflinching hearts, without any mental reservations; who labored together for the success of the Democratic candidates, and gained for them the vote of the State of New York; which vote carried Mr. Polk into the presidential chair.

We, the Hards, are the party which stood up for Mr. Polk during his administration, and whose support of William L. Marcy obtained for him the place of chief of the War Department. Those who were in favor of Martin Van Buren as the Democratic candidate, and who were opposed in heart to Mr. Polk, were dissatisfied; they growled and grumbled, and watched for an opportune chance to overthrow the Democratic party of the country. Does the member from Alabama begin to remember now who the "the Hards" are?

The Hards are they who in 1848, when the elements became convulsed, as far as the opportunity was afforded them, stood by their country. It will be remembered that in the summer of that year, two delegations were sent from the State of New York to represent that State in the Baltimore Convention. One of these, of that party to which I belong, was headed by Daniel S. Dickinson. The other was led by Mr. Cambreleng. Gentlemen are now here who were present on that occasion, and can testify whether I correctly state its history. The Committee on Credentials reported a resolution requiring that each of the delegations should pledge themselves, whatever might be the result, to stand by the decision and the action of the convention. Here you first see this "wriggling in and wriggling out" that has been so frequent since. Mr. Dickinson, in behalf of the "Hards," declared that we would abide by the action of the convention, whatever it might be. But Mr. Cambreleng, representing the Softs, protested that they would agree to no such proposition, and proclaimed that they would remain open to do as they pleased after the action of the convention had been announced.

Under these circumstances the convention determined, or was about to determine, that Mr. Dickinson and "the Hards" should take their seats as the rightful delegates to the convention. The moment it was known that the decision of the convention was, or would be, adverse to the pretensions of the Softs, then they again resorted to the same "wriggling in and wriggling out." They declared they had not meant to decline submitting their claims to the body, and desired to be heard before the convention. The delegates granted their request, and listened to the arguments made on both sides. Then commenced that unfortunate and disastrous process of temporizing; and with probably an honest, but most ill-judged expectation of harmonizing and uniting the action of the Democratic party of the State of New York, the convention undertook to form a coalition—a coalition of opposite principles—which must always fail, always has failed, and will most signally fail now. They resolved to receive into the body the Hards, and the disaffected Van Buren men, as equally entitled to favor, and thus neutralized and took away the vote of New York.

They admitted both of those two sets of delegates—the one representing those who afterwards went to Buffalo, and became the chief priests of Free-Soilism; and the other, the "Hards," who fought them and the Abolitionists to the bitter end. Do you begin to know who the "Hards" are now?

After the convention had proceeded to ballot, and after General Cass had received the nomination, our same Soft friends, who had "wriggled in and wriggled out" so often, took up their hats and walked out of the convention, after having been allowed to neutralize and disfranchise the vote of the State of New York! After this audacious piece of trickery and effrontery, they went home, called a public meeting in the Park of the city of New York, denounced the convention that had received them, and resolved to hold a convention at Utica, in opposition to that held in Baltimore. They accordingly afterwards chose delegates, and met in Utica, and nominated Martin Van Buren for President, and a respected Senator from Wisconsin for Vice President. These straight forward, honest, plain-dealing patriots withheld, however, from their candidate for the Vice Presidency any notification of his nomination, until, finally, after waiting in vain for an official notice, he was compelled to come out in the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, JANUARY 19, 1854.

NEW SERIES.....No. 13.

public papers and repudiate the action of those "Softs!" [To Mr. SMITH.] Do you begin to see now who the "Softs" are?

When, Mr. Chairman, they had nominated Mr. Van Buren, the Abolitionists—and I desire to say nothing disrespectful of them, because much as I differ from them, and totally as I repudiate their principles, I like sincerity, I like open dealing, I like manliness, and I like to see men stand by their principles when they believe them to be right, no matter how erroneous, in my judgment, those principles may be—these Abolitionists from Ohio and elsewhere, seeing the movement that had been commenced by the "Softs," proposed, at meetings held in several of the States, a general convention, to be held at Buffalo in August, 1848. It is now asked by the South who are the "Hards?" I answer, the men who spurned the assemblage at Buffalo, and who denounced and resisted that convention. Who are the "Softs?" The men who have coalesced with, and now support those who went into that convention, and who there acted with colored persons, and with avowed Abolitionists. I repeat, I mean no disrespect to the latter, for they, I believe, were sincere.

I perceive one gentleman who sits near me in this Hall who was an active participant in that convention at Buffalo. I allude to the gentleman from Ohio, [Mr. GIDDINGS.] I mean no slur upon him, because I am sure that, however much the Free Soil leaders may be ashamed of themselves now, he does not in the least degree, as respects his own participation in it, partake of that sentiment. [Laughter.] I see behind him another gentleman who was also a participant in the movement, one of my colleagues, [Mr. GERRIT SMITH]—a gentleman of great and varied ability, and, as I believe, sincere in his views. Of these two gentlemen, the former pledged his political friends to support Mr. Van Buren, if nominated, and the latter recommended to the now allies of the "Softs," that they should nominate the candidate just named. A son of John Quincy Adams was placed upon the ticket as the candidate for Vice President, and amidst the acclamations of the present associates of the "Softs," of the Whigs, and the Abolitionists, that almost raised the roof from the building, that ticket was presented to the country for the purpose of defeating the "Hards," and the regular nomination of General Cass. The plot succeeded. They who now cooperate with these men, who deceived and betrayed the Democratic party, are now "the Softs," the men who stood by that party are the "Hards."

Mr. SMITH, of New York, (interrupting.) My colleague has fallen into a mistake, if he supposes that I attended the Buffalo convention.

Mr. CUTTING. I did not say so.

Mr. SMITH. I think my colleague did say so.

Mr. CUTTING. I said that you were a participant in that convention.

Mr. SMITH. In what way?

Mr. CUTTING. By writing a letter to the convention signed "Gerrit Smith," recommending Mr. Van Buren as a candidate for the Presidency.

Mr. SMITH. I know that was the report. I wrote no such letter.

Mr. CUTTING. The gentleman wrote a letter apologizing for some cause which kept him away, and recommending to that convention the nomination of Martin Van Buren.

Mr. SMITH. Again I say, Mr. Chairman, that I wrote no such letter. I gave no such apology. There is not one word of truth in the statement, though the gentleman believes it to be true.

Mr. CUTTING. My authority is a letter, published in the papers of that day, signed "Gerrit Smith." The original I have not seen; but I pledge myself to the gentleman, if he will accompany me, to point out in a print, as part of the published proceedings of that convention of August 9 or 10, 1848, a letter purporting to have his name added to it. If I do not point it out to him, I shall state to the House that I have been in error. If, on the other hand, I do exhibit it to him, my friend need say nothing about it, and silence will

amount to what is now the fashion of the day—not approval, but "acquiescence." [Laughter.] I am anxious, if wrong, to admit my error; but I ask no such concession from the gentleman. I simply desire him to go with the Administration in support of the manly and candid principle of "acquiescence." [Renewed laughter.]

Now a little more about the *Hards* and *Softs*.

Mr. CORWIN. I would ask the gentleman from New York where those who stood upon the Buffalo platform now are?

Mr. CUTTING. They are mostly with those who are now called "Softs."

Mr. CORWIN. I protest, then, against the declaration of the Ohio Whigs having anything to do with them.

Mr. CUTTING. The Ohio Whigs need no protest to have it understood they are out of such company, because they stand upon their own platform, and need nothing to prove they are not hunting with the Buffaloes. [Laughter.] I do not care anything in this connection about the Ohio Whigs. It seems to me that the Free-Soilers have succeeded in doing, in Ohio, the very thing that we prevented them from doing, and mean to prevent them from doing in New York, unless prevented by the Administration—abolitionizing the Democratic party.

Mr. HUGHES. Will the gentleman allow me to put a question to him?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. CUTTING. I am now answering an inquiry as to the history of the *Hards* and the *Softs*. If the question is in regard to that subject I yield to the gentleman.

The CHAIRMAN. The Chair is unable to determine that fact.

Mr. HUGHES. The question is personal to the gentleman. It may be that he will find difficulty in replying to it.

Mr. CUTTING. I desire to proceed with my remarks, and I hope that the committee will bear with me.

[Cries of "Yield to your colleague!" "Let the question be propounded!"]

Mr. CUTTING. I desire to go on with what I have commenced.

Mr. HUGHES, (amid much confusion,) said: I would like to ask the gentleman whether he did not preside, in 1849, over a convention in New York, which nominated the Union ticket between the Hunkers and Barnburners?

Mr. CUTTING. I do not yield to the gentleman to correct him in anything at present personal to myself. I must proceed with the history of these parties. The presidential election of 1848 resulted in this: Mr. Van Buren and the Buffalo platform were driven out of the conflict without a single electoral vote, and the opinion of the people of the United States, as pronounced on that occasion, renders it wholly unnecessary that I should again refer to that gentleman. I leave him, sir, where the votes of every State of this Union left him after that controversy. I observed that one effect of the treachery of the Free-Soilers was to leave Mr. Van Buren at the close of the canvass without a vote; another was to defeat the Democratic party, and to elevate General Taylor to the presidential chair.

After this great national defeat, when there was no hope of reward or of patronage to those who belonged to the Democratic party, or who stood upon their principles, we were left to rally upon principle alone. We proceeded forthwith in New York to organize with good heart, with good cheer, not the least doubting that we would again resuscitate and restore the party to its ancient strength. We fought in the State of New York, as I have before observed, on principle. We went on after 1848 gradually improving; and it was palpable that when the next presidential election should arrive there would be a candidate nominated at Baltimore favorable to those principles in respect to which we had before nailed our flag to the mast. We asked for nothing, and wanted but to wait patiently, hopefully, until that day came

round which was to restore us in the State of New York, and elsewhere, to our former supremacy. Our party, when reorganized, was like a feeble sapling, promised soon to be a towering oak, to shadow and protect our land. Unfortunately, however, men who were desirous of office, who were longing for the spoils and could not wait, began to project combinations, to make coalitions, and see whether they could not more promptly accomplish their ends by bringing together those still-professing Democrats who had deserted our party in 1848—the Buffalo Free-Soilers—with those ambitious of power—and induce them to act together in solid column, animated by the hope of spoils held up before their eyes as an inducement to band together. These men thus over-anxious for office, set their wits in motion to make up a sort of patched platform for us in New York; which, like a more recent example, should be an amnesty for the recent past, and which should bring together opposing factions, united by the ignoble hope of place, and in the mere spirit of spoils. This coalition was resisted until the current was overwhelming, by the force and influence of those who wanted to be constables, and clerks, and sheriffs, and Governors, and Senators, and Cabinet officers; thus creeping up from the lowest to the highest offices in the land. They, in our conventions, outnumbered all opposition, and formed what they called a party for the sake of "union and harmony."

When that coalition party was finally determined upon, I acquiesced, as my other friends did. We were willing to allow a fair trial to the experiment which was then determined on; and if the party could be thereby brought back to its ancient principles, we were content. When the matter was resolved upon, I determined to yield it my support, and to contribute a fair and cordial support to the efforts of the majority, in order that no blame of preventing the reestablishment of the Democratic party might, in that State, be attributed to me. This experiment, sir, went on till the election of General Pierce; and then announcements were heard from New Hampshire, and from those States where Free-Soilism had most prevailed, that there had been a truce with Free-Soilers got up in Baltimore, and an act of amnesty passed, by which yearling Democrats should come in with equal claims with those who had fought the good fight, year after year, under all circumstances of political fortune, to which I have adverted. These men, after the Baltimore convention had nominated General Pierce, rushed in to his support, because they saw the result clearly, and that the spoils were within their reach. They went into the fight for that campaign quite willing to adopt any principles for the occasion.

And we, too, good-natured people of the old guard, shaking our long ears, secure in the belief that the resolutions adopted at Baltimore meant something, and that they distinctly approved the principles of the compromise acts of 1850, and carried out the doctrine which we had been fighting for so long, and for so many weary days—and that they approved of, and not merely acquiesced in, the doctrine of non-intervention with slavery in the Territories—we, too, went into the election with good heart, and President Pierce was whirled into the lofty chair of State that he now fills.

But soon, Mr. Chairman, a *dénouement* came to satisfy most of my friends in New York that they had been utterly deceived in what was meant at Baltimore by the contrivers of the platform. It began to be whispered by some of the knowing ones, that after all, these Baltimore resolutions did not mean much. For days before the assembling of the convention it was said that some anxious gentlemen had met to frame and nicely form resolutions upon the absorbing question of slavery in the Territories, that would be acceptable to the Free-Soilers of 1848, and that would meet the approbation of all the elements whose votes were needed. It seems that there was some gentleman, whose name is withheld from history, who is said to have been a warm friend of the compromise

measures, who took the initiative in preparing the resolutions. Two or three other gentlemen, whose names are equally withheld from general notoriety, who had zealously opposed the great measures of 1850, associated themselves with the one who undertook to originate the resolutions. It is now revealed, as a part of the secret history of that day, that every word of the platform, as respects the slavery questions, was handled and weighed, and such expressions as might shock any nervous brethren were thrown aside, and the resolutions were manipulated until nothing was reported except such as evaded any approbation of the compromise resolutions, and simply acquiesced therein—they were merely submitted to!

The Buffalo Free-Soilers, and all their associates, jumped nimbly upon this platform, and "acquiesced" in, but did not approve of the compromise. The election was scarcely over, when we found one gentleman, who was nominated at Buffalo by the Free-Soilers, and by the gentleman from Ohio [Mr. GIDDINGS] and his friends as the Free-Soil candidate for Governor of New York, in 1848, was currently spoken of for a Cabinet office, and finally was rewarded with the office of Sub-Treasurer in the city of New York. Another conspicuous gentleman was placed in the post office of that city, and another selected for surveyor of the port. When it was found that the post offices in the State of New York were filled by the Free-Soilers of Buffalo, many of the "old guard" stood in amazement and wonder, to know what was the cause and occasion of these remarkable appointments.

It was said that this amnesty of 1852 made Free-Soilers of 1848 as worthy of confidence and reward as the old guard, who had never swerved. It is upon that principle the Administration has been conducted. It is idle to deny that this course of policy disgusted the soundest men of the party. They had never worked quietly in harness with those men, who have since been so busy in crushing out the Democratic party of New York.

A high Cabinet officer, (the Attorney General,) it is said, was found, at the last election in our State, throwing his weight against us. The same learned gentleman has been recently engaged in crushing out in Massachusetts. We were not surprised at that, for we knew that for twenty-five years he had been doing nothing but trying to crush out the Democratic party throughout the country; and when he got an office of influence and power, we were not surprised that he turned his efforts against the "old guard" of New York. We were not amazed that that gentleman, who had been engaged in crushing out the Democratic party all his life, should keep his hand in by attempting to crush out all that was left of the Democracy in New York—the "old guard." The past political history of that gentleman is authentically written upon the Journals of this House; which show that for a long series of years he was in the van of those who made themselves conspicuous by their constant and zealous opposition to all the leading measures of the Democratic party, and to the party itself. He is now carrying on the same war against the Hards of New York, under the auspices of the Administration.

When they found these appointments made, it was discovered that they were upon the point of being eaten up—of being exhausted—of being anti-nationalized—of being abolitionized by this fatal coalition; and they became disheartened. I care not for myself, personally, whether gentlemen from the South now repudiate the rank and file of the North that stood by them during their darkest hours. I do not believe that the South itself, in fact, does repulse us.

Mr. BAYLY, of Virginia. We do not.

Mr. CUTTING. I love the gallant people of the South, and I have every reason to love them. My nearest and closest connections are with them. My children look to their relatives there as being as near and closely allied to them in blood as their relatives by their father's side are in the North; and I therefore love the South too well not to hope that in the main, when they get at the truth, they are and will be with us, and that they will recognize those as their friends who were such when they stood in need of friends. I speak for myself, and those who associate with me, in saying that nothing you can do at the South can alter the settled principles that we entertain in regard to the rights of the States; and when the conflict

comes which may put in hazard those rights, you will find that the Hards will be where they have always been. I will venture another prediction, that there will be no questions then asked as to "who the Hards are?" and there will be no reference to works of fiction for the purpose of casting a sarcasm upon the reliable, the sound, steadfast, and honest friends of the equal rights of the States.

In an evil hour, and through the misjudgment of many who were sincere in their expectations, the coalition I have alluded to was formed in New York. What coalition formed like it ever stood? You have many examples in history, and among them you will remember that of Fox and Lord North, the Minister of George III., men of opposite principles—the one the enemy, and the other the friend of this country. These two leaders coalesced in order to obtain power, and brought their party together into a coalition; how long did it stand? Of what good was it capable? and what did it do? Nothing but to destroy the reputation and blemish the character of one of the noblest statesmen that Great Britain ever produced. Coalitions are always corrupt. They stand upon no principle except that which is derogatory to human nature. The principle of coalition is, to take men of opposite principles and views and to band them together—like Swiss hired for the occasion—for the purpose of carrying a given campaign, with the hope of plunder and reward stimulating them to united exertion.

This Administration is conducted upon the principles of a coalition, and you can make nothing else of it. When I see a coalition formed between Buffalo Free-Soilers and men of opposite principles; when I find men who have been the constant enemies of the Democratic party taken and elevated to places in the Government; can I call it anything less than a clear and palpable coalition of opposite extremes, cemented by nothing but the hope of present reward, and the absurd hope that they can form of this coalition an Administration party—a Pierce party—to renominate the present Executive, and to keep him and his friends in office? That seems to be the notion. The tendency of all these acts and appointments points unmistakably in that direction. It seems to be the idea that this coalition, which has thus far succeeded, can succeed in crushing out forever all opposition to their designs; that by getting friends into power they can succeed in creating a party by which they can renominate the present incumbent, carry the next presidential election, and retain in office all the incumbents, high and low. Let me say to them that there never was a time, unless it was the result of an accident, and where some great public exciting question was presented with which the Administration was identified, and upon which the views and feelings of the people were greatly enlisted, when such a scheme succeeded. This occasion will not, in my opinion, be an exception to the rule.

I have been led into these prolonged observations, without having had the least idea of addressing this committee upon the present occasion; and it was only because the gentleman from Alabama, [Mr. SMITH,] for whom I entertain a sincere regard, who I observed the other day, though standing alone, had the manliness and independence to announce his opinion in reference to the Koszta case;—I say it was only when that gentleman, who had thus gained my esteem, asked a question, that I, believing his motives to be good, and that he desired, in good faith, the information for which he asked, have volunteered these observations.

But I believe I have already exhausted the patience of the committee, and I will therefore close with the request that what I have said shall not be considered by the House as a consumption of the time of the gentleman from Alabama, but as a sort of interlocutory proceeding.

Mr. SMITH, of Alabama. The debate which I commenced rather playfully has taken so serious a turn that it becomes me to reply, to some extent, to the remarks of the gentleman from New York, [Mr. CUTTING.] Now, sir, when I asked the gentleman from New York, over the way, [Mr. WALSH,] to tell me the difference between "Hards" and "Softs," I sincerely desired that his reply should go out with his speech, for the information of the country; and I am glad that the honorable gentleman from New York nearest to me [Mr.

CUTTING] has taken so much pains to make this response, because I believe that the country really desires the information. The question is, whether the country will take it as the gentleman has given it.

Now, I understood the gentleman, in the beginning of his remarks, to admit that he entered into the coalition by which General Pierce was elected President of the United States.

Mr. CUTTING, (interrupting.) No, I said no such thing. I was alluding to the coalition in New York, and not to the proceedings at Baltimore in 1852, when I was not present. I did all that any one possibly could do to prevent it. When it was formed, when it was under way, I said, try the experiment fairly; and I gave it support until the party broke at Syracuse in September last; and then, when it broke, I fell back, where I would go naturally, with my old friends. Was it to be supposed that when the party broke I should fall in with those whom I had all along been opposing to the best of my ability? Does the gentleman from Alabama now know the difference between the Hards and the Softs?

Mr. SMITH, (resuming.) The question may arise "Who broke the party?" and it may be a very important question. The gentleman admits that he clung to the coalition which he now denounces; but he says that when the party broke, he deserted that coalition. Now, the question is, who broke the party?

Mr. CUTTING. That is another question which I will answer when I get an opportunity, or to which one of my colleagues, whoever may obtain the floor, will answer.

Mr. SMITH. This brings me seriously to consider the state of New York Democratic politics, so to speak, now, and for the last twenty years. The gentleman dwelt long and seriously upon the question of spoils. Now, you must well know, sir, that when the leaders of the Democratic party in New York go into coalitions, form combinations, and determine to carry the State, they always do it; they have never failed yet to do it.

Mr. CHURCHWELL, (interrupting.) Will the gentleman from Alabama give way for a motion that the committee do now rise?

Mr. SMITH. I will yield the floor for that purpose.

Mr. CHURCHWELL. It is getting late, and I therefore move that this committee do now rise.

The question was put; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. ORR] reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the following bills, which they had instructed him to report back to the House without amendment, and with a recommendation that they do pass.

House bill (No. 50) "making appropriations for the payment of invalid and other pensions for the year ending June 30, 1855;" and

House bill (No. 47) "making appropriations for the support of the Military Academy for the year ending June 30, 1855."

And that the committee had also had under consideration, House bill (No. 49) "to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1854;" and had come to no resolution thereon.

Mr. BARKSDALE. I move that the House do now adjourn.

Mr. HOUSTON. I trust that the gentleman will withdraw his motion until the bills, which have just been reported from the Committee of the Whole on the state of the Union, are ordered to be engrossed, read a third time, and passed. It will take but a few minutes to do so.

Mr. BARKSDALE. I withdraw the motion to adjourn.

The SPEAKER. The question now is upon ordering the invalid pension appropriation bill to be engrossed and read a third time.

Mr. LILLY. This is an important bill, involving the expenditure of a large amount of money, and ought to be acted upon with a full House. I therefore move that the House do now adjourn.

Mr. COBB. I rise to a privileged question. I move to reconsider the vote by which certain propositions in reference to the combination of rail-

roads to the Pacific, were referred to the select committee of thirteen. I do not propose the consideration of the motion at this time; but only that it shall be entered upon the Journal.

Mr. HOUSTON. If the gentleman from New Jersey insists on his motion, I would request the withdrawal of it until I can submit a motion to recommit the bill from the Committee of the Whole on the state of the Union, so that they may come up first in order for consideration to-morrow.

Mr. LILLY. I withdraw the motion to adjourn.

The bill making appropriations for the payment of invalid and other pensions of the United States, for the year ending June 30, 1855, was then ordered to be engrossed, and read a third time.

Mr. READY. I do not think that the House is now in a condition to consider the proposition, and therefore move that we do now adjourn.

Mr. QRR. If the gentleman will permit me, before he submits his motion to adjourn, I will move a recommitment of the bills to the Committee of the Whole on the state of the Union, to keep them from the Speaker's table.

Mr. JONES, of Tennessee. I move that their consideration be postponed until to-morrow.

Mr. ORR. I agree to the gentleman's motion. I am for anything to keep them off the table.

The question was taken, and Mr. JONES's motion was agreed to.

The question was then taken on the motion to adjourn, and it was agreed to.

Thereupon the House adjourned until to-morrow at twelve, m.

IN SENATE.

WEDNESDAY, January 18, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, &c.

Mr. FISH presented the petition of citizens of New York, praying Congress to enter into a contract with Christian Hansen for the transportation of the United States mails in steamers from the United States to certain ports in Europe; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of inspectors of the port of New York, praying for an increase of compensation; which was referred to the Committee on Commerce.

Mr. JONES, of Tennessee, presented the petition of the Mayor and aldermen of the city of Memphis, Tennessee, praying the establishment of a marine hospital in that city; which was referred to the Committee on Naval Affairs.

Mr. JOHNSON presented the petition of W. Claude Jones, praying compensation for services rendered in the Florida war of 1837 and 1838; which was referred to the Committee on Military Affairs.

Mr. PEARCE presented the petition of John McCutchen, praying compensation for performing certain clerical duties in the office of the Second Comptroller of the Treasury; which was referred to the Committee on Claims.

Mr. COOPER presented a report of the proceedings of a public meeting, held in the city of Philadelphia, in favor of a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SHIELDS presented the petition of Jean Baptiste Beaubien, of Illinois, praying indemnity for the loss of certain lands in the city of Chicago, in said State; which was referred to the Committee on Private Land Claims.

Also, the petition of M. Lovell, an officer of the Army, praying that the compensation allowed officers of the Army, while attending courts-martial, may be increased; which was referred to the Committee on Military Affairs.

Mr. HOUSTON presented the memorial of E. J. McLane, praying compensation for his services in seizing and detaining horses and mules smuggled into the United States from Mexico; which was referred to the Committee on Commerce.

Mr. STUART presented the petition of citizens of Muskegon, Michigan, praying the establishment of a mail route from Mill Point, via Muskegon, to Croton, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. ADAMS presented the memorial of Clements, Bryan & Co., praying indemnity for losses sustained by the rescinding of a contract for furnishing supplies; which was referred to the Committee on the Judiciary.

Mr. CHASE presented a petition of the members of the General Assembly of Ohio, praying the division of the State into two judicial districts; which, as a bill upon the subject was pending before the Senate, was ordered to lie on the table.

DETENTION OF NORTHERN MAILES.

On motion by Mr. FOOT, the communication received yesterday from the Postmaster General, in compliance with a resolution of the Senate of the 9th instant, in regard to the repeated detention of the northern mails, particularly between the cities of New York and Washington, was ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of Lewis Morris be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. MASON, it was

Ordered, That the memorial of John Balestier, on the files of the Senate, be referred to the Committee on Foreign Relations.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of John Connell, in behalf of sundry claimants in New York, Boston, Philadelphia, and Baltimore, for return of duties collected under the tariff of 1828, be withdrawn from the files of the Senate, and referred to the Committee on Finance.

On motion by Mr. STUART, it was

Ordered, That the petition of the administrator of John Anderson be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. FOOT, it was

Ordered, That the petition and accompanying papers of Ira Day be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. DODGE, of Wisconsin, from the Committee on Commerce, to which was referred the memorial of citizens of Philadelphia against the removal of the United States Mint from that city, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. PETTIT. The Committee on the Judiciary, to which was referred a resolution of the Senate, directing that committee to inquire whether, consistently with the Constitution, provision can be made for referring causes instituted according to the course of the common-law to referees, and whether such provisions, if they could be constitutionally made, would be expedient, have directed me to make a report; which I ask may be printed. The report is adverse to the power.

It was so ordered.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the petition of Francis Barnes, praying compensation for services as inspector in the custom-house at New Orleans, submitted an adverse report thereon; which was ordered to be printed.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the memorial of Benjamin S. Roberts, praying compensation for losses incurred during the Mexican war, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to which was referred the bill explanatory of an act for the relief of Benjamin S. Roberts, asked to be discharged from its further consideration, the matters in regard to it having been under the consideration of a former committee, and the principle disallowed.

He also, from the same committee, to which was referred the petition of John G. Camp, praying the settlement of his accounts as marshal of the middle district of Florida, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading.

The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Samuel A. Hempstead, praying compensation for services as district attorney in defending claims to lands in Arkansas, submitted a report, accompanied by a bill for his relief, which was read, and passed to a

second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the petition of James Chapman, administrator of Thomas Chapman, to have paid over to him one fourth part of the proceeds of the cargo of the brig Diana, condemned as violating the revenue laws, submitted a report, accompanied by a bill for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the documents in support of the claim of Richard Fitzpatrick for compensation for losses sustained in consequence of the occupation of his land as a military station, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Don B. Juan Domercq, a Spanish subject, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the petition of James W. Low, reported a bill for the compensation of James W. Low and others, for the capture of the British private-armed schooner Ann, during the late war with Great Britain; which was read, and passed to a second reading.

He also, from the same committee, to which was referred the petition of Purser T. P. McBlair, reported a bill for his relief; which was read, and passed to a second reading.

RAILROADS AND NORMAL SCHOOL.

Mr. COOPER. Mr. President, in pursuance of notice given some days since, I now ask leave to introduce a bill granting lands to the State of Pennsylvania, in aid of the construction of the Sunbury and Erie Railroad, and to establish and endow a normal school for the gratuitous education of female teachers, and for other purposes. As the grant asked for in it is somewhat different, or for objects differing from those hitherto made, I beg leave to occupy the attention of the Senate for five minutes in explanation of the provisions of the bill, and in giving some brief reasons for presenting it.

Leave was granted to introduce the bill.

Mr. COOPER. Mr. President, in introducing this bill to the Senate, I desire to make a few remarks explanatory of its objects.

This bill grants to the State of Pennsylvania two millions three hundred and eighty thousand six hundred and eleven acres of the public lands of the United States, one half of which is to be appropriated to aid in the construction of the Sunbury and Erie Railroad, a work designed to connect the Atlantic ocean with the western lakes, by a route shorter by nearly one hundred miles, and with lighter grades, than any other road hitherto constructed between the waters of the lakes and those of the ocean. This road is of as much national importance as any other to which the Government has ever lent its aid—connecting, as I have already stated, Philadelphia with Erie, and the Atlantic with the lakes. The national character of this work has been repeatedly recognized by officers connected with the Topographical Bureau. Colonel Abert, in his report to the Secretary of War, on the 6th of November, 1845, says: "This railroad will furnish a communication between Erie and Philadelphia, and cannot of itself fail to give to the harbor of Erie considerations of great national importance."

The bill next provides, that so much of the remaining half of the lands granted to the State of Pennsylvania as shall be necessary for the purpose, shall be appropriated by the Legislature of the State in establishing and endowing a normal school, at some suitable place, for the gratuitous education of female teachers; and the residue, if any, to be applied in aid of such works of internal improvement as the Legislature may think proper.

Whatever may have been formerly thought of granting lands to aid in the construction of works of internal improvement within the States, the policy of such grants has been recognized by years of practice, and the appropriation of many

millions of acres of the public lands. The lands granted for this purpose, it is true, have been generally contiguous to the roads they were intended to aid, and always within the limits of the States through which the roads were located. But although within the States, these lands were as much the property of the United States as if they had been outside of the State boundaries; and the members of the corporations to which they have been granted are frequently the residents of other States than those through which the improvements pass.

I am aware, Mr. President, that a distinction has been attempted to be drawn in favor of the grants to improvements in the new States. But this distinction has no foundation, either in justice or equity. The distinction attempted to be drawn, consists of the alleged fact, that the United States not only lose nothing by granting, as they do, the alternate sections for purposes of improvement within the States, but that, on the contrary, they become gainers by the increased facility of selling the reserved sections, and the appreciation which takes place in their price. This is plausible; but there is something sophistical in the argument. If these improvements, for whose benefit the lands are granted, were constructed by the companies which own them, from their own resources, the lands contiguous to them would rise in price, and trade and commerce receive all the stimulating effects that are erroneously supposed to be the result of the Government grants.

It is sometimes said that works of internal improvement in the new States would stand still for want of means to carry them on unless Government should aid them with grants of land, such as many of them have received. It is, no doubt, in a measure, true, that some of these improvements might not have been constructed but for the aid afforded by Government. But how many works of internal improvement in the old States have been deferred for want of adequate means to carry them on? Government aid is as necessary in the old States as in the new ones; for it is not true, as we are sometimes told, that the new States are too poor to make internal improvements without the aid of Government. Almost all the new States are in the enjoyment of unexampled prosperity, possessing resources in the fertility of their soil which are unequalled in the older States. But this is not all. Even independently of the grants of land which they have received from the Government, the new States have, in most instances, made the capital of the citizens of the old States tributary to their enterprises of internal improvement. Scarcely one of the great improvements in the western States but has enlisted the aid of eastern capitalists in its construction. The effect of these grants is, therefore, to swell the revenues of the stockholders in our eastern cities, who are largely interested in most of these enterprises.

But to return to the argument, that a distinction favorable to the new States exists in the fact that the Government is fully indemnified for the lands granted to them, by the enhanced price of the reserved sections. Let this be conceded, and what does it amount to? The lands granted are for that reason none the less a gift to the companies engaged in making the improvements; and such gift is made at the expense of the purchasers of the lands, who are thereby compelled to pay a double price for them. These improvements, it is true, enhance both the lands and their products, by opening a cheaper road to better markets; but this effect is produced by railroads and canals in the old States as well as the new. What would be the advantages of the railroads and canals of Illinois, Indiana, Michigan, Missouri, and other new States, in comparison with what they are, were it not for similar improvements in the old States, through which their surplus products are poured into the laps of the cities on the seaboard?

The railroads and canals of New York, Pennsylvania, and Massachusetts are scarcely less productive of benefit to the people of the States which I have mentioned, than to the people of the States through which they pass. And will it be pretended that the improvements in the old States do less to promote the prosperity, and increase the wealth, power, and security of the whole country, than similar improvements in the new ones? If they do not, the argument that the United States are more benefited by a grant

of lands to the new States than to the old ones, is fallacious.

The truth is, when rightly told, that the doubling of the price of the alternate sections, as is now the practice, is a tax upon the people of the country for the benefit of the railroad corporations, which are the grantees of the lands. It is time that this fallacy should be exploded; and the people made to understand that these grants, which the clever ingenuity of our western friends has made them believe were a benefit to the country, are, when rightly understood, a tax upon themselves.

And, Mr. President, is there not something in this policy inconsistent with the idea now so prevalent in the country, that it is the duty of Congress to provide free farms for the people? There is no sort of harmony between the legislation which increases the price of one portion of the public lands, whilst it proposes to make gratuitous concessions of another.

I have no objection whatever to grant lands to aid in making improvements calculated to increase the wealth, power, and prosperity of the country. But while we give lands to railroads, let us not sell them to the people at a double price. Let us also be just. Concede as much to the new States as you please; but, in doing so, do not refuse to deal with equal liberality to the old ones, at the expense of whose blood and treasure the lands you are giving away were acquired.

The other purpose for which the proposed grant is made is one of such obvious public utility as to need no argument to enforce it. It is, as I have stated already, to establish and endow a school for the gratuitous education of female teachers. The merit of this suggestion belongs to an accomplished lady, Mrs. Sarah J. Hale, and is one which I am sure will commend itself to every liberal and patriotic mind. When the bill comes before the Senate for its action, I will use my privilege as a Senator in pointing out its advantages at length.

One word more, and I have done. My object in fixing upon the number of acres which the bill proposes to grant was, that if other States should at any time think proper to follow the example of Pennsylvania, there might be a criterion for the number of acres found in the number of their population at the time the census of 1850 was taken. The number of acres mentioned in the bill was the number of people in the State in 1850.

The bill was read a first and second time by unanimous consent.

Mr. COOPER. I move that it be referred to the Committee on Public Lands.

Mr. WADE. Mr. President, I do not rise for the purpose of opposing the reference of this bill, but I cannot help, at this time, observing that it comes with exceeding bad grace from the State of Pennsylvania to ask for a donation of lands for the purpose of constructing railroads in that State, while it is an open and notorious fact, known I suppose to everybody, that she stands now in open hostility to any communication across her for the purpose of railroad communication. She is entirely opposed to that: her people are in hostility to the General Government, disobeying the decrees of the Federal courts, imprisoning the marshals sent to execute the process of those courts, burning the bridges of the railroad company, tearing up their railroads for some three or four weeks in succession, showing a disposition to interrupt all communication between the east and west across that great thoroughfare. I suppose, sir, that it is a fact that there is obstructed on its way to market there, by reason of that hostility, hundreds of thousands of dollars worth, and I do not know but millions, of perishable property that will probably be lost in consequence of this resistance to the laws of the Government. I say then, sir, that it comes with an ill grace from that State to call on the General Government to grant lands for her benefit, whilst her people stand out in open hostility to all the rest of the States. They ought not to do it; they ought not to ask for the grant until, at all events, they have put down the rioters; and they have not, in my judgment, shown an inclination to do so.

I believe there is power in the State to quell the riots, if it would; but the last information which we have received on the subject, this morning, is that after the road had been rebuilt, it has been destroyed again.

Mr. BUTLER. By the women. [Laughter.]

Mr. WADE. It was by men in women's clothes, sir. [Laughter.]

Mr. DAWSON. Last night?

Mr. WADE. Yes, sir, I believe it was last night, or the night before last. Now, Mr. President, I do not know that the General Government can do anything on this subject; but I do know that something ought to be done; and I take this occasion merely to give notice that such is the condition in which we find Pennsylvania with the General Government. We have found her Governor writing to the rioters and saying that he sympathizes very sincerely with them; and we have reason to believe that they are strongly backed by other portions of the State, and by Philadelphia, which is asking, for the benefit of this great road, a grant of land to construct it, while the State itself will not permit a railroad across it to another market. I have no opposition to the reference of the bill; only I wish to connect with the grant a condition that Pennsylvania shall let her railroads be used for the purposes for which they are constructed.

Mr. COOPER. Mr. President, I have one word to say in reply to my honorable friend from Ohio. He is a lawyer, and I believe, indeed I am sure from what I have seen here, a very good one. If, therefore, it were true that a very insignificant portion of our nearly three millions of people have been engaged in violating the law, it would be no reason at all why justice should not be done to the other portion. But, sir, there is an unwritten history in relation to the transactions at Erie; and although I deprecate violence at all times, although I would always have the people of the State which I represent bow submissively to the laws, I will say that there are sometimes provocations that would stir the stagnant blood, even in the hearts of cowards. The gentleman's constituents have used provocations which were well calculated to produce the very scenes of violence which have taken place there; and, sir, when this unwritten history comes to be published, it will be found, in all probability, that the aggressions and wrongs at Erie are not the aggressions and wrongs of the people of Erie.

In saying this, I repeat, that I wish never to encourage a spirit that sets the laws of the country at defiance; but I feel bound to say this much in justice to my constituents; and I shall further take another and more fitting opportunity than the present, to show, at least, where the truth lies, where the aggression came from, and that if there is wrong on the one side, there has been outrage to provoke it.

Mr. WADE. I have only one word to say in reply to the gentleman. He says that the aggressions have been provoked by outrages on the part of the railroad companies. I have only to say on that subject, that the question of these controversies has been adjudicated upon and adjusted by the courts of Pennsylvania, which have found the gentleman at fault; and the rioters were acting in open opposition to the mandates of the Federal courts, and also of the courts of the State; therefore it does not come very well from the Senator to say that the companies were altogether in the wrong. The presumption certainly ought to be the other way, inasmuch as they have the judgments of the courts upon their side.

This has not been a new thing in Pennsylvania. From the time of the whisky insurrection onward, from the western part of the State to the eastern part, insurrections have not been very unusual. But I am not going into that subject now. I only want this thing looked into, so that the grants of land shall contain the condition that there shall be peace towards the rest of the Union in future.

The motion to refer the bill to the Committee on Public Lands was agreed to.

VERMONT SENATORSHIP.

Mr. PETTIT. I move that the Senate proceed to the consideration of the special order of the day, the report of the Committee on the Judiciary in reference to the right of the Hon. SAMUEL S. PHELPS to a seat in the Senate. I make the motion with the view of getting the subject before the Senate, and then moving its further postponement. I am informed, and such indeed I know to be the case, that Mr. PHELPS, the person most interested in this matter, is confined to his room by indisposition. In view of that, it being just to him that he should be present not only to have

the privilege of discussing the subject himself, but of hearing all the debates upon it, I propose to make it the special order for some day hereafter; and I would now state that I have consulted with some of those who desire to debate the question on each side, and they have come to the common understanding, I believe, that this day week will suit better than any other.

Mr. THOMPSON, of Kentucky. May I suggest to the Senator from Indiana that the Senator from Texas, [Mr. Rusk,] and the Senator from Georgia [Mr. Toombs] are absent; but they will be here in the course of a fortnight, and we shall then have a full Senate. Would it not be well to postpone the subject until that time?

Mr. GWIN. Say Monday week.

Mr. PETTIT. It is not material, so far as I am concerned; but I am informed that there is one Senator—indeed I know it—who desires to debate the negative of the proposition of the report, and to take ground with the minority. It will not suit his convenience to be here next Monday, or next Tuesday; but next Wednesday it will. I should be quite willing to adopt the suggestion of the Senator from Kentucky but for this consideration. A great many Senators have spoken to me about it, and said that this, being a question of privilege, ought to be pressed at as early a day as prudence, and propriety, and justice to the Senator, whose seat is in doubt or solution, would allow. I therefore think, from both views of the subject, we had better postpone it for a week. By that time, I am satisfied, the Senator from Vermont [Mr. Phelps] will be in his seat, as well as the other Senator to whom I have alluded, who desires to debate the question.

Mr. GWIN. I hope the Senator from Indiana will say Monday week. The Nebraska bill is to be taken up next Monday, and the week will probably be occupied with it.

Mr. CHASE. We can postpone that.

Mr. GWIN. We can take it up and pass it next week.

Mr. SUMNER. We will not pass it next week.

Mr. BUTLER. One of my colleagues upon the committee, the honorable Senator from Delaware, [Mr. Bayard,] is not likely, according to his arrangements, to be here before Tuesday night; so that if there is a postponement of the question with the view to accommodate any person, it is more particularly to accommodate him, because I think he intends to address the Senate on the question. This being a question of privilege, it ought to be acted upon at as early a day as can be well fixed, because the Senate may be very much embarrassed if the honorable gentleman should be called on to vote upon any measure of importance. Such questions usually have precedence in all parliamentary bodies, but as the gentleman is unwell, we certainly should not force it on in his absence. But Wednesday has been suggested expressly in reference to the accommodation of the honorable Senator from Delaware.

Mr. FOOT. I desire to say, in behalf of my colleague and myself, whose State is most directly and deeply interested in the result of this question, that there is no disposition upon our part to interpose any obstacle, or any cause of delay, beyond what may be due to the justice and importance of the case and the interests of all the parties concerned. It is known personally to me, that my colleague, from indisposition, is unable to appear in his seat this morning with safety to himself, considering the state of his health. He has expressed to me a desire to be heard at length by the Senate upon the question. I cannot doubt that there is an entire disposition on the part of the Senate to accord to him the usual privilege and courtesy which have been extended to others whose right to a seat here has been brought in question.

While I would avoid any appearance of, or any effort to delay the earliest final decision of the question, considering the state of my colleague's health at this time, I regard it but reasonable that some time further should be given, in order that he may have an opportunity to be heard upon a question so important, and so interesting to him and to our State. Whether it be next Monday or next Wednesday, is a matter of indifference to me.

The motion to proceed to the consideration of the special order was agreed to.

Mr. PETTIT. I now move that it be postponed to, and made the special order of the day for, Wednesday next.

The motion was agreed to.

MARINE HOSPITAL AT ST. MARKS.

On motion by Mr. MALLORY, the Senate, as in Committee of the Whole, proceeded to consider the bill reported from the Committee on Commerce, "to provide for the establishment of a marine hospital at St. Marks, in the State of Florida."

It proposes to appropriate \$5,000 for the purpose of establishing a marine hospital at St. Marks, for the accommodation of sick and disabled American seamen.

Mr. MALLORY. I think the reading of the letter of the Secretary of the Treasury, which accompanies the report of the committee, will be sufficient to satisfy every Senator of the propriety of passing this bill. I ask, therefore, that the letter may be read.

The letter was accordingly read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

JUDICIAL DISTRICTS IN OHIO.

On motion by Mr. CHASE, the Senate resumed, as in Committee of the Whole, the consideration of the bill "to divide the State of Ohio into two judicial districts, and to provide for holding the district and circuit courts of the United States therein."

Mr. PEARCE. I should be glad if the Senator from Ohio would consent to let this bill lie over for a few days. My reason for making this request is simply this: I have received a letter from a member of the bar of Ohio, who informs me that he, and some others, are about to proceed to Washington, with the view to make some representation in regard to this subject. I know nothing myself of the facts, but I am informed by him that there is no necessity for the division of the district of Ohio; that the business of the district court there is not such as to occupy more than two weeks in any one term; and that the location of the court is suitable, inasmuch as, although the admiralty business comes from the lakes, in part, and the residue from the Ohio river, there is yet such facility of communication by railroad to Columbus, that parties and witnesses, and all interested, can have no inconvenience in going there when necessary for the purpose of attending court. If these facts be so, it is perhaps worthy of inquiry whether we ought to pass the bill. I should like at any rate, without meaning to express any definite opinion in regard to it, to have it laid over until we can obtain further information from those who, it seems, are coming here for the purpose of giving it to us. It seems to me that this is not an unreasonable request.

Mr. CHASE. I explained yesterday the reasons which induced me to ask the prompt consideration of this bill by the Senate. The communication to which the Senator refers is of the same tenor, I have no doubt, as that which has been addressed to my colleague and to myself. A few gentlemen in the interior of the State, near to the place where the courts are at present held—the city of Columbus—undoubtedly prefer that the courts should remain there. The great public interests involved require that the courts should be held at points indicated by the bill—the two chief cities of the State—one upon Lake Erie, the other upon the Ohio river. My colleague, some ten or fifteen days since, having received a letter or letters from some of those gentlemen, requesting that the bill should lie over for a few days, I consented to it at that time, saying that if they should not be here to make their opposition by Monday last, I would move to take up the bill. They have not come on, and I see no reason why we should wait their further action. Under these circumstances, I trust the Senator from Maryland will offer no opposition to the immediate consideration of the bill. Whatever objections are to be made to it can be made and considered in the other House, where this local interest has a local representative. Here, both the Senators from the State agree that the bill is required by the interests of the State, by the interests of the Government, and by the interests of suitors, and ought not to be delayed.

Mr. GWIN. I know nothing about this matter, but I hope that the Senator from Ohio will agree to the proposition of the Senator from Mary-

land, for this reason: My colleague, [Mr. Welles,] who is confined to his room by indisposition, and who takes an interest in this bill, cannot come to the Senate, or he would be here for the purpose of paying some attention to the question.

Mr. CHASE. Will he oppose the bill?

Mr. GWIN. He has a right to speak on any question which presents itself here. He is a native of Ohio; and he has a right to speak on this question. He is now confined to his room by sickness; and I think that the courtesy due to a Senator so situated demands that a question in which he takes an interest should not be considered at this time. It is not a local, but a national question, relating as it does to the dividing of what is now one judicial district into two judicial districts.

Mr. CHASE. I am sure the Senator from California could not do a greater disfavor to his colleague than to make him responsible for delay in our action on this bill. When it was first before the Senate, the Senator from California, who is now detained from the Senate by a circumstance which I very much regret, objected, upon the ground that no manifestation of the legislative opinion of Ohio in regard to it had been made. I have since presented the memorial of some fifty of the Senators and Representatives in the Legislature of the State, asking for prompt action upon the bill; and the Senator from California himself, after knowing the opinion of the Legislature in regard to it, came to me and said, that if he had been aware of that state of facts, he should have been solicitous for the prompt action of the Senate. If he were here now, I know he would agree with me.

Mr. GWIN. Then I have no objection at all. I did not know that such was the fact.

Mr. PETTIT. There are three amendments reported to this bill by the Committee on the Judiciary, and only one of them is substantial—the others being merely formal as to verbiage, leaving the bill almost as it was before. It has been well considered by the Committee on the Judiciary, but I say nothing about the necessity or importance of passing such a bill one way or the other. The only material amendment that is proposed is to strike out the last section, which made a local habitation necessary for each judge—which made it obligatory that the judges should reside at the place of holding the courts. The committee thought that that was an improper and unjustifiable restriction. The salaries paid to the judges in the western States would not justify a judge in residing in Cincinnati or in Cleveland, where the two courts are to be held. As there are great railroad facilities in Ohio, the judge may, with great propriety, live upon a farm, large or small, as he may be able, eight, ten, twelve, or twenty miles from the place where the court is held, and be able to go backwards and forwards with great convenience. On that account the committee recommend the amendment to strike out the section requiring the judge to reside in the city where the court is to be held. Otherwise, the committee do not recommend the bill to be materially amended.

The first amendment of the committee was to strike out of the fourth section the words:

Any of the parties in any suit now pending, which, under the provisions of this act, would have been commenced in the northern district, either court for the northern district; and insert in lieu of them, these words:

Any party to any suit now pending, which would have been commenced in the northern district, if this act had been in force before the commencement of said suit, the proper court;

so that the section shall read:

That upon the application of any party to any suit now pending, which would have been commenced in the northern district, if this act had been in force before the commencement of said suit, the proper court may, and, if all the parties consent, shall order that the same be removed, for further proceedings, to the proper court for the northern district, &c.

The amendment was agreed to.

The second amendment was a verbal one, in the seventh section to strike out "which judge, when appointed," and insert "who."

The amendment was agreed to.

The third amendment was to strike out the last section of the bill, in these words:

Sec. 10. And he it further enacted, That the judges of the district hereby created shall respectively reside at the place of holding the courts of their respective districts.

The amendment was agreed to.

The bill was reported to the Senate as amended, the amendments were concurred in, and the bill was ordered to be engrossed for a third reading, was read a third time, and passed.

ENROLLED BILL.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that the Speaker of that House had signed an enrolled bill, entitled "An act concerning the district courts of the United States in California."

The President signed the above named bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. FORNEY, its Clerk, announcing that it had passed the bill from the Senate concerning the district courts of the United States in California; also, a bill explanatory of an act entitled "An act for the relief of Benjamin S. Roberts."

Also, that the Speaker of the House had signed sundry enrolled bills.

STEAMSHIP SAN FRANCISCO.

The message from the House of Representatives also announced that it had concurred in the resolution of the Senate for the appointment of a committee, to join such committee as may be appointed by the House of Representatives, to report some form of acknowledgment to be adopted by Congress to those engaged in the rescue of the passengers and crew of the steamship San Francisco, and that it had appointed Mr. CHANDLER of Pennsylvania; Mr. McMULLIN of Virginia; Mr. CUTTING of New York; Mr. HUNT of Louisiana; Mr. PRATT of Connecticut; Mr. EDDY of Indiana; Mr. VANSANT of Maryland; Mr. CROCKER of Massachusetts, and Mr. SEWARD of Georgia, the committee on its part.

BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills, which had received the signature of the Speaker of the House of Representatives:

"An act to change the name of the American-built brig John Dutton, and to grant a register in her name;"

"An act to continue in force the act entitled 'An act to ascertain and settle private land claims in the State of California,' and for other purposes," and

"An act changing the name of the American-built steamer Falcon to that of Queen City."

FEES OF JUDICIAL OFFICERS.

Mr. FITZPATRICK. I offer the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act of Congress approved the 26th of February, 1853, entitled "An act to regulate the fees and costs to be allowed to the clerks, marshals, and attorneys of the circuit and district courts of the United States," as to increase the compensation of the marshal of the southern and middle division of Alabama, and also the compensation of the clerk of the district court of the United States at the city of Montgomery, Alabama.

As this is a resolution of inquiry, I suppose there will be no objection to its consideration at this time.

The Senate proceeded to consider the resolution.

Mr. GWIN. I should like to have the resolution amended so as to include officers in California; therefore, I move to amend it by adding to it these words: "and also, of the clerks, marshals, and attorneys of the northern and southern districts of California."

Mr. SEBASTIAN. I think, after having ascertained the views of some Senators around me, that it is proper that the phraseology of the resolution should be so altered as to be general in its terms, instead of being applicable to a few States. I am myself exceedingly desirous that the State of Arkansas, at any rate, should be included in the resolution, if it is to be confined to special cases. I shall, therefore, content myself at present with moving to include the clerks, attorneys, and marshals in the State of Arkansas. At the same time, I must say that I believe the provisions of the resolution ought to be made general in their application to all the States.

Several Senators. Move that amendment.

Mr. SEBASTIAN. I will, at the suggestion of some Senators around me, move to amend the

resolution so that it shall be general in its terms, instead of being confined to the States specially mentioned.

Mr. FITZPATRICK. Although that course may add strength to the inquiry, and although I have heard a great deal of complaint about the inadequacy of the compensation of the officers of the courts of the United States, I should not feel authorized to accept an amendment of this general nature, unless it be the pleasure of the Senate that the inquiry shall be so extended. My object is to obtain some increase of compensation for those gentlemen who are now complaining of the want of a reasonable allowance. I am willing to put the inquiry in any shape which will induce the committee to give it the most favorable consideration. In my own State there is a general complaint that, so far as the subordinate officers are concerned, the compensation allowed them is entirely too low; and therefore it was that I was inclined to confine the resolution simply to an inquiry as to the compensation of the officers there.

Mr. BUTLER. Mr. President, this is not a new subject to the Committee on the Judiciary. At the last session, during the time the fee bill was under consideration, I think there must have been fifty petitions before the committee in regard to this matter. If we adopt a general resolution of inquiry, we shall open the whole of that fee bill. I know, sir, that that law has met with some opposition everywhere; but, on the whole, I think it has rather been received with satisfaction. I now give notice to the gentlemen, that if they make this a general subject of inquiry, the result will be the rejection of all these propositions. If the inquiry be restricted to a particular case, and the information as to that be brought specially before the committee, it will probably receive consideration, and the committee may provide some remedy; but if this inquiry is to assume a general character, it will be impossible for us to review, in so short a time, the whole scale of fees allowed by that bill.

Mr. FITZPATRICK. Do I understand the honorable gentleman from Arkansas as simply moving to amend the resolution so as to include the officers of his own State, or so as to make the inquiry general?

The PRESIDING OFFICER, (Mr. STUART in the chair.) The pending amendment is that of the honorable Senator from Arkansas, to make the resolution one of inquiry in regard to the compensation of this class of officers throughout the United States.

Mr. FITZPATRICK. I trust that, after what has fallen from the chairman of the Committee on the Judiciary, the gentleman from Arkansas will not insist upon his amendment; for, as he must see, it amounts virtually to the denial of any increase of compensation in the particular case in regard to which I propose an inquiry. I insist upon the resolution in the form originally offered, particularly as there is some prospect of getting some increase of compensation in that case where it is eminently due. I trust, therefore, that, after the intimation of the distinguished gentleman from South Carolina, my friend from Arkansas will not insist upon burdening this resolution with a general amendment.

Mr. BUTLER. All that I meant to say was, that in some of the districts the compensation of the marshals is abundantly sufficient. The bill has operated unequally, however, by fixing a horizontal scale. We had all the information before us at the last session; but in spite of that, I have no doubt that injustice has been done to many marshals, while others are receiving more, perhaps, than is an adequate compensation.

Mr. SEBASTIAN. I can say to the Senator from Alabama that my amendment was to alter the phraseology of the resolution so as to make it general in its application, and not specially confine it to any one of the States or the District of Columbia. I agree with the chairman of the Judiciary Committee, that in some States the rates of compensation allowed to marshals and clerks of the district and circuit courts of the United States are ample; but I think, with due deference to the result of the investigations of that committee, that they have carried the principle of reform—if reform it can be called—too far, and in attempting to generalize the system of fees, they have, unavoidably perhaps, inflicted great grievances on the officers in some of the States.

I have suggested the employment of general

phraseology in the resolution, because, under that, the committee could make the very discrimination sought for by the Senator from Alabama; and if, on investigation, the committee find that the reasons for discrimination apply to some States and not to others, it will be competent for the committee to single out those States where the compensation should be increased, and to present their claims to the Senate. Hence it was that I suggested the employment of general phraseology as the most direct way of arriving at the end sought for by the Senator from Alabama; but if he considers that the amendment which I have sought to ingraft upon the resolution embarrasses it, I will withdraw this amendment as a measure of accommodation to him, and renew that which I first offered, to embrace the officers of the United States courts in the State of Arkansas.

Mr. MASON. If that course is to be pursued, it will result that other gentlemen will move to include their States, and I, certainly, for one, shall be obliged to ask that the State of Virginia shall be included. Now, I understand the chairman of the Committee on the Judiciary to say, that if the inquiry be made general, it will result in rejecting the whole measure; but I do not see why it should. I understand that Senator to say, that he has reason to believe that the general fee bill which was passed at the last session of Congress operated judiciously and beneficially, in some sections of the country, and operated injuriously in others, because we adopted a uniform, or horizontal scale. If the general inquiry should be submitted to the committee, I do not see why they might not, in their action upon it, report to the Senate where they think the fees should be enlarged, and where they think they should be allowed to remain as they are. I received a letter no later than to-day from the district attorney for the western district of Virginia, representing that if his fees were allowed to remain as they are he would feel compelled to throw up the office. I know that gentleman; he is an able man, and one who discharges his duty faithfully. And I should have felt it my duty to bring that case to the attention of the committee, if it were not for the motion of the Senator from Alabama, which brings up the whole subject.

I submit that it will be better to make the inquiry general, and then let the committee report to us, as they think proper, those districts where they think the emoluments of these officers should be enlarged, and those where they think they should be allowed to remain as they are. I therefore renew the amendment which the Senator from Arkansas withdrew, to make the inquiry a general one as to the propriety of increasing the fees of these officers throughout the United States.

Mr. BUTLER. The only difficulty upon that subject is this: If you make the inquiry general, we cannot have such general information as will enable the committee to come to an intelligent conclusion. If an application were made from Virginia, I should hold the gentleman from Virginia responsible for the information on which the Committee would frame a bill. If an application came from Alabama, I should hold the gentleman from Alabama responsible for the information on which the bill in that case would be founded. So, too, of the case presented by the gentleman from Arkansas. But if you have one of these general propositions, the effect will be that some will pour in upon us a great deal of information upon which we can rely, while we shall have no information from other parts; and the result will then be that we shall have to form at last a general bill, upon information from some parts of the Union, but without information from others. I prefer that each State shall stand upon its own bottom.

Mr. BAYARD. Mr. President, I agree entirely with the honorable Senator from South Carolina. Congress passed a general fee bill within the last year, fixing on a horizontal scale the fees of all the officers connected with the Federal judiciary throughout the United States. Undoubtedly that must operate, in many cases, injuriously and unequally. But still the general principle of equality of compensation for similar services is a sound one; and it is for those who can make out a special case, requiring an increase or alteration of the fees as applied to their particular States, to bring that case before the Senate, and let it be referred to the Committee on the Judiciary. If so referred, I may say for myself, as one

member of the committee, that I should hold that it was incumbent on a Senator, from any State making a proposition, to have the fee bill revised, as regards that State, by clear and undoubted facts, to demonstrate to the committee why that bill is, in its provisions, unequal and unjust as to the compensation of the officers in that State. If such a case can be made out, there will then be a plain reason given why, as to that State, you should depart from the general principle of the fee bill. Then other Senators, if they think the bill inapplicable to their States, can bring forward similar resolutions. By this course each case will be referred separately, and each will be, as it ought to be, considered separately; throwing the onus on those who make the proposition to depart from the general rule which pervades the whole United States, to make out, in the clearest manner, the necessity of the exception as applied to their particular State.

Mr. CASS. I submit whether this discussion is not rather unprofitable? It is very evident to me that we should have one general proposition before us. If the opposite course is to be pursued I shall certainly move to insert Michigan, and I suppose other gentlemen will move to insert other States. I know very well that the fees allowed in Michigan are too low, and, therefore, if the inquiry is to be as to particular cases, I shall move to include the officers in that State. The objection to a general resolution which is urged by the honorable chairman [Mr. BUTLER] I do not think amounts to much, for this simple reason: that any gentleman who feels himself interested will submit the necessary information to the committee to enable them to act. The form of this resolution is perfectly indifferent to me; but if it is to apply to a particular case, I intend, as I said, before, to have Michigan included.

Mr. FITZPATRICK. There is a great deal of force in what has been said by the honorable Senator from Michigan. From the slight examination which I have been able to bestow on the subject, I am satisfied that in the large cities the marshals are amply compensated; and as the gentleman from Delaware says, it is those cases which are exceptions which should be provided for. Provision should be made for officers who now complain of the want of a sufficient allowance in the discharge of their duty. I see a number of Senators around me who are perfectly quiet in this matter, and who, no doubt, are satisfied as to the operation of the bill in their States; but a moment's reflection will satisfy the Senate that there are exceptions. We have, for instance, in all our legislation connected with California, allowed a larger compensation to officers there than in the other States, and for what reason? Because the cost of living there is more than anywhere else in this country. Everything there is on a higher scale, and charges are more exorbitant. There should be discrimination in this matter. In many localities the compensation allowed to these officers is ample; but in many of the southern States there are gentlemen who occupy these positions, who, I can show to the satisfaction of the committee and the Senate, are not able to make enough, after paying their ordinary expenses, to leave them a sufficient remuneration for their labor. Can we ask gentlemen to discharge these duties, and to labor without compensation?

If the gentleman from Virginia thinks the compensation of these officers in his State is not sufficient, let him introduce a resolution in regard to them, without burdening this resolution with the general subject. I hope to be able to satisfy the committee and the Senate, that the compensation of the marshal in Alabama is entirely insufficient. I intend to show the committee that if he had but one district to attend to, his compensation would not be sufficient; but we have thrown on him twenty-two counties more, and yet he has but the same compensation that the marshal had for one district before.

The chairman of the Committee on the Judiciary has intimated that if we send to his committee a sweeping inquiry, he will feel bound, from the general operation of the law, to report against the proposition; and therefore I ask gentlemen to refrain from overburdening my resolution with other matters. Is it liberal or fair, under these circumstances, to give it that general scope which gentlemen now intimate that they desire to do? I trust that the gentlemen who think the

compensation of the marshals, clerks, and attorneys in their States should be increased, will offer their propositions, as the gentleman from California and the gentleman from Arkansas have done, as separate resolutions, or as amendments to this, and not burden this resolution with a general inquiry.

Mr. MASON. I renewed the proposition of the Senator from Arkansas, merely because I supposed that was the sense of the Senate. I have no desire to make the resolution general; but I ask, at any rate, that the State of Virginia be included. I withdraw my proposition, and move to amend the amendment of the Senator from Arkansas by inserting further:

And also of the attorneys, marshals, and clerks of the United States for the eastern and western districts of Virginia.

Mr. BRIGHT. I dislike to interpose any objection to the proposition offered by the Senator from Alabama. If I understand it, it is an inquiry as to the propriety of increasing the fees of the district attorneys, clerks, and marshals.

Mr. FITZPATRICK. Not the district attorney—the clerk and marshal in Alabama.

Mr. BRIGHT. The presentation of that question raises the general question as to whether the fees of that class of officers in the different States are now sufficient. No longer ago than this morning I received a letter from the clerk of the district court of the State which I in part represent here, complaining of the inadequacy of his compensation. He shows in detail the inadequacy of the fees paid to him for the labor which he performs. And the same may be said of the marshal. I have no doubt that the fees paid to the marshal and district attorney in Alabama are low, and that they might, with great propriety, be raised, in view of the general increase of compensation that the General Government is making to her officers everywhere. But I cannot sit by and see the honorable Senator from Alabama introduce a special case, when the evil is general, without moving as an amendment to his proposition to include the State that I represent.

Mr. FITZPATRICK. I am very willing to accept that amendment.

Mr. BRIGHT. I think the proper direction to give to the subject would be to refer it to the Judiciary Committee, that they may perfect and report a general bill. I know that the amount of compensation paid in New York and some of the leading cities of the Union would be more than would be expected in the western States. The proper method to adopt, in my judgment, in reference to this matter, would be to refer it to the Committee on the Judiciary, with instructions to report a bill graduating the fees in the different districts, governed by the circumstances that surround each case.

As I remarked before, there is no reason why this class of officers in Alabama should receive more than they do in the State of Indiana. The same reason would not apply in the State of California. There this class of officers should receive more; there is no doubt about that. These are matters which could all be referred to the Committee on the Judiciary. Each gentleman feeling aggrieved could go before that committee, and give his reason for the scale of fees he presents for his State; and I think the honorable Senator from Alabama would arrive at his object more readily by consenting to the reference of the general subject to the Committee on the Judiciary, that the matter may be fully considered by them.

Mr. CHASE. Mr. President, I regret this debate, and I regret that the proposition of the Senator from Alabama was not adopted without discussion; for it places Senators to whom representations of a similar nature have been made in the unpleasant predicament, either of voting for a general amendment, an amendment making this inquiry general in reference to the officers of the circuit and district courts in all the States, or else of moving to amend this proposition by adding their particular States.

I am in the same predicament with the Senator from Virginia. I have received a letter from the district attorney of my own State, making complaint that his fees are too low; and I doubt whether there are many Senators on this floor who have not received letters from one or the other of the officers of these courts making the same complaints. Now, I would suggest that all these

amendments be withdrawn, that the proposition of the Senator from Alabama may be allowed to be considered separately, and the question taken upon it. I hope the reference will be made as is usual with resolutions of inquiry; and then let all of us who wish to bring questions of this character before the committee, either bring forward our own resolutions, or frame a general resolution, without interfering with the proposition of the Senator from Alabama.

Mr. BADGER. Mr. President, I am decidedly in favor of the inquiry which my friend from Alabama has proposed by his resolution, and I am in favor of extending it also, with his permission, to the officers in other States who are in like condition under the operation of this law, and who are suffering from the most preposterous and absurd interpretation put upon it in the Comptroller's office. If there is no amendment pending now, which renders it improper for me to make the motion, I will move—

The PRESIDING OFFICER. (Mr. STUART.) The Chair will suggest that there is an amendment to an amendment already pending.

Mr. BADGER. Then I will refrain from suggesting the amendment which I propose to offer presently, to include the marshal of my own State.

Mr. FITZPATRICK. If the gentleman will allow me, I will alter the resolution so as to answer his purpose better.

Mr. BADGER. I hope so.

Mr. FITZPATRICK. When I offered this resolution I was not aware that there was such general dissatisfaction with the fee bill. I felt so perfectly assured that I could demonstrate to the committee and to this body, that those gentlemen, whose compensation I am seeking to increase, ought to have increased emoluments, that I was unwilling to burden the matter with any other proposition. Since the discussion has arisen, I have become satisfied that there is a general dissatisfaction and discontent; and from the indications which I see in this body, I am willing that the inquiry shall have a more general range; and I therefore accept the proposition of the gentleman to give it a general direction, instead of restricting the inquiry to my State. I am therefore content myself to accept that amendment, and to make the inquiry general. I modify my resolution, by adding to it, as originally offered, the following:

And also so as to increase the compensation of the clerks, marshals, and attorneys in the several judicial districts of the United States.

MESSRS. GWIN, MASON, and SEBASTIAN withdrew the amendments suggested by them.

The PRESIDING OFFICER. The question is upon the resolution as modified.

Mr. BADGER. I desire to say, before the question is taken upon this resolution, that the interest I feel in it springs not only from the fact that I know the officers referred to in my own State—particularly the marshal—are most inadequately compensated, but from another reason. Sir, I had the honor to be a member of the Committee on the Judiciary at the last session of Congress, when we took up and passed a bill from the House of Representatives upon the general subject of these compensations and allowances.

We were then misled into leaving an amount of control over this subject in the Comptroller's office, which is utterly inconsistent with any just, reasonable, or fair interpretation of the law which we have passed. In that office, the usages of the courts, the continued and unbroken practice of the several judicial districts of the United States, are considered as nothing, and a system of interpretation is introduced and put upon that law, which renders it uncertain and injurious, and the whole transactions of these fiscal officers of the Government entirely vexatious and injurious in that Department. For instance, sir, that law gives to a marshal, for the execution of process, a certain mileage compensation for the distance of the place at which the process has to be served from the seat of the court to which it is to be returned. Well, sir, as I understand, the Comptroller, preparing a system of regulations and of rules, as he calls them, requires that the officer shall make an oath that he has actually made the travel for the purpose of serving the process in question. The law requires no such thing; the law intended no such thing. The law provided a system by which the officer should be compensated, upon the whole, for his trouble and service upon the whole.

Now, for instance, take my own State. The present marshal lives in the vicinity of Raleigh, the seat of government of the State, and has a process to execute three hundred miles from Raleigh, in the mountains of North Carolina. Was it ever the expectation or the intention of the framers of that law that he should get upon his horse, with saddle-bags under him, or sit in his buggy, with his pony before him, and drive three hundred miles for the purpose of executing that process? Surely not. He has a deputy there for the purpose of executing the process. The law does not require actual travel to give him the compensation. It would be absurd if it did. But, yet, if I understand, according to the regulations issued from the comptroller's office, he is required to make an affidavit that he has actually performed the travel, or he is not entitled to the compensation which the law gives him. He is entitled to what? Why, a dollar—for executing a writ three hundred miles from the place where the return is to be made—or two dollars—or whatever the legal fee may be.

Mr. President, it is just exactly a reproduction of the system of action which took place in that office, some years ago, with regard to the compensation of the members of the Senate—that compensation which has always been called their "constructive mileage," though that is a very false and mistaken term by which to designate it. We all recollect that, though the act of Congress upon the subject requires that the amount of compensation to which the members and officers of this body are entitled shall be certified by the Presiding Officer, and when so certified, shall be allowed and passed at the Treasury, the First Comptroller refused to pass the accounts of the Secretary of this body, though thus certified; and we were under the necessity, before those accounts could be passed, of putting a declaratory clause, which I had the honor of moving in this body, upon an appropriation bill, to the effect that the certificates were conclusive upon the officers of the Treasury Department of the Government. Now, sir, we have got back exactly to the same situation with regard to allowances to be made to marshals of the United States, and a set of "regulations," as they are called, prescribing affidavits, is put forth by the First Comptroller of the Treasury, who has no more right to require an affidavit to be taken than he has to require that a custom-house shall be built. The affidavit, if made, is a voluntary affidavit. The affidavit, if made, is one which incurs not the legal penalties of perjury. He might just as well require that the judge who holds his court shall make affidavit that he has discharged his duty before he shall be entitled to compensation.

Allowances of judges pass for nothing with this officer; the decisions of the courts pass for nothing with him; the long-continued practice of the Government passes for nothing with him; and I say that the sole question raised, on the motion of the Senator from Alabama, is, whether the amount of compensation to be paid to these various officers is to depend upon law or the will of the First Comptroller. I do hope that the committee to which this resolution is to be referred will endeavor, if possible, to frame a bill—I say, if possible; for God only knows whether it will be possible for Congress to express its meaning and sense in such a way as will not be set at defiance openly or covertly—that the compensation of the officers of the Government is to depend upon the laws of the United States, and not upon the will of a subordinate in one of the executive departments. Sir, I hope such a clause may be framed. I feel myself under especial responsibility in this matter. I acknowledge my fault. I ought to have known, when that bill was before the Committee on the Judiciary, that every mischief and every evil which special pleading could introduce into the interpretation and application of the law would arise, unless we specially provided against it by the positive enactments of statute.

A SENATOR. Who is he?

Mr. JONES, of Iowa. Mr. Whittlesey.

Mr. BADGER. Whoever he is, it is the same thing to me. It is all wrong; and I hope this committee will report something that will enable us to get on with decency and order in the judicial branch of the Government.

Mr. ADAMS. It is not my purpose to object to the passage of the resolution as modified. It

seems to me, however, that some Senators are laboring under a slight mistake in relation to the operation of the law to which they have taken exception. They seem to treat it as prescribing a right, and privilege, or as conferring a benefit upon these highly respectable officers. That much is true; but the fees of the officers do not come out of the Treasury. The effect is, that one of our constituents is benefited at the expense of the pockets of the others. I have no objection to any Senator bringing forward a scale of compensation for the marshals and clerks in his State which will be satisfactory to his constituents. They may do as they please in regard to that matter. The question is one for their own constituency to determine; and I think myself that it should be regulated by the views of the Representatives of the different States.

I may state here that I do not see that there is any very great advantage in suing in the Federal courts, in ordinary cases, in the interior. Take the case of a man who happens to make a contract with a citizen out of his State to the amount of more than five hundred dollars. The attorney gets a tax-fee of twenty dollars to bring the suit in the Federal courts, whereas the State courts in some of the States, allow no tax-fee in such a case. This is given as a bonus to the collecting attorney. The parties go from one to two hundred miles, with their witnesses, and the costs will, in the end, amount to ten times as much as if the suit had been brought in the State courts, and the man gets his money no more speedily. I therefore offer this amendment, which I hope will also be adopted:

And that the committee inquire into the expediency of abolishing the tax-fee to attorneys in States where no tax-fee is allowed by law in the State courts.

The amendment was agreed to; and the resolution, as amended, was adopted.

CHARLES COOPER AND CO.

The bill for the relief of Charles Cooper & Co. was read a second time, and—

On motion by Mr. HAMLIN, the Senate proceeded to consider it as in Committee of the Whole.

It proposes to direct the proper accounting officers to pay to Charles Cooper & Co., of Bangor, Maine, the sum of \$300 for interest due to them on a liquidated amount of \$30,989, payable, by contract, on the 13th of August, 1850, and then duly required, but withheld until the 12th of October following, for want of an appropriation.

Mr. HAMLIN. The report of the Committee on Claims perfectly explains the matter. Let it be read.

The report was accordingly read.

It appears from it that there was due to the claimants \$30,989 on the 13th of August, 1850, under a contract with the Quartermaster's Department; but as the appropriations for the fiscal year 1850-'51 were not made until September 28, 1850, there were no funds in the hands of the disbursing officer to pay the amount until October 12. The committee think that, under these circumstances, the claimants are entitled to interest at the rate of six per cent. per annum for the detention of the money.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

JAMES DUNNING.

Mr. HAMLIN. The next bill on the Calendar is to provide for the payment of a claim growing out of the same transaction, and resting on precisely the same ground. I therefore move that the Senate now take up the next bill on the Calendar, which is one for the relief of James Dunning.

The motion was agreed to, and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers to pay to James Dunning \$255 98 for interest due him on a liquidated amount of \$13,472 62, payable by contract June 18, 1850, and then duly required, but withheld until October 12 for want of an appropriation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

CHARLES A. KELLETT.

Mr. EVERETT, in accordance with previous notice, asked and obtained leave to introduce a

bill for the relief of Charles A. Kellett; which was read and ordered to a second reading.

Mr. EVERETT. This is a bill which has passed the Senate once without opposition, on the unanimous report of the Committee on Commerce, and it is a very small matter. I therefore ask the unanimous consent of the Senate to have it read a second time now, with the view of having it put upon its passage. I am sure there will be no objection to it.

By unanimous consent the bill was read a second time and considered by the Senate as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury to refund to Charles A. Kellett, or his legal representative, such sum as has been paid to the collector of the port of New York for tonnage duties and light money on the entry of the Chinese junk Keying; provided the same shall not exceed five hundred dollars.

Mr. EVERETT. Mr. President, I ask the Secretary to read the report of the Committee on Commerce of the last Congress. It is only eight lines long. I desire it to be read to satisfy the Senate of the propriety of the passage of the bill.

The report was read, from which it appears that the junk was brought to this country not for the purpose of commerce, but as an object of curiosity; that the expenses far exceeded any receipts from its exhibition; that the proprietor is a young man without property, and that his object was to benefit science, by producing to the western world a curiosity from the eastern. Upon those grounds the committee unanimously reported the bill for his relief.

Mr. EVERETT. The bill passed the Senate on that report, but failed in the other House, as I am well informed, merely for the want of time. For that reason I hope the Senate will pass it now.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CALEB GREEN.

Mr. BUTLER. The Committee on the Judiciary, to which was referred the petition of Caleb Green, late clerk of the court of the United States of Louisiana, asking remuneration for office rent, has directed me to ask to be discharged from the further consideration of the petition, and to say that it ought not to have been taken from the files of the Senate, three adverse reports having already been made upon it.

Mr. SLIDELL. Will the honorable Senator permit me to remark, that I addressed a letter to the committee a few days since, requesting the papers to be referred to the Treasury Department, expecting some additional information to be received.

Mr. BUTLER. There has been no new information received, as far as I know. I believe the papers were sent to the Department; and it would be the proper course there to transfer the case.

Mr. SLIDELL. I would suggest that that course should be pursued.

Mr. BUTLER. It will, perhaps, be better to have it transferred to the Department. I so, the Senator can make the motion to have it done, after the Committee has been discharged from its consideration.

Mr. BUTLER subsequently said: I ask that the papers in the case of Caleb Green, upon which I reported adversely this morning, on the ground that there were three adverse reports upon them, be recommitted to the Committee on the Judiciary. The Senator from Louisiana informs me that there is a communication from the Department, which will alter the character of the case. I therefore make the motion to recommit the papers.

The motion was agreed to.

AMOS AND J. E. KENDALL.

Mr. PETTIT. I am instructed by the Committee on the Judiciary, to which was referred the petition of A. and J. E. Kendall, praying compensation as counsel and agents for the Cherokee Indians, known as the Western Cherokees, or Old Settlers, to ask to be discharged from its further consideration, and to move its reference to the Committee on Indian Affairs.

Mr. WALKER. If there be any question involved in the case, it is a legal one, for the facts, I believe, are undisputed. It was to settle that legal point that the subject was referred to the Committee on the Judiciary. I should regret to

see that committee discharged from its consideration, and the case again referred to the Committee on Indian Affairs, for that committee has already done what it can do in the matter. It made a report at the last session in favor of the claim, and the case, when brought before the Senate, was made to turn upon the legal question involved. What the members of the Committee on Indian Affairs desire, and what I presume the Senate desire, is the legal opinion of the Committee on the Judiciary in regard to the question of law involved in the case.

Mr. PETTIT. I will say that I know nothing of the contents of these papers myself, but I was instructed to present them, as I have done, by the members of the committee, who have examined them. I have only obeyed the order of the committee.

Mr. WALKER. If the Judiciary Committee desire to be discharged from the further consideration of the case, be it so; but I can see no utility in sending it again to the Committee on Indian Affairs. I therefore ask a division of the question.

The PRESIDENT. The question is first on discharging the Committee on the Judiciary from the further consideration of the petition.

The committee was discharged.

The PRESIDENT. The question is now on the motion to refer the memorial to the Committee on Indian Affairs.

The motion was not agreed to.

REBECCA FREEMAN.

Mr. FOOT. I ask the Senate to take up and consider, at this time, the bill for the relief of Rebecca Freeman, to which I am sure there can be no objection. The bill has, during three successive Congresses, received the favorable consideration of the Committee on Pensions of the House of Representatives, and once passed that House unanimously, and only failed in consequence of its not being reached upon the Calendar in this body. The lady for whose relief it is intended, is now ninety years of age, the widow of a revolutionary soldier.

The motion was agreed to; and the bill was read a second time, and considered by the Senate, as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Rebecca Freeman upon the list of pensioners, at the rate of eight dollars per month during her natural life, commencing the 27th January, 1847.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

LEWIS B. WILLIS.

Mr. SHIELDS. The Committee on Military Affairs, to which was referred House bill for the relief of Lewis B. Willis, has directed me to report it back without amendment, and ask that it be considered at this time.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Secretary of the Treasury to pay to Lewis B. Willis, late a paymaster in the Army of the United States, \$593 50, a balance ascertained to be due him from the United States by a verdict and judgment rendered in the district court of the United States for the eastern district of Louisiana.

The bill was reported to the Senate without amendment, ordered to be read a third time, and was read a third time, and passed.

NEW YORK VOLUNTEERS.

Mr. SHIELDS. I ask the Senate to take up and consider now, "the bill to reimburse the common council of New York city, for expenditures made for the first regiment of New York volunteers." It has passed the Senate, I think, two or three times, and has been lost in the other House merely for the want of time to consider it. I wish to have it sent to the House as early as possible at this session, so that it may become a law, if practicable, before the adjournment of Congress. It was one of the first bills which was reported at this session.

The motion was agreed to; and the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to direct the Secretary of War, in the settlement and adjustment of the claims of the common council of New York city, under the act of Congress of June 2, 1848, for expenditures in organizing, transporting, clothing, and subsisting

the first regiment of New York volunteers, commanded by Colonel Ward B. Burnett, prior to the mustering of that regiment into the service, to allow such of those claims as may be supported by satisfactory vouchers, although those vouchers may be informal and defective for want of particularity, with a proviso that the amount allowed shall not exceed \$3,672 40.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

On motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 18, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PACIFIC RAILROAD.

Mr. COBB obtained the floor.

The SPEAKER. The business first in order for consideration is the motion to reconsider the vote on the adoption of the resolution for the appointment of a committee of thirteen on the Pacific railroad question.

Mr. DEAN. I rise to a privileged question.

Mr. COBB. I also rise to a question of privilege. Yesterday evening, just previous to the adjournment of the House, I obtained the floor, and moved to reconsider the vote by which the Pacific railroad question was referred to a special committee of thirteen. I had listened to a great many speeches, and felt much like speaking myself. I thought that the opportunity I seized was the only one upon which I could get the floor. I was under the impression, at the time of submitting my motion to reconsider, that when it came up for consideration, I should be able to hang a speech upon it; but, on examining the Journal this morning, I have ascertained that the subject alluded to was referred under the operation of the previous question.

To get at the motion to reconsider, therefore, the vote by which the call for the previous question was seconded, and the main question was ordered to be put, would have to be reconsidered. I am not very sorry, for I confess that this morning I am somewhat calmed down; I do not feel so much like making a speech. Not wishing to trammel the action of the House, I now withdraw my motion to reconsider.

Another reason for making the motion was, that I thought thirteen was not a sufficient number to compose the committee. I was of the opinion that there should be at least one Representative of every State of this Union upon that committee. If any of the States which now desire the Pacific railroad to pass through their limits should not succeed in satisfying that desire, they would be content with the decision, from the fact of their interests having been represented by their own Representatives. If it be the pleasure of the House, I withdraw my motion to reconsider.

Mr. CLINGMAN. The gentleman can only withdraw the motion to reconsider by unanimous consent.

Mr. COBB. I ask the unanimous consent of the House to do so.

Mr. CLINGMAN. If nobody else renews the motion, I shall interpose no objection to its withdrawal. If it be renewed, I shall move to lay it upon the table, to get rid of it.

The SPEAKER. If the motion to reconsider be withdrawn, it will not be in order to renew it, the time in which it is in order to submit the motion having expired.

There was no objection, and the motion was withdrawn.

BALANCES DUE AT THE TREASURY.

Mr. CLINGMAN. I call for the regular order of business.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting, in conformity with the provisions of the act of Congress approved 3d of March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," and the act passed 3d of March, 1817, entitled "An act to provide for the prompt settlement of public accounts," a statement of the accounts which

remain due more than three years prior to the last day of July, 1853, on the books of the Register of the Treasury, and on the books of the First, Second, and Third Auditors of the Treasury, respectively, &c.

Mr. HOUSTON. My impression is, that the communication which has just been read, ought to be referred to the Committee on the Judiciary. It is a statement of balances remaining due to the Treasury, and it may be that some legislation is required on the subject. I move that it be referred to the Committee on the Judiciary, and ordered to be printed.

The question was then taken; and the motion was agreed to.

NAVAL REVOLUTIONARY PENSIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, furnished in compliance with a joint resolution of Congress of 29th May, 1830, transmitting a list of such persons as have made application for pensions, and who ought, in the opinion of the Department, to be placed on the pension roll, but for doing which there was no provision of law; and recommending that the act of February 3, 1853, be so extended as to embrace the widows of officers, non-commissioned officers, marines, and marines, who served in the Navy of the United States during the war of the Revolution in the same manner, and to the same extent, as provided for the widows of officers, non-commissioned officers, and privates of the Army.

Mr. MACE. I move that that communication be referred to the Committee on Public Lands, and be printed.

Mr. HOUSTON. Oh, no! I understand, Mr. Speaker, that the communication recommends the giving of pensions to persons who have not got them before. It therefore ought to go to the Committee on Revolutionary Pensions.

Mr. MACE. The matter affects our land system very much, and should go to the Committee on Public Lands.

Mr. DEAN. I move that it be referred to the Committee on Revolutionary Pensions.

The question was first put on its reference to the Committee on Public Lands, and it was disagreed to.

The question was then put on its reference to the Committee on Revolutionary Pensions, and it was agreed to.

THE PRINTING OF ESTIMATES, ETC.

The SPEAKER laid before the House a communication from the Superintendent of Printing, transmitting estimates of the amount which will be required to meet the deficiency in the appropriation for the contingent and other expenses of his office, for the fiscal year ending 30th June, 1854, for the printing and paper of estimates of the appropriations of 1853.

Mr. PHELPS. Mr. Speaker, I hope the House will not insist on having the whole of those estimates read. Let the communication and estimates be referred to the Committee on Ways and Means, as they relate to deficiencies in the appropriation, and that they be printed.

It was so ordered.

Mr. FLORENCE. Mr. Speaker, I was going to object to the suspension of the reading of that paper, but I am afraid I am not in time to do so. It strikes me that there is a principle involved in papers of this kind which deserves the special consideration of this House.

Mr. RICHARDSON. I rise to a question of order. My point of order is, that this is not a question which is debatable.

The SPEAKER. There is no question before the House which the gentleman can debate. The Chair therefore sustains the point of order.

Mr. FLORENCE. Then I move to reconsider the vote just made, and then I shall be in order.

The SPEAKER. The gentleman can make that motion, and will be in order in debating it.

Mr. FLORENCE. I say, sir, that the proposition which is involved in this communication, is so important that the paper ought to be read to the House.

Mr. WHEELER. Let it be read.

Mr. FLORENCE. When the question of the printing of documents is before the House I hear gentlemen complaining of extravagance.

Mr. PHELPS. I withdraw my suggestion, and hope the communication will be read. I am

satisfied it will be disposed of sooner in that way than any other.

Mr. FLORENCE. I think I have the right to the floor upon my motion to reconsider.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor.

Mr. FLORENCE. I am entitled to the floor, and I intend to occupy the time of the House, if in order; and I will not permit gentlemen here to interfere with the rights which belong to me as a member of this House, representing a part of the independent constituency of this Union. I come here to perform the duties to my people and to myself which devolve upon me; and as I stand here on this eighteenth day of January, representing a constituency such as I represent, actuated by the best impulses of my nature, so far as my humble abilities will permit, I intend to be the representative of that constituency. I will not permit gentlemen to interfere with my rights and privileges upon this floor, and I give notice to that effect now.

The SPEAKER. The gentleman from Pennsylvania shall certainly be protected in his rights, so far as the Chair is concerned.

Mr. FLORENCE. I have no doubt of it; and I return my thanks for the kindness of the Chair. I have been the recipient of that uniform kindness heretofore, and I take this occasion to acknowledge the same.

I say that a communication of this kind requires consideration at the hands of the House, and should be read, as well as every other communication which involves a large expenditure of the public money; for the reason that when a proposition is made upon this floor, involving the expenditure of money, such as I conceive it my duty to vote for, I may not be charged with a desire to promote extravagant expenditures of that money.

I desire to hear what the Superintendent of the Public Printing has to say. I believe this communication will convey to the House a difference of opinion, which I understand to exist between the Public Printer and the Superintendent of the Public Printing in relation to the construction of a law. As I had the honor to participate in a debate upon this floor, and advocated an amendment to the act providing for the election of a Public Printer, I thought this would be a proper time to consider a suggestion of the kind contained in that communication. This is the reason why I desire to have the communication read, in addition to the fact that it communicated to this House a knowledge of the amount of money required for the public printing for the next year.

I have no other object in view. I desire, as I said before, to vote understandingly upon all subjects that may be presented here. I do not occupy a very eligible seat in the House to hear, and other gentlemen are better situated, as far as the position of a seat is concerned. I desire to have communicated to me such information as I can get; and I can get it better from the Clerk's desk, when the Clerks are reading communications, than I can get in any other way. In conclusion, in making the remarks I have, I disclaim any personal reference to my friend from Missouri, [Mr. PHELPS,] or any other gentleman. I only desire to present myself fairly before the House and the country; and as, under the rules, I have to give notice when I have bills to present, I give that notice in regard to this matter, that I intend to occupy the position that my constituents, when they sent me here, intended that I should occupy—and they are a very generous people, too.

Mr. PHELPS. One word of explanation. The gentleman expressed his desire to have the communication read at the Clerk's desk, in order that he might understand its subject matter. The reading of that communication was commenced, and it shows that instead of covering estimates for the expense of printing for the ensuing fiscal year, it covers estimates for the deficiencies of printing of the fiscal year which expires on the 1st of June next. Some two or three thousand dollars only are to be expended, and the communication covers some three or four pages, which I supposed nobody wanted to hear read when I made the motion to print. I therefore move that the motion to reconsider be laid upon the table.

Mr. FLORENCE. I withdraw the motion to reconsider which I made, because the explanation of the gentleman is perfectly satisfactory. It is

because I hold so ineligible a seat in the Hall, that I did not hear quite as distinctly as I should like.

The SPEAKER. The motion to reconsider is withdrawn. The question now is upon recommitting the following resolution to the Committee on the Judiciary:

Resolved, That a Select Committee, composed of nine members on the part of the House of Representatives, be appointed by the Speaker, to join such committee as may be appointed by the Senate, to whom shall be referred said resolutions proposing to amend the Constitution in the mode of electing a President and Vice President of the United States, with instructions to take that matter and the subject generally into consideration, and to report upon the same in such manner as to them may seem most expedient.

Mr. McMULLIN. I withdraw the motion I submitted yesterday to recommit this report to the committee, with a view to enable its friends to amend it. It is due to the House, and also to the committee, to state that I was laboring under a mistake as to the character of that report. I have no objection to the adoption of the resolution. I withdraw the demand for the previous question, and I also withdraw the motion to recommit. I move the previous question upon the adoption of the resolution.

Mr. WALBRIDGE. Would it be in order now to move an amendment to the resolution?

The SPEAKER. Not until the demand for the previous question is disposed of.

Upon seconding the demand for the previous question, 60 rose in the affirmative.

Mr. DEAN. I demand tellers upon the motion. Tellers were ordered; and Messrs. DEAN and WHEELER were appointed.

Mr. HENDRICKS. It seems to me that this resolution is not sufficiently understood. I call for its reading.

The SPEAKER. The resolution will be read, unless objection be made.

Objection was made, and it was not read.

The question was then put upon seconding the demand for the previous question, and the tellers reported—ayes 89, noes not counted.

So the previous question received a second.

The main question was then ordered to be put.

Mr. DEAN. I am opposed to this resolution in its present form, and therefore move to lay it upon the table; and upon that motion I demand the yeas and nays.

The yeas and nays were not ordered, only eleven voting therefor.

The question was then put, and the Speaker decided it to be carried in the negative.

Mr. DEAN. I demand tellers upon the yeas and nays.

The SPEAKER. The call comes too late.

So the House refused to lay the resolution upon the table.

The question now recurring upon the passage of the resolution,

Mr. LANE, of Indiana, demanded the yeas and nays.

Upon seconding the demand for the yeas and nays, only 25 rose in the affirmative.

Mr. DEAN. I demand tellers upon ordering the yeas and nays.

Tellers were not ordered, only 12 voting therefor.

The question was then put; and the resolution was adopted.

ELECTION OF POSTMASTERS, ETC.

Mr. WALBRIDGE. I ask the unanimous consent of the House to make an addition to the resolution which has just been adopted, directing the select committee to inquire into the expediency of providing for the election by the people of postmasters and collectors of the revenue.

The SPEAKER. To what does the gentleman from New York propose it as an amendment?

Mr. WALBRIDGE. I will offer it as a resolution to be referred to the select committee, which has just been raised by the adoption of that resolution.

Mr. PARKER. I object; and I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

Mr. WALBRIDGE. I give notice that, as soon as a proper opportunity presents itself, I shall offer the resolution which I have indicated.

Mr. PARKER. I desire to say that it is my

own wish, and that of the Judiciary Committee, that the Chair, in appointing the select committee provided for in the resolution just passed, will have no reference to the Judiciary Committee.

Mr. RICHARDSON. I call for the regular order of business.

The SPEAKER. Reports are in order from the Committee on the Judiciary.

FEDERAL COURTS IN EASTERN VIRGINIA.

Mr. SMITH, of Virginia. I ask the unanimous consent of the House to enable me to introduce a resolution of a local character.

Several MEMBERS. Read it for information.

The Clerk read the resolution; as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of providing by law for the holding of semi-annual terms of the federal courts for the eastern district of Virginia, and for the city of Alexandria hereafter; and that the committee report by bill or otherwise.

Mr. DAVIS, of Indiana. I object to the introduction of that resolution. If this irregular system is adopted, we shall never transact the public business.

Mr. RICHARDSON. I insist upon the regular order of business.

ORDER OF BUSINESS.

Mr. HOUSTON. I wish to know if the appropriation bills reported yesterday from the Committee of the Whole on the state of the Union are not, as unfinished business, the regular order now?

Mr. CLINGMAN. Not during the morning hour.

Mr. HOUSTON. I call the attention of the Chair to that point.

The SPEAKER. It has been customary heretofore to take up such bills after the expiration of the morning hour.

Mr. HOUSTON. I will not consume the time of the House further than to say that, according to my recollection, the practice has been, without any variation, that a motion to recommit bills reported from the Committee of the Whole on the state of the Union keeps them before the House as unfinished business, and bills in such a position have always been taken up as unfinished business.

Under the decision of the Speaker, they would go to the Speaker's table, and there is no telling when they would be reached. The motion to recommit was made for the express purpose of keeping the bills from the table.

Mr. CLINGMAN. They will come up after the morning hour.

Mr. HOUSTON. Bills in such a position have always been taken up heretofore during the morning hour.

The SPEAKER. In the opinion of the Chair, reports from the Committee of the Whole on the state of the Union are first in order after the morning hour. That, according to the recollection of the Chair, is in accordance with the practice of the House.

Mr. HOUSTON. Well, I submit to the Chair that the practice has been just the reverse.

Mr. LANE, of Indiana. Those appropriation bills were made the special order for to-day, on motion of the gentleman from Tennessee, [Mr. JONES.]

REPORT FROM COMMITTEES.

The SPEAKER. Reports are in order from the Committee on the Judiciary.

Mr. SEYMOUR, from the Committee on the Judiciary, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of the executors of the late Lieutenant John E. Bisphan."

Mr. SEYMOUR, in pursuance of previous notice, introduced the following bill; which was read a first and second time, and referred to the Committee on the Judiciary:

"A bill, in addition to an act, to establish the judicial courts of the United States."

Mr. BISSELL, from the Committee on Military Affairs, reported "A bill to promote the efficiency of the Army by retiring disabled officers;" which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union.

Mr. BISSELL, from the same committee, re-

ported "A bill for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco;" which was read a first and second time by its title.

The bill was then read through. It provides that there shall be paid, under the direction of the President of the United States, to each of the officers, non-commissioned officers, musicians, and privates, who, on the 21st day of December, 1853, embarked at New York under orders for California, on the steamship San Francisco, and who was on board that vessel on the occasion of her recent disaster at sea, a sum equal in amount to his pay and allowances for four months; and also, that if either of the above shall have died before receiving such payment, from any cause consequent upon said disaster, his widow, if any survive him, or, if not, then his minor children, if any there be, shall be paid a sum equal in amount to six months' pay and allowances of the deceased.

Mr. BISSELL. Silence, such as shall allow members of the House one moment's time for reflection, will be, I am sure, the most effective speech that could be made upon this subject. It is the only one that I propose to make. I move that the bill be now put upon its passage.

The bill was ordered to be engrossed, and read a third time; and being read a third time, it was passed.

Mr. HOWE, from the Committee on Military Affairs, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and the bill and report ordered to be printed:

"A bill for the relief of Mrs. Helen McKay, widow of the late Colonel K. McKay, Deputy Quartermaster General of the United States Army."

Mr. HOWE, from the same committee, reported a bill for the relief of D. C. Cash and Giles U. Ellis; which was read a first and second time by its title, and referred to the Committee of the Whole House, and ordered to be printed:

Mr. FAULKNER, from the same committee, reported back without amendment, and with a recommendation that it do pass, the bill authorizing the payment of the balance of property accounts between the United States and the State of New York, for military stores in the war of 1812; which was read, and referred to the Committee of the Whole House, and ordered to be printed.

Mr. FAULKNER, from the same committee, presented a report adverse to the petition of Captain H. B. Fields; which was ordered to be laid upon the table, and printed.

On motion by Mr. ETHERIDGE, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of James Sweet, and that the same be laid upon the table.

On motion by Mr. BOCOCK, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the petition of Joseph Ayres, and that the same be laid upon the table, and printed.

On motion by Mr. BOCOCK, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of Senate bill for the relief of Major Caleb Swan, and that the same be referred to the Committee on Military Affairs.

Mr. MACDONALD, from the Committee on Naval Affairs, reported a bill for the relief of John O. Mears; which was read, and referred to the Committee of the Whole House, and ordered to be printed.

On motion by Mr. CRAIGE, it was

Ordered, That the Committee on Public Buildings and Grounds be discharged from the further consideration of the petition of the chairman and board of supervisors of Cook county, Illinois; and that the same be laid upon the table.

On motion by Mr. CRAIGE, it was

Ordered, That the Committee on Public Buildings and Grounds be discharged from the further consideration of the petition and papers of John Skirving, praying remuneration for drawing plans for, and superintendence of the alterations at the old jail, and that the same be referred to the Committee on Commerce.

Mr. RICHARDSON, from the Committee on Territories, reported back a "Joint resolution authorizing the accounting officers of the Treasury to adjust the expense of a board of commissioners, appointed by the Territorial Assembly of Oregon, to prepare a code of laws; also, to adjust the expense of collecting and printing certain laws and archives of the Territory of Oregon;" which was read by its title.

Mr. RICHARDSON. This joint resolution directs the application of money already appropriated, and it is not necessary that it should be sent to the Committee of the Whole.

The SPEAKER. The question is upon ordering the bill to be engrossed and read a third time.

The question was taken, and decided in the affirmative.

The bill having been engrossed, it was subsequently read a third time, and passed.

On motion by Mr. HENDRICKS, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of James Paynter, praying relief on account of his two sons being killed in battle in the Mexican war; and also from the petition of C. H. Smith, Seth Hunt, and twenty-nine others, citizens of Albany, to enable pensioners to receive bounties from the passage of the act of April 24, 1816, and that the same be laid upon the table, and printed.

Mr. HENDRICKS also, from the Committee on Invalid Pensions, to which was referred the petition of Pamela Brown, widow of Major General Jacob Brown, deceased, reported a bill for her relief; which was read by its title, referred to the Committee of the Whole House, and ordered to be printed.

Mr. TWEED, from the Committee on Invalid Pensions, reported the following bills; which were severally read a first and second time by their titles, and referred to the Committee of the Whole House, and ordered to be printed:

- A bill for the relief of Lyman M. Cook;
- A bill for the relief of Benjamin Rowe;
- A bill for the relief of Emily Hooe; and
- A bill for the relief of William B. Edwards.

On motion by Mr. TWEED, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition and accompanying papers of James Robinson, of the State of Maine, and that the same be laid upon the table.

On motion by Mr. TWEED, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition and papers of James Capen, asking a pension for services rendered during the war of the Revolution, and that the same be referred to the Committee on Revolutionary Pensions.

On motion by Mr. STRAUB, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of Charles Simmons, of Madison, New Jersey, and that the same be referred to the Committee on Public Lands, and printed.

On motion by Mr. SAGE, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petition of Elias Carpenter, and that the same be laid upon the table.

Mr. STRAUB, from the Committee on Invalid Pensions, made an adverse report on the petition of Uriah Hanscom, asking for increase of pension; which was ordered to lie upon the table, and be printed.

Mr. STRAUB, from the Committee on Invalid Pensions, made an adverse report on the petition of John Thompson, praying for increase of pension; which was ordered to lie upon the table, and be printed.

Mr. VAIL, from the Committee on Invalid Pensions, made an adverse report on the petition of Jonathan Stuart, praying for compensation for services rendered in the war of 1812; which was ordered to lie on the table, and be printed.

Mr. VAIL. I ask that the papers of James Putnam, upon which a report has been once made by the Committee on Invalid Pensions, be again referred to the committee. Since the former report was made, further evidence in regard to the case has been presented.

The SPEAKER. It will be so ordered, unless objection be made.

Mr. CHRISMAN, from the Committee on Invalid Pensions, made adverse reports upon the petitions of Edward Tracy, Catharine Jacob, and Thomas Russell; which were ordered to lie upon the table.

Mr. HOUSTON. Is the morning hour out?

The SPEAKER. It has not quite expired.

Mr. MACE, from the Committee on Claims, reported bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed, as follows:

- A bill for the relief of John Hamilton;
- A bill for the relief of Daniel Steenrod;
- A bill for the relief of the Utica Steam Woolen Company;

Also, a bill for the relief of Gray, McMerdo & Company.

On motion by Mr. EDGERTON, the Committee on Claims was discharged from the memorial of the State of Wisconsin, asking for the payment of a certain claim for arresting and keeping a United States prisoner, and the accompanying paper containing an extract from the report of the United States court in the case; and they were referred to the Committee on the Judiciary.

On motion by Mr. EDGERTON, the Committee on Claims was discharged from the further consideration of the petition of sundry citizens of Livingston county, asking that surviving soldiers of the war of 1812 be placed upon the pension list of the United States; and it was referred to the Committee on Invalid Pensions.

Mr. E., also, from the Committee on Invalid Pensions, made adverse reports in the following petitions; which were ordered to lie upon the table, and be printed:

The petition of Thomas Copeland, for remuneration for improvements in the Gosport navy-yard;

The petition of Eunice Gilbert, for compensation for property destroyed in the war of 1812;

The petition of William B. Cozzens, asking pay for store-house taken from him at Point Isabel, by order of the Quartermaster General; and

The petition of James M. Duckett, asking compensation for property taken by the British in the war of 1812.

QUINCY, ILLINOIS, A PORT OF DELIVERY.

Mr. FULLER, from the Committee on Commerce, reported back "A bill to constitute Quincy, in the State of Illinois, a port of delivery," and moved that the same be referred to the Committee of the Whole on the state of the Union, and printed.

Mr. RICHARDSON. This bill was read twice before it was referred to the Committee on Commerce. It makes no appropriation, and there is no necessity for sending it to the Committee of the Whole on the state of the Union. It simply makes a port of delivery at a point where it is necessary that it should be made at once, if it is made at all.

I will state to the House that there is now upon the road to Quincy a large amount of railroad iron, to be laid down upon a railroad from that point to Chicago. It would be a very great convenience to the railroad company, and to those who are interested in the road, if they could have this iron delivered at that point. If the bill has to go through the routine of a reference to the Committee of the Whole on the state of the Union it will be of no great importance to them; and really there is no necessity for such a reference. The bill is recommended by the Secretary of the Treasury, and I apprehend that there can be no objection to its passage now in any quarter.

Mr. WHEELER. Let the bill be read.

Mr. SMITH, of Virginia. I would ask the gentleman from Illinois what is the object of having the bill passed? What good is to come of it? What will be the advantage of it?

Mr. RICHARDSON. Why I should not have introduced the bill unless there was some object in passing it. I have already stated to the House that the object is to enable a company who have now under contract, and are ready, as soon as navigation opens, to lay down a railroad for two hundred and forty miles, to have the iron for that road delivered at Quincy.

I repeat, that there is no reason whatever why the bill should go to the Committee of the Whole on the state of the Union. It makes no appropriation, and there can be no objection to it, nor any reason why its passage should be delayed.

Mr. HOUSTON. Where would this iron have to be entered if this bill is not passed?

Mr. RICHARDSON. At New Orleans.

Mr. FULLER. I withdraw the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. WHEELER. I call for the reading of the bill.

The Clerk read the bill. It provides that Quincy, in the State of Illinois, shall be, and is hereby, constituted a port of delivery, subject to the same regulations and restrictions as other ports of delivery in the United States; that there shall be appointed a surveyor of customs to reside at said port, who shall, in addition to his own duties, perform the duties and receive the

salary and emoluments of a surveyor prescribed by the act of Congress approved March 2, 1831, providing for the payment of duties at certain points therein mentioned; and that said port of delivery shall be, and is hereby, annexed to and made part of the collection district of New Orleans, &c.

Mr. WENTWORTH. There is nothing in this bill but what is of common occurrence at every session of Congress. These matters are referred to the Committee on Commerce, and by them to the Secretary of the Treasury. If he recommends them we report bills to the House, with recommendations that they do pass. If he does not recommend them we do not report bills. I presume that this House, during the present session, will be called upon to pass twenty or thirty bills of a like character with the one under consideration. It has not been customary to object to their passage immediately subsequent to their introduction. There is nothing novel proposed, and I trust that it will be immediately passed.

Mr. SMITH, of Virginia. Mr. Speaker—Mr. WENTWORTH. I am not yet through; but if the gentleman desires any information I shall be glad to give it to him. I am perfectly familiar with the whole subject. I call for the previous question.

Mr. SMITH. I asked for information from the gentleman from Illinois, [Mr. RICHARDSON.] I did not see what was the purpose in view to have the bill passed. The gentleman replied, tartly, that he never offered a bill unless he had some object in view. I did not mean to offend his intelligence by making any such proposition.

Mr. RICHARDSON. I take back anything that I may have said objectionable to the gentleman.

Mr. SMITH. I am not asking the gentleman to take back anything. When I propounded the interrogatory to the gentleman, I thought that he would have frankly given me the information I desired. I understood from him that the purpose was to afford facilities for the reception of a certain amount of railroad iron which was expected daily in New Orleans. I hear, from the reading of the bill, that the real purpose is to get the whole custom-house machinery established at Quincy, in the State of Illinois. Well, we are told by the gentleman who spoke last on this subject, that this is a matter of course; that there probably will be some twenty or thirty bills of the same character passed during the present session. That presents to the consideration of the House a very grave question. Do we mean to scatter these establishments all over the country? Do we mean to increase the patronage of the Federal Government, which we have been told years ago was increasing and must be diminished? It is obvious that if this bill passes there will be a large addition to the public expenditures, as well as a large addition to the number of the public officials; and I confess, without some very strong reason for it, that that would be with me sufficient objection.

Mr. WENTWORTH. Will the gentleman allow me to ask him a question?

Mr. SMITH. Certainly, sir.

Mr. WENTWORTH. What can we do to stop the growth of the West which requires these facilities?

Mr. SMITH. I can only say to the gentleman that I would not have the growth of the West stopped; but I have such respect for it, that I would not extend needlessly the Federal patronage within its limits. I would have it always sturdy, independent, honest, and free from the influence of the Federal power.

Mr. WENTWORTH. With the gentleman's permission, I will say, that rather than increase the Executive patronage there, I would be willing to take up some of the nominal custom-houses in the eastern States.

Mr. SMITH. I dare say that the gentleman would be willing to take anything which was to benefit himself.

Mr. WENTWORTH. To be sure I would, if my constituents so desired.

Mr. SMITH. I know, from my knowledge of the gentleman, that he is ready to do anything for himself; but I wish him to understand that I am not willing to carry on this Government with an increased and continually increasing amount of public patronage. I am open to conviction. I wish to be informed. I put it to this House

whether the policy involved in the bill is a sound one; whether it means to make ports of delivery at every town on the huge rivers of the West? I want to know whether there are not one hundred places in the western country entitled as much as the one referred to to such an establishment?

The House will readily see that there is a very important principle involved. I do not know that I shall seriously oppose this thing; I may be misinformed upon the subject; but I desire to know why it is that this bill ought to be taken out of its ordinary course. The gentleman from Illinois [Mr. WENTWORTH] tells us that it is necessary to have it passed now in order that benefit may be had from the railroad iron which is now expected at New Orleans. Why cannot it be delivered at that city as well as at Quincy? Will there be any incumbrance, any difficulty, any obstacle, any expense, unreasonable and extraordinary, to follow the delivery of it at New Orleans? I cannot see that there is to be any such result; and while I am not disposed to obstruct the growth of the West—for no man would be bold enough to make such an attempt, as history shows that the efforts, such as have been made elsewhere, have proved useless—yet I cannot see the necessity of this thing; and I move that the matter be referred to the Committee of the Whole on the state of the Union. Besides, Mr. Speaker, I understand that this bill gives salaries, and that, in itself, compels it to take that destination. It provides salaries for a number of officers.

Mr. FULLER. I desire to answer the last objection of the gentleman from Virginia. The bill does give a salary—a salary of \$350 a year, with the emoluments, not to exceed a certain sum. It does not make any appropriations. The committee had that matter under consideration. They inquired into it; they consulted the head of the Treasury Department in reference to the measure before they reported it. It is a matter of importance. Under our warehousing system—I would suggest to the gentleman—where iron is imported and examined at New Orleans, and is sent up to the country, it must, under the existing laws, be delivered at some other port of delivery—at St. Louis, for instance—which makes great expense of transhipment and storage, and which, as he must be aware, is a very expensive and onerous system to the company, by reexportation and re-shipment. And, further, the bill secures advantages to this railroad company, in importing this iron, and carrying it, and putting it in bond at Quincy, to be taken out and consumed as it may be wanted from time to time; and enables them to enjoy the whole of the benefits of the warehousing system as they do at other places.

Mr. SMITH. I ask the gentleman from Maine if that difficulty on his part would not be obviated at once if those duties were paid at New Orleans?

Mr. FULLER. That is very true.

Mr. SMITH. Well, I would ask the gentleman for further information, as I am really seeking for information. He says that the bill provides for a salary of \$350 a year. Does it not also provide that that officer shall have the appointment of inferior officers?

Mr. FULLER. He has only the appointment to one solitary office.

Mr. SMITH. However, we know how these offices multiply.

Mr. FULLER. I would say, in this connection, to the gentleman, that under the existing law it may be very desirable for these railroad companies not to advance the duties on iron, or to pay for it at New Orleans, when they may import it into the interior. Therefore I believe it is but dealing out equal justice to all that this matter should be considered, and that the bill should be passed, and Quincy made a port of delivery, as various other places are.

Mr. RICHARDSON. The gentleman from Virginia [Mr. SMITH] propounded to me the interrogatory, why I demanded the passage of this bill now? I will explain why. He assumes that this matter of railroad iron is the only reason for making Quincy a port of delivery. I did not mean to be so understood, and I do not mean so to be understood now. I mean to say here, that there is a necessity for making the city of Quincy a port of delivery, independent of this transaction in relation to railroad iron. That I only alluded to for the purpose of showing the necessity of the immediate passage of the bill.

I will state, for the information of the gentleman from Virginia, that the city of Quincy is the largest town upon the Mississippi river above St. Louis; that she does more business, and has around her a better settled and more fertile country than any other city above St. Louis. There are at her port, during each year, over a thousand steamboats. There is an immense amount of business transacted there, the details of which I have—not here, but at my room—and to which I could refer him, showing the necessity of making that place a port of delivery, independent of this matter of railroad iron.

I deem it due that I should make this statement, in order that the assumption made by the gentleman from Virginia may be understood by the members of the House.

Mr. Speaker, the gentleman seems to think that it is a terrible thing to have an increase in officers. What is this to which he is making this suggestion? It is, that you are to have an officer there to whom you are to pay three hundred and fifty dollars a year. What amount, let me ask, are you receiving from the commerce which departs from, and goes to, that point each year? The gentleman will find, if he will make the calculation for himself, that the Government is a gainer by the operation.

If it is his intention to vote against all propositions for the increase of officers in the western country, he will find ample opportunity during this session, and during all subsequent sessions, when he may be here to give his vote. There is no reason why the decision of this question should be delayed. It is demanded by the public necessity. It has been reported by a committee of this House, and recommended by the Secretary of the Treasury, who is supposed to understand these matters. I demand the previous question.

Mr. SMITH, of Virginia. I ask the gentleman to withdraw the call for the previous question. I will renew it.

Mr. RICHARDSON. Certainly; I do not desire to gag any gentleman.

Mr. SMITH. I conceive that what has now occurred is a good illustration of the impolicy of ever taking business out of its regular and usual course. When the gentleman from Illinois, [Mr. RICHARDSON]—towards whom, of course, I entertain all proper respect—asked that this bill be put upon its passage, he stated that it was the arrival of railroad iron which required the passage of this bill, and without which it would be of no avail. That was one reason why—

Mr. RICHARDSON, (interrupting.). I will explain to the gentleman. The immediate passage of the bill was demanded particularly on that account.

Mr. SMITH. That was the reason assigned, and, as I understood it, the only reason; and a very good reason, too, it may be, if there are no other objections. Well, it was deemed important at once to have it passed, in consequence of railroad iron having arrived, which was required for immediate use.

The gentleman suggests that it would be important, perhaps, to that company to have time for the payment of duties that would be assessed upon this importation, which might lie in the country for a year or more before it could be called for use. One gentleman wants the bill passed because there is an immediate necessity for it in consequence of the urgent demand for the use of this iron. The other gentleman wants it passed in order to get rid of the interest upon the payment of duties in New Orleans, in consequence of the company not needing it for some time—perhaps for a year or two to come. These are the antagonistic reasons assigned. Let us look at them for a moment. Is there any necessity for paying duties if the iron remains in New Orleans? None at all. Iron may be imported, put into store there, and it will remain there until it is wanted for use. Then it is obvious that there is no necessity for paying interest; none at all.

Mr. RICHARDSON. Will the gentleman permit me to say that, if we make Quincy a port of delivery, we can have railroad iron there, and take it from time to time, as we want to use it. If it remains in New Orleans, we cannot get it as we may want it.

Mr. SMITH. I am not as well acquainted with the navigation interests of Quincy as the gentleman himself; but he told us a while ago that

there was an immense trade at Quincy, and that it was the largest port on the Mississippi above St. Louis. If there be such a heavy trade between New Orleans and Quincy, I ask why they cannot get into New Orleans, from time to time, as occasion may demand? I ask the gentleman, in all candor, what motive there can be for drawing the distinction he does?

Mr. RICHARDSON. I will tell you. If they wanted to use a small quantity of iron, and it should not be convenient to pay the duty upon the entire importation, they could go to Quincy, which is in the immediate neighborhood, and the terminus of the road upon one side, take it, and lay it upon the road. But it would not be convenient to bring it up from New Orleans, a distance of one thousand five hundred miles, in small quantities, as the river very often becomes too low. Thus they might not have the facility of getting it when they wanted it.

Mr. SMITH. I have certainly every disposition to be convinced, but I do not think that the argument presented for my consideration by the gentleman will answer that object. I really see nothing in the reasons assigned for the passage of this bill. There is a custom-house, I believe, at St. Louis. Pass this bill, and what next? My friend from Illinois will, after a while, want a custom-house at Quincy. Upon the passage of this bill you will have all the machinery of a custom-house established there. And thus we go. Concede one thing—grant that—and another thing follows, until finally a large appropriation will be asked for constructing a custom-house at this growing town of Quincy.

Mr. RICHARDSON. I will agree that this is all I shall ever ask for Quincy.

Mr. SMITH. No one can tell what a day may bring forth. The gentleman may never ask anything for Quincy hereafter; but he will have successors, and others may do what he may not. I ask what reason has been assigned by the gentleman why this bill should be taken out of its order? What good, valid, and substantial reason has been presented by the gentleman for the passage of this bill. If you take this bill out of its regular order of business, why, manifestly, you can take every bill out of its order with the same propriety. I cannot see why the customary course should be departed from in the present case. I must insist upon the motion I have submitted to send this bill to the Committee of the Whole on the state of the Union. In obedience, however, to the promise I made to the gentleman from Illinois, I now call the previous question.

Mr. DISNEY. I ask the gentleman to withdraw the call for the previous question for a moment.

Mr. SMITH. I have made the call in obedience to a promise made to the gentleman from Illinois. I will withdraw it with his permission.

Mr. RICHARDSON. I do not object.

Mr. CLINGMAN. I desire to know if the morning hour has not expired?

The SPEAKER. It has not.

[Mr. DE WITT, from the Committee on Enrolled Bills, reported as correctly enrolled the bill entitled "An act concerning the district courts of California."]

Mr. DISNEY proceeded: It occurred to me that it might not be amiss to explain to the gentleman from Virginia [Mr. SMITH] some of the reasons which induced some of the gentlemen from the West to ask for the passage of bills similar to the one now before the House.

Mr. SMITH. The objection I made was to departing from the regular order of business to take up this bill upon the present occasion.

Mr. DISNEY. I am aware that the gentleman made but that objection, but still I am warranted in the course of remark I had commenced, from the fact that the gentleman did not confine his objections to that question. Now the necessity there is for the passage of bills of this character arises from the following considerations: The people of the West, for purposes of general commerce, are compelled to make their purchases in the eastern markets. Under the present circumstances this is an absolute necessity.

Now it must be perfectly apparent to any one, upon the slightest examination of the subject, that if the western importer is permitted to import his goods directly from Europe, he will get them de-

livered at his own door at the same cost at which they are delivered to the eastern importers.

The effect of the bill now before the House will be, as I understand it, to permit the people of Quincy to import railroad iron directly from Europe, and thus avoid reshipment from New Orleans, or some other port of delivery in the West.

[A message was here received from the Senate, announcing the passage, by that body, of certain bills which originated there:

A bill (No. 49) to incorporate the Pioneer Manufacturing Company of Georgetown, District of Columbia;

A bill (No. 131) for the relief of the heirs of Judith Worthen, deceased;

A bill (No. 127) for the relief of John Phagan;

A bill (No. 126) to relinquish to the State of Wisconsin the land reserved for salt springs therein;

A bill (No. 125) for the relief of Ezra Williams;

A bill (No. 124) for the extension of the pre-emption privilege to the State of California;

A bill (No. 117) for the relief of Moses Olmstead;

A bill (No. 35) for the relief of M. K. Warrington and C. St. J. Chubb, executors of Captain Lewis Warrington and others;

A bill (No. 32) for the relief of Joseph Gideon;

A bill (No. 23) confirming certain land claims in Louisiana, in the Bastrop grant;

A resolution (No. 7) authorizing an increase of the force in the office of the Superintendent of the Public Printing; and

Also, House resolution (No. 6) "for the relief of Lewis B. Willis, late a paymaster in the Army of the United States."]

Mr. DISNEY, (resuming.) Take the case of railroad iron, the very article that has been mentioned in this debate. The importers of this railroad iron, unless Quincy be made a port of entry, will have to go to New Orleans, and there give bond with sureties residing in the city of New Orleans. The parties in this case importing the railroad iron are residents of the town of Quincy, and it may be that they have no particular personal intercourse or business relations with merchants in New Orleans. How then are they to get sureties there? By negotiation, which must of itself necessarily involve costs. There must be a percentage paid to parties to become sureties for the importers. That cost is added to the original cost of the article itself, together with other attendant charges, independent of the difficulty of hunting up sureties. In this way the article, in this particular case, would come to Quincy charged with a list of costs, from which they, the said company, say they ought to be exempted.

The people of the western portion of this Union have a right to demand at the hands of the Government the same facilities for commercial purposes that the people of the eastern portion of the Union enjoy, and they have a right to indulge a reasonable expectation that the Government will afford them those facilities. They simply ask the passage of this and kindred bills that will enable their commercial intercourse with Europe to be exempted from taxes which a refusal would necessarily impose on them, by limiting their transactions to the eastern portion of the Union, or by subjecting them to charges necessarily imposed on them by having their transactions with Europe pass through the hands of merchants in the eastern portion of the Union.

Well, this being the effect on the commerce of the West generally, not only with regard to railroad iron, but to every other article of importation, why should gentlemen object to it because it may, perchance, involve the payment of additional officers, at an expense of some three or four hundred dollars per annum? Is that an objection of sufficient importance to justify a refusal of these privileges to the people of the western portion of the country? In my judgment it is not.

In regard to the question propounded to me by the gentleman from Virginia, [Mr. SMITH,] I am free to say, in reply, that I presume the only necessity for the immediate passage of this bill is found in these two considerations, that heretofore other bills have passed—as in the case of Alton, and various other places—and that there is no new principle involved in the bill which requires consideration at the hands of Congress. Then why delay action upon it merely for the sake of

form? That is all I desire to say upon the subject.

Mr. RICHARDSON. I move the previous question.

The previous question received a second, and the main question was ordered to be now put.

Mr. COBB. I would like to ask the gentleman a question.

Mr. CLINGMAN. Discussion is not in order. I object to it.

The SPEAKER. The gentleman from Alabama is not in order.

The bill was then ordered to be engrossed, and read a third time; and being engrossed, was subsequently read the third time.

Mr. RICHARDSON. I call for the previous question on the passage of the bill.

The call for the previous question was seconded, and the main question was ordered to be put.

The question was then taken; and the bill was passed.

Mr. RICHARDSON. I move to reconsider the vote by which the bill was passed, and that that motion be laid upon the table.

The question was taken, and the latter motion was agreed to.

MILITARY ACADEMY.

Mr. HOUSTON. I now call up the bills which were reported from the Committee of the Whole on the state of the Union, with a recommendation that they do pass, and which were under consideration when the House adjourned last evening.

The House then took up "the bill making appropriation for the support of the Military Academy for the year ending June 30, 1855."

Mr. SMITH, of New York. I propose, Mr. Speaker, to make some remarks on this bill.

Mr. JONES, of Tennessee. I think that the previous question was called on the bill last evening.

Mr. SMITH. I think not.

Mr. CLINGMAN. If the previous question was called, I object to the gentleman's proceeding to make any remarks.

Mr. SMITH. I believe in the progress of the human race—

The SPEAKER. The Clerk informs the Chair that the previous question was not called last evening.

Mr. JONES. It was my impression that it was called.

Mr. SMITH said he believed in the progress of the human race, and rejoiced in the era of ever-growing civilization. Therefore it was that his heart was always afflicted when he saw any manifestation of the war spirit, for he believed the spirit of war to be the spirit of barbarism; and notwithstanding the popular idea to the contrary, he believed there was no more mighty hindrance to the progress of civilization than war.

He regarded the spirit of this bill as the dark and barbarous and baleful spirit of war; and therefore it was, he would use all honorable means to defeat it. It is strange and sad, that in a nation professing faith in the Prince of Peace, the war spirit should be so rampant. It was a gross inconsistency in such a nation that there should be any manifestation of war.

Mr. ORR raised a question of order, and insisted that the gentleman should confine himself strictly to the subject.

The SPEAKER said that the gentleman from New York was in order.

Mr. SMITH then continued his theme, showing the immense loss of life and property, and the injury to morals occasioned by war, but advocated an armed police to punish pirates on land and sea. [See Appendix for the speech of Mr. SMITH.]

Mr. HOUSTON. I ask the previous question upon this bill.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER. The question now is upon ordering the bill to be engrossed and read the third time.

The question was then taken, and it was decided in the affirmative; and the bill being engrossed, was read the third time, and passed.

INVALID AND OTHER PENSIONS.

The SPEAKER. The question now is upon ordering the bill "making appropriations for the payment of invalid and other pensions for the

year ending June 30, 1855," to be engrossed and read the third time.

The question was then taken, and it was decided in the affirmative; and the bill being engrossed, was read the third time, and passed.

DEFICIENCY BILL.

Mr. HOUSTON. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken, and it was decided in the affirmative.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN. When the committee last rose, they had under consideration House bill No. 49, being a bill to supply the deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1854, upon which the gentleman from Alabama [Mr. SMITH] is entitled to the floor.

Mr. HOUSTON. I would ask my colleague if he would not be willing to have the President's message taken up instead of the deficiency bill, as a resolution has been passed to close debate upon it at a certain time. My colleague could just as well make his speech upon the resolutions to refer the President's message, and he would have the advantage also of a full hour.

Mr. SMITH declined to yield the floor, and proceeded to address the committee in reply to the remarks of the gentleman from New York, [Mr. CUTTING], upon the subject of the differences between the two branches of the Democratic party in New York. Having concluded his remarks, (which will be found in the Appendix,)

Mr. PERKINS, of Louisiana, obtained the floor.

Mr. SMITH, of Alabama. I ask the gentleman from Louisiana to yield me five or ten minutes of his time to enable me to finish my speech.

Mr. JONES, of Tennessee. Can that be done?

The CHAIRMAN. The Chair holds that if any gentleman objects, the gentleman from Alabama cannot proceed.

Mr. SMITH. With the permission of the gentleman from Louisiana I wish to make a few further remarks.

Mr. BAYLY, of Virginia. I think the gentleman from Alabama, considering the time he had yesterday and to-day, has been already favored. I therefore object.

The CHAIRMAN. The Chair holds that the gentleman from Alabama cannot proceed.

Mr. DISNEY. I move that the committee rise.

The question was then taken; and it was decided in the affirmative.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly House bill (No. 49) to supply deficiencies in the appropriations for the services of the fiscal year ending June 30, 1854, and had come to no conclusion thereon.

[A message was here received from the President of the United States, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, informing the House that he had signed a bill "to change the name of the American brig John Dutton, and to grant a register in her name."

Mr. JONES, of Tennessee. I move the usual resolution is such cases, that all debate be terminated in Committee of the Whole on the deficiency bill in one hour after the committee shall have resumed the consideration thereof.

Tellers were demanded and ordered; and Messrs. CORWIN, and JONES of Tennessee, were appointed.

Mr. CLINGMAN. I move that the House adjourn.

The question was taken, and it was decided in the affirmative.

So the House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, January 19, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved. Hon. ISAAC TOUCEY, of Connecticut, appeared in his seat this morning.

PETITIONS, ETC.

Mr. SLIDELL presented the petition of Samuel C. Reid, jun., on behalf of the claimants of the private armed brig General Armstrong. He said that the heroic defense of that vessel, made by Captain Reid and his gallant crew, against the attack of an overwhelming British force in the neutral harbor of Fayal, was one of the most brilliant achievements recorded in the annals of naval warfare, and was doubtless known to every member of the Senate. This vessel was destroyed in September, 1814. A more flagrant violation of the law of nations was never committed, as the British Government admitted the wrong, and apologized for it to Portugal. It justified a claim on the latter power for indemnity. This claim was constantly urged by different Administrations, as one, the justice of which could not admit of dispute, but was always evaded or denied by Portugal. It was at last agreed to submit the question to the umpirage of Louis Napoleon, then President of the French Republic, without the assent and against the wishes of the claimants. In November, 1852, Louis Napoleon, who had then been made Emperor, gave his decision in favor of the Portuguese Government. The claimants consider that, under the peculiar circumstances of the case, the United States have assumed the place of Portugal. As all the facts were fully but succinctly set forth in the petition, and were of more than ordinary interest, involving delicate naval questions, he hoped that no objection would be made to the printing of the petition.

The petition was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. BRODHEAD. I present ten memorials, numerously signed by citizens of Philadelphia, remonstrating against the removal of the United States Mint from that city, and they give unanswerable reasons for the position which they assume. I move their reference to the Committee on Finance.

They were so referred.

He also presented a petition of citizens of Blair county, Pennsylvania, praying that one hundred and sixty acres of land be granted to the soldiers of the last war with Great Britain, and all subsequent wars; which was referred to the Committee on Military Affairs.

Mr. EVERETT. I beg leave to present the petition of Cyrus Chase and others, inspectors of the customs at the port of Boston. They represent the arduous and responsible nature of their duties, the present low rate of compensation, which has not been increased since the year 1832, although in the interval the salaries of almost all other public officers have been increased, and the value of money greatly diminished. They therefore ask for an increase of compensation. I move the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. FISH presented a petition of merchants and others, citizens of New York, praying Congress to grant some proper testimonial to the officers and crews of the ship Three Bells, the ship Antarctic, and the bark Kilby, for their humane, self-sacrificing, and heroic conduct in rescuing the passengers, officers, and crew of the steamer San Francisco; which was referred to the joint committee on the subject.

Mr. SHIELDS presented the petition of Jane A. Wright, widow of Calmes L. Wright, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. ALLEN presented the memorial of the State Agricultural Society of Maryland, praying the establishment of a national agricultural school in the District of Columbia; which was referred to the Committee on Agriculture.

Mr. SUMNER presented a petition of inhabitants of Nahant, Massachusetts, praying the establishment of a daily mail between that town and Lynn; which was referred to the Committee on the Post Office and Post Roads.

Mr. BELL presented the memorial of Patrick C. Sharmon, asking to have the amount refunded to him which was illegally exacted for the privilege of occupying and using his own ferry across the Rio Grande river; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the petition of the heirs of William Van

Wart be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. DAWSON, it was

Ordered, That the memorial of Harriet A. Read, executrix of Lieutenant Colonel A. C. Fanning, be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. COOPER, it was

Ordered, That the memorial of the heirs of Stephen Moylan be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. SHIELDS, it was

Ordered, That the memorial of John B. Walback be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. FITZPATRICK, it was

Ordered, That the documents on the files of the Senate, relating to the claim of Charles G. Gunter, be referred to the Committee on Private Land Claims.

On motion by Mr. ADAMS, it was

Ordered, That S. Calvert Ford have leave to withdraw his memorial and papers.

On motion by Mr. SUMNER, it was

Ordered, That the petition of Asa Andrews be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. SUMNER, it was

Ordered, That the memorials and petitions on the files of the Senate, in favor of cheap ocean postage, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the petition of the heirs-at-law of Godfrey Rinehart be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. BRODHEAD, it was

Ordered, That the petition of George P. Welsh and Clark H. Wells be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

✓ LOWER CALIFORNIA EXPEDITION.

Mr. GWIN. Mr. President, I ask the unanimous consent of the Senate to offer a resolution personal in its bearing upon the State which I in part represent here. I desire it to be considered now, and wish to give the reasons why it should be adopted. I will detain the Senate but a few minutes. When honorable Senators hear the resolution read, they will see the reason why I should be granted the courtesy:

Resolved, That the President of the United States be requested to communicate to the Senate the number of ships-of-war on the coast of California, Oregon, and Washington, whether in active service, or lying in port unemployed; also, the number on the whole Pacific coast of North and South America, and their cruising grounds; also, whether, in his opinion, the naval force of the United States on the Pacific coast, in the year 1853, was sufficient to prevent the departure from ours to foreign territory of any unlawful expedition that might be hastily formed from the adventurous persons usually to be found at all points of great commercial activity and enterprise, whether in the United States or Europe; also, the number of ships-of-war on the Atlantic coast, and other cruising grounds, whether in active service, or lying in port unemployed; also, the number of troops in California, Oregon, and Washington.

Mr. President, I am induced to offer the resolution from seeing in the morning papers a proclamation which I wish the Secretary to read.

The SECRETARY read it, as follows:

A PROCLAMATION,

By the President of the United States:

Whereas, information has been received by me that an unlawful expedition has been fitted out in the State of California with a view to invade Mexico—a nation maintaining friendly relations with the United States—and that other expeditions are organizing within the United States for the same unlawful purpose: And whereas, certain citizens and inhabitants of this country, unmindful of their obligations and duties, and of the rights of a friendly Power, have participated, and are about to participate, in these enterprises, so derogatory to our national character, and so threatening to our tranquility, and are thereby incurring the severe penalties imposed by law against such offenders:

Now, therefore, I, Franklin Pierce, President of the United States, have issued this my proclamation, warning all persons who shall connect themselves with any such enterprise or expedition that the penalties of the law denounced against such criminal conduct will be rigidly enforced; and I exhort all good citizens, as they regard our national character, as they respect our laws or the law of nations, as they value the blessings of peace and the welfare of their country, to discountenance, and by all lawful means prevent, such criminal enterprises; and I call upon all officers of this Government, civil and military, to use any efforts which may be in their power to arrest for trial and punishment every such offender.

Given under my hand and the seal of the United States, at Washington, this eighteenth day of January, [L. S.] in the year of our Lord one thousand eight hundred and fifty-four, and the seventy-eighth of the independence of the United States.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, Secretary of State.

Mr. GWIN. Mr. President, this proclamation was issued against persons who are said to be citizens of the State of California. I wish to bring to the notice of the Senate a fact which I think it is proper should go out to the country with that proclamation, and it is this: That at the time this expedition is said to have been gotten up in the State of California, the United States had no force there to prevent the sailing of such expeditions. I wish to bring it to the notice of the Senate and the country that at the very time the first expedition went from California, a single steamship-of-war, with one gun, could have prevented it. And, sir, is there no allowance to be made for the state of the country which was its destination—Lower California and Sonora?

Sir, here was an expedition of forty-five men that passed out without obstruction from the Golden Gate, less than a mile wide, and which any one gun can command, as against a ship without cannon; and they went to a country as large as half a dozen States of this Confederacy, took possession of it, and issued a proclamation claiming it a Republic.

If the President of the United States intends to put down such expeditions there or elsewhere, he should have a force of the United States to prevent their departure from our ports. At the time this vessel left the harbor of San Francisco, there were but two ships-of-war in active service on the whole Pacific coast of South and North America—one at the Sandwich Islands, having been ordered there for the purpose of preventing the consummation of one of the expeditions referred to in the proclamation; the other, as we all supposed, was cruising at the mouth of the Gulf of California, but subsequent information informs us that it had sailed for the coast of Peru, to look after some difficulties which our Government has had with that Republic.

Now, on a coast of over five thousand miles, we had but two ships-of-war to protect our commerce and maintain our neutrality obligations. Is it not a farce to say that such a force can accomplish these objects?

There was also a second expedition reported to have sailed from San Francisco, in a vessel with two hundred and fifty men on board, which was towed out of the harbor by a steamship without the slightest obstacle on the part of the Government of the United States, and why? Because it had no force there. When we ask for a steamship in the revenue service to prevent smuggling on that coast, we are told it costs too much; and when I ask that appropriations shall be made to put that coast in a state of defense, I am almost scouted at, because it costs so much money. This miserable system of economy has left us without Government power, either to defend us from an enemy or prevent the sailing of unlawful expeditions from our ports.

Here, now, we are proclaimed to the world as going to and disturbing the peace of other nations, by expeditions got up on that coast, when we are given a *carte blanche* to go where we please, and violate any law we please, so far as the power of the Government is concerned; for the only law rigidly executed there is the law of taxing us, and collecting the revenue from us.

Now, Mr. President, I am opposed to all unlawful expeditions of this sort; but it must be known that in a new country like California, where there are so many adventurous spirits, and where the countries adjoining us are offered to us simply for the going and taking them, the power of the United States must be vigilantly and properly executed, if such expeditions are not to be carried out.

Mr. President, it must be known to the people of this country that when there are some of the richest mineral countries in the world adjoining the State of California, with a population utterly unable to defend them against the Indian tribes in their neighborhood, expeditions of this kind will proceed from California, unless the force of the United States there is sufficient to prevent them. Wherever our people go they carry wealth, power, and prosperity with them, and never forget the principles of liberty they have inherited from our forefathers; and although such expeditions should not be encouraged or allowed, if they succeed, the present inhabitants will be more powerful and prosperous through the change of government than they ever were or can expect to be without a change.

What is the condition of our army on the Pacific coast? It is not, and never has been, efficient, from local causes that we have failed to remedy by legislation, although urged to do so. These expeditions can go by land to Sonora, and, in my opinion, have gone, or will go; and this paper proclamation of the President will have no effect in stopping any such expedition, because we have no force there to enforce it.

It is useless for the Chief Magistrate of these United States to attempt, by proclamation, to stop any such expedition. As long as the principle of territorial expansion is recognized, and such countries lay on our border as Lower California, Sonora, and the Sandwich Islands, inviting us to take possession of them, and the Government of the United States opposes no effective preventive force, you will find citizens of the United States engaged in such enterprises; and they will be successful. Proclamations without efficient force will not stop them.

Why have we not had a steamship-of-war on the Pacific coast? Because it is said to be too expensive on a sea-coast of sixteen hundred miles, as coal there costs thirty or forty dollars per ton. Here we see again that miserable system of economy, pennywise and pound foolish, that destroys all of the efficiency of Government, and my constituents are to be branded with infamy for violating laws that there is no power to enforce.

I warn the country that unless the power of the Government is exercised efficiently on that coast, they cannot expect us to stand still when we are invited into these magnificent countries which lie around us, and see the Indians take possession of them, when we can get them with the good-will of the inhabitants.

I am very much surprised at the issuing of this proclamation at this time, because it comes too late. I am anxious to aid the President of the United States in observing our neutrality laws; and if it is true that a treaty has been lately negotiated, by which a large portion of Mexico is to come into our possession, it shows indisputably that the public sentiment of the people of the United States, as reflected by the Executive, desires possession of the territory negotiated for, whether in the way of purchase or otherwise.

I hope that treaty embraces all of the territory on our border which Mexico is not able to protect from such incursions and Indian depredations, and that we shall have a mountain or desert boundary between the two Governments that can be defended by each. If it does not embrace such an extent of country, I shall favor such a modification of it as will accomplish this desirable object.

Mr. PETTIT. I do not know that I have any objection to the proposition which has been offered by the Senator from California; nor am I disposed to cast any reflections upon his constituents, whom he defends so ably. But I must be allowed to say that I think it is the strangest defense that I ever heard given of any man's constituents. He, in effect, says that if you will surround his constituents with bolts and bars, with war steamers, with soldiers with arms in their hands, they will cease stealing and marauding; that they will be honest, forsooth, if you will compel them to be honest. Who would not be honest under such circumstances? Why, sir, he says there are inviting fields of gold, rich mineral wealth, and broad acres, that are desirable to the eye there. Where are such not to be found? And he says that his constituents, intelligent, and worthy, and peaceable as they are, or as he would make us believe they are, cannot restrain their own greedy, grasping appetites to appropriate that which belongs to their neighbors, unless you surround them with a wall. They are constituents that no man ought to be proud of, however proud he may be.

Sir, I regretted to hear, and I am sorry to have it alleged on the floor of the Senate of the United States, that any portion of our fellow-citizens, in order to keep them within the bounds of duty as individuals and citizens of this Republic, towards all other countries and all other men, must be constrained by force in a body. I know that in all communities there are law-breakers—those who will not abide the law—those who must be restrained; but I did not suppose that it pertained to whole bodies of men, whole communities, and whole localities.

Why, sir, it is in effect saying, in neighborhood

transactions—for nations are but individuals in a situation of neighborhood towards each other, and should act in like manner—that the rights of neighborhood cannot be maintained.

The peaceable citizen, who is a member of a local society, and observes his own rights and those of his neighbors—who neither suffers his own to be trampled upon, nor wantonly tramples upon those of his neighbor—who neither allows his own property to be appropriated lawlessly for the benefit of another, nor wantonly, with rapine, lays his hands upon the property of others—will conduct himself in like manner as a member of society and a portion of a Government.

Sir, the Senator has said neither more nor less than that these men, his constituents, whom he calls such, if their neighbors' houses lay open, and treasures of gold and valuable commodities were to be found in them, and there was not a watchdog or sentinel at the door, would forgo all morals, all law, and all right, and wantonly possess themselves of their neighbors' goods.

Sir, I am sorry to hear it said that any portion of our people, in great masses at any rate, are so disposed. I did not believe, I could not believe it was so. I am sorry to hear any Senator upon the floor of the Senate of the United States announce that his constituents are so disposed, that nothing but bars and bolts—not laws, not statutes, nor moral strength or moral suasion, nor any regard to duty, public or private—will restrain them from this rapacity; but the force and power of the Government must be applied to prevent it. Sir, it may be possible, and I cordially agree with that Senator in saying that I do not think there is a sufficient force upon the Pacific coast. It ought to be there, but for other and different purposes. The Golden Gate should be fortified and defended; there should be more men-of-war steamers belonging to the military marine upon that coast or in that ocean. But I protest that it ought not to be there for the purpose of preventing the citizens from stealing and robbing. It should not be necessary to have such a force there to prevent these things, but the moral force and intelligence which should govern all portions of the constituents of all of us should be sufficient for that purpose. Your guns should be there to guard and protect the integrity and security of your own territory.

Mr. GWIN. Mr. President, the Senator from Indiana states that I got up here to defend my constituents for committing acts of lawless robbery, because the United States did not put bolts and bars around them to prevent them from doing it.

Mr. PETTIT. If the Senator will allow me, I will correct him. I did not say that he had got up to defend them, but that he had got up, undertaking to defend his constituents, not for that act, but admitting that they were of that class who would rob and steal, if not prohibited or prevented by bolts and bars.

Mr. GWIN. That is not true. I made no such statement, and no such legitimate inference can be drawn from what I did state. I said that the President had issued a proclamation against certain expeditions which had sailed from California for the purpose of invading a foreign territory; and I gave as a reason why these expeditions had passed from our territory, that the Government of the United States had failed to put such a force there as would prevent their sailing. He says this is defending stealing, and that I am in favor of having bolts and bars put around my constituents. Why, sir, what do his constituents have at home to prevent lawless acts, perhaps as frequent there as in any State in the Union?

Mr. PETTIT. Their Senators do not talk about it on the floor here.

Mr. GWIN. The Senator shall not interrupt me.

The PRESIDENT. Order!

Mr. GWIN. There are jails and penitentiaries for culprits in Indiana. The State authorities protect the citizens against acts of depredation. But who but the Government of the United States has control of the foreign police of the country? How is the President to enforce his proclamation unless by using the arm of the United States?

Sir, I was not defending these expeditions, but I was saying that the President of the United States could not have prevented them with the effective force of the United States now on that coast. I do not charge the President with neglect, nor his predecessor; but I say if the Government

of the United States had but a sufficient force there, and had used it efficiently, such expeditions could not have sailed from our ports. Is this defending them? I do not say that there are not lawless men in California; but not more than in other sections of the country who cannot resist that important precept of the Holy book, "Lead us not into temptation."

Why, Mr. President, I have a distinct recollection when the drum and the life summoned volunteers to go to Texas from the various portions of the Atlantic coast, and that the Government was censured for not preventing such movements. Nor am I defending them. No, sir; but I say, when the President issues such a proclamation, it is the duty of this Government to provide means for its enforcement, and to have that kind of force on the spot which is necessary to prevent the organization of such expeditions. That is the ground which I take. With what justice and truth can any Senator charge me with defending any lawless acts?

My constituents pay taxes to keep up an army and navy, and we are entitled to the benefit of them, either for protection against a foreign enemy, or to enforce our neutrality laws, if that be necessary. As to surrounding the country with bolts and bars, or an army or navy, I asked for no such thing.

There is at present but one point on the Pacific coast where such an expedition could be fitted out—the harbor of San Francisco—and there, as I stated before, a single steamship with one gun could effectually arrest it. I am not interfering at all in regard to these expeditions, nor defending them, but I say that such a proclamation, backed by no force, will have no other effect but to irritate the people of that State.

I wish to call the attention of the Senate and the country to the fact that there is not a gun mounted on the Pacific coast—that there was not a ship-of-war, when these expeditions sailed, within thousands of miles of our coast. I wish to get this information before the American people, to show the necessity of having some means of defense there, against foreign enemies as well as lawless expeditions.

Mr. BADGER. Mr. President, I agree with the honorable Senator from California, that there ought to have been a force on the Pacific coast sufficient to enable the officers of the United States to prevent the setting out of this lawless expedition—an expedition, the successful prosecution of which, from one of the ports of the United States, is calculated to inflict a deep reproach upon our national character. But I must be permitted to say, that I think the honorable Senator from California is mistaken in attributing blame on account of the omission to have such a force there, either to the present or the late Administration. That Senator and myself well know that the system of cutting down the estimates which obtained during the last Congress, and the Congress before, left both the late and the present Administration without the pecuniary means of maintaining such a force there as should make the Government at all times prepared to execute its laws, and vindicate the character of the country against these lawless depredators upon peaceable States adjoining to us.

Now, sir, it is possible, nay, it is probable, that it might have been in the power of the present Secretary of the Navy, or of the late Secretary, or of his immediate predecessor in office, to have placed a sufficient force on the Pacific coast; but my friend from California knows that in order to do that, with the existing means of the Government, and the amount of naval force at his command, he would have been necessarily obliged to weaken the naval power which the interests of the country require should be maintained in other parts of the world. I think, therefore, that so far as any blame can be laid to the Government on this subject, we, of the two Houses of Congress, must assume to foot the bill.

The Administration present, and the Administration past, so far as I see, are both blameless upon that subject. They have stated to us in their estimates what the necessities of the country require. They have asked that the necessary amount should be voted. Congress has refused. There are no means by which a President of the United States can raise money but through the instrumentality of an act of Congress. He cannot levy

"ship money," as the Kings of England once did. He cannot make involuntary contributions, under the denomination of "benevolences." He can only apply what you place at his disposal to maintain the honor and enforce the laws of the United States. I feel persuaded, strongly persuaded, that if the Senator from California, and myself, who always resisted in the Committee on Naval Affairs, and on this floor, this system of capriciously and arbitrarily striking down the appropriations, could have been successful in our views, this late transaction would not have happened—which we all deplore, and which will be considered abroad as a reproach upon our national character, as if we were disposed to look with toleration, if not with favor, upon such lawless adventures upon the dominions of peaceful Powers in our neighborhood.

I thought it right to say thus much because I think that while we are speaking in just terms of indignation of such a proceeding, it is right not to inflict blame where the blame does not properly lie.

Mr. SHIELDS. Mr. President, I will not protract this debate; for what has been said by my honorable friend from Indiana, [Mr. PETTIT], and my distinguished friend from North Carolina, [Mr. BADGER], makes it unnecessary for me to say a word. Sir, I regretted to see the Senator from California rise in his place and charge the President of the United States with a neglect of duty—for it amounts to that—in that he had not furnished sufficient force to prevent these depredations.

Mr. GWIN. Mr. President, the Senator from Illinois is mistaken. I have made no such charge.

Mr. SHIELDS. What the honorable Senator said surely amounts to that.

Mr. GWIN. It does not; and I did not intend any such thing.

Mr. SHIELDS. He charges the Government of the United States, as I understand, with blame and censure for not having a naval force on the Pacific coast to prevent these unlawful expeditions; and yet he is the chairman of the Committee on Naval Affairs, whose especial duty it is to furnish that force; and he has neglected, or has been unable to furnish, a sufficient force to the President to prevent these unlawful expeditions.

So, sir, with regard to the military force on that coast; that is also insufficient; but we cannot blame the President, because he has not furnished a force which does not exist. Our Navy is insufficient to protect our coast, and our Army is also insufficient.

The Senator from California, if I understand him, also blames the President for issuing this proclamation. Sir, I think the President would not be worthy of the position that he holds if he did not issue such a proclamation. He must, so far as he can do it, as the Executive head of this nation, absolve the nation from the disgrace of these lawless, unprincipled, vagabond expeditions. The honorable Senator seems to justify this pitiful expedition of forty-five men, as I understand him.

Mr. GWIN. I do not wish the Senator to misunderstand or misrepresent me. I did not justify it; and I have not done so; but I stated that it went out because there was no force to arrest it.

Mr. SHIELDS. I am glad to find that the Senator does not justify it. I am glad to find that there is not one Senator on this floor who will justify such an expedition. Before the Senator charges the President of the United States with neglect of duty, or reproaches him, he should rise in his place and tell us where the President was to find the vessels to go there to protect that coast.

Mr. GWIN. I will do it when the Senator is through.

Mr. SHIELDS. I should like to hear the Senator do it, and to show that fact. Sir, I have more than contempt for such expeditions as this Walker expedition upon that poor, helpless, defenseless, and unsuspecting population. My opinion is, that the men who could go there, who could go down upon the poor defenseless inhabitants of the frontier of Mexico and surprise them, as it were, would do what they have done when they meet with resistance—fly back to their vessels again.

I repeat what was said by the honorable Senator from North Carolina, that such expeditions are bringing reproach upon the country; and the President would share in that reproach if he did not pursue some course to arrest it.

Mr. GWIN. Mr. President, the Senator from Illinois might have withheld his reproaches and attacks upon these men who are now in their graves. The last intelligence informs us that they have all been put to death. It was uncalled-for and very wrong to reproach men who have suffered for the crimes which he alleges they have committed. Sir, it is one of the charges which I bring against the efficiency of this Government, that it has not been able to stop such expeditions and prevent such catastrophes.

Mr. SHIELDS. Will the honorable Senator tell us wherein the dereliction of the Government consists?

Mr. GWIN. If the gentleman had listened to the resolution, he would have seen that it asked the President of the United States to inform us where the naval forces of the country are. I can tell him where some of our ships-of-war are.

I do not pretend to say that the expedition to Japan has not had beneficial, useful, and important purposes to accomplish. I do not pretend to say that the naval force in that expedition is not properly and usefully employed; but, sir, if the President of the United States cannot maintain our neutrality, and keep so large a squadron in that service, the question presents itself whether it would not be better to order one of the steamships-of-war accompanying and composing part of that squadron to the coast of California.

Sir, I was in favor of the Japan expedition; but I wish to know whether it is not the duty of the Chief Magistrate of this nation to place the naval force of the United States—inefficient as I acknowledge it to be—so as to see that the laws are faithfully executed, and that our commerce and our honor, as a nation, are not infringed upon; and if he has done so, I do not, and have no cause to complain.

Again, sir, we have a surveying expedition to Behring's Straits, in which five vessels-of-war are employed. I was in favor of that expedition, and it was upon my motion that it was organized; but is it of more importance to survey unknown seas, than to so place our naval force as to do away with the necessity of such proclamations? My inquiry is whether the Navy of the United States is properly distributed to protect our neutrality, our commerce, and national honor? That is the inquiry which I propose by this resolution, and if it is, then it will be more imperatively our duty to increase the Navy, and thus enable the Executive to execute his whole duty to the people of the United States as well as to foreign nations. I have attached no blame to the President. I have simply stated a fact, which should be recorded in the history of this country—that inefficient as our Navy is, we have great and grand expeditions in remote portions of the globe, away from our territory, within which such expeditions as are referred to in the proclamation are being fitted out, and there is not a ship of war to prevent their sailing. The object of my resolution is to get information as to where our ship-of-war were stationed when these expeditions sailed from California; and I wish to know what power the President has at his command to execute with effect the proclamation which he has issued? He threatens punishment against the persons engaged in such expeditions. What power has he to bring those thus engaged before the courts—for you cannot punish except where the crime is committed—and what forces, military or naval, is there on the Pacific to execute that proclamation? For what practical purposes is the proclamation issued, when there is no power within the control of the Executive on that coast to have it respected?

It is well known to the Senator from Illinois, and to every member of this body, that ever since I have been at the head of the Committee on Naval Affairs, I have been in favor of increasing the Navy. It is known that I have, in my place, time and again, brought forward and urged upon the Senate the necessity of appropriating the amount asked for in the estimates of the Navy Department for that object. Here, in my place, as the organ of the Committee on Naval Affairs, I asked last session for the building of five or six additional steamships-of-war; and during this session, by the unanimous approval of the committee, brought forward a report indorsing the recommendation of the Secretary of the Navy to add six additional ships-of-war to our Navy. I have at all times, and on all occasions, advocated the increase of

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, JANUARY 23, 1854.

NEW SERIES...No. 14.

the Navy, and why should the Senator refer to me, as chairman of the Naval Committee, implying a censure, when he says Congress is to blame for our inefficient Navy, and he knows the fault does not lie with me, but with the other House of Congress?

I censure no one, nor any branch of the Government; but state a fact, which cannot be controverted, that so long as that coast of one thousand six hundred miles in extent is filled up with an adventurous people, who have the privilege of gathering the rich fruits which lie along side them, you cannot keep down these expeditions without an efficient naval force. And I say, further, that when the President issues a proclamation of this nature, he should ask Congress for power to enable him to see that proclamation executed. It is our duty to prevent such terrible catastrophes as took place at Havana, where fifty American citizens were shot down like dogs; and as has recently occurred in Mexico, where, according to the last information we have received, these forty-five individuals who invaded Lower California were put to death.

I know perfectly well that these expeditions are calculated to cast a stain upon the country; and the Executive will, when called upon, do me the justice to state that ever since I have been here, I have been urging him to exercise the whole of his power in supplying the deficiency of the Navy on the Pacific coast, by chartering vessels to prevent the sailing of such expeditions, and protect those engaged in them from being put to death on a foreign soil without trial. The people of California are no more in favor of lawless expeditions than citizens of other States with the same temptation.

Mr. BRODHEAD. Mr. President, it seems to me that we have already all the information which is called for by this resolution. The honorable Senator from California informs us that he desires to know how our naval force and ships-of-war have been employed. Why, the Secretary of the Navy has informed us in the report which was communicated to us by the President of the United States at the opening of the session. I have no objection, sir, that the Senator from California shall make the statement which he has given to the Senate. It may all be right. It may be necessary that he should call to it the attention of the Senate; but it is quite unnecessary for us to pass this resolution; for we shall receive no further information from the President of the United States when he answers the call, than we possess already.

Mr. MASON. Mr. President, it is very certain that the honor of the country, as well as its safety, is deeply interested in preventing these marauding expeditions from leaving our shores with a view to commit depredations upon foreign Powers; but I am not prepared to say at present, at least, that this Government is to change its policy in the use of the military force which is placed at its disposal, either by sea or land, for the purpose of preventing our people from violating the laws. I had not the pleasure of hearing all that fell from the Senator from California, but I think I heard enough from him to understand his position to be this: That our Navy is to be increased, for the purpose of requiring the laws to be executed against our own citizens.

Mr. GWIN. The Senator will permit me to state that what I said was this: If there had been a single ship-of-war in the harbor of San Francisco when these expeditions were fitted out, it would have been impossible for them to have sailed; and the Government of the United States should execute the neutrality laws, by preventing the fitting out of such expeditions within our own harbors, and within a marine league of the coast of the United States. I did not to say that the Navy of the United States could be used out upon the sea in pursuing expeditions fitted out in the United States.

Mr. MASON. I did not ascribe any such statement to the honorable Senator at all; but I understood the drift of his remarks to be, that we ought

to increase the Navy for some purpose, and, among other reasons, because it is shown that a navy is required to prevent the citizens of the country from violating the laws of the country. Now, sir, I deny that absolutely and positively. I am no enemy to an increase of the Navy, provided the Navy is increased for the legitimate purposes of the Navy. I understand the legitimate purposes of our Navy, in time of peace, to be simply to protect our commerce; and I agree in the policy of the late Administration, and of the present Administration, that when they can safely and prudently employ a portion of the Navy in the navigation of foreign seas and the explorations of foreign waters, for the purpose of increasing our commerce, it is a legitimate use of it; because nothing gives a greater stimulant to the products of the country than the means of commercial exchange abroad.

Now, I understood the Senator from California further to say, or at least I gathered from what fell from him after I came into the Senate Chamber, that he thought it was not the part of the Executive to have issued this proclamation until he first provided there a competent force.

Mr. GWIN. No, sir; I stated the fact that the cause of this proclamation originated from the want of a proper naval and military force to see that the laws of the United States were executed; and I wish the Senator to understand that I am entirely in favor of using the Navy in the way he mentioned to promote our commerce.

Mr. MASON. I have no doubt the Senator from California has well said, that, from the adventurous character of the population who have gone to our Pacific border, these expeditions are more likely to be fitted out from that quarter than from any part of the Atlantic coast; but I understood him to say, further, and, doubtless to say correctly, that there was no point upon that extended sea-coast where such an expedition could have been fitted out but at San Francisco.

Mr. GWIN. My reason for that remark was this: San Francisco is a city of large population. In other portions—in the sparsely-settled parts of the country—an expedition of this sort could not have been gotten up without such notoriety as would have defeated its object.

Mr. MASON. I understood it so; and it is certainly no reflection on the people of the city of San Francisco to say, that because from the number of the population and the facilities given there, it is the only point where such an expedition could have embarked.

Now, sir, I have understood the policy of this country to be, to rely upon the people of the country to protect each other by seeing to the due execution of the laws. Our Federal Government has no police distributed throughout the country for the purpose of seeing that the laws are executed; and I will say to the Senator and to the Senate, that when the day comes that we must have an armed police, by land or water, to see to the execution of the laws of the United States, the days of the liberties of the country are numbered. I protest against any such policy being avowed in the Senate or adopted by the country.

Sir, I read the proclamation of the President this morning, and he has done only what his predecessors have done from the days of General Washington down, whenever they have had reason to believe that there were existing lawless combinations for the purpose of violating the laws, or that any such would be formed. In such a case it is the duty of the President to issue a proclamation, advising his countrymen of the consequences of such violation of the laws. And why is it issued? It is issued for the very purpose of giving notice to the people of the country that such combinations are likely to arise, in order that the people may put them down.

Who ever heard of stationing a ship in any one of our ports for the purpose of preventing expeditions from going abroad? Sir, if a ship were stationed in the Chesapeake Bay, or in Hampton Roads, within the limits of the State which I have the honor to represent here, for the purpose of

teaching her people their duty, I apprehend they would be false to the reputation which they have acquired from their fathers, if they did not demand that that ship should be removed; and if it were not removed, they would remove it themselves. What, sir! is the policy of this Government to be to station ships in our ports for the purpose of preventing the people there from violating the laws of the country, and implicating us with foreign nations? Never! For one, I should be disposed to hold any President to account who did it. I mean, of course, as a general policy—as a general measure of safety. Doubtless, when the occasion arises, when there is a proper and substantial reason to believe that such an expedition is about to be fitted out, it is the duty of the President, if he believes it necessary, upon his high responsibility, to use the forces of the country to prevent it; but I say that the idea of keeping ships in our ports, or anywhere upon our waters, lest such a thing should occur, is a policy new and unheard of.

Now, sir, a few words in reference to this particular matter. The city of San Francisco has a population of some sixty or eighty thousand inhabitants as well armed, and perhaps better armed, than any population that you can find on any other part of your coast border. If that population has neither the ability nor the means of preventing these expeditions from being fitted out, it will be useless for the Federal Government to attempt it, unless it employs a large portion of the Navy for that purpose. I am against using the Navy for any such purpose as a preventive measure. I am against its going out to the country, that there is any necessity for such a use of the Navy. And if the purpose of the resolution be to serve as an admonition to the President, as the sense of the Senate, that the Navy must be so used, I, for one, must vote against it. Sir, I am not personally informed as to the facts, but I have no doubt, from what we see in the newspapers, that the President has taken measures, and efficient measures, to prevent the recurrence of these transactions, without the use of armed ships stationed at the ports of California to prevent them. All I wish to do, is to protest against any such policy as that the Navy is to be enlarged, or is to be used for the purpose of preventing our own people from violating their own laws.

Mr. DAWSON. Mr. President, the turn which this debate has taken makes it a very important matter for the country to understand really the grounds which give origin to it. I did not understand the Senator from California to make any charge against the late Administration or the present Administration for a want of discharge of duty. The question which now arises is this: Has the President of the United States sufficient means of defense subject to his government to meet all the incidents which may occur in this large and extended country? Have we an army sufficient? Have we a navy sufficient? These are the questions which naturally propound themselves on an occasion of this sort. Have we forgotten that, under the treaty with Mexico, we are bound to protect the line of frontier between the United States and Mexico from Indian depredations? Is it not now well understood that already claims against this Government, arising out of that treaty, amount to something in the neighborhood of \$20,000,000? and will it be forgotten that the late Administration called upon the Congress of the United States to give it the means of carrying out the treaty, and protecting the Mexicans and the Americans on either side of the line? Were the means granted? Were the two mounted regiments which were asked for by the late President of the United States and his Secretary of War allowed? No, sir; but the appropriations necessary to carry out that request were denied; and denied by whom? Not by the Executive, but by the legislative department of this Government; and if any deleterious consequences have arisen the fault is here, with us.

Have we forgotten what transpired only twelve months since, when the very idea suggested by

my friend from Virginia, the chairman of the Committee on Foreign Relations, as to the sufficiency of the civil power of the country to protect this Government, and to put down all attempts at filibustering, was brought forward? Was it not then thought that the courts alone were to attend to these matters? Then, I know, some members here regarded the effort of the last Administration to stop the Cuban expedition as a wrong interference, and it was said that the civil authority alone should interfere in these matters.

Now, sir, I did not understand the Senator from California as making any charge against the Government on any of these accounts. All that he desires is to know whether the Government is in an attitude sufficient to protect its honor, and to maintain its standing, and its obligations towards foreign nations? I say it is not. Our military force is not sufficient, and our Army must be increased; not with the idea of having a standing army thrown upon the country for no necessary purpose, but for a far different reason. From the extension of our country, our sea-coast, within the last four years, has been doubled, and it requires a much larger force to protect it than was formerly required.

The divisions which have, at previous times, existed between parties in this country relative to a standing army or a large navy cease to exist, because the present condition of the Army and Navy does not come up to the requisitions of either of the great parties of the country. Protection is the only object of this proposed increase. The object is not to place an incubus upon the country by an overwhelming army for needless purposes, or by a navy to rot in your docks; not so. Our character as a nation has grown; our importance as a nation has grown; and our dignity now can alone be maintained, with that respect due to it from foreign nations, by the power to enforce any obligation that may exist upon us as a nation, and any duty that may exist on the part of the citizens towards the Government.

Now, sir, what I wish to say is this: We have gradually gone on disappointing the hopes and expectations of the various Administrations in this regard. President Fillmore foreseeing, like a judicious man, what was the growing condition of this country, and what would be its necessities, called upon us years ago to increase the Navy, and to increase the Army, to give to the Executive Departments of the Government the power to enforce all the duties which are required of them. Have you done it, gentlemen? Who cut down the appropriations for military purposes, and for naval purposes during the last year? The reports of our proceedings in the Senate and the House of Representatives will tell. Is the failure of the representatives of the people to provide for these things to be charged upon this Administration, or upon the late Administration? Certainly not. The fault is here, sir—not with the Executive.

I am no friend to a large standing army. I have never given a vote with that object in view; but I am prepared, as one of the members of the Committee on Military Affairs, to which I have belonged since my first entry into this body, to say that the military force of the country should be increased. That committee has, from time to time, in accordance with the recommendations of the President of the United States, asked you to increase the Army. It was not done. They asked you to provide for raising two mounted regiments to enforce your treaties, and carry out honestly and honorably your obligations. That was not done. Look at the extent of frontier line between us and Mexico, and then let the future tell this country what millions will have to be paid, under that treaty, by this Government to the Mexicans, on account of our failure to carry out its obligations. Then, when we ask you for the power to do so, and it is not done, who is to blame? Do not charge it upon the President of the United States, or upon the Executive Department of the Government, but upon yourselves—the representatives of the people, who, for the purpose of keeping down the appropriations, have voted against them to gratify the people at home, who are unacquainted with these facts; and you have thus brought our present unfortunate condition upon us.

A word now in relation to the Navy. I have voted for every increase of the Navy which has been presented since I have been here, for it has

been presented in detail. The Committee on Naval Affairs, headed by my honorable friend from California, has reported, for the last three or four years, in favor of an enlargement of the Navy; and for what reason? To protect our sea-ports, to protect our commerce, and to interdict these filibustering expeditions, which are so well calculated to dishonor this Union abroad. Who failed to carry out these propositions which were thus presented? The representatives of the people.

Why, then, will any man insinuate upon this floor, or anywhere else, that the late or the present President of the United States, and their various heads of Departments, have failed to do their duty? They have uniformly, boldly, and strenuously recommended to us to do what they thought we ought to do; but we, in our wisdom, turned a deaf ear to their suggestions, and pronounced that the people would not like to see our appropriations so large. When we stopped the appropriations for a few millions, by the simple striking out of a line, we opened a flood-gate of claims against this country amounting to three or four times the sum by which we diminished the appropriations. When those claims shall be presented, if I shall be honored with a seat on this floor, I shall attempt to give a historical sketch of the action of this Government in relation to these appropriations, from the time of the ratification of the treaty with Mexico down to the present day; to show who it has been that failed to strengthen the arm of the Executive Department in order to carry out the obligations which were incurred under that treaty.

Now, sir, a few words as to the expedition of which my friend from California has been speaking. That is one of the incidents belonging to a republican form of government. It is one of the incidents belonging to the peculiar character of that section of the country, where the lands, as the honorable Senator observes, are thrown open, and we are asked to go in and protect the people by giving them a better government than they now have. Men can be found everywhere, not only in California, but in every State of this Union, whose better feelings, not whose disposition to rob and to steal, would prompt them to go and take the control of the Government, in order to mitigate the despotism inflicted upon those people, and give to them a prosperity which they never had before. Because they have gone there they are said to be censurable. How? As citizens, I am not disposed to degrade them, because they were operated upon by high and magnanimous feelings. I am as much opposed to filibustering as any man upon this floor; but I tell you, sir, that it will arise, and it will continue to arise, until you skirt the whole of your Pacific coast with a naval power sufficient to intercept all of these expeditions; and are we not bound to do it? A great and powerful nation like the United States should stand upon its honor, and discharge every obligation due to other nations. We never can do it, sir, until both the great parties in this country concur in giving strength to the Executive arm of the Government sufficient to carry out our treaty obligations.

Mr. GWIN. I have no desire to further occupy the attention of the Senate. All I have to say in reply to the Senator from Virginia is, that if this proclamation means anything, it means that the President of the United States has power to execute it. If it is not a mere paper proclamation, he intends to use that power which the laws and the Constitution have placed in his hands for its execution. And I undertake to say, without any special authority on the subject, that the President has issued orders to the naval and military commanders on the Pacific coast to do everything which the Senator from Virginia says it would be a great outrage to authorize.

Mr. MASON. Will the Senator allow me to interrupt him for a moment? Do I understand him to say that the President of the United States, by virtue of any power in himself, has authorized any portion of the Army or Navy to proceed in the execution of the laws at all, except as auxiliary to the civil power, to execute the process of the courts?

Mr. GWIN. I understand the power of the President of the United States to be, to see that the laws are faithfully executed, and the treaties made with foreign Governments enforced; and therefore I think that if, in his opinion, at any point of the United States there is an expedition fitted out, by

citizens of the United States, to invade the territory of another Government, in violation of the treaties of the United States, he has the right to stop that expedition until it is ascertained by the courts of the country whether it is illegal or not. But how can you stop an expedition until this investigation takes place in the courts?

I did not intend to provoke a discussion; but when such a proclamation on this subject is issued against citizens of my State, I intend to state the acknowledged fact, that there was an invitation, if I may so say, from the people of the country invaded, to engage in such expeditions; for they have no government, no protection, and the citizens of the United States, wherever they go, afford that protection which those people do not get from their nominal Government.

Mr. BADGER. I would very respectfully suggest to the Senator from California, that I doubt very much whether we ought to adopt this resolution. I hope, at all events, the Senate will allow it to remain until another day. It seems to me, sir, that the resolution, so far as any specific information is desired which the President may be supposed to have at his command, is already answered. The Secretaries of War and of the Navy, in their annual reports communicated with the President's message, have stated the disposition made of the military and naval forces of the United States. And I think, as to the question of opinion for which it is proposed to ask the President by the resolution, whether the naval force of the United States was sufficient to have prevented the act being done, that it is one which we ought not properly to put to the President of the United States; because, so far as I am able to see, without any reasonable foundation in any facts known to us, it implies that he might have prevented what he nevertheless has not prevented, and asks him to answer the question whether he could have done better with the naval force than he actually has done.

Then, after we have got the correct information, it will be nothing but what we have now. It seems to me that the Senator from California had no idea of presenting the matter in that shape. It is slightly deficient in respect towards the President, in asking him whether the force was sufficient to have enabled him to prevent the occurrence of these transactions. We must take it for granted that it was not, or he would have prevented them. What I mean is this, that if the President had anticipated this event, and had a disposable naval force at his command, he undoubtedly would have prevented it. To imply that he would not, as the inquiry seems to do, or that he might have been reluctant or negligent in doing it, is, in some degree, casting an implied censure upon him for the transaction. I know the Senator does not mean to do that; and I very respectfully suggest that the resolution had better not be adopted.

Mr. GWIN. The resolution was drawn up hastily; with no intention to reflect upon the President of the United States. I simply wished to show to the Senate and the country that there was no force to be employed there to prevent the expedition. I only wanted the facts properly presented to the country, and am willing to let the resolution pass over; and if there is anything to be corrected in its phraseology, I shall not be opposed to its being done.

So the resolution was passed over.

EXTENSION OF PENSION LAWS.

Mr. PETTIT. I ask the unanimous consent of the Senate to present, and have considered at this time, a resolution of inquiry. I beg leave to state that I have drawn up this resolution in consequence of a letter which I have just received from an old and esteemed friend. The resolution is upon the subject of extending the pension laws, or rather as to the construction of the laws granting pensions to the widows of the officers and soldiers of the late war with Great Britain. The writer offers, I think, two good reasons why those laws should be amended or extended. The first is, that if a woman was worthy to be the wife of a soldier who sacrificed his life in the cause of his country she would be likely to marry a second time. The second, is that the wants of a widow who has buried two husbands are not less than the wants of those who have buried one. The resolution is one of inquiry only, and I hope it will be adopted. It is:

Resolved, That the Committee on Pensions inquire whether the laws need any amendment to give full effect to the design of Congress to give pensions to the widows of officers and soldiers of the war of 1812.

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk; announcing that it had passed the following bills:

A bill making appropriations for the support of the Military Academy for the year ending June 30, 1855;

A bill making appropriations for the payment of invalid and other pensioners of the United States for the year ending June 30, 1855;

A bill for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco;

A bill to constitute Quincy, in the State of Illinois, a port of entry; and

A joint resolution authorizing the accounting officers of the Treasury to adjust the expenses of a board of commissioners appointed by the Territorial Assembly of Oregon to prepare a code of laws; and also to adjust the expenses of collecting and printing certain laws and archives of the Territory of Oregon.

Also, that the Speaker of the House had appointed Mr. EWING of Kentucky, Mr. MAY of Maryland, Mr. PARKER of Indiana, Mr. HUGHES of New York, Mr. KERR of North Carolina, Mr. BARKSDALE of Mississippi, Mr. BROOKS of South Carolina, Mr. BANKS of Massachusetts, and Mr. WILLIS ALLEN of Illinois, a committee on the part of that body, to join such committee as may be appointed by the Senate, for the purpose of taking into consideration the subject of amending the Constitution in the mode of electing the President and Vice President of the United States.

REPORTS FROM STANDING COMMITTEES.

Mr. FOOT, from the Committee on Public Lands, to which was referred the petition of John A. Ragan, asked to be discharged from its further consideration; which was agreed to.

Mr. BELL, from the Committee on Naval Affairs, to which was referred the petition of the Mayor and Aldermen of the city of Memphis, praying the erection of a marine hospital at that place, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. BROADHEAD, from the Committee on Claims, to which was referred the memorial of Isaac Varn, Sr., praying indemnity for losses incurred in the military occupation of his property, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WALKER, from the Committee on Public Lands, to which were referred certain petitions praying grants of land in aid of the construction of railroads in the State of Wisconsin, reported the following bills; which were read, and passed to a second reading:

Bill granting a portion of the public lands to the State of Wisconsin, to aid in the construction of a railroad in said State.

Bill granting a portion of the public lands to the State of Wisconsin, to aid in the construction of a railroad and branches in said State.

Mr. EVANS, from the Committee on Patents and the Patent Office, to which was referred the memorial of the legal representatives of John Arnold, deceased, praying an extension of their patent, submitted a report, accompanied by a bill for the relief of George C. Bishop, and the legal representatives of John Arnold, deceased. The bill was read, and ordered to a second reading. The report was ordered to be printed.

ZACHARIAH LAWRENCE.

Mr. WADE. The Committee on Claims, to which was referred the memorial of Zachariah Lawrence, of Morgan county, Ohio, praying compensation as prize money for the capture of a British sloop during the last war with Great Britain, has instructed me to report a bill for his relief. I ask the Senate to consider it at this time. It has heretofore passed both branches of the National Legislature, but at different Congresses. I believe there will be no objection to it.

The bill was read a first and second time by unanimous consent, and considered as in Com-

mittee of the Whole. It proposes to direct that \$2,645 40 be paid to the memorialist, as his portion of the prize money for capturing and taking into the port of Passamaquoddy, in 1813, the British sloop Venture.

No amendment being proposed, the bill was reported to the Senate, and ordered to be engrossed for a third reading; and was read a third time, and passed.

BILL INTRODUCED.

Mr. FITZPATRICK asked and obtained the unanimous consent of the Senate to introduce a bill to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

ADMISSION ON THE SENATE FLOOR.

On motion by Mr. BADGER, the Senate proceeded to consider the resolution submitted by him on the 12th instant, to amend the 48th rule of the Senate.

Mr. BADGER. The resolution has been printed as I originally introduced it. I have this morning made some modifications in it which I will explain to the Senate. The first is, that among the persons who are to be entitled to admission upon the floor there shall be added, at the suggestion of a friend, "the clerk of the Supreme Court." That is only one person, and will not enlarge the list very much. The next is for the purpose of amending so much of the rule, adopted at the last session, as is embraced in these words:

"No person, except members and officers of the Senate, shall be admitted at either of the side doors of the Senate Chamber."

The effect of that amendment to the rule, as adopted at the last special session, is to exclude members of the House of Representatives from coming into our Chamber, except through the main entrance. The impression, I understand, has gone abroad—how, I know not—that the proposed amendments, submitted by me the other day, were intended to embrace the exclusion of members of the House of Representatives from a privilege which they had heretofore enjoyed. My resolution, as originally offered, simply did not touch the matter at all, but left it where it stood at the last session of the Senate. At the same time, I never favored a proposition for putting any restraint upon the members of the other House as to the door of entrance at which they should seek to give us their company, being myself always extremely glad to see them here, and to welcome them, in whatever direction they come, and to show them every civility in my power in return for the manifold civilities I have received in my visits which I make from time to time to the House of Representatives.

I propose, therefore, to insert these words: "and members of the House of Representatives;" so that it will read:

"No person, except members and officers of the Senate, and members of the House of Representatives, shall be admitted at either of the side doors of the Senate Chamber."

At the suggestion of a Senator, I will explain who, by the resolution, are to be allowed admission on the floor in addition to those allowed at the last session. As the rule stood before, Ministers from foreign Governments to the Government of the United States, and their secretaries, were admitted to the floor of the Senate; but, by some strange oversight—I know not how it originated—Ministers of the United States to foreign Governments, and their secretaries, were not admitted. I thought that was a very unnecessary and invidious distinction. The first amendment, therefore, proposed by the resolution is, to admit Ministers of the United States to foreign Governments, and their secretaries, and persons who have held such offices.

The next amendment is this: By the rule, as it originally stood, members of the Legislatures of the several States were permitted to come upon the floor of the Senate, but the judges of the several States were not, which I thought an invidious distinction. I therefore propose to admit judges of the courts of record of the United States, and persons who have held those offices. Again, the rule, as it stood, authorized the secretaries and clerks of either House of Congress, and persons who have held such offices, to come on the floor of the Senate, but did not admit the Sergeant-at-

Arms of the House of Representatives, which I thought was an unnecessary exclusion; and therefore I propose to insert "Sergeant-at-Arms."

A friend has just suggested to me that if the proposition to admit all those who have been judges in the different States is adopted, it may admit too many on the floor. The substantial good of, and decent respect for, the State authorities, is what I go for; but as it may be preferred that this alteration should be made, I will strike out the words "and persons who have held those offices," so as to make it apply to the existing judges of the States.

Mr. STUART. I wish the Senator would retain that.

Mr. BADGER. There is the difficulty. What am I to do?

Mr. CHASE. That had better be left in.

Mr. BADGER. I do not want to appear to oppose the desire of Senators.

Mr. HAMLIN. Put in the Superintendent of the Public Printing. All will be in favor of that.

Mr. BADGER. Here I am again. I wish I knew what the Senate wished. [Laughter.] My friend from Maine suggests to me to put in the Superintendent of Public Printing. I am in favor of that. He says it will meet general approbation. Let the Secretary put in "the Superintendent of Public Printing" at the proper place.

Another friend suggests that the clerks to committees should be allowed to come on the floor. I agree with that.

A SENATOR. Why should they come here?

Mr. BADGER. We want to see them very often.

Mr. SLIDELL. They are officers of the Senate.

Mr. BADGER. Certainly; we will so consider them. They will therefore be included in the word "officers."

Mr. SUMNER. I move to add as an amendment, after the words "officers of the Senate," the words "the editors of the daily papers in the city of Washington."

Mr. BADGER. I hope not.

Mr. SUMNER. I hope the Senator will accept the amendment.

Mr. BADGER. No, sir; I protest against that. If the editor of a paper has a right to come in by virtue of any other office or claim, let him come; but I do not wish to admit editors as editors.

A SENATOR. We do not want the "press-gang."

Mr. CASS. Why confine it to editors in the city of Washington? What reason is there for that?

The amendment was not agreed to.

Mr. WALKER. I desire to move to insert, after the words "Superintendent of the Public Printing," the words "the Marshal of the United States for the District of Columbia."

Mr. BADGER. That is right.

Mr. WALKER. And "the Deputy Postmaster of the city of Washington." I believe he is so termed in law.

Mr. BADGER. Why the Deputy Postmaster? The Marshal is right, but why the other?

Mr. WALKER. I know no other reason than this: I have myself had official business with him here, and, as he was not admissible, I had to go outside of the Chamber to see him.

Mr. BADGER. I will accept that as a modification of my resolution.

The resolution, as modified, reads as follows:

Resolved, That the 48th rule of the Senate be amended to read as follows:

48. The following persons, and none others, shall be admitted on the floor of the Senate: Members of the House of Representatives, and their Clerks; the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Attorney General, and the Postmaster General; the Private Secretary of the President; Chaplains to Congress; the Superintendent of the Public Printing; the Marshal of the United States for the District of Columbia; the Deputy Postmaster of the city of Washington; Judges of the United States; Clerks of the Supreme Court; Foreign Ministers and their secretaries; Ministers of the United States to foreign Governments, and their secretaries, and persons who have been such Ministers or secretaries; officers who, by name, have received, or shall hereafter receive the thanks of Congress for their gallantry and good conduct in the service of their country, or who have received medals by a vote of Congress; the Governor, for the time being, of any State or Territory of the Union; the ex-Governors of the several States; Judges of the courts of record of the several States; the ex-officers of the Senate; such gentlemen as have been heads of Departments, secretaries, clerks, Sergeants-at-Arms, or members of either branch of Congress; persons

who, for the time being, belong to the respective State and Territorial Legislatures; and persons belonging to such Legislatures of foreign Governments as are in amity with the United States.

No person, except members and officers of the Senate, and members of the House of Representatives, shall be admitted at either of the side doors of the Senate Chamber; and all persons claiming admission on the floor, excepting members and the Clerk and Sergeant-at-Arms of the House of Representatives, for the time being, the heads of the several Departments, the Private Secretary of the President, the Chaplains to Congress, Judges of the United States, and of the several States, Foreign Ministers and their secretaries, Ministers and ex-Ministers of the United States, their secretaries and ex-secretaries, and officers who, by name, shall have received the thanks of Congress, or medals by a vote of Congress, shall (each time before being admitted upon the floor) enter their names, together with the official position in right of which they claim admission, in a book to be provided and kept at the main entrance to the Senate Chamber; and no person except members of the Senate shall be allowed within the bar of the Senate, or to occupy the seat of any Senator.

Mr. CHASE. Mr. President, I would submit to the Senator from North Carolina, whether it would not be better to retain the language as he originally proposed it, so that gentlemen who have been judges in the several States may be admitted. I trust he will retain the original phraseology in that respect, as it was introduced. We know perfectly well there are gentlemen of high standing who have been judges in the several States; and I know no reason why they should not be admitted here as well as those who are now judges.

Mr. BADGER. I have personally no objection; but I did not desire to oppose the wish of the Senate, and thus raise a question on the point. A number of Senators say it would not be convenient. Some say there would be a hundred thousand of them coming here—[Laughter]—and that, therefore, we shall be unable to admit them. When we get into our new Hall, so that we can admit three or four regiments, we shall accommodate them with pleasure.

Mr. BUTLER. I ask my friend from North Carolina whether, under the terms of his resolution, the clerks of committees will be allowed to come here?

Mr. BADGER. We have agreed, commonly in the Senate, that clerks of committees shall be understood to be embraced in the term "officers of the Senate."

Mr. BUTLER. Very well, sir. It is very convenient sometimes to see them here.

Mr. CHASE. I would also inquire of the Senator from North Carolina whether it would not be well to add to the rule the clause of which so much has been said in reference to certain treaties, "and the same shall be religiously observed?" Such rules have not been, heretofore, very much observed. [Laughter.]

Mr. BADGER. I should dislike very much to have any such clause there, because we have recently had an explanation of what the religious sense of the observance of treaties means. I hope the Senate will observe the rule faithfully, and not in the way which certain treaties are religiously observed. [Laughter.]

The question was taken on the resolution, and it was unanimously agreed to.

COMPENSATION TO CLERKS.

Mr. BADGER. I wish to offer a resolution for the purpose of removing a small case of hardship, which I know the Senate will approve. It is known to you, sir, and to all the Senate, that certain committees of this body have been in the habit of having clerks allowed them, and that some of our committees had employed clerks before the resolution was passed authorizing their appointment at this session, during which time the clerks were diligently engaged in the discharge of their duties. I offer this resolution now, so that the little pay may not be lost. I hope it may be considered immediately:

Resolved, That such of the clerks to standing committees as have been on duty since the first day of this session be paid therefrom.

The resolution was considered by unanimous consent, and agreed to.

MARY C. HAMILTON.

Mr. FOOT. I move that the Senate proceed to the consideration of the bill for the relief of Mary C. Hamilton. It was reported upon favorably by the Committee on Pensions at the last session of Congress, and passed the Senate; but was not acted upon in the House. It has been again reported at this session. It is a very meritorious

case. If necessary, I will ask that the report of the committee be read, to satisfy Senators of the justice of the claim.

The motion was agreed to; and the Senate proceeded, as in Committee of the Whole, to consider the bill.

It provides that Mary C. Hamilton, widow of the late Captain P. Hamilton, of the second regiment of dragoons, be entitled to receive such pension, commencing from and after the day of the death of her husband, as she would have been entitled to had he died in consequence of wounds received in battle.

Mr. FOOT. I will state the facts in order to save time, unless some Senator desires to hear the report read. It appears from the evidence, and was so reported, that the husband of this petitioner died in consequence of a severe wound received by the kick of a horse while in the service in the Mexican war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

J. BOYD.

On motion by Mr. SLIDELL, the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of J. Boyd, of Louisiana. It proposes to direct the Secretary of the Interior to pay him \$275 for the expenses incurred by him in taking the census of the parish of Iberville, Louisiana.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

BENJAMIN S. ROBERTS.

The bill from the House of Representatives explanatory of an act entitled "An act for the relief of Benjamin S. Roberts," was read a first time, and ordered to a second reading.

Mr. FOOT. I ask that that bill may be read a second time now, for the purpose of being considered and put upon its passage. A word of explanation will satisfy every Senator that it ought to pass.

It was fully considered by the Committee on the Judiciary in the House of Representatives, recommended unanimously by the committee, and unanimously passed by the House. It is explanatory of a bill which passed at the last session for the relief of Benjamin S. Roberts, and its object is to substitute in place of the words in that bill "full amount of his pay and subsistence," which the officers of the Department construe to mean part of his pay, the words "pay for emoluments and allowances, in conformity with the recommendation of Senate Report 225, on which said act passed both Houses of Congress without amendment." It having been decided by the accounting officers of the Department that the terms "full pay and subsistence" do not mean full pay, the object of the bill is to put in other terms, which cannot be mistaken.

The bill was read a second time by unanimous consent, and considered as in Committee of the Whole.

Mr. BADGER. I desire to suggest, while the subject is before the Senate, that if the words "full pay" mean, in the Executive Departments, half pay, it might be well if the Judiciary Committee would endeavor to get a glossary of words arranged, together with the meaning which they sustain in the Executive Departments.

The bill was reported to the Senate without amendment, ordered to be read a third time, read a third time, and passed.

TROOPS ON THE SAN FRANCISCO.

The bill from the House of Representatives for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco, was read a first and second time by unanimous consent.

Mr. BADGER. I hope the bill will now be considered, and put upon its passage.

Mr. DAWSON. I think it had better be referred to the Committee on Military Affairs. It can be reported back by Monday.

It was so referred.

HOUSE BILLS REFERRED.

The bill from the House of Representatives making appropriations for the payment of invalid and other pensioners of the United States, for the year ending the 30th of June, 1855, was read twice

by its title, and referred to the Committee on Finance.

The bill from the House of Representatives making appropriations for the support of the Military Academy for the year ending the 30th of June, 1855, was read twice by its title, and referred to the Committee on Finance.

The joint resolution from the House of Representatives, authorizing the accounting officers of the Treasury to adjust the expenses of the board of commissioners, appointed by the Territorial Assembly of Oregon, to prepare a code of laws; also, to adjust the expenses of collecting and printing certain laws and archives of the Territory of Oregon, was read twice by its title, and referred to the Committee on Territories.

The bill from the House of Representatives to constitute Quincy, in the State of Illinois, a port of delivery, was read twice by its title, and referred to the Committee on Commerce.

NOTICE OF A BILL.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill to amend an act to explain an act entitled "An act to establish certain post roads, and for other purposes," approved March 3, 1853.

ADJOURNMENT TO MONDAY.

On motion by Mr. BADGER, it was *Ordered*, That when the Senate adjourns, it adjourn to meet on Monday next.

EXECUTIVE SESSION.

On motion by Mr. STUART, the Senate proceeded to the consideration of Executive business; and after some time devoted thereto, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 19, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the Clerk of the House, transmitting estimates for an appropriation to supply deficiencies in the appropriation for the fiscal year ending June 30, 1854, which are necessary to the execution of existing orders of the House of Representatives.

Mr. HOUSTON. I move that the communication be referred to the Committee on Ways and Means, and that it be printed.

The motion was agreed to.

Mr. HIBBARD. I wish to withdraw from the files of the House the petition and papers of Salisbury Wheeler, for the purpose of reference to the Commissioner of Pensions.

The SPEAKER. There being no objection, it will be so ordered.

Mr. CHANDLER. I ask leave to withdraw from the files of the House the petition and papers of Harriet Baker, with a view to having one or two of the papers translated, as they are in the Portuguese language. They will be immediately returned to the House.

The SPEAKER. There being no objection, it will be so ordered.

Mr. WASHBURN, of Illinois. I desire to call up a resolution which lies upon the Speaker's table. It is a mere matter of inquiry.

The resolution was then read, as follows:

Resolved, That the Secretary of War be directed to communicate to this House the progress that has been made in the improvement of the Rock Island and Des Moines Rapids under the appropriation of \$100,000 made by the last Congress, what plan of improvement has been adopted, how much work has been accomplished, the character of such work, and what amount of such appropriation has been expended."

The question was then taken; and the resolution was agreed to.

Mr. BERNHISEL. I ask the unanimous consent of the House, to introduce the following resolution.

The resolution was then read, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of constructing a road from Great Salt Lake City, via Provo, Fillmore City, and Parowan, to Harmony, in the Territory of Utah, and thence to the eastern boundary of California, for military and other purposes, and that said committee report by bill or otherwise.

The resolution was, by unanimous consent, considered and adopted.

Mr. HOUSTON. I wish to know if the morning hour has yet commenced?

The SPEAKER. It has not yet commenced.

Mr. HOUSTON. I insist, then, that we proceed at once to the business of the morning hour.

CLOSING DEBATE.

The SPEAKER. The first business in order is the consideration of the resolution offered yesterday by the gentleman from Tennessee, [Mr. JONES,] to close debate on the bill of the House (No. 49) to supply deficiencies in the appropriations for the fiscal year ending June 30, 1854, in one hour after the committee shall next resume its consideration.

The resolution was considered and agreed to.

Mr. JONES, of Tennessee. I move that the vote last taken, by which the resolution was adopted, be reconsidered, and that the motion to reconsider do lie upon the table.

The question was put; and the latter motion agreed to.

Mr. ETHERIDGE. Some few days ago, under the rules of the House, I filed with the Clerk a withdrawal of papers from the files of the House, with a direction for their reference to the Committee on Military Affairs. By a mistake of the Clerk, the papers were referred to the Committee on Invalid Pensions. I now ask the unanimous consent of the House that the Committee on Invalid Pensions may be discharged from the further consideration of the same, and that reference be made to the Committee on Military Affairs.

There was no objection, and the order was accordingly made.

REPORTS OF COMMITTEES.

The House then proceeded to call the committees, in their regular order, for reports, commencing with the Committee on Commerce.

Mr. CARUTHERS, from the Committee on Public Lands, reported a bill; which was read a first and second time by its title, as follows:

"A bill granting the right of way to the St. Louis and Iron Mountain Railroad through the Arsenal, Magazine, and Jefferson Barracks tracks."

The bill was read through by the Clerk.

It provides that the right of way, sixty feet in width, be granted to the St. Louis and Iron Mountain Railroad Company through the Marine Asylum and Magazine grounds and the Jefferson Barracks tracks; and for the grant of the same to said company, for the purpose of constructing a railroad from Iron Mountain, in the State of Missouri, to the city of St. Louis: *Provided*, That the railroad shall be constructed upon the line upon which it is now located: *Provided, further*, That the said company shall construct a substantial wire fence on each side of the road through the said grounds, with such gates as may be designated by the proper authorities: *Provided, further*, That the said company shall be liable for all losses sustained to the public property in consequence of said railroad.

Mr. CARUTHERS. I move that the bill be put upon its passage.

Mr. MACE. I hope that course will not be taken in reference to any bill reported by any committee of this House. Unless we go on and refer bills of this character to the appropriate committee in the order in which they are presented, we shall have the same scenes in this Congress that we had in the last. I shall, therefore, object to any bill being put upon its passage as soon as it is reported from a committee.

Mr. JONES, of Tennessee. The belief has pretty generally prevailed, not only in this House, but out of it, that it is the destruction, or loss of a bill, to refer it to the Committee of the Whole on the state of the Union. One great reason for that belief is the practice which has grown up of late of putting bills upon their passage when they are reported here from committees.

Now, sir, it is for the House to consider whether it is better that bills shall be sent to the Committee of the Whole on the state of the Union, and there discussed, matured, and disposed of, according to their merits, or whether it is best that such bills as it may be thought necessary to pass shall be put immediately on their passage when they are reported. By pursuing the latter course the entire time of the House is taken up, and other gentlemen who have bills ready to report are prevented, as was the case during the last Congress, from reporting them at all. That is the way in

which the business of the House was conducted during the last long session. Many bills were put upon their passage as soon as they were reported from committees, and thus other gentlemen who had hundreds of bills prepared and ready to report could obtain no opportunity of reporting them, and hence there was nothing upon the record to show that other committees had worked at all.

I think it is best, except in some extreme or extraordinary case of pressing and urgent necessity, where there may be unanimous consent that bills shall be put upon their passage, that they should all share the same fate, and go to the Committee of the Whole on the state of the Union. The rules provide that the Calendar in the Committee of the Whole on the state of the Union shall be taken up and called in its order, and when any bill is called, if the House desires to pass it at once, they can do it; if not, a majority can pass it by and go on to other bills. The only exception to that rule is that a motion may be made, without calling the Calendar, to take up any of the general appropriation bills, or, in time of war, any proposition relating to the raising or subsistence of troops.

It does seem to me that it would be best for the House to come at once to the conclusion that they will refer all bills to the Committee of the Whole on the state of the Union, and take their places on the Calendar, and be disposed of accordingly. I move that the bill be referred to the Committee of the Whole on the state of the Union, and printed.

[Here a message was received from the Senate of the United States, by the hands of Mr. MACHEN, its Assistant Secretary, announcing the passage by that body of sundry bills, in which he was requested to ask the concurrence of the House.]

Mr. STANTON, of Tennessee. I do not know what may be the particular character of the bill now before the House, but I cannot concur in the sentiments expressed this morning by my honorable colleague, [Mr. JONES.] I believe that the House has done more business, and has performed it better, by acting upon bills as they have been presented by committees, than in any other way; and I believe that in many cases, if bills were permitted to be put upon their passage at once, when they are not of a very highly important character, it would contribute much to the speedy transaction of the business of the House. I believe that much difficulty and embarrassment arises from the motions to refer which are frequently made; and that much time is lost and less business done on account of them. I can see no reason why bills involving no important principle should not be put directly on their passage. It is a saving of time, because much loss of time is occasioned when motions are made to refer, by calls for the yeas and nays, and the variety of motions which are resorted to under the parliamentary law to defeat propositions.

In that way I have frequently seen a whole day spent, when really there was no objection to the principle of the bill. Everybody knows that if these bills are sent to the Committee of the Whole on the state of the Union, the appropriation bills having precedence, and being always taken up and occupying a large portion of the session, the whole Calendar is crowded to the last of the session; and then in the few days when it is in order to move to suspend the rules to take up those bills, there is a rush, and one hundred men are upon the floor calling out to the Speaker to get the floor to move a suspension of the rules, in order to get up some favorite bill.

Now, if we were to spend an hour or two every day in disposing of those matters, which could be well disposed of in a few minutes, without a great deal of argument, if gentlemen would be willing to take hold of bills of that character—bills of an importance not sufficient to require their reference to the Committee of the Whole on the state of the Union—a large amount of business could be done with very little trouble. I therefore dissent entirely from the position of my colleague.

Mr. MILLSON. Mr. Speaker, I differ very widely from the gentleman who has just taken his seat. If there be anything which has caused our Congressional legislation to become a by-word and reproach among the nations, it is this practice of considering bills immediately on their report from the committee to which they were originally re-

ferred. At the very commencement of this Congress, on the third day of the session, in as strong a case as could well be conceived, the House deliberately determined to refer a bill to a Committee of the Whole, which the gentleman who reported it desired to put immediately on its passage. I say that it was as strong a case as could well be conceived of; for it was the case in which a bill had passed both Houses of Congress at the last session, and had simply, by some clerical misprision, or some other accident, failed to receive the signature of the President. Even in that case, on my motion, this House, by a very large majority, determined to refer that bill to the Committee of the Whole. And, sir, from subsequent information, I have just reason to believe that it was fortunate that it was so referred.

I agree with the gentleman from Tennessee, [Mr. JONES,] in the opinion that it is altogether an error to suppose that if bills be referred to the Committee of the Whole, they can never be reached afterwards. They are at all times within the control of a majority of the House. That majority can at all times, by postponing the consideration of the previous bills, take up any bill out of its order, if it think proper to do so.

Mr. STANTON, of Tennessee. I think that the gentleman is mistaken. I am of opinion that, by the rules, the appropriation bills have precedence, and that it is not in order to move to take up any other bills. I may be mistaken in that, but I think I am right.

Mr. MILLSON. I think that the gentleman is even mistaken in that. The committee may, by a majority, postpone the appropriation bills. It requires, however, to do so, a special vote. Even the appropriation bills may be postponed by a vote of the House, and any other bill may, by postponing those which stand higher upon the Calendar, be taken up and considered by the committee. But suppose that it were not so? What propriety is there in giving a bill which has been just reported precedence of committees earlier in the session, and, therefore, entitled to consideration by the House before those which come in at a later period?

I have scarcely ever seen an instance in which the House has refused to refer a bill and determined to pass it on the report of the committee, that it has not had just reason afterwards to repent its precipitation.

I will refer to one or two acts which occurred recently. A few days ago a bill was reported from the Committee on the Judiciary by the honorable gentleman from New York, [Mr. CERRING,] which seemed designed to correct a mischief that many of us were aware of, and all of us desired to remedy. I refer to the bill relating to the rights of citizenship of those born out of the country—children of citizens of the United States. But for the fact that I had on many occasions been—as I fear I may be considered to have been—obtrusive in insisting on the reference of all bills, I should, perhaps, out of abundant precaution, have urged the reference of that bill, also, to the Committee of the Whole on the state of the Union. But it seemed to be a just bill. It was a subject to which I had given some examination before I came to Washington this session. It seemed only to cover the particular point which was the subject of discussion; and yet the moment I saw that bill in print I thought I discovered serious objections to it.

Mr. STANTON, of Tennessee. What are those objections?

Mr. MILLSON. The gentleman from Tennessee, [Mr. STANTON,] the chairman of the Judiciary Committee, which reported that bill, asks me what those objections are. I will tell him one of the objections which I refer to, and I will briefly advert to another.

One of my objections is this: Under the operation of this bill, a subject of the British Queen, a member of the British Parliament, a minister of the Crown, an admiral of the Navy, or a lieutenant general of the Army, may be a citizen of the United States. Yes, sir, that bill, in its present form, confers citizenship on men who may be in the active service of Great Britain, owning and acknowledging allegiance to the British Crown. For it provides that the children born of those who may at the time be citizens of the United States—naturalized as well as native-born citizens—shall, though born in a foreign country, be citizens of the United States. It does not restrict

this privilege of involuntary citizenship to those who are brought within the jurisdiction of the United States, or who come to reside in any of the States before they shall attain their majority. If the fathers become naturalized here, their children, born afterwards in England, though they may choose to remain always the subjects of the British Crown, are, by this act of Congress, admitted to the rights of citizenship.

Mr. CUTTING. Will the gentleman from Virginia permit me to ask him a question?

Mr. MILLSON yielded the floor.

Mr. CUTTING. Will the gentleman from Virginia—though in this informal way this bill is now being debated—oblige me so far as to refer to that part, or to any part of the bill which authorizes the inference which he deduces?

Mr. MILLSON. If the gentleman from New York has the bill or proposition, I will read it.

Mr. CUTTING. And point out that expression, or those expressions, from which, legitimately, the inference which he alludes to can be drawn?

Mr. MILLSON. I think I can do so; and I will do so—for the requirement of the gentleman from New York is a reasonable one—if the gentleman will favor me with a copy of the bill.

Mr. CUTTING. I am sorry to say that I have not the means of accommodating the gentleman from Virginia.

Mr. MILLSON. Then I think I know the provisions of this bill sufficiently well to dispense with a copy of it. And I call the attention of the gentleman from New York [Mr. CUTTING]—for I have no idea that he designed it should bear any such construction, or that the committee were aware it would have any such operation—to the observations which I am about to make from my recollection of the provisions of that bill, and I invite him to state whether I am correct or not.

The bill provides that all persons heretofore born, or who may hereafter be born, of fathers who were, at the time of their birth, citizens of the United States, shall be themselves citizens of the United States. Am I not right? The only restriction is that no man shall claim the right of citizenship under one who was never a resident of the United States. Sir, but for that restriction it might happen that some two hundred years hence a subject of the British Crown would claim to be a citizen of the United States by reason alone of the right of citizenship of a remote ancestor two hundred years before. The restriction is well, but it did not go far enough, for it confirmed to such person so born without the United States the right of citizenship as long as he may live, and wherever he may choose to reside.

Mr. WENTWORTH, of Illinois. I rise to a question of order. I desire to know what the subject of discussion is before the House. I think the gentleman is not in order in his remarks.

Mr. MILLSON. I am illustrating the evils and mischiefs of hasty legislation by reference to instances in which bills have been hurriedly and inconsiderately passed, and which contained principles, or omissions, which those who voted for them were not themselves aware of. I am now answering the inquiry of the gentleman from New York, [Mr. CUTTING,] in order to justify my objection to putting this bill upon its passage now, and to the passage of any other bills at the time they are first reported.

The SPEAKER. The Chair decides that an elaborate discussion of the bill which was passed a few days ago is not in order, and cannot be allowed, if there is any objection.

Mr. CUTTING. Will the gentleman from Virginia answer me a question?

Mr. MILLSON. I have no objection to answer any inquiry of the gentleman, if it shall be decided by the Chair to be in order.

The SPEAKER. The question and answer must be confined to the matter under consideration.

Mr. MILLSON. The passage of that bill is a fair illustration of the evils and mischiefs of passing bills without reference; evils which we shall hardly avoid in future if we allow bills to be passed under similar circumstances.

I now leave this part of the subject, and refer to the other objection which the honorable chairman of the Judiciary Committee [Mr. STANTON] desired me to specify. It is this: that that bill, by a simple act of legislation, confers citizenship

upon those who are now aliens. That part of the bill is not the enactment of a uniform rule of naturalization, but, by a simple statute, a mere act of Congress, it confers citizenship upon those who are aliens. I refer to that clause of the bill which is designed to have a retrospective operation. Apart from the other objections, that alone, is, in my judgment, an unconstitutional feature of the bill, and one which ought to be stricken out, and one which I hope and believe will be stricken out in the Senate.

Mr. STANTON, of Tennessee. I would suggest to the gentleman from Virginia [Mr. MILLSON] that this act was designed to put a construction upon the act of 1802. It was designed to remedy a defect in the phraseology of the act of 1802, which was, undoubtedly, by its framers, designed to have the effect of that bill.

Mr. MILLSON. I will say that such was not the view taken of the matter by the honorable gentleman from New York [Mr. CUTTING] who introduced the bill. The House will recollect that he distinctly stated—and I was myself disposed to concur with him in that statement—that these men were now aliens.

Mr. STANTON. That is true, and it arises from the defects of the bill of 1802.

Mr. MILLSON. But the object of the bill was not to give such a construction to the act of 1802, and to ascertain rights already existing, but to confer upon various persons rights of citizenship, which, it was declared, they did not now possess.

Mr. PARKER. I rise to a question of order. If this is a legitimate discussion, it is legitimate to reply to it. I imagine it would not be in order to reply, and therefore the remarks of the gentleman are out of order.

The SPEAKER. The Chair thinks the point of order well taken, and that the gentleman's remarks take too wide a range.

Mr. MILLSON. I will now refer to another case illustrating the evils of this practice. It is one which, so far as I know, is without precedent, even in the proceedings of this House.

Day before yesterday, upon the introduction of a bill from the same Committee on the Judiciary, after a speech in favor of the bill, and after the reading of the report intended to recommend the passage of the bill, the House sustained the demand for the previous question, and passed, not only without reference but without discussion, a bill, which I undertake to say, unless I am grossly deceived in my estimate of the character of the bill, could have scarcely passed this House if it had been the subject even of a brief discussion. The effort now made is not so bad as that. There has been as yet no demand for the previous question. But may I not well warn the House against the evils of this hasty and mischievous legislation, when I remind them, that if they yield to such applications as this they may do a second time what I trust has been done only once before, and that is, to introduce and pass, without reference or debate, a private bill of questionable character; a bill designed, as it was said, to correct errors in a law passed at the last session of Congress, which law was itself passed without debate or reference, and against the protest of gentlemen who desired an opportunity of examining into the merits of the bill, if it had any.

A MEMBER. What bill was it?

Mr. MILLSON. A bill for the relief of Benjamin S. Roberts. We may, if we are not cautious, do the same thing again. I trust, then, that the House will retrace its steps, and go back to the precedent they themselves established at the commencement of the session. I have no object or interest in opposing any of these bills. I do not know that I have any objection to the bill now under consideration, but I think that we all have a common interest in protecting the credit of Congressional legislation, and that we should in no instance, except in a matter of extreme necessity, or a matter of humanity, such as that brought to the notice of the House yesterday by the report of the honorable chairman of the Committee on Military Affairs, ever depart from the good, wholesome, and salutary rule of taking time to deliberate upon all questions that require our attention.

Mr. STANTON, of Tennessee. If the gentleman will allow me, I desire to ask him if this bill should be referred to a committee, and should be

postponed, as in all probability it would be, until next July, August, or September, if he would ever read the bill at all?

Mr. MILLSON. The inquiry involves the necessity for an egotistical observation; but I can assure the gentleman that I am not unmindful, I trust, of the obligations devolving upon me in that respect, and I generally take such opportunities as I can to become in some degree informed of the character of the measures upon which I am required to vote.

Mr. ORR. I concur with the gentleman from Virginia, and I desire to call his attention to an act passed at the last session of Congress, granting to this same company "the right of way, and a sufficiency of lands to construct a road," provided that the location of said road through the lands should be made subject to the approval of the Secretary of War, and provided the said location could be made without injury to the public interests.

I would like to understand why there is any necessity for repealing this law. I see that the bill reported by the committee propose that the location should be left to the discretion of the commanding officer at Jefferson barracks, and not to that of the Secretary of War, as the act of the last session of Congress provides.

Mr. MILLSON. It was no part of my purpose to enter into a discussion of the merits of this bill; but being, as I was, a member of the last Congress, and knowing that nearly all the obstructions to the dispatch of business in that Congress proceeded from this very practice of forcing the consideration of bills upon the mere presentation of reports of committees, without further examination and deliberation, I am the more opposed to it now, and more desirous now to place an adequate check upon it. Why, the gentleman from Tennessee recollects that during the last Congress the Committee on Public Lands were before the House making reports for some three or four months.

A MEMBER. Six months.

Mr. MILLSON. A gentleman says six months. Now, why did that committee occupy the attention of the House for six months?

Mr. STANTON. I will tell the gentleman, if he will allow me to answer the question.

Not now. I will first answer it myself. Why was it, I say, that no other committee of this House was called for reports during a period of four, five, or six months—three or four months according to my recollection—but, as other gentlemen tell me, six months? Why was it that it was not in order even to call the Committee on Ways and Means during that whole period to report important bills necessary to carry on the Government?

The reason was, that there had been a large number of bills and petitions referred to that committee; and whenever a report was made by them, anxious as they were to secure an early consideration for the business under their charge, the motion was invariably made to put the bill upon its passage.

Mr. HENN, (interrupting.) If the gentleman will look at the Calendar of the last Congress, he will find that the first ten or twelve bills reported by the Committee on Public Lands were referred to the Committee of the Whole without any attempt upon the part of that committee to put them upon their passage. I make this statement for the purpose of setting the gentleman right.

Mr. MILLSON. The gentleman surely did not understand me as saying that every individual bill reported by the Committee on Public Lands was put upon its passage as soon as reported.

Mr. HENN. The gentleman said they invariably made that motion.

Mr. MILLSON. My object was to show that the reason why the Committee on Public Lands kept the attention of the House for some six months was, that the general course, perhaps not the invariable one, taken by them when they reported bills to the House, was to put them on their passage at once, instead of having them referred to the Committee of the Whole to take their regular places upon the Calendar.

A MEMBER. Several of them were referred to the Committee of the Whole.

Mr. MILLSON. That is true; but many of them were referred against the remonstrances of the committee. In some instances, four, five, or

six days were spent in discussing the question of reference. If the reference was made, then the discussion would have all to be gone over again when the bill came up in its order; and thus the time of the House was wasted.

Mr. STANTON, of Tennessee. If the gentleman will allow me to interrupt him for a single moment, I will call the attention of the House to a cause for the delay in the transaction of its business, behind the one to which he has made reference.

Nobody regretted more than I did the obstructions in the transaction of the business of the House during the last Congress. Nobody regretted more than I did the inability of other committees to report to the House; but I would suggest that the original cause which led to the practice of putting bills upon their passage as soon as reported was, that if bills were referred to the Committee of the Whole to take their regular place upon the Calendar, it was well known that they would slumber there forever. Whatever may be the rules of the House upon the subject, every one knows that in practice it has been found utterly impossible to get up bills upon the Calendar there, unless it be those of overshadowing importance—something like the homestead bill.

In my opinion, in reference to bills involving no great important principle, that when they have been referred to standing committees of the House, fairly examined and considered by them, and reported to the House, it is, perhaps, the best way to put them upon their passage without referring them to the Committee of the Whole. If the committee reporting them have fairly examined them, and are able fully to explain them, the House may very safely trust itself to pass bills thus reported.

Mr. MILLSON. I understand the gentleman to ask why it was that bills upon the Calendar in Committee of the Whole were not taken up? It was because the time of the House was wasted in the discussion of bills which the Committee on Public Lands were endeavoring to put upon their passage. The time of the House was occupied in this manner, and there was no opportunity to consider bills which had already been referred to the Committee of the Whole. An interest had grown up in the House in the consideration of bills subsequently reported; and those desiring the passage of such bills were themselves unwilling to go into the Committee of the Whole for the purpose of taking up bills sent there at an early period of the session.

Let us see what is the operation of this thing. A meritorious bill, one that requires but slight discussion before the committee, the friends of which invite investigation, is committed to the Committee of the Whole on the state of the Union, for those interested in the passage of the bill court inquiry; they do not wish to stifle discussion; they know the bill has merits, and they themselves ask that it shall be referred to the Committee of the Whole on the state of the Union. Some six, eight, ten, or twelve months afterward, other bills are presented to Congress, later in time and less in merit. It is felt that they will not so well stand the test of investigation. Efforts are made to put them on their passage before there can have been opportunity afforded for discussing their merits; and the result is, that these bills are either passed or rejected; and those meritorious bills, the friends of which have referred them to the Committee of the Whole on the state of the Union at the commencement of the session, because they challenged investigation, are not reached at all.

Let all bills, without distinction, be referred to the Committee of the Whole on the state of the Union, or to a Committee of the Whole House, as was suggested by the gentleman from Indiana [Mr. Mace] at the commencement of the session. I trust that provision will be embodied in the rules of the House, and it certainly will be in the report of the Select Committee on Rules, if a sufficient number of the other members of that committee will sustain me in doing so. If that were done, then it would be the interest of every member to go into the Committee of the Whole on the state of the Union to take up the bills in their order, and consider them freely and fully as they may be considered in that committee.

Mr. HENN, (interrupting.) The gentleman from Virginia has made a charge against the Committee on Public Lands of the last Congress.

Mr. MILLSON. I have made no charge against that committee.

Mr. HENN. The charge has been made here several times, and I desire now to correct it by historical facts. I will, therefore, ask the gentleman, in order to correct him, whether a majority of the bills reported during the last Congress by the Committee on Public Lands were not put upon their passage by members not on the Committee on Public Lands, but by the friends or introducers of the bills? I wish, also, to ask the gentleman if a majority of the time consumed by that committee in reporting bills was not occupied by a factious minority in calling the yeas and nays upon those bills?

Mr. MILLSON. The gentleman has mistaken me in one or two respects.

Mr. HENN. I wish it to be understood that I am not against the proposition which the gentleman lays down. I am myself in favor of bills taking their regular course.

Mr. MILLSON. I wish the gentleman from Iowa, who was, perhaps, a member of the Committee on Public Lands of the last Congress, to understand that I am not making charges, but pointing out evils and their remedies, and referring to this subject historically.

Mr. HENN. I wished merely to correct the gentleman about the course of that committee.

Mr. MILLSON. I never meant to impute blame to the Committee on Public Lands, who were naturally anxious that their bills should be considered. I did not impute blame to anybody. I was tracing results from their legitimate causes, and stating that by whomsoever the motions were submitted, by whomsoever the attempts were made, certain it is that the effect was not less injurious; and that was, that the Committee on Public Lands held possession of this House for some six months, to the obstruction of all other business, and that other committees who had reports to make, could at no time, without a violation of the rules of order, make their reports.

I, myself, was prevented from making a great many reports from the committee of which I was a member, and which I had in my desk ready to report.

In concluding these desultory remarks, allow me to say, that when I rose I had no intention to consume the time of the House for more than a very few minutes; and if I have displayed any earnestness on this subject at this time, it has been because I felt, as every member should feel, concern for the honor of the House, for the credit of our legislation, and because I desire that the House shall now return to a practice which all admit to be a wholesome one; even those who depart from it feel a sort of necessity to excuse themselves, by alleging that while the general principle is undoubtedly correct, the immediate circumstances of their own particular case should make it an exception from it.

Mr. CARUTHERS. I do not design, Mr. Speaker, to go into any argument in regard to the general propriety of referring bills in their regular order. I do desire, however, the consent of the House to state the reasons that, while recognizing this general principle of propriety in acting upon business in regular order, the bill now under consideration ought to be immediately put on its passage. It proposes nothing new. An act, passed at the last session of Congress, granted to this railroad company the right of way as proposed in the bill which I have this morning reported. It is in the exact language of that act. We can, therefore, be in no danger of hasty legislation on the subject. The attention of the House has been called to it heretofore. There was in the bill which was passed at the last session the following proviso:

"The said location shall be made without injury to the public interest, in the opinion of the said Secretary of War."

The Secretary of War construed that proviso that he could not look to any interest of the community; that he could not look to the public benefit which might accrue from the construction of the road; that he was bound strictly by the terms of the act, and to consider merely what injury was to be done to the public property through which the road was to pass. The following is the Secretary's construction in his own words, in a letter to T. S. O'Sullivan, at New York:

"As you have called my attention to the benefits to be

derived by the community from the construction of the road, and the necessity to its success, of securing the route proposed, it seems proper to remind you that such circumstances cannot affect the question referred by the act for the decision of this Department; and that with the most favorable disposition to the success of this, and every other enterprise calculated to advance the commercial prosperity of the country, I am precluded from taking into view the advantage to individuals or companies by the terms of the simple and narrow question propounded by the act, whether any injury will result to the public interests."

Acting, Mr. Speaker, under this construction, which was, at all events, a strict one, but with which construction I have now no desire of quarrelling, he imposed upon this Iron Mountain Company such restrictions as made this grant of right of way of no possible use to them. The Iron Mountain Company, when this act was passed by Congress, supposing a liberal construction would be given to it, placed the Iron Mountain road under contract through the public grounds. And, after so placing it under contract through that region, the Secretary of War imposed conditions on it which rendered the grant nugatory, and which absolutely prohibited them—or, in effect, at least, prohibited them—from going through these public lands.

The company then come and ask from Congress the meaning of these provisions, and the attention of the House being directed to the provisions of this bill, I think they will find that in these provisions the rights and interests of the Government have been most studiously guarded and protected.

We ask for no appropriations. We only ask for the right of way—sixty feet through these grounds. On examining this subject, you will find that the road, according to its present line, runs almost immediately on the banks of the Mississippi river; that all the public buildings are situated so far back from the river that no possible injury can be done, either to the arsenal, the magazine, or the Jefferson barracks. For, to provide still further against any possible injury, one of the provisions of this bill is, that this company shall erect, at its own expense, a strong wire, or other substantial fence, between the line of road and the public grounds.

The bill provides, further, that the company shall open and construct large iron gates to give as many passages to the river as the commanding officer at Jefferson barracks shall think proper. It provides still further, that this company is to be responsible for all public losses by collision, or other injuries, done by the passage of the road through these public grounds.

Now, I desire to state, that when these conditions were imposed by the Secretary of War, they were so onerous and oppressive on the company that the company went to work, through its engineer, and endeavored to find some other outlet for the St. Louis road to the Iron Mountain road. That engineer examined most carefully all the ground through which the road could possibly go, in order to avoid running through these public grounds. The result of this examination was, that the company found they could get no outlet for the road from the city of St. Louis to the Iron Mountain without the increase of twenty-one miles in distance, and without a much more burdensome and heavier grade. Mark me: the distance from St. Louis city to the Iron Mountain is only about eighty miles. Here, in giving the distance as eighty miles, you have increased the distance of the road, if not allowed to go through the public grounds, twenty-one miles.

Still more: the grade which would have to be adopted, if the line ran this twenty-one miles further, is still heavier, according to the report of the engineer. I shall read, for the satisfaction of the House, that portion of his report which applies to this point:

"After full surveys of every possible route, (says Mr. O'Sullivan, the engineer,) it is conclusively shown that the St. Louis and Iron Mountain Railroad, if built at all, the St. Louis and Iron Mountain Railroad, if built at all, must follow the west bank of the river for about twenty miles south of that city; and, therefore, that it must pass through the lands fronting on the river occupied by the establishments referred to in law. Immediately westward from the city bank the country rises so much as to be impracticable for the work along any route that should clear those lands in their rear. If the right of way is not conceded, the Iron Mountain is inaccessible from St. Louis, except at the cost of about twenty-one miles increase in distance, and a material increase in grades."

This right of way being so obstructed by the construction put upon the bill by the Secretary of War, the road was, as I remarked, put under contract at the time this construction was made.

It was desirous, of course, to commence the building of this road to the city of St. Louis. The first section of the road through these public grounds was placed under contract.

When this construction of the proviso, which I now ask the House to repeal, was made by the Secretary, the company abandoned the contracts which they had before made. They disbanded the forces which they had at that point, and reorganized them, and placed them upon other sections of the road, twenty or thirty miles distant from St. Louis.

The necessity for the immediate passage of this act, and the reason why I object to its going upon the Calendar, and taking its regular course with other bills, is the all-importance, to this enterprise, that they should commence at the city of St. Louis. They are desirous of commencing now, and are waiting at this moment for the favorable and kind action of Congress upon this proposition. They desire, I say, to commence the work now. If you compel them to build twenty-one miles more of road, they may be compelled to abandon the whole enterprise. I shall not detain the House with a recital of the general benefits of that enterprise to the whole community; of its being the connecting link between St. Louis and New Orleans, and a connecting link in the great chain of roads uniting the North with the Gulf. I shall detain the House with this matter only so far as to state that it is all-important that this road shall be built as a connecting link, and to state that this connecting link is jeopardized by the imposition of this burden of building twenty-one miles more of road, and that of a much heavier grade.

When, therefore, gentlemen come to see how sedulously the committee have guarded the interests of the public grounds at St. Louis, and know that the committee unanimously recommended the bill to the House, and see the absolute necessity of the construction of the road through the public grounds at St. Louis, they will admit that this is a case, not involving any new principles of legislation, not asking an appropriation upon the part of the Government, but that it simply asks the Government to give to a part of its citizens a right of way, of sixty feet, through these Government lands.

Mr. ORR, (interrupting.) Mr. Speaker, I should be glad if the gentleman from Missouri would state what are the restrictions which the Secretary of War imposed upon the company. If the public grounds and property were likely to be injured, he should state what that injury is, and what restrictions the Secretary thought necessary, in his estimation, to impose, in order to counteract that injury.

Mr. CARUTHERS. I will say, in reply to the inquiry of the gentleman from South Carolina, that there were six restrictions imposed. The first of which—already complied with in making the final location—was this: That the road through the arsenal grounds should be located one hundred feet further east than the line on the map submitted. I say, with that the company has complied, and with that the bill which I reported this morning complies. The bill is drawn in obedience with the requirements of the Secretary of War, and the road is located one hundred feet further east.

The second restriction was, that the company was required to place a stone wall, of such height as the commanding officer shall designate, between the road and the grounds occupied for military purposes, with suitable iron gates and ways, and a strong wire fence between the road and the water, with suitable iron gates and crossing places—the number of gates not to exceed four at Jefferson barracks, one at the magazine, and one at the arsenal. The points to be selected by the commanding officers thereof, but the Government to have the right to open as many ways across the railroad to the routes as the circumstances of the service may require, but without expense to the company. The road from the arsenal to the water to be passed over by a bridge in such manner as to cause no obstructions.

3d. The commanding officer's house, and any other houses it may be necessary to remove in consequence of the road passing through the public grounds, to be taken down and removed to sites designated by the commanding officer, and put up at the expense of the company.

4th. The company to keep the gates, fences, and crossing-places in repair as long as they retain the right of way for the road; and to keep, at all times, watchmen, or other suitable persons, to give timely notice of the approach of trains.

5th. That the company shall be responsible for all losses which may be sustained by the public, either by the destruction of public property, or by collision with the trains in passing over the several crossing-places.

6th. Horse-power only to be used in passing through the public grounds.

It is this sixth condition which falls with such crushing weight upon the company, and to be relieved from, mainly, that this bill is reported. The Secretary requires, under his strict construction of the act to which I have called the attention of the House, that horse-power only shall be used; and in the bill I have reported, I provide that in all cases where powder is to be received or shipped at the magazine such power only should be used. I will state that the magazine building is seven hundred feet from this line of road, and, consequently, that it would be in no danger from the sparks of the cars. The only possible danger would be in receiving and shipping powder from the magazine; but this, I think, is amply provided for in the bill, by requiring that horse-power only should be then used.

Mr. BISSELL. I desire to say a single word upon this subject. It is pretty well known, by those who care anything about it, that I am disposed to be liberal upon this occasion, and upon all similar occasions, where companies are engaged in making important public improvements. I was not in the Hall when this bill was presented, but I understand that it came from the Committee on Public Lands. This proposition does not at all relate to public lands, or anything connected with public lands. It is an application to run a railroad through lands which have been appropriated long ago for similar purposes, in or near the city of St. Louis. It seems to me that this subject is a proper one for the Military Committee, and I rise merely for the purpose of suggesting to the gentleman from St. Louis, [Mr. CARUTHERS,] without the slightest disposition to be unfair, unreasonable, or illiberal to the railroad company in this case, whether we had not better refer it to the Committee on Military Affairs?

I think there are many difficulties involved in this matter which perhaps might be obviated by the Military Committee in the course of a single session. And I must confess that the fact of this bill coming here from the Committee on Public Lands, with a favorable recommendation, weighs not a straw with me in its favor. I am at a loss to know how the matter ever went before that committee. It relates to public grounds which long ago were appropriated to military purposes, and they have nothing at all to do with the legitimate business of the Committee on Public Lands. I merely desire, however, to suggest to the gentleman from Missouri [Mr. CARUTHERS] that he should move to refer the bill to the Committee on Military Affairs.

Mr. COBB, (interrupting.) I would suggest to the gentleman from Missouri that it would be better for him to make the motion to recommit the bill to the Committee on Public Lands. If he does not, some gentleman will get the floor directly, upon the expiration of the morning hour, and move to go to the business upon the Speaker's table; which will perhaps throw his business where he will not find it again.

Mr. BISSELL. I wish to remark again for the purpose of removing any impression to the contrary that may have arisen, that I am favorably disposed towards accomplishing the object desired by this railroad company; but I want the bill to come from the committee to which it should properly have been referred. With the consent of the gentleman, I will move to commit the bill to the Committee on Military Affairs.

The SPEAKER. A motion is already pending to refer the bill to the Committee of the Whole on the state of the Union.

Mr. BISSELL. I am aware of that. I proposed to make the motion as an amendment, to refer it to the Committee on Military Affairs; but I will allow the gentleman from Missouri to make any motion of reference he pleases.

Mr. HOUSTON. Has not the morning hour expired?

The SPEAKER. It has expired.

Mr. HOUSTON. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Alabama cannot take the floor from the gentleman from Missouri [Mr. CARUTHERS] for that purpose.

Mr. HOUSTON. Then I move to go to the business upon the Speaker's table.

Mr. CARUTHERS. I ask the gentleman from Alabama to allow me for a single moment. I have received the suggestion of the gentleman from Illinois [Mr. BISSELL] kindly, and have no objection to adopt it. I will therefore withdraw the motion to put the bill upon its passage, and move that the Committee on Public Lands may be discharged from its further consideration, and that it be committed to the Committee on Military Affairs.

Mr. HOUSTON. I have no objection to that disposition of the bill; and if it can be disposed of at once, I will withdraw the motion to go to the business upon the Speaker's table for that purpose.

The SPEAKER. There is also a motion pending to refer the bill to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I think, then, I had better insist upon my motion to go to the business on the Speaker's table.

The question was put, and the motion was agreed to.

The SPEAKER accordingly laid before the House a communication from the Treasury Department, transmitting a statement in reference to the marine hospital fund for the relief of sick and disabled seamen in the ports of the United States; which was laid upon the table, and ordered to be printed.

SUPERINTENDENT OF PUBLIC PRINTING.

The next business in order was the consideration of the joint resolution authorizing an increase of the force in the office of the Superintendent of the Public Printing; which was taken from the Speaker's table, and read a first and second time by its title.

Mr. CHURCHWELL. Is it in order to make a motion to lay that bill upon the table?

The SPEAKER. It is in order.

Mr. CHURCHWELL. Then I make that motion.

[Cries of "No!" "No!" and "Read the bill first!"]

Mr. CHURCHWELL. Well, I have no objection that the bill shall be referred to a committee. I withdraw my motion.

Mr. HIBBARD. I move that the bill be referred to the House Committee on Printing.

THE DEFICIENCY BILL.

Mr. EWING. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN stated that when the committee last rose, it had under consideration House bill (No. 49) "to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1854," and that the gentleman from Louisiana [Mr. PERKINS] was entitled to the floor.

Mr. HOUSTON. I ask the gentleman from Louisiana to let me say one word.

Mr. PERKINS. I yield the floor to the gentleman with pleasure.

Mr. HOUSTON. The House the other day adopted a resolution closing debate on the President's message; the time for that debate is now running, and the debate must close on Thursday next. I therefore desire to make a motion, which I wanted my colleague [Mr. SMITH] to allow me or make yesterday, and which I think it fair and just to the House to make; and that is, to lay aside this bill, and take up the President's message, and let the debate go on upon that. I therefore hope the gentleman who is entitled to the floor will allow me to submit that motion.

Mr. PERKINS. I acquiesce in that motion.

The motion was agreed to; and the deficiency bill was thereupon laid aside.

THE PRESIDENT'S MESSAGE.

The committee then took up for consideration the President's annual message, and the resolutions of the gentleman from Alabama [Mr. Hous-ton] to refer the same.

The CHAIRMAN stated that upon that question the gentleman from South Carolina [Mr. Keitt] was entitled to the floor.

TONNAGE DUTIES.

Mr. KEITT, having the floor, addressed the committee. He denied that his friend [Mr. Smith] from Alabama had yesterday represented the political feeling of his State. After a lengthy exordium, Mr. K. said that he proposed to ask the attention of the committee while he referred to that part of the President's message which relates to tonnage duties. He proposed to divide the subject into two parts—first, its constitutionality; secondly, its expediency.

After discussing the question of the constitutionality of tonnage duties, he proposed, under the head of "expediency," to consider the four following propositions:

First, that tonnage duties in this connection will secure economy in levying taxes;

Secondly, that they will secure economy in collecting taxes;

Thirdly, the successful application of the fund; and

Fourthly, that it would restore the Government to its original republican simplicity.

On this last head he said that money, in a Republic, was the foundation of despotism; and that the more the monetary resources of a Republic were reduced the nearer would it be restored to its original design and simplicity.

Up to the present time the idea had been, that Government was the means, and men the end. But we had incorporated into our Government the idea that men were the end, and Government the means. Yet by the course we were now pursuing, we were reversing this idea. He called upon the West, now treading, with giant steps, the paths of greatness, to follow the lead of her distinguished Senator, to offer up her jealousies upon the altar of constitutional liberty. He called on the North, wallowing in wealth, to turn from the flesh-pots of Egypt, and defend constitutional liberty. He called upon the South to rally again under the old Republican flag, and fight for its few remaining shreds.

[His speech, withheld for revision, will be published in the Appendix.]

Mr. HUGHES, of New York, next addressed the committee on the difficulties existing in the Democratic party in the State of New York. It would be idle for him to deny that in 1848, in the State of New York, the Democratic party was split in twain. There being two parties, two conventions were called, at Rome; one assembled in the Presbyterian and the other in the Baptist church.

He related the action of these conventions, and charged the "Hards" with seeking to institute a coalition with the Free Soilers. He also detailed the action of the two parties in the subsequent election, and charged that in consequence of the coalition proposed by the "Hards" the Soft party had lost the election of all their candidates save one.

The split in New York was a mere split for spoils, and he was surprised that his friends—the Hards—should lend themselves to such "base uses." Thus he had shown, not only the action, but, as he thought, the motive of the party. He was for a union of the whole party, without which, their enemies would prevail against them.

He had endeavored to give the history of the Hards and Softs; he had endeavored also to show that the Hards sought a coalition; and if there was one doctrine of law more than another which the gentleman from New York, [Mr. Cutting,] should adhere to, it was the doctrine of estoppel.

He thought that the gentleman was estopped from saying a single word on this subject of coalitions. He hoped that this subject might now be dropped—that New York might be allowed to settle her own difficulties in her own way. He stood upon the Baltimore platform, and on that platform he meant to stand, come what might.

[Mr. HUGHES's speech will be found in the Appendix.]

Mr. GROW. Mr. Chairman, I do not pro-

pose to discuss the question before the committee, nor am I disposed to detain it with any lengthy remarks.

Mr. CUTTING. May I be permitted to ask the gentleman whether he will yield me a few minutes of his time for personal explanation?

Mr. SEWARD. I call the gentleman to order. He has been heard once, and I object to his taking the floor when other gentlemen desire to get possession of it.

The CHAIRMAN. The gentleman from New York was heard on the deficiency bill, but not on the President's message; and if he obtains the floor he will be entitled to speak on the latter subject. The floor, however, has been assigned to the gentleman from Pennsylvania. The Chair understands that the gentleman has yielded it temporarily to the gentleman from New York.

Mr. JONES, of Tennessee. He cannot do it. If the gentleman from Pennsylvania yields the floor at all he must do it unconditionally.

Mr. HUGHES. I desire, Mr. Chairman, to say a word by way of explanation. I understand that a friend of mine from New York [Mr. Wheeler] takes to heart what I said in regard to his taking the floor so frequently. I meant no disparagement to him. My remarks have been intended in kindness throughout. I trust that no gentleman will consider them to be otherwise.

Mr. GROW. I simply wish to state that I do not yield to the gentleman from New York [Mr. Cutting] to make a lengthy speech. I cannot afford to give him more than ten minutes of my time.

Mr. JONES. I submit to the Chair whether a gentleman can obtain the floor and then transfer it to another to make a speech?

The CHAIRMAN. The Chair thinks not.

Mr. JONES. Then I insist on the enforcement of the rules.

Mr. CUTTING. One word. There is no member of this committee who is less anxious than I am to obtrude myself upon the time or the attention of its members; but it cannot, I think, have failed to strike gentlemen that there has been this morning a prepared and designed personal attack upon myself, with a view to affecting and impairing the influence of my accidentally becoming the champion of the Democratic party of the State of New York, by imputing to me the same errors and the same political offenses that I had been inveighing against the day before.

Sir, I desire, inasmuch as these words fell warmly on the ears—at once—in the moment—on the spot—at the time—to give those explanations, which are personal to myself, with a view to see whether the charges which have been made were candid—were frank; and whether, when they charge me, as a member of two conventions, with any sins—if sins were committed by either of these bodies—it would not have been more frank to have stated what were the courses which I personally adopted in relation to each and every of these measures, instead of charging upon me that which was done by the body.

Is the Speaker of this House, is the chairman of this committee, is every member of this body to be made responsible for every act of the body, even though he votes for or against the particular measure? And what do you think of the sincerity of him who, in a political controversy, or contest, wishes to charge on the Presiding Officer of this House or of this committee, or on any member of this committee, the sins of legislation which had been committed—if you please—by the majority against his wishes.

Now, if the gentleman from Pennsylvania [Mr. Grow] chooses to yield me the floor, I will proceed first with an explanation personal to myself; and when I have got through with that which is personal to me, if the gentleman then desires to resume his place on the floor, I shall cheerfully yield to him with much pleasure, and with much obligation for the favor conferred. But I will not promise to do it in any time less than is necessary for the purpose of putting myself right. I mean either to do that, or else leave the committee to judge between the gentleman and myself. When I have done that, and resumed the floor, I shall ask the favor of this committee to address it again; because the observations which came from me a day or two since were made in answer to a question put to me by the gentleman from Alabama, [Mr. Smith,] who had

the floor. I came before the committee then as merely responding to that inquiry, and not to make a set speech for the purpose of reviewing this quarrel.

Now, understanding that the gentleman from Pennsylvania [Mr. Grow] is indulgent enough to say that I may—as respects, at all events, that which is personal—explain, I will proceed.

The CHAIRMAN. The Chair desires to understand if the gentleman from Pennsylvania yields the floor to the gentleman from New York?

Mr. GROW. I have no objection to yield the floor to the gentleman from New York for the purpose he has specified.

The CHAIRMAN. Do I understand this, that the gentleman from Pennsylvania actually yields the floor? The Chair was subject to embarrassment yesterday and the day before in consequence of members yielding in this way, as I understood the facts in a different sense to those members. I understood, when the gentleman from New York [Mr. Cutting] made his speech yesterday, that he was occupying the time on his own account. And now, I understand the gentleman from Pennsylvania to have resigned the floor without condition to the gentleman from New York.

Mr. GROW. I do not propose to yield the floor absolutely. What I have to say I wish to say to-day. But if the gentleman [Mr. Cutting] will allow me to say what I wish, he can then make his remarks. It will not take me more than ten or fifteen minutes.

Mr. CUTTING. I should be very sorry to press the matter further. A favor extended gracefully is one which I always respond to willingly; but if it is to be thus extended with restrictions, I prefer to remain for the present under the embarrassments which, perhaps, until I have an opportunity to reply, may and ought to rest on me. I accept nothing which comes reluctantly.

Mr. GROW. It does not come reluctantly. I propose to the gentleman from New York to give him a certain length of time to make any personal explanations he may think proper. But he has given notice to this committee that he shall seek the floor on some other occasion; and why should he intrude on every man's time? I made what I considered to be a liberal offer. I was willing to allow the gentleman to make any personal explanation. I had no objection to his doing so. But I cannot permit him to go on making a speech on this controversy in the mean time, which would throw me over till to-morrow, when I have no desire to speak. If I speak at all, I desire to speak to-day.

The CHAIRMAN. The gentleman from Pennsylvania declines to yield the floor to the gentleman from New York.

Mr. GROW. I would be very happy, Mr. Chairman, to accommodate the gentleman; but as my attempt to be accommodating was not appreciated and accepted, I must therefore take my time.

I do not propose to discuss the subject before this committee, nor to make a political speech; nor would I make any remarks now, but for a reflection which was cast upon the Commonwealth of Pennsylvania, and upon her officers, in the Senate of the United States yesterday.

The CHAIRMAN, (interrupting.) The Chair would inform the gentleman that it is not in order to refer, in his remarks, to any matter pending before the Senate.

Mr. GROW. Then I do not propose to refer to a matter pending before the Senate, but will confine myself to a statement of facts, and to vindicate history. It has not been thought proper by the delegation from Pennsylvania here to notice the newspaper remarks and charges which have been made against the Executive and the Commonwealth of Pennsylvania on this subject, because it is one with which the General Government has nothing to do, and over which she has no control. I read these remarks—

Mr. TAYLOR, of Ohio. I rise to a question of order.

The CHAIRMAN. The gentleman from Pennsylvania will suspend until the question of order is decided.

Mr. TAYLOR. I ask the Chair if it is proper in debate in the House of Representatives in Committee of the Whole, to refer to a debate which has been had in the Senate, and to read a part of that debate in a gentleman's speech?

The CHAIRMAN. The Chair decides that it is not; but the Chair would say, that he does not know what the gentleman from Pennsylvania proposes to read.

Mr. GROW. I propose to read a statement from a paper.

The CHAIRMAN. The Chair would state to the gentleman from Pennsylvania that it is not in order to refer to matters which have transpired in the other wing of the Capitol, and he hopes, therefore, if the gentleman proceeds with his remarks, that he will confine himself to those which are strictly in order.

Mr. GROW. It comes with bad grace—

Mr. BAYLY, of Virginia, (interrupting.) I call the gentleman from Pennsylvania to order.

Mr. GROW. I will obviate all questions of order by making statements on my own authority, and referring to the action of this House.

The CHAIRMAN. The Chair thinks that is in order.

Mr. GROW. It is not long since that a memorial was presented here, by the citizens of Ohio, or Indiana, complaining of the State of Pennsylvania for want of fidelity to the laws and Constitution of the Union, and of comity to her sister States. And since then her citizens have been represented in hostility to the General Government, disobeying the decrees of the Federal courts, imprisoning the marshals sent to execute the process of the courts, burning the bridges of the railroad company, tearing up their railroads for some three or four weeks in succession, showing a disposition to interrupt all communication between the East and West across that great thoroughfare; and, finally, that her Executive is aiding and abetting mobs and rioters. That passengers have been subjected to great inconvenience, and business men to unnecessary delay and expense; by reason of the difficulties at Erie, is not the question in controversy, but who is in fault for it, and where ought the blame to rest?

Sir, some years since the State of Pennsylvania constructed a canal from Franklin, along French creek, a distance of eighteen and a half miles, to French Creek aqueduct, which was subsequently, by act of the Legislature, transferred to a company, with authority to build a railroad between Pittsburg and the harbor of Erie; but that road was never built, nor any part of it; but the company built a road from the Ohio State line to the city of Erie, two points separate and distinct from those fixed in their charter, and over an entirely different route. And this is the road that makes the connection between Erie and Ohio, and is of the same gauge as the Ohio roads. The construction of this road the supreme court of Pennsylvania decided, more than a year ago, was without legal authority, and its use since that time could, therefore, have been entirely restrained by the Commonwealth; and it is now subject to such conditions and restrictions as the Legislature think proper to impose.

The connection between Erie and the State of New York, is made by what is called the Erie and Northeast Railroad, the termini of which was fixed by its charter at the State line and the borough of Erie, and one of the conditions of its incorporation was, that "the said railroad shall be so constructed as not to impede or obstruct the free use of any public road, street, lane, or bridge." And at the time of building said road, the company applied to the city authorities for permission to lay their track within the limits of the city, so as to connect with the Franklin Canal Company's roads. That permission, as I understand, was granted with the express condition that it might be revoked at any time by the city authorities. At the time of putting down the track of this road it was laid at Harbor Creek, some eighty or ninety rods along a public highway, including the bridge over said creek, and that, too, under a protest of the supervisors of the township. But the track, as originally laid, remained unmolested till the company commenced taking it up to change the gauge, and then they were notified by the township authorities, that if they took it up they would not be permitted to lay it again on the public highway.

And here is one point of conflict between the citizens of Harbor creek township and the Northeast Railroad Company; and the other is within the corporate limits of the city of Erie, where the railroad company never had any authority from

the Commonwealth of Pennsylvania to lay down a track. But whatever differences of opinion there may be as to the right of the railroad company, under their charter, to cross the township bridge at Harbor Creek, and run along the public highway, that doubt, it seems to me, must end at the eastern line of the original limits of the borough of Erie. From that point to the State line of Ohio the Commonwealth of Pennsylvania has never granted any franchise for the construction of a railroad. Between these points, then, the citizens of Erie are but resisting encroachments attempted upon their rights as citizens, and as members of a municipal government, by an associated company acting without any legal franchise. And though they may be guilty of some excesses in vindicating their rights, are they, or the party that attempts the encroachments, most to blame? Had these companies been content to remain quiet till the meeting of the Legislature, and then sought there for legal authority before acting, there would have been no disturbance at Erie, and travel and trade would have proceeded as heretofore, unmolested. But why should the public complain that there should be a break of gauge at Erie instead of Buffalo; for it must, of necessity, be at one place or the other. The railroad gauge of Ohio is four feet ten inches; of New York, six feet and four feet eight and a half inches; and the Pennsylvania gauge is four feet eight and a half inches. It is, therefore, impossible to pass from the northwest, through either New York or Pennsylvania, to the Atlantic seaboard, without a change of gauge.

And is there any reason why the citizens of Erie or the Commonwealth of Pennsylvania should not avail themselves of the commercial advantages of their local and geographical position, especially when they can do it without any obstruction of commerce or trade, and without injury to any other section of the Union? How is trade and travel obstructed any more by a change of gauge at Erie than at Buffalo, or any other point between the inland States and the sea-board? The gauges which the different States have selected for themselves, without any action on the part of Pennsylvania, has made such change necessary. And all that Pennsylvania or any of her citizens desire, is the simple enjoyment of the advantages of her position. She has no disposition to tax trade and commerce passing through her limits, nor to obstruct its cheap and speedy transit.

All companies now acting under her franchises can lay such tracks as they think proper, and of any gauge. She simply says to Ohio and New York, you have each free permission to bring your own gauges within our limits, and join them either at Erie or at any point west of that. This is the declaration of her Executive—this is the law of her statute-book. By this arrangement, all her rights and interests in her improvements already constructed, and those in course of construction, are secured, and that, too, without any injury to the trade of her sister States, or any obstruction to their intercourse. And because she is disposed to avail herself of the commercial advantages of her position when she can do it without injury to any other section, a prejudice is attempted to be created against her citizens, and even the law-makers of the country talk of withholding the rights due her as a member of this Confederacy. While Pennsylvania is loyal to the Constitution and laws of the Union, and faithful to her sister States, she is equally loyal and faithful to herself. And because her Executive, who is charged with the maintenance of her rights and her interests, is disposed to protect both, as well as the rights of the citizen, against unjust encroachments by companies acting without legal franchise, he is made the subject of misrepresentation and reproach.

Mr. WASHBURN, of Illinois. I reside in the West, and I would like to ask the gentleman a few questions.

Mr. GROW. It would give me pleasure to oblige the gentleman from Illinois, but after the experience I have just had in attempting to oblige a friend I cannot yield. Sir, what difference can it make to the West, and how is her interests affected, whether the change of railroad gauge be at Erie or Buffalo? So far as any local interests are concerned this is simply a controversy between Erie and Buffalo, in which the trade of the great West in its transit to the sea-board has no

interest, save as it is at present obstructed by these difficulties.

But is the Executive of Pennsylvania, and the citizens of Erie the party in blame for their existence, as they conceive they have been resisting only illegal encroachments and exactions by unauthorized companies? Every decree of the State courts has been faithfully observed; and instead of confining this controversy to the State courts it was taken into the district court of the United States by the railroad company; and the citizens of Erie, acting under legal advice, disregarded its decrees for want of jurisdiction. And the court, when that question is fully argued, instead of deciding it, reserves the opinion, and imprisons the citizens. And now one complaint against the Commonwealth is, that she imprisons the marshals and officers of the Federal court. Sir, she has the right, not only to imprison the marshals, but the judges, when they act without the authority of law. The proceeding complained of is simply to test that question. It is a question of conflict between State and Federal jurisdiction. And from the time this controversy went into the district court of the United States it was taken out of the hands of the Executive and of the State courts.

No application has been made to them save in one instance, and in that case the decree of the court was enforced by State authority, and faithfully observed by the citizens; and in no case has the Governor given encouragement to riots or breaches of the peace.

Such are, in brief, some of the circumstances of the controversy between the citizens of Erie and the corporations to which I have referred. It is a controversy between the rights of the citizens and the privileges of a municipality and corporations acting without legal franchises.

I have taken this occasion, sir, to make these remarks, in order to correct the misstatement of facts which is calculated to do injustice to the executive and judicial officers of the Commonwealth of Pennsylvania, and injury to her citizens.

Mr. SMITH, of Virginia, obtained the floor.

Mr. DEAN. Will the gentleman allow me to make a simple statement?

Mr. SMITH. I will yield to the gentleman for that purpose.

Mr. DEAN. I am unwilling the House should adjourn before a distinct answer is given to the question put to my colleague [Mr. HUGHES] by the gentleman from Kentucky, [Mr. STANTON,] in reference to the course the friends of the Administration in New York will pursue relative to Nebraska. I understand the position they occupy is this, (I speak only from my own observation): they regard the compromise of 1850 as a full and final settlement of the slavery agitation in Congress, and they are willing that the principles of that compromise shall be applied to any new Territory that shall be organized, whether it be Nebraska, Cuba, or Sonora.

Mr. SMITH, of Virginia, then resumed the floor.

Several MEMBERS appealed to him to yield it for a motion to be made to rise.

Mr. SMITH. I am not going to detain the committee more than a minute. I desire only to say that the gentleman from New York [Mr. CURTIS] has made such an appeal to me that, under the circumstances, I cannot refuse to yield him the floor, and take my chance of obtaining it again hereafter.

Mr. CUTTING here rose, and obtained the floor.

Mr. SMITH. But as the hour is late, I ask the gentleman to give way for a motion to rise.

[Cries of "No, no!" "Go on!" and much confusion.]

The CHAIRMAN. Does the gentleman yield the floor for that purpose?

Mr. CUTTING. I do.

Mr. PERKINS, of New York. Then, with my colleague's permission, I move that the committee do now rise.

The motion was agreed to,

And the committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. ORR] reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the annual message of the President of the United States, and the resolutions

of the gentleman from Alabama, [Mr. Houston,] proposing to refer the same, and had come to no resolution thereon.

Mr. BRIDGES moved that the House do now adjourn.

The motion was agreed to,
And thereupon the House adjourned until to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 20, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. STANTON, of Kentucky. I would ask if the joint resolution from the Senate, to increase the force in the office of the Superintendent of Public Printing, is not the first business in order this morning?

The SPEAKER. It is not, because it is a public bill, and this is private bill day.

REFERENCE OF SENATE BILLS.

The following private bills from the Senate were taken from the Speaker's table, read a first and second time by their respective titles, and severally referred, as indicated below:

A bill confirming certain land claims in Louisiana, in the Bastrop grant. Referred to the Committee on Private Land Claims.

An act for the relief of Joseph Gideon. Referred to the Committee on Naval Affairs.

An act for the relief of N. K. Warrington and C. St. John Chubb, executors of Captain Lewis Warrington and others. Referred to the Committee on Naval Affairs.

An act to incorporate the Pioneer Manufacturing Company of Georgetown, District of Columbia. Referred to the Committee on the District of Columbia.

An act for the relief of Moses Olmstead. Referred to the Committee on Pensions.

An act for the relief of Ezra Williams. Referred to the Committee on Claims.

An act for the relief of John Fagan. Referred to the Committee on Indian Affairs.

An act for the relief of the heirs of Judith Worthen, deceased. Referred to the Committee on Revolutionary Pensions.

An act to reimburse to the common council of New York city expenditures made for the first regiment of New York volunteers. Referred to the Committee on Military Affairs.

An act for the relief of Rebecca Freeman. Referred to the Committee on Revolutionary Pensions.

An act for the relief of Charles A. Kellett. Referred to the Committee on Commerce.

An act for the relief of James Dunning. Referred to the Committee on Claims.

An act for the relief of Charles Cooper & Co. Referred to the Committee on Claims.

The SPEAKER then stated that as there were no further private bills on the Speaker's table, the next business in order during the morning hour, as the unfinished business of yesterday, was a bill "granting the right of way to the St. Louis and Iron Mountain railroad through the arsenal, the magazine, and Jefferson barracks tracts," and that the pending motion was to commit the bill to the Committee of the Whole on the state of the Union.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported the following bills; which received the signature of the Speaker:

An act for the relief of Lewis B. Willis, late a paymaster in the Army of the United States;

A joint resolution for the relief of Alexander P. Field, late Secretary of Wisconsin Territory, and sureties; and

A joint resolution of thanks to General John E. Wool.

IRON MOUNTAIN RAILROAD.

Mr. HAVEN. The Chair announced, a few minutes ago, that there were two motions pending in reference to the Iron Mountain railroad bill—one to refer it to the Committee of the Whole on the state of the Union, and the other to refer it to the Committee on Military Affairs. I understand that the friends of the bill are willing and

desirous that it should go to the latter committee, and I trust it will take that direction.

Mr. JONES, of Tennessee. I withdraw the motion to refer the bill to the Committee of the Whole on the state of the Union, so that it may go to the Committee on Military Affairs.

The question was taken, and the bill was referred to the Committee on Military Affairs.

PRIVATE BILLS.

Mr. COBB. I do not know, Mr. Speaker, that we could do better than resolve ourselves into a Committee of the Whole on the Private Calendar. This is objection day, and a few of the private bills may be disposed of.

A MEMBER. Not one, I am sure.

Mr. COBB. I think otherwise. Several additional bills have been reported from the committees since last objection day. I have myself no bill upon the Private Calendar; but I desire to get clear of as many of the private bills as we can. I make the motion that we resolve ourselves into a Committee of the Whole on the Private Calendar; and on that motion demand tellers.

Tellers were ordered; and Messrs. CLINGMAN and Cox were appointed.

The question was taken, and the tellers reported—ayes 53, noes 67.

So the House refused to go into Committee of the Whole on the Private Calendar.

Mr. EDGERTON. Mr. Speaker, before the result was announced, I was going to call for the yeas and nays on the question.

The SPEAKER. The Chair acknowledges that the gentleman from Ohio addressed the Chair before the Chair made the announcement.

Mr. EDGERTON. Then, Mr. Speaker, I want to have the yeas and nays taken on the question. I would say to the House that the committee has been in session this morning till quite a late hour, and that not yet, since the commencement of this session of Congress, has there been one single day devoted to the consideration of private business. It is entirely useless, gentlemen well know, for the committee to act on matters relative to them unless they are considered by the House.

Mr. CLINGMAN. I submit, Mr. Speaker, that as the gentleman from Ohio did not make his motion until after the announcement of the result by the Chair, he is now late in doing so.

The SPEAKER. The Chair decides that the gentleman from Ohio is in time. He certainly addressed the Chair very palpably before the Chair made the announcement. The object of the Chair is to execute the law with fairness; and it admits that the gentleman addressed the Chair in time, and that the Chair did not allow him to make his demand as it should have done.

The yeas and nays were not ordered.

Mr. JONES, of Tennessee. I move, Mr. Speaker, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

COMMITTEE OF THE WHOLE.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN stated that when the committee last rose it had under consideration House bill No. 49, "to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1854;" and that the gentleman from New York [Mr. CUTTING] was entitled to the floor.

Mr. CUTTING explained and defended the position of the "Hards" in New York, contending that they were the true Democracy.

Mr. WESTBROOK replied to his colleague, [Mr. CUTTING,] and maintained that the position of the party in New York called "Softs" were the true friends of the Administration, and the regular Union Democracy.

Mr. WALBRIDGE then took the floor, and made some remarks in regard to the history of the New York difficulties. He endeavored to prove that there had been such an interference by the Administration in the New York affairs as to create much of the difficulties now dividing the Democratic party.

Mr. PERKINS, of New York, likewise addressed the committee; and in the course of his remarks, said if the State of New York ever expected to become Democratic, they would have to vote for the friends of William L. Marcy or Daniel

S. Dickinson, or place New York forever in the hands of the Whigs. These two wings must come together, or Seward will rule the State. The "Hards" and the "Silver Grays" cannot begin to cope with Seward. Those whose heads have grown bald and gray in the New York contests will have to stand by those who have not mingled in the conflicts.

[These speeches have been submitted to the speakers for revision, and will be found in the Appendix.]

Mr. WADE obtained the floor.

Mr. CUTTING. Will the gentleman from Ohio allow me to give a date?

Mr. WADE yielded the floor.

Mr. CUTTING. The Wilmot proviso, Mr. Chairman, was offered in Committee of the Whole on the 8th day of August, 1846. Mr. Wright's election came on in the November following; and the Journal shows where the gentleman's [Mr. WESTBROOK's] friends then stood.

Mr. WESTBROOK. That Wilmot proviso was voted down in the Democratic convention.

Mr. WADE again obtained the floor, but yielded to

Mr. DAVIS, of Indiana. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

The Committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole, according to order, had had the state of the Union generally under consideration, and particularly the reference of the President's message, and had come to no conclusion thereon.

IMPRISONMENT OF CAPTAIN BEECHER.

A message was here received from the President of the United States, by the hands of Sidney Webster, his Private Secretary, transmitting a report from the Secretary of State, with accompanying documents, in pursuance of a resolution of the House of Representatives of the 3d instant.

Mr. WALKER. What does the communication relate to?

The SPEAKER. It relates to the seizure and imprisonment of Captain Beecher.

Mr. BAYLY, of Virginia. Then I move that it be referred to the Committee on Foreign Affairs.

The question was taken, and the motion was agreed to.

ADJOURNMENT OVER.

Mr. WENTWORTH, of Illinois. I move that when this House adjourns, it adjourn to meet on Monday next.

Mr. DAVIS, of Indiana. I ask for the yeas and nays upon that motion.

The yeas and nays were not ordered.

Mr. HENDRICKS. I call for tellers upon the motion.

Tellers were not ordered.

The question was then taken, and there were, upon a division—ayes 101, noes 45.

So the motion was agreed to.

A message was here received from the Senate, by the hands of Mr. MACHEN, its Chief Clerk, informing the House that they had passed a bill of this House of the following title:

H. R. No. 73. An act explanatory of an act, entitled "An act for the relief of Benjamin S. Roberts," without amendment.

And, also, that they had passed bills of the following titles:

S. No. 86. An act for the relief of J. Boyd, of Louisiana;

S. No. 100. An act for the relief of Mary C. Hamilton;

S. No. 148. An act for the relief of Zachariah Lawrence, of Ohio;

And asking the concurrence of the House therein.

Also, that the President of the United States had notified the Senate, that he did, on the 18th instant, approve and sign bills of the following titles:

S. No. 28. An act concerning district courts in California.

S. No. 65. An act to continue in force the act entitled "An act to ascertain and settle the private land claims in the State of California, and for other purposes."

S. No. 81. An act changing the name of the American-built steamer Falcon, to that of Queen City.

BILLS ON THE SPEAKER'S TABLE.

Mr. HOUSTON. There are a few bills upon the Speaker's table, which I ask may be taken up and disposed of. It will not consume more than ten minutes' time.

The following bills from the Senate were then taken up, severally read a first and second time by their titles, and referred as indicated below:

"An act for the extension of the preemption privilege in the State of California." Referred to the Committee on Public Lands.

"An act to relinquish to the State of Wisconsin the land reserved for salt springs therein." Referred to the Committee on Public Lands.

"An act to divide the State of Ohio into two judicial districts, and to provide for holding district and circuit courts of the United States therein." Referred to the Committee on the Judiciary.

"An act to provide for the establishment of the marine hospital at St. Marks, in the State of Florida." Referred to the Committee on Commerce.

BOOKS TO MEMBERS.

The SPEAKER. The business next in order is upon referring to the Committee on the Library the resolution "for supplying new members of the Senate and of the House of Representatives with such books of a public character as have been heretofore supplied."

The question was then taken, and it was decided in the affirmative.

The SPEAKER. The question next in order is upon referring the joint resolution "authorizing an increase of force in the office of the Superintendent of the Public Printer" to the Committee on Printing.

Mr. MURRAY. This resolution emanated from the Joint Committee on Printing. They have examined the matter, and recommend that a resolution of the kind should be offered and passed. I have a letter here from the former Superintendent of Printing, which I would like to have read for the information of the House, and which is in answer to one from the former Committee on Printing.

Mr. JONES, of Tennessee. I move that the resolution be referred to the Committee of the Whole on the state of the Union, and that it be printed.

Mr. MURRAY. The resolution is a very short one, and I would be glad to have it read. There is absolutely a necessity for increasing the force in the employment of the Superintendent, for the purpose of saving money to the Government. The duties of the Superintendent of the Public Printing are very onerous; have been very much increased since the office was created; and cannot be performed by his present force; and, therefore, I think there is an absolute necessity for the increase of force which he now asks.

Mr. JONES. This office was created under the impression that the Superintendent of Public Printing would discharge the duties of the office, and that it would not be necessary to employ clerks to assist him.

Soon after, a joint resolution, or bill, was brought here authorizing the appointment of two clerks, with a salary each of \$1,500 per annum, and a messenger. At first it was voted down by the House, but after some time it was reconsidered, and authority was given for the proposed appointments.

Now another reason comes before us for the appointment of two more clerks, with the same salary as those already appointed, and where the thing will stop I do not know.

Mr. HOUSTON. Never.

Mr. JONES. I see in it a heavy and expensive bureau in embryo. I hope the matter may be referred to the Committee of the Whole on the state of the Union, that the resolution may be printed, and that members may be able to know upon what they are called to vote.

Mr. CLINGMAN. I desire to ask the gentleman one question, for the purpose of information. I wish to know whether the necessity for this increased force does not arise from the fact that we have ordered the printing of 100,000 copies of another census book, which will devolve a large amount of labor upon this officer? If these clerks are demanded in consequence of the action of this House, we are responsible for the expense incident to our own acts.

Mr. JONES. I do not know. I suppose if those books had not been ordered the demand for the clerks would have been the same. I would suggest that perhaps the cause of their appointment may be found in another direction. Certain men may have been promised office under the new Superintendent. They are doubtless anxiously waiting for them. They may incur disappointment unless these places are created for that purpose.

Mr. CLINGMAN. It may be for that reason, but it may be in consequence of the order to which I have alluded, and which I voted against. It is for that reason, I am inclined to think, the resolution should be adopted.

Mr. STANTON, of Kentucky. With the permission of the chairman of the Printing Committee, who is entitled to the floor, I will state the reasons why this increase of force in the office of the Superintendent of Printing is required. The law which created the office of Superintendent imposed upon that officer an immense amount of labor—so much, that it was physically impossible for a single man to perform it.

In the first place, it required that he should receive from the Secretary of the Senate, and the Clerk of the House, all the printing which should be ordered by either branch of Congress, and deliver it to the public printer. It also required that he should receive from the various chiefs of Departments and heads of Bureaus all the printing that might be required for their offices, and place that in the hands of the printer. It compelled him to supervise this printing as it progressed, and see that the work was executed in the style and manner provided for in the law.

Gentlemen may understand something of the immense amount of work ordered by Congress during a single term, when I inform them that the books printed by order of the last Congress amounted to one million volumes. Independent, then, of the printing for the Departments, the Superintendent, under the law of 1852, was compelled to give his personal supervision to the execution of this immense amount of books, together with all the reports, bills, and small executive documents ordered to be printed. But the law also provided that the Superintendent should make contracts for and procure all the paper which might be required for the public printing, keep samples of the same, and see that none was received which, in all respects, did not conform to the contract.

At the time the law referred to by the honorable gentleman from Tennessee [Mr. JONES] was passed, and which gave to the Superintendent two clerks, it was a matter of imperative necessity. It was utterly impossible for the Superintendent, in his own person, to discharge his duties under the law. He could not superintend the work, keep the various accounts required, and inspect and receive the work when executed, without assistance. It was a physical impossibility. Even the additional force thus granted, under the then existing circumstances, was found not to be sufficient. It is true that the labor then to be performed was nothing like as great as it is now; but notwithstanding that fact, the force was inadequate. At that time the work of the Departments had not devolved upon the Superintendent, because the contracts which had been made by them had not then expired. These contracts expired only during the late recess, and after the adjournment of the last Congress. Now, he has not only upon his hands the work ordered by the two Houses, but all that required to be done by the several Departments, and it is no inconsiderable amount, I assure you.

Besides, sir, since the increase of force in that office was granted by the late Congress additional duties have been imposed by law upon the Superintendent; duties which he was not required to perform, and which add greatly to the labors of the office. I refer to the first section of "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1854," which I now have before me. By this law, in addition to the duties I have before enumerated, it is made the duty of the Superintendent to supervise the binding of all the books which are directed to be bound, see that the work is properly executed, and receive and receipt for them from the binder. He is also required to supervise the engraving of maps, see that the work is done properly, and upon such paper as the law

requires. Every gentleman knows that these maps are not executed here. Contracts are made in Boston, New York, and Philadelphia, and the law is so rigorous in regard to the duty of the Superintendent, that if he executes it properly he must give his personal presence in all these places, when the work is under way, to see that the contracts are fully complied with. It is made his duty to examine every single map, and see that it is upon such paper as the contract provides. He must have a proper force here to attend to the business of his office while absent supervising the engraving and printing of the maps, or else permit the public service to go unperformed.

But, not only have these additional duties been imposed upon the Superintendent since the two clerks were allowed, but the labors of the office have been nearly doubled from another cause. The public printing then was done by a single printer, and in but one office. Now there is a printer to each House, and consequently two offices. It is easy to see that the labors of the Superintendent and his clerks are greatly increased from this cause. The two offices are situated at opposite ends of the Avenue; but the work, as it progresses in each, must be supervised by the Superintendent or one of his clerks. But the paper for all the work done for Congress and the Departments is purchased by Government. It is obtained in large quantities, and has to be taken care of. It is fully as much as a single clerk can do to receive the paper from the contractors, inspect and weigh it, and take care of it. He has to deliver it to the printers as they require it, weigh it out to them, take their receipts for the same, and keep with them the proper accounts. He must be at the warehouse constantly, to supply either office when paper is needed. Orders are constantly coming in from the several Departments for small jobs, the paper for which must be supplied, without delay, by the Superintendent.

In addition to all these duties, sir, the Superintendent is compelled by law to keep as many as twenty separate books, and in these books are kept over one hundred separate accounts. He has all the calculations of all the work executed by both printers to make. The law fixes the rate of payment by prices, and according to rules only understood by printers, or, rather, not generally, understood by others than printers.

Such, sir, are the duties of the Superintendent of the printing, and how, in the name of common sense, are they to be properly executed, onerous and various as they are, by himself and two clerks only? As was stated by the honorable gentleman from New York, [Mr. MURRAY,] this matter was referred to the Joint Committee on Printing—of which the House Committee is a part—by the Senate. The Superintendent and his clerks were present when the Joint Committee considered it, and we had a full knowledge of all the details of duty imposed on them. Indeed, our duties, as members of the Committee, bring us in constant intercourse with them, and have abundant means of knowing the difficulties and embarrassments under which the Superintendent labors for want of sufficient force. The committee were unanimous in the opinion that these clerks were needed, and the resolution now before the House was reported to the Senate by direction of the committee. I cannot see how it is possible for the force now employed to execute properly the requirements of the law, and, therefore, urge the House to adopt this resolution.

The public printing, under the present mode of doing it, has been greatly improved, as all may see. The improvement is not only in the quality of the paper used, but in the mechanical execution of the work. I ascribe all this to the provision of the law which subjects all the materials and the work to the inspection of an intelligent Superintendent, who must approve it before it is received from the hands of the printer. Not only in this respect does the system work well, but our printing now actually costs us one third less for the same amount than it did under the old system. I am anxious to see the present system continued while it works so well, and should regret exceedingly that it should be embarrassed by any want of a sufficient force to carry it out. These clerks asked for are absolutely needed, and I trust the House, without referring the resolution, will order it to be read a third time, and passed.

Mr. DEAN. I hardly think that the House is now prepared to vote on this question; and there-

fore move that it do now adjourn. The motion to commit, which is pending, will keep the joint resolution from the table.

The question was taken, and the motion was agreed to.

Thereupon the House adjourned (at fifteen minutes before four o'clock, p. m.) until Monday next, at twelve o'clock, m.

IN SENATE.

MONDAY, January 23, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Thursday was read and approved.

Hon. ROBERT TOOMBS, of Georgia, appeared in his seat this morning.

COMMITTEE CLERK.

Mr. PETTIT. I ask the unanimous consent of the Senate to introduce a resolution at this time, and I ask for its immediate consideration. The Committee on Private Land Claims, in view of the immense amount of business devolving upon it, and the quantity of writing which its members have to do as members of other committees, have directed me to submit the following resolution:

Resolved, That the Committee on Private Land Claims be authorized to employ a clerk.

The resolution was considered by unanimous consent, and agreed to.

PETITIONS, ETC.

Mr. FISH presented the memorial of Benjamin F. Cooper, in which he remonstrates against the passage of an act, entitled "An act to secure the right of citizenship to children of citizens of the United States born out of the limits of the United States," which was referred to the Committee on the Judiciary.

Also, a petition of Augustin Demers, nephew and only surviving descendant of Francis Chandonet, praying to be allowed the commutation to which said Chandonet was entitled under certain resolves of Congress; which was referred to the Committee on Revolutionary Claims.

Mr. JOHNSON presented the petition of Elizabeth C. Smith, praying for bounty land and three months' extra pay, she having served in the army during the Mexican war, under the assumed name of "Bill Newcom;" which was referred to the Committee on Military Affairs.

Mr. EVANS presented the petition of inspectors of customs for the district of Charleston, South Carolina, praying an increase of compensation; which was referred to the Committee on Finance.

Mr. JONES, of Iowa, presented three petitions of citizens of Iowa, praying that a grant of land may be made to aid in the construction of the Great Western Air-line railroad from Fort Wayne to Council Bluffs; which was referred to the Committee on Public Lands.

Mr. EVANS presented the memorial of Jane M. Rudolph, widow of Thomas C. Rudolph, late captain in the United States revenue service, praying for a pension; which was referred to the Committee on Pensions.

Mr. DODGE, of Iowa, presented three petitions of citizens of Clay and Fayette counties, praying for the establishment of a mail route from McGregor's Landing to Bradford, in Chickasaw county, Iowa; which were referred to the Committee on the Post Office and Post Roads.

Also, three petitions of citizens of Iowa, praying that a grant of land may be made to aid in the construction of the Great Western Air-line railroad from Fort Wayne to Council Bluffs; which were referred to the Committee on Public Lands.

Also, the memorial of Samuel M. Clendenin, praying compensation for services as clerk to Lieutenant Ruggles in 1840; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BELL, it was

Ordered, That the memorial of the legal representative of William Russell be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the papers in the case of Colonel J. J. Anderson be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the papers in the case of Mrs. Floyd, widow of Colonel Floyd, be withdrawn from the files of

the Senate, in order that they may be presented in the House of Representatives.

On motion by Mr. FISH, it was

Ordered, That the petition of Thaddeus Scott, one of the children of William Scott, an administrator of Susannah Scott, praying to be allowed the pension to which he alleges said William Scott was entitled under the act of July 7, 1838, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. BUTLER, it was

Ordered, That the petition of Mrs. Stewart, mother of Captain James Stewart, and the memorial of Rev. Richard Fuller, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. FOOT. The Committee on Public Lands, to which was referred a bill making a grant of public lands to the several States and Territories of the Union, for the benefit of indigent insane persons, has had the same under consideration, and directed me to report the bill back with an amendment in the form of a substitute, in which it asks the concurrence of the Senate; and when so amended, it recommends the passage of the bill. I move the printing of the substitute and the report. I desire to signify to the Senate my purpose to call up this bill for action at an early day.

The motion to print was agreed to.

Mr. FOOT. The Committee on Pensions, to which was referred the memorial of David P. Weeks, has directed me to submit an adverse report thereon; which report I move may be printed. The motion was agreed to.

Mr. FOOT. The Committee on Pensions has had under consideration the petition of Adam Hays, late a surgeon in the Army of the United States, praying arrears of pension. It finds that this petition was referred to the Committee on Pensions at both sessions of the last Congress, and on both occasions adverse reports were made from that committee to the Senate, and those reports concurred in. The only report the committee now make, is a resolution that, without further examination of the papers in consequence of those adverse reports, and the concurrence in them by the Senate, the prayer of the petition of Adam Hays be rejected.

Mr. FOOT, from the Committee on Pensions, to which was referred the bill from the House of Representatives for the relief of William Blake, reported back the same without amendment, and recommended its passage.

Mr. HAMLIN, from the Committee on Printing, to which was referred the motion to print the memorial of Samuel C. Reid in behalf of the claimants in the case of the brig General Armstrong, reported in favor of printing the same; which was agreed to.

Mr. ALLEN, from the Committee on Private Land Claims, to which was referred the petition of Richard King, reported a bill for his relief; which was read, and passed to a second reading.

Mr. THOMSON, of New Jersey, from the Committee on Naval Affairs, to which was referred the petition and accompanying papers of Daniel Myerle, praying compensation for losses sustained in his efforts to introduce the mode of water-rotting hemp into the United States, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading.

The report was ordered to be printed.

Mr. STUART, from the Committee on Public Lands, to which was referred the documents in relation to the claim of Jonathan Kearsley, submitted a report, accompanied by a bill to provide for the final settlement of the accounts of Jonathan Kearsley, late receiver of public moneys at Detroit, and of John Biddle, late register of the land office at that place; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the petition of William A. Burt, submitted a report, accompanied by a bill to enable the United States to make use of the solar compass in the public surveys; which was read, and passed to a second reading. The report was ordered to be printed.

BILLS SIGNED.

A message from the House of Representatives was received, by Mr. FORNEY, its Clerk, announcing that its Speaker had signed the following enrolled bills and joint resolutions:

An act explanatory of an act entitled "An act for the relief of Benjamin S. Roberts;"

A joint resolution of thanks to General John E. Wool;

An act for the relief of Lewis B. Willis, late a paymaster in the Army of the United States; and

A joint resolution for the relief of Alexander P. Field, late Secretary of Wisconsin Territory and sureties.

Which were then signed by the President *pro tempore*.

TERRITORY OF NEBRASKA.

Mr. DOUGLAS. I ask the permission of the Senate to submit at this time a report from the Committee on Territories in relation to the Nebraska bill, which was set apart for to-day. The committee have had their attention called to the southern boundary of the proposed Territory of Nebraska, as fixed by the bill already reported, which is on the line of 36° 30'. Their attention has been called by the chairman of the Committee on Indian Affairs to the fact that that boundary would divide the Cherokee country; whereas, by taking the parallel of 37° north latitude as the southern boundary, the line would run between the Cherokees and the Osages. We have concluded, therefore, to vary the southern boundary, in order not to divide the Cherokee nation by the terms of the bill.

Then there are two delegates here who have been elected by the people of that Territory. They are not legal delegates, of course, but they have been sent here as agents. They have petitioned us to make two Territories instead of one, dividing them by the fortieth parallel of north latitude—the Kansas and Nebraska Territories. Upon consulting with the delegates from Iowa, I find that they think that their local interests, as well as the interests of the Territory, require that the proposed Territory of Nebraska should be divided into two Territories, and the people ought to have two delegates. So far as I have been able to consult the Missouri delegation, they are of the same opinion. The committee, therefore, have concluded to recommend the division of the Territory into two Territories, and also to change the boundary in the manner I have described.

We have prepared our amendment in the form of a substitute, to come in lieu of that which we have already reported. We have also incorporated into it one or two other amendments, which make the provisions of the bill upon other and more delicate questions more clear and specific, so as to avoid all conflict of opinion. I propose to substitute this bill which I hold in my hand, for the one reported by the Committee on Territories. I merely ask now that it may be printed, so that Senators can see what it is.

Mr. GWIN. Does the Senator propose to postpone the consideration of the Nebraska bill?

Mr. DOUGLAS. Only for the purpose of having the substitute printed which I now offer. I do this at the request of various friends. I prefer myself that we should proceed to the consideration of the subject to-day; but various friends have asked for an opportunity to look into the bill, and therefore it is that I ask for an order for its printing.

Mr. GWIN. Will the Senator call up the Nebraska bill in the morning?

Mr. DOUGLAS. I intend to do so.

Mr. MASON. I did not hear the honorable Senator from Illinois distinctly, and I wish to know whether the amendment he now proposes as a substitute is reported from the committee?

Mr. DOUGLAS. It is.

Mr. JOHNSON. I would ask the Senator from Illinois whether the committee has reported only a single bill for both Territories, or a separate bill for each?

Mr. DOUGLAS. We put both Territories in one bill. If the substitute which I offer be printed, Senators can see precisely what the committee propose to do.

Mr. JOHNSON. Are the boundaries specified in each case?

Mr. DOUGLAS. Everything is specified.

The motion to print was agreed to.

The bill, as originally introduced by Mr. DODGE, of Iowa, provides that all that part of the Territory of the United States, included between the summit of the Rocky Mountains on the west, the States of Missouri and Iowa on the east,

the 43° 30' north latitude on the north, and the Territory of New Mexico, and the parallel of 36° 30' north latitude on the south, shall be organized into a temporary government, by the name of the Territory of Nebraska; but nothing in this act is to be construed to impair the rights of persons or property now pertaining to the Indians in that Territory, so long as such rights shall remain extinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without their consent, to be included within the territorial limits, or jurisdiction of any State or Territory. All such territory is to be excepted out of the boundaries of Nebraska, until the tribe shall signify to the President of the United States their assent to be included. The usual provision is made for the appointment of Executive officers in the new Territory; and also for a Territorial Legislature, a Judiciary, and a Territorial Delegate to the Congress of the United States.

The Committee on Territories reported back the bill with a substitute, in which they thus define the boundaries: "Beginning at the southwest corner of the State of Missouri; thence running west, on the line of 36° 30' north latitude, until it intersects the 103d meridian of longitude west of Greenwich; thence north, on the meridian, until it intersects the 38th parallel of north latitude; thence west, on the said parallel of latitude, to the summit of the Rocky Mountains; thence northward along and upon the summit of said range of mountains to the western boundary of the Territory of Minnesota; thence southward, on and with said boundary, to the Missouri river; thence down the center of the main channel of said river to the State of Missouri; thence south, on and with the western boundary of said State, to the place of beginning." The territory thus defined they propose to constitute a Territory, and afterwards to be admitted as a State, with or without slavery, as their constitution may prescribe at the time of their admission; the power, however, being reserved to the General Government to divide this Territory into two or more, as Congress may deem proper. The substitute, as the original bill, makes provision for the appointment of Executive officers, a Territorial Legislature, a Judiciary, and a Delegate to Congress. The seat of government of the new Territory is to be located at Fort Leavenworth, which is now a military station. The substitute concludes with this section:

SEC. 21. *And be it further enacted*, That in order to avoid all misconception, it is hereby declared to be the true intent and meaning of this act, so far as the question of slavery is concerned, to carry into practical operation the following propositions and principles, established by the compromise measures of one thousand eight hundred and fifty, to wit:

First. That all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives.

Second. That "all cases involving title to slaves," and "questions of personal freedom," are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

Third. That the provisions of the Constitution and laws of the United States, in respect to fugitives from service, are to be carried into faithful execution in all the "organized Territories" the same as in the States.

The committee in their report say, that the principal amendments which they submit to the Senate are those in which the principles established by the compromise measures of 1850, so far as they are applicable to territorial organizations, are proposed to be affirmed and carried into practical operation within the limits of the Territory.

The substitute now submitted to create two Territories, provides that

"All that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: Beginning at a point in the Missouri river where the fourth parallel of north latitude crosses the same; thence west on said parallel to the summit of the highlands, separating the waters flowing into the Green river or Colorado of the West from the waters flowing into the Great Basin; thence northward on the said highlands to the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence west on said parallel to the western boundary of the Territory of Minnesota; thence southward on said boundary to the Missouri river; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Nebraska."

Another section in the substitute provides that

"All that part of the territory of the United States included within the following limits, except such portions

thereof as are hereinafter expressly exempted from the operations of this act, to wit: Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the summit of the highlands dividing the waters flowing into the Colorado of the West or Green river from the waters flowing into the Great Basin; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas.

The section providing for the election of a Delegate is amended by adding to the words "that the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States," the following:

Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is declared inoperative.

There are other amendments that do not materially affect the principle of the bill.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, communicating a statement of receipts and expenditures of the marine hospital fund for the year ending 30th June, 1853; which was referred to the Committee on Commerce, and ordered to be printed.

SENATE CONTINGENT FUND.

Mr. HUNTER. The Committee on Finance, to which was referred the act regulating the disbursement of the contingent fund of the Senate, and for other purposes, with the amendments proposed by the House, has instructed me to recommend the Senate to disagree with the House in their amendments except the last, and to report an amendment in lieu thereof. The last amendment of the House the committee recommend the Senate to concur in. I move that the Senate proceed to consider the amendments at this time.

The motion was agreed to.

The amendments of the House, which the committee recommend to be not concurred in, are the following:

To strike out of the first section of the bill, which is as follows:

"That all moneys which have been, or may hereafter be, appropriated for the compensation of members and officers, and for the contingent expenses of the Senate, shall be paid out of the Treasury on requisition drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him according to law; and the said Secretary shall be deemed a disbursing officer, and shall be allowed the sum of \$1,000 per annum as a compensation, over and above his salary as Secretary of the Senate, for the duties hereby imposed upon him," the words "and officers, and for the contingent expenses."

To strike out of the first section the following words:

"And shall be allowed the sum of \$1,000 per annum, as a compensation, over and above his salary as Secretary of the Senate, for the duties hereby imposed upon him."

In the second section of the bill, which is as follows:

"And be it further enacted, That in lieu of the bond now required by law to be given by the Secretary of the Senate, he shall give bond to the United States, within ten days after the passage of this act, with one or more sureties, to be approved by the Comptrollers of the Treasury, in the penal sum of \$30,000, with condition of the faithful application and disbursement of such funds as may be drawn from the Treasury under this act, which bond shall be deposited in the Comptrollers' office; and it shall be the duty of each and every Secretary of the Senate who may hereafter be chosen, to give bond as aforesaid, within thirty days after he enters upon the duties of his office, and before making any requisition as aforesaid."

To insert the words "in addition to," in place of the words "in lieu of."

In the second section, in the clause "to be approved by the Comptrollers of the Treasury," after the words "by the" to insert "first," so that it shall make the bond to be given "to be approved by the first Comptroller of the Treasury;" and also to insert "first" before "Comptroller" where it subsequently occurs.

The amendment which the committee propose to substitute for the amendment of the House is as follows:

SEC. 3. *And be it further enacted*, That it shall be the

duty of the said Secretary of the Senate to deposit the moneys aforesaid which may come into his hands with a depository, who may be designated by the Secretary of the Treasury, for other disbursing officers in the city of Washington; and all payments on account of the pay or mileage of members of the Senate, and all payments of their officers and for the contingent expenses of the Senate, shall be by drafts drawn by the Secretary on such depository.

And the amendment of the House, which the committee recommend the Senate to concur in, was to strike out the third section of the bill, which is as follows:

"And be it further enacted, That the accounts of the Secretary of the Senate, of his disbursements of moneys on account of the contingent expenses of the Senate, when passed by the committee to audit and control such contingent expenses, and certified to have been so passed by the chairman of such committee, shall be deemed and held conclusive by all the officers of the Treasury Department."

The report of the committee was concurred in.

CAPTAIN GUNNISON.

Mr. JONES, of Iowa. I am directed by the Committee on Pensions, to which was referred a resolution in relation to the subject, to report a bill granting five years' half pay to the widow of Captain Gunnison, which I am instructed to ask the Senate to consider at this time.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of ——— Gunnison, widow of Captain Gunnison, deceased, upon the list of pensioners, and pay her for five years, from January 1, 1854, half the pay to which her husband was entitled at the time of his death.

The bill was reported to the Senate without amendment.

Mr. STUART. There is a blank which it is necessary to fill, and with that view, and yet that the bill may be acted upon at as early a date as possible, I move to postpone its further consideration until to-morrow.

Mr. JONES, of Iowa. Let the bill be ordered to be engrossed, and we can pass it to-morrow.

Mr. BADGER. "Mrs. Gunnison, widow of Captain Gunnison," will be definite enough in the bill.

Mr. CASS. That will sufficiently distinguish the person whom we propose to relieve. I do not think the clerks in the Department would stop it, though they stop almost anything.

Mr. STUART. I am willing that the bill should pass; but I doubt whether it would, in such a condition, pass through the Departments.

The motion to postpone was agreed to.

MILITARY ACADEMY.

Mr. HUNTER. I am directed by the Committee on Finance, to which was referred the bill from the House making appropriations for the support of the Military Academy for the year ending 30th June, 1855, to report it back with two amendments. I ask that, by unanimous consent, the bill may be considered at this time.

The Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments of the committee were to insert at the end of the bill the following:

"For repairs and additions to professors' quarters \$5,000.

"For cavalry exercise hall, \$20,000."

Mr. HUNTER. Both these items are in accordance with the estimates of the Secretary of War. The other items of the bill are also according to the estimate, in which these also were included, but were not placed in the bill by the House committee. The Committee on Finance propose to restore them.

The amendments were agreed to.

Mr. HOUSTON. I submit the following amendment to be added at the end of the bill:

And be it further enacted, That the pay and emoluments of the sword-master shall be the same as those of the first lieutenant of cavalry.

Mr. SHIELDS. I will state to the Senator that I was about to offer an amendment from the Committee on Military Affairs, which will be somewhat more simple, embracing the professors of drawing and French as well as the sword-master.

Mr. HOUSTON. Let it be read.

Mr. SHIELDS. The amendment which I propose will be to add the following as an additional section:

Be it further enacted, That the compensation of the professors of French and drawing be made equal to that of professors of the other departments, and the compensation

of the master of the sword be twelve hundred dollars per annum.

Mr. HUNTER. I understand that the compensation proposed by the amendment to the sword-master is above what is proposed by the Senator from Texas, which allowed him the same as a first lieutenant of cavalry.

Mr. SHIELDS. It is about the same, according to the present rate.

Mr. HUNTER. I would prefer the amendment of the Senator from Texas, because by the amendment of the Senator from Illinois, if the pay of the first lieutenant of cavalry is increased, the pay of the sword-master would go up with it.

Mr. SHIELDS. I would not have the slightest objection to that amendment. This, however, is recommended by the Board of Visitors, and it is in conformity with their recommendation; and it is what has been recommended for several sessions past.

Mr. HOUSTON. I was not aware that it was the intention of the chairman of the Committee on Military Affairs to offer an amendment of this character, which I thought was very necessary. The pay which the sword-master receives at present is totally inadequate for the duty which he has to perform, and I offered my amendment with a view to increase it. I am in favor of the amendment offered by the Senator, and I shall support it, and hence I withdraw the one which I offered.

Mr. SHIELD's amendment was agreed to.

The bill was then reported to the Senate as amended; the amendments were concurred in, the bill was ordered to be read a third time; was read a third time, and passed.

PAPAL NUNCIO.

Mr. CASS. I submit the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate, so far as he may deem it compatible with the public interest, a copy of any correspondence which may have taken place with the Government of the Papal States touching a mission to the United States.

Mr. President, as that is a mere resolution of inquiry, I suppose there cannot be any objection to considering it at this time.

The resolution was considered by unanimous consent.

Mr. CASS. Mr. President, I desire to say a few words explanatory of the reason for the introduction of this resolution. The Senate is aware that a distinguished foreigner from the Roman States arrived in our country some time since, and that he has been visiting different portions of it. It is reported, and I believe correctly, that he is clothed with some mission, giving him a public character in this country. I understand he is the Nuncio to Brazil, and that he has been instructed to stop in the United States, and to bear an autograph letter, as it is called, from the Pope to the President of the United States. It is a common procedure in Europe, and it is intended as a compliment and a mark of good feeling towards the people of the United States. There is nothing in the arrival of this agent, whatever may be the character of his duties, which should give alarm to the most jealous sectarian. He does not come in any sacerdotal character, as the representative of the Sovereign Pontiff, the head of the Catholic religion, but he comes as the representative of a temporal Prince, ruling over a considerable portion of Italy, and especially of that portion of it endeared to us by many a glorious recollection, where large numbers of our countrymen are always residing, needing the protection of the Government, and with which we have important commercial intercourse. I understand, sir, that the proceedings which led to this mission were conducted in the most unexceptionable manner. The American *Chargé* at Rome was sent for by the Cardinal Secretary of State, and the intention was made known to him, and he was asked whether he thought the measure would be acceptable to the people of the United States. He answered, as he ought, that he had no doubt that the representative would be kindly received, and hospitably treated in our country, and that the step would be received, as it was intended, as complimentary to the people of the United States. And I do hope, sir, that the pledge thus given will be as sacredly redeemed as is now in our power. The Pope has given evidence of kind personal feelings towards the people of this country which entitles him to special regard. He

is among the very few sovereigns of Europe who have contributed towards the monument now being constructed in this city to the memory of Washington. He has sent a block of marble, halloved by its association with the relics of the Empire Republic, to make part of our national testimonial to one whom to honor is to honor our country and human nature.

Now, sir, I have read with shame and regret the accounts given in the papers of the outrages attempted against the distinguished individual, who has come here under the circumstances mentioned. No American can contemplate them without indignation. Besides the scenes at Cincinnati, it is reported, upon apparently good authority, that three balls were fired through the windows of the house of the Archbishop of Baltimore, perhaps on Friday evening last, under the impression that this gentleman was in the room; and this morning's mail from New York has brought us the information that when the Baltic sailed, a day or two since, he was thought to have been on board, and a large crowd of persons assembled at the wharf with hostile demonstrations, and with an apparent intention to do him injury. And I was shown, an hour or two since, a placard which had been stuck up in various places in Wheeling, using the most inflammatory terms, and invoking public violence upon this stranger, who is commended to us by his character and position. I have inquired of a near and dear relative now in Rome, who, from his situation, must know, as well as any man, the estimation in which this Archbishop is held in his own country, and he told me he was a man of the highest character and standing, who had satisfactorily filled many important stations, and whose public and private life was without blot or blemish.

Sir, these outrages violate equally the rights of hospitality, the honor of the country, the supremacy of the municipal law, and the guarantees of the law of nations. Mr. President, these acts of violence which override the laws, and which too often pass away unpunished, do more injury to the cause of republican institutions in the old world, than any other event, than all other events, indeed, connected with our history and progress. They are circulated with celerity and zeal from the western shore of England to Siberia, and are thus spread over Europe as proofs of the incapacity of Republican Governments to protect the lives, persons, and property of their citizens. Our good reputation, upon this subject is essential to the progress of free principles.

I understand, sir, that that atrocious tragedy which terminated in the death of Hugo Bassa, at Bologna, has been charged to this gentleman, and has produced the excitement which has led to these acts of lawless violence. I do not wonder that a deed like that has aroused deep feelings of indignation in this country. I can appreciate that feeling fully. It has been called an execution, but I call it a murder, and a foul, cold-blooded one. But I believe the distinguished gentleman to whom I have alluded, had no more to do with it than you or I had, Mr. President. He was indeed the civil Governor of Bologna at the time, but totally destitute of any power or authority. The Austrian forces had taken possession of the city, and their commander had proclaimed military law, which, as we all know, prostrates all other authority whatever. The unfortunate Bassa was seized, tried, condemned, and executed, while the hour-glass was yet counting its sixty minutes, and by an Austrian military tribunal. I do hope, in the ways of Providence, that this deed, deserving universal execration, will yet call down upon its perpetrators a just and fearful responsibility. Why, sir, all who know the Austrian predisposition to revenge, under such circumstances of popular efforts for the recovery of freedom, well know they need no prompter to deeds of blood, and admit no protector between their victim and their vengeance.

I repeat, sir, there is no palliative for the conduct which has been manifested towards this gentleman, and I, for one, desire to call the attention of the Senate to it, in the hope, also, that it will attract the attention of the country. If the subject of these remarks is here in a diplomatic capacity, he is under the protection of the laws and Constitution of the United States, and we have a right to know how those laws have been executed or violated, in order that we may apply the neces-

sary legislative remedy. That is our right and our duty; and the resolution of inquiry is therefore within the legitimate scope of our authorities.

But, after all, the best safeguard and security in cases of violent excitement is to be found in a wholesome public opinion. Like truth, it is mighty, and will prevail in this land of freedom and intelligence. Thanks to the good sense and good feeling of the people, time is sure to bring a corrective for any erroneous impressions which may prevail: Apprehension is felt lest violence should yet be offered to this guest of the nation. I trust not. I trust his exit from our country will be marked with the peaceful respect which is due to the sovereign he represents, and to the mission, originating in kindest feelings, upon which he was sent. And I cannot but express my fervent hope that all good citizens, wherever he may pass, will unite to prevent such disgraceful proceedings, and to assert the majesty and the supremacy of the law. It is better to prevent than to punish; and there are few improper public acts which cannot be prevented in this country by an energetic display of public opinion.

Mr. MASON. I have heard, with very great satisfaction, the expression of sentiment which has fallen from the distinguished and venerable Senator from the State of Michigan. If there is anything of which the American people should be proud, it is that they have a Government of law, as distinguished from a Government of force; and if there is any duty which every citizen owes to his country superior to any other, it is to take care that public sentiment everywhere should be in submission. Sir, I have seen, not only with concern, but with indignation, through the press, that this gentleman, be he whom he may, has been met, in some of the cities where he has visited, with insult and violence, threatening, as I understand, his life. I do not know what his mission is. I am glad, however, that the Senator has introduced the resolution, in order that we may know whether he comes here in any accredited form; because, if he is here as a guest of the nation, he is entitled to the safeguard of the nation within its broad limits. If he is not here in any character to be accredited as the guest of the nation, then, although the protection of the Government cannot be extended to him, possibly the sentiments that may be expressed on this floor by the representatives of the States, may lead the turbulent and violent men who have been at fault to know that they are under a Government of law, and that if the arm of the civil authority either wants energy or is paralyzed, means may be taken to lead to its exertion.

It is said that this gentleman comes from the Papal States. The honorable Senator has some reason to believe he is here, in some sense, as a guest of the nation. Be this as it may, he is a foreigner, and I trust the American people never yet have responded to the condition in which Rome once stood when her people had but one word to express stranger and enemy. Sir, the fact that he is a stranger and a foreigner entitles him to the respect, the consideration, the courtesy, and the protection of every man in this land, until he ceases to deserve it; and if, in any way, he has made himself censurable by conduct abroad—which I learn from the honorable Senator from Michigan is a calumny upon him—he is amenable to the authorities abroad, and to none here. I have seen, as I have said, with deep concern, the manifestations of popular sentiment, I know not from what description of people, evinced towards this man, who, whether he be in any form here as a guest of the nation or not, is a stranger in a strange land, and with whom the protection of the law should always go. I trust it will be extended to him; and if the fact shall turn out to be that he is entitled, because of his political relation to this country—for it is his political relation alone which we can recognize—to the safeguard of the country, I will go as far as any man in seeing that it is extended to him.

Mr. BUTLER. This subject was brought to my attention this morning by a friend. I confess that I was not surprised at hearing the details of the outrage which has been offered to the gentleman whose name has not been mentioned here, but who has been sufficiently indicated. I wish distinctly, as a Senator of the United States, to say upon this floor, if my voice may have any influence abroad, that I am satisfied that conduct

of this kind has proceeded entirely from an irresponsible multitude, and that it does not have the sanction of the public opinion, or even the popular opinion of the American people. These are exhibitions offensive, not only to national comity and hospitality, but they are disgraceful to the spirit of the age, and they offend the very spirit of that religion which is taught both to the Catholic and to the Protestant. And, sir, shall we violate that interrogatory propounded in our sacred volume, "Doth our law judge any man before it hear him and know what he doeth?" No, sir; let us not sanction anything of this kind. I am glad it is condemned by so high an authority as my friends who have spoken on the subject, and I join heartily in the censure of the disgusting insults offered to this gentleman in Baltimore, New York, and, I believe, Cincinnati.

Mr. DAWSON. Mr. President: It is merely for the expression of my individual opinion that I rise. I have noticed, in the public prints, the treatment that this individual has received throughout several of the States of this Union. I have endeavored to ascertain the principle on which that feeling arose. It is said, by the Senator from Michigan, that he is the representative of the Papal States; that he is a distinguished and worthy man. I care not whether he be the representative of the religion of his country, or whether he is here in the character of the representative of a political Power, on his way as Minister to Rio Janeiro or not, the national hospitality of this country has been stabbed. A stranger, a distinguished stranger, has been most unkindly and inhospitably treated, and the most unfortunate incident connected with it is, that there has been no feeling in the parts of the country where the disturbances arose to put them down. It seems as if the laws of the land, in certain sections of the country, are to be overrun by violence and combinations of individuals to defeat them; and, strange to tell, these combinations and conspiracies against the law are not punished anywhere. The liberty of the country is becoming so great that men can rise up in thousands, and women unite with them, to put down the existing institutions, and to cower the men who may come before them, or who may be the object of their displeasure. What is the origin of all this? It is the failure to enforce the Constitution and the laws of the country, and the neglect on the part of the people to keep that due subordination to law which every country must regard before its honor can be sustained abroad. But, sir, this goes to the world, the civilized world, as the hospitality of the American States; and the American character is injured by this course of conduct. But when we come to strip it of its covering—and I take this occasion to say it to the world—we find that it is not the American character that has been guilty of these violations. It is not the native citizens of the United States who have perpetrated these outrages upon a quiet stranger. In every instance, if the papers tell the truth, it has been the foreign influence of the country that has been attempting to bring into degradation the Constitution and the laws of the land; and from political, or other considerations, this influence is allowed to injure our country in its character abroad from the apprehension of incurring the displeasure of the foreign people or citizens among us. It is time to tell the truth, and not be yielding to this kind of influence.

Take the outrages from Cincinnati around to Baltimore, and I have heard of no American name, a native of this country, of character, connected with the transactions. Why, then, should gentlemen be so timid, or so fearful to express an opinion and say that this is not American feeling, or American hospitality? It is a violation of American hospitality by a foreign influence within our limits; and I, for one, shall never hesitate, or fear the consequences, politically or otherwise, of denouncing such conduct as inconsistent with the character of our country, and with our hospitality.

I feel it is an obligation upon every Senator on this floor to rescue his own State from that which is so well calculated to damn its reputation. Sir, I hesitate not to say that this gentleman could have passed through the State that I have the honor in part to represent without being subjected to one single act of outrage; and if such an act had been attempted by any part or portion of our

people, the hospitable feeling of the rest of the people of the State would have prevented it.

Mr. BADGER. You can make the same remark of the whole southern country.

Mr. DAWSON. Yes, sir, I can say it for all the southern States.

Mr. JONES, of Iowa. It has happened in Maryland.

Mr. DAWSON. It has not happened in the southern States strictly. These things are not properly attended to. All sorts of isms, all sorts of feelings are combining themselves together, not in subordination to law, but in subordination to feeling; and they are rising up everywhere and breeding social disorder and discontent throughout every section of the country; and unless firmness characterizes the representatives of the people in Congress, the period will come when the people will combine and do as they please; and these insurrectionary movements of all kinds will be carried on almost anywhere and everywhere. How is it to be avoided? The honorable Senator from Michigan calls for information, and intends to say that in the event that the laws of the country are insufficient to put down this insubordination of conduct, we will amend the laws.

Why, Mr. President, there is not a State in this Union where, if the laws were enforced against persons who thus combine to commit outrages, the laws are not sufficient to put them down, not one. It is the looking out for the elections—the disposition to carry the feelings of a certain class of the community with the politicians or with the party that yields to this influence that is much to blame for them; and that is growing daily.

But, sir, I did not intend to say as much as I have said. I only rose to say, in conformity to the request of the Senator from Michigan, that as a Senator in Congress from the State of Georgia, I look upon these outrages with great regret, and also to add that they could not happen in the State which I have the honor in part to represent here.

Mr. DOUGLAS. I regret that the Senator from Georgia should, in his condemnation of these transactions, have said that they could not have occurred in a particular State, or a particular section of the Union. I have no idea that they could have happened with the sanction or the approbation, or even the tolerance of any State in this Union. I believe, sir, that there is not a right-minded man in this country who does not feel humbled as an American citizen, that such acts of violence should have occurred anywhere in our country. There certainly can be but one opinion, and but one sentiment on this subject, North or South, East or West.

It may be, sir, that the greatest violence has occurred in particular localities, and this tends to fix a higher disgrace upon those immediate localities than upon the whole country; yet we all participate in the dispute that is brought upon the country by it. I apprehend, too, that it cannot be said that one section or another section of the country is entirely exempt or alone guilty. I regret to say that it has occurred in the great West, which I believe is as loyal to the Constitution and laws as any part of the Union. I regret to say that it has occurred in the southern States; within a few miles of this Capitol, and therefore we cannot say that either the one section or the other is entirely exempt. Nor am I willing it should be inferred that either the one section or the other approve of, or acquiesce in, such conduct.

I am at a loss at this time, not having expected the question to come up, to say what we ought to do; but I believe I hazard nothing in saying that there is not a man in this body who does not feel humbled and indignant that such transactions should have occurred, to bring disgrace upon the country in the eyes of the whole world. We all feel the humiliation, and I trust we are willing to perform whatever duty belongs to us in arresting it, so far as our power extends.

Mr. EVERETT. Mr. President, this subject comes before the Senate without any previous knowledge on my part. The distinguished Senator from Michigan a few moments ago mentioned to me his purpose of offering a resolution to the Senate, and did me the honor to express the wish that I should say what might occur to me on the subject. I do it cheerfully; and I am the rather induced to do so from the somewhat sectional aspect which my excellent friend from Georgia

[Mr. Dawson] has given to it; without, however, intending, I am sure, to do injustice to any other part of the country. I agree with the Senator from Illinois, who has just taken his seat, in believing that the feeling on this subject, spontaneously arising in every well-regulated mind, is not bounded by any sectional lines—that it does not exist more in one part of the country than another.

The Senator from Georgia says that this gentleman could pass with safety through his State; and the Senator from North Carolina [Mr. Badger] adds to it the suggestion, throughout the whole southern country, without the slightest outrage or mark of disrespect. I have not the least doubt of it, sir; but with respect to my own section of country, I can say that he has already been there. I have had the pleasure of making his personal acquaintance; I have met him in the most respectable circles in that part of the country, and I have seen him universally considered and treated as entitled to every mark of respect and hospitality which can be shown to a distinguished stranger.

Sir, he comes to us in the highest character which a man can wear in a civilized community. He comes to us under the shield of the law of nations. He is clothed with a diplomatic character, not indeed accredited to this country, but to another foreign country with which we are at peace. He bears with him, as I understand, an autograph letter from the chief of his own Government—a Government with which we have friendly relations, and at whose Court we are represented by a relative of the distinguished Senator from Michigan. He comes to us, sir, in a still higher capacity, under a still stronger protection—that of the stranger, that of the inoffensive traveler, that of the sojourner, who demeans himself peaceably among us, obeying our laws, and trusting to be protected by them. Sir, it is not necessary, surely, to add further titles of respect. If it were, I might say that he is an object of respect—perhaps I may even say veneration—to the great religious communion to which he belongs, and which, in this country, where we have no religious establishments, stands in the eye of the law upon an equal footing with every other communion, and every other form of our common Christian belief.

Well now, sir, I know nothing of the antecedents of this gentleman. I am willing to take them from the testimony of the honorable Senator from Michigan, who tells us that his relative, the accredited representative of this Government to the Government of which this gentleman is a diplomatic representative, speaks of him in the highest terms as a good citizen, and as a person justly enjoying the confidence of his Government. What more, sir, *prima facie*, can we want or can we ask? And surely we all know that since he has been in this country, he has neither uttered a word nor done an act that affords the color of a justification—rather than let me say of provocation—for the unmanly assaults of which he has been the object.

Now, I must say that if it were a question of legislation, no new enactments can be necessary to secure to such an individual the protection of our laws. Sir, if public sentiment cannot do it, no form of legislation can do it; and I will not think so meanly of the public sentiment of this country as to believe that any further legal provision is requisite to extend the protection of the common laws, which secure the rights of every individual, to a stranger and foreigner of this character, coming among us under these circumstances. Why, sir, if this is not the state of things in this country, every individual concerned in these acts of lawless outrage, or affording them countenance and encouragement, is himself guilty of an offense against the fundamental principles of civilized society, more dangerous in its consequences than is charged—I believe most unjustly, and without foundation—upon this gentleman, whose character has now in some degree come before the Senate. If we cannot strengthen public sentiment to the point of affording protection to a person of this character in this country, we should make ourselves worse citizens than this stranger is represented to be, most unjustly, as I believe, on the authority which has been given to us.

I therefore rejoice that an opportunity has been afforded in this Senate to do whatever can be done by the expression of opinion on all sides of the House, to strengthen the arm of the law, by

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, JANUARY 24, 1854.

NEW SERIES....No. 15.

bringing in support of it the more powerful arm of public opinion and public feeling.

I hope the resolution of the Senator from Michigan will be adopted.

Mr. ADAMS. Mr. President, it is with some hesitancy that I submit any remarks on this subject, but it occurs to my mind that this body, as well as other bodies, is sometimes liable to err. My own opinion is, that the business of this body should be confined to subjects over which it has jurisdiction. I find no authority in the Constitution for us to undertake to regulate public opinion. If the individual referred to by the distinguished Senator from Michigan comes to this country in a political and accredited character, I take it for granted that he has reported himself to the Secretary of State, and it is the duty of this Government to protect him in his person. If he came here in a religious character, the shield of our institutions is thrown over him. Every State in this Union has provisions in its constitution and laws to protect every one in the free exercise of his religion. I should like to know what jurisdiction this Government has over any one of the States to put down riots, or to punish rioters, or to control her citizens. I am at a loss to know by what means we are to obtain jurisdiction over this matter. I regret as much as any one any violation of law, or any disrespect shown to this stranger, whatever may be his mission; yet, sir, I hold that this is a matter which belongs to the States; that they are capable and competent, and that they will enforce the rights of the stranger, as well as of their own citizens.

It has been said by my friend from Georgia, and correctly said, according to the reports in the papers, that the outrages referred to have been committed by foreigners, not by native-born citizens; and that this individual could have passed through the southern States unmolested. That is doubtless true, but how are we to account for this? I suppose that where these outrages have been committed there are a number of individuals, not native-born, but foreigners, who suppose—I care not now whether the supposition be true or not—that they have felt the oppressions of religious intolerance abroad. They may be mistaken; but whether they are or not, is a matter with which we have nothing to do. In the southern States we have but few foreigners; and that is the way to account for the difference of treatment in different portions of the country. No doubt, sir, those who have been engaged in these outrages have supposed themselves justified for their conduct; but I contend that it is a matter which belongs to the different States, with which the Federal Government has nothing to do. Nor do I see that the Senate of the United States has any right under the Constitution to attempt to control public opinion, however much each individual Senator, as an individual, may regret these occurrences. We hear of no murder committed in any State of the Union which we do not regret to hear of; yet murders are being committed every day. We hear of no outrage upon any citizen, foreign born or native born, which we do not regret to hear of; yet that does not give the Federal Government jurisdiction over the subject-matter.

I tell you, sir, there is very great danger that we may in time forget that there are States in this Union, and that this Federal Government is one of delegated and limited powers. With all due respect to those distinguished gentlemen who think we have jurisdiction over this matter, and who think it is the duty of the Senate to control public opinion throughout the country, I beg leave to differ with them. Public opinion will regulate itself in the various communities throughout the Union where these outrages have occurred. If, however, this individual has a diplomatic character, and a political character as an accredited agent to this Government; it is a different matter; but the fact that he is accredited to another Government does not give to the General Government jurisdiction over local offenses in the different States. If he possesses the character of an accredited representative to this country, I never

heard it before this occasion. If he came here on a religious mission, he is protected by the institutions of every State in the Union, and I have no doubt their laws will be enforced without the intervention of the Federal Government.

Mr. CASS. Mr. President, I wish to say a word upon a topic on which the honorable Senator from Mississippi has touched in his concluding remark, and that is, as to the question of jurisdiction. Why, sir, that is a very clear matter. The object which we have in view in this inquiry—and it is a legitimate object—is to ascertain whether this gentleman is clothed with a diplomatic character in the United States. If he is, we have legislative jurisdiction over the subject; for then his right of protection rests upon the Constitution and laws of the United States. The Constitution expressly secures protection to "ambassadors, other public ministers, and consuls," and this is to be provided by Congress. We may find, therefore, from the answer to this inquiry, that we have jurisdiction. If we find that he is in that position in this country, and that his person has been threatened with violence, and if we find that a defect exists in the existing law, it may be necessary to remedy it, so as to insure full jurisdiction over the subject-matter. That is a legitimate object of inquiry. We propose to ascertain, in the first place, the position of this gentleman, his public character, his diplomatic relation to us. If we find he is under the protection of the law of nations, then we can examine the necessity of any legislative interference.

It is very true, as the honorable Senator has said, that public opinion controls itself in this country; but discussions which arise here and elsewhere, on topics before the public, are, I think, of great service. They serve at times to enlighten public sentiment, and more or less to aid it. Why, sir, this is no common case. The honorable Senator speaks of murder, and of other crimes, which are committed throughout the country, which we all regret, and which the laws are amply sufficient; if not to prevent, at least to punish, and if not to punish, the offenders escape from circumstances, such as the want of proof and other difficulties, which the law cannot supply. But our conduct towards this stranger becomes a national act. The eyes of all Europe are upon it. The representative of one of the sovereign States of the Old World is here among us in a character entitling him, under any circumstances, to claim from us protection and hospitality, and therefore our national character is involved in this matter. It is not a mere question as to an ordinary breach of laws. That is bad enough, but that would not call upon the Senate for any interposition, nor would it require any peculiar manifestations in regard to public opinion. But in this case it becomes us to redeem ourselves from the obloquy of these atrocious acts of violence which have been threatened against a diplomatic representative coming among us, under peculiar circumstances complimentary to our country, and originating in the kindest feelings.

Sir, what should we say if one of our ministers to Europe should land in France, and proceed thence to Russia, and meet with similar insults in every State through which he might pass? Should we look upon it as an ordinary case of assault and battery? No, sir; but from Lake Superior to the Atlantic ocean, one burst of indignation would arise, and the honorable gentleman may be sure that such is the feeling in Europe; for when you come to questions involving love of country, the sentiment is almost equally strong everywhere. I repeat, no American deserves the name who would not feel indignant, were one of our representatives exposed to similar treatment.

Mr. PETTIT. This resolution is right, and ought to be adopted in two points of view: First, that we may know whether the Pope of Rome, a secular prince, desires to open any negotiation, or extend his intercourse with us beyond what it has heretofore been. It is our right to know that, at all proper times, whenever the President is willing to communicate such matters to us in open Senate.

In that view, it is proper that we should be informed of what the Pope, as secular prince, desires of us.

This resolution is proper in another point of view. If it shall so turn out that this gentleman is the Ambassador of the Pope to this Government, in a secular point of view, and if our laws are not already sufficient for the protection of such persons who come—as is said, and as is true—clothed with the protection of the law of nations, it is proper that we should be informed upon the subject of their defect and deficiency, in order that we may supply them to reach subsequent cases, not past ones—not to punish the present offenders, if our laws are not sufficient.

For these two reasons I think the resolution should pass. It is respectful to the President, and respectful to all concerned. I suppose, sir, that this gentleman visits this country in a double capacity: First, to announce the will or pleasure of a secular prince, his sovereign, as such to the United States; and, secondly, to announce the Sovereign Pontiff's will to his followers, or his Church, in this country. In the former point of view, we have all right and all concern with him, and the whole world has a right to look to us for the protection of such persons. In the latter point of view, we have nothing, as a Government, to do with him. It will be expected, however, that our people will treat him with that kindness and that attention which is due to distinguished strangers upon a peaceable mission of religion, or anything else for which they shall see fit to travel over our country.

Sir, I am not disposed to make invidious comparisons between the North and the South, as to where these outbreaks take place; but I am told, and I believe it is the fact, that the most severe and most outrageous of them has been in a southern State, if Maryland may be called a southern State, and I believe she has always ranked herself as such. The transaction to which I refer occurred very recently at Baltimore. No violation of the rights of hospitality so gross as that which occurred in Baltimore has happened in any other place, according to the reports; and we know nothing of these matters at all but from reports. And, sir, it is not long since a transaction that would have made a northern man blush took place at New Orleans, which is in a southern State, I believe. There a high functionary, an official of the Spanish Government, was mobbed, the flag of his country taken down, and he compelled to leave it. Yet, forsooth, gentlemen say none of these difficulties occur in southern States!

Well, sir, I pass from that matter. I will say, however, that I think more consequence has been given to these things than is necessary. The resolution should have passed *sub silentio*, and the information asked for could be furnished us, if consistent with the views of the President, without any trouble.

I had the great pleasure and the great honor of an introduction to this gentleman last Friday night, and had a somewhat extended conversation with him. He expressed to me his great satisfaction at the reception which he had received, as he said, everywhere; but, perhaps, there ought to be some exception. He regreted that he had lost a great deal of the advantages of social intercourse from not being able to speak the English language fluently, though I thought he got along with it very well. He spoke particularly of the difficulty at Cincinnati, and said, to use his own language, that it was a small affair, and there was nothing of it next day. He added, that it was possible the Holy Father might be a little displeased about it, but he thought all would be right when he got home, which would be soon, as he had to return to Italy immediately. He said he had been in the country six months, and had been highly delighted with all parts of it, and his reception throughout.

Let it be understood, further, that by the very information from which we learned that there was a gathering at Cincinnati we also learned that it had a peaceable origin, and a peaceable design, so

far as he was concerned. I believe they designed to go near the residence of Archbishop Purcell, of Cincinnati, and there, perhaps, give him and the new-comer a serenade. But, sir, gentlemen have spoken about domestic feeling, and the policy of different sections of the country. If we look at the report of matters in Cincinnati, we find that the municipal authorities there were watching with vigilance, with a lynx-eye, every movement; and before there was any opportunity, before there was any demonstration of roughness and ill-treatment, or bad usage, they were on the ground in numbers, and suppressed it; and so anxious were they to prevent an outbreak and violation of the law, that they themselves violated the law, and they trampled upon the rights of the people who assembled together. It is true that the police, in endeavoring to protect this man, did trample upon the rights of those who were supposed to be rioters.

The remark which the Senator from Mississippi made is true, that so far as our own people are concerned, not one native-born American was engaged in that riot. Those engaged in it were all foreigners. They came here with the passions of the old country rankling in their breasts, and with the idea that this man had been the cause of sacrificing and wantonly shedding human blood. It would seem, then, to be quite natural, that when they came to a land of liberty they should have a burning desire, if they could, without force, to express peaceably their hatred and condemnation of such conduct in their own country; and it turned out that they had no intention of violence; and the only violence which took place was on the part of an over-vigilant police in the city of Cincinnati.

Now, sir, it seems to me that, after all, more consequence has been given to this matter than need be, and more, I think, than the gentleman himself regards it as worthy of; for he expressly said that it was a small matter, that he was delighted with the whole country, and should have a fine report to make when he went back. He did say, in his own broken English, that he supposed the Holy Father might possibly be a little displeased on hearing of it, but that it amounted to nothing, and there was nothing at all of it the next day.

But, so far as the passage of this resolution is concerned, I think it ought to be adopted. The Pope never has had a resident Minister or accredited agent here. If he desires to have here, as we have had at Rome, an accredited representative, a *chargé d'affaires*, and if he desires a closer political intimacy with us, we ought, by all means, to encourage it; and it is proper that the Senate and the country should know it. I doubt not the whole country will hail it with joy and acclamation; that not only the Papal States of Italy, but that all countries where civilization is known, desire to be united to us by bonds of diplomacy. The country will rejoice to know that they desire to extend their relations with us by sending ambassadors or any other grade of ministers which they may see fit. It is our policy to encourage such a course of conduct on their part, and, above all, sir, it seems to me that we should welcome a representative from that once mighty country which was both empire and republic at different times, and the greatest in the world at one time.

I cordially concur in the sentiment, that if anything is necessary to be done in order to protect this gentleman, or any other who shall come in his character of a secular representative, we ought to know the deficiency of our laws, and act promptly in enforcing them. And yet I am not willing to say that anything has thus far been done which can justly attach odium or disgrace to the country; or to its native-born citizens; or to the General Government; or the municipal authorities of the various States. Everywhere, and on all occasions, the municipal authorities have endeavored to keep the peace, and have immediately quelled the disturbances.

Mr. WELLER. Mr. President, I believe that ever since the arrival in this country of the distinguished personage who has been the subject of this debate, the public mind has been more or less excited in particular localities. This, I think, was very natural. There are a great many Germans, and a great many Italians in this country, who were connected with the revolutionary movements in Europe of 1848. They unquestionably

believe—whether correctly or not I do not now stop to inquire—that this distinguished personage was connected with the revolution of 1848 as one of their chief oppressors—that he had a direct agency in defeating the movements which were then on foot to emancipate their native country from the iron yoke of despotism.

Sir, I know of no person of any note who would, in any shape or form, give encouragement to an unlawful assemblage for the purpose of committing violence, either upon a foreigner or one of our own countrymen; but when the people of this country, who claim to be the sovereigns, choose to assemble together for the purpose of expressing their deliberate opinion, or for the purpose of expressing their sympathies in regard to any man, whether a foreigner or a citizen, they have an unquestionable right to do so. I did not hear until this morning that any personal violence had been attempted upon this distinguished gentleman; that I neither seek to justify nor palliate. The assemblage that took place in the city of Cincinnati was such a one as very often takes place in this country. When the people see proper peaceably to assemble together to express their opinion of one whom they regarded as a blood-thirsty tyrant and murderer—as one who had sought to oppress their countrymen, and as one who had wrested from their hands the invaluable prize of liberty for which they were struggling, they have an unquestionable right to do so. While there is power sufficient in this Government to protect the person and property from violence, there is no power to stifle public opinion—there is no power, and I trust in God there never will be, to prevent the people from a free expression of their sentiments.

Sir, I doubt not that any person could travel, as the Senator says, whether he be a tyrant or not, through the State of Georgia, without producing any excitement. There are very few Italians, very few Germans in that section of the country; but in the West, in the city of Cincinnati, for instance, as well as in the city of New York, there is a large number of foreigners, both Italians and Germans. There is an excitable population there; and whenever a man comes among them whom they may have known at home as a tyrant or an oppressor, who can deny to them the right of peaceably assembling together and expressing their opinions of his conduct? This was an attempt on their part, if you choose, to get up a public opinion with regard to this individual. How is it to be counteracted? The Senate of the United States is called on this morning to manufacture a public sentiment against the opinions which have been expressed by these assemblages. It was scarcely necessary that my learned friend from Michigan should come in here and ask Senators to say that they were opposed to violence. It was scarcely necessary that we should be called upon seriously and soberly, here in the face of the American nation, to say that we had some respect for the rights of a foreigner when he comes among us. It was scarcely necessary for us to say that in this country none of us approve of that wild spirit of mobocracy which now and then overspreads particular localities. It was scarcely necessary that a resolution should have been introduced for these purposes; for however much of disaffection there may exist in particular quarters of the Union at certain times, the great body of the American people can see no hope for their happiness, no hope for their safety, either in person or property, except in the maintenance of the laws. And if there be any principle deeper seated in the American heart than any other, it is a determination to make this a Government of law—a Government of order—where the rights of the lowest as well as the highest are amply protected.

Now, Mr. President, it is a very great mistake to suppose that this gentleman is without remedy. It is a very great mistake to suppose that he has nothing here in America to rely upon except public sentiment. But, sir, I must say that if he were guilty of the crimes which are charged against him—and I do not pretend to express any opinion on that subject, for of this I know nothing—if he were guilty of even one half the crimes that have been charged by his countrymen against him, the people were right in expressing their opinions peaceably and decidedly against him. [Applause in the galleries.]

Mr. MASON. I call to order.

The PRESIDING OFFICER, (Mr. STUART

in the chair.) The galleries must be kept in order, or they will be cleared at once.

Mr. WELLER. There is no one, I trust, who would sanction or approve of an act of violence. Whether this gentleman comes here in a political or a religious capacity, he comes as a distinguished foreigner. He is entitled to protection in his person and property. But, at the same time, you must concede to the American people the right of expressing their opinions about his conduct, either past or present; and therefore it is that I say that before I shall be prepared to assert that the people were wrong in assembling together and expressing their indignation—before I shall be prepared to pass upon that question at all, I must examine into the truth of the charges which have been made against him by his countrymen who were connected with the revolution of 1848. Before I shall be prepared to pass judgment of censure upon them, I must determine the question whether he be a bloody tyrant or not. I have already confessed that I am not sufficiently familiar with the history of that revolution to pass judgment upon this question. That a large portion of his countrymen now among us believe that he was guilty of the most atrocious acts of inhumanity, I have no doubt. Under the excitement very naturally produced by this belief, they have expressed their feelings with great warmth. In the city of Cincinnati I am sure the evidence abundantly establishes the fact that they intended no personal violence to the Nuncio, or the Archbishop, whose guest he was. No one in that section occupies a higher place in the affections of the people than the Archbishop—no one ranks higher as a Christian and gentleman. Their only object seems to have been to express in an impressive manner (but without violence) their disapprobation of the past conduct of the Nuncio.

Sir, there was, in my judgment, no necessity whatever for this discussion. The Federal Government has provided ample remedy for any outrages which may be committed against him, if he comes here in a political character. The President of the United States undoubtedly knows whether he comes here in a public or political character or not. If he comes here in a political character, he is amply protected by the laws which have already been enacted by the Congress of the United States. Upon the 30th of April, 1790, at the very beginning of this Government, it seems that Congress was careful to guard and protect the rights of foreign ambassadors, and ministers, and other public officers who might see proper to visit the country. Among the very first acts of the first Congress that convened under the Federal Constitution, an ample remedy was provided for any outrage that has been or may be committed upon this Nuncio, if he be a political character. What is that remedy? That act provides:

"SEC. 28. And be it further enacted, That if any person shall violate any safe conduct or passport, duly obtained and issued under the authority of the United States, or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador, or other public minister, such person so offending, on conviction, shall be imprisoned not exceeding three years, and fined at the discretion of the court."

This is an act of Congress, a law of the land now; and if this gentleman be a political character, if he comes here as an ambassador, or as a minister, or as the Senator from Virginia says, "the guest of the nation," all the President has to do is to instruct the district attorney in the State of Maryland to institute criminal proceedings against those who have been guilty of this act. If he comes here as a public minister, the violence offered to his person at Baltimore is a direct violation of this act, and I hope they will be prosecuted and punished. Wherefore then the necessity of having the question brought in here? If he is a private individual he must rely upon the laws of the State for his protection. The Federal Government cannot interpose. The same law which protects my person and property must protect him.

I desire to be understood properly above all things. What I have said to-day is not to be understood as encouraging in the slightest degree a resort to violence in any case. No Senator here more strongly disapproves of that wild spirit which sometimes induces the people to take the law into their own hands, and apply their own remedies. I know of no case, I can imagine of no case, which would justify a subversion of the law—this must be maintained, or else there is an end

to all government. The law provides an ample remedy in all cases which should be resorted to; but when the people see proper to meet together and express their opinions in a peaceable manner, without resorting to violence, I scarcely think that the Senate of the United States ought to be called upon to put it down. I know they cannot do it. You may undertake to manufacture public sentiment, but when did we become the manufacturers of public opinion? When was the Senate converted into a laboratory? When did the people intrust us with the sovereign power of speaking the public sentiment of America? From what section of the Constitution do we derive the authority to say to the people of this republican land that you shall not give free utterance to your opinions? I had supposed that we came here for the purpose of legislating, for the purpose of carrying out such measures as public sentiment and public opinion might indicate, and not for the purpose of dictating to the people what they should seek, and what they should do in a given case. They are entitled to their opinions; and, so far as I am concerned, they may express them in any way that suits their convenience. So long as they do not resort to force or violence, I have no complaints to utter.

The resolution was adopted.

ADMISSION ON THE FLOOR OF THE SENATE.

Mr. BADGER. I find that I undertook the other day an affair of a little more difficulty and complication than I was aware of at the time, when I proposed an amendment to the 48th rule for the admission of persons on the floor. Though my proposed amendments were printed and upon gentlemen's tables for a week, nobody attended to them, and I could get no assistance in remedying any oversight, except one or two amendments which were suggested by my friend from New York [Mr. Fish] at the time, and which were promptly introduced.

I find that since the resolution of amendment was adopted, there are two or three classes of public officers who have been left out, in respect to whom I think it is important and right that they should have admission to the floor. I will suggest, therefore, that, if the Senate will agree with me in that opinion, it will be proper for them to reconsider the vote adopting the resolution, in order that the names of those officers may be inserted. My object is to include among the persons entitled to admission, the Superintendent of the Coast Survey, the Mayor of Washington, the Heads of Bureaus, the Secretary and Members of the Board of Regents of the Smithsonian Institution, and the District Attorney of the United States for this District. I move, therefore, to reconsider the vote by which the resolution was adopted, in order that I may propose this amendment.

The motion to reconsider was agreed to, and the Senate proceeded to consider the resolution.

Mr. BADGER. I now move to amend the resolution, by inserting the names of the officers whom I have mentioned.

The motion was agreed to.

Mr. CHASE. I wish to move an amendment to the resolution, to carry out the original idea of the Senator from North Carolina, and after I have said a word, I think the Senate will agree to it. There is at this moment a very distinguished gentleman from Michigan, an ex-chancellor of that State, lately a member of the highest court in the State, and it is impossible, under the rule, to introduce him on the floor.

Mr. BADGER. I see the object; it is right, and I therefore move to amend by adding, after the provision for the admission of judges of courts of record, the words "and persons who have been chancellors or judges of the supreme or superior courts of any State."

Mr. CHASE. I would suggest that it would be preferable to use the words "chancellors or judges of the highest courts of law or equity."

Mr. BADGER. I accept that.

The amendment was agreed to.

Mr. SEBASTIAN. I should like to understand the resolution as it now stands.

Mr. BADGER. If my friend from Arkansas will allow me, I will read the resolution as it is. As it now stands, it proposes to amend the 48th rule, so as to provide—

"48. The following persons and none others, shall be admitted on the floor of the Senate: Members of the House of Representatives and their Clerk, the Secretary of State,

the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Attorney General, and the Postmaster General; the private Secretary of the President, Chaplains to Congress, the Superintendent of the Public Printing, the Deputy Postmaster of the city of Washington, the Marshal of the United States for the District of Columbia, Judges of the United States, the Clerk of the Supreme Court, Foreign Ministers and their secretaries, Ministers of the United States to foreign Governments and their secretaries, and persons who have been such ministers or secretaries, the Superintendent of the Coast Survey, the Mayor of Washington, Heads of Bureaus, the Secretary and Members of the Board of Regents of the Smithsonian Institution, the District Attorney of the United States for the District of Columbia, judges of the courts of record of the several States, and persons who have been chancellors or judges of the highest courts of law or equity of the several States," &c.

The amendment was adopted; and the resolution, as amended, was agreed to.

MISSING PAPERS.

Mr. JOHNSON. I offer the following resolution:

Resolved, That the Chair appoint a special committee, whose duty it shall be to investigate the matter of the loss of the original papers in the case of Mark Bean and Richard H. Bean, heretofore presented and filed in the Senate, and report such remedy and relief in the premises as shall seem fit.

I wish to state in explanation, that when the papers in the case were presented in the Senate some three or four years ago, they were printed, and the application of the petitioners was reported upon favorably. During the last Congress, it appeared that the papers had been mislaid or lost, and the case has been again presented, and is before the Committee on Public Lands; but the papers have not yet been found. The papers which have been lost involve testimony that can never be supplied again; the testimony, for instance, of a man of such high and distinguished character as General Matthew Arbuckle, of the United States Army; and unless they are found, material damage will be done to the rights of a citizen of this country. I ask for the appointment of a committee which shall have authority to investigate the circumstances of that loss, and cause these papers to be found, if possible, or report such remedy to the Senate as shall seem fit in this individual case, and such provision, if any shall be deemed necessary, as will prevent the recurrence of such an unfortunate accident. It is certainly wrong that original papers, and important ones, too, should be subject to casualties of this character, by which the rights of those whom we represent can be utterly and entirely sacrificed. I ask the Senate to consider and adopt the resolution at this time.

Mr. BADGER. I would ask the Senator from Arkansas if all these papers have not been printed?

Mr. JOHNSON. They have been; and one of the measures which has suggested itself to my mind is, that we may be able to establish the identity of the printed copy, if we cannot find the originals, though it is not yet certain that the originals cannot be found.

Mr. BADGER. We always consider printed copies as authentic when they are printed by authority.

Mr. JOHNSON. That may be the practice here, but the House of Representatives will not accept our printed copies unless they are authenticated by the original papers.

Mr. BADGER. I was not aware of that. We always accept theirs very willingly.

The resolution was agreed to.

PAYMENT FOR THE CENSUS PRINTING.

The bill providing for the payment for printing the returns of the Seventh Census, and for the paper purchased for said printing, was read a second time; and

On motion by Mr. HAMLIN, the Senate proceeded to consider it, as in Committee of the Whole.

It proposes to appropriate \$15,909 93 for printing the returns of the Seventh Census, under the joint resolution of March 3, 1853, and \$27,111 68 for the paper purchased for that printing.

Mr. HAMLIN. I desire to state, for the information of the Senate, that provision was made by law at the last session for printing the census returns. The Superintendent of the Public Printing was directed to have the census printed; but, by an oversight, as I suppose, no appropriation was made to pay, either for the paper or the printing, in the appropriation bill of the last session. The paper has been furnished under the contract; and the Public Printer has executed the work

under his contract, and the several sums to which they are entitled are those named in the bill. I apprehend, therefore, it can receive no opposition in the Senate.

Mr. BRIGHT. For what census returns is this money to be paid?

Mr. HAMLIN. This bill proposes to pay for the quarto edition of the census which has already been published by direction of law. It is to pay for the paper which has been furnished under contract, and to pay for the printing which has been executed by the Public Printer under his contract.

Mr. BRIGHT. Then it has nothing to do with the order which was made a few days since, and on which the motion to reconsider was made?

Mr. HAMLIN. Nothing in the world.

Mr. BRIGHT. Then I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

DISPATCHES OF A. DUDLEY MANN.

Mr. MASON. I submit the following resolution:

Resolved, That the President be, and he is hereby, requested to communicate to the Senate copies of all the dispatches written by A. Dudley Mann, or such portions thereof as may be deemed not inconsistent with the public interest, while he was employed in the diplomatic service of the United States, at or near the States of the Germanic Confederation, Hungary, and Switzerland, together with copies of the instructions under which he acted, and other communications made to him by the Department of State.

Mr. President, that is a mere call for information. I conceive that there can be no objection to it. I have seen most of these dispatches, and have read them with some care and a good deal of interest. I call for them for the information of the public, upon the political and commercial relations of the country. I therefore ask the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

UNITED STATES COURTS IN NEW YORK.

Mr. FISH asked, and by unanimous consent obtained, leave to introduce a bill "to provide a place for holding of the courts of the United States in the southern district of New York, and for other purposes," which was read a first time, and ordered to a second reading.

Mr. FISH. Mr. President, I ask the Senate to consent to the second and third reading and passage of the bill to-day; and I will state the reason why I make this request. On Thursday last the building in the city of New York, in which the United States courts, the district attorney's, and the marshal's offices are located, were destroyed by fire. There is, therefore, immediate necessity for some provision for the accommodation of those courts and their officers.

The first section of the bill authorizes the Secretary of the Interior to provide suitable buildings for this purpose. The second section provides that process made returnable to the building which is now destroyed may be returned to the new building.

I have submitted the bill to the Secretary of the Interior, and it meets his approval. I may also state, it has been drawn up by the district attorney for the southern district of New York, with the approval of the district judge.

The bill was read a second time by unanimous consent, and considered as in Committee of the Whole. No amendment being proposed, the bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

BILL INTRODUCED.

Mr. JOHNSON asked, and by unanimous consent obtained, leave to introduce a bill for the relief of the heirs and representatives of Colonel Alexander G. Morgan; which was read twice by its title, and referred to the Committee on Military Affairs.

MILITARY POST IN IOWA.

Mr. DODGE, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a military post at or near Sargent's Bluffs, on the Missouri river, for the protection of the western frontier of the State of Iowa.

PRIVATE BILLS.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That, for the residue of the present session, every Friday shall be set apart exclusively for the consideration of private bills on the general orders of the day; and that on the first Friday of every month no such bill shall be taken up to which there may be objection, or the consideration of which may lead to debate.

JOHN HAGAN.

Mr. WALKER. I wish to ask leave to withdraw the papers in the case of John Hagan, now on the files of the Senate. The purpose of withdrawing them is, that they may be sent to England for the purpose of being laid before the joint commission to settle claims between the two countries. It is desirable to withdraw the papers now, for it is necessary that they should be sent out by the next steamer.

Leave to withdraw the papers was granted.

EXECUTIVE SESSION.

On motion by Mr. BRIGHT, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

AMENDMENT OF THE CONSTITUTION.

The Senate proceeded to the consideration of the message received from the House of Representatives on Thursday last, announcing the appointment of a select committee of nine on the part of the House, to join such committee as might be appointed by the Senate, to consider the propriety of amending the Constitution as to the manner of electing the President and Vice President of the United States; and it was ordered to lie on the table.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, January 23, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

The SPEAKER laid before the House communications from the War Department, transmitting, in compliance with the resolution of the House of the 16th instant, letters from the Colonel of Engineers, inclosing the reports of the surveys of Taunton river and New Bedford harbor, and of Scituate harbor and North river, all in the State of Massachusetts, and explaining the delay in furnishing them to Congress.

Mr. CROCKER. I move that both of the communications be laid upon the table, and ordered to be printed.

The question was taken, and the motion was agreed to.

S. S. PRENTISS, DECEASED.

Mr. HUNT. I offer, with the unanimous consent of the House, the following resolution:

Resolved, That the Clerk of this House be directed to pay to the widow of Sergeant S. Prentiss, late of Mississippi, any balance which may be due him under a resolution of the House, passed February 6, 1838, providing for pay and mileage while contesting a seat in this House.

Mr. HUNT said: Mr. Speaker, in 1838 the election of Messrs. Gholson and Claiborne, who occupied seats in the House as Representatives from Mississippi, was contested by Messrs. Word and Prentiss. On the 6th of February, of that year, the contestants were allowed the same compensation, per diem and mileage, allowed to members of Congress, computing the per diem from the day of presenting their claim to seats in the House. (Journal of the House, page 365.) Mr. Word received his full pay; but Mr. Prentiss drew only a portion of his—leaving a balance of \$736, as appears from an official memorandum still standing to his credit. The object of the present resolution is to cause that balance to be paid to Mrs. Prentiss, the widow of S. S. Prentiss, deceased.

Mr. Speaker, Mr. Prentiss was well known to many of the members of this House. He was a man of extraordinary abilities, of extensive and varied attainments, and of many amiable and noble qualities. He was a scholar, a poet, a wit, a lawyer, an orator, and a statesman of respectable standing.

While a member of the House, he was one of its chief ornaments—an attractive and fascinating public speaker—sensible, full of knowledge, and

with an imagination ever teeming with bright images and apt illustrations. Indeed, sir, what Doctor Johnson happily said of Goldsmith may well be applied to Mr. Prentiss: *Nihil non tetigit quod non ornavit*. As a gentleman, he was the soul of honor, brave, generous, kind-hearted, truthful, chivalric, affectionate, true to his friends, and faithful to his country.

Like most of the sons of genius, he was careless about money; and he died, as I am informed by the gentleman who requested me to take charge of this matter, in straitened circumstances. His wife and little children reside in the district which I now have the honor to represent. With these remarks I submit the resolution. Its adoption will be an act of justice, and, I am sorry to believe, a measure of needed relief. The form of the resolution was suggested by an experienced member, the honorable chairman of the Committee on Elections.

I move, sir, the adoption of the resolution.

Mr. DAVIS, of Indiana. I desire to ask the gentleman from Louisiana [Mr. HUNT] what Mr. Prentiss it is which the resolution has reference to.

Mr. HUNT. Mr. Prentiss, of Mississippi.

Mr. DAVIS. Then I desire to be informed why it was that Mr. Prentiss had not received his compensation and per diem allowance before his death?

Mr. HUNT. If the honorable gentleman from Indiana [Mr. Davis] had attended to my remarks, he would have heard me give the reason. It is this: Like most of the sons of genius, he was regardless of money.

Mr. SKELTON. Mr. Speaker, I object—

The SPEAKER. Will the gentleman from Louisiana [Mr. HUNT] suspend for a moment? The gentleman from New Jersey addressed the Chair, and I understood him to object to the consideration of the resolution.

Mr. SKELTON. I object to it, unless it is referred to the Committee on Elections.

Mr. HUNT. I have but one word more to say.

The SPEAKER. The Chair considers that the resolution is objected to.

Mr. HUNT. Oh, no! the gentleman from New Jersey [Mr. SKELTON] does not object; there is no objection. The question now is about the adoption of the resolution. I move that it be adopted.

Mr. SKELTON. I object to the resolution being introduced and put upon its passage, but I have no objection to its being introduced and referred to the Committee on Elections.

Mr. HUNT. I hope that the House will not take that course, which is unnecessary. I will observe, by way of explanation—

Mr. STANTON, of Kentucky. Mr. Chairman, I desire to say a word—

The SPEAKER. Does the gentleman from Louisiana [Mr. HUNT] yield the floor to the gentleman from Kentucky, [Mr. STANTON?]

Mr. HUNT declined yielding the floor.

Mr. HUNT. I am only going to make a few more remarks. Before I introduced the resolution I consulted the honorable chairman of the Committee on Elections—a gentleman of experience—and on his kind suggestion I drew up the resolution which I have presented in the form in which it has been offered to the House. An examination was made, too, at his request, to ascertain the amount due to Mr. Prentiss; but we agreed that it would be better to let the Clerk, on reference, ascertain the facts. I hope gentlemen will be satisfied with this explanation, and that they will take the course in reference to this petition which the House may choose.

Mr. STANTON. I hold that there is no necessity, for that reason, to refer the entire matter to the Committee on Elections.

Mr. HOUSTON. I understood the gentleman from New Jersey [Mr. SKELTON] to have objected to the resolution unless it be referred. Then there is an objection, and, of course, the resolution is not debatable.

Mr. SKELTON. I objected unless it be referred to the Committee on Elections.

The SPEAKER. The proposition to refer to the Committee on Elections is then pending, the objection being made.

Mr. STANTON. It seems to me that this too plain a matter to need reference to the Committee on Elections. It is a mere matter of calcu-

lation, which can be done as well by the Clerk as the committee. The House, by a resolution passed about the time of the pendency of the contested-election case referred to, provided for the payment to Mr. Prentiss, who was one of the contestants, of his mileage and per diem for the time he was here engaged in prosecuting his claim, which I think was some forty-two days. The honorable gentleman from Louisiana [Mr. HUNT] brought to me the certificate of the Treasurer of the United States, showing that Mr. Prentiss had drawn only twelve hundred dollars of the amount due him. The whole amount, as shown by the records of the Treasury and the Journal of the House, was some nineteen hundred dollars, leaving a balance of seven hundred dollars and upwards due Mr. Prentiss under the resolution. The case is exceedingly plain, and I thought it unnecessary to refer the matter to the Committee on Elections; and that it was better to provide, by a resolution, that the Clerk of the House should ascertain and pay over the balance to the widow, whose necessities have induced her to apply for what her husband either did not know he was entitled to, or was too indifferent about money to demand in his life time.

Mr. SAGE. I move the previous question.

The previous question received a second, and the main question was ordered to be put.

The SPEAKER. The main question is upon the reference of the resolution.

The question was taken, and there were, upon a division—ayes 50, noes 74.

So the motion was not agreed to.

The question then recurred upon the adoption of the resolution, and being put it was decided in the affirmative.

So the resolution was agreed to.

LAND LAWS OF UTAH.

Mr. BERNHISEL, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Territories be instructed to inquire into the expediency of extending the provision of the Oregon land law over the Territory of Utah, and that said committee report by bill or otherwise.

IMPROVEMENT OF HARBORS AND RIVERS.

Mr. FULLER, by unanimous consent, introduced the following resolution; which was read for information:

Resolved, That the President of the United States be respectfully requested to furnish this House with copies of all contracts made, and correspondence subsequently, with the chief of the Bureau of Topographical Engineers, for furnishing materials of wood and stone for improving the harbors and rivers of Lake Michigan, under and by virtue of the act "making appropriations for the improvement of certain harbors and rivers," approved August 30, 1852.

The SPEAKER. The resolution being a call upon the President for information, it lies over for one day.

Mr. FULLER. Will it be in order to move to suspend the rules, to allow me to introduce the resolution?

The SPEAKER. It will be in order to make such a motion.

Mr. HUNT. I rise to a privileged question. I move to reconsider the vote by which the resolution I offered was adopted, and to lay that motion upon the table.

The question was taken upon Mr. HUNT's motion, and it was decided in the affirmative.

Mr. FULLER. I now move to suspend the rules, for the purpose of introducing the resolution which I offered a moment since, and which has been already read by the Clerk.

The question was taken on Mr. FULLER's motion, and it was decided in the affirmative.

So the rules were suspended. The question then being upon the adoption of Mr. FULLER's motion, it was taken, and decided in the affirmative.

Mr. GREEN, from the Committee on Enrolled Bills, reported that they had examined, and found correctly enrolled, a bill of the following title:

"An act explanatory of an act entitled 'An act for the relief of Benjamin S. Roberts;'"

Which thereupon received the signature of the Speaker.

Mr. STANTON, of Tennessee. I ask the consent of the House to offer the following resolution:

Resolved, That the Committee on Commerce be in-

structed to inquire into the expediency of establishing a marine hospital at Memphis, Tennessee.

The question was then taken, and the resolution was agreed to.

Mr. TAYLOR. I ask leave to introduce the following resolution:

Resolved, That the Committee on Public Lands be, and they are hereby, instructed to inquire what legislation is necessary in relation to the residue of the land lying in the Virginia military district, in the State of Ohio; and that they report to this House by bill or otherwise.

The question was then taken, and the resolution was agreed to.

Mr. BENSON. I ask leave of the House to introduce the following resolution:

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of establishing a Bureau of Agriculture, to be connected with the Department of the Interior, with leave to report by bill or otherwise.

The question was then taken, and the resolution was agreed to.

Mr. SMITH, of Virginia. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of providing, by law, for holding semi-annual terms of the Federal courts for the eastern district of Virginia, in and for the city of Alexandria; and that that committee report by bill or otherwise.

The question was taken, and the resolution was agreed to.

Mr. STRAUB. I ask leave of the House to introduce the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be, and it is hereby, instructed to report by bill authorizing the Postmaster General to purchase, establish, and build suitable grounds and post offices in each and every city, town, or place in the United States, at the cost and expense of the General Government: *Provided*, That the cost and expense of any one of such grounds and offices shall not exceed the sum of ——— dollars: *And provided, further*, That the income or profit on postages to the postmaster of such city, town, or place shall amount to or exceed the sum of ——— dollars annually.

Mr. HAMILTON. That proposes absolute instructions, and I am opposed to it. I move to lay the resolution upon the table.

Mr. HOUSTON. I submit that the resolution is not yet before the House.

The SPEAKER. The resolution has not been received by the House, and the motion to lay it upon the table is not, therefore, at this time in order.

Mr. JONES, of Tennessee. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Cries of "Oh, no!"]

Mr. JONES. This is not resolution day, and unless we go into the Committee of the Whole on the state of the Union we shall spend the whole day with motions to suspend the rules.

The question was put, and the motion agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN stated the business before the committee to be the consideration of certain resolutions offered by the gentleman from Alabama, [Mr. HOUSTON,] for the reference of the President's annual message, upon which the gentleman from Ohio [Mr. WADE] was entitled to the floor.

Mr. WADE. When the committee were last in session they had just gone through with matters and things in general in the State of New York. They had witnessed a contest between the Hards and Softs, which had created so much excitement as to make it impossible to get a hearing upon any other subject.

I had myself made up my mind upon the merits of that controversy, as I presumed every gentleman upon this floor had done, and I hoped that would have been the conclusion of the matter. The discussion seemed to assume about the form of what lawyers would call a "proceeding by bill and cross bill"—the "cross bill" being very cross. [Laughter.] In my humble judgment, both parties succeeded admirably in establishing their title to relief. It is my wish, however, that they may not get the relief they mutually pray for, and which the testimony in the case shows them richly entitled to. The consequences of such relief might be very unpleasant.

But it is not my intention to go into this matter upon the present or any other occasion. I have

no objection to their continuing this "Kilkenny cat" fight until they make way with each other, not leaving even the "tips of their tails," if they are so disposed. [Laughter.]

My purpose to-day is to speak in reference to a controversy which has excited considerable attention, not only in the district which I have the honor to represent, but all over the Union. I mean the recent difficulties in reference to railroads in the borough of Erie, in the State of Pennsylvania. I shall examine and present to the committee, for a very short time, the merits of that controversy, and I do it with the more confidence because the gentleman from Pennsylvania [Mr. GROW] a few days since informed the House that there had been an interruption in the transportation of freight and passengers at that place.

The gentleman from Pennsylvania admitted the fact that the business of freighting, and the carrying of passengers, on one of the most important thoroughfares in the western States had been, for several weeks, entirely interrupted, so far as railroad carriage is concerned; and he submitted the question as to who was to blame for this interruption of the commerce of the country. Whoever casts his eye over the map of the middle and western States, and especially those bordering upon the northwestern lakes, cannot but see that that thoroughfare is, and must be—unless obstructed by lawless violence, or by the rights, real or pretended, of States through which it passes—one of the most important channels of inland commerce in the western country. You will see, by an examination of the map, that that railroad lies alongside of the southern shore of Lake Erie, the navigation of which is for nearly six months of the year obstructed by ice. Now, sir, the commerce and travel along this line of railroad ought not to be subject to the caprice of a lawless mob, or the selfish legislation of a State intended to destroy or divert it from its natural channel. My constituents are, perhaps, more interested in this matter than the people of any other portion of the western country. I have received letter after letter from those constituents, stating that they have sick friends whom they desire to bring to their homes, but have not been able to do so on account of this lawless mob spirit at the borough of Erie.

Others of my constituents—men of wealth—men who have passed triumphantly through the most trying commercial revolutions, have been compelled to bow to this infernal spirit, and yield to poverty, from mere inability to perform contracts of transportation over this mob beleaguered territory of Pennsylvania.

These wrongs are insufferable, and if Congress and the Federal Government are powerless to redress them, then I would appeal to the public opinion of the States—that opinion which is stronger than law—of more virtue than statutory enactments.

The history of the difficulty is this: In 1848, the Legislature of Ohio was applied to by the people of Pennsylvania, for the charter of a railroad that should connect the city of Pittsburgh and Central Ohio. That charter was promptly granted by the Legislature of Ohio, giving gentlemen from Philadelphia and Pittsburgh, or whoever else in the State of Pennsylvania they might desire to take stock in such a road, a charter for a railroad extending through the entire breadth of the State of Ohio, from its eastern to its western line, through the very heart of the State.

This road has been a great highway, groaning under its burden of the great staples of Central Ohio; and Pennsylvania has enjoyed, without the slightest hindrance or murmur from citizens of Ohio, the immense wealth drawn from this most productive commerce. The direct effect of this road, it was known at the time its charter was granted, would be to divert the produce of that part of Ohio from the Ohio canal, and from the railroads leading to the lake, and conduct it to Pittsburgh and Philadelphia. While Pennsylvania was asking of the Legislature of Ohio a charter for this Ohio and Pennsylvania railroad, at the session of 1848, the people of Ohio, at the same session of the Pennsylvania Legislature, were likewise soliciting a railroad charter across the county and through the borough of Erie, to the New York State line—a distance of about forty miles. The two charters were granted nearly simultaneously by the two Legislatures.

This Erie railroad charter was obtained by the people of Ohio, in order to supply the link of railroad communication, then in course of construction, from the Mississippi to the Atlantic.

All the States but Pennsylvania promptly granted charters for this great thoroughfare. But Pennsylvania was hesitating, reluctant, and, as the sequel will show, shamelessly treacherous. This charter, had Pennsylvania not faltered with her plighted faith, would have been all that the people of Ohio and the West would have asked or desired. It would have conducted passengers and property through the infatuated borough of Erie, without even the poor and pitiful excuse they now interpose for their lawless violence.

As I have said, these two acts—the charter from Pennsylvania to cross the county of Erie, and the charter from Ohio to cross that State—were simultaneous, and designed to be mutual concessions from the one State to the other; and for their mutual accommodation they were to compromise—"prove measures"—by which the rights and interests of the two States would be made mutual and perpetual. Now, Mr. Chairman, what should a great and magnanimous Commonwealth have done in such a case as this? Get what she wanted, secure her own ends, and then "back out?" But Pennsylvania did just that—she repealed the charter she had granted to Ohio, and thus began by treachery what has ended in mob rule and murder. She will get her reward—the day of retribution is approaching, and is now even at the door. Had an unfortunate vagabond, to save himself, or a wife, or child from starvation, obtained a loaf of bread or a bag of corn, by pretenses as false and fraudulent as Pennsylvania obtained her Ohio charter, he would have been a fortunate miscreant if he had not received for it free lodgings in a dungeon. But what was the conduct of Ohio towards her sister State under such provocations? Did she retaliate? Did she return evil for evil? Not at all. She felt herself wronged—outraged, by this conduct of Pennsylvania. But she did not retaliate, and I hope she will not. Thus far she has endured the insult and the injury, in the firm belief that the good sense and enlightened policy of Pennsylvania's true men, will, ere long, redeem her character from this deep reproach.

Still Ohio is not insensible to the gratuitous stab aimed at her vital commercial interests by Pennsylvania. While the dishonest measure of repealing the Erie railroad charter was pending before the Legislature of Pennsylvania, Ohio remonstrated.

These resolutions, which I have read, were adopted in 1849; and I may be permitted here to say, that the State of Pennsylvania, in her public laws, has not printed or published the act by which it chartered the railroad through the county of Erie. She shrunk from it when she came to make up her records. But she could not repeal the law without reciting the law repealed; and but for this, we should have no evidence on Pennsylvania records that she had ever granted such a charter.

But here is the repealing law, and I read it for the information of this committee—

Mr. GROW. I am unwilling to interrupt the gentleman from Ohio. But the reason the law is not on the statute-books is that the Commonwealth imposes a tax on the publication of the acts of the Legislature, and this tax was not paid.

Mr. WADE. I am glad to relieve Pennsylvania on this point of not recording the Erie railroad charter, but I shall not retract my charge against her of bad faith in repealing that charter. May God forgive her for the rest. She has had enough besides to account for, as I will show before I have done. I shall now read the act. [Here Mr. WADE read the repealing act, which recited the charter and declared it repealed. The act bears date March 9, 1849; Pennsylvania laws of 1849, page 137.]

The gentleman from Pennsylvania says it (the Erie railroad charter act) did not receive the signature of the Governor. The law was handed to your Governor, and he neglected to return it with his objections, and it thereby became a law; and you were obliged to resort to an act of the Legislature before you could get rid of it. The gentleman [Mr. GROW] says that what I have stated implies bad faith in the State of Pennsylvania. It implies no such thing; it proves it—I will not call it a Punic faith, lest I should be found slan-

dering an extinct people. No, sir; it is Pennsylvaniaic faith.

Now, in this violated faith of Pennsylvania began all the disgraceful riots which have made the borough of Erie a hissing and a reproach through the length and breadth of the land. Ohio has stood manfully, as she always stood, through prosperity and adversity, redeeming her faith, whether plighted to unscrupulous States or to those who have put faith in her sense of pecuniary obligations. In this course of honor I trust she will ever keep; but when she is made the victim of treachery, and then assailed because she has been defrauded, she will not scruple to make her assailants feel at least that she can despise meanness as heartily as she honors fair dealing.

It is the State of Pennsylvania, and not the miserable vagabonds about the borough of Erie, that I arraign here. Let us see what your own Governor has said. Let us hear understand what is meant by the State of Pennsylvania by these efforts to dam up the commerce of the great West. She contends, that, inasmuch as she lies across the pathway of the people and commerce between the Atlantic and the great West, she stands there as the dog in the manger—though I do not wish to speak evil of that dog [laughter]—she stands there to make the most of her position. She has tried to do it, ay, the

"Court awards it, and the law doth give it;"

and she stands in the position of the "Shylock" State of the Union.

Let us hear what Governor Bigler, in his last annual message, says to the Legislature on this subject:

"The Legislature should render this important link of commerce between the sea-board and the great West subservient to the interests of the people of Pennsylvania.

"It so happens that Pennsylvania holds the key in this important link of commerce between the East and the West; and I most unhesitatingly say, that where no principle of amity or commerce is to be violated, it is the right and duty of the State to turn her natural advantages to the promotion of the views and welfare of her own people. It may be that neighboring States, possessing similar natural advantages, would give them away for our benefit, but I have not been able to discover any part in their former policy to justify such a conclusion."

No one can take exception to that, if she does it in a legitimate way, and does not undertake to divert the commerce of the country from its natural channel into by and forbidden paths, that she may enrich herself alone at the expense of her neighbors. The Governor entertains strange notions of the rights and obligations of the States towards each other. Such views as these would probably have done no discredit to the "Governor of an island" in the middle ages. But that any man, who ever thought an inch in advance of his nose should dream that, at this day, any State or people, simply from their favorable location, could carry on commerce which should be profitable on *their own side only* passes comprehension. But it is this stupid and dishonest view that has tainted the legislation and the policy of that State. It is this fatal and stupid selfishness of the State which has emboldened the mob at Erie to expect impunity in their lawless course. This hostility to commerce, on the part of that State, is suffered to be the path of wealth. The great West is to be invited, nay wooed, to the lap of Pennsylvania by "apostolic kicks and blows;" the Governor's idea of wooing and winning commerce to his State having been probably gathered from the method the feminine pig takes to woo her mate—BY RIGHTING.

This is precisely the course pointed out by the Governor of the State of Pennsylvania, as I have shown you from his own declarations, in his annual message to their present Legislature.

We of the west only ask to pass peaceably over her territory, and to take our merchandise to such markets as seems most profitable. If the markets of Pennsylvania are more inviting than those of other States, no doubt she will get our trade; but if she only seeks to *force* our trade into her markets, when these are not as profitable to us as the markets of other States, this then, is sheer dishonesty, of which Pennsylvania, or any other State, ought to be ashamed. The plea to justify the course she has pursued, is, that *other States* would not be more honorable than Pennsylvania herself. But is that the policy which ought to characterize the conduct of one sister State towards another? Is it just towards States of yet unsoiled honor to assume gratuitously that such

States would be as devoid of honesty and good neighborhood as the Governor of Pennsylvania endeavors to incite his own State to pursue? This is the bottle argument of him who "holds the cup, to his neighbor's lip to make him drunkard." "If I do not sell the poor man the poison, some other scoundrel will, therefore I may as well be the scoundrel myself, seeing that it is profitable." Whatever the law—law made by themselves—will permit one man or State to do to another, seems right and proper to be done, in the light in which Governor Bigler looks at these most important matters.

Now, Mr. Chairman, I appeal to every gentleman upon this floor, if the worst man, the very worst neighbor you can dwell by, is not the man who is eternally insisting upon his *naked* legal rights to be enforced with all their sharpest corners? Let such a man be wealthy, and he is a tyrant—let him be poor, and he will be dishonest, and ever tempted to gamble with the law. All such men are full of crotchets and tricks, designed to overreach and defraud in such a shape as to evade legal responsibility, but regardless of justice or honor. Such a man is an unmitigated curse to the neighborhood compelled to endure his presence. Through his influence and example, his neighborhood will be by the ears, and peace and good fellowship flee his hated presence.

The same thing holds good with States as well as individuals. This is the difficulty with Pennsylvania under her present rulers. They have the bond for the "pound of flesh nearest the heart" of her sister States, and, say they, "we will take the full weight of it; and we don't know but other States would do the like by us."

Mr. Chairman, this wretched policy is as profitless as it is dishonest. It will, it must, drive from Pennsylvania more trade than she can win thereby; and already, I rejoice to say, she begins to feel it in the indignant reprobation of the people East and West, and in the withdrawal of business men from contact with those regardless of their neighbors' rights.

But the gentleman from Pennsylvania [Mr. Grow] desires still to justify Pennsylvania, and he backs the reasoning of the Governor in his beautiful theory of gauge breaking. But I will attend to this theory presently.

Again, it is argued by the gentleman from Pennsylvania that the line of railroad from the Ohio line was laid without warrant of law, and that the people of Erie had the right to tear up the railroad track and burn its bridges.

But it so happens that not a blow has been struck by the mob at *this part* of the road. Legal or illegal, they seem to be perfectly willing that the people and the wealth of the great West should go eastwardly as far as the borough of Erie. But "thus far and no further," seems to be the fiat of the omnipotent vagabonds of that ill-starred hamlet. Still it is not true that the charter of the Franklin Canal Company was alone used by the railroad company, as one would be led to infer from what fell from the gentleman from Pennsylvania. The canal company was authorized by an act of the Legislature of Pennsylvania to construct a railroad from the north end of their chartered canal to the lake, by such course as the company might choose. There was no limitation as to time of completion, nor any points on the route to be observed. And though I do not propose to discuss the legality of that charter, I have yet reason to believe that a number of the most eminent legal gentlemen of the State advised the company before laying this road that the charter was legal.

But this is an evasion of the question at issue. The people of Erie knew the road was being laid, and neither they nor any one else, so far as we are advised, even hinted that all was not right—that there was no *charter*. No, they waited until the road, at great expense, was put in full operation; and after leaving it in peace for two or three years, why, as by magic, it was discovered that Erie, the borough of Erie, was outraged by this illegal railroad, and so all its drunken and sober inhabitants are let loose, not upon the illegal railroad, but on one of the legality of which no manner of doubt has ever been entertained by any one. They do not touch the *illegal road*, by which the wealth of the West is brought to their doors; not at all. There is evidently method in their madness.

The justification, then, that the people of Erie are doing what they have a legal right to do is fatal on the plea got up for them. But it is groundless on another principle. Neither in Pennsylvania nor elsewhere, where law and order rule, are men permitted to take the law into their own hands, much less are they permitted to set the orders, judgments, and officers of the law at defiance.

But this the Erie mobs have done with perfect impunity, and to interpose a justification in their behalf is to justify mob law. No lawyer can be found, one might presume, to stand up and contend that the people of Erie have acted legally; and if such notions prevail in Pennsylvania, the sooner they are eradicated the better will it be for the honor and peace of the State.

But when one justification after another fails, still others, such as they be, are brought forward. The gentleman from Pennsylvania [Mr. Grow] attempts to justify the mobocrats on the ground that they were vindicating the Pennsylvania gauge law. The Governor, and some gentlemen in this House, seem all of a sudden struck with a chivalrous purpose of preserving the sanctity of railroad gauges. But, unfortunately for those gentlemen, the Legislature of their own State, at its last session, authorized any railroad company in the State to construct its road upon, or alter it to, such gauge as seemed right in their own eyes.

Under this law, the Erie and Northeast railroad commenced changing its gauge to that of the Franklin Canal Company's gauge. It was *under this law*, also, that the Erie mobs commenced, and commenced for the sole purpose of preventing the gauge of this road being changed *under the law*, and for *no other purpose under heaven*. The mobs, therefore, commenced in sheer wanton violence, and it is an affront to common sense to attribute them to any other cause, saving only the known impunity they would enjoy from the connivance and encouragement of the authorities of the State.

This will appear in a still stronger light, and the State will appear more clearly at the bottom of it, when it is known to the committee that, after the mob spirit began to develop itself at Erie, the most advantageous terms were offered by the railroads to the citizens. The Franklin Canal road was to be extended to the harbor of Erie, and also south from the borough, to the north line of Mercer county, Pennsylvania, a distance of about sixty miles, so as to meet a line in the progress of construction from Pittsburgh to Erie.

The Erie and Northeast railroad were also to extend their road to Erie harbor, and to construct a road on a six foot gauge from Erie to the State line east, in the direction of "Little Valley," so as to connect with another road in progress of construction to "Little Valley"—thus opening a direct six-foot-gauge line from New York city—and both roads were to construct their "repair shops" at Erie. Thus, *law*, order, fraternal feelings, and the *utmost pecuniary* advantages are not sufficient to quell the mob spirit. "The hand of Joab was in it." The State, the merchants of Philadelphia and Pittsburgh were in it; and it is worse than idle—nay, it is one of the greatest scandals ever circulated against so quiet a State as Pennsylvania to pretend that she *could not* quell that Erie mob. Her "could not" was that she *would not*. From this conclusion there is no escape.

Pennsylvania has a motive in interrupting the communication along this Lake Shore railroad, especially during the winter. During the season of lake navigation, the freight and many passengers find their way to their destinations by steamboat and sail vessel. Then Pennsylvania cannot interrupt; but the winter business is done solely on the railroad, and by them this commerce finds its way to New York, Boston, &c. Hence the Erie mob. Hence the message of Governor Bigler. It is to divert this great trade into channels prepared by Pennsylvania—to elevate the vast products of the West over the Alleghany Mountains, instead of permitting them to go to markets to the northward of this range. Hence the tears of gentlemen from Pennsylvania.

Now, the Alleghany mountains, as you approach the lake, interpose no such obstructions to transportation, and therefore Boston, Albany, and New York receive, as they naturally should be permitted to receive, the wealth of the lake country. Pennsylvania is so situated that, by improving her condition, as she may and ought to

do, she can get all from the West that she can dispose of. She may make another railroad from Pittsburg to Philadelphia, and she may tunnel her mountains at their base, and the West will supply her with all she can provide the means of conveying, and still leave a surplus behind for other markets, tenfold greater than she will have received; so that her cupidity may be gratified, if she will but put herself in a position to receive the wealth of the western country. But for her to undertake this little, petty warfare upon the commerce of the lake country in winter is unworthy of the State of Pennsylvania.

I know that she will repel the harsh things I have said of her. I know that she will reform these abuses; that she will not permit the avarice of a few misguided and reckless men to tarnish her own fair character; but that she will take her place in the sisterhood of States, remembering that the highest interest of all is to observe good faith, to carry out the purposes and intents of the Constitution, and not compel us to call for the interposition of Federal power to open communications between State and State, or to keep them open.

But, if I am mistaken in this, I may be permitted to say, that no State owes more than Pennsylvania to the kindness and good feeling of Congress. She has been the pet of the Federal Government; she has been stimulated by protection to an excess that no other State has; ay, these stimulants have been administered until her constitution has been undermined—I do not mean her *State constitution*, but her moral constitution. And now she wishes the further protection, which will be thrown around her by hedging up the highways of communication between the East and West, and to bind and loose at her pleasure.

Never was there a more mistaken policy than this narrow one which Pennsylvania exhibits. She cannot accomplish what she attempts. She will raise against this encroaching spirit the entire population of the northwestern States, that population which is increasing at a ratio unexampled in the history of the world; and whose wealth, too, is increasing even faster than the population. An unobstructed intercourse is demanded, as well by the interest of Pennsylvania as that of Ohio, or Indiana, or Illinois, or New York. She cannot do without it. I ask intelligent gentlemen from Pennsylvania, Have you obtained *all that you need from the West*? Will you never need any further railroad accommodations from the State of Ohio? Is the measure of your prosperity full, and do you desire now to have all further comities between us discontinued, and all further good offices forever forgotten? Do you wish to create this ill-blood between the two States? For I can say here, from the most earnest convictions of my own heart, that the course of petty mischief, vexation, fraud, and bad neighborhood, which has characterized the course of that State since this Erie villany broke loose, will lead to collisions which will be mourned over and deprecated by every good citizen in these United States. There is a feeling there which cannot be repressed. We will, however, first try all peaceable means. We will call upon our western fellow-citizens to unite with us of Ohio to rebuke this low, and, I may say, nasty selfishness; and I here make an appeal to the gentlemen that represent the interests of the West to take this matter into serious consideration, and let us ask ourselves what right the State of Pennsylvania has to the protection of her iron and coal while she disregards so recklessly the rights and interests of the States we represent? Let us say mildly but firmly to that State that she has no *prescriptive right* to the protection of her peculiar interests while she sets at naught the *peculiar interests* of our own States.

I put these questions, not as *threats*—for I am incapable of acting myself from any motive generated by such a cause, and would not insult another with a move which could not influence myself—but it seems to me that we owe it to our constituents to devise *effectual means* to protect their interests against the cupidity of the State of Pennsylvania.

How long shall we be taxed for all the iron that we use, in order to gratify Pennsylvania in her efforts to obstruct the commerce and prosperity of the eastern and the southern country; for all, both West, and North, and South, are interested in this matter? How long shall Pennsylvania enjoy a monopoly of the trade in mineral coal, by the imposition of a most absurd and extravagant duty.

making the poor suffer from the chilling blasts of winter to gratify her avarice, when it is well known to all commercial men that coal can be imported from Europe at a price about two thirds of what it is furnished for by the people of Pennsylvania? How long shall the State of Pennsylvania be indulged in these things, so grossly, grievously unjust? Did you not hear, when the question was up in reference to suspending the collection of the duty on railroad iron for a term of years, how unanimously the representatives of that State voted in opposition to that measure—a measure only remotely looking at the tariff on iron. So unanimous were they, that a member within my hearing said that it was the first time within his recollection that Pennsylvania voted with a perfect unanimity upon any question.

No, sir, she is jealous of her own interests, with an "exceeding great jealousy." But she is willing to touch the interests of her sister States at the curial nerve. She cares nothing about it, and she supposes apparently that this selfish policy will be endured, and that no retaliation or resistance will be attempted.

I would not counsel retaliation, because it is wrong; but then it may be a duty for us so to arrange our legislation as to protect ourselves, if Pennsylvania will not listen to reason. Let her adjust her difficulties with the railroad companies by law. Let her abide by the decision of the courts if she wishes to receive the courtesies and the kindnesses of the people of other States. Let her not undertake to legislate solely for her own benefit. Mr. Chairman, I do not wish to press this subject. I have only stated what I thought requisite to satisfy the committee that Pennsylvania is in the wrong; that there is no justification for the course she has pursued in relation to the conduct of the citizens of Erie.

But, sir, who does not know that this is not the lawless outbreak of a few men and women? No! I treat this committee to look at this matter in its true light. Suppose the Governor of the State of Pennsylvania and its judiciary, had spoken the language of peaceful and order-loving men to these lawless vagabonds who have been working their mischiefs at Erie, and said to them, "the State of Pennsylvania has a character to maintain and protect. She must abide by her laws, and she will abide by them." If they had thus spoken, instead of speaking in the language of vituperation and accusation, in the language of denunciation and violence, in the language of cupidity and license to these people of Erie, there would have been none of these outrages, even to the loss of life. No sir, it only needed an honest, out-spoken, earnest rebuke from Philadelphia and Harrisburg, and all had been quiet; the law would have taken its course, and all things gone on, as every good citizen must desire they should.

From Philadelphia to Pittsburg, and from Pittsburg to Harrisburg, the voice of the public press—if it has not stimulated the lawless violences at Erie—has spoken in language that left no room to doubt that they would meet no punishment from the authorities of the State of Pennsylvania. But they talked about commercial interests, and ridiculed the losses and ruin to the West by reason of the breaking up of this great thoroughfare.

I did not intend to be half so long as I have. I simply desired to bring the matter before the committee, to disabuse the public mind of the belief that anybody is to blame in this lawlessness excepting the citizens of Erie, encouraged by the State of Pennsylvania.

I think I have done so. I think I have established the fact, that from her own statute-books she has been regardless of the rights of the people of Ohio; that she has acted in bad faith to the people and government of Ohio; that she is now enjoying to the fullest extent the benefits of the beneficent legislation of Ohio in giving her a full and free charter for a railroad for near two hundred miles in length, extending from the east to the west side of the State; and have shown that she has obliterated from her statute-book the charter of the Erie railroad, made on the *sole consideration* of her receiving the charter of the road above alluded to, and is in the full enjoyment of all the great benefits she is deriving from it, while she has most unjustifiably—nay, most fraudulently, withheld the consideration she solemnly agreed to give for this most valuable privilege.

I will examine here for a single moment, with

the indulgence of the committee, the question as to the breaking of gauges. Why should there not be a break of gauge at Erie? The borough of Erie, in 1850, contained between five and six thousand inhabitants; the city of Buffalo, at the same time, contained forty-two thousand. There is not another railroad leading to or from Erie, except those about which this controversy has arisen. Erie is no place for the distribution of freight or passage. There is no occasion for it. Men who want to stop at Erie have an opportunity to do so. Freight consigned to Erie is unloaded there; and this course of business would have continued had they submitted to a change of gauge, according to the provisions of their own laws.

The effect of a break of gauge at Erie is to compel a transfer of freight, passengers, and baggage destined to any place beyond. All the vast products of the West carried over that route and not wanted for the consumption of the five thousand inhabitants of Erie, are in the sheer spirit of wantonness to be shipped and reshipped at Erie and Northeast. There is no occasion for it, but merely to increase the expense, and to gratify the huxters of Erie. Governor Bigler, in his message, says this is perfectly right, and that Pennsylvania is only availing herself of her situation to do all she can for herself.

What right has Pennsylvania, I ask, when any one desires to go to Albany, for instance, what right has Pennsylvania, in the exercise of fraternal feelings and good citizenship, to say to him, "You shall stop and shift your baggage at Erie, and have some peanuts if you need?" [Laughter.] What right has Pennsylvania to torment us with an eternal repetition of peanuts and ginger-pop? What right has a Governor of a sovereign State to reason, or rather, unreason, in that way, in the face of rational men? Everything which Pennsylvania should have she will have, by suffering cars to pass through her borders unobstructed. Many persons desire to stop at Erie, and they will stop there. If they do not desire to do so, why should they be compelled to stop? It is a great inconvenience and annoyance to which western commerce is subjected in being compelled to shift from car to car all her live-stock and all her dead merchandise, if I may so call it, for no good purpose except to extort money from the pockets of the people of the West.

This will be the case, and gentlemen cannot indulge the hope that this thing will be permitted to stop here. The commerce of the West cannot and ought not to be interrupted by this annoyance. The Federal Government has undoubtedly the right to regulate commerce between the States. She has the power to open post roads through the States, and no State ought so to conduct as to call for the exercise of this her power. I believe that the good sense and shrewdness of Pennsylvania will see that it is for her interest, as well as for the interests of other States, to relinquish the line of policy which she has pursued, and when a charter be profitably granted through her State, that she will faithfully adhere to her own laws granting such charters, and permitting her sister States to enjoy the uninterrupted right of passing through her territory, as their interests may require.

Mr. ROBBINS, (interrupting.) I desire merely to ask the gentleman from Ohio to allow me leave to read an extract from a paper I hold in my hand, in reference to this matter of the railroad gauges.

Mr. WADE. I do not know what the extract to which the gentleman alludes contains, and my time is near up, and I may not have the opportunity to reply.

Mr. ROBBINS was understood to say that it was from a Philadelphia paper from which he proposed to read.

Mr. WADE. I cannot help what may be said by the Pennsylvania papers of the gauge law. I am stating the whole facts which are involved in this unhappy controversy. I am stating the facts which are susceptible of the most unquestionable proof, and they establish the fact that the State of Pennsylvania, for the purpose of gratifying the eastern and central portion of her citizens, has withheld most extensive benefits, such as I have before set forth, which the railroads were early to confer, and which would have been conferred, had it not been the determination of the State to sacrifice the substantial citizens of Erie to the cupidity of those other portions of the State;

and long will the people of Erie have reason to curse the short-sighted policy which led them to resolve themselves into a mob, to do the destructive and dirty work of Philadelphia, to the ruin of themselves—

Here the Chairman's hammer fell, the hour to which the gentleman was entitled under the rule, having expired.

Mr. RITCHIE, of Pennsylvania, having obtained the floor, said: As a representative upon this floor from the State of Pennsylvania, I feel bound by a sense of duty to say a word upon the subject of this Erie controversy; not that I have any desire of saying anything in reply to what has been said by the gentleman from Ohio, who has just taken his seat, for I could not reply in language like that used by him without transgressing the rules of the House, but in what I shall say, I shall regard only what is proper for me as a representative in part of the State of Pennsylvania, and as a member of the House of Representatives of the Congress of the United States.

I say again that I do not intend to say a word in reply to the gentleman from Ohio. I am satisfied to leave his speech to the House for their judgment, without any rejoinder. I desire that the interest of the State of Pennsylvania in these Erie squabbles shall be made to appear in its true light; but I confess that, personally, I take no more interest in these squabbles than I do in those of kites and crows. There has, without doubt, been too great violence in the proceedings at Erie on the part of all concerned in them; but I have every reason to believe that if the rights of the people of Erie had been respected by the people of the Cleveland section of country, which the gentleman who last spoke, [Mr. WADE,] I believe, represents, all these difficulties would have long ago been settled. But when a State has been assailed with extreme violence by expressions of such coarseness as I am sure grated harshly upon the ears of members of the House, and with the most exaggerated invective for asserting its rights against the usurpations of a railroad corporation which had entirely perverted the original purpose of its charter, it may well be supposed that the people of that State would feel somewhat aggrieved, and that the authorities of the State might be somewhat slow in granting favors to their assailants.

I will now state what are some of the facts of the case as they exist, if the committee are not already worried to death by the time which has been consumed in the matter.

[Cries of "Go on!" "Go on!"]

Mr. RITCHIE. In the first place, then, I ask gentlemen to remember that this railroad, instead of passing between the town and harbor of Erie, passes at some distance from the harbor, south of the town—and here I may say that this is the only harbor upon the southern shore of lake Erie, which is thoroughly and constantly protected in all weather from storms, and which may be fortified and protected thoroughly against an enemy in time of war; and in this point of view it is one of national importance; it is the only harbor upon the lake in the State of Pennsylvania, and for this reason it is not to be wondered at that the State of Pennsylvania should take much interest in building up the city of Erie, more especially as it would be a matter of national interest whenever a harbor on the lake might be necessary to shelter a fleet in time of war.

It is the only place on that lake where vessels can be protected against storms, and also against the assaults of a foreign enemy. It is the only place on the southern shore of that lake which really has the character of a harbor. The other harbors on that shore, in Ohio and New York, are very small and trifling indeed. Well, sir, this railroad running from Cleveland to Dunkirk and Buffalo, admitting that it is legal, and that no fraud has been committed in its construction, passes on the borders of Erie, one account says three quarters of a mile, and another a mile and a quarter from the harbor; so that for all practical purposes the railroad is useless to Erie, and utterly destructive to the business of the harbor. It is so far from the harbor, and the cost of transportation from the harbor to the road is such, that it entirely prevents any business being done in the harbor of Erie. Again, still supposing the road to be legal and proper, there are just as many breaks now as there would be if the break occurred at Erie.

The road, four feet ten inches in breadth, passes along the lake shore from Cleveland, by way of Dunkirk, to Buffalo. At Dunkirk, the road which runs east is of a six feet gauge, so that everything passing east from Dunkirk changes the cars there. At Buffalo the road diverging to the east is of four feet eight and a half inches gauge, so that everything passing to the east there has to change.

Now, what was demanded by the citizens of Erie was, that the road should be made of a four feet eight and a half inches gauge, and connected with the harbor, so that articles shipped to the harbor could go directly from there to New York without a change of cars at Buffalo. In that case there would be no more changes of gauge than there are now, and always must be, so long as the gauge of the Dunkirk road is six feet and that of the Buffalo road four feet eight and a half inches. It would not add to the difficulty at all, but would simply give the citizens of Erie the right of way, unobstructed by changes of gauge, to New York via Buffalo. Now if anything is shipped at Erie, it must be transhipped either at Dunkirk or Buffalo. If the change of gauge is made at Erie, all the products shipped from that town can pass at once, by way of Buffalo, to the east, without change of cars.

I have said this much in reference to the general subject. With regard to the road from the Ohio line to the city of Erie, it was laid down without sanction of law, and in defiance of the authority of the State of Pennsylvania; and it was so decided more than a year ago by the supreme court of Pennsylvania.

Mr. WASHBURN, of Illinois, (interrupting.) I dislike to interrupt the gentleman from Pennsylvania, but I desire to ask him a question in relation to the Franklin Canal Company. Was not the charter of that company obtained by the citizens of Erie for the very purpose which it has been appropriated to?

Mr. RITCHIE. I do not know how that may be; but I will read the proceedings and decision of the supreme court of Pennsylvania with regard to that charter.

Mr. WASHBURN. I would ask the gentleman from Pennsylvania if there has been any decision of the supreme court of Pennsylvania upon that point?

Mr. RITCHIE. There has, and I am about to read it.

Mr. WASHBURN. If I understand the matter, there was an application made for an injunction—

Mr. RITCHIE. I cannot yield to the gentleman further. I will now read the decision of the supreme court of Pennsylvania. I do not intend to read the whole of the opinion, but only such parts as bear directly on the question. Chief Justice Black says as follows:

"OPINION IN THE LAKE SHORE RAILROAD CASE.—Commonwealth vs. Franklin Canal Company.—Opinion of the Court.—Black, C. J., Lowrie and Woodward assenting.

"The Franklin Canal Company was incorporated by the Legislature on the 27th of April, 1844, for the purpose of reconstructing and repairing the Franklin division of the Pennsylvania Canal from the aqueduct over French creek to the mouth of French creek. By the act of incorporation, the proprietary rights of the State to that division of the canal was vested in the company, together with the surplus water power, toll houses, implements, and all property, real and personal, which the Commonwealth owned there, for the use of the canal. On the 9th of April, 1849, the company was authorized to construct a railroad instead of repairing the canal, if they should think it more expedient, and to use the graded line or towing path of the canal as the bed of the road; and by the same act the privilege was given to the company, upon increasing its stock to \$500,000, of extending its road northward to the lake and south to Pittsburgh.

"The Attorney General in the bill before us complains on behalf of the Commonwealth, that the defendants, instead of doing what the act of incorporation and the subsequent laws extending it, authorized them to do, have proceeded to construct a railroad from Erie to the Ohio State line, without any purpose of making the road between Franklin and the lake, but with the sole intent to form a connection with a railroad running from the State line to Cleveland. This, the bill avers, to be such an injury to the Commonwealth as can only be remedied by an injunction, because—1. The Commonwealth is interested in the proper application of the funds of the company to the purposes for which it was chartered—the Franklin Canal being given to it with the right to resume it to the use of the State. 2. A railroad from Pittsburgh to Erie would have been tributary to the works of the State, but the road actually made will divert the trade and travel in another direction, to the diminution of the revenues and the detriment of the people. 3. The railroad is an unauthorized and illegal obstruction of certain public highways across which it passes. 4. It is inconsistent with the policy of the State to surrender the advantages which her position

gives her of controlling the commercial intercourse between Ohio and New York. 5. If this surrender were consistent with policy, it is of great pecuniary value, and could be disposed of for a large sum.

"The counsel on behalf of the Commonwealth have moved us for a preliminary injunction, to restrain the defendants proceeding with their work or using it until the final hearing and determination of the cause. To sustain this motion, affidavits have been presented, from which it appeared that the defendants have already made a railroad commencing in the city of Erie, at the depot of the Erie and Northeast Railroad, (which extends into the State of New York,) and terminating at the point where the Cleveland, Painesville, and Ashtabula Railroad strikes the line between Ohio and Pennsylvania. This road is now in use, carrying the freight and passengers which arrive in both directions on the respective roads with which it connects.

"Numerous difficulties in the way of a preliminary injunction have been suggested by the defendant's counsel. But the great central point on which the rights of all parties must finally turn is, whether the conduct of the company in making the road they have made is authorized by the charter. If it be not consistent with the act of incorporation, then it is a lawless aggression upon the clearest right and the most valuable prerogative which a State can possess.

"It is in vain to deny that the Commonwealth has an interest in this business. To usurp the right of eminent domain, and establish a thoroughfare for the benefit of those who are not our citizens, by means of a railroad laid down on our soil, without asking the leave of the government, is something more than a mere insult. It touches the revenues of the Commonwealth, as well as her pride; and it is no imputation upon the honor and magnanimity of a State in debt forty millions of dollars to say that she is willing to protect both the pockets and the feelings of her people. It is not a disgrace that she thinks of justice to her creditors before she parts with her resources to those who have no claims upon anything but her courtesy. If the railroad complained of has been made in violation of law, it is such a wrong as will surely be righted some how; and therefore those who are charged with committing it will be glad to have our opinion, whether it be for them or against them.

"If it be true that the defendants have been guilty of conduct which cannot, and will not be tolerated, the sooner they are made aware of the extreme peril to which they exposed themselves the better for them. For these reasons principally we proceed to examine the charter and its supplements, and to compare them with the acts of the company, that we may see how they agree together.

"The original act of incorporation makes the company a gift of the Franklin division of the State canal, from the aqueduct to the mouth of French creek, together with all property, real and personal, which the Commonwealth owned, for the use of that canal, and authorizes the reconstruction and repair of it by the company. The act of 9th April, 1849, authorized them, instead of repairing the canal, to make a railroad, and to use the towing-path for the bed of the road. Another section of the same act contains this provision: 'That upon the said company's increasing the stock thereof to \$500,000, it shall have the privilege of extending from the north end thereof to Lake Erie, and from the south end thereof to Pittsburgh, by such route as the said company shall deem the most expedient and advantageous.' It is on these words that the defendants now rely to make out the lawfulness of constructing a railroad from the city of Erie to the Ohio State line.

"We will not pause for a definition of the word *extend*, nor stop to consider whether the main purpose of the company's existence must be accomplished before an incidental privilege can be exercised. We will not inquire whether a railroad which does not exist can be extended. If the defendants had obeyed their charter in other respects, we would be too anxious to protect them in the prosecution of their enterprise to allow them to be defeated on points so sharp as these.

"But, assuming that the clause quoted above gives to the Franklin Canal Company the right simply to make a railroad from Pittsburgh to Lake Erie, without any restriction, expressed or implied, as to the part of the work which shall be first done, (and this is the utmost that ought to be claimed,) can we say that they are within the law in making a road from the city of Erie to the Ohio line? To this question the only answer we can give is a most emphatic negative. The more we have reflected on the case, and examined the affidavits and arguments of the defendants, the more deeply have our minds been penetrated by the conviction, that the charter creates a simple duty, which has been most palpably violated.

"No human mind can be so perverse as to doubt that the object of the Legislature, in passing the act of 1849, was to make a connection by railroad between Pittsburgh and some harbor on the lake. Instead of this, a connection has been made between Buffalo and Cleveland, with no more practical regard for either of the designated termini, than if the corporations had never heard of them. The State contemplated an improvement which would bring a certain portion of the western trade through her own works to her own commercial cities. But the privileges she gave for that purpose have been so perverted as to carry that trade away, increasing the wealth, and adding to the advantages of her rivals.

"The road made by the defendants begins at the depot of the Erie and Northeast railroad, three quarters of a mile away from the lake, and one hundred and ten feet above it, and runs thence as directly as the nature of the ground will permit to that point on the Ohio State line where the Cleveland, Painesville and Ashtabula railroad meets it, and there it stops. The defendants ask us to give a solemn judgment, that this is extending a road which has not been made between Franklin and the aqueduct over French Creek from the north end thereof to Lake Erie. We do not say that there is any obligation to begin at any one place more than another, and if this could be properly called a part of the work required, it might very well be chartered. But it is not part of the road chartered; it is the whole of another road not chartered. It bears no resemblance to that described in the act of incorporation. It is different at both ends—different in character, location, and object, and is

used at this moment for purposes totally opposite to those which the Legislature ever expressed an intention to permit.

"But they urge that, inasmuch as their act of incorporation permits them to extend the road from the aqueduct to the lake, 'by such route as the said company shall deem the most expedient and advantageous,' they are at liberty not only to begin at either end or in the middle, but to deviate from the natural and proper course for any purpose which may be advantageous to them; and they do not conceal that the profit of a connection with the Ohio road is their motive for making it. This is a grave error. It is not their own, but the advantage of the route, as a route, which they are permitted to consult. Between two routes they may choose the one which will, in their opinion, lead them most advantageously to the point fixed by law. But they must not turn aside to effect another and unauthorized purpose, however profitable it may seem to the finances of the company, or the private fortunes of the stockholders. Every railroad company has, and must necessarily be allowed to have, the same discretion which this one had, to choose the best route between fixed points, but the authority to depart from the route has never before been claimed. No one ever thought because the Pennsylvania Railroad Company had a right to choose its route between Harrisburg and Pittsburgh, that it therefore had a right to make a road from Harrisburg to Easton, or to Sunbury, or to the Maryland line, or that it could begin at Pittsburgh and go to Virginia, upon the plea that such a location would be best for the interests of the company. These are extreme cases, but they illustrate the principle. A deviation of half a mile to effect a forbidden purpose is not more lawful than if it were a hundred miles out of the way.

"Besides, we hold, without doubt or hesitation, that no railroad company can connect with a foreign railroad which meets it at the State line, unless expressly authorized by its charter, or unless such connection cannot be avoided without losing the advantage of what is clearly the best route. If this be not so, the doctrine of strict construction is a mockery. The right of determining to what extent, and in what manner our territory shall be made a thoroughfare for the benefit of foreign corporations, belongs to the State itself. It is so important to the interests of our own commerce, and the prosperity of our own public works, that no proposal to surrender it has ever been made without grave deliberation, and seldom without more or less opposition. The freest of our legislative struggles have been upon bills granting rights of way. The State will not be held to have parted with this right until she does so in plain words, of which the sense cannot be mistaken. It will not pass by construction as an incident of the privilege to make a railroad between two designated points within the State."

That is the opinion of the supreme court of the State of Pennsylvania, pronounced more than a year ago.

Mr. WASHBURNE. I would beg to ask the gentleman a single question.

Mr. RITCHIE. I know what the gentleman wants. He wants to know why an injunction was not issued. The decision was, that it was a fraudulent use of the charter of the canal company; but the injunction was refused on the ground that one could not be issued without bond from the party demanding it; and the Commonwealth of Pennsylvania could give no bond, there being no organ of the Government authorized to execute it for her.

I will read now an extract from the opinion of the judge of the circuit court of the United States for the western district of Pennsylvania:

"In the case of the Cleveland, Painesville, and Ashtabula Railroad Company, vs. the Franklin Canal Company, city of Erie, and sundry persons. (Circuit court of the United States, western district of Pennsylvania—in equity.)

"It thus appears that the complainants, under a charter from the State of Ohio for making a railroad within that State, have become shareholders to the amount of \$448,500 of a capital stock of \$500,000, in the Franklin Canal Company, chartered by the State of Pennsylvania to make a canal or railroad between certain designated points, to which the whole of that capital stock could alone be legitimately appropriated. Has this been done?

"By the agreement there was a common object which both companies determined to effect, and have since effected—the making of a continuous railroad from Cleveland, in Ohio, along the shore of Lake Erie, to the city of Erie, in Pennsylvania. For this purpose the whole available capital stock of the Franklin Canal Company is authorized to be used by the complainants; their advances incurred by mortgage on the road, by way of lien, with power to appoint all the officers and agents of the company, to receive its profits, make disbursements, and finally to conduct all its operations during the corporate existence of the complainants.

"By these concessions, several of the essential franchises of the Franklin Canal Company became merged in the Cleveland, Painesville, and Ashtabula Railroad Company. Whether they amount to such an abuse of the corporate powers of the former company as to disable the complainants, who were parties to them, from claiming the equitable interposition of this court, by way of injunction, or otherwise, I will not now stop to inquire. All the available pecuniary resources of the Franklin Canal Company have been appropriated, and it would seem exhausted, in making a road from the State line to and within the city of Erie. Is this the road which they are required to make by their charter? On this part of the case I am relieved from making any remarks, by the opinion of the supreme court of the State, given after a full hearing in the case of the Commonwealth against the Franklin Canal Company. In this opinion I fully concur, but from which, if I differed, I

should feel myself bound to regard as the settled judicial interpretation of the several statutes of the State, under which the Franklin Canal Company derives its chartered rights.

"The chief justice, after an examination of several acts of Assembly conferring corporate powers on the Franklin Canal Company, says: 'The road made by the defendants begins at the depot of the Erie and Northeast Railroad, three quarters of a mile from the lakes, and one hundred and ten feet above it, and runs thence directly as the nature of the ground will permit, to that point on the Ohio State line where the Cleveland, Painesville, and Ashtabula Railroad meets it, and there it stops. We do not say that there is any obligation to begin at one place more than another; and if this could properly be called a part of the work required, it might very well be justified. But it is no part of the road chartered; it is the whole of another road not chartered. It bears no resemblance to that described in the act of incorporation; it is different at both ends—different in character, location; and object, and is used at this moment for purposes totally opposite to those which the Legislature ever expressed an intention to permit.' There was no decree in this case; but it is not a judgment or decree, but the interpretations and decisions of the highest court of the State, on matters arising out of their own statutes, which this court is bound to regard. It is what, in such cases, they declared to be the law, which is the law for this court. A judgment or decree may be for many reasons rendered unnecessary; but the law as pronounced must be the rule of action until reversed.

"It must follow, from this opinion, that the railroad made from the State line where it connects with the road of the complainants along the shore of Lake Erie to the city, and within the city of Erie, is not the road or any part of the road for which a charter was granted to the Franklin Canal Company; and as complainants claim under this charter, and do not pretend that there was any other authority for making it, I must conclude that it was made without lawful authority, and without regard to the eminent domain of the State. The duties assigned by an act of incorporation are conditions annexed to the grant of the franchises conferred, and it is a tacit condition of the grant that the grantees shall act up to the end or design for which they were incorporated. This the Franklin Canal Company have not done; and although the abuses of their charter cannot be inquired into collaterally, yet if they act without charter, and do what is essentially different from what they are authorized to do, as by making a canal instead of a road, or a road other than that expressly designated in their charter, they would be trespassing upon the ground they occupied, and subject to immediate proceedings for eviction, although their charter should not be judicially annulled."

Now, sir, after this inroad was made upon the territory of Pennsylvania—after the attempt to make a road through it, in defiance of laws, and to the ruin of the city and harbor of Erie—Pennsylvania may be somewhat slow about granting privileges demanded of her, but it was bound to protect the town and harbor of Erie, as part of her territory. It was bound to protect those great works of internal improvement, which has cost her more than forty millions of dollars. Her Legislature has a right to deliberate, and to examine the subject. They have also the right to consult upon the propriety of granting those privileges before they accord them.

It is a matter of great consideration to the State of Pennsylvania to decide how far she will permit roads belonging to other States to pass over her territory. If she does choose to permit them so to pass, she has the right to settle the terms upon which that permission shall be granted. I have no doubt that Pennsylvania will be liberal in her action, for such has been her character from the foundation of her government. Kindness, courtesy, honor, and honesty form the foundation upon which the government of that State rests. She took nothing by fraud or force, even from the original inhabitants of Pennsylvania—the wild men found inhabiting her territory. She has always been characterized by an adherence to law, and the rules of honor and honesty, from her first origin to the present hour. In past years, when every person expected that the State would repudiate her debt, there was not one voice heard within her borders in favor of repudiation. On the contrary, every man I ever heard speak of it in the State, demanded that the Legislature, at the earliest possible period, should levy a tax to pay the interest on her debt. At the earliest possible period after her Legislature was brought together provision for the payment of the interest was promptly made.

I would state, further, in regard to the constitutional power of this House to interfere in this matter—which is really the great point of interest here—that it has no power whatever, and that the subject is entirely foreign to its jurisdiction. It has been so decided by the judge of the circuit court of the United States in this very case which I have referred to. It was decided that, under the power to establish post offices and post roads, the General Government has no right to establish a

road within the territory of any State against its consent. I will read the opinion of the judge upon this subject:

"But the complainants allege that they are entitled to an injunction on another ground. They are contractors for carrying the mail of the United States over the road they have made, in railroad cars from Cleveland to Erie, and from thence back to Cleveland; and, by an act of Congress, this road has been made a post-road.

"The power given by the Constitution to establish post roads has always been construed to mean, and, as I think, rightly, such roads as were regularly laid out by authority of the States, or by counties under the laws of the States. The Government of the United States cannot construct a post road within a State of this Union without its consent; but Congress may declare, that is, establish such a road already opened and made a public highway by the direct or indirect authority of the State.

"The post roads of the United States are the property of the States through which they pass; they may temporarily part with the possession of them by charter, and the grantees, while the charter continues, have the right to preserve such road, and prevent their threatened destruction. The United States have the mere right of transit over these roads, for the purpose of carrying the mail, and, in case of obstructing this right, their laws provide an adequate remedy. The Government itself could not obtain the injunction applied for, to prevent the destruction of a mail road; the right to do so follows the right of property or possession; a mail contractor, and any other person, may have a right of action for damages in the courts of the State, for an obstruction to a mail road, or the wrong done there may be punished by indictment; but no injunction can legally issue upon an application to restrain a threatened injury to the road. This power must always be exercised with great caution; to allow it in a case like this, would be an alarming extension of jurisdiction, open to great abuses, and extending over many thousands of miles, and to persons who, as mail contractors, have no interest in the roads they pass over. The act of Congress making all railroads post roads, means only such as have charters from the several States; it is not to be inferred that they intended to do anything in derogation of the sovereignty of a State, by declaring that to be a post road which was the work of an individual or of a company, for his or their profit, without law, or it may be in opposition to law. The road of the complainants was made a post road, either from mistake or misrepresentation; and, it is to be presumed, without information to the department charged with making contracts for carrying the mail, that it was not authorized by law."

That is the rule laid down by a judge of the circuit court of the United States, and if gentlemen are curious to examine further into this matter, I would refer them to Kent's Commentaries, (volume 1, page 267,) where they will find the whole doctrine stated at length. It has never been claimed, since the origin of this Government, that Congress had the right to establish roads within the boundaries of a State without the consent of the State. The only difficulty that has ever arisen has been in regard to exercising that power where the State has consented.

I have said all that I intend to say in regard to this matter, and I do hope that gentlemen hereafter, in their discussions upon this floor, at least will avoid clamorous invectives against the characters of States. Such language as has been used with reference to this affair is not calculated to promote good feeling among the Representatives of the different States, nor to advance the business of this House.

Mr. DRUM. I had not intended to take any part in the discussion that has been introduced on this subject, and it is with reluctance that I feel myself compelled to do so. But the State which I have the honor in part to represent has been, as I conceive, grossly and unwarrantably assailed upon this floor, and any one of its delegation who could hesitate to resent the assault, would be derelict in his duty as a Representative.

While I have occupied a seat upon this floor, I have been a witness of the great anxiety of members of this House to make speeches upon any and every subject; but, until now, I have not heard delivered a speech so utterly uncalculated, both in regard to its facts and the occasion taken to make it, as the speech just now made by the gentleman from Ohio. There can be, sir, no occasion for any discussion of the questions sprung upon us here. The General Government has not been, and cannot be, called upon to act in the premises; and I am therefore at a loss to know why it is that an occasion has been deliberately sought, not only to introduce a subject of discussion which is foreign to the business of this House, but also to seek in that occasion the means of attacking, without cause and without proof, the character of the government and people of Pennsylvania. Sir, the gentleman has informed the committee that he is desirous of creating a public opinion on this subject outside of this House. If that be indeed his object, the gentleman ought to know that he has mistaken his tribunal, and that this is neither the

time nor place for the manufacture of public sentiment upon any subject. I think he even mistakes the character of the people when he would endeavor to produce the impressions such as may legitimately be drawn from his remarks upon the people of his own State of Ohio. Whatever may be the depraved taste which delights in listening to remarks such as have been indulged in by the gentleman, I am far from believing that the people of Ohio possess that kind of taste. Sir, what are the facts presented here, and what the arguments upon which the gentleman bases the gross and unjustifiable attack upon the integrity and faith of Pennsylvania? The complaint made is that the people of Erie county, in Pennsylvania, have resorted to lawless force and violence to redress some imaginary wrongs. Grant, if you please, that it is so—that a very small portion of the people of the State have transcended the bounds of legal restraint, and been guilty of undue violence—does such a state of facts at all justify the wholesale charges made against our government and people? Why, sir, any man with two consecutive ideas can see that the premises do not justify the conclusion; and that if even the people of Erie county have been guilty of unlawful violence, it does not follow that all Pennsylvania is responsible for their conduct. Taking, then, the assumption of the gentleman in its fullest and broadest meaning, it by no means justifies the charges he has chosen to make.

But, sir, let me go one step further. The gentleman himself stated to the committee, and it is undeniably the fact, that no longer ago than last year the Legislature of Pennsylvania repealed the laws of that State which prescribed particular sizes of gauges for particular railroads; and that, as the law of that State now stands, a railroad company is at liberty to adopt any sized gauge that may be most convenient. Now, sir, with this fact staring him in the face, the gentleman has ventured to charge Pennsylvania with a degree of selfishness inconsistent with her relations of comity and good faith towards her sister States. Our Commonwealth has heretofore, by her laws, prescribed the size of gauge for each particular railroad in her territory; and after a serious contest in her Legislature last winter, all such acts of Assembly were repealed, and each company was thereby permitted to regulate, as it saw proper, the gauge of its track. Now, sir, the purpose and intention of all this was that the commerce, not only of Pennsylvania, but of other States, should be as unrestricted as might be compatible with our own paramount interests; and that the products of all should have free and untrammelled access to whatever market they might choose to seek. Yet, sir, in the face of this statement of his own—in the face of this evidence furnished by Pennsylvania, of her disposition to deal liberally with her sister States of the Confederacy, you are told that we have been utterly regardless of the rights of others, and of the courtesy due to neighboring States as members of one nation. Sir, the gentleman's own statement shows most clearly the wrong committed by the charge he makes. There is no justification for such a charge. The gentleman cannot justify himself to his own sense of right; he cannot justify himself to this House, or even to the constituency that sent him here, in making a charge so utterly groundless, even upon his own statement of facts.

But the gentleman from Ohio has gone even further, and he has dared to make an appeal to honorable members of this body to join with him in a scheme to plunder the people of Pennsylvania. He proposes to punish our State for an alleged injury to the West committed by a small portion of our people, by depriving her of the benefits to which her important manufacturing interests are entitled from the legislation of this Government, and he has appealed to the cupidities of other States to aid him. Sir, I do not know what the gentleman's constituents, or the people of Ohio, may think of such a proposition as this, but sure I am, that the gentleman had no warrant to expect honorable men here, representing other portions of this country, to unite in any such unholy alliance for such a purpose. I know not what his opinions may be of the gentlemen composing this House, to whom he has ventured to make such a proposal, but it is not difficult to divine what their estimate, and the estimate of the whole country, must be of the proposal itself. I have very erro-

neously judged the character of this House, if such an overture would not be spurned from it with disdain, no matter what may be its opinion of recent transactions in the county of Erie. But be that as it may, sir, I know how Pennsylvania and her delegation here ought to and will meet the threat contained in the gentleman's degrading proposition—she will meet it with the scorn it merits.

But the gentleman has seen fit to indulge a satirical wit and pleasantry at the expense of the people of Erie county, most of which, however, unfortunately for the gentleman, lacks the merit of originality, and has been going the rounds of the newspapers for the last four or five weeks. One specimen of the gentleman's wit I could not but remark, as it contained a most fragrant allusion to a certain animal which always showed fight in defence of its lover, and I could not help drawing from it the conclusion, that while the gentleman confessed his ignorance of the rules of the House, there are some other rules equally important to the well being of society, of which he seems to be also ignorant. I will now, Mr. Speaker, state the character of these transactions at Erie as I understand them, and in doing so, I do not desire to detain the House longer than is necessary.

Of the two railroad companies involved in the difficulty, the one called the Franklin Canal Company, as has been shown by the remarks of my colleague, [Mr. RITCHIE,] is in existence without the shadow of legal right. It has no legal charter, and the solemn decisions of the judicial tribunals of Pennsylvania have been pronounced, declaring its franchises void. So far as it is concerned, any effort to occupy either public or private property by its track might be legally resisted by anybody. In regard to the Northeast Railroad Company, it would seem that when it was chartered, and the road constructed, it was constructed with a six-foot gauge, and that it was allowed to be made with the express understanding, and even deliberate contract, that such gauge should be preserved. The Franklin Canal Company having a gauge of four feet ten inches, this would leave a break of gauge in the connection of the two companies at Erie. On the one hand, there was the Franklin Canal Company, with their rails laid in the streets of Erie, in defiance of any law; and, on the other, was the Northeast Company, which was allowed to occupy the streets, upon the express understanding and contract that they would maintain the six foot gauge. But as soon as the Legislature passed the act of 1853, repealing all gauge laws in that State, the Northeast Company, in the face of their own agreement, undertook to alter their gauge, so as to make it correspond with the size of the track on the other side of Erie; and thus enable them to run through the place without stopping, and deprive it of all the commercial advantages arising from a break of gauge at that place. Until this state of affairs existed, the people of Erie had acquiesced in the use of their streets by these companies; but when a flagrant attempt was made by these railroad companies to deprive Erie of the principal advantages arising from their location there, the municipal authorities of the borough of Erie determined, as I think they had a right to do, that any encroachment of this kind upon the public highways of their town was in violation of law, and a nuisance.

There was no law; there was no pretension of any law by which these companies claimed a right to invade the streets of Erie, or the public highways of Harbor Creek township. As long as the people interested chose to acquiesce in their occupation of the streets and roads, there was no harm done, and no one could complain. But—existing all the time, as their occupancy did, by acquiescence, and without authority of law—the people of Erie could, whenever they saw proper, or, at least, whenever the companies had violated the conditions by virtue of which they occupied those roads and streets, withdraw their acquiescence, and declare such occupancy and obstruction a nuisance. And, sir, it can make no kind of difference if, as the gentleman from Ohio has alleged, these roads were made and built by the solicitations, and at the request of the people of Erie. That circumstance would not make any obstruction of any public highway either more or less a nuisance. If, then, such obstructions of the public roads of Harbor Creek township and the streets of Erie constituted nuisances, no one can doubt the right

of the people to abate them, and redress their grievances by force, if necessary, or in any other manner known to the law.

But the principal complaint made of the citizens of Erie is, that they resorted to the lawless and tumultuous violence of a mob to remove the bridges and rails of these roads. Sir, my information upon the subject has been, that throughout the whole affair, whatever was done by the people, was done in obedience to, and by the direction of their municipal authorities. Ordinances were passed, and notice duly served upon these companies, in pursuance of such ordinances. The greatest care was taken that no excesses should be committed beyond what was necessary to the completion of the work, which they were instructed they had a right to perform. Whatever was done was done under the control and direction of officers of the law. Now, sir, under all these circumstances, there can be but one question arising upon the facts, and that is a question of propriety and prudence; whether they were hasty, inconsiderate, and imprudent, in taking the course they did for the redressing of their grievances, and whether it would not have been a wiser and a better course to have resorted to the aids furnished to them by the law, is another and a different question, and one upon which I will not now pass an opinion.

These, sir, are some of the facts of this case, so far as I have been informed; and I would not have troubled the committee with a single remark had I not feared that an undue impression might be made upon the minds of members who are not acquainted with the circumstances of this very unpleasant affair. I have only further to say, that be the opinion of the House and the country what it may of the conduct of the people of Erie, it cannot, in any way, affect the character of the people of Pennsylvania as a people.

Mr. Chairman, I very much regret that a discussion on this subject has been introduced in this place. It has no business here. It can have no other effect, when treated in the manner it has been by the gentleman from Ohio, than to embitter the people of different States—which ought to be, and whose interest it is to be, friendly—against one another. I firmly believe that the people of Ohio, in whose name this attack has been made against Pennsylvania, have no just cause, and no inclination, to complain of our people; and I have yet to learn that they do so. Nor am I able to see what justification or necessity there has been for the use of the language uttered in their behalf.

Mr. CAMPBELL obtained the floor.

Mr. WASHBURNE, of Illinois. Will the gentleman from Ohio let me have the floor for a minute or two?

Mr. CAMPBELL. I do, for the purpose of explanation.

Mr. FLORENCE. I submit the point of order, that it is not in accordance with our rules for one member to obtain the floor and barter it out to other members for the purpose of explanation, previous to speaking himself.

The CHAIRMAN. It is in order for the gentleman from Illinois to make an explanation. The Chair does not know what explanation he proposes to make. If he propose an explanation out of order, and the gentleman from Pennsylvania insists upon his point of order, the Chair will so rule.

Mr. FLORENCE. If the explanation be personal to the gentleman himself I shall not object to his making it. It strikes me that the remarks of the gentleman from Ohio made this morning were strongly personal toward Pennsylvania.

Mr. CAMPBELL. I call the gentleman to order.

Mr. WASHBURNE. I withdraw my application for the gentleman who favors the narrow gauge. [Laughter.]

Mr. CAMPBELL. Mr. Chairman, an effort has been made by the two gentlemen from Pennsylvania [Mr. RITCHIE and Mr. DRUM] to create the impression that there is nothing involved in this Erie controversy excepting that which interests the State of Ohio. It is for the purpose of disabusing the minds of members upon this point that I rise more than for any other. If it were a mere controversy, affecting solely the local interests of the State which I have the honor in part to represent, or affecting simply the interests of the State of Pennsylvania, the gentlemen might then well say that it was a controversy which had no

business here; but, sir, I take the ground that great national interests are involved in it. Interests which not merely run through all the commercial branches of interests of this nation, but interests, to some extent, affecting the existence of the Government. The supremacy of law is involved in it. It is, in part, to vindicate the supremacy of the law that my voice is heard upon this occasion.

I do not rely, sir, to join in any controversy which is merely local, and affects no general or national interest. But, sir, in the present case, we see the sovereignty of the great Commonwealth of Pennsylvania sunken in the municipal power of a sort of seven-by-nine town on the southern shore of Lake Erie. We see the officers of the law ridden down by an enraged populace—an unrestrained mob. There is no arm stretched forth by the Keystone State to shield these officers, or to enforce the obligations of law and order. It strikes me, therefore, that it has become something more than a controversy between Ohio and Pennsylvania.

Mr. Chairman, the first gentleman from the State of Pennsylvania who addressed the committee [Mr. RITCHIE] hinged his whole argument on the charge that some citizens of Ohio, who are interested in the charter of the Franklin Canal Company, had acted fraudulently, and had transcended the limits of the power ceded to them. Sir, were I to admit his premises, I find nothing in them which justifies his excuse for the State of Pennsylvania which is not founded on the false hypothesis that two wrongs make one right, or that one wrong justifies another.

I deny, however, that the gentleman has established, by any fact which he has adduced, a single charge against the law-abiding spirit of those persons in Ohio or Pennsylvania who were interested in the charter of the Franklin Canal Company. For, Mr. Chairman, notwithstanding he has read the decision of the court at large, he was compelled to admit the fact, that no writ had ever been issued restraining that company from making its road in the manner in which it has been constructed, and which has been torn up by a lawless mob.

Yes, I say [to Mr. RITCHIE] that the gentleman has fully admitted that no injunction had ever been granted against these persons—no process of law repelled in all their proceedings. If this be the case, this Franklin Canal Company have not violated any law, and have done nothing more than to exercise the rights granted to them by their charter—have transcended no bonds of legal right—have stricken no blow at the majesty of the law.

Mr. RITCHIE, of Pennsylvania. I stated that the Franklin Canal Company had violated the law, but that the violation of it had not been enjoined. I stated that the decision was made, that they had violated their charter, and I presented that decision.

Mr. CAMPBELL. Well, then, no writ restraining them from proceeding has ever been issued by any court of the State of Pennsylvania. They are not chargeable with obstructing the execution of any judicial process.

Now, Mr. Chairman, in relation to the great merits—the practical merits—of this question, I have a few words to say. We have three great national interests—interests not confined to the State of Ohio, or to the State of Pennsylvania, but national interests. They are—agriculture, which produces; the manufactures, which fabricate; and the commerce, which transports the article from the point where it is produced to the point where it is consumed. These are our three great national interests, which, of right, may claim the protection of national legislation.

The farmer, it is said, who makes two spears of grass to grow where but one grew before is a public benefactor. The mechanic, whose ingenuity gives to the world a piece of mechanism by which labor and expense is saved, is a public benefactor. The merchant, who is engaged in commerce, and whose energy opens up new and improved thoroughfares for the transportation of these products of industry, is a benefactor. Now, Mr. Chairman, that community, that State, or that people, which throw obstacles and obstructions in the way of the progress of either of these great interests are, therefore, enemies to the welfare of society.

The State of Pennsylvania, or rather the town

of Erie, requires that there shall be a break of gauge in the railroad at that point, by which all the commerce of the Mississippi valley which crosses to the Atlantic, and all that passes from the Atlantic to the Mississippi valley, shall be subjected to a sort of taxation for the benefit of that village. That, I say, sir, is such an obstruction as is adverse to the great national commerce which passes along that lake shore, and forms an obstacle to the progressive spirit of the times. Why, I ask, do we come here to legislate and discuss propositions to open harbors upon your lakes, to improve the great natural thoroughfares—the rivers of the West—if we are to submit quietly and tamely to the erection of artificial obstructions at Erie?

Sir, with the same propriety might the citizens of St. Louis claim, for the benefit of that flourishing city, that there should be no improvement of the river above it. So might the citizens of Cincinnati, with the same propriety, claim that we have no right to improve the Ohio river above that point, because such improvement, though national, might affect injuriously the local interests of that city. But the citizens of Erie, backed by the Governor of the State and the Representatives of Pennsylvania upon this floor, insist upon it that this brake of gauge shall exist there, and give as their only reason that the people of the town of Erie are benefited thereby, at the expense of a national commerce.

You have a proposition before this House to construct a canal around the falls of the Ohio river at Louisville. The Government has already constructed the Louisville and Portland canal, and for what purpose? Why, the God of Nature had broken the gauge in navigation at the falls of the Ohio, by means of which, before the canal was made, the farmers, the mechanics, and the merchants, who were interested in the commerce of that river, were compelled to tranship the products of their industry. This Government said that they would make a continuous and uniform gauge; and that they would use the funds of the National Treasury for the purpose of facilitating the national commerce that passed over these waters. Did anybody ever hear the citizens of Louisville—a city whose local interests require the transshipment of these products—going out with arms and shooting down the officers or employees of the Government who were engaged in the construction of that work of internal improvement? No, sir; they were controlled by no such selfish and contracted policy as that which now runs rampant at Erie. Did anybody hear of the ladies of the city of Louisville going out with axes and saws and rotten eggs for the purpose of enforcing their legal rights? No, sir. Yet such disgraceful scenes as these have been presented constantly, almost daily, in the city of Erie, where they seem to think that the industry of the nation should be compelled to pay the expense of building up their one-horse town. Whether the ladies who have, with rotten eggs, attempted to control this great question belong to “upper tendom” or “lower tendom” I do not know. Whether they belong to the Woman’s Rights party proper or not I am not informed; but I will say—

Mr. GAMBLE. I would beg leave to state, that the gentleman from Ohio totally misapprehends the facts in relation to what the citizens of Erie want. I hope the gentleman does not desire to misrepresent either the city of Erie or the State of Pennsylvania.

Mr. CAMPBELL. What does Erie want?

Mr. GAMBLE. With the permission of the gentleman, I will state what the citizens of Erie want. They do not contend that there shall be an additional break of gauge at the borough of Erie. There is now a difference of gauge between the roads of the State of Ohio and those of the State of New York; or, in other words, the railroads of New York have one gauge, and the railroads of Ohio have another; hence there must of necessity be a break of gauge, or interruption, somewhere. Whether that break of gauge be in Pennsylvania or in the State of New York can in no way, I respectfully submit, effect the interests of Ohio, or any part of the great West. But the question arises, where should it of right be made? These two companies—the Franklin Canal Company, and the Erie and Northeast Company—obtained from the Legislature of Pennsylvania the privilege to construct roads, both of which were to

terminate at the city of Erie. The Northeast road adopted a six feet gauge, under a contract with the New York and Erie road, and to suit the gauge of that road, while the Franklin Canal Company adopted the Ohio gauge of four feet ten inches. After having adopted these gauges they obtained from the city of Erie the privilege of extending their roads into the city, upon conditions that they would afford certain facilities to the trade of the important harbor of Erie, and maintain the gauge adopted by them. Instead of carrying out this agreement in good faith, they adopted a grade which carries them some ten or twelve feet above the level of the streets of Erie, which they cross on bridges thus elevated, and at a distance of a mile and a quarter from the harbor.

Last winter the Legislature of Pennsylvania repealed her restrictive gauge law, and very soon thereafter it became manifest that both these companies had transferred their roads and franchises to New York and Ohio companies, and were to be conducted without regard to the restrictions contained in their charters, and in violation of their solemn agreements with the authorities of Erie. Thus we find them tearing up their track, and relaying it upon a different gauge, not the gauge of any of the New York roads with which they unite, but making it necessary to break gauge not only at Dunkirk, in the State of New York, but also at Buffalo.

It is for these flagrant violations of the rights of Erie, secured to her by the Legislature of the State, and by her contracts with those companies, that she has, in her corporate capacity, deemed it proper for her, in a manner, to redress her wrongs, and not, as has been asserted, merely for the paltry purpose of compelling those companies to make a change of gauge at Erie, and thereby obstruct and impede the business of this great thoroughfare.

Mr. CAMPBELL. As the gentleman has interrupted me, and made an argument in support of his own side of the question, I will ask him a question. I want him to tell me, why it is, if the people of Erie have the law and justice upon their side, that they do not submit to the law, and seek redress from it?

Mr. GAMBLE. I thank the gentleman for asking the question, and I will answer it with the greatest pleasure, if he will give me the opportunity.

The committee have been informed that this Franklin Canal Company have been acting for more than a year in violation of a decision of the supreme court of Pennsylvania, that their charter had been fraudulently used for a purpose not embraced in the law of incorporation, and for which they had in law no franchise, no existence, but that it has been acting by the sufferance of the people of Erie, who, rather than the business of this great thoroughfare should be interrupted—

Mr. CAMPBELL, (interrupting.) I cannot give way to the gentleman to make an argument. We have heard all this before.

Mr. GAMBLE. One moment. The citizens of Pennsylvania did not desire to interrupt their facilities for intercourse with the people of Ohio; for, permit me here to say, that up to this time nothing but the utmost kindness, the utmost comity of feeling, has ever existed between the citizens of Pennsylvania and the citizens of Ohio. More than a year since the supreme court of Pennsylvania decided that the Franklin Canal Company had no legal right to construct this road; yet, as I have said, during all this time, they have, by the sufferance of the people of Erie, been allowed to occupy and enjoy a privilege which the committee will see was no barren one, when I tell them that within that time a responsible company offered \$250,000 for the privilege of the right of way over this same route; yet, notwithstanding the fact that this company had usurped a privilege of such value and importance, they were not molested—

Mr. CAMPBELL, (interrupting.) I cannot give way to the gentleman any longer.

Mr. GAMBLE. I have nearly finished what I proposed to say. This company made application to the supreme court of the State for an injunction—

Mr. CAMPBELL. Your colleague has told us all about that.

Mr. GAMBLE. I think no one has stated what I am about to state, but I will take very little more of the gentleman’s time. The supreme court granted the injunction, and never since that

time have the citizens of Erie molested them. They have not, in any instance, violated the law since the injunction was served on them, nor will they violate the law, or commit any act of violence, so long as these companies confine themselves to legal tribunals, having jurisdiction over the offense complained of. But, as if to harass and aggravate the people of Erie, and to subvert other purposes than a speedy adjustment of the dispute, one of these companies made application to the district court of the United States at Pittsburgh, and obtained an injunction. The people of Erie immediately employed counsel, and appeared to answer the injunction upon the ground that the court had no jurisdiction over the subject; a point which they seem to have established to the satisfaction of everybody except Judge Erwin, who, instead of deciding the point at once, held the matter under consideration; but, in the mean time, permitted the marshal to go on imprisoning the citizens of Pennsylvania for not immediately and implicitly obeying an injunction which they had alleged and argued before him was void for want of jurisdiction, and which he was not willing to deny or decide, so that his decision might be reviewed by the supreme court, and the question settled whether the marshal or the authorities of Erie were the aggressor. These are the facts in the case, and are the reasons why the citizens of Erie did not obey the injunction of the court. I thank the gentleman for the privilege he has accorded me for the purpose of explanation.

Mr. CAMPBELL, (resuming.) Well, Mr. Chairman, the gentleman has not presented the case in a different view from that which has been presented by his colleague, [Mr. RITCHIE.] The gentleman cannot conceal or avoid the prominent fact, that the United States marshal, when engaged in the service of a process issued by a United States court, was seized and imprisoned by virtue of the municipal authority of the town of Erie. That mob-law has thus far triumphed, with the sanction of Pennsylvania State authority, no one denies. Mr. Chairman, I hold to the doctrine, that however odious a law may be it is the duty of those charged with the execution of it to see that it is faithfully executed. There is a law upon our statute-book, to which I make reference, that, in some of its details, is particularly odious to me, as we all know it is to a great portion of the people of the North, (the Fugitive Slave law,) and yet, sir, I believe that it is the duty of the President of the United States, and of the officers of the Government charged with its execution, to see that it is faithfully executed as long as it remains upon the statute-book. The President has no right to assume legislative or judicial power, and to decide upon the expediency or the constitutionality of any law upon the statute-book. It is his business to execute the laws, and it is the business of the courts of the land to decide upon questions of constitutional right.

I refer gentlemen of Pennsylvania to a case where a fugitive from service, or a supposed "fugitive slave," was arrested in the State of Pennsylvania, and a justice of the peace, or a judge of one of the State courts, issued a process by virtue of which the United States marshal was arrested. How speedily did that Pennsylvania judge (Judge Grier) come forward and say that no "tuppenny justice" should thwart with impunity the prompt execution of a law of Congress, or obstruct the process of an order of the United States court. Yet, sir, notwithstanding your President, and your judges, and your marshals have been vigilant and faithful in seeing that that particular law is executed when a poor negro runs the race for freedom, they fail to execute it when these great commercial interests are stricken down by the mob. They have sent their troops and the national Treasury on the first dawning of any attempt on the part of the populace to override and trample down the officers of the law when a negro was to be taken; but when these national interests are assailed they are as silent as the grave.

Sir, the telegraph every day brings us accounts that infuriated mobs are destroying property, not only within the municipal limits of the town of Erie, but outside of them; it brings us accounts that the frenzied populace have driven back the United States marshal, holding in his hand a decree emanating from your highest judicial tribunals. And, sir, the contractors who are transporting the mails of the United States are detained,

private interests are sacrificed, and there is an utter disregard of all the obligations of law—a willful, a deliberate, and a continuous effort on the part of the people of Erie to strike down the law. The people of Ohio, and of the whole West and North and East look in vain to the law-executing branch of their Government for a sufficient power to enable the United States marshal to execute the process and enforce a decree of your Federal court.

Mr. Chairman, I submit to gentlemen whether, if one law is to be faithfully executed and the powers of the Government are to be drawn forth whenever it is necessary for that purpose, if we have not a right to expect the strong arm of the Executive to be extended in order that the law may be enforced in this particular case. Adopt any other rule, and dangers, serious and alarming, quickly follow. Partial legislation, and the partial execution of the law, soon bring disrespect to Government, and a total disregard to the restraints of law.

Let it once go abroad to the people of this land that only one of the laws is to be executed, that the powers of the Government are to be called out only to execute a particular law, and held back when laws affecting other vast interests like these are affected, and the result will be most disastrous. Your laws and your Government would then be scoffed at by all who appreciate the great principles upon which just Governments are founded.

Mr. Chairman, as I said in the outset, these are not local interests which are involved in the Erie affair. These are not interests affecting the State of Ohio alone. They are interests deeply affecting the great commercial enterprises of this whole country. The question is to be settled as to the power of law. That question is at issue, and that is the great point presented now to the American people in this case. The experiment is to be tried. We are soon to know whether the Executive of this land will send forth the necessary power to enable the officers of the law to execute the process which has been placed in his hands, or whether party servility and party influences are to triumph over all the high obligations which our Constitution and laws impose.

The reasons why delay has been occasioned are not made known. They may be satisfactory, but I doubt it. It has long been well known that the Governor of the State of Pennsylvania has taken no efficient steps. It is well known that he sympathizes with those engaged in riding down the law at Erie. It is well known, too, that the sovereignty of that State has been controlled or swallowed up by the petty corporation of the town of Erie.

I see, too, by the newspapers, that the Legislature of the State of Pennsylvania seems unwilling to leave the question in controversy to rest upon the law as it is, or to rely upon the judicial decisions which have been made, and read by the gentleman, [Mr. RITCHIE.] Fearing that the decisions of the courts would not break down that Franklin Canal Company, they resort to the process of repeal. I observe that, a few days ago, the Senate of the State of Pennsylvania passed a bill to repeal the charter of the Franklin Canal Company, thus declaring that she does not regard that company as having acquired any vested right by the construction of the road under their charter, which may not be revoked. If they did acquire it, that Senate swept from the statute-book the power under which it was acquired. This legislation is aimed at Ohio and other western interests.

Let me say to those who look to Pennsylvania interests, that I do not come here for the purpose of engendering bad feeling with them. God knows that there are many reasons why I should love Pennsylvania. I am allied to her by many interests and sacred ties; but if Pennsylvania mobs are to ride over the law of the land, and Pennsylvania legislation set at defiance the rights which we have acquired under her laws, and she commences the business of repealing charters, Ohio will not be beaten in that game. Others can play it as well as the Keystone State.

I do not believe in retaliatory legislation, but in my State there is a party, to which I do not belong—a radical party—a radical and progressive Democracy—the Democracy of Young America—the "Lightning Line Democracy"—that do believe in the right of a Legislature to repeal preëxisting charters. That party is now largely in power in

our Legislature. I would have Pennsylvania understand that it is just as easy for our Legislature to repeal and strike down the charters which involve the interests of her people, as it is for her to play that game with charters involving western interests. Pennsylvania has taken, so far as her Senate is concerned, the initiative in this operation. She may go on if she chooses, but she will find the Ohio Democracy not merely ready, but willing to pursue the policy of repeal! Ohio's radical Democracy are in session, and there is no doubt but that they can go a little ahead of anything in the way of progress which the old Keystone dare undertake.

We have, also, radical Democrats in the highest judicial tribunal of our State—in the supreme court. They have been elected judges, previously committed and pledged to sustain the Legislature in this doctrine of repeal. So that, Mr. Chairman, if the worst come to the worst, and Pennsylvania proposes to settle this matter by repealing charters, I feel an abiding faith that the Buckeye State will not come out second best in that contest. If that is the shape which the controversy is to assume, Ohio is ready.

Mr. WASHBURN, of Illinois. Mr. Chairman, I did not propose to participate in this discussion, nor do I now propose to do so. When my honorable friend from Pennsylvania [Mr. RITCHIE] was on the floor, I desired to ask him a question in relation to this Franklin Canal Company, but I did not obtain from him a very satisfactory answer.

Now, sir, if I am rightly informed about this charter of the Franklin Canal Company, it was chartered by the Legislature of Pennsylvania, on the application of the people of Erie—they procured a charter of the company for the very purpose for which it was afterwards used—that is, to get a railroad connection West. If there were any legislative legerdemain in procuring this charter from the Pennsylvania Legislature, which is charged, it was exercised by the people of Erie. As I understand it, they were instrumental in procuring the very charter which they denounce as a fraud. If I am wrong, I hope I may be corrected by any member from that State on this floor, for I desire to state only facts.

I differ from my honorable friend from Pennsylvania [Mr. RITCHIE] in regard to what the supreme court of his State has decided in regard to this Franklin Canal Company. I put it to him as a lawyer, and I know him to be one of the ablest of the lawyers who occupy a seat upon this floor. He has told us that this Franklin Canal Company has a franchise which has been declared forfeited by the highest judicial tribunal in that State. Now, as I said before, I take issue with the gentleman, and I will show, to the satisfaction of this committee, that there has never been such a judgment by the supreme court of the State of Pennsylvania, and that, too, upon the very authority which he has produced here—

Mr. RITCHIE, (interrupting.) The court delivered their opinion upon the charter on a technical point.

Mr. WASHBURN. That is true; the court gave an opinion, but it rendered neither a decision nor a judgment. There was an application made to the court on behalf of the Commonwealth of Pennsylvania for an injunction against this Franklin Canal Company, on the ground that it had forfeited its franchise by misuse, or for some other reason. Now, does the gentleman pretend to say that that injunction was granted at all? No, sir. This very opinion which the gentleman has read from, says, further on, that it was refused.

Mr. RITCHIE here made a remark, which was entirely inaudible to the reporter.

Mr. WASHBURN. The court declined to interfere, did not interfere in regard to this matter, and refused to grant the injunction. But I admit that the court, through its chief justice did not give an opinion in regard to the merits of the question—the court made an argument, if you please, but it was the judgment of the court, and no decision of the court. What did the honorable Chief Justice say in delivering his opinion upon this point?

"This disposes of the matter for the present. We might have refused the motion without more than a reference to the statute, which makes it necessary?"

that is, before an injunction can be granted under

the laws of that Commonwealth, a bond has to be filed by the party applying for the injunction—

"that the bond shall be filed. But after a labored argument of counsel, we thought the parties entitled to some expression of opinion upon the main question."

The judge thought the parties entitled, not to a decision, not to a judgment, but "to some expression of an opinion upon the subject." That is all. It has not been shown before this committee that there has been any further action in that regard, or that there has ever been a JUDICIAL DECISION in that court declaring the charter of the Franklin Canal Company forfeited. If this charter had been declared forfeited by the court, why does the Legislature of Pennsylvania propose to repeal the charter, and resort to that method of taking away its franchise? That is the question. If the court has declared it void, what is the necessity of bringing a bill into the Legislature for the purpose of doing something which the courts have already done, according to the gentleman, [Mr. RITCHIE]? What necessity of the Legislature declaring the charter of the company forfeited, when the courts had done the same thing more than a year ago?—

Mr. RITCHIE (interrupting.) For the purpose of carrying into effect the decision of the court, and that that decision might be enforced.

Mr. WASHBURN. It was for the purpose, the gentleman says, to carry into effect the decision of the court. It strikes me as something very novel, that the solemn judgments and decisions of the highest judicial tribunal of the great State of Pennsylvania are so utterly worthless that they are inoperative, until "enforced" by the action of a coördinant branch of the Government—the Legislature.

Again, sir, I feel some interest in this question, on behalf of my constituents, and on behalf of the people generally, of the State which I have the honor in part to represent.

Our connection with the East has been obstructed by these lawless proceedings in Erie, and our merchandise is lying, piled up in heaps, awaiting transportation over this "isthmus." We of the West feel a great interest in this matter, and I am glad that the question has been brought up here and discussed before the country, that the people everywhere may judge at whose door this great wrong lies, so that they may be able to pass a correct judgment in the premises. As I understand, one gentleman from Pennsylvania, [Mr. GAMBLE,] upon my left, states that this difficulty in Erie has arisen in regard to taking up the track in the streets of the borough of Erie. It is contended, on the part of those who are upholding this Erie mob, that although the Legislature of Pennsylvania passed an act giving the railroad company the right to make this change of gauge, yet that there was a power which the town corporation had of regulating the streets that the Legislature could not, or did not, take away. I will not undertake to say what power or authority was reserved to the city of Erie by any of these laws in regard to any of these companies; I am not discussing the question as to the rights of that city in its corporate limits. If the city had the power claimed within its limits, I desire to ask by what color, or right, or authority, did the people of Erie travel seven miles beyond its limits, on the Erie and Northeast road, and ruthlessly destroy the railroad bridge at Harbor Creek?

Mr. GROW. Will the gentleman give way for an answer to his question?

Mr. WASHBURN. I will do so, Mr. Chairman, with pleasure, although the gentleman denied me that courtesy the other day.

Mr. GROW. I explained that to my friend, and I hope he was satisfied.

Mr. WASHBURN. I certainly was.

Mr. GROW. I will explain to the gentleman, and, in so doing, I simply desire to answer the question which he has asked. The railroads having their termini at Erie had no authority to go over the city limits. They obtained authority to lay their track within these limits only upon condition of laying a certain description of track, the power being retained to revoke it at any time. The gentleman asks now why the people of Erie went off eight miles east of Erie to burn the bridge at Harbor Creek? The charter of the Northeast Railroad Company provided that, in laying the track, the road should not interfere, or in any way obstruct any highway or bridge. The bridge at Harbor Creek was on the highway at the time

this railroad was built; and they laid their railroad track over that bridge. The citizens of Harbor Creek protested against appropriating the public highway for that purpose; and that is the origin of the difficulty at Harbor Creek.

Mr. WASHBURN. I understand the position of the gentleman, and it is of that very thing that I complain. He says the reason why they burned the bridge at Harbor Creek was because it was an obstruction to the highway at that place. Who decided it to be an obstruction? Was it a court of competent jurisdiction, adjudicating upon the matter after a hearing on both sides? No, sir; it was this lawless mob at Erie who passed upon this question, setting at defiance and usurping the province of the courts of the country, and making its own lawless and ungoverned will the arbiter. It is this which is the subject of so much and so just complaint, that all these matters have not been settled by an appeal to the law of the land, but by appeals to brute force, and to the law of the strongest.

Again, I would like some defense of that line of conduct on the part of the people of Erie and their abettors, which has been more than once suggested here to-day before this committee. What is the excuse, the justification, for the recent interference with the process of the Federal courts?

Did you ever know, Mr. Chairman, a more outrageous perversion of the process of the law of a State than that by which the United States Marshal was arrested by State officers, by a process emanating from a State court, for simply discharging his duty in serving the process of his own court? And yet this has been very recently done. These Erie "regulators" have usurped an authority utterly unjustifiable, arrested the Marshal, and incarcerated him in their prison, simply for doing his duty. What, I ask, is the justification for conduct like this?

Sir, I must agree with my friend from Ohio, that the State—I regret to say the State of Pennsylvania—the "Keystone" in the great notional arch—did yield her influence and great name to uphold a mob of the character of the Erie mob. Sir, she dishonors herself by her conduct. What can she expect if she thus deals with her sister States in the West in obstructing our travel and in interrupting our commerce, and placing all these impediments in the way of our intercourse with the great cities of the East?

I have heard something of a Mint at Philadelphia, and I have heard something of remonstrances against the erection of a Mint at New York. I believe it has been in consequence of the votes of members of this House coming from the West that the removal of this Mint to New York has been heretofore prevented. But I tell gentlemen from Pennsylvania, that if they continue a course of this kind so prejudicial to all our great interests, and so annoying to our people, they may expect little assistance from us in the future. We do not want to interfere with anybody, or any State, who does not interfere with us; but we insist upon that comity which it is the duty of one State in our Confederacy to extend to every other. We do not desire to be drawn into conflict with any State—

Mr. LANE, of Indiana, (interrupting.) If the gentleman will permit me, I would like to ask him if the people of his own State have not hitherto refused to grant the right of way to construct a railroad from Terre Haute to St. Louis—obstinately refused for years?

Mr. WASHBURN. Through Illinois?

Mr. LANE. Yes, sir; through Illinois.

Mr. WASHBURN. That question is not at all relevant to the one under consideration, but I will answer the gentleman. I believe the State of Illinois has refused to grant a charter for the purpose indicated by him; but I presume he will not deny that a sovereign State has a perfect right to refuse charters, as well as to grant them. But I can tell the gentleman, however, that, after the State of Illinois shall have granted a charter to any company for the purpose of building a railroad, we shall never resort to violence to prevent the road from being made, and will never sanction a mob that tears it up after it is made; and I can tell the gentleman, further, that we shall never have a Governor of the State of Illinois who will "sympathize" with a lawless rabble in their deeds of violence and infamy.

Mr. LANE. I understand the gentleman from Illinois as condemning the policy in toto. Now, if

it is wrong for a Legislature to refuse this right of way and adopt that policy, is it a greater wrong for the people of a borough or village to adopt the same policy? On the contrary, is it not a much greater wrong upon the part of a Legislature than upon the part of a village?

Mr. WASHBURN. I am not discussing that question at all. I am not discussing the right of a Legislature to grant or to refuse a charter. That is a matter which every Legislature will judge of for itself, according to circumstances. The point I desire to make is this—

Mr. RICHARDSON. I desire to make a short reply to the gentleman from Indiana, [Mr. LANE.] With regard to the refusal on the part of the State of Illinois to grant the right of way, she has done it for the interests of her citizens, and I trust she will continue to legislate for the benefit of her own citizens. I do not know why this matter is brought into controversy here, but in reply to all such interrogations, as one of the Representatives from Illinois upon this floor, I have to say, that the Legislature of that State is the best judge of what she shall grant and what she shall deny.

Mr. LANE. I desire to make one suggestion. I have no disposition to blame the people of Illinois or her Legislature, but it struck me as a little inconsistent to see a gentleman hailing from a State which has for years insisted that the community who travel across Illinois from Indiana shall go by way of Alton to St. Louis blaming the people of Erie for insisting upon a railroad company making a break of gauge at their town. Firmly and sternly has the Legislature of Illinois resisted the efforts to have a road constructed from Terre Haute to St. Louis, insisting that the company shall construct the road to Alton, and that passengers shall go by Alton to St. Louis, thus making the traveling public pay tribute to the people of Alton. The people of Erie say the same thing; they want tribute. Now, the whole policy is wrong. You cannot force travel and business out of its natural channels.

Mr. WASHBURN. I yielded to the gentleman to ask a question, and not to make a speech.

Mr. RICHARDSON. With the permission of my colleague, I will say that, so far as this controversy between Ohio and Pennsylvania is concerned, I have nothing to do with it, and do not intend to have anything to do with it. They may settle their difficulties in their own way. But I do maintain that no gentleman upon this floor has a right to arraign the Legislature of Illinois, and try them for what they have done, or for what they have not done. That they have a right to make a road that is to pass through our State—go to Alton, if they see proper—there can be no doubt, and they have done it, for reasons that, I trust, were satisfactory to them.

Mr. LANE. It is the policy I complain of.

Mr. RICHARDSON. This is not the arena in which to discuss that policy.

Mr. LANE. Then let Erie alone.

Mr. WASHBURN. (resuming.) I do not understand that the gentleman from Indiana [Mr. LANE] differs particularly from me in regard to the Erie difficulty, but he puts to me some question as to the abstract propriety of a State putting limitations upon the charters of railroads. Now, I think it very likely that I might agree with my honorable friend, because I am for free trade—if I may so express myself—in this matter of railroads; I am for letting them go almost anywhere where the public interests and the interests of trade and commerce demand they should go, without regard to the boundaries of particular States; and hence I do not propose to go into the line of argument which the gentleman has suggested.

I have said all that I intended to say upon this subject, and a good deal more. The great interest felt by the people of that part of the State of Illinois which I have the honor to represent in this question—an interest which is felt by all classes, and is brought home to all classes—must be my excuse for troubling the committee, as I have done, with these few desultory remarks.

Mr. OLIVER, of Missouri, obtained the floor.

Mr. MILLER, of Missouri. Will my colleague yield for a motion that the committee do now rise?

Mr. OLIVER. I will yield the floor for that purpose.

Mr. MILLER. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee [Mr. ORR] reported that the Committee of the Whole, according to order, had had the state of the Union generally under consideration, and particularly the reference of the President's message, and had come to no resolution thereon.

The SPEAKER *pro tempore* (Mr. JONES, of Tennessee.) There are a few bills from the Senate upon the table, and if there be no objection, the Chair will lay them before the House.

AMENDMENT TO THE CONSTITUTION.

Mr. EWING. I rise, Mr. Speaker, to what I presume to be a privileged question. That, however, will be for the decision of the Chair. If it be not a privileged question, I would ask the unanimous consent of the House to submit it. It is a motion to request the Senate to return a resolution of this House which was passed the other day, providing for the appointment of a select joint committee in reference to a proposed amendment to the Constitution, in accordance with the report of the Judiciary Committee of this body. I learn from one of the Senators, who at first entertained a different opinion, but on consultation with the Secretary of the Senate finds that it is not in accordance with custom, that it has been only customary to appoint joint committees in reference to the joint property of the two Houses—as the library and the public buildings; that the appointment of a joint select committee in the case of the affair of the steamship San Francisco was a departure from the custom of the Senate, though passed without notice—perhaps improperly—without opposition.

The SPEAKER. The Chair cannot consider the gentleman's motion as one of a privileged character.

Mr. EWING. I presume that no gentleman will make objection, under the circumstances.

Mr. HIBBARD. I object.

Mr. EWING. I move, then, that the rules be suspended, in order to enable me to submit the motion to which I have alluded. I do not see what reason any gentleman can have for opposing my motion.

Mr. HIBBARD. I should like to know what is the purpose of the gentleman in withdrawing the resolution? I do not understand it.

Mr. EWING. I knew you did not. [Laughter.] I do not make it a rule to object because I do not understand a question.

Mr. HIBBARD. It is enough for the gentleman to prescribe a rule for the government of his own course.

Mr. EWING. If the gentleman chooses to adopt a different rule, he may conform to it. If the Speaker will allow, as the gentleman does not understand the question, I will explain the reasons for the motion which I have submitted. I learn, as I said before, from one of the Senators, that the resolution which was adopted by this House, on the report of its Judiciary Committee, providing for the appointment of a select joint committee for the consideration of the proposed amendment to the Constitution, in reference to the mode of electing the President and Vice President, is not in conformity with the usages of the two Houses. I was not aware of that, and of course the committee was not aware of it. A Senator just informed me of it; he told me that, on consultation with the Secretary of the Senate, he found that the precedent of the affair of the San Francisco steamship was a departure from the custom of Congress. He also further informed me, in private conversation—whether he was correct or not it is impossible for me to say—that since the defeat of a certain bill in this House, sent from the Senate, there is not, perhaps, any general disposition there to indulge in any great stretch of courtesy to this House. I therefore hope that, as we cannot act upon the resolution laid on the table by the House, and that the select committee appointed cannot even make a report under these circumstances of embarrassment, that my motion will be agreed to.

Mr. HIBBARD. Mr. Speaker, I will say that my reason for objecting to this proceeding is, that

I am opposed in principle to the whole project of the gentleman from Kentucky, in his proposition to amend the Constitution. It is not, I believe, expedient to adopt such a measure, and I do not believe that Congress will authorize any such proceeding.

Mr. DISNEY. Will the gentleman from Kentucky [Mr. EWING] permit me to ask a question?

Mr. EWING yielded the floor.

Mr. DISNEY. I desire to ask the gentleman from Kentucky if the resolution of which he speaks is now in the possession of the House? Permit me here, however, to state, that I am advised that the resolution of which the gentleman speaks is no longer in the possession of the House.

Mr. EWING. The gentleman from Ohio does not seem to understand my motion.

Mr. DISNEY. And I am advised that it was transmitted from this body to the Senate, and disapproved.

Mr. EWING. The gentleman from Ohio [Mr. DISNEY] did not, perhaps, understand my motion. The resolution is not in possession of this House; and it is for that very reason that I desire to move to recall it from the Senate, at the request of the Senator himself.

Mr. DISNEY. The gentleman from Kentucky did not hear the latter part of my remarks. I am advised that the resolution has gone to the Senate, and been disapproved of.

Mr. EWING. I will have to call the gentleman from Ohio to order for referring to the action of the Senate. I am not so officially advised.

Mr. HOUSTON. I was going to suggest to my friend from Kentucky [Mr. EWING] that it would be probably better for him to allow the Senate to dispose of it, if they have not already done so; and then, if he choose, he can ask the House to allow him to create a special committee on the subject. I suppose that is the object which he seeks, to let the House reconsider. And if that is his object—

Mr. EWING. I do not want to have it reconsidered.

Mr. HOUSTON. I supposed that the object of the gentleman was to have the matter referred to a committee of this House.

Mr. EWING. We have had a committee already appointed.

Mr. HOUSTON. Yes; but I understand they cannot act, because of the fact that the resolution appointed a joint committee of both Houses, and the Senate will not join.

Mr. EWING. The gentleman from Alabama is misinformed. I deny—as I have a right, officially, at least, to deny—that the Senate have acted upon it; for there is no such official information here. I am now acting in compliance with the advice of a Senator who once presided over this House, and in whose parliamentary knowledge I have the utmost confidence—although it failed him in that instance, so far, at least, that it is not customary to appoint a joint committee on a proposition of this sort, or anything of general legislation. I move for the withdrawal of this resolution in compliance with this advice, and in order that a select committee may be appointed on the resolution of this House which will report on that matter, which is, at least, of sufficient importance to be examined.

I am not aware that, because the gentleman from New Hampshire, [Mr. HIBBARD], or because any other gentleman, whatever influence he may have upon this floor, or with the country, has made up his mind, and has examined the subject so fully as to have satisfied himself about it, that therefore the country and the House are precluded from further investigation.

The SPEAKER. The Chair must remind the gentleman from Kentucky that the question is not open to debate.

Mr. EWING. I was making an explanation.

The SPEAKER. A motion to suspend the rules is not legitimately debatable.

Mr. EWING. What is the state of the question before the House? [Laughter.]

The SPEAKER. The question pending is upon the motion of the gentleman from Kentucky himself to suspend the rules, so as to enable him to make the motion, which motion is not debatable.

Mr. EWING. Debate has sprung up upon the subject, and I do not want it to go by the board without examination. I believe this House

has integrity of purpose enough to examine this matter, after one of its most respectable committees has reported that it ought to be examined, and after this House has adopted a resolution for the appointment of a committee for that purpose. I do not believe the House will stultify itself so far as to retrace its footsteps after having ordered an investigation, and therefore I asked the House to withdraw the resolution, a request which I presumed no gentleman would object to.

The SPEAKER. The question is upon the motion to suspend the rules, and it is not debatable.

The question was taken, and the motion was agreed to, two thirds voting in favor thereof.

Mr. EWING. I now move that a message be sent to the Senate, requesting that body to return the resolution asking for a joint committee upon the subject of an amendment to the Constitution.

Mr. HIBBARD. I ask for tellers upon that motion.

Tellers were ordered; and Messrs. HIBBARD and EWING appointed.

The question was then taken; and the tellers reported—ayes 82, noes 53.

Mr. DEAN. I demand the yeas and nays upon the adoption of the resolution.

The yeas and nays were ordered.

Mr. CUTTING. There are two or three important bills upon the Speaker's table which ought to be taken up and referred before we adjourn.

Mr. HIESTER. I move that the House adjourn.

The question was taken, and decided in the affirmative.

So the House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, January 24, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

POST ROADS BILL.

Mr. THOMPSON, of Kentucky, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be directed to report to the Senate what steps have been taken to execute the 11th section of the "act to establish certain post roads, and for other purposes," approved the 31st day of August, 1832; and state whether it is the design of the Department to put in operation the service provided for in said section, and if not, for what reasons.

ADMISSIONS TO THE FLOOR.

On the motion of Mr. BRIGHT, the rule yesterday adopted, prescribing who shall enjoy the privilege of admission to the floor of the Senate, was so amended as to include the Mayor of Georgetown.

PRIVATE BILL DAY.

On the motion of Mr. BADGER, the following resolution was considered and agreed to:

Resolved, That, for the residue of the present session, every Friday shall be set apart exclusively for the consideration of private bills on the general orders of the day; and that on the first Friday of every month no such bill shall be taken up to which there may be objection, or the consideration of which may lead to debate.

INCREASE OF PENSIONS.

Mr. JONES, of Tennessee, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be directed to report to the Senate upon the expediency of increasing the rates of pensions of the noncommissioned officers who have served, or who may serve, in the Army of the United States.

PETITIONS, ETC.

Mr. SHIELDS presented the petition of Charles F. Fisher, praying Congress to purchase a painting executed by him, representing the battle of New Orleans; which was referred to the Committee on the Library.

Mr. BRIGHT presented the petition of Michael Nourse, late chief clerk in the office of the Register of the Treasury, praying compensation for the several periods during which he performed duties as Register under a commission from the President of the United States, and, also, for acting as disbursing agent; which was referred to the Committee on Claims.

Mr. CASS presented the petition of William Rees, praying permission to select ten or twelve thousand acres of public land, to be laid out as a

normal settlement; which was referred to the Committee on Public Lands.

Mr. SLIDELL presented a petition of officers of the United States Navy, and the marine corps attached to the Gulf squadron during the late war with Mexico, and now belonging to the squadron operating in the Japan seas, praying to be placed upon the same footing as those who served on the coast of California and Mexico during the war; which was referred to the Committee on Naval Affairs.

Mr. TOUCEY presented the petition of Hotchkiss & Lewis, the petition of Josiah Leland, the petition of A. Lane & Co., and the petition of T. Lathrop & Son, praying the passage of a law to protect patentees and those holding rights under them, against the invasion of their patents by persons in the British provinces; which were referred to the Committee on Patents and the Patent Office.

Also, the memorial of Abner Bassett and others, owners and masters of vessels, pilots, and others, praying that a beacon may be placed on Black Ledge, at the entrance of the harbor of New London, Connecticut; which was referred to the Committee on Commerce.

Mr. NORRIS presented a petition of citizens of Portsmouth, New Hampshire, praying for a grant of land to aid in the construction of a ship canal around the Falls of Niagara; which was referred to the Committee on Public Lands.

Mr. BUTLER presented the petition of the heirs of H. N. Cruger, praying compensation for losses sustained by Indian spoiliations in Florida during the years 1835 and 1836; which was referred to the Committee on Claims.

Mr. DODGE, of Iowa, presented a petition of inhabitants of the counties of Shelby, Menomonee, and Harrison, in the State of Iowa, praying the erection of a suitable military station in order to protect them from the attacks of the neighboring tribes of Indians; which was referred to the Committee on Military Affairs.

Mr. JOHNSON presented a petition of citizens of Arkansas, for the establishment of a mail route from Brownsville, via Richwoods, Clear Lake, and Bocage's Mill, to Pine Bluff, Arkansas; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Jefferson, Dallas, and Bradley counties, in the State of Arkansas, praying the establishment of a mail route from Leigh post office, via Brushy Woods, to Store's Gin; which was referred to the Committee on the Post Office and Post Roads.

Mr. HAMLIN. I have been requested to present a memorial very numerous signed by citizens of Maine, asking that some provision of law may be made by which those soldiers who served in the war of 1812, and were imprisoned at Halifax and Dartmoor, may be entitled to a pension. To the consideration of this memorial I ask the careful attention of the Committee on Pensions. I think there were no persons who served during that war—indeed, I think there is no class of persons whatever—who have ever rendered services to the country, and who endured such hardships, which so much affected the health of all, as a body, as those imprisoned on that occasion. There are but a few left; and I think, of all who remain, none can be found who have not infirm constitutions. I move that the petition be referred to the Committee on Pensions.

It was so referred.

Mr. TOUCEY presented a petition of Charles P. Williams and others, owners and agents of vessels, masters and pilots, and others, praying that a beacon may be placed on Sugar reef, and buoys at the eastern extremity of Watch Hill reef, and on Wamphassoc shoal, and that the breakwater in Stonington harbor may be repaired; which was referred to the Committee on Commerce.

Mr. FITZPATRICK presented an additional document in relation to the petition of Hugh Wallace Wormeley; which was referred to the Committee on Naval Affairs.

Mr. JOHNSON presented a document in relation to the claim of Sally T. B. Cochrane for compensation for a horse lost by her late husband in the military service; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. NORRIS, it was

Ordered That the documents on the files of the Senate relating to the application of the Mutual Insurance Company of Washington for a charter, be referred to the Committee on the District of Columbia.

REPORTS FROM STANDING COMMITTEES.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to which was referred the memorial of Theodore E. Elliot, praying compensation for a keel-boat furnished the Cherokee agent for the use of the United States, reported a bill for his relief; which was read, and passed to a second reading.

Mr. STUART, from the Committee on Patents and the Patent Office, to which was referred the petition of Hiram Moore and John Hascall, praying the renewal of their patent for a harvesting machine, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BRIGHT. The Committee on Finance, to which was referred the bill to provide for the surrender of certain bonds of the State of Indiana held by the United States, have directed me to report it back with an amendment in the form of a substitute, together with a report, which I ask may be printed.

The report was ordered to be printed.

NEBRASKA AND KANSAS TERRITORIES.

Mr. DOUGLAS. Mr. President, I ask the Senate now to proceed to the consideration of the special order of the day, the bill to organize the Territories of Nebraska and Kansas.

Mr. NORRIS. I hope the Senator from Illinois will not press the consideration of that bill to-day. It is a matter of great importance, and Senators have not yet had time to examine the substitute which he reported from the committee yesterday.

Mr. DOUGLAS. I will state to the Senator from New Hampshire, that in speaking to members about the subject for the last two or three weeks I have discovered, I think, that a large portion of them have not read the bill, and I do not know of any way of getting them to read it but by entering upon the consideration of the subject. It is not my purpose to press it to a vote immediately. I will give such time as may be necessary. We shall not get to a vote upon the bill or the amendments for some days, I suppose, and my impression is, that the sooner the discussion upon it is commenced the better it will be. I submit to the Senator that my object is to act upon it at as early a day as possible.

I find it generally to be the case with my territorial bills, that if I do not get them acted on early in the session, they are crowded over by other business at the end of the session, and are always postponed for want of time. I deem it, therefore, my duty to keep the territorial bills as far ahead as I can. I acknowledge frankly to the Senate that there are a great many territorial bills that I want to have taken up as soon as possible, before the Senate take up other matters for consideration that may override them.

Mr. CHASE. I hope the Senator from Illinois will not press the consideration of the bill this morning. As introduced originally by the Senator from Iowa, [Mr. Dodge.] it was the simple bill which was presented to the Senate for its consideration at the last session. It has since undergone very important changes in the hands of the Committee on Territories, and been printed and laid on the tables of Senators embodying these changes. Only yesterday the committee changed the form of the bill altogether, and proposed to create two Territories instead of one, and also changed materially the provisions upon other questions of very great public interest; and the bill thus having been changed in fact into two bills, has been only laid on the tables of Senators this morning, and I presume no one has had an opportunity to read it. It involves very important matters, and I think that when we take it up it should be with a determination to proceed with it until it shall be disposed of.

It is not probable that the Senate will be in session to-morrow, owing to a circumstance which we all very much regret, and which is within the knowledge of all the members of the Senate. The special question of privilege with regard to the right of a gentleman from Vermont to his seat in the Senate has also been made the special order for to-morrow; and it has been very desirable that

all the Senators should know their exact position on the floor, and the representation of the States should be as full as possible. It therefore seems to me that the discussion upon that question should precede the discussion on this bill. Under all these circumstances, therefore, I would suggest to the Senator from Illinois whether it would not be better to postpone this bill until some day of next week, and make it the special order, with the understanding that it shall then be proceeded with?

Mr. JONES, of Tennessee. So far as I am concerned, I do not care how soon the debate commences, and I think the sooner the better; but in order to obviate the objection made by the Senator from Ohio, I make this suggestion: The chairman of the Committee on Territories [Mr. Douglas] is as well prepared now to deliver to the Senate his opinions on the bill as he ever will be, and I think if it were taken up, and the chairman allowed the opportunity of making his explanation, the Senate would be better informed upon it by that process than they will be by any other. If, after he shall have made his explanatory speech, gentlemen desire to postpone the bill until to-morrow or the next day, I have no objection; but I think it will facilitate it materially by permitting the chairman to have the bill taken up, so that he may express himself upon the subject to-day. I hope we shall pursue that course.

Mr. DOUGLAS. I do not wish to have the question put upon any point of courtesy to me. I have no speech to make. I shall wish to make an explanation of ten or fifteen minutes, in order to call the attention of the Senate to the points of the bill; and I am willing to do it whenever the bill is brought up for discussion, whether to-day, or at such other time as the Senate may determine. If the Senate see fit to take it up to-day, and postpone it until Monday, and make it the special order from day to day until disposed of, I am willing to consent to it.

Mr. DAWSON. Certainly; we desire that to be done.

Mr. DOUGLAS. I shall acquiesce cheerfully in any action which the Senate may take, provided they will consider the bill at an early day, and keep it up until we get through with it.

Mr. CASS. I submit, under the circumstances, to the honorable chairman of the Committee on Territories, whether it would not be better to let the bill lie over until Monday? It embraces important points, about which there will be a great deal of discussion, and many gentlemen say they have not read the bill, and are not prepared to enter upon its consideration. It seems to me, therefore, that just comity requires that in so important a measure there should be no appearance of precipitancy, nor should any effort to force any gentleman to consider it when he is not prepared be permitted. I submit, then, whether, under the circumstances, it would not be better to let it lie over until the day named, and then be taken up, so that no one can be charged with precipitating the subject unnecessarily?

Mr. DOUGLAS. It seeming to be the general wish of the Senate that it should be postponed until Monday, and made the special order for that day—

Mr. SUMNER. Say to-day week.

Mr. DOUGLAS. I do not wish to take it up so late in the week—I will submit the motion that the bill be postponed to, and made the special order of the day for, Monday next, and be the special order from day to day until it is disposed of.

Mr. DIXON. I hope the motion of the Senator from Illinois will prevail. I think it due to the Senate that they should have an opportunity of understanding precisely the bearings and the effect of the amendment which has been recently incorporated into the bill, as originally reported by the committee—I mean that portion of the amendment which alludes to slavery within the Territories proposed to be organized—Nebraska and Kansas. So far as I am individually concerned, I am perfectly satisfied with the amendment reported by the Senator from Illinois, and which has been incorporated into the bill. If I understand it, it reaches a point which I am most anxious to attain—that is to say, it virtually repeals the act of 1820, commonly called the Missouri compromise act, declaring that slavery should not exist north of the line of 36° 30' north latitude.

I here take occasion to remark, merely with a

view of placing myself right before the Senate, that I think my position in relation to this matter has been somewhat misunderstood.

I have been charged, through one of the leading journals of this city, with having proposed the amendment which I notified the Senate I intended to offer, with a view to embarrass the Democratic party. It was said that I was a Whig from Kentucky, and that the amendment proposed by me should be looked upon with suspicion by the opposite party. Sir, I merely wish to remark that, upon the question of slavery, I know no Whiggery, and I know no Democracy. I am a pro-slavery man. I am from a slaveholding State; I represent a slaveholding constituency; and I am here to maintain the rights of that people whenever they are presented before the Senate.

The amendment, which I notified the Senate that I should offer at the proper time, has been incorporated by the Senator from Illinois into the bill which he has reported to the Senate. The bill, as now amended, meets my views, and I have no objection to it. I shall, at the proper time, as far as I am able to do so, aid and assist the Senator from Illinois, and others who are anxious to carry through this proposition, with the feeble abilities I may be able to bring to bear upon it. I think it due to myself to make this explanation, because I do not wish it to be understood that upon a question like this I have, or could have, any motive except that which should influence a man anxious to secure what he believes to be a great principle—that is, congressional non-interference in all the Territories, so far as this great question of slavery is concerned.

I never did believe in the propriety of passing the Missouri compromise. I thought it was the result of necessity. I never thought that the great Senator from Kentucky, Mr. Clay, when he advocated that measure, did so because his judgment approved it, but because it was the result of a combination of circumstances which drove him to the position he assumed; and I have never thought that that measure received the sanctions either of his heart or of his head.

The amendment, then, which I gave notice that I would propose—and which I intended to have proposed, if it had not been rendered wholly unnecessary by the amendment reported by the Senator from Illinois, from the Committee on Territories, of which he is the honored chairman—I intended to offer, under the firm conviction that I was carrying out the principles settled in the compromise acts of 1850; and which leave the whole question of slavery with the people, and without any congressional interference. For over the subject of slavery, either in the States or Territories of the United States, I always have believed, and have always contended, that Congress had no power whatever; and that consequently, the act of 1820, commonly known as the Missouri Compromise act, is unconstitutional; and at the proper time I shall endeavor to satisfy the Senate and the country of the truth of these propositions.

Mr. DOUGLAS. As this discussion has begun, I feel it to be my duty to say a word in explanation. I am glad to hear the Senator from Kentucky say that the bill, as it now stands, accomplishes all that he desired to accomplish by his amendment, because his amendment seemed to myself, and to some with whom I have consulted, to mean more than what he now explains it to mean, and what I am glad he did not intend it should mean.

We supposed that it not only wiped out the legislation which Congress had heretofore adopted, excluding slavery, but that it affirmatively legislated slavery into the Territory. The object of the committee was neither to legislate slavery in nor out of the Territories; neither to introduce nor exclude it; but to remove whatever obstacles Congress had put there, and apply the doctrine of congressional non-intervention, in accordance with the principles of the compromise measures of 1850, and allow the people to do as they pleased upon this, as well as all other matters affecting their interests.

The explanation of the honorable Senator from Kentucky shows that his meaning was not what many supposed it to be, who judged simply from the phraseology of the amendment. I deem this explanation due to the Senator and to myself.

Mr. DIXON. I am obliged to the Senator from Illinois for placing me right on that point. Surely

the phraseology of the amendment which was proposed by me would not authorize any such construction as that which seems to have been given it—that it would legislate slavery within the limits of the Territory now proposed to be organized. Now, sir, the language of that amendment is, that the law itself shall not be so construed as to prevent persons from taking their slaves into that Territory, but that they shall have the same right to do so as if the law had never been passed. What is the effect of that? It only places them in the position that they would have occupied if the law had never been passed. It does not secure to them any right at all by legislative enactment here, but merely removes an obstacle which legislative enactment here had thrown in the way of the slaveholder in taking his property within the proposed limits. If it were construed otherwise, it never could have been my intention to act on the principle which is suggested; for I will here take leave to remark, that I have always believed and maintained, as a sound proposition, and expect to maintain in the discussion in this case, that the power of Congress never did exist at all over the subject of slavery, either within or without the limits of the Territories.

The motion of Mr. DOUGLAS was agreed to.

FRENCH SPOILATION BILL.

Mr. HAMLIN. I ask the Senate now to take up the bill "to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801." I make the motion, not for the purpose of asking the Senate to act upon the bill to-day, but simply that some future day may be assigned for its consideration.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole.

Mr. HAMLIN. I now ask that next Monday week be assigned for the consideration of this bill; and I give notice that I shall, on that day, ask for a vote of the Senate upon it. I do not propose to discuss it. I should hardly deem it proper or just to the Senate so to do. It is a question with which all are familiar. I desire only that the Senate shall give us a vote upon it at as early a day as possible. I ask, therefore, that the bill may be postponed until next Monday week, and made the special order for that day.

The motion was agreed to.

OPEN EXECUTIVE SESSIONS.

Mr. CHASE. As there seems to be no other business now before the Senate, I ask that the Senate proceed to the consideration of the resolution submitted by me some days since, as to holding Executive sessions with open doors. I am not anxious to do anything more than simply to ask for a vote of the Senate on the question.

The motion was agreed to; and the Senate proceeded to consider the resolution; which is as follows:

"Resolved, That the following rule be adopted for the regulation of proceedings in the Senate, and that so much of the 39th, 40th, and 41st rules as may be inconsistent with the rule hereby established, be rescinded:

"All sessions and all proceedings of the Senate shall be public and open, except when matters communicated in confidence by the President shall be received, and in such other cases as the Senate by resolution, from time to time, may specially order."

Mr. MASON. A resolution of similar import has been before the Senate since I have been here, and it was introduced, I think, by the predecessor of the honorable Senator from Ohio, and underwent some discussion. I doubt not Senators have their minds made up upon the subject; and therefore, to test whether or not we will go into that subject, I move that the resolution lie upon the table, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTIT. It seems to me that that is precisely our rule now.

The yeas and nays were taken, and resulted—yeas 23, nays 14; as follows:

YEAS—Messrs. Allen, Badger, Bell, Butler, Cass, Cooper, Dawson, Dixon, Evans, Everett, Fish, Fitzpatrick, Foot, Johnson, Jones of Tennessee, Mason, Sebastian, Shields, Smith, Stuart, Thompson of New Jersey, Toombs and Toucey—23.

NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Gwin, Hamlin, Norris, Pettit, Slidell, Sumner, Wade, Walker, Weller, and Williams—14.

So the resolution was ordered to lie upon the table.

PAMELA BROWN.

On motion by Mr. JONES, of Iowa, the Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of Pamela Brown, widow of Major General Jacob Brown, deceased.

It proposes to direct the Secretary of the Interior to place her name upon the list of pensioners, and pay her a pension at the rate of one half of the pay per month to which her husband was entitled at the day of his death, to commence the 1st of January, 1838, and continue during her natural life.

At the request of Mr. ADAMS, the report of the Committee on Pensions was read, from which it appears that Mrs. Brown made application to the proper Department for a pension, under the fifteenth section of the act of 1812, and the act of 29th of January, 1813. Her application was disallowed under the decision of the Secretary of War, Mr. Poinsett, who admitted the evidence, but feared establishing the precedent. The case was referred to Congress. A bill twice passed the House of Representatives, but failed to be reached in the Senate. It was subsequently again referred to the Third Auditor, Mr. Gallaher, met his unqualified approbation, was submitted to the Secretary of the Interior, Mr. McClelland, but by him disallowed upon the same objection which was presented by Mr. Poinsett.

The claim is based on the fact that General Brown died of wounds received and disease incurred in the line of his duty in the war of 1812. Accompanying this petition is the testimony of the physician who attended him at the time he received his wounds, and for several years afterwards; also that of Justice McLean, of the Supreme Court; of Dr. Lawson, Surgeon General of the Army; of Col. Kirby, General Brown's aid-de-camp; of the Hon. John A. Dix; the order of the Secretary of War announcing his death to the Army, and the inscription on the monument erected by Congress to his memory, written by John Quincy Adams while President of the United States, all of which sustain the fact that his days were abridged by the wounds received in his country's service.

Mrs. Brown asks the favorable action of Congress on her petition on precedents established by Congress at its last and a former session; as follows: By the act of June 23, 1836; by the act of January 20, 1853, for the relief of Elizabeth Armistead; by the act of January 27, 1853, for the relief of Margaret Worth; by the act of February 26, 1853, for the relief of Mary W. Thompson, Elizabeth V. Lomax, and Mrs. A. M. Dade; and by the act of January 27, 1853, for the relief of Mrs. Ann C. Belknap.

Mr. CASS. Allow me to express the hope that this bill will pass unanimously, as a tribute of justice to the living and respect to the memory of the dead, who was as gallant and meritorious an officer as ever bore his country's standard into battle. I knew him well when living; I knew him during his whole service in the war, and subsequently, until the time of his death; and I knew personally, as well as the fact can be known, that he never recovered from the effects of the wounds received in that tremendous contest on Niagara river, which conferred such honor upon our country, and now forms such a bright page in our history. He died poor. I hope, under such circumstances, the Senate will pass the bill immediately. It is not an act of gratitude; it is an act of justice.

Mr. ADAMS. I asked for the reading of the report to see whether there were facts justifying the making of this case different from other cases provided for at the last session. I find there are.

Mr. CASS. It is all right.

M. ADAMS. It is. In other cases the pension was only allowed for five years. The facts stated seem to have justified the committee in reporting the bill different from them, and I make no objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

WIDOW OF CAPTAIN GUNNISON.

The Senate resumed the consideration of the bill granting five years' half pay to the widow of Captain Gunnison.

Mr. CASS. Yesterday when the objection was raised by my colleague with respect to the name

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, JANUARY 26, 1854.

NEW SERIES.....No. 16.

of Mrs. Gunnison, I thought that by reference to a letter received from her the other day, I could ascertain what it is; but on reference to it, I find that it has only the initial of her christian name. Certainly, however, there can be no objection to saying in the bill "Mrs. Gunnison, widow of Captain Gunnison." That would not prevent the bill passing through the Department. We pass bills with similar phraseology every day. We often say "the widow and children" of A, B, and C. If we use such phraseology as I suggest, there can be no question as to the identity of the person. That is all that is necessary. I submit, therefore, to my colleague whether he will not, under the circumstances, withdraw his objection.

The PRESIDENT. There are two blanks in the bill—one in the name of Mrs. Gunnison, the other in the name of Captain Gunnison. One or the other should be filled to identify the person to be relieved.

Mr. CASS. It should be "Mrs. Gunnison, widow of Captain Gunnison." That would be a perfect identification of the person.

Mr. JONES, of Iowa. The bill has to go to the House. By the time it comes up for consideration there, we can get the name of the lady, and the House can amend the bill by inserting it, or if it comes back to the Senate, it can be informally inserted by unanimous consent.

Mr. STUART. My colleague misapprehended me a little in saying that I objected to the bill yesterday. I merely made the suggestion that the bill probably would be of no value without being amended by the filling of the blank. For myself, I am very anxious that the earliest legislation possible should be had upon the subject, and I have no objection to the insertion of "Mrs." as now proposed. I think that to describe the lady as the widow of the late Captain Gunnison, designating his christian name, would be sufficient.

Mr. CASS. If the Chair will let the bill be informally passed over for a few minutes, we can advert to the register and find the christian name of the deceased.

The PRESIDENT. If there be no objection, that will be done.

Mr. CASS. I have now found the christian name of Captain Gunnison. I therefore hope that, by unanimous consent, the bill will be amended so as to read "Mrs. Gunnison, widow of Captain John W. Gunnison, late an officer in the Army of the United States."

No objection was made, and the bill was so amended.

The bill was read a third time, and passed.

CAPTORS OF BRITISH SCHOONER MARY.

The bill "for the relief of Noah Miller, of Lincolnville, in the State of Maine, and for the relief of other persons," was read a second time; and,

On motion by Mr. HAMLIN, the Senate proceeded to consider it, as in Committee of the Whole.

It proposes to direct the payment of the sum of \$10,000 to the legal representatives of Noah Miller, and to such other persons, or their legal representatives, as aided, either as boat's crew or pilot, in making prize of the British schooner Mary, and taking her into port, in the year 1814, in the Penobscot bay, in such proportion as the Secretary of the Treasury shall determine.

Mr. HAMLIN. The report accompanying this bill is somewhat lengthy, and I can, perhaps, state the substance of it much more briefly, and in much less time, than it would require to read the report. This bill has passed the Senate at least half a dozen different times, but has never been reached in the House in time for action there. The vessel named in the bill was seized by the persons to whom it is proposed to grant this money, but it was subsequently taken possession of by a custom-house officer, wrongfully and against law, and one half of the proceeds of the vessel were paid into the Treasury of the United States, when, in truth and in fact, under all the laws regulating prizes, it rightfully belonged to the captors. This bill provides for the payment of \$10,000 of that sum to those who captured the vessel.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

REPRESENTATIVES OF WILLIAM WEEKS.

The bill for the relief of the heirs and legal representatives of William Weeks was read a second time; and,

On motion by Mr. SLIDELL, the Senate proceeded to consider it as in Committee of the Whole.

It proposed to confirm the claim of the heirs and legal representatives of William Weeks to a tract of land containing two thousand and thirty arpents, situated in the parish of West Feliciana, in the State of Louisiana, being the same tract which was granted to him by an order of survey of the Governor of West Florida, of May 31, 1806; with a proviso that the act shall only operate as a relinquishment of title on the part of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

IRA BALDWIN.

On motion by Mr. ALLEN, the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of Ira Baldwin.

It proposes to direct the Secretary of War to issue a land warrant for three hundred and twenty acres of land to Ira Baldwin, a Canada volunteer, to be located upon any of the unappropriated lands of the United States; and also to direct the Secretary of the Treasury to pay him \$180, for three months' extra pay, as compensation for his services in the late war with Great Britain.

Mr. HAMLIN. I desire to say to the Senate that that bill passed both Houses at the last session of Congress. It passed the Senate at some late period—not the last day, but a day or two preceding the adjournment, and amidst the confusion incident to the close of all sessions of Congress, owing to some mistake, no doubt unavoidable, it failed to reach the President of the United States for his signature. The report is a brief one, and explains the reason on which the committee have placed the bill. I think there can be no doubt that this individual is clearly entitled to the relief which the bill proposes to grant to him.

Mr. WALKER called for the reading of the report of the Committee on Private Land Claims; and it was accordingly read.

It sets forth that Ira Baldwin is a citizen of the United States, born in Connecticut; but for some years anterior to, and at the commencement of the late war with Great Britain, he had resided at Kingston, in Upper Canada, and was engaged in the business of transportation, owning three river boats, and half of a schooner. Immediately after the declaration of war he abandoned his residence and business, returned to the United States, entered as a volunteer in the American service, and distinguished himself by serving with great ability on the Government vessels on Lake Superior, and also as master and pilot of a gunboat employed in the transportation of troops, military stores, and provisions along Lake Ontario and the river St. Lawrence frontier, under the direction of the Quartermaster General. His knowledge of the localities fitted him to perform such service with success. He was present at the capture of Little York, and afterwards assisted in fitting out and conducting the flotilla which transported the army commanded by General Wilkinson down the St. Lawrence river, to the French Mills. The committee refer to various proofs from officers engaged with him as to the fidelity with which he performed these services. In consequence of his bearing arms against Great Britain, his property in Canada was confiscated. The committee do not allow the claim for indemnity in consequence of the confiscation of property; but they think the petitioner clearly entitled, under the laws of 1816 and 1817, to three months' extra pay, and three hundred and twenty acres of bounty land, and accordingly report a bill granting that relief.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

SCHOONER GRAMPUS.

The bill for the relief of the widows and orphans of the officers and seamen of the United States schooner Grampus, who were lost in that vessel in March, 1843, near the coast of the United States, was read a second time; and,

On motion by Mr. GWIN, the Senate proceeded to consider it, as in Committee of the Whole.

It proposes to extend to the widows and orphans of the officers and seamen of the schooner Grampus, the provisions of the act of August 14, 1848, "for the relief of the widows and orphans of the officers, seamen, and marines of the brig Somers," and the act of February 3, 1853, "for the relief of the widows and relatives of the officers and seamen of the United States brig Washington, who were lost overboard in a hurricane."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

REPRESENTATIVES OF DANIEL LOOMIS.

On motion by Mr. WADE, the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of the legal representatives of Daniel Loomis, deceased. It proposes to direct the proper accounting officers of the Treasury to settle, upon principles of equity, the accounts of Daniel Loomis, so far as he was an original contractor for making the Cumberland road, and to pay to his legal representatives any balance which may be found due.

Mr. WADE. This bill was passed in full Senate at the last session of Congress, and it has been reported upon again by the Committee on Claims, unanimously. I suppose there will be no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

FRIGATE PHILADELPHIA.

On motion by Mr. FISH, the bill reported from the Committee on Naval Affairs for the relief of the captors of the frigate Philadelphia was read a second time, and considered as in Committee of the Whole.

It proposes to direct that, in consideration of the extraordinary and meritorious services rendered by Stephen Decatur, as commander of the kech Intrepid, on the occasion of the recapture and destruction of the frigate Philadelphia, in the harbor of Tripoli, on February 16, 1804, \$15,000 be paid, under the direction of the Secretary of the Navy, to his widow and his three nieces, Priscilla D. Twiggs, Anna P. Stockton, and Mary H. McKnight, to be distributed, one half to the widow, and the other half equally among the nieces; that \$90,000 be paid to the surviving officers (except the commander) and crew of the Intrepid, or to the widows, if any, of such as are dead; and if there be no widows, then to the legal representatives of such deceased captors, who were engaged in the capture and destruction of the frigate, to be distributed *pro rata* among the officers and crew, their widows or the legal representatives, their assigns, or the lawful attorneys of said parties, appointed under their hands and seals, according to the rates fixed by the sixth section of the act of April twenty-third, eighteen hundred, for the better government of the Navy of the United States: *Provided*, That in no case shall any creditor of any deceased officer, seaman, or marine be entitled to receive any of the benefits of this act; and also, that any portion of this appropriation which may remain unclaimed in the Treasury at the expiration of the term of three years from the date of the act, shall be carried to the surplus fund.

Mr. HUNTER. Is there any report in the case?

The PRESIDENT. There is not.

Mr. FISH. The Committee on Naval Affairs

at this session did not submit a written report. The bill is precisely the same in its terms as that which passed the Senate unanimously at the last Congress. The subject has been examined over and over again in this and the other branch of Congress, and has alternately received the sanction of one and the other House, but has never been duly passed into a law, because it has not received the sanction of both Houses at the same session. A difference between the representatives of one of the principal claimants has heretofore, to a great extent, embarrassed the bill. The bill which passed the Senate at the last Congress, and which is the same as the one now reported, was framed so as to meet that difference, and suit both parties claiming as representatives of that officer. The bill passed the Senate at the first session of the last Congress, unanimously. It provides for the distribution of the valuation of the frigate in accordance with the prize act, as it is called, of 1802, with the single exception that the share of Commodore Decatur is made somewhat larger than it would be under the prize act. The valuation of the vessel is \$115,000.

Mr. HUNTER. Why is the new principle introduced into this bill, as I understand it, of a distribution and division between the widow and the nieces, instead of the heirs and executors?

Mr. HAMLIN. This bill passed the Senate at the last Congress without opposition, and I think there can be no opposition to it now. There was at one time an opposition to it in the Senate, on account of a difference between the parties who are interested in the appropriation. They acquiesce, I understand now, in the distribution proposed. The parties are entitled to it; and as to the manner in which it is distributed, I do not think that we should raise technical objections when they themselves are satisfied.

Mr. BAYARD. I am in favor of this bill; but I should like to see it amended in one respect, and I will submit a motion for that purpose. The bill provides, as regards the commander of the vessel, for the distribution of the sum appropriated among certain parties. That is all proper enough. The individuals who are to receive that part of the appropriation, within the intention of Congress, are sufficiently pointed out; but when you come to the distribution of the residue of the fund among the other officers and the crew, the provision is, in the first place, that the money is to be paid "to the surviving officers and crew of the ketch Intrepid, or to the widows, if any, of such as are dead"—that is all right—"or if there be no widow, then to the legal representatives of such deceased captors who were engaged in the capture and destruction of the frigate as aforesaid, to be distributed *pro rata* among the said officers and crew, their widows, or the legal representatives, their assigns, or the lawful attorneys of said parties." I think the provision ought not to extend beyond the lineal descendants; therefore the provision ought not to be for the legal representatives, but for the surviving children, or their issue.

It is true there is a subsequent provision that no creditor shall receive any benefit under the bill; but is it not at least questionable whether, if the money be paid to the legal representatives of the deceased parties, (which would of course, within the meaning of the law, include their executors or administrators,) and the fund goes into their hands, a creditor may not have a right to claim it at law, although the money is not to be paid to him under the bill?

Is it not a matter of question whether, if the money were paid to the representative of a party, it would not form a part of the assets of the estate? It might be so construed. The object of Congress is, I suppose, to make a gratuity to the individual, if living; if not, to his widow; and if his widow be dead, then to his lineal descendants. I do not know whether it will extend to collaterals or not; my impression, however, would be against that. The words in the bill, "the legal representatives, their assigns, or the lawful attorneys of said parties," would extend the provision to the payment of individuals who might have advanced money upon speculation on the necessities of the parties. I will therefore move to strike out of the seventh line of the second section the words "the legal representatives of such deceased captors," and insert "the surviving children of the deceased captors, or their issue."

Mr. FISH. I accept the amendment.

Mr. BAYARD. I also move to make the same amendment in other parts of the section, so as to make it consistent.

Mr. FISH and Mr. BADGER. That follows, as a matter of course.

The PRESIDING OFFICER. (Mr. STUART in the chair.) The Chair understands that there is no objection to the amendment; the bill will therefore be modified accordingly.

The bill was reported to the Senate as amended; the amendment was concurred in; the bill was ordered to be engrossed for a third reading, and was read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened.

DEATH OF THE RUSSIAN MINISTER.

Mr. MASON. Mr. President: I discharge a melancholy duty in announcing to the Senate that the Hon. Alexander de Bodisco, the Minister of Russia to this Government, departed this life, at his residence in this District, on Monday last, and I am informed that his funeral will take place to-morrow afternoon, at three o'clock. This eminent gentleman, Mr. President, was known to all of us, officially, and, I presume, to most of us personally; and we knew him, while always devoted to the interests and the honor of his country, to have adorned the society in which he moved, by an exemplary and virtuous life.

He was the oldest member of the diplomatic corps at Washington, having resided here, as the Minister of his Government, for some seventeen years; and by matrimonial alliance in our country he had drawn around him a large and cherished circle of family connections. It was my fortune—my good fortune—to have known him well for many years; and to have been in the habitual interchange with him of those kind courtesies of society which smooth, while they adorn, our varied paths of life. By his lamented death, his Government has lost a zealous and faithful Minister, and his surviving family and connections an affectionate and devoted husband, parent, and friend. Knowing that—as a mark of respect to the occasion, as well as to the memory of the deceased Minister—Senators will desire to be present at the funeral, I offer to the Senate the following resolution:

It being made known to the Senate that the Hon. Alexander de Bodisco, Envoy Extraordinary and Minister Plenipotentiary of Russia to the United States, departed this life, at his residence in this District on Monday last, and that his funeral will take place to-morrow, it is

Resolved, As a mark of respect to the Government of the deceased Minister, in amity with the United States, and in further respect to his memory and virtues, and to enable Senators to attend his funeral, that when the Senate adjourns to-day, it will adjourn to meet on Thursday next.

Mr. GWIN. I hope that resolution will not pass, though I am perfectly willing that a motion should be made to adjourn over till Thursday next, with the understanding that we may show our respect, as individual members of society, but not as Senators, to a foreign Minister. If Congress adjourns on the death of a foreign Minister, it will be establishing a precedent, for it will be the first time that such a resolution has ever gone on the public records. I indorse everything that the Senator from Virginia has said with regard to Mr. Bodisco, but I think we had better simply pass a resolution, that when the Senate adjourns it be to meet on Thursday next.

Mr. MASON. I stated, before I offered the resolution, that I did it upon consultation with, and with the approbation of several Senators who are older, more experienced, and wiser than I am. I confess that the form in which it has been offered met my entire approbation. The Minister of a foreign court is the representative of the Sovereignty of his country, and is accredited to the Government to which he is sent as such; and it follows, as a consequence, that he is the guest of the nation; he has a perfect immunity of his person and of his property, and he is recognized and treated as the immediate representative of the sovereign who has sent him. He is the guest of the nation. I cannot see, therefore, that we have gone further than the strictest propriety would require, in what is proposed; and if it be the first instance—and I am informed that it is, and we have made some search to ascertain the fact—in which a Min-

ister of a foreign Government in amity with us has died at the seat of Government while the Congress of the United States was sitting, I should be gratified, for one, to set that example of respect to foreign Sovereignities.

Mr. BUTLER. I am reconciled to vote for that resolution upon a ground which has not been assigned, though I think it is a very good one. I think Mr. Bodisco, and all other ambassadors, occupy an official relation to this body. Primarily, of course, all negotiations are conducted between the Ministers and the President of the United States; but we know that their communications come to this body, and we are thus, in some measure, associated with the Ministers from abroad. In that point of view, I can see a propriety in passing the resolution.

Mr. HAMLIN. It seems to me that the resolution draws the line of distinction precisely where it should be drawn. It provides that the Senate shall adjourn over, allowing Senators, in their individual capacity, to attend the funeral if they see fit. It does not bind the Senate, and does not propose that the Senate shall attend the funeral in a body. It seems to me that the line of distinction drawn in the resolution is precisely where it should be drawn.

Mr. CASS. I regret very much that there should be any opposition to the adoption of the resolution. It seems to me to be very unexceptionable. This gentleman came here as an ambassador from one of the highest Powers in Europe, and he died in the midst of us. Nothing can be more proper, under the circumstances, as a mark of respect for his Government, than to give Senators the opportunity of attending his funeral. The Senator from Maine has just observed that that is the very purpose for which we adjourn, that we, as individuals, may attend the funeral, as a mark of respect. I like the resolution. It is a mark of respect that will be appreciated in Russia, and I should be very happy to have it passed.

Mr. GWIN. I do not object to a resolution to adjourn over till Thursday, but I wish to know if there ever has been such a resolution placed upon the records of this body. I object to making the resolution so formal. I am willing to vote, that when we adjourn, it shall be to meet on Thursday next, under the circumstances, so that Senators may have an opportunity of attending the funeral, if they wish to do so. That form will be better. I shall vote against the resolution in its present form, but I will vote for a motion to adjourn over till Thursday, with the understanding, that it is to give Senators an opportunity to attend the funeral.

Mr. SHIELDS. I agree in some respects with the Senator from California. I should be very much gratified to see the Senate adjourn over, but I will ask my honorable friend from Virginia to reconsider the latter part of the resolution. It reads thus: "Resolved, as a mark of respect to the Government of the deceased Minister." I think that, perhaps, under existing circumstances, in the present aspect of the world, that might as well be omitted. "In amity with the United States." That is true. "And in further respect to his memory and virtues." I have no objection to that. "And to enable Senators to attend his funeral." That is very proper. But I should think that something in this form would, on the whole, be better: "It being made known to the Senate that the Hon. Alexander de Bodisco, Envoy Extraordinary and Minister Plenipotentiary, &c., has departed this life, therefore, to enable Senators to attend his funeral, resolved, that when the Senate adjourns to-day, it be to meet on Thursday next;" because if the course proposed be pursued in relation to this deceased minister, it would be necessary to pursue it in relation to all ministers and all representatives, no matter how insignificant or feeble their Government might be. I apprehend there is no instance of a legislative assembly taking this course in relation to the death of a minister. I know of none. I should be very much gratified, however, to hear from my honorable friend from Michigan, [Mr. Cass,] or from my honorable friend from Massachusetts, [Mr. Everett,] who are better acquainted with the diplomatic courtesies of Governments, as to the custom in such cases.

Mr. MASON. I would suggest to the honorable Senator from Illinois, that he knows very well that it is impossible to reconcile all shades of

opinion in the language of a resolution of this kind.

Mr. SHIELDS. Will the Senator permit me to ask whether it would not be better simply to announce the fact of the death, and thereupon adjourn? I think that would be amply sufficient.

Mr. MASON. I submit that the expression of respect for his Government is a term that is appropriate while the Government exists in amity with ours; and as to the expression of respect towards a gentleman occupying his position in society, it is a matter of chivalrous courtesy. And whatever may be the present position of that Government, as known to present history, we have nothing in the world to do with it. I should prefer to have the resolution pass as it is. It was prepared with some care, and not by myself alone.

Mr. JOHNSON. The Senate will not desire, I imagine, to render honors in connection with an event of this character, however melancholy the event itself may be, and however much to be regretted by every member of the body, which would be considered unusual throughout the world; nor will the Senate for a moment be willing that it should fail in the bestowment of such testimonials of regret and respect as may be due to a high official of another Government, with which we are now at peace. I desire to have the light and the knowledge and experience which has been obtained by older gentlemen upon this floor to guide me. The distinguished Senator from Michigan, and the honorable Senator from Massachusetts, [Mr. EVERETT,] and others, have large experience, and can inform us what is customary at foreign courts when events of this kind occur. I will gladly vote to render such testimonials of respect under the circumstances as are given elsewhere, but no more. So far as we are concerned, the matter is important only in respect to the precedent we shall establish, as this is the first instance in which a matter of this kind has come before the Senate. Oft-recurring precedents, we find, embarrass our action, and tend to the consumption of our time. We adjourn on the death of a member of the Senate or of the House of Representatives, and in some instances we have adjourned when persons who were not members have died. Such precedents, when once established, are never departed from. They grow up, and will continue. By precedents we are constrained until they become inexorable, and business of great moment is sacrificed to a questionable custom. While, therefore, we pay becoming respect, let us pause ere we embarrass our future action. We may learn from the experience which gentlemen have derived in other countries what course we should now pursue.

Mr. SHIELDS. I will offer the amendment more formally which I suggested. It is as follows:

It being made known to the Senate that the Hon. Alexander de Bodisco, Envoy Extraordinary and Minister Plenipotentiary of Russia to the United States, departed this life at his residence in this District on Monday last, and that his funeral will take place to-morrow: Therefore, to enable Senators to attend his funeral—

Ordered, That when the Senate adjourns to-day, it will adjourn to meet on Thursday next.

Mr. BAYARD. If I understand the amendment of the Senator from Illinois, it seems to take from the resolution what should be kept in it—the diplomatic capacity of the deceased, as a Minister from a foreign Government.

Mr. SHIELDS. If there is to be any contest about the amendment, I will withdraw it.

Mr. WALKER. I call for the yeas and nays upon the resolution.

Mr. BADGER. I hope the Senator from Virginia will withdraw his resolution; we had better do nothing than do it by constraint.

Mr. CASS. It destroys the whole merit of it.

Mr. GWIN. I move to amend the resolution by striking out all after the word "resolved," and inserting, "that when the Senate adjourns to-day, it adjourn to meet on Thursday next."

Mr. MASON. The resolution was intended as a mark of respect to the Government represented here by the gentleman who has died while Congress is sitting, as well as a mark of respect to his memory. I think we should pursue the course indicated by it. Other gentlemen think differently. They may be right, and I may be wrong; but I am satisfied of one thing, that there should be no discussion upon the resolution—

there should be no entry of yeas and nays upon the Journal upon it. I therefore withdraw it.

The PRESIDENT. The resolution is withdrawn.

Mr. WELLER. I know the fact that a great many Senators desire to attend the funeral to-morrow, and for the purpose of enabling them to do so, I move that when the Senate adjourns to-day, it be to meet on Thursday next.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a report from the Secretary of State, together with a set of works illustrative of the Exhibition of 1851, in London, sent by the English Government to the Government of the United States.

The message and accompanying documents were referred to the Committee on the Library.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate again proceeded to the consideration of Executive business; and after some time spent therein; the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 24, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER. Reports are in order from the Committee on Public Lands.

Mr. COBB, from the Committee on Public Lands, asked that the committee be discharged from the further consideration of petitions in the following cases, and that they be laid upon the table:

The petition of Abner R. Hill, praying for a grant of land to aid in the construction of a military academy in Alabama;

The petition of William B. Honnell and others, praying for a donation of land for the purpose of constructing an iron foundry in the State of Alabama;

The petition of Joseph Wright and others, of Mahoning, in favor of a homestead law;

The petition of citizens of New York, in favor of Dawson's homestead bill;

The petition of citizens of Warren county, Ohio, in favor of a free homestead;

The petition of sundry citizens of Richland county, Ohio, praying for law reform;

Four petitions of citizens of Ohio, praying for the freedom of public lands to actual settlers and cultivators of the soil;

The petition of William Danyrs and sixty-five others, praying for the distribution of public lands in limited quantities to actual settlers;

The petition of M. Elliot and other citizens of Ohio, praying for a distribution of land to actual settlers; and

The petition of R. C. Lyon and one hundred and fifty-eight other citizens, for the same purpose.

Mr. COBB, from the same committee, to which was referred the bill of the House, entitled "A bill granting to the State of Alabama public lands in alternate sections to aid in the construction of certain railroads within said State," reported the same back with an amendment in the nature of a substitute.

Mr. C. said: The committee, after two months of deliberation, have determined to report one railroad bill. It was not their intention, however, to move that it be put upon its passage; nor was it their intention to ask that anything of so great importance should be immediately considered.

If it be the pleasure of the House to take up this bill and all other similar bills, affecting, as they do, the interests of the different States, and act upon them, although they may, every one of them, be voted down, whether we are satisfied or not we shall have to yield to the decision of a majority of the House. We have determined, however, not to move to put a single bill reported by us upon its passage, but to allow them to go to the Committee of the Whole, to take their places upon the Calendar, and take their chances for the action of the House.

Mr. LETCHER. What is the question before the House?

Mr. COBB. I move that the bill be referred to the Committee of the Whole on the state of the Union, and be printed. Now the gentleman knows what the question is. I was proceeding to say that we have determined to ask that no bill reported by us shall be put upon its passage, and not again to submit ourselves to the charge which was unjustly made against us during the last Congress, that we put everything reported by us upon its passage, to the exclusion of other business of the House. Therefore, although this bill involves interests of very great importance to the State of Alabama, I have moved to refer it to the Committee of the Whole on the state of the Union.

Mr. ABERCROMBIE. I desire to ask my colleague whether the bill he has reported provides for the Gerard and Mobile railroad?

Mr. COBB. It does embrace that railroad.

Mr. ABERCROMBIE. I desire to ask my colleague one other question. I wish to know whether he has reported other bills in connection with the one I have referred to, or whether he has allowed it to stand upon its own merits?

Mr. COBB. We have reported every bill which the Committee on Public Lands have determined to report, in one general bill. They have declined to recommend at least one half the cases for which applications have been made from the State of Alabama. But such as they have agreed to recommend, are all reported in this bill.

Mr. ABERCROMBIE. I give notice, then, that when the proper time shall arrive, I shall move to disconnect these bills, and to allow each one to stand upon its own individual merits. There are cases embraced in this bill that I know nothing about. The Gerard and Mobile railroad, to which I have referred, I do know something about, and I know that it has merits. I desire, therefore, that it may be permitted to stand upon its own merits, and that the others may also stand upon their individual merits. I shall therefore move, at the proper time, to disconnect these bills.

Mr. HOUSTON. I would like to ask my colleague upon my left [Mr. Cobb] what railroads he has included in the bill he has reported from the northern section of Alabama?

Mr. COBB. The Charleston and Memphis railroad, extending the whole length of the gentleman's district, is embraced.

Mr. LETCHER. I rise to a question of order. I want to know whether this debate is in order upon a motion to commit?

Mr. HOUSTON. Debate is certainly in order upon that motion.

The SPEAKER. The motion pending is to refer to the Committee of the Whole on the state of the Union, and print.

Mr. LETCHER. But gentlemen are not discussing that motion; they are discussing the merits of the bill.

Mr. HOUSTON. I think the gentleman is certainly mistaken. I have no wish to say anything further, but I had no design to discuss the merits of the bill in the question I asked.

The SPEAKER. The motion to commit and print is debatable, and the Chair is of opinion that it opens the merits of the measure itself to discussion.

Mr. HOUSTON. I have no objection to the reference of the bill. I asked a question in reference to it, because I had no knowledge of what the Committee on Public Lands had done, and I desired to know how the bill would affect that portion of the State from which I come. I have, however, no objection to its going to the Committee of the Whole on the state of the Union, and be printed, and I can examine the bill for myself.

The question was taken; and the bill was referred.

DONATIONS OF THE PUBLIC LANDS.

Mr. PENNINGTON. I ask the unanimous consent of the House to permit me to offer a resolution directing the Secretary of the Interior to report to this House, as early as practicable, the number of acres of public land which has been donated by the Government of the United States, as near as may be, and for what purposes, and specifying the quantity for each purpose, and in what States and Territories.

Mr. MACE. I object.

Mr. LETCHER. I call for the regular order of business. The gentleman from New York can get all that information at the Land Office.

The SPEAKER. Objection being made, the resolution cannot be entertained.

Mr. COBB. If the dander of some gentlemen had not got up, I should have asked the unanimous consent of the House to offer a resolution; and I believe I will risk it now, for these gentlemen are generally good-natured, although they sometimes get excited.

The following is the resolution which I desire to offer:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of so amending the post office laws as to authorize the Postmaster to pay additional compensation to postmasters where their pay is now inadequate for services rendered, and report a bill, or otherwise.

Mr. LETCHER. I object, and insist on the regular order of business.

Mr. PENNINGTON. Is it in order for me to give notice of the introduction of the resolution?

The SPEAKER. Not being a joint resolution, it is not in order, or at all events, it would give the resolution no advantage.

The call of committees for reports was then resumed.

RATES OF POSTAGE.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported the following bill; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

"A bill further to amend the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,' approved March 3, 1851."

EXTENSION OF FRANKING PRIVILEGE.

Mr. UPHAM, from the Committee on the Post Office and Post Roads, reported the following bill; which was read a first and second time by its title:

"A bill granting the franking privilege to the Superintendent of the Coast Survey, and the assistant in charge of the office of said Coast Survey."

Mr. UPHAM. I think it my duty to the Treasury Department, and to the Coast Survey Bureau, to suggest to the House whether they would not be willing, under the circumstances which I shall mention, to allow this bill to pass through all its stages forthwith. I particularly request the attention of the honorable members from Tennessee and Virginia, [Messrs. JONES and MILLSON,] who, a few days since, argued very strongly against the practice of allowing bills to pass directly, in this way, through all their stages. I listened to those arguments with great respect, and a full appreciation of their force; but I suggest to those gentlemen whether the facts which I am now about to state do not constitute a sufficient ground for an exception to be allowed.

The annual report of the Coast Survey Office is at present in the hands of the binder, and in a very short time will be prepared for distribution. The documents proceeding to and from that office pass through a department of the Treasury, in the Treasury building; and, I am told by the clerk whose duty it is to frank these documents, that he is required to frank twenty-five thousand documents in the course of a year. During the last nine months, fifteen large wagon loads of such documents have left the Coast Survey Office. The chief of that office, during three quarters of the year, is absent in different, and often very remote, parts of the Union, and all correspondence to and from him passes through the Treasury office. Messengers are continually required to go to and fro, and an immense amount of laborious business is put upon one of the officers in the Treasury building.

Now, as the report is in the hands of the binder, and as it is in a few days, certainly in a few weeks, to be distributed, I ask gentlemen whether they are not willing, if it be their purpose to pass this bill at all, to allow it to go through its stages forthwith.

Mr. JONES, of Tennessee. Let the bill be read.

The bill was then read through. It provides that the Superintendent of the Coast Survey and the assistant in charge of the office of the Coast

Survey shall be authorized to receive and transmit free of postage through the mails all letters and documents in relation to their public duties.

Mr. MACE. I move that the bill be so amended as to provide for the grant of the franking privilege to the Secretary of the Smithsonian Institution, in addition to the officers already named.

Mr. OLDS. The proposition contemplates the giving of the franking privilege to the Coast Survey. The Committee on the Post Office and Post Roads have permitted it to be reported to the House, from the fact that we had seen no good reason why the head of that bureau—for it is, in fact, a bureau—should not have the franking privilege as well as the heads of the other bureaus. At the same time, however, that I give my assent to the report of this resolution, I wish to say that my own opinion, and I believe that such will be the opinion of the committee, is against the franking privilege altogether; and perhaps before the session is closed, we shall propose a bill abolishing it.

Mr. MACE. I think, sir, that I would myself be in favor of the abolition of the franking privilege; but if it is to exist and appertain to sundry officers of the Government, and to members of Congress, I see no case more meritorious than that of the Secretary of the Smithsonian Institution, to which that privilege could be extended. That is an institution for the diffusion of general knowledge throughout the whole country. By various acts of Congress we vote to it numerous public documents, which cannot be distributed unless some member of Congress will volunteer to go there and frank them. Such is the practice, and I have myself, at the instance of Professor Henry, spent days there in franking public documents for that institution.

The design has been to forward to our constituents throughout the land documents for their information. The Secretary of that institution ought to have the privilege of franking them, and not be, as now, subjected to the inconvenience of calling upon the members of Congress to do that job.

A MEMBER. Who is the Secretary?

Mr. MACE. I am told that Professor Henry is the Secretary. I do not propose to elaborate this question at all. It is a simple one. If we are to extend this privilege at all, we cannot extend it to a more meritorious case than the one I have suggested.

Mr. JONES, of Tennessee. I move to refer the bill and amendment to the Committee of the Whole on the state of the Union, and that they be printed. And I will say that whatever may be the propriety of the bill as reported from the committee, I can see no justice and no propriety in the amendment proposed by the gentleman from Indiana, [Mr. MACE.]

The Smithsonian Institution is not part nor parcel of this Government. It is a separate and distinct institution, quartered, it is true, on the Treasury at the rate of thousands of dollars per annum; and it should be kept, I think, as distinct as possible. There is no reason for giving this institution the peculiar privilege of franking its documents over the country in preference to other institutions of learning in any part of the United States. And if you commence with this, where are you to stop? This is to be the entering wedge here at the seat of Government. This is first to be made the favorite institution for establishing the precedent to confer the franking privilege on all the institutions, perhaps, of the country. And I will say to the gentleman from Indiana, [Mr. MACE,] that according to my understanding and construction of the Post Office laws, the member of Congress who franks a document weighing over two ounces, published by the Smithsonian Institution, violates the privilege conferred upon him under the laws of Congress.

Mr. MACE. Will the gentleman from Tennessee allow me to explain?

Mr. JONES yielded the floor.

Mr. MACE. I will state to the gentleman that the documents franked by me for the Smithsonian Institution were printed by order of Congress; and I had the same right to frank them as I had the other public documents printed by order of Congress.

Mr. JONES. If they were ordered by Congress, or by either House of Congress, then they were public documents, and came within the law. And

the gentleman from Indiana, [Mr. MACE,] and every other member had a right to frank them. But the documents printed by order of the Smithsonian Institution are not included among these privileged matters which members of Congress are authorized to frank; and, in my opinion, they should not be included. I now, Mr. Speaker, move the previous question.

Mr. RIDDLE. To which committee does the gentleman from Tennessee [Mr. JONES] want to refer the bill and amendment?

Mr. JONES. I want to refer the subject to that committee where everybody can talk about it—the Committee of the Whole on the state of the Union.

The previous question was seconded.

Mr. ORR moved that tellers be appointed; and Messrs. CAMPBELL and COX were appointed.

The question was then taken; and the tellers reported 67 in the affirmative, and 46 in the negative.

Mr. FLORENCE. I call for the yeas and nays upon the pending question.

The SPEAKER. The yeas and nays cannot be ordered upon the question of seconding the previous question.

Mr. ORR. I move a call of the House; and then we can see who is present.

[Cries of "No!" "No!"]

Mr. ORR. What else can you do?

Mr. CLINGMAN. You can have a recount.

Mr. JONES, of Tennessee. I move that the House do now adjourn, and upon that I ask for the yeas and nays.

Mr. HENN. Would it be in order to move an adjournment, and ask for tellers upon that motion?

The SPEAKER. The motion has been made for a call of the House, and also, by the gentleman from Tennessee, [Mr. JONES,] a motion to adjourn, and upon that motion he has demanded the yeas and nays.

Mr. MEACHAM. I ask for tellers upon the call for the yeas and nays.

Tellers were ordered; and Messrs. DEAN and FLORENCE appointed.

The House was divided; and the tellers reported—1 in the affirmative, noes not counted.

So the yeas and nays were not ordered.

The SPEAKER. The question recurs upon the motion to adjourn.

Mr. OLDS. I call for tellers upon that motion.

The SPEAKER. It is competent for the Presiding Officer of the House to ascertain by a count whether or not a quorum is present.

The motion was then taken on the motion to adjourn, and it was decided in the negative.

The motion then recurred upon the motion that there be a call of the House; and being put, it was decided in the negative.

The SPEAKER. The chair will proceed, by a count, to ascertain whether there is a quorum present.

Mr. LANE, of Indiana. I move to lay the motion upon the table.

The SPEAKER. The Chair would remind the gentleman that he cannot make that motion until the Chair ascertains whether there is a quorum present or not.

The SPEAKER then proceeded to count the House, and announced that there were 156—being a quorum.

Mr. CLINGMAN. I now ask for a recount. The Chair can order it.

The SPEAKER. The demand is pending for the previous question; and upon it tellers were demanded and ordered. The tellers will resume their places.

The tellers resumed their places; and the House being divided, the tellers reported—ayes 88, noes not counted.

So the demand for the previous question was seconded, and the main question ordered.

The SPEAKER. The gentleman from Massachusetts is now entitled to the floor.

Mr. JONES, of Tennessee. I submit to the Chair the question, whether the question is not first upon the motion to commit; and whether, if that motion be voted down, then will not be the time for the gentleman to make his speech?

The SPEAKER. The rule gives the gentleman reporting a bill the right to open and close the debate. The Chair is of opinion, however, that the gentleman from Tennessee is correct in the point he makes, and that the right of the gentleman from Massachusetts to open the debate

will arise when the House shall have voted down (if that should be the result) the motion to commit.

The question was then taken; and, upon a division, there were—ayes 65, noes 71.

So the House refused to commit the bill to the Committee of the Whole on the state of the Union.

Mr. UPHAM. I ask to remind the House that this bill will not operate to extend the franking privilege in the slightest degree beyond that point to which it is now extended. All the documents which proceed to or from the Coast Survey Office are already franked, but they are franked to the great inconvenience of the Treasury Department, as well as to that of the Coast Survey Bureau itself. The franks have to be obtained, and are obtained, from one of the clerks in the Treasury Department, and are thence transferred to the Coast Survey Office. All communications that come to and from all the companies and parties at work on the shores of both continents, or on the shores of the gulf or lakes, have to come and go under cover of the Treasury Department. The covers there have to be removed, and the documents transferred to the Coast Survey Office.

As I have before remarked, a single clerk in the Treasury Department has this tremendous duty of franking twenty-five thousand documents every year to perform. Now I appeal to the older members of the House who have had—if it can be believed—a larger experience of this burdensome labor than the younger members have been called upon to perform—I appeal to them to say whether it is right to impose such a duty upon a clerk in the Treasury Department?

This bill does not involve the slightest increase in the expenses of the Government in the transaction of its business. But, on the contrary, the business of the Coast Survey Office would be simplified, and an absolute reduction in the expenses would take place, because it would involve a less amount of labor to procure this work done in the office where it is needed than in another department.

Mr. Speaker, will you allow me to mention the names of the specific Departments of the Government upon which the franking privilege has been conferred by single acts? It has been conferred upon the Solicitor of the Treasury, upon the Auditors of the Treasury, upon the Chief Engineer, the Commanding General, the Colonel of Ordnance, the Surgeon General, the Head of the Topographical Corps, the Commissioner of Pensions, the Commissioner of Indian Affairs, and the Assistant Postmaster General. Now, would it not be in entire accordance with the policy of the Government to extend this privilege directly to the officials of the Coast Survey Office? As I have said, it would not add in the slightest degree to the expenses of the Government; but it would promote simplicity and facility of operation in the Treasury Department. And allow me to say, that I am instructed by the Committee on the Post Office and Post Roads to introduce this bill, altogether in consequence of an absolute, unqualified recommendation of the measure by the Secretary of the Treasury. In his finance report just issued, that officer, in that brief, terse, simple, and explicit language in which his whole report is couched, uses these words:

"In the distribution of reports, papers, &c., the Superintendent and his assistant should be vested with the franking privilege."

I speak here as the organ of the Secretary of the Treasury—little as I imagined that I ever should be the organ of the present Secretary. [A laugh.]

I beg to remind gentlemen again, that the reason why I ask this boon of the House, is because it would secure the Treasury Department and the Coast Survey Office from a very troublesome and embarrassing labor just at this moment pending over them. The annual report, as I have said, is in the hands of the binder, and in a very short time it will go forth to the people, and, therefore, what I ask is an advantage and a convenience to the Treasury Department, to the Coast Survey, and to all our constituents.

Mr. Speaker, a word has been said in reference to this franking privilege in general. Allow me to say that I differ most respectfully from the honorable chairman of the Committee on the Post Office and Post Roads. I believe that one

of the last things which the people of this country will relinquish, is the benefit they derive from the franking privilege as exercised by their Representatives and public officers.

Sir, this Government is a great educational apparatus, and its most beneficent operation is that in which it diffuses knowledge in reference to all matters that relate to public interests among the people, and this is the channel through which that knowledge is diffused.

In reference to this Coast Survey, I confidently call for the support and sympathy of every member of this House, representing a district bordering upon the Atlantic or the Pacific, upon the Gulf of Mexico, or the northern lakes. I call upon every member representing a constituency interested in the security of life and property on the waters of oceans, lakes, seas, and rivers, to do justice to the invaluable services of this most admirable branch of our Government. I know that there is no part of the organization of the Government which is dearer to the hearts of the people, which confers more immediate, more permanently and deeply appreciated benefits. There is none which has done so much to exalt the character of our nation in the eyes of the world as the Coast Survey Office, our Light-House Board, and Lieutenant Maury's invaluable and immortal services.

Mr. Speaker, I had no expectation, when I offered the bill which I was directed by the unanimous vote of the Committee on the Post Office and Post Roads to introduce—which merely and exclusively related to the securing of a convenience to the officers of the Government, and which was reported in accordance with the express recommendation of the Secretary of the Treasury—I had no expectation, I say, of being drawn into a debate. I thank the House for the patience with which they have listened to the prolonged remarks which I have thus, against my will and expectation, indulged in; and I hope that its vote will show that its members are disposed to carry out the views of the Secretary of the Treasury, and to promote the convenience of all of the Departments of the Government, as well as of the people.

Mr. WARREN. I move to lay the bill and amendment upon the table.

Mr. MACE. The gentleman from Massachusetts who reported the bill has urgently appealed to me to withdraw the amendment which I have proposed. I do now withdraw it.

There was no objection, and it was withdrawn.

Mr. WARREN. I now move to lay the bill upon the table; and upon that question demand the yeas and nays.

The yeas and nays were not ordered.

The question was then taken, and the House refused to lay the bill upon the table.

Mr. HIBBARD. With the leave of the House, I will make a single inquiry of the gentleman who reported the bill. It is this: Does the bill provide for the franking of all matter on the part of the Superintendent of the Coast Survey and his assistant, or of only such as pertains to the business of the bureau? If the latter be not the case, I would suggest whether the bill should not be so amended. In that form I am prepared to vote for it.

Mr. UPHAM. I ask for the reading of the bill. By it the gentleman will see what is provided to be granted.

The bill was again read through.

The bill was then ordered to be engrossed, and read a third time; and being read a third time, it was passed.

Mr. UPHAM. I move to reconsider the vote by which the bill was passed, and that that motion be laid upon the table.

The latter motion was agreed to.

SLAVERY IN DISTRICT OF COLUMBIA.

Mr. HAMILTON, from the Committee on the District of Columbia, presented a report adverse to the petition of citizens of Ohio asking for the abolition of slavery in the District of Columbia; which was ordered to lie on the table.

THE WASHINGTON AQUEDUCT.

Mr. HAMILTON, from the same committee, also reported a joint resolution making appropriations for the continuance of the work on the Washington aqueduct; which was read a first time by its title, and the Clerk being in the act of reading it through—

Mr. HAMILTON said: Mr. Speaker, the Clerk has misunderstood me. I presume it would require the unanimous consent of the House to consider that resolution. However, if there be no objection anywhere, I should prefer that course.

Mr. WHEELER. I object.

Mr. HAMILTON. Then I move its reference to the Committee of the Whole on the state of the Union.

The question was taken; and it was so ordered.

On motion by Mr. DRUM, it was

Ordered, That the Committee on Revolutionary Claims be discharged from the further consideration of the petition of Robert Gilchrist, of Indiana county, Pennsylvania, for an increase of his pension, &c., and that it be referred to the Committee on Invalid Pensions.

Mr. ORR, from the Committee on Indian Affairs, made an adverse report on the petition of D. B. Huntingdon, praying for additional compensation for services rendered to the Utah Indians; which was ordered to lie on the table, and be printed.

Mr. ORR, from the same committee, made an adverse report on the petition of the Oneida Indians, of New York, praying payment of interest; which was ordered to lie on the table, and be printed.

On motion by Mr. ORR, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the petitions of Julia C. Lane, Louisa E. Lane, and N. E. Lane, Edward Tracy, and others, and Charles Bracker, asking that the amount of money paid by them for working lead mines in the Indian territory be refunded to them, and that the several petitions be referred to the Committee on Claims.

THE TITLE OF LIEUTENANT GENERAL.

Mr. BISSELL, from the Committee on Military Affairs, to which was referred the Senate resolution authorizing the President of the United States to confer the title of lieutenant general by brevet for eminent services, reported back the resolution, with a recommendation that it do pass.

The Clerk read the resolution by its title.

Mr. BISSELL. Mr. Speaker, I did not exactly mean to say that it is the recommendation of the committee that the resolution be now put upon its passage.

The SPEAKER. Then the Chair misunderstood the gentleman.

Mr. BISSELL. That course, however, I would express as the desire of my own. But I am well aware that an objection from one member would defeat that proposition; and if that were to be the case, the motion I wish to make is to refer the resolution to the Committee of the Whole on the state of the Union.

The question was taken, and the resolution was so referred.

Mr. TAYLOR, of Ohio. I did not understand the gentleman from Illinois [Mr. BISSELL] as making the motion to refer the bill to the Committee of the Whole on the state of the Union, unless some gentleman should object to its consideration and passage now.

Mr. BISSELL. I understood that there was objection made, and therefore I made the motion.

Mr. LANE, of Indiana. I object.

Mr. BISSELL. I understood the gentleman from Indiana to object before.

Mr. LANE. I did.

Mr. TAYLOR. I would further inquire, whether it does not require a majority of the House to send a bill to the Committee of the Whole on the state of the Union?

The SPEAKER. There is no doubt of it. Ordinarily, when no objection is made to a motion of reference, the Chair remarks, "If no objection is made, it will be so ordered." He does this in order to save the time of the House. The Chair heard no objection at the time, and announced that the bill was referred according to the gentleman's motion.

Mr. TAYLOR. When objection is made, I ask the Chair whether it is not competent to take a vote of the House upon the motion?

The SPEAKER. There is no doubt of it.

Mr. TAYLOR. Then I ask for a vote of the House upon the motion.

The SPEAKER. The gentleman is not in time, as the Chair has declared that the bill has been referred. But the gentleman can accomplish his object by moving to reconsider the vote by which the bill was referred.

Mr. TAYLOR. I then move to reconsider that vote.

Mr. HAMILTON. I move to lay that motion upon the table.

Mr. TAYLOR. I would respectfully ask the Chair what the state of the question is?

The SPEAKER. There is no question pending except that made by the gentleman from Ohio himself, to reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union.

Mr. LANE, of Indiana. A motion was made by the gentleman from Maryland [Mr. HAMILTON] to lay the motion to reconsider upon the table.

The SPEAKER. That is the first question.

The question was then taken, and there appearing, upon a division—ayes 67, noes 60—

Mr. LANE, of Indiana, called for the yeas and nays thereon.

The SPEAKER. The yeas and nays are demanded.

Mr. LANE. I withdraw the call.

Mr. SOLLERS. I renew the call.

Mr. TAYLOR, of Ohio. Will the Chair state the precise question before the House?

The SPEAKER. A joint resolution, which will be read by the Clerk, was reported by the Committee on Military Affairs, and referred to the Committee of the Whole on the state of the Union. The gentleman from Ohio [Mr. TAYLOR] moved to reconsider that vote. The gentleman from Maryland [Mr. HAMILTON] moved to lay the motion to reconsider upon the table, and upon that motion the yeas and nays are called for.

The Clerk then again read the resolution.

Mr. TAYLOR, of Ohio. I understand, then, that we are to vote whether the motion to reconsider the motion by which the joint resolution was referred shall be laid upon the table or not.

The SPEAKER. That is the question.

Mr. WENTWORTH, of Illinois. I wish to ask a question, for the information of myself and the House. If the motion to reconsider be laid upon the table does the bill still remain with the Committee of the Whole on the State of the Union?

The SPEAKER. It will.

Mr. TAYLOR. I withdraw my motion.

Mr. JONES, of Tennessee. I move to reconsider the vote by which the resolution was referred to the Committee of the Whole on the state of the Union, and to lay the motion to reconsider upon the table.

Mr. WHEELER. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 100, nays 78; as follows:—

YEAS.—Messrs. James C. Allen, Willis Allen, Barksdale, Belcher, Bocoock, Boyce, Bridges, Caskie, Chamberlain, Churchwell, Clark, Cobb, Colquitt, Curtis, Cutting, John G. Davis, Thomas Davis, Dean, Dowdell, Drum, Dunbar, Dunham, Eastman, Edgerton, Ellison, English, Fenton, Florence, Gamble, Giddings, Green, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Hillyer, Houston, George W. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Kurtz, Lane, Letcher, Lilly, Lindsley, Macdonald, McNair, McQueen, Mace, Maurice, Maxwell, Mayall, Millson, Morrison, Murray, Nichols, Noble, Olds, Orr, Peck, Peckham, Bishop Perkins, John Perkins, Phelps, Powell, Pratt, Riddle, Thomas Ritchey, Robbins, Ruffin, Seward, Shannon, Shower, Skelton, Samuel A. Smith, George W. Smyth, Snodgrass, Hector L. Stevens, Stratton, Straub, Andrew Stuart, John J. Taylor, Vail, Vansant, Wade, Walker, Walsh, Warren, Wells, John Wentworth, Westbrook, Daniel B. Wright, and Hendrick B. Wright—100.

NAYS.—Messrs. Abernethy, Aiken, Ball, Banks, Benson, Benton, Bissell, Brooks, Campbell, Carpenter, Caruthers, Chandler, Chrisman, Clingman, Cook, Corwin, Cox, Crocker, Cullom, Cumming, Dawson, Dick, Dickinson, Eddy, Edwards, Etheridge, Everhart, Farley, Flagler, Franklin, Goodrich, Greenwood, Aaron Harlan, Harrison, Haven, Heister, Hill, Howe, Hunt, Ingersoll, Kerr, Knox, Lindley, McCullough, Matteson, Meacham, Middewartha, John G. Miller, Morgan, Norton, Mordcaai Oliver, Parker, Pennington, Puryear, Ready, Reese, Russell, Sablin, Sage, Sapp, Simmons, William R. Smith, Sollers, Frederick P. Stanton, Richard H. Stanton, David Stuart, John L. Taylor, Thurston, Tracy, Trout, Upham, Walley, Ellihu B. Washburne, Tappan Wentworth, Wheeler, Witte, Yates, and Zollcoffer—78.

So the motion to reconsider was laid upon the table.

The SPEAKER. Reports are still in order from the Committee on Military Affairs.

Mr. McDOUGALL, from the Committee on Military Affairs, reported "A bill for the relief of the heirs of Anthony G. Willis, deceased;" which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. JONES, of Tennessee. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. BENTON. Will the gentleman from Tennessee have the kindness to withdraw the motion till I make a report from the Committee on Military Affairs.

Mr. JONES. I withdraw my motion.

Mr. BENTON. I am instructed, by the Committee on Military Affairs, to introduce a bill for the relief of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co.

I desire to say that I agree with every word said here the other day by the gentleman from Virginia [Mr. MILLSON] against hasty legislation. Ordinarily, it is proper that every bill should be subjected to the forms which experience has prescribed to prevent errors and mistakes. There are, however, exceptions to this rule, and I think this bill is one of them. It is a bill which authorizes the Secretary of War to audit and settle a claim arising in the Quartermaster's Department, and it orders not a shilling to be paid, but fixes a limit beyond which he is not to go. The bill has been unanimously reported by the Committee on Military Affairs. It has been considered by General Jesup, the Quartermaster General, who is the head of this Department of the Government, and a report in the same case was made by the Senate committee at the last session. Under these circumstances, if gentlemen do not think it necessary to submit the bill to the ordinary forms of legislation here, I would ask that it be put upon its passage; but if gentlemen think that it ought to go through such forms, I will not ask for a departure from rules which I hold to be so necessary.

Mr. JONES, of Tennessee. I would ask if the bill does not make an appropriation?

The bill was then read through.

The SPEAKER. Under the rules, this bill must go to a Committee of the Whole House, containing, as it does, an appropriation of money, unless by unanimous consent the House suspend that rule. Is it the pleasure of the House that unanimous consent should be given?

Mr. JONES. Let us adhere to the rule.

[A message was here received from the Senate by the hands of Mr. MACHEN, its Chief Clerk, informing the House that the Senate had agreed to the sixth amendment of the House to the bill of the Senate No. 12, entitled "An act to regulate the disbursement of the contingent fund of the Senate and for other purposes," with an amendment, and that they had disagreed to all the other amendments to said bill. Also, that the Senate had passed House bill No. 47, making appropriations for the support of the Military Academy for the year ending the 30th June, 1855, with sundry amendments, and asking the concurrence of the House therein.

Also, that the Senate had passed bills of the following titles:

"An act to provide for the payment of the printing of the returns of the Seventh Census, and for the paper purchased for said printing;"

S. No. 159. "An act to provide a place for holding the courts of the United States in the southern district of New York, and for other purposes;"

And asking the concurrence of the House therein.]

THE PRESIDENT'S MESSAGE.

Mr. MILLER, of Missouri. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken, and the motion was agreed to.

The House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN. The committee, when last in session, had under consideration the reference of the President's message; and upon that question the gentleman from Missouri [Mr. OLIVER] is entitled to the floor.

Mr. OLIVER, of Missouri, addressed the committee on that portion of the President's message which relates to the raising of tonnage duties by the States for purposes of internal improvement. He said that when he first read this portion of the message, he was at a loss to understand what interpretation to place upon it, though he must con-

fess that he had his suspicions that it recommended tonnage duties for harbor and river improvement. He contended that the measure recommended by the Executive, if adopted, would work a fundamental change in the legislation of this country; that it would overthrow the present system, and erect upon its ruins this remarkable, this extraordinary measure of tonnage duties. Great God! what must have been the strange insatiation that could have suggested to the Executive such a policy! What could be his apology for suggesting the overthrow of the present system, and substituting in its stead this new-fangled doctrine. [His speech will be found in the Appendix.]

Mr. OLIVER having concluded,—

Mr. MAXWELL obtained the floor, but yielded, for the purpose of explanation, to

Mr. KEITT. He said: I desire only to correct a mistake of the member from Missouri, (Mr. OLIVER,) and to answer an inquiry which he has propounded. When I submitted my views to the committee a few days ago on that portion of the President's message which relates to tonnage duties, I had not read either the letter or the speech of the distinguished Senator from Illinois, [Judge DOUGLAS.] Since then I have hastily read both; and I now offer my tribute to the large statesmanship and patriotic sagacity contained in both.

The member asks me if I repudiate Mr. Calhoun. Sir, this is a strange question to ask me now, while the State is still convulsively sobbing over his grave. South Carolina, sir, upheld, and with unfaltering devotion sustained, Mr. Calhoun while alive; and his death has only sanctified him in her affections. We bowed to his splendid intellect, and to his stainless honor; and he richly deserved our homage and support. South Carolina paid to him, sir, the tribute of a confiding but an intelligent and discriminating constituency; not the tribute which the mountebank extorts from the populace—yes, sir, ours was the tribute of men.

Sir, South Carolina supported Mr. Calhoun, with unfaltering consistency from his earliest entrance into politics. Like some splendid planet fashioned by the hand of Almighty God, and floating by a natural law into its appropriate orbit, Mr. Calhoun at early manhood floated into his appointed sphere, constellated around the Constitution: Mr. Calhoun was the first, I believe, sir, who announced and advocated the doctrine of tonnage duties for works of internal improvement. We differed from him—and it was almost the only difference in his long life—in that portion of his report on the Memphis resolutions in which he invoked the aid of the Federal Government for improvements in the Mississippi valley. But though we differed from him in that, the State never abated one jot or tittle of her love, reverence, and support of him. It was a difference alike honorable to the State and to Mr. Calhoun. Sir, as England's Queen said, when the loss of Calais was reported to her, "If my heart could be read, Calais would be seen written upon it;" so, too, South Carolina would say, "if my heart could be laid bare, written highest and brightest upon it would be seen the name of John C. Calhoun."

Mr. MAXWELL resumed the floor, and addressed the committee for an hour, in regard to his views of the action of Congress concerning the disposition of the public lands, and in relation to grants for the construction of railroads. His speech (withheld for revision) will be published in the Appendix.

Mr. ETHERIDGE obtained the floor.

Mr. CHANDLER. With the permission of the gentleman from Tennessee I move that the committee rise.

The question was then taken, and it was decided in the affirmative.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole, according to order, had had the state of the Union generally under consideration, and particularly the reference of the President's message, and had come to no resolution thereon.

A message was here received from the Senate, by the hands of Mr. MACHEN, its Chief Clerk, informing the House that the Senate has passed an act, (No. 26) for the relief of Ira Baldwin; an act, (No. 50) for the relief of the legal representatives of

Noah Miller and other persons; an act (No. 113) for the relief of the widows and orphans of the officers and seamen of the United States schooner *Grampus*, who were lost in that vessel in March, 1843; an act (No. 121) for the relief of Pamela Brown, widow of Major General Jacob Brown, deceased; and an act (No. 155) granting five years' pay to the widow of Captain John W. Gunnison.

Also, a message was received from the President of the United States—the Speaker having temporarily resumed the chair—by SIDNEY WEBSTER, his Private Secretary, informing the House that he did, on the 24th instant, approve and sign, among other bills, a joint resolution of thanks to General John E. Wool.

DEATH OF THE LATE RUSSIAN MINISTER.

Mr. BAYLY, of Virginia. As the members of this House have before this been informed, the oldest member of the diplomatic corps in Washington is no more. His funeral will take place to-morrow; and to enable such members of the House as are so disposed to attend the ceremonies on that occasion, I move that when this House adjourns to-day, it adjourn to meet on Thursday next.

Mr. BENTON. I am gratified at the motion which the member from Virginia, on my left, [Mr. BAYLY,] has made, and at the manner in which it has been done. It is simply a motion to adjourn over for a day, and for a reason feelingly stated, and not being upon the Journal will not become a precedent, though the memory of it, and of the honor it implies to the deceased, will go into the debates, and become a part of our parliamentary history. There are reasons for this mark of honor to the deceased which have not applied heretofore, and can hardly expect to apply again. Mr. Bodisco was incorporated with our society from his long residence among us, his marriage to an American lady, our country-woman, his urbanity, and social intercourse. We have all had our social relations with him, and would be drawn, by private feelings, to-morrow, to follow the hearse instead of appearing here.

Mr. Bodisco has lived almost twenty years among us, and so lived as to have become, in all social relations, one of us. Urbanity of manners, charity, benevolence, universal kindness, were qualities in him visible to all. I mention something not so publicly known, but equally honorable, and that was, a feeling of solicitude for any jarring that took place among us, and an anxiety to compose it. I have known many instances of his kind interference—many instances of his assembling at his house, that the festive board might allay asperities which ought not to continue—and all with a delicacy and tact which almost concealed the object while accomplishing the purpose.

He had, indeed, both tact and ability; and for the great affairs of business, as well as of social intercourse, a diplomatic ability, which the happy relations existing between the two countries never called into action in the form of State papers and protocols, but which showed itself in the admirable preservation of friendly and kind relations, which he found existing when he arrived here as Minister, and which he had improved and strengthened up to the time of his death. These circumstances, and his position in the diplomatic corps—the dean of that respectable body—entitle him to this mark of respect from the American House of Representatives—the first time it has been granted, and under circumstances to prevent it from becoming a precedent.

I have mentioned some of the personal reasons—individual to the object of our regard—which command this mark of respect from us. I have others to mention which concern his country, and the eminent sovereigns who have reigned over it since our independence. From all we have experienced justice and kindness. No Russian sovereign has ever wronged our America—ever given cause for one word of complaint; and to some we are indebted for signal marks of good will. The Emperor Alexander offered his mediation to restore peace between the United States and Great Britain in the war of 1812—a noble offer, and worthy of a mighty Power.

The present Emperor accepted the place of abiter in a delicate and important matter between the United States and the former mother country, and settled a question of immense moment to us,

which, growing first out of the treaty of peace of 1783, and a second time out of the treaty of Ghent of 1815, had baffled diplomacy on both occasions, and was leading to serious misunderstanding. The Emperor Nicholas settled it, and not by compromises, or qualifications, but by the rigorous application of principles.

I do not include, in our thanks to him, that the decision was in our favor—categorically and absolutely in our favor. That was a result governed by an inexorable sense of right. The thanks are due for consenting to take the trouble and the responsibility of settling such a question—a question of noncompliance with a treaty, in the delicate and important particular of indemnity for slaves carried off during the war. The same question had been found unmanageable under Washington's administration, and we had to submit to a loss—large in a pecuniary sense, and much larger in a political or belligerent sense—as seeming to sanction that mode of warfare. The second time the question arose, and after baffling our Government for twelve years, it was settled by the Emperor Nicholas; a large pecuniary indemnity was received for the past; a question pregnant with danger was settled; and exemption from such a mode of warfare may be counted on in future; and thus, from our personal relations with the deceased, and our national relations with the great country he represented, I feel myself an overpowering inclination to render this honor to the memory of the deceased, Mr. Bodisco, and doubt not that is the feeling of all that had the happiness to know him.

Mr. HOUSTON. I desire to ask the Chair a question in reference to the motion made by the gentleman from Virginia, [Mr. BAYLY.] Is the gentleman's motion simply a motion to adjourn over, or is it a resolution referring to the death of Mr. Bodisco?

The SPEAKER. It is simply a motion to adjourn over until Thursday.

The question was taken on Mr. BAYLY's motion, and it was agreed to.

THE GREAT EXHIBITION IN LONDON.

The SPEAKER laid before the House a message from the President of the United States, transmitting a report of the Secretary of State, together with a set of works illustrative of the Exhibition in London, of 1851, to which it referred, in order that such disposal might be made of them as seemed advisable.

Mr. ORR. I move to refer that communication to the Committee on the Library.

The motion was agreed to.

Mr. BARKSDALE. I move that the House do now adjourn.

Mr. JONES, of Tennessee. There are some few Senate bills on the Speaker's table of a private character; and I hope the gentleman from Mississippi will withdraw his motion so as to let them be referred to the appropriate committees. It will not take many minutes.

Mr. BARKSDALE. I withdraw the motion for that purpose.

REFERENCE OF SENATE BILLS.

The following bills from the Senate were then taken from the Speaker's table, read a first and second time by their respective titles, and severally referred, as indicated below:

An act for the relief of J. Boyd. Referred to the Committee on Claims.

An act for the relief of Zachariah Lawrence, of Ohio. Referred to the Committee on Claims.

An act for the relief of Mary C. Hamilton. Referred to the Committee on Invalid Pensions.

An act providing for the printing of the returns of the Seventh Census, and for the paper purchased for said printing. Referred to the Committee on Printing.

An act to provide a place for the holding of the courts of the United States in the southern district of New York, and for other purposes. Referred to the Committee on the Judiciary.

An act for the relief of Ira Baldwin. Referred to the Committee on Private Land Claims.

An act for the relief of the legal representatives of Noah Miller, of Lincolnville, in the State of Maine; and for the relief of other persons. Referred to the Committee on Claims.

An act for the relief of the widows and orphans of the officers and seamen of the United States schooner *Grampus*, who were lost in that vessel

in March, 1843, near the coast of the United States. Referred to the Committee on Naval Affairs.

An act for the relief of Pamela Brown, widow of Major General Jacob Brown, deceased. Referred to the Committee on Invalid Pensions.

An act granting five years' half-pay to the widow of Captain J. W. Gunnison. Referred to the Committee on Invalid Pensions.

SUPERINTENDENT OF PUBLIC PRINTING.

The SPEAKER. There is pending a motion to refer the joint resolution from the Senate, authorizing an increase of the clerical force in the office of the Superintendent of the Public Printing, to the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I move that the House do now adjourn.

Mr. HAVEN. If the gentleman will withdraw that motion, I will move the postponement of that joint resolution until Thursday.

Mr. JONES. If the resolution be postponed until Thursday, will it not have the tendency to bring it up the first thing in order on that day?

The SPEAKER. It will take precedence on the Speaker's table in its class, whether the proposition suggested by the gentleman be agreed to or not. If the House now adjourn, the question of committing will be the first in order.

Mr. JONES. I insist on the motion to adjourn. The question was taken, and the motion was agreed to.

The House thereupon adjourned until Thursday next.

Mr. SEYMOUR, (on the 18th of January,) from the Committee on the Judiciary, to which was referred the petition of Thomas Thady, submitted an adverse report; which was ordered to be printed, and the petition and report laid upon the table.

IN SENATE.

THURSDAY, January 26, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Tuesday was read and approved.

NEW SENATOR.

Mr. SEBASTIAN, in the unavoidable absence of Mr. ADAMS, presented the credentials of Hon. ALBERT G. BROWN, chosen by the Legislature of Mississippi a Senator from that State, for the term of six years from the 4th of March last; which were read; and the oath prescribed by law having been administered to Mr. BROWN, he took his seat in the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, asking an appropriation to pay the debts of the last commission to run and mark the boundary between the United States and Mexico; which was read, and referred to the Committee on Finance.

PETITIONS, ETC.

Mr. SEWARD. I am requested to present to the Senate the memorial of a large and respectable meeting of citizens of the city of New York, at which the Hon. Jacob A. Westervelt, the mayor, presided, in which they express their opinion that the present high rates of ocean postage are a very serious restriction on the mercantile correspondence between the United States and foreign countries, and a very great and unnecessary burden upon that large and useful population of the United States, the emigrants from foreign countries; that they interfere with the advancement of republican institutions in other countries; and they ask Congress to take measures for the reduction of the rates of ocean postage. I move that the memorial be referred to the Committee on the Post Office and Post Roads.

I wish also to present a memorial, signed by twenty-eight of the thirty-two Senators, and by one hundred and one of the one hundred and twenty-eight members of the House of Assembly of the State of New York, together with the Lieutenant Governor, who is the presiding officer of the Senate, and the Speaker of the House, praying for a reduction in the rates of ocean postage, for which I ask the same reference.

I wish to present, also, two petitions of the judge, justices of the peace, and of the grand and petit

jurors, and members of the bar, of the county of Washington, in the State of New York, in favor of the same object, which I ask may have the same reference.

The above petitions were referred to the Committee on the Post Office and Post Roads.

Mr. EVERETT. I am requested to present a memorial of the Massachusetts Historical Society, praying that an appropriation may be made to defray the expenses of procuring from the archives of the British Government, especially from the State Paper Office, copies of all documents, records, and correspondence pertaining to the early history of the Colonies and of the United States. I move its reference to the Committee on the Library.

It was so referred.

Mr. THOMPSON, of Kentucky, presented the petition of H. H. Maddox, praying compensation for services in taking the Seventh Census in the State of Kentucky; which was referred to the Committee on Claims.

Mr. BADGER presented a memorial of citizens of the city of Wilmington, in the State of North Carolina, praying Congress to make an appropriation for removing certain obstructions at the mouth of Cape Fear river; which was referred to the Committee on Commerce.

Mr. DODGE, of Iowa. I present the petition of Dr. J. C. Walker, the President of the Fort Madison and Bloomfield Railroad Company, and of four hundred other citizens of the State of Iowa, asking for a grant of land to aid in the construction of the Fort Madison and Bloomfield railroad; and they also request that, if along any part of the route of the said railroad there should be no public lands, Congress should grant a like portion of lands as is prayed for, as an equivalent therefor, in some part of the public domain in said State. I ask that it be referred to the Committee on Public Lands.

It was so referred.

Mr. SEWARD presented a petition of certain legal voters of the counties of Ontario and Seneca, in the State of New York, praying Congress to take such measures as will insure, in any future treaties with foreign countries, the insertion of a clause to submit international disputes to arbitration; which was referred to the Committee on Foreign Relations.

Also, a remonstrance of Francis O. Morse, on behalf of himself and others, citizens of the United States, engaged in the importation of lasts from the British provinces, against the passage of an act giving further remedies to patentees; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of Rochester, State of New York; a petition of Washington Gibbons and others; and a petition of citizens of Detroit, State of Michigan, praying the construction of a ship canal around the Falls of Niagara; which were referred to the Committee on Commerce.

Also, the petition of Francis Picard, administrator of Captain Pierre Ayott, of the Revolution, praying remuneration for losses by the confiscation of property, and for advances of money for the service of the United States; which was referred to the Committee on Revolutionary Claims.

Also, the petition of the heirs of Joseph Bindon, of the revolutionary army, praying commutation pay; which was referred to the Committee on Revolutionary Claims.

Also, the petition of Francis Picard, administrator of Captain Pierre Ayott, and the petition of Ezra T. Marnay, grand-child of Captain Lewis Marnay, of the army of the Revolution, praying to be allowed commutation pay; which were referred to the Committee on Revolutionary Claims.

Also, a petition of citizens of New York and Brooklyn, and a petition of citizens of New York, praying that a contract may be entered into with Christian Hansen for the transportation of the United States mails between Brooklyn and certain ports of Europe; which were referred to the Committee on the Post Office and Post Roads.

Mr. CASS presented a petition of inhabitants of Shenandoah county, Virginia, praying Congress to establish a national garden for the cultivation, improvement, and sale of Irish potato seed, &c.; which was referred to the Committee on Agriculture.

Mr. GWIN presented the petition of Richard Nosworthy, of England, praying remuneration for the destruction of six cases of his merchandise

at the port of San Francisco, through the neglect of the United States custom-house officers there; which was referred to the Committee on Claims.

Mr. WELLER presented the memorial of Dr. William M. Ryer, praying compensation for vaccinating Indians in California under a contract with the United States Indian agent; which was referred to the Committee on Indian Affairs.

Mr. ALLEN presented the petition of Sophia G. Dillingham, praying a pension on account of the services of her father, Elisha Dillingham, during the war of the Revolution; which was referred to the Committee on Pensions.

Mr. SEBASTIAN presented certain documents, signed by D. Cooper and J. Van Etten, counsel for Alexander Ramsey, late Superintendent of Indian Affairs in Minnesota Territory, being a review of the testimony taken on the investigation of the charges of fraud preferred against him; which was referred to the Committee on Indian Affairs.

Mr. BAYARD presented a memorial of citizens of Philadelphia, praying that the United States Mint in that city may not be removed; which was referred to the Committee on Finance.

Mr. SEWARD submitted certain documents against the passage of a bill to secure the rights of citizenship to children of citizens born out of the limits of the United States; which were referred to the Committee on the Judiciary.

Mr. FISH presented a petition of citizens of West Troy, New York, praying the enactment of a law giving further remedies to patentees; which was referred to the Committee on Patents and the Patent Office.

Mr. JOHNSON presented, at the request of the President of the Senate, as he stated, the petition of William N. Couch and others, praying the establishment of a tri-weekly mail between Kansas and Platte city, Missouri; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAYTON. I present the memorial of Charles D. Arfvedson, asking compensation for services as *Chargé d'Affaires ad interim* at Stockholm. At a former session of Congress one half of the compensation due to him for such services was appropriated and was paid to him. Only one half was allowed, because it was supposed the fees which he received as Consul at Stockholm would, together with the sum appropriated, be sufficient to compensate him. It now appears that the whole amount of fees that he received was but eighty-nine dollars. As those services were performed during the time that I was in the Department of State, I think it my duty to add my testimony to that of my successor in office, and express the opinion that this gentleman is entitled to the compensation due to a *Chargé d'Affaires* for the time during which he served in that capacity. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

REPORT FROM STANDING COMMITTEE.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to which was referred the bill to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of 2d of March, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan, reported it back with an amendment.

NOTICES OF BILLS.

Mr. JOHNSON gave notice of his intention to ask leave to introduce a bill to amend the law relating to preëmptions upon the public lands.

Mr. DODGE, of Iowa, gave notice of his intention to ask leave to introduce a bill to continue the improvement at the Des Moines and the Rock River Rapids in the Mississippi.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it had passed a bill granting the franking privilege to the Superintendent of the Coast Survey, and the assistant in charge of the office of the said Coast Survey.

PRINTING OF REPORT.

Mr. BRIGHT. I move that an extra number of the report of the Committee on Finance on the bill to provide for the surrender of certain bonds of the State of Indiana held by the United States,

be printed. I suppose the motion goes to the Committee on Printing.

The motion was so referred.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That the memorial of the heirs of William Beatty be withdrawn from the files of the Senate, and, together with additional documents relating thereto, referred to the Committee on Revolutionary Claims.

On motion by Mr. EVERETT, it was

Ordered, That the memorial of Selina Sumner, praying that compensation may be made to her husband, who is now an inmate of a lunatic asylum, for important discoveries in navigation, be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

On motion by Mr. DAWSON, it was

Ordered, That the memorial of Robert S. Patterson and others, praying an act of incorporation for a company to construct a railroad along Pennsylvania avenue, in Washington city, be withdrawn from the files of the Senate, and referred to the Committee on the District of Columbia.

On motion by Mr. CASS, it was

Ordered, That the petition of C. B. Cluskey be withdrawn from the files of the Senate, and referred to the Committee on Claims.

RIVER AND HARBOR IMPROVEMENTS.

Mr. BELL. I rise to make an inquiry of the chairman of the Committee on Commerce. That committee for several sessions past have thought it expedient to make no report on the numerous memorials and resolutions referred to them in reference to the improvement of rivers and harbors, upon the ground, as it has been supposed, that they thought it the better plan for the Senate to await the proceedings of the House upon that subject, and to take up a bill for that purpose when it should be sent here by the House. The consequence has been, that the river and harbor bill has never made its appearance here until a very late period of the session; and when that happens to be the long session of Congress, the summer is usually more than half spent before the appropriations for these great objects are made, and consequently, during the year of the long session, there can be no expenditure, and no continuation of the works in progress. For this reason these works become in some degree dilapidated before the officers of the Government can proceed in the execution of their duty. This habit has been so incessant now, that it has become a very plausible argument against the whole system; and it is contended that it is pursued in such an irregular manner as not to be worth much. The works are suspended every two years, although the appropriations may be made by Congress every other year; and this has been a fruitful cause for complaint.

The inquiry which I wish to make of the honorable chairman is, whether it is the intention of that committee to pursue the same course at the present session? If so, in my opinion it is tantamount to making no appropriation whatever. But, sir, I cannot disguise it from myself and from the Senate that it may be possible that the action of the Senate's committee, or of the Senate, upon the subject, will be no remedy for the evils of which I complain; but if we proceed actively to report a bill in reasonable time, and send it to the House, we shall have discharged our duty, and the responsibility for the passage of that bill at some day, which will permit these works to proceed, will not rest upon us but upon the House of Representatives. If we pursue this course, and the House shall pass the bill in reasonable time, the results which have been so much complained of will be obviated. If an opposite course be pursued, the million and a half of dollars spent last year will have been partially lost for the want of a consecutive application of the funds to the regular progress of the works.

Mr. HAMLIN. Mr. President, I think it has been the uniform practice of the Senate, or at least of the Senate Committee on Commerce, to await a bill from the House to make appropriations for the improvement of harbors, rivers, and lakes. I am not aware that that practice has ever been departed from. If it has been, the case is not within my knowledge, nor am I aware that the Committee on Commerce propose to depart from the ordinary course at the present time. I suppose it is within the province of the Senate committee to report an appropriation bill, without awaiting for one from the House. I suppose it is equally within the province of the Committee on

Finance to report appropriation bills for the support of the various departments of Government; but such has not been the practice of that committee, and such has not been the practice of the Committee on Commerce. I do not myself know of any good reason which would apply to the one case which does not apply to the other.

There are some of the great leading objects of improvement, such as the Mississippi river, the mouth of the Mississippi, upon which the Committee on Commerce have reported, and now contemplate reporting several bills. It has always been my opinion—and my action in the committee has corresponded with that opinion—that each of these appropriations should be in a separate bill, making it depend upon its own merits for its success, and not to force those improvements which are really national and meritorious to carry those which are not of that character. I have, however, always found myself in a minority on that committee in that proposition.

I have then been in favor of reporting one bill for the continuance of the appropriations for old works, leaving the new works for a separate bill. Upon that proposition I have also found myself in a minority.

I can say, then, in answer to the question presented by the honorable Senator from Tennessee, that I do not know that it is the understanding of the Committee on Commerce to take any other course than that which has usually been pursued.

Mr. BADGER. I beg to be allowed to add in connection with the subject, that I think there is a great deal of force in the suggestion made by my friend from Tennessee, [Mr. BELL.] I think my friend, the chairman of the Committee on Commerce, must have seen the inconvenience which results from awaiting all these bills to come from the House of Representatives. As we have the unquestionable right to originate such a bill as has been referred to, why should we not originate it, more particularly when it is so highly important to the public interest that the bill should be passed at an early day, and when the state of business in this House is such as materially to accommodate its passage?

But however the case may be in regard to these appropriations generally, I wish to take this opportunity of calling the attention of the chairman of the Committee on Commerce to a petition which I presented, and which was referred to his committee, praying for an appropriation for the purpose of removing obstructions in the mouth of Cape Fear river, in North Carolina. The continuance of those obstructions is one of the greatest outrages that now exists in this country; and if the committee refuse to report a general bill, I beg of them to take into consideration the propriety of reporting a special bill for that object. It ought to be done.

Mr. SEWARD. Mr. President, I wish to say that my position on the Committee on Commerce has been in favor of introducing a bill into the Senate, and bringing the subject thoroughly to the consideration of the Senate; but I have to say that, if honorable Senators expect their views to be understood by the committee, it will be necessary for them to take some form, either by waiting on the committee or in writing, to let those views be known to us. I shall be very happy to receive any communication of that kind from any Senator in regard to any matter of internal improvement. I have thought it proper to make this explanation in addition to what has been said by the honorable Senators from Tennessee and North Carolina.

Here the conversation dropped.

INVALID PENSION BILL.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill from the House of Representatives for the payment of invalid and other pensioners of the United States, for the year ending June 30, 1855, reported the same back, with an amendment.

On motion by Mr. HUNTER, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was to strike the following clause out of the bill:

"For pensions of invalids who were wounded on board private armed vessels during the last war with Great Britain, \$2,800; and the office for paying private pensioners

in Boston is hereby abolished, and the said pensioners shall be paid as private pensioners are paid at other places."

The amendment was agreed to; the bill was reported to the Senate as amended, ordered to be read a third time, was read a third time, and passed.

TROOPS ON THE SAN FRANCISCO.

Mr. SHIELDS, from the Committee on Military Affairs, to which was referred the bill from the House of Representatives "for the relief of the United States troops, sufferers by the disaster to the steamer San Francisco," reported the same back with amendments, and asked for its present consideration.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the bill.

The first amendment of the committee was to add at the end of the following words, in the first section—

"That there shall be paid, under the direction of the President, to each of the officers, non-commissioned officers, musicians, and privates, who were, on the 21st day of December, 1853, embarked at New York, under orders for California, on the steamer San Francisco, and who were on board that vessel on the occasion of her recent disaster at sea"—

the words:

and to Lieutenant Francis Key Murray, and any other officer or seaman of the United States Navy who was on board said steamship under orders,

So that there shall be paid to each his pay and allowances for four months.

The next amendment of the committee was to add at the end of the first section the following proviso:

Provided, That the amount of pay and allowances advanced to the officers and men by the authority of the President, previous to their embarkation, shall be passed to their credit, and their receipts for the same be canceled.

Mr. SHIELDS. I will state that it is the six months' pay and rations, all of which they have lost, for which the amendment proposes to give them credit. We desire to give them credit for that pay and for those rations, and not to hold them responsible or chargeable for them. I believe the House originally intended to make this provision, but it was left out perhaps by mistake. There is another amendment.

The next amendment of the committee was to add to the end of the second section, which is in these words:

"That if any such officer, non-commissioned officer, musician, or private, shall have died before receiving such payment from any cause consequent upon said disaster, his widow, if any survive him, and if not, then his minor children, if any there be, shall be paid a sum equal in amount to six months' allowance of the deceased;"

the words:

and that the widows and minor children of those officers, non-commissioned officers, and privates who perished by this disaster, or died from disease in consequence thereof, shall be allowed pensions in the same manner in all respects as if the said officers, non-commissioned officers, and privates had been killed in battle.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) If there be no objection, the question will be taken on all the amendments together.

There was no objection, and the amendments were agreed to.

Mr. JONES, of Tennessee. I desire to offer an amendment to the bill, by way of an additional section, which, however, has not the sanction of the majority of the Committee on Military Affairs. Before doing so, however, I take occasion to say that the sympathies of each member of that committee were as strongly in favor of the proposition which I submit as mine were. The only difference between us was, as to whether it would not be opening too wide a door for future claims. The majority of the committee thought it would, and influenced by that consideration, refused to recommend to the Senate the adoption of the amendment. I differ from them upon the subject, and therefore submit the following amendment:

SEC. 3. And be it further enacted, That the Second Auditor of the Treasury be, and he is hereby, authorized and directed to ascertain the amount of the losses sustained by the officers, (commissioned and non-commissioned,) privates, and seamen in the service of the United States, who were on board of the San Francisco at the time of the late disaster to that vessel; and that he pay the amount of the losses thus ascertained, out of any other moneys in the Treasury not otherwise appropriated.

I am anxious that the amendment should be adopted, if the majority of the Senate concur with me. It does seem to my mind that the justice of it cannot be questioned for a single moment; and the magnanimity of it, I am sure, will be conceded by every one.

It is particularly hard upon the privates when, as soldiers, after serving their country for years, they have accumulated something from their hard earnings, they are sent to San Francisco, and in obeying the order of the Government, by no fault of their own, by no indiscretion on their part, for they are compelled to obey, misfortune overtakes them, and their property is lost.

Now, I submit to every Senator, whether simple, even-handed justice does not require that loss to be made up to such men.

I have heard of several cases of peculiar hardship, and I will state one to the Senate. It is the case of one whose name I will not give, but who is said to be a most reputable and deserving young man, and who is, I believe, a sergeant in the Army. After struggling for years, he had saved and accumulated from his earnings eight hundred or a thousand dollars; his Government ordered him to San Francisco; he took the little pittance which he had saved from those hard earnings, and started to obey that order, and while on his way the amount was swept from him, and he is now turned back upon the world without a solitary dollar with which to begin the conflict of life. Is there a Senator here who can find it in his heart to vote against paying that money to that individual? I feel perfectly sure there is not. But then the majority of the committee say that they would willingly provide for such a case if it should come before us on its own individual merits. They did not, however, wish to report a general amendment, which, in their opinion, would open too wide a door for future claims.

I have no doubt it will be passed; and you, Mr. President, know, and every Senator knows, that we shall have to pay this after a while, and we had better pay it now, in the beginning, because my experience here is that these things lose nothing in amount by lapse of time. A claim is preferred to-day; it is postponed from year to year; it begins at one hundred dollars, and in ten years amounts to one thousand dollars. And I have yet to learn that, in the end, any claim which had the semblance of justice was not successful. I believe it will be wise economy; I believe it will be a clear and undoubted saving in the end for us to settle this question aright now, in the beginning, when the facts are before us, and when testimony can be obtained without any difficulty. I say, sir, that by pursuing such a course we shall save a large amount of money.

But, Mr. President, I suppose we are not to be less just than our predecessors have been. When Fort Delaware was destroyed by fire the Congress of the United States was called upon to indemnify the officers and soldiers for their losses sustained by that disaster. What was then the action of the Government? Be it said to its honor, magnanimity, and justice, that, without hesitation, Congress voted to refund to each one every dollar which he had lost. I cannot for my life see any reason why we should now depart from this rule. I am not very much in the habit of regarding precedents as always obligatory, but when they are good I must say that there can be no objection to following them. Such a provision was deemed just and equitable then. If it were just and equitable at that time, it is equally so now; and perhaps it is more necessary in this case than in that. But allowing the two cases to stand on equal ground, I appeal to every Senator to say whether it is not fair and just that a Government like ours, possessing the means, with an overflowing Treasury, which wants depletion—the great difficulty being, as we are told, to get money out of the Treasury—should make up the loss sustained by those men, who, while in the service of the Government, and obeying its orders, were overtaken by this calamity.

Mr. JOHNSON. I hope that the amendment will not be agreed to. Before voting upon it, I wish merely to state to the Senate that it was considered at some length by the Committee on Military Affairs, on the proposition of the honorable Senator who now submits it to the consideration of the Senate, and was rejected. It was rejected upon several grounds. I shall not undertake to state positively what considerations governed the minds of the other gentlemen upon the committee who were opposed to it. I presume they will state them to the Senate; but, so far as I was concerned, the grounds upon which I opposed it were these: I thought, in the first place, that it would open a

very wide door for future claims upon the Treasury, and would lead to expenditures to which we could fix no limit whatever. I consider that those who carried with them their private property upon this occasion—property not absolutely necessary to themselves in the discharge of their duties; and it is impossible to define what was absolutely necessary beyond their everyday clothing, and the arms and equipments necessary to their service, under the impression that they were going to stay in California for a great while, or even with the expectation of coming back—did it at their own responsibility, and the Government cannot become an insurer for them.

There is no limit that you can put upon the description of losses such as those which would be embraced by the amendment. Under it almost anything may be brought in. The officers and men can open their accounts against the Government upon every description of articles, if they open upon any; and as to the equipments, the most of them are furnished by the Government, and consequently can be no loss to them.

If it is intended so to load this bill, which is designed to be a benefit to the sufferers, as to destroy the bill itself, and thus fail to give the four months' pay which is provided for, and fail even to remit the six months' pay advanced by the Government, as the Senate has agreed to do in one of its amendments, and that, too, by an amendment of so indefinite a character as that which is proposed by the Senator from Tennessee, adopt the amendment, and I think we shall have achieved very effectually that object.

The amendment was voted down in the committee. I say nothing of the strictness that may exist in regard to all approaches to the Treasury, either in this or in the other branch of Congress; but, sir, if you open the door here by the adoption of this amendment, you will lose the bill itself. Let us be content with doing a little good. We cannot do all that the philanthropy and kindness of every gentleman would prompt him to do, and if we did there would soon be no Treasury whatever.

The reasons which I have thus given are those which induced me to vote against the amendment in committee, and which lead me to oppose it here. What were the reasons which influenced other members I will not pretend to say. They can state them for themselves.

Mr. SHIELDS. The amendments which I submitted were those which the Committee on Military Affairs agreed upon. As stated by my honorable friend from Arkansas, the amendment proposed by the Senator from Tennessee was not sustained by the Committee on Military Affairs. It was before us, and was discussed to some extent. In the main I agree to that amendment. I think the officers and soldiers who suffered losses on board that vessel in consequence of the disaster, ought to be reimbursed for those losses. I think there was no difference of opinion in the committee on that subject. It was only thought a little premature, and perhaps unadvisable at this time, to comply with this general mode of relief. Another reason was that which was very forcibly given by my friend from Arkansas.

I was rather in favor of the provision at the commencement, but another reason influenced my mind. It is reported—I do not know how truly—that some of the officers of the command, who were on board that vessel, were among the first to embark in boats and leave the command on the vessel. I hope it is not true. If it be true, I do not know that I am at liberty at this time, perhaps it would not be advisable, to give my opinion upon it, but I will say this, it is a subject of military inquiry, and I hope it will be conducted as such; for I hold that a man who is placed in charge of such a command, who is the chief and leader of such a command, and who, in a moment of danger and distress, such as occurred to that vessel, abandons that command, is guilty of as much, I will not say cowardice, but misconduct, as if he deserted them in the heat of battle, and in some respects it is even worse.

I also hold, that in the embarkation of the troops on the vessels which came to the rescue of the wreck, it was wrong for the officers to be the first to leave it. I hope that matter can be explained by the condition of the officers; that they were incapable, by sickness or wounds, to superintend their commands. The privates should have been

first embarked, and the captain of the company should have been the last man of the company on board the boat that carried them off the wreck; the regiment should have been first embarked, and the colonel of that regiment the last to fly from the wreck.

One of the singular aspects of this case is, that the first embarkation left the command destitute of its commander, and the whole regimental staff, commissary, quartermaster, medical officers, and all, so that, if I am correctly informed, the soldiers left behind knew not where to find provisions or medical stores. I know some of these gentlemen personally. I have had the honor to command some of them in battle. The commander of the regiment served under me at Tampico. I know him personally; and I know, also, that some of the officers who embarked in the boat which first transferred the troops to the Kilby are as brave as any in the service; but from wounds received, and from sickness incurred by exposure on the wreck, they were incapable of performing service.

My honorable friend from Tennessee [Mr. BELL] tells me that Lieutenant Murray, who is now in the city—an officer whose gallant conduct during the whole of the disaster does credit to him and to the service in which he is engaged—explains this matter, and states that the officers were on board the Kilby, not for the purpose of remaining there, but for the purpose of returning to their command on board the wreck; and during the night the Kilby, as we all know by newspaper information, was separated from the wreck.

However, this, as I remarked, will be the subject of military inquiry. I do not, therefore, wish to prejudice it; on the contrary, I hope and trust, for the honor of the American Army, for the honor of the service, and for the honor of the country, that every officer who left that command will be able to explain it to the satisfaction of the nation.

The committee considered that it might be somewhat premature to provide for a general indemnification of all the losses until we should ascertain whether the men proposed to be indemnified had discharged their duty faithfully on that perilous occasion or not. For one, I go for paying every dollar that was lost there by those men during the disaster. I am in favor of reimbursing them every dollar and every particle of property which was lost; but I never will consent to pay a man for his plate and his jewels, and his money, who left his command in the hour of distress; and, until I am fully satisfied on that point, I shall not vote for the amendment.

Mr. PETTIT. I rise to a privileged question. The hour for the consideration of the special order of the day—the case of the honorable gentleman from Vermont [Mr. PHELPS] who I see is present—has arrived. I therefore move to postpone the further consideration of this bill until tomorrow, for the purpose of taking up the special order.

Mr. SHIELDS. If my honorable friend from Tennessee insists upon his amendment, I suppose the bill will have to go over. I would suggest to him, however, that it will perhaps be better to withdraw it.

Mr. DAWSON. I will suggest to my friend from Tennessee, though in favor of the amendment, that as it may lead to an embarrassment of the bill, it had better be withdrawn, so that the bill may pass to-day to give the relief which it affords.

Mr. JONES, of Tennessee. Under the circumstances I withdraw the amendment.

Mr. GWIN. I hope the bill will be considered and disposed of to-day.

The PRESIDING OFFICER. The motion to postpone the bill has been entertained.

Mr. GWIN. I was going on to say that I am in favor of the amendment, and am ready to vote for it now.

Several SENATORS. It is withdrawn.

Mr. JONES, of Tennessee. I do not desire to embarrass the bill. I believe its principle is right, and also that the principle of the amendment is right; but as Senators think that the adoption of the amendment may embarrass the bill, I withdraw it.

Mr. SHIELDS. I hope then the bill will be reported to the Senate and passed.

Mr. BUTLER. I wish to make one or two remarks in connection with what has been said

by the Senator from Illinois, so that they may go out at the same time with his.

The PRESIDING OFFICER. Will the Senator from Indiana withdraw his motion to postpone to enable the Senator from South Carolina to proceed?

Mr. PETTIT. Yes, sir.

Mr. BUTLER. I saw Lieutenant Murray at his friend and relative's quarters this morning—I refer to my friend from Virginia, [Mr. MASON]—and I heard him converse very freely upon the subject of the wreck. It is due, perhaps, to Colonel Gates particularly, that I should now make the remark that I put the interrogatory to Lieutenant Murray how Colonel Gates came to leave the San Francisco and go to the other vessel? His reply was, that he is a gentleman of over seventy years of age, and it was not an easy matter, after going into the Kilby, to return; and very few were young enough to do it. Lieutenant Murray did not attribute his course to anything like a disposition to abandon the command.

Mr. SHIELDS. I am highly gratified to hear that explanation.

The bill was reported to the Senate as amended; the amendments were concurred in, and ordered to be engrossed; the bill was ordered to be read a third time; and was read a third time, and passed.

VERMONT SENATORSHIP.

The Senate proceeded to consider the resolution reported on the 16th instant from the Committee on the Judiciary, to which was referred, on the 4th instant, the following preamble and resolution:

Whereas, the Hon. SAMUEL S. PHELPS was appointed by his Excellency the Governor of Vermont, in the recess of the Legislature of that State, to fill a vacancy in the Senate of the United States, which had happened by the death of the Hon. William Upham, a Senator whose term of six years would have continued until the 4th of March, 1855; and

Whereas, it is understood that since that temporary appointment was made, the Legislature of Vermont has been convened at its regular session, and has adjourned without filling such vacancy: Therefore,

Resolved, That the Committee on the Judiciary inquire whether the Hon. SAMUEL S. PHELPS is entitled to retain his seat in the Senate of the United States.

The resolution reported from the committee by a majority, consisting of Mr. PETTIT, Mr. GEYER, and Mr. WILLIAMS, is in the following words:

Resolved, That the Hon. SAMUEL S. PHELPS is entitled to retain his seat in the Senate of the United States.

A minority of the committee, consisting of Mr. BUTLER and Mr. BAYARD, dissent from the report of the committee, and submit a minority report expressive of their views.

The question before the Senate was stated to be on the resolution reported from the committee.

Mr. PETTIT. Mr. President, in moving to make this subject the special order of the day, I did not design by any means to occupy the attention of the Senate at any considerable length in its discussion; nor do I intend to do so now; but having made the report, as the organ of the committee, they think it is incumbent on me to state briefly the position which the committee occupy.

The facts in the case before the Senate are well understood, and need not be recapitulated. In coming to the conclusion that the Hon. SAMUEL S. PHELPS is entitled to retain his seat in the Senate of the United States, the committee have examined the Constitution and the precedents which they think bear upon the question. The committee conclude, in the first place, that the design of the framers of the Constitution was that there should be two Senators from each State in commission at all times ready for the exigencies of the public service. They came to that conclusion, first from the plain, palpable declaration and language of the Constitution itself, in these words:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote."

In addition to this provision we find that, in order to avoid anything like a hiatus, or vacancy, the framers of the Constitution provided two means for the creation of the office of Senator. Primarily, they vested the power in the Legislature, but, contingently, in the event that the Legislature did not exercise the authority, in the executive of the State, in the person in whose hands the executive authority might be vested for the time being.

The Constitution has declared that the Senate of the United States shall consist of two Senators

from each State, and has provided two means, both ample, one of which must always be in existence, to keep the Senate full; for it must be recollected that no State is ever without an executive. It always has an executive, though it may not always have a Legislature. When the Legislature is in session—is in a condition to act and to exercise the primary authority—it has power to do so; but, inasmuch as the Legislature is not always in that condition, and the State always has an executive, the Constitution has conferred upon the executive the right to make temporary appointments, so that the Senate can at all times be kept full by the action of these two departments.

The question, in this case, arises principally, as it is said, upon the construction of the latter clause of the third section of the first article of the Constitution of the United States. That section, after providing that the Legislature shall appoint, proceeds to say:

"And if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

That the language of the Constitution, or of any law, cannot always be read and understood literally, will be seen by reading this language twice. The intention, and not the language in all instances, must be observed. If you take this passage literally, it will be seen that there could be no appointment by the executive unless there be vacancies. The language is expressly in the plural, "and if vacancies happen" "the executive thereof may make temporary appointments," in the plural again—appointments to correspond with vacancies. I need not, however, dwell upon this wording. No one has doubted, and no one will doubt, that the executive has authority to appoint where but one vacancy happens. I notice this point in passing, for it is right before me; and it is utterly out of the question, in giving a sound construction and sound interpretation to legal instruments, always to construe them literally as the words themselves indicate. Nor, indeed, does such, at first blush, seem to be the proper impression.

But the question arises as to whether the limitation implied in the words "until the next meeting of the Legislature," applies to the contingent power of the Governor to appoint and its duration, or to the period within which he may exercise and continue to exercise that power. The question is, does the limitation apply to the power to fill the office, or to the commission of him who is the appointee? The committee have supposed that the limitation is upon the appointing power, that the executive cannot make an appointment after "the next meeting of the Legislature," but that the force and effect of the appointment, the commission and the office, continue until the primary authority, the Legislature, lays its hand upon the subject and exercises that authority, or until the senatorial term, the end of the six years, shall have passed by.

The committee are further of opinion that the language in regard to the power of the executives of the several States to fill vacancies is neither perspicuous, definite, nor concise; that it is subject to two interpretations; that it may be and might have been in the beginning fairly and justly interpreted, either according to one or the other of two views. It may be interpreted so as to limit both the appointing power and the duration of the office; or, on the other hand, in may be interpreted so as to be applied, as the committee propose to apply it, to the extent of time within which the appointing power may be brought into requisition, or may be exercised.

What, then, is the difference between these two interpretations? When two such interpretations may be put upon this language, without doing violence to the Constitution, or to the organization of its powers, we may well inquire what was the object of the framers of the Constitution; and we may well see what would be the result of one interpretation, and what of the other. By giving the former interpretation, that both the power and the office terminate upon the meeting of the Legislature, you give to the phrase a harsh and severe construction, which does not conduce to the service or benefit of the public, but absolutely to deprive the States of the service of a Senator; for in all cases, if you consider the language literally,

so as to terminate both the power to appoint and the office of the appointee, at the meeting of the Legislature—for it is out of the question to torture the word "meeting" to mean dissolution, or end, or rising, or adjournment—you in the first place violate what was the plain and palpable intention of the framers of the Constitution. They designed that there should always be two Senators from each State in commission; but by this harsh interpretation you are compelled, every little while, and in every State in a few years, where a hiatus or vacancy in the Senate occurs, to demand that the Senator who holds an executive appointment shall take his hat and walk out at the moment when the Legislature meets. It may be some days before the Legislature will elect. They may not, perhaps, elect during their whole session, and then, when a man is elected, it will take him some days to get here.

Mr. BADGER. How long would it take for a man to come here from California?

Mr. PETTIT. As it was in the olden times it would take months; but according to the present rate I believe a man can come in thirty days.

Sir, we must also consider what was the condition of the country when the Constitution was adopted. Then our country was sparsely settled; there were no railroads, no steamboats, and the slowest modes of travel were used. Men coming from Boston probably had to make a long and tedious journey in order to reach the seat of Government; and no doubt Senators and Representatives came on horseback from Georgia, Tennessee, and Kentucky. In that view of the case, then, it would have been apparent to the framers of the Constitution that, under the harsh construction against which I contend, the Senate might be for a long time without a full representation of the States. We are to regard this question as though our country were now in the situation in which it was at the time of the adoption of the Constitution; and by that means we shall get back into the feelings, and judgment, and intention, of those who framed that sacred instrument; and that will explain to us fully that matter.

Well, sir, by this interpretation, as I have said, you distract the public service; you have not your men in commission all the time; and the Senate is not composed of two Senators from each State, as the Constitution provides that it shall be. The Constitution expressly provides that the Senate shall be composed of two Senators from each State, and, for the purpose of having at all times that provision carried into effect, provided two means of appointment, one or the other of which is at all times capable of sending a Senator here. If the Legislature is not always in session, the perpetuity of the Executive of the State exists forever, in one hand or another, and is at all times ready to fill the hiatus.

I have contended that this would be the harsh view, the harsh construction of the provision of the Constitution. It is contended for, I know, by some gentlemen; but it seems to me that it is one not in accordance with the spirit or intention of the framers of the Constitution. The public convenience, the public service, and the public interest are served by a different construction, and would not be served by this.

Now, what is the other view? What is the consequence if we take the milder view which the committee have taken of this question? By it we promote the public service; we carry out the spirit and intention of the framers of the Constitution; we live up to its very letter, as nearly as we can; we carry out the provision which says the Senate shall be composed of two Senators from each State. While I do not feel bound by the precedents of the Senate as much as by the precedents of cases adjudicated before the judicial tribunals, they are still entitled to great consideration and respect. The Senate have heretofore interpreted the Constitution as the committee interpret it now, upon more than one occasion. If the opposite construction prevail, at the meeting of the Legislature the Senator here holding his seat under Executive appointment loses his seat. The Senate has, uniformly, in twenty, thirty, or forty instances, or perhaps more, decided that the office does not terminate upon the meeting of the Legislature, but continues beyond the meeting. This was decided first in the famous case of Mr. Smith, of Maryland. That resolution has been read and reread, but I will read it again.

The Senate, on the 6th of June, 1809, after full consideration and deliberation, passed this resolution:

"Resolved, That the Hon. Samuel Smith, a Senator appointed by the Executive of Maryland to fill the vacancy which happened in the office of Senator for that State, is entitled to hold his seat in the Senate of the United States during the session of the Legislature of Maryland, which, by the proclamation of the Governor of said State was to commence on the 5th day of the present month of June, unless said Legislature shall fill such vacancy by the appointment of a Senator, and this Senate be officially informed thereof."

I read this, not because it is a resolution fully covering the case of the honorable Senator from Vermont, but because it expresses the deliberate judgment of the Senate that the office does not terminate upon the meeting of the Legislature. That they have resolved and re-resolved. There are thirty and forty, perhaps there may be one hundred instances, where Senators have been appointed by the executives of their States, and come here and held their seats until the meeting of the Legislatures, and until their successors were elected and came here and took their seats. My own case furnishes an illustration of this practice. I came here on the 18th of January, at the middle of the last session of Congress. My predecessor [Mr. Cathcart,] had been appointed by the Governor of the State to fill the vacancy occasioned by the death of Governor Whitcomb. It was not proposed to turn him out of the Senate as soon as it was known that the Legislature met. I hold that we are compelled here to take official notice of the meeting, and not of the adjournment of the Legislature, for that is a matter that caprice may determine; but the constitution, or a permanent law of each State determines when the Legislature shall meet. But I need not refer to my own case. Indiana has had two or three other instances of the same kind. Mr. Hanna was once appointed; Mr. Tipton was elected to succeed him, but did not come here for three or four months after his election. There are a great many instances of the same sort. Many gentlemen have been appointed to fill vacancies, and have continued, in every instance, I believe, to hold their seats until their successors appeared and were qualified. In at least fifty cases the Senate has thus given to the clause of the Constitution in question the construction which the committee give it, that the office does not terminate upon the meeting of the Legislature.

This is the mild and benignant construction—one calculated to promote the public service, and not to injure it. And when two constructions can be given—I care not whether it be upon the bench or in a legislative body—the one detrimental to the public service, and the other promotive of the public good and the public weal, the latter ought always to be adopted. Such has been the judgment of the Senate heretofore. Then, sir, the committee think that they are justified in coming to the conclusion at which they have arrived; first, because it seems to be justified by the language of the Constitution itself, and then, it being subject to two constructions, they have the precedence of the Senate for their guidance.

It is idle to say to me that upon any philological principles it can be shown that the word "meeting" means "end." The resolution of the Senate, in the case of Mr. Smith, of Maryland, said he might hold "during" the session of the Legislature. The committee have said very tritely, in their report, that you cannot construe "meeting" into "end," "dissolution," or "adjournment." The Constitution does not say that the appointee shall hold his office until the next adjournment of the Legislature; but if the limitation applies to the appointee, it is "until the next meeting of the Legislature." We think, then, that we are justified in our construction from the text of the Constitution itself; from the precedents, and the construction heretofore given it by the Senate, and from our construction being promotive of the public service, and not detrimental to it.

Sir, I have pursued the subject longer and further than I had intended. I shall now leave it entirely to the consideration of those who feel more interest in it than I do, and who are, perhaps, abundantly better able to manage the matter. I shall not detain the Senate longer.

Mr. BUTLER. Mr. President, it is not my purpose to take a prominent part in this discussion. The question before the Senate resolves

itself into a very simple proposition, and I think it would not be very much improved by an amplification of the discussion. The papers on the table disclose the fact that the Committee on the Judiciary were divided—that the honorable Senator from Delaware [Mr. BAYARD] and myself differed from the majority of the members of that Committee. I have placed my reasons for that dissent in writing. I do not choose, now, at least, to go fully into the subject. I may restate them, however, in a different form hereafter; but the state of my voice will not allow me to do so now; nor do I know that it is very desirable, for two reasons. I think the Senate will come to a very intelligent conclusion on this subject, by reading the Constitution and the precedents; and I know that my friend from Delaware is very fully prepared upon the subject, and therefore I yield the floor to him to conduct the discussion in reply to the honorable Senator from Indiana.

Mr. BAYARD. Mr. President, before proceeding with the debate on this question, differing as I do, *toto celo*, from the reasoning of the honorable Senator from Indiana, and the views of the majority of the committee, I should like to know whether the special order in Executive session, at two o'clock, is to take effect? If so, I cannot, of course, conclude my remarks by that time.

Mr. BADGER. I would suggest to the Senator that we may postpone this subject till another day.

Mr. GWIN. I hope not. We can postpone the other subject until to-morrow.

Mr. BADGER. I thought the other was important to-day.

Mr. GWIN. No, sir; we can take it up to-morrow.

Mr. CHASE. The Senator from Delaware is indisposed, and would proceed with great personal inconvenience to himself to-day.

Several SENATORS. Then let us postpone the subject.

Mr. CHASE. I trust the Senate will at once acquiesce in a motion to postpone the subject until to-morrow, or such day as will suit the convenience of the Senator from Delaware.

Mr. BADGER. To-morrow will be private bill day.

Mr. CHASE. Say Monday.

Mr. GWIN. We have a special order for Monday.

Mr. CHASE. I move to postpone the further consideration of the subject until Monday, and to make it the special order for that day.

Mr. HUNTER. I hope that will not be done; for the bill of the honorable Senator from Illinois [Mr. Douglas] is already the special order for that day.

Mr. CHASE. Then I move to postpone this subject until Tuesday. This will not interfere with the special order of Monday, unless the Senate choose, because that subject is the special order for Monday, and from day to day until disposed of. Unless the Senate shall choose to proceed with the consideration of this matter on Monday, and settle the question as to the right of the honorable Senator from Vermont to a seat, the other bill could be taken up, and proceeded with from day to day.

Mr. GWIN. I hope the subject will be postponed until to-morrow.

Mr. BADGER and Mr. CHASE. To-morrow is private bill day.

Mr. PETTIT. Perhaps some other Senator may wish to go on to-day.

Mr. BAYARD. I should be perfectly willing to proceed to-day if I supposed that the debate could be closed to-day; but the suggestion which I made was with reference to the fact that there is an existing special order in Executive session at two o'clock. If that order shall be executed, and properly it ought to be, then of necessity this debate cannot be closed to-day; for I certainly cannot conclude my remarks by two o'clock. I will not promise to conclude at any time. I think that the questions here involved are very important; not perhaps in reference to the particular case, but because I think the constitutional provision has been departed from in a variety of cases, and I wish to show what is the extent and force of the precedents which have existed in this body, and to endeavor, so far as my own views go, to place this matter upon some principle which may be acted upon hereafter as well as now.

Mr. HUNTER. I would suggest to the Senator from Delaware that if he is willing to go on to-day, we can devote to-day to the consideration of this case, and postpone the other special order.

Mr. BADGER. I can state to the Senator from Virginia that the Senator from Delaware greatly prefers not to go on to-day.

Mr. HUNTER. I did not understand him so.

Mr. BADGER. He is willing to go on, of course; we are always willing, but we sometimes have our personal preferences. I hope, therefore, the subject will be postponed until Monday; and I will add another suggestion why it should be done. I do not see how the subject is to be disposed of to-day. Some of us have not made up our minds upon the question. Some of us wish to listen in order to be convinced. Some of us do not yet understand the subject thoroughly, and are not prepared to decide for ourselves. I confess I am in that situation. I hope the subject will be postponed until Monday.

Mr. HUNTER. I hope not. There is already a special order for Monday.

Mr. BADGER. Then suppose we say Tuesday.

Mr. CASS. The Nebraska bill is the special order for Monday, and from day to day, until disposed of. Then, if you do not make this subject the order of the day for Monday, it will be thrown over for an indefinite period. I think it is one of those questions which should supersede all others. We owe it to ourselves and to the Senate to dispose of the subject as soon as possible.

Mr. PETTIT. Undoubtedly; it is a question of privilege.

Mr. BUTLER. I concur with the honorable Senator from Michigan. I think, as a question of privilege, by parliamentary rules, this will take precedence of all others; and I think we might well take it up to-morrow, notwithstanding the order of the Senate that we shall take up private business on Friday. If it takes precedence of all other questions, we can consider it to-morrow. It would, to be sure, postpone private business for a week, but that is all.

Mr. BADGER. What would be gained by that?

Mr. BUTLER. My friend from Delaware informs me that he cannot be here to-morrow, and of course I yield to every personal consideration he may urge; but one thing is very certain: this subject has been for a long time pending, and I say, for one, that it would give me very great pleasure to receive on this floor, the honorable Senator from Vermont; but I am perfectly satisfied that if he retains his seat here it will be in violation of the Constitution of the United States; and in that point of view I could not consent, if there was an important question pending, and it was likely to approach a tie in the Senate, to the reception of his vote; but I should protest against receiving it until this question should be decided. This shows the importance of deciding a question of privilege of this kind, that we should know who are competent voters in the Senate.

Mr. CASS. It is the first question which should come before the Senate.

Mr. BUTLER. Yes, sir. In the English Parliament they always take up such questions first. I have looked at the books, and I know it to be so.

Mr. CLAYTON. I think, from what I understand, that the claimant to the seat is ready to proceed. My colleague can speak on some other occasion. If the claimant [Mr. Phelps] would take the floor, my colleague would have an opportunity of being heard fully on a future occasion, when he will be in better health.

Mr. CHASE. There is a special order in Executive session for two o'clock to-day. The hour approaches. It is perfectly obvious that no Senator can take the floor and do justice either to himself or to the subject during the time which now remains. The Senator from Delaware [Mr. Bayard] is entitled to the floor. He is indisposed, and would proceed with great personal inconvenience to-day, and under such circumstances, I have never known in this Senate, an appeal addressed to the courtesy of the Senate in vain. We have always agreed to a postponement, upon the application of a Senator under similar circumstances, of any question, to a day which would suit his convenience. That day in this case is Monday. I therefore insist upon my motion to postpone the

further consideration of the subject until Monday.

Mr. CLAYTON. If my colleague desires to follow the Senator from Indiana in the debate, of course we all agree that he should do so, and select his own time. I do not so understand him. I understand him to be willing that the gentleman from Vermont [Mr. Phelps] shall proceed with his argument, leaving him to reply. If that is the understanding, I would suggest that the claimant for the seat should go on now; but if my colleague has the slightest desire to proceed to-day, I should certainly insist upon his right to do so, or if he should desire to follow in the debate before the claimant for the seat.

Mr. SEWARD. Let the Senator from Delaware say what he does desire, and we shall grant it.

Mr. CHASE. The Senator from Delaware, who is entitled to the floor, does not desire to speak in preference to any other Senator who wishes now to occupy the floor. If there is any Senator who desires at present to speak, I will withdraw the motion; but if there is no Senator who desires now to speak, I shall insist upon it. I do not understand any other Senator as indicating a wish to occupy the floor at this time.

Mr. BAYARD. So far as my own personal convenience is concerned, I am perfectly willing to proceed now; but I do not wish to go on to-day with one half of an argument, and leave the rest of it for a subsequent day next week. My inquiry was directed to that matter. There is a special order assigned for two o'clock to-day in Executive session. My inquiry was, whether that special order necessarily caused the Senate to take up that subject at that time.

Several SENATORS. Not at all.

Mr. BAYARD. But you cannot close the debate to-day. There are other Senators who desire to debate the subject.

Mr. BRIGHT. I move to suspend the further consideration of the present order of business, for the purpose of proceeding to Executive session.

The PRESIDING OFFICER. The motion now before the Senate is to postpone the further consideration of this subject until Monday.

Mr. BUTLER. I move that the whole subject lie upon the table, giving notice at the same time that I shall call it up whenever I can—not to-morrow, because the gentleman from Delaware may not wish to speak to-morrow—but I shall call it up on Monday.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. BRIGHT, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

AMENDMENT TO THE CONSTITUTION.

Mr. GWIN. I desire to move to take up from the table for consideration the message from the House of Representatives announcing the appointment of a committee, to act jointly with such committee as may be appointed by the Senate, to take into consideration the propriety of recommending an amendment of that portion of the Constitution which regulates the mode of electing the President and Vice President of the United States. It was on my motion that the message was ordered to lie upon the table. My motive in making it has been misunderstood in the House of Representatives. It is supposed by some members of that body that the intention was to show disrespect to them. It is scarcely necessary for me to say that such was not my intention. The motion was made because it was necessary for us to go into Executive session at the time. Not having listened to the reading of the resolution then, I thought it was a different proposition from what it is.

I am not prepared to say that I am opposed to the proposition to change the mode of election; I therefore move to take up the message now, in order that a motion may be submitted to authorize the President to appoint a committee on the part of the Senate. I hope I shall not be put on it as chairman, because I cannot serve well in such a position.

The motion was agreed to.

The resolution of the House being then under consideration,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 26, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Tuesday was read and approved.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of the Interior, transmitting a report from Mr. Campbell, the present Commissioner on the part of the United States to settle unpaid claims between this Government and citizens of Mexico, stating that, after investigation, he (Mr. Campbell) had ascertained that fifty thousand dollars would be required to liquidate these unpaid debts; and recommending that an appropriation of fifty thousand dollars be made for that purpose.

On motion by Mr. JONES, of Tennessee, the communication and accompanying report were referred to the Committee on Ways and Means.

THE PRESIDENT'S MESSAGE.

Mr. JONES, of Tennessee. Mr. Speaker, the debate on the President's message is to be closed to-day, at one o'clock. My colleague [Mr. ETTENRIDGE] has the floor, and unless the House go into committee now, he will lose the opportunity to make a speech. I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put and agreed to; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

The CHAIRMAN. The committee, at its last sitting, had under consideration the reference of the President's message, and on that the gentleman from Tennessee [Mr. ETHERIDGE] is entitled to the floor.

Mr. ETHERIDGE. Mr. Chairman, I am aware, sir, that in an assembly of this kind, silence commands itself most forcibly to those who have taken but little part in public affairs; yet, sir, there are times, no doubt, when the most exacting will excuse a mere expression of personal opinion. I hope—I trust, it is so now. It has been but two days since the Committee on Military Affairs reported back to the House, with a recommendation that it should pass, the joint resolution of the Senate, reviving the grade of Lieutenant General in the Army, and authorizing the President, under circumstances therein mentioned, to confer the rank, specially by brevet, upon either of our Major Generals who rendered eminent services in the late war with Mexico. Certain indications on the part of the House, at the time that report was made, have caused me to desire, thus early, to make some remarks which, otherwise, I should have deferred to a much later day.

And in saying that which I propose to say, I am not unmindful of the forced connection this subject has had with the political events of the last two years, and of the difficulty of considering it with that delicacy and moderation which will avoid arousing some of those feelings which the past so naturally awakened.

I do not expect to remove opinions and prejudices which some have heretofore formed, and to which they are committed by the unalterable records of the country. I prefer rather to address myself to those who have not, heretofore, been committed for or against the measure, and whose favorable and impartial consideration I may hope for, without being met by a repetition of those arguments and objections, which have become so much weakened by time and attending circumstances.

I am gratified to know, that upon the result of our action in the matter now before us, nothing of vast or immediate public moment can depend. The resolution does not involve the great questions of peace or war—of progress or expansion. Even the hackneyed political controversies of the day are left untouched; for, decide it as you will, the people and the Government will move on in the same continued order and harmony, undisturbed and unaffected by the results of your action.

I do not, admit, however, that the proposition is without great merits. It is necessarily connected with a very important arm of the Government, having for its object the additional encouragement of those whose responsibilities are always

so great in time of actual war, and which, if adopted, cannot possibly be tortured into an injury to any person, or to any interest whatever. Yet, sir, I feel myself appealed to by other considerations, which, while they do not affect me personally, the promptings of my heart will not permit me to disregard.

If our assent to the resolution involved a new principle; if, by its passage, we were to commit ourselves to a policy which, in form or effect, is without any precedent, or violative of the letter or spirit of that Constitution which declares that "no title of nobility shall be granted," I, too, would take my stand with those who oppose its adoption. But, in my opinion, there is no conceivable objection to this particular resolution, which does not apply to every former act of the Government having for its design an acknowledgment of that high sense of gratitude which has always been considered as due to those who have rendered important services to the country.

You have often awarded to the meritorious and the brave, medals and other tokens of regard, which a proud soldier estimates next only to his life or his good name, but never except to those who had first exhibited that true courage and moderation which alone can give luster to the profession of arms.

To your victorious chieftains have you voted those good swords which are awarded only to honor and bravery, but never until their own had first flashed in the light of victory on many a renowned and successful battle-field; and but recently, when your armies were performing prodigies of valor, and achieving, in the very heart of an enemy's country, that series of brilliant victories which at once startled and astonished the world, you did not permit the courier who brought you the glad tidings to return, without instructing him to say to your armies, that they "deserved well of the country."

Events of a still more recent occurrence may be pointed to with confidence, as a justification for the unanimous adoption of the resolution. It has been but a few brief months since might have been seen at anchor in the Bay of Smyrna the sloop-of-war St. Louis. At the same time might have been observed, on board that sloop, an unobtrusive and intelligent, a chivalrous and humane officer, who up to that hour had been a stranger to all distinction, and wholly unknown to fame. No doubt, sir, he had often sighed for an opportunity to win in his department of service, by the exercise of that daring and courage which "sürred within him," some of that renown, securing which, in other days, had covered our infant Navy with imperishable glory.

When, in the recent war with Mexico, our land forces were creating heroes, heralding victories, and partitioning an empire, he was compelled to repose in inglorious ease, and endure all that "heart-sick faintness of the hope delayed" which falls so like a blight on the heart of the aspiring and the young. More than this, he saw from afar the extinguishment of the flame of war; he beheld the triumphal return of those who had won the names of heroes; he heard the plaudits of grateful millions who came to welcome the conquerors home, and saw other names enrolled in the book of fame beside the few "which were not born to die." But his name was not there. The fields had all been won, and the era for the performance of great deeds had passed by.

Suddenly, however, an emergency arose which enabled him to connect his own name with his country's fame. A political refugee from Hungary, who had sought and found here that political liberty which had been denied him abroad, and who by his declaration of intention to become a citizen had thrown himself upon our protection, was forcibly seized and imprisoned by the tools and minions of Austrian despotism.

You and the world are familiar with the courage and intrepidity; the promptness and judgment which were exhibited by the officer in command: a courage and resolution which brought Martin Koszta back in triumph to your shores, while it extorted from the courts and counsellors of Europe that respect and admiration which all men pay to true greatness and true courage.

But, sir, this achievement did not stop here. Its entire importance did not consist in the mere liberation of the enslaved; this was but the beginning of great public results, which were speedily

to follow. It made plain and familiar a somewhat obsolete page in the book of American diplomacy; it awakened a slumbering world to a new reading of the laws of nations; and it demonstrated the great fact that the American people would announce in the very heart of Europe, and at the doors of despotism and power, the popular truths of our Government, which have ever been fostered and cherished by our people.

What was the effect of the liberation of Koszta here? And what was the response which went up from the people? What was done by the Executive Department? And how have you shown your appreciation of it? Why, sir, the people, without a conference, rendered a verdict of hearty, prompt, and enthusiastic approval. Your President, after careful advisement and deliberation, instructed his Secretary to say, that he fully indorsed and approved the conduct of the officer; and that Secretary, fully aroused to the importance of the subject, immediately gave it an elaboration commensurate with his great abilities, which, if it did not fully satisfy every one of the entire correctness of his arguments, caused a very general acquiescence in the great conclusion to which he arrived.

But, sir, what did you do? I mean, what was done by the House of Representatives? Were we content to rest the matter where the Executive, the Secretary of State, and the opinion of the public had placed it? No, sir; you, too, must seek an occasion for testifying your admiration of the achievement, and of that lofty patriotism and love of fame which led to its consummation.

We must not forget, sir, that on the very day that the President's message and accompanying documents were submitted to the House, and before any member could have had time to examine the celebrated letter of Mr. Marcy to Chevalier Hülse-mann, a member from New York rose in his place, and offered a series of resolutions, having for their express object the compliment of a sword and the thanks of Congress to Duncan N. Ingraham, for his gallantry and good conduct in the release of Martin Koszta. What more was done? Its immediate adoption would have prevented an occasion for the exhibition of all that learning and patriotism which the subsequent discussion of the subject so properly elicited. Though no objection was offered, it was referred to the Committee on Foreign Affairs, who very promptly responded, and reported a substitute which embodied the thanks of Congress, and the marked compliment of a medal, to be prepared and presented under the supervision of the President.

Up to this time no objection had been made; yet, sir, members could not permit the favorable opportunity which the subject presented to pass unimproved. I listened with great interest and attention to much that was said; and I know not now which most to admire, the impulses which prompted members to speak, or the learning they respectively displayed. Those who took a part in that most interesting debate, showed that they had trod to advantage "the gladsome paths of jurisprudence," and their arguments would have awakened admiration within the classic precincts of Westminster Hall. It was a noble offering of patriotism most disinterested, and learning most profound.

The honorable and gallant gentleman from Virginia, (I mean, of course, the chairman of the Committee on Foreign Affairs,) who was all the time at the head of the column, gave so many indications of his comprehensive judgment, his appreciation of national fame, and total disregard of self, that I confidently hope to find him rallying to the aid of those who propose this last compliment to one of the most distinguished sons of his native State.

I have felt myself justified in making this allusion to the case of Captain Ingraham, because I regard the principle of the two propositions as identical. The difference consists alone in the number and weight of the reasons which may be urged in behalf of the respective measures. The one is a well-merited tribute to the rising hopes and prospects of early manhood; the other to that old age which, like the ancient oak, is "still steady amid the elements."

It has been urged, and it will be so again, as an objection to the resolution, that it is designed as a personal compliment to General Scott; that it is special and limited in its character; and that so

soon as the President has *once* confirmed the rank of lieutenant general by brevet, the resolution expires by its own limitation, and becomes forever thereafter wholly inoperative and void. This, I admit, is so; and it is for this very reason that the resolution is designed as a personal compliment to General Scott, and that the compliment is as distinguished as it is merited, that I am in favor of it. If the resolution were general in its nature, and designed to create a permanent grade, I should feel very little concern about it.

I know that the President may, by the terms of the resolution, confer the rank of lieutenant general by brevet on either of the major generals who participated in the war with Mexico; but I am very confident that the President will so use the power we thus propose to give him as to do no violence to his own personal wishes, or the general public sentiment of the country. I am willing, most unhesitatingly, to trust him to make the discrimination. I have good reasons for believing, and I do believe, that the President has never signed any commission with more real satisfaction than he will derive from commissioning General Scott a lieutenant general by brevet.

Sir, it would be an interesting spectacle, and especially so, no doubt, to the political friends of the President, to behold him, in obedience to the will of Congress, the general desire of the Army and the people, and his own wishes, conferring this well-deserved honor on a gallant soldier, whose youth, manhood, and old age have all been so freely given to the whole country—one who, for nearly half a century, has borne your banner so wisely, so bravely, and so triumphantly. It will be more than creditable to the Representatives of the people, and a proper commentary upon our free institutions.

I would refer you, sir, to the last presidential election, not for the purpose of complaining of the result, or of criticising the causes which produced it. I allude to it, not only because it has a proper connection with the subject, but for the reason that the result is itself an argument against many of the objections which have been interposed against the adoption of the resolution.

I will admit, sir, that the candidate of the Democratic party was all that his most ardent friends claimed him to be—a gentleman of learning and accomplishments—a politician of experience and ability; but he did not possess that popular reputation which might have previously designated him as the most probable candidate of his party. His reputation, up to that time, was much less national than some of his older and more distinguished rivals for the nomination.

At the head of the Whig column stood Winfield Scott, better known to the American people than any living man of the age; one whose connection with the military operations of the country since 1812 was such as to make his name (if fame alone could do so much) at once a tower of strength and an augury of success. With some, sir, it had become a fixed opinion, that the verdict of the people would always be, in favor of those distinguished military heroes who, like General Scott, could unite the gentle qualities of the good with that renown and fame which has so many charms and fascinations, alike for the young and the old.

In the embittered contest which followed, members of your own party, sir, vied with each other in studied and impassioned eulogies upon the public services of the Whig candidate for the Presidency; and in their public discourses urged no objection whatever to his election, other than that it would be a triumph of Whig principles, and a defeat of their own. The result showed a victory of the junior over the older officer. The victor of many a hard struggle for his country, found himself vanquished in this last great contest for himself. You, sir, claimed the result to be a triumph of principle—a claim which it is not now necessary for me to admit or deny—but it was further alleged to be most complimentary to the intelligence of American people, and a proof of their devotion to certain political measures, as they had rejected the greatest living soldier of the age, and conferred on a junior officer the highest civil honor in the world.

Then, if this be so, and as the resolution is inoperative, so soon as the rank of lieutenant general by brevet has been once conferred, where can

be the danger or impropriety, as the resolution can never be revived until the people, through their Representatives, shall desire it? They may never, perhaps, desire it; never, certainly, until worth and valor, sanctified by age, shall all combine to make the demand.

Again: it has been repeatedly urged that to empower the President to confer the rank of lieutenant general by brevet is violative of that part of the Constitution which declares that "no title of nobility shall be granted." This objection I should not regard as worthy of an answer did I not know that it is relied on by those whose judgment and integrity of purpose I am bound to respect. I cannot think, however, that they have examined the question otherwise than very superficially. What, sir, is a title of nobility? We who have been reared under a free Government, and cultivated all the prejudices so natural to those who despise distinctions founded on anything but real merit, are compelled to look abroad for examples to illustrate properly its meaning. We have never recognized any nobility, save that which is "of nature's own creating." In this country, "virtue alone is true nobility." It ever has been so, and I trust it ever will.

We are strangers to that nobility which, in all ages, has blended itself with "the divine right of kings," and which has been regarded as a necessary appendage to royalty—I mean that falsely-called nobility which rests on conventional distinctions in society, and which confers privileges without at the same time imposing corresponding responsibilities or duties. This was the kind of nobility which the authors of our Constitution so wisely resolved to root out and destroy. They were familiar with its existence and its evils, and prescribed the remedy. The "nobility" mentioned in the Constitution was, at the time of the adoption of the latter, in full operation in Great Britain, where its crushing evils were so very palpable as to make our ancestors desire to avoid it forever. The people of England, during our colonial dependence, recognized the title of *duke*, which was next only to the rank of prince. There was also the title of *marquis*, next below the rank of duke; the title of *earl*, next to that of marquis; *viscount*, next below an earl; and *baron*, next below a viscount.

It is very difficult at this time to ascertain all the ancient prerogatives of the various titles I have mentioned. They were all, however, derivable from the Crown, and none of them, either directly or indirectly, from the people. They were special marks of royal favor—were mostly hereditary and sometimes confined to particular localities. Testing this resolution, then, by any one of these requirements, the objection that it creates a "title of nobility" will appear quite absurd. The resolution simply restores an office which was abolished by Congress in 1799. This is proposed to be done by the ordinary course of legislation, and certainly Congress may create the office of lieutenant general as readily as that of Assistant Secretary of the Treasury, or collector of customs. The resolution does not permit the President to confer the rank of lieutenant general without the consent of the Senate. The President, certainly, may nominate a lieutenant general as readily as a collector for the port of New York. Should General Scott be nominated by the President, he will have to pass the same ordeal as the distinguished successor of Mr. Bronson; yet it has never been alleged, among the many things which have been said of Mr. Redfield, that his commission had made him either a "very hard" or a "titled nobleman."

The grade of lieutenant general is no recent invention. It has been recognized in military organizations for more than a century; it was a part of our military system during our revolutionary struggle for independence. The old Continental Congress, on the 15th of November, 1776, adopted the following resolution:

"That the rank of naval officers be to the rank of officers in the land service, as follows: Admiral as a general, vice admiral as a lieutenant general, rear admiral as major general, commodore as a brigadier general," &c., &c.

Thus recognizing the grade of lieutenant general as then already existing, and as a part of our military system. The President is, by the Constitution, "commander in chief of the Army and Navy;" yet the grades of *major* and *brigadier* general are still preserved, as would also have been that of *lieutenant* general, but for the act of March

3, 1799, by which it was abolished. That act provided:

"That a commander of the Army of the United States be appointed and commissioned by the style of *general of the armies of the United States*, and the present office and title of *lieutenant general* shall thereafter be abolished."

It also proves that the grade was not destroyed by the previous adoption of the Federal Constitution. It may be said of this act of Congress, that it was coterminous with the Constitution. The wisdom which formed the one enacted the other; yet it remains for this generation to make the discovery that the Congress of 1799 was legislating to abolish a military office which, according to the present interpretation of the Constitution by those who oppose this resolution, never, in fact, could have existed.

If, sir, it be true that civil government is, at best, but a necessary evil, resulting from the fall of man and the introduction of sin into the world, it is just as certain that armies are necessary evils, consequent upon the establishment and preservation of that Government. The manifest necessity of armies and army organization being admitted, it cannot be necessary to go into an argument to prove the propriety of superiority and inferiority of grade, to secure proper discipline and efficiency. A standing army here or elsewhere is but little less than a despotism. Its existence can be maintained only upon the principles of subordination to rank, and obedience to those whose powers depend upon grade. Importance must be attached to each, and neither should be weakened, even by indirection.

In addition to all this, there is nothing so well calculated to promote and encourage that efficiency, which has thus far characterized our Army; as the hope of that preferment, which would not exist but for the various grades, by which the humblest soldier in the ranks may ultimately be enabled, by merit and perseverance, to reach far beyond the command of a regiment.

No one seems to have been more impressed with this fact, or to have urged it with more zeal than the present Secretary of War, who, in his recent report to the President, uses this language:

"Patriotism, or a sense of duty, will not, in time of peace, fill the ranks of an army; nor will pay alone be sufficient to develop all the elements of efficiency. The hope of advancement is the foundation of professional zeal and success, and this incentive should exist in the Army as well as in civil life."

Then, sir, if this title were new, if it were wholly unknown to our military organization, as it is below that of the commander in chief, and subordinate thereto, I would be willing to favor it, as furnishing an additional incentive to those in subordinate positions to seek that promotion which depends on merit alone.

To those who so recently honored themselves in doing honor to Captain Ingraham I would, before I conclude, make a confident appeal. You have shown that you know how to value that national pride which is but an aggregate of that patriotism which is diffused so generally among the people. It is nowhere to be found except in those countries where the people love their Government for its blessings, or can point to the annals of the past for those great deeds and great achievements which history loves to record, and which genius so often embodies in song.

That national pride is worth more in preserving constitutional liberty than ten thousand "towers along the steep." If properly fostered and encouraged, it will achieve more than, without it, your armies and navies ever can achieve. Without this national pride, your fleets and armaments will but destroy that freedom they were created to preserve. It has already given you historians to record your great achievements. It has aroused the children of sensibility and of song. It has caused genius to impart more than the imperishability of marble to the great men, and great achievements of those who have gone before us, and is now erecting on the banks of your own Potomac, and in sight of the National Capitol, the loftiest monument which gratitude has ever raised to commemorate the virtues of mankind.

The aged minstrel who had lived until bigotry had "named his harmless art a crime," when he found himself a voluntary exile in a foreign land, even in extremity of ill, could point "with all a poet's ecstasy" to the past achievements of his kindred. He could still sing—

"Of good Earl Francis, dead and gone,
And of Earl Walter, rest him God!

And how full many a tale he knew
Of the old warriors of Buccleugh."

And though his own, his native land, gave him no greeting but oppression, and no shelter but the elements, yet, sir, the remembrance of what that country had been, could arouse burning maledictions for those who dared deride the land of his sires.

The long line of great men who arrested the world's gaze, amid the throes and convulsions of our revolutionary struggle, have all, all, long since passed to

"The deep, damp vault, the darkness, and the worm."

Yet, sir, their places were well filled by the heroes and the statesmen who shared the perils of the ensuing war; but, alas! they too have mostly yielded to that destroyer which is the common leveler of all distinctions. Within a few years you have mourned a Jackson, an Adams, a Harrison, a Calhoun, a Taylor, a Webster, and a Clay. Your columns are now shrouded in the solemn drapery of woe for the lamented King, whose virtues you have so recently essayed to commemorate. The illustrious Senator from Michigan still lives. The able and venerable representative from Missouri is with us, combining the energies of youth with the wisdom of age. Your Commanding General yet lives, ready in his old age to wield that good sword which has so often leaped from its scabbard at the call of patriotism and of duty. The two former, who have so long worn the honors of high civil trust, are among those who desire this last mark of respect to that soldier of the nation, whose perilous and faithful services they have observed through almost half a century. I readily take my stand with them. I yield to none in my admiration for Captain Ingraham, yet I would not accord all the honors to the rising and none to the setting sun.

Mr. WARREN. I move that the committee rise.

Mr. HOUSTON. I hope the gentleman will withdraw his motion, and allow the committee to act upon the pending resolutions in reference to the distribution of the President's message.

Mr. WARREN. I withdraw the motion.

The CHAIRMAN. The resolutions will be reported to the House.

The first resolution was read, as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to foreign affairs, together with the accompanying correspondence in relation thereto; to the claim of the subjects of Spain for losses in the case of the schooner *Amistad*; marking the boundary between the United States and the British possessions in the Northwest, as designated in the convention of the 15th of June, 1846, be referred to the Committee on Foreign Affairs.

Mr. CHAIRMAN. The Clerk will report the amendment to this resolution, moved by the gentleman from Virginia, [Mr. BAYLY.]

The amendment, to come in after the figures "1846," was read, as follows:

"And so much as refers to the Guano trade."

Mr. BAYLY, of Virginia. In conformity to an understanding with the chairman of the Committee on Ways and Means I do not wish to press that amendment, and I withdraw it. If the subject is one proper for legislation it goes there as a matter of course.

Mr. HOUSTON. I am willing to leave the resolution as it stands. Without compromising any other committee by an opinion of my own, I take it for granted that the resolution just read carries with it everything which legitimately belongs to the Committee on Foreign Affairs. This subject is now undergoing investigation between the two Governments, and therefore I think it ought not to be referred by express resolution.

Mr. BAYLY. I do not acquiesce in the criticism of the gentleman at all, that because it is a subject under negotiation therefore it should go to the Committee on Foreign Affairs; but I withdraw the amendment.

The second resolution was then read, as follows:

Resolved, That so much of said message and accompanying papers as relates to the existing tariff, and recommends a revision and change of its provisions; so much as relates to the condition of the Treasury, the finances of the Government, to the public debt and its payment, the esti-

mates of receipts and expenditures for the ensuing fiscal year, be referred to the Committee on Ways and Means.

Mr. JONES, of Tennessee. The resolutions have been read through twice in committee; and as I suppose there are no amendments to be offered to any of them, I move that the committee rise.

Mr. CLINGMAN. I prefer that they should be read through, because if they are not, gentlemen will not give that close attention which should be given to the subjects embraced in these resolutions. It is a matter of some importance that they should be read; and perhaps some gentlemen here may desire to offer amendments.

The resolutions were then read, as follows:

3. *Resolved*, That so much of said message and accompanying papers as relates to the condition and operation of the Army of the United States, and recommends the increase and modification of the same; also, all recommendations for new arsenals, forts, magazines, and barracks, together with the report of the Secretary of War, be referred to the Committee on Military Affairs.

4. *Resolved*, That so much of said message and accompanying papers as relates to the Navy of the United States, its condition and operation, and recommends an increase of the same, together with the report of the Secretary of the Navy, be referred to the Committee on Naval Affairs.

5. *Resolved*, That so much of said message and accompanying documents as relates to the enlargement and modification of the present judicial system of the United States, and to the prevention of frauds upon the Pension Bureau, be referred to the Committee on the Judiciary.

6. *Resolved*, That so much of said message and accompanying documents as relates to our intercourse with Indian tribes, be referred to the Committee on Indian Affairs.

7. *Resolved*, That so much of said message and accompanying documents as relates to the Post Office Department, and its condition and operation, together with the report of the Postmaster General, be referred to the Committee on the Post Office and Post Roads.

8. *Resolved*, That so much of said message and accompanying documents as relates to commerce and tonnage duties, be referred to the Committee on Commerce.

9. *Resolved*, That so much of said message and accompanying documents as relates to the public lands, their survey and sale, the extension of the present land system over the Territories of Utah and New Mexico, the extension of the preemption principle, and free grants of land in aid of the construction of railroads, be referred to the Committee on Public Lands.

10. *Resolved*, That so much of said message and accompanying documents as relates to the District of Columbia, be referred to the Committee on the District of Columbia.

11. *Resolved*, That so much of said message and accompanying documents as relates to the survey and construction of a railroad from the river Mississippi to the Pacific ocean, be referred to the Committee on Roads and Canals.

Mr. McDUGALL. I supposed when a special committee was raised in this House upon this subject, the design was that it should not merely take charge of a particular bill, but that the whole subject should be referred to them. When a committee was raised for this special subject, I supposed that the part of the President's message having reference to this subject would be referred to them at the same time.

Mr. HOUSTON. The House raised a special committee upon this subject since the resolutions were submitted, and the subject has been referred to it; there is no use in making the reference proposed here. I am willing that this resolution should be stricken out, although I believe it would be better if the committee here designated were to take charge of this subject. I am willing, however, to let this resolution be stricken out, and let the subject go to the special committee.

Mr. McDUGALL made a remark totally inaudible to the Reporter.

Mr. HOUSTON. I think so; and for this reason a special committee has been raised to consider this subject; and I suppose it would be no injury to the subject to have one of the standing committees also take the matter into consideration. I suppose, however, the special committee will give it that sort of consideration which the friends of the measure may desire; and I have no objection to its disappearing from the list of resolutions.

Mr. McDUGALL. I want the matter distinctly understood, and I therefore adhere to my motion in the form in which I made it, that the resolution remain as it now stands, with the exception that the words "Committee on Roads and Canals" be stricken out, and the words "special committee" inserted.

Mr. HOUSTON. I hope the gentleman will specify the committee already raised upon the subject, so that it shall not operate to raise a new committee.

Mr. McDUGALL. I have no objection to that, and will so modify my amendment.

Mr. HAVEN. As I understand the proposition of the gentleman from California, it reaches

the precise object I desire to accomplish. I hope the words "Committee on Roads and Canals" will be stricken out, and that the words "special committee of thirteen already raised" will be inserted.

Mr. JONES, of Tennessee. The "select committee of thirteen."

Mr. HOUSTON. The matter has already been referred to that committee, and I can see no object to be accomplished by the resolution in this form.

Mr. HAVEN. I think it will be better to adopt it in this form.

Mr. HOUSTON. I now desire to hear the resolution read as amended, so that the committee may understand distinctly upon what they are voting.

The resolution as proposed to be amended was read by the Clerk, as follows:

Resolved, That so much of the said message and accompanying documents as relates to the survey and construction of a railroad from the Mississippi river to the Pacific ocean, be referred to the select committee of thirteen, heretofore raised by the House upon that subject.

The question was taken, and the amendment was agreed to.

The question then recurred upon agreeing to the resolution as amended; and being taken, the resolution was agreed to.

The next resolution was read by the Clerk, as follows:

12. *Resolved*, That so much of the said message and accompanying documents as relates to the public buildings and grounds, be referred to the Committee on Public Buildings and Grounds.

Mr. HOUSTON. I suppose that that resolution, as it now stands, would carry to the Committee on Public Buildings and Grounds that subject I have in view. If it does not, I desire to call the attention of the chairman of the Committee on Public Buildings and Grounds to the subject. That part of the report of the Secretary which relates to the purchase of some building in New York, instead of renting buildings, as is now done, should be referred to that committee, if the present resolution does not carry it there.

The CHAIRMAN. Does the gentleman from Alabama propose to amend the resolution?

Mr. HOUSTON. No, sir; I will not make any motion. I only desired to call the attention of the chairman of the Committee on Public Buildings and Grounds to the subject.

The resolution was then agreed to.

The next resolution was read, as follows:

13. *Resolved*, That so much of said message and accompanying documents as relates to the subject of patents, the operations of the Patent Office, and the modifications of the existing patent laws, be referred to the Committee on Patents and the Patent Office.

Mr. CLINGMAN. Is an amendment to that resolution in order?

The CHAIRMAN. It is open to amendment.

Mr. CLINGMAN. For the purpose of saying a word upon the subject, I move to amend the resolution by adding at the end of the resolution the following words: "with instructions to consider the expediency of so amending the patent laws as to prevent the extension of patents, in any case, to a period beyond fourteen years."

Mr. Chairman, my object in moving this amendment is, under the five minutes' rule, to call the attention of the committee and of the House to the subject. It is one of considerable moment, and is at the present time attracting a good deal of attention in the country.

During the last Congress I made several attempts to induce the Committee on Patents, by conversation with the chairman and other members of that committee, to report an amendment to the patent laws to that effect.

When our existing patent laws were made, fourteen years were considered a sufficient length of term. We now live in a fast age; and it is to be presumed that a patentee may make as much now in a period of fourteen years from his patent as he could have done in twenty or thirty years at the time of the organization of the Government, and I therefore think that the original limit should be strictly adhered to.

The principle of the patent laws is such that you stop all inventors—you stop, in fact, the progress of the mechanical mind of the country, in a certain direction. Of course, the natural right of the case is for every individual to exercise his skill in making inventions, and turn them to good

account. But, by the existing patent laws, you say that the mechanical mind of the country shall stop for a period. Well, the object of that is to give an advantage to an inventor. It is said, that when a man has made an invention, it is his property, and he ought to make something out of it, and that, but for the patent laws, he would not make anything out of it, because any one else might adopt it.

Now, I am willing that we shall give some advantage to inventors; but the real question is, how far are we to go in that direction? I believe that the Government of Great Britain allows no extension beyond fourteen years. But how is it with us? Why, the Commissioner of Patents is allowed to extend patents beyond fourteen years, under certain restrictions. How does the matter in fact stand before him? Some party who has a great interest in a patent goes before him; evidence is taken upon one side; able counsel are employed to present the case, and even if the Commissioner is honest, in nine cases out of ten, like a judge and jury who have heard the counsel and witnesses on the one side, he is liable to be misled; and if he is not a thoroughly honest man, he is almost sure to grant the extensions.

I wish to say, to prevent misconception, that I am entirely satisfied with the course of the present Commissioner of Patents, as far as I know it. The only case I know of, in which Congress has been asked to go beyond his decision, is one which excited my astonishment. I allude to the report of the Committee on Patents and the Patent Office of this House on the Colt patent extension. I read the decision of Mr. Mason in that case. It stated facts and laid down principles which, it seemed to me, were conclusive. I afterwards saw in the New York Herald what purported to be the report of our Committee on Patents and the Patent Office. I read it over, and thought it probably a quiz. It never occurred to me that any committee of this House would make such a report as that. I came up here, sent to the document room for the report, read it, and asked other members to read it as a matter of curiosity. There is not one plausible pretext in it for the extension of that Colt patent. Every single fact stated is against it, and every reason—if there be a reason given—is against it.

When that Colt case comes up on private bill day, it will perhaps be discussed; but I think the time has come when we ought to stop all these extensions beyond fourteen years. If the invention is a valuable one, in all probability the inventor will be remunerated, and if he is not, why, it is usually his own fault.

Now, I was applied to the other day to give my aid in getting a patent extended, and I was told that the inventor had had a patent for fourteen—or perhaps for twenty-one—years, and had not been able to make anything out of it. Well, if so, that is the very best reason why it should go into the hands of the public. It is as old, I believe, as the time of the earliest fables that the dog which could not eat hay should not lie by it to keep the ox from it; and hence, when a man has had a patent for—

[Here the hammer fell.]

The question was taken on Mr. CLINGMAN's amendment, and it was agreed to; and the resolution, as amended, was then adopted.

Mr. HOUSTON. I move the Committee do now rise and report the resolutions to the House, with the recommendation that they do pass.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly the President's message, and had come to a series of resolutions thereon, which it recommended do pass.

Mr. HOUSTON. I call for the previous question on the adoption of the resolutions which have just been reported.

The call for the previous question was seconded, and the main question was ordered to be put.

The question was then put, and the resolutions were adopted.

STEAMSHIP SAN FRANCISCO.

Mr. CHANDLER presented the proceedings of a public meeting in the city of Philadelphia in

reference to the disaster which befell the steamship San Francisco; which were referred to the joint special committee on that matter.

DEFICIENCY BILL.

The SPEAKER. Reports are in order from the Committee on Military Affairs.

Mr. HOUSTON. Debate will close on the deficiency bill in the Committee of the Whole on the state of the Union to-day; and if it be the pleasure of the House, I should like to have it disposed of this evening. I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and, on a division, there were—ayes 62.

Mr. WALSH demanded tellers.

Tellers were ordered; and Messrs. McMULLIN and VAIL were appointed.

The question was taken, and the tellers reported—ayes 74, noes 56.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. STANTON, of Tennessee, in the chair.

Mr. HOUSTON. Mr. Chairman, I move that the committee do now take up the deficiency bill.

The CHAIRMAN. I understand that that is the business now in order, having been already taken up; and on this the gentleman from Louisiana [Mr. PERKINS] is entitled to the floor.

Mr. CRAIGE. I desire to know how debate is to be regulated in reference to time?

Mr. HOUSTON. As I understand the question of the gentleman from North Carolina, the answer is, that the general debate closes in an hour after the bill is taken up, and then five minutes' debate ensues on such amendments as may be offered; and if the debate occupy more than his evening hour—to-morrow being private bill day—it may throw the bill over to another week.

Mr. PERKINS, of Louisiana. Mr. Chairman, it will be recollected by the House that when the Committee of the Whole on the state of the Union was in sitting, the gentleman from Virginia, [Mr. SMITH,] at the request of the gentleman from New York, yielded the floor. As this gentleman [Mr. SMITH] is still desirous of making some remarks, I feel great pleasure in surrendering to him the floor.

Mr. SMITH, of Virginia, addressed the committee, at considerable length, advertising to the New York controversy, and regretting that it should have been introduced into the House of Representatives.

He gave a succinct history of its causes, from 1847, when a resolution approving of the Wilmot proviso was introduced into the Legislature of that State. He was one of those who delighted to sustain our public men; and it was a matter of deep regret to him that Mr. Marcy should have fallen under the ban of any portion of the Democracy of the country—and still more so those of his own State. He paid a high compliment to the ability and integrity of the Secretary of State. He supported the Administration, especially vindicating the conduct of the President of the United States. [His speech will be found in the Appendix.]

The CHAIRMAN. The Chair would remark that the time allotted for debate has expired, and the Clerk will now proceed to read the bill.

Mr. HOUSTON took the floor.

Mr. CUTTING. Will the gentleman from Alabama permit me, for a moment, to refer, without reading, to the records of the proceedings at Baltimore, which are contained in the Union?

The CHAIRMAN. It can only be done by unanimous consent.

Mr. NICHOLS. I object.

Mr. CUTTING. My colleague from New York [Mr. WESTBROOK] undertook to deny what I stated upon this floor. I hold in my hand the Union—not the National Intelligencer—in which is contained the proceedings of that convention—not editorially—but as regularly reported in the Union paper of that day. By that it will appear—

Mr. NICHOLS, (interrupting.) I rise to a question of order. I understood the Chair to decide that it could not be read except by unanimous consent.

The CHAIRMAN. The Chair did so decide.

Mr. NICHOLS. I object.

Several MEMBERS. "Too late," "too late."

Mr. NICHOLS. I objected at the time.

The CHAIRMAN. The Chair did not hear the objection, but holds if the gentleman objected in time the paper cannot be read.

Mr. LANE, of Indiana. It is a matter of universal interest to the House, and I hope it will be read.

Objection was made, and the paper was not read.

Mr. HOUSTON. I desire to make a statement to the committee. There are several gentlemen who wish to propose amendments to this bill now before the committee. I supposed that everything of that kind would be prepared by this evening; but some of the committee have informed me that matters have been so recently submitted to them, that they will require, at least, until to-morrow morning, to pass upon them. I therefore ask that the committee rise, that we may spend the remainder of the evening in receiving reports from committees. I make that motion.

The question was put, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee (Mr. STANTON, of Tennessee) reported that the Committee of the Whole on the state of the Union, had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 49, being a bill to supply deficiencies in appropriations for the service of the fiscal year ending 30th June, 1854, and had come to no resolution thereon.

The SPEAKER announced that reports from committees were next in order, and commenced calling for reports from the Committee on Military Affairs.

On motion by Mr. FAULKNER, it was

Ordered, That the Committee on Military Affairs, to which was referred a petition to indemnify the State of South Carolina for moneys expended for the United States, in the war in Florida with the Seminole Indians, be discharged from the further consideration thereof, and that the same be laid upon the table.

Mr. FAULKNER also, from the same committee, reported "A bill for the relief of William Hawkins;" which was read the first and second time by its title, and referred to a Committee of the Whole House, and ordered to be printed.

Mr. BOCOCK. I am instructed by the Committee on Naval Affairs to report back Senate bill for the relief of Joseph Gideon, with a recommendation that it do not pass.

The SPEAKER. The question is upon ordering the bill just reported to be engrossed and read a third time.

Mr. OLDS. I move to lay the bill upon the table.

The question was then taken, and it was decided in the affirmative.

So the bill was laid upon the table.

Mr. MIDDLESWORTH, from the Committee on Revolutionary Pensions, made adverse reports in the following cases; which were laid upon the table, and ordered to be printed:

In the case of Charles M. How, of Benton, New Hampshire, praying for compensation for military services as heir of Abraham Safford; and

In the case of Stephen Hoyt, and other heirs of Stephen Hoyt, senior, deceased, of Bradford, in the State of New Hampshire, praying for a grant of land in California for services rendered by said deceased in the Revolution.

Mr. VAIL, from the Committee on Invalid Pensions, made an adverse report upon the memorial of the defenders of the city of Baltimore in 1814, praying for one hundred and sixty acres of land; which was laid upon the table, and ordered to be printed.

Mr. VAIL also, from the same committee, reported a bill for the relief of George W. Gibson; which was read the first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. VAIL also, from the same committee, reported a bill for the relief of Parmelia Slavin, widow of John Blue, deceased; which was read the first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. EDMANDS, from the Committee on Invalid Pensions, made adverse reports in the fol-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

FRIDAY, JANUARY 27, 1854.

NEW SERIES...No. 17.

lowing cases; which were severally ordered to lie upon the table, and be printed:

In the case of William Murray, of Halifax county, Virginia, praying for a pension;

In the case of William A. Webster, praying for a pension;

In the case of Margaret Bowne, asking for bounty land for military services performed by her late husband, Gabriel H. Bowne, in the war of 1812; and

In the case of John Mitchell, for arrearages of pension, praying that his pension may be increased to twenty dollars per month, from the 15th of May, 1847, to the 1st of January, 1850.

Mr. STRAUB, from the Committee on Invalid Pensions, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed:

"A bill for the relief of Alton Nelson."

Mr. STRAUB, from the same committee, reported adversely upon the following petitions; which were severally ordered to lie upon the table:

The petition of Horatio Fitch, praying to have certain arrearages of pensions paid over which have been withheld from him;

The petition of Abigail Southworth, and Rosalind Peters, praying for a pension;

The petition of Charles H. Painter, praying for a pension as an invalid on account of disability from sickness while in the mail service of the United States.

Mr. DENT, from the same committee, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, and the bill and report ordered to be printed:

"A bill entitled an act to provide a pension for Champion, of Genesee county, State of New York."

Mr. D. also, from the same committee, reported adversely upon the following petitions; which were severally ordered to lie on the table, and the report to be printed:

The petition of Emanuel P. Stedman, of Penton, Addison county, Vermont, asking compensation for services in the revolutionary war.

The petition of Robert Ham, of Somerworth, in the State of New Hampshire, praying for a special act granting him back pay or pension money, from September, 1814, to March, 1851.

The petition of John W. Cameron, of New York, a lieutenant in the war of 1812, praying for a pension.

The petition of Benjamin A. Branhan, for an increase of pension.

Mr. CHRISMAN, from the same committee, reported adversely upon the petition of John Mills, of Haverhill, in the State of Massachusetts, praying a pension for his services in the war of 1812; which was ordered to lie upon the table, and the report ordered to be printed.

Mr. MACE, from the Committee on Claims, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Sarah K. Jenks and the legal representatives of Hartshorn R. Thomas, in the matter of the brig Jane."

Mr. READY, from the Committee on Claims, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Gilbert C. Russell."

Mr. WENTWORTH, of Massachusetts, from the Committee on Commerce, made an adverse report on the petition of James Irwin; which, together with the accompanying papers, was ordered to lie upon the table, and be printed.

PRIVATE LAND CLAIMS IN CALIFORNIA.

Mr. WRIGHT, of Pennsylvania, from the Committee on the Judiciary, reported the following bill; which was read a first and second time by its title, referred to the Committee of the Whole

on the state of the Union, and ordered to be printed:

"A bill supplementary to an act entitled 'An act to ascertain and settle the private land claims in the State of California;'" approved March 3, 1851.

BOUNTY LAND.

Mr. HUGHES, from the Committee on Private Land Claims, reported "a bill giving further time for satisfying claims for bounty lands, and for other purposes;" which was read a first and second time by its title.

Mr. H. said: The bill, Mr. Speaker, is drawn up in pursuance of the recommendation of the Commissioner of Pensions. It extends for five years longer that act, which expired last June. The exigencies of the case seem to demand its immediate passage.

The bill, which was then read through, provides that the act to provide for satisfying claims for bounty lands for military service in the late war with Great Britain, and for other purposes, approved July 27, 1842; and also the two acts approved January 27, 1835, be revived and continued in force for five years from June 26, 1853. The bill was ordered to be engrossed, and read a third time; and being engrossed, it was read a third time, and passed.

Mr. HUGHES, from the same committee, reported the following bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report, ordered to be printed:

"A bill for the relief of Thomas C. Green."

Mr. LANE, of Indiana, from the same committee, reported "a bill to confirm to Hercules L. Dousman his title to farm lot No. 32, adjoining the town of Prairie du Chien, in the State of Wisconsin;" which was read a first and second time by its title.

Mr. L. said: I am requested, Mr. Speaker, by the gentleman from Wisconsin, [Mr. EASTMAN,] to make the motion that the bill I have just reported be put upon its passage. It relates to a piece of land which has been in the peaceable occupation of the present holder, and those from whom he holds, fifty years. It merely confirms his title.

There was no objection, and the bill was read through. It provides that the title of Hercules L. Dousman to a piece of land containing one hundred and thirty acres, more or less, be confirmed, and that a patent shall issue therefor as in other cases; provided that the bill only operates as a relinquishment on the part of the United States of her title to said land.

Mr. SEWARD. I hope the gentleman will explain the character of the previous title, and the necessity for the confirmation by the United States of the existing one.

Mr. LANE. Let the report be read, and the gentleman will be satisfied on the points he has mentioned.

Mr. SEWARD. I hope the gentleman will make the explanation himself.

Mr. LANE. I will state, if it be desired, that when the posts were relinquished by the British Government and the Government of the United States, there was a provision in Mr. Jay's treaty which gave to settlers the right of property, possession, and conveyance; that Jean Marie Quéré laid off this piece of land in 1796, the time when those posts were given up; and that he was in peaceable possession of it in 1820. Commissioners were appointed by the Government of the United States to adjust such land claims, and before them it was proven that this Canadian Quéré had been in possession of the tract referred to from 1796 to 1820. Upon the map of the Commissioner this piece of land is marked as confirmed to Mr. Quéré, from whom Mr. Dousman derives his title. For some cause or other—it was believed by the committee to be a clerical error—the land is not returned to the Government as confirmed by the commission, although on the plat it appears that Dousman, and those from whom he derives title,

has held peaceable and quiet possession of the land from the year 1796 to this time. And we propose to confirm their title, relinquishing the right of the Government.

Mr. HILLYER. I would suggest to the gentleman from Indiana, [Mr. LANE,] that I think it would be a more regular and proper mode to refer the bill to the Committee of the Whole House. I do not know what question may become involved in the discussion of it, and I am not prepared now to take formal action on the question presented by this bill. I hope, therefore, that it will be referred to the Committee of the Whole House, and printed.

The question was taken, and it was so ordered.

Mr. LANE. I am directed to present Senate bill No. 76, and to recommend its passage without amendment.

Mr. HILLYER. I would suggest to the gentleman from Indiana not to put the bill on its passage. There can be no objection to its being referred.

Mr. LANE. Then I move that it be referred to the Committee of the Whole House, and printed.

It was so ordered.

Mr. LATHAM. I rise to a privileged question.

THE SPEAKER. The gentleman will state his privileged question.

Mr. LATHAM. A bill was reported to this House by the Committee on the Judiciary, and it was referred to the Committee of the Whole House, and ordered to be printed. I now wish to move to reconsider the vote by which it was so referred. There are doubts of its being taken up now; but I want to have the bill in my control, so as that I can bring it back before the House, and state the nature and character of the bill after it shall have been printed, and that the members of the House shall have had an opportunity of examining it. If the bill continue where it is, the whole provisions of it will become perfectly futile and void, as I will be able to show to the House at the proper time. I therefore, sir, move to reconsider the vote by which it was referred.

THE SPEAKER. The motion will be entered, and will lie over.

Mr. JONES, of Tennessee. I would suggest to the gentleman from California, that if his motion to reconsider be entered, the bill will not be printed, and members cannot have an opportunity of seeing it, unless some special act be passed to that effect.

Mr. LATHAM. I think I can state sufficient reasons why the bill should be put upon its passage, if it be passed at all.

Mr. HOUSTON. There can be a special order of the House to the effect that the bill shall be printed; and if it be true, as the gentleman from California states—as I presume it is—that there are substantial reasons for putting it on its passage, it can be done.

Mr. WALSH. I object.

Mr. LATHAM. I move that the vote be reconsidered, and that the bill be printed.

Mr. BOCK. The order of the House was that the bill be committed to the Committee of the Whole, and printed. I suggest to the gentleman from California, [Mr. LATHAM,] and to the Speaker, that the gentleman can move to reconsider so much of the action of the House as ordered the bill to be referred, without affecting the order for printing.

Mr. HOUSTON. That is the effect of the motion.

THE SPEAKER. The House does not consent. Objection has been made by the gentleman from New York, [Mr. WALSH.] The order to print has already been made by the House. If it be the wish of the gentleman from California, and the pleasure of the House, the motion to reconsider will be entered, and be considered hereafter without affecting the printing.

Mr. LATHAM. Then I make that motion.

THE SPEAKER. The motion to reconsider the reference will be entered.

BOUNTY LAND BILL.

Mr. HUGHES. I move to reconsider the vote

by which the bill in reference to bounty lands was passed to-day, and to lay the motion to reconsider upon the table.

The question was taken upon the latter motion, and it was agreed to.

SAN FRANCISCO SUFFERERS.

Mr. BISSELL. Is the Chair through with calling reports from committees?

The SPEAKER. For to-day.

Mr. BISSELL. I wish to inquire whether a bill which originated in this House, providing for the relief of the sufferers of the San Francisco, has been returned from the Senate?

The SPEAKER. The Chair thinks it has not.

Mr. BISSELL. If I understood the messenger right, it has been brought in.

The SPEAKER. The Chair is informed by the Clerk that it has been returned.

Mr. BISSELL. I ask, by the unanimous consent of the House, that the bill be taken up and considered.

Mr. JONES, of Tennessee. Is that the first bill upon the Speaker's table?

The SPEAKER. It is not.

Mr. JONES. Then I object to its being taken up now.

Mr. BISSELL. Then I move that the House proceed to the business upon the Speaker's table.

The SPEAKER. The Chair is reminded that reports from select committees have not been called.

AARON STAFFORD AND HEZEKIAH JOHNSON.

Mr. HENDRICKS, by the unanimous consent of the House, reported from the Committee on Invalid Pensions, the following bills; which were severally read a first and second time by their titles, referred to the Committee of the Whole House, and ordered to be printed:

"A bill for the relief of Aaron Stafford, of the State of New York;" and

"A bill for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont."

EXTENSION OF THE PENSION AND BOUNTY LAND LAWS.

Mr. HENDRICKS also, by unanimous consent, reported back from the same committee the following bill; which was read *in extenso*:

"A bill extending the provisions of the pension and the bounty land laws now in force, so as to include surgeons who served in the Mexican war for a period not less than six months under contract with the commandants of the regiments."

Mr. LANE, of Indiana. I ask that the bill be put upon its passage. I think if the House would hear a brief statement in regard to the merits of this bill, that they would consent to pass it.

Mr. HAMILTON. I object.

Mr. LANE. I move that it be referred to a Committee of the Whole House, and that it be printed.

The question was then taken, and it was decided in the affirmative.

So the bill was referred to a Committee of the Whole House, and ordered to be printed.

Mr. HENDRICKS, from the Committee on Invalid Pensions, reported a bill in relation to invalid pensions; which was read the first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

BOUNTY LANDS.

Mr. HENDRICKS. I am instructed by the Committee on Invalid Pensions, to report back the following bill, with three amendments:

"A bill to amend the third section of the act granting bounty land to certain officers and soldiers who have been engaged in the service of the United States."

The propositions of this bill are perfectly plain, and every gentleman upon this floor can understand them at one reading. I think it is important that the bill and amendments should be adopted. If the House does not desire to send the bill to a Committee of the Whole House, I will ask that it be put upon its passage. I will state to the House in a few words the character of the bill.

The Commissioner of Pensions has decided that a certain class of widows cannot get the bounty land, which was intended to be given them by the law of 1850. The bill, as introduced, was intended to remove that difficulty, and to give the widows of those who served in the war of 1812 their bounty land, and to remove the construction which the

Commissioner of Pensions placed upon the law of 1850. That law provides that they should have one hundred and sixty acres of land, if their husbands died in battle. It was clearly the intention of the law to give lands to widows according to the services rendered by their husbands. The Commissioner of Pensions construes that act to mean that the husband must have died in battle to give to the widow a land warrant.

The first amendment which I have reported, is to extend the provisions of the law of September 28, 1850, so as to give those who may have served less than one month bounty land. The bounty land act of 1850 provides that those who enlisted and served for a period of more than one month and less than four months shall have forty acres of land. The first amendment I propose is to change that law so as to give the soldier, the volunteer who entered into service, a bounty land warrant, whether he served one month or less.

The second amendment which I propose to the bill, is to extend the law of 1850, so as to provide that where the soldier has died without leaving any widow or minor children, that his adult children shall receive the bounty land for his services.

I think that right; and that the bill, with the amendments I have reported, should be passed. I hope it may be put upon its passage now. If it goes to the Committee of the Whole House, or to the Committee of the Whole on the state of the Union, its final passage is endangered; but if there is a general desire on the part of the House to send it there, that it may be printed, and more carefully considered, I will not oppose that disposition of it.

Several MEMBERS. Send it there.

Mr. HENDRICKS. Before I take my seat I desire that the bill and amendments may be read.

Mr. BISSELL. In the confusion which prevails it is utterly impossible to understand the purport of the bill. I have, however, heard enough to satisfy me that it is a bill of some importance, and should receive mature consideration. I move that it be referred to the Committee of the Whole on the state of the Union.

Mr. LANE, of Indiana. I hope the gentleman will hear the bill read before he makes that motion.

The bill and amendments were then read *in extenso* by the Clerk.

The bill provides that upon the death of an officer, musician, or private, entitled by existing laws to bounty land for his services, but who shall not at the time of his death have received such bounty lands, a warrant for such land shall be issued to his widow, provided that she is unmarried at the date of the application: and provided, further, that if her husband was killed in battle she shall receive one hundred and sixty acres of land.

The first amendment makes a mere verbal alteration.

The second amendment provides that a warrant for such bounty land shall be issued to those entitled to receive it notwithstanding the term of service may have been less than one month.

The third amendment provides that when there shall be no widow or minor children competent to receive such bounty land, the adult children shall be entitled to receive it.

Mr. HENDRICKS. The bounty land law of 1847 provides that upon the death of a soldier of the Mexican war entitled to receive such land, it should go first to the widow, then to his children, then to his father and mother, and then to his brothers and sisters.

If the soldier of the war of 1812 be dead, his widow may, under certain circumstances, get the bounty land. Under other circumstances your Commissioner of Pensions has decided that she cannot get it. If he left minor children, they may receive the bounty, but his adult children cannot receive it. Now, my judgment is, that if either class of children should be exclusively provided for upon the death of the father, it should be the adults.

When the soldier of 1812 left his home to serve his country, his children were left to aid in providing for the family. Their services at home enabled the father to go into the camp and field. They are now adults, and by the law of 1850 they cannot receive bounty land for the services of their deceased parent. Now I want to remove this inequality—this injustice—at once, and I do not want to endanger the passage of so

just a provision by sending it to the Committee of the Whole on the state of the Union.

The bill does nothing but what I have said; it is plain in its provisions, and the language is not ambiguous.

It extends the law so as to give bounty lands to the adult children of soldiers of the war of 1812 in cases in which those soldiers have left no widows or minor children to take the lands.

The amendments go further, and provide that if a soldier entered the service of the United States and served the country, although it may have been for a less period than one month, he shall receive forty acres of land. That, sir, is right. The man who enlists, who leaves his home and abandons his business, ought to receive bounty land, even though the service may not have been to the extent of one month, the period prescribed in the law of 1850. Sickness may have caused his discharge; the war may have closed, so that he could not longer serve. His home and business have been abandoned, and the camp and field entered. He should receive the bounty of the Government provided for the soldier.

I think, also, that the construction put upon the law of 1850 by the Commissioner of Pensions is not justified by the spirit of the act, though it may be by the language used. The law intended to give land warrants to all widows of soldiers, whether their husbands died in battle or not; and I want to see that construction of the Commissioner removed.

If, however, it is the general desire on the part of the House to refer the bill to the Committee of the Whole on the state of the Union, so be it. I have no feeling about this matter except a desire to see right done. I think these amendments ought to be made, and made at once.

Mr. JONES, of Tennessee. There are, perhaps, some provisions in this bill which it would be right and proper to pass; but there are others which I believe the House will concur with me in thinking ought not to be passed. I think the gentleman from Indiana [Mr. HENDRICKS] will himself admit that if one of the amendments he has proposed is right and proper in itself, it is still defective and needs amendment.

The gentleman provides, by one of these amendments, that in case of the death of the soldier, leaving no widow nor minor children, then his adult children shall come in and be entitled to the benefits of the bounty land law. But I ask the gentleman what he proposes to do for the minor children of the child of the dead soldier who have been left fatherless and motherless? If we should extend the benefits of the bounty land law any further to the descendants of the soldier, it should be to his orphan grandchildren in preference to his adult children.

Mr. HENDRICKS, (interposing.) I think the gentleman from Tennessee does not understand the character of the amendment that I have proposed. He asks what would become of minor children and orphans? I reply to him, that the amendment does not give the adult children land warrants if there are any minor children. If there be a widow, she takes the land; if there are minor children, they take it; but if there are neither of these, then the adult children are to have the land.

Mr. JONES. I understand all that perfectly; but the gentleman does not seem to understand the point which I make. In case the soldier leaves no widow nor minor children, but leaves adult children, and some of these adult children have died, leaving children who are the grand-children of the soldier, they are not provided for by the amendment proposed by the gentleman.

One objection to extending the law to the children of soldiers of the war of 1812, which does not apply to the extension of it to the children of soldiers of the war with Mexico, is, that in the war with Mexico, most of those who went into the service were young men, and a very large proportion of them were unmarried; those who were married were young, and their children were young, if they had any. But the war of 1812 took place forty-odd years ago, and the children of the soldiers in that war have, some of them, become old men and old women.

Many of the children have died, and their children, perhaps eight, ten, or twelve in number, are in all probability scattered over as many different States of the Union. You must prove the heirship of every one of them; and when you have

made out the entire proof, there will be to divide among those eight, ten, or twelve children, forty acres of land. That amount of land will only pay the agent for the prosecution and securing of the passage of the claim. I cannot see the necessity for that provision of the bill at this time. I doubt not that there are those upon this floor whose fathers were engaged in the war of 1812, and who would, if this bill pass, come in under that amendment. It may be that there are to be divided among eight or ten, some forty, eighty, or one hundred and sixty acres of land. There are various provisions in the bill and amendment, and they require consideration. I move, therefore, that they be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. LANE, of Indiana. The objection urged by the gentleman from Tennessee, it seems to me, should not be entitled to great weight in this House. I would place a land warrant, could I do it for military service, in every family in this Union; so that, if unfortunately our country should be again involved in war, when the tocsin sounded there would be a rallying to the call. I have in my possession several applications from the children of deceased soldiers, who became of age after they had made the application, and before the papers were completed. Is there any propriety or justice in excluding those applicants from the benefits of the bounty land law?—and yet they are excluded. It does seem to me, as we have adopted the system of rewarding the soldier, that we should extend this law so as to include all the children of those deceased.

Mr. BISSELL. Because we have adopted the policy of rewarding our soldiers liberally, should we not have any discretion? should there be no limit to our bounties? should we have no discrimination? We shall evince none if we pass this bill. I agree with its friends in one particular, and that is, that if it does not pass now, it never will pass in this House. It is an important bill. It proposes very important alterations in the bounty land law. There is more in it than is at first seen. It substantially, as is remarked by a gentleman near me, makes these bounty lands hereditary, in the form of pensions and otherwise. I insist that the bill shall be printed and laid upon members' desks, in order that, by comparing it with the original act, its bearing, its extent, its effects may be seen. I agree with the gentleman from Tennessee, [Mr. JONES,] that the bill should be referred to the Committee of the Whole on the state of the Union. As that motion has been already made, I call for the previous question.

The previous question was seconded, and the main question was ordered to be put.

Mr. WASHBURN, of Illinois. I understood that the motion which was first made was to refer the bill to the Committee of the Whole House. I did not understand that there was any other motion made.

The SPEAKER. The gentleman from Tennessee [Mr. JONES] moved that it be referred to the Committee of the Whole on the state of the Union, and that it be printed.

Mr. JONES, of Tennessee. Yes, sir, inasmuch as it is a general bill.

Mr. ENGLISH. I call for the yeas and nays. The yeas and nays were not ordered.

The question was then put on referring the bill to the Committee of the Whole on the state of the Union, and having it printed; and it was agreed to.

Mr. HAMILTON moved to reconsider the vote by which the bill was so referred, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. CAMPBELL. Mr. Speaker, have all the committees been called?

The SPEAKER. Yes, all the committees have been called for reports.

THE FRIED RAILROAD QUESTION.

Mr. CAMPBELL. Then I desire to call up the resolution introduced some fortnight ago calling for information in relation to the obstructions to the mail, and so forth, at Erie. I wish to call that up.

The SPEAKER. It is the first proposition in order, committees having been called. The Clerk will report the resolution.

The resolution was read, as follows:

Resolved, That the President be respectfully requested to inform this House what information, if any, has been received in the Post Office Department, in relation to the

obstructions to the transportations of the mails of the United States on the route between Buffalo, New York, and Cleveland, Ohio, through the town of Erie, in the State of Pennsylvania, and what measures have been taken, if any, by the Executive, to secure the uninterrupted transportation of the mails on said route.

Mr. CAMPBELL. I wish to amend the resolution. Mr. Speaker, by adding a clause, "that he be also requested to furnish copies of such communications as may have been received on this subject." I move that amendment, and on it demand the previous question.

The SPEAKER. Does the gentleman from Ohio modify the resolution in this form?

Mr. CAMPBELL. Yes; I modify the resolution, so as to insert a clause of that kind, and I move the previous question.

The Clerk reported the resolution as amended.

Mr. ORR. I move to lay the resolution upon the table.

Mr. TAYLOR, of Ohio. Upon that motion I call the yeas and nays.

Mr. HENN. I move that the House do now adjourn.

Mr. CAMPBELL. Upon that motion I ask the yeas and nays.

The yeas and nays were not ordered.

Mr. CAMPBELL. I call for tellers upon the motion to adjourn.

Tellers were not ordered.

The question was then taken; and, upon a division, there were—yeas 83, noes 70.

So the House, at three o'clock and thirty minutes, adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

FRIDAY, January 27, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

POPE'S NUNCIO.

The PRESIDENT. This is the day set apart exclusively for the consideration of private bills. The Chair, however, will ask the unanimous consent of the Senate to present a message from the President of the United States, in answer to a resolution of the Senate of the 23d instant, calling for a correspondence in relation to a mission from Rome.

On motion by Mr. WELLER, the message was ordered to lie on the table, and be printed.

Mr. CASS. I desire to say a word, with the permission of the Senate, personal to myself, in connection with that matter.

The PRESIDENT. It will require unanimous consent. If there be no objection, the Senator can proceed.

There was no objection.

Mr. CASS. I understand this morning that a New York paper—the Express—I may say, too, with that unjust bitterness to a political opponent that seems to make part of its character—has come out with some very strong observations against me, to the effect that I had thrown aspersions upon the character of New York, connected with some expected tumult in relation to the gentleman to whom the President's message relate. Mr. President, it seems to be hardly necessary, yet I will say that I never dreamed of throwing aspersions upon the character of the city of New York. It is a most unjust and iniquitous assertion. All that I said was, that the papers of New York had that morning brought us an account of a considerable assemblage of people who went down to the river, supposing that the Baltic was going to sail, to attempt probably some act of violence on this gentleman. That is all I said, and I am no more responsible for that than for any other report which comes to us in the papers. Whether it was true or false, I did not know, but it came to me under the semblance of truth and authenticity, and I have never heard it contradicted that there was such an assemblage. I have merely risen to acquit myself in this respect.

ORDER OF BUSINESS.

Mr. ADAMS. I wish to ask the Senate to be excused from serving on the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Chair can receive no proposition of a general nature without the unanimous consent of the Senate. The day has been set apart, by a resolution of the Senate, exclusively for the consideration of private

bills. If there be no objection, however, the Chair will receive the proposition of the Senator from Mississippi.

No objection being made, the honorable Senator was excused.

The PRESIDENT. The Chair will ask the attention of the Senate to the resolution which has been passed.

The Secretary read the rule, as follows:

Resolved, That, for the residue of the present session, every Friday shall be set apart exclusively for the consideration of private bills on the general orders of the day; and that on the first Friday of every month no such bill shall be taken up to which there may be objection, or the consideration of which may lead to debate."

Mr. HUNTER. I do not know that the rule has been so construed as to include within it the morning hour.

The PRESIDENT. The Chair will suggest that the rule provides that the whole day shall be devoted "exclusively" to the objects mentioned.

Mr. WELLER. I desire to ask of the Chair, whether, under the construction given to the rule, it is not in order to make a report of a private bill?

Mr. BRIGHT. I do not think that it was the intention of the Senate to give such a construction to the rule as to require that the whole day shall be set apart for private business. If the rule be construed, however, to mean the contrary, I give notice that I shall move to amend it so that we may have the regular morning business in the first hour.

The PRESIDENT. By the unanimous consent of the Senate the resolution may be so amended.

Mr. BRIGHT. I was going to ask the unanimous consent of the Senate so to amend the rule.

The PRESIDENT. It will be done, if there is no objection.

Mr. BADGER. If it is the general sense of the Senate that that alteration shall be made, I shall interpose no objection. I will only take the opportunity of saying, that if it be done the resolution will fail of the effect intended by it. If we permit the morning business to be taken up, every Senator knows that the object of the rule may be prevented by consuming the whole day in discussing a question in regard to a general matter. Why, we disposed of the whole day a short time ago in discussing a question as to some affront which it was said had been offered, or was about to be offered, to Monseigneur Bedini. If a matter of that kind, or any other collateral affair, comes up for discussion on a Friday morning, the whole day may be consumed in its discussion, and thus the object of the resolution may be lost. I trust it will be inflexibly adhered to.

Mr. BRIGHT. In the case which the honorable Senator from North Carolina cites, a majority of the Senate can control the subject. It is not so when you make a rule, because that becomes imperative. I think the rule should be so amended as to give the Senate the usual morning hour.

The PRESIDENT. It is only a resolution, not a rule.

Mr. BRIGHT. The resolution makes a rule, however.

Mr. SHIELDS. I will suggest to the honorable Senator from Indiana to let us try the working of the resolution as it is construed by the President. If it works badly it may then be amended. I was about to act upon the principle of bringing in business this morning, but I will waive doing so.

Mr. BRIGHT. I was about to do so myself; but if it is the sense of the Senate I am willing to yield.

Mr. WELLER. Do I understand the Chair to decide the question whether it is in order to report from one of the standing committees a private bill?

The PRESIDENT. In the opinion of the Chair that is excluded by the resolution. The resolution provides for the consideration of private bills which are on the Calendar; the making of a report is, therefore, excluded.

THOMAS MARSTON TAYLOR.

The first bill on the Calendar was the bill for the relief of Thomas Marston Taylor, by which it is proposed to authorize the proper accounting officer of the Treasury to allow to him, in the settlement of his accounts as a purser in the United States Navy, for such deficiency as he shall show to exist by reason of his making de-

posits of Treasury notes in the Phoenix bank, at Charlestown, Massachusetts, subsequent to the month of April, eighteen hundred and forty-two, and also such reasonable and proper expenses as he has actually incurred and paid, in prosecuting any suit brought to enforce the supposed priority of the claims of the United States over other creditors upon the assets of the bank in the hands of trustees.

It appears by the facts of the case, that at the time the deposits were made the bank was in good credit; that it had the full confidence of the citizens of Charlestown and Boston, and that no suspicions were entertained as to its solvency; that it had been selected in 1837 as one of the deposit banks of the Government; that most of the funds delivered to the pursers at that station were Treasury notes, which could not at the time be disposed of for cash without discount and loss to the Government, and which discount the pursers were not permitted to make; that in 1842, and previously to the deposit being made, Purser Joseph Wilson, then also stationed at Charlestown, had made a representation to the Government of the difficulties attending the disposition of the funds intrusted to the pursers at that station, and obtaining permission from the Secretary of the Navy to make an arrangement with the Phoenix Bank for the exchange of Treasury notes, so as to make them available at par; that Purser Taylor was informed of this permission given to Purser Wilson, and of the arrangement made by him in pursuance thereof with the bank; and supposing that the directions of the Secretary were intended for all the pursers at that station intrusted with similar funds, he considered himself authorized to make a similar arrangement with the bank—he having, as he states, no other alternative by which to obtain current funds to discharge the claims against the Government; that at the time of the failure of the bank in October, 1842, which was sudden and unexpected, it having maintained its credit up to the day of its failure, Purser Taylor had, as appears by the certificate of the receivers of the bank, on deposit therein, the sum of \$12,523 58, of which he has since received from several dividends of the effects of the bank the sum of \$9,392 68, leaving a balance still due of \$3,130 90. As the deposits made by him were made and credited in his official character as purser of the United States Navy, he was advised by counsel, after the failure of the bank, that it was a question worthy of judicial investigation whether the Government, as a privileged creditor, under the act of Congress, might not recover the full amount of the claim, and he accordingly applied and obtained permission from the Government to prosecute the claim, in the name of the United States. He employed counsel to bring and conduct the suit; and, after full argument of the case, the court decided that the claim was not within the act of Congress.

Congress granted relief to Purser Wilson under nearly similar circumstances in 1848, and hence the committee reported favorably in this case.

Mr. HUNTER. It seems to me that this is a dangerous precedent. It is proposed that we shall not only insure disbursing officers against the effects of their own improvidence in making deposits, but pay them the expenses of suits which they may institute for the purpose of recovering the money. That surely is a step further than we have ever yet gone.

Mr. FISH. Mr. President, the disbursing officer in this case was acting under the directions of the Navy Department. It was at a time when the credit of the Government was low. The Government was without cash funds, and could only place funds in the hands of its disbursing officers by means of Treasury notes, which were several per centum below par at the time. In order to dispose of those notes, which were drawn in large sums, without a discount, under the approval of the Secretary of the Navy, (Mr. Upshur, I think,) Purser Wilson was authorized to deposit these Treasury notes with this bank, which agreed to allow him the full face of the notes on condition of their deposit with the bank, and the use of the funds which might remain until the whole amount should be withdrawn.

Purser Taylor, at the same station, acting upon the faith of that letter, made the same deposit, and continued it until the very sudden and unexpected failure of this bank. Supposing then that

the funds, being Government funds, were entitled to that priority which the Government claims, he, under advice, instituted legal proceedings to test that question. The bill now proposes to pay him, as Congress has already paid Wilson; and, inasmuch as the suit was instituted by the advice of the Department here, to pay his costs in that case. It appears to me to be a very simple and meritorious case.

Mr. HUNTER. I wish to ask the Senator from New York if it appears from any of the papers in the case that the money was deposited under the direction of the Secretary of the Navy?

Mr. FISH. It appears clearly that Purser Taylor deposited the money on the faith of the letter written by the Secretary to Wilson. They were together at the same station, both suffering from the same difficulty. Wilson wrote a letter to the Department, and obtained Mr. Upshur's direction to make the deposit. He did so, and Taylor acted under the same authority.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

FRANCIS B. STOCKTON.

The bill for the relief of Francis B. Stockton was read a second time, and considered by the Senate as in Committee of the Whole. It proposes to direct the proper accounting officer to pay to him the sum of \$67 57, being the amount of losses sustained by him by reason of his making his deposits of public money in the Phoenix Bank, Charlestown, Massachusetts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. McKean, its Chief Clerk, announcing that the House had passed a bill giving further time for satisfying claims for bounty land, and for other purposes, in which the concurrence of the Senate was requested.

CORNELIUS M'CAULLAY.

The bill for the relief of Cornelius McCaullay was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Cornelius McCaullay, of Philadelphia, the sum of \$751 13, in full for morocco and other materials furnished by him in the year 1834 to the then Secretary of the Senate, for use in the Senate Chamber.

Mr. HUNTER called for the reading of the report of the Committee on Claims, and it was accordingly read.

It appears from the report that the memorialist was a manufacturer of fine morocco in the city of Philadelphia, in 1834. He was called upon by one Isaac Hozier, representing himself as an agent of Walter Lowrie, then Secretary of the Senate, and requested McCaullay to furnish a certain quantity of morocco for covering the chairs in the Senate. Mr. Hozier exhibited a letter of Mr. Lowrie, authorizing him to make the purchase. Mr. McCaullay accordingly furnished the goods, shipped them to Mr. Lowrie, and when about to draw for the amount, Mr. Hozier again came to Philadelphia with another letter from Mr. Lowrie, and ordered an additional quantity of skins. Before he had completed this order, he suspected fraud in Hozier, and went to Washington, and was there informed by Mr. Lowrie that it was a hard case that he should be wronged out of his just claim, but that the price of the goods had been paid to Mr. Hozier. Under these circumstances, as the goods were furnished for the Senate, and the claimant was defrauded by the fraud of an employee of the Senate, the committee think him entitled to relief.

Mr. HUNTER. Mr. President, it seems to me that, in this case, there is no sort of claim for this amount. The Secretary of the Senate contracted with Mr. Hozier. He had nothing to do with McCaullay. He paid Hozier all that he ever contracted to pay him; but it seems that Hozier, in dealing with McCaullay, failed to pay him. Are we to follow all these transactions, and see that nobody loses, either directly or indirectly, on account of any connection with Senate contracts? All was done that the Senate could do in the matter. Mr. Hozier, who was the contractor, was paid. Mr. Lowrie, our Secretary, had nothing

to do with McCaullay. He was not bound to inquire into the facts of the transaction, or to know from whom Hozier bought the skins, or whatever was furnished. It was enough for him to know that Hozier furnished what he had contracted to furnish, and that he was paid for it. Other persons who dealt with Hozier, any other creditor of Hozier, might as well come here and demand to be paid from the Government. It seems to me that if we go beyond the contracts which we make, and pay persons who are the creditors of our contractors, when they may happen to fail, there will be no end to the demands which will be made upon us.

Mr. FITZPATRICK. I have a very distinct recollection of this case, for it was before the Senate at the last session of Congress. Mr. Lowrie employed Hozier to do the work at a stipulated price. After employing him, he had nothing further to do than to see that the work was well done and paid for. Hozier employed this gentleman in Philadelphia, but he had no contract with the Secretary of the Senate. The Secretary made a contract for the goods, and they were furnished by the man with whom he contracted for them.

If that be the fact, I can see no obligation, legal or moral, resting upon the Government to pay this individual. It was his duty to look for payment to the person to whom he furnished the goods; for they were not furnished, as I understand, to the Secretary.

The Secretary employed a person to perform a certain contract at a certain price; and that person, in order to fulfill his contract, purchased certain articles from this gentleman in Philadelphia. There was no contract between the Secretary of the Senate and the person who furnished the articles, and hence I can see no obligation, either legal or moral, on the part of the Government, to foot the bill.

This question was thoroughly examined before the Senate, on a similar report, at the last session, and the case, if I recollect aright, was then decided in the negative. I am therefore surprised to see it renewed at this session. It seems to me that when the facts are understood, there can be no doubt in the minds of Senators that the claim is not well founded, and ought not to receive the sanction of this body.

Mr. BRODHEAD. I think my friend from Alabama is somewhat mistaken in saying that the case was thoroughly examined before the Senate at the last session. It came up for consideration, but a single objection threw it over.

Mr. FITZPATRICK. The identical objection which is now raised was then made—that the contract was with a third party.

Mr. BRODHEAD. I admit there was an objection, but I do not think that it is a fact that the case was so thoroughly examined or discussed.

Mr. FITZPATRICK. It may be that it was not thoroughly discussed, but we reached this point; and if my recollection is correct, the gentleman who pressed the claim, became perfectly satisfied that it had no merits, and it was withdrawn from consideration.

Mr. BRODHEAD. That is not my recollection, and I had the bill in charge.

Mr. FITZPATRICK. It so struck me.

Mr. BRODHEAD. My recollection of the case is this: It was presented to the Senate by a memorial, which was referred to the Committee on Claims, and a favorable report was made from that committee by the honorable Senator from Ohio, [Mr. WADE.] The bill came up at the last session on objection day, as it is called, and a single objection put it over; but it was not discussed, and I think the records will attest the truth of my remarks. The case, therefore, now comes up for the first time, for a thorough examination in the Senate. I am one of those who think it is a proper claim.

This man Hozier was one of the employees of this body. He practiced a fraud upon Mr. McCaullay, in Philadelphia. The then Secretary of the Senate says so. Are we to employ men to go about the country and obtain goods for us by fraudulent means and by false pretenses? When we have used the goods, is there no moral obligation on the part of this body or of the Government to pay this man for them, who has been confessedly defrauded by one of the employees of this body? The Secretary of the Senate says this claimant was the only manufacturer of these goods

to be found at that time in the country. Mr. Hozier went to him with a letter from Mr. Lowrie, the then Secretary, who was the accredited agent of this body. He obtained these goods, and they were sent, not to Hozier, but to the Secretary of the Senate. The Secretary received them, and appropriated them to the use of this body. Now, is there no moral obligation on our part to pay for them? It is admitted that the claimant has never been paid. Why should he not be paid?

Sir, there was gross negligence, if there was negligence anywhere, on the part of the then Secretary of the Senate, and he admits it. He admits that there was a fraud practiced by Hozier upon McCaullay. Mr. McCaullay acted under the belief—a belief inspired by the letter which Hozier had from the then Secretary—that he was selling these goods to the Secretary of the Senate, for the use of the Senate, and not to Hozier. I have a right to say so, because he shipped them to the Secretary. And hence it seems to me there is a moral obligation on the part of the Senate to pay for them. This man, it is true, claims interest, but that the committee have refused to allow. I think, however, it is nothing more than just, under the circumstances, that the principal sum should be paid.

Mr. BADGER. Were the committee unanimous in their report?

Mr. BRODHEAD. There was one exception, I believe.

Mr. CHASE. I do not know of any exception.

Mr. BRODHEAD. I am obliged to the Senator from Ohio for the correction. The committee were unanimous at this session, but at the last session I believe there was one dissenting voice. I have stated the case in brief. The question is, whether this body will take advantage of the fraud of one of its own employees. For my part, I do not feel disposed to do so, and I hope the Senate will agree with me.

Mr. HUNTER. Mr. President, if I understand the facts, Hozier was no otherwise an employee of the Senate than any other person who contracts to furnish materials. Any person who is a contractor for the Government—for instance, the contractor for furnishing bricks on the Capitol extension—is as much an employee of the Government as Hozier was of the Senate. Mr. Lowrie was Secretary of the Senate, and he employed Hozier to do this work. In order to do it, the latter contracted with this man in Philadelphia, who should have looked to Hozier for payment. Mr. Lowrie was not responsible to McCaullay, but to Hozier, with whom he made the contract. When he furnished the materials which he had contracted to furnish, Mr. Lowrie was bound to pay him, without inquiring whether he had paid his debts which he had contracted elsewhere or not.

But what is the evidence? There is no evidence in the case, as I understand, but that of the claimant himself. I presume that if there were any contract, it would appear somewhere upon the books kept by the Secretary of the Senate. I should think that some evidence of the contract could be found. If it should be found, by reference to the books, that the contract was made with Hozier to furnish materials, it is surely no concern of ours where he bought them, or whether or not he paid the persons from whom he bought them. All that concerns us is to know whether we paid the man from whom we engaged the materials. If we did, as it seems that we did, then all has been done which we were bound to do. There is no obligation, as the Senator from Alabama has well said, either legally or morally, to pay this third person, with whom we had nothing to do.

Mr. FITZPATRICK. Perhaps I made too broad a statement when I said that this claim was thoroughly investigated by the Senate during the last session. I know that I never heard of the case until the last session. I did not know before that there was such a claim in existence; and my knowledge of it was derived from what occurred in the Senate at that time. It was backed then by a favorable report from the Committee on Claims, and hence favorably commended itself to me. But there were some exceptions to the payment of the money, and the claim underwent more or less investigation—sufficient, certainly, to impress on my mind a strong conviction that it should not be allowed; and I was certain, when this case came up this morning, that it was the

same one which had been under consideration at the last session.

Although I may not be strictly accurate in stating all the facts, I am perfectly sure that the case was investigated at sufficient length to satisfy the Senate that the claim was not well founded, and that the Government was not legally bound to pay it. I will not undertake to say that I understand the case in all its ramifications; but, according to my recollection of the facts as detailed then, and as stated in the report now, my impression is, that we reached at the last session the very point which is now made, that the contract was with a third party, and the Government was not responsible for the amount; and on that ground objection was then made, and the case was postponed.

Now, sir, just look for a moment at the consequences to which the allowance of this claim will lead. Suppose a mail contractor on one of the great routes North or South should employ a stage driver, or any other person, to carry the mails for him; that the Government pays the contractor; but he becomes insolvent, and refuses to pay his stage driver, or any other individual in his employ; will gentlemen undertake to say that the Government of the United States is bound to pay the stage driver and other persons having such claims. Sir, for my life I cannot see the difference between that and the case under consideration. As the gentleman from Virginia has said, there is not a contractor who may not be considered in the same light as this individual, if he be regarded as an employee of the Government.

Mr. HUNTER. I understand that Hozier was an upholsterer in this city, not an officer of the Senate.

Mr. FITZPATRICK. He was the person who got the contract here; and to execute his contract he sent to Philadelphia, and agreed with a gentleman there for certain materials. That gentleman has lost his money. That I regret; but if the Senate pays a claim of this kind, we shall be opening a very broad door for applications to this body and to Congress for claims which, if allowed, will bankrupt the Treasury. I know nothing of the case but from my recollection of it as it was discussed at the last session, and from hearing the report now. Recollecting it as I did, I made the broad statement that it had been thoroughly investigated. It may not have been fully discussed, but I know it was examined into, and the point now under consideration was made, and on that point the case was withdrawn, if I understood it correctly; and I did not presume that it would ever be brought back into this body, because I thought it seemed to be the general impression of the Senate that the claim was not a well founded one.

Mr. WELLER. This bill ought not to pass, for this claim ought not to be allowed. It seems to me to be such a flagrant case that no one can contend that there is any justice in it. It appears that certain articles were wanted for the convenience of the Senate. The Secretary went, as he very naturally would, to an upholsterer in this city, and contracted with him to furnish those articles. The Secretary obtained them from the upholsterer, and paid for them; but it now turns out that the upholsterer cheated the merchant in Philadelphia from whom he obtained the articles. That is the case. Are we bound to make good the deficiency of the upholsterer? We directed the Secretary to obtain the articles, and he paid for them. If the upholsterer from whom he obtained them cheated the merchant from whom he purchased, there is no legal or moral obligation resting upon us to pay him. It seems to me there is no room for discussion in this case.

Mr. BADGER. Mr. President, I desire merely to say that I cannot of course have any knowledge whether this claim is well founded or not; but it is sufficient for me to know that it is reported as a good claim, unanimously, by a standing committee of this body. Therefore I, for one, conscious of my inability here to reexamine the decision of that committee upon this private claim, believing that the committees are instituted for the express purpose of making these investigations upon private claims, because they can do it much more satisfactorily, and have a much better opportunity of arriving at a just result, shall vote, as I habitually do, in support of the unanimous report of the committee. But I will certainly do it, when, upon the statement made

by my friend from Pennsylvania, it appears that, so far from this being a clear case against the claim, there is at all events a *prima facie* case in favor of the claimant. This is not the case of a contractor with the Senate going and purchasing articles for the purpose of carrying out his contract, and then failing to pay the seller. The contractor went with a letter from the Secretary of the Senate to the person who furnished the articles to him.

Mr. HUNTER. I shall be very glad if the Senator from North Carolina will produce that letter.

Mr. BADGER. If the honorable Senator from Virginia had attended to what I said, he would have seen that he must apply to the gentleman who reported this bill. I say this is the statement which he makes. I do not call upon him to show the letter. I do not call his veracity in question about the fact. He reports this bill, and states to me that these are the facts.

Mr. HUNTER. I do not call the veracity of any one in question; but I am not aware that there is any such statement.

Mr. BADGER. That is what the Senator from Pennsylvania stated just now. I am not speaking of the report, I am speaking of the verbal explanation given of the bill by the Senator from Pennsylvania. If I understand him correctly, that is what he stated.

Mr. BRODHEAD. What I stated was this: At the last session this bill was reported by the honorable Senator from Ohio, [Mr. WADE,] who was specially instructed to examine the case. In his report I find this language:

"In 1834, he was called upon by one Isaac Hozier, representing himself, and believed to be, an agent of Walter Lowrie, Esq., then Secretary of the United States Senate, who requested him to furnish a certain quantity of morocco, to be used for covering the chairs in the Senate Chamber. He says a Mr. Hozier exhibited a letter of Mr. Lowrie, authorizing him to make the purchase, and stated that he could draw on Mr. Lowrie for the amount."

That is the statement of the memorialist, as given in the report of the honorable Senator from Ohio. The memorialist deposed to the truth of the facts set forth in his memorial, and other testimony is introduced in order to show that Mr. Lowrie was in the habit of authorizing the upholsterer to make purchases of materials as his agent. Mr. McCaullay produced several original letters of J. K. Boyd, who succeeded Mr. Hozier in doing the upholstery for the Senate Chamber, in which Mr. Boyd distinctly claims to act under the instructions of Mr. Lowrie, Secretary of the Senate. Mr. McCaullay brings these letters in corroboration of the statement that this man brought a letter to him, and was not a mere contractor. If he had been a mere contractor, the articles would have been sent by Mr. McCaullay to him, and not to the Secretary of the Senate, to whom they were in fact sent.

Mr. BADGER. Do the committee report that they are satisfied the statement made by the petitioner is correct?

Mr. BRODHEAD. They do.

Mr. BADGER. Then it is just as I stated. I have got no letters to produce; I am urging no claim; I am acting as a member of the Senate on the report of a committee.

The case was referred to the committee to examine the evidence, and to report whether the evidence supports the claim and the facts in the petition. They say it does. I shall not undertake to reexamine what they have reported. If what they have reported be true, so far from this being a baseless claim, I think it is a palpable and just claim on the honor of the Government. It seems that this man, who was authorized to contract for this work, came with a letter from the Secretary of the Senate to the manufacturer, to purchase articles for the benefit of the Senate. The seller of the articles sold them, and they were sent to the Secretary, and were used by him for the benefit of the Senate. Is it right for him, then, to turn round and say to the party, "This man, who carried the letter was the man with whom I have made a contract, and you must look to him for your money?" It seems to me that this is a plain case, calling for relief.

Mr. WALKER. There seems to me to be some confusion of ideas here in regard to the facts presented, or the source whence the information or testimony comes. The Senator from Pennsylvania has read the first part of the report. I will read it again:

"The memorialist states that he was a manufacturer of fine morocco in the city of Philadelphia."

Bear in mind this is the statement of the memorialist.

"In 1834 he was called upon by one Isaac Hozier, representing himself, and believed to be, an agent of Walter Lowrie, Esquire, then Secretary of the United States Senate, who requested him to furnish a certain quantity of morocco, to be used for covering the chairs in the Senate Chamber. He says Mr. Hozier exhibited a letter of Mr. Lowrie"—[this is what the claimant says Hozier did]—"authorizing him to make the purchase, and stated that he could draw on Mr. Lowrie for the amount."

The first peculiarity is that he did not draw on Mr. Lowrie for the amount. But now, after having got at the source of the testimony and the testimony itself, bearing in mind where it comes from, that it is based on the representations of a man who turns out to be fraudulent, and of the claimant himself, let us come to the testimony of Mr. Lowrie, for he, in plain terms, contradicts the whole statement. The committee give his statement in these words:

"Mr. Lowrie states that he engaged Hozier to furnish the morocco, and paid him for it; that shortly afterwards, Mr. McCaullay called, and produced satisfactory evidence that he was an industrious and worthy man; that he had furnished the materials, and had not been paid for them, Mr. Lowrie adds: 'He was, perhaps, the only manufacturer but that it was not then within his power to afford relief in the United States at that time who could make the article required; and, after much labor, the efforts of his skill and industry were taken from him by the fraud of another.' This statement is dated January 23, 1850."

Now, when we come to arrive at the fact whether there was privity of contract between the Senate and Mr. McCaullay, we must refer to the only one who can give correct testimony on the subject, and that is Mr. Lowrie. He denies in express terms that there was any privity of contract. He expressly says that he contracted with Hozier for the delivery of the morocco, and that he paid Hozier for it.

Mr. Lowrie, from the expressions which he uses, evidently regrets, as all must do, that Mr. McCaullay did not receive the money; but can we come forward and undertake to be guarantors or insurers for every individual who may perpetrate such a fraud? I regret exceedingly the vote which I shall have to give on this subject, but I do conscientiously believe that this bill involves a precedent which it would be very dangerous to establish. I know of so many cases of equal hardship that I cannot see how it can be possible for the Senate to stop here if they take this step.

Mr. BADGER. If there is any confusion of ideas upon the subject of this case, I have not fallen into them; and my friend from Wisconsin has not met the ground upon which I say the *prima facie* case is made by the report, independently, too, of the weight that I attributed to the opinion of the committee. He says that this, in fact, the case of a contract made by the Secretary of the Senate with Hozier; that the purchase was in fact one made by Hozier to enable him to carry out the contract. There is no doubt, no question, about that at all, because if it had not been so, it would have been impossible for any man in the world to say that the claimant is not entitled to relief. But the ground upon which the committee place the bill, as I understand from their report, and from the verbal statement of the honorable Senator who reported it, is this: that Hozier came to the claimant with a letter from Mr. Lowrie to him, [Hozier,] in which it was stated that he was authorized to make the purchase, and that he might draw upon Mr. Lowrie, the Secretary, for the money. It was an act of imprudence on the part of Mr. Lowrie to give such a letter. It was calculated to mislead, and did mislead, the man who furnished the articles, and who supposed that he was furnishing them to the Senate, that Hozier was a person acting for the Senate, and that he was to be paid by the Senate. Now, as I mentioned, the only matter upon which any doubt can be raised is, is this statement true? The committee say they have looked into the evidence brought to support it, and that it is true. I am not going behind that report. If I cannot have sufficient respect for the unanimous report of a committee of this body, who say they have ascertained that fact correctly, I think it is idle to come here.

Mr. CHASE. My colleague, who is upon the Committee on Claims, reported this bill last year. It has undergone the careful revision of the Committee on Claims this year, and the committee are

unanimously in favor of it. I am very glad to see the care and determination with which the Senators from Alabama [Mr. FITZPATRICK] and Virginia [Mr. HUNTER] guard the Treasury. It is very highly commendable in them. But I do not think that this case will form such a precedent as they seem to be of the opinion it will.

We rest the case upon this simple ground, that Mr. Hozier bore a letter from the Secretary of the Senate to this mechanic in Philadelphia, and upon the strength of that letter obtained the goods. It is true the letter is not in existence, but the statement in respect to the representations made by Mr. Hozier to this mechanic, which appeared before the committee, satisfied them of its existence once, and they so reported to the Senate. When the goods were actually applied to the use of the Senate, this individual came here and asked for their payment. He was then told that Hozier had absconded, and he could not be paid. But the Secretary went on and used the goods for the very chairs on which we sit, and now the mechanic asks for the payment of his bill. I think he ought to be paid. I do not think it will form any dangerous precedent.

I trust the Senate will act upon it without further discussion; for the value of the time which we are consuming in the debate is more than the whole amount of the appropriation.

Mr. HUNTER. The Senator from North Carolina says, if I understand him, that we should not go behind the report of a committee; that we ought to take it as conclusive.

Mr. BADGER. I did not say anybody was bound to do so. I simply said I would do it.

Mr. HUNTER. If it be a good rule for the Senator from North Carolina, it is certainly good for the rest of the Senate.

Mr. BADGER. I think it is a good rule. Other gentlemen may differ from me.

Mr. HUNTER. A rule is either good or bad. If this rule is good for the Senator from North Carolina, it is good for the rest of the Senate; and I say if that be the case, it is useless to consider bills reported from a committee at all. We had better pass them all in a lump. But the Senator from North Carolina carries this doctrine a little further than I have ever heard it carried before. We are not only, according to him, to take up the conclusion, and vote for the bills reported by committees, but we are to be governed by no other reasons; and although they may show us that a bill was reported without evidence, or upon principles which we may deem improper, we are not to consider those principles or examine that evidence, because he says he will not go behind the report; and he will not only not go behind it, but he will not enter into it. Sir, in this case it is evident that he has not read the report. First he got up and based the case upon this letter, and it turns out that the letter is not in existence. What evidence have we that any such letter ever existed? None at all but the oath and statement of the man who makes the claim.

Mr. BRODHEAD. If the Senator will allow me to interrupt him, he is mistaken. In the report of the committee he will find the following:

"William Root swears that he was the salesman of McCaullay at the time, and has continued to be so; that Hozier represented himself as acting for Mr. Lowrie, Secretary of the Senate, and by such representation obtained the goods."

There is also other testimony quoted in the report to the same effect.

Mr. HUNTER. That Hozier so represents himself, but not that they saw the letter. If there had been any letter authorizing Hozier to buy for the Secretary of the Senate, is it to be supposed that this man would have slept on his claim so long? That would have been a sufficient voucher. He had nothing to do but to produce it. Take the testimony as it is given here, that this man was deceived—probably he was—and that Hozier deceived him; but did Hozier deceive that man on account of any fault of the Senate or of the Secretary of the Senate? And is the Senate bound to foot the bill? Surely not. The only testimony, or at least the main testimony, then, which we have, and upon which we are called to act, is the affidavit of the claimant himself. Will the Senator from North Carolina say that he does not choose to consider whether it is proper to rely upon the testimony which the claimant may bring in his own case? Surely we ought to require something

like proof of the facts before we undertake to act upon them. And, sir, how does he undertake to help it out? Not by proving that Mr. Lowrie was in the habit of authorizing Hozier to purchase for him and for the Senate, but that he was in the habit of authorizing another man, Mr. Boyd, to purchase for himself and for the Senate. That is the sort of proof upon which we are called to act. Does any man believe if Mr. Lowrie had given Hozier a letter by which he was authorized to purchase these materials for the Senate, a letter which Hozier could have exhibited in Philadelphia, that this man would not have come forward when the facts were fresh, and the loss recent, and applied to be paid? Sir, if he had done so he would have been paid. The letter would have been sufficient ground upon which to have rested the claim; but nothing of the sort appears here now—nothing at least sufficiently proved; and now, years after the transaction, when Mr. Lowrie, I suppose, is dead—when there is nobody here to make known to us the real state of the facts—the case is brought forward, and it is proposed that we shall pay upon such a statement as this.

Mr. BADGER. My friend from Virginia seems to have become quite animated on this subject. He is very right in doing so. He is at the head of the Committee on Finance, and, as such, holds for this body the keys of the Treasury. He says that I have not read the report, and that I first began by referring to the letter. I endeavored to explain to the Senator, if he had listened to me, that I was not speaking about the report, but about the verbal statement made by the Senator who reported the bill. That is what I said, and how does he answer it? He says that the letter is not produced. He says that I hold the doctrine that if the committee were to make a report which, upon its face, shows no just claim, I would go for it. I have not said so; but I said this, and I repeat it: I have always abided by, and always will abide by, the conclusion of a committee when they make a report of an existing state of facts, they having had the evidence and come to the conclusions to which they supposed the evidence justified them in coming. When that is the case, I will not undertake to be wiser than the committee in coming to a conclusion. That is what I said, and I repeat it.

But I said, further, that in this case, according to the statement of the honorable Senator, there was a *prima facie* case. The Senator from Virginia says that if there was a letter, it would have been produced. Sir, we do not know that. There have been many letters in the world which cannot be produced. This man says he had a letter. The fact is proved by persons who were employed by him in his business, that Hozier applied to him, and represented himself to be an agent of Mr. Lowrie, the Secretary of the Senate; and the committee, upon the whole, were of the opinion that, putting the circumstances together, it was a fair and reasonable conclusion that the statement that there was such a letter was true; and is it not? I ask you, sir, is not that a reasonable conclusion? Hozier goes to the claimant for the purpose of purchasing the articles for the Senate. It was natural that he should take a letter; it was proper that he should take a letter; it was reasonable that he should take a letter; it was reasonable that the person to whom he applied would expect him to produce some evidence if he sustained that relation to the Secretary of the Senate; and what it is reasonable to presume he would have done, upon the facts proved that he represented himself to be the agent of the Secretary of the Senate, the claimant says he did; and Mr. Lowrie does not deny it. Mr. Lowrie says, in point of fact, that Hozier was a contractor; but he does not say that he did not authorize him to apply to the claimant. He does not say that he did not give him a letter to apply to him. He says not one word to contradict the statement which the committee say they infer to be true from the collateral circumstances in addition to the statement of the claimant. That is the case.

Now, the honorable gentleman from Virginia will, of course, govern himself by what rule he pleases. He may deny and dispute the report of every committee upon every claim, small or great. He stands here to discharge his high duty upon his own responsibility. I do not pretend to dictate to him. I have no right to do so. I will, however, pursue the course that I have suggested. I

will have sufficient respect for the intelligence and known integrity of the gentlemen composing the Committee on Claims, who say that on sitting down quietly in their room, they have examined the testimony in the case, and think certain facts are borne out. I do not require the evidence in this case to be sufficient to convict a man upon a capital offense. I shall be content upon my own responsibility, while I neither dictate nor advise any other man to pursue the same course, to vote for the claim as the committee have reported it.

Mr. WALKER. It does seem to me to be strange that the honorable Senator from North Carolina should look at this case in the way he does. Not only is it asserted here that Hozier was a fraudulent man; not only is it the fact that is now suspected and now asserted, but Mr. McCaullay says himself that, before the execution of the order, he suspected him. According to the report of the committee—

"He says, a Mr. Hozier exhibited a letter of Mr. Lowrie, authorizing him to make the purchase, and stated that he could draw on Mr. Lowrie for the amount."

Take the statement up to that point; and if he had contracted with the Secretary of the Senate through Hozier, as his agent, when he had furnished his materials, would it not have been a natural business transaction to call on Mr. Hozier for a draft on Mr. Lowrie to get the money? Certainly. Was any draft drawn? No. Why was it not? Here is the explanation, as again stated in the report of the committee:

"He accordingly furnished the goods, and shipped them to Mr. Lowrie. When he was about to draw for the amount—"

Note this:

"Mr. Hozier again came to Philadelphia with another letter from Mr. Lowrie, and ordered an additional quantity of skins."

Now, recollect this is the statement of McCaullay.

"Before he had completed this order, he suspected fraud in Hozier, and went to Washington to get his pay."

He did not call upon Mr. Hozier for the draft; but suspecting him, before the order was executed, came on to Washington.

Mr. BADGER. Mr. Hozier was not to make the draft.

Mr. WALKER. Yes, sir, that is McCaullay's own statement. The report continues:

"When he was informed by Mr. Lowrie 'that it was a hard case that he should be wronged out of his just claim,' or words to that effect; but that the price of the goods had already been paid Mr. Hozier, who had disappeared."

This same person calls in witnesses to prove his statement, and it seems we are to found our actions upon that statement and the depositions of witnesses, who would probably state the facts as strong as possible in favor of Mr. McCaullay. Mr. Lowrie says he engaged Mr. Hozier to furnish the morocco, and paid him. Under such circumstances it is astonishing to me that we should be called upon to make good the loss of Mr. McCaullay.

The bill was reported to the Senate without amendment.

Mr. BRODHEAD called for the yeas and nays on the question of ordering the bill to be engrossed for a third reading, and they were ordered; and being taken, resulted—yeas 12, nays 21; as follows:

YEAS—Messrs. Badger, Brodhead, Chase, Everett, Fish, Foot, Pettit, Seward, Sumner, Thomson of New Jersey, Wade, and Wright—12.

NAYS—Messrs. Adams, Allen, Atchison, Benjamin, Brown, Cass, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Hamlin, Hunter, Jones of Iowa, Slidell, Stuart, Toombs, Walker, and Weller—21.

MARY E. D. BLANEY.

The next bill considered as in Committee of the Whole was the bill for the relief of Mary E. D. Blaney, widow of the late Major George Blaney.

The bill authorizes the proper accounting officers of the Treasury to pay to Mary E. D. Blaney, widow and administratrix of the late George Blaney, the sum of one thousand one hundred and fifty-six dollars and sixty-eight cents, being for interest on money belonging to her, and withheld by an erroneous decision of officers of the Government.

Major Blaney was an officer of the corps of United States topographical engineers, and for several years previously to his death, in 1835, he was employed in superintending the erection of

the fortifications at Oak Island and Cape Fear river, in North Carolina, and was required to act as disbursing officer, and as assistant commissary of subsistence at those points, for which he claimed commissions and compensation to the amount of \$6,401 48, which was disallowed by the accounting officers of the Treasury. It appears that at the time of his death, he had on deposit in the bank of Fayetteville, North Carolina, to his credit, \$3,182 55, of which amount \$2,438 12 was claimed as his private funds, and for which he gave a check to the petitioner. On presentation of the check, payment was declined until the Department had been consulted. The acting Secretary of War directed that the money in the bank, standing to the credit of Major Blaney, should be carried to the credit of the Treasurer of the United States, which was accordingly done.

After the decision in the parallel case of Major Delafield, in 1844, where the legality of similar charges was brought before the circuit court for the district of New York, and sustained by Judge Betts, (which decision was confirmed by an equal division of the bench of the Supreme Court,) the charges of Major Blaney were allowed by the accounting officers, so as to leave a balance to his credit of \$1,606 50, which sum was paid to the petitioner on the 15th March, 1847. On this sum, so withheld for a period of nearly twelve years, interest, amounting to \$1,156 68, is claimed.

The petitioner urges, "in behalf of herself and her orphan children," that her case is not the ordinary one of a debt due by the United States for services performed, but one in which money belonging to her was forcibly taken by a high officer of the Government and applied to the public use, and "wrongfully and illegally withheld from her" for a long period of time.

The petitioner also prays the passage of a law directing that such further allowances be made in the accounts of her late husband, as come within the rule laid down in the decision of the Delafield case. These appear to consist of charges for additional compensation for services as assistant commissary of subsistence at Oak Island and Cape Fear river, at \$20 per month, amounting to \$2,744, and a difference of \$210 45 between the sum claimed and that allowed for disbursements at Cape Fear river.

As these items have been rejected by the accounting officers, after a careful revision of the subject, subsequently to the decisions in the cases of Major Delafield and General Gratiot, and have decided that "the duty [of acting assistant commissary of subsistence, for which the charges are made] constituted an essential branch of the extra service assigned him, for a faithful performance of which, on his part, the regulations provided a specific compensation, in the form of a per diem or commission," the committee did not perceive any good grounds for a special allowance in this case, so far as the extra compensation is concerned; but they were of opinion that, under the circumstances of this case, the claimant is entitled to interest on the amount withheld by the Government.

No amendment being offered, the bill was reported to the Senate, ordered to be engrossed for a third reading, was read a third time, and passed.

DANIEL WINSLOW.

The Senate next considered as in Committee of the Whole, the bill for the relief of the sureties of Daniel Winslow. It proposes to release Daniel Winslow and James N. Winslow, and their legal representatives, and the real and personal property of each, from all judgments, and from all liens and incumbrances of judgments in favor of the United States, obtained against them in any district court of the United States, as security for Daniel Winslow: the costs of the suits, however, are to be paid by the Winslows.

On the 29th September, 1846, Daniel Winslow as principal, and the only party in interest, and David Winslow and James N. Winslow as sureties, entered into contract with the Chief of the Bureau of Provisions and Clothing to deliver at the navy-yard in Charlestown, Massachusetts, eighteen hundred barrels of navy beef, between the 1st of January and the 15th of June, 1847, at the price of \$7 87½ per barrel.

The regular business of Daniel Winslow and of his father had been that of packing beef for forty years; and, upon an average price of navy beef

for twenty-five years next preceding the year 1846, the contract would have afforded a moderate profit only. Daniel Winslow entered into the contract as a part of his regular business, and not on a speculation. In November, 1845, the year preceding the contract, he was able to pack beef at \$7 per barrel, but soon after the execution of the contract, in the fall of 1846, prices began to rise, and in October, of that year, beef was worth \$8 to \$8 25 per barrel; in December, from \$11 to \$12 per barrel; and in January and February, 1847, it went up to \$13 50, and soon after to \$14 and \$15 per barrel. It is stated that this rapid and unusual advancement of prices was induced by the progress of the Mexican war, and the occurrence of the famine in Ireland, which produced an extraordinary and unlooked for demand for provisions for exportation.

It further appears that Mr. Winslow, with the view of fulfilling his contract, whatever might be the consequences to himself, continued to purchase all the cattle he could obtain, until the actual cost of the beef reached \$12 per barrel, making a loss to the contractor of \$4 12½ upon each barrel, or about thirty-three per cent. He had not the capital required to enable him to overcome these difficulties; and, after having furnished about three hundred and fifty barrels, he failed, and became hopelessly insolvent. In furnishing the residue of the beef embraced in the contract, the United States paid \$8,061 75 more than the contract price—having paid from \$12 94 to \$14 50 per barrel: and for that sum, with costs and interest, judgments have been rendered, by consent of parties, to satisfy which the entire property of the aged father of the contractor, consisting of a small homestead farm, has been set off to the United States. The object of the petition is to relieve this property of the surety, and avoid the necessity of turning an aged and venerable family, chargeable with no fault, houseless and penniless upon the world.

Believing this to be a case of unusual hardship, the committee are anxious to afford relief, if it can be done upon safe and equitable principles.

In cases of contracts like the present, the committee thought the following rules might be safely observed: 1st. Where the contractor enters into the contract in good faith, with a reasonable assurance, founded on competent knowledge of past and present prices of the article contracted to be furnished, that the contract can be performed by him in strict accordance with its terms; and, 2d. Where the rise in prices is such as could not have been foreseen or anticipated by prudent persons acquainted with the business; and, 3d. Where the contractor performs his contract in good faith, and with due skill, energy, and diligence, to the extent of his means and ability, that then an equitable case arises for relief.

In this case the Government suffered no other loss than the failure to realize the entire profits of a good bargain. The beef which the contractor failed to supply was purchased at its fair market value. The Government paid no more than individuals were paying at the time for the same article; and the contractor not only did not make a profit on the quantity furnished by him, but, on the contrary, he lost not merely his time and trouble, but a large amount of money, by which he was rendered insolvent. He appears to have used every effort in his power faithfully to fulfill his contract, and was prevented by circumstances wholly beyond his control, and which could not have been foreseen. He does not, however, ask to be remunerated for his losses; but that his sureties, to whom no fault can be attributed, shall be saved from utter ruin, after he has sacrificed his entire property, and from which the Government has derived a benefit.

Relief was granted by Congress to the sureties of Peter Yarnell, in 1844, under similar circumstances.

Mr. WALKER. I am not opposed to the bill; but I have an amendment which I desire to offer to it, and which I think ought to be adopted. It is to add the following as an additional section:

And be it further enacted, That the provisions of this act shall also apply to the benefit of Sylvester Pettibone, of Wisconsin.

The case thus designed to be provided for by the amendment is of this kind. This old gentleman, Mr. Pettibone, is a resident of Milwaukee,

Wisconsin. About the time of the difficulty spoken of in the bill, his nephew was arrested for passing counterfeit coin of the United States. The facts of the case, which are all within my knowledge, in relation to the passage of the money, are these: Certain counterfeit quarter eagles had got into circulation; suspicion fell upon the nephew of Mr. Pettibone. He was arrested; and it was proved that one of those pieces—one quarter eagle—had been passed by him. Under the state of alarm in which the young man was found, he called upon his uncle, Sylvester Pettibone, to become his bail. Without any hesitation, and really without much consideration, the old gentleman became the bail.

Now comes something most mysterious in the case. The nephew has disappeared; he has gone to some place unknown to the old gentleman. He has not been heard of, so far as I have any knowledge, within the city where he then lived, from that day to this. Every inquiry, every exertion has been made to produce him, but all has been a failure. The old man does not to the present moment know where he is. The bail bond of this young man with the old gentleman named in the amendment was sued upon by the United States, and judgment was obtained against him as surety to the amount of something over \$3,000. He lives in the immediate vicinity of Milwaukee, and has about seventeen acres of land upon which his dwelling is situated. It is all the property he has in the world. His contiguity to the city, however, makes it valuable; and at the sale under the execution upon the judgment of the United States, it was bid off at the amount of the judgment and costs. The time for redemption under our statute has expired, and it leaves this old man, who is now something like seventy-two years of age, without the first farthing on the face of the earth for the support of himself and a numerous family. He has made application to the Treasury Department for a stay in the matter, asking its indulgence for a little while longer in order that the subject may be brought to the attention of Congress, and that it may be ascertained whether they will not relieve him. The Treasury Department has postponed taking a deed for the property, though the equity of redemption has expired, with the view of seeing whether Congress will not do something for his relief. The officers have also, as I am informed, directed that the property shall not be disposed of in the mean time by the United States district attorney, or any other authority.

So the matter lies awaiting the action of Congress upon the subject, if Congress is disposed to take any action in the premises. The amendment, however, proposes more than the old gentleman asks for. He has said to me, as one of his representatives, that if Congress, or the Government, will let him off by paying the costs and five hundred dollars, he is willing to do it. All the injury which the Government has sustained was the passage of one quarter eagle by the nephew of the old gentleman. He has lived a long life of industry. He is a temperate, worthy man. He is somewhat incapable of attending to his own rights; and I have thought when this bill was pending, that I would ask the indulgence of the Senate to consider this proposition.

Now, if it is deemed proper by the Senate to hold this old gentleman for some part of the amount, I am willing to put a provision in the amendment that he may be relieved by paying costs and \$500, as he proposes; but at present the amendment stands as an entire acquittance to him under the provisions of the bill to which it is offered. It merely provides that he shall pay the costs. I believe they now amount to something over \$300. If he deserves punishment, that will be a sufficient punishment. If the Government seeks pecuniary advantage from the transaction, he is willing to pay \$500 and the costs. I will, however, hear what may be said by others. If it is desirable, I will change the amendment so as to require the payment of \$500.

Mr. HAMLIN. I will inquire of the Chair whether the amendment is in order.

The PRESIDING OFFICER. The Chair will state, in reply to the Senator, that when the amendment was offered he was under the impression that it was not in order, and referred to the rules of the Senate to see if the principles of parliamentary law were modified. The experience of the present occupant of the chair, as the Sen-

ate is aware, is but little. His impression, however, is, that the amendment is not in order.

Mr. WALKER. If it is decided to be out of order, of course it is withdrawn.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, was read a third time, and passed.

ADJOURNMENT TO MONDAY.

On motion by Mr. BRIGHT, it was

Ordered, That when the Senate adjourns to-day, it adjourn to meet on Monday next.

HODGES AND LANSDALE.

The bill for the relief of Hodges & Lansdale, and the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased, was read a second time, and considered by the Senate as in Committee of the Whole.

Mr. BRIGHT. There are several cases of that class. The Senator from Maryland, who has them in charge, is absent; and so is the Senator from Delaware [Mr. BAYARD], who is opposed to them, and who is prepared to make an argument against them. At the request of the latter gentleman, I move that the further consideration of the bill be postponed until Friday next.

The motion was agreed to.

BOUTON, WRIGHT, AND FISHER.

The bill for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher, was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to each of the parties \$5,000, as full compensation for the past use of their machine for making and charging percussion caps in the arsenals of the United States, and also for the full, free, and undisturbed use by the Government of the machine, together with the patent right or rights to the machines or improvements.

On the introduction of percussion caps into our military service a few years ago, the country was entirely dependent upon caps of foreign manufacture. Mr. Richard M. Bouton, in January, 1842, at the request of the commanding officer at Watervliet arsenal, New York, applied himself to the study of their manufacture, and after several years, constructed and put in operation a machine. Since 1845 it has been in successful operation in that arsenal and the arsenal of the navy-yard in this city. It has greatly decreased the price of caps and the time necessary to make them. The Committee on Military Affairs think, that from the saving of time and labor and expense to the Government, the inventor should be rewarded for the discovery. However, there are two other claimants, Fisher and Wright. The machine of Mr. Fisher was in use in 1844, in the Washington arsenal, and has since been in successful operation there. Wright ingeniously combined the two former machines. The committee recommend the appropriation as something in the shape of a benefit and as a reward to the claimants for their skill and inventive genius, and as an encouragement to others; and also in recognition of some of the benefits which the Government has derived from the free use of the invention.

Mr. BRIGHT. As the chairman of the Committee on Military Affairs is not present to explain the bill, I move that its further consideration be postponed until Friday next.

Mr. WALKER. I hope not, unless the Senator is disposed to make serious opposition to it. If he is not, no benefit can arise from the presence of the Senator from Illinois. The subject has been well considered, and we can act upon it. This compensation should be made.

Mr. BRIGHT. I have nothing to say upon the merits of the bill. I only know the facts as they were disclosed by the reading of the report; but there is not a quorum of Senators to vote upon the bill if the yeas and nays should be called.

Mr. CHASE. I hope the suggestion of the Senator from Indiana to postpone the further consideration of the bill until next Friday will be agreed to. It involves the consideration of rights of rival patentees.

Mr. WALKER. I think not; if I understand the reading of the report, the bill provides for the benefit of all the claimants; is it not so?

Mr. FITZPATRICK. It proposes to give \$5,000 to each.

The PRESIDING OFFICER. The bill is en-

titled "A bill for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher."

Mr. BRIGHT. I think the bill had better be laid aside until Friday next.

Mr. WALKER. The Senator from Illinois [Mr. SHIELDS] is now present.

Mr. BRIGHT. I hope the Senator will explain the bill.

Mr. SHIELDS. It relates to an invention for the making of percussion caps. There are three different parties who claim compensation for it. The subject has been carefully examined by the Committee on Military Affairs. The amount which it appropriates is quite inconsiderable, and it is distributed among the original inventors. The first two made separate inventions; but the third person has combined the two—

Mr. WALKER. Mr. Fisher.

Mr. SHIELDS. Mr. Fisher has combined the two, and made it much more beneficial. The invention has been thoroughly examined by a board of scientific officers, and the Department has recommended the appropriation of a larger sum. The committee, however, have made the appropriation very low and reasonable. I hope the bill will pass.

Mr. FITZPATRICK. Do I understand the Senator from Illinois to say that the appropriation is sanctioned by the Department?

Mr. SHIELDS. Yes, sir.

Mr. FITZPATRICK. Does it recommend the compensation?

Mr. SHIELDS. Yes, sir.

Mr. FITZPATRICK. The amount of the appropriation in the bill is below the estimate of the Department.

Mr. SHIELDS. It is.

Mr. BRIGHT. Let us vote upon the bill.

Mr. BRODHEAD. The provision of the bill is to pay to each of the parties \$5,000—that is \$15,000, a pretty large sum.

Mr. SHIELDS. I do not know whether the sum is large or not; but the Committee on Naval Affairs reported a bill at the last session giving one of the parties \$30,000.

Mr. BRODHEAD. I would rather that the subject should go over until Friday next. I confess that I do not understand it, and I do not understand why this sum of \$15,000 should be paid.

Mr. SHIELDS. I have not one particle of interest in this matter; but it has been before Congress for three sessions. Last session the Senate Committee on Naval Affairs reported a bill giving \$30,000 to one of the patentees. I took occasion to arrest it, and to have it referred to the Committee on Naval Affairs. We then had the invention examined by a board of officers. It is an invaluable invention, and cannot be compensated by \$5,000 or \$20,000, or \$50,000; but these inventions were made by men in the service of the United States, and the United States was entitled at the time to the benefit of their talents and labors. After a full consultation with the head of the Engineer Department, and the head of the Ordnance Department, the appropriation has been reduced to this small amount.

Mr. BRODHEAD. One reason why I ask that the bill may go over is, that there is not a quorum present; and in voting away such large sums of money from the Treasury it seems to me that we ought to have quite a full Senate. I move to postpone the further consideration of the bill until Friday next.

The motion was not agreed to.

The bill was then reported to the Senate without amendment.

Mr. BRODHEAD. I still think it had better go over until Friday. There is not a quorum here.

Mr. SHIELDS. There is a quorum. Let us have a vote, and we can ascertain. The honorable Senator seems to have some peculiar objection to the bill.

Mr. BRODHEAD. No, sir; but when we pass a bill of this kind there ought to be something like a full Senate present. If there is a quorum here I have no objection to acting on the bill.

Mr. SHIELDS. There is a quorum. Let us have a vote.

Mr. BRODHEAD. Very well; I can object to the third reading of the bill to-day.

The bill was ordered to be engrossed for a third reading.

The PRESIDENT. If there be no objection, the bill will have its third reading at this time.

Mr. SHIELDS. I hope it will be read a third time.

Mr. BRODHEAD. I object. The rule is that a bill cannot be read twice on the same day, if objected to.

JOHN G. MACKALL.

The bill for the relief of the legal representatives of John G. Mackall, deceased, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay the parties \$4,450 as indemnity in full for the loss of buildings destroyed by the enemy during the late war with Great Britain.

Mr. BRIGHT. I should like to hear some one explain the provisions of the bill. It belongs to a class of cases which have been voted down here, time and again, to my knowledge. I do not desire to say anything upon the subject, but I would like to hear it explained. I move to postpone its further consideration until Friday next, when there will, perhaps, be some one here to explain it.

The motion was agreed to.

URIAH PREWITT.

The bill for the relief of the heirs and representatives of Uriah Prewitt, deceased, was read a second time, and considered by the Senate as in Committee of the Whole.

It proposes to authorize the parties to locate, on any unappropriated public lands in Louisiana, the quantity of four hundred and twenty-four acres; and that on obtaining a proper certificate of the location from the local land office, and under the instruction of the Commissioner of the General Land Office, a patent shall issue to them.

Mr. WELLER. I should like to hear the report read.

Mr. BENJAMIN. I will state what the bill provides for. If I am not mistaken in the name, it proposes to provide for a family who had a head-right in Louisiana for six hundred and forty acres of land. They had been in possession of the property for a great many years, and were evicted from it by a previous Spanish claim. Upon a survey by the United States Land Office it turned out that three or four hundred acres were taken from them by a previous Spanish claim. Under these circumstances, they ask for permission of Congress to locate their head-right in any other part of the State.

Mr. WELLER. With that statement of the case, I withdraw my request for the reading of the report.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, was read a third time, and passed.

JACOB GIDEON.

The bill for the relief of Jacob Gideon was read a second time, and considered by the Senate as in Committee of the Whole.

It proposes to direct the Third Auditor of the Treasury to examine his claim arising under a contract with the late Board of Navy Commissioners, dated July 15, 1842, and to allow him such actual damages, if any, as he shall satisfactorily prove that he suffered, in consequence of the abrogation of the contract by the construction given by the Secretary of the Navy to the act, entitled "An act to reorganize the Navy Department of the United States," approved August 31, 1842; and it also proposes to authorize the Secretary of the Treasury to pay the sum so awarded, with the limitation, however, that the sum so allowed shall not exceed \$1,000.

On the 15th of July, 1842, Mr. Gideon entered into a contract with the Board of Navy Commissioners to supply them with the blank-books, blanks, &c., for the use of that branch of the Navy Department for the ensuing year. On the 31st August following, the act abolishing the "Board of Navy Commissioners" was passed. On the 5th September, Mr. Gideon was informed, by Commodore Warrington, "that the change of the board into bureaux would make no alteration or change in his engagement for books," &c., and on the same day an order was given for a quantity of blank-books, for the Bureau of Ordnance and Hydrography. On the 10th of September, Mr. Gideon was informed that the Secretary of the

Navy had decided that his contract was "abrogated by the law abolishing the board." On the same day he addressed a communication to the Secretary, stating that he was then engaged in the execution of sundry orders under his contract, and unless allowed to complete the work, he should be subject to heavy losses. To this appeal he received no answer until the 8th of November, when he received a note from the Secretary, adhering to his previous decision. Under these circumstances, he claims that, as he had made a good and valid contract with the authorized agent of the Government, and had, at considerable cost, made arrangements to fulfill the same, and was at all times prepared to do so, and while proceeding in good faith in its execution it was abrogated by the agent of the Government, without any default on the part of the contractor, he is not only entitled to be remunerated for the damages he suffered, but to be paid the amount of profits he would have realized by the fulfillment of the contract. He lays his damages at \$2,000. The committee do not recognize the right of a public contractor to prospective profits on an unexecuted contract, and therefore they did not sanction an allowance in the nature of damages beyond the loss actually incurred by the contractor by reason of his having entered into the contract.

The bill was reported to the Senate without amendment, and was ordered to be engrossed for a third reading.

The PRESIDING OFFICER. If there be no objection the bill will have its third reading at this time.

Mr. BRIGHT. I object.

WILLIAM G. RIDGELY.

The bill for the relief of William G. Ridgely was read a second time, and considered as in Committee of the Whole.

Mr. BRIGHT. That is one of the cases which I ask, in behalf of the Senator from Delaware, may be passed over. I therefore move to postpone its further consideration until Friday next.

The motion was agreed to.

WILLIAM G. WILLIAMS.

The bill for the relief of the legal representatives of the late Captain William G. Williams was read a second time, and considered as in Committee of the Whole. It proposes to direct the proper accounting officers of the Treasury to adjust and settle the accounts of the late Captain William G. Williams, of the Corps of Topographical Engineers, and to allow the amount of certain vouchers alleged to have been lost in consequence of his having been killed in the battle of Monterey, not exceeding \$300, the balance appearing against him; and that the three months' extra pay allowed by the act of July, 1848, be paid to his widow or orphan children.

The bill was reported to the Senate without amendment; and was ordered to be engrossed for a third reading.

The PRESIDING OFFICER. If there be no objection, the bill will now have its third reading.

Mr. BRIGHT. I object.

CHILDREN OF MICHAEL EVERLY.

The bill for the relief of the children of the late Lieutenant Michael Everly, a revolutionary officer, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to pay to the children of the late Michael Everly, of the Pennsylvania continental line, the amount which would have been paid him from the 3d of March, 1826, to 17th of March, 1827, under the act of May 15, 1828, if he had lived to that date.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

The PRESIDING OFFICER. (Mr. STUART in the chair.) If there be no objection, the bill will now have its third reading.

Mr. BRIGHT. I object.

Mr. FOOTE subsequently said: The Senator from Indiana who objected to the third reading of the bill for the relief of the children of the late Lieutenant Everly has withdrawn his objection, and I hope, therefore, that the bill will now be read a third time, and passed.

Mr. BRIGHT. I withdraw my objection to the third reading of this bill; but I will state that I have objected to the third reading of several

bills for the reason that there seemed to be no Senator present who could vouch for their correctness. I have objected to the reading of no bill when a Senator was present to explain it, but I think it proper to object when no Senator is willing to state that he knows the bill to be correct; and I shall continue that course.

The bill was read a third time, and passed.

THE FLEURIAU CLAIM.

The PRESIDING OFFICER. The next bill upon the Calendar is one "confirming a certain land claim in Louisiana, known as the Fleuriau Claim."

Mr. WALKER. Is that a private bill?

The PRESIDING OFFICER. It is upon the list of private bills.

The bill was read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

It proposes to confirm the claim of the heirs, assigns, and legal representatives of Charles J. B. Fleuriau, or Floriau, to a tract of land described in a petition, or request, addressed by Joseph Villars Dubreuil to the Governor and Commissary of Marine, of the Province of Louisiana, on the 1st of June, 1763; with a proviso that the act shall be held and taken only as a relinquishment on the part of the United States.

Mr. BENJAMIN. The report on this bill is perhaps longer than Senators would like to hear read, and if they will indulge me I will state, in a very few words, the nature of this claim.

The object of the bill is to confirm the title of some forty or fifty planters of Louisiana to the plantations on which they live, and which have belonged to them, and those under whom they claim, for one hundred years. The difficulty that has occurred is this:

The original title, under which these parties claim, was issued by the officers of the French Crown on the 1st of June, 1763. It appears that the province of Louisiana was ceded to Spain by a secret treaty on the 3d of November, 1762. That treaty was only made known in Louisiana on the 21st of April, 1764. So that the grant was made by the officers of the French Crown while the officers of France were in possession of the territory, and while they were acting, as they believed, by virtue of the authority vested in them as the colonial officers of the French Government. That treaty was kept secret between the two kingdoms, and was only disclosed in 1764.

Since that period the Supreme Court of the United States has held that the grants made by the officers of the Government which were *de facto* in possession of the country, were made without title, and that the persons claiming title under such grants cannot uphold their claims against the Government of the United States. The consequence has been that parties who purchased in good faith from officers who were *de facto* officers of a Government, in apparent authority, with the right to make these grants, have been deprived of the property on which they and their ancestors have lived for three generations. The object of this bill is to confirm the title to these parties.

The lands consisted, in a great part, of swamp lands. By the proofs before the committee it appeared that some twenty or thirty miles of levees have been built around the lands by the proprietors; that they have established them into sugar plantations; that they have steam-draining machines upon them; and that, in fact, the whole value of the lands has been derived from the labor and capital of the persons who are settled upon them. Under these circumstances, it appears to me that the simple statement of the facts will suffice to secure for the bill the favorable consideration of the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

THOMAS PEMBER.

The bill for the relief of Thomas Pember was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers to adjust the accounts of Thomas Pember, and to pay to him the difference between the compensation of a captain's clerk and that of a purser while he acted in the latter capacity on the steamer Vixen, from October 23, 1848, to June 20, 1850, and while acting in the same capacity

on the ship *Electra*, from July 1, 1847, to February 28, 1848.

Mr. MALLORY. This bill, which was reported from the Committee on Naval Affairs, fully explains itself. Mr. Pember, the captain's clerk on this occasion, there being no purser, was called upon by the commander of the vessel to perform the duties of that office. He did so faithfully, and he has the certificates of his two commanders testifying to the faithfulness with which he discharged his trust. This bill proposes to pay him the difference between the salary which he actually received as captain's clerk and the pay of a purser. It is following the precedents which have been set in numerous other cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

SAMUEL MICKUM.

The bill for the relief of Samuel Mickum was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers to pay to Samuel Mickum \$580 50, being the difference between the pay received by him as a messenger in the Navy Department and that received by the messengers in the other Departments, from November 20, 1839, to June 30, 1851.

Mr. BRIGHT. Is there a report in this case? The PRESIDING OFFICER. The Chair understands that there is no written report.

Mr. MALLORY. The bill came from the Committee on Naval Affairs, and I can explain it. Mr. Mickum is peculiarly the messenger of the Secretary of the Navy; and while he receives but \$650 per annum, he performs duties as responsible, if not more responsible, than those of other messengers who receive \$700. Mr. John Y. Mason, while Secretary of the Navy, made an earnest appeal to the Finance Committee to increase the salary of this officer. Mr. Graham and Mr. Kennedy made the same recommendation, and now Mr. Dobbin concurs with them. The committee have presented no written report.

Mr. WELLER. The difficulty is that this bill is retrospective and goes back to 1839.

Mr. MALLORY. It provides for the payment of \$580 50, which is necessary in order to make the salary of this messenger equal to that of others in the same department within this period.

Mr. WELLER. The bill goes back to 1839. Now, if the incumbent was not satisfied with his compensation, he ought long since to have resigned, and no doubt other persons would have accepted the office at the salary fixed by law. I cannot see how he can with any propriety hold office from 1839 to 1851, and then come here and ask that an act shall be passed increasing his salary retrospectively during that whole period. It is possible, it is quite likely, that his present pay is insufficient, and I should be disposed to increase it; but I might at the same time be unwilling to go back and pay him increased compensation from 1839 to 1851.

Mr. MALLORY. In 1845, as I before stated, Mr. John Y. Mason, then being Secretary of the Navy, made an appeal to the Finance Committee of the Senate to increase this compensation. His letter to Mr. Evans, of Maine, then chairman of that committee, is in these words:

"I have the honor to invite the favorable attention of the Committee on Finance to the salary of the principal messenger in this Department, who receives but \$650 a year, while the messengers in all the bureaus of the Department receive \$700. On the 13th of December, I called the attention of the chairman of the Committee on Ways and Means in the House to the subject, but it appears to have escaped his notice. The services of Mr. Mickum are rendered to my entire satisfaction, and I recommend that an addition of \$50 a year be made to his salary from the date of his appointment, viz: November 20, 1839. This would require the sum of \$281 25 to the 30th of June, 1845, and the substitution of \$1,100 for \$1,050 in the civil appropriation bill now before the Senate."

Mr. Kennedy in 1852 says:

"I have read your memorial and the papers accompanying it, and have no hesitation in bearing testimony to the faithfulness and promptness with which you have discharged the duties required of you."

The propriety of increasing the salary is strongly recommended by Mr. Kennedy in this letter. Mr. Dobbin, the present Secretary of the Navy has written a still stronger letter upon the subject, which is among the papers. Mr. Mickum has been induced to hold on to this office with the sal-

ary of \$650, under the almost positive certainty of having it increased every year.

The addition of \$50 a year will place him on an equality with the other messengers in the same Department. It is simply on this principle of equality that the bill has been reported.

Mr. ADAMS. I understand there are other messengers doing the same kind of service, who receive but \$500 a year, while this individual receives \$700. I do not know that there is any propriety in putting one messenger higher than another in point of salary, though it has been done by law. I may say, however, that the Committee on Retrenchment and Reform have in contemplation a general bill with reference to the organization and compensation of the persons employed in the several Departments; and hope to be able, by obtaining information from the various Secretaries, to do justice to all the Government employees, as nearly as they can. This gentleman is doubtless a meritorious man; but I have no doubt from the communications which I have received, that there are others in the same condition, who ought to be put upon the same footing.

Mr. BADGER. The Senator mistakes the purpose of this bill. It is not for increasing the salary of this officer to that of others of a similar grade—that has already been done; but it is to pay him the difference between his former compensation and that which other officers of the same class received, for a certain time. It will not be included in such a bill as the Senator speaks of as about to be reported by the Committee on Retrenchment and Reform. This is a meritorious claim. It has been urgently recommended to Congress by every Secretary of the Navy who has been in the Department during the last twelve years.

Mr. WELLER. Under that statement I shall go for it; but I throw the responsibility upon the Senator from North Carolina.

Mr. BADGER. I take it all. I understand the claim, and I can assure the Senate that it is perfectly right.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

HIRAM PAULDING.

The bill for the relief of Hiram Paulding was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers to audit the accounts of Hiram Paulding, a captain in the Navy, and to pay his expenses (not exceeding \$963 92) in the entertainment of the foreign officers and people who visited the frigate *St. Lawrence*, under his command, at Southampton; and also \$2,690 for entertaining the officers of the Governments of Bremerhaven and Stockholm, in the years 1848, 1849, and 1850.

Captain Paulding was assigned to the command of the new frigate *St. Lawrence*, by the Secretary of the Navy, in the year 1848, and ordered upon special and independent service, having reference to the then political difficulties on the continent of Europe. The difficulties in regard to Holstein and Schleswig, and a general revolutionary movement throughout Germany, and the pending struggle between Austria and Hungary, seemed to call for the presence of a naval force in the northern part of Europe. Under this order, the *St. Lawrence* arrived at Southampton in December, 1848, where she was received, as the representative of the United States, with distinguished honors by all classes of people. The municipal authorities visited the ship, and presented to Captain Paulding an engrossed resolution, sealed with the seal of the borough of Southampton, passed by them unanimously, inviting the officers to a banquet. Upon the landing of the first boat from the ship, the British flag from the pier-head was lowered and that of the United States hoisted in its place, and every mark of kindness and honorable welcome in their power was exhibited while the ship lay there. It was the first opportunity our naval officers ever had of accepting similar attentions from the authorities or people of Great Britain upon their own soil. Captain Paulding regarded these demonstrations not as mere idle or personal civilities, but as designed to express towards the Government of the United States those kindly feelings and generous sympathies of the people of England which it is manifestly our interest to cultivate, and which he did not feel himself justified to disregard.

In return for the civilities thus extended to his flag and officers, Captain Paulding received the visits of the authorities and people of the borough on board the ship; and the expense attending the courtesies thus extended was defrayed by the purser of the ship as a proper expenditure in behalf of the Government, under the orders of Captain Paulding, and amounted to the sum of nine hundred and sixty-three dollars and ninety-two cents.

The ship next proceeded through the channel to the North sea, to Bremerhaven, the port of Bremen. Here the Arch Duke of Oldenburg, with a numerous suite, visited the ship, and was received in a manner, and by an entertainment suitable to his rank; and successively the Senate of Bremen, with a numerous suite of from seventy to one hundred, and many of the most distinguished persons of Germany, the Queen of Greece, the Duke of Oldenburg, with his royal family, and Prince Stephen of Austria, the Baron Von Gagern, late President of the Imperial Parliament of Frankfort, and Duckwitz, Minister of the German Marine, were received on board and entertained.

In the summer of 1849, deputations from the Prussian Government and the Parliament of Frankfort were recommended to Captain Paulding, with reference to the formation of a German navy, and visited the ship, by which expense was also incurred.

The ship thence proceeded to Stockholm, where Count Platen, King's chamberlain, Minister of Marine, and the representative of the sovereign authority, in the absence of the King, with a numerous suite of distinguished persons, was received on board and entertained.

The aggregate of expenses thus incurred in the entertainment, on board the ship, of these and numerous other visitors, was \$3,653 92, of which sum the amount of \$2,690 was expended in the entertainment of the civil and military officers of the Governments of the countries visited by the ship, and who were received on board by their request. The balance was expended at Southampton in entertaining the municipal authorities and the people of that borough.

No commander of a public vessel abroad is at liberty, unless under peculiar circumstances, to decline such visits as were made to the *St. Lawrence* by the sovereign authorities of countries with which it is our interest to cultivate amicable relations. The interchange of such civilities exercises a decided and beneficial influence, while at the same time the naval preparation and efficiency of our country is most wisely and humanely displayed.

Congress, it appears, has recognized such expenditures heretofore, for in 1833 allowance was made to Master Commandant John D. Sloat of \$1,360; to Captain Daniel Turner of \$1,182 78; and to Captain George W. Storer of \$500. In 1838, \$3,391 was allowed to Captain Daniel T. Patterson; and in 1844 the sum of \$4,200 was allowed to Captain Charles W. Morgan. These precedents, however, do not cover such expenditures as those at Southampton; but they were made under peculiar circumstances, and at an interesting and exciting period of the political movements of Europe.

The bill was reported to the Senate without amendment; and the question was, "Shall it be engrossed, and read a third time?"

Mr. BRIGHT. I call for the yeas and nays on the engrossment of the bill. To my knowledge, it has been voted down three or four times within the last five or six years.

The yeas and nays were ordered, and taken, with the following result:

YEAS—Messrs. Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Clayton, Dawson, Dodge of Wisconsin, Evans, Fish, Foot, Gwin, Jones of Iowa, Jones of Tennessee, Mallory, Pettit, Sebastian, Seward, Smith, Toombs, Wade, Walker, Weller, and Wright—25.

NAYS—Messrs. Adams, Allen, Bright, Chase, Fitzpatrick, Johnson, and Stuart—7.

So the bill was ordered to be engrossed. It was then read a third time, and passed.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 27, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved

PERSONAL EXPLANATION.

Mr. DENT. I ask the unanimous consent of the House to make an explanation personal to myself.

The SPEAKER. If no objection be made, the gentleman will proceed. The Chair hears no objection.

Mr. DENT. On last Tuesday, when the vote was taken upon the proposition to lay upon the table a motion to reconsider the vote by which the joint resolution to confer the title of lieutenant general by brevet was referred to the Committee of the Whole on the state of the Union, I was in my seat and voted affirmatively. My name does not appear upon the record; and I see, also, that in the Daily Globe my name does not appear. I have ascertained from the Clerk that, from the noise in the House at the time, he did not hear my response when my name was called. I desire that my name may be entered upon the record.

No objection was made, and the Journal was corrected accordingly.

Mr. EDGERTON. I move that the rules of the House be suspended, and that the House resolve itself into Committee of the Whole on the Private Calendar.

COMMUNICATIONS FROM DEPARTMENTS.

The SPEAKER. With the permission of the gentleman, before that motion is put, the Chair will present a communication to the House.

The SPEAKER thereupon presented to the House a communication from the Treasury Department, transmitting, in compliance with the third section of the act of the 20th of April, 1836, entitled "An act to carry into effect the treaties concluded with the Chickasaw tribe of Indians on the 20th of October, 1832, and the 24th of May, 1834," a detailed statement of the Register of the Treasury, showing the amounts credited and the sums charged on account of the respective trusts created under the said treaties upon the books of the Treasury, during the year 1853; also, the statement of the Commissioner of the General Land Office, showing the sales of land in the Chickasaw cession during the year 1853.

Mr. HOUSTON. The communication just read, seems to be a history of the management of the trust fund held by the Government of the United States for the Chickasaw tribe of Indians, and I suppose the proper disposition of it will be to refer it to the Committee on Indian Affairs, that they may examine it. I therefore make the motion to refer the communication to that committee, and that it be printed.

The SPEAKER. There being no objection, it will be so ordered.

A communication was then laid before the House from the Department of the Interior, submitting an estimate for the salaries and incidental expenses of the commissioners appointed by the act of 3d of March, 1851, for settling land claims in California.

Mr. HAVEN. The communication evidently is an estimate in reference to that commission. I move to refer it to the Committee on Ways and Means, and that it be printed.

The SPEAKER. There being no objection, it will be so ordered.

A communication was then laid before the House from the Commissioner of Public Buildings, transmitting copies of contracts made from January 1, 1853, and January 1, 1854, with the names of the applicants for said contracts, with the respective bids.

Mr. TAYLOR, of Ohio. I move to refer the communication to the Committee on Public Buildings and Grounds.

The SPEAKER. There being no objection, it will be so ordered.

SENATE BILLS.

The following Senate bills upon the Speaker's table were then taken up, read the first and second time by their titles, and referred as indicated below:

"An act for the relief of the heirs and legal representatives of William Weeks." Referred to the Committee on Private Land Claims.

"An act for the relief of the legal representatives of Daniel Loomis, deceased." Referred to the Committee on Claims.

"Bill for the relief of the captors of the frigate

Philadelphia." Referred to the Committee on Naval Affairs.

The question then recurred upon the motion to go into Committee of the Whole House.

Mr. JONES, of Tennessee. I call for a division, for the purpose of ascertaining whether there be a quorum present or not. I do not believe there is a quorum in the House.

The question was put; and 125—a quorum—rose in the affirmative.

So the motion was agreed to.

PRIVATE CALENDAR.

The House accordingly resolved itself into a Committee of the Whole House, (Mr. HIBBARD in the chair,) the business in order being the consideration of bills upon the Private Calendar.

The first bill in order was Senate bill (No. 2) "to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816."

Mr. HENDRICKS. If there be no objection to this bill, I move that it be laid aside to be reported to the House.

Mr. MILLSON. I would inquire of the Chair if this is objection day?

The CHAIRMAN. The Chair understands that it is.

Mr. MILLSON. I would like to have an explanation of some features of that bill before it is reported to the House. I suppose under the rules none can be given to-day, and I do not therefore like to have it reported to the House.

The CHAIRMAN. Does the gentleman from Virginia object?

Mr. MILLSON. I suppose that discussion is equivalent to objection. I cannot consent that the bill be laid aside with a recommendation that it pass, without some information which I desire to have; and as this information cannot be given without necessarily involving discussion, it of course cannot be laid aside with the recommendation that it pass.

Mr. HENDRICKS. I think there can be no objection to the bill.

The CHAIRMAN. Does the Chair understand the gentleman from Virginia to object to the bill?

Mr. MILLSON. Under the circumstances I must object.

The bill was therefore passed over.

The next bill in order was House bill (No. 51) "for the relief of the widow and heirs of Elijah Beebe."

Mr. HAVEN. I wish to make an inquiry which may lead to the saving of a great deal of time and trouble about this business. I notice that several of these bills were objected to on last objection day. Would not that objection prevail for this day as well as the last?

The CHAIRMAN. The Chair so supposes, unless the objection be withdrawn.

Mr. JONES, of Tennessee. I do not think that has ever been the practice under the rule. When a bill upon the Calendar is called on the first or fourth Friday in the month, and any member objects to it, it goes over for that day. Next objection day, if the bill has not been disposed of in the interim, it must again be called, and if not again objected to, must be laid aside. I think that has been the practice.

The CHAIRMAN. When the Chair asks if there be objection to a bill, and none is made, the understanding of the Chair will be that any former objection has been withdrawn.

Mr. HAVEN. I desire to say that I did not put the inquiry to the Chair with a view of embarrassing any of these bills, but merely for the purpose of information.

The CHAIRMAN. If not objected to, this bill will be laid aside to be reported to the House.

Mr. LETCHER. I object to it.

House bill (No. 54) "for the relief of Madison Parton" was next in order on the Calendar.

Mr. HILLYER. I move that that bill be laid aside to be reported to the House.

Mr. JONES, of Tennessee. I think there is an amendment pending to that bill. When we were last in Committee of the Whole House on the Private Calendar, I moved to strike out so much of the bill as allows interest.

Mr. HILLYER. I have no objection to that amendment going to the House.

The question was then taken upon the amendment, and it was agreed to; and the bill was laid aside to be reported to the House with a recommendation that it do pass.

House bill (No. 58) "for settling the claims of the legal representatives of Richard W. Meade, deceased," coming up next in order, was objected to by Mr. MACE.

The following bills, coming up in their order, were objected to, as indicated below:

No. 59. "A bill for the relief of Samuel Colt." [Objected to by Mr. LETCHER and others, in various parts of the Hall.]

No. 63. "A bill for the relief of Charles Lee Jones." [Objected to by Mr. WALSH.]

No. 99. "A bill for the relief of Captain George Simpton, of Galveston." [Objected to by Mr. JONES, of New York.]

No. 103. "A bill for the relief of Ferdinand Clark." [Objected to by Mr. DAVIS, of Indiana.]

No. 104. "A bill for the relief of Adolphus Meier & Co., of St. Louis." [Objected to by Mr. DAVIS, of Indiana.]

The following bill was taken up in its order:

No. 98. "A bill for the relief of Henry Lewis, of Clinton county, Indiana."

Mr. LETCHER. I imagine, Mr. Chairman, that the gentleman from Indiana [Mr. MACE] will withdraw that bill.

Mr. MACE. I do not know that it is my duty to do so. The Committee on Claims instructed me to report it to the House, and they have not yet reconsidered that report. Whenever they do, I shall withdraw it.

Mr. LETCHER. The Committee on Claims had a subsequent consideration on the matter, and they thought that it had not better be reported.

Mr. MACE. I have never been notified officially of that action.

Mr. LETCHER. I object to the bill.

The next bill in order coming up for consideration was House bill (No. 105) "for the relief of Wilson and Brothers, of St. Louis, in the State of Missouri."

Mr. DAVIS, of Indiana. The same question is involved in this as in several of the others objected to. I therefore object to it.

The bill was laid over under the rule.

The next bill in order which came up for consideration was House bill (No. 107) "for the relief of Robert Grignon."

The Clerk was proceeding to read the bill and report, but was interrupted by—

Mr. JONES, of New York. Mr. Chairman, it is evident that the bill will lead to debate. I therefore object to it. Let it be laid over.

Mr. LETCHER. I hope the gentleman will withdraw his objection for a moment.

Mr. JONES. I have read the bill, and am in doubt now as to its correctness, and I think it had better be passed over.

Mr. LETCHER. I will not insist upon it; but I wish the gentleman would withdraw it for a moment, to allow me to make a statement.

Mr. JONES. I withdraw my objection.

Mr. LETCHER. I have taken some trouble since the last consideration of private bills to look into this matter at the office of the Commissioner of Indian Affairs, and I am satisfied that there is due the sum of \$19,000.

Mr. PENNINGTON. I object to this bill.

The CHAIRMAN. If the bill gives rise to debate it must go over.

Mr. LETCHER. I did not propose to discuss the bill. I was simply making a statement of the facts, which I thought would obviate all objections. The provision in the treaty of 1836 with that tribe was amended by the Senate by striking out this allowance to the petitioner, and therefore there is no recognition of Grignon in the treaty, as it now stands. I therefore propose to amend the bill so as to let the money be paid to the Menomonee tribe of Indians, and let them assign it over to him if he is entitled to it.

The amendment was read, as follows:

Strike out the words "Robert Grignon," and insert in lieu thereof the words "the representatives of the Menomonee tribe of Indians, or their assigns."

The question was then taken upon the amendment, and it was agreed to.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House.

Mr. MAURICE. I object.
So the bill was passed over.

The next bill that came up in order for consideration was House bill (No. 108) "for the relief of George G. Bishop and the legal representatives of John Arnold, deceased," which being objected to by Mr. CLINGMAN, was passed over.

The next bill coming up in order upon the Calendar was House bill (No. 120) "for the relief of Henry N. Halstead."

The bill and report were then read.

The petitioner in this case alleges that he was in the service of the United States in the year 1814, in a company commanded by Captain John G. Weaver, of the New York militia, at Sackett's Harbor; that his service commenced on the 22d of August, 1814, and ended on the 9th of November following, when he was regularly discharged on account of sickness; that his sickness was the camp disorder, and has continued to the present time, which has greatly disabled and enfeebled him. The bill reported by the committee provides a pension at the rate of four dollars per month, commencing on the 1st of January, 1845.

There being no objection, the bill was laid aside, to be reported to the House.

The next bill in order was House bill (No. 121) "for the relief of Benjamin Hammond."

The bill and report were read through by the Clerk.

The bill provides that the name of Benjamin Hammond be placed upon the roll of invalid pensioners of the United States, at the rate of eight dollars per month, to commence on the first day of January, 1854, and to continue during his natural life.

The report states that the petitioner was a sergeant in Captain Badger's company, in the regiment commanded by Colonel Thom, in the artillery, in the war of 1812. Upon one occasion the colonel was informed that two men, suspected of being spies, had been in the camp, and had escaped. He ordered the petitioner to take a sufficient force, follow, and, if possible, secure them. The pursuit was made in the night, and in the woods; and the petitioner, in the discharge of this duty, fell, and the bone of his right thigh was fractured, and he was otherwise injured. The injury compelled him to leave the service. He secured the best surgical treatment at his command, but the injured thigh was but partially restored. He has ever since been lame. The broken limb is much decayed, and so worthless that the petitioner goes upon crutches.

Mr. HOUSTON. I propose to ask the chairman of the committee who reported the bill a question. I suppose that committee has reported, or will report, upon the recommendation of the Secretary of the Interior, in relation to a periodical examination of invalid pensioners. If they propose to report a bill of this character, I would suggest whether it would not be well enough to make an amendment to this bill, subjecting it to that sort of test? Or does the committee propose to report a general provision covering all that class of cases?

Mr. HENDRICKS. The committee have not considered that subject with reference to any definite action, as yet. Whether a bill will be reported by our committee, providing for a periodical examination of invalid pensioners, I cannot say, but I think there is no propriety in adding any such provision as the gentleman suggests to this bill. This man will certainly never get well. He has been lame ever since 1814, and there is barely a possibility of his ever being any better.

Mr. HOUSTON. I have no objection to that claim, but the Secretary of the Interior reports that frauds, to very extensive amounts, are practiced upon the Pension Bureau by persons who obtain pensions as invalids, and afterwards recover, but continue to draw pensions while in perfect health. Hence he proposes to subject all cases of that sort to a periodical examination. I think it a good suggestion, and I hope the gentleman will consider it, and report a bill that will include this case as well as all others. If the petitioner is really an invalid such a provision could not affect his case.

Mr. HENDRICKS. The Committee on Invalid Pensions have been considering that subject, but have made no decision upon it as yet. If such a bill as the gentleman suggests was passed, it

could be made to include all pensions under special acts.

Mr. HOUSTON. Well, I have no objection to this bill.

The bill was then laid aside, to be reported to the House, with a recommendation that it do pass.

House bill (No. 122) "for the relief of Henry J. Snow, of Rome, in the State of New York," was next in order upon the Calendar.

The bill directs the Secretary of the Interior to place the name of Henry J. Snow, of Rome, in the State of New York, on the roll of invalid pensioners of the United States, at the rate of eight dollars per month, to commence on the 1st of January, 1854, and continue during his natural life.

Mr. BRIDGES. I ask that the report accompanying that bill may be read.

The Clerk read the report, from which it appears, that in April last the petitioner in this case was employed by the officer in command at the military post at Rome, in the State of New York, to load and discharge guns on the occasion of the death of the Hon. William R. King, Vice President of the United States, and while so employed, by the premature discharge of one of the guns, his right arm was torn off, his right eye destroyed, and he was otherwise injured. The accident occurred without fault or negligence on the part of the petitioner, who is but thirty-seven years of age, and has a wife and five children dependent on him for support.

There being no objection to the bill, it was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 123) "for the relief of Charles Staples" was next in order upon the Calendar.

Mr. BRIDGES. I ask for the reading of the report.

The CHAIRMAN. The Chair is informed that the report has not been printed.

Mr. WALSH. Then I must object to the bill.

House bill (No. 121) "for the relief of Lemuel Hudson" came up next in order.

The bill provides that the name of Lemuel Hudson, who was formerly surgeon of the twelfth regiment, fourth brigade, New York militia, of the war of 1812, be entered upon the pension rolls, and that he be paid the sum of \$22 per month for and during his natural life, commencing the 1st of January, 1852.

From the report, which was read, it appears that the said Lemuel Hudson was surgeon of the twelfth regiment, fourth brigade, New York militia, commanded by Colonel John T. Van Dolsen, and which was ordered to march from Albany county, New York, to Sackett's Harbor, by Governor Tompkins, in the summer of 1812; that said regiment marched from Albany county on or about the 15th day of August, 1812, and was accompanied by said Hudson, then a stout and healthy man, as surgeon; then when at the town of Champion, Jefferson county, New York, thirty miles from Sackett's Harbor, the regiment was overtaken by a heavy storm of snow and sleet, and in consequence of the disability he incurred in said storm he is totally disabled. He performed his arduous duties as surgeon, as aforesaid, well, and in a manner to endear him to the officers and soldiers of said regiment, and was honorably discharged at the close of his term of service, which was soon after he arose from his bed of sickness, all of which is apparent from the papers in the case.

The bill was then laid aside, to be reported to the House with the recommendation that it do pass.

House bill (No. 125) "for the relief of Harriet Leavenworth, widow of the late Brevet Brigadier General Leavenworth," came up next in order.

The bill provides that the Secretary of the Interior be directed to place the name of Harriet Leavenworth upon the pension rolls, and to cause her to be paid the sum of \$37 50 per month for and during the term of five years, commencing February 1, 1853. The report of the committee was then read.

Mr. STUART, of Ohio. I am instructed by the Committee on Invalid Pensions to submit an amendment to that bill. Under the pension laws, I understand that the widow of a lieutenant colonel is entitled to \$75 per month; that is, the half-pay as colonel of cavalry; the half pay of a lieutenant colonel of infantry is \$60 per month.

The CHAIRMAN. The Chair would remind

the gentleman from Ohio that debate is not in order.

Mr. STUART. I move to amend the bill by striking out \$30 per month, and to insert \$37 50.

The question was put on the amendment; and the Chair decided that the vote was in the negative.

Several MEMBERS. "Divide!" "Divide!"

Mr. JONES, of Tennessee. I object to the bill; let it go over.

The bill was therefore laid over.

The next bill in order which came up for consideration was bill No. 126, entitled "A bill for the relief of George S. Clafin."

The bill was read. It provides that the name of George S. Clafin be placed upon the pension rolls of the United States, at the rate of eight dollars per month, commencing on the first day of December, 1851, and to continue during his natural life.

The CHAIRMAN. Is the bill objected to? Mr. JONES. Let the report be read.

The Clerk read the report; which states that the memorialist, George S. Clafin, of Mendon, New York, had served as a sergeant in the militia, in the war of 1812; that he was taken prisoner about the 17th September, 1814, and continued a prisoner at Quebec, Montreal, and Halifax, until the 10th of April, 1815, and was discharged on the 26th of the same month; that during his captivity he suffered the most intolerable treatment; his food was loathsome and offensive at times, and not in sufficient quantities to supply the cravings of nature; and by close confinement at nights, with eight hundred prisoners, the details of which are set forth in his petition, his constitution was destroyed, both his feet frozen, and he was attacked with alarming and dangerous disease, and has continued in feeble health ever since, although he entered the service a healthy man, with a sound constitution. He is now destitute of the means of supporting himself and his family. A bill for his relief passed the House of Representatives on the third day of January, 1851.

There being no objection, the bill was laid aside, to be reported to the House.

The next bill in order which came up for consideration was House bill No. 127, entitled "A bill for the relief of James F. Green."

The bill was read. It directs the Secretary of the Interior to place the name of James F. Green, of Bradford county, Pennsylvania, upon the invalid pension roll, at the rate of eight dollars per month, to commence on the first day of February, 1850, and to continue during his natural life.

The report, which was read, states that the petitioner, James F. Green, was draughted in Orange county, New York, on the 10th of August, 1814, and mustered into service as a member of Captain Halleck's company, of Colonel Belknap's regiment, on the 18th August, 1814; that he was marched to and stationed at Harlem Heights; and while stationed there, and in the line of his duty, he had his right knee crushed and the bone fractured.

There being no objection, the bill was laid aside, to be reported to the House.

The next bill which came up in order for consideration was House bill (No. 128) "for the relief of Thomas Frazer."

The bill provides for an increase of pension.

The report was read; from which it appears that the petitioner, in consequence of an injury received at St. Albans, Vermont, while sergeant in Captain Danforth's company, Colonel McCobb's regiment, in the summer of 1813, was, by act of Congress, placed on the pension roll to draw two dollars and sixty-six cents per month for partial disability; that he has now become entirely disabled in consequence of that injury.

There being no objection, the bill was ordered to be laid aside, and reported to the House.

The next bill in order upon the Calendar, was House bill (No. 129) "for the relief of Cornelius H. Latham."

The bill provides for placing his name upon the pension roll, at four dollars per month, from January, 1850, to continue during his natural life.

The report was read; from which it appears that Latham incurred for a pension in consequence of disability incurred while in the military service of the United States; that he enlisted as a private in company B, Captain Sumner, in the regiment

of dragoons under Colonel Henry Dodge, on the first day of July, 1833, for three years.

Mr. HAMILTON. I desire to ask a question of the gentleman who reported the bill, [Mr. EDMANDS.] Is this bill reported entirely upon the evidence of the petitioner himself? The report goes on to state that "he has repeatedly endeavored, he declares," &c.

Mr. EDMANDS. There was other evidence besides the declaration of the petitioner himself.

Mr. HENDRICKS. Bills are never reported upon parties' own evidence.

Mr. HAMILTON. The report in this case says so.

There being no objection, the bill was ordered to be laid aside, and reported to the House.

The next bill in order upon the Calendar, was House bill (No. 130) "for the relief of Samuel W. Brady."

The bill provides for placing his name upon the pension roll for life.

The report was read; from which it appears that Brady was in the battle of Chapultepec, and received an injury by falling from its walls, which entitles him to a pension; that he was discharged from Company E. on the 28th of March, 1848, with a surgeon's certificate of ordinary disability.

There being no objection, the bill was ordered to be laid aside, and reported to the House.

The bill next in order upon the Calendar, was House bill (No. 131) "for the relief of the heirs of Joseph Gerard."

The bill and report were then read.

Mr. MACE objecting, the bill was accordingly laid over.

The bill next in order upon the Calendar, was House bill (No. 134) "for the relief of Fayette Mauzy, and Robert G. Ward."

The bill and report were then read.

It appears from the record evidence produced to the committee, and accompanying the petition, that the United States recovered, in the district court of the United States for the eastern district of Virginia, a judgment against the petitioners for the sum of six hundred and fifteen dollars sixty-two and a half cents, (\$615 62½) with interest thereon from the 2d day of April, 1841—the same being the amount due the Post Office Department by William Ward, late postmaster at Culpeper court-house, Virginia. It further appears that the United States recovered in another suit in the same court, but at a different term, a decree in chancery against John Morrison and others; and that, from the proceedings had therein, it appears that Robert G. Ward, one of the defendants, had erroneously paid to the United States a sum equal to \$499 97, with interest thereon at the rate of six per cent. per annum from the 18th day of September, 1840; and the court certified as follows: "And the court doth further certify its opinion that in equity and justice the said sum of \$499 97, with interest as aforesaid on \$366 77, part thereof, from the 18th day of September, 1840, ought to be refunded by the United States to the said defendant, Robert G. Ward."

The petitioners ask that the first recited judgment may have applied towards its discharge the amount certified by the court, in the suit in chancery, as due to one of them, (Robert G. Ward,) and which ought to be refunded by the United States.

There being no objection, the bill was laid aside, to be reported to the House.

The committee next proceeded to consider House bill (No. 170) "for the relief of the legal representatives of the late John E. Bispham."

The bill and report were read through by the Clerk.

The bill provides that the sum of \$913 69 be paid to Caleb J. Good, executor of John E. Bispham, deceased, late of the United States Navy, for expenses incurred by the deceased in a suit arising out of the seizure of the brig Malaga, off the coast of Africa, by the United States brig Boxer, while under the command of the said Bispham.

The report states that in April, 1846, the said Bispham being the commanding officer of the United States brig Boxer, boarded and took possession of the brig Malaga, on the coast of Africa. The seizure was made under the belief that the Malaga was about to engage in the transportation of slaves from that coast, and was made in good faith, under

circumstances calculated to produce a very strong suspicion against the vessel seized. The Malaga was sent to the district of Massachusetts, and was libeled on the 16th of June, 1846, but, on motion of the district attorney, the libel was discontinued. On the 17th of July, 1847, a suit was instituted by the owners of the Malaga against the said Bispham for the seizure, which, after full argument and trial, was dismissed with costs. The costs, as originally taxed by the clerk, included \$500 for counsel fees. The libelants appealed from the taxation, and it was afterwards decided that "counsel fees should not be allowed as costs, there being no fund in court."

In defending the suit, Lieutenant Bispham was compelled to employ counsel, and also to incur other necessary expenses. The committee think it is the duty of Government to reimburse the expenses thus incurred, and they find that, under similar circumstances, such has been the practice.

There being no objection, the bill was laid aside, to be reported to the House.

The committee next proceeded to consider House bill (No. 173) "for the relief of Mrs. Helen McKay, widow of the late Colonel Aeneas McKay, Deputy Quartermaster General United States Army."

Mr. JONES, of Tennessee. I think that bill is all wrong in principle. These officers received their regular pay. This is to give them extra for additional services. I object.

The bill was therefore passed over.

The committee next proceeded to consider House bill (No. 174) "for the relief of D. C. Cash and Giles W. Ellis."

Mr. JONES, of Tennessee. Read the report.

The CHAIRMAN. There is no report accompanying this bill.

Mr. JONES. I presume there is one, but that it has not been printed.

The CHAIRMAN. The Chair is informed that such is the case.

Mr. JONES. Then we cannot pass the bill. We know nothing about it.

The CHAIRMAN. Does the gentleman object?

Mr. JONES. I do, sir.

House bill (No. 110) "authorizing the payment of the balance of the property accounts between the United States and the State of New York, for military stores in the war of 1812," stood next upon the Calendar.

Mr. JONES. Read the report.

The CHAIRMAN. It has not been printed.

Mr. BRIDGES. I object.

House bill (No. 175) "for the relief of John O. Mears," stood next upon the Calendar.

It appears from the report of the committee, which was read, that Mr. Mears, being captain's clerk of the United States brig Dolphin, stationed on the coast of Africa, was, in April, 1846, appointed by Captain Skinner, commander of the African squadron, an acting purser to fill a vacancy created by the death of Purser Spencer. A purser was required by the vessel, and Captain Skinner had authority to confer the acting appointment upon Mears, who entered upon his duties on the 1st of May, 1846, and continued to discharge them well and faithfully until the month of November, 1847. Upon receiving his appointment as acting purser of the Dolphin he resigned his clerkship, and this post was at once filled by another person, who received the compensation incident to it; and Mr. Mears neither received the pay as a clerk nor as purser. The committee deem him entitled to the usual compensation as purser.

There being no objection, the bill was laid aside, to be reported to the House.

The next bill in order on the Calendar, was a bill (No. 176) "for the relief of Pamela Brown, the widow of Major General Jacob Brown, deceased, late of the United States Army."

It directs the Secretary of the Interior to place the name of the aforesaid Pamela Brown upon the roll of pensions of the United States at the rate of thirty dollars per month, to commence on the 1st day of January, 1854, and to continue for ten years from that date, and then cease: provided, however, that if the said Pamela Brown shall die before the said period of ten years, that said pension shall cease at her death.

Mr. HENDRICKS. The Senate have sent a bill to this House for the relief of Pamela Brown,

the widow of General Brown, making her a pensioner for life at the rate of one hundred dollars per month. The Committee on Invalid Pensions reported a bill for her relief, which is now before the committee, giving her thirty dollars per month for ten years, if she should live that long. That bill is in accordance with the policy of the pension law.

The CHAIRMAN. The Chair would remind the gentleman that discussion is not in order.

Mr. HENDRICKS. I do not propose to discuss the bill, but only to state in what condition it comes before the committee. If the committee approve the policy adopted by the Senate, as a matter of course the bill ought not to pass; but if it intend to apply the general policy of the pension laws to special cases, then the bill ought to pass; if it otherwise have merits. The report will satisfy the committee as to the latter fact. I ask for the reading of the report.

The CHAIRMAN. The Chair is informed by the Clerk that the report has not yet come from the printer.

Mr. HENDRICKS. I can state what the report shows, if it be desired; but I presume the bill had better lay over.

Mr. DAVIS, of Indiana. I object to the bill.

The CHAIRMAN. Objection being made, the bill lies over.

House bill (No. 177) "for the relief of Lyman N. Cook" came up next in order.

It provides that the name of Lyman N. Cook be placed upon the pension roll of the United States at \$22 50 per month, for and during his natural life.

Mr. HAMILTON. I would ask of the gentleman who reported that bill upon what principle \$22 50 per month is allowed?

Mr. HENDRICKS. The gentleman from New York [Mr. TWEED] who reported that bill is not now present. I am not so familiar with the bill as I would have been had I reported it myself; but, well as I recollect, there was a special act passed in 1843, giving this person a pension at the rate of \$11 50 per month. It was clearly shown to our committee that, in the passage of that act, the Congress that passed it labored under a mistake. It intended to have given him a full pension, and gave him but half a one. It has been shown to our committee that this man is entirely disabled and that he is entitled to a full pension. This pension of \$22 50 is what he would have received had he applied under the general pension laws. That is the state of the case, to my recollection. The bill is a meritorious one.

There was no objection, and the bill was laid aside, to be reported to the House.

The following bill came up next in order:

No. 178. "A bill for the relief of Benjamin Rowe."

The bill directs that the name of Benjamin Rowe be placed upon the pension roll at the rate of eight dollars per month for five years, to commence on the 1st of January, 1854.

The Clerk read the report, which states that Benjamin Rowe, the petitioner, was a private in the twenty-first regiment of United States troops; that in the year 1813 he was taken prisoner by the British troops while on the journey from Greenbush to Sackett's Harbor, and while imprisoned contracted diseases which have entirely unfitted and disabled him from obtaining a livelihood for his family.

Mr. HENDRICKS. I notice that the bill limits the pension of the petitioner to five years from the 1st of January, 1854. It is not the policy of the pension laws so to limit pensions. And I move to strike out the words "five years," and insert in lieu thereof, "for life," which is the policy adopted by the pension laws.

The question on the amendment was put and agreed to, and the bill, as amended, was ordered to be laid aside, and reported to the House.

The bill next in order for consideration was House bill (No. 179) "for the relief of Emelie Hooe, widow of Captain Hooe."

The bill, which was read, directs the Secretary of the Interior to place upon the pension list the name of Emelie Hooe, widow of Brevet Major Alexander H. Hooe, late of the United States Army, whose death was occasioned by a wound received in the battle of Resaca de la Palma on the 9th of May, 1846, and to allow her per month the

half pay of a captain in the Army of the United States for ten years; said pension to commence on the 1st of January, 1854; provided, said pension shall cease if she die in the mean time.

The Clerk read the report; which states that said Alexander S. Hooe lost his right arm in the battle of Resaca de la Palma, at which time he was a captain. A letter from Adjutant General Roger Jones, dated August 16, 1850, says: "He was breveted major, to date from May 9, 1846, 'for gallant and distinguished services in the battles of Palo Alto and Resaca de la Palma, in Texas, on the 8th and 9th of May, 1846.'"

The committee are fully satisfied, from the facts made known to them, that Major Hooe's death was caused by the aforesaid wound.

There being no objection, the bill was laid aside, to be reported to the House.

The bill next in order for consideration was House bill (No. 180) "for the relief of William B. Edwards."

The bill provides a pension of eight dollars per month, to commence 1st January, 1854, and continue during five years.

The Clerk read the report; which states that William B. Edwards, the petitioner, was sergeant in Captain Wharton's company of the regiment of dragoons, commanded by Colonel Henry Dodge; that he enlisted in the Army in 1833, and was discharged from service in 1835, in consequence of disability. The evidence proves that Edwards, while on a march from Fort Gibson as an escort for the Santa Fe traders in the Indian country, was thrown from his horse on the 15th day of June, 1834, and while in the line of his duty. The testimony shows that, in consequence of the injury, he is rendered incapable of making a support by manual labor.

Mr. PHELPS. I do not desire, Mr. Chairman, to object to the bill, but I suggest an amendment to it to the effect that, instead of the five years' pension provided for by it, that it shall be to continue during life. I have another amendment to offer. I understand that the Committee on Invalid Pensions have adopted the rule that from the period the petitioner shows, before a committee of this House, that he is entitled to a pension, that the pension shall date from that time. Now, the first formal report made in this case was made in the year 1850. Therefore, in compliance with the principle adopted by the Committee on Invalid Pensions, I propose to strike out the words 1854 as the time when the payment of this pension is to commence, and to substitute 1850; that is, that the pension do commence from the 1st of January, 1850, and to continue during the petitioner's natural life.

The bill was read as proposed to be amended.

Mr. BISSELL. I have no objection at all to the principle laid down being carried out in this particular case, nor in any case. But I want uniformity in the matter. For instance: We have just passed over several very meritorious cases, in which the order for a pension is to take effect—one on the 1st January, 1854, and others about the same period of time. I refer particularly to the case of bill No. 179. In that case there were reports from the committees of one House or other, or both, in favor of the petition, three or four years ago. I allude to the case of Emelie Hooe, widow of Captain Hooe. There is no more meritorious case before the committee than hers. I have no objection to the proposition of the gentleman from Missouri, [Mr. PHELPS,] but I think there should be uniformity in these matters.

Mr. PHELPS. I know nothing about the case of Mrs. Hooe, but I understand that the Committee on Invalid Pensions have laid down this as a rule, that from the time the evidence was perfected in this House, they will date the pension. The amendment I have proposed is in conformity to that rule, which was the rule adopted in the last two Congresses.

Mr. BISSELL. I would like to ask the chairman of the Committee on Invalid Pensions if that rule applied in the cases just passed?

Mr. HENDRICKS. In reply to the gentleman from Illinois, I will say that the Committee on Invalid Pensions has adopted, as far as possible, the policy of the pension law, and of the law of 1822; that is, that in allowing a pension to an invalid himself, the pension is to commence when he has completed his proofs in the Department.

That applies to the case where the pensioner is an invalid himself. The pension in that case is for life. It is therefore of great importance to him that the pension should commence when he completes his proofs. But the policy of the law has been to give the widow half pay for five years. It is as well for her, the Department says, to have the pension for five years to come, as to have it from the time of proof. So in all cases where we have given half pay to the widow for a term of years, we have commenced it from the passage of the bill.

Mr. BISSELL. I am not satisfied with the reasons given why the pension should date back to the time of proofs completed, instead of now. I do not quite understand why the case alluded to by the gentleman from Missouri should be made to date back.

Mr. HENDRICKS. Because the policy of the law of 1822 requires that the pensioner should receive his pension from the time the proof is perfected. The proof in this case was perfected in 1850. The same law does not apply to pensions given to widows, which are for a term of years, to commence from the date of the laws in such cases.

Mr. BISSELL. I wish to ask one other question. I desire only to get at the right in this matter. Was not the amendment in the last case that the pension should run for ten years?

Mr. PHELPS. For life. It is an invalid pension for a soldier totally disabled.

Mr. HOUSTON. I understand that the amendment proposed by the gentleman from Missouri is to pay a pension to the individual in this case, and to date back some four or five years. Am I correct in this?

Mr. PHELPS. The gentleman from Alabama is correct.

Mr. HOUSTON. It is to date back then to 1850 instead of 1854. The reason given for this is, that that was the time at which the proof was completed. Before what tribunal was it completed?

Mr. PHELPS. It was completed to the satisfaction of a committee of this House. The report read by the Clerk is the report that was made by the Committee on Invalid Pensions in 1850, upon testimony then on file.

Mr. HOUSTON. It seems to be very clear that the rule the gentleman admits to apply to cases in legislation—

Mr. LILLY. As this is a bill which gives rise to discussion, I must therefore object.

Mr. HOUSTON. I did not want to object to the bill; but it seems to me—

Mr. LILLY. I object to the consideration of the bill, because it gives rise to discussion, and not because I have any objection to the bill. If the discussion ceases, I will withdraw my objection.

The CHAIRMAN. Do I understand that there is objection to the bill?

Mr. WALSH. I object to the bill.

The next bill that came up for consideration was House bill "for the relief of John Hamilton;" which was read.

There being no objection to the bill, it was laid aside, to be reported to the House.

The committee next proceeded to consider House bill (No. 182) "for the relief of Daniel Steenrod."

The bill and report were read by the Clerk. The bill provides that the petition of Daniel Steenrod, with the accompanying documents and depositions, be referred to the Secretary of War; and that he be hereby authorized and directed, in such mode as to him shall seem just and expedient, to appoint an umpire to hear evidence in the city of Wheeling, Virginia, and ascertain and fix what is justly and equitably due the said petitioner thereon.

Mr. JONES, of Tennessee. I would inquire of the gentleman who reported this bill what is the basis of it? Neither the bill nor the report make any reference to the facts upon which they are based. I desire to know something in relation to it. Will the gentleman make a statement?

The CHAIRMAN. The gentleman from Indiana [Mr. MACE] can make a statement, if not objected to.

There was no objection; and

Mr. MACE said: The case is based upon a contract made by Mr. Steenrod for the con-

struction of the Cumberland road. It is similar in its character to a very large class of cases which have been before the Congress of the United States for many years past. The evidence is so conflicting, and the facts so hard to be got at, that after much consideration and a full investigation of everything appertaining to it, the committee satisfied themselves that they could not, with the facts before them, come to any decision which would with any certainty do justice either to the petitioner or to the Government; and they were not without precedent in the recommendation they have made. Upon looking into the records of Congress they found that perhaps a large majority of the cases relating to contracts for the construction of the Cumberland road had been referred to a special commission. This being the case, they were of the opinion that the best course to be taken was for the Secretary of War to create an umpire to collect all the evidence, and adjudicate upon the question; and that by this course justice might be done to the petitioner and to the Government.

From the evidence before us, it is my belief that the amount involved in the controversy cannot properly be awarded at more than \$7,000. No umpire, I think, could give Mr. Steenrod more than that; and very likely he would be justified in deciding that the petitioner was not entitled to anything. These are substantially the facts upon which the bill and report were founded.

Mr. JONES, of Tennessee. I would inquire of the gentleman if this is one of a class of cases, or is it the only one of its kind?

Mr. MACE. I know of no other case of this kind pending before Congress. A number of cases similar in character to it were submitted many years ago to a commissioner of the name of Collyer, of Ohio.

Mr. HESTER. I object to the bill.

The bill accordingly was laid over.

House bill (No. 183) "for the relief of the Utica City Woolen Company" was next in order upon the Calendar.

From the report it appears that in 1851 the Utica City Woolen Company made a contract with Quartermaster Crossman to furnish broadcloth to be used in making clothing for the Army; and by the terms of that contract, the cloth was to be paid for from time to time, as delivered. The contract was faithfully fulfilled by the company; but by reason of the late period at which the appropriation bills passed Congress, the money was not ready until some time after the delivery of the cloth. The principal was paid, partly on the 20th of July, and partly on the 15th of September, 1852. The company claim interest from the time the goods were delivered, when the money became payable to them, until the time when it was actually paid. The bill proposes to grant them that interest.

There being no objection to the bill, it was laid aside, to be reported to the House with a recommendation that it do pass.

House bill (No. 184) "for the relief of Gray, McMurdo & Co." was next in order on the Calendar.

The bill provides for the payment of \$570 70 to Cray, McMurdo & Co., of New Orleans, for interest on moneys advanced by them in 1850 to the Quartermaster's Department.

It appeared from the report, that in July, 1850, the petitioners advanced to Thomas F. Hunt, Deputy Quartermaster General at New Orleans, \$57,000, for which they received drafts on the Quartermaster General in Washington city. At the time the drafts became due, the appropriations for the Quartermaster's Department were exhausted, and they were consequently not paid until the 7th of October, 1850. The bill proposes to pay the petitioners interest at the rate of six per cent. from the time when the drafts became due until the time when they were paid.

Mr. JONES, of Tennessee. I would inquire of the gentleman who reported that bill at what rate of discount these bills were negotiated, if any?

Mr. EDGERTON. There was no evidence before the committee that the bills were discounted at any other rate than the usual rate of discount. The drafts were at thirty, sixty, and one hundred and twenty days, if I recollect rightly. The parties who held the drafts claimed interest from the date of the advance. The committee have allowed

interest from the time the drafts became due until they were paid. They were not paid sooner, simply because there was no appropriation. After the appropriation bills passed in 1850, the drafts were presented and paid. The committee allow interest from the time of presentation to the time of payment.

Mr. JONES, of Tennessee. There was exchange enough to cover the interest.

Mr. EDGERTON. It was a simple commercial transaction.

There being no objection, the bill was then laid aside, to be reported to the House.

The following bills came up next in order, but were objected to, as indicated below:

No. 188. "A bill for the relief of Anthony G. Willis, deceased." [Objected to by Mr. MAURICE.]

No. 189. "A bill for the relief of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co." [Objected to by Mr. BRIDGES.]

The following bill came up next in order:

No. 190. "A bill for the relief of William Hawkins."

The bill was read through.

Mr. FAULKNER. There is no report accompanying the bill. There was a report made some years ago, which, if adopted, would have involved the Government in a much greater expenditure than is provided for in the bill now under consideration. At the order of an officer of the Government, he delivered at Fort Johnson, in North Carolina, one hundred and thirty cords of wood.

The CHAIRMAN. The Chair is informed by the gentleman from Virginia, [Mr. FAULKNER,] that there has not been a report made in this case.

Mr. DAVIS, of Indiana. I object.

The bill was therefore passed over.

The bill next in order for consideration was House bill (No. 191) "for the relief of George W. Gibson."

The Clerk read the bill. It directs the Secretary of the Interior to place the name of the petitioner, George W. Gibson, on the pension roll, at the rate of six dollars per month.

The report stated that the petitioner had enlisted as a private soldier, in company B, first regiment of the United States dragoons; that he served with the American troops in the late war with Mexico; that he suffered much from exposure, which finally resulted in liver complaint and chronic diarrhea, which completely disabled him. There being no objection, the bill was laid aside, to be reported to the House.

The bill next in order was House bill (No. 192) "for the relief of Parmelia Slavin, widow of John Blue, deceased."

The Clerk read the bill. It directs the Secretary of the Interior to place on the pension roll the name of Parmelia Slavin, at the rate of four dollars per month, to commence on the 1st of January, 1848; the same to be in full satisfaction of all claims to pension as widow of William Slavin.

There being no objection, the bill was laid aside, to be reported to the House.

Mr. LETCHER. I believe that we have got through all the reports that are printed; I therefore move that the committee rise.

The CHAIRMAN. The Chair will inform the gentleman from Virginia that there are manuscript reports here of all the bills on the Calendar for to-day.

Mr. LETCHER. Exactly so; and nobody in the House had an opportunity to examine one of them; and we have to act upon the bills on the mere reading of the reports at the Clerk's desk, which are imperfectly heard in the Hall.

The CHAIRMAN. Does the gentleman from Virginia move that the Committee now rise?

Mr. LETCHER. Yes; I move that the Committee rise, and report to the House.

The question was put, and was not agreed to.

Mr. JONES, of Tennessee. The last bill was not disposed of, I believe.

The CHAIRMAN. It was not.

Mr. JONES. This seems to be a new case, and there seems to be a new principle established in it. This bill provides for giving a pension to a woman who was the widow of one Slavin, but now the widow of one Blue. How long did the first husband, Slavin, render service?

Mr. HENDRICKS. Let the report be read, and it will show the facts.

The report was then read, from which it appeared, that on the 15th day of March, 1848, the Committee on Invalid Pensions made a favorable report, and brought in a bill for the relief of the petitioner; also another report and bill on the 13th day of March, 1850, which failed for want of time. That in 1852 another report and bill from the Committee on Invalid Pensions was made for his relief. An examination of the papers accompanying the petition shows that John Blue was a private in the twenty-third regiment of the New York infantry during the late war with Great Britain; that he was in the battle of Queenstown on the 13th day of October, 1813, and in that action lost his right arm. He remained in the Army until the 5th day of July, 1815, when he was honorably discharged. He was married to the petitioner in the year 1814, and died December 23, 1823. He received his bounty land, and applied for a pension, but never received it, having failed to prove that he was the man who lost his arm in said battle. On application to the Commissioner of Pensions, by the petitioner in 1843, for the pension due her late husband, that officer, in a letter upon the subject addressed to J. P. Ballou, states, among other things, that John Blue was wounded at Queenstown, and would have received his pension had he furnished the information required of him; but that the Department could do nothing without a special act of Congress.

No objection being made, the bill was ordered to be laid aside, to be reported to the House.

The next bill in order upon the Calendar was House bill (No. 193) "for the relief of Alton Nelson."

The bill provides for placing his name upon the roll of invalid pensioners, at eight dollars a month, from the 1st day of January, 1853.

The report was then read.

Mr. LETCHER objected, and the bill was passed over.

The next bill coming up in order was House bill (No. 194) "for the relief of Silas Champion."

The bill and report were read.

It appears in this case that the petitioner volunteered in 1814 to aid in the defense of Plattsburg; that he was in the battle at Saranac; that he aided in driving the enemy back across the river Saranac; and, while in the discharge of this duty, that he suffered so great exposure as totally to disqualify him from manual labor. It appears, further, that he applied to the Commissioner of Pensions for relief, and was refused, upon the ground that he had not been regularly mustered into the service of the United States; and, therefore, the committee thinking that he was entitled to relief, report a bill granting him, as an invalid pensioner, eight dollars per month, to commence from the first day of January, 1852.

There being no objection, the bill was laid aside, to be reported to the House.

The Committee next proceeded to consider House bill (No. 195) "for the relief of Sarah K. Jenks, and the legal representatives of Harshorne R. Thomas, in the matter of the brig Jane."

The bill and report were read through by the Clerk.

Mr. JONES, of Tennessee. It is not necessary to read that report any further. This belongs to a class of cases, amounting to some thirty-five or forty millions of dollars, which were adjudicated by the commission of 1822-'23. We had better at least postpone this bill until the report is printed. I therefore object to it.

House bill (No. 196) "for the relief of Gilbert C. Russell," was next in order on the Calendar.

It provides that there shall be paid to Gilbert C. Russell, of the State of Alabama, the sum of \$20,000, provided that that sum shall be received by him as full satisfaction of all claims and demands of every description in his favor against the Government of the United States, growing out of, or in any manner connected with the construction of the fort at Mobile Point, Alabama.

Mr. READY. The report accompanying that bill is a very long one. The claim consisted of three items; the committee report in favor of one of those items, and against the other two. It is only necessary to read so much of the report now as relates to the item provided for in the bill.

Mr. MACDONALD. Is that report printed? The CHAIRMAN. It is not. It is here in manuscript.

Mr. MACDONALD. Then I must object to the bill.

The following bills came up next in order, and were objected to as indicated below:

No. 199. "A bill for the relief of Thomas C. Greene." [Objected to by Mr. WALSH.]

S. No. 76. "An act authorizing Victor Morass to relinquish certain lands and to enter the same quantity elsewhere." [Objected to by Mr. WALSH.]

The following bill came up next in order:

No. 200. "A bill to confirm to Hercules L. Dousman his title to farm lot No. 32, adjoining the town of Prairie Du Chien, in the State of Wisconsin."

The bill and report of the committee accompanying it were read. The character of the claim and the provisions of the bill may be seen by reference to yesterday's proceedings.

There was no objection, and the bill was laid aside to be reported to the House.

The bill next in order for consideration was House bill (No. 201) "for the relief of Aaron Stafford."

The Clerk read the bill. It directs the Secretary of the Interior to place on the roll of invalid pensioners the name of Aaron Stafford, and pay him at the rate of fifteen dollars per month for the term of his natural life, commencing on 4th March, 1848; provided that the said Secretary shall deduct such sums as said Stafford has received as an invalid pensioner since the 4th of March, 1848; and provided, further, that all bills heretofore reported for the relief of said Stafford are hereby repealed.

Mr. HENDRICKS. Let the report be read.

The report was then read, from which it appears that the petitioner held a commission as adjutant on the 13th day of October, 1812, in the sixteenth detached regiment of the militia of New York, in the service of the United States, during the last war with Great Britain; that in that capacity he volunteered on that day, with about two hundred men, to cross over from Lewiston to Queenstown, and that he was engaged in the storming of Queenstown Heights, and in that battle on that day; that while he was so engaged he received four severe and dangerous wounds—one above the right temple, from a musket ball; another from a bullet passing through his right thigh; a third from a musket ball, in the left shoulder; and a fourth from a grape shot, in his left thigh. But, notwithstanding the first three wounds, he continued fighting, and urging on his men, until struck in the left thigh with a grape shot, as stated. That the wound received by the grape shot was so severe that it knocked him down the banks of the Niagara river, about one third of the way to the water, and was only saved from being precipitated into the river by grasping with his right hand a shrub, and thereby saving his life; and that in the general surrender of all the forces on that field he was helped from his perilous position, and delivered as a prisoner of war to the enemy.

It appears from an affidavit of Lemuel Pettingall, that he, said Pettingall, was a captain in the New York militia, and volunteered to, and crossed at the time, and was engaged in said battle; and he testifies that the said Stafford was an adjutant in the said war with Great Britain, and was one of the two hundred men from the detached regiment of New York militia who volunteered to cross, as is hereinbefore stated; and he further states, "that the said Stafford was a man at that time of unusual bodily strength and activity and superior courage, and was of incalculable service in keeping up the spirit and discipline of said regiment always, and was a man who did as much as the efficient General Stephen Van Rensselaer himself, and more than any other man, to induce the officers and men to volunteer and cross, and to encourage and embolden the whole during the fight on Queenstown Heights." "That said Pettingall was himself wounded and taken prisoner, and saw said Stafford brought into the camp of the enemy upon a blanket, and covered with blood from his wounds."

Captain Joseph Westcott, who was also engaged in said battle, testifies "that he was present, about three weeks after the said battle, in the rooms of said Stafford, in Lewiston, and saw the surgeon

general of the militia, Doctor Brown, dress said Stafford's wounds; that two of said wounds—one on the left shoulder, and one on front of the left thigh—were very deep, and of an alarming aspect, and he doubted at that time whether said Stafford would survive them."

It appears from the affidavit of Captain Joseph Westcott, that "said wounds had deprived said Stafford permanently of that strength and energy for which before he was so conspicuous, and have so injured said Stafford's bodily powers as to disable him totally for military service, or the business of civil life, and to prevent him from earning a livelihood by labor."

Mr. MAURICE. I have no desire to object, but I wish to ask the gentleman who has charge of this bill, if Congress has not already granted him a pension upon the strength of this very report, and whether he is not now receiving a pension?

Mr. HENDRICKS. Yes, he is receiving a pension, and that is his misfortune. If he had not received a pension under a special act of Congress, the Department could grant him adequate relief. But Congress, some time since, I do not remember when, granted him a pension at the rate of ten dollars per month, when, according to the rank he held in the army, he was entitled to \$15 or \$17. One committee says \$15 and another \$17. The Committee on Pensions cannot grant him full pay, because his pension is under a special act. This bill proposes to increase it, and make it what it should be, if the special act had not been passed.

Mr. MAURICE. I think it had better lie over.

Mr. HENDRICKS. If the gentleman will hear the bill read again he will see that there is no difficulty in the matter. I think it is a meritorious case.

The bill was again read through, and laid aside, to be reported to the House.

The bill next in order upon the Calendar was House bill (No. 202) "for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont."

It appears in this case that the petitioner, in the month of July, 1813, enlisted in the forty-fifth regiment, at Portsmouth, New Hampshire, to serve during the war; that he continued in the service until May, 1814; and that during that time he was compelled to serve as an artilleryman in Fort Sullivan, under command of Lieutenant Greenough; and that while there he received a severe injury, while engaged in firing the cannon, by being thrown from the platform by a rope connected with the cannon; and as he could no longer perform the duties of a soldier he was discharged. That it was sufficiently established that the witnesses were creditable, and that the petitioner was a worthy man. The committee think he is entitled to a special act for his relief.

There was no objection, and the bill was accordingly laid aside, to be reported to the House with a recommendation that it do pass.

The Calendar now having been gone through, Mr. DEAN moved that the committee rise and report such bills as had been laid aside for that purpose.

Mr. HENDRICKS. I desire to ask the gentleman from Virginia [Mr. LETCHER] to withdraw his objection to House bill (No. 193) for the relief of Alton Nelson. It is a very meritorious claim, and the bill ought not to be delayed in its passage.

Mr. LETCHER. It may be a very meritorious claim for aught I know, but the Clerk is not able to read the report; there is no opportunity to explain; and the House cannot understand the subject upon which they are called upon to act. I cannot withdraw the objection.

Mr. HOUSTON. If I have it in my power to do so, I desire to withdraw my objection to House bill (No. 180) for the relief of William B. Edwards. I was at the moment debating a point connected with it, and on that account the objection was considered as made. I now wish that objection to be withdrawn, because I have discovered that it comes within a rule adopted by the House, and I do not wish to make this an exception to the class of cases to which it belongs. I think the rule itself wrong, but I will take some other occasion than this to make the point. It was in reference to this point that the objection was made, and I hope I shall be permitted to withdraw it.

Mr. DEAN. Is not my motion, that the Committee rise, in order?

The CHAIRMAN. It is in order.

Mr. DEAN. Then I insist upon the motion that the committee rise, and report such cases as have been laid aside.

The question was put, and the motion agreed to.

The committee rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole House had had under consideration the several bills on the Private Calendar, and had directed him to report, with amendments, the following bills:

House bill (No. 54) "for the relief of Madison Parton;"

House bill (No. 178) "for the relief of Benjamin Rowe."

And that they had directed him to report, without amendment, and with a recommendation that they do pass, House bills of the following titles:

No. 120. "A bill for the relief of Henry N. Halstead."

No. 121. "A bill for the relief of Benjamin Hammond, of the State of New York."

No. 122. "A bill for the relief of Henry J. Snow, of Rome, in the State of New York."

No. 124. "A bill for the relief of Lemuel Hudson."

No. 126. "A bill for the relief of George S. Clafin."

No. 127. "A bill for the relief of James F. Green."

No. 128. "A bill for the relief of Thomas Frazer."

No. 129. "A bill for the relief of Cornelius H. Latham."

No. 130. "A bill for the relief of Samuel W. Brady."

No. 134. "A bill for the relief of Fayette Mauzy and Robert G. Ward."

No. 170. "A bill for the relief of the legal representatives of the late John E. Bispham."

No. 173. "A bill for the relief of Mrs. Helen McKay, widow of the late Colonel Aeneas McKay, Deputy Quartermaster General United States Army."

No. 174. "A bill for the relief of D. C. Cash and Giles W. Ellis."

No. 110. "A bill authorizing the payment of the balance of the property accounts between the United States and the State of New York for military stores in the war of 1812."

No. 175. "A bill for the relief of John O. Mears."

No. 177. "A bill for the relief of Lyman N. Cook."

No. 179. "A bill for the relief of Emelie Hooe, widow of Captain Hooe."

No. 181. "A bill for the relief of John Hamilton."

No. 183. "A bill for the relief of the Utica Steam Woolen Company."

No. 184. "A bill for the relief of Gray, McMurdo & Co."

No. 191. "A bill for the relief of George W. Gibson."

No. 192. "A bill for the relief of Parmelia Slavin, widow of John Blue, deceased."

No. 194. "A bill to provide a pension for Silas Champion."

No. 200. "A bill to confirm to Hercules L. Dousman his title to farm lot No. 32, adjoining the town of Prairie Du Chien, in the State of Wisconsin."

No. 201. "A bill for the relief of Aaron Stafford."

No. 202. "A bill for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont."

The SPEAKER. Is it the pleasure of the House to vote on all the bills to which no amendments have been proposed?

Many Voices. "Yes," "Yes."

Mr. JONES, of Tennessee. I object. Let us vote on one at a time.

Mr. HUNT. I move an adjournment.

[Loud Cries of "No!" "No!"]

Mr. HUNT. Well, I withdraw it.

ADJOURNMENT TILL MONDAY.

Mr. EWING. I hope the gentleman will allow me to move an adjournment till Monday.

The SPEAKER. That motion is in order at any time.

Mr. EWING. I move then that when the House adjourns, it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. On that motion I ask the yeas and nays.

The House was divided on the demand for the yeas and nays; and there were—yeas 25, noes 118.

Mr. WALKER. I call for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. JONES. I call for tellers on the motion.

Tellers were not ordered.

The question was then taken on Mr. EWING's motion; and it was agreed to.

Mr. WASHBURN, of Maine. I move that all the bills upon which separate votes are not asked be passed *en masse*.

Mr. JONES, of Tennessee. Let us have a separate vote upon each.

The following bill was reported to the House:

No. 54. "A bill for the relief of Madison Parton."

The SPEAKER. The Committee of the Whole have reported an amendment to that bill, to strike out all relating to the payment of interest.

Mr. HILLYER. I respectfully ask the attention of the House for one moment to the amendment which has been proposed by the Committee of the Whole House. I understand that the question first recurs on agreeing to that amendment. I dislike to trouble the House with the consideration of so small a matter; but it is of some importance to my constituent who is claiming this amount from the Government; and in his behalf I beg leave to state the ground upon which I think it is just and equitable that he should be allowed interest. His services were rendered in 1837; and the reason he has not been able to settle his claim with Government is, that by the neglect of its officers, the public rolls returned to the War Department did not show the date of his discharge nor the length of his services.

These rolls, by the decision of the Department, have been held to be conclusive as to the amount claimed; and it is because of this decision that he has been compelled to resort to this House for redress. Inasmuch as his inability, then, to establish his claim against the Government for the time his services were rendered is to be attributable to the fault and the neglect of the officers of the Government, I think it is right that we should allow him interest. The claim will amount to only some fifty dollars. I trust that the amendment of the Committee of the Whole will be voted down.

Mr. JONES, of Tennessee. The principle of paying interest on claims is one that has not been recognized by the Government. This may be a hard case, and the gentleman from Georgia seems to think that it is; but if he will inquire at the Third Auditor's office he will find that there have been one hundred cases presented to it, as meritorious as this one, where soldiers lost their horses in the Florida war. They remained for years without receiving pay for their horses, and yet, when paid, they obtained no interest on their claims. The presumption is that the Government pays what is due, and when it is due; but she has never paid interest except by special contract.

Mr. HILLYER. If the gentleman from Tennessee will permit me, I will reply that this is very different from a claim of unliquidated demand. The claim of compensation for a horse is very different from the claim for a debt actually due for services rendered. The claim we have now before us rests upon contract. The amount is specified by law. The amount is due just as much as if it were due on a promissory note. It is a liquidated demand. It is not a claim dependent upon adjudication and trial, upon hearing testimony and of proof; but it is liquidated, and if between individuals, would bear interest by law. It is very different from the class of claims referred to by the gentleman from Tennessee. I will repeat, in conclusion, that the reason this claim was not settled by the Department, was owing to the neglect of the officers of the Government in failing to return the rolls with this man's name upon them.

Mr. GREENWOOD. I rise simply for the purpose of responding to the remarks of the gentleman from Tennessee upon the question of the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, JANUARY 31, 1854.

NEW SERIES....No. 18.

payment of interest. The question is, if I understand the gentleman from Georgia, to fix the interest due on the debt on the Government. The gentleman from Tennessee contends that it is not the policy of the Government on pay interest at all. I do not see the difference between the Government paying interest and an individual doing the same thing. If, by the tardy legislation of this Government, individuals are deprived of their just claims, I can see no reason why the Government should not pay the interest that has legally accrued on these claims upon proper proof.

I know nothing of the character of the claim, nor do I design to advocate the right to interest that this particular claimant has, for I am not apprised as to the delay which this claim has met in its progress from time to time. But, sir, my opposition is to the principle laid down by the gentleman from Tennessee [Mr. JONES] with respect to the Government paying interest on those meritorious claims which have been lying over from time to time, simply because Congress has failed to reach those bills. If the individuals are thus deprived, because of the slow and tardy manner in which Congress has taken up these bills, of their just claims, it is certainly nothing but fair and right that they should be paid interest upon them.

It may not be the policy of the Government to pay interest on such claims; but it is not on that account the less fair and proper that it should. It is said that the Government would be committed to the policy of paying interest in like cases. I, for one, am perfectly willing to commit the Government to the payment of interest on all claims which have been delayed, not because of the negligence of individuals to present them, but from the slow and tardy manner in which Congress generally reaches matters of this character.

Mr. HILLYER. Will the gentleman permit me to explain?

Mr. GREENWOOD yielded the floor.

Mr. HILLYER. Within my knowledge this claim has been pending before Congress for six years. Long prior to that time it was pending before the Departments. The claimant is a poor man, an ignorant man. Some time after the claim became due he did not know how to proceed to have it adjudicated. As soon as he could ascertain the proper Department to apply to, to have the claim adjusted, he made application. And it has been all this time pending either before the Departments or before Congress. It has been for six years pending before Congress. During the last session the Committee on Claims, though unanimously concurring in the report made to the House, were not able to make a report. I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The question was then taken on the amendment.

The CHAIRMAN decided that the vote was in the affirmative.

Several MEMBERS. "Divide!" "Divide!"

Mr. LETCHER. I call for the yeas and nays.

Mr. McMULLIN. I desire the amendment to be reported.

The Clerk reported the amendment, as follows:

Strike out the following words: "Together with the interest thereon from the said 8th day of February, 1848."

The yeas and nays were not ordered.

Mr. DAVIS, of Indiana. I demand tellers upon the yeas and nays.

The SPEAKER. It is too late, as the Chair has announced the result.

Mr. CURTIS. I ask for tellers upon the adoption of the amendment.

Tellers were ordered; and Messrs. LATHAM and VAN appointed.

Mr. McMULLIN. I move that the House do now adjourn.

The question was taken; and there were, upon a division—yeas 50, nays 71.

So the House refused to adjourn.

The question was then taken upon the adoption

of the amendment; and the tellers reported—yeas 69, nays 74.

So the amendment was not agreed to.

Mr. ORR. I move to lay the bill upon the table, and upon it I call the yeas and nays.

Mr. CURTIS. I move that the House adjourn.

The question was taken, and it was decided in the affirmative.

So the House, according to previous order, adjourned till Monday next at twelve o'clock, m.

IN SENATE.

MONDAY, January 30, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

COMMITTEE ON INDIAN AFFAIRS.

The PRESIDENT *pro tempore* appointed Mr. BROWN a member of the Committee on Indian Affairs, in the place of Mr. ADAMS, who, at his own request, was excused from further service.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, information in relation to the wreck of the steamer San Francisco; which was ordered to lie on the table, and be printed.

Also, a communication from the Treasury Department, transmitting copies of such accounts as have been rendered by persons intrusted with the disbursement of money, &c., for the benefit of the Indians, from July 1, 1851, to June 30, 1852, inclusive; together with a list of the names of all persons to whom money and goods have been delivered within the same period, &c., in obedience to an act passed June 30, 1834, entitled "An act for the organization of the Department of Indian Affairs;" which was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented a report of the proceedings of a meeting of citizens of New York, held at the Tabernacle in Broadway, in favor of the adoption of measures to secure to American citizens abroad the rights of religious worship; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented resolutions of the Legislature of Rhode Island, recommending the Senators and Representatives of that State in Congress to prevent the passage of any law tending to disturb the provision of the act of March 6, 1820, commonly called the "Missouri compromise act," in regard to slavery; which were laid on the table, and ordered to be printed.

Mr. BRODHEAD presented eleven petitions of citizens of Philadelphia, praying that the United States Mint may not be removed from that city; which were referred to the Committee on Finance.

Also, a petition of citizens of Pennsylvania, Delaware, and New Jersey, praying a further appropriation for the piers at Reedy Island; which was referred to the Committee on Commerce.

Mr. HAMLIN presented a memorial of citizens of Brunswick and its vicinity, in the State of Maine, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial of merchants and others, of Portland, Maine, praying that the custom-house at that place may be rebuilt, it having been destroyed by fire. The memorialists state that no adequate accommodations for the transaction of custom-house business in that place at present exist. The memorial was referred to the Committee on Commerce.

Mr. WADE presented three petitions of citizens of Ohio, praying that the unsold public lands in that State may be granted for the use of public schools therein; which were referred to the Committee on Public Lands.

Mr. BRIGHT presented the petition of George W. Yerby, Horace M. Dewey, and others, in favor of the construction of a passenger railway

from Georgetown, District of Columbia, through Pennsylvania avenue, to the navy-yard; which was referred to the Committee on the District of Columbia.

Mr. SUMNER presented a petition of citizens of Newton and its vicinity, in the State of Massachusetts, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. MALLORY presented the memorial of Thomas B. Huger, John Quincy Adams, and Bayse N. Westcott, officers of the Navy, praying to be indemnified for clothing lost on board the United States steamer Hunter, wrecked on the coast of Mexico; which was referred to the Committee on Naval Affairs.

Also, the petition of the widow and children of John M. Baker, late Consul at Rio de Janeiro, praying compensation for diplomatic services; which was referred to the Committee on Foreign Relations.

Mr. BRIGHT presented a petition of John C. Rives, W. W. Seaton, R. W. Latham, and others, citizens of Washington, praying that George W. Yerby and others may be authorized to construct a railroad from Georgetown, District of Columbia, along Pennsylvania avenue, to the navy-yard, Washington; which was referred to the Committee on the District of Columbia.

Also, a petition of the citizens of Cincinnati, praying the construction of a canal around the falls of the Ohio river on the Indiana side; which was referred to the Committee on Roads and Canals.

Mr. WELLER presented the memorial of Horatio G. Gibson, First Lieutenant in the Third Artillery of the United States Army, praying that extra pay may be extended to the officers, sailors, and marines serving in California, from 8th May, 1846, to 1st July, 1850; which was referred to the Committee on Military Affairs.

Mr. GWIN presented a petition of officers of the Army, praying an increase of the commutation price of the army ration; which was referred to the Committee on Military Affairs.

Mr. DODGE, of Iowa, presented four petitions of citizens of the State of Iowa, praying that a grant of land may be made to aid in the construction of the Philadelphia, Fort Wayne, and Platte Valley air-line railroad; which was referred to the Committee on Public Lands.

Mr. FISH presented a petition of sundry citizens of Brooklyn and New York, praying Congress to enter into a contract with Christian Hansen, for the transportation of the mails, by steamships, from that city to certain ports in Europe; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of Calvin K. Averill, administrator of Genevieve Victor, widow of Lieutenant Felix Victor, praying for commutation pay of Lieutenant Victor, and for pension due the widow, for the benefit of their grandchildren; which was referred to the Committee on Revolutionary Claims.

Mr. FISH. I desire also to present the petition of John W. Griffiths and Richard Norris, asking for the passage of a law as to the registry of steamboats which they are about building, differently from the provisions of the present act, which I ask may be referred to the Committee on Commerce. Inasmuch as the petition contains some very interesting statements in regard to the effects of the present law as to the registry of tonnage, some of which are suggested as causes which may possibly have led to the recent disasters at sea, I ask that it may be printed.

The memorial was referred to the Committee on Commerce, and the motion to print it was referred to the Committee on Printing.

Mr. HUNTER presented the petition of Elizabeth Monroe, praying to have her pension extended and renewed; which was referred to the Committee on Pensions.

Also, the petition of James M. Goggin, praying to be allowed additional compensation for his services as special mail agent for California, and

for remuneration for expenses incurred in the discharge of his duties; which was referred to the Committee on the Post Office and Post Roads.

Mr. DODGE, of Iowa, presented the petition of James Pool, praying the reimbursement of an amount of money paid by him for supplies of the Shawnee tribe of Indians; which was referred to the Committee on Indian Affairs.

Also, the petition of James Pool, praying interest on his accounts from the time when certified by the Second Auditor to be due to the time of their payment; which was referred to the Committee on Indian Affairs.

Mr. JONES, of Iowa, presented a petition of the citizens of Johnson county, Iowa, praying a grant of land to said State to aid in the construction of a railroad from Lyons, on the Mississippi river, by Iowa City, to Council Bluffs, on the Missouri river; which was referred to the Committee on Public Lands.

He also presented additional documents in relation to the claim of August Kleim to a pension; which, with the petition on the files of the Senate, were referred to the Committee on Pensions.

Mr. SEBASTIAN presented a supplemental memorial of Amos and John E. Kendall, praying the reference of the question of the legal or equitable obligation of the United States to grant them the relief prayed for, to the circuit court of the District of Columbia, with a right of appeal to the Supreme Court of the United States; which, with the papers on file on the subject, was referred to the Committee on Indian Affairs.

Mr. NORRIS presented the memorial of John C. F. Salomon, praying an act of incorporation for the purpose of supplying pure water to the cities of Washington and Georgetown, District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GWIN presented documents in relation to the establishment of a port of entry at San Pedro, California; which were referred to the Committee on Commerce.

EXTENSION OF BOUNTY LAND LAWS.

Mr. BRODHEAD. I present two memorials, signed by citizens of Blair county, Pennsylvania, praying that the provisions of the bounty land law may be extended so as to give each soldier of the war of 1812 one hundred and sixty acres of land, which I move may be referred to the Committee on Military Affairs.

Mr. SHIELDS. That subject has heretofore always been referred to the Committee on Public Lands, and not to the Committee on Military Affairs.

Mr. BRODHEAD. I presented memorials of this nature at the last session of Congress, and they were referred to the Committee on Public Lands, but that committee took no action upon them. I entertain the hope that, as they related to the soldiers of the war of 1812, they would be more likely to receive favorable consideration at the hands of the committee of which my honorable friend from Illinois is chairman, than they received at the last session from the Committee on Public Lands. I hope, therefore, that my friend will permit them to be referred to the Committee on Military Affairs.

Mr. SHIELDS. I thank the honorable Senator for the compliment which he pays to the Committee on Military Affairs, but I believe it has been uniformly the practice to refer this subject to the Committee on Public Lands. I do not see any necessity for departing from the usual course, and therefore I move that these memorials be referred to the Committee on Public Lands.

The PRESIDENT. The question will first be upon the motion made by the Senator from Pennsylvania to refer the memorials to the Committee on Military Affairs.

The motion was agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. JOHNSON, from the Committee on Public Lands, to whom were referred the following bills, reported them back, with sundry amendments:

Bill granting to the State of Louisiana the right of way, and a donation of public land, for the purpose of locating and constructing a railroad from Algiers, on the Mississippi river, to the Sabine river in said State.

Bill granting to the State of Louisiana the right of way, and a donation of public land, for the pur-

pose of locating and reconstructing a railroad from Shreveport to the mouth of the Mississippi river.

Bill granting the right of way, and making a grant of land, to the State of Arkansas, to aid in the construction of a railroad from a point on the Mississippi, in the region of Gaines's Landing, via Camden, to the Texas boundary, near Fulton, in Arkansas.

Bill granting further time for satisfying claims for bounty lands for military services in the war of 1812, with Great Britain, and for other purposes.

Mr. JOHNSON, from the Committee on Territories, to which was referred a bill to aid the Territory of Minnesota in constructing a railroad for military, postal, and other purposes, reported it back, without amendment.

Mr. JOHNSON, from the Committee on Public Lands, to whom was referred a bill granting to the State of Louisiana the right of way, and a donation of public land, for the purpose of locating and constructing a railroad from New Orleans to the Mississippi State line, in the direction of the town of Jackson, in said State, reported it back, with an amendment, in the form of a substitute, for the bill.

He also, from the same committee, to whom was referred a bill granting the right of way, and a donation of the public land, to the States of Louisiana, Mississippi, and Alabama, to aid in the construction of certain railroads therein, reported it back, with an amendment, in the form of a substitute, for the bill.

He also, from the same committee, to whom was referred a bill giving further time for satisfying claims for bounty land for military services in the war of 1812, reported it back, without amendment.

Mr. DAWSON. The Committee on Military Affairs, to whom was referred the memorial of the Petersburg volunteers, praying the payment of a balance due them for services in the war of 1812, have instructed me to make an adverse report. As the report gives the reasons for this action, I ask that it may be printed, and I wish to call the attention of the Virginia Senators to it. I ask them to read and examine it when printed. If its statements are not correct I hope those Senators will be kind enough to inform me of it.

The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the petition of Henry K. Brown, asking for fourteen pieces of brass cannon, to enable him to cast an equestrian statue of Washington, to be erected in the city of New York, submitted an adverse report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Dempsey Pitman, praying compensation for military services during the Indian war in Florida in the year 1838, submitted a report, accompanied by a bill for his relief; which was read and passed to a second reading, and the report was ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the petition of William P. S. Sanger, praying compensation for performing the duties of engineer at the Gosport navy-yard, reported a bill for his relief; which was read, and passed to a second reading.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred a bill to provide for the accommodation of the courts of the United States in the district of Massachusetts, reported it back, with an amendment.

He also, from the same committee, to whom was referred the petition of Jehiel Brooks, asked to be discharged from its further consideration, on the ground that an adverse report had already been made, in which the Senate had concurred.

The order was accordingly made.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the memorial of Henry C. Miller, Philip W. Thompson, and Jesse B. Turley, submitted an adverse report thereon.

Mr. ALLEN, from the Committee on Pensions, to whom were referred documents in relation to the claim of B. M. Van Derveer to a pension for the services of his father, Albert Van Derveer, in the revolutionary war, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Elizabeth R. Drane,

widow of Anthony Drane, formerly an officer in the Army, praying a pension, submitted an adverse report thereon; which was ordered to be printed.

He also, from the Committee on Private Land Claims, to whom was referred a bill to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto, reported it back without amendment.

Mr. FOOT, from the Committee on Public Lands, to whom was referred a petition of William Rees, praying to be allowed to locate 10,000 acres of land in one tract, for a normal settlement, submitted an adverse report thereon; which was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the petition of George Felker, praying that the children of George Felker, his father, may be paid the amount of pension due him at the time of his death, submitted an adverse report thereon; which was ordered to be printed.

Mr. STUART, from the Committee on Public lands, to whom was referred the bill granting the right of way, and making a grant of land, to the State of Michigan, to aid in the construction of the Oakland and Ottawa railroad, from Pontiac to Lake Michigan, and branches from Corunna and Grand Rapids to the Straits of Mackinaw, and a continuous branch from thence to Montreal river, in said State, reported back the same with an amendment, in the form of a substitute, for the bill.

Mr. BRIGHT, from the Committee on the District of Columbia, to whom was referred the petition of David English, and others, of Georgetown, District of Columbia, members of a joint-stock association for the manufacture of gas, praying an act of incorporation, reported a bill to incorporate the Georgetown Gas Light Company; which was read, and passed to a second reading.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred a bill making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State, reported it back, with an amendment.

He also, from the same committee, to whom was referred the memorial of the city council of the city of Dubuque, Iowa, praying the donation of a lot of ground in that city to be set apart as a cemetery, reported a bill to relinquish certain lands to the city of Dubuque, in the State of Iowa; which was read, and passed to a second reading.

Mr. WADE, from the Committee on Claims, to whom was referred the petition of Lieutenant A. J. Williamson, praying indemnity for his baggage, &c., lost by the destruction of a transport vessel, submitted a report, accompanied by a bill, for his relief; which was read, and passed to a second reading.

The report was ordered to be printed.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Campan, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SEWARD, from the Committee on Patents and the Patent Office, to whom was referred the petition of William R. Nevins, asking an extension of his patent, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading; and the report was ordered to be printed.

Mr. WELLER, from the Committee on Military Affairs, to whom was referred the petition of Mrs. Helen McKay, widow and administratrix of Colonel Aeneas McKay, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading; and the report was ordered to be printed.

Mr. NORRIS, from the Committee on the District of Columbia, reported a bill to enable the United States to take the lands and materials necessary for the construction of the Washington aqueduct, within the District of Columbia; which was read, and passed to a second reading.

STEAMER FANNY.

Mr. SEWARD, from the Committee on Commerce, to whom was referred the petition and papers in the case of J. Wilson Smith, praying

compensation for the illegal detention of the steamer *Fanny*, by the district attorney and custom-house officers at Savannah, reported a joint resolution for the relief of the owners of the steamer *Fanny*; which was read a first and second time, and

On motion by Mr. SEWARD, the Senate, as in Committee of the Whole, proceeded to consider it.

It proposes to authorize the Secretary of State and Attorney General to examine the papers in the case, and to ascertain whether the legal rights of the petitioner were violated, whereby he received damages, and to allow him such indemnity by way of demurrage as shall appear to be just.

No amendment being made, the joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

QUINCY, ILLINOIS.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred the bill from the House to constitute Quincy, in the State of Illinois, a port of delivery, reported it back without amendment; and

On motion by Mr. SHIELDS, the Senate proceeded to consider the bill as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, was read a third time, and passed.

BILL INTRODUCED.

Mr. MALLORY, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for the construction of a suitable building for the accommodation of the district court of the United States at Key West, in the State of Florida; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

HOUSE BILL REFERRED.

The bill from the House of Representatives giving further time for satisfying claims for bounty lands, and for other purposes, was read a first and second time by its title, and referred to the Committee on Public Lands.

EXTENSION OF FRANKING PRIVILEGE.

The bill from the House of Representatives granting the franking privilege to the Superintendent of the Coast Survey, and the assistant in charge of the office of the said Coast Survey, was read a first time, and ordered to a second reading.

Mr. HAMLIN. I ask the Senate to consider that bill at this time. I think it will consume no more time than will be occupied by the reading of the bill, which is a very brief one. It proposes simply to give the Superintendent of the Coast Survey the privilege of receiving and transmitting, free of postage, letters and documents on the official business of his office. It will remove it from the Treasury Department, where this franking is now done, and this will be a great relief to that Department.

The bill was read a second time, and considered as in Committee of the Whole. It was reported to the Senate without amendment, ordered to a third reading, was read a third time, and passed.

AMENDMENT OF THE CONSTITUTION.

On motion by Mr. BAYARD, the Senate resumed the consideration of the following resolution, adopted by the House of Representatives on the 18th instant:

Resolved, That a select committee, composed of nine members on the part of the House of Representatives, be appointed by the Speaker to join such committee as may be appointed by the Senate, to whom shall be referred the resolution of the House proposing an amendment of the Constitution in the mode of electing the President and Vice President of the United States, with instructions to take that matter and the subject generally into consideration, and to report upon the same in such manner as to them may seem most expedient.

The Senate concurred in the resolution; and

On motion by Mr. GWIN, it was ordered that the committee on the part of the Senate consist of five members, and be appointed by the President *pro tempore*; who appointed Messrs. BAYARD, PEARCE, TOUCEY, FOOT, and GWIN.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That leave be granted to withdraw the petition

of ship-owners and others of St. George, Maine, relating to a light in Tenants' Harbor, for the purpose of presentation in the House of Representatives.

On motion by Mr. SUMNER, it was

Ordered, That the petition of the heirs of Abraham Hunt be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. SUMNER, it was

Ordered, That the petition of Andrew Johonnet, administrator of William Johonnet, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That the memorial of John C. McFerran be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. BRODHEAD, it was

Ordered, That the petition of John P. McElerry be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. PRATT, it was

Ordered, That the petition of James H. Stimpson, son and executor of James Stimpson, be withdrawn from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by Mr. BRIGHT, it was

Ordered, That the memorials and resolutions of State Legislatures, the memorials of incorporated companies, proceedings and memorials of citizens, and other papers relating to the Louisville and Portland Canal, and to the construction of a canal on the Indiana side of the falls of the Ohio, be withdrawn from the files of the Senate, and referred to the Committee on Roads and Canals.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the memorial of Edward P. Torrey, legal representative of Joseph Torrey, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. STUART, it was

Ordered, That the petition of the legal representatives of Henry Conner be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

SAN PEDRO, CALIFORNIA.

Mr. GWIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making San Pedro, in the State of California, a port of entry.

DUBUQUE, IOWA.

Mr. JONES, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of delivery at Dubuque, Iowa.

REV. MR. KING.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to transmit to the Senate, if not incompatible with the public interest, copies of the communications from Mr. Marsh, the American Minister at Constantinople, in relation to the case of the Rev. Mr. King.

NOTICE OF A BILL.

Mr. PRATT gave notice of his intention to ask leave to introduce a bill to incorporate the National Hotel Company, of Washington city.

NEBRASKA TERRITORY.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill to organize the Territory of Nebraska.

Mr. DOUGLAS. Mr. President, when I proposed on Tuesday last, that the Senate should proceed to the consideration of the bill to organize the Territories of Nebraska and Kansas, it was my purpose only to occupy ten or fifteen minutes in explanation of its provisions. I desired to refer to two points: first, as to those provisions relating to the Indians; and second, to those which might be supposed to bear upon the question of slavery.

The committee, in drafting this bill, had in view the great anxiety which had been expressed by some members of the Senate to protect the rights of the Indians, and prevent infringements upon them. By the provisions of the bill, I think we have so clearly succeeded in that respect as to obviate all possible objection upon that score. The bill itself provides that it shall not operate upon any of the rights of the lands of the Indians; nor shall they be included within the limits of those Territories, until they shall, by treaty with the United States, expressly consent to come under the opera-

tions of the act, and be incorporated within the limits of the Territories. This provision certainly is broad enough, clear enough, explicit enough, to protect all the rights of the Indians as to their persons and their property.

Upon the other point—that pertaining to the question of slavery in the Territories—it was the intention of the committee to be equally explicit.

We took the principles established by the compromise act of 1850 as our guide, and intended to make each and every provision of the bill accord with those principles. Those measures established and rest upon the great principle of self-government—that the people should be allowed to decide the questions of their domestic institutions for themselves, subject only to such limitations and restrictions as are imposed by the Constitution of the United States, instead of having them determined by an arbitrary or geographical line.

The original bill reported by the committee, as a substitute for the bill introduced by the Senator from Iowa, [Mr. DODGE], was believed to have accomplished this object. The amendment which was subsequently reported by us was only designed to render that clear and specific which seemed, in the minds of some, to admit of doubt and misconception. In some parts of the country the original substitute was deemed and construed to be an annulment or a repeal of what has been known as the Missouri compromise, while in other parts it was otherwise construed. As the object of the committee was to conform to the principles established by the compromise measures of 1850, and to carry those principles into effect in the Territories, we thought it was better to recite in the bill precisely what we understood to have been accomplished by those measures, viz: That the Missouri compromise, having been superseded by the legislation of 1850, has become inoperative, and hence we propose to leave the question to the people of the States and the Territories, subject only to the limitations and provisions of the Constitution.

Sir, this is all that I intended to say, if the question had been taken up for consideration on Tuesday last; but since that time occurrences have transpired which compel me to go more fully into the discussion. It will be borne in mind that the Senator from Ohio [Mr. CHASE] then objected to the consideration of the bill, and asked for its postponement until this day, on the ground that there had not been time to understand and consider its provisions; and the Senator from Massachusetts [Mr. SUMNER] suggested that the postponement should be for one week, for that purpose. These suggestions seeming to be reasonable to Senators around me, I yielded to their request, and consented to the postponement of the bill until this day.

Sir, little did I suppose at the time that I granted that act of courtesy to those two Senators, that they had drafted and published to the world a document, over their own signatures, in which they arraigned me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith, and been engaged in an atrocious plot against the cause of free government. Little did I suppose that those two Senators had been guilty of such conduct when they called upon me to grant that courtesy, to give them an opportunity of investigating the substitute reported from the committee. I have since discovered that on that very morning the National Era, the Abolition organ in this city, contained an address, signed by certain Abolition confederates, to the people, in which the bill is grossly misrepresented, in which the action of the members of the committee is grossly falsified, in which our motives are arraigned, and our characters calumniated. And, sir, what is more, I find that there was a postscript added to the address, published that very morning, in which the principal amendment reported by the committee was set out, and then coarse epithets applied to me by name. Sir, had I known those facts at the time I granted that act of indulgence, I should have responded to the request of those Senators in such terms as their conduct deserved, so far as the rules of the Senate, and a respect for my own character, would have permitted me to do. In order to show the character of this document—of which I shall have much to say in the course of my argument—I will read certain passages:

"We arraign this bill as a gross violation of a sacred

pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves."

A SENATOR. By whom is the address signed.
MR. DOUGLAS. It is signed "S. P. Chase, Senator from Ohio; Charles Sumner, Senator from Massachusetts; J. R. Giddings and Edward Wade, Representatives from Ohio; Gerrit Smith, Representative from New York; Alexander De Witt, Representative from Massachusetts," including, as I understand, all the Representatives of the Abolition party in Congress.

Then speaking of the Committee on Territories, these confederates use this language:

"The pretenses, therefore, that the territory, covered by the positive prohibition of 1820, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the compromises of 1850 require the incorporation of the pro slavery clauses of the Utah and New Mexico bill in the Nebraska act, are mere inventions, designed to cover up from public reprehension meditated bad faith."

"More inventions to cover up bad faith." Again:

"Servile demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery."

Then there is a postscript added, equally offensive to myself, in which I am mentioned by name. The address goes on to make an appeal to the Legislatures of the different States, to public meetings, and to ministers of the Gospel in their pulpits, to interpose and arrest the vile conduct which is about to be consummated by the Senators who are thus denounced. That address, sir, bears date Sunday, January 22, 1854. Thus it appears that, on the holy Sabbath, while other Senators were engaged in attending divine worship, these Abolition confederates were assembled in secret conclave, plotting by what means they should deceive the people of the United States, and prostrate the character of brother Senators. This was done on the Sabbath day, and by a set of politicians, to advance their own political and ambitious purposes, in the name of our holy religion.

But this is not all. It was understood from the newspapers that resolutions were pending before the Legislature of Ohio, proposing to express their opinions upon this subject. It was necessary for these confederates to get up some exposition of the question, by which they might facilitate the passage of the resolutions through that Legislature. Hence, you find that on the same morning that this document appears over the names of these confederates in the Abolition organ of this city, the same document appears in the New York papers—certainly in the Tribune, Times, and Evening Post—in which it is stated, by authority, that it is "signed by the Senators and a majority of the Representatives from the State of Ohio;" a statement which I have every reason to believe was utterly false, and known to be so at the time that these confederates appended it to the address. It was necessary, in order to carry out this work of deception, and to hasten the action of the Ohio Legislature, under a misapprehension, to state that it was signed, not only by the Abolition confederates, but by the whole Whig representation, and a portion of the Democratic representation in the other House from the State of Ohio.

MR. CHASE. Mr. President—

MR. DOUGLAS. Mr. President, I do not yield the floor. A Senator who has violated all the rules of courtesy and propriety—who showed a consciousness of the character of the act he was doing by concealing from me all knowledge of the fact—who came to me with a smiling face, and the appearance of friendship, even after that document had been uttered—who could get up in the Senate and appeal to my courtesy in order to get time to give the document a wider circulation before its infamy could be exposed; such a Senator has no right to my courtesy upon this floor.

MR. CHASE. Mr. President, the Senator misstates the facts—

MR. DOUGLAS. Mr. President, I decline to yield the floor.

MR. CHASE. And I shall make my denial pertinent when the time comes.

THE PRESIDENT. Order.

MR. DOUGLAS. Sir, if the Senator does interpose, in violation of the rules of the Senate, to a denial of the fact, it may be that I shall be able to nail that denial, as I shall the statements here which are over his own signature, as a base false-

hood, and prove it by the solemn legislation of this country.

MR. CHASE. I call the Senator to order.

THE PRESIDENT. The Senator from Illinois is certainly out of order.

MR. DOUGLAS. Then I will only say that I shall confine myself to this document, and prove its statements to be false by the legislation of the country. Certainly that is in order.

MR. CHASE. You cannot do it.

MR. DOUGLAS. The argument of this manifesto is predicated upon the assumption that the policy of the fathers of the Republic was to prohibit slavery in all the territory ceded by the old States to the Union and made United States territory, for the purpose of being organized into new States. I take issue upon that statement. Such was not the practice in the early history of the Government. It is true that in the territory northwest of the Ohio river slavery was prohibited by the ordinance of 1787; but it is also true that in the territory south of the Ohio river, to wit, the Territory of Tennessee, slavery was permitted and protected; and it is also true, that in the organization of the Territory of Mississippi, in 1798, the provisions of the ordinance of 1787 were applied to it, with the exception of the sixth article, which prohibited slavery. Then, sir, you find upon the statute-books under Washington and the early Presidents, provisions of law showing that in the southwestern territories the right to hold slaves was clearly implied or recognized, while in the northwestern territories it was prohibited. The only conclusion that can be fairly and honestly drawn from that legislation is, that it was the policy of the fathers of the Republic to prescribe a line of demarcation between free territories and slaveholding territories by a natural or a geographical line, being sure to make that line correspond, as near as might be, to the laws of climate, of production, and probably of all those other causes that would control the institution and make it either desirable or undesirable to the people inhabiting the respective territories.

Sir, I wish you to bear in mind, too, that this geographical line established by the founders of the Republic, between free Territories and slave Territories, extended as far westward as our territory then reached, the object being to avoid all agitation upon the slavery question by settling that question forever, so far as our territory extended, which was then to the Mississippi river.

When, in 1803, we acquired from France the Territory known as Louisiana, it became necessary to legislate for the protection of the inhabitants residing therein. It will be seen by looking into the bill establishing the territorial government in 1805 for the Territory of New Orleans, embracing the same country now known as the State of Louisiana, that the ordinance of 1787 was expressly extended to that Territory, excepting the sixth section, which prohibited slavery. Then that act implied that the Territory of New Orleans was to be a slaveholding Territory by making that exception in the law. But, sir, when they came to form what was then called the Territory of Louisiana, subsequently known as the Territory of Missouri, north of the thirty-third parallel, they used different language. They did not extend the ordinance of 1787 to it at all. They first provided that it should be governed by laws made by the governor and the judges; and when, in 1812, Congress gave to that Territory, under the name of the Territory of Missouri, a territorial government, the people were allowed to do as they pleased upon the subject of slavery, subject only to the limitations of the Constitution of the United States. Now, what is the inference from that legislation? That slavery was, by implication, recognized south of the thirty-third parallel, and north of that the people were left to exercise their own judgment and do as they pleased upon the subject, without any implication for or against the existence of the institution.

This continued to be the condition of the country in the Missouri Territory up to 1820, when the celebrated act which is now called the Missouri compromise act was passed. Slavery did not exist in, nor was it excluded from, the country now known as Nebraska. There was no code of laws upon the subject of slavery either way: First, for the reason that slavery had never been introduced into Louisiana, and established by positive enactment. It had grown up there by a sort of

common law, and been supported and protected. When a common law grows up, when an institution becomes established under a usage, it carries it so far as that usage actually goes, and no further. If it had been established by direct enactment, it might have carried it so far as the political jurisdiction extended; but, be that as it may, by the act of 1812, creating the Territory of Missouri, that Territory was allowed to legislate upon the subject of slavery as it saw proper, subject only to the limitations which I have stated; and the country not inhabited or thrown open to settlement was set apart as Indian country, and rendered subject to Indian laws. Hence the local legislation of the State of Missouri did not reach into that Indian country, but was excluded from it by the Indian code and Indian laws. The municipal regulations of Missouri could not go there until the Indian title had been extinguished, and the country thrown open to settlement. Such being the case, the only legislation in existence in Nebraska Territory at the time that the Missouri act passed, namely, the 6th of March, 1820, was a provision in effect, that the people should be allowed to do as they pleased upon the subject of slavery.

The Territory of Missouri having been left in that legal condition, positive opposition was made to the bill to organize a State government, with a view to its admission into the Union; and a Senator from my State, Mr. Jesse B. Thomas, introduced an amendment, known as the eighth section of the bill, in which it was provided that slavery should be prohibited north of 36° 30' north latitude, in all that country which we had acquired from France. What was the object of the enactment of that eighth section? Was it not to go back to the original policy of prescribing boundaries to the limitation of free institutions, and of slave institutions, by a geographical line, in order to avoid all controversy in Congress upon the subject? Hence they extended that geographical line through all the territory purchased from France, which was as far as our possessions then reached. It was not simply to settle the question on that piece of country, but it was to carry out a great principle, by extending that dividing line as far west as our territory went, and running it onward on each new acquisition of territory. True, the express enactment of the eighth section of the Missouri act, now called the Missouri compromise act, only covered the territory acquired from France; but the principles of the act, the objects of its adoption, the reasons in its support, required that it should be extended indefinitely westward, so far as our territory might go, whenever new purchases should be made.

Thus stood the question up to 1845, when the joint resolution for the annexation of Texas passed. There was inserted in that a provision, suggested in the first instance and brought before the House of Representatives by myself, extending the Missouri compromise line indefinitely westward through the territory of Texas. Why did I bring forward that proposition? Why did the Congress of the United States adopt it? Not because it was of the least practical importance, so far as the question of slavery within the limits of Texas was concerned, for no man ever dreamed that it had any practical effect there. Then why was it brought forward? It was for the purpose of preserving the principle, in order that it might be extended still further westward, even to the Pacific ocean, whenever we should acquire the country that far. I will here read that clause in the joint resolution for the annexation of Texas. It is the third article, second section, and is in these words:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30' north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

It will be seen that that contains a very remarkable provision, which is, that when States lying north of 36° 30' apply for admission, slavery shall be prohibited in their constitutions. I presume no one pretends that Congress could have power

thus to fetter a State applying for admission into this Union; but it was necessary to preserve the principle of the Missouri compromise line in order that it might afterwards be extended; and it was supposed that while Congress had no power to impose any such limitation, yet as that was a compact with the State of Texas, that State could consent for herself that, when any portion of her own territory, subject to her own jurisdiction and control, applied for a constitution, it should be in a particular form; but that provision would not be binding on the new State one day after it was admitted into the Union. The other provision was, that such States as should lie south of 36° 30' should come into the Union, with or without slavery, as each should decide in its constitution. Then, by that act the Missouri compromise was extended indefinitely westward, so far as the State of Texas went, that is, to the Rio del Norte; for our Government at the time recognized the Rio del Norte as its boundary. We recognized in many ways, and among them by even paying Texas for it, in order that it might be included in, and form a portion of, the Territory of New Mexico.

Then, sir, in 1848 we acquired from Mexico the country between the Rio del Norte and the Pacific ocean. Immediately after that acquisition, the Senate, on my own motion, voted into a bill a provision to extend the Missouri compromise indefinitely westward to the Pacific ocean, in the same sense, and with the same understanding with which it was originally adopted. That provision passed this body by a decided majority—I think by ten at least—and went to the House of Representatives, and was there defeated by northern votes.

Now, sir, let us pause and consider for a moment. The first time that the principles of the Missouri compromise were ever abandoned, the first time they were ever rejected by Congress, was by the defeat of that provision in the House of Representatives in 1848. By whom was that defeat effected? By northern votes, with Free-Soil proclivities. It was the defeat of that Missouri compromise that reopened the slavery agitation with all its fury. It was the defeat of that Missouri compromise that created the tremendous struggle of 1850. It was the defeat of that Missouri compromise that created the necessity for making a new compromise in 1850. Had we been faithful to the principles of the Missouri compromise in 1848, this question would not have arisen. Who was it that was faithless? I undertake to say it was the very men who now insist that the Missouri compromise was a solemn compact, and should never be violated or departed from. Every man who is now assailing the principle of the bill under consideration, so far as I am advised, was opposed to the Missouri compromise in 1848. The very men who now arraign me for a departure from the Missouri compromise, are the men who successfully violated it, repudiated it, and caused it to be superseded by the compromise measures of 1850. Sir, it is with rather bad grace that the men who proved false themselves, should charge upon me and others, who were ever faithful, the responsibilities and consequences of their own treachery.

Then, sir, as I before remarked, the defeat of the Missouri compromise in 1848 having created the necessity for the establishment of a new one in 1850, let us see what that compromise was.

The leading feature of the compromise of 1850 was congressional non-intervention as to slavery in the Territories; that the people of the Territories, and of all the States, were to be allowed to do as they pleased upon the subject of slavery, subject only to the provisions of the Constitution of the United States.

That, sir, was the leading feature of the compromise measures of 1850. Those measures therefore, abandoned the idea of a geographical line as the boundary between free States and slave States; abandoned it because compelled to do it from an inability to maintain it; and in lieu of that, substituted a great principle of self-government, which would allow the people to do as they thought proper. Now, the question is, when that new compromise, resting upon that great fundamental principle of freedom, was established, was it not an abandonment of the old one—the geographical line? Was it not a superseding of the old one within the very language of the substitute for the

bill which is now under consideration? I say it did supersede it, because it applied its provisions as well to the north as to the south of 36° 30'. It established a principle which was equally applicable to the country north as well as south of the parallel of 36° 30'—a principle of universal application. The authors of this Abolition manifesto attempt to refute this presumption, and maintain that the compromise of 1850 did not supersede that of 1820, by quoting the proviso to the first section of the act to establish the Texan boundary, and established the Territory of New Mexico. That proviso was added by way of amendment, on motion by Mr. Mason, of Virginia.

I repeat, that in order to rebut the presumption, as I before stated, that the Missouri compromise was abandoned and superseded by the principles of the compromise of 1850, these confederates cite the following amendment, offered to the bill to establish the boundary of Texas and create the Territory of New Mexico in 1850:

"Provided, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise."

After quoting this proviso, they make the following statement, and attempt to gain credit for its truth by suppressing material facts which appear upon the face of the same statute, and, if produced, would conclusively disprove the statement:

"It is solemnly declared in the very compromise acts 'that nothing herein contained shall be construed to impair or qualify' the prohibition of slavery north of 36° 30'; and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go?"

I will now proceed to show that presumption could not go further than is exhibited in this declaration.

They suppress the following material facts, which, if produced, would have disproved their statement: They first suppress the fact that the same section of the act cuts off from Texas, and cedes to the United States, all that part of Texas which lies north of 36° 30'. They then suppress the further fact that the same section of the law cuts off from Texas a large tract of country on the west, more than three degrees of longitude, and added it to the territory of the United States. They then suppress the further fact that this territory thus cut off from Texas, and to which the Missouri compromise line did apply, was incorporated into the Territory of New Mexico. And then what was done? It was incorporated into that Territory with this clause:

"That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of its adoption."

Yes, sir, the very bill and section from which they quote cuts off all that part of Texas which was to be free by the Missouri compromise, together with some on the south side of the line, incorporates it into the Territory of New Mexico, and then says that that Territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper.

What else does it do? The sixth section of the same act provides that the legislative power and authority of this said Territory of New Mexico shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of the act not excepting slavery. Thus the New Mexican bill, from which they make that quotation, contained the provision that New Mexico, including that part of Texas which was cut off, should come into the Union with or without slavery, as it saw proper; and in the mean time that the Territorial Legislature should have all the authority over the subject of slavery that they had over any other subject, restricted only by the limitations of the Constitution of the United States and the provisions of the act. Now, I ask those Senators, do not those provisions repeal the Missouri compromise so far as it applied to that country cut off from Texas? Do they not annul it? Do they not supersede it? If they do, then the address which has been put forth to the world by these confederates is an atrocious falsehood. If they do not, then what do they mean when they charge me with having, in the substitute first reported from the committee, repealed it, with having annulled it, with having violated it,

when I only copied those precise words? I copied the precise words into my bill as reported from the committee which were contained in the New Mexico bill. They say my bill annuls the Missouri compromise. If it does, it had already been done before by the act of 1850, for these words were copied from the act of 1850.

Mr. WADE. Why did you do it over again?

Mr. DOUGLAS. I will come to that point presently, and explain why we did it over again. I am now dealing with the truth and veracity of a combination of men who have assembled in secret caucus upon the Sabbath day, to arraign my conduct and belie my character. I say, therefore, that their manifesto is a slander either way; for it says that the Missouri compromise was not superseded by the measures of 1850, and then it says that the same words in my bill do repeal and annul it. They must be adjudged guilty of one falsehood in order to sustain the other assertion.

Now, sir, I propose to go a little further, and show what was the real meaning of the amendment of the Senator from Virginia, out of which these gentlemen have manufactured so much capital in the newspaper-press, and have succeeded by that misrepresentation in procuring an expression of opinion from the State of Rhode Island in opposition to this bill. I will state what its meaning is. Did it mean that the States north of 36° 30' should have a clause in their constitutions prohibiting slavery? I have shown that it did not mean that, because the same act says that they might come in with slavery if they saw proper. I say it could not mean that for another reason. The same section containing that proviso cut off all that part of Texas north of 36° 30', and hence there was nothing for it to operate upon. It did not, therefore, relate to the country cut off. What did it relate to? Why, it meant simply this: By the joint resolution of 1845 Texas was annexed, with the right to form four additional States out of her territory; and such States as were south of 36° 30' were to come in with or without slavery, as they saw proper; and in such State or States as were north of that line, slavery should be prohibited. When we had cut off all north of 36° 30', and thus circumscribed the boundary and diminished the territory of Texas, the question arose, how many States will Texas be entitled to under this circumscribed boundary? Certainly not four, it will be argued. Why? Because the original resolution of annexation provided that one of the States, if not more, should be north of 36° 30'. It would leave it, then, doubtful whether Texas was entitled to two or three additional States under the circumscribed boundary.

In order to put that matter to rest, in order to make a final settlement, in order to have it explicitly understood, what was the meaning of Congress, the Senator from Virginia offered the amendment that nothing therein contained should impair that provision, either as to the number of States or otherwise; that is, that Texas should be entitled to the same number of States with her reduced boundaries as she would have been entitled to under her larger boundaries; and those States shall come in with or without slavery, being all south of 36° 30', and nothing to impair that right shall be inferred from the passage of the act. Such, sir, was the meaning of that proposition. Any other construction of it would stultify the very character and purpose of its mover, the Senator from Virginia. Such, then, was not only the intent of the mover, but such is the legal effect of the law; and I say that no man, after reading the other sections of the bill, those to which I have referred, can doubt that such was both the intent and the legal effect of that law.

Then I submit to the Senate if I have not convicted this manifesto, issued by the Abolition confederates, of being a gross falsification of the laws of the land, and by that falsification that an erroneous and injurious impression has been created upon the public mind? I am sorry to be compelled to indulge in language of this severity; but there is no other language that is adequate to express the indignation with which I see this attempt, not only to mislead the public, but to malign my character by deliberate falsification of the public statutes and the public records.

Sir, this misrepresentation and falsification does not stop here. In order to give greater plausibility to their statement, they go further, and state that "it is solemnly declared, in the very compromise

acts, "that nothing herein contained shall be construed to impair or qualify" the prohibition of slavery north of 36° 30'; and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption go further?"

In the very teeth of the statute, saying that they should come in with or without slavery as they pleased, these men declare that it is stated that it should be forever prohibited. I repeat to them, "Could presumption go further?" Not only presumption in making these statements, but the presumption that they could avoid the exposure of their conduct.

In order to give greater plausibility to this falsification of the terms of the compromise measures of 1850, the confederates also declare in their manifesto that they (the territorial bills for the organization of Utah and New Mexico) "applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits."

I submit to the Senate if there is an intelligent man in America who does not know that that declaration is falsified by the statute from which they quoted? They say that the provisions of that bill were confined to the territory acquired from Mexico, when the very section of the law from which they quoted that proviso did purchase a part of that very territory from the State of Texas. And the next section of the law included that territory in the new Territory of Mexico. It took a small portion, also, of the old Louisiana purchase, and added that to the new Territory of Mexico, and made up the rest out of the Mexican acquisitions. Then, sir, your statutes show, when applied to the map of the country, that the Territory of New Mexico was composed of territory acquired from Mexico, and also of territory acquired from Texas, and of territory acquired from France; and yet, in defiance of that statute, and in falsification of its terms, we are told, in order to deceive the people, that the bills were confined to the purchase made from Mexico alone; and in order to give it greater solemnity, as was necessary while uttering a falsehood, they repeat it twice, fearing that it would not be believed the first time. What is more, the Territory of Utah was not confined to the country acquired from Mexico. That Territory, as is well known to every man who understands the geography of the country, includes a large tract of rich and fertile country acquired from France in 1803, and to which the eighth section of the Missouri act applied in 1820. If these confederates do not know to what country I allude, I only reply that they should have known before they uttered a falsehood, and imputed a crime to me.

But I will tell you to what country I allude. By the treaty of 1819, by which we acquired Florida, and fixed a boundary between the United States and Mexico, the boundary was made of the Arkansas river to its source, and then the line ran due north of the source of the Arkansas to the 42d parallel, then along on the 42d parallel to the Pacific ocean. That line, due north from the head of the Arkansas, leaves the whole Middle Park, described in such glowing terms by Colonel Fremont, to the east of the line, and hence a part of the Louisiana purchase. Yet, inasmuch as that Middle Park is watered and drained by the waters flowing into the Colorado, when we formed the territorial limits of Utah, instead of running that air line, we ran along the ridge of the mountains, and cut off that part from Nebraska, or from the Louisiana purchase, and included it within the limits of the Territory of Utah.

Why did we do it? Because we sought for a national boundary; and it was more natural to take the mountains as a boundary than by an air line to cut the valleys on one side of the mountains, and annex them to the country on the other side. And why did we take these natural boundaries, setting at defiance the old boundaries? The simple reason was, that so long as we acted upon the principle of settling the slave question by a geographical line, so long we observed those boundaries strictly and rigidly; but when that was abandoned, in consequence of the action of Free-Soilers and Abolitionists—when it was superseded by the compromise measures of 1850, which rested upon a great universal principle—there was no necessity for keeping in view the old and unnatural

boundary. For that reason, in making the new Territories, we formed natural boundaries irrespective of the source whence our title was derived. In writing these bills I paid no attention to the fact whether the title was acquired from Louisiana, from France, or from Mexico; for what difference did it make? The principle which we had established in the bill would apply equally well to either.

In fixing those boundaries I paid no attention to the fact whether they included old territory or not—whether the country was covered by the Missouri compromise or not. Why? Because the principles established in the bills superseded the Missouri compromise. For that reason we disregarded the old boundaries—disregarded the territory to which it applied, and disregarded the source from whence the title was derived. I say, therefore, that a close examination of this act clearly establishes the fact that it was the intent as well as the legal effect of the compromise measures of 1850 to supersede the Missouri compromise, and all geographical and territorial lines.

Sir, in order to avoid any misconception, I will state more distinctly what my precise idea is upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri compromise provision, to that extent they absolutely annulled the Missouri compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the compromise of 1850. We all know that the object of the compromise measures of 1850 was to establish certain great principles, which would avoid the slavery agitation in all time to come. Was it our object simply to provide for a temporary evil? Was it our object just to heal over an old sore, and leave it to break out again? Was it our object to adopt a mere miserable expedient to apply to that territory, and that alone, and leave ourselves entirely at sea without compass when new territory was acquired, or new territorial organizations were to be made? Was that the object for which the eminent and venerable Senator from Kentucky [Mr. Clay] came here and sacrificed even his last energies upon the altar of his country? Was that the object for which WEBSTER, CLAY, CASS, and all the patriots of that day, struggled so long and so strenuously? Was it merely the application of a temporary expedient in agreeing to stand by past and dead legislation that the Baltimore platform pledged us to sustain the compromise of 1850? Was it the understanding of the Whig party, when they adopted the compromise measures of 1850 as an article of political faith, that they were only agreeing to that which was past, and had no reference to the future? If that was their meaning—if that was their object—they palmed off an atrocious fraud upon the American people. Was it the meaning of the Democratic party, when we pledged ourselves to stand by the compromise of 1850, that we spoke only of the past, and had no reference to the future? If so, it was then a fraud. When we pledged our President to stand by the compromise measures, did we not understand that we pledged him as to his future action? Was it as to his past conduct? If it had been in relation to past conduct only, the pledge would have been untrue as to a very large portion of the Democratic party. Men went into that convention who had been opposed to the compromise measures—men who abhorred those measures when they were pending—men who never would have voted affirmatively on them. But inasmuch as those measures had been passed, and the country had acquiesced in them, and it was important to preserve the principle in order to avoid agitation in the future, these men said, we waive our past objections, and we will stand by you and with you in carrying out these principles in the future.

Such I understood to be the meaning of the two great parties at Baltimore. Such I understand to have been the effect of their pledges. If they did not mean this, they meant merely to adopt resolutions which were never to be carried out, and which were designed to mislead and deceive the people for the mere purpose of carrying an election.

I hold, then, that as to the territory covered by the Utah and New Mexico bills, there was an express annulment of the Missouri compromise; and as to all the other unorganized territories, it was

superseded by the principles of that legislation, and we are bound to apply those principles in the organization of all new Territories, to all which we now own, or which we may hereafter acquire. If this construction be given, it makes that compromise a final adjustment. No other construction can possibly impart finality to it. By any other construction the question is to be reopened the moment you ratify a new treaty acquiring an inch of country from Mexico. By any other construction you reopen the issue every time you make a new territorial government. But, sir, if you treat the compromise measures of 1850 in the light of great principles, sufficient to remedy temporary evils, at the same time that they prescribe rules of action applicable everywhere in all time to come, then you avoid the agitation forever, if you observe good faith to the provisions of these enactments, and the principles established by them.

Mr. President, I repeat, that so far as the question of slavery is concerned, there is nothing in the bill under consideration which does not carry out the principle of the compromise measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong. If that principle is right, the bill is right. It is unnecessary to quibble about phraseology or words; it is not the mere words, the mere phraseology, that our constituents wish to judge by. They wish to know the legal effect of our legislation.

The legal effect of this bill, if it be passed as reported by the Committee on Territories, is neither to legislate slavery into these Territories nor out of them, but to leave the people do as they please, under the provisions and subject to the limitations of the Constitution of the United States. Why should not this principle prevail? Why should any man, North or South, object to it? I will especially address the argument to my own section of country, and ask why should any northern man object to this principle? If you will review the history of the slavery question in the United States, you will see that all the great results in behalf of free institutions which have been worked out, have been accomplished by the operation of this principle, and by it alone.

When these States were colonies of Great Britain, every one of them was a slave-holding province. When the Constitution of the United States was formed, twelve out of the thirteen were slave-holding States. Since that time six of those States have become free. How has this been effected? Was it by virtue of abolition agitation in Congress? Was it in obedience to the dictates of the Federal Government? Not at all; but they have become free States under the silent but sure and irresistible working of that great principle of self-government which teaches every people to do that which the interests of themselves and their posterity morally and pecuniarily may require.

Under the operation of this principle New Hampshire became free, while South Carolina continued to hold slaves; Connecticut abolished slavery, while Georgia held on to it; Rhode Island abandoned the institution, while Maryland preserved it; New York, New Jersey, and Pennsylvania abolished slavery, while Virginia, North Carolina, and Kentucky retained it. Did they do it at your bidding? Did they do it at the dictation of the Federal Government? Did they do it in obedience to any of your Wilmot provisions or ordinances of '87? Not at all; they did it by virtue of their right as freemen under the Constitution of the United States, to establish and abolish such institutions as they thought their own good required.

Let me ask you where have you succeeded in excluding slavery by an act of Congress from one inch of the American soil? You may tell me that you did it in the northwest territory by the ordinance of 1787. I will show you by the history of the country that you did not accomplish any such thing. You prohibited slavery there by law, but you did not exclude it in fact. Illinois was a part of the northwest territory. With the exception of a few French and white settlements, it was a vast wilderness, filled with hostile savages, when the ordinance of 1787 was adopted. Yet, sir, when Illinois was organized into a territorial government it established and protected slavery, and maintained it in spite of your ordinance, and in

defiance of its express prohibition. It is a curious fact, that so long as Congress said the territory of Illinois should not have slavery, she actually had it; and on the very day when you withdrew your congressional prohibition, the people of Illinois, of their own free will and accord, provided for a system of emancipation.

Thus you did not succeed in Illinois Territory with your ordinance or your Wilmot proviso, because the people there regarded it as an invasion of their rights. They regarded it as a usurpation on the part of the Federal Government. They regarded it as violative of the great principles of self-government, and they determined that they would never submit even to have freedom so long as you forced it upon them.

Nor must it be said that slavery was abolished in the constitution of Illinois in order to be admitted into the Union as a State, in compliance with the ordinance of 1787, for they did no such thing. In the constitution with which the people of Illinois were admitted into the Union, they absolutely violated, disregarded, and repudiated your ordinance. The ordinance said that slavery should be forever prohibited in that country. The constitution with which you received them into the Union as a State said that all slaves then in the State should remain slaves for life, and that all persons born of slave parents after a certain day should be free at a certain age, and that all persons born in the State after a certain other day should be free from the time of their birth. Thus their State constitution, as well as their territorial legislation, repudiated your ordinance. Illinois, therefore, is a case in point to prove that whenever you have attempted to dictate institutions to any part of the United States, you have failed. The same is true, though not to the same extent, with reference to the Territory of Indiana, where there were many slaves during the time of its territorial existence; and I believe also there were a few in the Territory of Ohio.

But, sir, these Abolition confederates in their manifesto, have also referred to the wonderful results of their policy in the State of Iowa and the Territory of Minnesota. Here again they happen to be in fault as to the laws of the land. The act to organize the Territory of Iowa did not prohibit slavery, but the people of Iowa were allowed to do as they pleased under the territorial government; for the sixth section of that act provided that the legislative authority should extend to all rightful subjects of legislation, except as to the disposition of the public lands, and taxes in certain cases, but not excepting slavery. It may, however, be said by some that slavery was prohibited in Iowa by virtue of that clause in the Iowa act which declared the laws of Wisconsin to be in force therein, "inasmuch as the ordinance of 1787 was one of the laws of Wisconsin. If, however, they say this, they defeat their object, because the very clause which transfers the laws of Wisconsin to Iowa, and makes them of force therein, also provides that those laws are subject to be altered, modified or repealed by the Territorial Legislature of Iowa. Iowa, therefore, was left to do as she pleased. Iowa, when she came to form a constitution and State government, preparatory to admission into the Union, considered the subject of free and slave institutions calmly, dispassionately, without any restraint or dictation, and determined that it would be to the interest of her people in their climate, and with their productions, to prohibit slavery, and hence Iowa became a free State by virtue of this great principle of allowing the people to do as they please, and not in obedience to any federal command.

The Abolitionists are also in the habit of referring to Oregon as another instance of the triumph of their abolition policy. There again they have overlooked or misrepresented the history of the country. Sir, it is well known, or if it is not, it ought to be, that for about twelve years you failed to give Oregon any government or any protection; and during that period the inhabitants of that country established a government of their own, and by virtue of their own laws, passed by their own representatives before you extended your jurisdiction over them, prohibited slavery by a unanimous vote. Slavery was prohibited there by the action of the people themselves, and not by virtue of any legislation of Congress.

It is true that in the midst of the tornado which swept over the country in 1848, 1849, and 1850, a

provision was forced into the Oregon bill prohibiting slavery in that Territory; but that only goes to show that the object of those who pressed it was not so much to establish free institutions as to gain a political advantage by giving an ascendancy to their peculiar doctrines, in the laws of the land; for slavery having been already prohibited there, and no man proposing to establish it, what was the necessity for insulting the people of Oregon by saying in your law that they should not do that which they had unanimously said they did not wish to do? That was the only effect of your legislation, so far as the Territory of Oregon was concerned.

How was it in regard to California? Every one of these abolition confederates who have thus arraigned me and the Committee on Territories before the country, who have misrepresented our position, and misquoted the law and the fact, predicted that unless Congress interposed by law, and prohibited slavery in California, it would inevitably become a slave-holding State. Congress did not interfere; Congress did not prohibit slavery. There was no enactment upon the subject; but the people formed a State constitution, and then prohibited slavery.

Mr. WELLER. The vote was unanimous in the convention of California for prohibition.

Mr. DOUGLAS. So it was in regard to Utah and New Mexico. In 1850, we who resisted any attempt to force institutions upon the people of those Territories, inconsistent with their wishes and their right to decide for themselves, were denounced as slavery propagandists. Every one of us who was in favor of the Compromise measures of 1850 was arraigned for having advocated a principle proposing to introduce slavery into those Territories; and the people were told, and made to believe, that unless we prohibited it by act of Congress, slavery would necessarily and inevitably be introduced into these Territories.

Well, sir, we did establish the territorial governments of Utah and New Mexico without any prohibition. We gave to these Abolitionists a full opportunity of proving whether their predictions were true or false. Years have rolled round, and the result is before us. The people there have not passed any law recognizing, or establishing, or introducing, or protecting slavery in the Territories.

I know of but one Territory of the United States where slavery does exist, and that one is where you have prohibited it by law, and it is this very Nebraska Territory. In defiance of the eighth section of the act of 1820, in defiance of Congressional dictation, there have been, not many, but a few slaves introduced. I heard a minister of the Gospel the other day conversing with a member of the Committee on Territories upon this subject. This preacher was from that country; and a member put this question to him: "Have you any negroes out there?" He said there were a few held by the Indians. I asked him if there were not some held by white men? He said there were a few, under peculiar circumstances, and he gave an instance: An abolition missionary, a very good man, had gone there from Boston, and he took his wife with him. He got out into the country, but could not get any help; hence he, being a kind-hearted man, went down to Missouri, and gave \$1,000 for a negro, and took him up there as "help." [Laughter.] So, under peculiar circumstances, when these Free-Soil and Abolition preachers and missionaries go into the country, they can buy a negro for their own use, but they do not like to allow any one else to do the same thing. [Renewed laughter.] I suppose the fact of the matter is simply this: there the people can get no servants—no "help," as they are called in the section of country where I was born—and, from the necessity of the case, they must do the best they can, and for this reason a few slaves have been taken there. I have no doubt that whether you organize the Territory of Nebraska or not this will continue for sometime to come. It certainly does exist, and it will increase as long as the Missouri compromise applies to the Territory; and I suppose it will continue for a little while during their territorial condition, whether a prohibition is imposed or not. But when settlers rush in—when labor becomes plenty, and therefore cheap, in that climate, with its productions, it is worse than folly to think of its being a slave-holding country. I do not believe there is a man in Congress who thinks it could be

permanently a slave-holding country. I have no idea that it could. All I have to say on that subject is, that when you create them into a Territory, you thereby acknowledge that they ought to be considered a distinct political organization. And when you give them in addition a Legislature, you thereby confess that they are competent to exercise the powers of legislation. If they wish slavery they have a right to it. If they do not want it they will not have it, and you should not force it upon them.

I do not like, I never did like, the system of legislation on our part, by which a geographical line, in violation of the laws of nature, and climate, and soil, and of the laws of God, should be run to establish institutions for a people; yet, out of a regard for the peace and quiet of the country, out of respect for past pledges, and out of a desire to adhere faithfully to all compromises, I sustained the Missouri compromise so long as it was in force, and advocated its extension to the Pacific. Now, when that has been abandoned, when it has been superseded, when a great principle of self-government has been substituted for it, I choose to cling to that principle, and abide in good faith, not only by the letter, but by the spirit of the last compromise.

Sir, I do not recognize the right of the Abolitionists of this country to arraign me for being false to sacred pledges, as they have done in their proclamation. Let them show when and where I have ever proposed to violate a compact. I have proved that I stood by the compact of 1820 and 1845, and proposed its continuance and observance in 1848. I have proved that the Free-Soilers and Abolitionists were the guilty parties who violated that compromise then. I should like to compare notes with these Abolition confederates about adherence to compromises. When did they stand by or approve of any one that was ever made?

Did not every Abolitionist and Free-Soiler in America denounce the Missouri compromise in 1820? Did they not for years hunt down ravenously for his blood every man who assisted in making that compromise? Did they not in 1845, when Texas was annexed, denounce all of us who went for the annexation of Texas, and for the continuation of the Missouri compromise line through it? Did they not in 1848 denounce me as a slavery propagandist for standing by the principles of the Missouri compromise, and proposing to continue the Missouri compromise line to the Pacific ocean? Did they not themselves violate and repudiate it then? Is not the charge of bad faith true as to every Abolitionist in America, instead of being true as to me and the committee, and those who advocate this bill?

They talk about the bill being a violation of the compromise measures of 1850. Who can show me a man in either House of Congress who was in favor of the compromise measures of 1850, and who is not now in favor of leaving the people of Nebraska and Kansas to do as they please upon the subject of slavery according to the provisions of my bill? Is there one? If so, I have not heard of him. This tornado has been raised by Abolitionists, and Abolitionists alone. They have made an impression upon the public mind in the way in which I have mentioned, by a falsification of the law and the facts; and this whole organization against the compromise measures of 1850 is an Abolition movement. I presume they had some hope of getting a few tender-footed Democrats into their plot; and, acting on what they supposed they might do, they sent forth publicly to the world the falsehood that their address was signed by the Senators and a majority of the Representatives from the State of Ohio; but when we come to examine signatures, we find no one Whig there, no one Democrat there; none but pure, unmitigated, unadulterated Abolitionists.

Much effect, I know, has been produced by this circular, coming as it does with the imposing title of a representation of a majority of the Ohio delegation. What was the reason for its effect? Because the manner in which it was sent forth implied that all the Whig members from that State had joined in it; that part of the Democrats had signed it; and then that the two Abolitionists had signed it, and that made a majority of the delegation. By this means it frightened the Whig party and the Democracy in the State of Ohio, because they supposed their own Representatives and friends had gone into this negro movement, when

the fact turns out to be that it was not signed by a single Whig or Democratic member from Ohio.

Now, I ask the friends and the opponents of this measure to look at it as it is. Is not the question involved the simple one, whether the people of the Territories shall be allowed to do as they please upon the question of slavery, subject only to the limitations of the Constitution? That is all the bill provides; and it does so in clear, explicit, and unequivocal terms. I know there are some men, Whigs and Democrats, who, not willing to repudiate the Baltimore platform of their own party, would be willing to vote for this principle, provided they could do so in such equivocal terms that they could deny that it means what it was intended to mean in certain localities. I do not wish to deal in any equivocal language. If the principle is right, let it be avowed and maintained. If it is wrong, let it be repudiated. Let all this quibbling about the Missouri compromise, about the territory acquired from France, about the act of 1820, be cast behind you; for the simple question is, will you allow the people to legislate for themselves upon the subject of slavery? Why should you not?

When you propose to give them a territorial government do you not acknowledge that they ought to be erected into a political organization; and when you give them a Legislature do you not acknowledge that they are capable of self-government? Having made that acknowledgment, why should you not allow them to exercise the rights of legislation? Oh, these Abolitionists say they are entirely willing to concede all this, with one exception. They say they are willing to trust the Territorial Legislature, under the limitations of the Constitution, to legislate upon the rights of inheritance, to legislate in regard to religion, education, and morals, to legislate in regard to the relations of husband and wife, of parent and child, of guardian and ward, upon everything pertaining to the dearest rights and interests of white men, but they are not willing to trust them to legislate in regard to a few miserable negroes. That is their single exception. They acknowledge that the people of the Territories are capable of deciding for themselves concerning white men, but not in relation to negroes. The real gist of the matter is this: Does it require any higher degree of civilization, and intelligence, and learning, and sagacity, to legislate for negroes than for white men? If it does, we ought to adopt the abolition doctrine, and go with them against this bill. If it does not—if we are willing to trust the people with the great, sacred, fundamental right of prescribing their own institutions, consistent with the Constitution of the country, we must vote for this bill as reported by the Committee on Territories. That is the only question involved in the bill. I hope I have been able to strip it of all the misrepresentation, to wipe away all of that mist and obscurity with which it has been surrounded by this Abolition address.

I have now said all I have to say upon the present occasion. For all, except the first ten minutes of these remarks, the Abolition confederates are responsible. My object, in the first place, was only to explain the provisions of the bill, so that they might be distinctly understood. I was willing to allow its assailants to attack it as much as they pleased, reserving to myself the right, when the time should approach for taking the vote, to answer, in a concluding speech, all the arguments which might be urged against it. I still reserve—what I believe common courtesy and parliamentary usage awards to the chairman of a committee and the author of a bill—the right of summing up, after all shall have been said which has to be said against this measure.

I hope the compact which was made on last Tuesday, at the suggestion of these Abolitionists, when the bill was proposed to be taken up, will be observed. It was that the bill, when taken up to-day, should continue to be considered from day to day until finally disposed of. I hope they will not repudiate and violate that compact as they have the Missouri compromise and all others which have been entered into. I hope, therefore, that we may press the bill to a vote; but not by depriving persons of an opportunity of speaking.

I am in favor of giving every enemy of the bill the most ample time. Let us hear them all patiently, and then take the vote and pass the bill. We who are in favor of it know that the princi-

ple on which it is based is right. Why then should we gratify the Abolition party in their effort to get up another political tornado of fanaticism, and put the country again in peril, merely for the purpose of electing a few agitators to the Congress of the United States?

We intend to stand by the principle of the compromise measures of 1850—that principle which lost the Presidency to the Senator from Michigan [Mr. Cass] in 1848, but which triumphed in 1850, although he had been a martyr in the cause—that principle to which the Democracy are pledged, not merely by the Baltimore platform, but by a higher and a more solemn obligation, to which they are pledged by the love and affection which they have for that great fundamental principle of Democracy and free institutions which lies at the basis of our creed, and gives every political community the right to govern itself in obedience to the Constitution of the country.

Mr. CHASE. Mr. President, I had some intimation, coming to the Senate Chamber this morning, of the diatribe which the Senator from Illinois [Mr. DOUGLAS] has now pronounced. I was aware that an assault was to be made upon us. Well, sir, the assault has been made. The Senator has paraded his battery; he has fired his guns; we have heard the noise; we are in the midst of the smoke; but nobody is hurt. We are still here; we yet survive; and I doubt not we shall long survive all such attacks as that which he has now been pleased to make.

Mr. President, the Senator from Illinois charges that the address, upon which he has been pleased to comment in terms which befit any other place than the Senate Chamber—however low that place may be—was concocted in what he chooses to call an Abolition caucus held upon Sunday. Aye, sir, with a generosity, peculiarly his own, he has availed himself of a mere error of date, and piously holds up to public reprobation the gentlemen who have signed that address as violating the sacredness of the Sabbath day, that day for which he cherishes, doubtless, a peculiar reverence. And yet, at the very moment of making this charge, he refutes it by another, asserting that this very appeal was printed in the New York Times and other New York papers on the Monday morning following that very Sunday. Did he not know that it was impossible that the document could have been prepared and signed here on Sunday and published in New York on Monday morning?

Well, sir, the Senator further charges that a false statement has been put forth in connection with this address. That false statement, as he alleges, was this: that the appeal was signed by a majority of the members from the State of Ohio. He thinks that the design was to catch some "soft-footed Democrats." "Soft-footed Democrats!" Aye, that is the phrase by which he chooses to mark all Democrats who will vote against this bill. I trust he will find that such Democrats are a little more numerous than he seems now to imagine. I do not know how many there may be. I pass that. What I have now to deal with is the Senator's charge, and that I pronounce utterly groundless.

The simple facts are these: The appeal was prepared upon consultation among the Independent Democrats who signed it. It was afterwards suggested that it should be signed by the Senators and a number of the Representatives from Ohio, and sent forth as an address to the people of that State. It was signed by my colleague and myself, with that view; but some alterations being required by certain Representatives, which could not be made without inconvenient delay, it was determined to issue the document with the signatures only of the gentlemen by whom it was originated, and in the form originally proposed, as an appeal to the whole country. That is the plain story. The address bears no signatures other than those of the Independent Democrats, whom the Senator chooses to style "the Abolition confederates." By no one of them was it ever represented to be otherwise signed. Some gentlemen connected with the press, however, hearing of the purpose that it should be signed by more or less of the delegation from Ohio, have sent it abroad with a statement that it was thus signed in fact. I have a note in my hand which the corresponding editor in this city of the New York Times has just sent me from the reporters' gallery, in which he states how the mistaken state-

ment went into that paper. I will not trouble the Senate with the reading of it; but I will send it to the reporter, to be printed with these remarks. My colleague is in his seat, and knows the truth of what I speak.

Mr. WADE. Mr. President, I heard the address half read, and, judging of its quality by its sample, I signed it. Judging it by that sample, and by what has been made known by the Senator from Illinois, I now indorse every word of it, for I believe it is perfectly true and correct. It was issued without my signature, for the reasons assigned by my colleague.

Mr. CHASE. Not only, Mr. President, were none of us who are connected with this address responsible in any degree for any of those newspaper statements, but it is also true that the moment I learned that a statement attributing the address to the Ohio delegation was likely to appear in the New York Times, I requested the correspondent of that paper to telegraph the actual names of the signers for the very purpose of preventing any misapprehension. And yet the Senator represents me as having sent this document to the State of Ohio with this misrepresentation. The very reverse of this is true. When I found how it appeared in the New York papers, I telegraphed at once to friends in Ohio not to publish the address with any such statements. I do not know how it has appeared there. I know only that I have sent none of these documents anywhere to be published with any other signatures than those actually appended to them. And yet the Senator comes here into this Chamber, and charges Senators with false statements, intended for special effect in Ohio, in relation to the signatures to this appeal. There is not a particle of foundation for the charge. Sir, I do not envy him either the spirit which prompted it, or the position which he occupies, having made it.

Well, sir, the Senator proceeded to take exception to the character and scope of the whole document. He says that we, forsooth, have held him up to the country in this address as guilty of certain great and enormous crimes. Why, sir, any man who reads the address will see that in no part of it, from first to last, except in a brief note appended, is the Senator mentioned at all. So far as I am responsible for the document, either by signature or authorship, I tell the Senator he was not in all my thoughts. He exaggerates his importance when he supposes that we had him, rather than any other member of the committee, specially in view. Sir, I know the gigantic stature of the Senator; I know the weight and importance which he possesses in the country; I know that he has a great and powerful party surrounding him; and I know also the great disadvantages under which I enter into any controversy which he provokes. I am in a minority. I know that full well. It is no very pleasant position. But I dare do that which I should like to see the Senator also do. I dare adhere to principle, even though that adherence must carry me into a minority.

It is very true, Mr. President, that the Senator from Massachusetts [Mr. SUMNER] and myself are but two in a body of sixty-two. We know that upon the great question which we feel ourselves bound to press upon the consideration of the American people we have not the sympathies of this body with us. But we can proudly challenge scrutiny of our action, and defy the production of an instance in which we have been illiberal to those from whom we differ. When have we stopped to inquire whether the interests to be effected by our votes were those of the North or the South? When did we fail to give to any proper measure for the benefit of any southern State or citizen a prompt, an earnest, and a cordial support? When did we ever offer a sectional opposition to any nomination sent here? Upon what occasion did we ever discriminate, by sectional lines, between interests or men? Why, then, are we to be thus assailed?

Sir, our offense is, that we deny the nationality of slavery. No man can show that we have ever sought to interfere with the legislation of any State of the Union upon that subject. All that we have ever insisted upon is, that the Territories of this Union shall be preserved from slavery; and that where the General Government exercises exclusive jurisdiction, its legislation shall be on the side of liberty. It is because we defend these positions that the Senator from Illinois attacks us. He

thinks that he can take advantage of his position in the country—that he can take advantage of his connection with a great and powerful political organization, and assail us with little hazard. It is safe to attack opponents who stand, as we stand, without the supports he counts upon. Ay, sir, that shows courage, that shows chivalry, that shows high honor, that shows lofty manhood—to assail the few and the unsupported. I tell the Senator from Illinois that we did not assail him. We did not say a word about him from the beginning to the end of our appeal. He was named only in the postscript, and then merely as the author of the bill. We spoke of the bill. We spoke of its character. We said nothing about the character of the individuals who were its authors; anybody may see that who chooses to read the address.

In the whole discussion of the matter in controversy, we confined ourselves in that appeal strictly and closely to the merits of the case. And now, sir, here, in this Chamber, before this audience, I reaffirm every word and every syllable of that appeal. I make no personal imputations; I make no personal charges; I do not follow the example which has been set here to-day, but which, in my judgment, is not fit to be followed anywhere; but I reaffirm and reiterate, distinctly and emphatically, every word and every syllable of that address. I thank the Senator from Illinois for having brought it so prominently before the country. It will now reach thousands and tens of thousands who would not have read it but for the discussion which has taken place here to-day. It will be seen, read, and judged by the people, and they will determine for themselves whether or not its doctrine be sound and its facts truly stated.

In this appeal "we arraign this bill as a gross violation of a sacred pledge." The Senator from Illinois thinks that the pledge of the Missouri compromise was nothing worth. We think it was of vast consequence, and absolutely binding; and, as the bill proposes to abrogate it, we do not choose soft words, but characterize it at once as it deserves. We arraign it also as "a criminal betrayal of precious rights." Well, what rights are precious, if those secured to free labor and free laborers in that vast Territory are not? What can be criminal, if it be not criminal to subvert these rights for the purpose of giving room to slavery? When the bill proposes to reach this bad end by the baseless declaration that the Missouri prohibition is superseded by the principles of the legislation of 1850—a singular mode of repeal that—we call it "a criminal betrayal of precious rights."

The appeal goes on to denounce the bill as "part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves." Well, suppose this Territory opened to slavery. Who does not know that upon the western borders of Missouri there are many slaveholders restrained now by the prohibition, but eager to enter the new Territory with their slaves? Who does not know that the effect of the introduction of slaves will be the exclusion of free laborers, and, to a great extent, of the emigrants from Europe? Why, sir, in my judgment, a concerted movement by slavery confederates to open this great Territory, larger by twelve times than the whole State of Ohio—larger than all the existing free States, with the exception of California—to the ingress of slavery, is mildly characterized by the language of the appeal. But I will not further review this document. It will appear with these remarks, and will speak for itself.

I shall ask the indulgence of the Senate to hear me at another time in reply to the argument of the Senator from Illinois. I have set myself right in respect to the two or three points, which the imputations of the Senator made it necessary for me to notice. I am ready to meet his argument at any time; but it is too late to enter upon it to-day. I shall ask, however, the attention of the Senate, at an early day, while I demonstrate that the prohibition of 1820 was a compact; that it was not repealed by the compromise of 1850; that not a single word was uttered in this Chamber, or in the other House, or any where through the whole land, indicating any idea or purpose on the part of anybody that those measures were to operate as such a repeal; and that when the Senator vouches the authority of Clay and Webster to sustain him,

he vouches authorities which would rebuke him, could those statesmen speak from their graves. I will detain the Senate no longer.

[*Appeal of the Independent Democrats in Congress to the People of the United States.*]

SHALL SLAVERY BE PERMITTED IN NEBRASKA?

WASHINGTON, January 19, 1854.

FELLOW-CITIZENS: As Senators and Representatives in the Congress of the United States, it is our duty to warn our constituents whenever imminent danger threatens the freedom of our institutions or the permanency of our Union.

Such danger, as we firmly believe, now impends, and we earnestly solicit your prompt attention to it.

At the last session of Congress, a bill for the organization of the Territory of Nebraska passed the House of Representatives with an overwhelming majority. That bill was based on the principle of excluding slavery from the new Territory. It was not taken up for consideration in the Senate, and consequently failed to become a law.

At the present session, a new Nebraska bill has been reported by the Senate Committee on Territories, which, should it unhappily receive the sanction of Congress, will open all the unorganized territory of the Union to the ingress of slavery.

We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region immigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves.

Take your maps, fellow citizens, we entreat you, and see what country it is which this bill, gratuitously and recklessly, proposes to open to slavery.

From the southwestern corner of Missouri pursue the parallel of 36° 30' north latitude, westerly across the Arkansas, across the north fork of Canadian, to the north-eastern angle of Texas; then following the northern boundary of Texas to the western limit of New Mexico; then proceed along that western line to its northern termination; then again turn westerly and follow the northern line of New Mexico to the crest of the Rocky Mountains; then ascend northwardly along the crest of that mountain range to the line which separates the United States from the British possessions in North America, on the 49th parallel of north latitude; then pursue your course easterly along that line to the White Earth river, which falls into the Missouri from the north; descend that river to its confluence with the Missouri; descend the Missouri, along the western border of Minnesota, of Iowa, of Missouri, to the point where it ceases to be a boundary line, and enters the State to which it gives its name; then continue your southward course along the western limit of that State to the point from which you set out. You have now made the circuit of the proposed Territory of Nebraska. You have traversed the vast distance of more than three thousand miles. You have traced the outline of an area of four hundred and eighty five thousand square miles; more than twelve times as great as that of Ohio.

This immense region, occupying the very heart of the North American continent, and larger, by thirty-three thousand square miles, than all the existing free States, extending California—this immense region, well watered and fertile, through which the middle and northern routes from the Atlantic to the Pacific must pass—this immense region, embracing all the unorganized territory of the nation, except the comparatively insignificant district of Indian territory north of Red river and between Arkansas and Texas, and now for more than thirty years regarded by the common consent of the American people as consecrated to freedom by statute and by compact—this immense region, the bill now before the Senate, without reason and without excuse, but in flagrant disregard of sound policy and sacred faith, proposes to open to slavery.

We beg your attention, fellow-citizens, to a few historical facts.

The original settled policy of the United States, clearly indicated by the Jefferson proviso of 1764, and by the ordinance of 1787, was non-extension of slavery.

In 1803, Louisiana was acquired by purchase from France. At that time there were some twenty five or thirty thousand slaves in this Territory, most of them within what is now the State of Louisiana; a few only, further north, on the west bank of the Mississippi. Congress, instead of providing for the abolition of slavery in this new Territory, permitted its continuance. In 1812 the State of Louisiana was organized and admitted into the Union with slavery.

In 1818, six years later, the inhabitants of the Territory of Missouri applied to Congress for authority to form a State constitution, and for admission into the Union. There were, at that time, in the whole territory acquired from France, outside of the State of Louisiana, not three thousand slaves.

There was no apology in the circumstances of the country for the continuance of slavery. The original national policy was against it, and, not less, the plain language of the treaty under which the territory had been acquired from France.

It was proposed, therefore, to incorporate in the bill authorizing the formation of a State government, a provision requiring that the constitution of the new State should contain an article providing for the abolition of existing slavery, and prohibiting the further introduction of slaves.

This provision was vehemently and pertinaciously opposed, but finally prevailed in the House of Representatives by a decided vote. In the Senate it was rejected, and, in consequence of the disagreement between the two Houses, the bill was lost.

At the next session of Congress the controversy was renewed with increased violence. It was terminated, at length, by a compromise. Missouri was allowed to come into the Union with slavery; but a section was inserted in the act authorizing her admission excluding slavery forever from all the territory acquired from France, not included in the new State, lying north of 36° 30'.

We quote the prohibitory section:*

"Sec. 8. Be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° and 30' of north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than as the punishment of crimes, shall be and is hereby forever prohibited."

The question of the constitutionality of this prohibition was submitted by President Monroe to his Cabinet. John Quincy Adams was then Secretary of State; John C. Calhoun was Secretary of War; William H. Crawford was Secretary of the Treasury; and William Wirt was Attorney General. Each of these eminent men, three of them being from slave States, gave a written opinion, affirming its constitutionality, and thereupon the act received the sanction of the President himself, also from a slave State.

Nothing is more certain in history than the fact that Missouri could not have been admitted as a slave State had not certain members from the free States been reconciled to the measure by the incorporation of this prohibition into the act of admission. Nothing is more certain than that this prohibition has been regarded and accepted by the whole country as a solemn compact against the extension of slavery into any part of the territory acquired from France, lying north of 36° 30'; and not included in the new State of Missouri. The same act—let it be ever remembered—which authorized the formation of a constitution for the State, without a clause forbidding slavery, consecrated, beyond question, and beyond honest recall, the whole remainder of the territory to freedom and free institutions forever. For more than thirty years—during more than half the period of our national existence under our present Constitution—this compact has been universally regarded and acted upon as an inviolable American law. In conformity with it, Iowa was admitted as a free State, and Minnesota has been organized as a free Territory.

It is a strange and odious fact, well calculated to awaken the worst apprehensions, and the most fearful forebodings of future calamities, that it is now deliberately purposed to repeal this prohibition, by implication or directly—the latter certainly the manlier way—and thus to subvert this compact, and allow slavery in all the yet unorganized territory.

We cannot, in this address, review the various pretences under which it is attempted to cloak this monstrous wrong; but we must not altogether omit to notice one.

It is said that the Territory of Nebraska sustains the same relations to slavery as did the territory acquired from Mexico prior to 1850, and that the pro-slavery clauses of the bill are necessary to carry into effect the compromises of that year.

No assertion could be more groundless.

Three acquisitions of territory have been made by treaty. The first was from France. Out of this territory have been created the three slave States of Louisiana, Arkansas, and Missouri, and the single free State of Iowa. The controversy which arose in relation to the then unorganized portion of this territory was closed in 1820 by the Missouri act, containing the slavery prohibition, as has been already stated. This controversy related only to territory acquired from France. The act by which it was terminated was confined, by its own express terms, to the same territory, and had no relation to any other.

The second acquisition was from Spain. Florida, the territory thus acquired, was yielded to slavery without a struggle, and almost without a murmur.

The third was from Mexico. The controversy which arose from this acquisition is fresh in the remembrance of the American people. Out of it sprung the acts of Congress, commonly known as the compromise measures of 1850, by one of which California was admitted as a free State; while two others, organizing the Territories of New Mexico and Utah, exposed all the residue of the recently acquired territory to the invasion of slavery.

These acts were never supposed to brogate or touch the existing exclusion of slavery from what is now called Nebraska. They applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits.

The statesmen whose powerful support carried the Utah and New Mexico acts never dreamed that their provisions would ever be applied to Nebraska. Even at the last session of Congress, Mr. Atchison, of Missouri, in a speech in favor of taking up the former Nebraska bill, on the morning of the 4th of March, 1853, said: "It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five, or ten years hence." These words could not have fallen from this watchful guardian of slavery had he supposed that this Territory was embraced by the pro-slavery provisions of the compromise acts. This pretension had not then been set up. It is a palpable afterthought.

The compromise acts themselves refute this pretension. In the third article of the second section of the joint resolution for annexing Texas to the United States, it is expressly declared that "in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude, except for crime, shall be prohibited;" and in the act for organizing New Mexico and settling the boundary of Texas, a proviso was incorporated, on the motion of Mr. Mason, of Virginia, which distinctly preserves this prohibition, and flouts the barefaced pretension that all the territory of the United States, whether south or north of the Missouri compromise line, is to be open to slavery. It is as follows:

"Provided, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may

* Act March 6, 1820—3 U. S. Statutes at Large, 545.

[Act of March 1, 1845—5 U. S. Statutes at Large, 797.

hereafter be formed out of the State of Texas, or otherwise."²

Here is proof, beyond controversy, that the principle of the Missouri act prohibiting slavery north of 36° 30', far from being abrogated by the compromise acts, is expressly affirmed; and that the proposed repeal of this prohibition, instead of being an affirmation of the compromise acts, is a repeal of a very prominent provision of the most important act of the series. It is solemnly declared, in the very compromise acts, "that nothing herein contained shall be construed to impair or qualify" the prohibition of slavery north of 36° 30'; and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go? To all who, in any way, lean upon these compromises, we commend this exposition.

The pretences, therefore, that the territory, covered by the positive prohibition of 1820, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the compromises of 1850 require the incorporation of the pro-slavery clauses of the Utah and New Mexico bill in the Nebraska act, are mere inventions, designed to cover up from public apprehension meditated bad faith. Were he living now, no one would be more forward, more eloquent, or more indignant, in his denunciation of that bad faith than Henry Clay, the foremost champion of both compromises.

In 1820 the slave States said to the free States: "Admit Missouri with slavery and refrain from positive exclusion south of 36° 30', and we will join you in perpetual prohibition north of that line." The free States consented. In 1854 the slave States say to the free States: "Missouri is admitted; no prohibition of slavery south of 36° 30' has been attempted; we have received the full consideration of our agreement; no more is to be gained by adherence to it on our part; we therefore propose to cancel the compact." If this be not Punic faith, what is it? Not without the deepest dishonor and crime can the free States acquiesce in this demand.

We confess our total inability properly to delineate the character or describe the consequences of this measure. Language fails to express the sentiments of indignation and abhorrence which it inspires; and no vision less penetrating and comprehensive than that of the All-Seeing, can reach its evil issues.

To some of its more immediate and inevitable consequences, however, we must attempt to direct your attention.

What will be the effect of this measure, should it unhappily become a law, upon the proposed Pacific railroad? We have already said that two of the principal routes, the central and the northern, traverse this Territory. If slavery be allowed there, the settlement and cultivation of the country must be greatly retarded. Inducements to the immigration of free laborers will be almost destroyed. The enhanced cost of construction, and the diminished expectation of profitable returns, will present almost insuperable obstacles to building the road at all; while, even if made, the difficulty and expense of keeping it up, in a country from which the energetic and intelligent masses will be virtually excluded, will greatly impair its usefulness and value.

From the rich lands of this large Territory, also, patriotic statesmen have anticipated that a free, industrious, and enlightened population will extract abundant treasures of individual and public wealth. There, it has been expected, freedom-loving emigrants from Europe, and energetic and intelligent laborers from our own land, will find homes of comfort and fields of useful enterprise. If this bill shall become a law, all such expectation will turn to grievous disappointment. The blight of slavery will cover the land. The homestead law, should Congress enact one, will be worthless there. Freemen, unless pressed by a hard and cruel necessity, will not, and should not, work beside slaves. Labor cannot be respected where any class of laborers is held in abject bondage.

We earnestly request the enlightened conductors of newspapers printed in the German and other foreign languages, to direct the attention of their readers to this important matter.

It is of immense consequence, also, to scrutinize the geographical character of this project. We beg you, fellow-citizens, to observe that it will sever the East from the West of the United States by a wide slaveholding belt of country, extending from the Gulf of Mexico to British North America. It is a bold scheme against American liberty, worthy of an accomplished architect of ruin. Texas is already slaveholding, and occupies the Gulf region from the Sabine to the Rio Grande, and from the Gulf of Mexico to the Red river. North of the Red river, and extending between Texas and Arkansas, to the parallel of 36° 30', lies the Indian territory, about equal in extent to the latter State, in which slavery was not prohibited by the act of 1820. From 36° 30' to the boundary line between our own country and the British possessions, stretching from west to east through more than eleven degrees of longitude, and from south to north through more than twelve degrees of latitude, extends the great Territory, the fate of which is now to be determined by the American Congress. Thus you see, fellow-citizens, that the first operation of the proposed permission of slavery in Nebraska, will be to stay the progress of the free States westward, and to cut off the free States of the Pacific from the free States of the Atlantic. It is hoped, doubtless, by compelling the whole commerce and the whole travel between the East and West to pass for hundreds of miles through a slaveholding region, in the heart of the continent, and by the influence of a Federal Government, controlled by the slave power, to extinguish freedom and establish slavery in the States and Territories of the Pacific, and thus permanently subjugate the whole country to the yoke of a slaveholding despotism. Shall a plot against humanity and democracy so monstrous, and so dangerous to the interests of liberty throughout the world, be permitted to succeed?

We appeal to the people. We warn you that the dearest interests of freedom and the Union are in imminent peril.

Demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery. We tell you that the safety of the Union can only be insured by the full recognition of the just claims of freedom and man. The Union was formed to establish justice, and secure the blessings of liberty. When it fails to accomplish these ends, it will be worthless; and when it becomes worthless, it cannot long endure.

We entreat you to be mindful of that fundamental maxim of Democracy—EQUAL RIGHTS AND EXACT JUSTICE FOR ALL MEN. Do not submit to become agents in extending legalized oppression and systematized injustice over a vast Territory yet exempt from these terrible evils.

We implore Christians and Christian ministers to interpose. Their divine religion requires them to behold in every man a brother, and to labor for the advancement and regeneration of the human race.

Whatever apologies may be offered for the toleration of slavery in the States, none can be urged for its extension into Territories where it does not exist, and where that extension involves the repeal of ancient law, and the violation of solemn compact. Let all protest, earnestly and emphatically, by correspondence, through the press, by memorials, by resolutions of public meetings and legislative bodies, and in whatever other mode may seem expedient, against this enormous crime.

For ourselves, we shall resist it by speech and vote, and with all the abilities which God has given us. Even if overcome in the impending struggle, we shall not submit. We shall go home to our constituents, erect anew the standard of freedom, and call on the people to come to the rescue of the country from the domination of slavery. We will not despair; for the cause of human freedom is the cause of God.

S. P. CHASE, Senator from Ohio.

CHARLES SUMNER, Senator from Mass.

J. R. GIDDINGS, Representative from Ohio.

EDWARD WADE, Representative from Ohio.

GERRIT SMITH, Representative from N. York.

ALEX. DE WITT, Representative from Mass.

NOTE.—The amended Nebraska bill, introduced by Mr. Douglas, was promptly printed at length in the Washington Sentinel. As printed, it did not meet the views of certain southern gentlemen, and it was then discovered that an important declaratory section, legislating into the bill the principles of the compromise, had been omitted by a clerical error. Even after this remarkable clerical error had been rectified, the bill was unsatisfactory, and now Mr. Douglas proposes more amendments—to divide the Territory into two; to charge the Treasury with the expense of two Territorial Governments; to strike out the clerical error section, and insert elsewhere in the bill a clause excepting from the laws of the United States extended over the Territory, the Missouri prohibition. The last proposed amendment will read thus:

"That the Constitution, and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative."

This amendment is a manifest falsification of the truth of history, as is shown in the body of the foregoing address. Not a man in Congress, or out of Congress, in 1850, pretended that the compromise measures would repeal the Missouri prohibition. Mr. Douglas himself never advanced such a pretence until this session. His own Nebraska bill, of last session, rejected it. It is a sheer afterthought. To declare the prohibition inoperative, may, indeed, have effect in law as a repeal, but it is a most discreditable way of reaching the object. Will the people permit their dearest interests to be thus made the mere hazards of a presidential game, and destroyed by false facts and false inferences?

Letter from Mr. Simonton to Mr. Chase.

SENATE GALLERY, January 30, 1854.

Hon. S. P. Chase:

An act of inadvertence on my part seems to have subjected you to the charge of procuring the publication of the Independent Democratic Address against the Nebraska bill, with the statement that it was signed by a majority of the Representatives from Ohio. I deem it a duty to state to you the circumstances under which the mistake, for which you certainly are not responsible, occurred.

Learning accidentally that an address on the subject was about to be published, I solicited the favor of proof sheets for publication in the New York Daily Times, as a matter of much interest to a large proportion of the reading public. With some difficulty I obtained them, and they were transmitted to New York before any signatures had been appended, and before it had been definitely decided whether the address would be offered for general signature of members of Congress from Ohio, or would be issued as the address of the Independent Democracy in Congress to the people of the United States.

The document first reached the public through the columns of the Times. The evening before it appeared you sent me the names of the signers, with the request that I would send them to New York by telegraph for publication in their proper place, that there might be no mistaking the quarter from whence the document emanated. I regret to say that I failed to telegraph until 10 o'clock at night, when, as it subsequently appeared, the first "form" of the paper had gone to press. That "form," unfortunately, contained the address in question; and my dispatch was too late to accomplish its object. In the absence of any signatures, the editor had appended a note stating that the address was "signed by a majority of the Representatives from Ohio." He did this, I suppose, on an intuition I had previously given him that such an address was about to be issued, and would be so signed. I had no authority, however, for that statement, and did not intend to make it, except as an expression of opinion. The error, which was a very natural

one, it will be seen was not committed by you, or at your suggestion; on the contrary, it occurred in the very face of your efforts to prevent it.

If any one will take the trouble to look into the Daily Times of the 24th instant—the issue which contains the address—he will find upon the editorial page the names of each of the gentlemen who did sign that document—those names taken, doubtless, from my dispatch. Thus the error committed on the page containing the address is rectified on the editorial page, where it is stated, also, that the appeal of these Independent Democrats is made to the "people of the United States."

The New York Tribune copied the address from the Times, errors and all; and there can be little doubt that the erroneous publications elsewhere had the same origin. The Evening Post of the 25th contained the address with the proper caption and signatures.

Trusting this explanation may be of service in removing the imputation which has been made,

I am, respectfully, and truly yours,

JAMES W. SIMONTON,
Washington Ed. N. Y. Daily Times.]

Mr. SUMNER. Mr. President, before the Senate adjourns I crave a single moment. As one of the signers of the address referred to by the Senator from Illinois, [Mr. DOUGLAS], I accept now openly, before the Senate and the country, my full responsibility for it, and deprecate no criticism upon it from any quarter. That document was put forth in the discharge of a high public duty; on the precipitate introduction into this body of a measure which, as it seems to me, is not only subversive of ancient landmarks, but hostile to the peace, the harmony, and the best interests of the country. But, sir, in doing this, I judged the act, and not its author. I saw only the enormous proposition, and nothing of the Senator.

The language used is strong, but it is not stronger than the exigency required. Here is a measure which reverses the time-honored policy of our fathers in the restriction of slavery; which sets aside the Missouri Compromise—a solemn compact, by which all the territory ceded by France under the name of Louisiana, was "forever" consecrated to freedom—and which violates, also, the alleged compromises of 1850; and all this is to open an immense territory to the ingress of slavery. Such a measure cannot be regarded without emotions too strong for speech. It cannot be justly described in common language. It is a soulless, eyeless monster—horrid, unshapely, and vast—fitly pictured in the verse of the poet:

"Monstrum horrendum, informe, ingens, cui lumen ademptum,"

And this monster is now let loose upon the country.

Allow me one other word of explanation. It is true that I desired that the consideration of this measure should not be pressed at once with indecent haste, as was proposed, even before the Senate could read the bill in which it was embodied. I had not forgotten that the Missouri bill, as appears from the Journals of Congress, when first introduced in December, 1819, was allowed to rest upon the table nearly two months before the discussion commenced. The proposition to undo the only part of that work which is now in any degree within the reach of Congress should be approached with even a greater caution and reserve. The people have a right to be heard on this monstrous scheme; and there is no apology for that driving, galloping speed, which shall anticipate their voice, and, in its consequences, must despoil them of this right.

On motion by Mr. SEWARD,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 30, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

COMMUNICATIONS FROM DEPARTMENTS.

The SPEAKER laid before the House a communication from the Treasury Department, containing tables showing the number of establishments, and where located, that were engaged in the manufacture of salt, the amount of capital invested in said manufacture, the average quantity manufactured, the table of prices for which salt is sold under the present rate of duties thereon, and also, tables showing the amount of foreign salt imported into the United States.

On motion by Mr. DRUM, the communication was referred to the Committee on Ways and Means, and ordered to be printed.

* Congressional Globe, 1849-50, p. 1552; act September 9, 1850—9 United States Statutes at Large, 446.

The SPEAKER also laid before the House a communication from the Second Auditor's Office of the Treasury Department, transmitting copies of accounts rendered by persons charged and intrusted with the disbursement and application of money, goods, and effects for the benefit of the Indians, from the 1st of July, 1852, to the 30th of June, 1852, inclusive, together with statements containing the names of persons to whom money, goods, and effects have been delivered within the period specified.

On motion by Mr. HOUSTON, the communication was laid upon the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Treasury Department, transmitting tables in regard to the clerks employed in the Treasury Department, and the several bureaus thereof, which was laid upon the table, and ordered to be printed.

MADISON PARTON.

The SPEAKER. The business first in order is the motion to lay upon the table the bill for the relief of Madison Parton. It will be recollected that the amendment proposed to this bill by the Committee of the Whole House was voted down, and also that a motion was made to lay the bill upon the table. The previous question having been ordered to be put, the bill comes up now, although it is a private bill.

Mr. DEAN. I move to reconsider the vote by which the House rejected the amendment proposed by the committee.

The SPEAKER. The motion to lay the bill upon the table will supersede all other motions.

Mr. DEAN. I hope the gentleman from South Carolina will withdraw it.

Mr. ORR. I will withdraw the motion I made to lay the bill upon the table. I am in favor of the bill, if the clause providing interest is stricken out.

Mr. DEAN. I think it is a dangerous precedent to pay interest in such cases.

Mr. PECKHAM. Is the gentleman from New York [Mr. DEAN] at liberty to make the motion to reconsider?

Mr. DEAN. There are no yeas and nays called.

Mr. PECKHAM. I would suggest whether it be proper to reconsider this bill in the absence of the gentleman from Georgia [Mr. HILLYER] having it in charge?

The SPEAKER. It can be postponed only by the unanimous consent of the House.

Mr. DEAN. I would suggest that, as the gentleman from Georgia, in whose charge this bill is, is not present, the bill go over by unanimous consent.

The SPEAKER. The proposition to reconsider may be postponed, if it be the pleasure of the House. To when does the gentleman propose to postpone the further consideration of the motion?

Mr. ORR. I suppose to-morrow will be as good a time as any.

Mr. WASHBURN, of Illinois. I must ask if the gentleman from New York, who moves to reconsider, voted in the affirmative?

The SPEAKER. The yeas and nays were not taken, and the gentleman has the right to make the motion, whether he voted in the affirmative or negative.

Mr. TAYLOR, of Ohio. I do not know whether I have any objection to the proposition to postpone or not. I cannot hear or understand the state of the case.

The SPEAKER. On Friday last a bill for the relief of Madison Parton was reported from the Committee of the Whole House. The bill contained in it a proposition to pay interest upon the claim. The committee proposed to amend by striking out that provision. The House refused to concur in the amendment, and the provision was retained in the bill. A motion was then made to lay the bill upon the table, the previous question having been ordered upon the passage of the bill. The gentleman from South Carolina [Mr. ORR] now withdraws the motion to lay upon the table. The gentleman from New York [Mr. DEAN] moves to reconsider the vote by which the House refused to concur in the amendment of the Committee of the Whole; and as the gentleman from Georgia, [Mr. HILLYER,] who reported the bill, is not in the Hall, it is proposed

to postpone the further consideration of the motion until to-morrow.

Mr. JONES, of Tennessee. I submit that the bill being a private one, goes over until the next private bill day.

The SPEAKER. The previous question having been sustained, and the main question ordered, it is the opinion of the Chair that the bill comes up first in order to-day, notwithstanding the fact that it is a private one.

Mr. JONES. I think that makes no difference.

The SPEAKER. In the opinion of the Chair, no other business can intervene until the House has executed its order, that the main question be now put.

Mr. JONES. A majority may suspend even the rule requiring days to be set apart for the consideration of private business. I know it is held that on resolution day, a motion to suspend the rules goes over till the next resolution day; and if, on the next day, a motion be made to reconsider, it must go over until the succeeding resolution day.

The SPEAKER. The Chair is aware that Fridays and Saturdays being set apart for the consideration of private bills, all such bills must go over to the next private bill day, unless the previous question shall have been ordered to be now put, in which case the Chair decides that the bill comes on the next day in which the House is in session. It is a point of no special importance; but the Chair thinks his decision is in accordance with the rules of the House.

Mr. CLINGMAN. The decision of the Chair is clearly in accordance with the uniform practice of the House.

The SPEAKER. Is it the unanimous consent of the House that the further consideration of the bill go over until to-morrow?

Mr. JONES, of Tennessee. I hope it will be postponed until Friday next.

The SPEAKER. If there be no objection, that disposition of the motion will be made.

There being no objection, the bill, with the motion to reconsider, was postponed until Friday next.

AMENDMENT TO THE CONSTITUTION.

The next business in order was the resolution of Mr. EWING, introduced last Monday under a suspension of the rules. The resolution was read, as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to this House the resolution of the House of the 18th instant, providing for the appointment of a select committee on the amendment of the Constitution in reference to the mode of electing the President and Vice President of the United States.

Mr. EWING. It is my purpose to withdraw that resolution; for I have learned that the Senate, on the motion of the Senator on whose motion our resolution was laid upon the table, will take it up, and that the committee upon their part will probably be appointed.

But, with the indulgence of the House, I would like to give a single word of explanation, assuring them, at the same time, that it is not my purpose to become a babbling upon this floor. I will not rise at any time unless in obedience to what seems to me an imperative call of duty. I find that the proposition which I have ventured to offer has been misunderstood by some persons, and, inasmuch as I have the matter very much at heart, a single word of explanation may do some good.

I propose to amend the Constitution in reference to the election of President and Vice President, so as to allow the people to vote directly, without the intervention of electoral agents, upon whom, at present, there rests no other than a moral obligation—no political or legal obligation—to carry out faithfully the will of their constituents. And besides the abolition of electoral agents, I propose to divide the States into as many districts as each State has Senators and Representatives in Congress, the majority of each district to cast its vote for whom it pleases, and that vote counting as a unit.

It perhaps may be sufficient to impress the House with the importance of the resolution, which would derive no title to consideration from the simple fact that I have offered it, to remind them that this is no new proposition. It has been advocated for a period of thirty years. It has been advocated for such men as Thomas H. Benton, Martin Van Buren—

Mr. JONES, of Tennessee. I rise to a question of order. This is the day for calling the States for resolutions, which occurs but once in two weeks. I submit the question whether the proposition before the House is debatable?

Mr. EWING. I would suggest to my friend from Tennessee that I shall occupy but a few moments.

Mr. JONES. Yes; but some other member may want to make a speech, and the whole day will be consumed upon this question.

Mr. EWING. I do not propose to make a speech.

Mr. JONES. But others may.

Mr. EWING. I can call the previous question when I get through. I submit to the Chair whether I cannot explain the importance of the resolution, and the necessity of recalling it from the Senate?

The SPEAKER. The resolution was introduced under a suspension of the rules last Monday, and is debatable.

Mr. EWING. I do not propose to debate the resolution now. It would be premature to do so. But I have been asked by members of the Select Committee itself, and by others, to explain what I do want; and as I believe it to be an important measure, I wish to say a word in explanation, before members make up their minds.

Mr. HIBBARD. By the leave of the gentleman, and for information merely, as I have no distinct recollection of his resolution, I wish to ask him whether the effect of his amendment, if adopted, would not be to abolish the present mode of choosing electors by the votes of the States, and to provide that each district shall vote, and that the man who receives the votes of a majority of the districts shall be elected President?

Mr. JONES. I rise again to a question of order. The resolution to amend the Constitution is not before the House. The resolution before the House merely proposes to request the return of a certain resolution from the Senate. Is the proposition to amend the Constitution debatable, under this proposition? If so, the whole day may be consumed about this matter.

Mr. EWING. If the gentleman will not make the question of order—

The SPEAKER. If the gentleman from Tennessee insists on his point of order, it is the duty of the Chair to confine the gentleman from Kentucky to the propriety of asking a return of the resolution from the Senate.

Mr. EWING. I intend to confine myself to that; and I know of no other line of argument which will answer that purpose but the one I am pursuing. I propose to impress upon the House, at least by a few words, the importance of the proposed reform, and the necessity, therefore, of calling on the Senate to return the resolution, which would otherwise be smothered in its infancy.

Mr. JONES, of Tennessee. I am with you in regard to your amendment of the Constitution, and go further than you do.

Mr. EWING. I am happy to hear it; but I do not think the gentleman goes further than I do. This reform has been advocated by such men—if I may call the name of a member in connection with such a subject—as Mr. Benton, of Missouri, Martin Van Buren, Mr. Dickinson, George McDuffie, Robert Y. Hayne, Nathaniel Macon, and Richard M. Johnson, of Kentucky. It has been recommended time and again by General Jackson, and opposed chiefly by Rufus King, the great Federalist of New York. This is as brief as any other way that I can present it, to enable the House to understand the character of the proposition.

I know that I shall meet at the outset, the prejudice which is against all amendment of the Constitution; but in the spirit of this age such an objection cannot last long. It will only last long enough to secure proper deliberation, and that is all that it ought to secure. I may be allowed to say, in a word, that, in the amendment of the Constitution, those who apprehend alone the danger of the opening up of the Constitution, as they call it, seem not to see the hidden rocks up toward which we are fast passing, and the necessity for reform. Why, sir, if the time shall ever come when three fourths of these States are prepared to annihilate the rights of the remaining one fourth, and to repeal the constitutional guarantees fixed for their protection, in order to get at and destroy

these rights, on such an occasion to offer a proposition of this character would be utterly idle—

Mr. HIBBARD. With the leave of the gentleman, while he is on that point, I wish to know from him whether his amendment, if adopted, would not entirely abrogate the whole system of choosing by States—annihilate State lines entirely in the choice of a President and Vice President?

Mr. EWING. The gentleman ought to be perfectly aware that I cannot undertake to argue and prove just now, and it is not the design of the House that I should do so. The effect of the proposition would not be such as the gentleman describes. His objections in that view, and in all others, are idle and unfounded.

Mr. HIBBARD. I would remark—

Mr. EWING. I cannot yield the floor to the gentleman, because discussion is premature. I wish to confine myself to the direct question of the importance of the examination of this proposition, and the propriety of its examination just now. As to its effects and consequences, I shall be most happy to enter into any amicable discussion, in public or private, at any proper time.

I simply wish to add, that when the time shall come when three fourths of the States are prepared to repeal constitutional guarantees, in order to oppress the remaining one fourth, it would be idle for a man to stand up and say, "Gentlemen, don't do it; because it is very unusual." Therefore, a momentary reflection, it seems to me, ought to teach any one that it furnishes no protection to us whatever, to be able to appeal to those who would amend the Constitution for improper purposes—that it is unusual to amend that Constitution. It is inconsistent with the spirit of the age. It has been proven by repeated action of the people in the amendment of their State constitutions; and I might, if time allowed, enter on an argument on this point as well as on the objections that the gentleman from New Hampshire has enumerated, and which I hope, at some future day, to be able to fully explain.

I know that I am infringing upon the time of the House in prolonging such an argument just now. I simply wish to appeal to gentlemen to suspend their views, if they have not hitherto examined it, on a question of such great importance, as, at least, to have had the earnest labors of those whose names I have just pronounced; and of others, hardly less illustrious; and to await until its proper examination shall enable them to decide, if not favorably upon it, at least without prejudice, and, above all, without that prejudice of the idle, unreasoning conservative, who, while he marches backwards, and only looks to the past, unknowingly strikes upon hidden rocks, upon which it is feared this Government is at last to be wrecked.

I therefore beg leave, Mr. Speaker, to withdraw the motion, as I remarked at the outset, for the reason, as I am happy to learn, that the Senator from California, who made the motion to lay our resolution upon the table, afterwards called it up; and that it will probably be acted upon by the Senate, and acted upon favorably.

The SPEAKER. The resolution has been withdrawn. Resolutions are now in order from the State of New Jersey.

Mr. HIBBARD. Can a resolution be withdrawn if it is objected to?

The SPEAKER. No action at all has been taken on the resolution, therefore it is in order to withdraw it.

Mr. HIBBARD. I wish to make one remark in reference to the resolution of the gentleman from Kentucky.

Mr. JONES, of Tennessee. I call the gentleman to order. There is nothing before the House.

Mr. HIBBARD. Mr. Speaker, was there not a motion made to lay the resolution upon the table? and were not the yeas and nays called on that motion?

The SPEAKER. There was no motion to lay on the table—no motion of the sort. The resolution was introduced last Monday, under a suspension of the rules, and on the question of its adoption being pending the House adjourned.

Mr. HIBBARD. I am informed that there was a motion to lay the resolution upon the table, and that the yeas and nays were ordered.

Mr. JONES. Even if that were the case, it does not affect the question of order at all.

The SPEAKER. No; that would not change the order and right of the gentleman from Ken-

tucky [Mr. EWING] to withdraw his resolution. The Chair decides that he had a right to withdraw it.

Mr. HIBBARD. I will not oppose it further; all I had to say would have occupied a less time than that point of order.

CALLS FOR RESOLUTIONS.

The SPEAKER. Resolutions are in order from the State of New Jersey.

Mr. STRATTON. I offer the following resolution:

Resolved, That the Secretary of War be requested to communicate to this House any information which may be on the file in his office in reference to a survey of Crow Shoal, at Cape May.

The SPEAKER. This resolution, calling as it does for information from the Departments, must, under the rule, lie over one day, unless it is the pleasure of the House to consider it now.

Mr. STRATTON. I hope the House will allow the resolution to be put now upon its adoption.

The SPEAKER. If there be no objection, the vote may be taken on the resolution.

There being no objection, the question was put, and the resolution was adopted.

Mr. LILLY, in accordance with previous notice, presented the following bill; which was read a first and second time by its title, and referred to the Committee on Private Land Claims, viz: "A bill for the relief of James W. Marshall, of Coloma, El Dorado county, California."

Mr. PENNINGTON. I propose the following resolution:

Resolved, That the Secretary of the Interior be directed to report to this House, as early as practicable, the number of acres of the public lands which have been donated by the Government of the United States, as near as may be, and for what purposes, specifying the quantity for each purpose, and in what States and Territories.

There being no objection, the resolution was considered and adopted.

Mr. PENNINGTON. I offer the following resolution:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of purchasing a site and erecting a suitable building in the city of Newark, New Jersey, for a custom house, post office, and other public purposes of the Government of the United States, and to report by bill or otherwise.

Mr. HAMILTON. Is that an absolute direction to erect these buildings?

The SPEAKER. No; it is simply a resolution of instruction to inquire into the expediency of doing so.

There being no objection, the resolution was considered and agreed to.

Mr. STRAUB, in pursuance of previous notice, introduced the following bills; which were read a first and second time, by their titles, and referred as indicated below:

"A bill establishing the post office of Northumberland, Northumberland county, Pennsylvania, a salaried office." Referred to the Committee on the Post Office and Post Roads.

"A bill for the relief of John Clock and Decatur Herb." Referred to the Committee on the Post Office and Post Roads.

"A bill granting to the State of Pennsylvania a portion of the public lands to aid in constructing and furnishing the Sunbury and Erie Railroad, and for other purposes." Referred to the Committee on Public Lands.

Mr. BRIDGES, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:

"A bill distributing the proceeds of the sales of the public lands among the several States for educational purposes."

Mr. CHANDLER introduced a resolution; which was read, as follows:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire and report upon the expediency of causing to be purchased, or erected, in the city of Philadelphia, a building to serve as a post office; and if deemed expedient, to accommodate the courts of the United States, and their officers, for the eastern district of Pennsylvania.

Mr. CHANDLER. Before the question is taken upon the resolution, I ask the permission of the House to make one remark upon the latter part of the resolution. It has been said upon this floor, that the room occupied in Philadelphia by

the United States Post Office, is not one third large enough to answer their purposes. An event will occur in that State to-day—the consolidation of the city of Philadelphia and all the districts—which will make it necessary for the city to occupy the rooms now occupied by the United States courts. This will render it necessary that other accommodations should be made for the courts. These remarks will show the importance of the latter branch of the resolution.

Mr. WALKER. I move to amend the resolution, by making it also applicable to the city of New York.

Mr. CHANDLER. I cheerfully accept the amendment, as a part of the resolution.

The question was then taken upon the resolution as modified, and it was agreed to.

Mr. HESTER introduced a resolution; which was read, as follows:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of printing five hundred extra copies of the Blue Book for the present year, for the use of the members of this House.

Mr. CLINGMAN. I propose to debate the proposition.

The SPEAKER. The resolution must go to the Committee on Printing.

Mr. GROW. I offer the following resolution; and if there be objection, I will move to suspend the rules with the view to its adoption.

The resolution was then read, as follows:

Resolved, That the 17th rule of the House be amended, by inserting between the words "Treasurer, Comptrollers" the words "Solicitor of the Treasury."

Mr. JONES, of Tennessee. The gentleman cannot amend the rules in that way. I propose to debate the resolution.

Mr. GROW. I move to suspend the rules for the purpose of introducing the resolution.

Mr. TAYLOR, of Ohio. I would respectfully suggest to the gentleman from Pennsylvania [Mr. GROW] that he had better refer the resolution to the Committee on Rules.

Mr. OLDS. Is it in order to have the 17th rule referred?

Mr. GROW. I call for the reading of the rule, and then we can understand the matter better.

The 17th rule was then read, as follows:

"No person, except members of the Senate, their Secretary, heads of Departments, Treasurer, Comptrollers, Registers, Auditors, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers, and their Secretaries, officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Governor, for the time being, of any State or Territory in the Union, such gentlemen as have been heads of Departments or members of either branch of the National Legislature, the members of the Legislatures, for the time being, of the States and Territories, and, at the discretion of the Speaker, persons who belong to such Legislatures of foreign Governments as are in amity with the United States, shall be admitted within the Hall of the House of Representatives," &c.

The question was then taken upon the suspension of the rules, and it was decided in the negative.

Mr. GROW demanded tellers; which were ordered; and Messrs. OLDS and MACE were appointed.

The question was then taken; and the tellers reported—ayes 70, noes not counted.

Two thirds not voting in the affirmative, the rules were not suspended.

The SPEAKER. The resolution must go over. Mr. DRUM. I desire to inquire whether it will be in order to call up resolutions laid over upon a former day?

The SPEAKER. It is not now in order, unless by unanimous consent, or by a suspension of the rules.

Mr. BOCKOFF offered the following resolution:

Whereas, the present system of postage has proved highly injurious, and unsatisfactory in several particulars:

1. Because it has created a large deficit in the funds of that Department of the Government, to be supplied out of the general treasury.

2. Because by curtailing the pay of the deputy postmasters in the country districts, it has compelled many of the most efficient of them to resign, and has produced a difficulty in obtaining the services of competent men for those offices.

3. Because it has constrained the Postmaster General to adopt a system of policy which is highly unequal in its operation, and which denies to the country districts a proper and reasonable degree of postal accommodations: Be it therefore

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of revising our postage laws, and of reporting a bill to correct the evils above set forth.

Mr. HESTER. I move that the resolution be laid upon the table.

Mr. BOGOCOCK. It is only a resolution to inquire into the expediency of making the proposed changes. I hope the House will allow the resolution to be adopted.

The question was taken, and the House refused to lay the resolution upon the table.

The question was again taken, and the resolution was agreed to.

Mr. FAULKNER, on leave, introduced a bill "further to prohibit officers in the Army and Navy from having an interest in any contract for the supply of any articles for any branch of the service to which such said officers belong;" which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. McMULLIN, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Mileage:

"A bill to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories."

Mr. LETCHER introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law passed on day of , 1853, in regard to the fees of marshals, district attorneys, and clerks of the Federal courts, so as to give them increased compensation for their services.

Mr. ORR. I offer the following resolution:

Resolved, That five hundred copies of the Compendium of the Census, ordered to be printed by resolution of the House on the 11th day of January instant, be delivered to the Superintendent of the Census for the use of the Census Bureau.

The question was put on the resolution, and there were—ayes 79, noes 30; no quorum voting.

Mr. ORR. I call for tellers.

Tellers were ordered; and Messrs. VAIL, and LANE of Maryland, were appointed.

The question was again put; and the tellers reported—ayes 72, noes 50.

So the resolution was agreed to.

Mr. ORR, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Indian Affairs:

"A bill defining the terms upon which treaties shall hereafter be made with certain Indian tribes, and for other purposes."

Mr. McQUEEN, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on the Judiciary:

"A bill for the more effectual prosecution of land claims belonging to the United States."

Mr. BOYCE. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the President be, and he is hereby requested, if not inconsistent with the public interests, to communicate to the House of Representatives any correspondence which may have taken place between our Government and the Government of Holland, in reference to the refusal of the Dutch authorities in the East Indies to receive or recognize American Consuls.

The SPEAKER. Is it the pleasure of the House that the resolution be again read?

The resolution was read a second time.

Mr. BOYCE. I wish to state, in one word, on what that resolution was founded.

The SPEAKER. It can hardly be done, unless by unanimous consent of the House. Otherwise it must go over.

There was no objection.

Mr. BOYCE. Mr. Speaker, this resolution is predicated upon the report of Mr. Balestier, a special agent of our Government to Eastern Asia. He says, in his dispatches to the Secretary of State, "that no Consuls or American agents of the United States are received or recognized in the Netherlands East India possessions, thereby causing great inconvenience to American merchants, ship-masters, and aggrieved or distressed sailors; that shipwrecked property, in lieu of being taken possession and disposed of by regularly appointed agents of the United States, is taken by Dutch officers, usually unacquainted with commercial business."

There is no portion of the globe more inviting to our commerce, than these islands of the East, nominally under the sway of Holland. There gold

may be had for the gathering. This Chinese policy of the Dutch authorities operates as a practical exclusion of our commerce. I wish to know what our Government has done to vindicate our rights?

Mr. BAYLY, of Virginia. I am not opposed to the resolution; but I move its reference to the Committee on Foreign Affairs, that they may have consultations at the State Department.

Mr. BOYCE. I have no objection to that disposition of it.

The resolution was so referred.

Mr. DENT. I offer the following resolution:

Whereas, the United States court for the northern district of Georgia sits at the town of Marietta, in the county of Cobb, holding its sessions in the court-house, erected by levying an extraordinary tax on the citizens of the town and county: Therefore

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of the United States paying to the Justices of the inferior courts, of said county and State such sums as may be deemed just and equitable, and to pay a proper remuneration to the local authorities of said county, for the use of said court-house in future; and that said Committee report by bill or otherwise.

The resolution was considered, and adopted.

Mr. DENT, in accordance with previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads:

"A bill to establish a mail route from Greenville, by Woodbury and Magdalena, to Pleasant Hill, in Georgia."

Mr. DENT, in accordance with previous notice, also introduced the following bill; which was read a first and second time by its title, and referred, with the documents on file in the House, to the Committee on Revolutionary Pensions:

"A bill for the relief of Hannah Scroggins."

Mr. SMITH, of Alabama, in pursuance of previous notice, introduced the following bills; which were respectively read a first and second time by their titles, and referred to the Committee on Public Lands:

"A bill to donate a portion of the public domain to the Northeastern and Southwestern railroad, in Alabama."

"A bill granting the right of way, and donating a portion of the public domain, to the Gainesville and Mississippi Railroad Company."

Mr. HOUSTON introduced the following resolutions; which were read, considered, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting a right of way, and alternate sections of public land, to the State of Alabama, to aid in the construction of the Alabama and Tennessee Central railroad; and, also, to the Florence and Nashville railroad.

Resolved, That the Secretary of War be requested to furnish the House of Representatives with such plans and estimates as may be in his Department, for the removal of obstructions of Colbert's Shoals, in the Tennessee river.

Mr. HARRIS, of Alabama, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on the Judiciary:

"A bill to repeal an act entitled 'An act concerning tonnage duties on Spanish vessels.'"

Mr. COBB introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of amending the post office laws, so as to authorize the Postmaster General to increase the compensation of deputy postmasters where their pay is inadequate for services rendered, and to report by bill or otherwise.

Mr. ABERCROMBIE offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Lands be, and it is hereby, instructed to inquire into the expediency of providing relief for the class of bounty land claimants in which the applicant dies between filing his application and the granting of the warrant, and report by bill or otherwise.

Mr. BARRY introduced the following bill; which was read the first and second time by its title, and referred to the Committee on Public Lands:

"A bill to amend an act entitled an act to enable the State of Arkansas and other States to reclaim swamp lands in their limits."

Mr. BARRY also introduced the following bill; which was read the first and second time by its title, and referred to the Committee on Private Land Claims:

"A bill for the relief of Simon Myers."

Mr. PERKINS, of Louisiana, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Foreign Affairs:

"A bill to provide for the safe keeping of the acts, records, and seal of the United States, and for other purposes."

Mr. PERKINS offered a resolution; which was read, as follows:

Resolved, That the President be requested to communicate to this House, if any and what, modification of the present diplomatic and consular system of the United States seems to be required by the public interest.

The question was taken, and the resolution was agreed to.

Mr. PERKINS also offered the following resolution; which was read, and adopted:

Resolved, That the President be requested to communicate to this House, if compatible with the public interest, any correspondence not yet published, which may have occurred between the State Department and the American Chargé to Austria with reference to persons claiming protection of the Government.

Mr. JONES, of Louisiana, introduced the following bill; which was read the first and second time by its title and referred to the Committee on Private Land Claims:

"An act to revive the act approved 3d March, 1823, and an act approved 26th May, 1824, supplementary thereto, in reference to the Rio Honda claims, and to said lands in Louisiana."

Mr. JONES also introduced the following bill; which was read the first and second time by its title, and referred to the Committee on Commerce:

"A bill for the establishment of a marine hospital at Shreveport, in Louisiana."

Mr. TAYLOR, of Ohio, offered a resolution; which was read, as follows:

Resolved, That the Select Committee on Rules be, and they are hereby, instructed to inquire whether the twenty-fourth rule, as it now stands, does not conflict with the first amendment of the Constitution of the United States; and if so, what modification of said rule is necessary; and that they also inquire in what mode the time of this House usually devoted to the practical business of the country may be most equitably distributed among its members, so that each Representative may present without delay the business of his constituents; and that they report thereon to this House; and also that they inquire into the expediency of evening sessions for general debate, when the House may be in the Committee of the Whole on the state of the Union, in which evening sessions no vote shall be taken, and said committee report upon this subject to this House.

The question was then taken, and the resolution was agreed to.

Mr. TAYLOR. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of changing the site of the military asylum, near the city of Washington, from its present location to the estate of Mount Vernon, or a part thereof, if the same can be purchased at a reasonable price; and that the said committee also inquire and report to this House the original cost of the present site of said asylum, the quantity of land contained therein, and the amount expended in improvements up to this date, and that they report to this House by bill or otherwise.

Mr. JONES, of Tennessee. I object.

Mr. TAYLOR. Have I the right to move to suspend the rules to enable me to submit the resolution?

The SPEAKER. The gentleman may make the motion.

Mr. TAYLOR. For that purpose I move to suspend the rules.

The question was then taken; and, upon a division, 49 rose in the affirmative.

So two thirds not voting in the affirmative, the rules were not suspended.

Mr. TAYLOR then, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs be instructed to inquire what changes, if any, are necessary in the amounts now paid to the Ministers at the various foreign courts, where we are now represented, and also what change, if any, should be made in compensating our Consuls, and the amounts now paid to them, and that said committee report to this House by bill or otherwise.

Mr. TAYLOR also introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of causing an index to be made of the Washington papers now on deposit in the State Department.

Mr. CORWIN offered the following resolution:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the justice and expediency of the Government of the United States recognizing the Government of the Republic of Liberia, in Africa, and that said committee report by bill or otherwise.

Mr. JONES, of Tennessee, proposing to debate the resolution, it lies over under the rules.

Mr. WADE offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire what legislation, if any, is required to secure the safe, expeditious, and uninterrupted conveyance of the United States mail on railroads, and that said committee have leave to report by bill or otherwise.

Mr. LINDSLEY introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing for the erection of custom house and post office buildings at Sandusky city, Ohio; also, of closing the breach made by the waters of Lake Erie across the peninsula which divides the waters of Sandusky bay and Lake Erie; also, of the completion of the public works at the mouth of Huron river; and also, of the completion of the public works at the mouth of Vermillion river.

Mr. BRECKINRIDGE offered the following resolution:

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of causing to be published 10,000 copies of Ferdinand Moulton's compilation of the pension and bounty land laws, for distribution by the Commissioner of Pensions, and to ascertain the cost per copy.

Mr. LETCHER proposing to debate the resolution, it lies over under the rules.

Mr. GREY, in pursuance of previous notice, introduced the following bill; which was read a first and second time by its title, and referred to the Committee on Private Land Claims:

A bill to provide for the unpaid claims of the officers and soldiers of the Virginia State and Continental lines of the revolutionary army.

Mr. CHURCHWELL, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads:—as follows:

"A bill to empower the Postmaster General to contract for the transportation of the United States mail from New Orleans to San Francisco, according to time."

Mr. CHURCHWELL also, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, and referred to the Committee on Public Lands:—as follows:

"A bill granting public lands to the several States of the Union for the establishment of a permanent and efficient system of common schools."

Mr. CHURCHWELL also, in pursuance of previous notice, introduced the following joint resolution; which was read a first and second time:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of this Union have ever viewed with the deepest concern the renewal of intervention of Powers in the affairs of countries not embraced within their borders, particularly when such intervention had avowedly for its object the repression of generous political sentiment, and that they will never permit such an occurrence upon this continent without physical resistance to it.

Resolved, That while the United States of America are disposed to observe, in a spirit of good faith, international obligations, they desire a similar observance of such obligations by all of the nations of the earth, and that they can never behold with indifference the obliteration of independent States by a third Power because of the political freedom of such States.

Resolved, That the President be, and he is hereby, requested to cause a copy of these resolutions to be communicated to each of the diplomatic agents of foreign nations residing near this Government; and also, copies thereof to be transmitted to our diplomatic agents in foreign countries, in order that the sentiment and purpose of this Republic may be neither misconceived nor misunderstood in any quarter of the globe.

Mr. CHURCHWELL. I move the reference of that joint resolution to the Committee on Foreign Relations.

Mr. HAMILTON. I propose to discuss it.

THE SPEAKER. The resolution is a joint one, and in the nature of a bill, and the motion now pending is, that it be referred to the Committee on Foreign Relations.

Mr. HILLYER. Is it in order to move to lay the resolution upon the table?

THE SPEAKER. It is.

Mr. HILLYER. Then I submit that motion.

Mr. CHURCHWELL. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

Mr. HILLYER. I demand tellers.

Tellers were ordered; and Messrs. CHURCHWELL and HILLYER were appointed.

The question was taken; and the tellers reported 48 ayes. There not being a majority of a quorum, the resolution was not laid on the table.

The question was then put on referring the resolution to the Committee on Foreign Affairs; which was agreed to.

Mr. STANTON, of Tennessee. I offer the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing for the revision and rearrangement of the laws of the United States; and that they report by bill or otherwise.

The question was put, and the resolution was adopted.

Mr. JONES, of Tennessee. I have no resolution to offer, but I ask to withdraw one which I introduced here on the 12th of December. It stands second on the Calendar.

THE SPEAKER. If not objected to, the gentleman from Tennessee may withdraw his resolution.

Mr. CHURCHWELL. What is it?

Mr. JONES. It was one which proposed that the Reporters of the Globe be furnished with stationery.

Mr. DUNHAM. I object.

Mr. JONES. Then I move to suspend the rules of the House to allow me to withdraw it. The resolution will not come up any more; and if not withdrawn, it will only stand here to be printed on every Calendar from this time to the end of the session.

The question was taken on the motion to suspend the rules, and it was agreed to.

The resolution was then withdrawn.

Mr. MACE. I am instructed by the Committee on Rules to offer the following resolution:

Resolved, That the Committee on Rules be permitted to cause to be printed, for the use of the House, such amendments as they may propose to the rules.

The question was taken on the resolution, and it was adopted.

Mr. MACE also, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, and referred to the Committee on the District of Columbia:

"A bill to prevent malicious mischief and protect property in the District of Columbia."

Mr. PARKER introduced the following resolution; which was read by the Clerk:

Resolved, That the Superintendent of the United States Census be requested to furnish this House, at an early day, with what he may deem the best plan for Congress to adopt to induce the establishment of State Bureaus of Statistics that may be relied on for all desirable census information, other than the decennial enumeration of the people, and otherwise to supply the defects of the system heretofore acted upon, and at the same time economize the expenses of the system.

Mr. DUNHAM. I propose to debate that resolution.

THE SPEAKER. Then the resolution must go over under the rules.

The resolution was laid over.

Mr. MILLER, of Indiana, introduced a bill; which was read a first and second time by its title, and referred to the Committee on the Judiciary:

"A bill in addition to an act entitled 'An act for the relief of the inhabitants on the reserved township in Gibson county, in the State of Indiana,' approved August 11, 1842."

Mr. MILLER also introduced the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Military Affairs be, and they are hereby, instructed to inquire into the expediency of establishing a national armory at Evansville, on the Ohio river.

Mr. WASHBURNE, of Illinois, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a marine hospital at Galena, Illinois.

Mr. JAMES C. ALLEN introduced the following resolution:

Resolved, That a select committee of five members of the House be appointed by the Speaker to examine the model of an invention (by Samuel Hufman) for taking the yeas and nays in legislative bodies, and that they be instructed to report upon the expediency of adopting the same in this body.

Mr. CHANDLER proposing to debate the resolution, it was laid over under the rule.

Mr. MILLER, of Missouri, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Public Lands:

"A bill granting to the State of Missouri the right of way and a portion of the public lands to aid the construction of a railroad from St. Louis to Kansas."

Mr. MILLER also introduced a bill; which was read the first and second time by its title, as follows, and referred to the Committee on Private Land Claims:

"A bill for the relief of George Macgirk."

Mr. OLIVER, of Missouri, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Public Lands:

"A bill to relinquish to the State of Missouri, on certain conditions, two per centum of the net proceeds of the sales of public lands sold in said State since the 1st day of January, 1821, and reserved by the act of Congress of the 6th of March, 1820."

Mr. WARREN offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of increasing the pay of the Registers of the different land offices.

Mr. GREENWOOD offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the justice and propriety of compensating the registers and receivers of the general land districts in the United States, for the location of the public lands, with scrip; and that the said committee report by bill or otherwise.

Mr. SMYTH, of Texas, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of dividing the State of Texas into two judicial districts, and report to this House by bill or otherwise.

Mr. SMYTH also offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a light-house on Sabine Pass, at the mouth of the Sabine river, and report to this House accordingly.

Mr. WENTWORTH, of Illinois. I had just stepped out of the House when the State of Illinois was called. I ask the unanimous consent of the House to offer a resolution.

The resolution was read for information, as follows:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of reporting a bill extending the pension laws to all those persons who were engaged in the war of 1812, or the Indian wars prior thereto, and to their widows in case of their decease.

There being no objection,

Mr. W. submitted the above resolution; which was considered and agreed to.

Mr. HENN, on leave, introduced a bill to amend an act entitled "An act to authorize the correction of erroneous locations of military bounty land warrants by actual settlers on the public lands in certain cases;" which was read a first and second time by its title, and referred to the Committee on Public Lands.

Also, a bill to increase the salaries of judges of the United States courts in the district of Utah; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

Mr. HENN also submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of dividing the State of Iowa into two judicial districts.

Mr. EASTMAN submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform this House what steps he has taken to prevent trespasses upon the public lands in the States of Wisconsin, Michigan, and the Territory of Minnesota; and whether or not he has appointed an agent or agents for that purpose, and if so, who are appointed, and the date of their appointment, and under what provision of law they were appointed, and what instructions he has given said agents; and also to communicate to this House any report that such agents have made, in full, and what salary or compensation is paid to such agents, and how much money has been received by such agents, from per-

sons who have cut timber on the public land, by way of compensating such trespasses, and the expenses incurred in collecting the same, and all the items thereof.

Mr. LATHAM. I made the motion on Friday last to reconsider the vote by which a bill, reported by the Committee on the Judiciary, was referred to the Committee of the Whole on the state of the Union. That bill has since been printed, and I desire now to call up the motion to reconsider, with a view of putting the bill upon its passage. My reason for so doing is, that a small delay in the passage of the bill will result in defeating the very object it proposes to accomplish. The following is the title of the bill:

"A bill supplemental to an act, entitled 'An act to ascertain and settle private land claims in the State of California,'" approved March 3, 1851.

The bill was read through by the Clerk.

The SPEAKER. The Chair is informed that the report in this case is in the hands of the printer.

Mr. LATHAM. I can state the substance of the report. The gentlemen whose names are mentioned in that bill employed a lawyer of standing and ability in the State of California to present their claims before the land commissioners. He was taken sick with small-pox while he had their claims under consideration, and no one would go near him, in consequence of the disease being infectious. The result was that the time prescribed in the original statute for the presentation of their claims expired, and they were deprived of their legal rights. It certainly would be wrong that these gentlemen should be thus deprived of their legal rights in consequence of the calamity and misfortune of their attorney—such a one as he could not, in any manner, prevent. The bill is strictly guarded, so as to give them no rights except such as they had under the original bill. It merely gives them time to present their claims. If the bill remains in the Committee of the Whole on the state of the Union, it will probably be the fall before it can pass. The commission will then have nearly expired, and it takes some four or five months' labor to get a claim ready to present before the commission. For these reasons, I move a reconsideration of the vote by which the bill was referred to the Committee of the Whole on the state of the Union.

The question was then put, and, on a division, there were—69 in the affirmative, and 1 in the negative; no quorum voting.

The SPEAKER then proceeded to count the members present, with a view of ascertaining if there were a quorum in attendance, when it appeared that there were only 102 members in their seats; no quorum.

Mr. DEAN. I move that there be a call of the House.

Mr. DUNHAM. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn, there being, on a division—ayes 44, noes 56.

Mr. DEAN. I call for the yeas and nays on the motion that there be a call of the House.

Mr. HOUSTON. I think if we have the yeas and nays on the call of the House that we shall find a quorum present.

The SPEAKER. There is no quorum present in the House, for the Chair has counted.

Mr. HOUSTON. I ask that the question may be taken by yeas and nays, so that the record may show whether a quorum is, or is not present.

The SPEAKER. One of the rules of the House gives the right to the Chair to ascertain whether a quorum be present or not.

Mr. HOUSTON. I do not doubt the right of the Chair to do so.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative—yeas 62, nays 97; as follows:

YEAS—Messrs. Appleton, Ashe, Banks, Belcher, Benton, Boyce, Bridges, Bugg, Carpenter, Caskey, Chamberlain, Churchill, Cook, Crocker, Cutting, John G. Davis, Dean, Dent, Disney, Dunbar, Edmundson, Etheridge, Farley, Paulkner, Fenton, Fuller, Greenwood, Hamilton, Aaron Harlan, Henn, Hibbard, Houston, Ingersoll, Daniel T. Jones, Kittredge, Kurtz, Lane, Latham, Matteson, Mayall, Milson, Morgan, Murray, Nichols, Noble, Orr, Pratt, Reese, Thomas Ritchey, Sage, Seward, Shannon, George W. Smith, Hester L. Stevens, Andrew Stuart, David Stuart, Tweed, Vansant, Walbridge, Ellihu B. Washburne, John Wentworth, and Wheeler—62.

NAYS—Messrs. Aiken, Willis Allen, Ball, Bissell, Chandler, Clark, Cobb, Corwin, Cox, Craize, Dawson, Dowdell, Dunham, Eastman, Eddy, English, Ewing, Flagler, Gamble, Giddings, Goode, Goodrich, Grey, Andrew J.

Harlan, Sampson W. Harris, Harrison, Hendricks, Hester, Hillyer, Howe, Hughes, Hunt, Johnson, George W. Jones, Kerr, Knox, Lilly, Lindsey, McCulloch, McDougall, McMullin, Mace, Macy, Maurice, Maxwell, Mencliam, Middlewarth, John G. Miller, Norton, Olds, Andrew Oliver, Mordecai Oliver, Packer, Parker, Peck, Peckham, Pennington, Bishop Perkins, Phelps, Powell, Pringle, Puryear, Riddle, David Ritchie, Robbins, Ruffin, Russell, Sabia, Sapp, Seymour, Shaw, Shower, Simmons, Gerrit Smith, Samuel A. Smith, William R. Smith, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Stratton, Straub, John J. Taylor, John L. Taylor, Thurston, Tracy, Trout, Upham, Vail, Wade, Walker, Walsh, Israel Washburn, Tappan Wentworth, Westbrook, Daniel B. Wright, Yates, and Zollcoffer—97.

So the House refused to order a call of the House; and there was a quorum present.

The SPEAKER. The question now recurs on the motion to reconsider the vote by which the bill supplemental to an act, entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3, 1851, was referred to the Committee of the Whole on the state of the Union.

The question was taken, and the motion was agreed to.

The bill was then ordered to be engrossed, and read a third time; and being engrossed, it was read the third time, and passed.

Mr. LANE, in accordance with previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Territories:

"A bill to amend an act entitled 'An act to settle and adjust the expenses of the people of Oregon from attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848,'" approved August 2, 1852.

Mr. DAVIS, of Rhode Island. Mr. Speaker, I hold in my hand a set of resolutions adopted by the State of Rhode Island, which I move to have read.

The resolutions were ordered to be read, as follows:

State of Rhode Island and Providence Plantations, in General Assembly, January Session, A. D. 1854.

Whereas, Congress, by a provision of an act approved the 6th day of March, 1820, commonly called "the Missouri Compromise Act," for ever prohibited slavery or involuntary servitude, except for crime, north of the parallel of thirty-six and a half degrees of latitude in all the territory acquired from France, except that portion lying within the State of Missouri.

And whereas, certain propositions have recently been made tending to disturb this compromise, it is

Resolved, That it be recommended to our Senators and Representatives in Congress to use their best efforts to prevent the passage of any law whereby slavery or involuntary servitude, except for crime, can, under any circumstances, ever be introduced or established north of said parallel.

Resolved, That the Governor be requested to transmit copies of the foregoing resolution to our Senators and Representatives in Congress, to be by them presented to their respective Houses.

Attest: A. POTTER, Secretary of State.

Mr. DAVIS. I move that these resolutions be referred to the Committee on Territories, and be printed.

It was so ordered.

Mr. DEAN, in accordance with previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Ways and Means:

"A bill to remove the United States Mint from the city of Philadelphia to the city of New York."

Mr. HASTINGS, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Invalid Pensions:

"A bill to amend the pension laws therein mentioned."

Mr. WHEELER introduced a resolution; which was read, as follows:

Resolved, That a select committee be appointed to examine into and report whether the census report, as printed under the law, has been performed in conformity thereto; and if not, wherein and to what extent the act of Congress has been violated.

Mr. WHEELER. I call the previous question upon its passage.

Mr. JONES, of Tennessee. I would inquire if it does not require two thirds of the House to appoint a select committee?

The SPEAKER. The Chair thinks not. A majority of the House may appoint such committees as they choose.

Mr. JONES. They cannot do it, because the rules provide that the Chair shall appoint them.

The SPEAKER. "Unless otherwise ordered

by the House," is the language of the rule. The House ordered the Chair to appoint the committees. The practice has been, as the gentleman will remember, that whenever a majority of the House has ordered a select committee, the Chair has appointed.

The House was then divided upon the demand for the previous question, and it was not seconded, 44 only voting in favor thereof.

The SPEAKER. If there be no objection, the motion recurs upon the adoption of the resolution.

Mr. ORR. I move that the words "select committee be appointed to" be stricken out, and insert in lieu thereof the words "the Committee on Printing."

The question was taken on the amendment, and it was agreed to.

The resolution, as amended, was then agreed to.

Mr. WALBRIDGE introduced the following resolution:

Resolved, That the Select Committee appointed to inquire into the expediency of amending the Constitution, so as to give the election of President directly to the people, be also instructed to inquire into the expediency of the election of postmasters and collectors of the revenues by the people, and to report thereon at an early day.

Mr. WALBRIDGE. I demand the previous question upon its passage.

The previous question was not seconded.

The question then recurring upon the adoption of the resolution, it was taken; and there were—ayes 38, noes not counted.

So the resolution was not agreed to.

Mr. PECKHAM offered a resolution; which was read, as follows:

Resolved, That the President of the United States be respectfully requested, if not inconsistent with the public interest, to transmit to this House copies of the correspondence not now communicated, of the United States Legation at Constantinople, and the United States consulate at Smyrna, with Captain Ingraham, and with the Government of Austria, and with this Government, together with the instructions from this Government to their agents abroad touching the seizure and rescue of Martin Koszta, and the terms and conditions on which he was liberated and sent to this country.

On motion by Mr. HOUSTON, the resolution was referred to the Committee on Foreign Affairs.

Mr. CUTTING. I beg leave to report a bill from the Committee on the Judiciary which has already passed the Senate, and which requires the immediate action of this House. Its object is to enable the Secretary of the Interior to hire rooms for the accommodation of the United States courts in the city of New York, their buildings having been recently destroyed by fire, and to enable process made returnable at the present or former court-room to be made returnable at the rooms which the Secretary of the Interior may provide for the exigency of the case. The wheels of justice are now or will be stopped, unless this measure be immediately acted upon. If there is no objection, I will now report the bill.

The bill was then read by its title, as follows: "An act to provide a place for holding the courts of the United States for the southern district of New York, and for other purposes."

Mr. CUTTING. I move that the bill be put upon its passage.

The bill was ordered to be engrossed, and read a third time; and having been engrossed, was subsequently read the third time, and passed.

Mr. SAGE. Has the morning hour expired?

The SPEAKER. There is no morning hour to-day.

Mr. WALKER. There is a resolution lying upon the Speaker's table inquiring of the Secretary of the Treasury with regard to the coinage of gold and silver at the assay office in New York. I should like to take it up, if such a motion comes within the rules.

There was no objection; and the following resolution was taken from the Speaker's table, read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to report to this House whether the assay office, now in the course of construction in the city of New York, is of sufficient capacity for the coinage of gold and silver, and if so, whether, in his opinion, it would be convenient and proper for Congress to authorize the coinage at the said office."

Mr. PRINGLE submitted the following resolution:

Resolved, That the Committee on Territories be instructed to report at an early day the bill which passed the House of Representatives at the late session of Congress, providing for the organization of the Territory of Nebraska.

Mr. HAMILTON. I propose to debate that resolution.

The SPEAKER. Then it must go over.

Mr. WASHBURN, of Maine. An adverse report upon the bill for the relief of John Drout and Eliza Merrill was presented by the Committee on Invalid Pensions, which, with the bill, was ordered to lie upon the table. I move to reconsider the vote by which the bill was laid upon the table, with a view of having it recommitted. I will state that I do it with the assent of the gentleman who made the report.

Mr. DAVIS, of Indiana. There is evidently no quorum present. I move that the House do now adjourn.

Mr. WASHBURN. I appeal to the gentleman to withdraw the motion until this matter can be disposed of. It will take but a moment, and I am sure there can be no objection. I state again that the gentleman who made the adverse report from the Committee on Invalid Pensions is willing that the bill should be recommitted. I hope the gentleman will withdraw the motion.

Mr. DAVIS declined to withdraw the motion. The question was put, and the motion was agreed to; and

The House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, January 31, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, information in relation to the improvement of the Arkansas river; which was ordered to lie on the table, and be printed.

Also, a letter from the Commissioner of Patents, communicating that portion of the annual report for the year 1853 which relates to arts and manufactures; which was ordered to lie on the table, and be printed.

Mr. WELLER moved that the usual extra number of copies be printed; which was referred to the Committee on Printing.

PETITIONS, ETC.

Mr. PEARCE presented a memorial of inspectors of customs for the port of Baltimore, praying an increase of compensation; which was referred to the Committee on Commerce.

Mr. SEWARD presented a memorial of forty-three citizens of Wayne county, in New York, praying an appropriation of public lands for the construction of a ship canal around the falls of Niagara; which was referred to the Committee on Commerce.

Also, a petition of citizens of New York, praying that a contract may be entered into with Christian Hansen, for the transportation of the United States mail, by steamers, between Brooklyn and certain ports in Europe; which was referred to the Committee on the Post Office and Post Roads.

Mr. BENJAMIN presented the memorial of Charles McCormick, an assistant surgeon in the Army, asking to be allowed a percentage on money disbursed by him under the act of March 2, 1847; which was referred to the Committee on Military Affairs.

Mr. SLIDELL presented the petition of the New Orleans Chamber of Commerce, praying that provision be made by law for the remission of duties on merchandise destroyed by fire; which was referred to the Committee on Finance.

Mr. WILLIAMS presented the petition of George Alexander, praying pecuniary relief on account of loss of health while in the service of the United States Commission to run the north-eastern boundary line; which was referred to the Committee on Claims.

Mr. DODGE, of Iowa, presented the petition of Minerva Catlett, widow of Hanson Catlett, a surgeon in the Army, praying a pension; which was referred to the Committee on Pensions.

Mr. NORRIS presented the petition of the captain and members of the Auxiliary Guard of the city of Washington, praying an increase of compensation; which was referred to the Committee on the District of Columbia.

Mr. GWIN presented a memorial of the officers and crew of the United States frigate St. Lawrence, praying to be allowed an increase of pay; which was referred to the Committee on Naval Affairs.

Mr. CHASE. I ask leave to submit the petition of certain citizens of Cincinnati, who represent that the commerce and the interests of the citizens of the western States suffer great losses in consequence of the obstructions at the falls of the Ohio, at Louisville. They represent that a private company have been organized to construct a canal on the Indiana side, the canal on the Kentucky side not being sufficient for the commerce of the river. They ask that an appropriation, either of land or of money, may be made by the Government in aid of that company. I move that the petition be referred to the Committee on Roads and Canals.

The motion was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee on Claims, to which was referred the petition of John Bronson, praying compensation for losses of property destroyed by Indians during the last war, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the petition of John P. McElderry, reported a bill for his relief; which was read, and passed to a second reading.

Mr. BADGER, from the Committee on Finance, to which was referred the bill allowing a credit for a limited period for duties on railroad iron imported into the United States, reported it back with an amendment.

BILLS INTRODUCED.

Mr. PRATT, agreeably to previous notice, asked and obtained leave to introduce a bill to incorporate the National Hotel Company of Washington City; which was read a first and second time by its title, and referred to the Committee on the District of Columbia.

Mr. MALLORY asked, and by unanimous consent obtained, leave to introduce a bill to constitute Palatka and Bayport, in the State of Florida, ports of delivery, respectively; which was read a first and second time by its title, and referred to the Committee on Commerce.

PACIFIC RAILROAD.

Mr. FOOT, according to previous notice, asked and obtained leave to introduce a bill to incorporate the National Pacific Railroad Company; which was read twice by its title.

Mr. FOOT. I had intended, Mr. President, upon the introduction of that bill, to explain at some length its several provisions; but inasmuch as the whole subject is now before a Select Committee, I shall forbear trespassing upon the time allotted to the ordinary business of the morning hour, and therefore move the reference of the bill to the Select Committee, and that it be printed.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. WALKER, it was

Ordered, That the petition of Matthew Rippey be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. PEARCE, it was

Ordered, That the petition of the heirs of John Ireland be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. HUNTER, it was

Ordered, That the petition of Cary White, widow of Lieutenant William White, of the revolutionary army, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. ATCHISON, it was

Ordered, That the petition of Captain C. L. Easton be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That leave be granted to withdraw the petition and papers of Don Juan Virgil.

SEIZURE OF THE SANDWICH ISLANDS.

Mr. CLAYTON submitted the following resolution for consideration:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interest, copies of all correspondence between the Governments of the United States and Great Britain in regard to the Sandwich Islands, including copies of all communications be-

tween the Secretary of State and Mr. Fox, the British Minister, during the years 1843 and 1844, in regard to the independence of those islands, and especially of the letters of Mr. Fox to Mr. Upshur of the 25th of June, 1843, and of Mr. Upshur to Mr. Fox of the 5th July, 1843; also, a copy of any protest or other communication from the King of the Sandwich Islands to this Government in regard to the seizure of those islands by Lord George Paulet, commander of his Britannic Majesty's ship Carysfort, and of any reply of this Government thereto.

DEFENSE OF BALTIMORE.

Mr. PEARCE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate a statement, showing the amount of money that has been allowed and paid under the acts of 26th June, 1834, and 29th May, 1830, to the owners of the following named vessels, sunk for the defense of the harbor of Baltimore, to wit: Ship Scioto, schooner Packet, ship Packet, brig Ann, brig Betsey, brig George, ship Adriana, schooner Scudder, brig Blanche, brig Sally, ship Mars, sloop Rosanna, schooner Enterprise, brig Eliza, brig Swallow, schooner Columbia, ship Thomas Wilson, and ship Chesapeake.

APPEAL FROM DISTRICT COURTS.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing for appeals from the district courts of the United States in the State of Florida to one of the circuit courts of the United States, in all cases of admiralty and maritime jurisdiction in which the amounts in controversy may be less than two thousand dollars, exclusive of costs.

NEW POST ROUTE.

Mr. DODGE, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Macedonia, via Bethlehem, to Glenwood, in Iowa.

RAILROADS IN WISCONSIN—NEBRASKA.

On motion by Mr. WALKER, the bill granting a portion of public lands to the State of Wisconsin, to aid in the construction of a railroad and branch road in said State, was read a second time, and considered as in Committee of the Whole.

It proposes to grant to the State of Wisconsin, (for the purpose of aiding in the construction of a railroad from near its southern boundary, east of range thirteen, by way of Janesville, in Rock county, and Fon-du-Lac, on Lake Winnebago, to such point on Lake Superior as may be designated under its authority, and for the construction of a branch railroad from Janesville, by way of Madison, to the St. Croix river, near the falls thereof) every alternate section of land designated by odd numbers, for six sections in width on each side of the road and branch road, with the right to take other lands, within fifteen miles of the roads, in case the lands along the route shall have been sold, or may be subject to preemption rights. It also proposes to double the price of the reserved sections.

Mr. WALKER. I wish to say very briefly that this bill is reported according to the form agreed upon by the Committees on Public Lands of the two Houses of Congress. It passed the Senate at the last session, making a grant of a greater quantity of land than is now proposed. I simply ask the Senate to vote upon it, whatever its voice may be in regard to it. It is reported upon unanimously by the Committee on Public Lands.

Mr. DAWSON. I should like to be informed whether there has been a survey made of the route of the road?

Mr. WALKER. There has, and it has been located.

Mr. DAWSON. I should like to know the number of miles of the main road and branch road.

Mr. WALKER. That cannot be answered definitely at present. I said that the road was located. The northern terminus of it strikes the line of Michigan. Before it can pass through Michigan, some action of that State will be required. I believe that the length of the road is about one hundred and ninety miles; but I would say this, that if it were longer, passing through public lands of the character that they are in that portion of the State, the better it would be for the Government, because there is no means by which

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, FEBRUARY 1, 1854.

NEW SERIES.....No. 19.

the Government can sell those lands for a great length of time, unless railroads, or some other means for reaching them, should be constructed.

This proposes to increase the price of the reserved sections for the Government to double their present price. The Government, consequently, will lose nothing; but will, on the contrary, gain the transportation of its munitions of war and troops, and all this for nothing; and then the transportation of mails, as Congress may direct. I am very confident that the Government is giving nothing; for we propose to pay for half of the lands reserved to the Government as much as the whole of them would now bring if sold at \$1 25 an acre; and we have experience to show us that the lands will sell a great deal better than they would without the construction of the road. I do not wish to occupy time, or I could give further explanation in relation to this matter. All I ask for is a vote.

Mr. DAWSON. This is a question which has been often before us; and during this session of Congress I think there will be an attempt made to settle the question of the disposition of the public lands upon some principle. I am unwilling, as it is known to this body, to sanction this voting away the public lands for railroad purposes, after the plan which we have heretofore pursued. Here is a railroad about which we know but little. The bill proposes to give the alternate sections of the public lands for fifteen miles along the whole length of the line, for a distance of one hundred and ninety miles. It is said, and it may be true, that the alternate sections will bring \$2 50 per acre, for those reserved; and hence, that they will be equivalent to the whole amount; but my objection to it is this:

I do not believe that we have the right or the power to give away the public lands in this way; and if we had that right and that power, it ought to be exercised upon the principle of giving equal justice to every State in the Union. I suggest, therefore, to the Senator from Wisconsin that, for the present, he had better let the bill lie upon the table, or consent to its postponement until a particular day; for I should like to look into the route on the map, to see to what point it is to lead, and whether the commercial wants of the country at this time demand the road.

It is said it is going through a country where the lands are valueless; thereby, I suppose, is meant that they have not yet been settled. There is no necessity whatever for hasty legislation on this subject. I do not think the emergencies are such as demand action at this time. I beg of the Senator to let it lie over. I do not desire to go into the discussion, but I should like to be better satisfied in relation to the terms on which the grant is to be made. It will do no injury to postpone it; there are a great many other bills of the same kind, and when we pass them, if we intend to pass them at all, let us act upon such a plan as the Committee on Public Lands shall present to us, and settle the principle.

Now, I am unwilling to go into the discussion of the claim which I consider every State in this Union has to a share of the public lands. It is not necessary for me to do so. It is thoroughly understood. If the old States intend to ask any of the rights that are due to us, now is the time, and let us not embarrass ourselves, and create a precedent during this session of Congress, by giving away the public lands, before we decide the general question.

If a majority of this body shall determine to give lands for purposes similar to that contained in the bill, I shall then take my seat, and not interpose further opposition; but I hope that this bill will not be acted upon and passed this morning. Let a particular day be designated on which the question can arise connected with the public lands, so that we can have the discussion and decision without a running debate upon every proposition of the kind.

I suppose the disposition of public lands contained in this bill will involve about six hundred thousand acres, or an amount equivalent to a mil-

lion of dollars. If we were asked for this in money, there would be great discussion on the subject; and I do not see, in point of principle, any difference between granting lands and money. They are equivalent; and the appropriation of one is just on the same principle as the appropriation of the other. I hope my suggestion will be accepted and acted on.

Mr. DOUGLAS. It is evident that this bill will lead to discussion. The time has arrived for taking up the special order of the day, which is the Nebraska and Kansas bill; and as it was understood that we should go on from day to day with that bill when it was taken up, and as a Senator has the floor, and is entitled to go on, I move to postpone the further consideration of this bill for the purpose of taking up the special order.

Mr. WALKER. I advocate this bill because I am instructed by my Legislature to do so, and for no other reason. I expressed myself on a former occasion in regard to it. I have nothing to say in reference to it now more than what I then said. I was anxious to get a vote, that the matter might be off my hands. If the Senate will pass the bill now, I shall be glad; but as it seems to be the opinion of those who have spoken, that we should proceed to the consideration of the special order, I will consent to the postponement of the bill until to-morrow.

Mr. DOUGLAS. I suppose, if postponed until to-morrow, it will go on the Calendar, so that it can be taken up at any time; but that the postponement will not make it a special order for to-morrow. I shall ask the Senate then to go on with the Nebraska bill, according to the understanding of the Senate.

Mr. WALKER. I understand that the Senator from Ohio wishes to make a remark as to taking up the Nebraska bill.

Mr. CHASE. I wish to say that, so far as my personal convenience is concerned, I should desire a postponement of the discussion of the Nebraska bill, having the floor, and not desiring to speak at this time. The Senator from Illinois, in his speech yesterday, referred to certain historical facts, and to certain historical documents which require some examination from me in replying to his speech. I have not, in consequence of other engagements, had an opportunity of making that examination; and if I proceed to-day, I shall proceed under a disadvantage. I am, however, at the disposal of the Senate, and shall submit to such order as they think fit to make.

Mr. DOUGLAS. Mr. President, I stated a week ago to-day, when I proposed to take up this bill, that I did not wish to deprive any Senator of the opportunity of full investigation of, and full discussion upon the question. At the suggestion of the Senator who now asks the indulgence of the Senate, I consented to its postponement until yesterday, with the understanding that it should be the special order from day to day until disposed of. At his suggestion then, it was agreed that it should be the special order from day to day until disposed of, and not laid over until finished. Now, sir, a further extension of time is asked, on the ground that he has not had an opportunity of investigating the historical facts to which I alluded.

That is just what I complained of yesterday, that he had published a history of this question to the world without investigating those very facts which he wishes now to examine. I should have preferred that he had understood the facts before he published them to the world, instead of taking time now, and postponing the business of the Senate in order to give him an opportunity of understanding that which it seems he did not understand. I would now with pleasure yield in order to give time for him to understand the question; but if we yield now, to-morrow or next day another Senator who opposes the bill will ask the same indulgence, and so we shall go on. We all understand that the object is to prevent the action of the body upon the question. The enemies of the bill wish to keep it off—to stave it off—to run the discussion into the elections, and get up an

excitement and agitation in the country, in order to prevent action.

The friends of this bill wish to meet the discussion fairly, directly, promptly, both in argument and by vote. With these remarks, I will only say that I stood pledged in the Senate to resist all postponements, and to carry out the understanding that we should proceed with this bill from day to day; I cannot, therefore, yield. I have refused friends when they have applied, and, of course, I am compelled to apply the same rules to those whom I do not choose to designate.

Mr. CHASE. Mr. President, I expect no courtesy, and desire none from the Senator from Illinois. I do not think he is capable of understanding what the obligations of courtesy are. So far as my present position is concerned, I have only to say that I am prepared to defend the position which I have heretofore assumed. But the Senator introduced new facts and a new version of history into his argument. I desire to verify my position by the record, and I should prefer time for that purpose.

Sir, in regard to the understanding which the Senator seems to think existed upon this floor, all that I have to say is this: When the Senator proposed to proceed to the consideration of this bill on a former occasion, I, with other Senators—the Senator from Michigan included—proposed to defer it to a future day, for the purpose of giving Senators an opportunity to read the bill which had just been laid upon our tables.

I was willing, and I am willing that the discussion should proceed from day to day, according to the ordinary usages of the Senate; but a week ago I distinctly stated in my place that there was a question of privilege, which, in my judgment, should be determined before this measure should be pushed to a vote. That question of privilege is yet depending; it has not been settled by the Senate.

Now, sir, I have said already that I am at the disposal of the Senate. I can proceed to-day, but shall proceed at a disadvantage; and it is for the Senate to determine whether I shall proceed or not.

Mr. DOUGLAS. I have one word to say, in reply to the Senator from Ohio. He says that I am incapable of understanding courtesy. I am incapable of understanding that rule of courtesy which authorizes a Senator on this floor to write and issue a libel against a brother Senator, and then come to that Senator with a smile on his face, and ask his courtesy to give him an opportunity to circulate it secretly, before the libel can be exposed. That kind of courtesy I am incapable of—

The PRESIDENT. The Chair is of opinion that the Senator from Illinois is out of order.

Mr. DOUGLAS. I wish, then, to ask the President if it would not have been well to judge whether it was in order to allow the Senator from Ohio to say that a Senator from Illinois was incapable of understanding courtesy.

The PRESIDENT. The Senator from Ohio was certainly out of order when he made use of that expression.

Mr. DOUGLAS. Then I am content.

The PRESIDENT. The Chair will deem it to be his duty hereafter in this discussion, promptly to call every Senator to order who may be out of order.

Mr. CASS. I merely rise, Mr. President, to express the hope that the comity which is due to a brother Senator will induce the Senate to postpone this discussion.

The Senator from Ohio occupies a very peculiar position before the country upon this question. Certainly, the honorable Senator from Illinois, in his able and elaborate argument yesterday, went over the field very thoroughly, and presented some very striking views; and it is the most natural thing in the world that, considering the position of the Senator from Ohio, he should want an opportunity—more than one night could have afforded him, after hearing the speech—to look into the subject, with a view of fairly meeting the argument. I do not think he can do justice to him-

self without examining the subject, nor do I think we should do justice to him unless we gave him an opportunity of doing so.

No man will accuse me, I am sure, of wishing to postpone this subject with a view to agitation. I am too old to allow such a charge against me; and I have had enough of agitators. I have no such wish. I must agitate very speedily if I agitate at all. But notwithstanding that, I am for giving perfect latitude of discussion. Under these circumstances, I am not for precipitating the action of a member of the Senate. I would go on with the bill from day to day; I would not allow it to be postponed in order to lead to unnecessary agitation, but still I would not precipitate the action of any Senator. I would give him ample time to look into it, and I think in that way alone can we do justice to the subject and to the States which we represent.

Mr. WELLER. I am very glad that my friend from Michigan has expressed my own sentiments upon this subject. This is by far the most important question, perhaps, that will be submitted to the Senate during the present session, and I think that ample time should be given to every Senator who desires to express his opinions in relation to it. Almost every section of the Confederacy is more or less interested directly in the questions which are involved in the organization of these Territories. I confess that I do not myself understand the feelings, the wishes, or the opinions of my constituents on the subject. I have had no means of ascertaining what their desires may be in regard to it. Nevertheless, without information, I shall unquestionably be called upon to act.

If the views presented by the Senator from Illinois yesterday be founded upon historical facts; if they be true—and, without examination, I am inclined to the opinion that they are—his argument is an unanswerable one; and when the Senator from Ohio, who occupies a peculiar relation to this subject, asks that he shall have a little time, in order to determine the truth of that argument, I think it no more than a matter of courtesy that the Senate should give him at least one day to prepare himself.

I know of no reason why we should fear the agitation of this question in the country. That agitation cannot affect our judgment, and cannot affect the truth. I am willing at all times that the questions upon which I am called to act shall be deliberated and discussed before the people—that they shall have an opportunity of expressing their opinions upon questions which are to affect their weal or woe for years to come. I say, therefore, that I can see no sort of propriety in withholding from the Senator from Ohio that degree of courtesy which I have never seen refused in this body, when he asks for but a single day, in order that he may test the truth of that upon which the Senator from Illinois has founded what I conceive to be an unanswerable argument. I am willing to yield to him one day for that purpose. If he can show that those statements are not true, I desire that he shall have an opportunity to do so.

Mr. DOUGLAS. I wish to say to the Senator from California, that I do not understand the application of the Senator from Ohio to be for a single day. I was told it was for a week. If it is only for a day, I will cheerfully agree to it.

Mr. CHASE. My application was not for a single day. My engagements in the court below are such that I cannot be here to-morrow; and it will be necessary, therefore, if the bill is to be postponed at all, that it shall be postponed until some day when I shall be here. I hope it will not be postponed to any day nearer than Friday; but of course I must yield to the wishes of the Senate.

Mr. WELLER. I understood the proposition to be simply to postpone the consideration of this subject until to-morrow. This I think a reasonable request. The request now made by the Senator to postpone the Nebraska bill for a week, or until Friday, is, in my judgment, an unreasonable one, and therefore I cannot give my consent to it. I supposed that the Senator desired to have another day, for the purpose of investigating the questions involved in that bill. It seems to me, however, that he ought to have investigated them long ago. The Senator from Ohio is, I believe, the representative of the State of Ohio upon the single question of slavery, or upon questions connected therewith; and if there is any question

which is agitated in the American Senate which one might suppose the Senator fully comprehended in all its length and breadth, it is this very question of slavery in the Territories of the United States. To my knowledge he has devoted the best years of his life to this subject; and at this time, after he has made a publication in which he endeavors to place the Committee on Territories in a false position upon a historical question, it does seem to me that he ought to have comprehended it fully before he made those charges. I cannot, therefore, consent to the postponement of this subject until Friday.

The PRESIDENT. The question is on postponing until to-morrow the bill granting a portion of the public lands to the State of Wisconsin to aid in the construction of a railroad and branch road in said State.

Mr. WALKER. I understand it to be the wish of the Senate that that bill shall be postponed, and consequently I shall not resist the motion.

The motion to postpone was agreed to.

TERRITORY OF NEBRASKA.

The PRESIDENT. The unfinished business of yesterday is the bill to organize the Territory of Nebraska; and upon this bill the Senator from Ohio [Mr. CHASE] has the floor.

Mr. WELLER. If it will be any convenience to the Senator from Ohio, I move to postpone the consideration of this bill until to-morrow, with a distinct understanding, of course, that the discussion shall then proceed.

Mr. CASS. I would merely suggest to my friend from California, whether, under the circumstances, it would not be better to postpone the bill for a little longer time than he proposes? A day or two is certainly of no importance compared with the great object of avoiding any appearance of precipitation before the country; and I would suggest, therefore, that he had better substitute Friday. If this be agreed to on all hands there will be no difficulty; there can be no hard feeling entertained in any quarter; and there can be no accusation brought against the American Senate of precipitating such an important question. I hope the Senator will say Friday.

Mr. CLAYTON. There is a question of privilege, which is entitled to precedence over this and all other subjects, and which ought to be disposed of before the Senate proceeds further. That question of privilege is, whether the gentleman who holds a seat now from the State of Vermont [Mr. PHELPS] is entitled to retain that seat or not. That Senator has not pressed his claim for consideration, because, I suppose, he has felt a desire to yield to the wishes of the Senate. But it must be observed by all gentlemen here, that his situation is peculiarly unpleasant. He wishes to retain his seat, if he is entitled to it; and if not, he desires to be dismissed from further attendance.

I trust that question will not be postponed for any other subject. It can take but a little while to discuss and decide it. By parliamentary rules it is entitled to precedence, as I have said, over all other questions; and I understand from my colleague, [Mr. BAYARD,] who has the floor upon that subject, that he will be ready to proceed to-morrow with the discussion. It was at his request that the matter was postponed, in consequence of his indisposition at a former day. I trust, therefore, that whether the discussion on this bill goes on to-day or not, to-morrow will be devoted to the decision of that question of privilege.

Mr. DOUGLAS. In order to secure entire unanimity upon this subject, as the first compact would not hold, I am willing to make another. Friday is now named as the day. If it can now be fixed by general consent that this bill shall be postponed to, and made the special order for Friday, I have no objection.

The PRESIDENT. The Chair will suggest that, by a resolution of the Senate, Friday of each week is appropriated to the consideration of private bills; and that resolution must be rescinded, or got rid of in some way, before any other disposition can be made of that day.

Mr. DOUGLAS. Then I am willing to postpone this bill until Thursday, with the understanding, that it shall be the special order from day to day until disposed of, and not be interrupted by any other business.

Mr. SEWARD. Will the honorable Senator

allow me to make one suggestion to him? I do not know whether he understands that the Senator from Ohio is not prepared to go on to-day; he will be prepared to go on to-morrow, but is liable to be called into the court below, which never allows any excuse for non-attendance. If he goes there to-morrow, in the argument of a cause, he may or may not get out of the court next day; for there is scarcely any cause which is taken up there which does not generally require the attention of counsel for parts, at least, of two days. I did not know whether the honorable Senator from Illinois understood that to be the situation of the honorable Senator from Ohio or not.

Mr. DOUGLAS. If we begin by postponing the bill each day when a member has a law case to attend to, and if we interrupt the proceedings of the Senate for that, it is very evident that a small minority may postpone the disposition of this subject indefinitely. All that I want is that we shall have an understanding that we are to go on from day to day with this bill until it is disposed of. If Thursday will answer, I will agree to name that day. If Friday will answer, and it be the understanding that we shall then go on with the bill from day to day, until it is disposed of, I will agree to that day. I simply make this suggestion in order to have a distinct understanding with regard to the matter.

Mr. BROADHEAD. I would suggest to my friend from Illinois, who has this bill in charge, that as Friday is private bill day, he had better, perhaps, say Monday. I think that will meet the general concurrence of the Senate.

Mr. GWIN. It seems to me that the whole of this argument turns upon one point; and that is, that the Senator from Ohio is the only gentleman who is to discuss this question. Now it is well known that there are ten or fifteen speeches ready to be delivered upon the bill, and probably we shall have at least twenty before we get through. If we postpone the bill one week for every gentleman who wishes to discuss it, of course it will be thrown over until the end of the session. I am perfectly convinced that before it is decided by the Senate there will be twenty speeches upon it. Is it supposed that all of those Senators who are to speak upon it are not ready to proceed to-day? I am perfectly confident that if the Senate keep this question before the body until disposed of, we shall hear quite a number of speeches before the vote is taken. Therefore, inasmuch as the bill has been made a special order, I hope we shall stand by it until disposed of.

The PRESIDENT. The bill to organize the Territory of Nebraska is now before the Senate, as in Committee of the Whole.

Mr. WELLER. For the purpose of testing the sense of the Senate, I move that the further consideration of the bill be postponed until Thursday next.

Mr. DOUGLAS. If it is understood that that motion is accepted, as being the courtesy asked for, and that we shall go on with the bill on Thursday, I concur in the motion; but if the object is merely to have another postponement, I must resist the motion. I merely wish to understand the matter, that we may come here on Thursday prepared to go on with the question, and that thereafter want of preparation will be no excuse.

Mr. WELLER. I am not, of course, authorized to answer for the Senator from Ohio, but I can say that my object in moving to postpone the bill until Thursday is, that it may then be taken up, and considered, and discussed.

Mr. DOUGLAS. I understand, certainly, that that was the object of my friend from California.

Mr. WELLER. I make no motion for delay. My only object is to give the Senator from Ohio what I consider a reasonable time to consider the new points which may have been presented to his mind yesterday; and on Thursday I shall insist on the bill being taken up, with the understanding, of course, that if the Senator from Ohio—being in usual health—is unable to proceed, somebody else must go on with the discussion.

Mr. DOUGLAS. Very well.

Mr. FOOT. I move to postpone the further consideration of this bill until Monday next. It seems that, by a resolution adopted by the Senate, Friday is to be devoted to the consideration of the bills on the Private Calendar. The question of

privilege with reference to the right of my colleague [Mr. PHELPS] to a seat here can in the meanwhile be disposed of; and it will occupy undoubtedly the intervening time between this and Friday morning. This being the case, and Friday being devoted to the consideration of the Private Calendar, it seems to me that the postponement which I propose will give us ample opportunity to dispose of these questions which are in the way of the progress of the discussion on the Nebraska bill. For these reasons, I hope the motion to postpone until Monday will prevail.

The PRESIDENT. The question is on the motion of the Senator from California, [Mr. WELLER,] to postpone the further consideration of the bill until Thursday.

Mr. GWIN. Is not the question first to be taken upon the longest time? If so, I shall ask for the yeas and nays upon the motion of the Senator from Vermont.

Mr. FOOT. I think that, under parliamentary rules, the first question will be on the longest time.

The PRESIDENT. The Chair is of opinion that, on a question of this kind, the first motion made is to be the first put.

Mr. BRODHEAD. Is it not usually the case that the question to be first taken is upon the largest sum and the longest time?

Mr. HUNTER. This is not a case as to the filling of a blank, to which that rule applies. These are competing motions.

Mr. FOOT. Will it not be in order for me to move, as an amendment, to strike out "Thursday" and insert "Monday?"

The PRESIDENT. The Chair is of opinion that it would not be in order.

Mr. GWIN. Cannot the Senator move to amend the motion by striking out one day and inserting another? I wish a test question as to whether this bill shall go over until Monday or not.

Mr. DOUGLAS. I will make another suggestion. Out of all the gentlemen who are prepared with speeches on this question, is not some one ready to go on? If so, the Senator from Ohio can make his speech afterwards. Is there not some gentleman ready to go on and deliver a speech now? Gentlemen all came here yesterday morning with the understanding that we were to proceed with the Nebraska bill until disposed of, and of course with the understanding that they were to go on with their speeches. Is no one prepared? It seems to me that there may be Senators here who would be glad of the opportunity of delivering their opinions on the subject. We may thus proceed now, and the Senator from Ohio can wait until he is prepared, even until Monday, if necessary; but we can go on with the bill in the mean time.

The PRESIDENT. The rule is this:

"In filling up blanks, the largest sum and the longest time shall be first put."

This is a question to postpone until Thursday, and a motion is made by the Senator from Vermont to strike out Thursday and insert Monday. The Chair is of opinion that that is not in order as an amendment. The question is, therefore, on the motion of the Senator from California to postpone the further consideration of this bill until Thursday.

Mr. WADE called for the yeas and nays, and they were ordered.

Mr. BAYARD. I shall vote against the motion to postpone until Thursday on this ground: The question of privilege connected with the retention of a seat in the Senate by the honorable gentleman from Vermont [Mr. PHELPS] will necessarily come up to-morrow. It may or may not be ended to-morrow; and if it be not ended to-morrow, and we postpone this subject until Thursday, an effort may be made to cut short or postpone the debate upon that question after it had been partially discussed; which, it being a question of privilege, I think ought not to be done. I see no objection, however, to the postponement of this bill until Friday, notwithstanding the suggestion of the Chair. It is true Friday is private bill day; but the first Friday in every month is what is called objection day; and if you take up your Calendar and strike out the bills that will necessarily be objected to, and those that must be passed at once, without discussion, I think it will be that you will probably dispose of the Private Calendar on Friday next in half an hour.

The PRESIDENT. The statement of the Chair was only a suggestion. There was no decision upon that point.

Mr. BAYARD. It seems to me that, for the reason which I have stated, there can be but little objection to postponing this bill till Friday. I think that on Wednesday and Thursday we shall certainly be enabled to dispose of the question of privilege. I am, therefore, in favor of postponing this bill till Friday. With that view, and that view only, I shall vote against the motion to postpone until Thursday.

The question was taken by yeas and nays upon the motion to postpone the further consideration of the bill to Thursday, and the vote was as follows:

YEAS—Messrs. Adams, Atchison, Bell, Benjamin, Brown, Clay, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Geyer, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Norris, Pratt, Sebastian, Shields, Sidel, Thompson of Kentucky, Thompson of New Jersey, Toombs, Toucey, Weller, Williams, and Wright—29.

NAYS—Messrs. Allen, Badger, Bayard, Brodhead, Cass, Chase, Clayton, Evans, Everett, Fish, Fitzpatrick, Foot, Gwin, Hamlin, Pettit, Seward, Smith, Stuart, Sumner, Wade, and Walker—21.

Before the result was announced Mr. DOUGLAS rose and said: I voted for the motion of the Senator from California because I understood the Senator from Ohio to say that he was not ready to proceed now, and because I understood, further, that to-morrow he would be engaged in court, and I therefore saw no reason why we should not proceed with this bill on the next day. As both the Senators from Ohio have voted against the postponement, I certainly have no desire to force a postponement upon them, and therefore I change my vote, and vote "nay."

Mr. TOOMBS. I change my vote to "nay" for the same reason. As the day after to-morrow seemed to be agreeable to those gentlemen, I was willing to vote for the postponement until that day; but as they have voted against the postponement, I shall reverse my vote, and vote "nay."

Mr. WELLER. I shall be compelled to change my vote for the same reason, and vote against my own motion. [Laughter.] I made the motion, supposing it was a matter of convenience to the Senator from Ohio; but as he has voted in the negative, I shall change my vote to "nay."

Mr. SLIDELL. I change my vote for the same reason.

Mr. BENJAMIN. I desire to keep with the friends of this bill, and therefore I vote nay.

Mr. JOHNSON. I do not wish to be alone, and I change my vote to nay.

Mr. DIXON. I believe none of us understood precisely what we were doing, and therefore I change my vote to nay.

MESSRS. HUNTER, ADAMS, DODGE of Iowa, MALLORY, CLAY, SEBASTIAN, TOUCEY, ATCHISON, JONES of Iowa, THOMPSON of New Jersey, NORRIS, WILLIAMS, and WRIGHT, also changed their votes from the affirmative to the negative.

The PRESIDENT then announced the vote to be as follows:

YEAS—Messrs. Bell, Brown, Dawson, Dodge of Wisconsin, Geyer, Jones of Tennessee, Pratt, Shields, and Thompson of Kentucky—9.

NAYS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Benjamin, Brodhead, Cass, Chase, Clay, Clayton, Dixon, Dodge of Iowa, Douglas, Evans, Everett, Fish, Fitzpatrick, Foot, Gwin, Hamlin, Hunter, Johnson, Jones of Iowa, Mallory, Norris, Pettit, Sebastian, Seward, Slidell, Smith, Stuart, Sumner, Thompson of New Jersey, Toombs, Toucey, Wade, Walker, Weller, Williams, and Wright—41.

So the motion to postpone until Thursday was not agreed to.

Mr. FOOT. I now renew the motion, which I made a short time since, to postpone the further consideration of this bill until Monday. My object is, not only to give an opportunity for the necessary preparation to the Senator from Ohio, who has the floor, to proceed with the consideration of this subject, but also to allow the Senate to dispose, in the mean time, of the question of privilege, with reference to the title of my colleague to a seat on this floor, which, in my judgment, as a question of privilege, supersedes all other questions, according to parliamentary law. I think we shall be well occupied in the consideration of that question in the mean time.

Mr. DOUGLAS. I will make a suggestion which, I think, will accomplish both objects. The Senator from Ohio only asked until Friday, and

it was objected that Friday was private bill day. It has since been stated that next Friday will be the private bill day known as objection day, so that no bill can then be taken up to which there may be objection. That being the case, there will be scarcely anything to do on Friday; and as there is no objection to waiving the consideration of private bills for that day, I propose, instead of Monday, to say Friday. Between now and then the question as to the seat of the honorable gentleman from Vermont can be disposed of; and Senators can have all the time for preparation on this subject which they may want. If the Senator from Vermont will agree to this, I will vote for his motion. If not, I must ask that we proceed with this bill now.

Mr. GWIN. I wish to ask whether the Senator from Delaware [Mr. BAYARD] is ready to-day to go on with his speech as to the title of the gentleman from Vermont to a seat here? If he is ready to go on now, and Mr. PHELPS is ready to assert his right here, we can enter at once upon that discussion. I am not anxious to proceed with this question to-day, but, if I understand properly, the Senator from Delaware is not ready to go on to-day, and the gentleman from Vermont is not here.

Mr. FOOT. The gentleman from California labors under a mistake. My colleague is here.

Mr. GWIN. If he is ready to go on I have no objection to our proceeding to the discussion of that question now. If either the gentleman from Vermont, or the Senator from Delaware, is ready to go on, I have no objection to taking up that subject to-day.

Mr. FOOT. I accept the modification proposed by the Senator from Illinois, and my motion, therefore, is to postpone the further consideration of this bill until Friday next.

Mr. MALLORY. We have by a resolution set apart Friday of each week, especially for the consideration of private bills. Many private bills now upon the Calendar have already been passed upon by this body at former sessions, and about them there is no dispute. If we are continually interfering with the days set apart for private business, we shall never get through with the private bills. Hence I would suggest Saturday as a proper day to which to postpone this subject. I see no objection to our coming here and devoting Saturday to the discussion of this bill; and then we shall not interfere with the regular private bill day.

Mr. BADGER. I think I can make a suggestion to the Senator from Florida which will entirely obviate his objection. No bill can be taken up on next Friday to which there is any objection; no bill, therefore, can be taken up unless it is one which will be passed immediately through the Senate. If there be no objection made, every bill upon the Private Calendar may be passed before one o'clock. If objection be made, the private bills must go over; so that, by one o'clock on Friday next, the Private Calendar will be disposed of, in any event.

Mr. ADAMS. I wish to explain the reason for my vote. I have made it a rule never to vote for the postponement of any subject, with the view of allowing any gentleman, who may happen to have the floor, time to prepare himself. I take it for granted that a Senator will not obtain the floor until he is ready to make his speech. If it turns out otherwise, I cannot consent to postpone the business of the Senate to gratify him.

Mr. GWIN. Am I to understand that the gentleman from Vermont is prepared to go on at this time as to the question of his right to a seat?

Mr. PHELPS. I am not prepared to go on now. Indeed, as the member of the Committee on the Judiciary, who reported the resolution, presented to the Senate the substance of the argument which I intended to present myself, I prefer to hear the argument on the other side, before expressing my views more fully to the Senate.

Mr. GWIN. Mr. President, this is the most extraordinary scene that I have ever witnessed in the Senate of the United States. Here, sir, we are wasting a whole day because there is no Senator ready to speak. [Laughter.] I have never before seen the time when the evil did not rather seem to be that there was too much speaking. I hope that, if we are to postpone this bill, we shall come to some determination as to what subject we are next to take up. If the question of the right

of the gentleman from Vermont to a seat here is not to be taken up to-day, I think we had better go on with this business.

Mr. SHIELDS. I can state to the Senator from California that, independently of that, we have plenty of business, and very important business, to dispose of. There are three bills on the Calendar, which I now hold in my hand, relative to the organization of the Army, which I wish the Senate to take up immediately after the decision of this question. I have abstained from pressing them forward on account of the Nebraska bill. I consider them quite as important as any business before the Senate. So far as the honorable gentleman from Vermont is concerned, it would be unfair, I think, to require him to go on with his remarks now.

Mr. GWIN. I do not ask him to do so.

Mr. SHIELDS. He ought to hear the arguments against his title to the seat before he shall be required to reply. We have plenty of other business to occupy the Senate, at any rate.

Mr. GWIN. I will state to the Senator from Illinois that the bills which he proposes to bring up, which, if I understand them rightly, provide for the reorganization and increase of the Army of the United States, and which will probably add from two to five millions of dollars additional expense for sustaining the Army, will be very thoroughly discussed here before they are allowed to pass this body. Although there is plenty of business before the Senate, the question is, what business have we that is matured for action? Here we have the Nebraska bill, which is now a special order, and was made so a week ago. Every Senator should have come here prepared to take up that question and proceed with it until it was disposed of; and so it should be with every question which is made a special order. Now I should be very willing, if the Senator from Delaware, or the gentleman from Vermont were ready, to proceed to take up the question relative to the Senatorship from Vermont, because it is a question of privilege; but I do not want to force those Senators any more than I do the Senator from Ohio. All I wish is, that we shall not embarrass ourselves by getting other questions before the Senate which we cannot dispose of before the Nebraska bill again comes up.

The PRESIDENT. The question is on postponing the further consideration of the Nebraska bill until Friday next.

Mr. FISH called for the yeas and nays, and they were taken, with the following result:

YEAS—Messrs. Allen, Atchison, Badger, Bayard, Bell, Benjamin, Brodhead, Brown, Cass, Chase, Clay, Clayton, Dawson, Dixon, Douglas, Everett, Fish, Foot, Hamilton, Jones of Iowa, Jones of Tennessee, Mallory, Pearson, Pettit, Seward, Shields, Smith, Stuart, Sumner, Thompson of New Jersey, Toucey, Wade, Walker, Weller, Williams, and Wright—36.

NAYS—Messrs. Adams, Dodge of Iowa, Evans, Fitzpatrick, Geyer, Gwin, Hunter, Johnson, Norris, Pratt, Sebastian, Sliedell, Thompson of Kentucky, and Toombs—14.

So the motion to postpone was agreed to.

VERMONT SENATORSHIP.

Mr. PETTIT. I should have called up to-day the resolution as to the right of the gentleman from Vermont to his seat, but that I had information that the Senator from Delaware is not prepared to go on. I give notice now that to-morrow, at one o'clock, immediately after the morning hour, I shall insist on proceeding to the consideration of the question of privilege which is before the Senate, involving the right of the gentleman from Vermont to a seat upon this floor. It is proper that that question should be decided at an early day, and I shall call it up to-morrow, and insist upon its consideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. McKean, its Chief Clerk, announcing that they had passed the bill from the Senate, entitled "An act to provide a place for the holding of the courts of the United States in the southern district of New York, and for other purposes."

Also, that they had passed a bill supplementary to an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3, 1851.

The last-named bill was read a first and second time by its title, and referred to the Committee on Private Land Claims.

ENGROSSED BILLS PASSED.

The following engrossed bills were severally read a third time, and passed:

Bill for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher.

Bill for the relief of Jacob Gideon.

Bill for the relief of the legal representatives of the late Captain William G. Williams.

RAILROADS IN WISCONSIN.

Mr. WALKER. As my bill was postponed until to-morrow, a short time ago, with the expectation that the special order would come up, I ask the Senate now to proceed to the consideration of that bill. In order to accomplish that object, I move that the vote by which the Senate agreed to postpone the bill "granting a portion of the public lands to the State of Wisconsin to aid in the construction of a railroad and branch road in said State," be reconsidered.

The motion to reconsider was agreed to, and the Senate again proceeded, as in Committee of the Whole, to consider the bill. No amendment being proposed, it was reported to the Senate without amendment.

The PRESIDENT. The question is upon ordering the bill to be engrossed for a third reading.

Mr. DAWSON called for the yeas and nays, but they were not ordered.

Mr. WALKER. This bill is according to the form which has been agreed upon by the Committees on Public Lands of both Houses. It has been read, and it is not necessary to enlarge upon it.

The bill was ordered to be engrossed for a third reading; and there being no objection, was read a third time, and passed.

SALARIES OF CLERKS.

On the motion of Mr. ADAMS, the bill to amend the third section of the "act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854, and for other purposes," was read a second time, and considered as in Committee of the Whole.

It proposes to enact, that of the clerks authorized by the third section of the act mentioned, those of the first class shall receive a salary of \$1,200; those of the second class, a salary of \$1,400; those of the third class, a salary of \$1,600; that all vacancies in any of the classes, named in the act, shall be filled by promotion according to seniority; that all clerks not provided for in the bill, performing the same or similar duties with any one of the classes, shall receive the same compensation as is allowed to such class; that the stamp and blank agent for the Post Office Department shall receive the same salary as clerks of the second class, provided for in the bill; that an addition of twenty-five per cent. shall be added to the pay now authorized by law to each of the messengers, packers, laborers, and watchmen of the different Executive Departments of the Government in Washington; that instead of the salaries now allowed by law to the Superintendent of the Census, and to the Assistant Postmasters General, they shall each receive the same salary that is paid to the Assistant Secretary of the Treasury; and that the increased compensation provided for shall commence from the 1st of July, 1853; and the necessary money to carry the bill into effect is appropriated.

Mr. ADAMS. Before proposing some amendments, which I am directed to offer by the Committee on Retrenchment and Reform, I wish to remark that the bill is intended as a temporary relief for such clerks as the committee were satisfied were not receiving a sufficient compensation to keep soul and body together. We find that since the organization under the late law, it has been utterly impossible for the Departments to so arrange the different classes as to do justice to all those who are engaged; and I find, on examination in most of the Departments, a clerk at \$900 per annum salary, one at \$1,200, and another at \$1,500, performing the same kind and the same amount of labor. The expense of living here is so high that if a clerk, receiving \$900 a year, has a wife and one child, and nothing to live on but his salary, if his child should die, he has either to go in debt, or other clerks have to subscribe, as they frequently do, to raise money enough to bury the child. We expect to introduce a general bill reorganizing the Departments, and, if possible, doing justice to all

the employees of the Government. This bill is only intended for the lower classes of clerks, who are not as well provided for as the higher classes. There are other cases where inadequate compensation is rendered by the Government; but they are so numerous that we thought it would not do to crowd them into this bill.

Mr. CLAYTON. I wish to put a question to the chairman of the Committee on Retrenchment and Reform. There are three clerks in the State Department whose salaries are \$1,000, \$900, and \$800 per annum respectively. They ought to be placed on the same footing as the others. I do not know whether they are so placed by this bill or not; but I would suggest to the Senator that, if there is any doubt about that, the bill should be amended by inserting in the second section, before the words "performing the same or similar duties," the words "in any of the Departments," for the purpose of including them.

Mr. ADAMS. I will state to the Senator that they are fully embraced by the bill and amendments which I am about to propose from the committee.

Mr. CLAYTON. With that understanding I shall support the bill. Those clerks are not classified, as I understand.

Mr. ADAMS. Therefore we propose to provide that all the clerks in any Department, performing the same or similar labor to that performed by any of the classes, shall receive the same compensation as the bill gives to that class. The first amendment which I have to offer is to strike out the words "according to seniority," and insert "from the class next below," so that the heads of Departments will have the margin of a whole class from which to select when there is a vacancy.

The amendment was agreed to.

Mr. ADAMS. The next amendment is to add at the end of the first section the following:

"And the Clerks employed in the Census Bureau shall be paid during the present year the same as is hereby allowed to the clerks of the second class."

That is for the present fiscal year.

Mr. WALKER. Does that amendment say "Census Bureau?" I expected it would come to this, but I was not aware before that it was a bureau.

Mr. HUNTER. There are a few clerks, as I understand, still employed in winding up the business connected with the taking of the census. Their employment will terminate probably during this year. I am not able to say exactly when; but I am informed that it will terminate during the year.

Mr. WALKER. I have no objection to the clerks being provided for, but I fear this will establish the Census Office as a permanent concern—as a bureau.

Mr. HUNTER. I understand the Senator from Mississippi will bring in a scheme for reorganizing the Departments, when the objection can be made. This is but a temporary provision for the persons employed.

The amendment was agreed to.

Mr. BELL. I do not wish to waste time by interrupting anything that is proper now, or by interposing any obstacle to the passage of the bill; but I should like to be informed by the honorable Senator from Mississippi, whether the committee have considered the condition and salary of the clerks in the Sixth Auditor's Office connected with the Post Office Department; whether any attention has been given to their interests or wishes? I will state that I understand, from a source which I think authentic, that there are about thirty clerks employed in that office in settling or adjusting—or examining is, perhaps, a more appropriate term—twenty-two thousand or twenty-three thousand accounts which have to be settled quarterly at that office; and that the duties of each of them are the same in every respect—so equal that it is hard to say that one has a greater burden thrown upon him than another. For example: I understand that these accounts are cast in sections, and then, that the clerks individually draw for the sections. Hence, inasmuch as a portion of these thirty clerks get a salary of \$1,500 a year, others \$1,200, and others only \$900, a \$1,500 clerk is liable to draw a section which, perhaps, if there is any difference, will be an easier burden to him than another section which a \$900 clerk happens to draw. I mention this for the purpose of showing the perfect equality of service and duty. Be-

sides that, all these clerks have to work up to or against what they call "time." They are obliged to make their reports upon a certain day; and sometimes they are employed from seven or eight o'clock in the morning to nine or ten at night.

Mr. ADAMS. The same difficulty exists in all the Departments, to a greater or less extent; and therefore the committee have addressed letters to the heads of all the Departments, with a view of ascertaining what changes in the classification are necessary; and we intend to bring in a general bill to correct the evil. This is intended merely as a temporary relief for the very persons to whom the Senator refers.

Mr. BELL. It seems to me this is one of the clearest cases of hardship which can be presented—a \$900 clerk having to perform the duties of a \$1,500 clerk—there being a difference of pay when there is no difference in their duties. Sometimes one will draw a section somewhat more difficult than another. There may, and of course will, be some difference in the scale of these various accounts; but it seems to me there is no justice whatever when you mix up in this way \$900 and \$1,200 and \$1,500 clerks, and make them do the same duties. If these arduous services are worth \$1,500 per annum, all the clerks in that office ought to have \$1,500. This, it seems to me, is a case which calls as promptly for redress as any other that can be presented. I do not mean to interpose any difficulty or objection to doing what may be called justice to others. I am not prepared to go into that question without knowing precisely what class of cases it is that the Senator from Mississippi thinks are the more urgent in their claims for justice before Congress.

Mr. ADAMS. The very class the Senator speaks of.

Mr. BELL. The honorable Senator does not include the \$900 clerks.

Mr. ADAMS. We raise the salary of the \$900 clerks to \$1,200; that of the \$1,200 clerks to \$1,400; and that of the \$1,500 clerks to \$1,600; and I stated at the same time that we intend to bring in a bill reclassifying the different clerks, so as to do justice to all.

Mr. BELL. I have only to say if this is to be a permanent provision incorporated in the new bill to be brought in—if a \$1,500 clerk is to be required to perform precisely the same duty which a \$1,200 clerk is to be called upon to perform, the lower salaried clerk is entitled to the same compensation as the other; either the \$1,500 clerk gets too much, or the other too little. The provision as it now stands is unjust and unequal.

This question is one of very great delicacy, and one of policy; we should consider well as to what is to be the effect of this indiscriminate raising of salaries. There is a class of clerks employed in the various offices of the Government, particularly young men without families, who come here merely with a view of staying a few years, and have no idea of spending their lives here, to qualify themselves, who should not get more than \$900 or \$1,000 a year, unless they have special qualifications; and if they have, I presume they would get a higher place. The effect which will be produced by taking the lowest grade of copying clerks, and giving them \$900 or \$1,000 a year, upon wages in this and the adjoining communities, and throughout the country, is a consideration which will deserve the serious attention of Congress, whenever they come to settle this matter upon a sound and permanent principle.

Mr. BRODHEAD. I would like to inquire of the Senator from Mississippi whether the bill grants relief to those called temporary clerks. There are a large number of them, particularly in the Pension Bureau, who receive three dollars and thirty-three and a third cents or four dollars per day. They are there permanently, although called temporary clerks. Will this bill afford them relief? They are not classified.

Mr. ADAMS. Certainly it will. The bill provides that all persons employed, who are not classified, shall receive the same compensation as is allowed for the same or similar work, in the different Departments to those who are classified.

The next amendment of the committee is in the second section to strike out "five," so that it shall provide for "an addition of twenty per cent." to the compensation of the messengers, packers, and laborers in the Departments here.

The amendment was agreed to.

Mr. ADAMS. The last amendment is to add at the end of the second section:

To the clerks employed at the navy-yard and marine barracks at Washington; to the clerk, messenger, and laborer in the office of the Commissioner of Public Buildings; to the doorkeeper and assistant doorkeeper at the Executive Mansion; to the public gardener and the laborers employed in the public grounds and President's ground; to the additional watchmen and police of the Capitol, the watchmen employed at the President's house and reservation No. 2; to the lamp-lighters, general superintendent, and draw-keepers of the bridge across the eastern branch of the Potomac. And that the provisions of the second section of the act of August 31, 1852, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th June, 1853, be, and is hereby, extended to such persons herein enumerated, who were in employment during that fiscal year, and were excluded from the benefit of said act by the decision of the Comptroller of the Treasury.

This is to be added to the clause which provides for the addition of twenty per cent. to the salaries.

The amendment was agreed to.

The bill was reported to the Senate as amended; the amendments were concurred in; the bill was ordered to be engrossed for a third reading, and was read a third time, and passed.

ARMY RETIRED LIST.

Mr. SHIELDS. I hope the Senate will indulge me by taking up the bill "to promote the efficiency of the Army, by retiring disabled officers." I move that it be now taken up.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to enact that if any commissioned officer of the Army shall have become incapable of performing the duties of his office, by reason of age, the result of many years of faithful service, or by wounds received in the line of duty, or by disability, caused by exposure in service, he shall be placed upon a retired list, and withdrawn from active service and command, with the pay proper of the highest rank held by him at the time, whether by staff, regimental, or brevet commission, and the service rations to which he may then be entitled, but without any other allowances; and the officer next in rank shall be promoted to the place of the retired officer, according to the heretofore established rule of the service.

It also proposes to authorize the President to direct the Secretary of War to refer the case of any officer applying to be retired, to an army board, to be composed of not more than thirteen nor less than seven commissioned officers, to be detailed from those of superior rank to him whose case is under consideration; which board shall determine upon the case. If the board determine that the disability was incurred in the line of duty, and the President approve their judgment, the disabled officer shall be placed upon the list of retired officers; but if the board are of opinion that the disability was the result of vicious habits, or of exposure unconnected with official duty, and the President concur in that opinion, then the disabled officer may, at the discretion of the President, be dropped from the rolls of the Army.

Mr. SHIELDS. The Committee on Military Affairs have instructed me to offer some amendments to the bill.

Mr. HUNTER. I desire to suggest to the chairman of the Committee on Military Affairs, whether it would not be better to set some subsequent day for the consideration of these military bills which have been reported from his committee. They are very important bills. If he will set such a day, we shall come in then and be ready to consider them. To-day we are all taken by surprise. None of us expected that the Senator would propose to consider them now. I hope, therefore, he will give us time to examine them. If he will fix any future day, I will agree to be ready to vote when the day comes. I did not suppose that the bills would be called up so soon, and I have not examined them sufficiently to be enabled to vote properly upon them.

Mr. SHIELDS. The bill now before the Senate for consideration has passed this body three several times, and always been lost in the House for want of time. It is a bill to retire disabled officers. I think the Senator from Virginia himself has heretofore voted in favor of it. It has been printed and laid on our tables for some time. It was reported at an early part of the session. It has been prepared with great care by the War Department in concert with the Committee on Military Affairs. I know of no measure which is

more necessary for our Army at this time than a bill for the retirement of disabled officers. The reason why I should regret the postponement of the bill to another day is this: That if all these military bills are postponed until the privileged question, which is pending, and the Nebraska bill are settled, I doubt very much whether they will pass this body at this session. I have taken up the bill which is now immediately under consideration first, because I did not expect it would lead to any discussion, or to any opposition.

Now every man at all acquainted with the present condition of the Army knows, that it is reduced and diminished in number until it is a mere skeleton. These bills have been prepared by the War Department principally, and have been examined and corrected, in concert with the Department, by the Committee on Military Affairs. The bill which is now under consideration, as I have already stated, has passed this body again and again, and the whole Army are now anxious for it to pass, so as to retire the officers who are superannuated, disabled, and unfit for duty, and who are not able, and in fact ought not, to be placed at the head of a command. I did not expect that it would lead to any opposition, and that was the reason why I called it up first. There are two other bills which I had intended to call up afterwards.

Mr. HUNTER. I was only asking for time. No doubt, as the Senator states it, it is true that the bill has passed the Senate heretofore. I do not know whether I voted for it or not. I have not had time to examine the bill, and I do not suppose when it passed before that I could have given it much examination, for these bills are often called up and passed without much consideration. I understand that the Senator has a series of bills—I have no doubt well considered and well matured—contemplating very great and radical changes in the Army; and it seems to me that such bills should be considered by other members of the Senate, and a future day should be fixed for their consideration, when we may come prepared to vote upon them. That is all I ask. If the Senator will fix a day, I will be ready on that day to act upon the bills, and ask for no further postponement.

Mr. SHIELDS. I was about to do that in regard to the two more important bills for increasing the Army, and increasing the pay of the Army; but I took it for granted, that a bill which had been discussed, over and over again, and passed by this body, would be passed now without any opposition. If the gentleman sees there is anything wrong in the bill, and will point it out, I shall be glad to amend it, if I think it is wrong. I speak of this bill in particular, because I look upon it as one essentially necessary at present for the Army. Senators will remember the case of the late most calamitous disaster to the steamship San Francisco, where, I understand, the superior officers, from disability on account of age, were compelled to leave their command. That of itself should induce us to pass the bill.

Mr. HUNTER. I am not opposing the Senator's bill. I only ask for time to examine it. I do not know whether it is right or wrong—whether any provision in it is wrong or not. I want time to examine it, to ascertain that fact.

Mr. GWIN. I propose that all these military bills be made the special order for this day two weeks, when we can take them up and decide upon them.

Mr. WELLER. I do not see with what propriety the Senator from Virginia asks for the postponement of this bill. If this were the first time the question had been presented to the Senate for providing a retired list for the Army, there would be very great propriety in the Senator asking its postponement until he had determined in his own mind if the public interest required that such a retired list should be provided; but, as my friend at the head of the Committee on Military Affairs says, this question has been before the Senate time and again. We are told that a bill containing all its provisions has passed the Senate, and the fair and legitimate result is, that the attention of so watchful a guardian of the public interest as the Senator from Virginia is, has been directed to this particular bill.

Now, if the Senator says that he has not determined in his own mind whether the interests of the Army require that a retired list should be provided; if he has not yet had an opportunity to

investigate that question, I would be in favor of giving him time from his other duties to devote to this; but I see no reason presented, so far as this discussion has gone, why the delay should be given. There are other bills reported by the Committee on Military Affairs which will be opposed; I know they will. They propose to make important changes in the Army of the United States, and will undergo, no doubt, full discussion. That I desire should go on; and I am willing to give an opportunity to Senators to examine and discuss them. But, sir, as the question which is presented by the bill now before us, in my opinion, one upon which every Senator has formed an opinion, I am in favor of having the action of the Senate upon it now.

Mr. BAYARD. I will ask the Senator from Illinois if this bill is identical, in all its provisions, with the one which has heretofore passed the Senate?

Mr. SHIELDS. There is some change in the phraseology.

Mr. BAYARD. Not in the substance?

Mr. SHIELDS. Not in the substance.

Mr. BAYARD. The portion of the bill which does seem to me objectionable—

The PRESIDENT. The question before the Senate is on postponing the further consideration of the bill for two weeks from this time.

Mr. SHIELDS. I desire that every member of this body should come prepared to vote upon any measure which I call up for consideration. Acting upon that principle, I have postponed asking the taking up of the other two bills, and have taken up the one now under consideration, as I took it for granted that it being the same measure that had passed the body again and again, and had been lost in the House for want of time, we might pass it this session so early a period that it could not possibly be lost. This I desire to do; and then to postpone the two more important bills—the one to increase the Army by adding three regiments, and the other to increase the pay—to a day to be appointed, as designated by the Senator from California, for their consideration. I think that would be the better way.

Mr. GWIN. I will give the reason why I think all these bills should go together. I have not examined them particularly. I take it for granted that the three bills should be taken as one measure for the reorganization of the Army. If we pass this bill, by which we retire certain officers of the Army, the subsequent bill provides for the filling of the offices thus to be vacated by the retired list.

I have examined the question of reorganizing the Navy with some degree of attention. It has been my duty to do so as chairman of the Committee on Naval Affairs, and I believe the proper way of reorganizing the Army and Navy is to have a system by which, if you establish a retired list on either branch of the public service, you should at the same time be prepared to fill up the vacuum thus created by the retired list. For that reason, and no other—not from any opposition to them—I wanted all the bills to go together.

Mr. SHIELDS. I desire to correct a little error into which the Senator has fallen. This bill does not create a vacancy. It does not increase the number of officers. It applies to the Army as it is now, or to the Army if increased. It has no reference whatsoever to the other two bills. They stand on a different footing altogether. It is merely designed, as I thought every person knew, to retire disabled and superannuated officers upon their pay proper, and leave other officers to get the emoluments and fill the places from which they are retired. I am not, however, disposed to enter into any contest about it now, if honorable Senators think it better that it should be postponed and taken up at another time; but it has no connection whatever with the other bills.

Mr. GWIN. I hope the Senator will consent that the two other bills shall be taken up, and with the one now under consideration, be postponed till this day two weeks, when we can go into the consideration of them all.

The PRESIDENT. The question is on postponing the bill to promote the efficiency of the Army by retiring disabled officers. The other bills are not before the Senate.

Mr. SHIELDS. I will suggest, then, that the bill to increase the present military establishment of the United States, and for other purposes; and the bill to regulate the pay, and increase the effi-

ciency of the Army of the United States, and for other purposes; be postponed until the same day.

The PRESIDENT. If there be no objection, all these bills will be considered as before the Senate. The question will then be on postponing them to, and making them the special order of the day for, this day two weeks.

The motion was agreed to.

KEARSLEY AND BIDDLE.

Mr. STUART. I move that the Senate proceed to consider the bill to provide for the final settlement of the accounts of Jonathan Kearsley, late receiver of the public moneys at Detroit, and of John Biddle, late register of the land office at that place. It simply authorizes the accounting officers of the Treasury to audit and settle their accounts upon principles of equity and justice. It has passed the Senate twice, and I believe three times—twice, certainly.

The motion was agreed to; and the bill was read a second time and considered, as in Committee of the Whole. No amendment being proposed, it was reported to the Senate, ordered to be engrossed for a third reading, and was read a third time, and passed.

PORT OF NEW ORLEANS.

On the motion of Mr. BENJAMIN, the bill to extend the limits of the port of New Orleans was read a second time, and considered as in Committee of the Whole.

It provides that the port of New Orleans shall be so extended as to embrace the right bank of the Mississippi river for the same distance up said river bank as it now extends on the left bank.

Mr. BENJAMIN. I will state that the port of New Orleans embraces both banks of the river, but at different distances on each side. It is desired to make the termination of the port on both banks the same. That is the only object of the bill.

Mr. BADGER. I hope my friend will strike out the word "river" in the last line. It is a superfluous word, and makes the bill read badly.

Mr. BENJAMIN. I accept the amendment.

The PRESIDENT. If there be no objection the word will be struck out.

The bill was reported to the Senate, ordered to be engrossed for a third reading, was read a third time, and passed.

PUBLICATION OF DEBATES.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate pay the proprietors of the National Intelligencer, out of the contingent fund, for publishing in that paper the debates and proceedings of the Senate of the last Congress, at the rate of one half the price which was allowed the Washington Union for the same service.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 31, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the Commissioner of Public Buildings, showing the manner in which all the appropriations for public buildings and grounds coming under his charge have been expended.

Also, a communication from the Clerk of the House of Representatives, containing the names of the clerks and other persons employed in his office.

The SPEAKER. Some days ago an adverse report was made from the Committee on Invalid Pensions, on the petition of John Drout and Eliza Merrill, which was ordered to lie upon the table. The gentleman from Maine [Mr. WASHBURN] moved to reconsider the vote by which it was laid upon the table, his object being to return the adverse report to the Committee on Invalid Pensions. The question now is on the motion to reconsider.

The question was put, and it was decided in the affirmative.

So the vote was reconsidered.

The report was then recommitted to the Committee on Invalid Pensions.

Mr. WHEELER. I ask the unanimous consent of the House to take up a resolution of inquiry, offered by me a week since, in reference to the appropriations for the Hudson river.

Mr. JONES, of Tennessee. Will not that resolution come up after the committees have been called for reports?

The SPEAKER. When all the committees have been called, that class of business—resolutions lying over—will be in order.

Mr. JONES. Then I must object to the taking up of the resolution now.

A message was received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, announcing the passage by that body of sundry private bills, in which he was directed to ask the concurrence of the House.

Also, that the Senate had appointed a committee to act with the committee of the House, on the subject of the amendment of the Constitution.

REPORTS OF COMMITTEES.

The SPEAKER then proceeded to call the committees for reports, commencing with the Committee on Private Land Claims.

Mr. ORR, from the Committee on Indian Affairs, reported back Senate bill "for the relief of the legal representatives of Joshua Kennedy, deceased," without amendment, and with a recommendation that it do pass.

The bill was referred to the Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. GREENWOOD, from the Committee on Indian Affairs, reported back Senate bill "for the relief of John Fagan," without amendment, and with a recommendation that it do pass.

Mr. GREENWOOD. I believe that such bills necessarily go to the Committee of the Whole House.

The SPEAKER. If the bill contains an appropriation it must go to that committee under the rules.

The bill was then referred to the Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

On motion by Mr. FAULKNER, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the preamble and resolutions relative to the Petersburg volunteers in the war of 1812, and that they lie upon the table.

Mr. TAYLOR, of Ohio, from the Committee on Territories, reported a bill; which was read a first and second time by its title, as follows, and referred to the Committee of the Whole House, made the order of the day for to-morrow, and, with the report, ordered to be printed:

"A bill for the relief of Grafton Baker."

NEBRASKA AND KANSAS TERRITORIES.

Mr. RICHARDSON, from the Committee on Territories, reported a bill; which was read a first and second time by its title, as follows:

"A bill to organize the Territories of Nebraska and Kansas."

Mr. R. yielded the floor for explanation to

Mr. ENGLISH. Mr. Speaker, as an humble member of the Committee on Territories, I desire to say that the bill which has been just reported does not, in its present shape, meet with the approval of all the gentlemen upon that committee. Some, I believe, oppose it because it conflicts with the act of 1820, known as the Missouri compromise. I am not going to make a speech; but there are a few objections to the bill which I beg to put forward on the present occasion, so that my position may not be misunderstood by my constituents.

In the first place, I object to the boundaries proposed. The country to be organized into Territories, as gentlemen are aware, lies, in the main, adjacent to and west of the States of Missouri and Iowa, and extends westwardly to the Territories of Utah, Oregon, and perhaps Washington. Now, what are the natural boundaries of these proposed Territories? I design speaking more particularly to the Territory of Kansas, which is the lower and more southern of the two Territories, and the one in which slavery will exist, if it exist in either.

Now, of course, all will say that the eastern boundary of the proposed Territory of Kansas should be the present boundary of the State of Missouri; and I think it is equally clear that the

western boundary of the proposed Territory of Kansas should be the present boundary of Utah Territory. And I think that this will appear in a much stronger light when we come to consider the nature of the existing boundary of Utah. Sir, what is it? We find it established by law. We find that it is the crest or summit of the Rocky Mountains; a boundary, sir, which no man can mistake; a boundary, sir, erected by the hand of the Almighty, that all men can understand it. I say, sir, that this is the natural boundary which should be assigned to that Territory, and I think that this House will be surprised to know that it is not the boundary proposed by the bill now under consideration.

Sir, the framers of this bill propose extending the territory of Kansas not only from the State of Missouri westward to the Rocky Mountains—a distance, perhaps, of eight hundred miles—a distance equal to the width of the great States of Ohio, Indiana, and Illinois—not only to take it to the summit of the mountain—but to take it beyond, and run it down to the region of the great Salt Lake, so as to include about one third of the Territory of Utah. To that I am opposed.

Mr. RICHARDSON. I yielded the floor to the gentleman from Indiana to make an explanation, but I did not suppose that he was going to make a speech. I wish to indicate the line of policy which the committee has pursued in reference to this bill.

Mr. ENGLISH. I am not proposing, sir, to enter into any extended remarks, but I have some objections to this bill, and I desire to point them out now. I voted in committee against the bill, in its present shape, and I think it due to myself, with the permission of the House, to state here, for the information of my constituents, some of the objections which I have to it. I will say, too, for the information of the gentlemen, that my objections to the bill are not of such a vital character but I may ultimately vote for it, even in its present shape.

Mr. RICHARDSON. Then, Mr. Speaker, I propose that the gentleman take the floor after me, and not take his time out of mine. I certainly would not be discourteous to him under any circumstances.

The SPEAKER. If the gentleman from Illinois insists upon his right to the floor, the Chair rules that he is entitled to it.

Mr. ENGLISH. This is about all that I have to say on the subject of boundary. I think that gentlemen will be satisfied when they have examined the map that the plan proposed of incorporating the territory west of the Rocky Mountains and east of the Rocky Mountains in the same Territory is injudicious. There is no community of interest between the people on each side, and but little intercourse, nor can there be. They have but little intercourse with each other, and ought not to be placed in the same territory. I have no particular love for the Mormons, nor for their peculiar institutions; and I know that there is much prejudice existing against that people, and perhaps justly so, in parts of Illinois and Missouri. Yet I am not willing to carry these prejudices to the extent of extending the boundary of this new Territory, already too large, so as to include a large portion of Utah. This is all I have to say on that subject at present.

I pass now to another subject, on which I purpose briefly to speak.

Sir, there is another question involved in this bill, a question of immense magnitude, and great delicacy, and one which I know it behooves gentlemen who reside in certain quarters to speak of with a great degree of caution; but I, for one, am not afraid to face the music, and I am willing to give, as far as I am able, a reason for the faith that is in me. I, of course, allude to that most exciting of all subjects—African slavery. Sir, I am a native of a free State, and have no love for the institution of slavery. I regard it as an injury to the State where it exists, and if it were proposed to introduce it where I reside would resist it to the last extremity.

But, sir, I never can forget that we are a confederacy of States possessing equal rights, under our glorious Constitution. That if the people of Kentucky believe the institution of slavery would be conducive to their happiness, they have the same right to establish and maintain it that we of Indiana have to reject it; and this doctrine is

just as applicable to States hereafter to be admitted as to those already in the Union. I approve, then, of that part of the bill which provides that these Territories, when they come to be admitted as States, shall be admitted with or without slavery, as their Constitutions may prescribe. But, sir, I go a step further—further, sir, than the bill under consideration, unless it be by implication—I am willing to trust the people with the power of regulating their domestic institutions in their own way, through their regularly constituted Territorial Legislature. I hold that if the people are of sufficient numbers and importance to merit a territorial government at all, they are capable of governing themselves in all things. I would refer the question of slavery, and all other questions, to that best and safest of all tribunals—the people to be governed. They are the best judges of the soil and climate, and wants of the country they inhabit; they are the true judges of what will best suit their own condition, and promote their welfare and happiness.

I am opposed to admitting slavery into these Territories, and placing it out of the reach of the people until the formation of a State government. And it is, in part, because the bill is not explicit on this head, that I dislike it. I want to see the power expressly given to the people from the beginning to regulate their domestic institutions in such manner as they think proper, not inconsistent with the Constitution of the United States. For these reasons I shall propose an amendment in lieu of the following words, which I shall move to strike out of the bill:

“Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative.”

Now I am opposed to making war upon a lifeless body, or mutilating the slain. If the act of 1820 was superseded by the act of 1850, why repeal the former? Or, when repealed by express words, why go on to recite that the act repealed has already been superseded by another act; and still further, to declare that act inoperative which has already been superseded and expressly repealed! I neither propose to legislate slavery into these Territories or to legislate it out; but I do propose to give the people of the Territories the right to pass such laws as they may think proper, not inconsistent with the Constitution of the United States; and I expressly propose to repeal all acts of Congress (if any there be) conflicting with that right. This, I conceive, is the only principle upon which a permanent and final settlement of this unfortunate question can ever be made.

The substance of the amendment which I propose in reference to the slavery question, is to give to the people of the Territory, through the regularly constituted legislative authority, the right to pass such laws in relation to the institution of slavery, not inconsistent with the Constitution of the United States, as they may deem most conducive to their happiness and welfare. And I propose to repeal so much of any existing act of Congress as may conflict with the right of the people to regulate their domestic institutions in their own way.

Now, Mr. Speaker, I shall not present these amendments with an over degree of confidence. They seem to me to be right, but if they are not, I shall not persist in them. I am open to conviction. If they are adopted, or if satisfied they ought not to be, I shall probably vote for the bill. My inclinations at the present time are that way, and I may vote for it, even in its present shape. The question was not agitated in the canvass which resulted in my return to Congress, and I have, up to this time, heard no expression of sentiment upon the subject from any of my constituents. I should of course carry out the wish of the people I represent, should their will be made manifest. I have not examined the treaties existing between the United States and the Indian tribes inhabiting in part the country proposed to be organized into Territories, and do not know but some of the provisions of this bill would violate the compact we have made with them. I am told, however, that it does not conflict with these treaties; and this being the case, I consider speedy and definite action upon this measure as least likely to promote agitation and bad feeling, and best for the quiet of the country. For one, I am ready to act.

Mr. RICHARDSON. I proposed simply, upon the introduction of this bill, to send it to the Committee of the Whole on the state of the Union, to afford to every gentleman upon this floor the ample opportunity to investigate it for themselves, unaccompanied with any debate or remarks from myself. Gentlemen will there have the opportunity to present their amendments.

The legitimate and proper course of legislation is to send it to the Committee of the Whole, where members will have the opportunity to investigate and examine it in all its parts and details; to propose to it such amendments as they want, in order to perfect the bill, and then to vote as they think their duty to themselves and their country may require.

I must be permitted, however—and it is my duty—to reply to so much of the objections of the gentleman from Indiana [Mr. ENGLISH] as have been stated upon this floor. I would prefer not at this time to be hurried into this debate upon the boundaries contained in the bill. There are reasons so manifest and so potent in favor of the boundaries which the committee have determined upon, that no man here can resist them when stated.

The gentleman from Indiana says that the great natural boundary must be observed, and that there should be nothing interposed to prevent it. I do not agree with him. Governments ought to be formed to accommodate to some extent the people who reside in them. One reason why this boundary is extended to another Territory placed inside of it is this, that every man residing in that portion of the territory taken from the Territory of Utah, comes here, and asks this Government to take them from under the power under which they are now placed. Bridger, who has lived here thirty years, emigrated to that Territory in 1823, established trading posts in the mountains, built up in the waste and howling wilderness a home for himself and family, was finally driven from the possession of that property by the hands of the power of that Government, and is now here in this city. For one, I desire to yield to the application made by this man, and those placed in similar circumstances, when they ask to be placed under a different government.

There is another reason which I have for making the boundary as reported in this bill. I intend only to reply to so much of the argument of the gentleman as interposed objections to the bill, for I do not choose that they should go to the country unanswered.

The gentleman has stated that there is in the States of Missouri and Illinois some prejudice against the Mormons. I do not doubt that this statement is true, and that this prejudice exists in the community in which he lives. If such prejudice does not exist, it ought to exist, I am sure. The lawless hand that characterizes these people ought not to be encouraged and promoted by this Government, and, for one, I am not for doing so. It is a sufficient reason, I have no doubt, when I have stated to the House the reasons which have influenced the committee of the two Houses to change this territorial boundary; and it is a sufficient reply to all that has been said about it.

There is another very good reply to the gentleman. He says that there is no sympathy between the people of the different parts of the Territory. One grand object for establishing territorial government there now is to cover that line of travel which is pursuing its way to the Pacific ocean, affording protection to the interests that lie along that road of travel. It strikes me that the interests of the emigrants, as they go towards the Pacific ocean, are identical with those of the Territories through which they must pass; and there cannot be any antagonism between them, I think. There may be antagonism between rival routes, but between settlements lying along the same route of travel there must be sympathy and the same interest.

The gentleman is mistaken about another thing. The gentleman is very much mistaken when he thinks that we have established an ideal boundary—that we have passed over the natural boundary, and established a mere ideal one. The boundary proposed in this bill is as good a one as can be fixed, and I repeat that the gentleman is mistaken in supposing it an ideal one.

Mr. DAVIS, of Indiana. Will the gentleman allow me for one moment?

Mr. RICHARDSON yielded the floor.

Mr. DAVIS. This is to be a very exciting question. It is a very important bill. We shall all of us desire to participate in the discussion, and if we are to go into that discussion now, I call for the reading of the bill.

Mr. DEAN. This is the same bill which has been introduced into the Senate, and has been printed. Gentlemen can read it for themselves. I hope we shall not take up the time of the House by hearing it read.

Mr. RICHARDSON. I have been hurried into this debate. I should have preferred to have it referred to the Committee of the Whole on the state of the Union, without debate.

The SPEAKER. The gentleman from Indiana has the right to have the bill read, if he insists upon his demand.

Mr. RICHARDSON. Has the gentleman a right to have the bill read as a part of my speech?

The SPEAKER. Not as a part of the gentleman's speech; but he has the right to have it read before it can come up before the House for its consideration.

Mr. RICHARDSON. I hope the gentleman will not insist upon the reading of the report. What I desire is, that the bill may go to the Committee of the Whole on the state of the Union, and be printed, where an opportunity for full discussion may be had.

Mr. DAVIS. If the debate is to be stopped, I will withdraw the demand for the reading of the bill. My only object was to have the subject fairly before the House, if the debate was to go on.

Mr. PHILLIPS. I ask the gentleman to allow me to make a single remark. I know it was the intention of the gentleman from Illinois, as it was of the Committee on Territories, that a bill of this importance should not be brought up thus hastily in the House for discussion. I know it was his intention to carry out the wish of the committee, and have it referred to the Committee of the Whole on the State of the Union, and printed, without discussion, and laid upon the desks of members, that when it came to be taken up for consideration, it could be done with the deliberation which a bill of its importance demands.

I know my friend from Illinois has been hurried from this rule of propriety laid down by the committee, by the remarks of the gentleman from Indiana, [Mr. ENGLISH.] He is pursuing a course which he did not intend originally to pursue. I now ask him, that notwithstanding what may have been said by the gentleman from Indiana, he will adhere to the course originally laid down by the committee, and desist from any further reply to remarks already made.

Mr. DEAN. I ask the gentleman from Illinois to yield the floor for me to offer an amendment, which I will send up to the Chair, that it may be printed, and go to the Committee of the Whole on the state of the Union with the bill.

Mr. RICHARDSON. If I should start upon that road I do not know where I should stop. I must decline to yield the floor.

I move to refer the bill to the Committee of the Whole on the state of the Union; and in order that I may avoid all difficulty, and not be again drawn into any debate upon the subject until it shall come up in committee, I move the previous question.

[Cries of "No! no!" "That's right!" and considerable excitement.]

Mr. EDGERTON. I appeal to the gentleman to allow me to offer a substitute to the bill, that it may go to the Committee of the Whole on the state of the Union, with the bill itself.

[Cries of "Don't yield!" and confusion.]

Mr. CLINGMAN. The gentleman can offer his substitute in committee.

Mr. RICHARDSON. I should be glad to accommodate the gentleman; but if I withdraw the previous question for one, I must do it for others, and the thing will never stop. I cannot withdraw the demand. If I have the majority of the House with me, let the bill take the direction I have indicated, and let us have no more discussion upon the subject for the present.

Mr. JONES, of Tennessee. With the permission of the gentleman from Illinois, I wish to make one suggestion. I think that justice and fairness will require it at his hands that he should—

Mr. BISSELL. I object to all this, unless it is strictly in order.

Mr. CAMPBELL. I call the gentleman to order.

The SPEAKER. Debate cannot be allowed, unless by the unanimous consent of the House.

Mr. ENGLISH. When I had the floor—
[Cries of "Order!" "Order!" all over the Hall.]

Mr. ENGLISH. Just one word.

The SPEAKER. The Chair calls the gentleman to order.

Mr. PRESTON. I rise to a point of order. The previous question has been moved, and I think it is the universal sense of the House that the bill should take the course indicated by the gentleman from Illinois. It is certainly the only proper course—

The SPEAKER. The Chair must remind the gentleman from Kentucky that discussion is not in order.

Mr. PRESTON. Well, sir, I make the point of order, that the previous question having been called, no motion can be made in order to amend, and I hope the Chair will enforce the rule.

Mr. ENGLISH. I had the floor a few moments since, and indicated my intention to offer an amendment to the bill, now in the hands of the Clerk. Now, I want to know what becomes of that amendment?

Mr. DISNEY. It was not in order to offer an amendment.

The SPEAKER. The gentleman from Indiana [Mr. ENGLISH] will recollect that the gentleman from Illinois [Mr. RICHARDSON] yielded the floor to him for explanation only, and not to offer an amendment.

Mr. ENGLISH. I hope the gentleman from Illinois will at least allow the amendment to be read.

Mr. RICHARDSON. If I was sure that gentlemen would only offer amendments, and not engage in debate, I would withdraw the previous question.

[Loud cries of "No, no!" "Order!" and great confusion.]

Mr. RICHARDSON. I should like to accommodate them in any way—

[Cries of "No, no!" and "Order!"]

The SPEAKER. All discussion is out of order.

Mr. TAYLOR. I rise to make an inquiry of the Chair. My impression is that my colleague, who desires to offer a substitute, and other gentlemen who have amendments to offer, can do so when we come to discuss the subject in Committee of the Whole on the state of the Union. I ask the Chair if that is not the case? If I thought it was not, I should be unwilling to deprive them of the opportunity of doing so now.

The SPEAKER. Gentlemen upon all sides of the House know that the bill will be open to amendment in Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I wish to make an inquiry of the Chair. If the House should refuse to sustain the previous question, and then vote down the reference of the bill, will not these gentlemen be able to offer their amendments, and have them referred and printed?

Mr. MACE. There can be no question of that.

Mr. JONES. I want to see the thing done fairly—

Mr. DUNHAM. I rise to a question of order. I would inquire whether my colleague, [Mr. ENGLISH], as the minority of the Committee on Territories, has not a right to make his report to the House?

The SPEAKER. It has always been the practice of the House, so far as the Chair recollects, to indulge such a proceeding; but there is no rule authorizing it.

Mr. RICHARDSON. The House never denies the minority of a committee the privilege of reporting.

The SPEAKER. That has been the universal practice.

Mr. RICHARDSON. I will assume the responsibility of letting gentlemen offer their amendments, and have them printed. But I hope that when I withdraw the demand for the previous question gentlemen will not bring the debate on now. If it can be understood that they shall only offer their amendments, and have them printed, I will withdraw the demand.

Mr. DISNEY. I rise to a question of order.

My point of order is this: that pending a motion to commit a matter, it is not in order to offer an amendment; and that, even if an amendment is pending, the motion to commit cuts it off.

The SPEAKER. Certainly it does. But the Chair supposed that the gentleman from Illinois intended to withdraw the motion to commit also.

Mr. RICHARDSON. If I can retain the floor and enable gentlemen only to present or give notice of their amendments, I am willing to withdraw it.

The SPEAKER. It can be done only by unanimous consent. The question pending is on the motion to refer the bill to the Committee of the Whole on the state of the Union, and order it to be printed.

Mr. JONES, of Tennessee. If I am not mistaken, the gentleman from Illinois can withdraw the motion to refer the bill. He is upon the floor. He can yield it for any gentleman to give notice that he will, in Committee of the Whole on the state of the Union, propose a particular amendment to this bill, and ask that it be printed. He can then yield it to any other gentleman to give a like notice, and make a like request, and so on until all are gratified. He can then move to refer his bill, with all of these notices, and to order their printing. Everything will be then before us.

Mr. RICHARDSON. I withdraw the call for the previous question and the motion to refer the bill.

Mr. ORR. Mr. Speaker, I seek the floor on my own account.

The SPEAKER. The gentleman from Illinois [Mr. RICHARDSON] is on the floor on his proposition to commit the bill. Does the gentleman yield the floor to the gentleman from South Carolina?

Mr. RICHARDSON. Certainly, sir.

Mr. ORR. Do I understand that the gentleman from Illinois proposes to retain the floor?

Mr. RICHARDSON. I will state frankly to the gentleman from South Carolina that I do. Gentlemen want their amendments printed.

In consequence of confusion in the Hall business was suspended for a few moments, and until order was restored.

Mr. ENGLISH. I would ask the gentleman from Illinois to yield me the floor for a minute.

Mr. RICHARDSON. I yield to the gentleman.

Mr. ENGLISH. I desire to give notice, that I propose, at the proper time, to amend the bill, as indicated in the paper which I send to the Clerk's desk, to be read.

[Cries of "Read it!" "Don't read it!" "Let it be printed," &c.]

The SPEAKER. The course indicated by the gentlemen from Illinois and Indiana, and other States, can only be pursued by the courtesy—the consent of the body. The gentleman from Indiana cannot demand the reading of his proposition. There is no rule under which he can do so. The Chair would like to see each gentleman accommodated, but he must enforce the rules.

Mr. ENGLISH. All I can say is, that, as a member of the Committee on Territories, as a minority of that committee, I desire to get the matter I have indicated before the House.

The SPEAKER. Is it the unanimous consent of the House that the proposition of the gentleman from Indiana be printed?

Mr. LETCHER, and several other members, objected.

Mr. DEAN. I desire to give notice that I shall move to amend the fourteenth section of the bill, by adding the following proviso:

Provided, That nothing in this bill contained shall be construed to legalize or establish slavery, or involuntary servitude, within the said Territories or either of them.

Mr. DISNEY. I rise to a point of order.

Mr. EDGERTON. The gentleman from Ohio [Mr. DISNEY] has withdrawn his point of order.

The SPEAKER. The Chair has not heard the point of order withdrawn. The Chair cannot allow business to proceed until order be restored. The gentleman from Ohio [Mr. DISNEY] will state his point of order.

Mr. DISNEY. The point of order is this: a motion to commit, as I understand parliamentary law—

Mr. WASHBURNE, of Illinois. Mr. Speaker—

The SPEAKER. The gentleman from Ohio [Mr. DISNEY] is stating to the Chair his point of order; he has the floor.

Mr. WASHBURNE. I do not know who has the floor, or what is going on, there is such noise and confusion in the Hall.

Mr. DISNEY. My point of order, Mr. Speaker, is this, that by the parliamentary law a motion to commit is a privileged question, only to be overridden by a motion to lay upon the table, or a call for the previous question. Neither of these privileged motions in the present case is in order, nor any suggestion pending the question to commit. I renew my motion.

The SPEAKER. The Chair states to the gentleman from New York, [Mr. DEAN,] and to the House, that his notice of his intention to amend the bill cannot be entered on record at all, unless by the unanimous consent of the House. No amendment is in order, and no notice of an intention to amend is in order, unless by unanimous consent. The question pending before this body is, shall the bill be committed?

Mr. EDGERTON. I would appeal to the gentleman from Illinois [Mr. RICHARDSON] to permit me to offer a bill as a substitute for the bill reported by the committee, and that that substitute may go to the committee.

Now, sir, if by the courtesy of the gentleman from Illinois I am permitted to offer a substitute for the bill I will do so now, and if not I would like hereby to give notice of my intention to offer it. And that substitute is the bill organizing the territory of Nebraska, which passed the House last session, with some modifications.

Mr. RICHARDSON. I would like to accommodate all these gentlemen. They are on my good nature, and on your's, Mr. Speaker, I fear, and on everybody else's. The gentlemen have got the advantage now of presenting their amendments, and of giving notice of them. They are on the record, and in the newspapers. They have accomplished a good deal. I move to commit the bill to the Committee of the Whole on the state of the Union, and that it be printed; and on that I move the previous question.

Mr. HENN. I would wish to have double the usual number of copies printed.

The SPEAKER. Extra numbers cannot be printed, unless by the unanimous consent of the House.

The question recurring upon the demand for the previous question, it was seconded, and the main question ordered to be put.

The main question being "Shall the bill be referred to the Committee of the Whole on the state of the Union, and printed?" it was put, and agreed to.

The SPEAKER announced that reports were still in order from the Committee on Territories.

MINORITY REPORT ON THE NEBRASKA BILL.

Mr. ENGLISH. As a member of the minority of the Committee on Territories, I ask the consent of the House to make a minority report.

The SPEAKER. If not objected to, the report will be received.

Mr. BRIDGES. I object.

The SPEAKER. The gentleman from Indiana, [Mr. ENGLISH,] being a member of the Committee on Territories, asks the privilege of making a minority report from that committee. The gentleman from Pennsylvania [Mr. BRIDGES] rises in his place, and objects to the introduction of that report. There is no rule, that the Chair is aware of, which gives to the gentleman from Indiana the right to make the report. The Chair states, however, that it is a privilege which he has never known denied to a minority. That is the practice.

Mr. JONES, of Tennessee. Is it not within the province of the House, when a gentleman requests to make a minority report, and it is objected to, to decide whether he shall do so or not? The majority can decide whether he shall have the privilege—for it is a privilege—or not. Having asked the privilege, his request is now before the House, and it must determine the matter, and not the objection.

The SPEAKER. If you go to the law of the House it will be difficult to find any rule which authorizes such a proceeding. It is a mere matter of practice, and being such, the Chair will propound a question to the House, "shall there be made?"

Mr. BRIDGES. I withdraw my objection.

The question was then taken on allowing the

minority report to be made, and it was decided in the affirmative.

Mr. ENGLISH. I now make, from the minority of the committee, the report which I have referred to.

It was read, as follows:

Amend the section defining the boundary of Kansas so as to make the eastern boundary of Utah, viz: "the summit of the Rocky Mountains," the western boundary of Kansas.

Strike out of the 14th and 34th sections these words:

"Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which was superseded by the principles of the legislation of eighteen hundred and fifty, commonly called the compromise measures, and is hereby declared inoperative."

And insert the following:

Provided, That nothing in this act shall be so construed as to prevent the people of said Territory, through the properly constituted legislative authority, from passing such laws in relation to the institution of slavery, not inconsistent with the Constitution of the United States, as they may deem best adapted to their locality, and most conducive to their happiness and welfare; and so much of any existing act of Congress as may conflict with the above right of the people to regulate their domestic institutions in their own way, be and the same is hereby repealed.

Mr. FARLEY. I wish to state to the House, as one of the Committee on Territories, that I do not concur in the reports which have been made.

Mr. ENGLISH. I move to refer the minority report to the same committee to which the bill was referred, and that it be printed.

The question was taken, and the motion was agreed to.

Mr. TAYLOR, of Ohio. To avoid confusion upon the subject, I desire, as a member of the Committee on Territories, to make a single remark. I wish merely to state, that there was no formal minority report. The committee stood—five in favor of reporting the bill, and three against it.

I objected to the bill in its present shape; and was not satisfied that any bill should be reported at the present time. If any bill was to be reported, I was rather in favor of the bill passed by this House, at the last session, with some modifications suggested by my friend from Missouri, [Mr. MILLER,] who introduced a bill at the present session. I objected to the report of any bill, at the present time, and did not agree to either a majority or a minority report. No report was prepared by the majority of the committee, other than the bill now before the House; and the gentleman from Indiana, [Mr. ENGLISH,] one of the minority of three, I suppose merely desired to present what he may offer as an amendment at the proper time. We shall all have the same privilege.

The question was then taken on referring the report or amendment proposed by the gentleman from Indiana [Mr. ENGLISH] to the Committee of the Whole on the state of the Union, and ordering it to be printed; and it was decided in the affirmative.

REPORTS CONTINUED.

The SPEAKER then proceeded to call upon committees for reports.

Mr. MIDDLESWARTH, from the Committee on Revolutionary Pensions, made an adverse report in the case of Susannah Spear; which was ordered to lie upon the table, and be printed.

Mr. MIDDLESWARTH also, from the same committee, made an adverse report in the case of Elmira White, widow of Captain Thomas R. White, for back pay; which was ordered to lie upon the table, and be printed.

Mr. FLAGLER, from the Committee on Revolutionary Pensions, made adverse reports in the following cases; which were severally ordered to lie upon the table, and be printed:

In the case of Ira Whitaker, asking for interest on the compensation allowed his father Ephraim Whitaker, a revolutionary soldier;

In the case of Joseph Wheaton and heirs, of the Rhode Island line, asking half pay, less the commutation, at its actual value of one eighth;

In the case of the widow Sarah Liscomb, of New Hampshire, for an amendment of the pension act of February 3, 1853;

In the case of Enoch Perkins, heir of Lophow Perkins, a revolutionary soldier, claiming a pension on account of the services of Lophow Perkins in the war of the Revolution.

Mr. FLAGLER, from the same committee, reported a bill for the relief of William Woodbury, of Maine; directing the accounting officers of the Treasury to adjust the accounts of William Wood-

bury, pension agent at Portland, Maine; which was read the first and second time by its title, referred to the Committee of the Whole House, and ordered to be printed.

Mr. MILLER, of Indiana, from the Committee on Revolutionary Pensions, made an adverse report in the case of David Taylor, asking an extension of the laws granting pensions to revolutionary soldiers; which was laid upon the table, and ordered to be printed.

Mr. STUART, of Ohio, from the Committee on Invalid Pensions, reported bills; which were read the first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed:

"A bill for the relief of Mary Deany, widow of the late Lieutenant James A. Deany of the United States Army;" and

"A bill for the relief of John S. King, of Virginia."

Mr. STUART, from the same committee, made adverse reports in the following cases; which were laid upon the table, and ordered to be printed:

In the case of Charles W. Blakeman, asking increase of pension;

In the case of Elijah L. Pomroy, asking for a pension;

In the case of Washington Porter, a soldier of the war of 1812, for an invalid pension.

On motion by Mr. DUNHAM, the Committee on Roads and Canals were discharged from the further consideration of petitions in the following cases; which were referred as indicated below:

In the case of captains of vessels praying for an appropriation for the improvement of the channel of Rondout Creek, in Ulster county, in the State of New York. Referred to the Committee on Commerce.

In the case of A. Stone, John Farce, and twenty others, citizens of the State of Indiana, asking an appropriation of land to the States of Indiana, Illinois, and Iowa, to aid in the construction of a railroad from Fort Wayne to Council Bluff city. Referred to the Committee on Public Lands.

In the case of officers of the Army praying for an increase of commutation and rations. Referred to the Committee on Military Affairs.

In the case of William Livingston and others, citizens of the city of Lowell, in the State of Massachusetts, praying that an appropriation of land similar to that donated for the construction of the Sault St. Marie Canal may be granted to aid in the construction of a channel suitable for ship navigation between Lake Ontario and Lake Erie. Referred to the Committee on Public Lands.

In the case of John M. Butterfield, Alfred Churchill, and thirty-six others, citizens of Utica, New York, praying for a grant of land for the construction of the Niagara ship canal. Referred to the Committee on Public Lands.

Proceedings of a public meeting held at Ontonagon, in the State of Michigan, in favor of the construction of a railroad from Lake Winnebago, in the State of Wisconsin, to Copper Harbor, on Lake Vieux Desaret, in the State of Michigan. Referred to the Committee on Public Lands.

Mr. RITCHIE, of Pennsylvania, from the Committee on Roads and Canals, reported a bill; which was read a first and second time by its title, as follows:

"A bill to cede to the State of Illinois that part of the Cumberland road lying within said State."

The SPEAKER. What direction does the gentleman propose to give the bill?

Mr. RITCHIE. The committee have instructed me to report the bill with a recommendation that it do pass. It is precisely similar in its character to bills which have been previously passed with reference to other States. If there is no objection, I will move to put the bill on its passage. We might as well pass it now as at any time.

The bill was read *in extenso* by the Clerk. It provides that that portion of the Cumberland road lying within the State of Illinois, with all the timber and other property appertaining thereto, shall be ceded to the said State.

It was then ordered to be engrossed, and read a third time; and having been engrossed, it was read the third time, and passed.

Mr. PERKINS, of New York, from the Committee on Patents and the Patent Office, made an adverse report upon the petition of Thomas McAnaspie for a grant of money and protection

of patent, so as to enable him to establish a manufactory of patent Portland stone and hydraulic cement; which was ordered to lie upon the table.

Mr. TRACY, from the Committee on Patents and the Patent Office, reported back Senate bill "for the relief of Hiram Moore and John Hascall," without amendment, and with a recommendation that it do pass.

The bill was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

On motion by Mr. MACE, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the petition of John S. Simonson, and that the same be referred to the Committee on Military Affairs.

Mr. EDGERTON, from the Committee on Claims, reported back Senate bills of the following titles, without amendment, and with a recommendation that they do pass:

No. 125. "A bill for the relief of Ezra Williams;"

No. 90. "A bill for the relief of Charles Cooper and Company;" and

No. 91. "A bill for the relief of James Dunning."

The bills were severally referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. EDGERTON, from the same committee, reported back Senate bill (No. 86) "for the relief of John Boyd, of Louisiana," with a recommendation that it do not pass.

The bill was ordered to lie upon the table.

Mr. READY, from the Committee on Claims, reported a bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Thomas S. J. Johnson, of the Territory of New Mexico."

Mr. LETCHER, from the Committee on Claims, made an adverse report in the case of William H. Topping; which was ordered to lie upon the table, and be printed.

Mr. CURTIS, from the Committee on Claims, reported a bill; which was read a first and second time by its title, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of the administrators of Oliver Lee, deceased."

Mr. FULLER, from the Committee on Commerce, reported a bill; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and, with the accompanying papers, ordered to be printed:

"A bill authorizing the purchase or construction of four additional revenue cutters, and for other purposes."

He also, from the same committee, reported back Senate bill (No. 139) entitled "An act for the relief of Charles A. Kellet," with the recommendation that it do pass; which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

He also, from the same committee, reported back Senate bill entitled "An act to provide for the establishment of a marine hospital at St. Marks, in the State of Florida," with the recommendation that it do pass; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. WARREN, from the Committee on Public Lands, reported back Senate bill entitled "A bill granting lands in alternate sections to the State of Arkansas to aid in the construction of the Mississippi, Ouichita, and Red River railroad," with an amendment in the nature of a substitute; which was referred to the Committee of the Whole on the state of the Union, and, with the amendment, ordered to be printed.

Mr. HESTER, from the Committee on Public Lands, reported a bill; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, with the report, ordered to be printed:

"A bill for the relief of Joseph Mitchell."

On motion by Mr. HESTER, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of

Charles Simmons, of Madison county, New York, for an invalid pension, and that it do lie upon the table.

On motion by Mr. HESTER, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of the petition of fifty-one citizens of Venice, Washington county, Pennsylvania, praying a grant of one hundred and sixty acres of land to actual settlers, to be located in the Territory of Nebraska, and that it lie upon the table.

Mr. H. stated that the homestead bill, which had been reported, covered the whole subject.

Mr. LATHAM, from the Committee on Public Lands, reported back without amendment, and with a recommendation that it do pass, "A bill to grant certain privileges to the trustees of the University of the Pacific, situated in the county of Santa Clara, State of California;" which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying papers, ordered to be printed.

PROTECTION TO THE-MAILS ON RAILROADS.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported "A bill to secure the safe transmission of the mails of the United States upon railroads;" which was read a first and second time by its title.

Mr. OLDS. I wish to say, in reference to this bill, that the gentleman from Pennsylvania, [Mr. PACKER,] a member of the Committee on the Post Office and Post Roads, desires to make a minority report. He has not yet prepared his report. The friends of the bill are anxious to put it upon its passage. It is in reference to the passage of the mail through Erie at the present time. I am not particularly anxious about it one way or the other. I leave it to the House to dispose of.

At the request of Mr. TAYLOR, of Ohio, the bill was read through.

Mr. RITCHIE, of Pennsylvania. It is manifest that the power of this House, under the Constitution of the United States, to enact this bill will come up for discussion. It is desirable, therefore, to have the bill printed, so that members may have an opportunity of examining it.

Mr. OLDS. I would say with reference to the bill, that the committee have endeavored to avoid anything which could bring the United States courts into collision with the Pennsylvania courts. I am not, however, disposed to debate the bill to-day.

Mr. MAY. I move to refer it to the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I move to lay it on the table.

Mr. CAMPBELL. I ask for the yeas and nays on that motion.

Mr. HESTER. I ask for the reading of the bill.

Several MEMBERS. I object.

The SPEAKER. The state of the case is this: The bill has been read a second time; the leading question is on laying it on the table, and there is a motion pending to commit the bill. If both these motions are voted down, the House will proceed to vote on ordering it to a third reading.

Mr. MILLSON. I should like to know if the first reading of a bill is not always for information, and if it is ever to be considered that the bill is read twice till it is read entirely the first time? because the rule requires a first reading for information, though that is very often disregarded in practice.

The SPEAKER. The universal practice is to read a first and second time by the title merely.

Mr. MILLSON. But that is always when there is no intention to press the bill to a vote. The rule requires that the bill be read a first time for information. I submit that this bill should be read again.

The SPEAKER. The bill has been read entirely through, and the gentleman from Pennsylvania [Mr. HESTER] asks that it be read again.

Mr. CLINGMAN. I object.

The question was put on the reading of the bill again, and it was agreed to.

The Clerk again read the bill *in extenso*.

The question recurring upon the motion to lay the bill upon the table, it was put, and there were—yeas 57, nays 106; as follows:

YEAS—Messrs. Barry, Bocock, Breckinridge, Bridges, Brooks, Caske, Chandler, Colquitt, Cox, Craige, Curtis, Dawson, Dick, Dowdell, Drunn, Everhart, Ewing, Florence, Gamble, Goode, Hamilton, Sampson W. Harris, Hibbard, Hicster, Houston, Howe, George W. Jones,

Kurtz, Lane, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Maxwell, Middleswarth, Smith Miller, Millson, Orr, Packer, Powell, Pratt, Riddle, David Ritchie, Robbins, Ruffin, Russell, Sabin, Shaw, Skelton, Snodgrass, Straub, Trout, Vail, Witte, and Daniel B. Wright—57.

NAVS—Messrs. Willis Allen, Benson, Benton, Bissell, Boyce, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chastain, Clark, Clingan, Cobb, Cook, Corwin, Crocker, Cullom, Cumming, Cutting, John G. Davis, Dean, Dent, Dickinson, Disney, Dunbar, Dunham, Eastman, Edgerton, Edmonds, Ellison, Etheridge, Farley, Fenton, Flagler, Franklin, Fuller, Greenwood, Grey, Aaron Harlan, Wiley P. Harris, Harrison, Hastings, Haven, Hendricks, Hill, Hughes, Ingersoll, Johnson, Daniel T. Jones, Kerr, Kirtledge, Knox, Latham, Lindsey, Mace, Macy, Matteson, Maurice, Mayall, John G. Miller, Morgan, Murray, Nichols, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Parker, Peckham, Phelps, Preston, Pringle, Puryear, Ready, Reese, Thomas Ritchey, Sage, Sapp, Seward, Seymour, Shower, Simmons, Gerrit Smith, George W. Smyth, Sollers, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, John J. Taylor, John L. Taylor, Thurston, Tracy, Tweed, Upham, Vansant, Wade, Walbridge, Walker, Warren, Elisha B. Washburne, Wells, Tappan Wentworth, Westbrook, and Yates—106.

So the House refused to lay the bill upon the table.

Mr. RITCHIE, of Pennsylvania. I move that the bill be committed to the Committee of the Whole on the state of the Union, and that it be printed.

The SPEAKER. That motion is now pending.

Mr. TAYLOR, of Ohio. Is debate in order?

The SPEAKER. It is.

Mr. HOUSTON. I ask the previous question.

The SPEAKER. The gentleman from Ohio is upon the floor.

Mr. HOUSTON. I called for the previous question before the gentleman from Ohio [Mr. TAYLOR] rose. Gentlemen all around me heard the call.

The SPEAKER. Was the gentleman from Alabama recognized by the Chair as having the floor?

Mr. HOUSTON. In the confusion I cannot tell when I am recognized. I arose and addressed the Speaker, and called the previous question.

The SPEAKER. The Chair did not hear the call, and the gentleman from Ohio is upon the floor.

Mr. TAYLOR. I wish to occupy the floor but a moment. I think this bill is one the necessity for which has attracted the attention of the House, and it ought to be passed upon immediately. We have had the bill read twice. The gentleman from Ohio, [Mr. OLDS,] the chairman of the Committee on the Post Office and Post Roads, states to me that his health is such that he is not able to make the statements he desired, to show the necessity of passing the bill. It is well known to every gentleman upon this floor that the mails of the United States have been, and are now, frequently obstructed, and that there is no law of Congress to punish any obstructions to the United States mails upon railroads which have been made post roads by act of Congress.

Now, if a committee of this House has fully examined this subject—as this Committee on the Post Office and Post Roads has done—and if they report to this House that there is an absolute necessity for such a bill as this, it is one of our highest duties to act upon the subject, and to act promptly. For I believe if there is an injury to the public of a higher grade than any other, it is that of interfering with railroads, and thereby endangering the lives of innocent passengers, and of obstructing the United States mails—upon railroads, made post roads by act of Congress, when passengers as well as the mails are carried—by mobs or by some malicious and vile miscreant, who ought to be punished severely and promptly. The public should know that Congress will put an end to such injuries and obstructions as soon as we can pass a law for that purpose.

I think this bill should be put upon its passage immediately, and not referred to the Committee of the Whole on the state of the Union, where we may not reach it for some time. In order to test the sense of the House upon the subject, I move the previous question.

The previous question was seconded, and the main question ordered to be put.

The main question being, "Shall the bill be committed to the Committee of the Whole on the state of the Union, and be printed?"

Mr. HAMILTON called for the yeas and nays thereon.

The yeas and nays were ordered.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. The morning hour has expired; but the main question has been ordered, and it must be put.

The question was then taken; and there were—
yeas 108, nays 70; as follows:

YFAS.—Messrs. James C. Allen, Appleton, Ashe, Barksdale, Barry, Belcher, Bissell, Bocock, Boyce, Bridges, Carpenter, Caskey, Chandler, Chastain, Clark, Clingman, Cox, Craig, Curtis, John G. Davis, Thomas Davis, Dent, Dick, Disney, Dowdell, Drum, Dunbar, Edmunds, Edmundson, Elliott, English, Etheridge, Ewing, Farley, Faulkner, Florence, Gamble, Goode, Grow, Hamilton, Sampson W. Harris, Hastings, Henn, Hibbard, Hiester, Houston, Howe, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, McCulloch, Macdonald, McDougall, McMullin, McNair, McQueen, Mace, Macy, Maurice, Maxwell, Mayall, Middleswarth, Smith Muller, Milson, Andrew Oliver, Orr, Packer, Peckham, Pennington, Bishop Perkins, John Perkins, Phelps, Powell, Pratt, Richardson, David Ritchie, Robbins, Ruffin, Russell, Sabin, Seymour, Shannon, Shaw, Shower, Simmons, Skelton, George W. Smyth, Snodgrass, Frederick P. Stanton, Hester L. Stevens, Stratton, Straub, John J. Taylor, Thurston, Trout, Vail, Vansant, Warren, Tappan Wentworth, Wesbrook, and Witte—108.

NAYS.—Messrs. Abercrombie, Willis Allen, Ball, Bugg, Campbell, Chamberlain, Cobb, Cook, Corwin, Crocker, Cullom, Cutting, Dickinson, Dunham, Eastman, Edgerton, Ellison, Canton, Franklin, Giddings, Green, Greenwood, Grey, Aaron Harlan, Andrew J. Harlan, Wiley P. Harris, Harrison, Haven, Hendricks, Hill, Hughes, Johnson, Kerr, Knox, Lindsey, Matteson, John G. Miller, Morgan, Murray, Nichols, Noble, Norton, Olds, Parker, Preston, Pringle, Puryear, Ready, Reese, Thomas Ritchey, Sage, Sapp, Seward, Gerrit Smith, William R. Smith, Andrew Stuart, John L. Taylor, Tracy, Tweed, Upham, Wade, Walbridge, Walker, Elihu B. Washburne, Israel Washburn, Wells, Wheeler, and Yates—70.

So the bill was referred to the Committee of the Whole on the state of the Union.

DEFICIENCY BILL.

Mr. HOUSTON. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken, and it was decided in the affirmative.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. STANTON, of Tennessee, in the chair.)

The CHAIRMAN. The business first in order is the consideration of the bill to supply the deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1854. Debate having been closed upon the bill, amendments are now in order.

Mr. HOUSTON. Under the rules governing the committee, I have a right to close the debate, by occupying the floor for an hour; but I am very anxious to get this bill through. It is important that a portion of this money, at least, for some of the Departments, should be put into a condition where it can be used at an early day; and I therefore waive my right to address the committee, and suggest that the first reading of the bill be dispensed with, and that it be read through by sections.

The CHAIRMAN. If there is no objection, that course will be pursued.

The Clerk then proceeded to read the bill by sections.

Mr. HOUSTON. I am instructed by the Committee on Ways and Means to offer the following amendment—to strike out lines 33 and 34, which read as follows:

"For outfit of a Commissioner to reside in China, \$8,000."

The appropriation is not necessary to be made. The question was taken upon the amendment, and it was agreed to.

The following clause was then read:

"For the usual return allowance for Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, Peru, and Chili, \$20,250."

Mr. HOUSTON. I am instructed by the same committee to offer an amendment—to strike out the word "Peru," and also to strike out "\$20,250," and insert in lieu thereof "\$18,000."

The question was taken on the amendment, and it was agreed to.

The following clause was then read:

"For the usual return allowance of chargé d'affaires, as Ministers resident to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, New Granada, Venezuela, Buenos Ayres, Bolivia, Guatemala, Ecuador, and Nicaragua, \$18,000."

Mr. HOUSTON. I am instructed by the same committee to offer an amendment—to strike out the

word "as" in the first line of the clause, and insert in lieu thereof the word "or;" also to strike out the words "the Papal States," and the word "Guatemala;" also to strike out "\$18,000," and insert in lieu thereof "\$15,750."

The question was taken upon the amendment, and it was agreed to.

The following clause was then read:

"For outfits of chargés d'affaires, \$2,439 02."

Mr. HOUSTON. I am instructed by the same committee to propose an amendment—to insert at the end of the clause the words: "For an outfit of the chargé d'affaires to Austria, \$4,500."

The question was taken, and the amendment was agreed to.

When the following paragraph was read:

"For the employment of workmen, materials, and other necessary expenses to put the branch Mint at San Francisco, California, in operation, \$40,000"—

Mr. HOUSTON, from the Committee on Ways and Means, moved to amend by adding the following:

To purchase a site for the custom-house at Providence, Rhode Island, \$24,000: *Provided*, That the entire cost of said building shall not, in any event, exceed the sum of \$74,000.

To complete the public buildings in New Mexico, \$50,000.

Mr. HOUSTON. The appropriations made for a custom-house at Providence, Rhode Island, were \$40,000; and for the purchase of a site, the Department being satisfied that a proper site would cost that amount, also asked for \$24,000, in addition to \$16,000 already appropriated. The object of this appropriation is to enable the Department to purchase a site that they have selected, and that the amount originally intended for the erection of the building shall still be appropriated to that purpose.

I desire to say to the committee that, in this case, as has been very unusual, the Department, being restricted by a proviso in the precise language of the one which has just been read, has not attempted to move in the matter, in violation of law; but finding that a site could not be purchased and a building erected with the appropriation, has reported the fact to Congress. That being an important point, the committee thought the appropriation ought to be made.

The question was then taken on the amendment, and it was agreed to.

Mr. RIDDLE. I offer the following amendment:

For continuing and completing, in a fire-proof manner, the works upon the custom-house, post-office, &c., at Wilmington, Delaware, the sum of \$12,000.

Mr. RIDDLE. Mr. Chairman, I regret exceedingly the necessity for offering this amendment. I regret that the prominent gentleman upon the Committee on Ways and Means, whose knowledge of political economy seems confined to the too prevalent idea that a dollar detained in the public treasury is a dollar saved to the country, did not, at the request of the Secretary of the Treasury, save me this trouble. But, sir, this committee, for reasons best known to themselves, have refused to comply with the recommendations of the Secretary of the Treasury, and by so doing, or rather refusing to do, have devolved upon me that duty. I am well aware of the difficulty which any member has to encounter when he differs with so formidable a committee as that of the Ways and Means of the House of Representatives; and I am equally well aware of the little influence which I, or any individual member of this House, can bring to bear personally in such a case; but if the committee of this House will listen to me a few minutes, I think they will be satisfied, not only as to the justice but the propriety and economy of the appropriation contained in my amendment.

With a view to do that, it will be necessary for me to state to the committee, that when this appropriation was asked for in 1852, three committees—two of this House and one of the Senate—unanimously recommended that \$25,000 should be appropriated for the construction of public buildings in Wilmington, Delaware.

They made this appropriation, because they were aware of the fact that the General Government was already paying an annual rent which exceeded the interest on the amount appropriated for insecure buildings. Plans were drawn at the instance of the Secretary of the Treasury. I assured the Committee on Ways and Means at that time that the building could be constructed for

\$25,000; and so it could, if it had been contracted for at that period; but every member of this committee knows that during the last two or three years the price of labor and the price of material have advanced at least 30 per cent. in this country. Consequently, when the Secretary of the Treasury received proposals, he found that the lowest bid was \$12,000 above the appropriation. Now, what does the Secretary say? and I would ask the committee to listen to the report of the Secretary of the Treasury, and they will not certainly accuse me of extravagance.

[Here the hammer fell.]

Mr. JONES, of Tennessee. Of all the extraordinary speeches I have heard in this Hall during the course of ten years' service, I think that the five-minutes' speech just made by the gentleman from Delaware is one of the most extraordinary. Has he forgotten the circumstances under which the original appropriation was made?

Mr. RIDDLE. I stated those circumstances in my remarks.

Mr. JONES. It was at his request—at his repeated and continuous appeals to the committee to give him a custom-house appropriation for Wilmington, Delaware. He assured the Ways and Means Committee that \$25,000 would be amply sufficient to purchase a site, and to erect the structure. I believe that he went so far as to say that he was willing to enter into bond, with sufficient security, upon his own personal responsibility, that the work should be effected for that price. When we did recommend the appropriation, we added the proviso that the work should be completed for \$25,000; and nothing that the gentleman has said, nothing that the Secretary has said, has yet convinced me, nor would it convince anybody who had looked into the subject, that \$25,000 was not amply sufficient for the structure of a building adequate to the business of Wilmington, Delaware.

Sir, if he had complaints to make he should have made them against the Secretary of the Treasury—against that officer who, in violation of law, has contracted for a structure which the appropriation did not authorize him. If the price of labor and material has advanced, and if the Secretary was unable to make the contract for \$25,000, he, as a faithful public officer, should have refused to have commenced the work, reported the fact to Congress, and let them have supplied the defect—let Congress give him an appropriation sufficient to commence and complete the work, or to change it as circumstances might require.

Sir, that is the way with regard to the construction of these custom-houses; not only there, but in other parts of the country. Every appliance which can be brought to bear is used to get an appropriation to commence them; and when they have commenced them—when they can get an appropriation sufficient to buy the ground, and contract for the laying of the foundation—for they will expend all that is given to them, perhaps, in buying the site and laying the foundation—then they come back here and tell you that unless you make them another appropriation all that you have already made will be lost.

My belief is that a public officer should not act without law; and when the appropriation made is not sufficient, and there is a restriction on it, he should make no contract, he should not expend a dollar of the money, but report to Congress, and let them increase the appropriation, if they think right to do so—

[Here the hammer fell.]

Mr. RIDDLE. I wish to make an amendment to my amendment.

The SPEAKER. The gentleman from Delaware cannot amend.

Mr. HIBBARD. I move an amendment to the amendment offered by the gentleman from Delaware, [Mr. RIDDLE,] so that the additional appropriation be \$12, instead of \$12,000.

Mr. Chairman, in respect to the remarks of the gentleman from Delaware, I wish simply to call the attention of this committee to one fact, which appears on miscellaneous document No. 5, eighth page. It is a statement showing the amount of revenue collected during the fiscal year ending June 30, 1853, at each of those ports where custom-houses are being constructed, and including this one at Wilmington, Delaware. The amount collected at Wilmington for the last year was \$899 10 only.

Now, Mr. Chairman, to collect this sum of \$899 10 annually we have had a custom-house establishment of some kind, one which has been found amply sufficient, I suppose, to collect that sum; for the committee will see, that it does not require a very large building, nor a very great number of employees, to collect that amount of money. It has been done, sir; the work has been performed. But during the last session of Congress, or rather the session before last, an appropriation of \$25,000 was made for the purpose. But they were not content with that; and I well recollect the assurances given us by my honorable friend from Delaware, [Mr. RIDDLE,] who, I have no doubt, made them in good faith, made them emphatically, made them earnestly, and made them repeatedly—that this sum should be sufficient. The appropriation was made. I did not think the appropriation a wise one then; I do not now. Congress appropriated the sum of \$25,000 in addition, to collect a revenue of \$899 10 yearly. And now it is proposed to increase it \$12,000 more, making \$37,000 appropriated to collect a sum which, if aggregated for three years, would scarcely equal the annual interest (\$2,220) on the amount appropriated.

Well, now, Mr. Chairman, this statement presents the whole case in a nut-shell. It is for the committee to say, as well upon this proposition as upon any other, what shall be the policy to be pursued here. It is the opening to a series of propositions which have been heretofore submitted, and probably will be again, to overrule the recommendation of the Committee on Ways and Means. If we have done wrong here, the committee will vote this additional appropriation. If not, they will refuse the appropriation.

Mr. RIDDLE. I am opposed to the amendment of my friend from New Hampshire, [Mr. HIBBARD.] I am very sorry to find that the gentleman should offer such an amendment; and I beg the attention of this House for one moment longer, to what I have to say in reply to his statements. I am aware that in the city of Wilmington very little revenue is collected. But let the gentleman from Cincinnati [Mr. DISNEY] tell me how his revenue of \$200,000 is collected. The goods are entered in New York, in Philadelphia, in Baltimore, and New Orleans; and they are sent to Cincinnati in original packages, and, by a law of Congress, the duties are paid at those places. Now, I say upon this floor, that if the duties upon original packages came to my city—being only twenty-seven miles from Philadelphia, where the duties are paid—we should have \$200,000 of revenue a year. It cannot be expected that a city which is but a suburb, as it were, with a population of twenty thousand, should command a trade equal to that where they receive the commerce of all the world.

There is another fact connected with this matter which I will state. The collector of customs of the Delaware district is the superintendent of lights and light-houses in the fourth district—the greatest district in the United States. All the important papers in connection with that office are there collected. Are you not warned, is this House not warned, of the necessity of making this building fire-proof, by the recent destruction of the custom-house at Portland? There the Government has lost two hundred thousand dollars by not having their custom-house at that point fire-proof. Now we can go on and complete this building, with the present appropriation; we can make it as pretty a building, without its being fire-proof, for twenty-five thousand dollars, as we can for thirty-seven thousand dollars, and make it fire-proof. As far as it concerns an ornament to my city I care nothing; but the interest of the Government requires that the building should be fire-proof. The interest of the Government requires that these records, which are of importance to the country, should not be kept in a building which is liable to be consumed by fire at any moment, and at the instance of any person who may be disposed to set it on fire.

I am not in collusion with any members of this House in regard to any appropriations which they may desire. I have stated the plain facts to this committee. I believe that the interest of the Government require that not only its light-house records, not only its custom-house records, but all its post office and United States court records, should be secure. Hence it is that I appeal to this

committee to vote down the amendment proposed by the gentleman from New Hampshire.

[Here the hammer fell.]

Mr. HIBBARD. If there is no objection, I withdraw my amendment.

No objection being made, the amendment was withdrawn.

The CHAIRMAN. The question recurs upon the amendment proposed by the gentleman from Delaware, [Mr. RIDDLE.]

The question was then taken upon the amendment, and it was not agreed to.

Mr. DISNEY. I offer the following amendment, providing an additional appropriation of \$40,000 for the custom-house at Cincinnati. I offer this amendment because it is recommended specially and specifically by the Secretary of the Treasury as being required by the public interests. Permit me here to make one general remark. If the House will examine the bill now pending, they will find that the Committee on Ways and Means have disregarded the recommendations made by the Secretary in every instance, in relation to the completion of the custom-houses designated and set forth in his estimates. Why is this? Is it not incumbent upon that committee to present before this House and country some good and substantial reason why, in each and in every case of this kind, the recommendations of the Secretary have been disregarded? I repeat the question, why is this? I know not how it may be in other parts of the country, I do not know how it may be in the case of the Wilmington custom-house, but I do know that at Cincinnati contracts have been entered into, ground purchased, and that the building is in course of erection; and that the Secretary, after a fair and full examination of the subject, has decided that an additional appropriation of \$40,000 is demanded by a just regard for the public interests of the country. Then I repeat it, why is it that the Committee on Ways and Means have disregarded so clear and specific a recommendation?

The late conflagration of the custom-house at Portland has given us warning of the necessity there is for constructing these buildings fire-proof, and making them safe places for the custody of the public archives. I presume it was a reason of this sort which influenced the Secretary to make the recommendation he has in the case of the custom-house at Cincinnati. Certain it is, that contracts have been made for the erection of the building; and these contracts are all within the limits of the appropriation now standing upon the statute-book. I have had no particular consultation with the Secretary in regard to this matter, nor did I deem it necessary, for I supposed it to be one of those obvious cases where the necessity of the appropriation recommended by the Secretary was clearly apparent, and needed no argument to sustain it. I did not suppose that the Committee on Ways and Means would, in the face and eyes of the recommendation of the Secretary, so disregard it as to feel it incumbent upon them to stand up and justify their action in regard to it before this House and country.

I repeat it, sir, I have made no inquiry into the particulars of the case; but I know the general facts of which I speak. I know that contracts have been entered into for the construction of that building, which will cover the whole amount for which I ask, and that that amount will be necessary to render the building fire-proof.

[Here the hammer fell.]

Mr. HOUSTON. The gentleman from Ohio, who has just taken his seat, seems to be very much astonished that a committee of this House should dispute, or not yield implicitly to the estimates of one of the Departments of the Government. I take it for granted that when the gentleman has attended a few more sessions of this body—if he should have the luck to do so, as I hope he will—he will find that Congress is as proper a judge of an estimate as a department; and that it is the province of the committees of this House and of Congress either to grant or withhold, in whole or in part, any estimate that may be presented to them for their approval.

But the gentleman says, "in the face and eyes of such an estimate, why did we reduce it?" Why, sir, the gentleman knows very well why we reduced it. It was because we believed it to be unnecessary. We reduced it because we have been led on by promises and pledges of one sort

or another, made by the friends of that custom-house, to make appropriation after appropriation, until we came to the conclusion that to go on further would but be a waste of money.

Mr. DISNEY. Why a waste of money?

Mr. HOUSTON. The gentleman from Ohio has, on more than one occasion, when the subject of the Cincinnati custom-house was up for consideration, pledged himself to the House that the amount, then sought, should be sufficient to complete the building. The first appropriation for the construction of this custom-house contained a proviso that the entire cost of the building should not exceed the sum of \$75,000.

Mr. DISNEY. Will the gentleman allow me to say that I never pledged myself that that amount should complete the building?

Mr. HOUSTON. The gentleman may have never pledged himself that that amount should complete the building; but he stated to the House, on more than one occasion, as the records will show, that that amount would be all that would be required to complete it.

Mr. DISNEY. I said that was the estimate.

Mr. HOUSTON. The estimate, under the Administration which has just gone out of power, was that \$75,000 would be sufficient to complete a fire-proof custom-house in Cincinnati, sufficient for every purpose required by the wants of that city; and this estimate was made by a gentleman who was himself a citizen of Ohio.

Now, sir, who is to be employed in the custom-house at Cincinnati? It is true that it is to furnish a court-room, and city post office, but when you come to the custom-house proper, how many officers are to be employed in it? I think only one or two. The surveyor of the port; and I do not know that there is any other. The revenues that are collected at Cincinnati, as was very well remarked by the gentleman from Delaware, [Mr. RIDDLE,] are upon packages entered at New Orleans, Baltimore, Philadelphia, New York, or Boston. All the labor, machinery, and paraphernalia attendant upon the collection of the revenue for which Cincinnati gets the credit, is at those places, and not in Cincinnati. There is nothing to do there but to receive from the collector at New Orleans, or from the collectors of the other places, a certificate of the amount of dues to be collected. That is all. Cincinnati shows a large amount of revenue, but not a single vessel from which it is collected goes there. It is not a port of entry, and there is no officer employed there except a surveyor of the port, and perhaps a clerk.

A MEMBER. How much has already been appropriated?

Mr. HOUSTON. A gentleman very appropriately asks, how much has already been appropriated for the erection of this building? The first appropriation was for \$50,000; the next for \$25,000; and then they came in and asked for \$150,000, on the ground that it was absolutely necessary, or else the building would go to rack, and never be completed. Congress gave them \$50,000 more; and a year or two afterwards they came here again and asked \$80,500 more, saying that without that sum the building could never be rendered useful or valuable to the Government, and Congress gave them that also. Congress has given \$212,000 for the erection of a custom-house building at that point, when \$100,000 would have been ample, and ought to have sufficed.

Mr. TAYLOR, of Ohio. I move to amend the amendment by increasing the amount to \$45,000, in order that I may get a little further information about this matter. I wish to ask the chairman of the Committee on Ways and Means to state, if he can, what amount is collected at the port of Cincinnati?

Mr. HOUSTON. Two hundred and fifty-one thousand six hundred and forty-nine dollars and ninety cents was the amount collected at the port of Cincinnati last year, and collected in the way I have stated.

Mr. TAYLOR. I cannot lay my hands on the recommendation of the Secretary of the Treasury in relation to the necessity of this appropriation of \$40,000, which I understood my colleague [Mr. DISNEY] to say he has recommended. But I wish to say a word or two in reference to these appropriations generally for the western country.

I understood the gentleman who has just taken his seat—the chairman of the Committee on Ways and Means—to say that this building, when

erected, is to answer for the purpose of a United States court-house for that district, and a post office for the city of Cincinnati, as well as a custom-house. I cannot speak of the accuracy of the estimates—which are nothing more than guesses—of Mr. Secretary Corwin, or of any Secretary who preceded him, or of the present Secretary of the Treasury; but I do say that it is the duty of Congress to provide for the necessary custom-houses at Cincinnati, at Louisville, and at St. Louis, and also for the necessary court-houses to hold the Federal courts in the western States. I do not believe that Congress has ever appropriated one dollar for the erection of court-houses in the great State which I have the honor in part to represent upon this floor; and the appropriation for this building, which is to accommodate the Federal courts, the custom-house, and the post office at the great and beautiful city of Cincinnati is, in my estimation, a very small one. Look at the appropriations which have been made for other sections of the country. I think I do not exaggerate when I state that two or three millions of dollars have been appropriated for the city of New York, and for other northern cities. These appropriations for the city of Cincinnati accommodate a vast portion of the people of this country; and such appropriations are properly made, when made with due economy, and judiciously expended under the direction of the Secretary of the Treasury for such objects as the one now proposed. Ohio asks very little from the Government of the United States. She stands there in all her pride, and beauty, and splendor, and independence, getting very little from the administration of the General Government either in the shape of offices or appropriations; and I insist that, while we contribute our full quota to the building up of all necessary buildings for custom-houses, and so forth, in the eastern cities, and to keep up the Army, the Navy, and the foreign establishment, when we come to Congress, and ask for the small sum of \$40,000 for the establishment of a custom-house at one of the greatest and most beautiful cities in the Union, we ought not to be twitted for the extravagance of our demands, and the largeness of the appropriations asked for.

Mr. HOUSTON. The gentleman from Ohio places the question on the wrong ground. He says that they have obtained more at Boston, and at New York, and some other points, than they have obtained at Cincinnati; that Ohio contributes her portion of the public money; and he seems to consider that as conclusive that she ought to have it, whether it was necessary to expend it on this object or not. Now, that is not the issue presented. Is the amount necessary to complete the building so as to answer all of the wants of the Government at that place or not? That is the real issue; and whether Ohio wants this money under the pretext made, or any other, let her make such application as is based on justice and propriety—let her make the necessity evident, and Congress will give it; for, as the records show, Congress never hesitates to give when properly approached.

Now, I wish to illustrate the impolicy of this appropriation. At Cincinnati there are one surveyor and one clerk—two officers of the customs in all—and we have appropriated, for the construction of the custom-house in that city, \$212,000. No vessel from a foreign port ever enters there. It is not a port of entry at all. My friend from Virginia, [Mr. MILLSON,] who represents the Norfolk district, under his determination to indulge no improper applications for the wasteful expenditure of the public money, has refused to ask additional appropriations for the Norfolk custom-house, which is at a point much more important than that of Cincinnati. The building and lot will cost altogether only \$110,000. Now, by turning to a table, which was brought out in a correspondence between the Secretary of the Treasury and myself, it will be seen that eighty-nine vessels from foreign ports entered during the last year at the port of Norfolk; at which there are some eighteen or twenty persons engaged in the collection of the customs, while there are but two engaged in Cincinnati. The custom-house at Norfolk is being completed under the direction of the Secretary of the Navy, at an entire cost of \$110,000. No deficiency has been asked for; and yet, here is a deficiency of \$40,000 asked by Cincinnati, after she has received double the amount already given to Norfolk. Why is this?

Such are the facts, and yet gentlemen complain that the West has not got enough. The Secretary of the Treasury tells us that it will greatly diminish the appearance and safety of the building if this appropriation be not granted. He tells us that it will not be completed in a style and finish commensurate with the city in which it is being built, if this appropriation be not granted. I can tell you, Mr. Chairman, that a great deal of money is being wasted upon all of these public buildings—upon your marine hospitals and your custom-houses. To prove it, I have but to show that at Norfolk, an important, a very important point, one hundred and ten thousand dollars was amply sufficient to build a fire-proof custom-house, and to purchase the lot on which it was erected; while in this inferior place—a place where a foreign vessel never goes, and where you only employ one or two persons in connection with the revenue—they want three times that amount. It is wrong, and it is time that we should look to these appropriations. The Secretary says that he can complete the building with the money already appropriated. I am not in favor of appropriating any more, when we have the best reason to know that it will not be well applied.

Mr. TAYLOR, of Ohio. I desire to ask of the chairman of the Committee on Ways and Means what is the amount of customs collected at Norfolk?

The CHAIRMAN. No discussion is in order. Mr. HOUSTON. The amount collected at Norfolk during the last fiscal year was \$31,153.

The CHAIRMAN. No further discussion is in order. The question is on the amendment proposed by the gentleman from Ohio [Mr. TAYLOR] to the amendment proposed by the gentleman from Ohio, [Mr. DISNEY.]

Mr. TAYLOR. I withdraw my amendment. Mr. BISSELL. I propose an amendment. I will make the amount proposed to be appropriated \$5,000. But I merely want to inquire of the chairman of the Committee on Ways and Means to give me information as to the state of forwardness in which the building now is; whether it is nearly completed, or whether the building is exposed to the weather, and likely to deteriorate?

Mr. HOUSTON. Mr. Chairman, the gentleman from Illinois, if he gets miscellaneous document No. 5, and also the report of the Secretary of the Treasury to Congress, page 274-'5, will get all that information. I will state, however, what is true in regard to it. I do not know its precise condition as to forwardness; but I know this, that the Secretary says he has money enough now to complete the building, and has made a contract conditional with the contractor that it shall be completed in the manner which would require this additional \$40,000; but the contract is conditional that if Congress do not grant this \$40,000, the contractor is bound to proceed and finish it under the original estimate. No fear need be entertained that the building will deteriorate or fall into decay.

Mr. DISNEY. The chairman of the Committee on Ways and Means has at last got through his explanation. That gentleman was kind enough to advise me a while ago that, after I had served a session or two on this floor, I would find that Congress had some little to do in the disposition of affairs. I am not sure whether the information of the gentleman is not gratuitous. His own splendid and towering intellect having led him to discoveries of this sort, it may not be exactly just in him to attribute the same facility of success to me. How long it took him to find out the fact he has not informed us.

But, sir, I have not time, under the rule, to proceed in this way so far as I might desire. The point of all this matter here is not, as the chairman of the Committee on Ways and Means has said, to enlarge a building. What is the use of talking about the number of persons employed in it? Let them either pass the appropriation or refuse it. They will not diminish or enlarge the size of the building. The contracts are entered into for the construction of the building, and the proposed appropriation, after all, is that the building is to be furnished so as to render it a safe receptacle for the keeping of the public papers; and whether there is one or fifty individuals employed is not a matter of the slightest moment toward the just decision of the question before us.

The question, and the only question before this committee is, whether they will proceed to finish

the building in a manner such as the Secretary says, in his judgment, the public interest require. Now, I have paid little or no attention to the matter with regard to the appropriation asked for. I am entirely unfamiliar with the facts of the contract, and the state of the building; and I take it for granted that the recommendation of the Secretary was made in view of the fact that it was in a state of considerable forwardness, and with a single view to the mode of finishing the building, without regard to the enlarging or contracting it; and that recommendation ought to have a fair and just weight in this House.

But the Committee on Ways and Means have paid no regard to that recommendation. They have not even called the attention of the House to it. What I spoke of was their stifling in committee every recommendation in regard to each and every one of these custom-houses, without regard to their merits. I asked them to stand up here and give some reason to this House why they had disregarded them; and I appeal to this House if they have heard from the committee a solitary statement of fact, or a solitary reason, going to show that the additional appropriation is not called for by the condition of the country?

One word as to what the gentleman said in regard to my action. I never did pledge myself, upon or off this floor, that any particular sum of money would be sufficient, and that such a sum would be all that would be asked for. I have said that the estimates exhibited required the amount indicated by them, and I advocated the appropriation of those amounts. To that extent I went, and no further.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Illinois.

Mr. BISSELL. I withdraw the amendment, if there be no objection.

No objection being made, the amendment was withdrawn.

The question then recurring upon the amendment of Mr. DISNEY, it was put; and there were, upon a division—ayes 78, noes 64; whereupon

Mr. HIBBARD called for tellers; which were ordered.

Mr. McMULLIN. I move that the committee do now rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union, had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 49, being a bill to supply deficiencies in appropriations for the service of the fiscal year ending 30th June, 1854, and had come to no resolution thereon.

On motion by Mr. STANTON, of Kentucky, the House then adjourned, at half-past three o'clock, till to-morrow.

IN SENATE.

WEDNESDAY, February 1, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

NATIONAL FOUNDRY.

Mr. BRODHEAD. I submit the following resolution, and ask for its present consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the Secretary of War to select a site for a national foundry, at some suitable place in the State of Pennsylvania.

By unanimous consent the resolution was considered.

Mr. BRODHEAD. I believe that the propriety of establishing a national foundry is now conceded, and I am convinced that the plan indicated in the resolution for selecting the site is the only practicable one. The Secretary of War will, no doubt, as is usual, appoint a board of experienced and disinterested officers, to make a personal examination and inspection of the various places recommended, and report to him on the subject. It is the way in which navy-yards, naval and military asylums, marine hospitals, &c., are selected. Congress cannot select the site, because so many members think their own particular localities the best, and hence preconceived opinions and sectional rivalry prevent action.

For the last ten years, Mr. President, I have urged the propriety of establishing a national foundry. On the 27th day of April, 1844, then being a member of the House of Representatives, I submitted a report from a select committee, recommending, for the reasons therein stated, the establishment of a national foundry in the district I then had the honor to represent. Now, for the first time, the Secretary of War has made a similar recommendation, without indicating the place. By an act passed the 3d of March, 1853, the Secretary of War was "directed to report to Congress whether, in his opinion, it would not be more economical, proper, and advisable to cause all the arms of the United States to be made by contract." The enlightened Secretary, in his recent report, clearly shows that it would not be more "economical, proper, and advisable" to cause all the small-arms to be made by contract, and adds:

"It is not known whether, by the use of the term 'all the arms of the United States,' it was intended to include the heavy guns or cannon, I will, however, remark, that all cannon are now made by contract, Congress having made no provision for a national foundry; and will take this occasion to recommend an appropriation for that object. The just admixture of metals, and the casting of bronze pieces, require much mechanical skill, and no little scientific attainment. The examination of ores, and the casting of iron into cannon, are subjects which have attracted much consideration from the Ordnance Department, and present a wide field for further investigation and experiment. The rigid inspection which such guns now receive has improved, and is still improving, their quality; but it is believed there would be a more rapid advance in knowledge, and a higher standard of excellence attained, if the advantage of a national foundry were possessed."

I presume, Mr. President, in view of many considerations, it will be admitted that if the recommendation of the War Department is adopted, that the foundry should be located at some point in the State I have the honor in part to represent. Pennsylvania is the great iron producing State of the Union, and has been such since the foundation of the Government. She is located between the dividing interests of the North and the South. She has water communication with the Northwest, West, and Southwest, and the Atlantic; while her railroads and canals, constructed without the aid of the General Government, penetrate every portion of the State.

But there are other reasons why this establishment should be yielded to Pennsylvania. One of the national armories is now located at Springfield, Massachusetts, and the other at Harper's Ferry, Virginia. The Eastern States will not, therefore, claim it, nor will Virginia. For the last few years New York has been so much favored by the expenditure of public moneys, and the establishment of governmental enterprises within her borders, that I believe that even she, although a rival State, will act worthy of a generous rival, and yield upon this question to Pennsylvania. Again, there is no State in the Union north of Mason and Dixon's line that has stood so firmly by the constitutional rights of the South, and hence we look for aid upon this question to our southern brethren.

It is proper that I should add that my opinion remains unchanged in regard to the place that should be selected. I believe the valley of the Lehigh, in Pennsylvania, presents greater advantages than any other place; but as there is a difference of opinion upon this point between my colleagues in the House and myself, and as a difference of opinion is certain to prevent success, I am willing to leave the question to the Secretary of War and a competent board of officers. I am willing that the different points, not only on the valley of the Lehigh, but those also upon the valleys of the Schuylkill, Susquehanna, and Juniata, as well as places west of the Alleghany mountains, and elsewhere throughout the State, should be carefully and personally examined. It seems to me that no fair-minded person can object to this course. I hope, therefore, that the resolution will be adopted, and that the committee will give the subject that consideration which its importance demands.

Mr. PRATT. I move to strike out the latter clause, "at some suitable place in the State of Pennsylvania." If a national foundry is to be established for the Government, the question should be left open for its selection to the committee of the Senate and to the Secretary of War. I think Maryland would probably be as good a location as Pennsylvania for such a purpose. I therefore move to strike out the words which I have mentioned.

The amendment was agreed to; and the resolution, as amended, was adopted.

INJUNCTION OF SECRECY.

Mr. SLIDELL. I offer the following resolution, which I ask may now be considered:

Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of so amending the rules of the Senate that the injunction of secrecy shall be removed so far as regards the final action of the Senate on any nominations submitted to it for confirmation, and enjoining said injunction in relation to any debate, discussion, or report which may have occurred in Executive session in relation to said nominations.

Mr. BADGER. I suppose that is not a proper resolution for open session. I understand it is a resolution proposing to take off the injunction of secrecy on certain nominations.

Mr. SLIDELL. I beg the gentleman's pardon. I will explain very briefly the object of the resolution. I voted a few days since against the motion to lay on the table a resolution introduced by the honorable Senator from Ohio, [Mr. CHASE,] repealing altogether the rules which now exist in relation to the obligation of secrecy as to what may be done in Executive session. I think recent experience, the experience of but a few days ago, has demonstrated that there is no such thing as maintaining secrecy in regard to our action upon nominations in Executive session.

I am in favor of still retaining the injunction of secrecy, so far as relates to any debate, discussion, or remarks in Executive session; but I am decidedly opposed to retaining that injunction in relation to the action of the Senate upon nominations. I believe the Committee on the Judiciary is the appropriate committee to which this subject should be referred. I think there can be no objection to the resolution; for we are all satisfied that secrecy in regard to our action upon nominations is a farce.

Mr. BADGER. I heard the resolution read, indistinctly, and I did not then understand its exact purport. I have now no objection to it.

Mr. SLIDELL. It is a mere resolution of inquiry, and I hope it will now be considered.

Mr. BUTLER. I decline to take charge of matters of this kind. The resolution ought to go to the Committee on Foreign Relations, though if it be confined to nominations, it may be perhaps proper to refer it to the Committee on the Judiciary. Do I understand the honorable Senator to say that it is confined to nominations?

Mr. SLIDELL. It is confined entirely to the action of the Senate upon nominations.

Mr. BUTLER. And has no reference to treaties?

Mr. SLIDELL. None at all.

Mr. CLAYTON. I doubt very much whether that resolution will alter the rules of the Senate as they now stand. I think there is a great mistake in the public mind, and even among Senators themselves, in reference to this whole matter. There is nothing in the rules requiring secrecy with regard to the votes of Senators upon nominations. I mean to say, that whenever a nomination has been acted upon by the Senate, it is considered, and always has been considered, perfectly competent for any member of the Senate to state the result of the vote. Whether the nomination is confirmed or rejected is no secret, and never was any secret. The only matters upon which the injunction of secrecy rests are treaties, debates upon nominations, remarks of Senators of a personal kind with regard to the character and fitness of the nominees, and upon all papers which the President sends here that are marked "confidential."

I suppose that nobody wishes to change the rule as it now stands. It is perfectly competent for a Senator to state whether a nomination has been confirmed or not; but in reference to communications from the Executive marked "confidential," I trust no one desires to remove the injunction of secrecy. So, too, in regard to treaties; no one desires to change the rule in respect to them. The common idea that everything that we do in Executive session is covered by some injunction of secrecy is an entire error. I, of course, do not object to the resolution going to the committee, but I cannot see how any essential change will be made by the committee.

Mr. WELLER. Mr. President, I think myself it would be a very great improvement upon the rules of the Senate if we were to allow the

reporters, as sworn officers of the body, to be in Executive session when we are acting upon nominations made by the President. Then, when we choose to remove the injunction of secrecy, the debate which may have taken place upon a nomination can also go out to the country with the vote which we have given. I am desirous that every vote which I may give upon Executive appointments shall be known to the country; but I often-times desire that the country should also be put in possession of the facts and the reasons why I voted as I may have done.

Now, sir, this cannot be obtained, in my judgment, except by the introduction of reporters into Executive session. If they were to be sworn officers of the Senate, the same injunction of secrecy which operates upon us would also apply to them; and whenever we saw proper to remove that injunction, the debates which may have taken place upon the nomination with the vote, could go out to the country. As the case stands at present, the country can determine nothing upon our votes, and often great injustice may be done to Senators here, because the reasons which operated upon their minds are not submitted along with their votes. I desire, in all cases, that whatever I may say with regard to any Executive appointment should be known to the country. I am willing that they should know the manner in which I vote, and I am equally anxious that they should know the reasons which operated upon my mind in the giving of that vote.

Mr. BADGER. Mr. President, I recollect that at the last legislative session of the Senate, when we were in Executive meeting, a report was read to the Senate which had been made many years ago in Executive session upon this subject—a report, I think, made by Mr. Hayne, of South Carolina.

Mr. CLAYTON. Yes, sir.

Mr. BADGER. The Senate directed the injunction of secrecy to be removed from that report, and ordered that it should be printed. I have never seen anything of it since, and do not know whether it has been printed or not. I think that if it were here it would throw a good deal of light upon this subject. I would suggest to the Senator from Louisiana, having no sort of objection to the adoption of this resolution, whether under the suggestion thrown out it would not be better to frame it somewhat in this way: that the Judiciary Committee be directed to examine whether any alteration should be made in the rule of the Senate upon the subject of proceeding in Executive session, and if any, what?

Mr. WELLER. I should prefer that.

Mr. SLIDELL. I would accept that amendment with great pleasure. I think, however, the Senator from Delaware does not understand precisely the object of my resolution; and perhaps I am altogether mistaken as to what are supposed to be the obligations of Senators. It is very clear that we have a right to say that such a nomination has been confirmed, or that such a one has been rejected. Perhaps we might go further, and say it was confirmed or rejected by so many votes. It is also understood that each individual Senator has a right to say how he voted; but I certainly have been laboring under very great misapprehension, if it be the general sense of the Senate that any Senator has a right to say in public how any other Senator has voted in Executive session upon a nomination. That is the point at which I wish to arrive. Experience shows that there is really no secrecy; and I do not choose to be trammelled by obligations which others do not observe. We saw the other day, with regard to an appointment, in reference to which there was a great deal of interest excited, and to which the public attention was very much directed, that the rule had no effect. I met a gentleman the next morning, and in conversing with him, he told me how every Senator had voted.

I had supposed, myself, that it was incumbent upon me to keep the vote of every other Senator secret. If I am wrong in that impression, then my resolution is useless. If we have a right to say how each person has voted in the Senate, then I am satisfied with the rule as it stands. If that be not the case, I think an amendment is imperatively called for.

Mr. BADGER. I have the report now to which I just referred, and which has been printed. According to the view entertained by the committee

which made this report, it is very clear, I think, that what has been stated by the Senator from Louisiana is correct. So I have always understood the rule, that though a Senator has a right to state his own vote, he has no right to state the vote of any other Senator without his consent. The part of the report which refers to it is this:

"So far as this rule embraces 'information' given, or 'remarks' made, there can be no difficulty. But it may be asked whether any injunction of secrecy is imposed by this rule.

"1st. In relation to the fact that an individual has been nominated to any office before the nomination has been acted on.

"2d. In relation to the confirmation or rejection of such nomination.

"3d. In relation to the state of the vote by which such rejection or confirmation has taken place.

"4th. In relation to the votes of individual members of the Senate on such nomination.

"That the words of the rule do not impose secrecy in any of the three first named cases, can hardly admit of a doubt; and it seems equally clear that they are not embraced within the reason of the rule. The only point that can be considered at all doubtful, is whether a disclosure of the vote of any individual member of the Senate does not come within the reason of the rule which forbids the disclosure of 'the remarks' of any member touching the character and qualifications of any person nominated by the President. A note, though not, strictly speaking, a remark, is clearly the expression of an opinion; and if the former ought to be kept secret, so ought the latter. On the whole, therefore, the committee are of opinion that, in addition to keeping secret all 'remarks on the character and qualifications of persons nominated,' the votes of individual members must also be kept secret. Though they think that this rule ought not to prevent a gentleman from making known his own individual vote on such nomination, taking care to keep secret the votes of others."

Mr. CLAYTON. I have only to say, in regard to that report, that I remember well when it was presented here. I think it was never adopted—never acted upon. It was a report made by a very able committee; and the principles contained in it have governed the Senate, so far as my knowledge of its course extends. The Senator from Louisiana was right in saying it has been understood that a Senator is not at liberty to mention the votes of other Senators; and that understanding has grown out of that portion of the report which has been read by the Senator from North Carolina.

It might, however, admit of a doubt, whether the construction given in the report and the remarks of the Senator be a fair one or not. It is rather a strange interpretation, I humbly submit, to contend that the vote oration comes within the same provision as the remarks. However, this has been the understanding, and Senators have generally conformed to it; and what has been the result? Every man has related to everybody who asked him, as soon as he came out of the Senate Chamber, what his own vote was, and consequently it was very easy to ascertain what the votes of all were; so that there has not been any secrecy at all in relation to the actual votes of Senators upon nominations; nor has there been any secrecy in regard to the votes of Senators upon treaties. Each man being at liberty to say how he voted, it was ascertained very soon how all voted.

I am very willing that the question shall go to the Committee on the Judiciary, as the Senator from Louisiana desires; and I trust they will have the report made in 1830 under their consideration, if it be necessary to alter the rules of the Senate, and make a report to that effect; but I very much doubt whether any amendment is necessary to the rules.

Mr. BUTLER. The report which the Senator from North Carolina has referred to and read, was before this body, I think, no longer ago than the last session.

Mr. BADGER. In Executive session.

Mr. BUTLER. In Executive session last year. I recollect the remarks of Senators then, and the decision of the Senate. I am perfectly willing that the resolution should go to the committee; but I think the general opinion was, that the subject should not be further discussed or acted upon. I know it depends upon each one's sense of propriety as to whether that shall be the case. I agree with the Senator from Louisiana, that I have heretofore regarded myself as under an obligation to keep secret what others have said or voted, though I may have been at liberty to say how I voted. If the Senator insists upon his resolution, let it go to the committee.

Mr. SLIDELL. I prefer that it should go to the committee—

Mr. BADGER. I should like to know from the Senator from Louisiana whether he adopts

the suggestion which I made? I should be very glad to hear if it meets his approbation.

Mr. SLIDELL. I have determined to modify the resolution, in accordance with the suggestion, so that it will read as follows:

Resolved, That the Committee on the Judiciary be requested to inquire whether any additional rule, or amendment of the existing rules, in relation to the proceedings of the Senate in Executive session, be necessary; and if, in their opinion, any such rule or amendment be necessary, to report such rule or amendment to the Senate.

The resolution, as modified, was agreed to.

REPORTS FROM COMMITTEES.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the bill from the House of Representatives to secure the rights of citizenship to children of citizens of the United States born out of the limits thereof, reported back the same with an amendment.

He also submitted a report on the subject; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the bill to constitute Palatka and Bayport, in the State of Florida, ports of delivery, respectively, reported back the same without amendment, and recommended its passage.

He also, from the same committee, to which was referred the memorial of the president of the "Accessory Transit Company," asking the enactment of a law to enable that company to hold title to any steamers or ships that may be necessary to enable said company to transport passengers and freight between the ports of the Atlantic and Pacific oceans, reported a bill to authorize the issue of registers to vessels owned by the Accessory Transit Company; which was read, and passed to a second reading.

Mr. PRATT, from the Committee on the District of Columbia, to which was referred the memorial of John C. F. Salomon, praying an act of incorporation for the purpose of supplying the cities of Washington and Georgetown with pure water, asked to be discharged from its further consideration; which was agreed to.

Mr. NORRIS, from the Committee on the District of Columbia, to which was referred the petition of L. P. Holladay & Co., praying to be allowed to build an hotel upon one of the public lots, asked to be discharged from the further consideration thereof; which was agreed to.

PETITIONS, ETC.

Mr. ALLEN presented the petition of Harriet H. Saunders, widow of Camillus Saunders, an officer of the revenue service, who was lost on board the cutter Hamilton, praying a pension; which was referred to the Committee on Pensions.

Mr. STUART presented the memorial of Joseph Smith, assignee of a certain land warrant, asking the right to locate the quantity of land therein described; which was referred to the Committee on Private Land Claims.

Mr. WALKER presented the memorial of the mayor and aldermen of the city of Milwaukee, relative to the mode of expending money appropriated for the harbor of that city; which was referred to the Committee on Commerce.

Also, a presentment of the grand jury of the United States, for the district of Wisconsin, representing the necessity of providing suitable buildings for the custom-house, post office, and courts in the city of Milwaukee; which was referred to the Committee on the Judiciary.

Mr. SEWARD presented the petition of Abraham Boileau, one of the grandchildren of Amable Boileau, an officer in the army of the Revolution, praying to be allowed commutation; which was referred to the Committee on Revolutionary Claims.

Mr. THOMSON, of New Jersey, presented a petition of citizens of Hackensack, New Jersey, praying the erection of a monument over the remains of Brigadier General Enoch Poor, of New Hampshire; which was referred to the Committee on Military Affairs.

Mr. SEWARD presented the petition of Sarah L. Hine, widow of E. C. Hine, an officer of the United States revenue service, who was lost on board the cutter Hamilton, praying a pension; which was referred to the Committee on Claims.

Mr. CLAYTON presented a memorial of citizens of Delaware county, Pennsylvania, praying a modification of the late bounty land law; which was referred to the Committee on Public Lands.

Mr. SUMNER presented a petition of citizens

of Lancaster county, Pennsylvania, praying Congress to pass no law for the extension of slavery in the territory from which it was excluded by the Missouri compromise act; which was ordered to lie on the table.

Mr. FISH presented the petition of Ellen Martin, praying that the commutation pay to which Francis Martin was entitled, for services during the revolutionary war, may be paid to his grandchildren, or legal representatives; which was referred to the Committee on Revolutionary Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. STUART, it was

Ordered, That the petition and papers relating to the claim of Joseph Sanfacion and others, of Michigan, be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. CLAYTON, it was

Ordered, That the memorial of Catherine Crosby and the representatives of Thomas D. Anderson be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. TOUCEY, it was

Ordered, That Ann Dodd have leave to withdraw her petition and papers.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the petition of William D. and Julia Acken be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. PRATT, it was

Ordered, That the heirs of Robert Sewall have leave to withdraw their petition and papers.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that they had passed a bill to cede to the State of Illinois that portion of the Cumberland road lying within that State, in which they requested the concurrence of the Senate.

VERMONT SENATORSHIP.

On motion by Mr. PETTIT, the Senate resumed the consideration of the resolution reported from the Committee on the Judiciary, affirming the right of the Hon. SAMUEL S. PHELPS to retain his seat in the Senate.

THE PRESIDENT. The Senator from Delaware [Mr. BAYARD] is entitled to the floor on this question.

Mr. BAYARD. Before I proceed to the discussion of the question before the Senate this morning, I desire to state that the honorable Senator from New Hampshire, [Mr. WILLIAMS,] one of the majority of the committee in reporting the resolution, has stated to me that it is his desire to make a very few remarks in explanation of the report of the majority. I cheerfully yield the floor to the Senator for that purpose, with the understanding, of course, that I shall proceed when he has concluded.

Mr. WILLIAMS. Mr. President, it is not my purpose to enter into the discussion of the resolution before the Senate. That is safely and more properly left with others. As a member of the committee reporting the resolution, I desire merely to correct some inaccuracies which appear in the adverse report presented by the minority of the committee. It is stated in that report, that the majority of the committee ask that the words "until the next meeting of the Legislature" shall be construed to mean beyond the next meeting of the Legislature. Now, so far from asking this construction of the words referred to, it is contended by the majority of the committee, that these words have no relation whatever to the case before us, or any reference or respect whatever to the time or duration of office, but are limited in their application to the time in which appointments can be made by the Executive. The clause in the Constitution which provides "that if vacancies happen by death, resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancy," has attracted the attention of statesmen of much ability and purity of purpose, and has received from them, ever since the organization of our Government, very different constructions.

The words contained in this clause are of doubtful and equivocal import, not having that clear and definite meaning which precludes misconstruction and difference of interpretation. Some suppose they contain a limitation on the power of appoint-

ment and on the continuance or duration of the office conferred by the appointment; while others conclude that the limitation is applicable only to the time in which the Executive may exercise the appointing power, and make appointments, and has no reference whatever to the term or duration of the office held under the appointment. Though the ground of this last conclusion may not at the first view be apparent, on a critical and careful examination of the clause referred to, it will be found a sound conclusion, and fully warranted by a fair and grammatical construction of language. The word or adverb "until," in that clause or sentence, qualifies the word or verb "make;" and in that relation can only fix the time in which the Executive may make appointments, and is not used to determine the period for which the appointee shall hold his seat under a temporary appointment, and has no respect to the period or duration of the office, and imposes no limits whatever upon it.

Temporary appointments made by the Executive under this clause of the Constitution have ever been construed as appointments made to endure until the vacant term expired, or the place occupied by the temporary appointee could be constitutionally filled by the Legislature.

This is not the interpretation put on the Constitution in the minority report, but is the interpretation placed upon it by the Senate in the numerous cases cited by the committee, and is in harmony with the letter, spirit, and design of that sacred instrument. This construction has too long been approved and sanctioned to be now reviewed and departed from, unless the evils arising from it imperiously demand a change of interpretation. The minority report adverts to an evil that may arise, if the appointee fails to represent the people of his State; and might not a Senator, elected for six years, or to fill out the vacancy left of an unexpired term, be as liable to misrepresent the people as an Executive appointee, either of whom are further removed from them, and more independent of their control, than the Senator appointed by the Governor, whose office can be terminated by the people through their Representatives whenever they meet?

The debates on the Constitution fully demonstrate that those who adopted it expressed their fears that the number of members in the Senate might prove too limited for the numbers in the House, and their determination to provide for a full representation in the Senate from each State; and to prevent, as far as practicable, any failure of administration on account of vacancies in that branch of the Government. To carry out this desirable object, we conclude that this clause of the Constitution, which we have under discussion, was undoubtedly provided.

This conclusion is generally admitted; and to me, a strict constructionist, as unwilling to violate the Constitution as the honorable Senator from South Carolina can be, it appears just, reasonable, and irresistible. In order, however, to derive authority from this clause of the Constitution to effect its purpose, some contend they must give to its language a technical or artificial construction which they are unwilling to adopt.

If so, sir, and doubts exist against a construction regarded sound, arising from criticism, to which language, by its uncertainty, is exposed, let the great fundamental rule for the adjustment of cases of doubtful construction be applied by giving to this clause of the Constitution the interpretation intended by its framers. The object of providing for temporary appointments by the Governor will then be obtained. The appointee will retain his seat in the Senate till the vacant term expires, or the vacancy is filled by the Legislature; and the benefit of all doubts will be given where they belong, in support of safe precedents, and of the rights and representation of a sovereign State.

Mr. BAYARD addressed the Senate at some length, and elaborately argued the subject in opposition to the position of the majority of the committee.

[Mr. B.'s speech will be found in the Appendix.]

Mr. PHELPS. Mr. President, if it be the pleasure of the Senate that I shall proceed to-day with the remarks which I purpose to make on this subject, I will most cheerfully do so; but at the same time I should much prefer if the Senate would postpone the further consideration of the matter

until to-morrow. The question involved in the discussion is one of secondary importance, as it relates to the case now under consideration, but is of paramount importance, as it tends to settle a question of constitutional law.

After the very full discussion of the question by the Senator from Delaware, it will be impossible to discharge what I conceive to be my duty to the State which I profess to represent, without consuming much more time than the Senate will be disposed to devote to the debate to-day.

Under these circumstances, I prefer that the argument should not be divided, but that I should have an opportunity to-morrow of presenting my views in full.

Mr. BUTLER. I think the Senate ought to adjourn, and therefore I will move an adjournment, but with this suggestion: I think the honorable gentleman from Vermont would do well to reserve his remarks, by common understanding, until the close of the debate. I think that by reserving himself to close the debate, his argument will have more effect upon the decision, perhaps, than if he spoke now, particularly as others intend to speak.

I intend, for myself, to make but a very few remarks on the subject of justification of the views which I entertain. I do not intend to go into a long argument, and I do not wish to have it appear at all that I would mingle in the debate in any spirit of controversy with the honorable gentleman. It is with that view that I prefer that he should reserve his remarks, by common understanding, to close the debate. However, this is a mere suggestion.

Mr. PHELPS. That matter can readily be disposed of in the morning. If other gentlemen prefer to speak first, it can then be ascertained, and we can settle the matter.

Mr. BUTLER. I move that the Senate do now adjourn.

The motion was agreed to, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 1, 1854.

The House met at twelve o'clock, Mr. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House the annual report of the Commissioner of Patents, containing the first or the mechanical part of the Patent Office Report.

Mr. PERKINS, of Louisiana. I rise to a question of privilege. I move to reconsider the vote by which the bill for the relief of J. Boyd, of Louisiana, was laid on the table, with the view of moving that it be recommitted to the Committee on Claims.

The question was then taken, and the vote was reconsidered.

The SPEAKER. The question now is upon recommending the bill for the relief of J. Boyd, of Louisiana, to the Committee on Claims.

The question was then taken, and the bill was recommitted to the Committee on Claims.

THE ERIE DIFFICULTIES.

Mr. JONES, of New York. I move to reconsider the vote by which the bill that came from the Post Office Committee to secure the safe transmission of the mails of the United States was sent to the Committee of the Whole on the state of the Union.

Mr. OLDS. I wish to make a single remark in reference to that bill.

Mr. DRUM. Is it in order to discuss this matter of reconsideration?

Mr. OLDS. Although this bill was general in its application—

The SPEAKER. Will the gentleman from Ohio suspend a single moment until the House disposes of the report of the Committee on Patents.

Mr. TAYLOR, of Ohio. I move to refer the report of the Commissioner on Patents to the Committee on Patents and the Patent Office, and that it be printed.

Mr. HAVEN. Will the gentleman allow me to make a suggestion? Would it not be well to make a motion to print some extra number of copies, so that the matter may go to the Committee on Printing?

Mr. TAYLOR. I would make such motion, that the report be referred to that committee, with instructions to inquire what number of extra copies it is proper to print. Perhaps it would be well to say 100,000 copies.

Mr. ORR. Seventy thousand is the number we have heretofore printed.

Mr. STANTON, of Kentucky. I understand this is the first part of the Patent Office Report. It has never been usual to print more than fifty thousand copies of that part.

Mr. HAVEN. Will the gentleman allow me one word? Inasmuch as this is a proposition to print extra copies, no matter whether it is one hundred thousand or fifty thousand, I submit that the question goes at once to the Committee on Printing without discussion, and they can determine whether it shall be one hundred thousand or fifty thousand.

The SPEAKER. If there is no objection, that reference will be made.

TRANSPORTATION UNITED STATES MAILS.

Mr. OLDS. I said yesterday that the bill reported from the Committee on the Post Office and Post Roads, to protect the transportation of the United States mail upon the railroads of the United States, was general in its terms, although the Erie difficulties had given rise to its introduction at the present time. I felt then too much indisposed, owing to soreness in the throat, to make any remarks, and I scarcely feel able to do so at this time. It appears to me that there is a state of affairs now existing in Erie, in the State of Pennsylvania, that demands of this House that it should take some action upon the safe transportation of the United States mails over the railroads passing through that town. This bill was drawn with special care to guard against any conflict between the jurisdiction of the United States and the jurisdiction of the courts of Pennsylvania. Any order coming from any court of Pennsylvania for the construction of the railroad—

Mr. ORR. I rise to a question of order—that this debate is out of order. When this bill was submitted yesterday, and a motion was made to commit, the previous question was demanded and sustained. The vote was taken, and the bill was committed to the Committee of the Whole on the state of the Union. Now a motion is made to reconsider that vote. The previous question had not exhausted itself; because if the motion to commit had failed, the question then would have been, "Shall the bill be read a third time?" That being the condition of the question before the House, debate is not now in order.

The SPEAKER. The Chair overrules the point of order made by the gentleman from South Carolina, and holds that the previous question had exhausted itself.

Mr. OLDS. I do not wish to trouble the House at any length upon this matter. I wish to say, however, that since the action of the House yesterday, a telegraphic dispatch has been received from Erie, to the effect that the mob have again taken possession at that place, and have torn up the rails. I will read the dispatch to the House. It is dated at Erie, January 31, and is as follows:

"Men commenced clearing away platform to connect tracks. Bell was rung, and a thousand people rushed up and destroyed our track on Sasaras street."

It seems that as soon as, under the order of the United States court, they commenced replacing the track, the alarm bell was rung, and the people of Erie, to the number of one thousand, rushed on and tore up the tracks. Now, sir, all that I have to say upon this matter is, that some action is required upon the part of Congress to secure the safe and speedy transportation of the United States mail through that portion of the country. I will now read an extract from a New York paper upon the same subject.

Mr. FLORENCE, (interrupting.) If I may be allowed to ask the gentleman from Ohio a single question, I desire to know the authority of that dispatch—whether it may be relied upon?

Mr. OLDS. The gentleman knows the people of Pennsylvania better than I do. [Laughter.]

Mr. FLORENCE. I do not know who sent that dispatch.

Mr. OLDS. Neither am I acquainted with the gentleman who sent it.

Mr. FLORENCE. I only want to know the

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facts, and I therefore inquired of the gentleman whether he knew that the dispatch came from good authority.

Mr. OLDS. I take it for granted that the dispatch is authentic. But I disclaim any feeling in reference to this matter. I have no feelings against the people of Erie. What I am saying, and what I am doing, is simply in discharge of my duty as a member of the Committee on the Post Office and Post Roads. That is all. I have no feeling upon the subject. The extract from the New York paper—I believe it is from the Tribune—is the following:

"ATTENTION, ERIE!—The Detroit papers acknowledge the receipt of New York and Buffalo papers, per the Western railroad through Canada, twenty-four hours in advance of the mail. A fact of this sort should arouse the Erie people to a sense of their condition. If they wish to escape total annihilation they had better behave rationally, and leave undisturbed the rail track passing through their town."

This shows, from the quotation from the Detroit paper, that the western people are seriously discussing the question of the propriety of petitioning the Post Office Department for the transmission of the great western mail through Canada to Detroit, which they think preferable to the present arrangement, in consequence of these disturbances at Erie. We have it here announced that, in consequence of these disturbances, the New York papers are received by this route, through Canada, twenty-four hours in advance of the United States mail.

[A message was here received from the Senate, by Mr. MACHEN, its Clerk, informing the House of the passage by that body of bills of the following titles:

Senate bill (No. 122) "to amend the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1854, and for other purposes;"

Senate bill (No. 55) "to extend the limits of the port of New Orleans;" and

Senate bill (No. 149) "granting a portion of the public lands to the State of Wisconsin, to aid in the construction of railroad and branch railroad in said State;"

Also, of the passage of sundry private bills.]

Mr. OLDS continued. Now, sir, it is the duty of the Congress of the United States to make such provisions as may be necessary to secure the safe and speedy transmission of its mails through its territory. That is the question for them to determine. If we act in this matter at all, we should act speedily, and at once. If the bill has been drawn loosely, and is incorrect, let the House perfect it. But the exigencies of the mail service of the United States require some speedy action in relation to this matter. I am unable, from the state of my health, to say more upon the subject at present.

Mr. JONES, of Tennessee. I wish to ask the chairman of the Committee on the Post Office and Post Roads a question, before he concludes.

Mr. OLDS. I will hear the gentleman's question.

Mr. JONES. I understand that this bill provides for the safe transmission of the mails by and through Erie?

Mr. OLDS. No, sir; the bill is applicable to all the railroads of the United States.

Mr. JONES. Well, Erie is the only point now to be provided for.

Mr. OLDS. I have already stated that the bill is general in its provisions.

Mr. JONES. I wish to inquire of the gentleman if he can devise any bill by which he can make the railroads which have contracted to carry the mails between this city and New York, through the State of New Jersey, carry them in proper time?

Mr. OLDS. I have a bill in my desk to be reported to the House, which will perhaps answer the gentleman's question at the proper time.

Mr. RITCHIE. I wish to say, with regard to this matter, that that bill reported by the Committee on the Post Office and Post Roads is a long bill, and it is palpable to me, from hearing it read—I have had no time to examine it, for it has not yet been printed—that it is very doubtful whether

it does not exceed the constitutional power of this House. It needs, at least, a careful examination. It is well known to every member of this House that there are already abundant laws in existence, punishing criminally any attempt to stop the transit of the mails of the United States. But the endeavor of this bill, so far as I comprehend it, from the hasty manner in which it was read in the House, is not to protect the mails, but, under cover of protecting the transportation of the mails, to put the railroad companies of the United States in this attitude: that where they are fraudulently invading the territory of any State, in defiance of the laws of that State, and without a charter, every act that is committed against that fraudulent invasion of the territory of the State shall be construed into an obstruction of the mails of the United States, and punished as such. The mails of the United States are already protected; and if any one at Erie or elsewhere does any act with an intent to hinder or obstruct the passage of the mails, he is a criminal, and will be punished criminally.

Mr. TAYLOR of Ohio, (interrupting.) Will the gentleman allow me, at this point, to propound a question to the Chairman of the Committee on the Post Office and Post Roads?

Mr. RITCHIE. No, sir; I will not yield the floor. I say, further, that there are also abundant laws of the States punishing criminally any obstruction of railroads, making it a penitentiary offense, and consigning to the doom of a prison any man willfully obstructing the passage of cars on railroads.

But it is manifest, from the first, that the intention of this bill is to interfere with the common-law right of a man to abate a nuisance, and to defend his own property, when it is fraudulently and violently invaded, without a shadow or pretense of right, by making it an obstruction of the mails of the United States, and punishing him in place of those fraudulent railroad contractors and violators of the sovereign rights of a State and of individuals; it is to shield them by a law preventing obstructions to carrying the mails. There already exist abundant laws punishing all obstructions to the passage of the mails, and all obstructions to the passage of railroad cars; but here it is attempted to abolish the common law right to abate a nuisance, and to make the man who attempts to abate a nuisance and resist a fraudulent and violent invasion of his property by a railroad company, a criminal, and to confine him as such.

As to this very road, with respect to which the House has been alarmed this morning, that part of the road which has been taken up in Erie is on the western side, and belongs to the fraudulent Franklin Canal Company, which the supreme court of Pennsylvania has already decided is a fraud and violation of the rights of the State, and which the circuit court of the United States for the western district of Pennsylvania has also decided is a fraud, a violation of the rights of the State, and of every man living in it; and in regard to which, that same circuit court of the United States refused an application of its directors to issue an injunction restraining the people from tearing up the rails of the road. The court did issue an injunction in reference to the road from Erie, eastward to the New York line; but, on the application of this Franklin Canal Company for an injunction to prevent the people of Erie taking up the rails from that part of the road which the dispatch just read states they have taken up, it refused to do so, on the ground that the road was a fraud, an invasion on the eminent domain of Pennsylvania, and also of the rights of the citizens of the city of Erie. I call for the previous question.

Mr. CAMPBELL. I desire to be heard in reply to the gentleman, [Mr. RITCHIE,] and I would appeal to him to withdraw his call for the previous question. If he withdraws it I will renew it when I shall have concluded what I have to say.

[Cries, all over the Hall, of "Withdraw it!" "Hold on to the call!" "Their side has been already heard!" &c.]

Mr. RITCHIE. I withdraw the call, on the condition that the gentleman from Ohio renews it.

Mr. CAMPBELL. I am obliged to the gentleman for withdrawing the call for the previous question. I shall renew it.

Mr. TAYLOR, of Ohio. With the permission of my colleague, I will now put the interrogatory which the gentleman from Pennsylvania denied me the opportunity to make. The gentleman from Pennsylvania seems more disposed to cultivate than repress the mobs at Erie.

The SPEAKER. Does the gentleman from Ohio yield to his colleague?

Mr. CAMPBELL. I cannot yield to my colleague now, though I will do so before my time expires.

I do not participate in any of the feelings which grow out of local interests. I am so fortunate as to represent a district not largely interested in this Erie question—I may say a district comparatively not very much interested in the speedy transmission of the mails. But a few weeks ago, when on a visit to my family, I had occasion to spend an evening in Cincinnati, the great commercial metropolis of the West; during which I attended a meeting composed of the people of all parties and all interests of that city, and had an opportunity of conferring with them to some extent in regard to the effect of the Erie riots upon the commercial interests of the valley of the Mississippi. The great complaint made by them was, not of any thing which grew out of the interest of these railroad companies, but that, by the obstruction of the mails of the United States, they were subjected to very serious inconveniences.

Mr. TAYLOR. I wish to ask the gentleman from Ohio, [Mr. OLDS,] through my colleague, whether there are not petitions and evidences of the obstructions of the mail before the Committee on the Post Office and Post Roads?

Mr. CAMPBELL. I cannot yield the floor at present. At that meeting, which was overwhelming in point of its numbers and of its character, they entered upon this subject, and passed no agitating resolves. Immediately on my return, at the first opportunity that was presented to me, I introduced a resolution, calling on the President to give this House information as to the official evidences received in the Departments in relation to the obstruction of the mails of the United States. I did it, not that I was the representative of that great commercial constituency, for I know that it is ably represented on this floor; but because I knew that one of the gentlemen who represents the city of Cincinnati [Mr. HARRISON] is a gentleman not in the habit of public speaking, and unaccustomed to participating in the discussions of this House. The other, [Mr. DISNEY,] I know full well, is overwhelmed by the important business in his hands as chairman of one of the most important committees of this House. And hence, sir, representing as I do a district contiguous to Cincinnati, I introduced that resolution in order that this House and the country might have information on which they could act intelligently. Where did the opposition to that resolution come from? It came from the State of Pennsylvania, on the one hand, and from the State of South Carolina, on the other; for the honorable gentleman from South Carolina, [Mr. ORR,] when we were about to pass the resolution the other evening—at the only time when the resolution could be called up under the rules—moved to lay it on the table. I understand that he did so because of his platform of strict construction; and the honorable gentleman from Pennsylvania, who last addressed the House, [Mr. RITCHIE,] is standing himself, I believe, on the position that the Federal Government has no right to pass a law to protect the transportation of the mails.

I well recollect, Mr. Speaker—and I advert to the fact for the purpose of showing the reason why I think gentlemen from Virginia are putting themselves in a false position on this question—I well recollect, I say, that a few years ago a very strong effort was made in the Keystone State to destroy the most beautiful structure across the river Ohio,

at the city of Wheeling. She went into the courts of law, and there procured a decree declaring that bridge a nuisance, and ordering it to be removed. This House and the Federal Government exercised its power, and declared the bridge a "post road," and thereby preserved it; and let me say to Virginia, that it was the power of Congress, thus exercised in relation to the transportation of the mails of the United States, that saved that structure.

And now these gentlemen say that the Government of the United States, though it may have the power to establish post routes, has no power to protect the mails by punishing those who obstruct them. We have the right, according to this doctrine, to build custom-houses in the city of New York or in the city of Cincinnati—for that subject was up yesterday—we have the right to purchase the ground, to get materials, and to build elegant edifices, and yet we have no power here to punish the man who would apply the torch at midnight and destroy the edifices we have erected.

I hold to the doctrine that the Federal Government, if it have the power to build custom-houses, has the power to protect them; if it have the power to transport the mails, it has the power to protect the mails. And this bill, so far from seeking to apply a rule to the city of Erie alone, is a bill which provides generally that any person who shall obstruct the mails, unless such obstruction—and I call the attention of honorable gentlemen to this reading of it—unless such obstruction be made by virtue of competent legal authority, shall be punished. So that if one of his Erie friends—if one of the thousand or ten thousand, who run at midnight when the bells ring to tear up the track, thereby obstructing the United States mails, and endangering the lives of the people who are passing over that road—if he does it by virtue of legal authority—he cannot be held criminally guilty under this law. It is, after all, a question of law, which must be submitted to the judicial tribunals.

Mr. STRAUB. Will the gentleman allow me to ask him a question?

Mr. CAMPBELL. Any question.

Mr. STRAUB. I would inquire of the gentleman whether the proposition to interfere upon the subject to which the gentleman is now directing his remarks, was not brought before the Ohio Legislature, and whether that Legislature did or did not refuse to act in the premises? And if they did refuse, will he be kind enough to tell us the reason?

Mr. CAMPBELL. I confess that I am not very fully posted as to the proceedings of the Ohio Legislature, for the reason, which I give very frankly, that I have not the very highest degree of respect for what they may do; and I have seen some things recently, from that quarter, which confirms me in my disposition to pay but little regard to what they may do. [Laughter.] I do not know that they have anything to do with this subject at all. I can tell the gentleman what he will find the Ohio Legislature disposed to do. I observed, the other day, that the Legislature of Pennsylvania repealed the charter of the Franklin Canal Company, thereby obstructing the connection between the Atlantic and the West. Such a bill has passed both branches of the Pennsylvania Legislature. I do not dispute the right of Pennsylvania to repeal that charter if it sees fit, but I repeat what I said the other day on this subject of repealing charters, that if Pennsylvania is disposed to go into this business, I have no doubt that the radical Democracy of Ohio, now sitting in the Legislature, are ready to take their part in playing that game.

But this has nothing to do with the question before the House. The question now is, as to the power of the Federal Government to protect the mails of the United States. This bill has come from your Committee on the Post Office and Post Roads.

Mr. STRAUB, (interrupting.) I desire to propound another question to the gentleman. I was not in the House yesterday when this bill was read.

Mr. CAMPBELL. That is not my fault. The gentleman ought to have been here.

Mr. STRAUB. The proposition, as I understand it, will amount to this: Pass this bill, and then you have at once your General Government and your State government at issue.

Mr. CAMPBELL. Is that all?

Mr. STRAUB. Another thing.

Mr. CAMPBELL. The whisky insurrection was another thing.

Mr. STRAUB. I wish to ask this question: whether, if you pass this bill, the Constitution will not be violated in this respect—that a man who may choose, out of any ill will or malice, to interfere—by burning down a bridge, if you please—cannot be tried twice? whether, under the General Government, you do not try him; and under the judicial powers of the State you do not try him again? Where are your State rights?

Mr. CAMPBELL. The gentleman's argument against legislation, to wit, that he was not in the House when this bill was read twice, has not a great deal of force, if he means, by the suggestion proposed, that we shall not legislate to protect a great national interest like this, if he is absent.

Again, he says that there is danger that a man will be tried twice. I do not apprehend any such danger. There is nothing in this bill which is calculated, in any manner, to violate the Constitution. As I said before, there is an express clause in the bill, which provides that no man shall be punished for obstructing the mail, who acts by virtue of competent legal authority; so that, if Pennsylvania asserts her sovereignty in this particular instance, and the power of her State enactments, the whole question goes, where it ought to go, before the judicial tribunals of the land—and an Erie mob could not be sent to the penitentiary, under this bill, so long as the question was pending before such tribunals.

Immediate protection should be afforded in this case. There is danger in delay. People representing the great commercial interests of the West, as well as the Atlantic coast, are awaiting, with deep anxiety, national legislation upon this subject. If we are tardy—if we refuse to protect an interest like this—if we leave this bill in the great vortex of the Committee of the Whole on the state of the Union, although I have a great and strong faith in the law-abiding spirit of those people who have been holding meetings in reference to this subject, at Chicago, Cleveland, and other places, yet I am not prepared to say that there will not rise up a power there that will make an effort to protect its interests, without asking any legislation. It seems to me that this measure ought to be passed immediately, and therefore I move the previous question. Before doing so, I will yield for a moment to my colleague, [Mr. TAYLOR,] who wishes to ask a question of the chairman of the committee.

Mr. TAYLOR, of Ohio. I wish simply to make an inquiry of the chairman of the Committee on the Post Office and Post Roads.

[Cries of "I object!"]

I would then ask my colleague the question, because I wish to get at the facts in this matter I wish to know, in opposition to the views of the gentleman from Pennsylvania, [Mr. STRAUB,] whether we are not acting under petitions in relation to the obstruction of the United States mails at Erie, and whether such petitions are not on file?

Mr. CAMPBELL. In reply to the question of my colleague, I will say that I have myself received numerous petitions, and that I have received the proceedings of various public meetings, some of which have been presented to this House, and referred to the Committee on the Post Office and Post Roads; and upon these petitions and proceedings I understand this report has been based.

Mr. OLDS. I will say that the report was based principally upon the petition of—

Mr. STRAUB. I rise to a question of order. I wish to know whether one gentleman has the right to demand the previous question—

Mr. CAMPBELL. I have not done it yet.

The SPEAKER. The Chair understands the gentleman from Ohio to have demanded the previous question, but to have withdrawn it, and yielded to his colleague for explanation.

Mr. STRAUB. How is it, then, if the Speaker please to answer, that the gentleman from Ohio has the right to pick out his men and say who shall speak, and who shall not speak?

The SPEAKER. He cannot do that; but the gentleman has the right to yield the floor to others for explanation.

Mr. JONES, of Tennessee. I propound this question to the Chair: Is it competent for a gentleman occupying the floor to yield it except for personal explanation; or has he the right to yield it for explanation of the measure under considera-

tion? If he may yield it for the latter purpose, it opens the whole question to debate.

Mr. CAMPBELL. I will obviate all difficulty in the matter, by propounding, while I am upon the floor, a question to my colleague, the chairman of the Committee on the Post Office and Post Roads, [Mr. OLDS.] I ask him whether any petitions have been presented to this House, and referred to that committee upon this subject?

Mr. JONES. That is not personal explanation.

The SPEAKER. The gentleman from Ohio [Mr. OLDS] may answer the question of his colleague in order, if he desires so to do.

Mr. OLDS. I will say, then, that a petition was presented to the House, and referred to our committee, from the agent of the company who had contracted with the Government for the transmission of the mail over the road passing through Erie, stating that in consequence of the disturbances at that place, he had been unable to carry out his contract. And not only this, but this House passed a resolution, instructing the Committee on the Post Office and Post Roads to inquire into this matter. In obedience to this resolution, we have made the report, which is now under discussion.

Mr. CAMPBELL. I think that is satisfactory, and I therefore move the previous question.

Mr. PACKER. I ask the gentleman to withdraw the call for the previous question a moment, to allow me to ask his colleague, the chairman of the Committee on the Post Office and Post Roads [Mr. OLDS] a question.

Mr. HAMILTON. I move to lay the motion to reconsider upon the table.

Mr. CAMPBELL. Upon the motion of the gentleman from Maryland I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken on Mr. HAMILTON's motion, and it was decided in the negative—yeas 83, nays 102; as follows:

YEAS.—Messrs. Aiken, Barksdale, Barry, Belcher, Bock, Boyce, Bridges, Brooks, Caskey, Chamberlain, Chandler, Clark, Cobb, Colquitt, Cox, Craig, Curtis, Dawson, De Witt, Dick, Dowdell, Drum, Edmundson, Elliott, Everhart, Faulkner, Florence, Goode, Hamilton, Sampson W. Harris, Hastings, Hibbard, Hiester, Houston, Howe, George W. Jones, Roland Jones, Kittredge, Kurtz, Lane, Letcher, Lilly, McNair, Mace, Macy, Maxwell, Meacham, Middlewarth, Smith Miller, Milson, Morrison, Orr, Packer, Pennington, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Riddle, David Ritchie, Robbins, Ruffin, Russell, Sabin, Seward, Seymour, Shaw, Shower, Skelton, George W. Smythe, Snodgrass, Stratton, Straub, John J. Taylor, Thurston, Trout, Vail, Walsh, Tappan Wentworth, Witte, and Zollcoffer—83.

NAVS.—Messrs. James C. Allen, Appleton, Ball, Banks, Benson, Bissell, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chase, Chastain, Chrisman, Clingman, Cook, Corwin, Crocker, Cullom, Cumming, Cutting, John G. Davis, Thomas Davis, Dean, Dent, Dickinson, Disney, Dunbar, Dunham, Eastman, Eddy, Edgerton, Edmunds, Ellison, English, Farley, Fenton, Flagler, Franklin, Fuller, Giddings, Goodrich, Green, Greenwood, Grey, Aaron Harlan, Andrew J. Harlan, Wiley P. Harris, Harrison, Haven, Hendricks, Hill, Hillyer, Hughes, Hunt, Johnson, Daniel T. Jones, Kerr, Knox, Latham, Lindsley, Macdonald, Maurice, Mayall, John G. Miller, Morgan, Murray, Nichols, Olds, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Preston, Pringle, Puryear, Ready, Reese, Richardson, Rogers, Sage, Sapp, Shannon, Simmons, Gerrit Smith, William R. Smith, Sollers, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, John L. Taylor, Tracy, Tweed, Upham, Vansant, Wade, Walker, Elihu B. Washburne, Israel Washburn, Wells, and Wheeler—102.

So the House refused to lay the motion to reconsider upon the table.

The SPEAKER. The question recurs on the motion to reconsider, on which the previous question has been demanded.

Mr. GROW. I appeal to the gentleman to withdraw the demand for the previous question for a few minutes; I will renew it.

Mr. CAMPBELL. I refused to withdraw it for one of my colleagues, and I cannot do it now without involving myself in trouble.

Mr. JONES, of Tennessee. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put, and, on a division, there were—yeas 77, noes 81.

Mr. FLORENCE. I demand tellers.

Mr. GROW. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GROW. I withdraw the call.

The SPEAKER. The yeas and nays having been ordered, it is not in the power of the gentleman to withdraw the call.

The question was taken, and it was decided in the negative—yeas 92, nays 93; as follows:

YEAS—Messrs. Ashe, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bocock, Boyce, Bridges, Brooks, Caskey, Chamberlain, Chandler, Clark, Cobb, Colquitt, Cox, Craig, Curtis, Dawson, De Witt, Dick, Dowdell, Drum, Dunbar, Edmundson, Elliott, English, Everhart, Ewing, Faulkner, Florence, Fuller, Gamble, Goode, Grow, Hamilton, Sampson W. Harris, Hastings, Henn, Hibbard, Hiester, Houston, Howe, George W. Jones, Roland Jones, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Macdonald, McMullin, McNair, McQueen, Mace, Macy, Maxwell, Mayall, Middleswarth, Smith Miller, Millson, Morrison, Noble, Orr, Packer, Bishop Perkins, John Perkins, Phelps, Pratt, David Ritchie, Robbins, Ruffin, Russell, Seymour, Shaw, Shower, Skelton, William R. Smith, George W. Smythe, Snodgrass, Stratton, Straub, David Stuart, John J. Taylor, Thurston, Trout, Vail, Walsh, Witte, and Zollieffer—92.

NAYS—Messrs. James C. Allen, Appleton, Ball, Benson, Bissell, Bliss, Campbell, Carpenter, Caruthers, Chase, Chastain, Chrisman, Clingman, Cook, Corwin, Crocker, Cullom, Cumming, Cutting, John G. Davis, Thomas Davis, Dean, Dent, Dickinson, Dunham, Eastman, Eddy, Edgerton, Edmonds, Ellison, Farley, Fenton, Flagler, Franklin, Giddings, Green, Greenwood, Grey, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Hendricks, Hill, Hillyer, Hughes, Hunt, Johnson, Daniel T. Jones, Kerr, Kittredge, Knox, Lindsley, McDougall, Matteson, Maurice, John G. Miller, Morgan, Murray, Nichols, Norton, Olds, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Pennington, Preston, Pringle, Puryear, Reese, Rogers, Sabin, Sage, Sapp, Shannon, Simmons, Sollers, Hester L. Stevens, Andrew Stuart, John L. Taylor, Tracy, Tweed, Upham, Vansant, Wade, Walker, Elihu B. Washburne, Israel Washburn, Wheeler, and Yates—93.

So the House refused to resolve itself into the Committee of the Whole on the state of the Union.

Mr. FLORENCE. I rise to what I presume to be a privileged question. I move that the House do now adjourn, and on that motion demand the yeas and nays.

Mr. CAMPBELL. Faction!

Mr. WHEELER. Faction!

Mr. FLORENCE. If it be faction, make the most of it.

The yeas and nays were not ordered.

Mr. FLORENCE. I withdraw the motion to adjourn.

Mr. GROW. Is it in order to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union? If it be in order, I submit it, and demand tellers.

Mr. CAMPBELL. I would suggest to the gentleman to move that there be a call of the House.

The SPEAKER. No action has been had since the House voted down the motion to go into the Committee of the Whole on the state of the Union, and the gentleman's motion, therefore, is not in order.

Mr. GROW. I move, then, that we proceed to the consideration of the business upon the Speaker's table.

The SPEAKER. That motion is not in order until the morning hour has expired.

A MEMBER. Has not the morning hour expired?

The SPEAKER. It has not commenced yet.

Mr. HOUSTON. Does the Chair decide that the morning hour has not commenced?

The SPEAKER. The Chair has so decided.

Mr. HOUSTON. I understood that the Speaker called the committees for reports this morning.

The SPEAKER. The Chair has not done so today.

Mr. HOUSTON. I know that we have disposed of some business today.

The SPEAKER. This business, together with another privileged question, have intervened, and there has been no morning hour.

Mr. GROW. I have submitted the motion that we proceed to the consideration of the business upon the Speaker's table.

The SPEAKER. And the Chair has decided it to be out of order. It would be in order at the expiration of the morning hour, but it would not supersede this proposition.

Mr. GROW. I move that there be a call of the House.

Mr. HOUSTON. Is it not in order to move that we proceed to the consideration of the business upon the Speaker's table at any moment gentlemen can obtain the floor to do so? I know that the floor cannot be taken from any gentleman to submit that motion until the morning hour has expired.

The SPEAKER. Will the gentleman turn to the rule which sustains him?

Mr. HOUSTON. I have not got a copy of the rules here. [Laughter.]

Mr. CAMPBELL. And the gentleman does not understand the rules if he makes that proposition.

The SPEAKER. The Chair holds that the motion is not in order at this time.

Mr. JONES, of Tennessee. I have no doubt that the decision of the Chair is right, because we are now in the consideration of a privileged question, which would supersede the motion to go to the business upon the Speaker's table. No motion to go to the business upon the Speaker's table is in order until one hour has been spent in calling committees for reports.

The SPEAKER. The Chair has so stated.

Mr. JONES. But a motion to go into the Committee of the Whole on the state of the Union is a privileged question, and can be made when a motion to reconsider is pending. I think that it would be the policy of gentlemen—

Mr. BISSELL. I call the gentleman to order.

Mr. JONES. This bill has not been printed.

[Cries of "Order!" "Order!"]

The SPEAKER. Discussion not being in order, the gentleman will excuse the Chair from allowing him to proceed.

Mr. JONES. Certainly, sir. Let the bill lie over until it can be printed, and be placed on our desks.

The question was taken, and the House refused to order a call of the House.

Mr. GROW. I now move that the House resolve duty itself into the Committee of the Whole on the state of the Union.

Mr. FLORENCE demanded tellers.

Tellers were ordered; and Messrs. Bocock, and Ritchie of Pennsylvania, were appointed.

The question was then taken; and the tellers reported—ayes 82, noes 81.

Mr. BOCCOCK. **Mr. BISSELL,** who is not able to be present, requested his vote to be also taken in the negative. If it be allowed, the vote will stand—ayes 82, noes 82.

Mr. CAMPBELL. I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 96, nays 95; as follows:

YEAS—Messrs. Abercrombie, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bocock, Boyce, Breckinridge, Bridges, Brooks, Chamberlain, Chandler, Clark, Cobb, Colquitt, Cox, Craig, Curtis, Dawson, De Witt, Dick, Dowdell, Drum, Dunbar, Eastman, Edmundson, Elliott, English, Everhart, Florence, Gamble, Goode, Grow, Hamilton, Sampson W. Harris, Hastings, Hibbard, Hiester, Houston, Howe, George W. Jones, Roland Jones, Kurtz, Lamb, Lane, Letcher, Lilly, Macdonald, McMullin, McNair, McQueen, Mace, Macy, Maxwell, Mayall, Middleswarth, Smith Miller, Millson, Morrison, Orr, Packer, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Riddle, David Ritchie, Robbins, Ruffin, Russell, Seward, Seymour, Shaw, Shower, Skelton, Gerrit Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Richard H. Stanton, Stratton, Straub, David Stuart, John J. Taylor, Thurston, Trout, Vail, Walsh, Tappan Wentworth, Witte, Daniel B. Wright, and Zollieffer—96.

NAYS—Messrs. James C. Allen, Appleton, Ball, Benson, Bissell, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chase, Chastain, Chrisman, Clingman, Cook, Corwin, Cullom, Cumming, Cutting, John G. Davis, Thomas Davis, Dean, Dent, Dickinson, Disney, Dunham, Eddy, Edgerton, Edmonds, Ellison, Farley, Flagler, Franklin, Giddings, Goodrich, Green, Greenwood, Grey, Aaron Harlan, Andrew J. Harlan, Wiley P. Harris, Harrison, Haven, Hendricks, Hill, Hillyer, Hughes, Hunt, Johnson, Daniel T. Jones, Kerr, Kittredge, Knox, Lindsley, Lindsley, McDougall, Matteson, John G. Miller, Morgan, Murray, Nichols, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Preston, Pringle, Puryear, Ready, Reese, Thomas Ritchey, Rogers, Sabin, Sage, Sapp, Shannon, Simmons, Sollers, Hester L. Stevens, Andrew Stuart, John L. Taylor, Tracy, Tweed, Upham, Vansant, Wade, Walker, Elihu B. Washburne, Israel Washburn, Wheeler, and Yates—95.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Seymour in the chair.)

Mr. GREEN, from the Committee on Enrolled Bills, reported back, as correctly engrossed, the following bills; which thereupon received the signature of the Speaker:

"An act to constitute Quincy, in the State of Illinois, a port of entry;"

"An act to provide a place for holding the courts of the United States in the southern district of New York, and for other purposes;" and

"An act granting the franking privilege to the Superintendent of the Coast Survey and the assistant in charge of the office of said Coast Survey."

MESSAGE FROM THE PRESIDENT.
Previous to the Speaker vacating the chair, a

message was received from the President of the United States, by the hands of SYDNEY WEBSTER, Esq., his Private Secretary.

The CHAIRMAN. When the committee rose, the pending question was on the amendment proposed by the gentleman from Ohio, [Mr. DISNEY,] on which tellers were ordered.

The Clerk read the amendment:
"For continuing and completing the custom-house at Cincinnati, Ohio, \$40,000."

Mr. HIBBARD. I move to amend the appropriation by reducing the sum to one dollar. The gentleman from Ohio, in his remarks yesterday, called upon the members of the Committee on Ways and Means—

Mr. DISNEY, (interrupting.) I would inquire of the Chair what the condition of the question was when the committee last rose?

Mr. HIBBARD. There was a division called upon the question, but it was not taken, and the question is now pending and open to amendment. I remember it distinctly.

The CHAIRMAN. In answer to the inquiry of the gentleman from Ohio, [Mr. DISNEY,] the Chair finds that tellers have been ordered upon the amendment; but a motion to amend the amendment will be in order. When the question is taken upon the amendment it will be taken by tellers.

Mr. HIBBARD, (resuming.) My amendment is to reduce the appropriation to one dollar. In reply to the call of my honorable friend from Ohio, [Mr. DISNEY,] upon the Committee of Ways and Means, and to the reasons which influenced them in their decision, I can only respond by stating the reasons which influenced my own actions.

I may premise by saying, that the whole amount (in order to present the whole question) of duties collected in Cincinnati for the year ending June 30, 1853, was \$251,649 90. It will be seen that this is a larger sum than the average sums collected at the different custom-houses. It will be seen, also, from the estimates, that there are no vessels landing there from foreign ports. None, I believe. The amount of work, therefore, to be done there, is very small. All vessels which trade at Cincinnati are entered at New Orleans. In the ordinary course of business they would be all entered there. The number of employees at that point is only two, for there is nothing to be done but to receive the money. There is a surveyor and a clerk. That is all. The pay of both persons is \$3,600. We have already appropriated at this place \$213,745. Of that sum there has already been expended \$74,274 14, and consequently there are appropriations now on hand, and available, to complete this custom-house of \$138,470 86. Not content with that, the gentleman asks—and I believe the Department also—\$40,000 more. I am constrained, sir, with all respect to the Department, and with every feeling of regard to the gentleman from Ohio, [Mr. DISNEY,] as he knows, to say that such an appropriation is unwarrantable. I have found fault before with the estimates of the Departments of former Administrations. I have found fault with estimates of this kind made by Whig Administrations. I wish to be just before I am generous, and I cannot consent to an appropriation of this nature, under a recommendation from a Democratic Administration. The amount of money heretofore appropriated, and heretofore used, is altogether too large, because it will be seen at once that the business there is comparatively small—almost nothing. A single counting-room is sufficient for the collection of this money.

While I do not speak of honorable members here, nor censure their course—while I dare say that they have done nothing but what they deemed to be their duty—yet the effect of all this is to bestow a gratuity, to appropriate large sums of money as a gratuity, for the benefit of local interests. We build up large and splendid buildings, at great expense, for the adornment and benefit of these cities. It is generosity, but it is not justice. I hold that it is not proper, and that we have not the right to make these benefactions from the public Treasury. I have none but friendly feelings towards the West, which contributes so much to the greatness, the commerce, and the patriotism of the country. I am opposed to all these appropriations at the North as well as at the West.

[Here the hammer fell.]
Mr. DISNEY. The gentleman from New Hampshire [Mr. HIBBARD] has given the House

another illustration of the mode of reasoning adopted by the Committee on Ways and Means. The appropriation asked for in this case is for a single and solitary purpose, to wit, that of making fire-proof certain buildings in the city of Cincinnati. This is the only question before this committee; and I repeat what I said on yesterday, so far as the construction of that building is concerned, so far as the action of Congress is concerned, an appropriation for that purpose has already been made, the plan of the building has been agreed upon, the building has already been commenced, and contracts have been entered into for the construction and completion of the building. Why then this talk about the amount of business to be done there? However pertinent the question might be as an original one, whether the building should be of this or that description, or whether it should or should not be constructed of certain dimensions, considerations of the kind suggested by the gentleman from New Hampshire have no relevancy to the pending question. But the Committee on Ways and Means—to whom was referred the solitary question, whether it is necessary, out of a just regard for the public interest, that the building to be erected at Cincinnati should be made fire-proof—go into the question, what the amount of business is to be done there. The gentleman from New Hampshire represents that the appropriation asked for is a mere matter of gratuity and donation; but it presents itself to the House in no such aspect.

The Secretary of the Treasury, after an appropriation has been made by Congress for building a custom-house at Cincinnati, with a full knowledge of the importance of protecting the property to be placed within it, with a full knowledge of the subject in all its various aspects, decides that the appropriation now asked for is demanded by the public interests, and not by those of a particular locality. Yet, notwithstanding all this, the Committee on Ways and Means sit down and look at this matter as a question of donation and gratuity to a particular locality. What interest is it to the people of Cincinnati whether the building in that particular locality be rendered fire-proof or not?

The building, I repeat, is to be erected in a particular form, in a particular manner, and according to particular directions; and whether this appropriation be allowed or not, the building will be completed in that way. The only question for this committee to determine is, whether they will render this building fire-proof. The judgment of the Secretary is—and he tells you that he has come to that conclusion—that the public interests demand that this appropriation should be made; and that is the only question for us now to determine. Against the necessity for such an appropriation we have not heard a solitary word from any member of that committee. It is true that the gentleman tells us that the committee have come to the conclusion that the appropriation is unnecessary. Unnecessary in what regard? Why is it unnecessary? Have they undertaken to show that there is no necessity for rendering that and similar buildings fire-proof? Not a word; but they have gone into extraneous matters, to show that the great amount of money which has been asked for and expended from time to time in different sums was more than sufficient in order to erect a building sufficient to carry on the business. Why, as I said before, arguments of this sort might have been perhaps appropriately addressed to the question, whether you will have a building there or not, if that question were up for decision. But you have decided that; and there is but a single question before you, that which I have presented, viz: Will you or will you not make the building fire-proof?

Mr. HIBBARD (there being no objection) withdrew his amendment to the amendment.

The question then recurred upon the amendment offered by Mr. DISNEY, upon which tellers had been ordered, and Messrs. HENDRICKS and VAIL were appointed.

The question being taken, they reported—ayes 76, noes 62.

So the amendment was agreed to.

Mr. PRESTON. I offer the following amendment:

For completing the custom-house at Louisville, Kentucky, \$40,000.

Mr. Chairman, it will be perceived by the com-

mittee that the Secretary of the Treasury requests an appropriation of \$40,000 to complete the custom-house at Louisville, Kentucky. The Committee on Ways and Means have declined to put it in the bill, and I therefore move to supply the deficiency by granting what the Secretary requests. I have, however, to say, that I did imagine last year, when I asked for the sum which was granted at that time, that it would cover the whole expense; I believed it adequate at that time, and I feel that in asking now from the House a further sum I trespass somewhat upon its indulgence, for I thought that the amount voted last year was sufficient; but the Secretary, in order to render the structure more perfect and safe, has let contracts outside of the bids that were then in, and unless the building is to be left incomplete this sum ought to be given. I stated last year that the sum then voted would be sufficient; the estimates show that more is required, and it is in conformity with them that I move the amendment.

I am aware that this system of building custom-houses is liable to many objections, and I believe that too much money may have been spent in some cases; but the same objections might be urged against every undertaking of the Government.

Mr. HIBBARD. I wish to ask the gentleman one question. How many persons are—

Mr. PRESTON. I have but five minutes, and cannot yield to the gentleman. I desire to present this question fairly. I do not wish to mislead the House by anything I may say. I state that it is with some degree of regret that I am compelled again to ask an appropriation for this purpose; but I do it, believing that it is necessary to carry out contracts that have been entered into, or to leave the building unsafe or unfinished.

If the chairman of the Committee on Ways and Means desires to curtail expenditures, let him propose a law, that the Secretary shall not enter into any contract contemplating a larger expenditure than an appropriation contemplates; but there never can be an exact correspondence between estimates and expenditures, and if contracts are modified, or circumstances increase the cost of construction, additional sums must be given, or the works be left unfinished.

I have inserted "for the completion of the custom-house at Louisville" to limit the expenditure to the amount asked for the building.

Mr. HOUSTON. This custom-house has been before Congress for appropriations for several years. I hold in my hand a letter from Secretary Corwin, addressed to this House in February, 1852, in which he said that all he wanted to build fire-proof custom-houses at Cincinnati and Louisville was \$75,000. Here it is on record. Here is the letter of the Secretary, and his estimates for these buildings. We gave the \$75,000; and we have given altogether \$180,000 for the custom-house at Louisville. At the last session of Congress the gentleman spoke of the bids that had been received; and he proposed to give an amount that would cover the precise bid that had been offered to complete the custom-house at Louisville. He said, in two places, in his remarks, that it would require \$162,000 to complete the custom-house at Louisville. He declared it was true that the Secretary of the Treasury wanted only \$25,000 to continue the work; but that he would be candid with the House and say, on correct data, that the amount asked would not avail. He proposed to ask for all that was necessary to complete the building, and he asked for \$80,000, or upwards. After the representatives of that district came here three or four times, for additional appropriations, and repeated on several occasions that \$160,000 would be all that would be needed, and when they have obtained \$170,000 or \$180,000, the gentleman comes here now and asks for the appropriation of \$40,000 more. Why is this? They only collect about \$45,000 or \$47,000 revenue, all told, at Louisville. No vessel goes there from a foreign port. It is not a port of entry. You have a surveyor there merely to collect the customs. Though only collecting \$45,000 or \$47,000 of custom there, and while the labor is nearly all done at New Orleans, they want \$200,000, and upwards, to build a custom-house. We had better abolish the custom-house there altogether, and let the gentleman have the amount of revenue collected there. It would be cheaper for the Government of the United States to do so than to make these continued appropriations from the public treasury.

The gentleman says that he uses the word "complete." If he will refer to the laws that have already been passed, he will ascertain that the word "complete" has been used on more than one occasion. "To complete the custom-house" means nothing. He told us, in his remarks before, that it would take \$162,000, or thereabouts, to complete it. He asked for \$80,000, for the purpose of not misleading the judgment of the House. That was candid in him, and I was glad that he made the statement. He declared that he did not mean to mislead the House—that he desired that it should know exactly what amount was necessary to be appropriated to complete the building.

Now, sir, I cannot understand why, if that appropriation was made upon an express bid of the contractor, \$40,000 more is required. If Mr. Corwin could build fire-proof buildings in Cincinnati and Louisville for \$47,000, I do not see how it is that Secretary Guthrie cannot do the same thing. The gentleman made a mistake. Secretary Guthrie only proposes to carry out the contract which was conditionally made by Secretary Corwin before he went out of power. The gentleman need not attempt to shift that responsibility. If the gentleman will read the correspondence which took place between Secretary Guthrie and myself, he will find that in the fall or winter of 1852 this contract was made; and I take it for granted that Secretary Guthrie had nothing to do with Government contracts at that time. This very demand grows out of the recommendation of Secretary Corwin.

Mr. DUNHAM. Is it in order to submit an amendment?

The CHAIRMAN. Discussion is exhausted on the amendment under consideration. An amendment to the amendment is in order.

Mr. DUNHAM. I move that the amendment be so amended as to make the appropriation \$30,000. I do not suppose that anything I can say will change the course to be pursued by this committee, or by Congress. I have stood here for four years, firmly resisting this course of legislation, and I have uniformly failed.

But yet, sir, I intend again to express my views upon it. I think it is high time for us to stop and consider the tendency and end of it. If we intend to maintain our own self-respect—if we intend to maintain our individual dignity as Representatives—if we intend to maintain our constitutional dignity as a legislative body, it is time that we put an end to this course of legislation. Now, sir, there is a law on the statute-books which requires that before any of these public works are entered upon, plans and estimates shall be made and submitted. When the various appropriations for these custom-houses were made, they were made upon express stipulations that such plans had been or should be adopted as should bring the whole expense of the respective works within the sums appropriated. And yet, sir, as has been very correctly stated by the gentleman from Alabama, [Mr. HOUSTON,] they have come here year after year asking for additional appropriations, stipulating at each time that the amount they then asked was all that would be necessary to complete the several works.

In this connection I will also refer to another matter contained in this bill, (and I would especially call the attention of the chairman of the Committee on Ways and Means to it,) as an evidence that our legislation here is tending to become a mere registration of the decrees of the Executive Departments, and nothing else—that the Executive, in the expenditures of the public money, is taking the lead and control, and not this House, as the Constitution contemplates. We undertake to say what shall be expended, and for what it shall be expended. The Departments take the appropriation and go on with the expenditure of it, paying no sort of attention to the amount or limitation which our legislation has fixed. They expend the money as they please, without paying any attention whatever to the plans, stipulations, or limitations upon which the appropriation was made, consulting their own tastes and judgments only, and then they come back to Congress and ask, as a matter of necessity, that we shall give them more money to carry out, not our plans, not our intentions, but their own.

I refer to an appropriation of \$72,666 asked for in this bill for the Navy Department—last year estimates covering this very item were sent in from that Department. After most elaborate investi-

gation by the Committee on Ways and Means, the appropriation they asked was cut down by that committee just this precise amount. The House, after, if I am not mistaken, the fullest discussion, sustained the action of that committee; and yet I find, by the estimates sent in for this year, they have asked as a deficiency, for precisely the same purpose, exactly the same sum; and, what is more singular, the Committee on Ways and Means, which, for a similar reason, had refused to report these appropriations for custom-houses and other purposes, have reported that item in this bill. In other words, we undertook to say, by our legislation, how much money should be expended by a Department in a particular branch of the public service for a particular purpose; and that Department gives no heed to our legislation, but goes on without the slightest regard to it, and then unblushingly asks that we shall, as a matter of necessity, make additional appropriations to pay what they have thus done, not only without our authority, but in spite of our wishes and intentions.

The dignity and self-respect of this House, and the respect of the country for us, depends upon our assuming our constitutional rights, and exercising our constitutional control over the expenditures and action of this Government. Our constitutional duty requires it. If we do not do it, we might as well at once abolish Congress, and give the right to the Departments to go on and take out of the Treasury whatever money they may consider necessary to carry out their plans and purposes. If we do not do it, Congress will soon sink, as it is fast doing, into a mere court of registration, to register the decrees and carry out the behests of the Executive Departments; for, sir, it amounts to this, and nothing less. The Departments send in plans; we legislate, and, by our legislation, alter those plans; we say to them, "for this purpose you can spend so much money, and no more, in such a way, and no other." They pay not the least attention to it, but go on and spend the money just precisely as they may have laid out their plans in the first instance, and then ask us to ratify what they have done. This has been practiced year after year, and I think it is time an end was put to it. I, for one, never have, and never will, sanction it.

Take this very custom-house at Louisville, as meritorious as any in the West, and more so than many in the East, yet I have steadily and uniformly opposed most of them as useless and extravagant expenditures. In the first instance, a large appropriation of money was made, which was said to be amply sufficient for the work; and so it was. The law requires that a plan should first be adopted and estimates made, and that it should be built according to that plan and estimates. They assumed to act upon them. Yet, next year they asked for an additional appropriation; and again and again—and here they are again asking still more.

Mr. PRESTON. I desire to add a word in reply to the remarks of the chairman of the Committee on Ways and Means, [Mr. Houston.] I stated here last year that the total sum required for the Louisville custom-house was \$162,745. This was the sum asked of the House, and they voted it. Now, the chairman of the committee says that these contracts were made in Mr. Corwin's time. The present Secretary of the Treasury, (Mr. Guthrie,) in the recommendation which I hold in my hands, says:

"The Department, being anxious to bring the whole expense of this within the amount appropriated, directed some alterations and curtailments in the plans, and readvertised for further bids; but owing to the great advance in the price of labor and materials, and other causes, the bids were not within the appropriation, and contracts were only made for the foundations and carpentry work."

"The other contracts are awaiting the action of Congress in the matter, and the building cannot be erected in a satisfactory and proper manner without the additional sum of \$40,000 estimated for; but would have to be cut down in such a manner as would very much injure its appearance, utility, and safety."

Aggregate cost of original design by bids..... \$179,015
Contingencies, estimated at nearly ten per cent.. 16,877

Appropriation available..... \$195,892
155,892

Amount asked for..... \$40,000

Mr. HOUSTON. Read from page four of that paper.

Mr. PRESTON. On page four he says:

"Louisville, Kentucky, Custom-House, &c.—The plans and specifications for this building were prepared to meet the purposes contemplated by the act authorizing its erection—to make it fire-proof, and of a suitable stone exterior. Bids were solicited by advertisement of December 4, 1852, for sixty days, the lowest of which were reported to the Department, by the local architect, as amounting in the aggregate to \$179,015, and the appropriation of March 3, 1853, was intended merely to cover that amount, and was for proceeding with the construction of the custom-house at Louisville, leaving the incidental expenses of its construction for a further appropriation."

Mr. Corwin never signed the contracts, but they have been let under this Administration, and if the gentleman asks the reason, I might state that it is possible Democratic contractors may require a few more thousand dollars than Whigs would; but the Secretary gives us the true reason, I presume, which is to be found in the advance of the price of labor and materials, and the durability of the building. The old bids were not received, but the contracts were reopened and relet by the present Secretary of the Treasury.

I have kept faith with the House, both in the demand made last year, and in the request made now. I asked for the appropriation then, and stated the reasons, and if the price of labor and materials has risen since this Administration came into power, or if the permanence and safety of the building require it, those reasons are sufficient. It is this Administration which advises the \$40,000 to be expended in addition; and I believe they have good grounds for doing so.

Mr. LETCHER. What is the question pending?

The CHAIRMAN. It is an amendment to an amendment, proposed by the gentleman from Indiana, [Mr. DENHAM,] to reduce the appropriation to \$30,000.

Mr. DUNHAM. I do not insist upon the question being taken, and will withdraw the amendment.

Mr. JONES, of Tennessee. Let the question be put.

The question was then taken on the amendment to the amendment, and it was not agreed to.

The CHAIRMAN. The question recurs upon the motion of the gentleman from Kentucky.

Mr. LETCHER. I propose to amend the amendment by moving to strike out all of the sum except fifty cents. If I should be here for ten years to come I have no expectation that I shall ever hear the last of this Louisville custom-house. When I came here at the first session of the last Congress, the gentleman from Louisville [Mr. Marshall] came into the House with an amendment, asking for \$16,000 to purchase a site upon which this custom-house was to be located. He told us that \$75,000 had already been appropriated for the building, and all that he wanted was \$16,000 to pay for the site. The gentleman came here at the same time with plans and specifications—everything ready to be exhibited—to show that \$75,000 would be sufficient to build this custom-house, if we only pay for the lot. At the last session of Congress, my friend from the same district, [Mr. PRESTON,] who succeeded Colonel Marshall in this House, came forward then and told us that it was utterly impossible to complete this custom-house unless we would give them \$87,745 more. On the 18th day of February, 1853, he used this language here:

"I have thought it best to state at once, on accurate data, the total cost, and to embrace in my amendment a sum sufficient to insure the necessary progress and certain completion of this structure, and I think that \$87,745 is amply sufficient for that purpose."

The gentleman brought bids and plans here, and we were told that the fact had been demonstrated clearly, definitely, and conclusively, that the sum of \$87,745 would accomplish the result. That sum of money was voted for the completion of this custom-house; but here they come back again at this session of Congress, and tell us that the sum of \$40,000 is still needed to finish the building. I really do not understand how this can be. We have had presented here, session after session, bids and plans showing what was necessary to build this structure, and after all, when this House has acted upon them in good faith, and when we have voted every dollar which they asked for, they come forward a third time, and tell us that the representations they have made to us are not so in point of fact, and that this custom-house cannot be built for the sum of money

which they said was sufficient for that purpose. Can it be completed for \$40,000? Is there the slightest guarantee offered to this House, judging of the future by the past, that they will not come forward, and at the next session ask us for forty or fifty thousand dollars more? Does not every man know the fact, that in the construction of these custom-houses, one of the chief objects in locating and building them, is to adorn and beautify the cities of the country with public buildings at the expense of the Government? To accomplish this purpose, demand after demand is made upon this House; appropriation after appropriation is asked, not for the accommodation of the public, but for the purpose of adorning and beautifying the cities of Louisville, Cincinnati, and other cities where these buildings are located.

[Here the hammer fell.]

Mr. EWING. I have listened with some attention to the objections which have been urged against this appropriation, but it seems to me that they do not apply to the case under consideration. They are objections to the whole history of the legislation of the country in reference to such subjects, and which might very well be made to a proposition for universal reform; if such a proposition were before us; but do they go to show that the sum asked for in this solitary case, for the completion of the custom-house in Louisville, should not be granted? I do not learn that a single argument has been offered by any of the various gentlemen who have spoken to-day to show that the sum is not needed.

We know the fact exists, that in the history of the legislation of this Government, an expenditure of untold millions has been made upon the Atlantic sea-board, and in the support of the Army and Navy of the country. Now, if this expenditure can be reduced—if a general reform can be effected—let us have it. But if the amount already expended be insufficient for the completion of this building—and that is the only controversy at issue—why, make this appropriation; but if the amount already appropriated be sufficient to complete this work commenced by the Government, then grant no more; but what sort of policy would it be to undertake to expend a hundred and sixty-odd thousand dollars upon a custom-house, and then leave it unfinished, as a monument of the disapprobation of this House in regard to the previous course of the Federal Government, or as to the course of the Executive Department of the Federal Government in the management of appropriations made by Congress?

Sir, what is the objection? Has a solitary gentleman upon this floor presented a single argument to prove that the money is not necessary to finish this custom-house? They tell you they have been promised heretofore that the amount already appropriated would be sufficient. Well, sir, suppose the Representative from Louisville did make a mistake in his calculation—suppose a former Secretary made a mistake in his calculations, and the sum heretofore appropriated is still not enough for the completion of the work—is it best to leave it a monument of the prodigality of the Federal Government, and make no further appropriations?—for, as I have said, no one has attempted to show that further appropriations are not necessary to its completion.

Sir, we cannot undertake to effect that reform upon this solitary appropriation. For one, I earnestly desire to see it effected upon all the appropriations of the Federal Government as any member of this House; but can you accomplish it by denying this petty appropriation for the completion of a custom-house at Louisville? If it be not opposed upon that principle, upon what principle can it be opposed? Has too much been given to the city of Louisville by the Federal Government?—too much for the State of Kentucky? If we regard only the relative appropriations made to the different States of the Union, I tell gentlemen that we, in Kentucky, have seldom asked for appropriations upon this floor; and while I would not ask for this appropriation simply from the fact that we have not heretofore had our share, still, if the principle upon which the money necessary for the Louisville custom-house rests be that we have had too much in Kentucky, I deny that we have had more than our fair share of appropriations.

I cannot see the appropriateness of the arguments of the members of the Committee on Ways and Means, who have addressed the committee

upon this subject, nor of other gentlemen who have followed upon the same side of the question. I have listened, and listened in vain, for some objection which could be legitimately urged against the amendment of the gentleman from Kentucky, [Mr. PRESTON.] Whatever may have been the errors in the estimates of the different Secretaries upon this subject—whatever may have been the mistakes of the former or the present member from Louisville in reference to the amount necessary for the completion of this custom-house—and whatever may have been the prodigality of the Government in former appropriations, it can have no proper bearing upon the question of granting this appropriation.

[Here the hammer fell.]

No further debate being in order upon the amendment to the amendment,

Mr. LETCHER asked unanimous consent to withdraw it.

The question was put, and the amendment to Mr. WALSH. I object.

The amendment was disagreed to.

Mr. TAYLOR, of Ohio. I move to amend the amendment so as to increase the amount of the appropriation to \$41,000, in order that I may say a few words.

It appears to me that the opposition to these appropriations, which are said to be necessary by the Secretary of the Treasury to complete the various custom-houses in question, is based upon very erroneous grounds. If I understood the honorable gentleman who is chairman of the Committee on Ways and Means yesterday, he said that Cincinnati asked for an appropriation of \$40,000. Sir, I deny it. I say the United States Government asks for the appropriation, and the Government of the United States, through the Secretary of the Treasury, now says that \$40,000 is necessary for the completion of the custom-house in progress of erection at Louisville. It is not, in my humble judgment, Louisville and Cincinnati that ask these appropriations, but the Government of the United States, to enable them to collect the duties upon imported goods at the great cities in the western country, which gentlemen seem to overlook, in the vast amount of appropriations necessary to be made now to carry on the Government of the United States.

The gentleman from Alabama [Mr. HOUSTON] endeavored to show the House yesterday that there was no necessity for an appropriation for Cincinnati, by instituting a comparison between the custom-house at that city and the one at Norfolk; and there was one fact elicited in the discussion to which I wish now to allude. It is said that at Norfolk we have a custom-house built at an expense of \$110,000, with eighteen or twenty employees, while at Cincinnati \$212,000 have been expended on a custom-house where there are but two employees. Now, what is the necessity for employing twenty persons at Norfolk, and but two at Cincinnati and Louisville? If there is no such necessity, why there is a fine field of reform for gentlemen to enter on. Cut down the number of employees at Norfolk, where only \$30,000 is collected, and give an equal number to Cincinnati, where they collect \$250,000 a year. Place there, and at Louisville, at St. Louis, and in other portions of the great western country that will soon control the destinies of this nation, suitable custom-houses, court-houses, and post offices, with a suitable number of employees.

Sir, this is a petty business in my view of it. If we are to commence reform, strike at something larger than the small sum required for the completion of the custom-houses at Cincinnati and Louisville. Do not begin by striking off \$40,000, which the Secretary of the Treasury says is rendered necessary by the increase in the prices of labor, of real estate, and of provisions. Why, while we are talking about these custom-houses, the prices of real estate, as you are well aware, have advanced to double, treble, quadruple what they were four years ago; they have advanced all around us, in Washington, to four times what they were four years ago. These buildings belong to the United States, and not particularly to Louisville, Cincinnati, and St. Louis; and I trust there will be no further opposition on the part of the Committee on Ways and Means to appropriations which seem to be imperiously called for, if we are to believe the Secretary of the Treasury.

Sir, I dislike very much this indirect censure of

a former Secretary of the Treasury, because he put in what are called estimates of what might be necessary to build these custom-houses. What are estimates? They are mere guesses, after all. Can you keep up with the progress of these things in this country, and say what provisions, and real estate, and so forth, will be held at three or four years hence? You cannot do it. Experience shows that you cannot; and therefore no Secretary is justly censurable for a failure to make his estimates cover all that may be required in cases like this. I think that as the present Secretary of the Treasury asks for it, \$40,000 ought to be granted—

[Here the hammer fell.]

Mr. HOUSTON. This may be a very "petty business" in the estimation of the gentleman from Ohio who has just taken his seat; but I think that if the gentleman attempts to meddle in a "petty business," he might just as well examine into it before he enters upon the discussion.

Mr. TAYLOR. I take it for granted that I understand it quite as well as the gentleman from Alabama.

Mr. HOUSTON. I have no doubt the gentleman thinks he understands it much better than I do. I may be, unfortunately, in his position.

Now, the gentleman says, why not cut down the number of employees at Norfolk to two, as at Cincinnati? Does any gentleman who has looked into the subject not know an answer to that question at once? Norfolk is a port of entry, while Cincinnati is a port of delivery. At Norfolk you have necessarily a collector, surveyors, day and night inspectors, and watchmen. Such officers are necessary to all ports of entry. A port of delivery is an entirely different thing. All the watching, all the inspecting, all the labor of the collections made at Louisville and Cincinnati is performed at New Orleans, or at some of the ports on the Atlantic coast. You then see the reason why the number of employees at Norfolk should not be decreased. That number is absolutely necessary. It is a port of entry, and all inspections, examinations, and appraisements, and things of that kind, have to be conducted there. You cannot get along without them.

My friend from Louisville [Mr. PRESTON] puts the application upon a ground that I desire to notice for a moment. He presumes—and I desire Democrats to listen—that this \$40,000 is wanted for Democratic contractors, superintendents, or what not.

Mr. PRESTON. I stated the Secretary had said that the price of labor had risen, and that—

Mr. HOUSTON. I heard what the gentleman stated. I ask the Democratic portion of this committee if the gentleman who lives in that district, and represents it in this House, puts the appropriation, which I believe to be extravagant and useless, upon the ground that it is intended to be given to Democratic contractors for jobs, because they are Democrats—that it is intended to put fees in the pockets of Democratic superintendents, as he has more than intimated in the presence of the committee, whether they will vote the appropriation? When the appropriation is charged in our teeth to be designed by this Democratic Administration for its Democratic appointees, will the Democrats of this committee vote for it?

The gentleman from Ohio says, furthermore, that Cincinnati did not ask for this appropriation. That, certainly, is an important discovery. I do not know that Cincinnati did ask for it; but that is the reference usually made to such things. The appropriation was asked for this place; and my friend from Kentucky [Mr. EWING] says that he has heard no reason why this curtailment should be made. Well, I will give a reason: You have got enough of money to finish the house now. He argued as though the house, if this appropriation were not granted, would have to remain in an unfinished condition. That is not so; for the documents before us show that the building can be finished; but the Secretary says that it would be considerably injured in its appearance and safety, if it be finished without the present appropriation. The Secretary of the Treasury has made all the contracts on the condition that if Congress do not grant any more money at this session, the custom-house shall be finished for what has already been given.

Mr. EWING. What does the gentleman mean by finish?

Mr. HOUSTON. That the building shall be completed upon the plans and estimates which have been before Congress, and which my honorable friend from the Louisville district [Mr. PRESTON] exhibited here at the last session.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio. The amendment was withdrawn by unanimous consent.

Mr. MILLSON moved, *pro forma*, to reduce the sum proposed to be appropriated.

Mr. M. said: Certainly, sir, I had no intention whatever to engage in this discussion. I did not wish to do so, and, indeed, declined an invitation tendered to me to take part in the present debate. The reference, however, made on both sides of the House to the district I represent, make it, perhaps, somewhat obligatory on me to say a word or two.

I really do not know why the gentleman from Ohio [Mr. TAYLOR] should deem it necessary to refer to the number of persons employed in the Norfolk custom-house. There is no question before the committee, and none likely to come before it, respecting that custom-house. I say to the gentleman, that the fact that the present number of persons employed there has been retained for many years past, and through many Administrations, would seem to show that their services were required by the Government. But I now say also to the gentleman from Ohio, that if there are more employed there than a proper regard for the public interest requires, I should be, perhaps, the last man on this floor to demand that they shall be continued in office.

I would not, sir, attempt to justify the employment of an unnecessary number of agents, because that employment might be of my constituents, and in my district. But the number employed at the ports of Norfolk and Portsmouth has been overstated. The whole number, including the collector and his deputy, clerks, surveyor, inspectors, weighers, watchmen, and three surveyors at Hampton, Suffolk, and Smithfield, is only fifteen. I state to the gentleman from Ohio, that there is an obvious necessity for the employment of these agents. He must remember that Norfolk—though the amount of duties actually collected there is not very large, and is, perhaps, not commensurate with its importance—is connected with the customs in very many particulars. We have a very large coasting trade; we have a tonnage greater than that of any port between Norfolk and New Orleans, except Mobile, Charleston, and Savannah—and it is nearly equal to Savannah. Norfolk, too, is the headquarters of the light-house establishment of that district; it is, also, the headquarters of the revenue marine for the Chesapeake Bay and the waters of Virginia. Unfortunately there are occasional shipwrecks on the coast in the neighborhood, and within the district of Norfolk, making it necessary that a number of inspectors and other officers should be appointed, for the purpose of visiting the scene of shipwreck, and of protecting the interests of the revenue.

This much I deemed it necessary to say, because the gentleman seemed to suppose there was an unnecessary number of agents employed at Norfolk. It is true I have been opposed to these lavish appropriations for building custom-houses, involving in some cases a cost of millions of dollars, as I am opposed to other extravagant expenditures; yet there is one consolation that I feel when I contemplate the prodigal legislation in which some gentlemen would plunge us, and that is, that these wasteful appropriations of the public money will necessarily require a considerable reduction in the duties on imports for the purpose of meeting these large expenditures. Yes, sir, unless very considerable reductions are made in the duties on imports, so that we may collect revenue from articles now excluded by protective duties, our revenue will hardly be sufficient to meet the enormous expenditure we are incurring—

[Here the hammer fell.]

Mr. CAMPBELL obtained the floor.

Mr. PRESTON. There is one statement which I desire to make. It is, that for all the custom-houses recommended here by the Secretary of the Treasury—including that of St. Louis, Mobile, Cincinnati, Louisville, and Wilmington—the whole of the appropriations amount to somewhat less than three hundred thousand dollars—an appropriation which would not be sufficient to build one

good frigate. And yet we hear the cry of enormous expenditures; the enormous demands for these custom-houses; while the whole are not equal to the cost of building one good frigate of the Navy of the United States.

A VOICE. I want to put a question.

Mr. CAMPBELL. I cannot yield the floor further. I have only about two and a half minutes, and that I need for my own use. It is all the time I want. I have not participated in the discussion when my own State was interested in these custom-house appropriations, for the reason that I felt that the commercial interests of Cincinnati were safe in the hands of the gentleman who had charge of them, [Mr. DISNEY;] but I desire now to say a word in behalf of the interests of Kentucky. I feel disposed to stand by and protect the interests of that gallant State.

I have looked into this matter, and I am satisfied that there is something in the old saying that there is such a thing as being "penny wise and pound foolish." With all due deference to the chairman of the Committee on Ways and Means, I am a little inclined to think that he is one of that sort.

Mr. Chairman, the Democratic party represented on this floor by the gentleman from Alabama, [Mr. HUSTON,] came in under a pledge that there should be a system of public economy pursued. A day or two ago an eloquent gentleman from Virginia [Mr. SMITH] complimented very highly the economical efforts of the Democratic party now in power. He said that if the people could but see their labors to enforce the principles of economy, they would rejoice over it with exceeding great joy, &c.

Well, sir, I find that in the exercise of this wholesome economy, your Secretary of the Treasury has recommended this additional appropriation as necessary to complete the custom-house, and protect the public interest. This comes from our political opponents. It comes from an Administration to which I am opposed—an Administration pledged to economy—and I feel bound, as one of the Representatives of the American people, sent here as a guardian of the Treasury, to sustain this estimate of Secretary Guthrie, because he recommends them on the principle of economy. Besides, when you build a custom-house at Louisville, it is to be a national work. Should it ever fall to my lot to pass through that beautiful city with a friend, I should like to point out that structure to him as one of our national monuments. It ought to be no mean edifice. They, doubtless, could build there an office which would contain a clerk and a surveyor, with little expense; but the nation has undertaken to build a custom-house—a national work—and your Democratic Administration, which stands pledged to economy, has said that the amount which my friend from Louisville [Mr. PRESTON] has asked, is necessary in order to complete that work. It is for this reason that I shall vote for it, and I hope this committee and the House will pass it.

The CHAIRMAN. The question is upon the motion of the gentleman from Virginia, [Mr. MILLSON.]

No objection being made, the amendment was withdrawn.

Mr. HIBBARD. I propose to reduce the amount to one dollar. The amount of duties collected at this point is \$48,000. There is not one foreign vessel which enters at that port; and it appears, by the report of the Secretary, that there is but one person employed in the collection of this duty.

Now, sir, to build a custom-house to accommodate one man in doing the tremendous duties which devolve upon him, we have appropriated already \$178,745, at different times, upon the urgent motion of the gentleman from that locality, [Mr. PRESTON.]

Now, it has been argued by one gentleman from Kentucky, that if we do not appropriate this additional sum, the custom-house at Louisville will remain unfinished. There is only about \$16,000 of this money already applied, and it leaves a balance available, as reported to this House by the Secretary, of \$155,892. They have expended about \$16,000, and they have over \$150,000 left to build a custom-house in the city of Louisville, where not one foreign vessel enters, and where, I might say, they do not need a custom-house at all. To accommodate one man, they want \$40,000 more; \$150,000 will not suffice to

build a house for him. They said, before this appropriation was made, that they would finish it. They can finish it, and they will finish it, for the sum already appropriated, whether we increase it or not. There will be no such effect produced by refusing the appropriation as the gentleman fears. If there would be, it would have no terrors for me, and I would leave the building unfinished, as a monument of extravagance and folly. Norfolk has been referred to; but I wish to say that I was against the appropriation at Norfolk.

But how stands the fact with reference to Louisville, in comparison with Norfolk? They collect as much money at Norfolk as they do at Louisville. Eighty-nine foreign vessels came into Norfolk during the last year; and they have twenty employees there, instead of one, to furnish with a place in which to transact the people's business; and the whole amount that is proposed to be appropriated is about one half of what the gentleman from Louisville wants for the custom-house at that place. When we get into the House—if this amendment be adopted in committee—I hope gentlemen will come up then, and vote understandingly upon this fact—that with \$150,000 to apply, in addition to \$16,000 already spent in building a house for man to work in, and for whom a desk in a single room would be sufficient, they now ask for \$40,000 more. That is the question I want to see decided.

Mr. STANTON, of Kentucky. I desire to oppose the amendment of the gentleman from New Hampshire, [Mr. HIBBARD,] and say a few words in reply to a portion of his remarks. He is grossly mistaken when he supposes that the custom-house at Louisville is designed only to accommodate a single person, and it is treating the subject unfairly so to represent it. The object of the building is not only to accommodate the necessary officers of the customs at that place, but also to provide rooms for one of the largest distributing post offices in the western country. The post office at Louisville distributes the mail matter for a large portion of the western and southern country, and there are employed in it, as clerks and otherwise, not less than sixty individuals; a large portion of the house, therefore, must be occupied by them, and the balance only devoted to custom purposes. The building is not only to be a custom-house, but a distributing post office, and the gentleman misstates the fact, when he charges that but a single individual is to be accommodated.

I am in favor of, and shall vote for, the appropriation asked for by my colleague, [Mr. PRESTON,] because I believe it to be necessary, and because the Secretary of the Treasury, Mr. Guthrie, whose duty it is to be familiar with the subject, has, in his official capacity, earnestly recommended it. I think I know enough of the prudent and economical character of the Secretary to say, that he would be the last man to recommend an appropriation of this character if it were not reasonable, and demanded by the necessity of the case. I am willing to adopt his recommendation, and vote for the appropriation.

The gentleman from New Hampshire [Mr. HIBBARD] says, that of the appropriations already made, but \$16,000 have been expended. That may be true, sir, and still not show that this additional sum is not necessary to complete and make the building safe for the purposes designed. The plan has been adopted, I presume, and the foundations laid, and any alterations now, with a view of accommodating the structure to the appropriation, may be both destructive to the safety and the convenience of the building. Let me tell my friend something of the nature of the system by which these custom-houses all over the Union are constructed. In the Department of the Treasury there is employed an accomplished architect, whose duty it is to draw plans and present estimates for the buildings in whatever locality it may be designed to erect them. These plans and estimates are submitted to the Secretary, and if approved by him, contracts are made in pursuance therewith. In addition to the architect who originates the plans, local superintendents are employed at each building, to superintend their construction, see that the plans are followed, and the contracts made by the Secretary fully complied with. I have been also informed, that in addition to the architect and local superintendents, an officer of the engineer corps is employed, who has a sort of general supervision of the whole,

and circulates from place to place, to see that the work progresses properly, and the local superintendents do their duty. Now, sir, if these officers, in the mode of executing the work, or in departing from, or in making additions to, the plans, make necessary increased appropriations, by improper expenditures for these purposes, then they should be held responsible, and not the members of this House, who happen to live in the localities where these buildings are in the course of construction. I think it ungenerous and unkind that my colleague, [Mr. PRESTON,] who happens to represent the city of Louisville, should be reproached because the refusal of the Committee on Ways and Means to respect the recommendations of the Secretary of the Treasury, has made it necessary for him, in justice to his constituents, to ask for this appropriation, when he had no more to do with the causes which increased the expenditure than I or any other member on the floor. Let the responsibility rest where it properly belongs—upon the employees of the Government, and not upon any member of the House.

I am not surprised, sir, that the estimates in these cases have been transcended. When did you ever know a military engineer placed in charge of a civil work under the Government that the expenses were not greatly increased? You have an illustrious example right under your nose, in the work upon the extension of the Capitol. The civil superintendency of that work has been abolished, and an engineer called from his rightful duty in the construction of the military defenses of the country, to take charge of and manage it. I venture to assert, that alterations in the plan of the building, and the military mode of executing the work and procuring materials, will swell the aggregate of expenditure to twice the amount of the original estimates. It is not in the line of a military engineer to be familiar with the details of a building of such an architectural character; and though I do not design to reflect, in the slightest degree, upon the talents or character of the engineer in charge, I do assert that it is not the place for him; and the work will cost you in the end twice as much as you expected when it was first authorized.

Mr. HIBBARD. I call the gentleman from Kentucky to order. I do not see what that has to do with the subject.

Mr. STANTON. If an allusion to that matter hurts the gentleman, I will take my seat, and save him the trouble of making his point of order.

The question was then taken on the amendment, and it was rejected.

Mr. BISSELL moved a *pro forma* amendment, and proceeded to say: Mr. Chairman, there is one fact which will go very far to fix my determination in reference to the vote I shall give upon this question; it is that of the money heretofore appropriated to accomplish this object, more than \$150,000 remains unexpended. This being the fact, I confess, notwithstanding the explanation of the gentleman from Kentucky, [Mr. PRESTON,] that I cannot see the necessity of enlarging that amount by \$40,000 at this time. I have heard no reason from the gentleman from Kentucky, nor from any other quarter, sufficient to satisfy me of the propriety of increasing the amount now on hand, which is \$155,000, to \$195,000, and I shall therefore vote against the appropriation.

Mr. HAVEN. I desire to occupy a minute in opposition to this amendment, in giving this committee some of the reasons which will govern my vote here, and which have governed my action in the Committee on Ways and Means.

I foresee that this amendment—I mean the amendment of the gentleman from Kentucky, [Mr. PRESTON]—will pass in this committee; and I am not prepared to say but, upon the abstract merits of the question, aside from the position in which it presents itself here, it ought to pass the House, but not in this bill. Sir, I am opposed to this amendment, and to all similar amendments in this bill, for the reason that the custom-houses we have had under consideration have been built principally by deficiencies, and not by legitimate appropriations; and this is an attempt to continue the construction of them by appropriations for deficiencies.

The manner in which they are managed is this: We make a small appropriation for the purpose

of purchasing a site. Then, whoever is at the head of the Treasury Department, pressed as he is by those about him locally interested, thinks the expenditure may as well be enlarged in reference to the particular work, and enters into some contract, or some arrangement, without an appropriation, and in advance of the action of this House and of Congress.

Now, sir, I have placed my vote in the Committee on Ways and Means, and I mean to place it here, simply upon the ground, that in reference to such expenditures by the Government this House should lead, and the Executive officers follow. If the Committee on Commerce, or any gentleman who has this matter at heart, will to-morrow, or at any reasonable time, introduce a bill which shall place a proper guard or restriction around these custom-houses, and around the officer who has the construction of them in charge, I am ready to vote, and will vote, for it; and when it is adopted, I am ready to vote, and will vote, the amount of money which the Secretary may think necessary, or which he now thinks necessary, to complete these custom-houses. I do not doubt but that these houses ought to be completed; nay, more, there are others that ought to be built; but, sir, they should be built upon some system, not by allowing the Secretary of the Treasury to contract for any amount he chooses, but by having estimates properly submitted in advance, and upon approval by this House. Let Congress make the appropriations in advance of the contract and the labor, and avoid this following after the Secretary, and constructing our public works and edifices on a system of deficiencies, so to speak.

Sir, I am not speaking with reference to the present Secretary particularly, nor am I speaking with reference to any one in the past; but we owe it to those in the future, and we owe it to ourselves, and the country, that we put upon the Secretaries some legal restraint; that we should make them responsible for the contracts they make unauthorized by Congress.

There should be some specific amount provided, beyond which no Secretary could go; that amount should be placed in your regular appropriation bills, and not made up by deficiencies. Some general system; some general plan; some general bill, with appropriate restrictions, should be adopted. This House should assert its rights, and the Executive branch of the Government should be made to follow this House in the administration of law.

For these reasons, and others of like character, as one of the members of the Committee on Ways and Means, I have resisted what I believe to be a usurpation upon the rights of this House upon the part of an Executive officer of the Government, in making contracts for the expenditure of money in advance of appropriations by Congress, and thus, year after year, creating these large deficiencies. I know, sir, it has been done by former officers as well as this one; they are equally wrong. I have not given my consent to former appropriations for deficiencies of this character, and I cannot give my consent now.

Mr. McMULLIN. I have been very much gratified by recent developments, and especially from my friend from New Hampshire—

The CHAIRMAN. The Chair must remind the gentleman that the discussion, under the rule, upon the pending amendments has exhausted itself.

Mr. McMULLIN. It is not my purpose to enter into any discussion. I move that the committee do now rise.

The question was put, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 49) "to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854," and had come to no resolution thereon.

Mr. CAMPBELL. I move that the House do now adjourn.

The question was put, and the motion agreed to, and

At a quarter before four o'clock the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, February 2, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. NORRIS presented the memorial of a committee of the Corporation of Georgetown, praying the construction of a bridge across the Potomac, at a point above that town, known as the "Three Sisters," and remonstrating against the erection of any more bridges below their harbor; which was referred to the Committee on the District of Columbia.

Mr. PRATT presented the memorial of Mary F. B. Leverly, widow of Henry Leverly, captain of the private armed schooner Nonsuch, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. EVERETT presented the memorial of Lucy Audubon, praying that Congress would purchase the original drawings of the work of her late husband on the birds of America; which was referred to the Committee on the Library.

The PRESIDENT *pro tempore* presented a resolution of the select and common councils of Philadelphia, in favor of granting one hundred and sixty acres of land to each of the soldiers of the last war with Great Britain; which was referred to the Committee on Public Lands.

Mr. SEWARD presented a resolution of the Legislature of New York, asking Congress to enact such laws as may be necessary to secure the health of passengers on board of emigrant ships arriving in the ports of the United States; which was read, and ordered to lie on the table, and be printed.

Mr. SHIELDS presented a petition of members of the county court of Henderson county, Illinois, praying that a grant of land may be made to the Warsaw and Rockford Railroad Company; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Dixon, and a petition of citizens of Chicago, in the State of Illinois, praying that a grant of land may be made to aid in the construction of a railroad from Lyons, via Iowa City, to Council Bluffs; which were referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SLIDELL, it was

Ordered, That the memorial of Andrew Hodges, jr., be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. SHIELDS, it was

Ordered, That the petition of Jacob Cooper, son of Apollos Cooper, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. SEWARD, it was

Ordered, That the memorial of Rulief Van Brunt be withdrawn from the files of the Senate, and referred to the Committee on Claims.

BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing to the Senate that the Speaker of the House had signed the following enrolled bills:

"An act to provide a place for the holding of the courts of the United States in the southern district of New York, and for other purposes;"

"An act to constitute Quincy, in the State of Illinois, a port of delivery;" and

"An act granting the franking privilege to the Superintendent of the Coast Survey and the assistant in charge of the office of the said Coast Survey."

Which then received the signature of the PRESIDENT *pro tem*.

REPORTS FROM STANDING COMMITTEES.

Mr. SEWARD, from the Committee on Commerce, to which was referred the petition of Selina C. Sumner, praying a gratuity in consideration of the discovery by her husband of a new method of finding a ship's position at sea, submitted a report, accompanied by a bill for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the petition of Thomas Butler, praying compensation for work done in building the

light-house on Execution Rock not required by the contract, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee on Naval Affairs, to which was referred the petition of George P. Welsh and Clark H. Wells, passed midshipmen in the Navy, praying to be allowed additional compensation during the time they performed the duties of a higher grade, reported a bill for their relief; which was read, and passed to a second reading.

Mr. BENJAMIN, from the Committee on Private Land Claims, to which was referred the petition of Henry Yates and Archibald McIntyre, representing that they are owners of certain lands sold by the United States, and praying authority to locate an equal quantity of land on any of the unsold and unappropriated lands in the State of Louisiana, asked to be discharged from its further consideration, which was agreed to.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill to establish a land district in the State of Florida, to be called the district of Tampa, reported back the same without amendment.

He also, from the same committee, to whom was referred the bill making a grant of land to the State of California to aid in the construction of railroads from San Francisco to San José, Benicia to Marysville, Sacramento City, via Auburn to Nevada City, and Stockton to Sonora, reported back the same with amendments.

He also, from the same committee, to whom was referred the bill to lay off the town of Council Bluffs, in Iowa, reported it back with an amendment in the form of a substitute, together with a report on the subject; which was ordered to be printed.

Mr. WALKER, from the Committee on Public Lands, to whom was referred the bill granting to the State of Wisconsin land to aid in the construction of a railroad from Madison to the Mississippi river, reported back the same with amendments.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the petition of M. Jean Deplaign, a French subject, praying indemnity for certain property seized by the naval force of the United States, after the surrender of Frontera de Tabasco, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. JOHNSON, from the Committee on Public Lands, to whom was referred the bill, giving further time for satisfying claims to bounty land, and for other purposes, reported it without amendment.

Mr. HAMLIN, from the Committee on Printing, to whom was referred the motion to print the petition of John W. Griffiths and William Norris, reported in favor of printing the petition; which was agreed to.

He also, from the same committee, to which was referred the motion of Mr. BRIGHT to print additional copies of the report of the Committee on Finance on the bill to provide for the surrender of certain bonds of the State of Indiana, held by the United States, reported in favor of printing one thousand additional copies of the report; which was concurred in.

He also, from the same committee, to which was referred the bill to provide for the public printing, engraving, and binding, reported it without amendment.

SEIZURE OF THE SANDWICH ISLANDS.

The following resolution, submitted by Mr. CLAYTON on Tuesday last, was considered, and agreed to.

"Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interest, copies of all correspondence between the Governments of the United States and Great Britain in regard to the Sandwich Islands, including copies of all communications between the Secretary of State and Mr. Fox, the British Minister, during the years 1843 and 1844, in regard to the independence of those islands, and especially of the letters of Mr. Fox to Mr. Upshur of the 25th of June, 1843, and of Mr. Upshur to Mr. Fox of the 5th July, 1843; also a copy of any protest or other communication from the King of the Sandwich Islands to this Government in regard to the seizure of those islands by Lord George Paulet, commander of his Britannic Majesty's ship Carysfort, and of any reply of this Government thereto."

APPEAL IN UNITED STATES COURTS.

Mr. SUMNER submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on the Judiciary be directed to consider the expediency of limiting in some way the right of appeal from the district court to the circuit court of the United States on mere questions of fact in admiralty causes.

PATENT OFFICE REPORT.

Mr. HAMLIN. The Committee on Printing, to which was referred the order of the Senate, asking them to inquire into the expediency of printing an additional number of the mechanical part of the Patent Office Report, have directed me to report the order back with an amendment. The amendment is simply to set aside two thousand of the number for the Patent Office.

The order referred to the committee was as follows:

Ordered, That seventeen thousand additional copies of that portion of the report of the Commissioner of Patents that relates to arts and manufactures, be printed for the use of the Senate.

The amendment is to add the following:

Two thousand copies of which shall be for the use of the Patent Office.

Mr. PRATT. I desire to inquire of the chairman of the committee whether it is proposed to print as many copies of the mechanical portion of this work as of the agricultural? Would it not be well to decrease the number of the former?

Mr. HAMLIN. The agricultural portion of the report has not yet been submitted to the Senate. I will only say that this number of the mechanical report is just the number which we ordered last year. I should myself have recommended, if it had been my proposition, to reduce the number of the mechanical, and increase the number of the agricultural portion of the report; but still this was the number ordered last year, and the committee have unanimously adopted it.

Mr. PRATT. The commission of one error does not make a subsequent error right, and I hope the committee will reconsider the views they have expressed, so as to print more of the agricultural and less of the mechanical portion of the report. It is very certain that unless the mechanical portion of the present report is very much better than that of the last year, it will afford no information whatever. I submit to the honorable chairman of the Committee on Printing whether, if he has examined the work of the last year—I mean the mechanical portion of the report—he can point to a single description, even of a patent which has been granted, which he can comprehend, or from which any one can derive any useful information whatever.

It seems to me that the other portion of the work, the agricultural, should have a greater number printed than the mechanical. I have no objection to printing as many of this as may be necessary, but certainly it is not necessary to print as many as were printed last year. It is so much money thrown away.

Mr. HAMLIN. It is very evident that the number of the mechanical portion of the report should not be equal to the number of the agricultural portion. I think that about that there can be no doubt. I think, however, that fifteen thousand copies of this may be printed for the mechanics of the country. I am not skilled in mechanics, but still I am inclined to think that a practical mechanic would derive very much information from this work. I have agreed to the number reported because it was the number ordered last year.

Mr. FITZPATRICK. I agree with the remarks of the Senator from Maryland. I am utterly opposed to printing as large a portion of the mechanical portion of this report as of the agricultural portion. My reasons for this were suggested in the committee. I am very well aware that at the last session of Congress, there was quite an effort made, on the part of some gentlemen, to exchange the agricultural portion of the work for the mechanical. The former circulates more generally than the other in the southern States. We are more of an agricultural people, and the great body of our people prefer the agricultural portion of the report. I am willing, therefore, to recommit the resolution, or agree upon an amendment to increase the number of the agricultural portion. I move, then, to reduce the number to be printed of the

mechanical portion to ten thousand copies, and to increase the number of the agricultural portion. The resolution proposes to print the usual number of the mechanical portion. I want to decrease that, and increase the number of the agricultural portion.

Mr. HUNTER. There is no question before us in relation to the agricultural portion of the report. It has not yet been sent to the Senate.

Mr. FITZPATRICK. Then I move to reduce the number to be printed of the mechanical portion to ten thousand, with the view, at the proper time, of increasing the agricultural portion.

Mr. BADGER. I will suggest to my friend from Alabama, that it will require very little additional expense to print the number reported from the committee; and if he desires to increase the number of the agricultural portion, why not wait until it comes before us? Why strike out the seventeen thousand in this case, and insert a less number? I would also suggest to the Senator, that it is not exactly fair to my friend, the chairman of the Committee on Retrenchment and Reform, [Mr. ADAMS,] for him to submit a motion to reduce the number to be printed. Such a motion should come from that committee. [Laughter.]

Mr. HAMLIN. I would suggest to my friend from Alabama the propriety of changing his amendment so as to make it twelve thousand. That will give the Senate ten thousand, and the Commissioner of Patents two thousand.

Mr. FITZPATRICK. I will accept that amendment.

Mr. HAMLIN. I desire to correct an error into which the Senator from Maryland has fallen, and which did not meet my ear when he addressed the Senate. The Senate last year printed seventeen thousand copies of the mechanical portion of the report, and thirty-two thousand of the agricultural—nearly twice as many of the latter as of the former.

The PRESIDENT. The Senator from Alabama has modified his amendment so as to strike out "seventeen" and insert "twelve."

The amendment was agreed to, and the order, as amended, was adopted.

BOUNTY LAND CLAIMS.

Mr. JOHNSON. I am instructed, by the Committee on Public Lands, to whom was referred the House bill giving further time for satisfying claims for bounty lands, and for other purposes, to report it back without amendment, and recommend its passage. The time has expired in which the bounty land claims of the war of 1812 can be located. A few days since, I reported from the Committee on Public Lands a bill to the same effect precisely as the House bill. We find now that since that the House of Representatives have passed a similar bill, and I am instructed this morning, by the committee, to move that the House bill be now put upon its passage. As the subject has already been considered twice in the Committee on Public Lands, I move that the Senate proceed to consider the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct, that the act to provide for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes, approved July 27, 1842, and also the two acts approved January 27, 1835, shall be revived and continued in force five years, from June 26, 1853.

Mr. JOHNSON. The bill proposes merely to continue the time which has been extended heretofore to heirs and minors to locate the lands. There are a number of them, not very large, still unlocated, and this extends the act for the term of five years, as the claims are outstanding, to allow them to be disposed of. The committee are unanimous in recommending the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be read a third time, was read a third time, and passed.

COURTS IN MASSACHUSETTS.

On motion by Mr. EVERETT, the bill to provide for the accommodation of the courts of the United States in the district of Massachusetts, which was reported from the Committee on the Judiciary, with an amendment, was read a second time, and considered as in Committee of the Whole.

It proposes to empower the Secretary of the Interior to provide necessary and permanent accommodations for the courts and the officers connected with them, by fitting up and leasing the same, for a term of not less than ten years, or by purchase; with the provision, however, that no purchase shall take place except within the limits of an appropriation to be made by Congress.

The amendment of the committee was to strike out the words "not less than ten," so that the clause will read, "by fitting up and leasing the same for a term of years."

The amendment was agreed to. The bill was reported to the Senate as amended, the amendment was concurred in, the bill was ordered to be engrossed for a third reading, was read a third time, and passed.

MARTIN KOSZTA.

Mr. BRIGHT. I offer the following resolution and ask for its consideration at this time:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interest, copies of all communications from the American legation at Constantinople respecting the seizure of Martin Koszta by the Austrian authorities at Smyrna.

Mr. CASS. I desire to say a word in relation to the resolution. I am very glad that the Senator from Indiana has offered it, for reasons which I will state. The papers called for will be needed when the question comes before us, as it must and ought to do; but, in the mean time, I find, by observing what has taken place in the House of Representatives, there is a very worthy and excellent officer of the United States abroad, who has not had justice done to him in the questions connected with this matter. I refer to Mr. Brown, our dragoman at Constantinople, whom I have known from early life. I knew him here, and I knew him abroad; and I know that a more faithful, efficient, and patriotic agent is not in the public service. He has so conducted himself, that while he has managed the affairs of his country acceptably to his own Government, he has conciliated the respect of the Turkish authorities by his prudent conduct. He took, as I am informed and believe, a decided part in this matter favorable to human liberty and American rights. Efforts have been made to injure him; and the worthy and respectable member of the House of Representatives—with whom I have conversed—from his district, where his relatives live, feels a great interest in the production of these papers; but from some difficulty cannot get them in the House of Representatives. I am therefore very glad that the resolution has now been offered with a view to produce them here.

Efforts have been made to injure this gentleman, and the Senate may have probably seen the calumnious reports which were circulated some two or three years since, that he had brought to this country an imposter, pretending to be an agent of the Turkish Government; and for some unworthy purpose of his own, had taken him through the country, on that pretense, imposing on the Government and the people.

Now I am able to contradict all this in the most authoritative manner, for I have received from Redshid Pasha, lately the Grand Vizier, now Minister of Foreign Relations, whom I knew as ambassador at Paris, and who is one of the most respectable and intelligent men in the Ottoman empire, tendering to me his thanks for the personal effort I made in this body to aid in procuring an appropriation for defraying the expenses of the Turkish agent, Amin Bey, a common practice with eastern nations, and expressing the gratification which the Sultan felt at the attention shown to his officer in the United States.

And yet the report went through all the papers in this country that Mr. Brown had brought here an imposter, and palmed him off upon the Government and the country. I take this favorable opportunity in the Senate of contradicting that report, and I am very glad that the Senator from Indiana has introduced the resolution.

Mr. DOUGLAS. I desire to add one word to what the Senator from Michigan has said. From facts within my own knowledge, I do believe that great injustice has been done, by the public press, to Mr. Brown, and also to Mr. Marsh, our representative; and I think it is but just that the correspondence with these gentlemen should be communicated. I concur in all that the Senator from Michigan has said in regard to Mr. Brown,

and I think, in justice to both the gentlemen, we should have the correspondence.

The resolution was adopted.

VERMONT SENATORSHIP.

On motion by Mr. PETTIT, the Senate resumed the consideration of the resolution reported from the Committee on the Judiciary, affirming the right of the Hon. SAMUEL S. PHELPS to retain his seat in the Senate.

Mr. PHELPS. Mr. President, I have concluded to comply with the suggestion made yesterday by the Senator from South Carolina, [Mr. BUTLER,] to waive my right to proceed with the discussion until the conclusion of the discussion by others, who intend to participate in it.

Mr. BUTLER. I shall avail myself of this opportunity to give my views upon this subject in a very few words. I drew up the paper which was submitted to the Senate by my colleague on the committee [Mr. BAYARD] and myself, in which we differed from the report of the majority of the committee. My colleague, who argued the case very clearly yesterday, has also presented to the Senate very forcibly all the points of the case. It will be rather my province to direct the attention of the Senate to those points on which, I think, its judgment should, and on which my own judgment certainly will, turn.

At the commencement, in alluding to the sitting member, [Mr. PHELPS,] it is but fair to him to say that, in his opinion, he is representing his Commonwealth to some extent, and certainly is representing the Governor of Vermont in his application for a seat. I shall speak, therefore, of the seat as one for which he is not contending for himself individually, but to which he thinks himself entitled as the representative of his State, under Executive appointment. I contest the right of a State Executive to make such an appointment as the one under consideration, without disregarding the fair—and, I may say, liberal—meaning of the Constitution.

Mr. President, if the sitting member be entitled to his seat, it must be under the authority of precedent. It seems to be conceded, upon all hands, that if this were a question of first impression, and had not been before the Senate heretofore, and if there had been no precedents upon the subject, there could scarcely be but one opinion. I do not always feel bound by the force of precedents. I think, however, they are very much to be respected; and if there was one which could receive my approbation, either by long acquiescence or full consideration by the Senate, when it was before them for action, I should yield to it. A precedent that has been intelligently established, and acquiesced in by all parties, should not be disturbed by a construction which a particular occasion might suggest and influence.

As the case of Mr. Smith, of Maryland, has been particularly relied upon as a precedent, I wish to call the attention of the honorable gentleman from Vermont to some of the circumstances connected with that precedent. Some of them, I admit, are much more in his favor than has heretofore been stated, and others of them are against him. The facts in relation to the case of Mr. Smith are these—I shall endeavor to be precise in their statement:

Samuel Smith was a Senator from Maryland in 1808. His office expired by constitutional limitation on the 3d of March, 1809. It seems that the Legislature of his State had been in session before that date, and that the Legislature had forborne, from some cause or other, I do not know what, to fill the term, and had not, in fact, filled the term, as one to commence from the 4th of March, 1809. Under these circumstances, Samuel Smith was appointed by the Executive of Maryland, not to fill a vacancy which had "happened," according to the terms of the Constitution, but to go into office *ab initio*, to commence a term which had never been originally filled, and which, as I shall contend now, could only be filled by the election of the Legislature. It seems to be conceded, that the authority to commence a new term of six years, after the efflux of a regular term, is exclusively vested in the State Legislature.

Samuel Smith held his seat upon this floor until Congress met in May, 1809. He held his office until about June, 1809, when an extra session of the Legislature of Maryland was called. He then wrote a letter to the President of the Senate,

stating the fact that he was in his seat, and was in a seat which had been filled by the Governor of Maryland. He stated, also, that the Legislature of his State had met before his appointment, and adjourned without making an election. So far, I beg leave to say, the precedent would operate in favor of the sitting member; that is, it would be competent (if the decision involved in the precedent may be regarded as having been made by the Senate) for the Governor to make an appointment after the adjournment of the Legislature, and when that body had refused or forborne to make an election; and this, too, upon the assumption that in such a state of things the Governor could take upon himself all the power that had belonged to, but had not been exercised by, the Legislature.

The session of the Legislature of Maryland, in June, 1809, continued but for five days; and the question then submitted, and the only question submitted, to the Senate, and upon which its judgment was pronounced, was whether Samuel Smith could hold under the Executive appointment to the end of that session, and not whether he was lawfully in his seat. The session terminated after a sitting of five days, and Mr. Smith went out at the end of that session, not pretending to hold any longer under the Executive appointment, having held his seat until the session of the Legislature, and no longer.

But I maintain now, and am sure that the precedents—the authority of which seems now to be regarded by the Senate—have established that Samuel Smith did not himself then present the true issue. He did not present the issue whether, under the Executive appointment to commence a term, he had been filling the seat constitutionally. That question was never presented to the Senate; and I take it for granted that if it had been presented then, and the decision had been made, as it has since been made, it would have been decided, not only that Mr. Smith was not entitled to hold his seat during the session of the Legislature, but it would have been determined that, from the very beginning—from the 4th of March, 1809—he had been holding his seat here without authority. It was supposed that his letter could not be found, but the Secretary of the Senate, with his usual industry and research, has found the letter, and put it in my possession, and I ask now that it be read.

The Secretary read the letter, as follows:

WASHINGTON, May 29, 1809.

SIR: The Legislature of Maryland having, at their last session, declined to appoint a Senator to represent that State in the Senate of the United States from and after the third day of March of the present year, and the Executive of the State having conferred on me the honor of an appointment, which, in conformity to the Constitution, was limited in its language to the next meeting of the Legislature of Maryland, I have to state to you, for the information of the Senate, that this meeting will take place on the fifth day of June, as by the Governor's proclamation will appear; and I have, therefore, to request that you will be pleased to lay this case before the honorable the Senate, for their determination, as to the question whether an appointment, under the Executive of Maryland, to represent that State in the Senate of the United States, will or will not cease on the first day of the meeting of the Legislature of Maryland.

SAMUEL SMITH.

To the VICE PRESIDENT of the United States.

Mr. BUTLER. It will be observed, Mr. President, that Mr. Smith did not make the question whether the Executive appointment originally gave him a right to a seat, or not. If he had made that question, there could have been but one judgment, according to subsequent precedents, and according to the common, obvious meaning of the Constitution.

Let me recur to the facts of that case again, before the Senate is called upon to pronounce judgment upon this precedent. The Legislature of Maryland commenced its sitting in November, 1808, and adjourned previous to the 3d of March, 1809, without having elected a Senator prospectively, whose term should commence on the 4th of March. They forbore, from some cause, to make the election. After their adjournment the Executive interposed, and made an appointment under which Mr. Smith sat in the Senate until June, 1809, when he went out, in consequence of the expiration of his office, as was supposed, by the adjournment of the Legislature. Then, in any point of view, this precedent will fail the honorable gentleman from Vermont, though, if the predicate of the original proposition were established, that Mr. Smith had a right to his seat in the first place, it would certainly be authority in his favor; but that point I shall contest, not only upon prece-

dent, but upon the obvious reading of the Constitution of the United States. If the Senate had so decided that point, their judgment would have been in conflict with the decision made in the case of Kensey Johns, of Delaware, in 1793.

Kensey Johns presented his credentials to the Senate, and they disclosed the fact that the Legislature of Delaware had met and had not filled the place, and the Executive undertook to fill it after the adjournment of the Legislature. By a strong vote the Senate decided that Mr. Johns was not entitled to a seat, evidently on the ground that the Executive had no right to substitute his functions for those which belonged to the Legislature.

The next time that we hear of this question, or of any one akin to it, was in the case of Mr. Uriah Tracy, of Connecticut, in 1801. Mr. Tracy claimed that he had a right to commence a new term—I mean a full constitutional term—under an Executive appointment, the Legislature not having made an election in anticipation. The question was then discussed at some length, I presume, but it assumed a party character, and, by a strict party vote, Mr. Tracy was allowed to retain his seat. That precedent has not been followed, but has ever since been repudiated as authority on all occasions calling for a consideration of the question.

In 1825 Lanman's case came up for consideration, involving both the questions. In that case, after a very full debate, it was solemnly decided that it was not competent for the Governor of a State to put a member on this floor, at the commencement of a term. In other words, it was decided that his power of appointment could not be substituted for the election of the State Legislature. Even if such had not been the decision in the case of Lanman, I take it for granted that such would be and must necessarily be, the decision now.

Then I conclude, with regard to the sitting member, that neither he, nor any other person, can claim the right of taking a seat here under an Executive appointment, in a case where it belongs alone and exclusively to the Legislature to make an election. That certainly must be taken for granted. Then, so far as regards the precedents, Kensey John's case is in conflict with the ground now taken by the sitting member. So far as regards the predicate, or essential question, involved in Smith's case, it is overruled by the authority of the decision in regard to Mr. Lanman; and if there were no precedents upon the subject at all, I should hold that, according to the obvious reading of the Constitution, the vacancy which is to "happen," according to the phrase of the Constitution, is not that kind of vacancy which exists at the commencement of a constitutional term. I assume, therefore, that it is not competent for the Executive to make the appointment in such a case as must involve an election by the Legislature. I assume this as the predicate of the whole of my argument. The Executive can have no original power to make a Senator; his authority is limited, contingent, and founded on the necessity of the case. "If vacancies happen, &c., during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

Mr. President, we need not go very far upon that subject. Now let me put this proposition: Suppose the State Legislatures, after the adoption of the Federal Constitution by the different States in their conventions, had failed, or had forborne, or, from some cause, had not made an actual election, and had not sent members of the Senate here, would it have been pretended that the Executive, in such a case, could do so? I take it for granted that this Government had to go into operation according to the provisions of the Constitution. According to its provisions, the State Legislatures were the primary agencies and constituencies to put it into operation, so far as it regarded the organization of the Senate of the United States. This I take to be a very clear proposition; and upon this point I agree fully with the Senator from Delaware [Mr. BAYARD] that, so far as regards their relations to this body, the State Legislatures are the organs of senatorial existence; and it is through them that this body has its original, legal, and constitutional existence.

The relations of the Federal Government are with the States in nearly all particulars; and the

Legislatures of the States, by a compact of the different States, are the true constituencies of the Federal Senate.

In this connection, also, allow me to remark, that this Government was never understood to be a Democracy; for so far as regards its original organization, it was essentially a confederacy of republics; and so far as regards the character of this body, it must be so. It was not a confederacy in which the Executive of a State, representing the people, might undertake to make an original nomination, nor in which the people themselves could make a nomination to this body. This was a body having an organized constituency, and the State Legislatures composed that constituency.

I do not wish to be misunderstood. In the organization of the State governments, the will of the people should be the prevailing element of control and representation; in the executive and legislative departments of such a government the people should directly make the elections, and devolve upon such government to make laws, and maintain its relations with other political Powers. These State governments should be made the organs to constitute the relation with the Federal Government. In thus considering them, the checks and balances of a regulated Republic may be understood and maintained. Such, I think, was the understanding of the republican statesmen of this great Confederacy. The States having agreed that the State Legislatures should make election of Senators, it is our duty to require them to stand to their duty, and discharge the duties imposed upon them; in other terms, to maintain the republican principles of our Constitution. What might be the consequence of a departure, I know not.

The manner in which it is proposed here allows an Executive appointment to supersede such a provision. I do not know to what it may lead. It must inevitably lead to confusion. The Legislature of a State may be a different being, in a political sense, from the Governor, so far as it may reflect the constitutional will of the people. The one—constituted so as to give it a longer existence, and one of different responsibility—might conduct to a different standard from a mere popular Executive for the time being. The one has a complicated organization, that would relieve it from individual temptation, to which the other might be subjected.

I have alluded to the precedents; let me now refer to the Constitution specifically. What is the Constitution? If this were a new question, I take it for granted that I should decide, according to the strict letter of the Constitution, that the limitation was upon the appointing power, and that the member holding his seat under Executive appointment would hold no longer than the meeting of the Legislature, or no longer than this body had official notice of the meeting of the State Legislature. But I am willing to agree that, according to a fair and liberal construction of the intent of the framers of the Constitution—I wish to consult their will as far as I can—it may not have been intended, in the first instance, that *eo instanti*, when the Legislature met, the office should determine, or that the Legislature, upon the very first day of its meeting, should go into the election of a Senator. For this reason there has been a liberal allowance of time, so as to give the Legislature the right to make the election during the sitting; making "during the sitting" to fulfill the words "until the meeting," &c., and the same as to make session and meeting to mean "at which the election shall take place." To give the words referred to such an interpretation would but devolve on the Legislature—on the Legislature instead of the Executive—the jurisdiction of making a Senator; and it would seem to me, so soon as it is devolved on one (with the simple limitation as to time of performing a duty) it is taken from the other, without the power of resumption.

I take this broad proposition, that the moment the Legislature assembles it must necessarily resume the original jurisdiction over the subject; and if it must resume the original jurisdiction over the matter, the Executive power is exhausted; and when the Executive power is once exhausted it cannot be resumed, nor can it be continued. I do not say that it depends upon the actual exertion of power on the part of the Legislature; but the very existence of its jurisdiction supersedes all others, and must be exclusive. As I have said in my report, the moment the Legislature meets, the power to make an election exclusively

devolves upon that body; and if this be so the Executive power must necessarily be exhausted.

I am willing to go very far and say, that there shall be a liberal time allowed for the exercise of the legislative power; but the fact that it is not exercised does not restore an exhausted power. If the executive power be exhausted upon the meeting of the Legislature, I know no mode by which it can be restored to the Executive; and it cannot be done by any legal intendment, or by any fair construction of the Constitution. The original power is in the Legislature, and the Governor has but a power of attorney, revocable the moment the Legislature meets. It is revoked, to all intents and purposes, when the Legislature has the potential faculty of exercising its power. In order to allow it to continue until the exercise of the power by the Legislature during its session, I grant it is necessary to resort, as has been said, to something like the fictions of law, and to regard the whole meeting of the Legislature as a day, as a unit, like the term of a court, counting the word "session" as synonymous with "meeting"—that is to say, the member, under Executive appointment, shall hold until the Legislature, at its next session, shall assume a jurisdiction over the matter, with the further qualification that during such session it cannot divest itself of a jurisdiction that has thrown on it an exclusive responsibility.

It may, perhaps, be going very far to resort to that apparent fiction. I am not so sure, however, that it is not one favorable to truth; but if you do not give it that view, you certainly would subject the State to some of the objections which have been made here, as to not being fully represented in this body. But I am not to be seduced by any temptations of that kind, to have a State represented here by my choice, instead of that of the Legislature. Construction has no *terminus* to restrain its flexibility; and it might assume a sphere, under a liberal and friendly indulgence, that might give, virtually, this body the power of selecting, if not electing, a Senator.

Here, I may say, by way of parenthesis, that if it depended upon my choice, and, I believe, if it depended upon the choice of the Senate—if they had the power, by construction, of making the selection—the honorable gentleman from Vermont would be allowed to retain his seat. I know of no man whom I would prefer to see occupy it from his State. If I had the choice, I should prefer to see him in it, but the power to make an election for the State of Vermont is not lodged in me. It is a power vested in the State Legislature by the Constitution of the United States; and I cannot allow any one to come into this body, except according to the mode prescribed by the Constitution. I must shut the gate against all who do not come with a warrant of competent authority, from the only constituency which I can recognize here.

Well, sir, I contend that if the ground taken by the Executive of Vermont can be maintained, there is no limitation at all to the term of Senators holding under Executive appointments. The only limitation that there can be is the next session of the Legislature during the senatorial term. The Legislature, at its first session, might not make an election. The Senator would still hold his seat, according to the argument of the majority of the committee. It might meet a second and a third time, and he could still hold his seat, under an Executive appointment. It might meet a fourth time, and not make an election; and still the Senator could remain here. It might go further, and, according to the broad ground which is taken, when there was a new term to be commenced, the Executive could supply it, or, at least, the old appointment would run on, in spite of any objections which could be made to it; because it had been made, and the Legislature not having thought proper to exercise the right of filling the vacancy, that must stand until the Legislature did fill the vacancy. Under this construction, therefore, an Executive appointment, which is regarded as contingent and limited, to fill temporary vacancies, would be a greater power than the legislative power to fill these vacancies. That must be the consequence, and gentlemen cannot disguise it.

I have come to the conclusion myself, that it is in violation of the Constitution of the United States to allow a member under an Executive appointment to sit here any longer than until the

Legislature has met and adjourned; and, in that respect, a precedent established in the case of Mr. Smith, of Maryland, is in the teeth of the claim now set up, because Mr. Smith only made a single issue—he presented the question whether he should hold his seat until the meeting of the Legislature, which was to take place in a day or two afterwards, or whether he could hold until the termination of the session of the Legislature. The Senate decided that he could hold until the adjournment of the Legislature; and he never held it a day afterwards under the Executive appointment. This shows that the common understanding at that day was that an Executive appointment terminated certainly at the adjournment of the Legislature.

Not only precedent, but the fair and obvious reading of the Constitution, it seems to me, is entirely against the pretension set up by the Executive of Vermont; and I should be very sorry to see the precedent, which would be set by the adoption of the resolution of the majority of the committee, now established. I believe it is one which might touch deeply the structure and organization of this Confederacy, substituting, as it would, an Executive appointment for the solemn deliberations of a State Legislature in sending an ambassador or a representative here. I will never consent to any such thing.

It has, however, been asked: "Will you deprive the State of a representative upon this floor when you have it in your power to allow a representative to continue here?" and gentlemen say that, according to the intendment of the Constitution, and Democratic equality, we should never allow a State to be misrepresented when we can prevent it. According to my view of the structure of this Government that is more for the consideration of each State than for the determination of this body. I would respect more the rights of the independent States than the Democratic determinations of the United States Senate.

Suppose this case, that a State Legislature, by resolution, had refused to make an election, and in conformity with it a Governor were to refuse to make an appointment—I admit that I am now presuming a case which is very extravagant, and one having something of the character of a revolution, but still it is possible—suppose, then, that the people in the State unanimously—this is a strong proposition—were to meet and send a Senator here, would it then be contended that we could so far consult Democratic equality as to admit such person as a constitutional Senator on this floor? Sir, if such a man came here, and had been anointed with all the Democracy that is bottled up in Tammany Hall, he should not take a seat here with my consent. No, sir; I have no idea of substituting the Democratic judgment of the Federal Departments for the constitutional rights of the States separately, or as they exist in a recognized compact. I intend to maintain here, by my vote, the principles which I assert. I contend that this is a confederacy of republics, and that the State Legislatures are the constituencies of this body; and whenever you break down that doctrine, and run into anything else, you may make it one of those Democracies in which the people will rise up and dictate to us, contrary to our opinions, under the sanctions of the Constitution.

I have supposed a strong case. The honorable gentleman from Vermont, I believe, does not represent what is called a Democratic seat; but if any gentleman claiming to be a Senator from New York were to apply here under the circumstances which I have stated, and had the favorable voice of all the Democracy—Hards and Softs—Tammany and all—poured out upon him, I could not go contrary to the Constitution, to admit him to a seat here, and he should not have a seat, according to my notion of the Constitution. For this reason, all the arguments which are used, that we must fill the seat because it is favorable to views of equality, Democratic views of the Constitution, do not at all change my opinion. I will not entertain the doctrine, that the Senate can have devolved upon it duties to a State, in maintaining equal representation, when a State has failed to discharge its constitutional responsibilities according to the mode prescribed for it.

Mr. President, I shall not say more. I have now gone further on this subject than I intended, and I have said more than the state of my voice properly allows me to do. I wished simply to

put my views before the Senate. They may decide upon the case as they please; and if that decision shall be against that of my judgment, it will give me no concern, personally.

Mr. BADGER. I yield very readily to the suggestion thrown out by my friend, the chairman of the Committee on the Judiciary, that we should suggest to the Senate such doubts or difficulties as we may have in relation to the right of the honorable gentleman [Mr. PHELPS] to a seat, and give him an opportunity of hearing them before he replies. I follow that example this morning, because I believe it is right; I believe it is due to the Senate, due to myself, and due to the gentleman from Vermont. Mr. President, I have, so far as I am able to do it, without hearing the full and clear exposition of the subject which that gentleman will give, and as to which I hold myself ready to open my mind to conviction, come to the conclusion that, upon a just construction of the Constitution, that honorable gentleman is not entitled to the place which he now occupies on this floor.

I do not think it necessary to follow the example of my friend from South Carolina on this occasion, and go into an investigation of the doctrine of State rights, or the nature of this Government, for which he has a remarkable proclivity. This is a question of the construction of a clause of the Constitution, and must receive the same result, upon a careful and proper examination of its provisions; whether we adopt or disregard what is commonly called the doctrine of State Rights.

Now, Mr. President, I will present in a very brief space my views upon this question. The Constitution provides that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years." It also provides that "if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies." It is clear that the Constitution has vested the appointment of Senators in the Legislatures of the several States; and it is also clear that the provision which it makes for "temporary appointments" is a provision for a case of necessity, and of necessity only. And therefore, in undertaking to expound the particular language which is used in this clause of the Constitution, we must consider, as a key for resolving everything that may be considered doubtful or uncertain in its phraseology, this proposition: that the power of appointment is in the Legislature, and that the power of granting temporary commissions is a power conferred in a case of necessity, and therefore all the language is to be so expounded as to terminate the temporary appointment with the termination of the necessity. It being clear, that if there be doubt or uncertainty in the language used, it is to be so expounded as to terminate the temporary appointment with the necessity which gave rise to it, what is the language of the Constitution upon which the difficulty or the supposed difficulty arises?

Two constructions are offered. One is that the limitation expressed by the word "until" is upon the power of the Executive to make appointments; and the other is that it is upon the holding of the person appointed. I am satisfied, Mr. President, that it makes little or no difference as to the result at which we must arrive, whether the one or the other exposition be given to it. The honorable Senator from Indiana, [Mr. PETTIT,] I confess, in the very forcible and clear argument which he offered here the other day, unsettled for a time all the previous notions which I had entertained upon the subject; but I have reexamined it; I have thought of it with an anxious desire to arrive at the truth, and I must confess that I have swung back to my original moorings.

That Senator says that "the next meeting of the Legislature" means the first assemblage of the Legislature at a session. In my opinion, the Constitution has itself demonstrated that it means no such thing; that it uses the word "meeting" as exactly synonymous with "session;" that it embraces not the mere act of getting together or assembling, but the whole process and continued transactions of the Legislature until an adjournment closes their session. Let us see if that is not so. The language is that the Executive "may make

temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

Mr. THOMPSON, of Kentucky. Will the Senator, while upon that point, as I have great confidence in his legal judgment, allow me to propound a question to him?

Mr. BADGER. Certainly.

Mr. THOMPSON, of Kentucky. I ask the question now, because it is material to the opinion which I may form of this case. I desire to ask the Senator from North Carolina, if the phrase, "until the next meeting of the Legislature," is to be taken and construed to mean "during the session;" because, by legal and parliamentary language, a term of a court or session of Parliament, at the making of the Constitution, was deemed as only a day—the day of their inception—and decrees and judgments of the courts and acts of Parliament were, by English and colonial jurisprudence, in force as entered or passed on the first day of the term or session. What I desire to ask the gentleman is this: if *ex vi termini* "session" means the entire session, according to legal and parliamentary language, as used in the Constitution, would or would not Mr. PHELPS, under a new commission from the Governor, be entitled to his seat, because the new commission conferred a temporary appointment to fill a vacancy caused "otherwise" than by death, viz: the failure of the Vermont Legislature to fill the vacancy temporarily filled by Mr. PHELPS? and further, is the vacancy now existing a vacancy caused by Mr. Upham's death, or the expiration of Mr. PHELPS's temporary appointment? Did not this vacancy occur after the Vermont Legislature adjourned?

Mr. BADGER. I think my friend can hardly expect me to stop here to answer his question, because it is in reality asking me what are my views upon the whole subject-matter before the Senate. I shall endeavor to explain them before I get through.

Mr. THOMPSON, of Kentucky. The point as to which I particularly desire the opinion of the gentleman is, as to what would be the effect of a new commission.

Mr. BADGER. I will speak upon each point in its order; but my friend anticipates a little. After conferring upon the Executive power to appoint "until the next meeting of the Legislature," the Constitution adds, "which shall then fill such vacancies." Now, the word "then" is a word of reference. To what does it refer? To "the next meeting of the Legislature." Let us strike out the word "then," and insert the words to which it refers as the most unobjectionable method of ascertaining the meaning of the phrase. It would then read that the Executive "may make temporary appointments until the next meeting of the Legislature, which shall, at such next meeting, fill such vacancies." Whatever the words "next meeting" mean, when used in the first instance, the word "then," substituted by reference, means in the second place; and whatever it means in the second it means in the first. Let us inquire, then, what it means in the second. Did the Constitution mean that the Legislature at their first coming together, in their assembly, should proceed to fill the vacancy? Why, surely not. Such a construction would make the framers of this sacred instrument, upon which we value ourselves so much, not only not remarkable for intelligence, but extremely wanting in even the ordinary capacity to prepare a great and solemn public instrument.

The Legislature is at its first meeting to fill the vacancy. Does not that very term demonstrate that by first meeting they meant first session, and that they did not mean the first act of coming together, the moment that they were assembled in the legislative chamber, or so soon as they were organized, and without an adjournment; surely not. Then, if the term did not mean that the Legislature was to make the appointment the first moment, or the first day of their meeting, I pray you to inform me what limitation is there upon it except the whole session, from the beginning to the end? If the Constitution did not confine them to an election on the first day, it did not on the second, or the third, the fourth, or the fifth day of their session. And therefore the Constitution, according to my understanding, has itself said that by the words "next meeting" was not intended the first coming together of the members in a ses-

sion, but the session itself. Everything is entirely consistent, according to my views, with this exposition.

The Executive "may make temporary appointments." Mark, if you please, Mr. President, that the Constitution does not say that the Executive may fill the seat. The Constitution considers a continuing vacancy in the term; but an acting Senator, a man who is to hold and discharge the duties until the vacancy shall be filled in the constitutional method, is allowed to be appointed by the Governor, who "may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

Then, it seems to me, Mr. President, the interpretation upon this clause of the Constitution is clear, if we look at the mind and intention of the framers of the Constitution. It was, that in the case of necessity which grew out of an accidental termination, by "resignation or otherwise," of the connection between a member and his seat or place in this body—the Legislature not being in session—in that case of necessity the Executive shall have power to do what? Not, in the sense of the Constitution, to fill the vacancy—for the man who fills the vacancy holds as the party who held before; that is, for the term—but "to make temporary appointments" till the appointing body shall be together, and have an opportunity of filling the vacancy.

Now, Mr. President, this view of the subject is in exact accordance with everything that has been determined by the Senate. I do not undertake to speculate whether, as my friend from Kentucky [Mr. THOMPSON] says, the framers of the Constitution were influenced by any reference to the fiction which prevails in courts of law, or the fiction that prevailed in the Parliament of Great Britain and the Colonial Legislatures, that all proceedings referred to and took effect and operation from the first day of a session. I do not suppose there was such a reference, but they have determined the sense in which they used the word; and, I think, in exact accordance with the sense I have put upon it, are the resolutions of the Senate.

Now, the resolution in the case of Mr. Smith, of Maryland, was that he was entitled to hold, during the session of the Legislature, unless they should, by an election, fill the vacancy and notify the Senate that they had done so, during the session. Certainly. Why during the session? Why did they use that phrase? Simply because the Senate put upon the words "next meeting" the interpretation I have given them, so as to mean the next session. Now, if "meeting" means "session," this particular point is concluded forever; as to what is meant by the term "next meeting." It is clear that the Legislature can do what the Constitution requires at the first meeting after the vacancy occurs, (for the Constitution both empowers and requires it to fill the vacancy then,) if the word "meeting" means "session;" for then the Legislature can do it at any time during the session. Then what is to determine the temporary appointment? It is the meeting of the Legislature, and filling the vacancy; and if the Legislature adjourn without filling the vacancy, the whole necessity upon which the temporary appointment was allowed being gone, the authority of the party who held under the temporary appointment granted for such necessity, is, of course, ended.

We are not, Mr. President, as I apprehend, to speculate ingeniously about the particular application of certain phrases technically in the Constitution. It has been long settled as a rule of interpretation of that instrument by the highest tribunal in the country—by Mr. Madison, and the other persons associated with him, Hamilton and Jay—in the letters in which they commended this instrument to the adoption of the people, that its interpretation is to be popular, unless where words strictly technical are employed.

Then look at this question. Is it not plain? The Legislature has the appointment. But a vacancy may arise when the Legislature cannot fill it. For that necessity the Constitution provides, and means to provide only until the Legislature meets, and has the power of filling it—till the general appointing authority is in a condition to act. It is true, as I have said, that authority must be extended through the whole session, for the very obvious reason that it cannot mean that they are to elect at their first coming together; it means

during the session; for if they may take one day to consider of it, they may take the whole session.

Now, my friend from Kentucky has suggested one or two questions, which I think will be sufficiently answered by this statement. The vacancies which the Executive of a State is authorized to fill, are never vacancies that happen by the efflux of time; they are not foreseen vacancies; they are vacancies that "happen" by resignation or otherwise."

Mr. President, from an exceeding desire to give to this clause of the Constitution such a construction as would keep the Senate always full, I labored hard, a year or two ago, when we had questions of this kind before us, to find out some method of supporting, in my own mind, the construction that a vacancy happening by the efflux of time, and not filled beforehand by the Legislature, might be brought within this limited power conferred upon the Executive; but, sir, I have been obliged to abandon it.

"By resignation or otherwise," is the language. We must expound the word "otherwise" to apply to vacancies happening by similar events; that is, unforeseen events—death, resignation, appointment to an office which disqualifies—and it can never be applied to the expiration of the term of a Senator which leaves a seat vacant on this floor. My opinion, therefore, is, that the Governor of a State has no power to fill a vacancy in this body which is brought about by the expiration or efflux of the time for which a Senator was elected—in other words, at the determination of his term in the Senate. It must be a vacancy in the term, happening during the recess of the Legislature; it must be a vacancy in the term happening by resignation or other casualty. That I understand to have been the express and solemn decision of the Senate in Mr. Lanman's case, in 1825, overruling one or two earlier decisions, which had passed, perhaps, without full consideration.

So, Mr. President, as I consider this whole power, and the duration of the appointment depending upon it, as conferred for a special necessity, and as terminating with that necessity—the power of the Executive to appoint and the right of the person holding under the exercise of that power—so it necessarily follows that, if a legislative session intervene when there is a vacancy in this body which has not been filled, the Executive of the State can have no power to fill it after the expiration of that session. The necessity existed; it existed until the meeting of the Legislature. The power was not exerted during the necessity; or if exerted during the necessity, expires with it; and, as a necessary and inevitable consequence, the power is not reproduced to be exerted afterwards.

Mr. President, every view of this subject strengthens what I have suggested. The arguments have been well stated as strong to support the construction which I have given to this clause of the Constitution. The Senator from South Carolina has well said, that if there be no limitation on the appointment, except the filling of the vacancy by the Legislature, if it may continue beyond an intervening session of the Legislature, the appointment certainly does not end until the expiration of the term for which the resigned or deceased Senator was elected.

And permit me to ask you, sir, what follows; what might follow; yes, Mr. President, and what certainly would follow if this interpretation be adopted? In some of the States the Senate holds over, while the House of Representatives is elected annually. Suppose the Senate of a State to be of a particular political complexion, and the Executive of the same political complexion. A vacancy has arisen, and a temporary appointment has been made by the Executive. The Legislature meets, and it is the duty of the Legislature, under the Constitution, to fill that vacancy. But suppose also an overwhelming number of the House of Representatives, or the Lower House, by whatever name called, which is just elected by the people, whose politics are directly different from those of the Senate holding over—can it be, sir, that we are to hold out a direct encouragement to that Senate to refuse to go into an election, and cause the popular will of the State to be misrepresented, to continue in this body a man who has ceased entirely to represent the views of the

people whom he is sent here to represent; and, therefore, to add to some of the difficulties which sometimes arise in the way of the Legislature, the positive inducement to forbear discharging the duty imposed upon them by the Constitution, in order to advance the party interests represented by the Senate holding over.

Mr. President, if my friend from Vermont can satisfy me that these views are wrong, so far as he is personally concerned I shall rejoice at it. I believe with my honorable friend from South Carolina, [Mr. BUTLER,] that if it depended upon the Senate to say, as a matter of choice, whether he should fill the place on this floor which he now so worthily occupies, there would not be a dissenting voice in this Chamber. But that is not the question we have to decide; it is a question of constitutional right. If he is entitled to retain his place, then the most unworthy and most objectionable man, under circumstances the most improper, such as I have already adverted to, may be authorized to hold a seat on this floor from session to session, and from year to year. I cannot resist the conclusion that the Senate heretofore has not been mistaken with regard to the true purport of the Constitution, and that the true construction to be placed upon it is, that, with the necessity expires the Executive appointing power, and the right of those who hold under it, and that the Constitution intended, and the Senate has always so recognized it, that by the term "meeting" was intended "session." Then by inevitable consequence it follows, that though the Senator holding under the temporary appointment has a right to sit during the whole of the next session of the Legislature, unless superseded by a new appointment, yet when that session ends the seat necessarily fails; the necessity is gone under which he held. The full time, period, and opportunity contemplated by the Constitution has been given to the general electing power—the Legislature; they have failed—whether by fault or misfortune, whether because they could not agree, or because one House was obstinate, and would not go into joint ballot; or because both Houses refused to discharge a solemn duty devolved upon them by the Constitution and their oaths, makes no difference as to the effect of such adjournment upon the temporary appointment which had its whole origin, owed its whole life, and had therefore, necessarily, its continuance measured by the accidental, casual necessity out of which it sprung.

Therefore, Mr. President, as at present advised, with the greatest reluctance in the world—I mean reluctance so far as the honorable gentleman is personally concerned—I shall feel obliged to vote against the resolution reported by the committee.

Mr. CLAYTON. Mr. President, if I thought that this course of debate was best calculated to elicit from the Senate a correct decision on this question, I should submit to it in silence; but I entertain a very different opinion in regard to it. We have now heard three consecutive speeches—all very able ones—from gentlemen opposed to the member from Vermont holding his seat. The proposition which was made yesterday, and acquiesced in by the gentleman who claims the seat was, that he should reserve himself until the close of the discussion, and then give us his views upon the question whether he is entitled to the seat or not. I submit, sir, that that course is unjust both to the claimant and to ourselves. I think we ought to hear the argument of the gentleman who claims the seat, in the first instance, and then, after having heard him, we can discuss the question between ourselves. If we concur with him, we can say so; if we differ from him, we can show the reasons why we do so.

But, sir, if this course is to be pursued, it is evident that nearly all the members of the Senate will express themselves on one side or the other before the gentleman who claims the seat, and who, it must be presumed, has examined the subject much more thoroughly than any of us, has been heard in defense of his claim. I trust that course will be adopted which I think has been adopted in every case of a similar character, that the claimant to the seat shall be fully heard in the first instance, and that then, if there be any one who desires to reply to him, he may do so; and others who oppose the claim may also speak; and at the close of the debate, the claimant will fairly be entitled to reply to those who oppose him. I trust, therefore, that if the gentleman from Ver-

mont himself, has not any insuperable objection to going on with the debate, we shall now have the privilege of hearing him.

Mr. BUTLER. I have but a word to say as to the propriety of the suggestion of my friend from Delaware, [Mr. CLAYTON.] It is not usual for a member whose seat is contested to mingle at all in the debate. I feel bound to say that such is the parliamentary usage; but when it was proposed that the honorable gentleman who claims the seat of Senator from Vermont should be heard in the first instance, I yielded. We heard him before the committee, and I am willing to hear him at this time, and also at the conclusion of the debate; but I would not have it understood, by any remark which has been made by the honorable Senator from Delaware, that there is any disposition to deny to the gentleman from Vermont any personal courtesy which could be extended to him.

Mr. CLAYTON. I do not believe there is.

Mr. BUTLER. I can assure the gentleman that, according to the usage in the Parliament of England in such cases as the one now presented, the claimant would have asked leave to be heard at the bar of the House; and he would have been heard at the bar at the beginning, and the members would have deliberated upon the subject afterwards. But I am perfectly willing to hear the gentleman again, because the committee has reported in his favor.

Mr. TOUCEY. Mr. President, not having been present in the Committee on the Judiciary when this subject was before them, I shall desire very briefly to express my views to the Senate at some time before the vote is taken. I had intended to do so this morning; but the floor has been preoccupied, and I am willing to give way to the gentleman who claims the seat from Vermont, if he desires it, and he may address the Senate before the discussion is concluded on the part of the members of the Senate. I should myself desire to hear him, before I express an opinion with regard to the title which he has to the seat.

Mr. PETTIT. I think the chairman of the Committee on the Judiciary is mistaken in reference to the precedents. I do not know that I am now prepared to speak of the precedents in the Parliament of Great Britain in cases of contested elections, but, so far as the other end of this Capitol is concerned, I have had considerable experience there. I have mingled in the debates of that House in at least half a dozen cases of contested election, and it is the uniform practice there to hear the arguments and the views of the contestants at such time as may suit them. It is a courtesy which is never denied, never refused.

Mr. BUTLER. I do not deny it; I do not refuse it; nobody objects to it; I was only explaining the effect of my suggestion.

Mr. PHELPS then proceeded to argue his right to the seat which he claimed. [His speech will be found in the Appendix.]

Mr. DIXON interposed at three o'clock, and moved that the Senate adjourn.

Mr. DOUGLAS. I hope we shall make some disposition of this subject, one way or the other. I shall feel constrained to ask the Senate to take up to-morrow the special order that was fixed for that day. I hope there may be some understanding as to what shall be done with it. If gentlemen move to postpone the further consideration of this subject until the Nebraska bill be disposed of, I shall not interpose any objection.

Mr. PHELPS. I am very far from wishing to interfere at all with the arrangements of the honorable Senator from Illinois. I should have been willing to finish my remarks to-morrow; or, if that should interfere with the wishes of the Senate, to defer them to a later day. I am not at all solicitous about it.

Mr. PRATT. I make the distinct proposition to postpone the further consideration of this subject until after the final action of the Senate upon the Nebraska bill.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) There is a motion to adjourn pending.

Mr. DIXON. I withdraw the motion.

Mr. PRATT. I desire to submit the distinct proposition, that the subject now under debate be postponed until after the final action of the Senate on the Nebraska bill. I think that would be perfectly in order, because there is no rule which re-

quires a particular day to be named to which to postpone the consideration of any subject. I think that by adopting this course we shall be doing justice to the honorable gentleman from Vermont. He will not have an opportunity now of making his speech as satisfactorily as at a future period. The Senate will then be more willing to listen to him; and, in the mean time, we shall have an opportunity of examining his remarks, so far as they have been made.

Heretofore, the debate has been almost entirely upon one side; at least since I have been here. I think, therefore, it is due to him that there should be a postponement of the subject, so that we may see both sides of the question. Certainly no injury can result to his State, no injury can result to anybody by having this subject postponed until after the action of the Senate on the Nebraska bill; and if there is any dispute about it, I shall ask the yeas and nays upon the question.

THE PRESIDING OFFICER. It is moved to postpone the further consideration of the subject until the Senate shall have finally passed upon the Nebraska bill.

MR. BRIGHT. It occurs to me that that motion is not altogether in order. It is not proper to move to postpone a subject until after the happening of a certain event. The motion must be either to postpone to a day certain, or to lay upon the table. That is the rule.

MR. PRATT. Let it be postponed for a fortnight.

MR. MASON. I concur entirely in the suggestion that this subject should be postponed. It is a very grave and important question, and one on which we have been told by the gentleman who claims a seat from Vermont, that there have been, apparently, some previous commitments of opinion by the Senate, and by individual Senators. I shall feel it incumbent upon me to detain the Senate for a very short time with my views upon the question, and I would suggest to the Senator from Maryland to fix a day on which we shall proceed to the consideration of this subject, and if the Nebraska bill be not then disposed of, we can proceed with it, and consider this afterwards.

MR. DOUGLAS. Say to-morrow week.

MR. PRATT. Any day may be named; this day week or this day fortnight, the understanding being that the subject shall come up immediately when the Nebraska bill shall have been acted upon.

MR. MASON. Say to-morrow week.

Several **SENATORS.** Monday week.

MR. MASON. I will propose Thursday of next week, if the Senator from Maryland does not propose it.

MR. PRATT. I have no objection to that.

MR. MASON. Then I move to postpone the further consideration of the subject until this day week.

MR. PRATT. If the understanding of the Senate be as I have mentioned, the particular day cannot be material, because so soon as the Nebraska bill shall have been finally acted upon, this subject will come up.

Whether the postponement be to this day week or this day fortnight cannot be material. If you postpone this bill to this day week, and we shall not then have finished the Nebraska bill, by common understanding we can continue the debate on this subject until that be finished. It is, therefore, perfectly immaterial what day is fixed.

MR. MASON. I move to postpone the further consideration of this subject until this day week. The motion was agreed to.

EXECUTIVE SESSION.

On motion by **MR. BRIGHT**, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 2, 1854.

The House met at twelve o'clock, m. Prayer by **Rev. HENRY SLICER.**

The Journal of yesterday was read and approved.

MINT OF THE UNITED STATES.

The **SPEAKER** laid before the House a communication from the President of the United States,

transmitting the annual report of the Director of the Mint at Philadelphia, showing the operations of the Mint and the branch Mints for the year 1853; which was ordered to lie upon the table, and be printed.

MR. WRIGHT, of Pennsylvania, moved that twenty thousand extra copies of the report be printed; which motion goes, under the rule, to the Committee on Printing.

PROTECTION OF THE MAILS.

The **SPEAKER** stated that the first business in order was the motion to reconsider the vote by which the bill reported from the Committee on the Post Office and Post Roads, "for the safe transmission of the mails of the United States on the railroads of the United States" was referred to the Committee of the Whole on the state of the Union, upon which the previous question was demanded.

MR. FLORENCE. I rise to submit a point of order. I have been looking through the rules in vain to accomplish the object which I desire now to accomplish through the Speaker. I have understood, perhaps erroneously, and if so, I desire to be corrected, that a motion being made to reconsider a vote had on a previous day, the act of reconsideration must be consummated on the subsequent day or it falls; that is to say, that the motion to reconsider the vote by which this bill was referred, having been made by a gentleman who voted with the majority, and the act of reconsideration not having been consummated on the day subsequent to that on which the bill was referred, the motion falls.

The **SPEAKER.** The Chair overrules the point of order, and states that the motion to reconsider must be submitted upon the day, or the succeeding day, but that the House is not compelled to dispose of the motion on either of those days.

MR. FLORENCE. My idea was that the motion to reconsider must be disposed of on the days I have indicated, and I looked into the rules to see whether we were proceeding in order, as I desire always to do.

The **SPEAKER.** The 56th rule is as follows: "When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof, on the same or the succeeding day."

MR. FLORENCE. Then the Chair rules that the point of order cannot be sustained?

The **SPEAKER.** The Chair overrules the point of order. The question is on seconding the demand for the previous question.

MR. JONES, of Tennessee. I wish to inquire if the bill has yet been printed?

The **SPEAKER.** The Chair understands that the bill has not been returned from the printing office.

MR. JONES. If it is not here we are in a bad fix to act upon it.

The **SPEAKER.** There is a copy of the bill here.

MR. JONES. What copy has gone to the printer then?

The **SPEAKER.** The copy that was originally introduced, as the Chair is informed, is in the hands of the printer. There is, however, a copy of the bill before the House to vote on.

MR. JONES. In order that we may have the bill printed and before us, so that we may know exactly its contents, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. To-morrow will be private bill day, and I am desirous that the deficiency bill shall be completed this week.

MR. OLDS demanded the yeas and nays; but they were not ordered.

MR. LILLY. Would it be in order to move that the consideration of the bill under consideration be postponed to a future day?

The **SPEAKER.** Not while the privileged motion to go into the Committee of the Whole on the state of the Union is pending.

MR. OLDS. I demand tellers.

Tellers were ordered; and Messrs. **HARRIS** of Alabama, and **OLDS** were appointed.

The question was taken, and decided in the affirmative, the tellers having reported—ayes 73, noes 49.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (**Mr. SEYMOUR** in the chair.)

DEFICIENCY BILL.

The **CHAIRMAN.** The subject under consideration is the deficiency bill, the pending question being on the amendment to the amendment proposed by the gentleman from Illinois, [**Mr. BISSELL**], which is to reduce the appropriation for the custom-house at Louisville to \$500.

MR. BISSELL. I propose, by the unanimous consent of the House, to withdraw my amendment.

There being no objection, the amendment was withdrawn.

The **CHAIRMAN.** The question recurs on the amendment proposed by the gentleman from Kentucky, [**Mr. PRESTON**]. The Clerk will report the amendment:

The Clerk read the amendment, as follows:

"For completing the custom-house at Louisville, Kentucky, \$40,000."

MR. LILLY. I move to strike out the words "custom-house" and insert the words "post office." I think, from the remarks made by gentlemen yesterday, that this is really and emphatically a post office building, and not a custom-house, as there is but one gentleman employed by the Government as a custom-house officer, while there are no less than sixty persons employed in the post office.

Now I think that calling the building a custom-house, under such circumstances, is considerably like getting money under false pretenses. We are not building a custom-house, but really we are building a post office. If a post office be necessary at Louisville, it is also necessary at divers other places throughout the country where there are distributing offices, and where there is a large amount of business transacted. And I think that if we are going to build a post office at Louisville we ought to build them also at divers other places in the country. If my motion carries to strike out the words "custom-house" and insert the words "post office," and if it be the general will of the House to make appropriations for building post offices, I have no objection, and I shall willingly vote for the bill.

The question was put on the amendment to the amendment, and it was not agreed to.

The **CHAIRMAN.** The question recurs on the amendment proposed by the gentleman from Kentucky, [**Mr. PRESTON**].

MR. BRECKINRIDGE. I propose an amendment, to reduce the appropriation one dollar. I desire to make one or two observations on this matter. From some remarks dropped yesterday, it might have been inferred that it was intended to convey the idea that the bids originally made and closed under **Mr. Corwin's** administration had been reopened by the present Secretary of the Treasury for the purpose of giving a job to a political friend. Now, I will simply explain to the committee the reasons assigned by the Secretary himself for opening the bids. The whole amount appropriated at different times for the Louisville custom-house was \$178,745. Sixteen thousand dollars of this sum had to be taken for the purchase of the site, which reduced it that amount. The lowest bid for erecting the building alone was \$179,000, and a fraction. This bid was made under **Mr. Corwin's** administration. The Secretary says, "being anxious to bring the whole expense within the amount appropriated, I directed alterations to be made in the plan, and curtailments to be made, with a view to reduce the expenditure. I then opened it to new bids." But still the bids were above the appropriations at his command.

I will also answer a remark made yesterday by my colleague upon the Committee on Ways and Means, [**Mr. HAVEN**], giving his reasons for voting against this appropriation. He says it is right in the abstract, but says he will vote against it, because he will not sanction the practice of allowing an Administration to commit Congress to the expenditure of any sum of money which the House may not, when they come to act upon it, be willing to pass. That has not been done, as the gentleman will see, if he will take the pains to observe the language of the Secretary of the Treasury. He has not committed the House to any expenditure; and he has made no contract which binds the Congress of the United States.

The Secretary, finding the sum of money at his disposal not sufficient to complete the custom-house according to its original plan, has not had

the building put up at all. He has made conditional contracts, the fulfillment of which await the action of Congress. He has done what he ought to have done, and what every officer ought to do, under the same circumstances. He did not go on, as has been done heretofore, expending the money appropriated, in violation of an act of Congress, and having expended the whole, come back to Congress to make up the deficiency.

What will be the effect if you choose not to pass this amendment, and make this appropriation? The whole sum appropriated is \$178,745. The amount heretofore expended is \$16,000 for a site, and some \$6,000 in excavations, and work preparing the foundation—making together some \$22,000. This leaves the sum of \$155,745 as available funds, now in the hands of the Secretary of the Treasury, to be applied to that work. But the Secretary says that \$40,000 more is required to complete the building, according to the original plan. If this amount is not appropriated, the effect will be that the Secretary will take the \$155,000 and build such a custom-house as that sum will erect.

After a good deal of hesitation, I have come to the determination, as one of the members of the Committee on Ways and Means, to separate from the majority of my colleagues on the committee, and to support the estimates and recommendations of the Secretary, in relation to all these custom-houses. I say, I have come to that conclusion, after a good deal of hesitation, because I would not, as an original thing, favor the building of large custom-houses in the interior of the country. And, in my opinion, this system will finally put a stop to the collection of revenue by duties on imports. The machinery will become too cumbersome and expensive. Why, sir, in twenty-five years, if we proceed at the present rate, extending these custom-houses to all the little towns, the Government will have an amount of real estate so large that the rents of it would almost meet its annual expenditure. But the question presented now is one of a different nature. You have already appropriated a large sum of money for the purpose of building a house, which ought to be a fire-proof building. It is suggested that \$40,000 more is necessary to that purpose, and the question is, whether you will take the \$155,000 and build therewith an indifferent structure, or will you add \$40,000, making in all \$195,000, and build a fire-proof building? Under this state of the question, I shall vote for the appropriation.

I feel myself bound, upon the same ground, to vote for the estimates in regard to the custom-houses at Cincinnati and elsewhere.

Mr. CLINGMAN. Is it in order to oppose this amendment, in reply to the remarks of the gentleman from Kentucky?

The CHAIRMAN. It is.

Mr. CLINGMAN. I beg leave to say, then, a single word, as I intend to vote against this and all other like appropriations; and I want it understood that my vote is not governed by any opposition to this particular measure.

I am opposed to all appropriations for custom-houses in the interior of the country. They are necessary upon the frontiers, of course. You are obliged to have one, for instance, at Chicago, upon the northern frontier, and one at New Orleans, upon the southern border. You are obliged to have them upon the Atlantic coast. It is not necessary that you should build them in the interior; and I have heretofore regularly opposed all appropriations for that purpose. Gentlemen from the West say, as they do not get any part of the appropriation made for the support of the Army and Navy, that, therefore, they must have something. The Army and Navy are created to protect the whole country, and the State of Kentucky would be better protected in time of war than any State upon the frontier. The enemy would have to pass through the frontier States to get into Kentucky. The object of the Army and Navy being national defense, it is idle for my friend to say that the people of his State do not derive the same benefit. It might as well be argued that the center of a corn-field would be less protected by a fence than the outer rows of corn, because it was further from the fence around it. I agree with the gentleman that, so far as local advantage is concerned, the interior of the country is rather behind the frontier. When the subject of internal improvements was under consideration, where I

thought the expenditure was a legitimate one for the improvement of western rivers, I moved to raise the appropriation for the Mississippi river from some \$200,000, up to \$858,000. I am willing, whenever such a bill comes up, to give the West a liberal appropriation for those works. But are we to go on with this system of building custom-houses because my friend from Kentucky wants to have a magnificent building to beautify his city, or because a portion of his constituents want to get contracts, or want to be employed as workmen, and so forth? Are we to go on and make a large expenditure for a work that is wholly unnecessary?

It is true the appropriation for building this custom-house has already been made; but if the building were up, I would vote to sell it, or any other custom-house in the interior. I had rather devote the money to some other useful purpose, than expend the public funds in this way. I know that gentlemen from the West are sensitive, when we vote against these propositions. Let them show me any public purpose—any necessary expenditure—and I will cheerfully vote to give them an appropriation; but as the money we have in the Treasury has been raised by taxes from the people, we ought not to spend it, except for necessary purposes, and only to carry out the proper objects of the Government.

I live myself in the Mississippi valley. My district is an interior one, and has never received a dollar from any of these public expenditures. Still we are getting, indirectly, the benefit of national appropriations. If we limit our expenditures to necessary objects, in a short time we shall be able to reduce the public taxes; while, if we go on in the present mode, we are not likely to have the means of making the necessary additions to the public defenses, as recommended, and admitted to be necessary.

The question was then taken, and the amendment to the amendment was rejected.

Mr. PRESTON. I move to increase the amount \$5.

The CHAIRMAN. The gentleman is not strictly in order.

Mr. PRESTON. I hope I may be allowed to go on.

The CHAIRMAN. The gentleman can proceed with his remarks by the unanimous consent of the committee.

Mr. PRESTON. I desire to say this, that I am not here to demand this appropriation as a favor to myself or the people I represent; but I hold that the Government will save nearly as much as the interest upon the expenditure in the way of rents. Although no foreign vessels enter the port at Louisville, yet she pays twice as much revenue as Norfolk, that has eighty-nine vessels entering at that port. Norfolk paid \$38,000 last year, while Louisville paid \$48,307. The city of Cincinnati paid \$251,000 of direct revenue, while the city of Richmond only paid \$73,000; and the city of St. Louis pays \$294,000. Now, sir, in view of all these facts, every western man should recollect that by a direct trade with Louisville ten per cent. upon their goods will be saved.

I have no other word to say upon this subject. If the House choose to decide that we shall all be cut down together, I shall not complain; but if they choose to sustain the estimates of the Secretary of the Treasury, which the Committee on Ways and Means have cut down—which I think it is very proper they should do—they will adopt the amendment which I have originally offered. I leave the whole matter in their hands.

Mr. CLINGMAN. A single word. I want to ask my friend from Kentucky, who has just taken his seat, if these very goods of which he speaks as coming to Louisville, do not have to pass the New Orleans, or some other custom-house, before they reach Louisville?

But, sir, considerable stress is laid upon the fact that more revenue is collected at Louisville than at Norfolk. This may all be, but we are compelled to have a custom-house at Norfolk because it is upon the frontier. It is a port of entry, and goods may come directly there without passing any other custom-house, which is not the fact with reference to Louisville. Vessels cannot come directly there without passing the custom-house at New Orleans, where the goods are entered; and the comparison, therefore, which is made between Louisville and Norfolk, is unreasonable.

But it is said that there are sixty thousand inhabitants in Louisville. Well, sir, if you are to build a custom-house at every town having sixty thousand inhabitants, why not build one at every town of forty thousand? Why not build one at every town of twenty thousand, or ten thousand inhabitants? Why not build one at every town or village in the country accessible by river, railroad, canal, wagon road or pack mule? I object to this system of spreading your custom-houses all over the country. If the course we are now pursuing be followed out, the custom-houses will extend themselves until the Government will be obliged to abandon the whole system; for, as I said before, it will become so expensive that we cannot go on with it.

I hope, therefore, the House will vote down this appropriation for the custom-house at Louisville, and in all other similar instances. If the money must be expended, spend it in improving your rivers, or in increasing and building up your Army and Navy; or better still, cut down your expenditures and reduce your taxes.

The question was taken, and the amendment to the amendment was disagreed to.

Mr. MILLSON. I move to amend by reducing the amendment five dollars.

Mr. Chairman, I think it is really a very hard case that gentlemen who have determined to take no part in these discussions, and who are very unwilling to do it, should be forced into such a course, as I now feel myself forced to do by inferences—mistaken, unintentionally mistaken, inferences—which have been drawn in reference to the district where I reside.

I rise, sir, simply to correct the error of the gentleman from Kentucky [Mr. BRECKINRIDGE] this morning, and for no other purpose. The gentleman says the revenue collected at Louisville is twice that collected at Norfolk. According to the statement which has been placed before us, I find that the revenue collected at Norfolk is upwards of \$31,000, while that at Louisville is \$48,000. Now, with this data, my reckoning certainly does not agree with that of the gentleman from Kentucky, when he arrives at the conclusion that one is twice as much as the other.

But it must be recollected that Norfolk is in the immediate neighborhood of other large importing cities, and has a very extensive coasting trade, so that the amount of revenue actually collected at that port is but little compared with the amount of commerce carried on there. The coasting trade with New York, and other Atlantic cities, is very large, supplying a large surrounding country with merchandise. But I said I rose simply for the purpose of correcting an error, and I will not proceed further.

Mr. HIBBARD. I wish to say, in reply to the query suggested by the gentleman from North Carolina, [Mr. CLINGMAN,] that not only does every vessel that trades to Cincinnati pass by New Orleans, but they are all entered there, and almost all the work to be done with them is done by the officers there.

Mr. HOUSTON. I wish to ask the gentleman from Virginia [Mr. MILLSON] a question, and it is this: whether the exports from Norfolk do not render necessary a custom-house of a larger order than would be required if the exports were smaller, or if there were none at all? and whether the corps of officers employed at Norfolk, which is a port of entry, is not necessary for the prevention of the smuggling of goods from foreign countries?

Mr. MILLSON. It is undoubtedly so, as I explained yesterday. We have a very large coasting trade, and Norfolk is the exporting port for the whole maritime part of North Carolina. I received, last night, a newspaper, containing an account of the arrivals at the port of Norfolk, and I had the curiosity to count the number of vessels arriving there—all coasting vessels—last Monday, and on that one day thirty-two vessels arrived at Norfolk, and were entered at the custom-house.

Mr. DISNEY. It was not my purpose to take any further part in this debate; but, in consequence of some remarks which have fallen from gentlemen during this discussion, I feel compelled again to make some remarks in connection with the subject. Although the question now before us is merely as to the propriety of making these buildings fire-proof, gentlemen will persist in going behind that question, and inquiring into the propriety and necessity of erecting the buildings at all. Now,

upon that point I am perfectly willing to meet them. The point has been discussed before Congress, and upon a full hearing; Congress after Congress has decided in the affirmative, not only as to the propriety, but as to the necessity for the establishment of buildings of this sort.

Now, one word as to that question. The commerce of the West is taxed precisely to the extent of the profits of the eastern merchants—if you deny the people of the West the establishment of these custom-houses—because, having no facilities of communication with Europe, they are compelled to transact their business with the merchants of the seaport towns. The people of the West, having a right to expect at the hands of the General Government the same facilities for their commercial transactions that are accorded to the people of the East, have asked for and obtained the establishment of custom-houses, and the effect has been vastly to increase their intercourse with the people of Europe.

It will be seen, by the returns of the custom-house at Cincinnati for the last year, that the sum of \$250,000 was actually collected at that port, upon goods imported from Europe—a trade which has sprung up in consequence of the establishment of a custom-house. But for this, they would have been compelled to buy their goods from the merchants of New Orleans, or New York; and, in consequence, the goods brought to Cincinnati would have been taxed to the consumers there precisely to the amount of the profits of the merchants in New Orleans and New York. The establishment of custom-houses there, and at Louisville, enables the consumers of goods to make their purchases in those cities, at a cost less than they would otherwise have had to pay, by precisely the amount of the profits of the merchants at New Orleans or New York.

Again: if the merchant in the city of Louisville is compelled to make importations, admitting that he keeps up his relations with Europe, without the facilities of the custom-house in his own city, he would be forced to give bonds in the city of New Orleans, taking that to be the port. How is he to give those bonds? The merchant in Louisville, with ordinary commercial relations, is compelled to go to the city of New Orleans, and enter into negotiations to get parties to become his sureties on his importing bond. This necessarily requires compensation on his part, besides the want of proper facilities, and all the embarrassments surrounding a transaction of this sort. Do gentlemen understand this? As I have said before, if you will look into the returns made at the cities of Pittsburgh, Cincinnati, St. Louis, and Louisville, you will find that an immense trade has grown up under the facilities which have been furnished by the establishment of custom-houses in them.

The question was then taken on the amendment to the amendment; and it was disagreed to.

Mr. LETCHER. I move to reduce the appropriation to three dollars.

Mr. Chairman, several of the gentlemen who seem to be in favor of this appropriation have laid a great deal of stress on the fact that the Louisville custom-house is to contain a post office for the accommodation of the public; and that, inasmuch as it is to contain this post office, as well as to serve the purposes of a custom-house, a larger proportion of the public money is therefore necessary for its erection.

Now, so far as the Norfolk custom-house is concerned, it contains a post office also. In addition to that, this custom-house, with the post-office, is to be a fire-proof building, and that fire-proof building is to be constructed for the sum of \$110,000; but, sir, when it comes to Louisville, and it is admitted on all hands that there is an available appropriation now of \$155,000 for the erection of that house, gentlemen tell you that a fire-proof building cannot be erected for that sum. How is it that a fire-proof building can be erected for \$110,000 at Norfolk, and that a fire-proof building cannot be erected for \$155,000 at Louisville? I cannot understand how it is.

Again: if there is but \$22,000 expended, (\$6,000 in excavation and \$16,000 in purchasing the site,) why is it necessary now to make any appropriation at all for this Louisville custom-house? Have they not means enough on hand to prosecute it? Have they not means enough to build such a house as there is in Norfolk; and why cannot the

Department, with these means on hand, go on and make these improvements?

The gentleman from Ohio [Mr. DISNEY] seems to think that a large amount of revenue is collected at Cincinnati, Louisville, and St. Louis; and that, therefore, they are entitled to these appropriations. Well, does the fact of this revenue being collected there justify extravagant expenditures?

Mr. DISNEY. They are not extravagant, but proper expenditures.

Mr. LETCHER. In old times custom-houses were built for \$40,000 or \$50,000, and they answered good purposes. A number of them, according to the list I have before me, were built for a vast deal less. Why is it that in this age of economy, and in this age of Democratic retrenchment, you must have \$300,000 to build a custom-house? I cannot understand this, nor can I understand how it is that the gentlemen on the Whig side of the committee are so much enamored of the recommendations coming from the Treasury Department. I cannot understand it, so far as one is concerned, [Mr. CAMPBELL,] who is a shrewd tactician; and I venture to say that, in less than four years, we shall hear something from him in regard to these Democratic recommendations, indorsed by a Democratic House. It will come up in the next presidential contest, as one of the evidences of preaching on one side, and practicing on the other.

Mr. STANTON, of Kentucky. I have a few words to say on this subject, in reply to the gentleman from Virginia, [Mr. LETCHER,] as to that part of his remarks which related to the post office at Norfolk and the post office at Louisville. He thinks that the post office at Louisville ought not to be larger than the one at Norfolk, and that the cost of the building should not be greater. Now, sir, the post office at Louisville—as I said yesterday—is one of the largest, if not the very largest, distributing post office in the western country. If the gentleman takes the trouble to look at the Blue Book, he will see that there are no less than thirty-two clerks employed regularly in the office, besides a large number of other employees. Consequently the room necessary to accommodate these gentlemen must be much larger than that which is required at Norfolk, for the reason that there are but four clerks employed in the post office at Norfolk, and that it is not a distributing post office.

This seems to be a sufficient explanation why it is necessary to have a larger post office at Louisville than that at Norfolk: One is a large distributing post office, with fifty or sixty clerks and employees; and the other is not a distributing post office, and has but four clerks.

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from Virginia, [Mr. LETCHER.]

The question was put, and it was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Kentucky, [Mr. PRESTON.] The Clerk will report it.

The Clerk read the amendment, as follows:

"For completing the custom-house at Louisville, Kentucky, \$40,000."

The question was then put. Pending its decision, tellers were called for and ordered; and Messrs. PRESTON, and HARRIS of Alabama, were appointed.

The question was taken, and the tellers reported—ayes 75, noes 65.

So the amendment of Mr. PRESTON was adopted.

Mr. PHILLIPS moved to amend the bill by inserting, after 113th line, the following:

For the completion of the custom-house at Mobile, according to the plan and estimate of the Secretary of the Treasury, \$65,000.

Mr. Chairman, I cannot recognize the propriety of the animadversion upon the Secretary of the Treasury, or the imputation upon the Committee on Ways and Means. There is nothing to justify the assertion that the one has exceeded his powers, or that the other has unfaithfully discharged its duties.

The gentleman from New York, [Mr. HAVEN,] himself a member of the committee, places his opposition to the estimates upon the ground that there has been a dictation to Congress upon this subject. He says that Congress should lead, and not be led. This sentiment, sir, is just in itself; but if the gentleman means by the assertion, that

the Secretary is debarred from sending in his estimates, together with his recommendations, as to the best manner of completing the custom-houses for which Congress has already appropriated, I deny, in the broadest terms, the correctness of his position. Now, in the case of the Mobile custom-house, the Secretary, in his letter to the committee, says:

"The plans and specifications for the custom-house were prepared with great care and attention, so as, if possible, to keep the expenditure within the amount then appropriated, while it should be fire proof without and have a suitable stone exterior. Bids were solicited for its erection by an advertisement of 30th October, 1852, for sixty days, the lowest of which for a stone exterior exceeded the amount appropriated; and to effect its erection for that sum the exterior of the building would have to be cut down to a brick and mastic covering, and some parts not made fire-proof, as in the St. Louis custom-house. The Department considered that true economy required that a further appropriation of \$65,000 to carry out the original design should be made; and consequently made the estimate therefor, feeling assured that when the facts were brought to the attention of Congress, its necessity would be seen and the appropriation made. The contracts were awarded to the lowest bidders, and are subject to be cut down to the present appropriation, if no additional one is made."

Now, the gentleman from New York must see that as it was made the duty of the Department to prepare a suitable plan, the Secretary has done nothing more than he was fully authorized to do; and that as his contract is conditional, and is made in express terms, subservient to the action of Congress, it is wholly improper to say that any attempt has been made either to lead or to dictate to Congress.

In reference to the committee, I do not doubt they have been entirely influenced by what they consider the principles of a proper economy. It is, however, to be remarked, that we see no evidence of any discrimination in their action; the recommendations of the Secretary have been obliterated by "one fell swoop." I cannot but believe that the distinguished gentleman at the head of the committee, representing the State of Alabama, was induced to report against the Mobile appropriation, rather from a feeling of delicacy than from the conclusions of his judgment; for certain it is, that no one of the reasons which he urged against the other appropriations, are applicable to this.

Here the Speaker's hammer fell, the five minutes having expired. Subsequently, the amendment was renewed for \$64,900, when

Mr. PHILLIPS said: Mr. Chairman, the close vote by which my original amendment was lost induces me again to present the subject to the House. I am satisfied that my amendment was lost, not because it was opposed, but because it had no active opposition. The question fell upon one of those unfortunate calms which are often more fatal to measures than the severest legislative storms.

No one of the speakers in opposition to the various appropriations have advanced one argument or objection which reaches the case now before us.

The case is not presented for any advantage to the city of Mobile, but for the accommodation of Federal officers and agents, in the discharge of those duties which the Federal Constitution and the laws impose upon them.

Now, sir, when it is seen that Mobile is one of your first sea-ports, where large revenues are collected; where, according to the statement of the Secretary, one hundred and thirty-seven foreign vessels annually arrive and depart; the third city in the Union, as measured by its exports, it will be seen that there must, necessarily, be provided conveniences for the accommodation of the numerous body of officials connected with the proper collection and control of the customs. Besides this, Mr. Chairman, provision has to be made for the post office, and suitable arrangements for the circuit and district courts of the United States. I think the statement I have made is sufficient to disarm opposition. It is the duty of the Government to furnish a proper building, durable in its character, and freed as much as possible from the chances of fire. The whole sum required for this purpose, including the appropriation now asked for, is \$265,000. Surely, no one will regard this as an extravagant expenditure, when the means are compared with the end. I make, therefore, no appeals to this House in behalf of the city of Mobile. I do not call attention to the fact that appropriations of much greater amount have been made to other places for similar purposes. I ask

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, FEBRUARY 6, 1854.

NEW SERIES....No. 21.

of this House only to discharge its duty, in the spirit of a *wise economy*. Let this case be judged of by its own merits, and not be grouped with other cases to which objections may be entertained. If the House will do this, I feel satisfied, in the language of the Secretary, "that the necessity of the estimate will be seen, and the appropriation made."

Mr. HAVEN. I do not propose to detain the House, and answer the suggestions which have been very properly made by the gentleman from Alabama, any further than to put myself right upon one point. In the report of the Secretary I find the following, in reference to the Mobile custom-house. The gentleman, however, says that these are conditional contracts; but if they are so, he has light upon the subject which I am unable to discover. Secretary Guthrie, at page 277 of his report, after stating that \$200,000 have been heretofore appropriated since the commencement of 1850 for this custom-house, says:

"This structure is to be of granite, and a contract is made for that material, and another for the construction of the building, which is to be completed July 1, 1856; the contractor has commenced on the excavations for the foundations."

Mr. STANTON, of Kentucky. I would like to ask the gentleman from New York a question before he takes his seat. It is this: Do not all contracts of this character contain a conditional clause having this effect, that if the appropriation should not be sufficient, and Congress should refuse to make, or withhold further appropriation, then the contractor relinquishes all claim upon Government for damages, and the contract ceases to be further effective? I understand all contracts of this kind have such a clause.

Mr. HAVEN. I am totally unable to state. I only know that during the little time I have been here, a large portion has been consumed in making up damages for violations of contracts.

The question now recurring upon the amendment,

Mr. PHILLIPS demanded tellers, which were ordered; and Messrs. VAIL and CHURCHWELL were appointed.

The question was taken, and the tellers reported—ayes 61, noes 63.

So the amendment was disagreed to.

Mr. BENSON. I offer the following amendment:

For completing the custom-house at Bath, Maine, \$20,000.

Mr. Chairman, I regret the necessity of offering this amendment. If the Committee on Ways and Means had not seen fit to omit this just appropriation, I should have been saved from the necessity of presenting it for the consideration of this committee.

In the first place, allow me to say that the amendment comes before you with the same recommendation that has been presented in favor of all the other amendments of this nature that have been offered—the recommendation of the Secretary of the Treasury. If gentlemen will turn to the third page of the Secretary's letter of estimates, they will find that he there recommends this appropriation in the precise language of the amendment; and if they will refer to miscellaneous document No. 5—a document apparently designed to communicate information to this same Committee on Ways and Means—they will find that he there not only recommends it, but gives reasons for the recommendation. It seems to me that there are not only these reasons, but if gentlemen will listen to me for the remainder of my five minutes, I think I can show that there are other reasons than those presented by the Secretary of the Treasury. And, in the outset, allow me to refer for a moment to the objections which have been offered to all these amendments by the Committee on Ways and Means.

The appropriation for Wilmington, Delaware, was opposed by the Committee on Ways and Means because the amount of revenue collected there was so small—something less than \$1,000—during the year ending on the 30th of June last.

But if you will look at this same document, you will find that the amount of revenue collected at the port of Bath was \$19,742 82. The appropriations for Louisville and Cincinnati were objected to on the ground that those cities are not ports of entry. The port of Bath is a port of entry. Another objection is, that no foreign vessels are entered at the custom-houses at Louisville and Cincinnati. If you will refer to this same document, you will find that eighty foreign vessels entered at the port of Bath last year.

But, sir, it is designed that this custom-house building shall also accommodate a post office; and if you will refer to the Blue Book, you will find that the net proceeds of the post office at Bath amount to \$2,364 24, and you will find further, if you will look at the statistics which are within your control, that the district of Bath is the largest ship-building district in the United States.

Mr. FULLER. What was the tonnage last year?

Mr. BENSON. During the year ending the 31st of December, 1853—and I have Democratic authority, the *Easton Times* of January 12, 1854, for what I say—the number of vessels built in the district of Bath was sixty-nine, and the tonnage was 49,119 10-95, and the tonnage of vessels registered, enrolled, and licensed, in this district, on the 31st of December last, was 151,498 75-95 tons.

Mr. DEAN demanded tellers. Tellers were ordered; and Messrs. HARRIS, of Alabama, and VAIL, were appointed.

Mr. FULLER. Is it in order to move an amendment?

The CHAIRMAN. It is not, in the opinion of the Chair, in order to submit an amendment while the committee is dividing.

The question was taken, and the amendment was agreed to, the tellers having reported—ayes 71, noes 55.

Mr. WADE. I propose to amend the bill by inserting after the 113th line—

To complete the marine hospital at Cleveland, Ohio, \$25,000.

Mr. HOUSTON. There are estimates for other custom-houses, and I would suggest to the gentleman from Ohio that it would be better to allow the custom-houses to be disposed of first. There are several marine hospitals in the same condition.

The CHAIRMAN. The Chair would suggest that the gentleman from Ohio has a right to offer the amendment under the rule.

Mr. WADE. I withdraw the amendment.

Mr. WASHBURN, of Maine. I move an amendment to the bill—

Mr. BENTON. I hope gentlemen will wait till the committee gets through the custom-houses.

Mr. WASHBURN. My amendment is: "To complete the whole works in and about the custom-house at Bangor, Maine." This amendment is in pursuance of the recommendation of the Secretary of the Treasury. Some three years ago, \$50,000 was appropriated for the custom-house building at Bangor—for the building alone. Subsequently, \$15,000 was appropriated for the purchase of a site. There was some question as to what might be the most eligible site. The Treasury Department decided to select, and did select the site of the old market-house foundation, which was a station at the bed of the stream which divides the city, and nearly in the center, leaving half the population on either side. This was thought by the Government altogether the most eligible site, the most central, and the most convenient, inasmuch as the building was to contain not only offices for the custom-house, but also for the post office, and rooms for the Federal court. That site was then selected. It afterwards became necessary to make an appropriation to prepare that foundation, and the Secretary of the Treasury now reports:

"Sufficient appropriations were made previous to the last session of Congress for this building; but a deficiency existed for the foundations, which had to be put down lower

than was anticipated, and their walls also raised somewhat higher.

"The appropriation of March 3, 1853, was made to meet this deficiency, and is in the following words: 'To complete the foundations of the custom-house in Bangor, and connect the same with the shore.' That amount was found sufficient for the foundations, but left only a small sum for the last purpose.

"A full examination of the subject made it apparent that most of the connection with the shore should be by solid pieces, faced with substantial granite walls, and the surface paved with granite blocks.

"The present appropriation of \$20,000 is asked for that purpose; and, if made, would complete the whole works in and about said custom-house."

When I asked for an appropriation during the last session I stated, as you, Mr. Chairman, may remember, and as the old members will remember, that I supposed that appropriation was all that would be required. I had no doubt of it whatever; and I never knew nor suspected that any more would be necessary until after I arrived at Washington the present session, when I found that the Treasury Department had ascertained that the sum was too small, and that they themselves had declared that this additional amount was necessary. It is absolutely necessary, if there is to be any use whatever from the custom-house. The custom-house building has already been put under contract; it is very well advanced, and may be finished some time this season. The site has been purchased, the title made perfect, and, when finished, this building will be of no sort of use whatever to the community, no sort of use to the Treasury Department, because there are no approaches to it. And this appropriation is asked for, and is made necessary, simply for the purpose of connecting that custom-house and these establishments—which are in the most central part of the city—with the bridge on either side.

Bangor is the second city in Maine as to its population, its commerce, its business. It is a port of entry. There are sometimes no less than two hundred vessels loading there for foreign and domestic ports; and when we consider the amount of trade carried on there, its ship-building, the amount of its commerce, and the additional fact that it has a population of twenty thousand inhabitants; also, that this building is intended to accommodate the custom-house, post office, and Federal court, it will be seen at once that the whole amount of the appropriation to Bangor, is not an unreasonable one.

Mr. Chairman, I think there can be no question whatever as to the course which ought to be pursued by this committee in reference to this recommendation. This appropriation having been recommended by the Treasury Department, and being absolutely necessary to the use of what has been already appropriated, I will not trouble the committee with any further remarks.

Mr. HIBBARD. This is an old acquaintance, if not an old friend of mine, and I cannot permit this occasion to pass without a remark. This is an appropriation for a county way down East—not in my own State, but near it—for a cherished friend of New Hampshire, the old State of Maine. I say in regard to this what I say in regard to others, not only that it is not necessary, in my judgment, but the whole scheme and plan is, if not the most unreasonable and unfounded of them all, one of the most unreasonable, unfounded, and uncalled for. I do not know but that it will pass, and it looks as if all these things might go, for I observed that the gentleman from Kentucky [Mr. PRESTON] yesterday, in his remarks concerning the Louisville custom-house, called over the roll of all the other places which have custom-houses, for which appropriations are to be asked for here. I cannot, I do not believe, that that gentleman had any object in that, to promote what we sometimes call log-rolling, in order to call to the aid of his project the friends of other projects, who want benefactions for themselves, and therefore make common cause together. I do not believe that, nor do I charge it in this Hall. But out of it there has been a great deal of log-rolling among the friends of these different appropriations. They have been putting their heads together, and holding conferences, and soliciting aid, by promising

to support their schemes if they will support the schemes of those soliciting their aid. Go with me, and I will go with you. That is the kind of influence I fear and apprehend.

How stands the facts as to Bangor, upon its merits? They collected there during the present year some \$19,000. They have employed there six persons in all. Heretofore we have made appropriations to that point. At one time, \$15,000; at another time, \$15,000; and at another time, \$50,000—in all, \$80,000. When the gentleman from Bangor [Mr. WASHBURN] came here last session to get the last appropriation, what did he tell us? He wanted that for the very purpose for which he wants this—to connect the custom-house with the main land—as they built it out somewhere in the water, I suppose; I do not know where. The gentleman presented his appropriation, and it was urged for that purpose. It was carried, and it was to complete the work. Such, at least, were the assurances made here. Such, he states now, was his conviction; and the result shows how vain are all human calculations of this kind. Now he wants \$20,000 more for Bangor, and urges that this appropriation is absolutely necessary for the use of that which has already been expended. Twenty thousand dollars more are wanted; and when this is appropriated, what assurance have we that it will finish the work? None whatever; and we are as likely to be called upon for a new appropriation the next year as for this one now. Let me state the available means they have on hand. My friend states that some \$32,000 are now on hand, available.

Mr. WASHBURN, of Maine. I desire to put the gentleman right. Will the gentleman allow me a moment of explanation?

Mr. HIBBARD. I cannot give way, as my time is so limited. Thirty-two thousand dollars and upwards are now available and unapplied to complete this building. They can complete the building with this sum. They will complete it, if we stop where we are; but if we keep on with this wasteful system of appropriation, these custom-houses will never be finished, especially so long as honorable gentlemen are willing to come here and carry through these unheard-of and unusual appropriations.

Mr. PRESTON. It was not my intention, Mr. Chairman, to venture another word before the committee upon this subject; but the honorable gentleman from New Hampshire [Mr. HIBBARD] has made some allusions evidently in reference to me, which induces me to say something in response. The gentleman charges me with the heinous crime of "log-rolling" in this House, because yesterday I ventured to read some extracts from the letter of the Secretary of the Treasury, relative to the sums necessary for the completion and construction of the custom-houses at Louisville, St. Louis, Mobile, and other cities. I certainly can see no cause for censure in the reference I have made to the communication of the Chief of the Treasury to the chairman of the Committee on Ways and Means, in relation to a subject directly under the consideration of the House. That communication grouped the cities and the estimates together, and if there has been any "log-rolling," as the gentleman styles it, it certainly owes its origin to the Administration at the other end of the avenue, and not to me, and from a source that I suppose is far better skilled in the science.

The Secretary of the Treasury transmitted these estimates to the Committee on Ways and Means, and that committee having rejected them, I propose, by amendment, to insert them in the deficiency bill; and because I venture, in support of my amendment, to read the catalogue of custom-houses, and the sums the Government thinks necessary for their proper construction, the gentleman from New Hampshire, coming from somewhere near the north pole, turns his eyes to heaven, in patriotic horror, and asks me if it is possible that I intended, by such "log-rolling," to secure the passage of the amendments. I frankly avow it is my intention not only to vote for my amendment, but to effect, if possible, the insertion of all the appropriations for all the custom-houses embraced in the recommendation of the Secretary of the Treasury.

I have great respect for the gentleman from New Hampshire, but in sincerity I must say that his affected condemnation of my supposed "log-rolling" is somewhat absurd. He reminds me of Jo-

seph Surface, in Sheridan's comedy of the School for Scandal, who, after Sir Peter Teazle discards his frank and careless brother, and gives to Joseph all his confidence, at length detects him, after all his virtuous speeches, in an attempt upon the honor of his wife, which causes the indignant baronet to exclaim with an oath that he never would trust another man of sentiment again. [Laughter.] Now, Mr. Chairman, in all candor, I would ask, if it is not preposterous for the gentleman from New Hampshire, who stands in relations of the strongest personal and political affiliation with the Chief Magistrate; who was one of the most efficient and intelligent friends he possessed; who participated in forming those combinations which elevated him to the most exalted station in our country with triumphant success, and now his trusted friend, to turn to me, a less expert brother member, with no desire for a coalition, and nothing to coalesce with, and read me, in choice terms, a homily on the wickedness of "log-rolling?" Verily, sir, I feel inclined to say with Sir Peter, "Confound me if ever I trust a man of sentiment again." [Laughter.]

Mr. WASHBURN. I wish simply to make a statement in reply to the gentleman from New Hampshire, [Mr. HIBBARD.] The gentleman states that we have had some \$30,000 appropriated for the custom-house at Bangor. Fifty thousand dollars were originally appropriated for that purpose. The contract has already been made for the building, and a large portion of the money has already been expended. Fifteen thousand dollars were appropriated for the purchase of a site, and that amount has already been paid over. Fifteen thousand dollars more were appropriated for repairing the foundations, which sum has been expended; and now twenty thousand dollars more is necessary to make a connection with the shore. The money heretofore appropriated has been, and will be expended, before the meeting of another Congress. The amount now asked for is absolutely necessary to make a connection with the shore. Will the House, after having made an expenditure not in accordance with, but against the wishes of a majority of the citizens of Bangor, hesitate now to make this additional appropriation of twenty thousand dollars, recommended as it is by the Secretary of the Treasury? I have nothing more to say.

Mr. HIBBARD said: Mr. Chairman, a word in regard to the matter of log-rolling, to which the gentleman from Kentucky has referred in a manner so felicitous and amusing. My recollections of the story of Sir Peter Teazle are not so fresh as the gentleman's, but I remember that when he was laughed at by some of his waggyish friends about the attempts of Mr. Surface upon the virtue of his wife, he joined in the laugh with characteristic good nature, rubbed his hands, and said it was "very pleasant." [Laughter.] That is all I can say of the gentleman's illustration. He was very pleasant, but not very pertinent to the matter in hand. [Laughter.] Mr. Surface was baffled in his designs upon Lady Teazle, and I trust the gentleman will fail in his attempts to violate the Treasury. [Laughter.]

The gentleman says I come from near the north pole. Not quite so far up as that, Mr. Chairman, but from a most excellent neighborhood in that direction—a little State which has always stood by the Constitution, maintained economy, and resisted extravagance, asking nothing of this Government but that it will manage its legitimate affairs in a proper way. If that be a crime, I must plead guilty, and let the gentleman make the most of it. Living there, our cool judgments are not driven to the necessity of attempting to sustain our positions upon grave matters of fact and figures by illustrations drawn from comedy nor works of fancy. It was, perhaps, to be expected that the gay and gallant gentleman from Kentucky, living not near the north pole, as he says I do, but under the warm sun of the fervid South, should resort to prurient works of fiction for argument and illustration. There is no accounting for tastes, and no use in disputing about them. The spirit of the play from which the gentleman has quoted seems agreeable to him, and is doubtless congenial with his position upon the questions in issue; though professing to have a good moral, it is not exactly in accordance with some of the notions of the unsophisticated North. I know not how it may be in Kentucky. The gentleman, doubt-

less, does know, and with him I leave this new matter he has thought proper to introduce. He evidently feels that our present action is getting to be a comedy. Like other comedies, it seems likely to end in "a farce" at last.

I did not charge the gentleman with "log-rolling." There are those whose sensitiveness sometimes induces them to try on coats that were never made for them. The gentleman is pleased to put it on; I did not put it on him. If it fits the gentleman, why let him wear it. It seemed to me that the reading of this list of custom-houses for which estimates were made, the calling over of the roll last night and again this morning, however designed, might have the effect to remind gentlemen interested in these various appropriations that their cause was a common one. It did seem to me that it might have such an effect, and the course of affairs in the committee upon these appropriations I think also indicates something of the kind. There has been more remarkable shaking of hands, and joining together of faces. Some strange meetings of strange bedfellows.

Sir, I have uttered no sentiment here; I discard sentiment. I do not like it, unless it is accompanied with corresponding practice. I do not like to preach one thing and do another; to point one way and stand still like a guide post; nor, like another class of blind guides, to recommend one way and travel a contrary one. If I preach economy, I would practice it. I do not think it our duty to stand here, as the gentleman from Kentucky seems to do, prepared, with eyes shut and mouth open, to swallow everything handed down to us from the other end of the avenue, because it comes to us from there; to pass every item of expenditure because a Secretary recommends it; to vote everything asked for every conceivable purpose, without examination and without question, because, with or without the Secretary's personal consideration, it has found its way into his estimates.

I say, sir, this is no course for statesmen, nor for reasonable men, responsible to the country for all our acts. If adopted, it would abrogate the whole functions, not only of the Committee on Ways and Means, but of Congress, and make us mere automatons, to register the edicts of the Departments. As well, nay, better, that we never meet here at all, than enact such a farce, and call it legislation. It is the business of the Departments to recommend such appropriations as they deem necessary. It is then ours to examine, and to grant such as we think requisite, and to refuse the rest. To differ from a recommendation of a Secretary about a particular item indicates no lack of confidence in that officer. No Secretary will so regard it, and no true friend of his so proclaim it. My own opinion of the character and general policy of the high-minded and incorruptible man at the head of the Treasury Department has been too often expressed, and is too well known by those who know anything of my views, to require me to say that I have lost none of my confidence in his integrity and eminent ability, because I dissent from some of the items that happen to be found in these estimates. The gentleman yesterday seemed to think there had been Democratic favoritism, if not extravagance, because he told us that Democrats in his vicinity wanted jobs, and hence these calls for money. If this be so, and the gentleman disapproves it, why does he not join us in putting down this favoritism and jobbing?

The gentleman has traveled out of the record to intimate, if I understand him aright, that there has been some collusion, or improper management, in the recent election to the presidency of an eminent citizen of my own State, of which I am in some way cognizant. Sir, such allusions have no business here, and I shall not reply to them now. If, at a fitting time and a proper occasion, the gentleman will explain his meaning, and specify his charges, I will assure him those charges shall be promptly met. Then, as now, I fancy he will be compelled to draw for proof and for illustration upon the "School for Scandal."

The question was then taken on the amendment to the amendment, and it was rejected.

The question recurred upon Mr. WASHBURN's amendment.

Mr. WASHBURN demanded tellers, which were ordered; and Messrs. CAMPBELL and CHURCHWELL were appointed.

The question was then put, and the tellers reported—ayes 73, noes not counted.

So the amendment was agreed to.

Mr. BENTON. I move the following amendment:

For the completion of the custom-house at St. Louis, Missouri, \$100,000.

Mr. Chairman, I have to state to the committee that that appropriation is recommended by the Secretary of the Treasury. It is not a naked recommendation, but one with reasons given for it, which are printed, and here to be read, if desired. The reasons given by the Secretary are, that the custom-house is now in progress; that it has never yet been restricted by any appropriation made for its completion for any given sum. The appropriations heretofore made were, first, to begin the work—to purchase the ground and the material—then to continue it. That appropriation was made while I belonged to the other end of the building. Afterwards appropriations were made for continuing it. There has never been any restriction—never any limitation—never has there been any exceeding of appropriations.

Nor is it intended now to go beyond the appropriations which have been already made, unless for great reasons given by the Secretary in the recommendation which he has made. The appropriation now remaining applicable to this object, which may be \$180,000, will make one of those kind of buildings which are the wonder and astonishment of Europe; not a building to last, but a building to be burned down. It is the astonishment, sir, of the civilized world, that Americans, who have money—money to squander upon every object—when it comes to a building, build houses to be burned down with all their contents, and then begin again and build another for the same purpose.

The Secretary of the Treasury, in his report, says that true economy requires these buildings, in the first place, to be faced with stone, and not with mastic upon bricks, which has been the plan heretofore, mastic being a thing which will not stand in that climate. Some parts of it heretofore were stipulated to be fire-proof, other parts not; and it is to carry out the plan since proposed, of the building being fire-proof throughout, and of durable material, to last through centuries upon centuries, that this application is made. And, sir, why not grant it? What is St. Louis? It was a little French village when I went to the place. What now? A great city, of one hundred thousand souls, and representing a commerce with European cities and a million of people; and that commerce increasing every day.

It was but a few years ago that we obtained from the Congress of the United States the privilege of making it a port of delivery, a part of the district of which New Orleans was the port of entry. It was afterwards extended; so as to pay the duties there; and what have these payments run up to? To \$300,000 paid there in the year 1852, perhaps \$400,000 now, and increasing constantly. Nor is it for the office of the customs alone that we want the appropriation, but for many other offices. What is the amount of money the United States is now paying in St. Louis as rents for buildings? First, there is the custom-house itself, then the court rooms for the Federal courts, then the post office—a very large establishment—then comes the Indian department, the surveyor general's department, with the two surveyor's offices, sub-treasury, and others, altogether some dozen or fifteen offices in St. Louis for which rents have to be paid by the Government.

[Here the hammer fell.]

Several MEMBERS. "Go on!" "Go on!"

Mr. BENTON. There are no less than a dozen different kinds of buildings for which rents have to be paid now by the Government.

[Here the hammer fell again.]

Mr. HOUSTON. The gentleman from Missouri [Mr. BENTON] is mistaken somewhat in relation to the legislation that has taken place on this subject. At the first session of the last Congress an appropriation was made for the purpose of erecting a fire-proof building in the city of St. Louis, for a custom-house, post office, &c., "for the completion." The second appropriation that was made was for the construction of a building for custom-house, public treasury, and other offices of the United States at St. Louis, Missouri, in addition to the appropriation made on the 13th

September, 1850, of \$25,000, "provided that no part of this sum should be expended unless the sum should complete the building."

So that, Mr. Chairman, there were two appropriations for this purpose. One said that it should not be expended—not a dollar of it—unless it would complete the building; and the other was made "for the completion" of the building. Now, I resisted these appropriations at the outset, because I felt that it was my duty to do so. I believed that they were wrong; and I do believe that they are wrong. But the committee has overruled me in every instance, and I take it for granted they will still continue to do so. However, as the St. Louis custom-house and the Louisville custom-house are rather exceptions to the general rule, it was thought they should be brought specially to the attention of the committee, as was done yesterday. As to the one in relation to Louisville, the estimates and the precise bids were before the House when it passed the last appropriation. It passed it on bids before the House.

I now propose to have the Clerk read a communication from the Secretary of the Treasury, addressed to the last Congress, showing that on the bids, and on the precise estimates, we appropriated \$115,000 for the completion of this work. That is all I propose to do.

The Clerk then read the following communications:

WASHINGTON, February 16, 1853.

DEAR SIR: Under the propositions received by the Department, the new custom-house and post office at St. Louis will require a further appropriation of \$115,000, and for the marine hospital, \$20,000.

Very respectfully,
Hon. J. F. DARRY.

WM. S. HODGE.

TREASURY DEPARTMENT, January 21, 1853.

SIR: I have the honor to report, that by the terms of the appropriation authorizing the erection of a custom-house at St. Louis, Missouri, the building is required to be fire-proof, and to afford accommodations for the custom house, independent treasury, and other offices of the United States in that city, embracing the post office, surveyor general's office, register and receiver's offices, pension agent's office, and rooms for the United States courts and other officers. That exclusive of the cost of the site, the appropriation for the construction of said building, including the necessary contingent expenses, amounts to the sum of \$75,000, of which a balance of \$73,978 38 remains unexpended. That a suitable plan for the building, prepared with great care, and with particular reference to its most economical construction, was adopted and proposals invited for its construction; and that the lowest bids for the work, as appears from the report of the superintendents, amount in the aggregate to the sum of \$189,789 97; showing a deficiency of \$115,811 59.

If the building is to be constructed according to the present plan, it is obvious that a large additional appropriation will be required before any further steps can be taken, and I would therefore recommend, in order to meet all contingencies, that Congress should be asked to appropriate the further sum of \$125,000 to complete the building.

Very respectfully, your obedient servant,
AMMI B. YOUNG, Supervisory Architect.
Hon. THOMAS CORWIN, Secretary of the Treasury.

TREASURY DEPARTMENT, February 17, 1853.

DEAR SIR: In addition to the foregoing report, I would state that Mr. Rockwell, the former Commissioner of Customs, after a visit to St. Louis last fall, reported to me that, on a full examination of the plans for your building, and the present post office accommodation, he thought it absolutely necessary to order more room to be appropriated to that purpose, and that in a few years the building would not fully accommodate all the business proposed to be put into it. He further stated that the building could not be erected for the money appropriated, and if made in conformity to those now being erected by private individuals, would cost nearly \$200,000.

The amount of accommodation now required is very large, and with the increase of the city in a few years, some of the offices now located in the proposed building would have to be removed to other buildings, in order to accommodate the most important business in this. St. Louis is in one of those locations that the required accommodation will very fast increase; and I think it would be very bad policy to erect a building of this kind there, that would not afford proper accommodation at this time.

Respectfully, your obedient servant,
AMMI B. YOUNG, Supervisory Architect.
Hon. T. F. DARRY, M. C., Washington.

Mr. DEAN. I move to reduce the appropriation one dollar. I do it for the purpose of enabling the gentleman from Missouri [Mr. BENTON] to continue his remarks.

Mr. BENTON. I avail myself of the opportunity, with thanks to the member who has afforded it, to say to the gentleman from Alabama [Mr. HOUSTON] that this age is progressive. Everything is moving along; and what will not move of itself is carried along by the advancing mass. The gentleman looks to former acts, which related to the building according to its first plans,

and were intended for that kind of building which has been superseded by the progress of ideas, and in which mastic and wood must yield to stone and iron. There has also been progress in the arts on this subject; they are firmer, and have been succeeded by another which was for the continuation of the building on the plan which we have at last got adopted. I speak of the last act, which is the one which is upon the progressive principle. The Secretary of the Treasury says that the last appropriation to this work was for continuing its construction, and he puts within a parenthesis "consequently not restrictive." So that there has been no limitation put upon the new plan—no covenant against a new appropriation—no estoppel to ask for this \$100,000. It is no longer intended to put up a building to be burnt down, or to rot down. But, as I have said, it is wanted for more than a custom-house—for twelve or fifteen offices, and some of them large. Capacity and durability is wanted—a house large enough for more than a dozen offices, all to be collected within it, and for the purpose of being burnt up in it. Fire-proof is now the idea, and durability the design, and economy to result from it, as well as safety. There has been no restriction since the acts the gentleman read. Since that there has been no limitation; since that the word "completion" has not been used until incorporated in this amendment which I have presented. It is now used—completion is now the word—and if it is adopted now, and at another session anybody comes forward and asks for a further sum, then the gentleman from Alabama [Mr. HOUSTON] can spell that word "completion," and nail him down to the \$100,000, which this amendment contains.

Sir, I was saying when I sat down before, that not less than ten or fifteen offices belonging to the United States were kept in hired buildings in St. Louis, the rent of which is more than the interest on the cost of the proposed building. It would be economy to erect such a building, which by the law of its creation—by the words in the act which commenced it—is to be made to accommodate all those different offices, enumerating by name the whole of them. Thereupon will cease the enormous rent we are now paying. It will be a piece of economy in the use as well as in the perpetuity of the building to make it as this amendment proposes, and I hope the House will readily grant it, seeing that this amendment contains that word "completion," which is to be a bar to future applications.

The question was then taken on Mr. DEAN's amendment to the amendment, and it was not agreed to.

The question then being upon Mr. BENTON's amendment,

Mr. JONES, of Tennessee, demanded tellers; which were ordered; and Messrs. VAIL and CURCHWELL were appointed.

The question was then taken, and the tellers reported—ayes 89, noes 56.

So the amendment was agreed to.

Mr. RIDDLE. I move to amend by adding the following:

For completing, in a fire-proof manner, the custom-house at Wilmington, Delaware, \$12,000.

Mr. Chairman, I do not design to occupy even the five minutes allowed me under the rules of this House. I have already said what I desire to say in relation to this recommendation of the Secretary of the Treasury. But, sir, I find that my appropriation stands before this committee, as I stand in the House, alone; with no friends to back be, no colleagues to advocate my claim.

I have asked, at the hands of this committee, nothing which the Secretary of the Treasury has not asked for, as a matter of justice and economy to this Government. The question before us is simply whether you will complete this custom-house as it has been constructed to the first floor, in a fire-proof manner, or whether you will construct it in such a manner as will render it liable to be destroyed by fire, as was the one at Portland, Maine.

The Secretary says, in his recommendation, that it will be most economical for the Government to grant the appropriation. But it is in vain for me to repeat the arguments which are urged in the strongest language by the Secretary of the Treasury. If it be the pleasure of the House to strike

down the appropriation for which I ask, let the decision be made now, and I will not trouble them again with the matter.

Mr. MIDDLE demanded tellers upon the adoption of the amendment, which were ordered; and Messrs. VAIL and CHURCHWELL were appointed.

The question was taken, and the tellers reported—ayes 82, noes 39.

So the amendment was agreed to.

Mr. PHILLIPS offered an amendment, appropriating \$64,000 for completing the custom-house at Mobile, and addressed the committee in favor of the amendment. [These remarks will be found embodied with those in a preceding column.]

Mr. WHEELER demanded tellers on the amendment.

Tellers were ordered; and Messrs. HARRIS of Alabama, and WHEELER were appointed.

The question was then taken, and the tellers reported—ayes 89, noes 37.

So the amendment was adopted.

Mr. WADE. I offer the following amendment to the bill:

To complete the marine hospital at Cleveland, Ohio, \$25,000.

Mr. Chairman, I have no desire to make any special remarks on the necessity or propriety of this appropriation. But I wish to call the attention of the committee to the fact that the Secretary of the Treasury has reported the amount as necessary for the completion of the marine hospital at Cleveland. I desire to state that the city of Cleveland has between forty and fifty thousand inhabitants, and that it is one of the most salubrious locations on the shores of Lake Erie; that this marine hospital has been located there, and has progressed to a point which needs about this sum to perfect it. It is now in that condition that two thirds of the wards in the hospital are unfinished; the upper portion of the building about the roof is unfinished; the rains and storms beat in under the roof, and render that portion of it, which was destined to have been completed, incapable of occupation by the inmates of this hospital. I wish to impress upon the committee the fact, that at the port of Cleveland during the last year there were 23,400 seamen entered; that that lake country is a nursery for your seamen; that, aside from the fisheries, which bring fisherman from the Atlantic States, there is no part of the United States which compares with the western lakes as a nursery for your seamen.

I would say, further, that such is the condition of the western country during the summer season, that patients for this marine hospital are sent from New Orleans, from St. Louis, and from the Mississippi and its tributaries generally, that they may avail themselves of the salubrity of the atmosphere on the lakes in the summer season. This building is, however, in that unfinished condition that many of the patients who have suitable recommendations for admission there are turned away, because there is no room for them. I cannot tell how much the Government has expended on that building, but it is a fine structure, standing in one of the most lovely locations in that beautiful city.

I want to say to the committee further, that it will be most niggardly economy to refuse this appropriation, having progressed to this point, and let the building go to ruin.

I desire to state that the tonnage of vessels entered at Cleveland last season was 495,000 tons, and that the revenue collected there, by shipment to foreign ports, was \$50,000 and upwards.

Mr. HOUSTON. I understand that the amendment under consideration is that in regard to the hospital at Cleveland. I am anxious to get the bill through the committee to-day. Here are some six or eight marine hospitals, for which appropriations have been recommended by the Department, but which the committee have not reported. If the sense of the committee is in favor of them let them manifest it in one vote.

[Many VOICES, "Vote on them separately."]

Mr. HOUSTON. I will state the reason why I voted against the completion of these marine hospitals in the manner and style proposed. In the first place, if gentlemen will look into the subject, they will find that we have long since appropriated and disposed of all the hospital money, which was designed for the comfort and convenience of sick seamen; and that whole class of

people are now dependent upon the general treasury for support. We are wasting the money intended for the comfort and convenience of this class in their distresses, and we are wasting it upon the construction of marine hospitals at places which, in my judgment, are not suitable. If gentlemen will look at page twelve of the document I have in my hand, they will find stated the objects sought to be accomplished by all these appropriations. Almost all of them are intended more to beautify and adorn the buildings than to advance the comfort and convenience of the inmates.

On page thirteen of the same document, you will find the annual cost of keeping up these establishments. At some points it costs the Government ten and a half dollars a week for each sick seaman in the hospital. At the last session of Congress, when this question was thoroughly investigated in the House of Representatives, we had before us a report from the Secretary of the Treasury, stating that it costs about double the amount, upon the average, to take care of sick seamen in this way, than when we procure quarters for them in private establishments. That is true now. At Chelsea, Massachusetts, the cheapest point, it costs four dollars and twenty cents a week; and at a point in Florida, it is over ten dollars a week for each sick seaman in the hospital. They range all along between these two amounts.

If we propose to take care of them as we ought to do, let us make such arrangements as will enable the Government to take care of them upon the fund which is raised; and if we cannot do it, let us not take these large amounts for the purpose of building houses for them.

By reference to another page of this same document, you will find that at Cleveland, Ohio, we have had nine different appropriations. It is a very difficult matter to finish the building. The appropriations for the marine hospital at that city have been as follows:

1842, August 29, for site.....	\$12,000 00
1845, March 3, for construction.....	8,333 33
1848, August 3, do	10,000 00
1849, March 3, do	6,667 00
1850, September 30, do	8,000 00
Do do for furniture.....	7,000 00
Do do for groding and filling.....	5,000 00
	20,000 00
1851, March 3, for construction.....	12,909 05
1852, August 31, draining, heating, and watering.....	2,000 00
In all.....	\$71,909 38

The appropriations here are no worse than at other places. At St. Louis over \$80,000 have been appropriated for the marine hospital there, at different periods; at Chicago, Illinois, over \$49,000; at Louisville, Kentucky, over \$50,000; at Paducah, Kentucky, over \$50,000; at Evansville, Indiana, \$25,000; at San Francisco, California, \$180,000. So we see by reference to these documents, that we are using that kind of economy which requires the largest expenditure of money to accomplish the end. In the manner in which this expenditure has been made, it is a great waste of money and as one of the Committee on Ways and Means, I thought it my duty to give a vote which would arrest this course of things. The rooms in this building, for which the amendment now provides, are, with very few exceptions, in a comfortable and convenient state, and everything is in readiness to take care of the sick. The physicians, nurses, and cooks are kept by the Government at a cost averaging between seven and eight dollars a week—

[Here the hammer fell.]

Mr. HIBBARD. I move to amend by reducing the appropriation one dollar.

I will consume but a minute of the time of the committee in giving an additional reason to those suggested by the gentleman from Alabama, [Mr. HOUSTON.] These estimates have been spoken of in the aggregate as a condition of the system; and now I wish to direct the attention of the committee to the demands for the appropriations which we are now asked to make. By referring to House document No. 5, you will find that at Key West, Florida, for which an appropriation is to be asked, that the average number of patients is only five. We have already appropriated for Key West a large sum of money, to which reference has already been made by the gentleman from Alabama. By referring to page fourteen of the same document, you will find that there are employed at the marine hospital at Mobile, Alabama, one surgeon, one superintendent, one mat-

ron, one nurse, one assistant nurse, one house cleaner, one cook, two laborers, one laundress, one assistant laundress, where there was but one patient for the last year. The average number of patients is none. Still we are to be asked for an appropriation to complete this marine hospital, where we have not a single patient. At Paducah, Kentucky, there are employed one surgeon, one superintendent, one steward, and eight employees, where there are no patients at all.

Mr. FULLER. If the gentleman will turn over the page, he will find the average number of patients at Mobile is twenty-seven.

Mr. HIBBARD. I stand corrected as to Mobile, but am right as to the rest. I thought it strange that such should be the fact there. But, sir, Paducah, Kentucky, for which the gentleman from Kentucky desires an appropriation, has no patients. At Pittsburg, in Pennsylvania—another part of this system—the number of patients, none. Key West, average number of patients, five. Now, sir, for a marine hospital at Paducah, Kentucky, where there are no patients, we have already appropriated \$51,625. At Cleveland we have already appropriated \$71,909, while at the hospital in that place there are an average of twenty-eight patients. At a large number of these hospitals there are no patients at all; at some of them there are a few; at others quite a number.

Now, sir, the whole fact of the matter is, that we need but few marine hospitals, and they should be selected with care, and located at eligible points, where the greatest number of patients will be likely to congregate. They should be located in different portions of the country. Some of them I would have upon the western waters, although there are not, perhaps, so many patients as upon the Atlantic coast; still they are necessary there. I would aggregate the expenditures at the most prominent points, because in that way we shall accommodate the greater number.

I cannot think that this committee will deem any further argument necessary to show the utter inexpediency of these appropriations, a large portion of which are to be applied to points where there are no patients.

[Here the hammer fell.]

Mr. BLISS. I am satisfied that if this committee can only understand the facts connected with the appropriation which is provided for in the amendment of my colleague, [Mr. WADE,] there will not be a single vote in opposition to its adoption. I deny that the representations of the gentleman from New Hampshire, [Mr. HIBBARD,] however true it may be of the circumstances connected with other institutions of the same kind, can have any application to those connected with the hospital at Cleveland. Although it may be true that injudicious appropriations may have been voted by Congress to establish marine hospitals; although it may be true that there may be some of these institutions which have no patients, such a statement is utterly untrue with regard to that at Cleveland, for which this appropriation is sought.

As has already been remarked, it is so situated as to accommodate the whole frontier lying along the great chain of lakes, extending from the West to the East. It is provided with as many patients as in its present incomplete state it can accommodate, and applications, as I have reason to know, are from time to time made for the admittance of more patients than can possibly be received.

I know it is provided with a medical corps, consisting of gentlemen distinguished in science, having all the capacity in that profession that pertains to any other board of a like kind in the country. It was established as a matter of necessity; it was established in accordance with the dictates of humanity; and it has been sustained, from time to time, as has been shown by the chairman of the Committee on Ways and Means, by appropriations, although they were light and inefficient. It is at present incomplete, and the amount already expended to promote the great objects of this institution, is liable to be lost in the niggardly economy which would withhold the small appropriation that is now asked.

I say, again, that if gentlemen of the committee could understand distinctly the circumstances surrounding this application, I cannot believe there is one here who would vote against it.

The question was then taken on the amendment to the amendment, and it was rejected.

Mr. FULLER. I move to amend the amendment, so as to increase the appropriation one dollar. What I am about to say will relate to the subject generally rather than to any particular one of these propositions. I have not seen the report of the Secretary of the Treasury this year, showing the collection and disbursement of the hospital fund. Last year, I recollect, \$130,000 was collected out of the monthly wages of seamen—twenty cents a month—and the expenditure was just about that sum. Now there are thirteen thousand seamen in the State which I in part represent, and yet there is not a hospital in that State to which they can go to be taken care of in case of sickness. The nearest is at Chelsea, Massachusetts, and it is always found to be crowded. Allusion has been made to the cost of supporting each seaman in hospital. Well, it is true that if you build a hospital, and provide it with a proper staff of officers and nurses, the fewer the number of sick seamen there, the greater will be the expense of each per week; but if, unfortunately, any epidemic prevails by which the number is swollen, it then becomes cheaper. The attention of the Committee on Commerce has been particularly called to this subject, by the sickness which prevailed in the Gulf last season. I would say to the gentleman from Alabama that this is not a question of dollars and cents only. Seamen, when attacked with infectious diseases, cannot be taken into private houses.

Mr. HOUSTON. The gentleman misapprehends me entirely. I do not wish to curtail the comforts of sick seamen at all, and my whole remarks showed it.

Mr. FULLER. Then I stand corrected. I do not wish to do any injustice to the gentleman's argument. I merely want to illustrate the necessity and importance of having houses of refuge to provide for a class of men who are peculiarly subject to epidemic when it prevails, as it did last season upon the Mississippi and its tributaries. I say that when the Government exacts from the wages of these men a tax for this very purpose, it is bound, by every principle of justice, to provide, at convenient points, comfortable hospitals for their accommodation.

Mr. HIBBARD. I did not mean to be understood that I was against all these appropriations for marine hospitals. Far from it. At the hospital at New Orleans they have one hundred and eighteen patients, on an average; at Mobile, the number is twenty-seven. It would seem of doubtful propriety to have two so near each other as those of New Orleans and Mobile.

Mr. HOUSTON. They ask none at Mobile.

Mr. HIBBARD. At Chelsea the number is eighty-seven. I would make no contest about that. At Louisville the number is forty-three. At some points on the Ohio river there should be some of these institutions; and I would not make any contest about that. As to the locality of Cleveland, my remarks may not particularly apply. I am not prepared to say that I would oppose that; but for such institutions as those at Key West, Vicksburg, and others—and I must add the marine hospital in the Old Dominion, which has only ten patients—it seems doubtful whether we should renew the appropriations.

The question was taken, and the amendment to the amendment was disagreed to.

Mr. MAXWELL. I move to reduce the appropriation two dollars; and I do it with a view of submitting a remark or two, to prevent prejudice against certain measures I have to urge upon this Congress. I know very little of the merits of the proposition immediately before the committee; but I have been struck with this remarkable fact, in the suggestions which have been submitted, that gentlemen seem to confine their arguments on this subject to the fact, that at this or that place there is a larger or a smaller number of patients. Now, I submit to gentlemen, as men who have the instincts of humanity within their breasts, whether it is not as important that one sick man should be attended as that one hundred should be attended? And if it be true that at Key West, in the State of Florida, because of the unusual good health during the past season, there has been only an average of five patients per week, whether that should be a reason why objection should be made against the hospital there, or at any point along the Florida coast? Those five sick men require treatment, require the kindly offices of the Government, just as much as five

hundred or five thousand who may have been carried into hospitals at other points of this Union.

Let me say, in reference to that portion of country which has been so often referred to here, in terms injurious to their interests, that when Florida asks (and the remark is true in regard to the points on the Gulf coast)—when they ask appropriations for marine hospitals, they ask not that which is for their own benefit as much as for the benefit of citizens of other States—particularly of seamen who come to us from the northern States. They have no seamen; but they ask that those who come to their ports, engaged in the commerce of the country, shall be attended when they are sick, as is the case elsewhere; not as citizens of that section, but because they are men who are entitled to the humane consideration of a Government which has undertaken to provide for those encountering the difficulties and hardships which seamen undergo. Sir, if it be right that aid should be given by the Government at a point where there were five hundred sick men per week, it is right that there should be aid given where there are but five sick per week.

I have submitted these remarks, not knowing anything of the proposition immediately before the committee, with a view to draw the attention of its members to the fact that the argument presented on this subject was defective, in directing the mind to the greater or lesser number of men sick at particular points; and therefore not available to strike down measures coming within the reason of the policy, although they may not be called for by the numerical necessity demanding such measures at other favored points. This presents no criterion, as will be seen when it is remembered that some seasons are more afflicted with disease and epidemics than others. Thus much for the present; and I will have occasion to say more when the bills for hospitals at St. Mark's and Appalachicola come up for consideration. I should have said nothing but for remarks made which may tend to prejudice those applications.

Mr. FULLER, (interrupting.) I would like to ask the gentleman from Florida a question. If the season be healthy, the patients may be few; but if there be an epidemic, would they not be very numerous?

Mr. MAXWELL. Yes, sir; and that is a remark which must be made with respect to the southern coast. When there is no epidemic, there may be few patients; but when there is one, then the hospitals are crowded. Key West was fortunately exempt from the epidemic in the past season. It is one of those things which we can thank God for during this season; but at another season we might not have the fortune to be able to do it.

Mr. HOUSTON. Mr. Chairman, I did not intend to say anything more on the subject of these marine hospitals. I have no doubt about their passing; but I think the gentleman from Florida, [Mr. MAXWELL]—and I hope he did it unintentionally—has placed me in his reference to what I said, in a false position.

I did not make my opposition to these appropriations because I desired to curtail the comforts and convenience of the sick seamen. I did not desire to have these appropriations resisted because I was inattentive to that class of our fellow-citizens, but because I believed that this was a waste of money, and did them no good. I do not mean to say that it is a waste of money to build houses for them; on the contrary, I think it is proper and right this should be done. But I would like to ask gentlemen in this House who understand, and who have reflected on this subject—that is, on the building of houses for purposes of this sort—I would like to ask them whether it is necessary to appropriate \$100,000 or \$80,000 to an hospital in Cleveland, or in any other of the points spoken of in this report? My friend [Mr. ASHE] says he would take \$16,000 for them; and that is about the point; and the opposition I make is not to the building of houses; it is not that they ought to be dispensed with—any of them—but it is that we ought to use proper economy in their building; and unless we do that, it would be as well to give it up entirely.

Now, sir, it will not do for gentlemen to say that there are a great many patients in the hospital at one season, and very few at another, when they are reduced to the average of five. Why, if gentlemen look at this table, they will find it is

the average for the year. The whole year is taken—the time when there are many patients, and the time when there are few. This gives the average number of patients for the year; and the object of this table was not to show that there were only five patients at Key West, or that there were many or few in any other point; it was to show that the manner in which they are appropriating and expending money on these public buildings is unprecedented and unnecessary; that it is a waste of money which does not redound either to the comfort or convenience of the sick seamen. It shows, at least, that at all points where the Government can use the instrumentality of private establishments, it is necessary that it should do so; and this leads to economy, as well as to the convenience and comfort of the seamen. It is for economy that we should use private establishments when that can be done.

I am not making opposition to any of these, as existing establishments; I am not making opposition which would resist appropriations necessary to finish them, in order to promote the comfort of the seamen. Not at all. They are now in a condition to afford that convenience and comfort which the seamen are entitled to have; which I am at all times, and have ever been, willing to give them.

The gentleman [Mr. MAXWELL] says, however, that if there is one sick seaman he ought to be cared for as well as if there were a hundred. That is all true, sir. One sick man requires to be attended to just as well as that man would if he were one of a class of a thousand. But then I reckon gentlemen will hardly argue that a hundred thousand dollars ought to be appropriated to build a house for that one.

I am not going to curtail one sick seaman's comfort. I am not proposing that we should not take care of him, as well as a thousand. But I do not want to appropriate a hundred thousand dollars for his use, because we can take that money, and with the interest of it, care for him, nurse him, and administer to his wants, ten times as well under the present system.

I do not propose to say anything further, but I do hope that some gentleman will propose in one amendment, for all these marine hospitals, and let them pass all at once, if they must pass. I have no idea that we shall defeat them, and therefore I desire that those of them which are contained in the estimates of the Secretary may be embraced in one amendment.

Mr. WASHBURN, of Illinois. I accept the suggestion which has been made by the honorable chairman of the Committee on Ways and Means, in regard to the manner in which these proposed amendments shall be voted upon. I think the committee can vote upon the whole of them together as well as upon the separate items.

I rise for the purpose of offering an amendment, to cover a recommendation of the Secretary, in regard to an appropriation for the completion of a marine hospital at Chicago. I do it for the reason that the gentleman who represents that district is absent.

The amendment was read, as follows:

For the construction of stone steps and railing to the hospital at Chicago, Illinois, and for grading the grounds, and inclosing the site of said hospital with a suitable iron fence, in accordance with the recommendation of the Secretary, \$8,000.

Mr. BARKSDALE. I propose to offer an amendment to that.

Mr. WASHBURN. I accept of the gentleman's amendment.

The amendment was read, as follows:

For completing the marine hospital at Vicksburg, \$59,000.

Mr. LATHAM offered the following amendment:

For inclosing and draining the site, and for necessary out-buildings of the marine hospital at San Francisco, California, \$44,000.

The CHAIRMAN. The amendments offered will be read altogether.

Mr. SKELTON. I rise to a point of order. I would inquire of the Chair if it is not competent for any member of this committee to demand a separate vote upon each amendment? They embrace very different kinds of propositions.

The CHAIRMAN. Does the gentleman ask for a separate vote?

Mr. SKELTON. I do.

Mr. HIBBARD. I rise to a question of order,

and it is this: that the amendment relating to Vicksburg is not in order, because it is a new appropriation.

Mr. BARKSDALE. I withdraw my amendment.

Mr. HIBBARD. Is it in order for the gentleman from Illinois [Mr. WASHBURN] to offer an amendment to the amendment offered by the gentleman from Ohio, [Mr. WADE], which relates to Cleveland?

The CHAIRMAN. The Chair thinks that it is in order.

Mr. LATHAM. I withdraw the amendment I offered.

Mr. WASHBURN. I also withdraw the amendment I offered.

The CHAIRMAN. The only question now is upon the amendment offered by the gentleman from Ohio, [Mr. WADE].

The question was then taken upon Mr. WADE's amendment; and it was agreed to.

Mr. WASHBURN, of Illinois. I now offer the amendment which has already been submitted.

The amendment was read, as follows:

For the construction of stone steps and railing for the hospital at Chicago, Illinois, and for grading the ground and inclosing the site of said hospital with a suitable iron fence, in accordance with the recommendation of the Secretary of the Treasury, \$8,000.

Mr. WASHBURN. I desire to make no extended remarks upon the amendment which I have offered. It simply follows the recommendation of the Secretary of the Treasury. The importance of that hospital to a city of sixty thousand inhabitants must be well known to every member of this House; and the report states that it has, on the average, twenty-one patients all the time.

The question was then taken; and the amendment was agreed to.

Mr. LATHAM. I offer the following amendment; and it asks for an appropriation which is recommended by the Secretary of the Treasury:

For inclosing and grading the sites for the necessary out-buildings for the marine hospital at San Francisco, \$44,000.

The question was then taken on the amendment; and it was agreed to.

Mr. PRESTON. I move the following amendment, in conformity with the estimates of the Secretary of the Treasury:

For the construction of hot-air furnaces, fencing, and paving the marine hospital at Louisville, Kentucky, \$15,000.

The question was then put on the amendment; and, upon a division, there were—ayes 36, noes not counted.

Mr. PRESTON. I demand tellers.

Tellers were ordered; and Messrs. WHEELER and HARRIS were appointed.

The question was then taken; and the tellers reported—ayes 72, noes 48.

So the amendment was agreed to.

Mr. FULLER. I have an amendment which I desire to offer; and I do it because my colleague from the Cumberland district [Mr. MACDONALD] is not now present. I offer the following:

For the completion of the marine hospital at Portland, Maine, \$80,000.

Mr. HOUSTON. I rise to a question of order. This is a deficiency bill. The appropriation for which the gentleman's amendment provides is not recommended by the Secretary of the Treasury as a deficiency. I submit, therefore, that the amendment is not in order.

The CHAIRMAN. Does the Chair understand the hospital for which the appropriation is asked to be an original work, or a building already commenced?

Mr. FULLER. The building has already been commenced, and the amount provided in the amendment is recommended by the Secretary of the Treasury as a deficiency.

Mr. HOUSTON. Not at all.

Mr. FULLER. I beg to refer the gentleman to miscellaneous document No. 5, if he doubts the fact of its being so recommended.

Mr. HOUSTON. I have examined the document alluded to by the gentleman, and I do not so find it.

Mr. FULLER. The recommendation is precisely the same in effect as other recommendations of the Treasury Department for deficiencies.

Mr. LETCHER. Will the gentleman allow me to interrupt him for a moment?

Mr. HOUSTON. The gentleman from Maine

is mistaken. That document purports to give a history of all the marine hospitals that are being built, but it does not recommend this as a deficiency; and the gentleman from Mississippi [Mr. BARKSDALE] withdrew a similar amendment, for the very reason that it was not a deficiency.

Mr. BARKSDALE. The gentleman is in error. I only withdrew it temporarily. I intend to offer it again as soon as I get an opportunity.

Mr. HOUSTON. Here are the estimates, and it is not among them. It is not a deficiency, and I object to it.

Mr. FULLER. In reply to the gentleman—

The CHAIRMAN. The Chair wishes to understand whether the building is already commenced?

Mr. FULLER. It is already commenced, and \$30,000 have been appropriated for it.

The CHAIRMAN. If that be the fact, the amendment is in order.

Mr. LETCHER. I beg leave to call the attention of the committee to document No. 3, page 2971, from which it appears that Congress appropriated \$30,000 for this building at Portland, Maine, on August 31, 1852. A site for the building was purchased on the 11th of November, 1852, for \$11,000; but the selection not being considered a judicious one, a second commission was appointed to select another site; and their recommendation has not yet been acted upon.

Mr. HOUSTON. This is not a deficiency, and it is not asked for by the Department as a deficiency.

Mr. FULLER. If I understand the position of this case, it stands precisely on the same footing as the Louisville custom-house, where the Government refrained from making the expenditure because the sum appropriated was not sufficient.

Mr. HOUSTON. Will the gentleman allow me to call his attention to the record which decides this matter at once. An appropriation for the Louisville custom-house is asked for in the estimates for deficiencies. Here are the estimates for deficiencies for marine hospitals, and the one at Portland is not included. The Secretary of the Treasury does not want this sum as a deficiency. He has as much money as he can spend there this year. It is recommended in the estimates for the general, civil, and diplomatic appropriation bill.

The CHAIRMAN. The 81st rule is as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

The question, whether the appropriation has been recommended by the Secretary or not, of course has no bearing upon the question of order. As the Chair understands the facts of this case, appropriations have already been made for this object, and it is therefore "authorized by law," within the meaning of the rule just read.

Mr. HOUSTON. The point I make is this: not that there has been no appropriation made, but that the work has not been commenced, and that this is no deficiency. This being a deficiency bill, the rule which has been read by the Chair does not apply to the case.

Mr. FULLER. I call the gentleman to order.

Mr. HOUSTON. I am stating my point of order; it is this—

Mr. FULLER. I call the gentleman to order. I ask whether a question of order is debatable?

Mr. HOUSTON. I am restating my point of order, because the Chair misapprehended me.

The CHAIRMAN. The Chair will be happy to hear the gentleman from Alabama. What is the rule to which the gentleman refers different from the rule read by the Chair?

Mr. HOUSTON. It is this: that it is not competent for the committee to put into a deficiency bill an original appropriation which is not asked for by the Department.

The CHAIRMAN. The Chair is not aware of any such rule. Will the gentleman from Alabama turn to it and read it?

Mr. HOUSTON. There is no such rule; but the practice of the House has been universally what I have indicated. There has been no case to the contrary. Here are the estimates for the deficiency bill, and here are the estimates for the civil and diplomatic appropriation bill. This appropriation for Portland is not in the former, but is in the latter estimates. If the Chair rules that this is in order, then it will be equally in order to

put in every single item now in the civil and diplomatic bill.

The CHAIRMAN. The point of order made by the gentleman from Alabama is, that this appropriation is not within the 83d rule—an appropriation "authorized by law." That is the only rule which the Chair finds at all applicable to the subject; and under that rule the Chair thinks that this appropriation is in order, and is "authorized by law."

Mr. HOUSTON. I make the point of order that it is not a deficiency, and cannot go into a deficiency bill.

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Mr. HOUSTON. No, sir.

Mr. LETCHER. I rise to a point of order, and state it in this way: that there can be no deficiency—

Mr. FULLER. I call the gentleman from Virginia to order.

The CHAIRMAN. The gentleman from Virginia is on the floor to a question of order, and he has a right to state it.

Mr. FULLER. Well, I hope these interruptions will not be taken out of my time.

The CHAIRMAN. The gentleman from Virginia is upon the floor on a point of order, and the Chair will hear what he has to say.

Mr. LETCHER. I say that where no site has been selected, as in this case of Portland, Maine, there can be no deficiency; and therefore it is not in order to make an appropriation in the deficiency bill to meet the case.

The CHAIRMAN. The Chair rules the same way that he did before. It has been established that it is competent for any member of the committee to offer an appropriation relating to any work which has been in progress, whether recommended by the Secretary or not. The Chair rules the amendment in order.

Mr. LETCHER. I appeal from that decision of the Chair.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and there was, on a division—ayes 71, noes 33; no quorum.

Mr. COBB. I demand tellers.

Mr. HENN. I move that the committee do now rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 49, being a bill to supply deficiencies in appropriations for the service of the fiscal year ending 30th June 1854, and had come to no resolution thereon.

Mr. BRECKINRIDGE. Before we adjourn, I ask the unanimous consent of the House to take up a bill from the Senate, which was passed by the House with some amendments to it. It has been somewhat modified. It is a bill relating to the pay and contingent fund of that body. I propose to take it up and make some disposition of it.

Mr. RIDDLE and several other Members. I object.

Mr. BRECKINRIDGE. I suppose it is in order to move that the House do now proceed to the business on the Speaker's table?

The SPEAKER. The morning hour not having expired, it is not in order.

Mr. DEAN. Mr. Speaker, I ask the unanimous consent of the House to present a joint resolution of the Legislature of the State of New York, and that it be referred to the Committee on Commerce. It is in relation to the security of emigrant passengers, and to alterations of the law in that respect.

The SPEAKER. If there is no objection made, it can be presented. The Chair hears no objection to the introduction of the resolution.

It was accordingly presented, and referred to the Committee on Commerce.

Mr. CHANDLER. I move that the House do now adjourn.

The question was taken, and agreed to.

The House accordingly adjourned at twenty minutes past three o'clock, p. m.

IN SENATE.

FRIDAY, February 3, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PRIVATE BILL DAY.

This being the day set apart, by resolution of the Senate, for the consideration of private bills, to which no objection should be made, the following were disposed of:

JOHN G. MACKALL.

The PRESIDENT. The first bill on the Calendar for the consideration of the Senate, is the bill for the relief of the legal representatives of John G. Mackall, deceased.

Mr. BAYARD. That belongs to a class of cases which I think it my duty to oppose.

The PRESIDENT. Being objected to, it goes over.

WILLIAM G. RIDGELY.

The PRESIDENT. The next bill is for the relief of William G. Ridgely.

Mr. BAYARD. That belongs to the same class of cases. I feel bound to oppose it.

The PRESIDENT. It will go over.

ALBERT HART.

The bill increasing the pension of Albert Hart was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to increase his pension to \$16 a month, from January 1, 1854, to continue during life.

Albert Hart was a soldier in the Baltimore battalion in the Mexican war. At the storming of Monterey he had charge of the colors of his company, and lost his right arm, but continued to support the flag on his left arm until relieved from duty. His name was placed on the pension rolls at eight dollars a month, which he finds wholly insufficient to support himself and family.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

LAVINIA TAYLOR.

The bill for the relief of Lavinia Taylor was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay her a sum equal to five years' pay of her husband, the late Isaac Taylor, a private in the Army.

Isaac Taylor was a soldier in the regular Army, and was killed in the massacre of Major Dade's command in Florida, on the 28th December, 1835. On learning the death of her husband, the memorialist applied for a pension to the Commissioner of Pensions, and was informed that there was no law providing a pension for the widows of regular soldiers who were killed by the enemy. By indorsements on her memorial it appears that it was first presented to the Senate, and referred to the Committee on Pensions, on the 19th of February, 1847. On the 21st of December, 1847, it was again referred to the committee, and under the same date it appears that the committee were discharged from the further consideration of the subject. A letter from the Commissioner of Pensions, dated December 30, 1847, to the Hon. H. Johnson, then chairman of the Committee on Pensions, says:

"She asks for a special act in her favor, as there is no general law which gives a pension to the widow of a regular soldier of the present military. If the bill which was lately drawn up and sent to you should become a law, no special legislation will be necessary in a case like this."

And in a letter to the present chairman of the committee, dated March 22, 1850, the Commissioner says:

"The bill referred to in my letter of the 30th December, 1847, did not become a law, and consequently this and similar cases remain unprovided for. I respectfully submit that it would be no more than just to allow the petitioner a five years' pension."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ALLEN G. JOHNSON.

The bill for the relief Allen G. Johnson, of the State of Florida, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to cause to be paid to him the value of certain subsistence stores, turned over by him, as

captain of a company of mounted Florida militia, at the time of his being mustered out of service, on the 6th day of January, 1840, at Camp Bailey, Jefferson county, Florida, to J. B. Collins, a quartermaster in the service of the United States, but not credited to him by Collins in his returns to the Treasury Department, the amount so paid not to exceed the sum of \$137 23.

Allen G. Johnson was an officer in command of a company of mounted Florida militia, stationed at Camp Bailey, Jefferson county, Middle Florida, where he and his company were mustered out of the service of the United States on the 6th of January, 1840. At the time of the discharge, he handed over to J. B. Harbour, as the representative of J. B. Collins, quartermaster, certain subsistence stores, for which he took the receipt of Harbour on behalf of Collins, for whom he was authorized to act. On applying to the Third Auditor of the Treasury for a final settlement of his accounts, he was not allowed credit for the stores handed over, on the ground that Quartermaster Collins had not credited the claimant therewith in his returns, the Third Auditor remarking, at the same time, that it was strange that Harbour, himself a quartermaster, should have given a receipt in the name of Collins, when he might have receipted for the stores on his own authority.

The only point in the case which, in the opinion of the committee, is worthy of particular consideration, is the question whether the petitioner, Johnson, turned over the stores of which he had charge, as captain, to a person duly authorized to receive and give a receipt for them. This he appears to have done; and, so far as he is concerned, any subsequent omission of duty on the part of Collins, who received them through his agent, Harbour, is a matter of trifling moment. Whether Harbour received the stores as the representative of Collins, or in his own capacity of quartermaster, he and Collins are the parties responsible to the Government, and indemnity should be demanded from them or their securities for any *laches* in the performance of their duty. The Committee on Military Affairs see no propriety in holding officers of the line, as they are termed, accountable for the non-performance of their duty on the part of those over whom they have no control, and the especial business of whom it is to take charge of, and account for the property of the Government committed to their keeping, under the penalty of their bonds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ADAM D. STEUART.

The bill for the relief of Adam D. Steuart was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to cause to be paid to Mr. Steuart, a paymaster of the United States Army, \$150, the amount paid by him as a fee to Ashley and Ringo for prosecuting a suit at law for the recovery of \$2,000 in specie, stolen from on board the steamboat Tom Boling, while the specie was in his charge, and being transported for account of the United States to Little Rock, in the State of Arkansas, in June, 1834.

Paymaster A. D. Steuart shipped on board the steamboat Tom Bolin, in June, 1834, two boxes of specie, containing \$1,000 each, and which belonged to the United States, for Little Rock, for the purpose of paying the troops of the United States in Arkansas. The boxes were delivered by Paymaster Steuart to the clerk of the boat, to whom the contents of the boxes were made known; on the passage the money, while in the custody of the officers of the boat, was stolen; on the arrival of the boat at Little Rock the money was missing, and the clerk of the boat was charged with the theft, and finally confessed that when the boat last stopped to take in wood before reaching Little Rock he threw the boxes containing the money out of the cabin window into the river, marking the place by certain trees, to know where to look for them. Colonel Steuart, with some friends, took the clerk to the place, and, after much search, part of the money was found. The captain of the boat refused to pay the balance; but having sold the boat, of which he was part owner, Colonel Steuart, by advice of counsel, libeled her, which prevented the transfer of the property; and

to remove this incumbrance, the captain returned the whole amount stolen by the clerk. This proceeding made it necessary for Colonel Steuart to employ counsel, which he did. The fees of the attorneys amounted to \$150, which Colonel Steuart paid, and presented a voucher therefor to the War Department for allowance; but it was regarded by the accounting officers as a disbursement not authorized by any existing law, and disallowed. It is for this \$150 so paid that Colonel Steuart now applies to Congress to have refunded to him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

WILLIAM SENNA FACTOR.

The bill for the relief of William Senna Factor, reported from the Committee on Indian Affairs, was read a second time, and considered as in Committee of the Whole.

It proposes to direct \$3,707 to be paid to him, as indemnity in full for property of Rose Factor, destroyed by order of the American officers of the United States Army, in the Seminole war of 1836, and for property taken by such officers for public use in the war; with the provision, however, that the Secretary of the Interior shall first be satisfied that Billy Senna Factor is the legal representative of Rose Factor, deceased.

Billy Senna Factor, Rose, his mother, and Nancy, his wife, were free persons of color, residing near Mount Vernon, Florida, in a portion of the country exposed to the incursions of the hostile Seminoles. They owned considerable property; all of which was destroyed by the orders of the United States troops, to prevent it falling into the hands of the Seminoles, or by the hostiles, on account of the well-known fidelity of the family to the fortunes and interests of the United States.

Rose and Billy were often employed as interpreters, and were taken by the United States officers in command to Tampa Bay. They were compelled to abandon most of their property to destruction, and to get the protection of the United States forces; and, finally, in 1840, they were emigrated to the country west of Arkansas, as Seminole negroes. Rose died, leaving Billy her son and heir. They were incompetent to prefer their claim for indemnity, on the ground that they were supposed to be slaves. The committee were satisfied, however, that the board convened by Colonel North, to value certain negroes to be emigrated to Arkansas were mistaken in supposing them to be slaves.

The letters of General Taylor, General Jesup, and other proofs put it beyond doubt that they were undoubtedly free in point of fact, with no persons claiming to be their owners. Billy now resides in Van Buren, Arkansas, and no such claim has ever been made there. The suspicion that they might originally have been fugitives from the States probably arose from the fact of their speaking the English language. Their claims consist of three items, covering the losses respectively of Rose, Billy, and Nancy Factor, of the several sums of \$3,307, \$1,750, and \$1,025. The evidence shows that Rose lost all her property, by its destruction under the orders of the United States officers. The property of Billy and Nancy was abandoned, and they fled for protection to the American camp; and in all probability it was destroyed by the Seminoles, as it was never recovered.

This does not embrace two mules and two horses pressed by the United States officers for public use, and valued at four hundred dollars, to which he is entitled. The committee reject all that part of the claim which is for property destroyed by the Seminoles in a state of war, as no such losses ever constitute a legitimate claim on the Government. The correct value of the property of Rose and Billy, taken for public use, and destroyed to prevent its capture or occupation by the enemy, amounts to \$3,707, for which the bill is reported.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

BENJAMIN S. ROBERTS.

The PRESIDENT. The next bill on the Calendar is the bill explanatory of the act for the relief of Benjamin S. Roberts, upon which the Committee on the Judiciary have made an adverse report.

Mr. FOOT. The occasion of the adverse report grew out of the fact that a like bill had been passed by the House of Representatives, and concurred in by the Senate. Having been disposed of in that way, the Committee on the Judiciary reported adversely upon this bill.

The PRESIDENT. The question will be on concurring in the report of the committee.

The question was taken, and agreed to.

RICHARD FITZPATRICK.

The bill for the relief of Richard Fitzpatrick, reported from the Committee of Claims, was read a second time, and considered as in Committee of the Whole.

It proposes to require the proper accounting officers of the Treasury to settle and adjust his claim for the use and occupation of his land on the Miami and New rivers, in Florida, during the Seminole hostilities, as a military post, by order of officers of the United States, and for wood cut on the lands for the use of the military or naval forces, and for any other property taken and used, by order of officers in command at those places, for public purposes or defense; and to direct that the amount so found due, upon sufficient and competent evidence, be paid to him, with the proviso, however, that nothing contained in the bill shall be construed to authorize payment for property destroyed by the Indians.

Colonel Fitzpatrick submits "an estimate of losses and damages sustained by him at his plantation on Miami river, near Cape Florida, by the Seminole Indians;" and an account for the occupation of his premises by United States troops, and for wood and other property taken by the troops, amounting in all to \$60,320, for which he asks payment.

Colonel Harney, United States Army, certifies that he was in command of the troops in the south of Florida for a considerable time during the Seminole war, and had his headquarters at Fort Dallas, which is located upon the property of Richard Fitzpatrick, who is a citizen of Florida, and that whatever was found useful on the lands of Mr. Fitzpatrick was freely used for the benefit of the United States, and that there was a considerable quantity of wood cut off the land of Fitzpatrick, and used on board of the steamboats in the service of the United States, it being more convenient to take wood at that place than any other on that part of the coast of Florida.

General Jesup, in a letter addressed to the Secretary of War, dated January 13, 1841, says that Fort Lauderdale, on New river, and Fort Dallas, on Miami river, were established by his orders some time in February or March, 1838, and that both forts are said to be on the lands of Colonel Fitzpatrick.

He says, that timber for building and for fuel, for the use of the troops, and for the steamboats in the public service, has been cut at both forts; and that Colonel Fitzpatrick is justly entitled to a reasonable rent for his land, and compensation for the timber cut for the use of the public.

General Jesup adds, that the buildings and other property charged in the account were destroyed by the Indians before the lands were occupied by the troops; and it appears, from the affidavit of the petitioner, that his plantation was abandoned to the Indians in January, 1836, two years before the occupation by the United States troops; and that they took his stock, and destroyed his fruit trees and other improvements. The committee concur in opinion with General Jesup that the claimant is entitled to compensation for the use of his land, and for the fuel, timber, and other property, taken and used by the United States troops; but they are not prepared to sanction the principle that the Government is to be held responsible to remunerate its citizens for losses sustained by the ravages and depredations of the savage tribes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by SIDNEY WEBSTER, his Private Secretary, announcing, that on the 2d instant he had approved and signed "An act to provide a place for the holding of the courts of the United States in the southern district of New York, and for other purposes."

DON B. JUAN DOMERCQ.

The bill reported from the Committee of Claims, for the relief of Don B. Juan Domercq, a Spanish subject, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of War to examine and investigate the claim of Don B. Juan Domercq, a Spanish subject, for a quantity of tobacco belonging to him, and taken and used for purposes of defense, by order of Colonel Childs, at the siege of Puebla, in Mexico, in 1847; and to allow and pay him for so much of the tobacco, not exceeding seven hundred and twenty-one bales, and at a price not exceeding twenty-four dollars the bale, as shall be proved, to the satisfaction of the Secretary, to have been destroyed or lost in consequence of the tobacco having been taken and used as aforesaid. It also proposes to direct the Secretary of War to allow and pay Domercq damages for the injury done to eight hundred and twenty-three bales of tobacco returned to him after being used in barricading the streets, &c., of Puebla, provided the amount allowed shall not exceed one dollar per bale.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JAMES W. LOW AND OTHERS.

The bill for the compensation of James W. Low and others, for the capture of the British private armed schooner Ann, during the late war with Great Britain, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay to James W. Low, William Driskill, ——— Southerland, and ——— Stenchen, or to such persons as may be legally authorized to receive the same, as heirs or legal representatives, the sum of \$2,570 30, that being the amount paid into the Treasury of the United States, and placed to the accounts of fines, penalties, and forfeitures, in consequence of a suit, entitled "The United States vs. the schooner Ann and cargo," in the district court of Maine, December, 1814, the schooner having been risen upon and captured, by the above named persons, from the British, and delivered to the proper authorities of the United States in the State of Maine. The money is to be paid to James W. Low and his associates aforesaid, their heirs or assigns, in the following proportions: to James W. Low, for having planned the enterprise and directed the capture of the vessel, as first officer of the prize, eight parts; to William Driskill, as second or assistant officer, four parts; and to Southerland and Stenchen, as seamen or sailors, two parts each.

James W. Low, in October, 1814, being then on board the British vessel Ann, with the aid of two others on board, captured the vessel and cargo, and brought it as a prize into a port in the State of Maine. The vessel and cargo were sold under a libel by order of the district court, and the sum of \$5,818 received. Of this sum, after deducting the expenses of the suit, there remained a balance of \$5,140 61; of which \$1,927 63 was paid to the collector, and \$642 57 to the surveyor of the port of Thomastown—being one half; and the balance, \$2,570 30, was paid into the Treasury of the United States.

The amount paid to the collector and surveyor purported to be under the authority of the non-importation law. None of the parties who captured the vessel have been able to give their personal attention to the vindication of their rights, and have never received their share of the proceeds. By the act of Congress of June 26, 1812, letters of marque, prizes, and prize goods in case of the capture of an enemy's vessel by a privateer, the captor was entitled to the entire amount received.

In this case there was not, and of course could not be, any commission of marque issued; but as the captors were American citizens who had been previously captured by the British, and entered this vessel with a view of capturing her, and in advance declared their intention to be such, they were most clearly entitled under the provisions of that act to the whole proceeds; inasmuch, however, as half the amount was paid to the collector and surveyor of the port, and the other half into the Treasury, the committee only recommend the payment to the parties of the amount in the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

PURSER T. P. M'BLAIR.

The bill for the relief of Purser T. P. McBlair was read a second time, and considered as in Committee of the Whole.

It proposes to direct the accounting officers of the Treasury in adjusting his accounts to allow him the sums paid by him as purser of the United States steamer Princeton, to William Taylor; acting boatswain, to John Coale, acting carpenter, and to Armstrong Flomerfelt, acting sailmaker, who were employed on the steamer by its commanding officer, by authority from the Secretary of the Navy, and which sums were disallowed by the accounting officers of the Treasury, for the reason that the persons to whom the payments were made were not included in the number permitted by law, of officers of the grades to which they were respectively appointed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

JOHN G. CAMP.

The bill for the relief of John G. Camp was read a second time, and considered as in Committee of the Whole.

It proposes to direct the accounting officers of the Treasury to settle his suspended accounts for mileage, as late marshal for the middle district of Florida, in the same manner that similar accounts are now settled, with the proviso, however, that the amount therein charged does not exceed what is now allowed by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

SAMUEL H. HEMPSTEAD.

The bill for the relief of Samuel H. Hempstead was read a second time, and considered as in Committee of the Whole.

It proposes to pay him \$1,800 for extra services rendered by him in defending the title of the United States to certain lands in Arkansas.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

THOMAS CHAPMAN.

The bill for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina, was read a second time, and considered as in Committee of the Whole.

It proposes to direct \$13,457 55 to be paid to the parties, being the share (to which Thomas Chapman was entitled, as collector) of the cargo of the Swedish ship Diana, condemned for a breach of the non-intercourse act, which was decreed to be forfeited by him, in consequence of his having been examined as a witness in behalf of the claimants.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time and passed.

ISAAC VARN, SEN.

The bill for the relief of Isaac Varn, sen., of Duval county, Florida, was read a second time, and considered as in Committee of the Whole.

It proposes to require the Secretary of War to examine and adjust his claim for the use and occupation of his property, for wood and timber cut from his land, and for other property belonging to him, and taken and used by the United States troops, between the 1st of April, 1836, and the 1st of July, 1841, and to direct the amount so found due, upon competent and sufficient evidence, not exceeding \$5,000, to be paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

RICHARD KING.

The bill for the relief of Richard King was read a second time, and considered as in Committee of the Whole.

It proposes to confirm him in his title to two hundred and forty arpens of land on the eastern bank of the Ouachita river, in the parish of Caldwell, Louisiana, which was conveyed by the claimant of the Maison Rouge grant to Bagwell Bailly, in 1818, for cutting a road through the grant, and has remained in the possession of, and

in cultivation by, Bailly and his successors to the present time, and is now a part of the plantation of King, on which he has resided for many years; with the proviso, however, that it shall amount only to a relinquishment of title on the part of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

WILLIAM BLAKE.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of William Blake. It proposes to direct the Secretary of the Interior to cause the pension allowed to William Blake, on the 14th of March, 1845, to be increased to \$13 per month, and that the increase of pension shall commence from that date.

Mr. FITZPATRICK. I should like to hear the report read, in order to show on what grounds this increase of pension is sustained.

The report of the Committee on Invalid Pensions of the House of Representatives was accordingly read.

It appears that William Blake served as sergeant in the company commanded by Captain V. R. Goodrich, in the eleventh regiment of infantry, during almost the entire period of the war of 1812. He received a wound from a ball in his right ankle at the battle of Chippewa. He was with his company in the battle of Lundy's Lane, where all his superior officers in the company were either killed or wounded, and in the midst of the fight he took the command, and behaved most gallantly.

He was afterwards wounded near Fort Erie, being still in command, by the bursting of a shell thrown by the enemy. By these wounds he was disabled for some time; but after being wounded, discharged the duties of commander of the company, frequently going upon crutches to do so.

He was placed on the invalid pension roll in March, 1845, at the rate of \$8 a month. It seems that in 1814 an ensign was the lowest commissioned officer of a company; and under the act of 1816, if he, in the absence of his superiors, commanded a company, and was wounded while commanding, he would receive a pension of \$13 per month. The committee think William Blake is certainly entitled to as much as an ensign would have received under like circumstances.

Mr. FITZPATRICK. I am satisfied.

The bill was reported to the Senate without amendment, ordered to a third reading, was read a third time, and passed.

BISHOP AND ARNOLD.

The bill for the relief of George G. Bishop and the legal representatives of John Arnold, deceased, was read a second time.

It proposes to enact that the letters patent granted to John Arnold, (a citizen of the United States,) on July 15, 1829, for a new and useful improvement in a machine for forming a web of cloth, of wool, hair, or other suitable substances, without spinning or weaving; and also the letters patent granted to Arnold, and George G. Bishop, (also a citizen of the United States,) on October 20, 1836, for a new and useful improvement in the same machine, shall be renewed, revived, and extended for the term of fourteen years from and after the passage of the act, with a proviso that all persons now enjoying the lawful use of the said invented machine, or any part thereof, so patented, and the purchaser of any such machine; or any part thereof, may continue to use the same notwithstanding the provisions of this act.

Mr. BADGER. I ask that that bill may lie over.

The PRESIDING OFFICER, (Mr. BRIGHT.) It will go over.

SOLAR COMPASS.

The PRESIDING OFFICER. The next bill on the Calendar is one to enable the United States to make use of the solar compass in the public surveys.

Mr. BAYARD. Is that a private bill?

The PRESIDING OFFICER. It is in the list.

Mr. BAYARD. I object to its consideration as not being a private bill.

The PRESIDING OFFICER. Then it will go over, under the rule.

DAVID MYERLE.

The PRESIDING OFFICER. The next bill

on the Calendar is one for the relief of David Myerle.

Mr. THOMSON, of New Jersey. That bill may be passed over to-day.

The PRESIDING OFFICER. It will go over.

TERRITORY OF NEBRASKA.

Mr. DOUGLAS. The hour of one o'clock has now arrived. That was the time which was fixed for the special order of the day; and therefore, for the purpose of going on with the debate which was suspended the other day, I move that the Senate postpone all prior orders of business, for the purpose of proceeding to the consideration of the Nebraska bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CHASE. Mr. President, I propose to offer an amendment to the substitute reported by the Senator from Illinois, from the Committee on Territories. It is to strike out from section 14 these words:

—"was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and"

So that the clause will read:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820."

Mr. CHASE proceeded to address the Senate. He elaborately discussed the subject in a speech which occupied two hours and a half in the delivery. [His speech will be found in the Appendix.]

Mr. DIXON. Mr. President—

Mr. BADGER. I will ask the Senator to give way for a moment. I wish to make a motion that ought to have been made earlier in the day, that when the Senate adjourns to-day, it adjourn to meet on Monday next.

Mr. MASON. I hope not. I ask for the yeas and nays upon the motion.

The yeas and nays were ordered, and being taken, resulted—yeas 19, nays 25; as follows:

YEAS—Messrs. Allen, Badger, Bell, Cass, Chase, Clayton, Everett, Fish, Foot, Hamlin, Jones of Tennessee, Norris, Seward, Shields, Smith, Stuart, Sumner, Wade, and Walker—19.

NAYS—Messrs. Adams, Atchison, Benjamin, Bright, Brodhead, Butler, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Hunter, Jones of Iowa, Mason, Pettit, Pratt, Sebastian, Slidell, Thomson of New Jersey, Toucey, Welles, Williams, and Wright—25.

Mr. DIXON. Mr. President, it is not my purpose to address the Senate at this time, although I desire to give my views upon the question as it has been presented in the bill, and also to reply to some of the positions assumed by the Senator from Ohio. The Senate is already jaded, and I do not desire to proceed to-day.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 3, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a message from the President of the United States, transmitting a report from the Secretary of State, with certain correspondence between this Government and the Austrian Chargé d'Affaires; furnished in compliance with the resolution of the House of Representatives of the 30th ultimo.

On motion by Mr. HOUSTON, it was ordered that such report, and the accompanying documents, be laid upon the table and printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury on the subject of the changes which have been made within the last year in the manner of keeping the revenue, and as to how far Assistant Treasurers have been made available for the deposit of moneys, and as disbursing officers for the General Government; furnished in obedience to the resolution of the House of Representatives of the 22d December last.

On motion by Mr. HOUSTON, it was ordered to lie upon the table, and be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a communication from the acting Commissioner of Indian Affairs, dated 30th ultimo, asking for an additional appropriation of \$15,000 for the general and incidental expenses of the Indian service in the Territory of New Mexico, during the current fiscal year; and recommending the making of such appropriation.

On motion by Mr. HOUSTON, the communication and accompanying documents were referred to the Committee of Ways and Means and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, transmitting a report from the Fourth Auditor of the Treasury, exhibiting, in a tabular form, the pay and allowances of the several officers of the Navy and Marine Corps of the United States, for the fiscal year ending 30th June, 1853; furnished in compliance with a resolution of the House of Representatives, of the 7th December last.

Mr. FLORENCE. I move that it be referred to the Committee on Naval Affairs, and be printed.

It was so ordered.

EMIGRANT PASSENGER LAW.

Mr. DEAN. Mr. Speaker, just before the adjournment of the House yesterday, I moved to refer the joint resolutions of the Legislature of the State of New York, on the subject of the safety of emigrant passengers and the regulation of emigrant ships, to the Committee on Commerce.

Since the House adjourned I have been informed, by members of the Senate, that on the 7th of December last a special committee was raised in the Senate on this subject. That special committee consists of Senators FISH, HAMLIN, SHIELDS, and others, whose names I do not now recollect. They have addressed circulars to various ports all over the Union, and have received answers. It is a matter of great consequence. I would state to the House that my object now is to move the reconsideration of the vote by which the resolutions were referred to the Committee on Commerce, and to move that they be referred to a special committee, to be raised in this House to cooperate with the one in the Senate.

The SPEAKER. The motion to reconsider will be entered, but it cannot be considered now, for the reason that there are already two motions to reconsider pending, on one of which the previous question is resting. The motion must be postponed until after these two are disposed of.

Mr. DEAN. Then the motion will be entered?

The SPEAKER. Yes.

Mr. BRECKINRIDGE. I asked the consent of the House yesterday evening to take up Senate bill in relation to the pay and emoluments and contingent fund of that body. My friend from Ohio [Mr. CAMPBELL] objected, under a misunderstanding, which has been removed. I think that the bill, in its present form, will be acceptable to the House, because there are no principles involved in it to which the House can take exceptions. Under these circumstances, I propose that it would be respectful to the Senate to take up and act upon the bill; I therefore ask the unanimous consent of the House to take up the bill referred to.

Mr. MACE. I object.

Mr. EDGERTON. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole on the Private Calendar.

MADISON PARTON.

The SPEAKER. The motion is not now in order. A motion was made to reconsider the vote by which the House refused to adopt an amendment proposed to House bill for the relief of Madison Parton; which amendment was proposed by the Committee of the Whole House. The previous question was ordered to be put. The consideration of the matter, with the previous question thereon, was, by unanimous consent, postponed until this day, and that is the first business in order.

Mr. DEAN. I made the motion to reconsider that vote. I do not desire to discuss it; but only to state to the House—

The SPEAKER. It is not debatable.

Mr. DEAN. The motion to reconsider is debatable.

The SPEAKER. The Chair thinks not. The previous question was ordered upon the bill, and there was a motion pending to reconsider the vote by which the House refused to adopt the amendment of the committee. It has not been, in any form, taken from before the House.

Mr. DEAN. I ask that the amendment which was rejected by the House may be read, in order that the House may understand it.

Mr. HILLYER. I ask that both the bill and report may be read. The report is short.

The SPEAKER. The amendment will be reported to the House.

The amendment was to strike out the words as follows:

—"together with interest thereon from said 8th day of February, 1838."

The SPEAKER. That amendment was rejected by the House, and the pending motion is to reconsider the vote by which the House rejected it.

Mr. WASHBURN, of Illinois. I move to lay the motion to reconsider upon the table.

Mr. DEAN. Upon that motion I ask the yeas and nays.

Mr. JONES, of Tennessee. This is a motion to lay upon the table a motion to reconsider, which is connected with the bill, and is not a final vote upon it. May it not carry the bill with it?

The SPEAKER. The Chair thinks not.

Mr. HILLYER. I ask that the bill and report may be read, for the information of the House.

The SPEAKER. If not objected to the bill and report will be read for information.

No objection being made, they were read by the Clerk.

Mr. DISNEY. Will the Chair be good enough to state the precise motion before the House?

The SPEAKER again recapitulated the history of the action of the House in reference to the bill under consideration, as above reported.

Mr. DISNEY. Has the previous question been called upon the motion to reconsider?

The SPEAKER. The previous question is resting upon the bill.

Mr. DISNEY. I only desire to say that there is a precedent precisely in point in this case. It involves the principle of the Galphin case.

The question now being upon the motion to lay the motion to reconsider upon the table, it was put, and decided in the negative.

So the House refused to lay the motion upon the table.

The question then recurring upon the motion to reconsider the vote by which the House refused to concur in the amendment of the Committee of the Whole, it was put, and decided in the affirmative—ayes 80, noes not counted.

So the vote was reconsidered.

The question next recurred upon agreeing to the amendment of the Committee of the Whole House, striking out the provision in the bill, allowing interest upon the claim.

Mr. HOUSTON. Is the amendment debatable?

The SPEAKER. It is not, the previous question having been ordered.

The question was put, and the House agreed to concur in the amendment—ayes 80, noes not counted.

The bill was then ordered to be engrossed for a third reading, and being engrossed, was subsequently read the third time, and passed.

PRIVATE CALENDAR.

Mr. EDGERTON. I move that the House resolve itself into a Committee of the Whole on the Private Calendar.

Mr. JONES, of Tennessee. I would remind the gentleman from Ohio that the bills passed through committee, and reported to the House last Friday, have not yet been disposed of, and this is again "objection day." There have, I believe, been no new bills put upon the Private Calendar since last Friday, and I therefore suggest to him whether it would not be better to dispose of the bills reported last week?

Mr. EDGERTON. In answer to the gentleman from Tennessee, I will say that there are now upon the Private Calendar some five or six cases that were not upon it last Friday.

Mr. JONES. There may be a few.

Mr. EDGERTON. They can undoubtedly be disposed of without objection.

Mr. JONES. The gentleman can pursue his

own course about the bills; but I think the House ought first to dispose of the bills reported last week.

The SPEAKER. There is a number of private bills on the Speaker's table.

Mr. EDGERTON. As the House well knows, this is "objection day," and the last there will be for four weeks. There are a few cases on the Calendar to which there can be no objection, and which may soon be disposed of in committee. They will then take their places on the Speaker's table, along with the bills reported last week.

Mr. JONES. Yes; but you will put those bills in advance of the bills reported last week, and if they cannot all be disposed of to-day, you will throw over the bills reported last week until another private bill day.

The question was then taken on Mr. EDGERTON's motion, and it was agreed to; and the House accordingly resolved itself into a Committee of the Whole on the Private Calendar, (Mr. HIBBARD in the chair.)

The CHAIRMAN stated that the first business in order was Senate bill (No. 2) "to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816."

Mr. HAVEN. I desire to submit to the committee that it would be substantially useless to call over the bills to which objection has been made heretofore. I therefore move to postpone the consideration of those bills, and take up the Calendar where we left off last Friday.

Mr. EDGERTON. I will state to the gentleman from New York, that we passed entirely through the Calendar on Friday last; but probably some gentlemen who made objection to bills last week may, from examinations since made, be willing now to withdraw their objections.

Mr. CLINGMAN. No doubt of it.

Mr. EDGERTON. I therefore think that it would be better to commence at the beginning of the Calendar, and go through with it.

Mr. HAVEN. I certainly desire to defer to the chairman of the Committee of Claims, who has these matters mainly in charge. I will adopt any suggestion he desires to make on the subject, and withdraw my motion.

Mr. HENN. It may be that those who objected the last private bill day are not now present.

The CHAIRMAN. The Chair understands that the gentleman from New York has withdrawn his motion.

Mr. JONES, of Tennessee. I give notice that I shall object to all the bills that were objected to last Friday.

Mr. HENDRICKS. I desire to suggest to the gentleman from Tennessee that several bills were objected to last Friday because the reports accompanying them had not been printed; and that if those reports be now printed the objection falls.

The CHAIRMAN. The Chair is of opinion that objection must be made to the bills separately, as they come up.

Mr. JONES. I beg the Chair to enter me as objecting, then, to each one as it comes up.

The CHAIRMAN. Does the gentleman object to the bill before the committee?

Mr. JONES. I do.

The following bills were then taken up, and objected to, as indicated below:

No. 51. "A bill for the relief of the widow and heirs of Elijah Beebe." [Objected to by Mr. LETCHER.]

No. 58. "A bill for settling the claims of the legal representatives of Richard W. Meade, deceased." [Objected to by Mr. JONES, of Tennessee.]

No. 59. "A bill for the relief of Samuel Colt." [Objected to by Mr. LETCHER.]

No. 63. "A bill for the relief of Charles Lee Jones." [Objected to by Mr. PERKINS, of New York.]

The report of the committee, accompanying the latter bill, was read through.

[Mr. ORR having, in the absence of the Speaker, temporarily taken the chair, a message was received from the Senate, by the hands of Mr. MACHEN, its Chief Clerk, informing the House that the Senate had passed a bill of the House, entitled "An act to satisfy claims for bounty lands," and also a bill entitled "An act to provide

for the accommodation of the United States courts in Massachusetts."

[A message was also received from the President of the United States, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, informing the House that he had signed certain bills.]

The following bills coming up in order for consideration, were objected to as indicated below, and were laid over, under the rules:

No. 98. "A bill for the relief of Henry Lewis, of Clinton county, Indiana." [Objected to by Mr. LETCHER.]

No. 99. "A bill for the relief of Captain George Simpton, of Galveston." [Objected to by Mr. JONES, of New York.]

No. 103. "A bill for the relief of Ferdinand Clark." [Objected to by Mr. DAVIS, of Indiana.]

No. 104. "A bill for the relief of Adolphus Meier & Co., of St. Louis." [Objected to by Mr. DAVIS, of Indiana.]

No. 105. "A bill for the relief of Wilson & Brothers, of St. Louis, in the State of Missouri." [Objected to by Mr. DAVIS, of Indiana.]

The next bill coming up in order for consideration was—

No. 107. "A bill for the relief of Robert Grignon."

The bill—which was read by the Clerk—provides that the Secretary of the Treasury be directed to pay to the legal representatives of the Menomonee tribe of Indians, or their assignees, the sum of \$19,000, in full satisfaction of their claims against the United States, arising out of the treaty with the Menomonee tribe of Indians on the 3d of September, 1836.

Mr. HOUSTON. I do not want to object to this bill, but I suggest that the words "or their assignees" be stricken out. If it is not, we may be involved in a great deal of trouble. We do not know who are their assignees.

Mr. ORR. The amendment made by the committee when last in session, which was to strike out the words "Robert Grignon," and inserting in lieu thereof the words "the legal representatives of the Menomonee tribe of Indians, or their assignees," was suggested by my friend from Virginia, [Mr. LETCHER,] and it was agreed to.

Mr. HOUSTON. I think the words "or their assignees" had better be stricken out.

The CHAIRMAN. The Chair understands that the words mentioned by the gentleman from Alabama were included in an amendment adopted the other day. If so, it is not in order to move to strike them out.

Mr. SKELTON. Is there a report accompanying the bill?

The CHAIRMAN. There is.

Mr. SKELTON. I desire to have it read.

The Clerk then read the report.

Mr. WALSH objected to the bill; and it was laid over, under the rule.

House bill (No. 108) "for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased," next came up in order.

Objection being made by Mr. CLINGMAN, it was laid over.

House bill (No. 123) "for the relief of Charles Staples" next came up in order for consideration. The bill and report were then read by the Clerk.

It appears, in this case, that the petitioner enlisted as a sergeant, on the 10th of December, 1812, into the company commanded by Captain Oliver Hessick, belonging to the regiment of Colonel McCobb, in the service of the United States, in the last war with Great Britain.

It appears from the testimony of the witnesses in the case, that from severe exposure he became sick, and unable to perform duty; from which sickness, after several months' confinement, he partially recovered; that the disease, however, left him an invalid.

It is further in proof that the petitioner was honorably discharged, and that he, together with other witnesses in the case, are of good reputation.

The committee therefore recommend that his name be placed on the pension rolls of the United States, at the rate of eight dollars per month, to commence on the 1st day of January, 1853, and to continue during his natural life.

There being no objection, the bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 125) "for the relief of Mrs. Harriet Leavenworth, widow of brevet Brigadier General Henry Leavenworth, late of the United States Army," next came up in order for consideration.

The bill and report were then read by the Clerk. It appears in this case that Henry Leavenworth forsook a lucrative practice at the bar, in New York, and entered the United States Army as captain of the ninth infantry during the war of 1812; was promoted major August 15, 1813; breveted lieutenant colonel July 5, 1814, for distinguished and meritorious services in the battle of Chippewa; breveted colonel July 25, 1814, for gallant conduct in the battle of Niagara, in which he was wounded; retained as major in the second infantry, peace establishment of 1815; promoted lieutenant colonel in the fifth infantry, February 10, 1818; breveted brigadier general July 25, 1824, for ten years' service in one grade; promoted colonel in the third infantry, December 16, 1825; and died at Cross Timbers, Southwestern Territory, July 21, 1834, while commanding the troops in that quarter; that, during this long continuance in the Army, he performed numerous and highly important services to his country—having established military posts in the Indian country, and at one time commanded a military expedition against the Aricara Indians; that he stood high in the estimation of the Secretary of War, as regards prudence, courage, and civic as well as military attainments; that he came to his death from bilious remittent fever, contracted while in the line of his duty as commander of an expedition against the Pawnee Picts, and that his death was hastened by anxiety of mind, and a too arduous desire to advance the objects of his country intrusted to his command; that Harriet Leavenworth, the petitioner, is the widow of said Henry Leavenworth, is advanced in age, in infirm health, and has pecuniary claims pressing upon her, which she is unable to meet.

The committee therefore recommend that the Secretary of the Interior place the name of the said Harriet Leavenworth upon the pension rolls, and cause her to be paid the sum of \$37 50 per month, for and during the term of five years, commencing February 1, 1853.

Mr. HENDRICKS. I move to strike out \$37 50, and insert in lieu thereof \$30 per month. The committee were laboring under a mistake when they inserted the amount.

Mr. HAVEN. I wish to inquire of the gentleman from Indiana, what rank General Leavenworth held?

Mr. HENDRICKS. I do not know what his rank was. The general law would give his widow \$30 per month—that is the highest half pay given to widows.

The CHAIRMAN. The motion is not debatable.

The question was then taken upon the amendment, and it was agreed to.

The bill was laid aside to be reported to the House.

House bill (No. 131) "for the relief of the heirs of Joseph Gerard" coming up next in order on the Calendar, was read through by the Clerk.

Mr. MACE. Read the report.

The Clerk was proceeding to read the report, when—

Mr. BISSELL said: I perceive that the report is very lengthy, and suggest, unless otherwise requested by some member, that its reading be dispensed with.

The reading of the report was dispensed with.

Mr. BISSELL. As that case seems to have slumbered already about sixty years, I think there would be nothing wrong in requiring it to lay over a little longer, at least for a few days, and therefore object to its consideration to-day.

The bill was laid over.

The following bills next came up in order, and were objected to as indicated below:

No. 173. "A bill for the relief of Mrs. Helen McKay, widow of the late Colonel Aeneas McKay, deputy quartermaster general United States Army." [Objected to by Mr. JONES, of Tennessee.]

No. 174. "A bill for the relief of D. C. Cash and Giles U. Ellis." [Objected to by Mr. MACE.]

No. 110. "A bill authorizing the payment of the balance of the property accounts between the

United States and the State of New York, for military stores in the war of 1812." [Objected to by Mr. MACE.]

The bill of the following title next came up in order:

No. 176. "A bill for the relief of Pamela Brown, the widow of Major General Jacob Brown, late of the United States Army, deceased."

The CHAIRMAN. Is there any objection to the bill?

Several MEMBERS. Read the report.

The Clerk read the report of the committee.

Mr. JONES, of New York. Mr. Chairman, as the sum provided by this bill is so small that it is hardly worth while to vote it, and as I understand that a Senate bill has been sent to this House giving the widow of General Brown fifty dollars per month, I ask that the consideration of the bill be postponed until after the whole facts are before the House.

Mr. HENDRICKS. Does the gentleman from New York object to the bill?

Mr. JONES. I do object for the reasons stated.

The bill next on the Calendar for consideration was House bill (No. 180) "for the relief of William B. Edwards."

The Clerk read the bill, which authorizes the Secretary of the Interior to place the name of William B. Edwards on the pension roll, at the rate of eight dollars per month, to commence 1st January, 1854, and to continue during five years.

The CHAIRMAN. To this bill there is an amendment pending, which provides that the pension shall date from January, 1850, instead of 1854, and that it be during natural life, instead of five years.

The bill and amendment were read.

The question was taken on the adoption of the amendment, which was agreed to.

The bill was then laid aside to be reported to the House.

The next bill coming up in order for consideration was a bill (No. 182) "for the relief of Daniel Steenrod."

The bill, which was read, provides that the petition and papers of the petitioner be referred to the Secretary of War, and that he be authorized to appoint an umpire to hear evidence and ascertain and fix what is justly and equitably due to the petitioner, and pay the same out of the Treasury.

Mr. JONES, of Tennessee, objected; and the bill was laid over under the rules.

The next bill coming up in order for consideration was No. 188: "A bill for the relief of Anthony G. Willis, deceased."

The bill, which was read, provides that there shall be paid to the heirs of Anthony G. Willis the sum of \$251, as compensation for the use, by the United States, of a wagon and team during the last war with Great Britain.

The report was then read, from which it appears that Anthony G. Willis was, in 1814, the owner of a wagon and team in Kentucky, and that he had one Benjamin T. Rowe employed in driving said team; that at Lexington, Kentucky, Captain George Stockton, an officer of the United States Army, pressed said wagon, team, and driver into service; and that they were carried beyond Dayton, in Ohio, towards the Canada line, and subsequently back to Nashville, Tennessee, laden with wounded soldiers of the regular Army; that said wagon, team, and driver were kept in the active and constant employ of the Government till the services amounted to the sum of \$251, and that Captain Stockton gave a certificate for that sum; that the certificate was sent on to Washington for payment by Mr. Zane, the Representative in Congress from the district in which Willis lived, and that the accounting officer rejected it because it contained an interlineation; that every effort was made to have the voucher corrected, but that, owing to the distance at which Willis lived from Captain Stockton, and the fact that Stockton was absent from home when the agent of Willis went to see him, it was not done until Willis died, leaving his children all minors, and wholly incapable of transacting business. The administrators subsequently endeavored to get a proper voucher, but with like want of success. The family and their friends have been endeavoring from that day to this, through the various Representatives from that district in Congress, to get the claim allowed and

paid; but all in vain. That said Willis was poor, and having a large family, the denial of this just demand was a peculiar hardship. It is also fully proven that the voucher was lost, and being left at the house of Stockton for correction.

Mr. LETCHER. I would inquire of the gentleman who reported this bill why this bill is not made payable to the administrator or executor?

Mr. BISSELL. The gentleman who reported the bill is not here. I presume, however, it is a mere omission, and probably an amendment embracing the case pointed out by the gentleman had better be inserted in the bill.

Mr. LETCHER. I move to amend the bill so as to strike out the word "heirs," and make the sum payable to the executor or administrator.

The question was then taken on the amendment, and it was agreed to.

The bill was then laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 189) "for the relief of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co," next came up for consideration.

The report was read by the Clerk.

Mr. EDGERTON. I object to the bill.

Mr. BENTON. I hope the gentleman will withdraw his objection for one moment, and allow me to say a word in explanation of this bill. I think I can satisfy him that it ought to pass.

Mr. EDGERTON. A bill of this importance, involving a question of contract, ought to be discussed in the House. I therefore insist on my objection.

Mr. FLORENCE. Oh, withdraw it for a moment.

Mr. EDGERTON. Well, I will do that.

Mr. BENTON. I thank the gentleman from Ohio for withdrawing his objection, even for a moment. What I have to say to the committee is, that this bill does not direct anything to be paid.

The CHAIRMAN. The Chair will remind the gentleman that if debate arises, the bill goes over.

Mr. BENTON. I believe I am only doing what it is usual to do here—making an explanation; that is all. The bill authorizes the proper accounting officers to examine the accounts in this case, and pay what the actual losses may have been. The case is an extraordinary one. Nobody could be found except these contractors and another set who went at the same time, to undertake to carry these supplies to Santa Fé at the commencement of the winter. They undertook to bind themselves to no given time, but to all practicable dispatch. The two trains proceeded, and they had arrived within forty odd miles of Santa Fé, into the mountains there, when there came on one of those terrible snow storms which destroy all animal life exposed to them, if shelter is not obtained in the groves of timber, or what are called in that country cañons—deep hollows; and all travelers in that country, the moment they see the approach of one of these storms, make for a grove of timber, or cañon, in which they can obtain shelter. Well, in this case, both the trains stopped at the same time in one of these cañons. This claimant went on and represented his condition to the officer in command, and that officer ordered him to come on, saying that if he did not, the train should be brought in at his expense. Under that order he undertook to move, and lost every animal that he had. The other train, not subjected to that order, remained, and not only saved every animal, but went on a few days afterwards, when the storm subsided, and sold every ox they had in Santa Fé. This destruction was occasioned by the order of the officer and the threat that he would have the train brought on at the expense of the contractor if he did not come on.

Mr. EDGERTON. I renew my objection to the bill. The bill accordingly lies over.

House bill (No. 190) "for the relief of William Hawkins" coming up next in order, was objected to by Mr. LETCHER.

House bill (No. 193) "for the relief of Alton Nelson" stood next in order upon the Calendar. The bill and the report were read.

There being no objection, the bill was laid aside to be reported to the House, with the recommendation that it do pass.

House bill (No. 195) "for the relief of Sarah K. Jenks, and the legal representatives of Haris-

horne R. Thomas, in the matter of the brig Jane," came up next in order for consideration.

Mr. JONES, of Tennessee. This is one of those old Spanish claims rejected by the Board of Commissioners under the Florida treaty of February, 1819, and ought to lay over. I object to its consideration to-day.

The bill was accordingly laid over.

The bill (No. 196) "for the relief of Gilbert C. Russell" coming up in order for consideration, was objected to by Mr. WALSH, and laid over.

The bill (No. 199) "for the relief of Thomas C. Greene" came up next in order.

The reading of the report of the committee was called for.

Mr. HUGHES. No report was made in this case, because the preamble recited all the facts of the case. The bill merely authorizes the correction of an error on the part of the Government, and is reported in pursuance of the recommendation of the Commissioner of the General Land Office.

Mr. LETCHER. Is there no conflict?

Mr. HUGHES. None at all.

Mr. LETCHER. Is there nobody else claiming the land?

Mr. HUGHES. Nobody, sir. It is a mere change of location.

Mr. WALSH. As the bill gives rise to discussion, I object.

The bill was laid over under the rule.

The bill next on the Calendar for consideration was Senate bill (No. 76) "authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere."

The Clerk read the bill and the accompanying report.

Mr. WHEELER. Mr. Chairman, there is evidently not a quorum present; I move that the committee do now rise.

Mr. CLINGMAN. Mr. Chairman, the Chair can count the committee, and see whether there is a quorum present, if there be no objection. There are but five ayes on the motion.

The CHAIRMAN. The Chair is somewhat in doubt as to that.

Tellers were called for, and ordered. Messrs. WHEELER and CHURCHWELL were appointed such tellers.

The question was taken; and the tellers reported—ayes 3, noes 97.

The CHAIRMAN. No quorum voting, the Clerk will call the roll.

The Clerk then called the roll, after which several members desiring to have their names entered as present—

Mr. HOUSTON said, I rise to a point of order. It is, that no gentleman, who was not within the bar when his name was called, can have his name recorded.

The CHAIRMAN. The Chair thinks the point of order well taken.

Mr. CAMPBELL. The custom has been to allow the names of those who were present to be entered.

Mr. JONES, of Tennessee. I ask for the reading of the rule in relation to a call of the roll.

The 126th rule was then read, as follows:

"Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal."

Mr. BAYLY, of Virginia. Now read the rule requiring members to be within the bar, and we shall see that it is confined exclusively to voting; and unless members are excluded by it, they have the right to have their names recorded.

Mr. JONES, of Tennessee. This course is certainly contrary to the uniform practice under this rule. The practice has been, whenever the committee finds itself without a quorum, to call the roll; and when it has been called, the Chair listens to no addresses made to it, but immediately makes his report to the House. There is no calling over the absentees, as in the case of a call of the House.

Mr. BAYLY. I ask for the reading of the rule requiring members to be within the bar.

Mr. JONES. That rule does not apply to this case.

Mr. BAYLY. That is the very reason why a member has a right to have his name entered.

Mr. JONES. Not at all.

The CHAIRMAN. The Chair is of the opinion that if a member is within the bar when his name is called, he has a right to have his name recorded.

Mr. CAMPBELL. I was not within the bar when my name was called; I was in the Senate at the time. If the Chair decides that I have not a right to answer to my name, I wish to take an appeal. I will state the reasons upon which I base my appeal. It is that the only object of the rule is to ascertain, before the committee report, whether there is a quorum present or not. Now, the committee has made no report; and if there is a quorum present, as a matter of course, the object of the rule is accomplished.

Mr. JONES, of Tennessee. The committee found itself without a quorum.

Mr. CAMPBELL. We have a quorum.

Mr. JONES. The committee cannot ascertain that. The rule requires the roll to be called, and the Chairman to report the same to the House.

Mr. CAMPBELL. Does the Chair decide that I have no right to take an appeal upon a point of order?

Mr. TAYLOR, of Ohio. If my recollection serves me right, it has been customary to call over a second time the names of those who have not answered.

The CHAIRMAN. The Chair knows of no such rule.

The committee then rose; and the Speaker having resumed the chair, the Chairman of the committee [Mr. HIBBARD] reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and made progress therein; but having found itself without a quorum, had ordered the roll to be called, and directed him to report to the House the names of the absentees.

A quorum being present, the committee again resumed its session, (Mr. HIBBARD in the chair.)

The CHAIRMAN. The bill next in order is Senate bill No. 76, but there was a motion pending that the committee rise.

Mr. WHEELER. I withdraw the motion.

Mr. DAWSON. I renew the motion.

The question was then taken, and the committee refused to rise.

The CHAIRMAN. The first business in order before the committee is Senate bill (No. 76) "authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere." The bill has already been read by the Clerk, and if not objected to, will be laid aside to be reported to the House.

Mr. WALSH objected; and it was laid over.

Senate bill (No. 73) "for the relief of the legal representatives of Joshua Kennedy, deceased," next came up in its order for consideration; but being objected to by Mr. LANE, of Indiana, was laid over.

Senate bill (No. 127) "for the relief of John Fagan" next came up in order for consideration.

The bill and report were then read.

Mr. GREENWOOD. I wish to make a simple statement in this case.

The CHAIRMAN. Discussion is not in order.

Mr. EDGERTON. I object to any bill which gives rise to discussion.

The CHAIRMAN. Objection being made, the bill must be laid aside.

House bill (No. 25) "for the relief of Grafton Baker" next came up in its order for consideration.

The bill and report were then read.

The report was read by the Clerk, from which it appears that in the summer of 1852, William Carr Lane, who was at that time Governor of New Mexico, went to the Mesilla district to take possession of the same; that he issued a proclamation, and claimed jurisdiction of the country until the boundary line between Mexico and the Territory of New Mexico should be established by Mexico and the United States. The claim of the United States to jurisdiction was resisted by military force by the authorities of the State of Chihuahua. The Governor of New Mexico deemed it advisable to lay the whole subject before the President of the United States as soon as possible; and for that purpose he employed the petitioner as bearer of dispatches to the President of the United States; the Governor being at that time three

hundred miles south of Santa Fé, where he employed Grafton Baker to convey a communication upon the subject to Washington city, to be delivered to the President.

Mr. Baker performed that service in about thirty days; and the Secretary of State could not pay him for his services, because there was no fund from which the expenses of Mr. Baker could lawfully be paid.

A letter from William Carr Lane, late Governor of the Territory of New Mexico, after stating the circumstances on account of which he deemed it advisable to lay the subject of the Mesilla district before the President of the United States, represents that he was then three hundred miles south of Santa Fé, and that it would have been imprudent to have trusted a communication of such grave importance to the uncertainties of that mail route; that it was, therefore, intrusted to the care of the Hon. Grafton Baker to be delivered, for which the compensation claimed was but reasonable.

A letter from W. L. Marcy, Secretary of State, represents that the claim of Mr. Baker for his expenses as bearer of dispatches from Governor Lane, of New Mexico, having been considered just and reasonable, would have been allowed and paid by the Department, if there had been any funds at its disposal from which, with propriety, the payment could have been made.

There being no objection, the bill was laid aside to be reported to the House.

A joint resolution "directing the accounting officers of the Treasury to adjust the accounts of William Woodbury, late pension agent at Portland, Maine," stood next in order upon the Calendar.

The joint resolution and report were read.

Discussion arising, the joint resolution was objected to by Mr. WALSH, and laid over.

House bill (No. 237) "for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army," stood next in order upon the Calendar.

The bill directs the Secretary of the Interior to place the name of Mary Deany upon the pension roll of the United States, and to cause to be paid to her the sum of fifteen dollars per month for a term of ten years, commencing January 1, 1853; provided, that in case of the marriage or death of said Mary Deany, the pension hereby granted shall be paid to her two children, or the survivor of them.

The report was read by the Clerk.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

A bill (No. 238) "for the relief of John S. King, of Virginia," came up next in order.

The bill and accompanying report were read through.

Mr. LETCHER. I would like to know from the gentleman who reported that bill the reason for going back to January, 1853?

Mr. ORR. Why do they not go to the Pension Office, if the facts be as stated?

Mr. LETCHER. That is true; I object to the consideration of the bill to-day.

The bill was accordingly passed over.

Bills of the following titles coming up next in order, and being objected to as indicated below, were laid over:

No. 239. "A bill for the relief of Hiram Moore and John Hascall." [Objected to by Mr. LETCHER.]

S. 125. "An act for the relief of Ezra Williams." [Objected to by Mr. GREENWOOD, after the bill and accompanying report had been read through.]

The bill next on the Calendar for consideration was Senate bill (No. 90) "for the relief of Charles Cooper."

The Clerk read the bill directing the proper accounting officers of the Treasury Department to pay to Charles Cooper, of Bangor, Maine, the sum of \$300 in full for interest due to him from the United States.

Mr. WALSH objected; and the bill was laid over.

The bill next on the Calendar for consideration was Senate bill (No. 91) "for the relief of James Dunning."

The Clerk read the bill, directing the proper accounting officers of the Treasury Department to

pay to James Dunning \$255 98 in full for interest due to him from the United States.

Mr. JONES, of Tennessee, objected; and the bill was laid over.

The bill next on the Calendar was House bill (No. 240) "for the relief of Thomas S. J. Johnson, of the Territory of New Mexico."

The Clerk read the bill, which directs the Secretary of the Treasury to pay Thomas S. J. Johnson the sum of \$4,800 for the value of thirty-two large road wagons taken by the officers of the United States Army, and appropriated to the public use.

The Clerk read the report accompanying the bill.

Mr. ORR. I wish to ask the gentleman who reported this bill why the quartermaster did not make compensation directly to this person?

Mr. JONES, of Tennessee. The gentleman who reported the bill is not present.

Mr. ORR. I wish to understand the facts somewhat more fully; therefore I object to it.

The bill was accordingly laid over under the rule.

The next bill which came up in order for consideration, was House bill (No. 241) "for the relief of the administrators of Oliver Lee, deceased."

The bill was read *in extenso*. It provides, among other things, for the payment to the administrators of Oliver Lee, deceased, of the sum of \$580 32, for the reasons therein stated.

Mr. FENTON. I move to amend, by inserting after the words "cents" the words, "with interest thereon, to be computed from the 30th day of August, 1844."

Mr. HENDRICKS objecting, the bill was laid over, under the rule.

Senate bill (No. 139) "for the relief of Charles A. Kellett" coming up next in order for consideration, was objected to by Mr. JONES, of Tennessee, and laid over under the rule.

The CHAIRMAN. The Chair understands that there is another Senate bill, not upon the Calendar, which the clerk will report.

The title of the bill was read, as follows:

"A bill for the relief of Joseph Mitchell."

The bill and report were read *in extenso*.

Mr. WALSH. As the bill appears to be a bounty upon desertion, I object.

The bill was accordingly laid over under the rule.

Mr. DAVIS. I move that the committee rise.

The question was then taken; and it was decided in the affirmative.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and directed him to report to the House, with a recommendation that it pass, House bill (No. 180) "for the relief of William B. Edwards," with an amendment; and also that they had directed him to report without amendment the following bills, with a recommendation that they pass:

House bill (No. 123) "for the relief of Charles Staples;"

House bill (No. 125) "for the relief of Harriet Leavenworth, widow of the late Brevet Brigadier General Leavenworth;"

House bill (No. 193) "for the relief of Alton Nelson;"

House bill (No. 235) "for the relief of Grafton Baker;" and

House bill (No. 237) "for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army."

ADJOURNMENT OVER.

Mr. ORR. I move that when this House adjourns, that it adjourn to meet on Monday next.

Mr. LANE, of Indiana. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 101, nays 50.

So the motion was agreed to.

PRIVATE BILLS AGAIN.

The SPEAKER. The question first in order is on the bill reported last Friday from the Committee of the Whole House, for the relief of Benjamin Rowe, to which the following amendment was made:

Strike out the words "five years," and insert in lieu thereof "during his natural life."

Mr. HENDRICKS. I will say to the House that this is to make the bill correspond with the pension laws of the United States. The committee which reported the bill, by some mistake inserted five years, instead of for life, as they should have done.

Mr. KERR. We, in this quarter, do not understand the amendment at all. I ask the Chair to explain the state of the question.

The SPEAKER. This is a proposition for a pension. The bill, as reported, provides a pension for five years. It is proposed to amend by striking out "five years" and inserting "for life."

Mr. JONES, of Tennessee. The bill is to grant a pension. In cases like this, where the person was in the military service, in the line of his duty, it has been the invariable practice to grant him a pension for life. Through inadvertency, or from some cause, the person having the bill in charge inserted a clause providing a pension for five years instead of for life. The five-years' pensions have been confined exclusively to another class. I know nothing about this case except from the report; but that is the principle upon which we have heretofore acted.

The question was taken; and the amendment agreed to.

The bill was then ordered to be engrossed, and read a third time; and having been engrossed, it was read a third time, and passed.

Mr. TAYLOR, of Ohio. Is it competent for the House to vote upon the remaining bills reported from the Committee of the Whole, *en masse*?

The SPEAKER. That course can be pursued by unanimous consent only.

Mr. WHEELER. I object.

The following bills were then taken up, and severally ordered to be engrossed, and read a third time; and having been engrossed, were read a third time, and passed:

A bill for the relief of Henry L. Halstead;

A bill for the relief of Benjamin Hammond, of the State of New York; and

A bill for the relief of Henry J. Snow, of Rome, in the State of New York.

Mr. JONES, of Tennessee. These bills were all reported from the Committee of the Whole House without objection. I propose that they should be read by their titles, and passed *en masse*.

Mr. WHEELER. I withdraw my objection to that course.

The following House bills, reported on Friday last from the Committee of the Whole House, were then taken from the Speaker's table, ordered to be engrossed for a third reading, and were subsequently read a third time, and passed:

"A bill (No. 124) for the relief of Lemuel Hudson;"

"A bill (No. 126) for the relief of George S. Claffin;"

"A bill (No. 127) for the relief of James F. Green;"

"A bill (No. 128) for the relief of Thomas Frazer;"

"A bill (No. 129) for the relief of Cornelius H. Latham;"

"A bill (No. 130) for the relief of Samuel W. Brady;"

"A bill (No. 134) for the relief of Fayette Mauzy and Robert G. Ward;"

"A bill (No. 170) for the relief of the legal representatives of the late John E. Bispham;"

"A bill (No. 175) for the relief of John O. Mears;"

"A bill (No. 177) for the relief of Lyman N. Cook;"

"A bill (No. 179) for the relief of Emelie Hoove, widow of Captain Hoove;"

"A bill (No. 181) for the relief of John Hamilton;"

"A bill (No. 183) for the relief of the Utica Steam Woolen Company;"

"A bill (No. 184) for the relief of Gray, McMurdo & Co.;"

"A bill (No. 191) for the relief of George W. Gibson;"

"A bill (No. 192) for the relief of Parmelia Slavin, widow of John Blue, deceased;"

"A bill (No. 194) to provide a pension for Silas Champion;"

"A bill (No. 200) to confirm to Hercules L. Dousman his title to farm lot No. 32, adjoining the town of Prairie du Chien, in the State of Wisconsin;"

"A bill (No. 201) for the relief of Aaron Stafford;" and

"A bill (No. 202) for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont."

The following House bills reported to-day from the Committee of the Whole House, without amendment, were then taken from the Speaker's table, ordered to be engrossed for a third reading, and subsequently read the third time, and passed:

"A bill (No. 123) for the relief of Charles Staples;"

"A bill (No. 193) for the relief of Alton Nelson;"

"A bill (No. 235) for the relief of Grafton Baker;" and

"A bill (No. 337) for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army."

The following House bill, reported from the Committee of the Whole House, with an amendment, was then taken from the Speaker's table:

"A bill (No. 125) for the relief of Harriet Leavenworth, widow of the late brevet Brigadier General Leavenworth."

The Clerk read the amendment, as follows:

Strike out "\$37 50," and insert in lieu thereof "\$30;" so that the bill shall provide for the paying of \$30 pension per month, instead of \$37 50.

The question was taken, and the amendment was agreed to.

Mr. JONES, of Tennessee. This bill is in violation of all the general pension laws of the country. It is an exception which I think is wrong. If such cases are to be provided for, there should be a general law passed; so that benefit may be received by the widows of soldiers who die in the United States service in time of peace, as well as the widows of those who die under these circumstances. If the principle involved is to be recognized at all, let it be recognized by Congress in a general law. I therefore move that the bill be laid upon the table.

The question was taken, and the motion was disagreed to.

Mr. HENDRICKS. I think this is one of the most meritorious cases that can come before Congress. I move to amend the bill by striking out five years, and inserting ten years. I do it upon this ground: Half pay has been given to widows under general laws. Last year we passed a bill to give an additional five years. We might as well say ten years at once, as that at the expiration of five years, five years additional shall be given.

Mr. JONES. I wish to inquire of the chairman of the Committee on Invalid Pensions, as he says that pensions have been given for ten years, whether the widow of a soldier who died the same day, and in the same camp as General Leavenworth, can get a pension under any law now in force in this country?

Mr. HENDRICKS. If as meritorious a case as this of General Leavenworth be presented in favor of any of the soldiers who died at the same time, I have no doubt Congress would pass upon it favorably.

I will add, before I yield to the gentleman from Tennessee, that this case does not come strictly within the pension laws. If it did, and if, under the general law, adequate relief could be given, it would not be here. It is one of the most meritorious cases, in my judgment, that could come before Congress. This man, by his exposure in the service of the country, lost his life. He encountered dangers as great as many did in battle. I am not disposed to discuss the question further; but if the gentleman has any further questions to propound, I shall be glad to answer them.

Mr. JONES. The gentleman has not answered the question which I put to him. I inquired whether, under the laws to which he referred, the widow of any soldier could get a pension? I take it upon myself to say that she could not; and, sir, there is no case within my recollection where the widow of any soldier, under similar circumstances, has ever had a pension bill passed for her benefit.

It is for an officer. And what is the merit in this particular case? An officer who was favored

by a commission in the Army of the country, a profession which he chose for himself, and one which he preferred to all others—to any certainly in civil life—he serves in it, and in time of peace, and in the course of nature, he dies, as we must all die. And because he had been favored all his life, his widow must be made the peculiar favorite of Congress, to the exclusion of all others—the general laws of the country overlooked—and because he was an officer, this peculiar favor is wanted.

Sir, I say that if we are to adopt this principle of giving pensions to the widows of those who die in time of peace in the service, make the law general. When you have such a case, let it not be a case of special favor and privilege. Extend the benefit alike to the soldier who is commanded as to the officer who commands.

Mr. McMULLIN. Will the gentleman from Indiana allow me to ask him a question?

Mr. HENDRICKS. I ask the favor to have the report of the committee read before I take my seat.

Mr. CAMPBELL. Is it a long report?

Mr. HENDRICKS. Not very long.

Mr. CAMPBELL. Did not we hear it read just now?

Mr. HENDRICKS. Yes.

Mr. CAMPBELL. Then what is the use of having it read again?

The Clerk read the report.

Mr. HENDRICKS. Mr. Speaker, I withdraw the motion which I made to amend the bill; and before I sit down, I move the previous question.

The report shows the fact that General Leavenworth was ordered by the Government on an expedition against the Indians, and that while there he lost his life through the exposure incident to that service. In such a case Congress, at the last session, gave the widow of General Worth \$50 per month for life.

This bill proposes to give to the widow of General Leavenworth \$30 per month, for five years. I move the previous question.

The House divided upon the call for the previous question, and there were 77 in the affirmative and 28 in the negative—no quorum voting.

Mr. ORR. I move that the House do now adjourn.

Mr. HOUSTON. I believe there is a quorum in the House, and I—

Mr. ORR. I made a motion that the House adjourn.

The SPEAKER. The gentleman from South Carolina insists upon his motion to adjourn.

Mr. HOUSTON. I suppose the gentleman from South Carolina [Mr. Orr] will let me make an appeal to him to withdraw his motion for a moment. There is a bill upon the Speaker's table which, it seems to me, we ought to pass. It is the bill which relates to the manner of disbursing the contingent fund of the Senate. There are some Senators who have not drawn a single dime since they came to this Congress. This bill from the Senate, to which I refer, has been upon our table for a week, and I appeal to the House to take it up and dispose of it in some way.

The SPEAKER. Is the motion to adjourn withdrawn?

Mr. ORR. I withdraw it.

Mr. HOUSTON. I now ask the House to take up that Senate bill.

The SPEAKER. If there is no objection, it will be taken up.

Mr. HENDRICKS. I object.

Mr. ORR. I then renew my motion.

The question was taken, and the motion was agreed to.

The House accordingly adjourned until Monday next.

IN SENATE.

SATURDAY, February 4, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. SEWARD. I am requested to present the petition of six hundred citizens of the State of New York, residing in the county of Monroe. They state that they know of the privations and sufferings which were endured by the soldiers of the war of 1812—the second war of independence—and they think that the survivors and their heirs are

entitled to some relief at the present period. The petition prays Congress to grant to each one of those soldiers who may survive, and to the representatives of each one who is deceased, one hundred and sixty acres of the public lands. I move, therefore, that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. WALKER presented the memorial of the Fox and Wisconsin Improvement Company, praying to be allowed an additional grant of land, and to locate the portion of lands unlocated of a grant made under an act of Congress approved August 8, 1846, for the improvement of the Fox and Wisconsin rivers; which was referred to the Committee on Public Lands.

Mr. BAYARD presented a memorial of certain citizens of Pennsylvania, Delaware, and New Jersey, praying a further appropriation to complete the piers on the easternmost side of Reedy Island; which was referred to the Committee on Commerce.

Mr. BRIGHT presented a petition of the rector and members of the vestry of Rock Creek parish, in the county of Washington, District of Columbia, praying that provision may be made by Congress for the establishment and support of a public school in the parish of Rock Creek; which was referred to the Committee for the District of Columbia.

Mr. BUTLER presented the petition of Oliver Towles and others, praying to be allowed seven years' half pay of captain, as the heirs and legal representatives of Captain Oliver Towles, deceased, who was slain by the enemy in the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. BRODHEAD presented sundry memorials of citizens of Pennsylvania, remonstrating against the passage of the Nebraska bill; which were ordered to lie on the table.

Also, fourteen memorials, numerous signed, of citizens of Philadelphia, against the removal of the United States Mint from that city; which were referred to the Committee on Finance.

Mr. BROWN presented the memorial of the Bethlehem Baptist Association, at Enterprise, Mississippi, praying that provision be made in our treaties with foreign countries to secure religious toleration to American citizens who may be resident therein; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the petition of Christopher Spencer, praying remuneration for the sufferings and loss of property of his father during the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. SEWARD presented resolutions of the Board of Trade of the city of Cleveland, in the State of Ohio, in favor of the construction of a ship canal around the Falls of Niagara; which was referred to the Committee on Commerce.

Mr. JONES, of Iowa, presented a petition of certain citizens of Iowa, praying Congress to permit William Rees to establish a normal settlement on the public lands; which was referred to the Committee on Public Lands.

Mr. SUMNER presented a remonstrance of three hundred tax-paying citizens of Claremont, New Hampshire, against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. FISH presented a petition of citizens of Clinton county, New York, praying Congress to grant one hundred and sixty acres of the public land to each of the soldiers of the war of 1812, or his legal representatives; which was referred to the Committee on Public Lands.

Mr. CASS presented a memorial of citizens of Philadelphia, praying a modification of the bounty land law, so as to grant one hundred and sixty acres of land to the soldiers of the war of 1812; which was referred to the Committee on Public Lands.

Also, the petition of Elizabeth S. R. Saily, of New York, praying that the pension granted to her as the widow of Captain Samuel L. Russell, of the Army, may be continued; which was referred to the Committee on Pensions.

Mr. CLAY. I desire to present the petition of John S. Wilson, a citizen of the State of Alabama, formerly a citizen of the State of Missouri, asking to be reimbursed the amount of purchase money of a section of land entered by him in the land

office at St. Louis, with the interest accruing thereon. He entered this land, it appears, in 1822, and was afterwards divested of his right by one claiming under a Spanish grant. The title, it appears, was afterwards confirmed by the Supreme Court of the United States. Under these circumstances he asks to be reimbursed the amount of the purchase money and interest. I ask that the petition may be referred to the Committee on Private Land Claims.

It was so referred.

Mr. CLAY also presented a petition of citizens of Tusculumbia and its vicinity, in the State of Alabama, praying that the compensation of the postmaster and the clerks in the post office in that town may be increased; which was referred to the Committee on the Post Office and Post Roads.

THE MISSOURI COMPROMISE.

Mr. FISH. Mr. President, I am desired to present to the Senate the proceedings of a public meeting, held in the city of New York, to express the opinions of those citizens adverse to the enactment by Congress of any act repealing the Missouri compromise. The meeting was numerous, and most respectfully attended. From respect to the parties who participated in that meeting, and the great importance of the subject, I desire that the proceedings may be read.

The Secretary was proceeding to read the proceedings—

Mr. DOUGLAS. I have no particular objection to the reading of these resolutions. I have read the proceedings of that meeting, and I presume every Senator has read them. What I wish to suggest is, that if we are to have all petitions and memorials read at length, the whole day will be consumed. Why should we make an exception in this case to the general rule? As I have said, I have no particular objection to the reading of this memorial; but this course is a departure from the usage of the Senate on this subject. I prefer that the established usage shall be adhered to. If I present any memorials on the other side, I shall not ask to have them read.

The PRESIDING OFFICER. (Mr. NORRIS in the chair.) Does the Senator object to the reading of the memorial?

Mr. DOUGLAS. I object to this departure from the rules of the Senate.

The PRESIDING OFFICER. Then the question will be on allowing the memorial to be read.

Mr. SEWARD asked for the yeas and nays on this subject, but they were not ordered.

The question being taken, the Senate refused to allow the paper to be read.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SEBASTIAN, it was

Ordered, That the petition and accompanying papers in the case of William Field, clerk of the United States district court for Arkansas, be withdrawn from the files of the Senate, and referred to the Committee on the Judiciary.

On motion by Mr. FISLII, it was

Ordered, That the petition and accompanying papers of Elizabeth Marsh, only child of Lieutenant Jonathan Metcalf, be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the petition and papers in the case of Parsey Elmore be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

REPORT FROM A STANDING COMMITTEE.

Mr. JONES, of Iowa, from the Committee on Pensions, to which was referred the petition of William P. Ackers and Julia Ackers, legal representatives of William Yool, asked to be discharged from its further consideration, in order that the petition and papers might be presented in the House of Representatives; which was agreed to.

NOTICES OF BILLS.

Mr. HUNTER gave notice of his intention to ask leave to introduce a bill to provide for the settlement of certain public accounts.

Mr. BADGER gave notice of his intention to ask leave to introduce a bill making an appropriation for the removal of obstructions at the mouth of Cape Fear river.

TERRITORY OF NEBRASKA.

On the motion of Mr. JONES, of Tennessee, the Senate resumed the consideration of the special order of the day, being the bill to organize the Territory of Nebraska.

Mr. DIXON addressed the Senate, and in the

course of his speech he replied to the argument delivered yesterday by the Senator from Ohio.

[His speech will be found in the Appendix.]

Mr. WADE next obtained the floor, and moved that the further consideration of the subject be postponed until Monday.

The motion was agreed to by a vote of 23 yeas to 17 nays; as follows:

YEAS.—Messrs. Allen, Badger, Bell, Brodhead, Butler, Cass, Clayton, Dawson, Everett, Fish, Foot, Houston, Jones of Tennessee, Norris, Sebastian, Seward, Smith, Stuart, Sumner, Thomson of New Jersey, Toucey, Wade, and Williams—23.

NAYS.—Messrs. Adams, Benjamin, Brown, Clay, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Mason, Pettit, Slidell, Thompson of Kentucky, and Weller—17.

The Senate then proceeded to the consideration of Executive business.

IN SENATE.

MONDAY, February 6, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Saturday was read and approved.

Hon. THOMAS J. RUSK, of Texas, appeared in his seat this morning.

INTERNATIONAL WEIGHTS AND MEASURES.

Mr. SUMNER. Mr. President, I hold in my hand, and now desire to present, a memorial of the American Geographical and Statistical Society, signed by their distinguished officers, among whom are George Bancroft, as President, and Henry Grinnell, as Vice President, in which they set forth that the weights and measures now in use in the United States, from their variety, complexity, and uncertainty, are calculated to mislead and perplex large numbers of the people; that serious embarrassments daily occur in our foreign commerce from the want of a common international standard; that the importance of a simplification of weights and measures has frequently engaged the attention of eminent statesmen at home and abroad; and that, at this time, it is occupying the attention of the British Government and of other Governments on the continent of Europe and of South America; that the present moment seems auspicious for a common effort among the leading nations in this direction; and also to establish a common meridian line; and that our Republic, from its character and position, is favorably circumstanced for organizing such a movement. The memorialists, therefore, pray that Congress will take into consideration the propriety of a thorough revision of our national weights and measures, and the expediency of inviting the other nations, by a scientific congress, or in some other way, to secure the establishment of an international standard.

Such is the prayer of this memorial; and allow me to add, that in its accomplishment there will be a new triumph of civilization, and a new bond of peace, a new instrument of daily convenience and happiness.

This subject does not properly fall within the province of one of the standing committees; but, on former occasions, resolutions touching weights and measures have emanated from the Committee on the Library; and I beg now to move the reference of the memorial and accompanying documents to that committee.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it had passed the following bills; which were read a first and second time by their titles, and referred to the committees annexed:

A bill to cede to the State of Illinois that part of the Cumberland road lying within said State—Committee on Roads and Canals.

A bill for the relief of Madison Parton—Committee of Claims.

A bill for the relief of Henry L. Halstead—Committee on Pensions.

A bill for the relief of Benjamin Hammond, of the State of New York—Committee of Claims.

A bill for the relief of Henry J. Snow, of Rome, in the State of New York—Committee on Pensions.

A bill for the relief of Lemuel Hudson—Committee on Pensions.

A bill for the relief of George S. Clafin—Committee on Pensions.

A bill for the relief of James F. Green—Committee on Pensions.

A bill for the relief of Thomas Frazer—Committee on Pensions.

A bill for the relief of Cornelius H. Latham—Committee on Pensions.

A bill for the relief of Samuel W. Brady—Committee on Pensions.

A bill for the relief of Fayette Mauzy and Robert G. Ward—Committee on the Judiciary.

A bill for the relief of the legal representatives of the late John E. Bispham—Committee of Claims.

A bill for the relief of John O. Mears—Committee on Naval Affairs.

A bill for the relief of Lyman N. Cook—Committee on Pensions.

A bill for the relief of Emelie Hooe, widow of Captain Hooe—Committee on Pensions.

A bill for the relief of John Hamilton—Committee on Pensions.

A bill for the relief of the Utica Steam Woolen Company—Committee of Claims.

A bill for the relief of Gray, McMurdo & Co.—Committee of Claims.

A bill for the relief of George W. Gibson—Committee on Pensions.

A bill for the relief of Parmelia Slavin, widow of John Blue, deceased—Committee on Pensions.

A bill to provide a pension for Silas Champion—Committee on Pensions.

A bill to confirm to Hercules L. Dousman his title to farm lot No. 32, adjoining the town of Prairie du Chien, in the State of Wisconsin—Committee on Private Land Claims.

A bill for the relief of Aaron Stafford—Committee on Pensions.

A bill for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont—Committee on Pensions.

A bill for the relief of Charles Staples—Committee of Claims.

A bill for the relief of Alton Nelson—Committee on Pensions.

A bill for the relief of Grafton Baker—Committee of Claims.

A bill for the relief of Mary Deany, widow of the late Lieutenant James A. Deany, of the United States Army—Committee on Pensions.

A bill for the relief of Benjamin Rowe—Committee on Pensions.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating copies of all reports of the engineers and other persons employed to make explorations and surveys to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean that have been received at the Department; which was referred to the select committee appointed on the subject, and ordered to be printed.

Also, a communication from the Secretary of the Interior, transmitting a letter from the acting Commissioner of Indian Affairs, dated the 30th ultimo, asking that an additional appropriation of \$15,000 be made for general incidental expenses of the Indian service in the Territory of New Mexico for the current fiscal year; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS, ETC.

Mr. JONES, of Iowa, presented a petition of citizens of Butler, and other counties in the State of Iowa, praying the establishment of another land district in that State; which was referred to the Committee on Public Lands.

Mr. PETTIT presented the petition of Christopher Cory, praying an investigation into his discovery as to the cause and cure of the potato rot, and an appropriation to indemnify him for the time spent and expenses incurred in making the discovery; which was referred to the Committee on Agriculture.

Mr. FOOT presented documents in support of the claim of the children of Leonard Baker to a pension for services during the war of the Revolution; which were referred to the Committee on Pensions.

Mr. BRIGHT presented a report of the proceedings of a meeting of citizens of Georgetown, District of Columbia, protesting against the erection of any more bridges below Georgetown har-

bor; which was referred to the Committee for the District of Columbia.

Mr. HAMLIN presented several memorials signed by citizens of Maine, praying that the bounty land law may be so altered as to grant to those soldiers who served in the war of 1812 one hundred and sixty acres of land, or, if deceased, to their widows or children; which were referred to the Committee on Public Lands.

Mr. BENJAMIN presented the memorial of the Jefferson and Lake Pontchartrain Railway Company, praying that the terminus of that railway on the lake be made a port of delivery; which was referred to the Committee on Commerce.

Mr. THOMPSON, of Kentucky, presented the memorial of Thomas Conner, praying a pension on account of an injury received in the military service of the United States; which was referred to the Committee on Pensions.

Mr. FISH presented a resolution of the Chamber of Commerce of New York, recommending that provision be made at the assay office in that city for coining as well as assaying the precious metals; which was referred to the Committee on Finance.

Mr. THOMPSON, of Kentucky, presented the memorial of S. R. Addison, a passed assistant surgeon in the Navy, praying to be allowed the difference between the pay of passed assistant surgeon during the time he performed the duties of surgeon; which was referred to the Committee on Naval Affairs.

Mr. MALLORY presented the petition of John W. Kelly, praying indemnification for loss sustained in consequence of the abrogation of a contract by the Post Office Department for the transportation of the mails; which was referred to the Committee of Claims.

Mr. THOMSON, of New Jersey, presented the memorial of Sarah Somers Carson, nearest surviving relative of Richard Somers, who fell at Tripoli in 1804, praying a pension; which was referred to the Committee on Pensions.

Mr. SEBASTIAN presented a letter from Alexander Ramsey, including papers in relation to the charges of malfeasance in office preferred against him; which was referred to the Committee on Indian Affairs.

Mr. DAWSON presented the memorial of the Hephzibah Baptist Association, of Georgia, praying that provision may be made in our treaties with foreign countries to secure religious toleration to American citizens who may be resident therein; which was referred to the Committee on Foreign Relations.

Mr. BUTLER presented a memorial of D. McManus, recommending the establishment of a corps of chaplains in the Army, similar to that of the Medical Department; which was referred to the Committee on Military Affairs.

Mr. WALKER presented a petition of citizens of Ontonagon county, Wisconsin, praying the establishment of a mail route from Appleton, via Centre and Ellington, to Bovina, in that State; which was referred to the Committee on the Post Office and Post Roads. Also, a petition of citizens of Green Bay and Depere, praying the establishment of a port of entry in that part of the State of Wisconsin, or that it may be attached to the Milwaukee district; which was referred to the Committee on Commerce.

Mr. JOHNSON presented the petition of Theresa Dardenus, praying indemnity for losses sustained in consequence of an erroneous sale of land by the land officers at Little Rock to her late husband, Abraham Dardenus; which was referred to the Committee on Public Lands.

Mr. DODGE, of Iowa, presented three petitions of citizens of Iowa, praying that a grant of land may be made to the States of Indiana, Illinois, and Iowa, to aid in the construction of the Great Western Air-Line railroad, from Fort Wayne to Council Bluffs; which were referred to the Committee on Public Lands.

Mr. JAMES submitted an additional document in relation to the claim of the heirs of Uriah Jones to a pension; which, with their petition on the files of the Senate, was referred to the Committee on Revolutionary Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the petition and accompanying papers in the case of the stone masons and laborers employed on the extension of the Capitol be withdrawn from the files of the

Senate, in order that they may be presented in the House of Representatives.

On motion by Mr. HAMLIN, it was

Ordered, That the memorial of Ethan A. Allen, legal representative of Colonel Ethan Allen, be withdrawn from the files of the Senate, and referred to the Committee of Claims.

On motion by Mr. HUNTER, it was

Ordered, That leave be granted to withdraw the following memorials and papers from the files of the Senate: memorial of the executor of Carter Page, praying the commutation due the deceased as a Captain in the Army of the Revolution; petition of Anna Royall, widow of Captain William Royall, of the Revolutionary Army, praying a pension; and the petition of the heirs of Charles Lewis, praying seven years' half pay.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the memorial of Edwin James, senior, and Edwin James, junior, be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. MALLORY, it was

Ordered, That the petition of the heirs of John Underwood be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. BRIGHT, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the bill to establish a court for the settlement of claims against the United States, and that it be referred to the Committee on Finance.

REPORTS FROM STANDING COMMITTEES.

Mr. EVANS, from the Committee on Revolutionary Claims, to whom were referred the following petitions, submitted adverse reports in each case; which were ordered to be printed:

Petition of the heirs of Abraham Hunt, praying compensation for revolutionary services.

Petition of the administrators of Joseph Torrey, and of William Johannot.

Petition of the heir of William Russwurm, praying interest on commutation pay.

Petition of the heirs of Dr. John Morgan.

He also, from the Committee on Revolutionary Claims, to whom was referred the memorial of the heirs and executors of Samuel Prioleau, praying indemnity for property destroyed by order of General Lincoln, during the revolutionary war, submitted a report, accompanied by a bill for their relief; which was read and passed to a second reading. The report was ordered to be printed.

He also, from the Committee on Revolutionary Claims, to whom was referred the petition of the widow of William Riley and others, submitted a report, accompanied by a bill to provide for the settlement of the claims of the officers of the Revolutionary Army; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. JOHNSON, from the Committee on Military Affairs, to whom was referred the petition of Sally T. B. Cochrane, widow of the late Lieutenant R. E. Cochrane, United States Army, praying compensation for a horse lost in the military service, reported a bill for her relief; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred documents relating to the claim of Colonel A. G. Morgan, of Missouri, for military services in Florida, submitted a report, accompanied by a bill for the relief of the heirs and representatives of Colonel A. G. Morgan; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the Committee on Public Lands, to which was referred the bill granting the right of way, and a portion of the public lands, to the State of Florida, to aid in the construction of a railroad across the peninsula of that State, reported it back without amendment.

He also, from the same committee, to which was referred the bill giving a right of way, and granting alternate sections of certain public lands, to the State of Florida, to further the construction of certain railroads therein specified, reported it back with amendments.

Mr. BENJAMIN, from the Committee on Private Land Claims, to whom was referred a resolution relative to the Maison Rouge and De Bastrop grants, submitted a report, accompanied by a bill to amend an act entitled "An act to grant the right of preemption to certain purchasers and settlers on the Maison Rouge grant in the event of the final adjudication of the title in favor of the United States," approved January 27, 1851; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Mil-

itary Affairs, to which was referred the petition of Captain L. C. Easton, assistant quartermaster in the Army, praying that he may be credited with certain public money of which he was defrauded by his clerk, reported a bill for his relief; which was read, and passed to a second reading.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to which was referred the memorial of George Barrell and S. V. S. Wilder, on behalf of themselves and others, praying confirmation of their title to certain lands purchased of the Indian tribes in 1791, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

THE GUANO TRADE.

Mr. PRATT. I am requested to present to the Senate resolutions passed by the Legislature of Maryland on the subject of the trade in guano. The impression very generally prevails among the people of the State which I have the honor in part to represent that there is a monopoly at present in this trade; and their desire is, through the instrumentality of the Federal Government, to prevent the continuance of that monopoly. I am bound to say that I believe that that very general impression is erroneous. I desire, however, that the resolutions may be read and printed for the use of the Senate, and referred to the Committee on Agriculture, which, I hope, will take the subject in hand, and after a thorough investigation, at least give the people of the country all the facts, so as to enable them to understand the matter.

The resolutions were read, referred to the Committee on Agriculture, and ordered to be printed.

NOTICE OF A BILL.

Mr. MASON gave notice of his intention to ask leave to introduce a bill to amend the act entitled "An act to provide for liquidating and paying certain claims of the State of Virginia," approved July 5, 1832, so as to extend the provisions of its third section to embrace all that class of officers provided for by the law of Virginia passed 29th May, 1779.

BILL INTRODUCED.

Mr. HUNTER, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for the settlement of certain public accounts; which was read a first and second time by its title, and referred to the Committee on Finance.

ARKANSAS JUDGES.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for conferring circuit court jurisdiction upon the judge of the district court for the judicial districts of Arkansas, and for the increase of the salary of said judge.

DAVID CARTER.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be, and are hereby, instructed to investigate the matter of the valuation of the claim of David Carter, a Cherokee Indian, and report thereon to the Senate.

ELIZABETH C. SMITH, A FEMALE SOLDIER.

Mr. JOHNSON. I am directed by the Committee on Military Affairs, to which was referred the petition of Mrs. Elizabeth C. Smith, to report a bill for her relief, granting three months' extra pay for her services in Mexico. She was enlisted as a private, served eight months before her sex was discovered, and, I believe, was then honorably dismissed. She has never received her pay.

The bill was read a first time, and ordered to a second reading.

Several SENATORS. Read it the second time now. [Laughter.]

Mr. JOHNSON. It was my intention to ask that the bill might now be put upon its passage.

The bill, by unanimous consent, was read a second time, and considered as in Committee of the Whole. It proposes to direct the proper accounting officers of the Treasury to pay her for her services as private in company D, of Colonel Gilpin's regiment of Missouri volunteers, from December 16, 1847, to May 14, 1848, in which she served during that time in male attire, and under the assumed name of Bill Newcom, as well as three months' extra pay, provided for by the fifth sec-

tion of the act approved July 19, 1848, in the same manner as if she had properly been mustered and regularly discharged. It also proposes to direct the Secretary of the Interior to issue to her a warrant for one hundred and sixty acres of land, in accordance with the ninth section of the act approved February 11, 1847, for her services, as if she had served out the full term of her enlistment.

The bill was reported to the Senate without amendment.

Mr. JONES, of Tennessee. Mr. President, I desire to ask a simple question. I am not personally acquainted with this soldier, [laughter,] but as the distinguished chairman of the Committee on Military Affairs [Mr. SHIELDS] was, I believe, on that line in the Mexican war, I desire to know whether she was under his command. [Laughter.] I hope the Senator will enlighten us on that subject, and we shall be better able to dispose of this bill. [Renewed laughter.]

Mr. SHIELDS. Mr. President, I was not fortunate enough to have this lady under my command; but I have no doubt she performed her duty very faithfully in the command under which she served. I hope that report is satisfactory to the Senator. [Laughter.]

The bill was ordered to be engrossed for a third reading; and was read a third time, and passed.

THE SAN FRANCISCO.

Mr. SHIELDS. The joint committee on the part of the Senate and House of Representatives, in relation to the rescuers of the steamer San Francisco, have directed me to report a joint resolution manifesting the sense of Congress towards the officers and seamen of the vessels and others engaged in the rescue of the officers and soldiers of the Army, the passengers, and the officers and crew of the steamship San Francisco from perishing on the wreck of that vessel.

The joint resolution was read a first time.

Mr. SHIELDS. There will be no opposition to the passage of the resolution. It is one perhaps that ought to be proceeded with immediately; and I therefore ask for its consideration at the present time.

Mr. GWIN. I would rather that it should go on the Calendar. I was a member of the committee, and I do not agree to the resolution.

The PRESIDENT. As its second reading is objected to, it must go upon the Calendar.

Mr. SHIELDS. Then I move that the report be printed.

The motion was agreed to.

Mr. GWIN. I give notice that it is my purpose to present a report embodying the views of the minority of the committee.

GEORGETOWN GAS-LIGHT COMPANY.

Mr. BRIGHT. I move that the Senate proceed to consider the bill to incorporate the Gas-Light Company of Georgetown, which was reported from the Committee for the District of Columbia.

The motion was agreed to; and the Senate proceeded to consider the bill as in Committee of the Whole.

Mr. BRIGHT. The bill is a long one, and unless Senators desire its reading, it will be unnecessary to go through with the whole of it. I will state that it is a copy of a bill of a similar character which passed for the benefit of this city. I hope no Senator will ask for its reading.

By unanimous consent the reading of the bill was dispensed with.

Mr. PRATT. I would inquire of the Senator whether this bill contains the clause of personal liability on the part of the stockholders for any debt which may be incurred by the corporation?

Mr. BRIGHT. It does to the amount of stock subscribed. The last section of the bill will explain that. I ask the Secretary to read it.

The Secretary read as follows:

"SEC. 11. And be it further enacted, That each of the stockholders in the Georgetown Gas Light Company shall be held liable, in his or her individual capacity, for all the debts and liabilities of the said company to an amount equal to the capital stock held by them respectively: *Provided*, That such liability shall be confined to the stockholders who were such when such debts were contracted or liabilities incurred."

Mr. PRATT. I do not think the section is very clearly worded. I do not know whether the intention is to make a liability to the amount of the stock, and in addition to it, or whether it is

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, FEBRUARY 7, 1854.

NEW SERIES.....No. 22.

only a statement of what would be the fact any how, that the stock should be liable for the debts. I presume that the intention is to make the individual stockholder liable for the amount of stock he holds—suppose him to hold \$1,000 worth of stock, that that stock is to be first liable for debts, and then he is to be individually liable for one other \$1,000.

Mr. BRIGHT. He is clearly not to be liable beyond the amount of stock he may own at the time the liability takes place. As I stated, this is a copy precisely of the charter which passed for the benefit of this city.

Mr. PRATT. Then I do not see the use of the section at all; for the stockholder would be liable to the extent of his stock any how.

Mr. BRIGHT. Then, as a matter of course, the Senator ought not to object to it. No injury can result to the stockholder if that be the proper interpretation given to the section.

Mr. PRATT. Everybody knows that to the extent of the stock of a corporation, in its corporate capacity, the corporators are liable. If the bill intends now to create an individual liability beyond that corporate liability, that is a question which I apprehend should be brought to the attention of the Senate.

Mr. BRIGHT. I will state to the Senator that it does not, and was not so intended. Does the Senator object to the passage of the bill? If so, I must postpone its consideration until another day.

Mr. PRATT. I do not.

Mr. BRIGHT. Then I ask for its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

FRENCH SPOILIATIONS.

Mr. HAMLIN. This day was assigned for the consideration of the bill making indemnity for French spoiliations. There is, however, another special order on which I suppose the Senator from Ohio [Mr. WADE] is ready to speak. I therefore only desire to give notice that I hope, in the morning hour, to-morrow morning, I may be able to ask and obtain a vote on the bill, or if not to-morrow, on the succeeding day.

WILLIAM SENNA FACTOR.

Mr. SEBASTIAN. Last Friday we passed a bill for the relief of William Senna Factor. I observe that in the body of the bill the word "Billy" is used instead of William. I ask the unanimous consent of the Senate that the bill may be amended by striking out "Billy" and inserting "William."

By unanimous consent, the amendment was ordered to be made.

CONTINGENT FUND OF THE SENATE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that the House had receded from their 1st, 3d, 4th, 5th, and 7th amendments; had agreed to the amendment of the Senate to their 6th amendment, and insisted upon their 2d amendment to the bill of the Senate "to regulate the disbursement of the contingent fund of the Senate, and for other purposes."

NEBRASKA AND KANSAS.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska, the pending question being on the amendment of Mr. CHASE to strike out from section 14 the words:

—"was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and—"

So that the clause will read:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which is hereby declared inoperative."

Mr. WADE. Mr. President, it is not without embarrassment that I rise to debate any question in the Senate of the United States, for it is well known that I lay no claims to being a debater of general measures that come under consideration.

I have generally contented myself with the less ostentatious, but perhaps not less useful, duty of endeavoring to inform myself upon every question that presents itself, and attending to the affairs of the committees to which I belong, leaving others to debate such questions as may from time to time arise. But on the present occasion, sir, I should be doing violence to my own feelings, and I should be recreant in the duty which I owe to the great State which I in part represent, if I did not rise here, and endeavor, with what feeble powers I possess, to stay the progress of the measure now under consideration; for, in my judgment, there, never has been a measure of more serious import to the people of the United States. I hope it will be debated by abler men than myself; I hope the enormities of the proposition will be set forth in colors that cannot be misunderstood here or elsewhere; for it involves a question of good faith, which, in my judgment, is material to the perpetuity of the union of these States. It can involve no less a consideration; for I do not believe, after such an act of perfidy committed in any section of the country, or by all sections of the country, that this Union can long survive it.

I can remember when the Missouri compromise was entered into. I have some recollection of that period, though I was then a very young man, and I can remember how anxiously the people of that part of the country to which I belong looked to the progress of that question through Congress. I remember the fearful struggle that took place between the different sections of the country, and how anxious our forefathers were lest it should prove utterly disastrous to the union of the States which they then cherished. That was some thirty-four years ago; and the Missouri compromise has been regarded, so far as I know, from that time to this, as having a character not much less important or sacred than that of the Constitution itself. During all that period of time until the present, I have not known a man bold enough to come forward and question its propriety, or move its repeal. And why is that movement made now? When I came to this Congress I little thought that such a question would be precipitated upon the people. We passed through a sectional excitement, which some believed endangered the union of these States, in 1850. I had no serious apprehensions at that time; but many good men—many eminent statesmen, thought there was danger. The excitement, however, subsided, and good feeling was restored between all sections. A time of peace, we were told, had come; and for the four last years I have heard but little else from the political press than that these dangerous, difficult, and delicate questions had been all settled, to the mutual satisfaction of everybody, and were to be concurred in and abided by at all hazards. They were to be a finality; and were not to be questioned, here or elsewhere. In this all the Government organs concurred; and from day to day, I believe, all such papers have set forth the glories of the compromise of 1850, and hurled anathemas at any that should question its propriety in any particular.

Why is it, then, that at this time it is not only called in question, but a more sacred compromise, that lies far back, is called up and questioned, that it may be annulled? What has transpired? What new light has burst forth upon the people of the United States, that they come forward at this time and demand this great and hazardous measure? I should like to hear from the chairman of the Committee on Territories what new light has burst on these United States that requires this new clause in the bill which he reported? We all know that it is not a year since a bill to establish a territorial government in Nebraska passed very quietly through the House of Representatives, and came into this body; and that when the time of the Congress was cut short by the Constitution, the chairman of the committee was on his feet urging the Senate, at the top of his voice, to pass that bill. Did it occur to him then that the legislation of 1850 had superseded and annulled the great compromise of 1820? I heard no such statement at that time; but I

heard the President of this body, the honorable Senator from Missouri, [Mr. ARCHBON], who lives in that section of the country, in his own person taking the benefit of that compromise. I recollect very well what he said upon the subject, and no man could be more vigilant than he was to find some crevice through which he could escape from the compromise. But he told you that he had considered it well; he told you that he had looked all around it, and he said he saw that it was all wrong. He affirmed that we had committed two great errors; first, when we permitted the ordinance of 1787 to be applied, and, secondly, when the Missouri compromise was passed; but he said these things are done, they are facts that are irremediable, and they must stand. I submit to them, for there is no getting out of them, and therefore I am willing to pass the bill.

I ask again, then, what new light has sprung up? I heard all that the chairman of the committee had to say on that subject, but I am still in darkness. Then why, sir, I again ask, has he introduced a clause which is calculated to excite the Union to madness? Can any reason be given for it that did not exist on the 4th of March last, when he was urging us to pass the bill without the exceptional clause? No, sir; no, sir. If any such reason exists he has failed to tell us what it is. Whence shall we seek for knowledge, since the committee has failed to enlighten us? If no reason can be given, we may ask, what motive could prompt a step so hazardous? When men will not frankly disclose their motives, we are driven to an examination of their conduct; and we seek to satisfy our craving for knowledge by tracking out the manner in which they have arrived at their conclusions. If there had been any reason that would bear the light for the clause which is now exciting so much attention, might we not reasonably have expected to find it in the deliberate report that the committee had given us?

Mr. President, this conspiracy to overturn this old time-honored compromise, this old guarantee of liberty, is not yet six weeks old. It has been hatched somewhere within that time. I am not going to look back into the history of the opinions of the chairman of the committee, for I know that they have been exceedingly mutable. I know, at Chicago, some years ago, he preached a doctrine not precisely in accordance with what he has lately preached here. But that is entirely unimportant. I do not now pretend to show what his opinions are or have been; but here we have the authentic account of opinions, that some Senators entertained at the time the report was made.

Before I quote from this document, may I be permitted to ask whether they believed, at the time they made that report, that the legislation of 1850 superseded the old compromise of 1820? Did any such idea enter into their imagination? No, sir; not at all. They placed the bill that they then reported upon entirely different grounds; and although they had occasion to remark upon this same question, they said it was an important and delicate one, that eminent statesmen had not dared to touch, and they would not do it. That is the sense and spirit of what is contained in the report of the committee. They say, on these subjects:

"They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matter in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution, and the extent of the protection afforded by it to slave property in the Territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

That, Mr. President, is what that committee thought about four weeks ago. They had no doubt deliberated upon this subject, and in this report we have the joint wisdom of the whole committee embodied, so far as we know, for I have heard no dissent from it. They reported a bill in accordance with that opinion; and is it not strange, unaccountably strange, that these experienced gen-

clermen, statesmen, and Senators should have entirely changed their ground, and assigned no reason for the change? Within less than twenty days afterwards they get the bill recommitted to themselves, but they have made no additional report. They do not tell us why they have changed their minds, or that any extraordinary occurrence has authorized the change which has been made in the amended bill, which now contains the very provision which they before stated they carefully refrained from touching. But, sir, notwithstanding their extraordinary silence, they have discovered that the legislation of 1850 had, in some mysterious manner, superseded the most stern and stubborn law of Congress, which was formed upon a compromise as sacred as could be made between conflicting sections of this Union, and concurred in on all hands for at least one third of a century; and yet they flippantly tell us that it is all overturned, all superseded by the compromise legislation of 1850, and hence they embodied this provision in their bill, and ask for its passage. Now, as a lawyer, I hardly know what a man means when he tells me that an act of legislation is superseded by a principle. I thought it took an act of Congress to repeal, or annul, or suspend, a former act. I did not understand how that could be done by a principle. I do not know, however, but there may be some new means discovered by which a stubborn law of Congress—one of the most solemn acts of legislation, hardly less solemn than the Constitution of the United States itself—may be annulled, and repealed, and suspended, by a principle which some gentlemen pretend to have found in the legislation of 1850, called "the compromise;" legislation in which not a single principle can be made out, as I will attempt, very soon, to show.

Mr. DOUGLAS. I can save the gentleman the necessity of arguing upon a point upon which he is evidently laboring under a misapprehension. I stated distinctly, the other day, that my position was: That so far as the country covered by the Missouri compromise was embraced within the limits of Utah and New Mexico, the acts of 1850, in regard to those Territories, rendered the Missouri compromise inoperative, and that so far as the territory covered by the Missouri compromise was not embraced in those acts, it was superseded by the great principle then established. In other words, I contend that by the acts of 1850 a great principle of self-government was substituted for a geographical line; and hence, by the use of the words "superseded by," I mean which was "inconsistent with" the compromise of 1850. If the gentleman prefers the words "inconsistent with," I will put them in with a great deal of pleasure, and that will avoid all the trouble in regard to the use of the word "supersede."

Mr. WADE. The Senator made a very simple declaration in his speech upon this point, and I have it here. After all the verbiage of the speech of the honorable Senator from Illinois, it is summoned up finally in one idea, and he says so himself. He says upon this point:

"Sir, in order to avoid any misconstruction, I will state more distinctly what my precise idea is upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri compromise provision, to that extent they absolutely annulled the Missouri compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the compromise of 1850. We all know that the object of the compromise measures of 1850 was to establish certain great principles, which would avoid the slavery agitation in all time to come. Was our object simply to provide for a temporary evil?" &c.

That, he says, was his precise idea. It was that the Missouri compromise was annulled to the extent to which Congress, in running the boundary lines of New Mexico and Utah, might take for the sake of convenience any little piece of territory which was covered by the Missouri compromise. That certainly was a truism; but the idea that the acts to organize Utah and New Mexico repealed or superseded the Missouri compromise as to the remainder of the territory acquired by the Louisiana cession, is an idea from which I am glad to see that the gentleman now recedes.

Mr. DOUGLAS. Not at all.

Mr. WADE. Well, the Senator says he does not recede from his former position. What does he mean, then, by saying that the Missouri compromise was superseded by the principles of the compromise measures of 1850? Suppose you run a line with your neighbor, and the line has become

uncertain, and in order to straighten it you run another, and in running this other line may possibly take in a little land that belonged to him, or you may leave out a little belonging to yourself; but you make a line, and then after you straighten it, if you find you entered wrongfully on his land, the principles of running that line superseded his title to the balance, and therefore you can lay title to the whole of his land, if I understand the gentleman; for he says he does not recede from the positions taken in his bill—not in his report, for it is said there he never would give such an opinion. He informed us, in the report, that there was a matter too grave even for Congress to decide, and much too grave for a committee, and therefore they would not do it; and yet in nineteen days afterwards they come in with what is equivalent to a total repeal of the compromise.

Now, Mr. President, I want to know if that act was superseded, if that legislation was inconsistent with this, or if it furnished any occasion—when all sections of the country are at peace, when everything is progressing to the satisfaction of all, and a state of entire good feeling between all sections happens to exist—for throwing a firebrand in here at this time? I know not what the motive can be. I care but little what it is. The deleterious effects of this attempt to repeal that compromise will be felt, not only now, but long after the present generation are in their graves.

I will not answer for the consequences of the legislation of this day, sir; but I anxiously desire to inquire if nothing can be established in this Government? Is there nothing too sacred to be overhauled for some miserable party or other purpose?

Who was it that had the settlement of the Missouri compromise at the time it was made? Was it done by statesmen inferior to those of the present generation? I think not; for there were giants in those days, as great as those of the present. There, sir, stood John C. Calhoun in the Cabinet, advising upon that act. There, too, was Mr. Crawford, and there was Mr. John Quincy Adams. I think that they might, with reasonable propriety, be adjudged to comprehend the work they were doing.

Again I say to my friends from the South, who with me have fought many a political battle shoulder to shoulder—though far distant from each other—who have triumphed in a mutual triumph—even though we failed to elect your great chief, [referring to Mr. Clay,] when we attempted to elevate him, as he deserved, to the highest office in the world, that he, too, took part in this compromise, and I am mortified to see that his successors here are endeavoring to blot out the work that his patriotism had performed. Why, sir, he is scarcely in his grave before another generation comes up that knows not what he had done, and some even pretend that in what he himself did, in 1850, he seemed to concede that the compromise of 1820 was not to be lived up to. I was not here in 1850, but I have read the debates of that period, and I have endeavored to inform myself on that subject; and I tell the gentlemen, notwithstanding all they may argue and all they may say on this subject, there is not a word, nor a syllable, that goes to indicate that any one supposed that anything was done then to overthrow the time-honored compromise of 1820. Not one word, sir; but, on the contrary, if they could recur to this compromise, they indorsed it and reaffirmed it in 1850 beyond all gainsaying. No doubt of it. Sir, I was amazed when I heard the chairman of this committee stand forth here, and pretend that in some manner the legislation of 1850 had superseded the compromise of 1820, and that the Missouri line was blotted out, or repudiated; when, on the contrary, so careful were they in all their legislation not to touch it at all, that they referred to it in terms, and reconfirmed and reestablished it. I will not take up the time of the Senate by reading that provision, although I have it here, for I presume every one has read it. By the resolutions annexing Texas, the Missouri compromise line was alluded to, and in terms maintained. The provision was, that in the territory above 36° 30' there should be neither slavery nor involuntary servitude, except for the commission of crime. Those resolutions expressly referred to the line of 36° 30' as the Missouri compromise line. Then to make assurance doubly sure, in the compromise bill organizing New Mexico, that legislation is referred to, and it is

said there shall be nothing so construed as to impair that clause. So far, then, from overturning it, or superseding it in any possible way, they most deliberately turn their attention to it, and for fear any construction of the kind might be drawn, such as the Senator now sees fit to draw, they made a stern provision against it.

But, sir, I need not refer further to the speech of the Senator from Illinois. My colleague [Mr. CHASE] so entirely pulverized that speech that there is not enough of it left upon which a man can possibly hang an idea. [Laughter.] In fact, there was nothing to begin with; and surely there is nothing left of it. It was a bare afterthought, permit me to say. After the report of the committee had been made, and the bill had been altered, it was necessary to get up some other reason or pretext than was set forth in the report, in order to show why it was proposed to repeal the Missouri compromise. I do not like to be uncharitable—I do not like to be compelled to argue in that way; but when I see these crooked tracks, what inference can I draw? Most assuredly, that the committee had no determinate, settled purpose as to the necessity of altering this compromise when they first reported. They had no good and sufficient reason to propose a repeal of it; for if they had they would have said so at once. Now, how are we to view this matter? Can we view it in any other light?

Here is a Territory large as an empire; as large, I believe, as all the free States together. It is pure as nature; it is beautiful as the garden of God. There is nothing now to prevent us doing with it what will minister to the best interests of the people now and hereafter. Our forefathers expressed their opinion as to what was best to be done with it. They believed it should be fenced up from the intrusion of this accursed scourge of mankind, human slavery. They have done this effectually in this Territory. Shall we undo their work? The southern States have had the benefit of the Missouri compromise, and I now appeal to my southern Whig friends whether we of the North did not pledge our constituents that you were honorable men; that you would stand by all the guarantees of the Constitution, and all the duties which properly devolve upon you; and that, above all, the chivalry of the South would never be attempted, by any fancied or real interest, to abandon the terms of any compact, when they had received the benefit on their side, and when its terms remain to be fulfilled by them.

This is a doctrine which I have frequently preached. My amazement was very great when I heard that any of these gentlemen were in council with the enemy. I feared that something had taken place which ought not to have taken place. I felt strong in heart to appeal to them against any fancied interest which they might conceive themselves to have, for their duty is plain and palpable. Did not our forefathers make a compact? Did they not make it after a fearful struggle which was dangerous to this Union? I say, was there not such a compact made? And in the whole history of our legislation, I appeal to you, has there ever been one more sacred or more binding upon you? Have you, southern Senators, not had the full benefit of it? Have you not enjoyed it now for thirty years? Has any northern man stepped forward to impair your rights in that compromise? No, sir, it is not pretended; and now the period is drawing near when that part of this great bargain which is beneficial to us at the North is approaching, and I call upon you as honorable men to fulfill it. Shrink not from it. Do not tell me that your constituents will not sanction you in doing what you know to be right. I believe that your constituents are honorable men. I believe they will understand the motives which impel you to do your duty, notwithstanding you might have some fancied influence the other way. The Senator from Kentucky [Mr. Dixon] told us that this came from the North, and therefore the South were absolved from their obligation. I must say I think you understand well that the North know nothing about this base conspiracy to betray them. When did it come up? Did you let it go before the people, that they might pass upon the question? Why, sir, in the Presidential election, triumphant as the Democracy were, I ask any gentleman of the North, suppose you had staked the election of Mr. Pierce upon this question, how many votes could he have received in

the North? Not one. You gave us no notice of any such thing. The people of the North, even now, do not know what nefarious projects are afoot here in the Capitol. You of the South are not absolved, because one or two men, very honorable men, stand forth here and say "I am ready to go in and make this monstrous proposition." Sir, in the days of the Revolution, Major Andre was hung by the neck until he was dead, for accepting a proposition not more base than this, which is a gross betrayal of the rights of the whole North. And yet that is the only reason which the Senator from Kentucky gives why he should vote for this bill. He will not pretend to tell us that he would abrogate and violate the great pledge which has been kept on the part of the North, unless northern men stood here authorized, as he thinks, to relieve them from that pledge. I tell him that they are not authorized to do any such thing. I tell him that those whose agents they are, know nothing about this, and do not know what treason to the North is hatching here.

My colleague stated the other day that it was a matter of fact, which everybody knew, that the peculiar interest which we had at the North to prevent slavery encroaching upon this great Territory, is, that the moment you cover it over with persons occupying the relation of master and slave, the free man of the North cannot go there. He announced that great truth in this body. Gentlemen know it to be a truth, and they do not gainsay it. Gentlemen know that the high-minded free man of the North, although not blessed with property, has nevertheless a soul, and that he cannot stoop to labor side by side with your miserable serf. He never has done it—he never will do it. It was an unlucky word from the gentleman from Kentucky when he said, if he cannot labor in that way, let him go somewhere else. Is that the democracy of the Chairman of the Committee on Territories? Let him tell the yeomanry of Illinois—the hard-fisted laboring man of that great State—that this is the principle upon which he acts; that this Territory is to be covered over with slaves and with masters, and that his proud constituency are to go out there and work side by side, degrading themselves by working upon a level with your miserable slaves. Let him do so, and it is a declaration which I think will tingle in the ears of Democracy, and the people will come to understand that you are legislating for the privileged aristocracy of the South, to the exclusion of the whole North.

How is this? We are told that the slaveholder must go into this Territory. Why? Because, says the gentleman from Kentucky, it belongs to the States, and those who hold slaves have just as good a right to immigrate into it and take their property with them, as any other person has. Now, we have seen that these two interests are antagonistical; they cannot both stand together. If you take your slaves there, I tell you the proud laborer of the North, although he has no capital, except his ability to draw from the earth his support by honorable labor, will never consent to work side by side with your miserable serf and slave. Then, there being an antagonism between these two principles, which is greatest in numbers? According to the present census, all the slaveholders in the United States do not amount to four hundred thousand. What number of free laborers are there who ought to have the benefit of this great Territory? Probably fully thirteen millions are to be offset against about four hundred thousand. If you take any considerable number of slaves into this Territory, you as effectually blast and condemn it for all the purposes of free immigration as though you should burn it with fire and brimstone, as Sodom and Gomorrah were once consumed. Every man understands this.

Immigration does not go into slave States. Immigration cannot abide there. But is there any constitutional difficulty upon this subject? Senators from the South say they can go into this Territory and take their property with them. Now why should they be let in there with what they call their property? Am I obliged, as a member of the Government of the United States, to acknowledge your title to a slave? No, sir, never. Before I would do it, I would expatriate myself; for I am a believer in the Declaration of Independence. I believe that it was a declaration from Almighty God, that all men are created free and equal, and have the same inherent rights. But,

thank God, the Government of the United States to which I belong does not anywhere compel any man to acknowledge the title of any person to a slave. If you own him, you own him by virtue of positive law in your own States, with which I have nothing to do, and with which I never have had anything to do. Sir, I hear the gentleman from South Carolina [Mr. BUTLER] talking to the Senator from Kentucky, [Mr. DIXON,] and I wish it to go forth that the gentleman from South Carolina says, why should not the free laborer work with the slave? Is he not his equal? Is that the opinion of the chairman of the committee.

Mr. DIXON. Will the Senator allow me to ask a question?

Mr. WADE. Yes, sir; and your associate, too, [Mr. BUTLER.]

Mr. DIXON. The Senator, if I understood him, said he was a believer in the Declaration of Independence, and in the doctrines of God, which declare that all men are equal. Does the Senator mean that the slave is equal to those free laborers that he speaks of in the North?

Mr. WADE. Go on.

Mr. DIXON. I desire him to answer that question.

Mr. WADE. Certainly; certainly. The slave, in my judgment, is equal to anybody else, but is degraded by the nefarious acts and selfishness of the master, who compels him, by open force and without right, to serve him alone. That, sir, is my doctrine. When you speak of equality before the law, or equality before the Almighty God, I do not suppose you [addressing himself to Mr. DIXON] stand one whit higher than the meanest slave you have. That is my judgment, and probably it is the judgment that you will understand in the last day, though you will not understand it before.

Mr. DIXON. Will the Senator allow me to ask another question?

Mr. WADE. Yes, sir; as many as you please.

Mr. DIXON. Does the Senator consider the free negroes in his State as equal to the free white people?

Mr. WADE. Yes. Why not equal? Do they not all have their life from Almighty God; do not they hold it of his tenure? When you speak of wealth, riches, and influence—if that is what you mean—they are generally poor, without influence, perhaps despised among us as well as with you; but that does not prevent that equality of which I speak. I say, in the language of the Declaration of Independence, that they were "created equal," and you have trampled them under foot, and made them apparently unequal by your own wrong. That is all there is of it. That is my doctrine. I do not go into the States, be it known; I never went there to ask any questions of you; but I believe your legislation is all wrong, and as wrong for you, even, as it is for your slaves; for when I contrast the prosperity of the States where this wrong and outrage is indulged in with the prosperity of those where the free and just principles of the North prevail, what is the manifestation of these principles upon the apparent welfare of the societies in which they prevail? This is a question which, if it were not involved in this controversy, I should not argue at all; for I do not wish to do anything which will excite ill feeling here; but I cannot shrink from anything that is pertinent to the issue. The question is whether, in that fair field, large as a continent, we shall now plant human slavery; or whether we shall leave it as our forefathers left it—fenced off forever hereafter. That brings up the whole question. If slavery is right—if it comports with the best interests of mankind, slavery unquestionably should be fostered, encouraged, and upheld by our legislation. I am with you there, if you will meet me upon that issue. If you will make it appear that your principle works better than ours, let us not only carry it into Nebraska, but let us carry it to the ends of the earth; let us send missionaries out to herald forth the blessings of human slavery, and introduce it into countries where it does not now exist, if you can find such. I am for doing the greatest good to mankind.

But how is this? Look at the Old Dominion herself. It is not more than sixty years ago, hardly has the age of one man passed away since the Old Dominion was a head and shoulders higher, in every particular, than any State in this Union, not only in the number of her population,

but in her riches and wealth, and the importance of all that pertained to her. Why, sir, at the time your Constitution was framed, so apparent was this that Edmund Randolph, I think it was, refused to sign the Constitution of the United States, alleging as a reason that it was all wrong. The State of New York, said he, will have as much influence in the Senate of the United States as Virginia itself, under this Constitution. It is all wrong. The small States will be on a par with the large States. It ought to be grounded, either upon property, or upon the number of white male inhabitants.

That is what he said at the time, and that was the condition of things at the time. Now look on old Virginia. Does she not lie in the fairest part of this continent? Is there any other State that exceeds her in the fertility of her soil, in the salubrity of her climate, in all that pertains to the material welfare of man? No State in this Union probably could compare with her. And now, during one age of man, how does she rank according to the last census? Why, from number one she has sunk to number five. What has produced this? That great statesmanship of which she boasts so much, and upon which she sometimes, as I think, takes airs to herself? Is that the principle? Have your principles of statesmanship advanced you thus? Why, sir, your statesmanship is Africanized, and you want to Africanize this whole Territory. That is what you are after; and if it is right, you should do it. But, really, the policy of this Government now differs but a little from what it is in Africa, from Guinea to Timbuctoo. We are about the same in principle. There they are opposed to any general system of internal improvement; they are opposed to any general system of education. I do not know that they carry it quite as far as they do in some other places, where they whip and imprison women who undertake to teach the poor. I am not quite certain that they undertake to carry it to that extent; but, nevertheless, so far they go side by side; and when you come to raising children for the market, they can vie well with each other. But they seek to extend the market for human beings; and hence the object of this bill. Their object is to enhance and extend this market; and I say it does not consist with the welfare of this Union to do so. I say that to fill the interior of this continent with that kind of chattels is to blast the fairest prospects of every man who has ever entertained the highest hopes of the progress of his country, and hence it is that I stand here as one to oppose it.

You may call me an Abolitionist if you will; I care but little for that; for if an undying hatred to slavery or oppression constitutes an Abolitionist, I am that Abolitionist. If man's determination, at all times and at all hazards, to the last extremity, to resist the extension of slavery, or any other tyranny, constitutes an Abolitionist, I, before God, believe myself to be that Abolitionist. So I was taught, and I shall not probably very soon swerve from the faith of my forefathers in this particular. It is idle to cry "Abolition" to me. To me it is an honorable name. Not, sir, that I ever went with that particular party; but I did not differ from them on these points; but because they did not make their opposition effectual, in my judgment; for I would have gone with those who would have reached your institutions, wherever the Constitution gave us a right to reach them, without entrenching one hair's breadth where we had no right. There I do not undertake, and never shall undertake, to trench, upon them. I admit that in the States you have full control over it. You may do with it as seems to you good. You never found me, you never found the party to which I belong in the North, pretending to do anything adverse to your right to make such laws and regulations with regard to this institution as you please. We hoped, like all other men, that you would see that the system did not work to your best advantage; we were in hopes you would see that a gradual system of emancipation, just such as made the vast difference between the progress of the State of New York and old Virginia, would wake up every sensible man to follow in the track, and to do likewise. We hoped that, but we claimed no right to interfere. You must do with this as seems to you good.

I regret, Mr. President, that this question has arisen here now, for I believe all will bear me witness that I have not been factious here. From

the first day I took my seat in this body, resolutions touching slavery, in a manner exceedingly offensive to men of the North, were urged upon us day after day, week after week, and month after month, well calculated to stir the blood of a northern man, and yet I sat under it. While it was a matter in the abstract, I cared nothing about it. Your finality resolutions that were debated here so long, all that you could say here or elsewhere, your determinations to resist all agitation of this subject, never stirred me to opposition; but when you come in here, by law attempting to legalize slavery in half a continent, and to bring it into this Union in that way, and when, in doing so, you are guilty of the greatest perfidy you can commit, I must enter my indignant protest against it. Sir, what will be the consequence of passing this bill? Does not any man see that its first effect will be to render all future compromises absolutely ridiculous and impossible? for if one as solemnly entered into as this, as faithfully lived up to as this, shall be thus wantonly broken down, how, when a matter of difference again arises between us, shall we compromise it? Shall we have any faith in each other? No, sir; no. Where is your compromise of 1850? Why it is just as effectually gone as the compromise you now seek to repeal. They both stand together. One guarantees the other. They are linked together by the same legislation. To repudiate one is to repudiate both. And do you believe, sir, that we shall keep our hands off that portion of the legislation of 1850 upon which the South now relies as giving an equal chance for slavery in New Mexico and Utah, and which is exceedingly offensive to the North, as that was free country when we conquered it? Suppose a prodigious excitement pervades all the northern States. Suppose they come in here to say to the South: "You have led the way in repudiating compromises, and, as there is no further trust to be reposed in one section of the country or the other, we sternly demand a repeal of all those laws which are for your benefit, as you have gone foremost in doing away with that portion which were made for us." What shall then be said? What plea can you put in to me, when I come here backed by my constituents, demanding that now, inasmuch as the South have come up as one man and have taken away all the guarantees on which we and our forefathers relied to guard this great domain against the encroachments of slavery, inasmuch as it has been ruthlessly trampled under foot by a few treacherous men not consulting with their constituents, that you shall repeal all the compromise laws, the fugitive slave law included, which you hold of consequence to you? Has any northern man offered such a proposition? I know you complained that we do not submit with as much resignation to your fugitive bill as you would be glad to see. Well, sir, we do not. I agree to that. Why do we not? It is because the northern mind, imbued with the principles of liberty, is unable to see the force of your claim and title to the slave. I grant that the Constitution of the United States contains what you call a compromise; but it is scarcely more sacred than the one under consideration. So far as the inclinations of the people will go, so far as their feelings will go, you have a faithful execution of that law; but if you demand that against which human nature itself revolts, you must take it with such objections as naturally will arise. In general your law has been enforced; but what will be said when you have thrown down the gauntlet on the other side, and told us that compromises for our benefit mean nothing at all? Have you not got now three slave States out of the Louisiana purchase nearly as large as the rest of that territory, and are you not enjoying it? Has any man from the North ever said it should be taken from you? No, sir; not a lip of it, not a word of it. Is not freedom to be considered as well as slavery?

But, sir, I would rather put this question on broader principles than these compacts, sacred as they are, and from which no man who violates them can escape with honor. However, as I have intimated already, this is a great question of human rights. Now, if there is not really any difference between liberty and slavery, then all that our fathers have done; all that the Declaration of Independence has set forth; all the legislation in England and in this country to further and guar-

antee the principles of human liberty, are a mere nullity, and ought not to be lived up to. This may be so, but we have been taught differently.

Gentlemen have argued this question as though it were a matter of entire indifference whether the continent is to be overrun with slavery, or whether it is to be settled by freemen. I know that those who hold slaves may have an interest in this question; but when you consult this matter in the light of States, or communities, there can be but one answer to it. If there is any other, as I said before, if both are to stand and fare alike, then human liberty is a humbug, and tyranny ought to be the order of the day. But, Mr. President, this is also an exceedingly dangerous issue. I know the Senator from Kentucky said he did not think there would be very much of a storm after all. He was of opinion that the northern mind would immediately lie down under it, that the North would do as they have frequently done, submit to it, and finally become indifferent in regard to it. But I tell the gentleman that I see indications entirely adverse to that. I see a cloud, a little bigger now than a man's hand, gathering in the north, and in the west, and all around, and soon the whole northern heavens will be lighted up with a fire that you cannot quench. The indications of it are rife now in the heavens, and any man who is not blind can see it. There are meetings of the people in all quarters; they express their alarm, their dismay, their horror at the proposition which has been made here. You cannot make them believe that the thing is seriously contemplated here. How is it? You of the South, all of you, propose to go for repudiating this obligation. Do you not see that you are about to bring slavery and freedom face to face, to grapple for the victory, and that one or the other must die? I do not know that I ought to regret it, but I say to gentlemen you are antedating the time when that must come. It has always been my opinion that principles so entirely in opposition to each other, so utterly hostile and irreconcilable, could never exist long in the same Government. But, sir, with mutual forbearance and good will, with no attempt on either side to take the advantage of the other, perhaps we might have lived in happiness and peace for many years; but when you come boldly forth to overthrow the time-honored guarantees of liberty, you show us that the principles of slavery are aggressive, incorrigibly aggressive; that they can no more be at ease than can a guilty conscience. If you show us that—and you are fast pointing the road to such a state of things—how can it be otherwise than that we must meet each other as enemies, fighting for the victory; for the one or the other of these principles must prevail.

I tell you, sir, if you precipitate such a conflict as that, it will not be liberty that will die in the nineteenth century. No, sir, that will not be the party that must finally knock under. This is a progressive age; and if you will make this fight, you must be ready for the consequences. I regret it. I am an advocate for the continuance of this Union; but as I have already said, I do not believe this Union can survive ten years the act of perfidy that will repudiate the great compromise of 1820.

Mr. President, I do not wish to detain the Senate upon this subject. Perhaps I have said all that I have to say upon it. I wished to enter my hands clean of this nefarious conspiracy to trample on the rights of freemen, and give the ascendancy to slavery. I could not justify my course to my constituents without having done so to the utmost of my ability; and having done so, I shall leave this issue to you to say whether it is safe, right, and reasonable for any fancied advantage, to incur such enormous perils.

I know gentlemen think all is calm, and I know they will preach peace. I wish there was real peace, for I do not delight in contention. I have endeavored not to be a contentious man here. I have endeavored even to abide by your compromises, which I did not exactly like.

But I have overlooked one thing that I ought to have said. The Senator from Illinois deduces some great principles from the compromises of 1850. So he says in his speech. Now, from the very nature of those compromises, it was all but impossible that any particular principle could be deduced from them. There were several antagonistical subjects, about which there was dis-

pute; and, indeed, there can never be much of a principle drawn from a compromise of antagonistical principles. That is not the place to fix a principle. There was California—she had adopted a constitution, and sought to be admitted into the Union. Here was Texas wishing to have her boundary adjusted with New Mexico. Here was the District of Columbia, in which the North contended that slave-markets should be abolished.

Perhaps there were no two men who agreed in all these propositions. Some were for permitting California to be admitted into the Union. The whole North thought it ought to come in; but did you then stand upon the doctrine of non-intervention? Here was a State organized with a free constitution, knocking at your doors for admission. Where, then, was this great doctrine of non-intervention in the South? Where did it find any advocates then? Why, sir, the State of Georgia, I recollect, passed her resolutions, and among other points which she said would justify her in dissolving the Union, one was the admission of California into the Union. There, sir, was non-intervention with a vengeance! The whole South stood in opposition to her entering this Union with a free constitution. Was that non-intervention? And yet the gentleman says, one great principle that he deduces from the legislation of 1850 is non-intervention. So far from that, I should suppose it was intervention of the very highest character, to shut a State out of this Union, to resist her approach here as long as it could be done, and never to yield to it till some consideration could be given for it. A principle of non-intervention, says the gentleman, growing out of such a state of things as that! But, the gentleman also said that he offered to extend the Missouri compromise line to the Pacific, and he says the anti-slavery feeling rejected it, and therefore he is going to take vengeance upon us, and come up into the North with his slavery doctrine. How was that? The Missouri compromise was a restriction upon slavery; but the territories which we acquired from Mexico were already, by a decree of Mexico, free from slavery; therefore your line, when you proposed it, was to extend slavery, not to restrict it. There is no analogy in the principles at all. One restricted slavery, and the other extended slavery. What would be said of me if I should undertake to deduce a principle from the action of Congress in 1850 in respect to the District of Columbia? You abolished the market for slaves here, and declared that they should not be brought into the District for sale. Then I might say, on the gentleman's doctrine, that you had settled a great principle; that you should not have slave-markets anywhere else, and it would be just as logical as the principles which the gentleman deduces from some other of those compromise measures. The fact was, that there were a great many real or fancied interests antagonistical to each other; and while hardly any man agreed as to the settlement of them all, they got together, as men settle other controversies—they undertook to arbitrate and to compromise. Although they did not agree to any one thing in particular, they said, we will take these measures as a whole; they are the best we can do, and therefore we will submit to them; and having submitted, we will abide by them.

The idea of a compromise of course presupposes that the disputing parties have not got all that they were contending for. How then can you deduce principles from such a state of things as that? No one thought of doing it, but one who was contending for the overthrow of even this last compromise, without giving any reason why he had done it; for I am sure if there was a reason adequate to such an exigency as this, it would be easy either to state it on paper or otherwise; but it has not been stated.

Mr. President, I will not prolong this discussion. In my desultory way I have said all, and more than all that I intended to say. I am satisfied with having entered my protest against this measure. If gentlemen adopt it, they must take it with all its perils. I trust freedom will ultimately come out of the conflict triumphantly.

Mr. JONES, of Tennessee. Mr. President, I had not desired or intended to trouble the Senate with anything which I could say upon this subject, and I greatly prefer now that some other gentleman should take the floor. I will yield readily and cheerfully to any of the friends of this bill, whether from the North or from the South, who

may now wish to take the floor; but, sir, if no other Senator will rise now and enter his protest against the doctrines which have been proclaimed here to-day, there is at least one who dares to do it.

It must occur to you, Mr. President, and to every Senator upon this floor, that the speech of the Senator from Ohio, who has just taken his seat, is one of the most remarkable which has ever been delivered in the Senate of the United States. He is here representing, in part, one of the sovereignties of this Confederacy. He comes here to discuss a grave question, a question which he himself says involves nothing more nor less than the peace, quiet, and happiness of the country, and the very existence of the Union itself. Methinks a Senator thus impressed with the solemnity, and the vast importance of the question, would have approached it with calmness and deliberation, and a fixed purpose to investigate and ascertain the truth, and to come to just conclusions. But I submit to himself, and to you, sir, and to every Senator here, how far that gentleman has accomplished his purpose, and how far his speech went to elucidate any great principle, fact, or policy.

His speech from the beginning to the end, with the exception of a few flings at the committee, was a tirade of abuse and denunciation of an institution which has descended to us from the fathers of the Republic. Before he talked about the scourge and the curse of slavery, before he said that it was to go, with its contaminating touch, to mar the beauty of that garden of God, that Eden which he represents this Territory to be, he should have asked himself the question, from whence came this blighting curse? The fathers of the Republic—men, some of whom gave their lives and their fortunes, and pledged their sacred honor to the maintenance of the great principles on which this Government is predicated—are the authors of this pestilence, this curse, this blighting scourge, which the Senator thinks comes down like a sirocco from Heaven to wither and blast the fortunes of this great land. Sir, it seems to me that if the dead could rise from the grave, the spirits of those revolutionary sires and patriots would rise up with indignation to rebuke such an assault upon their memories.

The Senator says that this nefarious plan is to be consummated; and by what instrumentality, he inquires, is this great wickedness to be achieved? By a conspiracy as foul, as odious, as infamous, as any that is recorded in the annals of history. And who are the conspirators? Honorable Senators here, acting upon their own responsibilities—acting upon the same high responsibility upon which the Senator from Ohio acts—honorable Senators here who are alike responsible to the God who made them, and the Constitution which they have sworn to support, and to the great principles of human right and human liberty. They are accountable alike with the Senator from Ohio, to all the responsibilities that attach to honorable men. They are the conspirators against the honor, the peace, the dignity, and the perpetuation of these glorious institutions of ours. How far so gross an insinuation may comport with the courtesy due from one Senator to others, I leave that honorable Senator to judge for himself.

But, sir, he says there is one thing which strikes him with pain, astonishment, and regret. What is that? He turns to us upon this side of the Chamber, and tells us that in other days, which are past and gone, we stood side by side, shoulder to shoulder, fighting in a common cause. Yes, sir, we did; and I beg that honorable Senator to do me, and to do others, the justice to say, that, in that struggle, we never put our shoulders with his in an invasion against the rights of any portion of our common constituency and country. If he considered the association which has bound us together as members of the great Whig party to imply that I had any affinities with the doctrines which he proclaims here to-day, I now and forever eschew any such understanding, intention, or purpose.

I have fought with him, and I shall be proud to fight with him, for the great principles of the Whig party; but I utterly deny that it ever was, or ever can be, a principle of the Whig party, to inveigh against the institutions of the country which have descended to us from our fathers. I utterly repudiate and scorn, and—to borrow language from a source not the most reputable—I spit upon and despise any such doctrine as that, when applied to

the Whig party. We have fought for the principles of the Whig party. I expect to fight for them as long as I am able to fight at all.

But the gentleman from Ohio says it must have been a strange spectacle to find Whigs associated with northern Democrats in caucus upon this great question. It may appear strange to that honorable Senator that gentlemen, differing on great and important subjects, may agree upon some one subject; and that, agreeing upon that one subject, they may, with propriety, meet and confer together, as patriots, upon that one question. It may be strange to the Senator, but I can tell him there is nothing remarkable in it. When the time comes for warring upon the chairman of the Committee on Territories as a politician, I hope to be ready to give him as many blows as the Senator from Ohio; but when that gentleman—I care not what may be his motives, I have nothing to do with his motives; they may have been selfish; they may have been unpatriotic; they may have been treasonable, or patriotic, I care not which—comes out for the right, I will stand by him, and vindicate him in the right, and no party lines, no party affiliations, no party tactics, no screw, or lash, shall ever force me into any other position.

There are, however, some very strange things in this world. There are some things which are stranger to my mind even than spiritual rappings, and I cannot comprehend them. When I heard the Senator from Ohio [Mr. CHASE] the other day in a well tempered, and I will do him the justice to say, an able speech, arguing this question, and when I heard him inveigh against any infringement upon the sacred principles of the compromise measures, I confess that I was somewhat astonished; and I was not prepared to suppose that the Senator from Ohio, [Mr. WADE], who has addressed us to-day, would follow in the same channel. From hearing those honorable gentlemen vindicating the purity, the immaculate purity, the sublime perpetuation, and the obligation forever to hold those compromise measures sacred and inviolable, one would have been led to believe that they themselves were the boldest champions of some compromise somewhere and at some time. Why this holy reverence; why this profound, sacred, religious devotion on their part to compromises? Where and when did it arise? Will you pardon me, Mr. President, and gentlemen of the Senate, for reading a few lines by way of refreshing the memory of gentlemen. It is a very strange and extraordinary piece of history, and I think will strike the Senators from Ohio themselves with profound astonishment. Here is a proviso, which was offered by the Senator from Massachusetts to the civil and diplomatic appropriation bill at the first session of the last Congress:

"Provided, That no such allowance shall be authorized for expenses incurred in executing the act of September 18, 1850, for the surrender of fugitives from service or labor, which said act is hereby repealed."

The Senator from Massachusetts [Mr. SUMNER] offered that proposition at the long session of the last Congress; and who in this Senate Chamber do you suppose stood up, and upon their responsibility, before God and the country, voted to repeal one of the compromise measures of 1850? Certainly it was not the Senator from Ohio. No man could believe that after his speech, and his professed regard for compromises. But, sir, unfortunately for him, and unfortunately for his consistency, when the vote came to be taken upon that proposition, those gentlemen who are now standing up and worshipping with all the holy zeal of idolatry at the shrine of compromises, did what? Did they vote for the proposition to repeal the fugitive slave law? There were but four Senators in this body who did. Who were they? The Senator from Massachusetts, [Mr. SUMNER,] the then Senator from New Hampshire, [Mr. HALE,] and both of the Senators from Ohio. And yet they talk about plighted faith! They talk about the sanctity and the inviolability of compromises; and here they are upon the record before God and the country as voting to repeal one of the compromise acts of 1850. I tell the gentlemen that before they come to read us lectures of morality upon the subject of adherence to compromises, they had better obliterate this record, for it stands out against them in bold relief. Consistency, consistency, whither hast thou fled!

More than this, the Senator from Ohio who has

addressed us to-day, becomes really eloquent, and I will say patriotic, for I do not question his patriotism. I think upon this subject he is radically wrong; but it is not for me to question his patriotism. He tells us he sees a cloud in the northern horizon. It is now a little larger than a man's hand, but it is gathering and thickening; and I almost imagined from his description, that I saw the vivid angry flashes of the lightning of an indignant and outraged people. I certainly thought that I heard the deep-toned thunders of that muttering and swelling of the people which is to alarm, intimidate, and overwhelm the base conspirators who dare to molest the compromise of 1850.

When the Senator spoke to us about clouds, and storms, and tempests, and lightning, and hail, and rain, and all the terrors of the gathering tempest, he reminded me of a very profane verse which I once met with at the Mammoth Cave. I will repeat it here, not justifying its profanity, but saying that that part of the Senator's speech to which I refer reminded me most forcibly of it. I was once at the Mammoth Cave in Kentucky. It is a place which seems to impress everybody who visits it with a sublime idea, and with all the perceptions of poetry. Some man had been in the cave, and when he came out he went to the register and wrote down his views of the Mammoth Cave in these words:

MAMMOTH CAVE.

"God Almighty, what a spot!
In summer cold, in winter hot;
Ye Powers above; great God, I wonder!
—Andrew Jackson! hell, and thunder!"

[Laughter.]

This is the best commentary upon that part of the gentleman's speech which I ever saw. But then the gentleman became serious, and warned us of the danger which lies in our path. He says that if we intend to open this question, if we intend to provoke this war, the consequences shall be upon our own heads. I hope he did not mean to alarm us, and drive us from our propriety by force. When he spoke in this way I inquired of myself, is there danger now, and had we not better flee this Capitol at once? We are warned that if we provoke this war the consequences must be upon our own heads. What are those consequences? Certainly the Senator does not appeal to our personal fears. He is too respectful for that. Then he appeals to our patriotic fears, and to our devotion for the honor and interests of the country. I tell the Senator that though I may be of what he chooses to term a band of conspirators, I shall labor, as I ever have labored, to preserve the peace, the harmony, and the happiness of all these glorious States. I have never, by any word or act of mine, done anything to outrage the honor, to infringe the rights, or to wound the susceptibility of any portion of this country. I have never been sectional in my feelings. I have never been exclusive in my devotion to any particular section.

Sir, my honorable colleague will bear me witness, that through my whole political life I have been devoted faithfully and honestly to the vindication of the great principles of the Whig party—involving questions of policy which we knew and believed were not so essential to the interests of our immediate constituency, but which were deemed of vital importance to the interest and prosperity of the North. We have stood together and fought together for ten or fifteen long years to maintain and vindicate the rights and interests of the North. Now, I can tell the Senator from Ohio, and every Senator, and all men here and elsewhere, that we seek to make no aggression upon the North; but I tell him more, that we know our rights, and, knowing them, we mean to maintain them at all hazards and to the last extremity. Do not try to scare us out of them. Reason with us, if you will, but, for Heaven's sake, do not alarm us.

Mr. President, I was satisfied to let this question alone. As I told the honorable chairman of the Committee on Territories, and as I have expressed myself everywhere when I have given my opinion upon this subject, I was content to let this matter stand as it was, because, in my judgment, there was nothing practical in it. I have never supposed that slavery was likely to go into the Territory which it is now proposed to organize; and although I have believed and believe now,

that the restriction imposed by the act of 1820 was unequal and unjust, and ought never to have been adopted, yet, as it had been adopted, the South, as far as I know, were willing for the sake of peace, and for the sake of harmony, to bear this wrong, until such time as a returning sense of justice on the part of the North would induce them to do justice to their brethren of the South. I have looked forward to that time, and I thank God it has arrived. I thank God that period has come when the North has been aroused to a sense of the injustice which was inflicted on the South by the compromise of 1820.

It will not do for the Senator from Ohio, or for anybody else, to stand up and warn us against an infringement of this compact, as he is pleased to call it, and invoke the great names of the illustrious patriots of that day, who, in a self-sacrificing devotion to the honor of the country, and driven by a wild spirit of dark and bloody fanaticism, to lay on the altar of their country a portion of the rights of their constituency, for the sake of harmony, for the sake of peace, for the sake of the Union, and for the purpose of preserving the glorious institutions of the country; it will not do for that Senator to warn me and other gentlemen, by the shades of those departed sires. No man living reveres the names of those illustrious dead more than I do. I revered them when they were living, and I venerate them now that they are dead. But when I am called upon to act for myself; when I am called upon, on all my responsibility as a Senator, representing an honorable constituency, I must vote for myself, and not for the dead. It is no imputation on their memories to say that they were forced by a combination of circumstances to make this surrender on the altar of their country. It is no argument with me why I should do the same thing now, when there is no such necessity impending over us.

I should like to submit now a few questions to the Senators from Ohio. They, I suppose, recognize—indeed I do not apprehend that any sensible man can deny—the fact that the Constitution at the time of its formation did recognize the existence of slavery. Every man admits it. The Senator himself admitted it just now in his speech. The Constitution recognizes the existence of slavery, and a right of property in slaves. I wish to know from the Senator from Ohio how he can get rid of that provision? He says he does not propose to get rid of it, but proposes to leave that matter to the States.

Now, I have another proposition to submit to him. The Constitution maintains, from beginning to end, a perfect equality among all the citizens of the United States. It never intended that there should be a distinction between the people of New York and the people of South Carolina. The Constitution declares a perfect equality among the people of the different States of the Union. The right of property in slaves is recognized by the Constitution. A perfect equality among the citizens of the States is manifestly the intent throughout the whole Constitution. Then, again, the territories of the United States, purchased out of a common fund, by the expenditure of the common treasure, are declared to be the property of all the people of the United States. Now, putting these three facts together, let the Senator tell me how he can escape this constitutional question? Taking these three facts together, I ask the Senator to tell me what becomes of the principles of justice, when he turns round and says the people of the North will say to the people of the South, "You shall not enjoy an equal participation in this common territory?" If the gentleman can answer that question, I shall be happy to hear him.

The three propositions to which I have alluded are all contained in the Constitution; and yet the Senator charges the South, and the friends of this measure, with a conspiracy; nay more, he went so far as to say that it was an act of treason as dark and as atrocious as that of Arnold. Sir, was such a reckless declaration ever before made in the American Senate? The Constitution declares what are our rights; and when we ask for them, the Senator stands back and says, Here is a law passed thirty-three years ago; its age makes it venerable; and if you dare say in contravention of its provisions that you are equal to the other portions of the people of the United States, you

are as guilty as Arnold, who perpetrated treason against his country. If you tell me that this compromise is a third of a century old, I tell you our rights are as old as the Constitution itself, for they are guaranteed by the Constitution.

But, sir, I should like to submit another question to the Senator from Ohio. He says that this curse, this terrible scourge of slavery, is to go into this fair Eden of Heaven; and he regards it as a great outrage upon the rights and the honor of the North. Now, I wish to know if the people of the North, under the Constitution, have any right to deny to me the enjoyment of the territory of the United States, which is the common property of the people of all the States? Can they deny to me the right to carry my property there? It will not do for the gentleman to appeal to a "higher law." It will not do for him to go back to the Bible, and say that this is not right. We are not sworn here to legislate ecclesiastically. If he wishes the question of right, settled in this way, let him go to the ecclesiastical courts. We are here to legislate under the Constitution of the United States, and according to the provisions of that Constitution. That is our power; that is the authority under which we act. Then the Senator says we have no power to carry our slaves to this Territory—that the interdict is right. I wish to know if he would submit to a restriction that he should not carry his property there?

Mr. WADE. Does the Senator wish an answer now?

Mr. JONES. Any time when it suits the Senator—now or when I am through.

Mr. WADE. The Senator can go on for the present.

Mr. JONES. I put that question to the Senator; I put it to every northern man. Have I not the same right to say that he shall not move into the territories of the United States with his particular property, as he has to say that I shall not move there with my property? If we were to propose that the man of Massachusetts should not carry his machinery there, what would the Senator from Ohio think of that? Would he not invoke the spirits of the dead to rise up in judgment against such an unholy exercise of power? Yet he asks us to submit, tamely to submit, to a restriction which he would scorn and spurn as an outrage on his rights.

But, sir, if Congress has power to say that slavery shall not exist in any Territory, by parity of reasoning they have the right to say that it shall exist there. Will the gentleman pretend to say that we could pass a law saying that slavery should exist there? He would resist that to the bitter end; but when we simply propose to say that it may or may not exist, according to the election of the people of the Territory, he denounces the proposition as a great innovation on the rights of the North. What right has the North in this territory more than the South? Did they pay more for it? Did they contribute more to it? Are they more responsible for it? Not a whit. We do not ask for anything but equality. If we are equal, we insist that we shall enjoy all the rights and all the immunities which belong to the condition of equality in this country; and we will maintain this demand.

There is another objection, in my mind, to the compromise of 1820. It is one to which I wish to call the particular attention of the Senator from Ohio. The Constitution of the United States declares that, "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Now, let us look for a single moment into the treaty under which this territory was acquired. I claim the attention of the Senate to one thing in the treaty, which has struck me with great force. I do not know whether it has occurred to other Senators or not; but there is an article in the treaty made between France and the United States, by which the very territory in dispute was ceded to this country, which declares:

"ART. III. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Here is a Constitution which declares that a treaty shall be the supreme law of the land, and here is a treaty in which it is positively declared that the rights of property should be respected in the Territory thus ceded. Slavery did exist in that very Territory at that time; and any law of Congress abrogating the treaty, is, in my judgment, null and void. The treaty declares that the inhabitants of the Territory shall be protected in the enjoyment of their property. Slaves were recognized as property, under the Constitution. The Constitution provides that the treaty shall be the supreme law of the land. How gentlemen can get around this point is something which I have not yet been able to perceive.

Both the Senators from Ohio, in answering the point made by the Senator from Illinois, who charged that the Missouri compromise was proposed to be extended throughout the Territories of the United States to the Pacific ocean, and which was rejected, by northern votes, excuse themselves by saying that slavery did not exist there at that time, and that, therefore, to interfere with it would be to legislate slavery into the Territories. If that argument is worth anything, it must work both ways. Those gentlemen excuse themselves for voting against the extension of the Missouri compromise line to the Pacific ocean, because at the time of the acquisition of the territory from Mexico, slavery did not exist there, and they would not agree to legislate it in there. Well, sir, slavery did exist at the time of the acquisition of the Territory of Nebraska, and you now propose to turn round and legislate it out. What sort of equality is it? What sort of frankness, fairness, liberality, or patriotism is manifested by such a course? You take shelter under that fact in one Territory, and turn round and deny it in another. If it justified you in voting against the extension of the Missouri compromise line to the Pacific, you admit that you violate that sacred principle in this Territory of Nebraska, where slavery did exist at the time of its acquisition, and where it was expressly provided that it should be protected.

Mr. President, the Senator from Ohio [Mr. Chase] who addressed us a few days ago, thought that it was very strange that this bill should be supported by members of both parties, who stood pledged to the Baltimore platforms, in which it was declared that the question of slavery was settled by the acts of 1850, and that all agitation upon the subject should cease. He arraigned the friends of this measure, by saying: You are here to violate that sacred pledge, and to agitate that question. Before that honorable gentleman, and those who act with him, can arraign us, they must first vindicate themselves. I want to know if either of the Senators ever concurred in those platforms? I want to know if either of them gave to those measures his assent or approval? Both of them may have acquiesced, but the record shows that they did not even acquiesce, because here is the recorded vote of each of them in favor of repealing one of those very compromise measures of 1850. But, sir, as for platforms, it matters not with me. I do not think there is any great virtue in platforms one way or the other. The only question before us now, is this: Is there a conflict between the compromise measures of 1850 and the compromise of 1820? I will not pretend that the compromise measures of 1850 repealed the compromise of 1820, because I do not think it is maintainable; but this is what I do assert and maintain, and what I think I can prove, that the spirit, the intention, and the principles of the compromise measures of 1850 are inconsistent with the act of 1820. In what does that inconsistency exist? It consists in this: The act of 1820 prohibits, not only during its territorial existence, but forever, the introduction of slavery into the territory north of 36° 30'. It is a perpetual, unending, undying prohibition. The whole spirit of the acts of 1850 declares that this is a question which the people themselves have a right to settle. The doctrine contained in the act of 1820 directly invades and positively infringes upon the rights and sovereignty of the States.

I have been endeavoring to satisfy the Senator from Ohio. I doubt very much whether I shall ever be able to convince him of his error. I should be most happy to do it, however. I should esteem it one of the proudest triumphs of my life if I could only break the fetters which seem to environ the mind of that honorable Senator, who, in

all his personal relations, is one of the most estimable gentlemen I ever saw. I say I should esteem it a proud triumph if I should be able, by any means, to introduce a little light into his mind—to produce some enlargement of the generous feelings which I know he possesses on other subjects. But I confess I have very little hope of doing it. I have never known fanaticism to be cured by violence, by denunciation, or by any other means. It is one of those evils which, when it fastens itself upon the mind, and heart, and conscience, is as undying as the man himself. I have no hope, therefore, of convincing him; but I do hope to satisfy him of a few plain truths, the principal of which is, that the acts of 1850 are in spirit antagonistical to the doctrines of the act of 1820.

The compromise measures of 1850 are antagonistical to the act of 1820, in one great principle at least. The acts of 1850 accord to the States the right to settle this question under their constitutions; the other puts a perpetual and never ending interdiction on slavery. Again, by the act of 1820, in all that portion of country lying north of 36° 30', slavery is prohibited forever; no enjoyment of equal rights by the South was ever to be obtained there. The doctrine of non-intervention on the part of the Federal Government was not advocated at that time, and seemed then to find no existence in the public mind; but it pervades every part and parcel of the whole series of compromise measures of 1850.

The Senator says it is a monstrous outrage that, after we of the South have enjoyed our share of the contract, we shall now, when the time for the North to come in for their share has arrived, step forward and say, "No; you cannot do it." Will the honorable Senator tell me what the South have got by the compromise of 1820? They got no more than what the compromise measures of 1850 declared to be the inalienable right of the people in every State of the Union. The States which were formed out of the Louisiana cession came in with constitutions permitting slavery, which they had a right to do, and which the compromise measures of 1850 declared that all the States have a right to do. Not only have we not received more than we were entitled to, but we surrendered, by that act, a great deal to which we were entitled. In this vast territory, which the Senator himself says is an empire, slavery did exist, and was recognized by treaty previous to the act of 1820. We had no power to annul that treaty, and yet the Senator taxes us with injustice for accepting a relinquishment on the part of the North of what they had unjustly deprived us. He says it is a monstrous conspiracy on our part if we accept back the rights which were extorted from us thirty years ago by pretensions never founded in justice or equity.

Mr. President, in conclusion, I say to the Senator from Ohio, and to all men, that I have had no motive connected with this measure other than an honest desire to vindicate what I believe to be the rights and the interests of the people whom I have the honor, in part, to represent on this floor. "Tis strange, 'tis passing strange" to my mind that that honorable Senator should expect me, or any man representing the South, to refuse to accept an act of justice which has been long, long delayed. Sir, I can tell the honorable Senator, that if the storm which he seems to invoke does come—and it is one which I would deprecate—if one so unworthy as myself dare send up one political petition to the Throne of Heaven, it would be to preserve us from the wildness of reckless fanaticism, whether of the North or of the South, and to preserve pure, spotless, and untarnished, to the latest generation, this glorious inheritance of public liberty which we now enjoy.

I am as much devoted to the Union as any man. I have ever been devoted to it. I shall continue that devotion; but if we are to hold our position in the Union at the expense of our rights and of our honor, it would be a dearly-bought treasure. When gentlemen stand up here and inveigh against us, and against the South, and hold up their hands in holy wonder and astonishment at this outrage which is about to be committed on the North, and tell us it is treason to the North, my thoughts run back to the days of chivalry. When the gentleman spoke in such language, I went back, in my mind, to the days of the crusaders. I imagined that the gentleman saw some mighty spectre—some awful, terrible thing,

coming down upon us. I thought that the hordes of the infidels were upon us—that they were entering this sacred Capitol—this holy sanctuary of American liberty, and were about, with sacrilegious hands, to lay hold of the ark of our political safety. I said to myself, peace, my friend, peace; peace, be still; be not alarmed. There are no hordes upon you. We intend to inflict no wrong upon you. We intend to take from you no right which you enjoy under the Constitution. All we ask—all we expect—all we hope for is, that you will recognize us as your equals. To ask from us to consider ourselves as less than your equals, would be to ask us to sign our own sign-manual to an article acknowledging our inferiority and our infamy. Sooner than do that, I would pray the God of Heaven that the earth might open and swallow me and mine in its deepest vortex. I have done, Mr. President.

Mr. WADE. The Senator from Tennessee propounded to me some questions which I had undertaken to answer in my previous remarks; but he did not seem to understand the argument which I attempted to make with regard to the prohibition of slaves entering into this Territory. I am aware that the territory was purchased by the United States, and belonged to the Government of the United States, and, of course, the United States had power to do with it as they saw fit. But I attempted to show to the gentleman—and he did not attempt to answer that at all—that the Constitution of the United States did not compel me to recognize a title in slaves. The Constitution always speaks of them as persons, never as property. They are slaves by virtue of the laws of the State or local jurisdiction where they are; and the moment they get out of that, as I understand the law of the land, they cease to be slaves.

Mr. BADGER. Unless they run away.

Mr. WADE. The Senator from Tennessee says that we aim at the South particularly. Not at all. Men in the northern States may own slaves, if they keep them in a jurisdiction where slavery exists. The Missouri compromise is not aimed at the southern States, but is aimed at a species of property which it was thought not proper to admit within this Territory.

The gentleman asks whether a law can be passed to prevent a man taking his property into the Territories? Why, certainly; we have such laws now. If I am a manufacturer of gunpowder, of fire-arms, or of whisky, I cannot take it into this Territory under the laws as they now exist. Congress, therefore, does make laws prohibiting persons from taking certain species of property into the Territories. It does not make any difference whether I live in a free State or a slave State, I cannot take those articles there. So if I happen to own slaves, no matter whether I live in Ohio, or Kentucky, or Tennessee, if this compromise is to stand as a law, I cannot take them there. It is not aimed invidiously at any one particular State, or particular person.

I believe now that I have answered all the questions to which the gentleman wished me to give an answer. I have given him my judgment, that the Constitution of the United States does not recognize slaves as anything but persons.

The PRESIDING OFFICER. (Mr. Foot in the Chair.) The question before the Senate is on the amendment proposed by the Senator from Ohio, [Mr. CHASE,] which is to strike out of section fourteen these words:

—"was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and"—

So that the clause will read:

"That the Constitution and laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the 8th section of an act preparatory to the admission of Missouri into the Union, approved March 20, 1820, which is hereby declared inoperative."

Mr. DAWSON called for the yeas and nays on the amendment, and they were ordered.

Mr. CASS. I did not understand the amendment distinctly. I wish to know how the clause will stand with this amendment?

Mr. WALKER. It will then stand as a simple repeal of the act of 1820, without the recital that it has been superseded by the compromise measures of 1850.

Mr. BADGER. It is a repeal without a reason. That is all.

The question being taken, upon the amendment

by yeas and nays, resulted—yeas 13, nays 30, as follows:

YEAS.—Messrs. Allen, Cass, Chase, Everett, Fish, Foot, Hamlin, Seward, Smith, Stuart, Sumner, Wade, and Walker—13.

NAYS.—Messrs. Adams, Atchison, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Butler, Clay, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Hunter, Jones of Tennessee, Mallory, Mason, Norris, Pettit, Sebastian, Shields, Slidell, Thompson of Kentucky, Toucey, Welles, and Williams—30.

Mr. WADE. I now move to strike out all after the enacting clause, and to insert, as a substitute, the bill which was passed by the House at the last session; and on this amendment I ask for the yeas and nays.

Mr. DOUGLAS. The question now pending is upon the substitute offered by the committee. It is not in order to move to amend one substitute by inserting another in its place.

Mr. BADGER. The question before the Senate is on the substitute reported by the Senator from Illinois from the Committee on Territories, as I understand.

The PRESIDING OFFICER. (Mr. Foot.) The Chair is aware of that fact, from the suggestion of the Senator from Illinois. The Chair was treating it as an original bill; but the question is still pending upon an amendment, in the form of a substitute for the original bill, reported by the Committee on Territories. That substitute, however, is open to amendment.

Mr. BADGER. Certainly; that is correct.

Mr. DOUGLAS. The question on the adoption of my substitute will raise the very point involved in the proposition of the Senator from Ohio.

The PRESIDING OFFICER. On that ground, the amendment offered by the Senator from Ohio, in the judgment of the Chair, is not in order as a substitute for the substitute which is now pending. Upon the rejection of that substitute, another might be offered; but the very question now pending is on agreeing to the substitute reported by the Committee on Territories for the original bill.

Mr. WADE. I call for the yeas and nays upon that question.

The yeas and nays were ordered.

Mr. BADGER. I have been necessarily absent from the Senate during the earlier part of the day, and therefore I desire to know whether any amendment has been made this morning in the substitute reported by the Senator from Illinois from the Committee on Territories.

The PRESIDING OFFICER. The Chair can inform the Senator from North Carolina that no amendment has been proposed, and therefore none has been voted upon except the one offered by the Senator from Ohio, [Mr. CHASE,] which has just been rejected by a vote of the Senate.

Mr. DOUGLAS. I will ask the Chair whether, in the event that the substitute now pending shall be voted into the original bill, it will then be open to amendment?

The PRESIDING OFFICER. Most clearly not, in the judgment of the Chair.

Mr. PETTIT. Then it must be subject to amendment now.

The PRESIDING OFFICER. Whatever amendment is to be offered to a substitute, must be incorporated into it before its adoption as a substitute.

Mr. DOUGLAS. Then I will now move an amendment to the same clause to which the Senator from Ohio moved his. I move to strike out the words "which was superseded by," and to insert in their place "which is inconsistent with." The clause will then provide that the Constitution and laws not locally inapplicable shall have the same force in the Territory as elsewhere, except the 8th section of the Missouri act, "which is inconsistent with the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative." This is the express idea conveyed by the original words, but I prefer to make it plainer.

Mr. CASS. Mr. President, I am glad that the honorable Senator from Illinois has moved this amendment, because it will enable me to explain my position. I voted for the amendment of the Senator from Ohio, and against the clause in the bill as it now stands. I shall vote for the amendment of the Senator from Illinois, because it conveys my idea; but the present language of the clause does not. The clause, as it now stands,

asserts that the principles of the compromise measures of 1850 superseded the compromise of 1820, and is therefore inoperative. Now, I consider this an entire logical fallacy, and I have so explained to the honorable Senator from Illinois, [Mr. DOUGLAS.] The principle of the compromise of 1850 does not supersede the compromise of 1820. It is not superseded at all, as a legal question. The action of Congress is required before it can be superseded. If a principle is established a law to-day—to wit: that whites shall vote in a Territory, and you establish the principle to-morrow that blacks shall vote in another Territory, you furnish a motive for the legislation, on the ground of wisdom and consistency, to adhere to it and carry out your principle; but you do not supersede the other; there is no superseding about it. Therefore, I wished to put out of the clause the provision saying that the principles of the compromise measures of 1850 superseded the compromise of 1820. Now, the honorable Senator has put it upon such grounds that I can support it. I do believe that the principle of the compromise measures of 1850 is inconsistent with the continuance of the compromise of 1820; but I could not vote for the other declaration, for the simple reason which I mentioned; that it led, in my mind, to a logical fallacy. To express my idea in a word, I would prefer that the Senator should say, in express terms, that the compromise of 1820 is declared null and void. That would be plain and unequivocal.

Mr. BADGER. It seems to me that there is some logical inaccuracy in the position of the honorable Senator from Michigan. He admits, if I understand him aright, that the legislation of 1850 was inconsistent with the Missouri compromise of 1820. If inconsistent with it, it certainly supersedes it; yet he says he is unwilling to vote for the declaration that it supersedes it, but he is willing to vote for a declaration that it is inconsistent with it.

Mr. CASS. I do not consider it as any logical error on my part, for this simple reason: The former act is not superseded at all, but is inconsistent with the latter, and the principle of the latter act now requires that the Legislature should carry out its latest action and be consistent. Nothing is superseded until there is some action by the Legislature. Legislative action is wanted, and the principles of the action of 1850 furnish the motive.

Mr. BADGER. Why, Mr. President, either the legislation of 1850 is consistent with the legislation of 1820, or it is not. If it is consistent with it, then it has no effect upon it. If the latter is inconsistent with the former, then the latter, being the latest act of legislation, succeeds the former, and overrides and annuls it. I do not mention this in any disposition to raise a question of this nature, but I would suggest to the Senator from Illinois, whether it would not be better for him to select some term which is free from the objections to either of these. Let him say the act of 1820 was inappropriate to, or unnecessary, after the legislation of 1850. Would it not be better to use some term of that kind?

Mr. CASS. I must confess, without recurring to that subject at all, that I had rather say at once that the compromise of 1820 is unconstitutional.

Mr. BADGER. That is another question.

Mr. CASS. I believe it is.

Mr. BADGER. I do not.

Mr. CASS. I always have believed so; and therefore I think it better to say so, if we believe so, and I desire upon my vote to say so. I can vote for the amendment now proposed by the Senator from Illinois without any difficulty.

Mr. DOUGLAS. We see that the difference here is only a difference as to the appropriate word to be used. We all agree in the principle which we propose now to establish. As this is a very delicate question, and as it is important to ascertain which is the exact and appropriate word, and as either of the phrases now suggested does not exactly suit my idea, I wish to take a little time to consult as to which word best suits the members of the Senate, to carry out the idea which we are intending to put into practical operation by this bill. If any one is ready to address the Senate to-morrow, he can now obtain the floor; otherwise I shall move that the Senate adjourn, with a view of proceeding to vote to-morrow morning upon this question; but I shall myself respond to such attacks as have been made upon the bill. If

any other gentleman proposes to take the floor, I prefer that he should do so now, in order that we may know who is entitled to it in the morning.

Mr. HUNTER. I rise to suggest to the Senator from Illinois that he should postpone his motion to adjourn until we can take up, by general consent, a bill of the Senate which has come back from the House, in relation to the mode of paying the members of the Senate. I ask the general consent of the Senate to take up that bill now.

Mr. BADGER. Let it stand until to-morrow.

The PRESIDING OFFICER. It will require the unanimous consent to proceed with that bill at this time.

Mr. WALKER. For the purpose mentioned by the Senator from Virginia, I move to postpone the further consideration of the bill until to-morrow. It will then come up at one o'clock as the special order.

Mr. BADGER. I wish to say, before the question is taken upon that motion, in reply to the suggestion of the Senator from Illinois, that it shall be with the understanding that the question on the passage of the bill shall be taken to-morrow, that whatever other gentlemen may do, I shall desire to make some remarks upon the subject under consideration.

Mr. STUART. I will ask the leave of the Senate to make a remark—not that I am not satisfied with the vote which I have given, because I always intend to vote so that it shall not need explanation; but as it has been suggested that there is no difference between declaring that the legislation of 1850 is inconsistent with the legislation of 1820 upon this subject, and in declaring that that of 1850 superseded that of 1820, I wish to suggest a difference which I think most clearly exists. The compromise of 1820 was in reference to all the territory received under a particular authority, lying north of 36° 30'. Now that legislation cannot be superseded by any other legislation that does not refer to the very same subject—that precise territory. But in principle, the legislation of 1850 may be inconsistent with it. That is to say, the compromise measures of 1850 are generally understood to leave the question of local legislation to the people occupying the Territory. In another respect that legislation declares that States, when formed out of the territories therein legislated upon, may come into this Union with or without slavery, as the people forming the constitution may wish and declare. In principle, therefore, this is different legislation from that which excludes, by an act of Congress, slavery north of a certain line of latitude; but it no more supersedes it than Congress would supersede a law passed for the State of Ohio, by passing another different in principle for the State of North Carolina. The words are different. The meaning is different. To supersede an act is to render it inoperative—to substitute something else in its stead, acting upon the same subject, and not upon a subject that is entirely different.

All I have now intended to do is simply to furnish a reason for the vote I have given; and that I should not have done, if reasons had not been assigned elsewhere, and a commentary been made upon them by the honorable Senator from North Carolina.

Mr. DOUGLAS. I do not deem it very important to continue the discussion on this point, after the notice which I have given, that I shall modify the words so as to meet the objection that Senators make as to the meaning of the words "superseded by" and "inconsistent with." I think the Senator from North Carolina has made that point so clear as to render it unnecessary to say much upon the subject. The whole argument on this point rests on this mistake: It is supposed that we contend that the Missouri compromise was superseded by the enactment of the acts of 1850. I say it was superseded by the principles of those acts. How? The compromise of 1820 rested on the principle of a geographical line, north of which there was to be no slavery, and south of it there might be. The compromise of 1850 obliterated the line, and rested upon the principle that the people should do as they pleased on both sides of the line, and come in the Union with or without slavery, as they pleased. It was on that idea that a principle was substituted for a geographical line. If it was, I supposed it should be declared; and it was to obviate any technical exception upon that word—I think it is an appropriate one—that I pro-

pose to modify it, in order to make it clear what we do mean—that is, that in all territorial organizations hereafter we shall organize them on the principle that the people are to do as they please, subject only to the Constitution of the United States. I can prepare an amendment that will express that idea so clearly that our friends will all be satisfied.

Mr. CASS. I will read from the Dictionary:

"Supersede. [*Super* and *sedes*, to set.] Literally, to set above; hence to make void, inefficacious, or useless, by a superior power, by coming in place of; to set aside; to render unnecessary; to suspend."

I take it the act of superseding does itself destroy something else. Therefore I repeat to my honorable friends from North Carolina and Illinois, that the establishment of a principle, as my colleague has said, on one subject, does not supersede an existing one on another.

Mr. BADGER. I think it is impossible for my excellent friend from Michigan, even with the assistance of his colleague, and the Dictionary thrown in, to sustain his position. Either these laws relate to the same subject, or they do not. If they do, the maxim of law is clear and unmistakable that a subsequent law, inconsistent with prior laws, repeals them. That is clear beyond all dispute; and if they do not relate to the same subject, then the latter neither supersedes nor is inconsistent with the former. There may be a propriety in making a new law to conform, in relation to one subject, to what has been declared by another law in relation to another subject. But the very moment you introduce a provision in which either the law or the doctrine of the law passed to-day is inconsistent with the law or the doctrine of the law passed yesterday, the later law necessarily supersedes the one passed previously. Of that I think there can be no question.

Mr. CASS. I cannot let the honorable Senator off yet. I deny in toto his assumption.

Mr. BADGER. You are mistaken; you are to get off. [Laughter.]

Mr. CASS. To illustrate the matter by a given case, I say if you pass a law, and establish a Territory to-day where blacks are to vote, and a law existed yesterday that whites only should vote in other territories, the principle black to-day does not supersede the principle white of yesterday, without positive legislation.

Mr. BADGER. That is clear enough, if they are not inconsistent; if inconsistent it does.

Mr. CASS. What makes any principle inconsistent, but the application of a different one by the Legislature? and that would be a ground for appealing to the consistency of the Legislature to establish a new law. All that I maintain is, that the principle established by one law cannot annul the positive enactments of a former law. If, in this case, the former is in fact superseded by the latter, what is the use of declaring the former inoperative? If it is superseded and rendered inoperative, why do you not stop there?

Mr. HUNTER. I hope the question will be put on the motion to postpone.

Mr. BADGER. I hope my friend will not endeavor to supersede us. [Laughter.] Let us understand what the motion is first.

The PRESIDING OFFICER. The motion is to postpone the further consideration of the bill until to-morrow.

Mr. BADGER. My friend from Michigan has suggested that he will not let me off. Why, he has entirely mistaken this question. It was a question whether I would let him off [laughter] for asserting that he would vote against one amendment, and for another upon a distinction that involved no sort of difference. That is the point of the matter.

Mr. BUTLER. Where is Crabbe's Synonymes? That may settle the matter.

Mr. STUART. I beg leave to say to the honorable Senator from North Carolina that I hope he will not speak of me as coming to the aid of my distinguished colleague.

Mr. BADGER. I thought you did; and I thought he needed it.

Mr. STUART. I am inclined to think that the country is of opinion that he does not need any assistance from anybody, and especially not from me. Nor, sir, am I disposed to undertake a system of tactics that shall change the issue. I rose on my own account, not to aid my colleague. The issue is the one which I stated—whether the legislation of 1820 is "superseded," to take the

Senator's own words, or rendered inoperative on account of the legislation of 1850. And now, sir, to test the sincerity of the Senator's statement—I do not mean the sincerity in his mind, as a moral assertion, but as a legal assertion—let us, if that be so, strike the provision out of the bill, and see whether it will be decided by the adjudication of the courts of the country that the general legislation of 1850 repeals or annuls, to use the Senator's words, the legislation of 1820. We will meet him there—or I will; I speak for myself. I will meet him there, and with perfect contentment.

I ask the Senator, as a lawyer, distinguished as he is, if a client were to apply to him asking the question, whether since the legislation of 1850, in his opinion, he could safely hold his slaves in the Territory of Nebraska in defiance of the law of 1820, he would advise him that he could? The Senator will understand me, not taking anything into consideration other than the legislation of 1850, the naked question is presented to him: "Do the compromise measures of 1850, by their effect, so modify the law of 1820 that I can hold my property in slaves within the Territory of Nebraska?" Would the Senator give that opinion? If so, I am mistaken, entirely mistaken, in saying that there is any difference between using the language that the legislation of 1850 supersedes that of 1820, and using the other language that it is inconsistent in principle with it. My idea is, that that of 1820 is applied to one subject, that of 1850 to another subject, to wit, other territories.

Mr. BADGER. Mr. President, the honorable Senator has himself entirely shifted the issue. I have expressed no opinion whether the legislations of the two periods are inconsistent with each other, or whether the latter supersedes the former or not. I have said nothing upon the subject; therefore the case which is put to me does not affect my position at all. My position is this: If the legislation of one period applied to one subject, and the legislation of another period applied to another subject, then there can be neither inconsistency nor supersession. If they apply to the same subject, then if there be inconsistency, there is supersession.

Mr. STUART. No doubt of it.

Mr. BADGER. Therefore I said that my honorable friend from Michigan—if he will allow me to call him so—who is willing to vote for a prohibition declaring them to be inconsistent, and not for a provision declaring the one to supersede the other, made a mistake; but whether there is any inconsistency, or whether the one supersedes the other or not, I have yet given no opinion, and do not now mean to give any, because it is not involved in the question.

The motion to postpone the further consideration of the bill until to-morrow was agreed to.

SENATE CONTINGENT FUND.

The Senate proceeded to consider the message from the House announcing that they had receded from their 1st, 3d, 4th, 5th, and 7th amendments; agreed to the amendment of the Senate to their 6th amendment, and insisted upon their 2d amendment to the bill "to regulate the disbursement of the contingent fund of the Senate, and for other purposes."

Mr. HUNTER. I move that the Senate recede from its disagreement to the amendment on which the House insists.

Mr. BADGER. I desire to know, before we vote on that question, what we are to recede from. Will the Senator explain it?

Mr. HUNTER. I propose to recede from our disagreement to the amendment striking out the \$1,000 compensation to the Secretary of the Senate.

Mr. BADGER. Shall we recede from that? I move that the Senate do now adjourn.

The motion was agreed to; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 6, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

The SPEAKER laid before the House a communication from the Treasury Department, containing a copy of a letter addressed to the Department by the Hon. John W. Davis, Governor of

Oregon Territory, and the papers therein referred to; the object of it being to obtain from Congress a further appropriation to defray expenses incurred in the prosecution of the Cayuse war, in the years 1847 and 1848, prior to the organization of a territorial government. Also, a communication of the Comptroller of the Treasury, to whom those papers had been referred for examination, embracing a statement of appropriations and payments made on account of said expenses.

On motion by Mr. HOUSTON, it was ordered to lie on the table, and be printed.

Mr. STEPHENS, of Georgia, asked and obtained the unanimous consent of the House to introduce a resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be requested to communicate to the House, if he deems it not incompatible with the public interest, all the official correspondence of Hon. Humphrey Marshall, late Commissioner to China, with the State Department.

SAFETY OF THE UNITED STATES MAILS.

The SPEAKER. The first business before the body is a motion to reconsider a vote by which the bill, which will be read by the Clerk, was committed to the Committee of the Whole on the state of the Union.

The bill was reported by its title, as follows: "A bill to secure the safe transmission of the United States mails upon railroads."

Mr. HOUSTON. My object in rising is to ask the House this morning to take up the bill of the Senate in relation to their pay and mileage, and dispose of it in some way or other. There is only a very simple point of difference pending between the two Houses, the consideration of which, I am sure, will not consume five minutes.

Mr. OLDS. I ask that the bill in relation to the mails go over for the present, by unanimous consent.

No objection being made, the bill was laid aside for the present.

CONTINGENT FUND OF THE SENATE.

Mr. HOUSTON. I now ask the House to take up the bill to which I referred.

The SPEAKER. If there be no objection the bill will be taken up. The Chair hears no objection, and the Clerk will report the bill.

The title of the bill was then read by the Clerk, as follows:

"An act to regulate the disbursement of the contingent fund of the Senate, and for other purposes."

[A message was here received from the Senate, informing the House that they had passed House bill for the relief of William Blake; that they had also passed sundry other bills, and requesting the concurrence of the House therein.]

The SPEAKER. The amendments proposed by the Senate to the bill now before the House will be read by the Clerk.

The first amendment was then read, as follows:

Resolved, That the Senate disagree to all the amendments of the House of Representatives to the foregoing bill, except the sixth amendment, and agree to the said sixth amendment, so far as to strike out all after the enacting clause of the third section, and insert in lieu thereof the following:

"That it shall be the duty of the said Secretary of the Senate to deposit the moneys aforesaid, which may come into his hands, with the depository which may be designated by the Secretary of the Treasury for other disbursing officers in the city of Washington, and all payments on account of the pay and mileage of members of the Senate, and all payments of their officers, and for the contingent expenses of the Senate, shall be by drafts drawn by the Secretary on said depository."

Mr. BRECKINRIDGE. There is no necessity, I suppose, to refer this bill. When it came originally from the Senate there were three features which were unacceptable to the House. One of them made the Secretary of the Senate the disbursing officer in regard to the contingent fund of the Senate, and fixed his compensation over and above his salary as Clerk at \$1,000 a year.

The second feature provided that when the vouchers of the Secretary of the Senate for disbursing the contingent fund had been passed by the Committee to Audit and Control the Contingent Expenses of the Senate, they should be conclusive upon all the officers of the Treasury Department. The third feature authorized, as I suppose, the Secretary of the Senate to withdraw the contingent fund of the Senate from the Treasury Department, and deposit it wherever he chose, with bankers or brokers.

The bill, as it comes to us now from the Senate, leaves the bill in this form: that the Secretary of the Senate is made a disbursing officer to disburse the contingent fund, and his salary is fixed at \$1,000. It is settled, if this bill passes in its present form, that the passing the vouchers of the Secretary of the Senate by the Senate committee is not conclusive upon the officers of the Treasury Department. It is provided, also, that the contingent fund shall be deposited by the Secretary of the Senate with the depository selected by the Secretary of the Treasury for other disbursing officers in the city of Washington.

The effect of the bill, if it passes, will be to give the sanction of both Houses of Congress to what we regard as the proper construction of the Independent Treasury, and to establish the fact, that the vouchers for the disbursement of the contingent fund of the Senate must undergo the same ordeal as other vouchers; and will substitute law for usage, and place this whole business under the authority of legislative enactment.

The House have therefore succeeded in both their amendments in which a principle is involved; and it would seem proper that we should yield the \$1,000 additional salary to the Senate, and let the bill become a law. That, I believe, is a fair explanation of the matter, and I will detain the House no longer.

Mr. MACE obtained the floor.

Mr. JONES, of Tennessee. I ask the gentleman to yield long enough to have the bill read as it will stand if the House agree to the proposition of the Senate.

Mr. MACE. I have no objection to yielding for that purpose.

The bill, as it comes from the Senate, was then read through by the Clerk.

Mr. MACE. I have but very few remarks to make in relation to the provisions of the bill, as it is now presented to the House. I will say, in the outset, that my friend from Kentucky [Mr. BRECKINRIDGE] has fairly stated the provisions of the bill; and the only question now presented for the consideration of the House, in my opinion, is whether we will allow the Secretary of the Senate an additional salary of \$1,000.

Now, it must be known to every member of the House that the present pay of that officer is \$3,000 per annum, and I believe he has enjoyed that salary ever since 1827. He receives, then, under the law, as it now stands, the sum of \$3,000 per annum—the same that we pay our bureau officers, and the same that we pay the Clerk of this House.

Now, I ask if it is the intention of the House to allow this officer the additional salary of \$1,000—making his compensation in all \$4,000 per annum—why you do not extend the same provision to the Clerk of this House, who has twice as onerous duties to perform, and make his salary \$4,000 per annum?

I understand that he has a clerk under him whose duty it is to disburse the mileage pay and contingent fund; and that that clerk receives a salary of \$1,500. He has also been provided with all the clerks that he has ever called for, at salaries larger, perhaps, than those which the assistant clerks of this House receive.

Now, then, I take it that it is unjust, and setting a bad precedent, to allow the Secretary of the Senate \$4,000 a year. It is more pay than he ought to have, making his salary \$1,000 more than the salaries of the heads of bureaus, and of the Clerk of this House. It is suggested to me that he also gets the extra compensation which we allow, at the close of every session in addition to that, and I suppose that he does. I content myself now with simply saying, that all I desire is, that the yeas and nays may be called upon that proposition, in order, that we may see who is disposed to give this additional \$1,000 to the Secretary of the Senate.

Mr. JONES, of Tennessee. We are now about to vote on receding from our amendments.

The SPEAKER. The question is on agreeing to the amendment of the Senate to the third section of the bill.

Mr. HAMILTON. On that I call for the yeas and nays.

Mr. JONES. Will not the question be first upon receding from our amendments?

The SPEAKER. The gentleman is right. The question will first be upon receding from the amendments of the House.

Mr. JONES. The Senate have nonconcurring in the amendment of the House to the first section of the bill. The question will first be, whether the House will recede from that amendment or not.

The SPEAKER. That is the parliamentary mode of putting the question.

Mr. HOUSTON. There is one amendment made by the Senate which I regard as of vast importance, and I hope the House will vote upon it by itself; I mean that one which requires the disbursing officer created by this bill to make his deposits under the direction of the Secretary of the Treasury. I regard that amendment as vital to the law, and I am satisfied that there is no objection to it here. I do not want, therefore, to link that amendment to the one that gives additional salary to the Secretary of the Senate, as it would thereby be endangered, and I regard it as vital to the law itself.

The SPEAKER. The question is on receding from the following amendment proposed by the House to the bill of the Senate: In the first section, strike out the words: "and officers, and for contingent expenses."

Mr. JONES. The House proposed to strike out those words; the Senate have non-concurred in that amendment.

Mr. HOUSTON. The effect of that amendment of the House was to separate the contingent fund of the Senate from their pay and mileage. The House, by receding from that amendment, will make the Secretary of the Senate the disbursing officer for both those funds, and I do not think that is objectionable. We do not want the yeas and nays on it.

The SPEAKER. The Chair apprehends that the yeas and nays were demanded only on the amendment in relation to the salary of the Secretary of the Senate.

Mr. HAMILTON. That is the proposition on which I demanded the yeas and nays.

The SPEAKER. If there be no objection, the question will be taken without the yeas and nays upon the other amendments.

The question was then taken on receding from the first amendment of the House, and it was agreed to.

The question then recurred on receding from the following amendment of the House:

"Strike out the following words from the eleventh section: 'And shall be allowed the sum of one thousand dollars per annum as compensation over and above his salary as Secretary of the Senate for the duties hereby imposed upon him.'"

Mr. OLDS. I move that the House insist upon its amendment. The yeas and nays, I believe, have already been ordered.

The SPEAKER. The parliamentary usage has been to put the question on receding.

Mr. TAYLOR, of Ohio. We, in this part of the Hall, Mr. Speaker, do not understand upon what the question is now to be taken. By consent I ask that the section of the bill be read by the Clerk, as it is proposed to be amended by the House.

The section of the bill alluded to was read by the Clerk, as requested.

The SPEAKER. The question is upon receding from the amendment of the House, so that those who are in favor of granting the Secretary of the Senate the \$1,000 additional salary proposed will vote "aye;" those opposed "no."

[A message in writing was here received from the President of the United States, by the hand of SIDNEY WEBSTER, Esq., his Private Secretary.]

Mr. BRECKINRIDGE. Without detaining the House, I have only to remark this: After a very full conference with the Committee on Finance of the Senate, the House committee agreed, as they gave up everything connected with principle in that bill, to allow them, if it be the pleasure of the House, to retain the salary of \$1,000 for their Secretary, for the sake of establishing by law, and getting the sanction of both Houses of Congress, to the points: First, that the Auditing Committee of the Senate should not pass vouchers, and make them conclusive upon officers of the Treasury Department; and, secondly, to the fact that these contingent funds must be kept in the Treasury of the United States. It strikes me that it would be treating the Senate disrespectfully, and with some severity, to refuse to allow the salary, after they have given up the two points which they made with so much fervor and vigor.

Mr. JONES, of Tennessee. The salary of the Secretary of the Senate is now \$3,000 per annum. That body sent us a bill imposing, as they say, additional duties upon that officer, and proposing, in consideration therefor, to increase his salary \$1,000, and to make it \$4,000 instead of \$3,000 per annum.

When the House had this bill under consideration, it struck out so much of the bill as proposes to increase the salary of the Secretary \$1,000. The bill went back to the Senate. In that amendment they non-concurred. They now send it to us, and the question for the House to vote upon now is, whether we will recede from that amendment or not. Those who are in favor of increasing the salary of the Secretary of the Senate \$1,000 will vote "aye;" those who are opposed to receding, and opposed to giving him that increase of salary, will vote "no," and they will vote against the increase of salary. This is the question at present before the House, and no other part of this bill is, as I conceive, now before us.

Mr. WALSH. Inasmuch as the proposition was plainly and intelligently stated by the Chair, and as there appears to be no new light thrown upon the subject, I demand the previous question.

The previous question was ordered, and the main question ordered to be put.

The previous question being, "Will the House recede from its amendments to the Senate bill?" it was put, and there were—yeas 66, nays 103; as follows:

YEAS.—Messrs. Appleton, Thomas H. Bayly, Bail, Barksdale, Benson, Benton, Bissell, Breckinridge, Bugg, Campbell, Chandler, Churchwell, Corwin, Cox, Crocker, De Witt, Dickinson, Disney, Dowdell, Dunbar, Edmunds, Edmundson, Farley, Flagg, Florence, Franklin, Goode, Goodrich, Greenwood, Aaron Harlan, Harrison, Haven, Hill, Howe, Hunt, Kerr, Lindsey, McDougall, McWalt, Macy, Maxwell, Mayall, John G. Miller, Mordecai Oliver, Peckham, Pennington, Phillips, Powell, Pringle, Ready, Riddle, David Ritchie, Sapp, Samuel A. Smith, Richard H. Stanton, Alexander H. Stephens, Straub, John L. Taylor, Upham, Vail, Walbridge, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Daniel B. Wright—66.

NAYS.—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Belcher, Bennett, Bliss, Boyce, Brooks, Carpenter, Chamberlain, Chastain, Chrisman, Clark, Clingman, Cobb, Colquitt, Cook, Craige, Cullom, Curtis, Cutting, John G. Davis, Thomas Davis, Dawson, Dent, Dick, Drum, Dunham, Edgerton, Ellison, English, Faulkner, Fenton, Fuller, Gamble, Giddings, Green, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hastings, Hendricks, Hubbard, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Knox, Kurtz, Lamb, Letcher, Lilly, Lindsey, McCalloch, Macdonald, McMullin, McQueen, Mace, Matteson, Middleswarth, Milson, Morgan, Morrison, Murray, Nichols, Norton, Olds, Andrew Oliver, Peck, John Perkins, Puryear, Thomas Ritchey, Robbins, Ruffin, Russell, Sabin, Sage, Seward, Seymour, Shaw, Simmons, Skelton, Gerrit Smith, William R. Smith, George W. Smyth, Snodgrass, Hester L. Stevens, Stratton, Andrew Stuart, John J. Taylor, Thurston, Tracy, Trout, Vansant, Wade, Walker, Walsh, Wells, Wheeler, and Witte—103.

So the House refused to recede from its amendment.

Mr. DISNEY. There is upon the Speaker's table a railroad bill from the Senate, which I desire to have taken up, and referred to the Committee on Public Lands.

The SPEAKER. The Chair would remark to the gentleman that there are other amendments to the pending bill yet to be acted upon.

Mr. HAMILTON. I move to reconsider the vote by which the House refused to recede from its amendment, and that the motion to reconsider be laid upon the table.

The question was taken upon the latter motion, and it was agreed to.

Mr. HOUSTON. There are other amendments to the bill.

The SPEAKER. The Clerk will report the next amendment.

The amendment was read, as follows:

"Strike out the words 'in lieu of,' and insert instead thereof the words 'in addition to.'"

Mr. HOUSTON. The amendment just reported is found in the first part of the second section of the bill, where the Committee of Ways and Means, say, "In lieu of the bond heretofore given, he shall give, &c." The House struck out the words "in lieu" and instead thereof inserted "in addition to." The Senate nonconcurring in that amendment, and proposed to retain the words "in lieu." The Senate have added a third section, which requires the Secretary of the Senate to deposit his funds under the direct control of the Secretary of the Treasury, and thereby obviates, as I think, the difficulty which the House amendment was intended to meet.

The question being put, "Will the House recede from its amendment?" it was decided in the affirmative.

The next amendment reported was as follows:

"Insert after the words 'by the,' in the twenty-third line, the word 'first;' and, also, after the word 'the,' in line twenty-nine, the word 'first.'"

Mr. HOUSTON. There are two amendments of precisely the same character. The bill, as it came from the Senate, says that the bond shall be taken by the Comptroller of the Treasury. Upon the recommendation of the Committee of Ways and Means, the House amended the bill so as to say the bond should be taken by the *First* Comptroller. In a conference with some of the Senators who have examined this subject, they say that the law, of which this is a copy, used the word "comptroller" without saying which one, and the construction has always been that it meant *First* Comptroller. If the House yield the amendments which they made, in this respect, it will leave the matter as it stands under the construction to which I have referred.

The question being put, "Will the House recede from its amendments?" it was decided in the affirmative.

Mr. HOUSTON. There is still another amendment, in the shape of an additional section. The Senate had a third section to the bill, which exempted their accounts from being audited at the Treasury Department. The House struck out that third section. Upon the return of the bill to the Senate, the Senate agreed to that amendment of the House, thereby yielding the third section, but they have agreed to our amendment with an amendment. They propose to put in the place of the third section, which we struck out, the section which is before the Clerk, and which I desire to have read.

The third section was then read, as inserted in a preceding part of the proceedings.

The question was taken upon agreeing to the Senate amendment, and it was decided in the affirmative.

The title was then amended, so as to read:

"To constitute the Secretary of the Senate a disbursing officer for the purpose therein mentioned."

Mr. DISNEY. I ask leave of the House to take up a railroad bill, for the purpose of referring it to the Committee on Public Lands.

Mr. JONES, of Tennessee. I object.

Mr. HOUSTON. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. BISSELL. I hope the House will not consent to that.

[Mr. GREEN, from the Committee on Enrolled Bills, reported, as correctly enrolled, House bill of the following title:

"An act giving further time for satisfying claims for bounty lands, and for other purposes;" which thereupon received the signature of the Speaker.]

The question was then taken upon Mr. Horstman's motion to suspend the rules, and there were—yeas 56, nays not counted.

So the House refused to suspend the rules.

THE SAN FRANCISCO.

Mr. CHANDLER. I ask the unanimous consent of the House to make a joint report relative to the rescue of the sufferers on board of the San Francisco.

Mr. DAVIS, of Indiana. I object, and call for the regular order of business.

The SPEAKER. Reports are in order from the Committee on the Post Office and Post Roads. Mr. OLDS. The Committee on the Post Office and Post Roads have instructed me to report the following bill—

Mr. CHANDLER. I was about to ask a suspension of the rules, to allow me to present the report I have indicated.

The SPEAKER. It is in order for the gentleman to make that motion.

Mr. CHANDLER. Then I move a suspension of the rules, to enable me to introduce the resolutions which I hold in my hand.

Mr. OLDS. Will that motion be in order until the report of the Committee on the Post Office and Post Roads is disposed of?

The SPEAKER. The gentleman from Pennsylvania [Mr. CHANDLER] had not yielded the floor.

Mr. CHANDLER. There is a report, of some

length, which I desire read, in connection with the resolutions.

Mr. HUNT. I ask for the reading of the report, and I believe there will be but one heart and one mind in the matter.

The joint resolution was read by the Clerk, as follows:

Joint Resolution manifesting the sense of Congress towards the officers and seamen of the vessels and others engaged in the rescue of the officers and soldiers of the Army, the passengers, and the officers and crew of the steamship San Francisco, from perishing with the wreck of that vessel.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to procure three valuable gold medals, with suitable devices, one to be presented to Captain Creighton, of the ship Three Bells, of Glasgow; one to Captain Low, of the bark Kilby, of Boston; and one to Captain Stouffer, of the ship Antarctic, as testimonials of national gratitude for their gallant conduct in rescuing about five hundred Americans from the wreck of the steamship San Francisco; and that the cost of the same be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. *Resolved,* That a sum not exceeding \$100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President to reward, in such manner as he may deem most appropriate, the officers and crews of those vessels that aided in the rescue of the survivors of said wreck, and such other persons as distinguished themselves by offices of humanity and heroism on that occasion; the reward to be proportionate to the nature of the efforts made, and the merit of the services rendered, so far as the same can be ascertained.

Mr. CHANDLER. Now read the report.

The Clerk was proceeding to read the report, as follows:

The joint committee of the Senate and House of Representatives, to whom was referred the resolution of the Senate and House of Representatives "to inquire and report in what form the acknowledgment of Congress may be most appropriately expressed to those benevolent and courageous men who, under Providence, were the means of rescuing from death so many citizens of this Republic," have had the same under consideration, and submit to the respective Houses the following report:

The steamship San Francisco, the property of the Pacific Mail Steamship Company, of New York, was chartered by the War Department to convey United States troops and military stores to California, via Cape Horn.

She left New York on the 23d December, 1853, having on board, in addition to the crew of the vessel, the third regiment of United States artillery, and several passengers, among whom was a number of women and children; in all about eight hundred souls.

On the night of the 23d she encountered a severe storm, which rendered her wholly unmanageable. On the morning of the 24th she was struck by a violent wave, which shattered her quarter deck, her hurricane-deck, and carried away her upper saloon, and all the officers, soldiers, and passengers who had taken shelter in it from the storm, amounting to about two hundred in number. The vessel was very seriously damaged by this terrible shock, and continued afterwards to leak so badly that it required the utmost efforts of all on board to keep her afloat. On the same day, and soon after this dreadful occurrence, she spoke the brig Napoleon, of Portland. The captain of this brig promised to lie by her, but was separated from her during the night. The next day, the 25th, the San Francisco spoke the brig Maria, of Liverpool. The captain of the Maria also promised to lie by her, but the night separated the vessels.

On the 27th, the bark Kilby, of Boston, Captain Low, hove in sight. This vessel had suffered much in the storm that wrecked the San Francisco. She was short of provisions and water, and leaking badly, yet her captain promised to stand by the wreck, which promise he faithfully kept through the night. The next day, the 28th, upwards of one hundred persons, men, women, and children, were transferred from the San Francisco to the Kilby. This operation was arrested by the increase of the gale at night, but it was intended to be resumed the next day, until all should be removed from the wreck; the storm, however, increasing with the night, the vessels were unavoidably separated. The Kilby cruised in search of the wreck for some time, until her own crippled and disabled condition compelled her to abandon the search, and provide for her own safety. It was full time, as she afterwards encountered great difficulties in getting safely into port.

On the 31st, the ship Three Bells, of Glasgow, Captain Creighton, came in sight, and on learning the condition of the passengers and crew, promised to lie by them and succor them at all hazards. This vessel had suffered severely from the storm, was short of provisions and water, and leaked so badly that her condition was scarcely less critical than that of the San Francisco; but her gallant commander faithfully kept his promise. At the most imminent risk to his vessel, he lay by the wreck for several days of storm and danger, having for this purpose to perform the most skillful and perilous maneuvers, passing frequently under the lee of the wreck to cheer and encourage those on board.

On the 3d of January, 1854, the ship Antarctic, bound for Liverpool, fell in with the San Francisco, and generously tendered assistance and succor to those on board. On the 4th and 5th all the surviving passengers not previously transferred to the Kilby were removed on board the Three Bells and Antarctic. On the 6th, all the officers and crew were taken from the wreck, Captain Watkins being the last man who abandoned the ill-fated vessel.

The bark Kilby, after struggling with the winds and waves for fourteen days, finally reached within ten miles of New York, when a storm arose and she was again driven to sea. The next day she fell in with the ship Lucy Thompson, of New York, whose commander, upon learn-

ing her perilous and distressed condition, kindly volunteered to take the passengers on board. This removal was immediately effected, and the Lucy Thompson supplied the Kilby with provisions and water, of which she stood greatly in need. The Lucy Thompson brought these suffering passengers in safety to New York.

The Kilby was afterwards found in a helpless condition, and was towed into Boston harbor by the steamer City of New York.

The Three Bells arrived safely in New York, but sufficient time has not yet elapsed to hear of the arrival of the Antarctic at Liverpool.

The committee are deeply impressed with the generous conduct of these gallant men, who aided in rescuing our distressed countrymen from the wreck of the San Francisco.

The commanders of the Three Bells, Kilby, and Antarctic deserve the grateful acknowledgments of the country for their humanity and intrepidity.

Thanks and praise are especially due to Captain Creighton, of the Three Bells, who, for six tempestuous days and nights, in a spirit of disinterested humanity, and at the imminent peril of himself and crew, stood by the sinking steamer until her gallant commander, who remained the last man on board, abandoned the doomed and deserted vessel.

Captain Watkins and his officers and crew appear to great advantage on this trying occasion. Lieutenant Francis Key Murray, of the United States Navy, is also entitled to especial notice for his humane and valuable services. Praise is also due to Surgeon Buel, of the San Francisco, for the assiduity with which he attended to the sick and dying soldiers after they were separated from their own surgeons. Major Wyse and his junior officers deserve great credit for their efficient conduct in the absence of their superior officers. Several others, who cannot now be designated by name, owing to the imperfect information before the committee, are believed also to be entitled to praise and to the thanks of the country.

The committee are persuaded that these humane and noble services were rendered without any hope or expectation of pecuniary compensation; but they are, for that very reason, in the judgment of the committee, entitled not only to grateful acknowledgment, but also to some substantial reward. They therefore report a joint resolution for that purpose.

JAMES SHIELDS,

Chairman Joint Committee on the part of the Senate.

JOSEPH R. CHANDLER,

Chairman Joint Committee on the part of the House.

Mr. WALSH. I object to the reading of the report.

Mr. CHANDLER. I move to suspend the rules for the purpose.

The SPEAKER. The motion is already pending to suspend the rules for the purpose of introducing the resolution.

The question being upon suspending the rules,

Mr. TAYLOR, of Ohio, demanded a division.

Mr. JONES, of Tennessee. I demand the yeas and nays. That will be the most effectual division.

The yeas and nays were ordered.

The question was then taken, and the result was—yeas 90, nays 77; as follows:

YEAS—Messrs. Appleton, Thomas H. Bayly, Ball, Beicher, Bennett, Benson, Benton, Bliss, Boyce, Bagg, Campbell, Carpenter, Caruthers, Chandler, Corwin, Cox, Crocker, Dawson, De Witt, Dick, Dickinson, Disney, Dowdell, Dunbar, Edmunds, Edmundson, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Gamble, Goodrich, Green, Grow, Harrison, Haven, Bill, Howe, Hughes, Hunt, Ingersoll, Keitt, Kerr, Knox, Kurtz, McCulloch, McNair, Matteson, Meacham, Middewar, John G. Miller, Smith Miller, Morgan, Norton, Mordecai Oliver, Pennington, John Perkins, Pringle, Puryear, Ready, Riddle, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Sapp, Seward, Simmons, Gerrit Smith, Samuel A. Smith, Stratton, John J. Taylor, John L. Taylor, Thurston, Tracy, Trout, Upham, Vail, Vansant, Wade, Walbridge, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, and Yates—80.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Barksdale, Bissell, Boeck, Breckinridge, Brooks, Chamberlain, Chastain, Chrisman, Clark, Cobb, Craigie, Cullom, John G. Davis, Dent, Dunham, Edgerton, Ellison, English, Faulkner, Fuller, Goode, Greenwood, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hastings, Hendricks, Henn, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Latham, Letcher, Lilly, Lindsley, Macdonald, McDougall, McMullin, McQueen, Mace, Macy, Mayall, Millson, Morrison, Murray, Nichols, Noble, Olds, Andrew Oliver, Orr, Peck, Peckham, Phelps, Powell, Preston, Richardson, Thomas Ritchey, Rufin, Seymour, Shaw, Skelton, William Smith, William R. Smith, George W. Smyth, Snodgrass, Hester L. Stevens, Walker, Walsh, Wheeler, and Witte—77.

So (two thirds not voting in the affirmative) the rules were not suspended.

INTRODUCTION OF BILLS.

Mr. OLDS, from the Committee on the Post Office and Post Roads, introduced the following bills; which were severally read a first and second time by their titles, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

"A bill abolishing the present ocean mail steam-er service, and authorizing the Postmaster General to relet the same in accordance with the usages of the inland mail service, and for other purposes."

"A bill to modify the nineteenth section of the

act of 3d March, 1845, concerning the compensation of railroad companies."

Mr. GOODRICH. I ask the unanimous consent of the House to introduce a resolution.

Mr. JONES, of Tennessee. I object, and move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. Unless we do this, we shall have the day spent in motions to suspend the rules.

Mr. BISSELL. I hope that motion will not prevail. There are some important reports which the committees of this House should have an opportunity of presenting.

Mr. JONES. You can make your reports tomorrow.

The question was put; and, upon a division, there were—ayes 62, noes 70.

So the House refused to go into the Committee of the Whole on the state of the Union.

Mr. GOODRICH. I now ask that my resolution may be read.

The SPEAKER. The resolution, having been objected to in advance, cannot be read, except by unanimous consent.

Mr. DAVIS, of Indiana. I object.

Mr. GOODRICH. I move to suspend the rules, for the purpose of enabling me to offer the resolution.

The SPEAKER. The gentleman may make that motion, and he has now the right to have the resolution read.

The Clerk then read the resolution, as follows:

Resolved, That the message from the President of the United States of January 24, 1853, with the accompanying papers, transmitted to this House in answer to a resolution of the House of December 27, 1852, on the subject of the compensation of certain custom-house officers, be referred to the Committee on the Judiciary, with instructions to report thereon by bill or otherwise.

The question was put, and (two thirds not voting in the affirmative) the rules were not suspended.

Mr. McDOUGALL, from the Committee on the Post Office and Post Roads, reported back a bill of the following title, with a recommendation that it do pass:

"A bill authorizing the President of the United States to contract for a semi-monthly mail, by steamships, between San Francisco and some port in China."

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. DAVIS, of Indiana, from the Committee for the District of Columbia, made an adverse report on the petition of William Wheatley, of the District of Columbia; which was ordered to lie upon the table, and be printed.

Mr. DAVIS, from the same committee, reported back Senate bill (No. 45) "to incorporate the Pioneer Manufacturing Company of Georgetown, District of Columbia," with a recommendation that it do pass.

Mr. D. said: I move that the bill be put upon its passage, believing that we can get rid of it now in less time than we can at any other time, and that there will be no objection to it if I make a brief statement of facts: I ask for the reading of the bill.

The bill was read by the Clerk.

Mr. DAVIS. I have but a single word to say in reference to this bill. In its present shape, I regard it as perfectly harmless. So far as I am concerned, I am opposed to corporations on principle; but this one is so properly and carefully guarded, that I am of opinion its operation will be perfectly harmless. By a reference to its provisions, it will be discovered that this corporation is forever prohibited engaging in banking of any kind, in issuing or emitting any kind of paper as a circulating medium; that the stockholders are made individually liable for its debts; and that Congress reserves the power of changing, modifying, or repealing the charter at pleasure. In this view of the case, I cannot conceive that there can be objection to the passage of the bill as reported from the committee. This is all I desire to say. I now call for the previous question.

Mr. JONES, of Tennessee. I move that the bill be referred to the Committee of the Whole on the state of the Union, and be printed, so that we may know and understand what it is. There may be some amendment necessary.

The call for the previous question was not seconded.

Mr. JONES. I now move that the bill be referred to the Committee of the Whole on the state of the Union, and be printed.

The question was taken, and there were, upon a division—ayes 67, noes not counted.

So the motion was agreed to.

The SPEAKER. Reports are in order from the Committee on the Judiciary.

On motion by Mr. KERR, it was

Ordered, That the Committee on the Judiciary, to which was referred the petition and papers of James Morrison and others, sureties of G. R. C. Floyd, late Secretary of the Territory of Wisconsin, be discharged from the further consideration thereof, and that the same be referred to the Committee on Claims.

Mr. CORWIN, from the Committee on Revolutionary Claims, reported the following bill; which was read a first and second time by its title, referred to the Committee of the Whole House, and ordered to be printed:

"A bill for the relief of the children and heirs of Major General Baron De Kalb."

On motion by Mr. LATHAM, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the petition and papers of Thomas Ellis, and that the same be referred to the Committee on Invalid Pensions.

On motion by Mr. ORR, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the petition of Joel Henry Dyer, of Tennessee, asking for compensation for services rendered the United States in the war with the Seminole Indians, and that the same be referred to the Committee on Military Affairs.

Mr. BISSELL, from the Committee on Military Affairs, reported a bill; which was read a first and second time by its title, as follows, referred to the Committee of the Whole House, and ordered to be printed:

"A bill to increase the present military establishment of the United States, and, for other purposes."

Mr. BISSELL, from the same committee, introduced a bill "to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes;" which was read the first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. BISSELL also, from the same committee, reported back, without amendment, and with a recommendation that it do pass, Senate bill (No. 17) entitled "An act to reimburse to the Common Council of the City of New York the expenses made by the first regiment of the New York volunteers;" which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. BENTON. I desire to report a bill "granting the right of way to the Saint Louis and Iron Mountain Railroad Company," which was reported from the Committee on Public Lands, and afterwards referred to the Committee on Military Affairs. It is a local bill, makes no appropriation, and merely gives the right of way to a railroad company, in the State of Missouri. The committee have fully considered it, and instructed me to report in its favor. We have the recommendation of the Secretary of War upon the subject, and all the safeguards are provided for in the bill which are deemed necessary. I ask to put the bill upon its passage, as there is no appropriation in it.

The bill was then read through by the Clerk.

The SPEAKER. The question now is upon ordering the bill to be engrossed, and read the third time.

The question was taken, and there were—ayes 68, noes 21.

Mr. HAMILTON. I move that the bill be referred to the Committee of the Whole on the state of the Union, and that it be printed; and I ask for tellers.

Tellers were ordered, and Messrs. HARRIS of Alabama, and SKELTON were appointed.

The question was taken, and the tellers reported—ayes 38, noes 74; no quorum voting.

Mr. JONES, of Tennessee. I ask for the yeas and nays upon the motion to commit.

The SPEAKER. The Chair will ascertain if there is a quorum present. If there is no quorum here we cannot do business at all.

Mr. JONES. To settle that question I move there be a call of the House.

The motion was agreed to.

The roll was accordingly called, and 176 members answered to their names.

A quorum being now present, Mr. JONES moved to dispense with all further proceedings under the call.

The motion was agreed to.

The SPEAKER. The tellers will now resume their places.

Mr. JONES. I call for the yeas and nays.

The yeas and nays were not ordered.

The tellers then resumed their places, and the question on the motion to refer the bill to the Committee of the Whole on the state of the Union was again put, and it was decided in the negative—ayes 59, noes 79.

So the motion was disagreed to.

The bill was then ordered to be engrossed for a third reading, and was subsequently read the third time.

Mr. PERKINS, of New York. I call for the reading of the bill at length.

The Clerk again read the bill.

Mr. FULLER. I wish to inquire whether this bill meets with the approbation of the Secretary of War?

Mr. BENTON. I will answer the gentleman's question. I have been twice in consultation with the Secretary of War upon this subject. There are three pieces of the public grounds through which this railroad passes. The Secretary has no objection at all to its passage through two of them, but he thinks there will be some inconvenience from its passage through the third. But that inconvenience is guarded against as far as guards can go; and so far, in my opinion, that there can be no sort of danger of inconvenience to the public property, and the advantage to the public will far transcend any inconvenience. This, sir, is the result of my interview with the Secretary of War.

The question was taken, and the bill was passed, there being, on a division—ayes 93, noes not counted.

Mr. MILLER. I move to reconsider the vote by which the bill was passed; and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. FAULKNER, from the Committee on Military Affairs, to whom was referred Senate bill (No. 33) entitled "An act for the relief of the legal representatives of Major Caleb Swan, deceased," reported the same back without amendment; and it was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. FAULKNER, from the same committee, reported back, without amendment, and with a recommendation that it do pass, "A bill prohibiting the officers of the Army and Navy from having an interest in contracts for the supply of any article for any branch of the service to which such officer belongs."

Mr. F. said: Mr. Speaker, I ask that the bill be at once put upon its passage. I am sure, after it has been read, that there will not be found a single member to object. Members will only be astonished that we have not had such a law upon our statute-book before this time.

The bill was read through. It provides that no officer of the Army or Navy, or person employed as agent by a disbursing officer of the Army or Navy, shall be a party to, or directly or indirectly have an interest in, any contract or agreement for supply of any article, or the execution of any work for any branch of the service to which such officer or agent belongs, and that any officer of the Army or Navy offending against its provisions shall, on conviction therefor before a court-martial, be cashiered. It further provides that no officer or agent of the United States shall pay for any article sold or work done contrary to its provisions, and that any contract or agreement made in violation thereof shall be null and void, and that the articles delivered and the work done in pursuance of said contract or agreement shall be forfeited to the Government of the United States.

The SPEAKER. The question recurs upon ordering the bill to be read a third time.

Mr. FAULKNER. I desire, sir, that this bill shall be put upon its immediate passage. The necessity for some legislation upon this subject was developed by some transactions which occurred in California early in the year 1852. It seems that it was then ascertained that certain officers of the

army about Sonora had been engaged in purchasing articles of supply for the army, and selling them at a profit to the Government. I recollect one case of a Colonel Hooker, who contracted with the acting assistant quartermaster at the port of Sonora to deliver one hundred and fifty tons of hay, at thirty-five dollars per ton. The hay was delivered and paid for, and Colonel Hooker realized twelve dollars a ton upon the hay. He was summoned before a court-martial, ordered by General Hitchcock, and although the facts were clearly and conclusively established, the officer was fully acquitted, upon the ground that there was no law prohibiting said conduct. I need scarcely say that such practices, if permitted in the Army, must be destructive of the character of the Army—injurious to the public interests, and productive of frauds, speculations, and endless abuses. The Secretary of War called the attention of the Committee on Military Affairs to this subject, in 1852, when the bill now submitted was prepared, under my supervision. I was directed to report it during the last Congress, but no opportunity presented for so doing. I trust it will now pass without further delay.

Mr. JONES, of Tennessee. I move that the bill be referred to the Committee of the Whole on the state of the Union, and be printed.

Mr. HENDRICKS. I ask for tellers on the question.

Tellers were ordered; and Messrs. MACE, and STANTON of Kentucky, appointed.

The question was then taken; and the tellers reported—ayes 57, noes not counted.

So the motion was not agreed to.

The SPEAKER. The question recurs upon ordering the bill to be engrossed, and read a third time.

Mr. CHAMBERLAIN. I ask that the bill may be read.

No objection being made, the bill was accordingly read *in extenso*.

Mr. TAYLOR, of Ohio. I propose to amend the bill by inserting, after the words "officers of the Army and Navy," the words "or the officers of the Government of the United States."

Mr. BISSELL. I would suggest very respectfully to the gentleman from Ohio, [Mr. TAYLOR,] although I have no doubt his object is a very good one, that his amendment, if attached to the bill, will unquestionably lead to much discussion, and that the bill will not pass. I hope, upon reflection, that he will withdraw his amendment, and take some other occasion to embody his views in a separate bill.

Mr. TAYLOR. I merely wish to say, that it seems to me, if it is proper to prohibit officers of the Army and Navy, in the service of the United States, from engaging in any contracts in which the United States are interested, that it is equally proper to prohibit all other agents and officers of the Government outside of the Army and Navy. What objection can there be to the amendment?

Mr. BISSELL. I agree with the gentleman from Ohio in the object he seeks to accomplish; but I question the propriety of introducing such an amendment now to the bill; for I think I clearly foresee that the effect of it will be to delay the passage of this bill, which has been very much needed for a long time. Does not the gentleman think so himself?

Mr. TAYLOR. If I thought so I would not insist upon the amendment. I think the amendment is clearly right.

Mr. BISSELL. The proposition of the gentleman from Ohio will undoubtedly lead to much discussion, although I think such a proposition would meet with the favor of this House.

Mr. HAMILTON. I would suggest to the gentleman from Ohio that there is no provision made in this bill for penalties. The bill provides that the persons guilty of the offense shall be cashiered; and I would suggest to the gentleman, that he attach an additional section to the bill, providing for the proper penalties, instead of inserting the few words he proposes by his amendment.

Mr. BISSELL. There is an evident impropriety in offering this as an amendment to the bill at present.

Mr. TAYLOR. If it be in order, I would move to recommit the bill to the Committee on Military Affairs, with instructions to have such an amendment prepared for the action of the House thereon.

Mr. BISSELL. There is another incongruity.

The Committee on Military Affairs is not the proper committee to determine upon the punishment which should be inflicted upon a civil officer of the Government for fraud or peculation.

A MEMBER. Let it go to the Committee on the Judiciary.

Mr. BISSELL. Every step we take shows the propriety of keeping these two matters distinct from each other. Let the gentleman introduce a bill which shall accomplish the purpose he proposes, or let him introduce a resolution requiring the proper committee to report a bill which shall reach other officers of the Government. This bill is intended only to reach military officers, which are the only ones over which the Committee on Military Affairs can have jurisdiction.

Mr. TAYLOR. I do not wish to delay or endanger the passage of this bill; and without being able to see much force in the apprehensions of the gentleman from Illinois, yet with a view of doing some good, I withdraw my amendment for the present.

Mr. WALKER. I do not see why the restriction should be made in reference to the branch of the service to which the individual belongs. It strikes me that the bill would be improved very much by striking out that provision, and inserting the words "in any branch of the military service of the United States." I move that as an amendment.

Mr. JONES, of Tennessee. I then move that the bill, with the amendment, be referred to the Committee of the Whole on the state of the Union, and be printed. I think the House will see the propriety of referring this bill, and of letting gentlemen have an opportunity of making provision for including all the officers of the Government.

Mr. HAMILTON. Upon the motion of the gentleman from Tennessee I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The question was put; and, upon a division, 49 rose in the affirmative.

Mr. MILLSON. I demand tellers.

Tellers were ordered; and Messrs. VAIL, and HARRIS of Alabama, were appointed.

The question was then put, and the tellers reported—ayes 67, noes 57.

So the motion was agreed to.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOUSTON. Bills are accumulating very rapidly upon the Speaker's table, and though I greatly desire to finish the deficiency bill this evening yet I propose, if the House will agree to it, to dispose of the bills on the Speaker's table. I move that the House do now proceed to the business on the Speaker's table.

The motion was agreed to.

INVALID PENSIONS.

House bill "making an appropriation for the payment of invalid and other pensions of the United States, for the year ending 30th June, 1855," returned from the Senate with an amendment, was taken from the Speaker's table.

Mr. HOUSTON. I understand that the Senate have amended this bill, by striking out that portion of it which relates to the pay of privateer pensions.

The Clerk read the amendment, as follows:

Strike out the following:

"For pensions of invalids who were wounded on board private armed vessels during the last war with Great Britain, \$2,800; and the office for paying privateer pensions in Boston is hereby abolished, and said pensions shall be paid as privateer pensioners are paid at other places."

The question was taken on the amendment, and it was agreed to.

COMMUNICATIONS FROM DEPARTMENTS.

The SPEAKER laid before the House a communication from the President of the United States, transmitting a report from the Secretary of State in reply to the resolution of the House of Representatives of the 14th of December last, requesting from the President "a statement of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations, similar to that communicated to this House on 29th of March, 1842; and further, that he be requested to give a table, exhibiting a comparative statement

between the tariff of other nations and that of the United States, similar to the one prepared and laid before this body in March, 1842."

Which was, on motion by Mr. JONES, of Tennessee, referred to the Committee of Ways and Means, and ordered to be printed.

Also, a communication from the Treasury Department, transmitting a copy of the letter of Hon. Henry M. Rice, the Delegate from Minnesota Territory, to the Interior Department, together with the message of the Governor of that Territory, to which the letter refers, asking an additional appropriation of \$10,000 for inclosing and otherwise finishing the Territorial capital and penitentiary; which was referred, on motion by Mr. HAYEN, to the Committee of Ways and Means, and ordered to be printed.

Also, a communication from the War Department, transmitting, in compliance with the law, approved March 3, 1853, the several reports received from the engineers and other persons employed to make explorations and surveys to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean; which was, on motion by Mr. HAYEN, referred to the special committee appointed for the consideration of the Pacific railroad question, and ordered to be printed.

MILITARY ACADEMY.

The SPEAKER. House bill (No. 47) entitled "An act making appropriations for the support of the Military Academy for the year ending 30th June, 1855," has been returned from the Senate, with an amendment.

The Senate amendment was then read:

"Add at the end of the bill the following: 'for repairs and addition to professors' quarters \$5,000.' 'For cavalry exercise hall \$20,000.'"

Mr. HIBBARD. I move to refer the bill to the Committee of Ways and Means.

Mr. HOUSTON. I think it is hardly necessary to refer the bill. There is but one amendment; and I think the House is as well prepared to vote upon it now as they will be at any time. That cavalry hall is the old riding hall with which the House has been acquainted for ten or fifteen years. The House always votes it out, and the Senate votes it in.

Mr. TAYLOR, of Ohio. Is the bill open to amendment now?

The SPEAKER. The proposition before the House is upon the motion to commit. It is therefore not open to amendment.

Mr. TAYLOR. I hope it will be committed. But I wish to make a suggestion to the chairman of the Committee of Ways and Means. Members will recollect, those who have served here for some years especially, that we have the report of a board of visitors to West Point every year, for which we pay \$3,000. Eminent civilians are sent there to witness the examination of the students, to ascertain their progress, and report thereon. They make recommendations to us. One of them, in reference to this riding hall, has been repeatedly made to us unanimously. I believe it is necessary, as I have seen it, and know the importance of it.

Besides, Mr. Speaker, during the five or six years I have held a seat here I have endeavored to have an amendment adopted, to restore to the cadets the old pay, which they received some years ago. Their former pay was about \$28 per month, but it was reduced to \$24 some years ago, for what reason I do not know. The Board of Visitors annually sent by the Executive to visit this Academy has, for several years, unanimously recommended, in consideration of the increased price of living, and with a view to place all the cadets upon the exact equality required by law, that the old pay of the cadets, of \$28 20 per month be restored, in the place of \$24, which they receive now. A poor young man sent to that institution cannot support himself there without the aid of his friends. It was stated, by an eminent gentleman who represented that district in Congress a few years ago, that the market at West Point was higher than it was in the city of New York itself, owing to its proximity to that city. The cadets are required to pay their own board, to clothe themselves handsomely, and to appear regularly upon drill every day upon \$24 per month. The price of every thing has increased, but for some reason or other the pay of the cadets has been diminished. I

hope the bill may be referred back, with a view to have this matter provided for, and if it is in order now I will make that motion.

Mr. HOUSTON. Such a motion is not in order.

Mr. HIBBARD. I would simply state to the gentleman from Ohio [Mr. TAYLOR] that I suppose he may debate the merits of this bill upon the motion to refer it. But my purpose was not now to open debate upon the bill, but to refer it, and when it comes from the committee it will be open to debate. It is evident that we need the time to-day for other things than the debate of this bill, and I think it would be well if the gentleman will allow the bill to go to the committee upon my motion.

Mr. TAYLOR. I am much obliged to the gentleman; and I will merely say, that when the proper time arrives, if I can get the opportunity, I shall say something in reference to this riding hall, which I have personally inspected, and the necessity of which I have seen. The students are required to perform cavalry exercise whether it rains and storms or not.

In the case of a storm they ought to be under some shelter, but the place now provided for a riding school is a dangerous one for young men in which to take such exercise, and not at all suitable. Upon a recent visit there, I understood that cadets were often thrown in the miserable place which is now used as their riding hall, but which looks more like a stable than a place to instruct in cavalry tactics, and the consequence is that accidents occur, and they are not unfrequently sent to the hospital. Let us either abolish this riding hall altogether or establish a good one. It may be said, that young men may be exercised in cavalry drill all the time out of doors. When you come to consider that it is necessary to keep up daily regular instruction, there must be some seasons, in rainy and stormy weather, when such instruction can be given only under shelter. I trust, therefore, before the bill passes this House, and goes back to the Senate, that we will mature it, and at least look into the recommendations of the Board of Visitors of the Academy at West Point. Why should we send a Board of Visitors there unless some attention is paid to their recommendations? If they are worth anything let us pass upon them and adopt them. If not, let us abolish this riding hall, or carry out the recommendations so repeatedly made to us.

Mr. HIBBARD. I do not propose to debate the motion now, and I call the previous question.

The previous question was seconded, and the main question ordered.

The question was then taken, and the bill was referred to the Committee of Ways and Means.

STEAMSHIP SAN FRANCISCO.

The SPEAKER. The business next in order is House bill (No. 135) "for the relief of the United States troops that suffered by the recent disaster to the steamship San Francisco;" which has been returned from the Senate, with sundry amendments.

The first amendment was then read, as follows:

"At line eight, after the word 'sea,' insert 'and to Lieutenant Francis Key Murray and any other officer and seamen of the United States Navy who was on board of said steamship under orders.'"

Mr. ORR. I think that this bill and amendments, had better be referred to the Committee on Military Affairs, and I therefore make that motion.

Mr. McMULLIN. It occurs to me that the proper reference would be to send this bill to the Committee of Ways and Means. It provides for a very large appropriation.

The SPEAKER. If there is no objection, the bill will be referred to the Committee on Military Affairs.

There being no objection, it was so ordered.

REFERENCE OF SENATE BILLS.

The following bills from the Senate were then taken up in their order, read the first and second time by their titles, and referred as indicated below:

"An act (No. 31) for the relief of Purser Francis B. Stockton." Referred to the Committee on Naval Affairs.

"An act (No. 52) for the relief of Mary E. D. Blaney, widow of the late Major George Blaney." Referred to the Committee of Claims.

"An act (No. 53) for the relief of the sureties of Daniel Winslow." Referred to the Committee of Claims.

"An act (No. 72) for the relief of the heirs and representatives of Uriah Prewitt, deceased." Referred to the Committee of Claims.

"An act (No. 110) for the relief of the children of the late Lieutenant Michael Everly, a revolutionary officer." Referred to the Committee on Revolutionary Pensions.

"An act (No. 103) confirming a certain land claim in Louisiana known as the Fleurian claim." Referred to the Committee on Private Land Claims.

"An act (No. 114) for the relief of Thomas Pember." Referred to the Committee on Naval Affairs.

"An act (No. 115) for the relief of Samuel Mickum." Referred to the Committee on Naval Affairs.

"An act (No. 128) for the relief of Hiram Paulding." Referred to the Committee on Naval Affairs.

"A resolution (No. 8) for the relief of the owners of the steamer Fanny." Referred to the Committee on Commerce.

"An act (No. 30) for the relief of Thomas Marston Taylor." Referred to the Committee on Naval Affairs.

"An act (No. 55) to extend the limits of the port of New Orleans." Referred to the Committee on Commerce.

"An act (No. 62) for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher." Referred to the Committee on Military Affairs.

"An act (No. 87) for the relief of Jacob Gideon." Referred to the Committee of Claims.

"An act (No. 89) for the relief of the legal representatives of the late Captain William G. Williams." Referred to the Committee of Claims.

"An act (No. 122) to amend the third section of the act making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1854, and for other purposes." Referred to the Committee of Ways and Means.

"An act (No. 149) granting a portion of the public lands to the State of Wisconsin to aid in the construction of a railroad and branch railroad in said State." Referred to the Committee on Public Lands.

"An act (No. 156) to provide for the final settlement of the accounts of Jonathan Kearsley, late receiver of public moneys at Detroit, and of John Biddle, late register of the land office at that place." Referred to the Committee on Public Lands.

"An act (No. 38) to provide for the accommodation of the courts of the United States in the State of Massachusetts." Referred to the Committee on the Judiciary.

"An act (No. 132) increasing the pension of Albert Hart." Referred to the Committee on Revolutionary Pensions.

"An act (No. 133) for the relief of Lavinia Taylor." Referred to the Committee on Invalid Pensions.

"An act (No. 134) for the relief of Allen G. Johnson." Referred to the Committee on Military Affairs.

"An act (No. 135) for the relief of Adam D. Stewart, paymaster of the United States Army." Referred to the Committee on Military Affairs.

"An act for the relief of Richard Fitzpatrick." Referred to the Committee on Military Affairs.

"An act for the relief of Don B. Juan Domer." Referred to the Committee of Claims.

"An act for the compensation of James W. Low and others, for the capture of the British private armed schooner Ann, during the late war with Great Britain." Referred to the Committee on Commerce.

"An act for the relief of Purser T. P. McBlair." Referred to the Committee on Naval Affairs.

"An act for the relief of John G. Camp." Referred to the Committee on the Judiciary.

"An act for the relief of Samuel H. Hempstead." Referred to the Committee on the Judiciary.

"An act for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina." Referred to the Committee on the Judiciary.

"An act for the relief of Isaac Varm, senior." Referred to the Committee of Claims.

"An act for the relief of Richard King." Referred to the Committee on Private Land Claims.

SUPERINTENDENT OF PUBLIC PRINTING.

The joint resolution from the Senate "authorizing an increase of the force in the office of the Superintendent of the Public Printing," was next taken up for consideration.

The SPEAKER stated that a motion was pending to refer the joint resolution to the Committee of the Whole on the state of the Union.

Mr. MURRAY. I hope it will not be so referred, but that it will be put upon its passage.

Mr. SMITH, of Virginia. The question is not understood in this part of the Hall.

The SPEAKER. The joint resolution will be again reported.

Mr. DISNEY. Was not the resolution reported back from the Committee on Printing?

The SPEAKER. It was; and it is proposed by that committee to put it upon its passage. A motion, however, is pending to refer it to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I think that there is some misunderstanding in reference to this matter. The resolution may have been informally before the Committee on Printing; but, so far as my information extends, it was never referred to it by a vote of this House.

Mr. MURRAY. The resolution was referred to the Joint Committee on Printing, and after consideration, reported by the chairman of that committee to the Senate, from whence it comes before this House.

Mr. STANTON, of Kentucky. It was referred by the Senate to the Joint Committee on Printing, and by them it was authorized to be reported back to that body. It therefore was before the Committee on Printing.

Mr. HIBBARD. I would inquire of gentlemen of that committee whether they considered the same matter, and agreed to report favorably on it?

Mr. STANTON. We did, sir.

Mr. HIBBARD. If that be so, it is then entirely unnecessary to again commit the resolution. The resolution was read through.

Mr. JONES, of Tennessee. I move that the resolution be referred to the Committee on Printing, with instructions to inquire into the expediency of subjecting and making amenable the Superintendency of the Public Printing to the Interior Department.

Mr. GROW. The Superintendent of the Public Printing has now to give bonds for the faithful discharge of all of his duties. We require of him, by law, to superintend the whole of the public printing, and hold him responsible for the faithful execution of that duty. Then why should he not have the appointment of his own officers? If he is to be accountable for the proper execution of the printing and the engraving of maps, &c., he should certainly have the appointment of his own officers.

Mr. HOUSTON. There is another point in the instructions of the gentleman from Tennessee which I think commends itself to the favorable consideration of this House, and I desire to call attention to it. At present the Committee on Printing supervise the accounts of the Superintendent. The Superintendent makes no formal requisition for money unless his accounts have undergone the ordinary supervision of the Committee on Printing, all of which is right and proper enough, admitting that committee is always enough at leisure to supervise those accounts; but there is a time when that committee is not in existence. During the recesses between the sessions of Congress that committee is not here to supervise the actions of the Superintendent in reference to the public printing.

There is a joint resolution, however, which says that during the absence of the Committee on Printing the Superintendent's accounts shall undergo the supervision of the Clerk of the House and the Secretary of the Senate. Now, sir, I think in that there is a great defect; and this subject ought to be placed under the charge of some permanent and responsible Department of the Government, one which is continuous and always here to supervise and attend to the business of the public printing. One of the provisions of the law in relation to the public printing—I may not be able to turn to it immediately—requires, that when the work shall be brought in the Superintendent of the

Public Printing shall, if he deems it unfit to be received, reject it entirely. If, however, it is in a condition that he may receive it, he receives it, making some deduction, according to his judgment, and if there is any dispute between him and the public printer the question shall be decided by the Committee on Printing. That of itself shows that it is absolutely essential to the healthful action of that part of the public printing that there should be some permanent, responsible authority to supervise the action of the Superintendent in connection with the public printing of the two Houses. It will not do to say that the defect which I have pointed out is cured by the joint resolution which refers it to the Clerk of the House and the Secretary of the Senate, for the reason that those two officers have about as much as they can attend to. They should not have the power to supervise. They are not the persons to whom we ought to refer a matter of this sort, to supervise the acts of the Superintendent of the Public Printing, and to act as a check upon him.

Mr. STANTON, of Kentucky. The gentleman from Alabama [Mr. Houston] labors under a misapprehension as to the power of this Superintendent of Public Printing. He has the control of no funds whatever, except about \$1,000 of contingent money usually appropriated for the benefit of that office. The accounts of the public printer and the binder are settled by the Comptroller of the Treasury, in the same manner as all other accounts are settled. The only money under the control of the Superintendent is the \$1,000 every year voted for the contingent purposes of that office.

Mr. HOUSTON. I will read the law, if the gentleman will allow me. The law says:

"He shall inspect the work when executed by the public printer or printers, and shall record, in a book or books, to be by him kept for that purpose, the dates at which the returns of said work are made, and whether the same is executed in a neat and workmanlike manner, upon the paper furnished to the public printers by said Superintendent, and the amount allowed by said Superintendent for said printing. It shall be his duty to supervise the execution of the public printing, and inspect the work when executed, and to see that the same is done with neatness and dispatch, and report every failure or delinquency of duty on the part of the public printer, and from time to time to report the said delinquencies to the Joint Committee of Congress on Printing. He shall issue his certificate for the amount due to the public printer for such work as shall have been faithfully executed, which certificate shall be made payable to the public printer at the Treasury of the United States, and shall not be assignable or transferable by an indorsement and delivered to any third party. Said certificate of the Superintendent shall be a sufficient voucher for the Comptroller to pass, and for the Treasurer, upon the order of the Second Comptroller, to pay the same."

I think, according to this law, I was not mistaken at all.

Mr. STANTON. I intended simply to say that the duty of the Superintendent is to supervise the public printing, and to see that the same is properly executed, and according to the terms of the law. He draws no money out of the Treasury, and he has no money at his command.

Mr. HAVEN. If the gentleman from Alabama [Mr. Houston] will be kind enough to send me the statute from which he read, I will add a few words in reference to this matter.

During the last Congress I happened to be a member of the Joint Committee on Printing. That committee during that Congress was rather a lively committee—at least its duties were quite thankless and very arduous, and it became possessed of some information in reference to the printing law of 1852 that may be of service to the House now.

Mr. Speaker, in my judgment, the increased force provided for in this bill is necessary. I regret to say it, sir, for I regret the increase of the number of employees of the Government; but a due regard to the transaction of the business cast upon the Superintendent of Public Printing, I think, demands the passage of this bill.

In addition, sir, to the general information acquired last Congress, in my service upon the Committee on Printing, I have taken special pains, and made particular inquiries in reference to this matter, since the bill has lain upon your table.

There is some point and merit, sir, in the suggestion made by the gentleman from Tennessee, [Mr. Jones,] that the Superintendent of Printing might well be placed under the general supervision of the Department of the Interior. Still, sir, I think the gentleman's motion is at war with the general spirit of the printing act of 1852. It will be seen, by reference to that act, that it was mani-

festly the intention of Congress in passing it that the Superintendent of Printing should be an officer of the two Houses of Congress—the intention most evidently was that the printing of the two Houses should be under their own charge, and that the two Houses should not be under the direction or control of, or in any way dependent upon, or beholden to, any Department, any bureau, or any man or set of men whatever, for their printing, with the single exception of their own Superintendent of Printing. The Superintendent, and he alone, was to stand between us and the paper-makers on one hand, and between us and the public printer on the other.

Let me make another remark here, sir, in relation to that printing law; and whether right or wrong, it shows that Congress did not intend that any Department should intervene or control the Superintendent.

The third section of the law, which was partly read by the gentleman from Alabama, [Mr. Houstons,] makes the Superintendent the person to inspect the papers and the printing, and then to audit and settle the accounts of the public printer; and it goes still further, and provides what I think is objectionable, (if there is anything that is objectionable in that third section.) It provides, in substance, that his certificate shall be, in and of itself, a sufficient warrant or voucher upon which to get the money named in it from the Treasury, without any essential control in any quarter whatever.

It may be, sir, that this third section should be amended. In fact, in my judgment, it ought to be. I was opposed to it, as giving too plenary a power to the Superintendent, when the law was passed; but it is, in my opinion, quite conclusive that the spirit of that act was in opposition to the views now entertained by my friend from Tennessee, [Mr. Jones.]

I think there can be no reasonable doubt that it was the object of the last Congress, in passing that section, that Congress itself should have and keep the control of the printing, and of paying for it, and settling the accounts for printing through its own Superintendent.

After providing, in substance, that it shall, among other things, be the duty of the Superintendent to receive all matter ordered by the Senate and House to be printed, and also all matter ordered to be printed by the heads of Departments, and bureaus, and to keep a faithful account of the same in a given way; that he shall deliver it to the public printer, or printers; that he shall inspect the work when executed, and record, in books kept for the purpose, the dates of its return, and whether executed in a neat and workmanlike manner, upon the paper furnished by him to the public printer, and the amount allowed for the printing; that it shall be his duty to supervise the public printing, to inspect the work when executed, to see it is done with neatness and dispatch, and to report all failures by the printer to the Joint Committee on Printing; most of which was read by the gentleman from Alabama, [Mr. Houston.] This third section goes on to say:

"He (the Superintendent) shall issue his certificate for the amount due to the public printer for such work as shall have been faithfully executed, which certificate shall be made payable to the public printer at the Treasury of the United States, and shall not be assignable or transferable by endorsement or delivery to any third person. Said certificate of the Superintendent."

Yes, sir, of the Superintendent; so the section reads—

"shall be a sufficient voucher for the Comptroller to pass, and for the Treasurer, upon the order of the Second Comptroller, to pay the same."

Such, sir, was the judgment; such was the language of the Congress which passed that bill. I again submit, they did not intend to leave their Superintendent subject to any Department or bureau.

So much with reference to the instructions to go to the committee with this bill, as proposed by the gentleman from Tennessee.

Now, sir, a few words in reference to the increase of force proposed by this bill. I regret that the necessities of the case requires it at the hands of the House. I have as little inclination to give it, if unnecessary, as any member here; but there is a vast amount of labor cast upon this Superintendent, and he wants skill as well as labor. I recollect, sir, I offered a joint resolution at the short session of the last Congress, to give

the then Superintendent of Public Printing two clerks and a messenger. Mr. Towers was then Superintendent, and he needed the help, although he was a very capable and quite competent man for the business.

I well remember my joint resolution was opposed by the gentleman from Illinois, [Mr. Richardson,] and he carried the feelings and the sense of the House with him, upon the ground that it would be establishing a bureau. He defeated the resolution; but upon a reconsideration, on a subsequent day, the resolution was passed. The Senate concurred in it, and the clerks and messenger were employed; but the resolution got mislaid in the Senate, and never was presented to the President for his signature.

Since that time, sir, we have added very materially to the duties of the Superintendent, some of which additional duties I will mention, and then leave the subject with the House.

We provided in one section of the civil and diplomatic appropriation bill of last year, that he shall supervise and inspect all the binding of documents ordered by both Houses.

The printing that he has supervised at the public printers, goes from there, by his direction, to the binders. The public binder, after he has bound the work, delivers it to the Superintendent of Public Printing here at the folding room. Then the Superintendent examines and inspects the work, and decides and certifies whether the printing and binding have been done according to the contracts with the printer and with the binder.

After this has all been performed, the Superintendent, I understand—and no doubt such is his duty—counts all the books that have been delivered, and certifies to the number. That certificate is one of the certificates provided for in the third section, which I have read. Without that certificate neither the printer nor the binder can get one cent of their pay. This duty alone very materially increases the labors to be performed by this officer.

There is another subject, sir, which is the source of considerable labor and annoyance to the Superintendent of Public Printing. I refer to the engraving. There is a large amount of engraving done by order of Congress. I believe it is all contracted for by the Committee on Engraving, without the aid or interference of the Superintendent. Under their contracts the engravings are delivered here in boxes. Some are brought to the lower rooms of this House, some are sent to the binders, and some to the public printers. The Superintendent, by the provision in the civil and diplomatic appropriation bill, already referred to, is bound to take charge of this branch of business, and to receive, inspect, and take care of this public property, and be responsible for it. And when he begins to look about him, finds some of it in one place, and some in another. He collects it as best he can, counts the sheets; and if they do not hold out, we suffer loss to that amount.

For these various reasons—and I have endeavored to make the statement as short as I could—I think this increase of force should be granted to this officer. I think the present Superintendent, though lacking the experience of the late Superintendent in reference to doing business in Washington, is inclined to discharge his duties as well as he knows how; but I believe he will not be able to get along with his present force. I have deemed it my duty to say this much. Although I am opposed to giving an unnecessary number of clerks to this officer, I believe that a proper regard to the transaction of the business of the House, and of Congress, requires that this force should be increased.

Mr. JONES, of Tennessee. Before the gentleman from New York yields the floor, I wish to ask him one question. The gentleman is somewhat conversant with this subject, and says that some additional force is necessary. Now, I wish to ask him whether it is an increase of clerical force that the Superintendent needs, or whether it is not a practical printer?

Mr. HAVEN. I have no doubt, if this bill passes, the Superintendent of the Public Printing would act most wisely if he employed practical printers under it as clerks.

Mr. JONES. I ask the gentleman whether it is clerks that are needed? I ask him whether it is clerical duties which they are unable to perform, or whether, if additional force is needed at all, the

Superintendent does not need the services of a practical printer to assist him in seeing that the business of Superintendent is properly done?

Mr. HAVEN. In answer to the gentleman, I will say that, if the services of a practical printer are needed, this bill will enable him to select as his additional clerks practical printers, and men competent, also, to discharge clerical duties. I should recommend him, by all means, to select good, practical printers and clerical business men. I think, Mr. Speaker, this bill ought to pass.

Mr. HIBBARD. Whether the alteration suggested by the gentleman from Tennessee [Mr. Jones] ought to be made or not, I am not prepared to say. It may be that changes are needed, and ought to be made; but now is not the time, nor is it the proper manner in which to go into this investigation. We have been told that more force of some kind is needed in the office of the Superintendent of the Public Printing. So the committees in the Senate and in the House have informed us, and so the gentleman from New York [Mr. Haven] has informed us.

It will be remembered, also, that we have now two public printers, one for the House, and one for the Senate; and it is understood that that adds materially to the business of the office. We have ordered an unusually large amount of public printing for this period of the session; and for this, and other reasons which I do not understand to be controverted, it seems that there should be an additional force; and if clerks who understand printing practically are needed, it is to be presumed that such will be appointed. I hope that the instructions of the gentleman from Tennessee will not be agreed to, as the subject can be taken up at some other time, and the requisite changes in the law made.

Mr. CLINGMAN. I threw in a little opposition to this resolution the other day, but I am so well satisfied by the statements that have been made all around me that it ought to pass that I content myself with moving the previous question, as the amendments to the law can be made hereafter.

Mr. TAYLOR, of Ohio. Do I understand the gentleman to say that he intends to vote for the instructions proposed by the gentleman from Tennessee?

Mr. CLINGMAN. No; I shall vote against the instructions. We can amend the law hereafter, if necessary.

Mr. JONES. It is necessary to hurry through this resolution. Some persons are waiting for these two offices. (A laugh.)

Mr. STANTON, of Kentucky, called for tellers on the previous question.

Tellers were ordered; and Messrs. FLORENCE and FAULKNER were appointed.

The question was then put; and the tellers reported—86 in the affirmative. A further count was not insisted on.

So the previous question received a second.

Mr. RICHARDSON. I move that the House do now adjourn.

The question was taken; and, on a division, there were—ayes 51, noes 72.

Mr. FLORENCE demanded tellers.

Tellers were not ordered; and the Speaker therefore decided that the House refused to adjourn.

Mr. JONES, of Tennessee, demanded tellers on his motion to commit, with instructions.

Tellers were ordered; and Messrs. FLORENCE and FAULKNER were appointed.

The question was taken, and the motion was disagreed to, the tellers having reported—ayes 41, noes not counted.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was read a third time.

Mr. JONES demanded the yeas and nays on the passage of the resolution, and they were ordered.

Mr. LILLY. I move that the House do now adjourn.

The question was taken, and the motion was disagreed to.

The question was then taken upon the passage of the resolution, and there were—ayes 97, nays 61; as follows:

YEAS—Messrs. Appleton, Banks, Belcher, Benson, Bissell, Chandler, Chastain, Chrisman, Chismen, Cox, Crocker, Thomas Davis, Dawson, Dent, Dickinson, Disney, Dowdell, Dunbar, Eddy, Edwards, Everhart, Farley, Faulkner, Flagler, Florence, Franklin, Fuller, Gamble,

Giddings, Goodrich, Green, Greenwood, Grow, Aaron Harlan, Hastings, Havea, Henn, Hibbard, Hill, Howe, Hughes, Hunt, Ingersoll, Johnson, Daniel T. Jones, Kerr, Kittredge, Knox, Latham, Lindley, McNair, Maxwell, Mayall, Middlewarth, John G. Miller, Murray, Norton, Andrew Oliver, Mordecai Oliver, Orr, Peck, Peckham, Pennington, Bishop Perkins, Phelps, Phillips, Pratt, Preston, Pringle, Riddle, David Ritchie, Robbins, Rogers, Russell, Sabin, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Richard H. Stanton, Andrew Stuart, John J. Taylor, John L. Taylor, Thurston, Tracy, Tweed, Upham, Vail, Walbridge, Walker, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Hendrick B. Wright, and Yates—97.

YAYS—Messrs. James C. Allen, Willis Allen, Ball, Barry, Boyce, Brooks, Bugg, Campbell, Caruthers, Clark, Cobb, Corwin, Craig, Cullom, John G. Davis, Edgerton, English, Ewing, Goode, Hamilton, Sampson W. Harris, Hendricks, Houston, George W. Jones, Roland Jones, Lamb, Letcher, Lilly, Lindsley, McCulloch, McMullin, McQueen, Macy, Matteson, May, Smith Miller, Millson, Morgan, Morrison, Nichols, Noble, John Perkins, Ready, Richardson, Thomas Ritchey, Ruffin, Sage, Seward, Shaw, William Smith, George W. Smyth, Snodgrass, Hester L. Stevens, Stratton, Straub, Trout, Vansant, Wade, Walsh, Wheeler, Daniel B. Wright, and Zollicoffer—61.

So the resolution was passed.

Mr. MURRAY. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

Mr. WASHBURN. of Illinois, moved that the House adjourn.

The question was taken, and the motion was agreed to.

The House accordingly, at three o'clock and forty-five minutes, adjourned.

IN SENATE.

TUESDAY, February 7, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, announcing that its Speaker had signed an enrolled bill giving further time for satisfying claims for bounty lands, and for other purposes; which thereupon received the signature of the President *pro tempore*.

PETITIONS, ETC.

Mr. HUNTER presented the petition of Edward Rudd, of Elizabeth City county, Virginia, heir of Edward Rudd, deceased, praying compensation for negroes taken from his father by the British forces in the war of 1812; which was referred to the Committee on Foreign Relations.

Mr. WALKER presented a memorial of citizens of Washington, praying that measures be taken for the early introduction of the Russ pavement upon Pennsylvania avenue; which was referred to the Committee for the District of Columbia.

Mr. HAMLIN. I have in my hand five memorials, signed by officers and soldiers of the war of 1812. They pray that the bounty land law may be so amended as to grant bounty land to all those who have performed actual service under the State or the United States Government in any war since 1776. I move the reference of these memorials to the Committee on Public Lands.

They were so referred.

He also presented the petition of Mrs. Mary Carlton, widow of Moses Carlton, a soldier in the war of the Revolution, praying to be placed on the pension list, under the act of July 7, 1838; which, together with the petition and papers in the same case before presented, on the files of the Senate, was referred to the Committee on Pensions.

Mr. BRIGHT presented two petitions of owners of property and residents in the District of Columbia, praying that George W. Yerby and others be authorized to construct a railroad from Georgetown to the navy-yard, in the District of Columbia; which were referred to the Committee for the District of Columbia.

Mr. SUMNER presented the petition of Barton Ricketson, praying remuneration for his services and expenses in removing wrecks at the Delaware breakwater; which was referred to the Committee of Claims.

Mr. GWIN presented the petition of the heirs of Brigadier General Richard B. Mason, of the Army, praying certain allowances in the settlement of his accounts as civil and military governor of California; which was referred to the Committee on Military Affairs.

Mr. CHASE presented two petitions of citizens of Cincinnati, Ohio, praying the aid of Government in the construction of a new canal around the falls of the Ohio, on the Indiana side of the river; which was referred to the Committee on Roads and Canals.

Mr. BRIGHT presented the petition of Mrs. M. Van Ness, praying that whatever amount may be allowed on the claim of her late husband, C. P. Van Ness, may be paid to her, and not to the administrators; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by **Mr. HUNTER**, it was

Ordered, That the petition of Otway H. Berryman be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by **Mr. JONES**, of Tennessee, it was

Ordered, That the memorial of the Broad Street Bridge Company, of Nashville, Tennessee, be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

On motion by **Mr. DAWSON**, it was

Ordered, That the documents on the files of the Senate relating to the claim of John Shley be withdrawn from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by **Mr. SMITH**, it was

Ordered, That the petition of John F. Webb, the petition of Robert Steele, and the petition of Lucretia W. Hubbard, and other heirs of Elijah Ransom, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom were referred three petitions of citizens of Ohio, praying that the unsold public lands in that State may be granted for the use of public schools therein, asked to be discharged from their further consideration; which was agreed to.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following petitions, submitted adverse reports thereon:

Petition of Claudia Stuart, praying a pension for the loss of her son James Stuart, who was killed in battle;

Petition of Sophia G. Dillingham, praying a pension on account of the services of her father, Elisha Dillingham, during the war of the Revolution; and the

Petition of Edward Wheeler, praying a pension in consideration of the services of his father, Samuel Wheeler, during the war of the Revolution.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom were referred the documents in relation to the claim of Thomas B. Parsons for arrears of pension, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the bill to authorize the payment of invalid pensions in certain cases, submitted a report recommending its passage; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Amos Knapp, praying that the pension allowed him may be made to commence from the 3d of April, 1848, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WILLIAMS, from the Committee of Claims, to whom was referred the memorial of Maria Morell, widow of the late Hon. George Morell, one of the judges of the supreme court of Michigan Territory, praying compensation for the services of her late husband as a member of the board for the adjustment of land titles in Detroit, submitted a report, accompanied by a bill to provide compensation for the services of George Morell in adjusting titles to land in Michigan; which was read, and passed to a second reading. The report was ordered to be printed.

SENATE CONTINGENT FUND.

The Senate resumed the consideration of the message from the House, announcing that they had receded from their first, third, fourth, fifth, and seventh amendments, agreed to the amendment of the Senate to their sixth amendment, and insisted upon their second amendment to the Senate bill, to regulate the disbursement of the contingent fund of the Senate, and for other purposes.

The amendments from which the House recede, are the following:

The first is to strike out of the first section of the bill, which is as follows:

"That all moneys which have been, or may hereafter be, appropriated for the compensation of members and officers, and for the contingent expenses of the Senate, shall be paid out of the Treasury on requisition drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him according to law; and the said Secretary shall be deemed a disbursing officer, and shall be allowed the sum of \$1,000 per annum as a compensation, over and above his salary as Secretary of the Senate, for the duties hereby imposed upon him."

—the words "and officers, and for the contingent expenses."

The third is in the second section of the bill, which is as follows:

"And be it further enacted, That in lieu of the bond now required by law to be given by the Secretary of the Senate, he shall give bond to the United States, within ten days after the passage of this act, with one or more sureties, to be approved by the Comptrollers of the Treasury, in the penal sum of \$20,000, with condition for the faithful application and disbursement of such funds as may be drawn from the Treasury under this act, which bond shall be deposited in the Comptrollers' office; and it shall be the duty of each and every Secretary of the Senate who may hereafter be chosen, to give bond as aforesaid, within thirty days after he enters upon the duties of his office, and before making any requisition as aforesaid."

—to insert the words "in addition to," in place of the words "in lieu of."

The fourth and fifth is in the second section, in the clause "to be approved by the Comptrollers of the Treasury;" after the words "by the" to insert "First," so that it shall make the bond to be given "to be approved by the First Comptroller of the Treasury;" and also to insert "First" before "Comptroller" where it subsequently occurs.

The seventh was in the title of the bill.

The amendment of the Senate to the amendment of the House to which the House agree, was to amend the sixth amendment of the House, which was to strike out the third section of the bill, as follows:

"And be it further enacted, That the accounts of the Secretary of the Senate, of his disbursements of moneys on account of the contingent expenses of the Senate, when passed by the committee to audit and control such contingent expenses, and certified to have been so passed by the chairman of such committee, shall be deemed and held conclusive by all the officers of the Treasury Department,"

—by substituting for it the following:

SEC. 3. And be it further enacted, That it shall be the duty of the said Secretary of the Senate to deposit the moneys aforesaid which may come into his hands with a depository, who may be designated by the Secretary of the Treasury, for other disbursing officers in the city of Washington; and all payments on account of the pay or mileage of members of the Senate, and all payments of their officers and for the contingent expenses of the Senate, shall be by drafts drawn by the Secretary on such depository.

And the second amendment of the House upon which they insist, is to strike out of the first section the following words:

"And shall be allowed the sum of \$1,000 per annum, as a compensation, over and above his salary as Secretary of the Senate, for the duties hereby imposed upon him."

The pending question was on the motion of **Mr. HUNTER**, that the Senate recede from their disagreement to the second amendment of the House.

Mr. BRODHEAD. I would like to know the purport of that from which we are asked to recede.

Mr. HUNTER. The section from which it is proposed we shall recede, is that which allows \$1,000 additional compensation to the Secretary of the Senate. The House moved, as an amendment, to strike out that clause. We disagree to their amendment. They have now agreed to all of the bill except that, and I moved to recede from our disagreement to that amendment.

Mr. BADGER. I moved an adjournment yesterday evening when this question came up, with the view of inquiring whether it was proper that the Senate should take a stand in favor of their original proposition. I am willing to recede, as we can provide for this out of our contingent fund hereafter.

The motion to recede was agreed to.

NEBRASKA AND KANSAS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. DOUGLAS. I stated last evening, before we adjourned, that I would confer with the Senators friendly to this bill, and propose an amend-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d Congress, 1st Session.

TUESDAY, FEBRUARY 7, 1854.

NEW SERIES...No. 23.

ment to obviate the objections which had been made in reference to the phraseology of that portion of the bill relating to the compromise measures of 1850, and yet to carry out the idea and intention of the framers of the bill. I have drawn an amendment which I believe meets the general approbation of the friends of the measure. I therefore now move to amend the 14th section of the substitute reported, by striking out the words

—“which [the Missouri compromise act] was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative,”

and inserting

—which being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

I move that amendment, with the general concurrence of the friends of the measure. It will apply to both Territories.

Mr. EVERETT. I am desirous before the vote is taken on this amendment, or at any rate before a decisive vote is taken on any part of this bill, to have an opportunity of submitting to the Senate the grounds on which I have found myself unable, both as a member of the Committee on Territories and as a member of this body, to give my support to the bill as it has been reported, and as I believe it will stand if the amendment which is now offered shall prevail.

I have been unable, from hearing the amendment read from the Chair, and from a cursory inspection of it, for which I am indebted to the courtesy of the chairman of the Committee on Territories, to apprehend thoroughly its extent and the effect which it will have upon the portion of the bill to which it relates.

I do not therefore feel prepared, on the spur of the moment, to enter into a discussion of that amendment, or of the part of the bill to which it refers. It is not my intention, sir, at any time or any stage of this discussion, as it appears now likely to be conducted, to enter into an elaborate discussion of all the points connected with this great territorial question, either in themselves, or as they have been raised thus far in debate. They are very grave questions, and they will require a great deal of time for their proper and thorough examination—much more time than I have been able to give to them under the pressure of other business under which we all labor, and in the short time, I must say, that has elapsed since the measure has been brought into the Senate. But, sir, I am desirous, and I consider it to be my duty (my position, as an humble member of the Committee on Territories, makes it such) to assign, as briefly as I can, the reasons which prevent me giving my support to the bill as I understand it, after this amendment shall be adopted, as I presume, from the statements made by the chairman of the committee, it is the result of his conferences with the friends of the bill, and will, in all human probability, be adopted. I should like, therefore, a little time to look into this amendment, and see precisely how far it goes, and what its bearing is on the sections to which it will be applied. For that reason I should take it to be a kindness if the Senate would postpone the further consideration of the subject till to-morrow.

I feel that I cannot do justice to the subject or to myself, if I should go on with the discussion now, after the little opportunity which I have had, and I will add, which any member of the Senate has had—except those who have been privately consulted on the subject—to ascertain precisely what the amount, the purport, and the bearing of this amendment is. I am, however, at the disposal of the Senate. If they do not feel warranted in granting me the indulgence which I ask, I shall endeavor to go on at the present time.

Mr. DOUGLAS. Mr. President, I have no

disposition to hurry this bill in such a manner as to deprive every Senator who may desire to do so, of the opportunity of expressing his opinions upon it. I may now say to the Senate, that the statements which were made, and which went forth through the press, that I expected and tried to get a vote on Saturday last—as every member of the Senate knows—are entirely unfounded. I never proposed any such thing. I stated then that it was the object of the committee and of the friends of this measure, to give an opportunity for full and free discussion, but to keep up the bill as the order of the day until we should get through with it. If the Senator from Massachusetts is not ready now to go on, it does not necessarily follow that the bill ought to be postponed. There are other Senators here certainly who have had abundance of time to be prepared on this occasion, whose avocation it is to be prepared on all questions of this character; and I do not see why the bill should be postponed now, as it was last week, because a particular Senator may not be ready.

We shall all hear the Senator from Massachusetts with a great deal of pleasure. The Senate always listens to him with pleasure whenever he speaks. I am willing, however, to say now, that if the Senate will come to an understanding that on Saturday next the vote shall be taken on this bill, I shall be content, and gentlemen can speak or not between now and then, as they please.

But, sir, it is stated in the newspapers opposed to the bill, that the policy of its opponents is to procure its postponement from day to day, and to keep it up during the whole session. When that notice is proclaimed to the country through the leading newspapers opposed to the measure, I do not think its friends are called upon to agree to its postponement at the suggestion of one Senator and then of another, and thus carry out the object of those who are opposed to the bill. Certainly there are Senators here who are prepared to go on, and I hope the discussion will now proceed, and that the Senator from Massachusetts will have the time and the opportunity of speaking when he shall be prepared.

Mr. HOUSTON. Mr. President, I propose, if an opportunity shall be afforded, to speak upon this bill myself. I am as well prepared to vote upon it now as I shall be after I have addressed the Senate; but I wish to assign the reasons for my vote to the Senate, and they can judge whether they are sufficient or insufficient to justify me in the course which I shall take. I have not conferred with any gentleman in this body in relation to the postponement of the bill. I have no desire to postpone it for one moment longer than I think is necessary to a fair discussion of it. I will not enter into any combination for the purpose of retarding its passage or delaying its progress; but, at the same time, I believe some importance has attached to it, not alone from the newspapers—for I do not go there for my information, and I do not care what they may say. I shall not heed their remarks in regard to the course which I deem it proper to take. I shall take my course, with reference to the importance of the subject itself, permitting no extraneous considerations to control my action.

I do not perceive the necessity of urgency on this occasion. As newspapers have been referred to, I must say that the understanding which I have derived from that source is, that a decided majority is in favor of the passage of the bill; and as there is no expectation that any important change will take place in the sense or opinions of the body, I think it is but fair that the minority should be heard with some degree of patience and indulgence, if necessary.

Entertaining these views, Mr. President, in relation to the bill, I feel that to deprive any member opposed to it of a fair opportunity of presenting his opinions to the Senate and to the country, if you please, would be to deprive him of a right which pertains to every member of this body, unless it were ascertained that his opposition to it arose from factious feeling, and a disposition to embarrass legislation. I have no such feeling, and

I will entertain none. I deem this a subject of vast importance; and as I am to be one of the actors in it, I must be permitted, and I trust I shall be permitted, to submit such views as I have on the subject in vindication of the course which I may adopt relative to the sentiments and opinions of my constituency. It is the right of every Senator.

Mr. GWIN. I wish to make a simple suggestion in regard to this bill, and it is this: that we proceed now to perfect the bill. Let us take all the preliminary votes to-day to perfect the bill, as it will be pressed upon the attention of the Senate; and then, having perfected the bill as it is to be presented to the Senate and the country by the committee responsible for it, the discussion can go on, on the general measure, with the understanding that the bill thus perfected is the one which is to be voted for by its friends.

The PRESIDENT. The question is on the amendment of the Senator from Illinois to the amendment reported by the Committee on Territories in the form of a substitute.

Mr. RUSK. Has there been a motion to postpone?

The PRESIDENT. No, sir.

Mr. RUSK. Then, as a matter of courtesy towards the Senator from Massachusetts, I move to postpone the further consideration of the bill until to-morrow. I understood from that Senator that he desired to speak on this amendment. It is an important amendment, and I understood him to say very distinctly that he wished to speak upon it.

Mr. DOUGLAS. I did not so understand the Senator from Massachusetts.

Mr. BROWN. I certainly understood him to suggest that as a ground for postponement.

Mr. RUSK. If he did I shall certainly be willing to grant him the courtesy he asks. It is upon the ground of courtesy that I move the postponement, and not with a desire to delay the bill. If a motion were made with that purpose I should oppose it.

Mr. DOUGLAS. If I had understood the Senator from Massachusetts as desiring to speak on the amendment, instead of on the bill, I should not have proposed to take a vote upon the amendment until after his speech. I supposed it was his desire to speak on the general subject of the bill; and hence it was that I supposed we could probably go on to-day and perfect the bill, and that that course would not interfere with his speech hereafter on the general subject.

Mr. EVERETT. I did state, certainly, that I wished to understand what the amendment was before I should address the Senate upon the subject. I should conceive that every member of the body would wish to know what the amendment is, particularly before he gives a vote upon it. Those who have had an opportunity to examine it beforehand may be prepared, but what member of the body now can tell precisely what the amendment of the honorable Senator is, or at least what its effect is to be upon the bill?

Mr. BADGER. I hope there will not be the smallest hesitation on the part of the Senate in granting the favor which is asked by the honorable Senator from Massachusetts.

Mr. PETTIT. It will be better to have the amendment printed.

Mr. BADGER. I would suggest, also, that I learn from my friend from Georgia there are several amendments to be proposed by the Committee on Indian Affairs, and it would be proper that those amendments should be laid upon the table informally, and ordered to be printed; so that we may know exactly the position in which it is proposed to put the bill.

Mr. DOUGLAS. I hope then that the amendments which are to be offered by the Committee on Indian Affairs will be presented now; otherwise, when every amendment comes in, it will be said that Senators have not had time to examine it. I have never before known a postponement asked when every amendment was presented.

Mr. TOOMBS. The amendments which are to

be offered by the Committee on Indian Affairs will not require five minutes for their disposition. They can be understood immediately. The object of them is to protect the rights of the Indians. They need no time, no delay for their consideration. So far as the Committee on Indian Affairs are concerned they do not wish any delay; they prefer to have the matter decided.

Mr. DOUGLAS. I so understood the purpose of that committee, and I did not intend to reflect on them at all.

Mr. SEBASTIAN. The amendments which are intended to be offered by the Committee on Indian Affairs are already reduced to form, and are very slight and unimportant; they are mere matters of detail, and I am ready, as chairman of that committee, to offer them at any time; and if there be no pending amendments before the Senate I will offer them now.

The PRESIDENT. The question is on the motion to postpone.

Mr. SEWARD. I will suggest to the Senator from Arkansas that he can offer his amendments informally, and have them laid upon the table and printed.

Mr. SEBASTIAN. Is there any amendment now before the Senate?

The PRESIDENT. There is an amendment pending, offered by the Senator from Illinois, to the amendment reported by the Committee on Territories as a substitute.

Mr. SEBASTIAN. Then I will ask the consent of the Senate to enable me now to offer informally, from the Committee on Indian Affairs, the amendments which I intend, at the proper time, to submit. In the first place, our proposition is to strike out the nineteenth, twentieth, thirty-ninth, and fortieth sections of the substitute reported by the Committee on Territories. They make an appropriation of \$100,000 for one Territory, and \$200,000 for the other, to enable the President to commence negotiations with the Indians for the extinguishment of their title to lands within the limits of the proposed Territories. These are the provisions of the nineteenth and thirty-ninth sections. The twentieth and fortieth sections provide for vesting the Governors of each Territory with the duties of Superintendent of Indian Affairs. The proposition of the Committee on Indian Affairs, therefore, is to strike out the sections which contain the appropriations to which I have referred, and to strike out the provision conferring the office of Superintendent of Indian Affairs upon the Governors; and, in order to supply the defect which will be created by that action, to offer a provision that the exercise of the functions of the administration of Indian affairs shall be continued by the superintendencies and agencies now established by law. That provision will be in the shape of an additional section, as follows:

SEC. —. *And be it further enacted*, That all treaties, laws, and other engagements made by the Government of the United States with the Indian tribes inhabiting the Territory embraced within this bill shall be faithfully and rigidly observed, notwithstanding anything contained in this act; and that the existing agencies and superintendencies of said Indians be continued with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the locations of the office of Superintendent.

If the bill is to be postponed, I shall ask that the amendments be now printed informally. If the bill be not postponed, I shall offer these amendments to-day, after the amendment of the Senator from Illinois shall be disposed of.

Mr. CLAYTON. I wish to ask the Senator from Arkansas a question: Do I understand him aright when I understand him to propose to amend the bill so as to deprive the President of the United States of the power of negotiating with the Indians in Nebraska for the cession of their lands to the United States?

Mr. SEBASTIAN. Two of the sections which I propose to strike out confer expressly upon the President the power to negotiate with the Indians within the respective Territories. So far as that provision is concerned, it is mere surplusage. The law, as it now exists, empowers the President, at all times, to negotiate with the Indians. But, to answer the Senator from Delaware more fully, I will say that, although we propose to strike out those sections of the bill which confer upon the President the power to negotiate, and which make an appropriation to enable him to carry out that power; yet we expect, at the earliest moment, to

offer to the appropriation bill provisions containing the appropriations which we deem suitable for the purpose. I will remark, further, that if the appropriations now contained in these sections are retained, and are intended merely to apply to the object of enabling the President to open negotiations with the Indians, they are far too large. If, on the contrary, the object is to enable him to carry out the treaties that may be made, the appropriations are entirely too small.

Mr. CLAYTON. I was, perhaps, not understood by the honorable Senator; but if I do understand him, I am glad to hear that the sections which propose to negotiate the Indians out of the reservations made in their favor, in what is called the Territory of Nebraska, are to be left out.

Mr. SEBASTIAN. That is true.

Mr. CLAYTON. I am glad of it, because I think that will remove a very great objection to the bill itself—an objection which would have been fatal with me if there had been no amendment.

Mr. GWIN. Mr. President, I believe it is always the custom when a bill is presented here by a committee to allow that committee to perfect the measure for the consideration of the Senate. Now, if I understand the honorable Senator from Arkansas, the chairman of the Committee on Territories, and that committee have no objection to this amendment, therefore it is part of the system of perfecting the bill. We wish the bill to be perfected, so that it can be brought directly before the Senate for its consideration, as the particular bill upon which we shall be called upon to vote.

There are some Senators here who do not intend to speak on this question at all, but they intend to vote. I am one of them. I have nothing to say in regard to the question at all. I am prepared to vote, and I do not think it necessary to give the reasons for my vote. It is very plain to my mind how I should vote, and I shall not trouble the Senate with my reasons. I am anxious to vote on these preliminary questions; and inasmuch as I knew there would be a great many speeches, I thought it would be one of the best occasions which I could have to attend to some little private business out of the city. I thought that if we could get through with the preliminary votes to-day, discussion could afterwards go on upon the general subject, and I should then be enabled to be absent for several days without losing any time. I hope the bill will be perfected, so that it shall be brought before the Senate in the form in which it is to be pressed to a final vote.

Mr. DOUGLAS. So far as the provisions of this bill relate to Indian affairs, of course the Committee on Territories will at once accede to whatever provisions the Committee on Indian Affairs shall deem proper for the protection of the rights of the Indians. We take it for granted that they have given that subject the due deliberation which its importance requires, and of course the Committee on Territories will at once accede to the recommendations of that committee on that branch of the subject. If it is the desire of the Senate to act now upon the amendments of the Committee on Indian Affairs, I will withdraw my amendment temporarily, and merely lay it upon the table informally, as one which I intend to offer, and then the Senate can proceed with the amendments of the Senator from Arkansas. I modify the motion in that way, and ask for an order to print my proposed amendment.

The PRESIDENT. Then the Senator withdraws his amendment, and submits it informally, and asks that it may be printed?

Mr. DOUGLAS. Yes, sir.

Mr. RUSK. I withdraw my motion to postpone.

The amendment of Mr. DOUGLAS was ordered to be printed.

Mr. SEBASTIAN. I understand now that the amendment offered by the chairman of the Committee on Territories is, for the occasion, withdrawn. I therefore move formally now the amendment which I have already submitted, to strike out the nineteenth and twentieth, and also the thirty-ninth and fortieth sections of the substitute, which are as follows:

SEC. 19. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to enter into negotiation with the Indian tribes of the said Territory of Nebraska, for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by said Indians, and for the

purpose of extinguishing the title of said Indian tribes in whole or in part to said lands; and that, for the purpose of carrying into effect the provisions of this section, the sum of \$100,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 20. *And be it further enacted*, That so soon as the Governor of said Territory of Nebraska shall enter upon the discharge of his duties as such, the superintendency of Indian affairs at St. Louis, in the State of Missouri, shall be abolished, and the duties shall be transferred to and performed by the said Governor of Nebraska, so far as they relate to, or are to be performed within the said Territory."

SEC. 39. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to enter into negotiation with the Indian tribes of the said Territory of Kansas, for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by said Indians, and for the purpose of extinguishing the title of said Indian tribes in whole or in part to said lands; and that, for the purpose of carrying into effect the provisions of this section, the sum of \$200,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 40. *And be it further enacted*, That so soon as the Governor of said Territory of Kansas shall enter upon the discharge of his duties as such, the superintendency of Indian affairs at St. Louis, in the State of Missouri, shall be abolished, and the duties shall be transferred to and performed by the said Governor of Kansas, so far as the same relate to, or are to be performed within the said Territory,"

—and to insert in lieu of them the following additional section:

SEC. —. *And be it further enacted*, That all treaties, laws, and other engagements made by the Government of the United States with the Indian tribes inhabiting the territory embraced within this bill, shall be faithfully and rigidly observed, notwithstanding anything contained in this act, and that the existing agencies and superintendencies of said Indians be continued, with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the locations of the office of Superintendent.

A word of explanation is due, probably, to the Senate, in order to state the reasons why the Committee on Indian Affairs have deemed it proper to recommend the striking out of the nineteenth, twentieth, thirty-ninth, and fortieth sections of the substitute reported by the Committee on Territories.

The subject-matter embraced in the nineteenth and twentieth sections in relation to Nebraska, and the corresponding thirty-ninth and fortieth sections in reference to Kansas, contain appropriations to enable the President to extinguish the Indian title to the lands in those Territories. That whole subject, embracing the policy which is to be maintained by this Government towards the Indians in the future, the relations which are to subsist between the United States and the Indians, and, in fact, the whole subject of the administration of Indian affairs in general, is before the Committee on Indian Affairs at this time.

The committee are maturing a policy which they wish to submit to the Senate at a very early day, and that policy directly affects the terms and the conditions upon which the title of the Indians to the lands guaranteed to them by treaty, within the proposed limits of these Territories, is to be extinguished. We propose, therefore, for the purpose of leaving the discussions and investigations of that committee free and untrammelled in relation to the subject-matter of these sections, that they be entirely withdrawn from the bill; because to the extent that this bill may make provision upon that subject, it will interfere with, and to the same extent cramp, the hands of the committee in the provisions which they expect to submit for the consideration of the Senate hereafter.

We thought it more appropriate, therefore, that the bill should be perfected in this body, and go to the other House free, at present, from those subjects which are extraneous to it; and that it should provide merely for those matters of legislation which are usual in the constitution and frame of territorial bills; and that so much of it as embraces the policy which this Government in future is to maintain towards the Indians in general, and particularly towards the tribes embraced within the limits of these Territories, shall be a subject for future discussion. It is with that object alone that I am instructed to move the striking out of these sections.

The amendment to strike out the nineteenth and twentieth sections was agreed to.

The PRESIDENT. The question will now be on the remainder of the amendment, to strike out the thirty-ninth and fortieth sections, and insert in lieu of them the additional section which has been read.

Mr. CLAYTON. Mr. President, if I understand it, I entirely approve the object of the

amendment. The honorable Senator from Arkansas said he would agree to strike out these provisions in the bill, in order that they might in future become subjects of discussion here. I do not know that this subject will ever be discussed again; but if the proposition shall ever be made while I am here to drive these Indians, who have heretofore been expelled from the States this side of the Mississippi river, from the territory to which they emigrated in the year 1830, in opposition to all the treaties which we have made with them, I shall be ready to meet any person in debate who contends that they ought to be driven from this, which I consider their final resting place.

I am glad that the provisions in the bill upon this subject are about to be stricken out. We are under treaty stipulations with these Indians. I remember well when those treaties were entered into by the Senate of the United States in years gone by, when I was a member of the body. Under these treaties, guarantees, of the most explicit and of the strongest character, were given to the Indians that they should never be interfered with or embraced within any State or Territory. I trust we shall be permitted now to let these treaties remain in force. The bill, as I understand it, will, by the adoption of this amendment, be free from all objections touching the Indians. I hope that no effort will be made hereafter to disturb them in the possession of their territory, which has been guaranteed to them by treaties.

The amendment was agreed to.

Mr. DOUGLAS. I understand that the amendments of the Committee on Indian Affairs apply to both Territories—Nebraska and Kansas.

Mr. SEBASTIAN. Certainly; they apply to both Territories.

Mr. DOUGLAS. As the bill before stood, the Governor of each Territory was made not only Governor, but Superintendent of Indian Affairs, and was allowed a salary of \$1,500 for each capacity. Inasmuch as the superintendence of Indian affairs is taken from him by the amendment which has just been adopted, of course it will be necessary to amend the bill; for the sum of \$1,500 per annum will not be sufficient for the salary of the Governor of a Territory. I move, therefore, to amend the substitute by striking out the provision for each Territory, "that the Governor shall receive \$1,500 as such, and \$1,500 as Superintendent of Indian Affairs," and to insert in lieu of it a provision that the salary of the Governor shall be \$2,500.

The amendment was agreed to.

Mr. DOUGLAS. At the suggestion of the Committee on Indian Affairs, all the appropriations have been stricken out of the bill, except two small ones, I believe; and I now move to strike out all the appropriations in the bill. As part of the appropriations are to be left to the deficiency bill, or to one of the general appropriation bills, I prefer that all shall be together. I move, therefore, to strike out all the appropriations now contained in the substitute reported by the committee.

The amendment was agreed to.

Mr. DOUGLAS. I now renew the amendment to the fourteenth section, which I withdrew before.

Mr. BADGER. Now, Mr. President, I move that the further consideration of the bill be postponed until to-morrow.

The motion was agreed to.

RAILROADS IN MINNESOTA.

Mr. JONES, of Iowa. I ask the Senate now to take up the bill to aid the Territory of Minnesota in constructing a railroad for military, postal, and other purposes, reported from the Committee on Territories. It is a bill making precisely the same grant and in the same terms as that made by the bill of the Senator from Wisconsin, to aid the State of Wisconsin in the construction of a railroad from Chicago to Lake Superior.

Mr. JOHNSON. I hope the Senate will proceed to the consideration of that bill. There will be no debate in regard to it. There has been none in regard to those which have been before us heretofore. It is for a Territory, and a Territory has no representative on this floor. It has been reported by the Committee on Territories, and it is framed in exact accordance with the model adopted, after

full consideration, by the Committee on Public Lands of this and the other House.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill.

The Secretary was proceeding with the reading of the bill at length, when

Mr. JOHNSON said: The bill is precisely in the form of all preceding bills having like objects. It has been made to conform to the strictest regulations which have been adopted on full consideration by the committees of both Houses. They have acted jointly in this matter; and as the provisions of the bill are the same as are contained in the others, I see no necessity for reading it at length. Any question which may be asked I will answer.

Mr. HUNTER. I wish to know whether this bill proposes to allow the lands to be selected anywhere?

Mr. JOHNSON. No; not except within the fifteen miles of the road—that is, outside of the six, and within nine miles. Beyond that they cannot go anywhere in the Territory at all. It is not designed in any of these railroad bills to allow them to go outside of the fifteen miles. This bill is identical with the bill which passed here the other day, which, I take it, was the most restricted form that ever was adopted. I move to dispense with the further reading of the bill, because we have had all the residue before. The only thing in which the other bills differ from this, is the description of the route, and that has been read already.

By unanimous consent the reading of the bill was dispensed with.

Mr. RUSK. I do not intend to interpose any objections to this bill; but what I would suggest to the honorable chairman of the Committee on Public Lands, is the propriety of taking up all these railroad bills together. I have voted for every one which has passed, I believe. I think no better disposition of the public lands can be made. My opinion is that the policy ought to be adopted by this Government to encourage in every way, where she has public lands, railroads for the general benefit of the country. It improves the value of the land. I should, however, be glad to see the bills all come up together, otherwise one section gets the advantage of another, and one bill gets the advantage of another. My object is to suggest to my honorable friend from Arkansas the propriety of taking up these bills altogether, and making them special orders for some particular time.

Mr. JOHNSON. I will answer the honorable Senator from Texas thus: It will take but a moment more now to pass this bill. In regard to what he suggests of bringing them all up together, it cannot be done. They are not made the special order; and if we were inclined to make them the special orders, they could not come up for months to come. They ought to go to the House of Representatives as early as possible. In regard to the difficulty, or feeling, that may be created from the fact that one bill is brought forward before another, I will say that it is utterly impossible that they can be legislated upon in any other way than by bringing one bill up before another. Any jealousy that may exist in relation to the mere priority of introduction and passage of a bill is not worthy of consideration. I shall not press any bill for my own State, nor attempt to get any priority for it; but this is a territorial bill, and if any should have priority, it should be given by the Senate to the region of country and the people that have no Representative upon this floor. We can now pass this bill. It will not be debated, for I take it there can be no debate upon its principles; and at such a time as this, when there is a desultory species of business being taken up and disposed of in the Senate, the others will be passed as they are ready. They will be passed when opportunity presents itself in the morning hour, when no important measures are pressing upon the consideration of the Senate, and when the rules of the Senate will permit them to be taken up and disposed of. Thus no great measures will be obstructed, and we shall yet discharge our duty to a portion of unrepresented people in this body. The justice of this must be obvious.

With respect to the subject-matter of this bill, I will take this occasion to say, specifically, that the length of the road for which it provides is

about three hundred miles, and the amount of land that will be granted by this bill is about one million acres. These are about the only material facts connected with it; for I have already stated that the bill is, in every other respect, precisely in the form adopted by the several committees of the House and Senate in full and joint consideration upon the subject.

Mr. BRIGHT. I desire to ask the Senator what are the points named in the bill?

Mr. JOHNSON. By the words of the bill the grant is to be made to the Territory of Minnesota for a railroad from the mouth of Left-Hand river, at the head of Lake Superior, via St. Paul, to the southern line of said Territory.

Mr. BRIGHT. Is it entirely within the Territory of Minnesota?

Mr. JOHNSON. Almost entirely, though the mouth is not.

Mr. BRIGHT. I hope the honorable Senator from Texas will not press the objection to the bill.

Mr. RUSK. I made no objection to the bill.

Mr. JOHNSON. To give the whole route of the railroad, I will read the description of it in the bill:

"From the mouth of Left-Hand river, at the head of Lake Superior, via St. Paul, to the southern line of said Territory, with the privilege of extending the same to the northern terminus of the Illinois Central Railroad, on the Mississippi river."

Mr. BRIGHT. It is for land entirely within the Territory, and there is immediate necessity for it.

It differs entirely from the class of bills named by the honorable Senator from Texas, granting land to railroads running through the different States. I protest against this principle of hanging up one bill because there are others yet to come in. I am inclined to encourage the Committees on Territories and Public Lands in bringing forward these matters early; and I am willing to compensate them, as a price for their labor, by early action. In that way we get our bills at an early period, and are able to dispose of them. I hope no objection to the bill will be made.

Mr. RUSK. I made no objection, and so distinctly stated at the time.

Mr. JOHNSON. The honorable Senator from Texas made no objection.

Mr. RUSK. I simply suggested the propriety of acting on all together.

Mr. GWIN. I am not going to object to this bill, but I give notice that I shall hereafter move that the remaining railroad bills be made the special order for Monday week, in order that we may dispose of them all at one time.

Mr. JONES, of Iowa. I believe it is the intention of the House of Representatives to fix a day this week for territorial business. If this be passed now, it may be acted on there.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

GRANTS OF LANDS FOR RAILROADS.

Mr. SLIDELL. I move that the Senate proceed to the consideration of bill No. 77.

The motion was agreed to.

Mr. GWIN. I now make the motion that that bill be postponed to, and made the special order for, Tuesday next. And I shall also move to have all the other land bills made the special order for the same time.

Mr. STUART. If the Senator from California will allow me to make a suggestion, I am certain he will not insist on that motion. If these bills be taken up on a particular day, and passed by the Senate, the order of priority that they have is lost in the House. They all go to the House the same day, and may be reported as one by the Secretary. It is not fair to the States. Now I am certain the Senator will not insist on his motion.

Mr. GWIN. I do not understand how that is. If a bill passes the Senate to-day, and goes to the House, it has a preference over one that will pass next week. Then I have a bill there which I want to pass as early as possible, and I want all to go together.

The PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. SEWARD. What is its title?

The PRESIDENT. It is a bill granting to the State of Louisiana the right of way and a donation of public land for the purpose of locating

and constructing a railroad from Algiers, on the Mississippi river, to the Sabine river in said State. It has been reported from the Committee on Public Lands with an amendment.

Mr. STUART. That is not the bill.

Mr. SLIDELL. The bill that I moved to take up is No. 87.

Mr. STUART. The bill referred to by the Senator from Louisiana is a bill introduced by me granting lands to the State of Michigan.

Mr. RUSK. I would ask the Senator if the road is in a state of construction?

Mr. STUART. One road provided for in the bill is; the other is not.

Mr. RUSK. There are two roads. My object in asking the question was this: I am anxious to vote for this bill; but where a road is begun in good faith, I want it encouraged, not delayed by legislation. There are two roads, to my certain knowledge, in operation, going through the public lands, which have been applying here for aid for three or four years. I have no interest in this matter, because the United States own no lands in my State. But for three or four years those roads have been asking Congress to make the usual grants of land to aid them, and have not yet succeeded. I do not exactly understand how the orders stand, but here these are to be delayed and a bill taken up to provide for a road which is not begun, about which we do not know anything—an imaginary road, so far as I am concerned. I do not like to abandon these roads which are actually in a state of progress, and which would be aided very much by a grant of the public lands, which are not at all valuable to the United States.

Mr. CASS. I have sat here and voted for every bill of this description, believing it best for the public interest connected with the lands. There are two or three or four States of this Union that have never had one acre of land granted to them. The State of Michigan has never had one acre. I think the State of Wisconsin has never had any; and I do not know whether the State of Iowa has had any to this day.

Mr. DODGE, of Iowa. Never.

Mr. CASS. We have seen bill after bill passed; and session after session these three States have not been able, from one cause or another, to get their bills through the other House in time. And now the honorable Senator from Texas objects to the road not being begun. Why is it not begun? Because we have never had a bill passed.

Mr. RUSK. The Senator will allow me to explain. I do not object to that.

Mr. CASS. I beg your pardon.

Mr. RUSK. I am objecting to the abandoning of roads which have been begun—of withdrawing from them the grant of lands, and giving the preference to other bills where the roads have not yet been begun.

Mr. CASS. I thought the Senator objected to this bill.

Mr. RUSK. Not at all.

Mr. ADAMS. I move to dispense with the reading of the bill.

Mr. SLIDELL. The Secretary informs me, and I will now inform the honorable Senator from Michigan, that this bill is already passed. [Laughter.]

The PRESIDENT. There is too much confusion in the Chamber to enable the Senate to proceed with business. Senators will please to come to order.

Mr. STUART. I can assure the Senator that the bill has not passed.

Mr. CASS. I desire to say, that if the bill has passed, it is a good lesson to us all; there is not a member of the Senate who understands what is now going on in the Senate, the confusion is so great.

Mr. BADGER. I should like to know whether the bill has passed or not.

The PRESIDENT. The Chair is informed by the Secretary that it has passed.

Mr. SLIDELL. I move, then, to proceed to the consideration of bill No. 7, in the order of business No. 88.

Mr. BADGER. For fear of any mistake, I desire to ask if the bill which it is now proposed to take up has been passed? [Laughter.]

Mr. SLIDELL's motion was agreed to, and the bill granting to the State of Louisiana the right of way and a donation of public land for the purpose of locating and constructing a railroad from Al-

giers, on the Mississippi river, to the Sabine river in the said State, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment in the form of a substitute.

Mr. SLIDELL. I will suggest that, inasmuch as this bill is identical in its features with that which we have just passed, and several other bills which have heretofore passed, with the exception solely of the terminal points of the roads, the reading of the bill may be dispensed with.

By unanimous consent the reading of the bill was dispensed with.

Mr. DAWSON. I desire to make an inquiry of my friend from Louisiana, for information. I see the land is all going. I would like to know what is the length of this railroad?

Mr. SLIDELL. The road commences at Algiers, a point on the Mississippi immediately opposite the city of New Orleans, and extends to the Sabine. Its total length is something over 300 miles; but for 180 miles of the road I think there are no public lands to which the provisions of this bill will apply at all. All the lands from Algiers to Washington, 180 miles of the road, are either now cultivated, held under title by individuals, or have been ceded to the State as swamp lands, so that the provisions of this bill will not, in fact, apply to more than 120 miles of the road; and even on that portion of the road, all the land which is valuable is already alienated and belongs to individuals, or is pine lands, and of but very little value indeed.

Mr. STUART. I do not wish to interrupt the Senator in the midst of his statement, but I desire to say that bill No. 84 is not passed. Bill 87, which was passed, was a bill for the relief of Jacob Gideon.

Mr. SLIDELL. Well, let this bill pass now.

Mr. DAWSON. I want to ask my friend from Louisiana whether, when he cannot get the public land along that one hundred and eighty miles, he does not propose in his bill to take it in some other part of the State?

Mr. SLIDELL. I understand that we can only take this land within the range of fifteen miles on either side.

Mr. DAWSON. Except where the lands are already taken up. Then you can take the public lands next nearest to it.

Several SENATORS. No, no.

Mr. DAWSON. Then I ask my friend how he is to build these one hundred and seventy miles without any public lands?

Mr. SLIDELL. By the subscription of individuals of the State, and the State, we have already \$4,000,000 subscribed for the road, and two hundred miles under contract, which will be completed in the course of next year.

Mr. DAWSON. This road is in a better condition than any other, for here is private capital obtained for the purpose of carrying it on; and the road thereby seems to have been surveyed, and the points to which it is to go are understood. I have less objection to this bill than to any which has been presented; but I do think it is surprising, when already bills to the amount of \$350,000,000 in the public lands are now before one branch of Congress or the other, that this immense appropriation of the public lands—equivalent to money—should be permitted to go through here without observation. Now, I have proposed, time after time, and begged that the Committee on Public Lands would present some scheme by which even Congress itself may know how the public lands are to go. I profess, for one, not to understand it. There are one hundred and six bills in the two Houses connected with the public lands, making appropriations—according to a late estimate made by an individual—of \$350,000,000 worth of public lands. Now, is not this an extraordinary spectacle, that we pass these bills in detail in the Senate, when the body itself does not know when the bill passed, and that a bill appropriating lands for three hundred miles shall be passed without ever being read in the body—a Senator rising in his place and saying it is in conformity with the principles of the other bills?

Mr. JOHNSON. Will the Senator allow me to ask him a question?

Mr. DAWSON. Certainly.

Mr. JOHNSON. The Senator says there are one hundred and six railroad bills pending in the two Houses of Congress.

Mr. DAWSON. I understand so. So it was stated the other day.

Mr. JOHNSON. Does the Senator not know well that many of those bills are multiplied upon some points, and actually some bills with very little variations to suit the fancies of members who introduce them?

Mr. DAWSON. The very object I have in view is to get at that.

Mr. JOHNSON. Then I wish to ask the Senator, as he presents it as an objection, does he not know that it is utterly impossible that all, or anything like all of them, can pass? and does he not feel that upon us it bears somewhat hardly, to send out such a censure upon legislation here?

Mr. DAWSON. I will say to my friend that those are not questions, they are arguments. I say this, and I wish the Senate and the country to understand it, that this kind of legislation is inconsistent with the rights of the various States of this Union. It is in violation of the great principles of equality which the sovereignty of each State is entitled to have respected. It is taking the public lands and applying them for mere local purposes, without dividing in accordance with the principles of justice and equality. What I wish of the Senate and of the Committee on Public Lands is, that there should be presented to the body, by the committee, the propositions which are made for the disposition of the public lands.

My friend says that some of these bills may refer to the same track of railroads. That may be; and how are we to ascertain it, unless the Committee on Public Lands, to whom all these bills are referred, shall present to us the facts, that we may act understandingly? It is very easy to appropriate the whole of the public lands in this way. I do not censure the Representatives of the new States for it, if the Representatives of the old States are prepared to yield in this way, and sit quietly down and see it done. But I want to know what answer the Representatives of the old States can give to their constituents when they say to them, did not my money and my blood go for the acquisition of these public lands, as well as the new States? They reply "Yes." Then the question will be propounded, why did you sit quietly by and see those lands, which we have aided in purchasing in this way, thus distributed, while we gain no advantage from it?

Understand me, sir; I have no objection, particularly, to the bill of my friend from Louisiana. I believe it presents the best features of any bill that has yet been offered; but, at the same time, I submit to you, and to the Senate and the country, through you, Mr. President, if there ought not to be some equal and just distribution made of these lands? What justification can I give to the people, whom I, in part, represent, for standing by and thus seeing, if not \$350,000,000 worth of land, at least \$100,000,000 thus appropriated? Nobody can deny that there will be so many acres taken for the various railroads which are projected. If this were an appropriation of dollars and cents, we would be amazed and startled at the amount; but as it is in public lands—which I maintain are equivalent, in principle, to money—we stand by and suffer the thing to go on without observation. I repeat, the time has not come. My friend from Tennessee [Mr. JONES] notified the Senate that he intended to present a bill for the distribution of the public lands. Upon that distribution, as I have said before, I am prepared to do more than justice to the new States; I am prepared to give them public lands, for the purpose of carrying on some of these railroads, but I feel myself under no obligation to intersect the wheel of these new States with railroads without any knowledge where they are to run, and for what purposes they are made. Do we not know that Illinois had one through the whole extent of her territory? Do we not know how these public lands have been disposed of? Do we not know now that they are in the hands of private companies, who will make immense fortunes by them? I do not blame the State of Illinois for it. She has done what every other State would have done. She owes much to the zeal, energy, and vigilance of her Senators here and her Representatives in the other House. But is that a reason why we should stand by and suffer others to come in, in the same manner? We had better at once, rather than have this kind of legislation, surrender the

whole of the public lands to the States in which they lie; and we shall not be so anxious hereafter to acquire public lands, and pay money out of the Treasury for them, merely to divide them among the people who may happen to go to them. There is a great principle in this. This is a violation of the great principle of equality and right. It is time that it should be arrested; but I know the younger States are interested, and I know that so long as there is an acre of public lands their common interest will draw them into a combination for the purpose of taking these lands for their individual States; and I see that the old States are getting into a minority, and not only into a minority, but into a sleeping condition, seeming to care nothing about the matter.

Hence I would say with the Senator from California, [Mr. GWIN,] place all these bills together and let us investigate them; and if it is proper they should pass, let them all be passed.

Mr. BUTLER. I do not intend to detain the Senate. I, like my friend from Georgia, have found long ago that any effort to resist legislation of this kind would be unavailing; and the remark made by my friend from Arkansas is the whole clue to our legislation on this subject. Measures of this kind are brought in according to the fancy of gentlemen. Now, suppose it were proposed in any one State of this Union to appropriate the number of acres of land that are proposed to be appropriated here for a railroad, would such a project as that go down without the reading of the bill? Should such a project pass by a blind confidence? Should we not have the road indicated upon paper, and commissioners to make a report? Sir, if Congress is to assume the jurisdiction over this matter of regulating internal improvements by roads and canals, and all these artificial channels of commerce, I do not like to take the mere plans according to the fancy, as my honorable friend from Arkansas says, of gentlemen. I am not so fanciful a gentleman as to adopt plans of this kind without having an estimate and examination before me.

Mr. JOHNSON. The honorable Senator is doing me injustice. He represents me as speaking of the introduction of bills according to the fancy of gentlemen. I never said that these bills were adopted by the two bodies according to fancy. I say that they are acted upon according to the judgment of the bodies, and many are rejected.

Mr. BUTLER. I will be exact. He said that the honorable Senator from Georgia was not fully sustained in his statement, because it was notorious that many of these bills that were not adopted were brought in according to the fancy of the gentlemen who have brought them in.

Mr. JOHNSON. Hence they are not entitled to great consideration.

Mr. WALKER. The Senator from Arkansas censured them.

Mr. BUTLER. I know he may have censured them, but he stated in his speech that they introduced them here under the light of fancy; and this is the clue to our legislation on this point; and what sometimes is introduced under the light of fancy, becomes reality.

But, as I said, I do not intend to discuss this subject. I do intend, however, to correct one error now in relation to it. I suppose that this thing of alternate sections, which at one time was supposed to afford some guarantee of security for the appropriation of these lands, and allowing the Federal Government as a proprietor to derive some advantage from them, is forgotten.

Mr. BENJAMIN. It is in all these railroad bills.

Mr. WALKER. It is in this bill.

Mr. JOHNSON. The principle is still retained, and the value of the alternate sections is doubled.

Mr. BUTLER. I know you all say that it doubles the alternate sections in your States, but it does not double them in mine. [Laughter.] I am going to correct a remark which I see continually in the newspapers on this subject, that Mr. Calhoun gave his authority to this proposition. I know he gave his authority to it so far as regards the actual land over which the railroad passes, and I cannot be mistaken in this. When it was proposed on this floor, that they should extend it seven miles one way and seven another, I recollect that he said: "Gentlemen, you are going further than I have ever gone; I cannot go with you."

But we are not only going fifteen miles one way and fifteen another. How was it with the celebrated case of the canal around the falls of the St. Mary—that war measure which was introduced by the Senator from Michigan? Did they confine it to the alternate sections on the route of the canal? No; but they were to take the land in any part of Michigan where they could find it. I know that was claimed, not on the ground of regulating commerce or internal improvements, but it was put on the plausible ground of war. Sir, there is no restriction upon the limitation; but we are here bestowing public lands on private companies to regulate commerce, without knowing the very channels of commerce which are to be made. I would infinitely prefer—and I say it here upon my responsibility as a Senator, to the people of the United States—that if this thing is to go on, I would infinitely prefer that we should have some entirety of design—a measure devised in some way by this body, instead of taking it according to the projects and suggestions of individual members, which must necessarily, without intending it, operate unjustly to some, and unequally always. If you were to give the lands to the States, I doubt very much whether there would be such liberality in disposing of the public lands on internal improvements. I doubt very much whether, if you were to give them to the States, many of them would not prefer living monuments—yes, sir, with hearts and hands to cultivate the land, instead of making these iron tenants and monopolies to usurp them. I doubt very much whether, if you were to give them to the States, they would be given in this form. Why, sir, these are monopolies which we make in the different States; and, sir, we must necessarily create charters for those States by giving them lands, when, if they had to administer them themselves, I believe they would give them to individuals. I have no idea of favoring this tendency of engrossing everything under these moneyed companies.

Mr. HAMLIN. Mr. President, the Senator from Georgia has expressed, I think, some surprise at the manner in which the Senate pass these various bills. I might express the same surprise if I had not witnessed, with that Senator and other Senators, the various bills that have passed this body for works of a similar character. I think the Senator from Georgia is not surprised at all. I am not. So far as regards appropriations for works of internal improvement in the States, when aid is asked for them by appropriations of the public lands, I think we need have no surprise at the appropriation of any sum by this body; and I think that the legislation of the body for the last two years will more than justify the remark. Why, we have passed one bill this morning, and one Senator said it only appropriated one million acres of land, worth, at the minimum price of the Government lands, \$1,250,000. It was a matter of no account; and yet any little private bill presented here by an honest claimant against this Government would meet very great and firm resistance from the men who vote thus readily these large appropriations of the public lands for internal improvements in the States; for I hold it is nothing else but bold, naked, internal improvements within the limits of the State.

Now, sir, I know we were told years ago that it was the duty of the General Government to exercise that care over its public domain that a prudent landlord would, and under that view of the case we were told that works of internal improvement, railroads or canals, traversing the public lands, should be aided and facilitated in their construction by the appropriation of alternate sections, doubling the price of the remaining sections for the Government, the Government thereby incurring no expense. Now, what is this bill which we have before us? Is it one of that character? We have departed from the rule which was laid down, and which was the original justification. I understood the Senator from Louisiana to say, that this road was about three hundred miles in length. I think I understood him to say, also, that one hundred and eighty of these miles were through lands owned by individuals, and under cultivation. I ask, then, what, as a prudent landlord, should we do with the public lands through which the road runs?

Mr. SLIDELL. Will the gentleman permit me to make an explanation?

Mr. HAMLIN. Certainly.

Mr. SLIDELL. I stated that one hundred and

eighty miles of this road run through cultivated and settled country, where the land belonged to individuals, and that the lands beyond it on either side, within the range of fifteen miles, were swamp lands, and did not now belong to the United States, but had been donated to the State of Louisiana, so that within the fifteen miles on that portion of the road which passes through the settled and cultivated country, and which is the property of individuals, the quantity of land which the State of Louisiana will receive under the provisions of the law is very limited indeed.

Does the Senator understand me? I said that within the range of fifteen miles on either side of the road, for the distance of one hundred and eighty miles, the land belongs to individuals, or is swamp land, which has been donated to the State of Louisiana previously, and consequently does not come within the provisions of this bill, and for that distance we derive no advantage.

Mr. HAMLIN. Mr. President—

Mr. DOUGLAS. Will the Senator allow me to call up the special order?

Mr. HAMLIN. I will do so with great pleasure, though I should not have occupied five minutes.

Mr. DOUGLAS. I move to postpone the further consideration of this bill until to-morrow, so that we may proceed to the special order.

The motion was agreed to.

The special order having been disposed of, as reported elsewhere—

On motion by Mr. STUART, the vote postponing the bill granting the right of way, and making a grant of land, to the State of Michigan, to aid in the construction of the Oakland and Ottawa railroad, from Pontiac to Lake Michigan, and branches from Corunna and Grand Rapids to the Straits of Mackinaw, and a continuous branch from thence to Montreal river, in said State, until to-morrow, was reconsidered, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. DODGE, of Iowa. I now ask that every word of the substitute reported from the Committee on Public Lands for the bill be read to the Senate. For one, I disclaim and repudiate the intimations and assertions of the Senator from Georgia, [Mr. DAWSON,] that the Committee on Public Lands have sought to smuggle these bills through the Senate without consideration and without reading.

Mr. DAWSON. I made no such assertion.

Mr. DODGE, of Iowa. The Senator complained that the bill under consideration was not read, and called on the Committee on Public Lands for a report, as I understood him, to accompany each bill. As one of that committee, I am ready and willing to give such information respecting its objects and provisions as I can. I insist, however, that the bill—every syllable of it—be read. I want it read, and am sorry that any one should have proposed to pass it without reading. Speaking on behalf of the committee, I can say that the bill has been prepared with care; and after conference and consultation with our committee of the other House, embracing many interviews, and covering a space of days and almost weeks, that we have sought to improve upon the model bill, so called, of the last Congress, and have incorporated within the form adopted those stringent provisions which originated in the House of Representatives, and were ingrafted on the Missouri and Arkansas bills, which passed at the last session of Congress, and are now laws on the statute-book. The bill under consideration, by its provisions, grants to the State of Michigan alternate sections, six miles in width, on each side of the road, with the privilege to go fifteen miles on either side to make up any deficit in the quantity which may be found wanting within the six miles, on account of sales by preemption as well as at private entry.

The Senator from South Carolina [Mr. BUTLER] asserted that we were disregarding all the rules and principles which had heretofore governed in making these grants, and were proceeding to grant lands indiscriminately all over the States to these railroad companies and railroad projects. For one, I deny the assertion; and affirm that all the bills reported from the Committee on Public Lands are in strict conformity with the principles and usages heretofore governing in these grants. We have adhered faithfully to the alternate section principle, affixing fifteen miles as the maximum

limit beyond which the State should not go to make up for the lands sold or otherwise appropriated. And by whom was that fifteen miles suggested? By the present Secretary of War. He did it upon that Illinois bill, to which the Senator from Georgia has referred, and in opposition to which, as well as to the Iowa and other bills, I have heard him make a much better, and much longer speech, if that were possible, than he has made to-day. When that bill was before the Senate, and without any limit, except the boundaries of the State, Colonel Davis moved to restrict the privilege to fifteen miles, taking the ground in his able argument that the construction of the road would certainly enhance the value of the lands which would remain to the Government within the distance named. The Secretary of War, well known in this body and over the country as a strict constructionist, offered the proposition to extend the power of selection to fifteen miles in width, and voted for the Illinois bill. And what, Mr. President, are the results to which the supporters of the alternate section grants can point, so far as they have been made? Why, sir, every anticipation, every assertion, made by the friends of the alternate section principle, when the Illinois and other bills were under consideration, by my venerable friend from Michigan, [Mr. Cass,] and by the departed Senator from South Carolina, [Mr. Calhoun,] and others, have been more than realized. The facts and the figures present the most triumphant vindication of the policy, so overwhelming, that it seems to me that neither the principle nor the policy should be any longer contested. Illinois received a grant of several millions of acres of public land. But have the United States lost one dollar, or one cent by such grant? They have not; but, on the contrary, the value of the reserved lands was so much enhanced by the grant as actually to bring this Government more money than if it had not been made.

Sir, will any Senator now rise in his place, and condemn that grant of land to Illinois; the measure which raised her from such a prostrate condition increased the value of her bonds—those bonds of 1836 and 1837, which were hawked about the markets of New York, and London, and Liverpool, without finding a buyer, but which, as soon as the annunciation was made of the grant of land, rose immensely in value, spreading joy and gladness throughout the limits of the State? Those lands from Cairo north for several hundred miles, had been in market thirty or forty years, without finding purchasers—unsettled, and the abode of wild beasts; by the railroad grant they have been made to bloom and blossom almost as the rose.

That is the measure which the Senator from Georgia has to-day traveled out of the way to attack. The Committee on Public Lands have taken the Illinois bill for their guide in the main, and in no instance have they reported bills for any one State, as yet, granting to such States many acres as Illinois got. And, as I before remarked, they have introduced into these bills section No. 4, understood to have originated in the House of Representatives on the motion of a member from South Carolina, [Mr. Orr,] and which is in these words:

"Sec. 4. And be it further enacted, That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say, that a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of said road, may be sold; and when the Governor of said State shall certify to the Secretary of the Interior that twenty continuous miles of said road is completed, then another like quantity of land hereby granted may be sold; and so from time to time, until said road is completed; and if said road is not completed within ten years, no further sale shall be made, and the lands unsold revert to the United States."

This section of the bill provides that the land shall only be sold as the road progresses. It is a restriction never before ingrafted upon a Senate bill, and was only done to make them agree with the House form.

The bill of my friend from Louisiana commences the road at Algiers, a town near which there are no public lands, and proceeds a hundred miles before there any; and because that and other points are named in it, forsooth it is a grant to build a road through a region where there are no public lands! Sir, if the Senator from Maine, and the Senator from Georgia, and the Senator from South Carolina had read the bills, they would not have made the declarations which they have made. It grants no land except as the road is built, and

not a single acre can be taken outside the fifteen miles for the construction of the road.

What more, Mr. President? The committee have asked and demanded of Senators who have introduced bills here upon their responsibility, that they should come before the committee and chalk out the roads in red or other lines upon the maps of the United States, and the draughtsman of the committee has, in every instance, calculated as nearly as possible the lands sold and granted within the fifteen miles, in order to preserve equality between the States.

In no case, then, have we proceeded to exceed the amount granted to Illinois, making that a maximum by which the committee are governed in all these cases. I, for one, disclaim the idea that these roads are to be run upon the fancy of any gentleman. They are run upon the map, and are marked out before us; and if there are objections to the courses and distances of the roads, we will always be glad to have them pointed out, either in the committee or the Senate.

Mr. BUTLER. I wish to put myself entirely right, and I commence by saying that I shall verify by statements which I shall make, every proposition which I laid down; I shall reduce them to such propositions that my honorable friend from Iowa himself cannot dispute them.

I was here when this subject was introduced into the legislation of Congress. I found myself opposed to my honored colleague, Mr. John C. Calhoun, who, with a liberality upon this subject which has been seized upon as authority, was perfectly willing to dispose of the public lands in such a way as to make them subserve as many objects as were practicable. Mr. Calhoun, in his celebrated speech, was perfectly willing to run the road from one point to another, provided it was done with intelligence. By intelligence, I mean knowing where the road was to run. He was perfectly willing to have such a road in a particular State for the advantage of the public lands through which it ran immediately. Now, mind the qualification, and my friend from Iowa cannot dispute any statement which I make. He was willing that the road should run through the public lands, and that immediately adjacent to, and not distant from, the road, the road or company should have the alternate sections. He believed, and I should say that was his policy, that the other section would be enhanced in value, and the Federal Government would be so far benefited that the alternate sections would be enhanced in value and would be settled by actual tenants, and it was thought they might be brought into market. There were a great many lands waste and wild, which could not be brought into the market without some road being run through them to bring them to public attention. As long as it was thus limited Mr. Calhoun was content.

Mr. DODGE, of Iowa. To what limitation does the Senator allude?

Mr. BUTLER. To the original proposition of granting the alternate sections for six miles wide upon each side. He was perfectly willing to go that far, and no further.

When the honorable Senator from Mississippi, [Mr. Davis,] now Secretary of War, and my friend, introduced as a substitute a measure here, not only giving them the alternate section six miles on each side, but if the lands could not be found adjacent within six miles, that they should go fifteen miles off to find them, Mr. Calhoun said: "You are going further than I can have any security against abuse;" and he opposed it. I have not said that the honorable Senator from Iowa has not proceeded upon the strict principle. Have I said anything of the kind? I have not said that I am so much opposed to the appropriation of these lands as I am to appropriate them for purposes of which I have no knowledge. It is a very different thing from my being willing to vote lands to Iowa, or to Arkansas, or to Missouri, or to Indiana, or to Illinois, to reduce me down to say that I am to appropriate lands for this road or that road, without my having any knowledge of what is the road, or the direction which commerce will take upon the road. If gentlemen will bring to me a proposition that I can understand to regulate commerce, to subserve the general interest of the country, I might be reconciled, because I cannot oppose these appropriations. I know I cannot oppose them, and therefore it is, when I make an appropriation, I wish to under-

stand whether it directs commerce this way or that way, and what will be the effect of the appropriation upon the commerce of the country.

Have I a right to ask this? That is reasonable at least. Now I distinguish much between giving the lands to the States for an object of which I know something, and giving them for what I know nothing about. I wish to know, when I give lands, that I give them for a purpose that my judgment can approve, and not the judgment of those who introduce the project. This is fair. I wish, when I vote on any measure here, that it shall go out under the sanction of my judgment, upon the responsibility of a Senator upon this floor. I do not undertake to say that this is not a proper road. I am very far from saying that it may not be. All I have to say upon it is, that I have not any intelligence about it; nor can I acquire any intelligence about it from any map, plan, or *expose* made to the Senate of the United States. Am I now understood?

Now, I will say to the Senator from Iowa that I cannot be contradicted in what I have said; that I would verify every declaration that I have made. I have said that I know that in many of the prior bills which have passed this body, giving alternate sections adjacent to the roads for fifteen miles, there has been a provision giving lands in any part of the State other than that through which the road ran.

Mr. DODGE, of Iowa. What bill?

Mr. BUTLER. I mean the bill making the grant of land to Michigan for opening a canal around the Falls of St. Mary. I cannot be mistaken in that.

Mr. CASS. I would beg the Senator to recollect that that was for opening a great communication along our northern frontier to the immense possessions of the United States on Lake Superior.

Mr. BUTLER. I am not saying that that was not a useful appropriation, so far as regards the object; but I wish to fortify the proposition that a bill has passed this body, not subject to the limitation and restriction contained in this bill. I wish to put myself *rectus in curia*. I wish to fortify the proposition, that you have not confined the grant to lands along the route of the road or canal, but that Michigan has a right to take the lands in any part of the State to carry on that work.

I will state to my friend from Michigan that I am not going upon that old subject. I am not going to say that such a communication might not have been proper. All I wish is to put myself right before the country, to say that these bills are going on step by step, one after another, until they shall be so enlarged that if you resort to precedent, you will be able to go to any part of the State for any internal improvement. I stand right upon that subject. I repeat it, and I intend to repeat it, so that there may be no misunderstanding. I stand perfectly correct upon the subject, not only that you can go fifteen miles from the road, but that there is a precedent that you can go to any part of the State in which the lands lie, for the purpose of internal improvements in that particular State. I shall stop with that proposition.

Mr. RUSK. I think the honorable Senator from Georgia and the honorable Senator from South Carolina have assumed positions in regard to this matter which cannot be sustained; and my opinion is that it will be found out that this legislation is beneficial to the United States. In the arguments which they lay down, they assume the value of the United States territory granted by these several bills at a dollar and a quarter an acre; and the Illinois road has been the text on all occasions when a lecture is read about the quantity of lands given away. The lands through which the Illinois road runs have been in the market for fifteen or twenty years, I believe, and could not find purchasers.

A SENATOR. More than that.

Mr. RUSK. A Senator who is more familiar with the subject says they were in the market more than that.

Mr. JONES, of Iowa. They were in market for forty years.

Mr. RUSK. Forty years the Senator says, and purchasers could not be found for them at any price. They could not find persons to take the patents here from your office, and pay the tax assessed by the State of Illinois on the lands.

I remember very well a discussion which took place here on the Illinois bill. It was regarded as a visionary matter. The idea was ridiculed that the giving away of alternate sections, as put down in the bill, would bring for the reserved sections double the minimum price of the lands as then held by the Government, which was \$1 25 an acre. Now, we see, since the road has been constructed, that the price of the reserved sections is greatly increased, and that it is a good deal more than doubled; and that the lands reserved bring a great deal more than double what the whole was originally valued at.

In addition to this, what have you done? You have sent a population there—an industrious population—who are now engaged in adding to the productions of your country. They are yearly adding to the general wealth of the nation; and, in my judgment, through this great thoroughfare, especially if you continue it further down, you will soon have something which will have more effect to quiet those sectional controversies, and to stop all this fanaticism, which every once and a while alarms us, than all the speeches which have been made in either branch of Congress; for you will make the people at each end of the line dependent upon each other. You will bring them into contact with one another; and they will see that, by their mutual industry and exchanges of trade from one to another, they are increasing the wealth of each other.

This road has been taken as an example. Now, what is the value of the lands which are proposed to be given by this bill—of the lands which are proposed to be given by all these bills? What can you sell them for? They are in the market. You cannot sell them at all. You have no means of selling them. In many instances they are capable of being highly cultivated, and yielding largely to the productions of the country. Many of them, I admit, are very good lands, if they could be brought into the market; but, as they are now, they are of no value to the Government. Gentlemen talk about fanciful roads, and all that kind of thing. Why, they should recollect that, according to the provisions of these bills, unless the States build the road they get no land; therefore it is a sort of speculation in which gentlemen are not at all apt to speculate. They are not to get the lands unless they build the road; therefore they are not very apt to ask for lands for an imaginary line. If they do, it results in no damage to the United States. If they do not build the road they do not get the lands. If they build the roads they get the lands; and the lands within fifteen or twenty miles, or even thirty miles of a great thoroughfare, thus having a means by which their products can get to a market, will be much enhanced in value.

Well, gentlemen talk, and the argument seems to go upon the supposition that Congress is actually taking the money of the Government, and with it building these roads for the States. It is no such thing. The lands are a very inconsiderable item. It is to be upon the outlay of capital, industry, and enterprise that the road is to be built. I esteem these lands as a very small matter in comparison with the other. Well, sir, you are building up your country; you are adding to its national wealth; you are increasing its industry by making these appropriations. But why this jealousy between the old and the new States? This legislation is not damaging the old States. If you give to Illinois or Michigan alternate sections of land, the result is to increase the aggregate wealth of the country. Does it damage Texas, or South Carolina, or Georgia? No, sir; it benefits the whole, because it adds to the aggregate wealth of the Union; and in every point of view the United States are gainers.

I shall vote for this, and for all other bills similar to this, with great cheerfulness. I do the Committee on Public Lands the justice to say, that it is true these bills are not read, and why? Because every body has confidence in that committee. They bring the bills up to a particular standard, and they do another thing, which will be found in the future experience of this Government. They require these railroads which receive donations of public lands to accept a provision in the bill that they shall be required to carry your mails at whatever compensation Congress shall direct. Other roads that you have built exercise a perfect monopoly in that matter, and carry

the mails or not, as may be convenient, and charge exorbitant prices. Now, in time, it will be found that this very provision in itself is worth all the millions of acres of land in alternate sections which we grant. The United States lose nothing by it.

Mr. CLAYTON. When we ask for an appropriation to make a harbor on the Atlantic ocean, or an improvement on the lakes, we are asked where is the estimate? What has the Secretary of the Treasury sent to the Senate? Has he recommended the appropriation? Has he examined the subject? Has he, after investigation of all the facts, decided that this harbor, or this improvement, ought to be made? Has he decided how much it will cost, and how it ought to be done? Such an estimate is required by the Committee on Finance. Such an estimate is required by every committee that undertakes to consider such a subject; and without the estimate you can get through no appropriation whatever. You cannot get through even an appropriation for a custom-house without an estimate. An estimate will be required even for the small sum of \$5,000 appropriated for a harbor, or any improvement; and it will give rise to debate which will last for hours; and if there is no estimate, there is an end to the proposition.

How is it when you come to appropriate the public lands? I have been, for twenty years, endeavoring to arrest the downward tendency of things on this subject. I have seen, during the whole time that I have been serving in the Senate, these lands about to be dissipated. True, it is often that very admirable appropriations are made which are highly beneficial to the sections of the country in which the lands lie; and as my friend from Texas said, adding to the aggregate value of wealth of the whole Union; but we have arrived at such a point at last, that it is absolutely necessary for us to decide whether we will give up the whole public domain, or adopt some system in regard to this business of constructing railroads in the new States where the lands lie.

I have always been a friend to internal improvements. All the votes which I have ever given, show that I have voted for giving the alternate sections of land. I have voted for these railroads again and again; but, sir, I now hear that there are more than a hundred of these bills before Congress, to grant alternate sections, when, as has been well said by my friend from Georgia, the Government do not possess the lands within six miles distance from the road. Sir, it will terminate in the giving away of the whole public domain. Now, why should we appropriate public lands in this way under a general internal improvement system, when we refuse to appropriate public money in the same way? Why should not the Secretary of the Interior—for it will belong appropriately to his Department—take this subject in hand and estimate for us, when a proposition is made for a new railroad, as to what it will cost, what the advantages will be, how it ought to be constructed, and tell us everything in connection with it, as the Secretary of the Treasury does in relation to the improvements on the Atlantic or on the Lakes?

Sir, unless we intend to give up the public domain, and vote it away without knowing how we are voting, or for what purposes, as we very often are voting it, we ought to stop until we have adopted some general system, some principle upon which we can stand justified before our constituents. I am an internal improvement man. I have never been niggardly in my votes in favor of western improvements; but I do say that the time has come when it is absolutely necessary, unless we intend to give up the public domain, that we should resolve upon some principle to govern, and endeavor to do equal justice to all parts of the West. Some parts of the West receive large donations of the public land, and others none. The old States receive no benefit whatever from them. But I have always felt, when endeavoring to arrest this, that it was almost a hopeless case; for I have seen gentlemen representing other States more deeply interested in the whole matter than mine, manifesting a degree of indifference to the whole subject that always astonished me. Start a proposition to improve the harbor of Charleston, or the Mississippi river, or to do anything for the benefit of any one of the great States on the Atlantic or on the lakes, and propose to appropriate money, and you will have

a dozen gentlemen upon the floor in a moment, and if you have not an estimate for it, you cannot possibly get it.

Sir, do not let me be misunderstood. I do not propose now to abandon the principle upon which we have acted. I have always been the advocate of internal improvements. I am willing to be generous to the new States, as I have always shown by my votes; but I do trust that before we go further, while this mass of bills for giving away the public domain is pending between the two Houses of Congress, we shall pause until we settle upon some principle upon which we can justify ourselves before our constituents.

Mr. BENJAMIN. I certainly did not expect a discussion to arise upon the principles of these measures to-day; but I have been so much surprised at the doctrines advanced by the Senator from Georgia, [Mr. DAWSON,] and the Senator from Delaware, [Mr. CLAYTON,] that, inasmuch as my constituents are deeply interested in this whole class of measures, I feel it necessary to say a few words. I conceive that the opposition to these bills proceeds altogether upon a false theory. I hear gentlemen speaking of appropriations of public lands, and comparing them to appropriations of public money. It strikes me that we ought, in order to arrive at a just idea of the principles upon which all these bills are founded, to make a distinction between the Government of the United States as a political body governing the country, and the Government of the United States as an owner of lands.

Now, sir, when an appropriation is asked for upon the Atlantic or upon the Gulf coast, and when it is proposed that the Government, as a Government, shall appropriate public moneys for purposes of public improvement, necessarily, that work being intended to be done by the Government alone, not being controlled in any measure whatever by private enterprise or private judgment, the individuals who take part in the railroads not taking part in those works, not investing their capital in them, not having any of the stimuli to economy and prudence and judgment in expending the money, which, under other circumstances, are applied to these subjects—necessarily, I say, in appropriations of that character, it is right and it is proper that, when the appropriations are asked for, they should be granted only after close examination, and that the expenditure of these appropriations should be properly guarded by the officers of the Government of the United States.

But when the Government as a land owner, and not as a Government, is called upon to contribute, with other land owners, to the improvement of its own property, then, sir, a different class of considerations necessarily arise, and one which cannot with any propriety be assimilated with those which gentlemen evoked before us, for the purpose of checking our action upon the subject of the public lands.

Suppose any one of us to be possessed of large tracts of wild land. Take the example of the Senator from Texas. Suppose any one of us to be possessed, in an individual right, of large tracts of wild land, land that we cannot sell, land that is intrinsically valuable because it is fertile, land which will produce much when cultivated by the labor of man, but land that, in its actual position, is valueless to us as a source of wealth or revenue; suppose, under these circumstances, the proposition were made to us by a capitalist to come upon our lands, and improve them by putting constructions upon them, or by building roads through them; and suppose the parties making the proposition could prove, not by mere estimates made in advance, but by the operation of a principle already tested by experience, that if we would allow them to expend their capital upon our property, and then divide the property with them, the half that would remain for us could be sold for more than as much as the whole would have brought before; what would be the answer of any man administering his own property with a just regard to his own interest to a proposition of that kind? Would he not accept it at once?

What, then, can be said when the whole extent of the proposition in favor of the new States is simply to devote a portion of your lands to make the rest sell for a larger price? You are a land proprietor in the new States, and you own more land than all the citizens together. Now join these

citizens in a common public improvement, and your property will be improved as well as theirs. It is not just, it is not proper, no man will say that it is at all consistent with equity, to call upon the citizens of the new States to build railroads through lands belonging to the Government, and then that the Government should sell the lands at a greatly enhanced price—a price produced at the cost of the citizens of those States. In the old States, where the Government owns no lands, necessarily it cannot be called upon for these appropriations. Why? Because the direct benefit resulting from the expenditure of the appropriation does not inure to the benefit of the General Government. But in the new States, where the General Government owns the land, and where the principle goes to this extent and no further, where one half shall be appropriated for these purposes, to make the remaining half more valuable than the whole was before. I am scarcely able to understand the difficulty of the Senator from Georgia, who thinks such a measure would be a squandering away of the public lands. Why? The lands go for the benefit of all the States. The one half appropriated for these improvements goes, of course, to the benefit of the improvement itself; but the other half, enhanced in value, and selling for more than the whole would have been sold for before, comes into the market. The proceeds of the public lands are brought into the public Treasury, and they are expended for the benefit of the whole Union—for the old States as well as the new.

I, for one, am not alarmed by this cry of there being one hundred and six railroad bills. I wish there were one thousand and six instead of one hundred and six. I wish they could be multiplied throughout the whole extent of the West, and through every part of the country where the Government possesses public lands. If the system of railroads could be scattered throughout the whole of our western country; if the lands could be brought into cultivation by being brought within the reach of market by this system of internal improvements; if the hardy and industrious population can be spread over these lands, I say that they would be a source of benefit, not only to the new States but to the whole Union, to the constituents represented by the Senators from Delaware and Georgia; far greater than can be obtained by any other system you can devise. One hundred and six railroads! One hundred and six bills, we are told, call for \$350,000,000. According to my judgment, the proper way to state the proposition would be one hundred and six railroads, providing for increasing the wealth of the country to the extent of \$700,000,000, if they appropriate that quantity of land for that purpose.

I believe this system of appropriation to be a source of public wealth, and not a squandering of the public funds. I believe, with the Senator from Texas, that no system has been devised in modern times, by which the wealth, the prosperity, and the increase of this country have been so well secured, as by the system of giving a portion of the public lands for purposes of internal improvements so as to add value to the rest.

I did not intend to say a word upon this subject, but I think the whole principle has been misapplied; I was going to say had been misunderstood, but I cannot suppose that to be the case with Senators as experienced and distinguished as those who have spoken. But I really think that the true principle has not been stated; that it is not an appropriation of public money. It is not to be compared to the case of the improvement of harbors and rivers, where the Government, as a Government, spends the money of the whole people. I think that a distinction is to be made between the Government as a political body, governing the country, and the Government as a land-holder and land-owner of part of the land through which these improvements pass. It is the Government as a land-holder and land-owner joining with other land-holders and land-owners in making this vast public improvement.

Mr. BROWN. I have no intention to enter upon the discussion of this question; but it is true, I believe, that a little experience sometimes is better than a great deal of theory; and our experience in this matter of appropriating public lands for improvements of this kind has been to convince every man who has watched its operation that there is not only no danger in the proceeding, but

that it must result beneficially to the whole country. In making the grant of public lands for aiding in the construction of the Mobile and Ohio railroad, the district which I had the honor to represent in the other House of Congress was included in that grant, and I speak from absolute observation when I say that lands which had remained in the market for more than forty years without finding a purchaser at a dollar and a quarter an acre, are now eagerly sought for at two dollars and a half per acre; and this Government refuses to sell at that price. I know that hundreds of settlers have sought the right of preemption upon these reserved sections, and have petitioned Congress, time and again, to grant the right of preemption, and Congress has refused because they could sell the land at a higher price. I speak what I know to be true, when I say that more land was sold within that land district in twelve months succeeding the grant than had been sold for twenty years preceding, even at the enhanced price of two dollars and a half an acre.

The distinguished Senator from Delaware speaks of the downward tendency of things which he is exceedingly anxious to arrest. I trust he does not consider this a downward tendency. It strikes me that it is an upward tendency; and instead of arresting a proceeding of this kind, if he be really watchful of the interests of the public Treasury, he ought to promote this proceeding. If the effect shall be the same everywhere that it has been in Mississippi and Illinois, and wherever these grants have been made, then the honorable Senator from Louisiana is right when he says that these grants are matters of wealth and not of depletion to the national Treasury. You absolutely make money by the sale of your land, to say nothing of the advantages which would arise from bringing the lands under cultivation, and thereby adding to the aggregate wealth and the general prosperity of the whole country.

I agree with the honorable Senator from Louisiana, who says he wishes there were, instead of one hundred and six railroad bills, one thousand and six of them; for, in my judgment, just in proportion as you multiply these bills, do you multiply the prosperity of the country. Why should this Government desire to hold on to wild lands, and have them infested by wild beasts? Why not encourage settlements, encourage your hardy sons to go there and cultivate the soil? And yet they will never go, unless you give them some means of carrying away the produce of their labor. Do you expect men in the old States, or even in the new States, to penetrate into the heart of the forests, and fell the timber, and prepare the soil for cultivation, and expend upon it their labor, when, after having reaped their harvests, they will have no market for the sale of the products of their labor. Provide them markets, and they will go on these lands, and buy them even at double the present minimum price, prepare them for cultivation, actually cultivate them, and make them beneficial to you and to every part of the country.

I am not going to enter upon a general discussion of this question, for I had supposed that after the action of the Senate, two or three days ago, upon the bill for Wisconsin, and after its action upon two or three other questions of this sort, after several bills had been allowed to pass without discussion, that there would be no debate upon this question. Therefore, for one, I am wholly taken by surprise by this debate. If there be a purpose to investigate this question again, which has been so often discussed in both Houses of Congress, and certainly most elaborately discussed in the House of Representatives, then I trust a day will be fixed, according to the suggestion of the Senator from California, [Mr. GWIN], so that we shall all be prepared to go into the discussion. I do not believe myself—perhaps because I have heard more of this discussion in the House of Representatives—nor can I conceive that discussion is necessary.

The plain, stubborn fact, which experience has taught us to be true, that the price of the public lands is more than doubled; that the sections reserved by the Government are worth more than twice as much after the grant than before, does seem to me to justify every Senator in voting for these bills; for, as was well said by the Senator from Texas, if the road is not built, of course you do not part with the lands; you only grant the lands upon condition that the road is to be

built. If the road be built, then the sections that you reserve to yourself are worth more than double the price asked for the whole before your grant was made. How, then, in the name of all that is just and reasonable, I ask, is it possible for the Government to lose anything by making the grants?

I should not have said a word upon the question, but that I find I have a little bill, of which I notify the Senate, for the benefit of the State of Mississippi, which I intend to call up at the proper time, and hope to have it passed.

Mr. BUTLER. I did not intend again to speak on this subject; but I intend to put some propositions which I think will present the matter in a very different light from what it seems to have presented itself to the Senator from Mississippi, the Senator from Iowa, and others interested in these grants of land.

Suppose I were living upon a stream, and any one, either below or above, should undertake to divert the stream. Now, that might benefit him who undertook to divert it, and I admit that these donations and grants of public lands may add to the wealth of the Government, and may bestow a benefit upon the particular sections or local portion of the country through which they run. And when I can see, as I have seen, that these lands may be so far administered by this Government as to divert commerce from its legitimate channel, from the channel in which it would have flowed, the question assumes a very different character from regarding the Federal Government as a mere land holder desiring to make money.

I have never made my opposition to the system upon the ground that it might not be a judicious and prudent one for the public lands, so as to make them valuable to the Treasury of the United States, or that it did not bestow benefits upon local sections; I have never said so. I know no warrant in the Constitution of the United States by which the Federal Government can delegate to a company the administration of its funds or its lands.

There are three outlets of commerce in the United States—from the Great West across to the lakes; another to the Atlantic; another to the Gulf; another perhaps to the Pacific ultimately. Suppose that, instead of all these appropriations, or grants of land being for one place or another, there should be appropriations of land exclusively to carry the commerce across the Mississippi; and, as Mr. Herndon has said, turn the mouth of it, so that, instead of throwing the commerce into the Atlantic, to throw it by its waters into the lakes, and carry commerce directly across to New York, cutting it off from the Atlantic altogether.

I do not say that that necessarily would be the effect of this system of internal improvements. But suppose I should see a system of internal improvements growing up under this administration of the public lands by which commerce would be diverted from the Atlantic to the Gulf, and that these appropriations of land, instead of favoring a general system, should be partial, carrying commerce across the lakes to New York, carrying it down to the Gulf of Mexico, and diverting it from the Atlantic ports? Suppose I should see such a thing as that, and yet I were told, notwithstanding this, you have added to the general wealth of the country, and have made Louisiana, and Mississippi, and Iowa rich, and all the States on the lakes rich? Is that any compensation, when I know I have been made poor by taking from me the very elements of commerce? Sir, I do not say there is any intention or any scheme of this kind to make any such diversion. I do not say that it is going to have that operation. I know that one section is perfectly willing to take grants of this kind, provided another takes them also, without any regard to the general system one way or another.

I believe, however, that, so far as these railroads have run, they have been adverse to some sections of the United States; and I cannot be reconciled to appropriations of this kind by being told that, as a proprietor, the Government of the United States has derived advantage from them. I grant that the United States may become rich as a proprietor in the bestowment of these lands. But suppose that we were to have the power of regulating the clouds, that they should rain in this place or that place, according to some system of Espy, so that we could bring down rain by our decree, I would not trust such a power to this

Congress, if it had the attribute of a god. Congress would be sure to make it rain in some places while they would deny it to others; and this thing of regulating commerce by this partial appropriation of land for this place or that place must be unequal, if not intended to be unjust. It has operated unjustly; and allow me to say to the honorable Senator from Louisiana, [Mr. BENJAMIN,] who perceives with so much clearness everything his mind touches, that he will understand the allusion I have made. I believe that these roads running across to the lakes have diverted commerce from New Orleans.

Mr. BENJAMIN. That is the reason why we want some for ourselves.

Mr. BUTLER. But give me some, too. [Laughter.]

Mr. BROWN. I will say that, when my bill for Mississippi comes up, the Senator may then be gratified, for it does give something to South Carolina.

Mr. BUTLER. My dear sir, I will not ask for it. Do not give until we ask for it.

Mr. BROWN. I understood the Senator to say that he wanted something.

Mr. BUTLER. I only want that which I ask for. Understand me—I do not want things forced upon me. I have no idea of your taking a thousand dollars and giving me five. In the distribution of a fund as administrator, you would be a loving guardian to your own children when you can make a step-child of another. I do not say that my friend will do it. I do not believe he would; but I say that the Government cannot be trusted with the distribution of the rains of heaven and the waters of the earth. I would not have the Mississippi diverted when the lands might be bestowed in such a way as to divert the Mississippi, so far as commerce is concerned, into the lakes instead of into the Atlantic. Mr. Herndon says it is a practicable thing. If you bestow lands in that way, you can make such a diversion. I have not said that these roads are going to have that effect. It is probable they may all redound to the benefit of Charleston; but I do not know it, nor do you know it. It redounds to the benefit of Mississippi—that you are sure of—and to Louisiana, and to Iowa, and to Wisconsin. I have no doubt that you perfectly understand that it subserves your interests.

Mr. HAMLIN. I do not propose to enter into the discussion of this subject generally; but there was, some time since, before the Senate, another bill, which was, I believe, a perfect transcript of this; that is, the form of the bill was precisely the same; and as I was addressing the Senate upon that bill at a period when the Senator from Illinois desired me to give way in order to proceed to the consideration of another subject, I propose now to say what I should otherwise have said upon that bill. I desire the special attention of the Senator from Louisiana, and of the chairman of the committee who reported this bill, to the view which I take. I desire to know whether I am right. I was proceeding to state that it was nothing but a naked and bald appropriation for internal improvements in the States. That was my declaration; that the lands appropriated by the bill applied to a road passing over lands where the Government had not a particle of interest; that the Government had lost the lands, and they were owned by the State or by individuals. The Senator from Louisiana [Mr. SLIDELL] corrected me in what he supposed a misapprehension. I think I was not wrong, and I think the terms of the bill now before me cannot lead me into an error.

What are the terms of the bill? If Senators will read the first section of the bill, they will see that the termini of the road are there named. Then it leaves no doubt about what the road is. It is a road commencing at one point and terminating at another. Then, the Senator says, that one hundred and eighty miles run over lands which are owned by individuals, or by States—I am speaking of the Louisiana bill now. The principle will apply, I believe, precisely to this, unless the appropriation made by this bill is wholly within the public lands.

Mr. STUART. Not all.

Mr. HAMLIN. The principle is precisely the same, only there may be a difference in degree. The Senator from Louisiana says that one hundred and eighty miles of that road run over

lands owned by the State or by individuals, and one hundred and twenty miles over lands owned by the Government.

Now what is the appropriation made? The provision of the last section is, that one hundred and twenty sections of land shall be appropriated towards the construction of each twenty miles of that road. What road? The road through the public domain? No, sir; such is not the language of the bill, but it is a road between the termini named. And when the Governor of the State shall certify that twenty miles have been built, what is to be done? The one hundred and twenty sections of public land are to be paid over, or the money paid for them. Is not that according to the terms of the bill? Surely it so reads. If I draw a wrong conclusion, I desire to be set right. I draw that deduction from the bill, and such is its language; but I will not stop to read it. I cannot find any section in either of these bills which provides in terms that the money arising from the sales of the public lands shall be appropriated to so much of the road as is within the public lands. Let me read the clause:

"That the lands hereby granted to said State shall be disposed of by said State only in manner following: that is to say, that a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of said road, may be sold; and when the Governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of said road is completed, then another like quantity of land, hereby granted, may be sold; and so from time to time until said road is completed."

There is no provision which determines that that money shall be confined to the construction of the road passing over the public lands, and it is therefore an appropriation which applies to the road in its whole length. Nor is there any guarantee that if twenty miles of the road shall be built within the State outside of the public lands, to absorb all the public sections, the lands outside may not thus be appropriated, and not one single mile of road built within the public domain. That is the view which I have, and it was in that view of the case that I regarded it as a naked bill for internal improvements within a State, and outside of the public domain belonging to the General Government. In my judgment, it is of no earthly importance whether these bills are grouped together, or whether they are passed singly. The sense of the Senate, I think, is clear and determined, and it is in their favor.

Mr. JOHNSON. If the Senator will allow me I will set him right, so as to save him the trouble of making a further explanation on one point, as he appears to rest under an entire misapprehension. He says that this bill is one proposing a naked system of internal improvements.

Now, the fourth section says that "the lands hereby granted to said Territory"—or State, as the case may be, for the form is identical in all the bills—I am reading from the Minnesota bill—"shall be disposed of by said Territory only in manner following, that is to say, that a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of said road, may be sold; and when the Governor of said Territory shall certify to the Secretary of the Interior that any continuous twenty miles of said road is completed, then another like quantity of land hereby granted may be sold; and so from time to time, until said road is completed; and if said road is not completed within ten years, no further sales shall be made, and the land unsold shall revert to the United States."

Now, if there is no public land lying along the route of the road when you begin to build, can you pass from the first twenty miles to another twenty miles in order to sell according to the terms of the bill? Either the Executive officers must be false to the provisions of the bill, or else that cannot be done.

Mr. HAMLIN. I think if the Senator will look at the first section of the bill, and compare it with the fourth, he will see that I am right.

Mr. JOHNSON. I know that the construction which I have given to the bill will be given by the Department.

Mr. HAMLIN. I have no doubt that what the Senator says is his construction.

Mr. JOHNSON. I spoke of the construction of the Department.

Mr. HAMLIN. I do not know what the construction of the Department is; I have no means

of knowing. I am only speaking of the bill as I know it; and I find that it describes a road commencing at one point and ending at another; and I find that the section of the bill which I have read provides that when any twenty miles of that road between the termini shall be constructed, and the Governor shall so certify, certain portions of the land shall be sold. This is the language of the bill. I do not know what may be the construction put upon it by the Department. It was the language of the bill of which I spoke.

I think the deduction which I drew is one which any gentleman would draw on a careful examination of the words. If there is a construction of the law by the Department, that is another matter. I am not aware that it has received any construction one way or the other from the Department. If such, however, be the design of the Committee on Public Lands, I think they ought to say in their bill precisely what they do mean—that none of the public lands shall be appropriated for any other purpose than to build the road through the public lands. Let it be so stated in terms, and then that objection will be answered. The bills, whether they shall be presented singly or in gross, I have no doubt will all pass the Senate. There are but few of us here opposed to them, very few; and I hope that those who are really opposed to them, may not have their motives misunderstood. The gentlemen who favor them are discharging their duty truly, according to their own judgment; and I doubt not that we, who deem it our duty to oppose them, are also doing what we consider to be our duty.

Mr. DODGE, of Iowa. I assail the motives of no man, and do not desire to do so. But, Mr. President, the bill as it now stands was framed expressly to suit the meridian of the Palmetto State in the other House, as it has been amended by South Carolina. I enter my solemn protest against any amendment of it coming from the region so far north as the State of Maine. I am satisfied with South Carolina restriction. I have been compelled to adopt it, whether willing or not. The South Carolina restriction—not in this body, but in the other House—was the work of a friend, who, like the late Senator from Mississippi, [Mr. Davis,] wished to perfect the bill that he might vote for it as he did, and therefore it was the more acceptable to me. It came from a member who probably looks quite as carefully to these objects as my worthy friend from South Carolina, [Mr. BUTLER,] whom I have had the pleasure of hearing on this occasion. But I understand my friend to say that the bills (speaking in the plural) are breaking down all the barriers and restraints which heretofore surrounded them, and were appropriating the public lands *ad libitum*. Not so regarding them, I denied the fact. The Senator now refers specifically to a case, to wit, the grant to Michigan for the construction of the Sault Ste. Marie canal, and he is right in saying that in that instance the alternate section principle was disregarded. The land in this case was nominally granted to the State of Michigan, but for an object so emphatically national that there is no Senator or Representative from that State who will agree that Michigan shall be charged with the grant. That measure was urged and pressed by other voices and votes more strenuously than it was by those from Michigan. And so universal was the feeling in favor of cutting the canal around the Sault Ste. Marie, that when the bill went to the other branch of Congress, it was not buried in the grave in which all similar bills from other States, with two exceptions, were entombed, but taken up, I believe, by unanimous consent, and passed with little if any opposition, and on a day upon which I believe a single objection would have been fatal to it. It was not done as a favor to Michigan, but for the great purposes of commerce and defense, and looking to the settlement of that vast domain belonging to the United States, in which are to be found the richest copper mines in the world.

Mr. BUTLER. I do not wish to make a remark by way of parenthesis; but I think there were some of the neighboring States more anxious for the passage of the Sault Ste. Marie bill than Michigan.

Mr. DODGE, of Iowa. The Senators from Wisconsin can answer for themselves.

Mr. WALKER. I presume that the remark of the Senator from South Carolina was based upon one which I made to him. It was this, and

was intended to have this operation, that he should not charge the Sault Ste. Marie canal, at least upon the delegation from Wisconsin, as an entirety, for they were not—and I speak for myself, as being the one who broke the entirety—they were not, as an entirety, for that work; and how did they come to vote for it? Why, instructions came on from the Legislature for us to do it. How those instructions came to be gotten up I know not, but so it was. Instructions came, and I obeyed them. I voted for the grant for the Sault Ste. Marie canal, though I believed it to be contrary to the interests of Wisconsin. We have now, so far as the Senate is concerned, made a grant of land connecting with the central railroad extending to Lake Superior, and connecting with the great central railroad from Mobile, so as to extend to the copper region of Lake Superior. I believe that the commerce of that lake would best benefit Wisconsin by bringing it through the bosom of our State; and I said that the Sault Ste. Marie canal would divert the commerce of the lake away from Wisconsin, take it around through the Sault, through Lake Huron, Detroit river, and on through Lake Erie to the East; and consequently the great northern and southern route would lose the benefit of it. I consequently felt opposed to the work; but the Legislature sent on instructions, and as soon as they came I announced to one of the Senators from Michigan [Mr. FELCH] that I should have to go for the work. Now it will be seen why I made the remark to the Senator from South Carolina. It was that he was doing injustice, so far as that section of the country was concerned, when he charged that measure upon the Northwest. It was not in keeping with their interests, in my opinion; but my Legislature thought differently, from some motive, and consequently I obeyed the instructions.

Mr. DODGE, of Iowa. The Senator from South Carolina has alluded to the grant of seven hundred thousand acres of land to Michigan for the construction of the Sault Ste. Marie Canal. I wish to call his attention to the report of the Commissioner of the General Land Office to show that the Government is fully reimbursed for the grant which was then made:

"In the Sault Ste. Marie district, in Michigan, the entries for the second and third quarters of 1852 amount to 40,689.65 acres, and for the second and third quarters of 1853, to 69,073.81 acres.

"This great and extraordinary increase in the amount of lands disposed of in these several sections of the country, remote from each other, can only be accounted for by the improvements referred to. In fact, so great is the increase in the value of lands, that land warrants and land scrip are nearly up to the par or face value. If, then, no other reason existed for such grants, this one, on the score of sound economy, would be sufficient. Many of these lands, however, have been in market long enough for the interest to amount to much more than the principal; and during all this period the States were deprived of the right and benefit of taxation."

There is another thing to which I would call the attention of the Senate—and that is this: If there should be evil or wrong growing out of these grants, that they will end as soon as your lordship over the domain within the borders of the States shall cease, as soon as your proprietary right shall terminate in the States, the evil, if it be one, is at an end. It is not like moneyed appropriations from the National Treasury, nor is it any donation at all. As soon, then, as this Government is divested of its title to the lands, whether it be by sales to individuals or grants to States, the alleged injustice and impropriety will have terminated. But hear what the Commissioner of the General Land Office says, in continuation:

"The lands donated for the construction of these improvements, and those thus entered, must, of necessity, be cultivated, to enable the holders to pay the taxes, and from this legitimate source of revenue great pecuniary benefit will be derived by the States. This cultivation, as a matter of course, will increase the amount of grain and stock in the country; and with these increased facilities for sending those products to market, will reduce the price of living, and thus benefit the whole community. They will also reduce the price of transportation for the manufactures and imports of the sea boards, and so reduce the price of those articles to the settler, and proportionally increase the quantity used, and, of course, the profit to the manufacturer and importer. The mail facilities furnished by these lines of intercourse will be of great advantage to the Government and the entire community; and in case of war, if hostilities were brought to our own borders, the advantages furnished by them for transporting men and military stores are almost inappreciable. Another, and very great advantage, derived from these improvements, is the amount of capital and labor carried into the hearts of the several States by their construction. Hun-

dreds of thousands of laborers can find constant employment on them, and each, by a very small amount of labor, can secure the blessings of a "homestead," without feeling degraded by having it conferred on him, as a gratuity, even if it were constitutional thus to benefit a few at the expense of the many, or compatible with the pledges heretofore given in relation to the public lands.

"To grants of this character, for railroads, canals, &c., not one tangible or substantial objection can be presented. The increased value given to the lands enables the Government to get double price, and a ready sale for those retained, and hence the grant costs them nothing. The same reason removes all difficulty in relation to the pledge given by the United States, at the cession of these lands, that they should be considered a common fund for the use and benefit of all the States, and renders them more available towards meeting the obligation imposed on them by the act of 28th January, 1847, that the proceeds should be set apart for the payment of the public debt created by that act. Let these canals and railroads be completed, and the husbandman will no longer have reason to complain that his grain remains ungarnished from year to year, because there is no mode of sending it to market; it will all be eagerly sought after, and, with his surplus stock, will be sent abroad over the land to feed thousands of his less fortunate fellow-beings, while he will thus be made to rejoice in the prosperity secured by his honest toil and industry, saying nothing of the advantages to the business and finance of the country."

I will trouble the Senate with reading no further.

Mr. BADGER. I wish to answer the question which was put by my friend from Georgia [Mr. DAWSON] when this subject was before the Senate in the earlier part of the day. The question was this: How we should answer, those of us who represent the old States, to our constituents for sitting quietly by and seeing all these appropriations of public lands made for purposes of internal improvement in the new States, while no portion of the public domain was applied or set apart for the benefit of those which we represent. I want to tell my friend the motive which influences me, and the reason, which, in my judgment, renders it necessary that we, who represent the old States, should submit to pursue the same course, and feel ourselves without remedy. It is this, sir: the representatives of the new States have ingeniously contrived to induce a large portion of those gentlemen who represent the old States to adopt the opinion that we have no constitutional power to make an application of the public lands for the benefit of all the States. They have this ingenious system laid down—I do not know whether you will call it argument or reasoning—that the lands constitute a fund, held by the General Government as an agent or trustee for the benefit of all States; the proceeds of these lands are no longer needed to assist in defraying the ordinary expenditures of the Government, in which all the States are concerned, because our Treasury is overflowing; but it is utterly unconstitutional, it is illegal, it is a violation of the duty of the trustee to apply the lands, to themselves, or the proceeds of the lands, for the benefit of all the States, for whose benefit, nevertheless, and for whose benefit only, the trustee holds the lands.

Now, sir, see the result of that proposition. It is unconstitutional to apply the proceeds of the public lands, or any portion of the proceeds of the public lands, for the benefit of all the States. It is unconstitutional to appropriate the lands themselves, or any portion of the lands themselves, for the benefit of all the States. Well, now, sir, the moment you have got these two propositions assented to by a large proportion of gentlemen who represent the old States, permit me to inquire what resource is left for us but simply to sit by quietly and permit the lands to be disposed of for the benefit of the new States? It is unconstitutional to give us any share, interest, proportion, or benefit in the fund held for our benefit in common with the other States. We do not need it to defray the expenditures of the Government; and it is unlawful, unconstitutional, and wrong to give us the benefit of it in any other form! That doctrine is agreed to by a majority of the representatives of the old States; and, of course, while that doctrine is held, the old States are utterly powerless, and cannot derive any benefit or advantage from the public lands.

We hear much said about the expenditure of the common blood and treasure; we hear many calls made to the patriotic fervor of Congress and of the people; but, after all, it settles down into that. The lands, some of them, were granted for the benefit of all the States, and others were acquired for the benefit of all the States. And yet it is unlawful, unconstitutional, unbearable, that the Government should apply them for the benefit of all

the States in the only way in which they can be applied for the benefit of all the States.

Now, sir, I am as sensible of the injustice done to the old States as is my friend from Georgia. I think it is a crying injustice; one which ought to be remedied. I think it is an evil which ought to be corrected. I think it an unwise and unjust hoarding of the property from the general purposes of benefit to all the States in this Union. I think the old States have a right to ask, to demand, that a reasonable portion of this domain shall be set apart for their benefit. But what avails my thinking so, or my friend from Georgia thinking so? Our States do not think so. That is the case, at least in a great many instances, in regard to the old States. Their representatives do not think so. And while, by a union among ourselves, we might, without withdrawing—for I would not be willing to withdraw at all the assistance which we give to the new members of the Union—that assistance at any time, it seems to me, make large and liberal appropriations of these lands for the benefit of the old States.

Now, Mr. President, I am reduced to this situation. I would, if I could, do anything for the benefit of the old States; I would especially do it for my own State. I believe it to be constitutional, right, and proper. It cannot but be constitutional, right, and proper that the trustee, if he be a trustee, should dispose of the fund for the benefit of his *cuius que trust*. But I am overruled. What am I to do? Am I to sit here and, by reason of my opposition to the bills which are intended to advance the interests of the States in which the lands are situated, show myself to have a malignant wish to check their prosperity? Certainly not. I have no such wish. I wish to have the lands disposed of for useful and just purposes. I wish to have our own just share of them; but we cannot get it. I would unite with the representatives of the old States in making it a condition upon these grants that we should have our share of them; but they will not unite with me. And, therefore, as I cannot make any opposition which will result in any good to the old States, whose interests, I think, have been unjustly overlooked, why should I exhibit myself here as making opposition at once ungracious and bootless against the advancement of any State in this Union?

The Senator from Maine says that this bill, or another bill before us this morning, I do not know which, as it departs from the original principle on which these grants of alternate sections were made, and gives land for the purpose of aiding in the construction of a road beyond the line of the road, and not contiguous to it, is in effect either a disguised or undisguised application of lands for internal improvements. Well, sir, the legislation is not the less acceptable to me on that account.

If you will not distribute these lands, nor the proceeds of them, among all the States, why should you not apply them to useful and advantageous purposes, why not to purposes of internal improvement? Surely, if it is unconstitutional to give them to the owners, it must be constitutional to give them somewhere else. The Government cannot be bound to keep these lands.

My friend from Iowa has suggested what is really at last a comfortable reflection; that inasmuch as the domain, however large, is not inexhaustible, our brethren and friends in the new States will at length have absorbed the whole of it, and then the inconvenience of making further grants to them, if it be an inconvenience, will have ceased. But permit me to tell him that that characteristic of the public domain does not make it a distinguishing characteristic, which separates it in character from the public Treasury; for it is as true with regard to the public Treasury that, after you have exhausted it all, there will be no more that you can give from it. The only difference is, that by a resort to duties or taxation, we may put more money into the Treasury. And permit me to tell him we have a similar and an equally efficacious mode for putting more lands into the public domain.

Here stands Mexico; another treaty with half a million of acres of public lands ceded to us will replenish the domain. And after we have exhausted that, we have the residue of Mexico and the whole of South America to look to. So that I do not see, at last, that we shall derive any particular or special advantage from the prospect that the present public domain will be exhausted finally, any

more than we could that the present sum of money in the Treasury may be exhausted; for, assure yourself, sir, we shall take care to replenish both of them, and keep the country with an abundance of public lands to dispose of, and of public money to spend.

I have made these remarks in answer to my friend from Georgia, and the question which he says might be asked by our constituents. I am one of those who have never been disposed to interpose a factious or ill-natured opposition to any measure of this kind. I could not have done it consistently with my own feelings, because I have no enmity or desire to obstruct the advancement of any portion of the people of the country; and because I really see no objection, in principle, to the application of public lands in this way. Not that there have not been objectionable cases. There have been some such, and in every mode of expenditure there will be such. The real objection is, that while these grants are made to the new States, nothing is given to the old. In my opinion it is unreasonable, and it is unjust. It is a misapplication of the public domain. It ought to be corrected. But we of the old States have no right to complain, for a large portion of us have voluntarily come to the conclusion that it is unconstitutional to give us any portion of our own property.

Mr. ADAMS. It is not my purpose, Mr. President, to protract this debate, but I desire to answer some of the suggestions which have been made by my friend from North Carolina. It is a little singular that not a single individual who has opposed the passage of this bill, and the kindred bills before the Senate, has attempted to controvert the position taken by the Senator from Louisiana, by my colleague, and by other Senators, in reference to this question; and that is, that a grant of this sort is no gift, is no donation, but is a disposition of the public lands in such a manner as to secure their sale at as large an amount as the whole would sell for without any grant of alternate sections. Not one Senator has disputed that position, and yet each opponent of the bill, when he comes to speak of it, treats it as a donation, as a gift, as a gratuity to the new States.

I wish to call the attention of my honorable friend from North Carolina to what I consider to be a slight misapprehension on his part as to the object of the old States and of the Federal Government in the acquisition of the public lands. My opinion has always been, that the object in securing and purchasing lands by the Federal Government was not to use them for purposes of speculation. He complains that the old States have not been well treated in regard to this matter. I say the old States have no claim over and above the restoration into the Treasury of every dollar which the public lands have cost. The citizens of the new States are the sons of the citizens of the old States. You of the old States raise more people than you can supply with lands, and you send them out to the new States. The people of the new States have gone there from the old States, and, by their labor, have made these lands valuable, and have restored to the Treasury every dollar which you paid for them, with a large percentage. Hence, even if this were a gratuity, the old States have not the same claim to it as the new States; but it has already been shown that this is no gratuity at all.

The old States stand in a very different position towards the public lands than the new States. I admit that they have a claim, a legitimate claim, to require that a disposition of the lands shall be made as will restore to the Treasury every dollar which their acquisition has cost, and all the incidental expenses connected with it. But, I say, it never was the policy, and never can be the policy, of this Government, and the gentleman's constituents do not desire the Federal Government to turn land speculator, with a view of making money from its citizens by selling lands which it has purchased. That was not the object of the acquisition of these lands.

I cannot suppose that my honorable friend from Georgia will have any difficulty in answering the questions which he propounds. He says his constituents may require to know of him why these large grants, or donations, as he calls them, were made to the new States, and nothing given to the old States. Now, let me say to him, that the

whole of the State which I have the honor in part to represent once belonged to the State of Georgia; she fixed her own price for it, and the Government paid that price. The Government has made a good speculation by that purchase. Millions on millions of dollars have gone into the Treasury from the sales of land to the people of the State which I have the honor in part to represent. If the constituents of the gentleman from Georgia call upon him to know why Congress appropriated alternate sections of land to Mississippi, he can say to them, "You have received your own price for that State, and you can expect no more."

But, sir, it is useless to consume time on this subject unless some gentleman can show that the position assumed by the friends of this measure is an erroneous one. Unless that can be shown, unless the report of the Secretary of the Interior is a false report, unless something can be shown to contradict the statements of Senators who have a personal knowledge of the effect of these grants on the value of the public lands, the question is beyond dispute. That it is reasonable, that it is right and proper, that alternate sections should be granted in and for the construction of railroads, it seems to me no man can doubt for a single moment, when he looks at its practical effect on the country. The effect of it is really to bring more money into the Treasury from the public lands than would be received without such grants.

My friend from Georgia has spoken of the value of the lands which we grant for these purposes, and he has estimated it at \$1 25 an acre. I do not know how it may be in other States, but I can say to that Senator, that if the lands proposed to be granted to Mississippi, by the bill which has been introduced for that purpose, were put up at public auction to-morrow, and sold after any sort of notice which could be given, they would not bring, on the average, five cents an acre; and, without the aid of the railroads to be constructed by the citizens there, they would never bring ten cents an acre. As my colleague has said, much of that land has been in market for forty years, and it will remain in market for ever unless an inducement be furnished for its settlement by the construction of roads. Therefore, I say, the estimate of Senators, that a large amount is to be given to the States is erroneous; of course, not intentionally so. The Senators have not been in the new States, and do not know the real value of these lands.

Mr. WELLER. Mr. President, I do not suppose we shall be able to close the discussion upon this bill to-day, although thus far there have been no new points presented. I believe the discussion now—I say it with all respect—is only a rehash of what we have often had upon these bills heretofore; and, therefore, for the purpose of enabling Senators to get their dinners, I move that the Senate do now adjourn.

Mr. STUART. I ask the Senator to withdraw his motion. I think we can take a vote upon the bill in a very few moments.

Mr. WELLER. I have no objection to withdrawing the motion to adjourn, if we can now get a vote upon the question; but if the discussion is to be continued, I prefer my dinner to this rehash.

Mr. STUART. If the Senator withdraws his motion I appeal to the Senate to take the question now upon the bill. If there is nothing new to be said upon it, it need certainly excite no further discussion.

Mr. WELLER. I withdraw the motion to adjourn.

Mr. CASS. I wish merely to say, that we have fought this battle every winter since I have been in Congress, and I think nothing can be said at this day to alter the vote of any Senator present.

Mr. DAWSON. I merely wish to make a few observations in relation to this measure.

Mr. CLAYTON. I will move an adjournment if the Senator desires it.

Mr. DAWSON. No, sir; I do not wish the Senate to adjourn on my account.

Gentlemen speak of the value of these lands. They say that in some parts of the country the public lands are worth very little. That is true; but what is the reason of it? It is because there are more lands within the limits of the United States owned by the General Government than there is a demand for. Our population is not equal

to the quantity of lands which we have. But that is not the point upon which I wish to comment.

My friend from Iowa seemed to be somewhat excited in regard to the observations which I made as to there being no report from the Committee on Public Lands in regard to this subject. Now, sir, what I said, and what I wish to repeat, in order that the country may understand it, is that, for all the propositions to appropriate the public lands which are now before the two Houses of Congress, I have not been able to lay my hand upon a single report setting forth the character of a proposed improvement, the number of acres of land which would be required for it, or the character of the country over which the railroad would go.

I asked, what would our constituents say to us, or what could we say to them, when we were called upon to respond, why was this thing done? I desired a report from the Committee on Public Lands to accompany these bills, stating their necessity and the public advantage to result from them; stating that they were appropriations made to the States to control internal improvements in the State. But instead of that, what position do we occupy here to-day? I am called upon to judge of the propriety of granting lands for a particular railroad. What do I know about that railroad? If I were a member of the Iowa Legislature, or of the Louisiana Legislature, and the public lands were given to either of those States by the United States, would I, as a legislator for either of those States, appropriate those public lands until I knew the railroad line, and had estimates of its cost, and a report showing the great public advantages to be derived from its construction? Not one of us could do it, and yet we are appropriating here hundreds of millions of acres of the public lands by our votes for railroads, confining them to particular routes, without any knowledge of those routes.

Now, sir, I maintain that this is wrong. You will not appropriate \$50 for the payment of a claim to a soldier, or to a private citizen, unless you know the facts of the case. When a bill is read at the table, appropriating a small amount of money for a private claim, Senators call for the reading of the report, to show the principle, to show the justice of the claim; yet these wonderful appropriations are made here daily without laying before the country the facts upon which we act.

Now, sir, I repeat the question, if I should vote for this proposition, and were asked why I did it, where are the estimates; where are the representations contained in a report to justify that vote, or to satisfy the country, what answer should I make? Hence it was that I did say that I was waiting for a general report from the Committee on Public Lands. I will go, like my friend from Delaware said he would go, down as low as to require estimates from them. And as the Secretary of the Interior is the great manager of the internal affairs of this country, I call upon him, in relation to every railroad, that it shall be designated; and I ask of him to let us know the character of the public lands through which that road is to pass, the number of acres to be granted for it, and how the lands are to be obtained, and what influence the grant would have on the finances of the country, and what would be the extent of the appropriation of lands contemplated. Would not this be right? Would it not be just? And will it be considered offensive on my part, when these appropriations of millions of acres of the public lands were about being made, that I ask for such information? I do not ask Senators to rise in their seats and tell me about them, but I wish them to tell me, as statesmen, in such a manner as should control the conduct of Senators in the management of the public affairs. Where is the report of an engineer; where is the statement of the Secretary of the Interior, or of the Commissioner of Public Lands, giving to me the actual facts of the case along a line of railroad three hundred miles in extent? I know nothing but what my friend from Louisiana [Mr. SLIDELL] said in regard to the road in his State. I do not know the character of the improvement; but he told me that one hundred and seventy miles of it were through a settled population where the whole of the public lands were gone; yet, in that instance, according to the construction of the Senator from Maine, we appropriated land, as he maintained, and said to my friend from Illinois, section upon

section, to the lines built, and my friend would not deny it.

Mr. SLIDELL. I beg the pardon of the honorable Senator from Georgia. I do not admit that that is the correct construction of the bill. On the contrary, I deny that it is; and if I shall have an opportunity, I will explain the operation of the bill.

Mr. DAWSON. I am very glad that the Senator has denied it; for before his denial we stood in the position of having that declaration of my friend from Maine going out to the country without a denial that we are appropriating the public lands to a company that has already constructed the road.

Mr. DODGE, of Iowa. I am sure the gentleman from Georgia does not desire to misstate the facts; and yet, perhaps, it would not be proper for me to interrupt him and set him right. I will therefore make my statement when he gets through.

Mr. DAWSON. I prefer that the gentleman should state now whether the Senator from Maine was right or wrong.

Mr. DODGE, of Iowa. I say this: We do not grant an acre to any company on God's footstool. We grant that land by that bill to the sovereign State of Louisiana, upon the presumption that her Representatives—her constituted Representatives—are intelligent people, and know what is best for their own interests much better than the Senate of the United States can know. Now, has my friend read all these bills? I will ask him, in reference to this very bill, whether he has read its provisions?

Mr. DAWSON. I have.

Mr. DODGE, of Iowa. My friend from Georgia will recollect that when the Iowa bill was under discussion at the last Congress, there was no provision in it such as—

Mr. DAWSON. The Senator need not go back to what then occurred. We have a distinct question before us.

Mr. JOHNSON. Will the Senator from Georgia allow me to make one suggestion?

Mr. DAWSON. Certainly.

Mr. JOHNSON. Is the Senator aware what bill is now before the body?

Mr. DAWSON. It is immaterial which of these bills is before us. I am speaking of the general character of these measures.

Mr. JOHNSON. I did not know whether the Senator was aware of the particular bill before the Senate.

Mr. DAWSON. Gentlemen ought to understand this matter. I submit to them that, if they were in the Legislature of Arkansas, or in the Legislature of Indiana, or of any other State in the Union, they would appropriate the lands belonging to the State on such information as we have before us to-day? I never knew of an appropriation of even \$50,000 in money being made on the existence of a like state of facts; and yet I am to be considered as illiberal and unjust towards the new States, because I cannot conscientiously say from the facts before me that this measure ought to be passed. You avoid every means by which you can get correct information. For what have you your land agents? For what purpose have we a Commissioner of the Land Office? For what purpose have we a Secretary of the Interior? Why have we these officers, if not for the purpose of sending to us information on which we can act understandingly? I ask any Senator on this floor now in favor of these measures if the sole information he has derived about the matter is not from the bill itself and from speeches of gentlemen? It is so. Now what I present here as a just right for me as a Senator is, that these bills, like all other bills, shall be accompanied by a report stating the facts of the case, so that I can act upon these measures properly towards the country and towards myself.

I repeat again, Mr. President, and I do it with no unkind, or illiberal, or ungenerous feelings, that this mode of disposing of so much of the general treasure of the country, whether it be in land or in money, under such circumstances as these, is radically wrong. It shows a system of legislation proceeding without information, well calculated to create distrust in the public mind, and to destroy that confidence which should be placed in our legislative action. This is the reason why I make this objection.

As my friend from Iowa knows, ever since I took a seat on this floor, I have stated my objections to this mode of proceeding. I have stated that I would be as liberal as the most liberal in favor of the younger States. If the public lands were to be divided to-morrow, I would give them a magnanimous share. I would give them an appropriation far above that which I demand in favor of my own State, for reasons which they have suggested. But can they call upon me, and do they believe that, as an honest man, I ought to yield to them, when they tell me to take their word, and give them what they ask. They would not trust me as their agent in private transactions, if I acted or voted in that way. If I were to act upon such principles, they would look upon me as a dangerous man, in whose hands their private rights should not be placed.

Mr. President, this is an important question. It is a great question. It is one which the American people ought to understand. I am glad that the question which I propounded, as to what we should say to our constituents if we adopted such action as this, brought forth the gentleman from North Carolina, [Mr. BADGER,] who has placed this question rightly before the country.

We know that there have been divisions in relation to the question of internal improvements. We know that our Democratic friends are decidedly against internal improvements by the General Government, and it is known that I have been inclined to the same opinion myself, although I have acted steadily with the party to which I have belonged. Yet, sir, we are now doing indirectly the very thing which we deny the power of the Government to do directly.

Before I conclude I will put an interrogatory to the Senator from Louisiana, which I am requested to make. It is, whether the Senator from Maine put the proper construction upon the bill granting lands to the State of Louisiana? I understood my friend from Louisiana to say that he put an improper construction upon it, and I take his statement. The only objection which I have to make to it is, that a bill of such importance should be put through the Senate with two distinguished men like them differing as to its construction, and not having it amended to accomplish the object in view.

In conclusion, I beg pardon of the Senate for having detained them so long. My views are before the country upon this question. My constituents understand them. The old States have abandoned their right. The new States are sweeping off all the public lands. I wish them success in their use. I shall not envy them, but I shall always look upon the carelessness of the old States in the management of this landed estate of theirs as deserving the censure of our section of the country.

Mr. SLIDELL. Many of the remarks which have been made by the Senator from Georgia have no application to the bill now under discussion. He has evidently been under the impression that we have now under consideration the bill making a grant of land to the State of Louisiana.

Mr. DAWSON. Not at all. I was speaking of the general principle of these appropriations.

Mr. SLIDELL. The bill now before the Senate is one making a grant of land to the State of Michigan. But I am very ready to respond to the interrogatory which the gentleman has put to me. I contend that the construction put upon the Louisiana bill by the chairman of the Committee on Public Lands, [Mr. Dodge, of Iowa,] and by the Senator from Arkansas, [Mr. JOHNSON,] is the correct one. It is, that when twenty miles of the road shall have been made, then one hundred and twenty sections of the public lands, lying on either side of those twenty miles of road, within the distance of fifteen miles, may be taken by the State of Louisiana and sold for the purpose of appropriating the proceeds to the payment of the sum that has been disbursed for the twenty miles of road which have been built. The honorable Senator from Georgia was laboring under a false impression, and so was the honorable Senator from Maine, when he considered that, because this road was three hundred miles in length, one hundred and eighty miles of which, as I stated, passed through lands which were not public lands, and for which, in all probability, no public lands could be appropriated within fifteen miles on either side of the road, therefore there would be appropriated

the amount which would have been appropriated to the three hundred miles of road if the road had passed through public lands for the whole distance. Upon an examination of the bill—and it does not require a very careful examination for the purpose—it is evident that the construction which I place on it is the correct one; and if I entertained any doubt on that subject, I should most willingly defer to the gentleman whose particular province it has been to examine the subject carefully and report their views to the Senate. They also say that their construction is the one which is put on the bill by the Secretary of the Interior, and by the Commissioner of the General Land Office. Am I not correct in this?

Mr. JOHNSON. I understand it to be the case.

Mr. SLIDELL. Then I will assume such to be the effect of the bill. Now it has not been pretended in any case that a railroad must pass exclusively over the public land, and it has not been pretended that the beneficial effects of the construction of a railroad are confined to the strip of land which immediately adjoins the road. The theory of this bill, and the report of the Commissioner of the General Land Office, go upon the presumption that the benefit of the construction of the road will not be confined to the strip of land immediately adjoining it; but all experience has demonstrated that the land lying on either side within a range of thirty miles of that road is benefited by its construction. Then, even if the view taken by the Senator from Maine were correct, I think it could be demonstrated that the interests of the United States and of the Treasury would be promoted by making this grant of land, because a large section of country now cut off from market, not lying upon any navigable stream, and which is at present utterly inaccessible, will, by the construction of the road, be brought into settlement. I venture to say further, that at the point beyond which cultivation and settlement on the line of that road to which I have referred now exist, the value of the land will be increased tenfold by its construction. That land really at this moment has no convertible value. Its value will depend only upon the construction of the road.

The honorable Senator from Delaware asked upon what principle these bills could be supported and sustained. He said that when appropriations were made for internal improvements, they were accompanied by reports and estimates from some acknowledged authority on the subject—from the Secretary of the Treasury, or from the head of the Engineer Bureau; so that we should know exactly what was to be done in each case, how it was to be done, and what it was to cost. Now, I say we have all the elements of certainty in this bill, and in all other bills which are framed after the same model, because they are all alike. First, we know that if there be any public land on either side of the road within a range of fifteen miles, alternate sections of land will be granted to the State of Louisiana to aid in the construction of the road. There cannot be more than that, and there may be much less. In the instance to which I have referred, suppose the road to be three hundred miles in length, that, according to my calculation, would require about seven hundred thousand or eight hundred thousand acres of public land.

Mr. DODGE, of Iowa. Only six hundred thousand.

Mr. SLIDELL. The chairman of the Committee on Public Lands tells me not more than six hundred thousand acres. There at least is one element of absolute certainty. It may be much less, and it cannot be more. Then we have another element of certainty. We know exactly the points of inception and termination of the road. We all know that it leads from a great commercial emporium of the country to the boundary of the State of Texas. We all know, and have reason to believe, that when that railroad shall have been made to that point, it may be extended much further, and carried probably to the extreme limits of Texas; and we have reason to believe that if this road is completed, (and it will be completed either with or without the aid of the General Government,) it will be the terminus of the great California road. That, however, is not the point to which I wish now to address myself.

The next element of certainty is, that where a railroad is not called for by the wants of the coun-

try—where it is not likely to be productive—where it is not national to a certain extent (for I consider everything to be national which tends to develop the resources and wealth of the country)—where it does not hold out prospects of advantage and remuneration to those who intend to make it, either in the form of increased trade or in the form of dividends, the subscriptions necessary to make it will never be attained. Now, in this instance, suppose we receive eight hundred thousand acres of land from the United States—and I conceive that under the operations of the bill passed this morning we shall not get more than three hundred thousand or four hundred thousand—

Mr. DODGE, of Iowa. Four hundred and twenty thousand acres is the exact number.

Mr. SLIDELL. That at the minimum Government price would be \$500,000. The road, at the lowest calculation, will, when equipped, cost \$25,000 per mile. Then it will require an expenditure of \$7,500,000 for the completion of the road. Now, to show that the road is not a fanciful affair, (and I think the honorable Senator from South Carolina qualified by that term some of these bills,) but that it is a real and substantial road to be carried out, from which the stockholders and those who contribute to its building, expect to derive some benefit, I may state that the city of New Orleans, with the greatest unanimity, imposed a tax of \$1,500,000 upon the property-holders of that city to aid in the construction of the road. The State of Louisiana is also a stockholder to the extent of \$1,000,000 or \$1,200,000. If I am wrong in the statement of this amount, my colleague can correct me. Almost every parish in the State, through which the road has to pass, has also voluntarily taxed itself to aid in its completion. Then it is not a fanciful affair.

If I am not mistaken, it appears to me that I have demonstrated that there is every degree of certainty which the honorable Senator from Delaware can require to know, whether the bill which I have referred to should or should not receive the sanction of the Senate. We know how much it will cost the Government—we know that the road will be built, and we are bound to presume that it is judiciously located, and will yield profitable results, or the necessary amount of capital will not be subscribed to it. Now, I ask him, if there are not sufficient elements before him at this time to enable him to judge whether he can with propriety give his sanction to the bill?

Sir, I have been led into a discussion perhaps in some degree foreign to the merits of the question immediately before the Senate, because the Michigan bill is the one on which we are really called upon to vote; but as the Senator from Georgia made a direct appeal to me as to the merits of the road in Louisiana for which we passed a bill this morning, I felt myself bound to respond.

Mr. HAMLIN. I desire to ask the chairman of the Committee on Public Lands a single question, to which I wish a direct answer, and I know he will give it to me in his usual prompt way. The question is this: What is his opinion of the construction of all these bills, where a part of the land lies within the public domain, and a part out of it? Does not the donation apply to that which is out as well as to that which is within the public domain?

Mr. DODGE, of Iowa. I will state that the Senate bills originally did so provide, and that was the construction placed upon the Illinois Central railroad bill, and upon others, I think; but there is an additional section which was offered to these railroad bills at the last session by Mr. ORR, of South Carolina, which has been incorporated into the bills of the present session. I thought from reading it that it bore the same construction which the Senator from Arkansas put upon it; but it is due to the Senate that I should say that I have not referred to the Secretary or the Commissioner of the General Land Office on the subject.

Mr. JOHNSON. I will state that there is material distinction upon that point—

Mr. HAMLIN. I ask the Senator from Iowa frankly to give me his opinion.

Mr. JOHNSON. He has given it.

Mr. HAMLIN. No, sir; I should be very glad if the Senator from Iowa would state distinctly what is his own construction.

Mr. JOHNSON. As the gentleman from Iowa

does not seem disposed to answer, I will state, not by asking the permission of the gentleman from Maine, but of my own right, what my own construction is. The gentleman has asked for the construction of the provision, and I will state what my impression is. I have a right to think for myself upon this floor, and I shall exercise that right. It is not in the manner in which he puts it here at all that I will consider it, or that I have spoken of it. I will answer for myself with reference to the question which he puts. The question was: Are not the whole of the lands granted, whether in one part of the road or another, appropriated to the whole road? I say yes, it is true. I never said no.

But, sir, there is another thing in regard to that point which is rendered clear by the bill itself. There is a provision in this bill, called the JAMES L. ORR provision, which the House of Representatives, at the last session, inserted into all these bills as a restriction. It is a just, and rightful, and a wise restriction, and it has been adopted by the Committee on Public Lands of both Houses at this Congress. That provision is one which says that, though you may make grants for a million of miles if you choose, you shall sell land only to the extent of twenty miles at a time. I say the construction to be given to that provision is, that you shall be permitted to sell lands lying along the twenty miles of the road which have been put under contract, and not any other strip of twenty miles until that portion of the road is constructed. If you commence a work upon any part of the road where there are no public lands upon either side, you may sell all your right upon either side of the twenty miles; but you cannot go to another twenty miles at a distance, where there are public lands, and sell that part. I say that, after you have commenced one section of twenty miles, you can sell the lands lying each side of it; but you can go no where else to sell lands until you have gone on with twenty miles more of the road.

There is, however, a wide difference between that and the question whether or not an appropriation which is made for the construction of the whole road, shall be given only to that part of it where the public lands lie, or shall be given indiscriminately to the whole of it. If the whole grant of land is made, unquestionably it goes for the whole road in the end, provided the whole road be constructed. If there is more land granted than will annually secure the building of the road—and that cannot be pretended in any case—it will be held by the State, or appropriated by the State as she may choose. But you expressly say when you pass the bill, that the State shall not appropriate the grants made by Congress, for a specific object, in any other way than to carry out the design of the bill, which is to secure the building of the road. There is the material distinction.

But I will not stand misconstrued upon this matter. If the gentleman makes an error in his construction of the bill, and I attempt to set him right in it, I will not allow myself to be misconstrued by questions and answers between that gentleman and another upon this floor. Nor will I lose my chance when I have a right to come forward and set myself right.

Mr. HAMLIN. I desire to assure the Senator from Arkansas that I did not mean to misconstrue him.

Mr. JOHNSON. But you refused to let me answer when the question was asked.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The Senator from Maine is entitled to the floor.

Mr. HAMLIN. I desire only to state that I wanted the opinion of the chairman of the committee. We have had the opinion of the Senator from Arkansas already. He had stated, with his usual frankness, what his opinion was. I did not misunderstand him. I understood him then as I understand him now. I wanted also the opinion of the chairman; and that was the only reason why I asked for it. I had no other reason in the world.

Mr. BAYARD. Mr. President, I have some doubts in regard to a portion of the provisions of this bill, independent of my general objections to it, and I shall therefore move its postponement. The bill was reported by the Committee on Public Lands on the 30th of January, but some seven days ago. It is a bill which contains many important provisions. It seems to me to contain provisions which are a departure from the princi-

ple upon which such bills as this were originally introduced and passed by Congress; and upon that ground, in order that I may have an opportunity to compare it with those bills, I ask for the postponement. It has been but seven days in the Senate, it involves matters of considerable moment, and I suppose it is not to be rushed through by the force of numbers without giving us the possibility of making the comparison which I desire to make, unless it be indeed that where appropriations of money, or of land, to purchase whole communities are proposed, the doctrine is that we must submit. I move that the further consideration of the bill be postponed till the day after to-morrow.

Mr. STUART. I hope the bill will not be postponed till that time. The Senator can move an adjournment, and this bill will then come up to-morrow as the unfinished business.

Mr. BAYARD. The Nebraska bill will come up to-morrow; but the Senate can do as it pleases in regard to the matter.

Mr. CASS. I move that the Senate do now adjourn.

The motion was agreed to, and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 7, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed bills of the following titles, in which he was directed to ask the concurrence of the House:

S. B. No. 136. "An act for the relief of William Senna Factor;"

S. B. No. 166. "An act to incorporate the Georgetown Gas-Light Company;" and

S. B. No. 185. "An act for the relief of Mrs. Elizabeth C. Smith, of Missouri."

LEWIS WARRINGTON.

On motion by Mr. BAYLY, of Virginia, it was Ordered, That leave be granted to withdraw from the files of the House the petition and papers of Lewis Warrington, for the purpose of referring them in the Senate.

Mr. OLDS. I move to reconsider the votes by which bills No. 244 and 245, introduced yesterday, were referred to the Committee of the Whole on the state of the Union. I make the motion now in order to have it entered.

The SPEAKER. The motion will be entered.

DEFICIENCY BILL.

Mr. HOUSTON. The committees were nearly called through yesterday, and as I am very anxious to get the deficiency bill through not only the committee but also through the House to-day, I hope the House will consent to go into the Committee of the Whole at an early moment. I therefore move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. MACE. I trust the gentleman will not insist upon his motion until after the morning hour has expired.

The question was put, and there were, on a division—ayes 86, noes not counted.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SERMOUR in the chair,) and resumed the consideration of the bill making appropriations to supply deficiencies in the appropriations for the fiscal year ending the 30th of June, 1854.

The CHAIRMAN. When the committee last rose, the pending question was an appeal taken from the decision of the Chair, which ruled that an amendment offered by the gentleman from Maine, [Mr. FULLER,] in regard to the marine hospital, in Portland, was in order.

Mr. FULLER. My colleague, who represents the district where the hospital is situated to which my amendment referred, was not in his seat at the time I made the motion. He was detained at his lodgings by illness, and therefore I offered the amendment in reference to the marine hospital at Portland. I was not then familiar with the subject; but since that time I have conferred with my colleague, and also with the chairman of the Com-

mittee of Ways and Means, who, I understand, is not unfriendly to the appropriation, but who thinks that the subject would more appropriately and properly come up when we come to the consideration of the civil and diplomatic appropriation bill.

Now, sir, for the purpose of not embarrassing the Committee of Ways and Means, and with a view to offering the amendment to the civil and diplomatic bill, where it will very properly come in, and where, I understand, an appropriation is recommended by the Secretary, and with the consent of my colleague, who is not now in his seat, and who, I suppose, is detained from the House by sickness, I withdraw the amendment.

Mr. BOYD offered the following amendment:

For the completion of the marine hospital at Paducah, Kentucky, \$5,000.

The question was taken on the amendment, and it was agreed to.

Mr. CLARK. I offer the following amendment:

For the collection of agricultural statistics, and the purchase of seeds, to be paid out of the patent fund, \$10,000.

Soon after the commencement of the present fiscal year propositions were made by the Commissioner of Patents to foreign Governments for a reciprocal exchange of seeds, which in many cases were accepted, and, as far as possible, has been carried into effect. To complete all the arrangements thus entered into a further appropriation is required. The small appropriation of \$5,000 appropriated at the last session of Congress, a portion of which has already been expended, leaves the amount necessary to carry out this arrangement wholly inadequate to the wants of the Department.

I think that the agricultural interest, which, without protection, protects all other interests, and which furnishes employment for four fifths of our entire population, may, with great propriety, ask for this small amount, to enable the Commissioner of Patents to furnish the requisite seeds for early distribution. In my judgment, no better use can be made of a portion of the public fund, and one which would be more acceptable to the great body of our citizens, than the improvement and increase of the products of our soil. I did intend to have asked for a larger appropriation, but upon consulting with the chairman of the Committee of Ways and Means, his advice was, that it would be proper to ask no more than was necessary to meet the present wants of the Department, and leave the appropriation for the coming year to be settled when the general appropriation bill should come up.

Mr. JONES, of Tennessee. It does seem to me that those who have had any experience in this thing of getting seeds from the Patent Office, and distributing them, will acknowledge that of all humbugs of the day this is one of the most bald and perfect humbugs ever got up by Congress and the Patent Office combined. Of all the seed which have been distributed here by the Patent Office, there is not one package out of ten, in the first place, that will ever come up at all; and then not more than one tenth of those that do come up will ever prove beneficial to the region to which they are sent.

I agree with the gentleman from Michigan [Mr. CLARK] entirely, that it is a laudable and praiseworthy object to improve and promote the agricultural interests of the country; but how can it best be done? Leave to individuals to select their own seeds, and then those who pay for them will receive them; but here appropriate ten, fifteen, twenty, fifty, or one hundred thousand dollars for the purpose of getting seeds through the Patent Office, and you make it, at best, a mere electioneering fund, appropriated to members who may distribute them. They send them to their favorites, and the great body of the people get none of them at all; and, sir, it is a system of partiality and favoritism which, in my opinion, should not be practiced or recognized by this Government.

How do they get the seeds at the Patent Office? They get them, perhaps, from some establishment in Philadelphia, which raises most of them, and collects the others from the different parts of the country; give them, through the Patent Office, to members of Congress, and they are perhaps sent back to the very parts of the country from which they were selected by the establishment at Philadelphia.

As I before said, many of them, from some cause or other, never come up, and have not a tendency even to fertilize the soil in which they are planted. I hope this thing will be stopped. Those who want them can find out where they are to be procured, and collect those adapted to their particular localities much better than members of Congress, or any establishment in Philadelphia, New York, or any other place can. I hope the amendment will be voted down, and that this thing of getting seeds, and scattering them over the country in this manner, will be stopped.

The amendment was again reported to the committee.

Mr. TAYLOR, of Ohio. I move to increase the appropriation \$500.

I understand, Mr. Chairman, from the statement of the gentleman from Michigan on my left, [Mr. CLARK,] who, I believe, is a member of the Committee on Agriculture, that the sum specified in his amendment is absolutely necessary to carry out the policy adopted the last session of Congress, and of the previous session, for supplying this Department of the Government with the means necessary to collect statistical information, and useful seeds for the country.

I disagree with the gentleman from Tennessee [Mr. JONES] in the remarks made by him, to the effect that this distribution of seeds is an entirely useless operation. The five years during which I have occupied a seat upon this floor, I have received, as every other member of Congress has, seeds from this agricultural bureau, which have proved of great value to the section of the country which I have the honor to represent. We have had wheat from the Mediterranean, and various other parts of Europe; wheat from California, seeds from South America, and various other parts of the globe; which, by transplanting and cultivating in this country, introduces better and more useful products than we are in the habit of cultivating at home. It encourages experiments among our farmers, and is productive of very great good.

Sir, what is the little sum now proposed to be appropriated? That great portion of the American people who constitute the principal part of our population; whose prosperity makes the prosperity of this Union; who pay your taxes; who uphold your civil list, your Army and your Navy; who are to pay the \$51,000,000 which I see the Secretary of the Treasury estimates as necessary to carry on the various Departments of the Government; to this large class of people what is this paltry sum of \$5,000? It will be of very great service to them; and I, for one, hope this House will not withhold it.

The object of the gentleman from Michigan is a very good one. It is to scatter statistical information, and to procure rare and useful seeds from foreign countries, and from every section of the country, for distribution among the agricultural population of the country. I have the honor to represent an agricultural district—one as deeply interested in such pursuits as any in the United States. The farmers of that part of the country receive seeds, especially when brought from foreign countries or from remote parts of the Union, with pleasure and profit, and they cultivate them, and disperse them beneficially among their neighbors.

I hope this small appropriation will not be withheld. On every proper occasion I shall advocate liberal appropriations for upholding the Agricultural Bureau of the Department of the Interior. I think there should be a separate Agricultural Bureau—one which should collect and distribute statistical information, and publish the valuable reports of agricultural societies. Such a bureau has been recommended by every President of the United States from Washington down to the present, but Congress has never yet thought proper to establish it. I think that it ought to be established, and that the farmers of the country ought to be aided in every proper and suitable manner.

Mr. HOUSTON. I will occupy enough time, to prevent any one else from consuming five minutes in opposing this amendment, to enable me to make a suggestion to the gentleman who offered this amendment. I understand that the appropriation sought is \$10,000, for the purchase of seeds and the distribution of agricultural statistics. I think that it is too late to accomplish much in the way of distributing seeds for the

ensuing spring. I speak, at least, for one very extensive region of agricultural country, when I say that it is too late, and if we had seeds now we should not be able to send them to the southwestern States in time for many of them to be successfully cultivated this year. I therefore suggest to the gentleman from Michigan whether it would not be better so to frame the language of his amendment as to authorize the collection of these seeds at a period early enough for the distribution to be made next fall, so that it may be made to the satisfaction of all parts of the country, whereas now only the most northern regions can get them in time for cultivation this year.

Mr. SAGE. I hope the gentleman from Michigan [Mr. CLARK] will not consent to withdraw his amendment. It is not too late to distribute seeds very generally throughout the whole country. There may be a small portion that will not reap any benefit—

The CHAIRMAN. The gentleman is reminded that debate is exhausted on the amendment.

Mr. SAGE. I move, then, to amend the amendment by increasing the amount of the appropriation one dollar.

The CHAIRMAN. There is an amendment to an amendment already pending.

Mr. TAYLOR. I will withdraw my amendment to the amendment.

The CHAIRMAN. Is there any objection to the withdrawal of the amendment?

Mr. JONES, of Tennessee. I object. Let us vote upon it.

The question was then taken on Mr. TAYLOR's amendment to the amendment, and it was rejected.

Mr. SAGE. I now move to increase the appropriation one dollar. I am not surprised at seeing opposition to this proposition come from the quarter it does. I was more surprised to learn from the gentleman from Michigan [Mr. CLARK] that the chairman of the Committee of Ways and Means had assented to an appropriation of \$10,000.

Sir, if there is any class of the people of this country entitled to the protection of Congress it is the agriculturists, the farmers. I am glad that this amendment has been brought forward, and instead of decreasing the amount, I hope that the gentleman from Michigan will, at the proper time, increase the amount to carry out the suggestion of the chairman of the Committee of Ways and Means.

This system of distributing seeds may be a "system of humbuggery," as the gentleman from Tennessee says it is, but if it is, there are a great many systems of humbuggery in our legislation here, and I hope that this amendment may be adopted. I think that it is one of the most meritorious brought forward for the sanction of the committee.

Mr. HOUSTON. I have made no opposition to the amendment originally introduced. It proposes, in my understanding of it, to make an appropriation out of the Patent Office fund. The honorable gentleman who presides as chairman in the committee having charge of that fund, I take it, is better informed of its condition than I am; and, therefore, I interpose no opposition to the amendment which he has submitted. I repeat what I have already said, that in more than one half of the States of this Union, and in much more than one half of the agricultural portion of this country, it is now too late to distribute any part of the seed proposed to be provided for. If the seed were in the Patent Office to-day, it would be too late to get it at the various points where it is to be used. Many of the seed, if in the hands of the cultivator at this time, would be immediately put in the ground.

I do not know what the committee may do with the amendment. I am perfectly willing they should adopt it, if it be their pleasure to do so.

Mr. HUNT. If through neglect it be too late to serve one half of the country—

The CHAIRMAN. Debate is exhausted on the amendment, and being an amendment in the second degree further amendment is not in order.

The question was taken upon the amendment to the amendment, and it was rejected.

Mr. HUNT. I move to increase the appropriation \$500.

If it be too late, Mr. Chairman, to serve one half of the country, is that a reason why we shall

not serve the other half? Shall the neglect, for a time, of one portion, prevent us doing what is right at this time to the other portion? Is there patriotism or good sense in that opposition? When I heard of the gentleman's friendship I distrusted it.

"Non tali auxilio,
Nec defensoribus istis, tempus eget."

Sir, we are here bound to promote the interests of agriculture, and this is a proper way of doing so. The gentleman who addressed the committee proposes nothing, and opposes everything. In the spirit of economy, which is characteristic of him, he opposes this measure. Why should he oppose this measure? Is not agriculture one of the great interests of the country, and will not this measure have a tendency to promote it? If he cries out abuse, why does he not put before the public view those who are guilty of it? Abuse is incident to all human laws and institutions. It is not the abuse of a law which should deter us from doing what is right—which should prevent us from passing the proposed appropriation.

I did not intend to say a word when the original amendment was introduced; but I did not like the spirit in which things went on, and therefore rose, first of all, to see that due privilege be accorded to every member, without hurry, of speaking his mind; and, secondly, to see that when gentlemen are called friends of a measure, and they rise up and oppose it, the committee look upon them in the proper light. [Laughter.]

Mr. HOUSTON. The gentleman from Louisiana [Mr. HUNT] is very welcome to entertain any opinion of my friendship he may please. That is a matter which causes me no discontent. I presume other gentlemen of the committee understood that I did not oppose the amendment. I made a suggestion to the honorable chairman of the committee having charge of the Patent Office fund, which, in my opinion, was right and proper. I suggested that it was too late in the winter to procure seeds for a proper distribution. Ah! but the gentleman says, if you cannot distribute to all of the States, distribute them to all you can.

Now, sir, if this gentleman had reflected a little further upon the subject he would have seen that when we purchase seeds we purchase them for different parts of the country. The seeds purchased at this season of the year, for distribution at the South, will be unfit for distribution next winter. Many of them at that time will be unfit for cultivation. Many of them would not germinate if planted. You will see from this the object of my suggestion.

I have not opposed the appropriation, and I do not intend to do it. I leave the business with the committee who have the charge of it, and I am perfectly willing that with them the responsibility should be left. I hope the House will take a vote upon it, and consume no further time in the discussion of this subject.

Mr. CLARK. I stated, when I addressed the House before, or intended to state, that the Department had already assumed obligations in the purchase of seeds. They have received from different European Government, at different times, seeds of grains and grasses, which thereby has imposed upon the Patent Office the obligation of returning a like amount. In order to meet those obligations they must purchase seeds and grain to a considerable amount, for which they want an appropriation.

They did this in pursuance of an appropriation last year of \$5,000, and the appropriate Department now recommends \$10,000 as the least sum which will answer the purposes of the Department.

In reference to the distribution of seeds, I will say that they may be returned from Europe now in time for distribution by the members of this Congress.

I need say nothing as to the benefits derived from this interchange of seeds. It is hardly necessary to try to satisfy this committee upon that subject. We all know that the valuable kind of wheat, known as the Mediterranean, which was distributed from the Patent Office, has been of immense benefit to the country, and has added thousands and hundreds of thousands of dollars to the farming interests of the country. It seems to me proper that this small appropriation should be made.

Mr. HUNT. I withdraw the amendment, if there is no objection.

Mr. JONES, of Tennessee. Let us have a vote upon it.

The question was put, and the amendment was not agreed to.

Mr. JONES moved a *pro forma* amendment, and proceeded to say: I move the amendment merely to say to the gentleman who introduced this proposition, that, in the explanation just made, has been given one of the best reasons, and one which is entirely conclusive with me, against this proposition. That is, that the Commissioner of Patents has agreed to interchange seeds with other countries and Governments, and has thereby incurred responsibilities, without being authorized to do so by law. For one, sir, I do not intend to vote here to complete obligations entered into by Executive officers, from the President down, without authority of law.

The question was taken upon the amendment of Mr. JONES, and it was not agreed to.

Mr. CHAMBERLAIN. I am satisfied that if we wait in accordance with the views expressed by the gentleman from Alabama, [Mr. HOUSTON]—

The CHAIRMAN. The gentleman from Indiana is reminded that it is necessary for him to move an amendment to the amendment in order to entitle him to the floor.

Mr. CHAMBERLAIN. I move, then, to increase the sum named in the amendment by adding \$10,000.

I was proceeding to remark, Mr. Chairman, that I am satisfied, if we wait for the appropriate time to arrive in accordance with the views expressed by the gentleman from Alabama, [Mr. HOUSTON], that it will never come. There are some portions of the Union where it is now the suitable time in which to put seeds into the ground. There are other portions of the Union in which the spring is the more appropriate time. In the extreme North—if you please—both spring and autumn are appropriate seasons for this purpose. In some portions of the country any season of the year will answer the purpose.

What then becomes of the argument, that this amendment should be so framed as to make it applicable to the appropriate season of the year for procuring seeds? I represent a portion of the West—an agricultural region of country—and has it come to this, while we are lavishly expending hundreds of thousands and millions of dollars of the people's money for every conceivable purpose under heaven, that we should turn a deaf ear to this call for a small pittance of \$10,000 for the greatest interest of this country—the agricultural interest—which lies at the foundation of all other interests?

Many of my constituents, among other demands made upon my time and attention, have called upon me to procure seeds of different varieties and forward to them. I regard it as one of the first duties I owe to them. I hope the amendment to the amendment will be adopted, and that the appropriation will be increased to \$20,000, in order that we may, in the appropriate discharge of our duties here, not turn a deaf ear to any compliance with the calls of our constituents in this important respect.

Mr. SMITH, of New York. I do not deny that the mutual exchange of the seeds of different countries is beneficial to the farming interest. Perhaps a similar exchange of specimens of cloth might help the mercantile and manufacturing interests. Perhaps a similar exchange of mechanical tools might be useful to mechanics. But the material question is, whether individuals shall make these exchanges, or whether Government shall be the agent to negotiate them?

In my opinion, Government violates its office, and transcends its province, in concerning itself with such things. Its sole, legitimate office is to protect the persons and property of its subjects. Leave it within its province, and it will hardly fail to do its work well. But allow it to exceed its province, and it will hardly fail to do all its work ill. Its usurpation of the work of the people has done more than anything else to make Government a burden upon the people instead of a blessing to the people.

It is true that the sum which is called for in this case is a small one. But the principle to be violated by our voting this sum is a great one.

We need to be continually mindful of the true and only office of civil government. It is to hold

a shield over its subjects, beneath which they may, in safety from foreign aggressions, pursue their various callings. It is, also, by its ever present and strong arm, to restrain its subjects from aggressions upon each other.

I trust, sir, that we shall leave the people to get their seeds for themselves; and that we shall vote down the amendment to the amendment, and the amendment also.

The question was put, and the amendment to the amendment disagreed to by the committee.

Mr. WADE. I move to amend by increasing the appropriation five dollars.

I have only to say, Mr. Chairman, that, in my humble judgment, the Government cannot be better employed at present than in endeavoring to promote that interest which lies at the foundation of its prosperity. There is a fatal tendency in human nature to be most neglectful of that upon which we are most dependent; and such has emphatically been the case so far as the agricultural interests of this country are concerned.

This Government has undertaken to uphold almost everything else except agriculture. It has organized the Patent Office for the express purpose of protecting the manufacturing ingenuity of the country, but it has done comparatively nothing to foster and uphold the agricultural interests of the country.

Now, sir, I speak what I know to be true with regard to the farming interest of the country which I represent, when I say that it is the enlightened farmers—and almost all of them may be said to be enlightened—who are eager and anxious with regard to this matter. They are continually writing to their Representatives upon this floor, to urge upon the Government to do something to promote their prosperity. They are anxious that something should be done to promote the prosperity of the agricultural interests of the country; and my own constituents are continually writing to me to urge upon me to procure for them, if I can, such seeds as will be important for them to cultivate.

What is the amount of \$10,000 for the purpose of promoting these great agricultural interests in exchanging seeds with other countries, and procuring them for the use of our own farmers? What is it when its effect will be to secure the prosperity of the country?

Our parsimony should be extended a little to other matters, such as promoting the commerce of the country by subsidizing the steam marine of the country. The commerce of the country can reach its hands into the Treasury, and scatter, with utter recklessness of profusion, the funds of the people.

Mr. JONES, of Tennessee. Never, by my vote.

Mr. WADE. I am glad of it; nor by mine, either. Now, I merely want to say, that the farmers are deeply interested in this matter. They form the substratum upon which rests the whole prosperity of the political, civil, and religious institutions of the country; and if we deny them this small sum of \$10,000 we shall be ungrateful to that source from which we derive our prosperity, humanly speaking.

Mr. McMULLIN. I feel grateful to the gentlemen all round the Hall who seem to take charge of the agricultural interest. I represent an agricultural district myself, and I have the honor to be an humble member of that interest. But, sir, it does seem to me that the innovation now proposed is rather extravagant. We have heretofore appropriated \$5,000 annually, out of the Patent Office fund, for the purchase of seeds. The proposition now is to appropriate \$10,000 in addition to the last appropriation. Now, I ask the House if that is necessary or called for?

It is not necessary for me to reiterate the argument of the gentleman who heads the Committee of Ways and Means, that it is too late in the season to purchase and distribute these seeds. But does not every gentleman, who is at all acquainted with agricultural pursuits, know that if you purchase seeds, and lay them over for a year, four fifths of them will not sprout or produce?

I claim to be one of the friends and representatives of the great agricultural interest, the greatest interest of this country; but I tell gentlemen who seem so anxious to protect that interest, that it does not demand this appropriation. I hope that we shall have a vote taken at once, and hear no

more about the purchasing of seeds in this extraordinary and extravagant manner.

The question was then taken on Mr. WADE's amendment to the amendment; and it was rejected. Mr. MIDDLESWARTH. I move to increase the amount of the appropriation one dollar.

I have the honor to represent a class of citizens who have a deep interest in this matter. The greater part of my constituents are agriculturists, and I think that if there is any class of the people of the United States that has not been protected by this Government, it is that class. Commerce, manufactures, and all other interests are protected, and have been from year to year protected; but nothing has been done for the farming interest, to which we are all so much indebted.

Sir, I know, of my own personal knowledge, that seeds which have been obtained from the Patent Office have been of very great use in the country that I come from. I suppose that it is known to every gentleman on this floor that even the best kinds of seeds—wheat of the finest quality—will, after it has been used for a considerable length of time in particular soils, deteriorate. It will not be what it was when first planted.

The sending of seed, even from the North to the South, and from the South to the North, is of great advantage. I have no doubt that the exchange of seeds with other countries would be of far greater advantage. I do not think that \$10,000, or even \$20,000 could be better appropriated than for the advancement of the interest of the farmer.

Mr. Chairman, from whom do we obtain the means of subsistence? Certainly from the agricultural portion of our citizens. The welfare of our country is in their hands.

The farmer has heretofore been looked upon as of those who were unworthy of the national notice; but that day has gone by. The farmer, if honest and industrious, now-a-days holds a respectable and even enviable position in society.

I hope the appropriation may be granted. I would rather it were larger. If any gentleman will take the trouble to go to the Patent Office, and examine the different kinds of corn there for inspection, he will see that the quality of that grain could be vastly improved in his own country, I do not care where he comes from. I have seen some of the best specimens of corn in the Patent Office that I have ever witnessed in my life, and corn which was raised from seed distributed by this Government.

Mr. HOUSTON. I am opposed to the amendment.

Mr. CAMPBELL. Mr. Chairman, I shall not prolong the debate on this seed matter more than a minute or two. It is time we should vote it in or vote it out. I cannot subscribe to the doctrine of the honorable gentleman from New York [Mr. SMITH] on this subject. I believe that one of the chief objects of Government is to protect, foster, and promote the great interests of the people. These interests are agriculture, commerce, and the mechanic arts. They are the fountains from which spring our national greatness, and our individual happiness. We have always legislated for our commerce, and annually appropriate millions to sustain a Navy for its protection. We legislate for manufactures, and the mechanic arts; but that great interest, agriculture, out of which these grow, has been sadly neglected, and I will go as far as the furthest to do it justice. This seed matter is but a small item, yet I go for it.

But I wish to say to the two gentlemen of the "Free Democracy party" who have taken issue on this subject, the gentleman from New York, [Mr. SMITH], and my colleague, [Mr. WADE], that this is no time for a disturbance in their party. The crisis which is presented requires harmony, even in their corner of the Hall. I hope they will indulge a more fraternal feeling on this subject, and will do nothing in future which may tend to "bust up" their party on the "seed question." [General laughter.]

Mr. Chairman, let us restore harmony and good will by removing this very exciting subject; and by voting upon the question without delay.

The amendment to the amendment was withdrawn by unanimous consent.

The original amendment was again read.

Mr. SIMMONS. I move to increase the appropriation \$250.

I have not troubled the House, Mr. Chairman, during this session, with any remarks on any sub-

ject, and I shall not do so often hereafter. That, however, will depend a little upon the occasion. Those of the committee who are in the habit of reading the history of the country will recollect that we owe the great rise and growth of the interests of the cotton manufacture to this very patronage of Congress, in originally procuring seeds, at a great expense, and even from the East Indies. It was very properly done. It partakes somewhat of the character of an act to regulate commerce. It is an act to promote exchanges. It is, after all, but regulating the internal exchanges of this country.

If I were to name the two great objects for which this Government was established, I would say, they were to regulate our foreign relations, and the relations between the several States.

I differ from my friend from New York [Mr. SMITH] in his remark, that this matter can be as well attended to by individuals. Now, everything which cannot be as well done by individuals as by Government, should be done by the Government, if at all. Who does not see that there are thousands of things which have been done by this Government, for the very reason that individuals, no matter how able they may be in a pecuniary point of view, from want of concert of opinion and action, and from the want of proper locality, cannot do. I confess, in regard to this little matter, that it would not be the amount, or the particular application of it, that would induce me to vote for it. It is the principle I have in view. I wish to see this Government take a proper stand in regard to agriculture, and I am willing to give my support to the smallest sum to commence it.

Now, sir, what is the reason that the General Government cannot do it? To be sure, I expect to be met, by a certain class of statesmen well known to the country, with their grammars and dictionaries, to prove that it is unconstitutional. But, sir, it is not so. The States could do it, so far as exchanging and sending out the seeds raised within the States are concerned; but if we wish to get exchanges in all matters, and between all the nations of the earth, the matter must be taken charge of, and carried on by the Federal Government. Look at this Government. It receives all the revenues from duties on imports, and from the public lands, amounting to fifty millions annually. What does the Government do with it? It disclaims the right and the power to make internal improvements, and it tries to shift the burden of such improvements upon the particular localities, by conceding to the States the power of levying tonnage duties, for the improvements of rivers and harbors. They spend the revenues, for aught I know, in sending examiners to search for some new corners in South America or in Africa, where we can locate a new consul, whose pockets they fill with money.

The States have not ample power of making the improvements to which I have alluded, but they have been doing everything which the General Government has failed to do, and which individuals cannot do. But in doing these things they ran into debt, and into repudiation. It is time we had a little more sound sentiment upon this subject. It is for the purpose of beginning and extending a proper system of improving agriculture, that I am willing to vote for this appropriation.

Mr. FLORENCE. I am opposed to increasing the appropriation \$250, because I believe that the sum of \$10,000 is quite enough for the purpose indicated in the amendment of the gentleman from Michigan, [Mr. CLARK]. I cannot agree with the gentleman from New York [Mr. SMITH] who, a little while ago, said that you might just as well import machinery as seeds; that it was violating a principle, because machinery might be imported as well as seeds. I do not agree with him—because seeds can be put into the earth, and they will propagate; but machinery, without additional manual labor, cannot be productive.

I have in my district, perhaps, the richest neck of land that can possibly be imagined for supplying the choicest vegetables for the Philadelphia market—Passayunk, renowned in political history, at least that of the State of Pennsylvania, inasmuch as it gave a majority to send me here. [Laughter.] That district has among its people a very large number of agriculturists, and they get no protection upon God's earth in the shape of patronage from the Government, except the few

seeds that I have been able to distribute among them, which have been sent to me from the Patent Office. [Laughter.] Very well, so far; but they complain that they are not good seeds. [Laughter.]

I do not agree with the chairman of the Committee of Ways and Means, that this is not the proper time to continue this experiment of the distribution of seeds. I am generally opposed to experimenting—I do not like innovations, although I think I will vote for the Nebraska bill reported by my friend from Illinois, [Mr. RICHARDSON.] [Laughter.] I do not think that I care much about the amendments. I stand flat-footed upon the Constitution; but that has nothing to do with the appropriation for seeds. [Laughter.] I said that I was opposed to the amendment increasing the sum \$250; but I will vote for this small expenditure. It is but an experiment, which I hope will be a successful one, for the reason I have indicated, that I desire to have a fair chance, under the distribution, among the Neckers in my district, who send to the Philadelphia market the best vegetables that can be produced anywhere. I desire that they should derive what advantage there is likely to be gained by the distribution of the few seeds among them to which they are entitled, at the expense of the General Government. I do not think that this would be a violation of the letter or the spirit of the Constitution, but that it is included within its purview and provisions.

Hence I state now, clearly and fairly, the reasons which will induce me to give this vote: because it is constitutional, because it does not violate any principle, because it benefits a very worthy set of people in my district, who will be enabled, perhaps, in some small degree, to improve the character of the vegetables with which they supply the Philadelphia market.

The question was then taken on Mr. SIMMONS's amendment to the amendment, and it was not agreed to.

Mr. PRATT. I move to amend the amendment by increasing the appropriation one dollar.

Mr. Chairman, this seems to be a very fruitful subject for debate—a capital subject for gentlemen who want one to talk about. All profess to be friends of the agricultural interests of the country, and all at the same time profess to be extreme economists. Now, it is an old saying that "time is money;" and I submit to gentlemen of this House, whether it would not be well to give the industrious agricultural population of the country some five or ten thousand dollars, and save twice that amount in time, by taking the question as soon as possible? I withdraw the amendment I have offered.

The question was then taken upon the original amendment offered by Mr. CLARK, and it was agreed to.

Mr. JONES, of Tennessee. I move to strike out that part of the amendment which provides that the appropriation shall be paid out of the Patent Office fund.

Mr. HOUSTON. I rise to a question of order. I ask the Chair if the amendment of the gentleman from Michigan [Mr. CLARK] has not been adopted.

The CHAIRMAN. It has.

Mr. HOUSTON. Then the amendment of the gentleman from Tennessee is not in order; for the committee cannot strike out what they have voted to insert.

Mr. JONES. What amendment has been adopted?

The CHAIRMAN. The amendment of the gentleman from Michigan.

Mr. JONES. What became of the amendment of the gentleman from Connecticut, [Mr. PRATT?]

The CHAIRMAN. It was withdrawn.

Mr. JONES. I gave notice that I should object to the withdrawal of any amendment.

A MEMBER. It is too late now; you cannot take any step backwards.

The CHAIRMAN. The amendment of the gentleman from Michigan has been inserted by order of the committee, and that offered by the gentleman from Tennessee is, therefore, not in order.

Mr. JONES. Well, sir, it is only another evidence of the fact that when men start wrong, they get further and further off from what is right and proper.

Mr. CHANDLER. I have an amendment which I desire to offer; but if the committee will

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

WEDNESDAY, FEBRUARY 8, 1854

NEW SERIES...No. 24.

allow the bill to be read through, I will withhold it until that has been done.

Mr. HAVEN obtained the floor, but yielded to Mr. BENTON, who said: I have an amendment which I desire to offer in this place, because it belongs to the class of marine hospitals which the committee have been considering. I move to insert the following:

For the entire completion of the edifice and grounds of the hospital at St. Louis, and for putting the whole into a fit state for occupancy, \$10,000.

That amendment is in the precise words of the recommendation which has been sent down to us from the Secretary of the Treasury; and all I have to state to the committee is, that this hospital is now at the point of completion, but has never been occupied at all. It is only awaiting this little appropriation to enable it to go into operation. I repeat, that I have copied the words of the recommendation of the Secretary of the Treasury.

The question was taken, and the amendment agreed to.

Mr. HAVEN. I now move to amend by inserting the following:

For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon, belonging to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in the two contracts, one with each of said banks, for the leasing and the right to purchase the same, bearing date the 19th of August, 1853: *Provided*, That before the said purchase is made, the State of New York shall cede to the United States jurisdiction over said land and property, and shall, by law, exonerate the same and the property of the United States thereon from all taxes, levies, and assessments thereon while the same remains the property of the United States, \$530,000.

Mr. Chairman, if gentlemen of the committee will refer to the report of the Secretary of the Treasury on finance, at page eleven, they will find the reasons for this amendment. I offer it under the instruction of the Committee of Ways and Means. Last year, provision was made for the establishment of an assay office in the city of New York, and the Secretary of the Treasury was directed to procure proper buildings and machinery for the accommodation of that office. On page eleven of his report on finance, the Secretary tells us that he has made two leases, one with the Bank of Commerce, and one with the Bank of the State of New York, running for fifteen years each, at an annual rent for the two buildings of \$53,000. The aggregate rent for those two buildings for fifteen years will amount to \$795,000. Each lease contains a provision that the Government of the United States may have the privilege of purchasing the buildings and ground at any time within two years, for the amount named in the amendment, \$530,000. The Committee of Ways and Means thought that it was wise to purchase the property at once for \$530,000, and avoid the payment of the rent, and be the owners of the property at the end of fifteen years, instead of paying during fifteen years two hundred and odd thousand dollars by way of rent, and not own the property at the expiration of that time, more especially when we take into consideration the fact that the Government is now buying up its stocks and securities at a premium of some twenty per cent. on the dollar. It is a question that the committee feel some reluctance to recommend or urge on the House. Still it is a matter of economy; it is recommended by the Department, and I submit to the House that it is wise at least to pay for the property when you can buy it for much less than the rent which the Secretary has contracted to give for it.

This matter is, in my judgment, legitimately and properly before the committee. The Secretary has made no contract binding or pledging the Government in any way; but he has very well reserved to the Government, in his contracts, the privilege of saving the amount of money that I have indicated, by becoming the absolute purchasers of the property.

Mr. FLORENCE. I intend, as I believe it to be my duty to do, to submit a point of order upon this proposition: I ask if it is clearly a

"deficiency," within the understanding of the word as applied to the provisions of this bill?

Now, sir, it will be recollected by every gentleman who occupied a seat upon this floor during the last Congress, that when the establishment of an assay office in New York was proposed, \$100,000 was considered quite a sufficient sum for that purpose, and when it was intimated that it would lead to heavy expenditures for the erection of a public building for the accommodation of the office, the idea was scouted by those who were the strongest supporters of the measure. Now, I submit to the committee that this is a wasteful and extravagant expenditure of the public money. There is no earthly need of it. For the mere purpose of assaying, a much smaller building than that which has been leased by the Secretary of the Treasury would suffice. I did not hear very distinctly the remarks of the gentleman from New York, [Mr. HAVEN,] but I understood him to say that this building had been leased by the Secretary for the enormous rent of fifty or sixty thousand dollars per annum.

Mr. HOUSTON. If the gentleman is presenting a point of order, it is not debatable. If he is opposing the amendment, it is debatable.

Mr. FLORENCE. I intended to oppose the amendment. I submit that it opens up a question which will be brought before this committee at some time or other. It now unnecessarily postpones the consideration of this deficiency bill. I submit that the amendment is not in order, because it is not within the meaning of the word "deficiency," as understood in this committee; no appropriation having been made for the construction of the building.

The CHAIRMAN. As the Chair understands, this work is in progress; and therefore the amendment is in order, so far as the rule in reference to deficiencies is concerned. The Chair is informed that the money is wanted for the prosecution of the work before the 30th of June, 1854.

Mr. FLORENCE. Does the Chair overrule the point of order that I submitted?

The CHAIRMAN. The Chair overrules the gentleman's point of order.

Mr. FLORENCE. Then I appeal from that decision of the Chair, merely for the purpose of getting an expression of the opinion of the committee on the subject.

The CHAIRMAN. The Chair will state the point of order raised by the gentleman from Pennsylvania. The amendment proposed by the gentleman from New York, it is claimed, contains an appropriation needed to be expended for the prosecution of the work referred to, between the present time and the 30th of June next. The Chair supposes the amendment to be in order to a deficiency bill, and so rules. From this decision of the Chair the gentleman from Pennsylvania appeals, and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. FLORENCE. I submit to the committee whether this appropriation has been recommended by the Secretary of the Treasury as necessary to complete the work contemplated by an appropriation previously made?

The question was then taken; and the decision of the Chair was sustained.

Mr. FLORENCE. I contend that there is no necessity for this appropriation.

Mr. LETCHER. I rise to a question of order. I think that the gentleman from Pennsylvania has already spoken five minutes.

The CHAIRMAN. The gentleman's five minutes have not yet expired.

Mr. LETCHER. Has the gentleman five minutes still to speak?

The CHAIRMAN. The Chair thinks not.

Mr. FLORENCE. I submit that the gentleman from Virginia is himself out of order.

The appropriation proposed by the amendment is extravagant and unnecessary. When the gentleman from New York [Mr. Brooks] came here last year, and asked for the establishment of an assay office in that city, it was never contemplated that it should be of the magnitude now designed,

and which must, I am sure, astound this committee. I have already said that there was no earthly necessity for this expenditure of money for the purpose of refinement. The object of the establishment of the assay office in New York was not the refining of gold. Refining adds nothing to the commercial character or value of gold. The object of the establishment was to stamp upon gold which had been assayed its true value, so that it might be used for commercial purposes—for exportation, or to be sent to the mint for coinage. It does not necessarily require that the gold so assayed shall be refined, either to give it commercial value or character. There is then no necessity for a building for refining purposes. The cost for refining in New York must necessarily be from thirty-three per cent. to fifty per cent. higher than at the parent Mint in Philadelphia.

The increased cost of labor, and the cost of chemicals, which cannot be procured except from Philadelphia, imposes upon the owner of the gold just that additional cost, which might be prevented by sending it to Philadelphia for refining.

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from New York.

The amendment was withdrawn.

Mr. JONES, of Tennessee. I move to strike out \$530,000 and insert in lieu thereof \$535,000.

At the last Congress an act was passed to establish an assay office in the city of New York. The fifteenth section of that bill provides that the Secretary of the Treasury is authorized to procure, by rent, lease, or otherwise, a building or apartments, in the city of New York, suitable for the operations of said office, unless he is of opinion that suitable apartments in the custom-house in that city may be assigned for that purpose. Thus we see that the Secretary of the Treasury was authorized, by the last Congress, to rent, lease, or otherwise procure, suitable buildings in the city of New York for this assay office. I do not know, nor can I determine, whether this power has been judiciously exercised by the Secretary or not; but this is the condition of affairs as we find them now.

The Secretary, in pursuance of this law, has leased, for the term of fifteen years, certain buildings and grounds for this purpose, at the annual rent of \$53,000, amounting in the fifteen years to \$795,000. He has also made a conditional contract with the proprietors and owners of those buildings and grounds, that he may purchase it for the Government, in fee simple, for the sum of \$530,000. Now, sir, the question for this House and for Congress to determine is, whether they will go on and pay the \$795,000 in the fifteen years, and then vacate the property and let it revert to its owners, or whether they will pay the \$530,000 now, and thereby secure the property to the United States. As a matter of economy, if it were left to me at this time to determine, I would prefer to pay the \$530,000 cash, and keep the property, rather than the \$795,000 in rent, and not obtain the property in fee. True economy would direct the purchase. I think it is good policy to make it. I cannot tell whether this contract has been wisely and judiciously made. However that may be, I prefer the purchase, on the principle of economy, for the sum named, rather than pay \$795,000 in rent.

Mr. FLORENCE. I am candid enough to acknowledge to this committee that I do not understand precisely the relations existing between the Government and the lessor of the building for the assay office in New York. I understood, from the imperfect hearing I had of the remarks of the gentleman from New York, [Mr. HAVEN,] that the right of purchase for \$530,000 was limited by this contract to two years, and that it could be abrogated at any moment after that time that the Secretary of the Treasury and the lessor of the building should agree upon. But if it is absolute, and if it cannot be changed—if \$53,000 a year is to be paid for fifteen years by way of lease, and the Government can buy the property in fee simple for \$530,000—I agree entirely with the gentle-

man from Tennessee, [Mr. JONES,] that it is better to make the purchase. So far as the possession of the building is concerned it does not at all interfere with the opinion I entertain, or that I expressed, as to the impropriety of establishing the refining office in connection with the assay office in New York city. I am candid enough, and I feel it to be my duty to say to this committee, and the country, that I believe it would be better that the amendment offered by the gentleman from New York should be adopted, and the money appropriated, than that we should pay in fifteen years \$750,000 as rent. Hence I am opposed to the increase of appropriation asked for by the gentleman from Tennessee, and I hope that the appropriation of \$530,000 will be made.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

The question then recurring upon Mr. HAYEN'S amendment; it was put, and the amendment was agreed to.

[A message was here received from the Senate by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had receded from its disagreement to the House amendments to the Senate bill to regulate and disburse the contingent fund of the Senate, and for other purposes, and had agreed to said amendments.]

Mr. RICE. I offer the following amendment:

For finishing the Capitol and Territorial prison in the Territory of Minnesota, grading and fencing the grounds for the same, \$10,000, to be expended under the direction of the Secretary of the Treasury.

The Governor of the Territory of Minnesota calls the attention of the Legislature to the fact, that the money heretofore appropriated for finishing these buildings has not been sufficient, and in consequence that they have have received great injury. A memorial upon that subject lies upon the Speaker's table.

Mr. HOUSTON. I wish to ask the Delegate from Minnesota whether this proposition has been before any committee of the House? Is it an estimate recommended either by the Department, any committee, or both?

Mr. RICE. It has been recommended by neither. I addressed a letter in regard to this matter to the Secretary of the Interior, thinking that it came within his jurisdiction, with a copy of the message of the Governor of Minnesota. He referred it to the Secretary of the Treasury, who addressed a communication upon the subject to the House yesterday, which was then read.

Mr. WASHBURN, of Illinois. As I understand this matter, it is one that commends itself to the sense of justice of the committee in behalf of the Territory of Minnesota. An appropriation has heretofore been made by Congress for the completion of the territorial buildings there. That appropriation, under the circumstances, is proved to be entirely insufficient for the full completion of the capitol and the territorial prison, and for the grading and fencing of the grounds in a manner corresponding to the character of those public buildings.

The attention of the Legislature of Minnesota has been called by the Governor of the Territory to this subject. The estimated cost of what is wanted has been stated by my friend, the Delegate from Minnesota, who knows all about it; and he has given his opinion, which satisfies me, and, I believe, will satisfy every gentleman in this committee, that this appropriation is one we should most cheerfully make for the purposes indicated.

It is true that this matter has not gone to any committee of this House, but the gentleman from Minnesota called the attention of the Secretary of the Treasury to it; and a letter from that officer, in answer, has been received, and was read to the House yesterday. I do not know that there has been any regular estimate from the Department made with regard to the amount necessary, but the gentleman from Minnesota, and the Governor of the Territory, state that \$10,000 will be necessary for the purpose proposed; and I myself believe that it is but just to that Territory that the appropriation should be granted. Sir, that Territory is a child of our Government, and we should extend to it the fostering care of a parent. We should deal liberally and justly in this matter, and not hesitate to come forward in a case like this, and complete what we have already begun. This appropriation will not only complete your public buildings there, but it will beautify and adorn them. I therefore appeal

to the generosity and magnanimity, and the sense of justice, of this committee to sustain the amendment just offered by the Delegate. The Territory has no vote here, and none in the other branch. She has a delegate here—my friend who offered this amendment, and who serves his constituents with great zeal and fidelity—but he cannot vote with us. The appeal to us on that account is, therefore, so much the stronger, and I do trust the amendment will be favorably received by this committee.

Mr. BRECKINRIDGE. I move to increase the appropriation one dollar.

In regard to the remarks of the gentleman from Alabama, [Mr. HOUSTON,] it is due to the Delegate from Minnesota that I should say, that as I happened to be the only member of the Committee of Ways and Means with whom he was personally acquainted, he requested me to bring the matter before the committee; I did so, but informally, and no action was taken by them upon the subject. I suggested to the gentleman from Minnesota that it would be well to refer the matter to the Treasury Department, and have a communication upon the subject sent from that Department to the Speaker of the House, which could be referred regularly to the Committee of Ways and Means. The gentleman followed my suggestion, and yesterday a communication came from the Treasury Department, which was referred to the Committee of Ways and Means. The committee, however, have not since had a meeting, and therefore it is that no recommendation from them upon the subject has been made.

The gentleman from Minnesota considers it a deficiency proper to be inserted in the deficiency bill, and that this is the appropriate place to insert it. It is not probable that any action now will be taken upon the subject by the Committee of Ways and Means, and if such action were to be taken it must depend, in a great degree, upon the evidence now in the possession of the committee.

The communication from the Treasury simply transmits the letter from the Delegate from Minnesota, with an extract from the message of the Governor of that Territory. This is all upon which that Department could rely, and it is all upon which we can rely, in addition to the statement of the Delegate in confirmation of the papers. I believe, for one, after conference with the gentleman from Minnesota, that the appropriation ought to pass. Although the Committee of Ways and Means have not, and probably will not make any recommendation, yet it is a deficiency which I hope the House will see proper to grant. If there be no objection I will now withdraw the amendment I have offered.

There being no objection, the amendment was withdrawn.

The question then recurring upon the adoption of the amendment offered by Mr. Rice, it was put, and the amendment was agreed to.

Mr. BARKSDALE. I move to amend by inserting the following:

For completing the marine hospital at Vicksburg, Mississippi, the sum of \$55,000.

Mr. HOUSTON. I rise to a question of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOUSTON. It is that that is an estimate.

Mr. BARKSDALE. I hope the gentleman from Alabama will not be so hasty in making his point of order, but will allow me to explain the amendment.

Mr. HOUSTON. This is the proper time for me to make it, and it is this: this item is in the regular estimates of the Secretary of the Treasury for the civil and diplomatic appropriation bill, and is not estimated for as a deficiency. The Department ask nothing for this purpose for this year, but they ask something for the next fiscal year.

I therefore make the point of order, that this being a bill to supply deficiencies, and to furnish appropriations to be used during the current year, and the appropriation contained in this amendment not being for the current year, it is not in order as an amendment to this bill.

The CHAIRMAN. The Chair would inquire of the gentleman from Mississippi what is the fact?

Mr. BARKSDALE. I will state the facts to

the committee. The sum of \$10,000 has already been appropriated for the erection of a marine hospital at Vicksburg; a site has been purchased, and the work, that far, has been commenced. But the work cannot be continued until this deficiency is supplied by the appropriation of the additional amount now asked for.

The CHAIRMAN. The Chair would inquire of the gentleman from Mississippi whether this sum is wanted during the present fiscal year, or only during the coming fiscal year?

Mr. BARKSDALE. Certainly. The work cannot be prosecuted until the amount I have asked for shall be given. The sum of \$10,000 has already been appropriated.

The CHAIRMAN. The question submitted to the gentleman by the Chair is, whether this sum is needed during the fiscal year as a deficiency, or in the course of the coming year?

Mr. BARKSDALE. Most assuredly it is for the present fiscal year, ending on the 30th of June next.

The CHAIRMAN. The Chair has some doubts whether the amendment is in order or not. It depends upon a fact about which the gentlemen differ—whether this sum is needed during the present fiscal year or during the next.

Mr. ORR. The best evidence upon that point is to be found in the estimates of the Secretary of the Treasury. He submits this as an estimate for the general appropriation bill, and not for the deficiency bill.

The CHAIRMAN. The Chair has great doubts.

Mr. BARKSDALE. This appropriation is asked for by the Secretary of the Treasury in a letter to the chairman of the Committee of Ways and Means, in which he says that \$10,000 has been appropriated for this purpose, and that a further sum of \$55,000 will be required for the construction of the building, making an aggregate of \$65,000 for the site and structure. Now, the committee will see at once that it is utterly impossible to prosecute the work until the additional sum of \$55,000 shall be appropriated.

Mr. FULLER. I really hope that the gentleman from Mississippi will withdraw his amendment. The committee will recollect that I had an amendment of precisely the same character, and that I withdrew it this morning, yielding to the urgent solicitation of the chairman of the Committee of Ways and Means, and to my own sense of propriety. These appropriations would more properly go into the civil and diplomatic appropriation bill, and ought not to be tacked on to the deficiency bill, making it a general appropriation bill.

I ask the gentleman from Mississippi, therefore, to follow the example I have set, and withdraw his amendment, for the sake of preserving propriety in our legislation.

Mr. BARKSDALE. I am satisfied that there is no similarity between my case and the one mentioned by the gentleman from Maine.

The CHAIRMAN. Though the Chair thinks, upon the statement made by both gentlemen, that the amendment is more proper to the regular appropriation bill than the present one, yet, the question being one rather of fact than of order, the Chair feels it to be his duty to submit it to the committee for their decision. The Chair, with a great deal of hesitation, decides the amendment to be in order.

Mr. JONES, of Tennessee. Would the Chair inquire whether this work has been commenced at all—whether anything has been done save the selection of a site?

The CHAIRMAN. The Chair is of the belief that more has been done, and that the work is actually in progress. The Chair would inquire whether the work is or is not in progress. He understood it to be stated that it was in progress.

Mr. BARKSDALE. I explained to the committee that it was in progress, in so far that commissioners had been appointed, and a site selected and paid for. I said that it was utterly impossible—and in that I contended the deficiency existed—to continue the prosecution of the work unless this appropriation was made.

Mr. JONES. No work has been done at all.

The CHAIRMAN. Though the Chair has great doubt of the amendment being in order, he decides it to be in order, and submits the question to the committee.

Mr. HOUSTON. Let me call the attention of

the Chair to the estimates of the Secretary of the Navy for deficiencies. Among them are these: To complete the marine hospitals at Cleveland, at St. Louis, at Chicago, at Louisville, Kentucky; at Evansville, Indiana; and at San Francisco, and for inclosing and draining, &c., &c. For the prosecution of the marine hospital at Portland, Maine, \$50,000. For the prosecution of the marine hospital at Vicksburg, and so on. So far as the Secretary of the Navy then can settle the point, it is settled against the appropriation.

I want now to say a word to my friend from Mississippi—that it is precisely, in every single particular, a parallel case with the one of Portland, Maine.

Mr. BARKSDALE. The difference is, that in that case the site had not been selected.

Mr. HOUSTON. In that case there was a site belonging to the Government.

Mr. PERKINS, of Louisiana. I wish to say one word. I have urged the gentleman from Mississippi [Mr. BARKSDALE] not to agree to the request of the gentleman from Maine [Mr. FULLER] to withdraw his amendment; and I did so for this reason: The gentleman from New Hampshire, in speaking the other day, alluded to the condition of the lower part of the Mississippi river, and, with that liberality which I am happy to say has always characterized his sentiments on this subject, said that if such appropriations were needed anywhere, they were in the lower part of the Mississippi river.

The CHAIRMAN. The Chair will remind the gentleman from Louisiana that the question of order is not whether the appropriation is needed or not, but whether the amendment is proper in this or in another bill.

Mr. PERKINS. I intend to examine whether the appropriation is for a deficiency or not. Now, what is a deficiency?

Mr. JONES. There is nothing before the committee on which debate is in order.

The CHAIRMAN. Debate is not in order; and, if objected to, the gentleman cannot proceed.

Mr. LETCHER. Does the Chair decide the amendment to be in order?

The CHAIRMAN. He does.

Mr. LETCHER. Then I appeal from the decision of the Chair.

Mr. PERKINS. Does that give me an opportunity, Mr. Chairman, to debate the question?

The CHAIRMAN. It does not. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken, and the decision of the Chair was sustained.

Mr. RITCHIE, of Pennsylvania, offered the following amendment:

And the Secretary of the Treasury is hereby authorized and directed, out of any unexpended balance of appropriations heretofore made for the construction of the custom-house, post office, &c., at Pittsburg, Pennsylvania, and which may remain after the application of the same, to apply so much thereof as may, in his judgment, be necessary to furnish in a suitable manner the several rooms and offices in said building, to improve the grounds, and so much thereof as may be necessary to pay the two commissioners who superintended the construction of said buildings three dollars per day each.

Mr. RITCHIE. I desire to say a few words in explanation of the amendment. It asks for no appropriation whatever. The appropriation was made years ago for the building of the custom-house and the post office. The architect has gone on and completed the building, and, in doing so, made his calculation so as to leave a sufficient sum of money out of the appropriation to furnish the house, to—

Mr. LETCHER, (interrupting.) I rise to a question of order. I ask whether this amendment is in order?

The CHAIRMAN. The Chair thinks it is not in order. It does not refer to an appropriation for a work authorized by law, but to the regulation of salaries, and other matters.

The Clerk then read the next clause of the bill, as follows:

"For the increased compensation of the surveyor general of Oregon, from the 3d of March, 1853, to the 30th of June, 1851, \$1,327 77."

Mr. LANE, of Oregon, offered the following amendment, to be added to the clause last read:

For the payment of the actual and necessary expenses incurred by the provisional government of Oregon in defense of the people of said Territory from the attacks and hostilities of the Cayuse Indians in the years 1847 and 1848,

and that it shall be the duty of the Secretary of the Treasury to allow and pay the sums found due, and allowed by the Governor of said Territory, or any one of the commissioners of the Cayuse war claim, \$75,000.

Mr. LANE. If the committee will give me their attention for a few minutes, I think I will be able to satisfy them that the amendment I have offered ought to be adopted. When I arrived in the Territory of Oregon in 1848, and entered upon my duties as Governor, my attention was directed to the Cayuse war, and the expenses incurred by the Territory in suppressing the hostilities committed by the Cayuse Indians against the settlers. I called the attention of the Legislature to the subject, and used the following language:

"From the best information I have been able to gather from estimates and otherwise, the expense of the late Cayuse war may be set down at about \$190,000.

"This indebtedness has borne heavily on many individuals, who advanced money to the provisional government, some of whom borrowed money for the purpose of arming and subsisting the troops, and have since paid these sums out of their own funds, by which they have been greatly injured in their private affairs.

"The justice of the war, and the good conduct of the citizens in promptly turning out in defense of their country, entitle them not only to the good opinion of Government, but to an appropriation by Congress sufficient to pay the expense of the war."

At that time the books of the subsistence and quartermaster's department were placed in my hands, as also the muster rolls. My knowledge of the service enabled me to estimate correctly the whole amount of the expenses of the war; and I called the attention of the Legislature to the subject. Congress, in 1851, passed an act in relation to this subject in the following words:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle the actual and necessary expenses incurred by the provisional government of Oregon, in defending the people of said Territory from the attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848, upon the presentation by the Governor of said Territory to the said Secretary of the Treasury, of a full, accurate, and detailed statement of the actual and necessary expenses of said defense and hostilities, accompanied by proper vouchers, and satisfactory proof of the correctness thereof, authenticated in conformity with the usages of the Department, and that the sum of \$100,000 be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to carry the provisions of this law into effect."

If they had appropriated \$190,000, then, no further action of Congress would have been necessary. I have now in my possession the report of the commissioner, who has examined and allowed the awards in all the claims, and he sets down the balance of the expenses of that war at \$75,000—\$15,000 less than I made out. Many persons who served in that war are scattered now in various parts of the world; many of them are dead, and their claims will never be presented. Many of them had no heirs and no families. If these claims had been allowed, they would have covered the amount which I estimated in my message. I had the means of ascertaining correctly the expenses of the war. The Secretary of the Treasury, as I understand it, has sent here a communication recommending this appropriation, which has been referred to the proper committee, and which has been ordered to be printed. The commissioner, as I said before, has set down the balance of these Cayuse war claims at \$75,000. Congress has authorized the Secretary of the Treasury to pay the actual and necessary expenses of that war; but \$100,000 are not sufficient for that purpose, and a further appropriation of \$75,000 is necessary. I hope every member of the committee will see that Congress has already assumed the debt and authorized the payment of the expenses of that war; and that they will not hesitate to grant the \$75,000 necessary to pay the balance of the expenses.

Mr. MATTESON. This claim came before the Military Committee at the first session of the Thirty-First Congress, and a proposition was made to pay \$195,000 for this very purpose. There was no evidence before the committee—no detailed statements—showing that the expenses of this war amounted to any such sum. There was no evidence furnished at all by the Delegate from Oregon, at that time, to show what those expenses were. The committee, under the circumstances, and with such information as they had before them, struck out \$90,000, which made the appropriation \$100,000. From that time to this I have never seen any detailed statement of these expenses. Such a statement may be here; but, I think, before

we vote this \$75,000, we should know in what those expenses consist, and whether these charges are fair or legal as against the Government. At this time, and without further evidence, I am opposed to this amendment, and until I know what is to become of these \$75,000.

Mr. LANE. I know it is not in order to explain at this time, but I will say to the gentleman, that the appropriation which is now asked to be made is for services rendered and for subsistence furnished, and the reports are now in the hands of the printer.

Mr. MATTESON. The reports are what I would like to see.

Mr. LANE. The report has been received by this House, referred to the Committee of Ways and Means, and ordered to be printed. It has gone to the printer, and, therefore, is not before the committee; but this is the proper time and place to insert the appropriation, and I hope the committee will adopt it. I can assure them that it is right, and that the appropriation ought to be granted. I have the report of the Commissioner of Indian Affairs, who has examined into the whole subject, and he says that the \$75,000 are actually due, and ought to be paid.

Mr. MATTESON. I understand this communication has been referred to the Committee of Ways and Means, but I have not heard of any action by that committee. That is what I want to see. What action have the Committee of Ways and Means taken upon the subject?

Mr. HOUSTON. The communication, I understand, was referred to our committee yesterday. I have not seen it at all, and our committee have, of course, taken no action upon it.

Mr. MATTESON. Well, sir, I desire to see the communication, or some report of the Committee of Ways and Means upon it, before I am prepared to vote for this appropriation. I recollect during the second session of the Thirty-First Congress this claim came before the Committee on Military Affairs, and was looked upon with considerable suspicion. But I will not further allude to the matter, because the Delegate then representing Oregon [Mr. Thurston] has since deceased.

The question was put, and the Chair decided the amendment disagreed to—ayes 12, noes not counted.

Mr. LANE. I now want to say that I am satisfied this committee do not understand this proposition, or they would not reject it.

Mr. MATTESON. I call the gentleman to order.

Mr. LANE. The gentleman from New York may call to order, but—

[Loud cries of "Order!" "Order!"]

The CHAIRMAN. There is no amendment before the committee, and the gentleman cannot proceed with any remarks unless he moves to amend.

Mr. LANE. I demand tellers upon the adoption of the amendment.

The CHAIRMAN. If there be no objection, the Chair will entertain the proposition for tellers.

Mr. ORR. Then I suppose the amendment is still open to amendment?

The CHAIRMAN. It is.

Mr. ORR. I move to amend by reducing the appropriation \$1,000.

I do not know anything of the merits of the amendment, and therefore I voted against its adoption when the question was put. I rise now for the purpose of moving this amendment, in order to give my friend from Oregon an opportunity of explaining the appropriation for the satisfaction of the House. I desire to know why this claim has not been referred to a committee? or if it has been so referred, why they have not reported the amendment?

A MEMBER. Let us have the amendment read. The amendment offered by Mr. LANE was read by the Clerk.

Mr. ORR. I would like, also, to ask the gentleman from Oregon when this commission was organized by the Governor of that Territory for the purpose of ascertaining and adjudicating upon the claims of citizens of Oregon for services rendered during this Cayuse war?

Mr. LANE. I will answer the gentleman's question with a great deal of pleasure. The reason why I have not produced any recommendation of a committee in relation to this matter, is

that early in the session I introduced a bill providing for a further appropriation of \$75,000 for the settlement of these claims, and had it referred to the Committee on Territories, and that committee has not yet reported upon it. But it occurred to me, that as this was a deficiency, it would be proper to offer it as an amendment to the deficiency bill.

The Legislature of the Territory of Oregon appointed a commissioner to investigate the claims growing out of the Cayuse war. He was a sworn officer, paid by the Legislature. He has allowed every soldier a fair compensation for his services, and he has also allowed compensation to those who had furnished clothing, subsistence, and the munitions of war to the troops, but he has allowed for nothing but what was necessary for the subsistence and maintenance of the force, and for actual service. There is a balance of \$75,000 still wanting.

I will say to the gentleman from South Carolina what I said before, that when I arrived in Oregon my attention was called to this subject, and I took the report of the Deputy Quartermaster's Department, and the muster roll, and estimated the expense of the war, and set it down in my message at \$190,000; but it is now found that \$15,000 less than that sum will pay it. I am glad that it is less than I estimated, though I took care to estimate correctly; and the reason why it is less is, as I have before explained, that many of the persons then in the service, and who furnished subsistence, have since died and left no heirs.

Mr. ORR. I understand that the awards made by this commission were in the shape of certificates, and that the money has not been paid by the Territory of Oregon to these persons. Now, if that be the true state of the case, I would submit to the gentleman from Oregon, in all kindness, that I think it would be better for his claim if he would allow some one of the committees of this House to examine it, and report upon it. It can then be offered as an amendment to the Army appropriation bill, or the civil and diplomatic appropriation bill, or the specific bill for the payment of these claims can be taken up, and it will be more likely to pass than if the claim is pressed now.

Mr. LANE. Has the attention of the gentleman from South Carolina been called to the law of Congress appropriating \$100,000 for the payment of these Cayuse war claims?

Mr. ORR. I was aware that that appropriation had been made.

Mr. LANE. That law assumed the payment of the just claims growing out of the war, and \$100,000 is not sufficient for that purpose. I read from that law:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle the actual and necessary expenses incurred by the provisional government of Oregon in defending the people of that Territory from the attacks and hostilities of the Cayuse Indians."

Now, the Secretary of the Treasury was thus authorized to pay "the actual and necessary expenses" incurred by the Territory, but he has not got the means to do it because the requisite appropriation has not been made. The only question is: will you, after thus assuming the payment of the debt, make an appropriation sufficient to meet it, or will you hesitate to make the appropriation?

The amendment to the amendment was then, by unanimous consent, withdrawn.

Mr. CRAIG. This seems to be a matter of great importance. I am, myself, in some doubt; and in order that we may vote understandingly on the subject, and learning that the committee will probably make a report on it to-morrow, I move that the committee do now rise.

Mr. HOUSTON. I hope my friend will withdraw his motion.

Mr. LANE. I ask leave to withdraw the amendment. I shall endeavor to attach it to the bill as an additional section. By that time, in my judgment, we will have ample opportunity to look into and understand the question.

There was no objection, and the amendment was withdrawn.

Mr. CRAIG then, by unanimous consent, withdrew his motion that the committee rise.

Mr. MILLER. I would inquire of the Chairman whether that part of the bill relating to marine hospitals has been passed? I desire to submit an

amendment in reference to the marine hospital at Evansville.

The CHAIRMAN. That part of the bill has been passed.

Mr. MILLER. Would it be in order for me to submit an amendment of the kind I have suggested at this place?

The CHAIRMAN. The Chair thinks not.

Mr. MILLER. I ask leave to submit my amendment at this time. I was informed when the subject of marine hospitals was under consideration that there was no deficiency in the appropriation for the one at Evansville. Since then I have learned otherwise.

The CHAIRMAN. When the bill has been gone through with the Chair will give the gentleman the floor to submit his amendment.

The Clerk then proceeded with the reading of the bill.

Mr. HOUSTON. I move to strike from the bill the following:

"For paying pensions of invalids who were wounded on board of private armed vessels during the last war with Great Britain, from the 1st of July, 1851, to the 30th of June, 1854, \$8,400;

"And the office for paying privateer pensions in Boston is hereby abolished, and the said pensioners shall be paid as privateer pensions are paid at other places."

In the regular bill, the Committee of Ways and Means agreed to a provision of this sort; but it was stricken out in the Senate, and when returned to this House that amendment of the Senate was concurred in. I therefore move the amendment I have, in accordance to what seems to be the sense, not only of the Senate, but also the House.

I ask for the reading of the letter from the Pension Office, which fully explains the entire subject. The Senate struck out a similar provision from the regular bill, on the ground that the privateer fund was exhausted, and has been exhausted, for several years. There has been no appropriation under that head since 1850. This provision, which I propose to strike from the bill under consideration, provides for the pension from that time until now. As the Senate struck out the former provision, and that action was concurred in by this House, I take it for granted that this ought to be stricken out.

The Clerk then read a part of the following communication, but was interrupted by the falling of the hammer, under the five-minutes rule:

PENSION OFFICE, December 16, 1853.

SIR: In pursuance of your request, I have the honor to make the following statement on the subject of privateer pensions:

By the acts of June 18, 1812, 17th section, (Statutes at Large, vol. 2, p. 759,) and February 13, 1813, section 1, (vol. 2, p. 799,) two per centum of the prize money accruing from vessels and cargoes captured, and of the salvage of vessels and cargoes recaptured by private armed vessels, was constituted "a fund for the support and maintenance of the widows and orphans of such persons as may be slain, and of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy."

Section 2, of the latter act, prescribes under what regulations, and at what rates, the invalids shall be placed on the pension list, to be "paid out of the fund above provided, and no other."

Act of March 4, 1814, section 1, (vol. 3, p. 103,) grants to the widows and orphans of officers, seamen, and marines, serving on board of private armed vessels, who have died, or shall die, by reason of a wound received in the line of duty, pensions for five years, rated at half the monthly pension which the deceased would have been entitled for highest disability.

Act of April 16, 1818, section 1, (vol. 3, p. 427,) renews the pensions granted under act of 4th March, 1814, for the further term of five years.

Section 2 of the act extends the benefits of the privateer pensions to the widows and orphans of those who have died in consequence of accident or casualty, occurring in the line of duty.

Act of April 9, 1821, (vol. 4, p. 18,) continues to all persons now in receipt thereof, the pensions granted to widows and orphans by the acts of March 4, 1814, and April 16, 1818; provided that such "pensions shall alone be paid from the proceeds of the privateer pension fund, so called, and without recourse to the United States for any deficiency."

Act of May 26, 1824, (vol. 4, p. 71,) extends the same to those whose pensions had expired before the 9th April, 1824, the date of the last recited act.

Act of May 23, 1828, section 2, (vol. 4, p. 288,) renews, for five years, to all "widows who now are, or who, at any time within one year, have been in receipt thereof, the pensions granted by acts of March 4, 1814, and April 16, 1818; the same to be paid out of the privateer pension fund, without recourse," &c.

Act of June 19, 1834, (vol. 4, p. 679,) renews, for a further term of five years, the "pensions of all widows who now are, or have been heretofore in the receipt thereof, under the acts of March 4, 1814, and April 16, 1818; provided that said pensions shall be paid from the proceeds of the privateer pension fund, and without recourse to the United States for any deficiency which may hereafter arise thereon."

Act June 15, 1844, (vol. 5, p. 667,) appropriates \$18,000 for the payment of invalid pensioners, heretofore paid from the privateer pension fund, their pensions to commence from the time they were stopped in consequence of the exhaustion of said fund.

By reference to the account of the receipts and expenditures of the United States for the fiscal year ending 30th June, 1844, page 253, it will be seen that the privateer pension fund was then reduced to a balance of \$74 07. This date, therefore, may be assumed as that of the exhaustion of the fund.

The appropriations for invalid privateer pensions were continued until August 17, 1850, by the act of which date \$3,000 were granted for their payment to the 30th June, 1851, inclusive. No provision has been made for the widows subsequent to that given by the act of 1834.

The dates of the commencement of privateer pensions, whether of invalids or widows, were not defined, but regulated as in the case of navy pensions, according to the completion of proof, the decease of the husbands, and upon renewal by the termination of former pensions.

It cannot, therefore, except in general terms, be stated when the widows' pensions ceased: that as the act of June 19, 1834, renewed them for five years, they may be assumed to have ceased at the end of the fiscal year, 30th June, 1839.

The estimates for the current fiscal year have been made solely with reference to the privateer invalid pensioners. Should it be the pleasure of Congress to make further provision for the widows, the amount required would depend upon the dates prescribed for the commencement of their pensions.

As from inquiries made, there is reason to believe that claims may be advanced by parties not hitherto on the pension list, it is proper for me to add, that such claims could not be adjudicated by this office, without further legislation. The privateer pension laws provided pensions, payable out of a specific fund; that fund being exhausted, the laws have no longer force. The annual appropriations heretofore made, and now asked for, refer only to those pensions already upon the list.

I have the honor to be, very respectfully, your obedient servant,
L. P. WALDO, Commissioner.

Hon. GEORGE S. HOUSTON,
Chairman Com. of Ways and Means, House of Reps.

Mr. DAVIS, of Rhode Island. I do not know that I am very well posted up upon this matter, but I have received a letter from one of my constituents, inquiring for information, and he proposed to send me some papers—which I have not yet received—touching this matter of privateer pensions. When the subject was up yesterday, I intended to make a motion, by way of amendment; but I was not in possession of all the facts, and I let the opportunity pass, that the bill might be amended in the Senate.

But looking at this matter as it is, it seems to me that you will do great injustice to those persons who have received pensions up to this time by cutting them off. Most of them are poor and old, and have done great service to the country. The probability is, if you take this course in regard to these pensions, you will have them here in another shape, and have the whole thing to do over again.

I hope the clause will not be stricken out of the bill, but that it will be retained for the benefit of those persons. I think they are just as much entitled to a pension as the thousand and one who are receiving them. They have all rendered services to the country, and at a time when a great deal of service was done by private armed vessels. Though the fund is exhausted, it seems to me, that with ample means in the Treasury at this time, we should not cut off these pensions because there are a few thousand dollars, more or less, of the fund raised for paying these privateer pensions.

I trust that the House will think these general reasons are sufficient why we should not shut out this meritorious class of men. It will be remembered that at that time we had but few vessels, and they were but small. The power and strength of America were then as well tested in these small vessels as in large ones; and those men were imbued with just as much patriotism as if they had sailed in larger vessels. Privateers were then looked upon with more toleration than they would be in our enlightened days, when commerce has become so vast and extensive, and when anything like privateering would be at once discouraged. At that time our citizens looked upon it as a just, right, and fair enterprise; and I think, in view of that fact, that those who engaged in such enterprise should be put in the same position with other pensioners. I regret that I cannot enlighten the committee more fully upon this subject, as I was desirous of hearing further from those who have written to me upon the subject. If I had not already received some letters in reference to this matter I should not have made these desultory remarks.

Mr. VANSANT. In the hope that the chairman of the Committee of Ways and Means would have given some other reason than the indisposi-

tion of the Senate to grant the appropriation as set forth in the bill of the House of Representatives, No. 49—

The CHAIRMAN. The Chair would remind the gentleman that it would not be in order for him to make any remarks, unless he moved an amendment to the amendment.

Mr. VANSANT. I move that the word "four," as it last appears, be stricken out.

I should extremely regret if, at this day, such aid should be withheld from this very meritorious class of citizens. The act of 1812 gave to the citizens of the United States, on private armed vessels, letters of marque and reprisals, and shortly afterwards, within a period of three or four months, an act was passed setting apart two per cent. of the net proceeds of the prizes for constituting a pension fund for the disabled men engaged in such service. This action of the Government shows an earnest on their part to render aid to men who might be thus meritoriously engaged. Notwithstanding that fund has become exhausted from mismanagement, or some other cause, Congress, I think, has, upon more than one occasion, made appropriations to be drawn from the Treasury to fill the vacuum thus created. If these men ever had a claim upon the Government they certainly have it now. Crippled as they are by old age, they are certainly not capable of performing any physical service; and it will be perceived, by referring to the bill, that the amount asked for to relieve them is very small—the whole of it, I believe, not exceeding \$9,000.

Sir, in a very short period the whole of these poor old men will be stricken from the roll of time, and it strikes me that it is very small economy upon the part of this House to begin with those who are dependent on it for their very subsistence. They are, in the main, men who were engaged in the industrial pursuits of life; men who had before been engaged in sea service, and who had smarted under the wrongs inflicted by Great Britain. I allude to the impressment of American seamen. I trust that this part of the bill will not be stricken out.

Mr. APPLETON. I ask that the concluding portion of the letter of the Commissioner of Pensions may be read. A portion of it merely was read a few minutes since.

It was read by the Clerk, as inserted above.

Mr. APPLETON. I would by no means say that the Government is bound to pay these pensions, by any act other than that since the pension fund has been exhausted you have from time to time made appropriations for the payment of these pensions.

The number of these pensioners now on the list is less than thirty—I think twenty-three—and, of course, they are all very much advanced in life, and cannot survive much longer; and, of course, other applicants cannot be put upon the list without further action on the part of Congress. I hope, therefore, that this clause of the bill will not be stricken out, but that the sum reported by the Committee of Ways and Means will be allowed to stand.

Mr. VANSANT. I will withdraw my amendment to the amendment.

The CHAIRMAN. Is there any objection to the withdrawal of the amendment?

No objection having been made, the amendment to the amendment was withdrawn.

Mr. UPHAM. Will it be in order at this time to address some remarks to the committee, without making a motion to base them on?

The CHAIRMAN. It will be necessary for the gentleman to submit an amendment.

Mr. UPHAM. I propose, then, to amend the amendment of the gentleman from Alabama, by inserting "five" in the place of "four."

Mr. Chairman, the gentleman from Rhode Island [Mr. Davis] regretted that he was not perfectly booked up on this subject. I am sorry to have to express the same regret; but it is not a new subject to me. I have endeavored to make myself acquainted with it.

It seems, sir, that two per cent. was deducted from the gross receipts from the sales of all prizes taken by privateers in the war of 1812, and that that amount was solemnly pledged to invalid privateer pensioners. The sum thus raised, which I believe was more than \$200,000, was exhausted in 1811. I am under an impression—and on that point I shall be glad to be corrected by the chair-

man of the Committee of Ways and Means, if I am wrong—I am under an impression that in keeping the account with these invalid pensioners interest was not allowed, and was not taken into the account.

Mr. HOUSTON. I am not able to state anything in addition to what is contained in the letter which has been read.

Mr. UPHAM. I think that the Government of the country has been in the enjoyment of the interest on this fund, and that it has not been taken into the account.

It is true that but a very small number of these venerable and gallant men remain—less than thirty—and I ask this committee whether, at this moment, in the hour of the country's greatness, and with an overflowing Treasury, you are prepared to inflict the stigma upon the honor of this nation which you will do if you withhold this pittance from these heroic, and now aged, men?

Sir, I had the honor to present to this House a petition from those of them still surviving in my own immediate neighborhood. Some four or five of the whole number are citizens of the place in which I reside. The first name signed upon that paper is the name of a man who, in command of a privateer in the war of 1812, fought one of the most desperate—perhaps, I might say, the most gallant battles of the war. I allude to Captain Benjamin Upton. He bore in his aged countenance the scar of the wound that he received on that occasion. That patriot has gone to his grave since his name was attached to the petition which I brought here with me.

Sir, the details of this subject are such that I am sure, if the committee could have them brought to their minds and hearts, the patriotism and gratitude which glow in their breasts would compel them to override all other considerations, and to say that the country will be true until the last of these gallant men has sunk into his grave—true to the pledge which it so publicly and solemnly gave in the hour of its danger and its need.

Mr. MILLSON. Yesterday the House agreed, almost without a question, to the amendment made by the Senate striking out the appropriation for the payment of privateer pensions. Now, the chairman of the Committee of Ways and Means, in order to conform to what seemed to be the judgment of the Senate—what certainly was the sentiment of this House—proposes to strike from the deficiency bill a similar appropriation. I confess that I am in favor of the motion made by the chairman of the Committee of Ways and Means, and opposed to the amendment just now offered by the gentleman from Massachusetts, [Mr. UPHAM.]

I think that this payment of privateer pensions is a matter of questionable propriety, under the most favorable circumstances. How did the country originally become bound for the payment of these pensions at all? Why, sir, when these men, who undertook to equip vessels at their own costs, obtained permission from the Government of the United States to appropriate to their own use all prizes they might capture from the enemy, there was a fund reserved—a very small fund, of two per cent., for the purpose of constituting a pension fund for the payment of invalids. That fund has now been exhausted. The Government never agreed to pay more than what might remain of that fund. For several years past nothing has been paid; and now the proposition is made to pay these invalid privateersmen from the public Treasury. What claim have they upon the Treasury of the United States? These vessels were equipped at their own cost; they were engaged in their own private service, and not in the service of the country. They engaged in privateering as a matter of emolument; I do not say as a mere matter of emolument, for I do not deny that sentiments of patriotism may have had something to do with the determination of some of them.

I do mean to say, however, that they obtained from the Government of the United States the privilege of making captures from the enemy for their own personal profit. No private citizen has a right to take an enemy's property and appropriate it to his own use. This principle has been frequently the subject of adjudication by the Supreme Court of the United States. All writers on international law lay down the same doctrine. Vattel and other publicists all agree that a man cannot acquire a title to such property unless he

acts by the authority of his sovereign; and in the Supreme Court of the United States, in the case of *Brown vs. the United States*, and in the case of the *Dos Hermanos*, Judge Marshall, giving the opinion of the court, expressly decided that no private citizen can acquire a title to property captured by him from the enemy, except by the grant of his country. It is for that reason that privateers apply to the Government of the United States for authority to make these captures. When they obtain such authority, they make them for their own emolument, and the proceeds go to their own use.

But it must be recollected that very many distinguished public men have for a long time doubted the propriety of issuing commissions to these private armed vessels at all.

Dr. Franklin was opposed to the whole system, and succeeded in negotiating treaties with some of the European powers, by which it was stipulated that no privateers should be authorized by either nation, in case of the breaking out of war. It seems somewhat inconsistent, that while you will not permit soldiers in war upon land to appropriate to themselves the personal property belonging to an enemy, you will commission private armed vessels for the purpose of depredating upon private property found at sea.

But apart from the question as to the abstract propriety of the system of privateering, what obligation can there be resting upon the Government of the United States to pay pensions to invalid privateersmen, who are not directly employed in the public service of the United States, who engage in these pursuits for their own emolument, and who are allowed by your laws to apply to their own use the captures made from the enemy. It seems to me that the Senate was right, and that the House was right yesterday, in agreeing so promptly to the amendment of the Senate.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Massachusetts.

Mr. UPHAM. If there is no objection, I withdraw the amendment.

No objection being made, the amendment was withdrawn.

Mr. SKELTON. I propose to amend the amendment by adding \$100 to the amount.

I entertain the opinion, Mr. Chairman, that if there is any class of soldiers who have served the United States deserving pensions, it is the class of privateers who volunteer their services from the ranks of private life. What proposition have we here to-day? We find that in the past we have educated men as regular officers in the Navy and Army of the United States. We take them in their poverty and their boyhood and maintain and make soldiers of them. We pay them in times of peace for holding themselves in readiness—and pay them large salaries, too. We pay them during their life time, and in the course of time pension their widows.

Now, sir, I ask this committee if the men who pursue their daily avocations in life, maintaining themselves with industry and integrity in time of peace, and who, in time of war, enter into the contest in defense of their country, with little prospect of gain, and in a cause where they endanger their lives, are they less meritorious than the men we educate and pay in time of peace for fighting our battles? Why, sir, what is the history of the last war, and what is the history of the bravery and patriotism of those privateers? Why, the privateer service of the United States in the war of 1812 accomplished more, and inflicted more injury upon the enemy than the whole American navy. And allow me to say, that in future wars, when we want a naval defense for our country, we shall have to depend mainly upon those composing our merchant marine.

That is the arm of American defense that we have to depend upon. Never will the American nation consent to maintain such a Navy as England, France, and other Powers maintain. We must depend in time of war upon the mercantile marine. Shall we say here to-day that we consider the men who go forth in the hour of battle for the defense of the stars and stripes, from their daily avocations as merchantmen, and who, in time of peace, carry our commodities into every ocean—that they are pirates pursuing a vocation which is so reprehensible? Why, sir, the Government au-

thorized their employment, accepted their services, and received the benefit accruing therefrom. The American flag was maintained with greater valor and with more efficiency by the privateer service than by the whole naval service of the United States. While we are in time of peace sustaining a Navy—and our old worn-out officers, some of them disqualified from performing their duties—at an expense of nearly \$10,000,000 a year, we have a very efficient maritime force not only maintaining itself, and adding to the wealth and prosperity of the country, but ready in time of war to enter into combat with the proudest nation upon the face of the globe. I hope for the sake of humanity that the section now under consideration will not be stricken out.

Mr. HOUSTON. I am opposed to the amendment, and I desire to give a vote upon the original proposition.

Mr. HAVEN. I wish to make but a very few remarks in reference to this matter. The Committee of Ways and Means were rather balanced in their opinion upon this subject, but upon the whole were inclined to make this appropriation. They recommended placing this appropriation in the deficiency bill; and for the purpose of keeping themselves consistent, they also placed an appropriation for the coming fiscal year in the general pension appropriation bill. That bill was passed by the House, went to the Senate, but that body, in a spirit of economy which seems suddenly to have come over them, struck the appropriation in question out of the bill. It came back here, and this House unanimously concurred with the action of the Senate in that particular. Where do we stand now? We stand directly here: Within the last five years we have enacted by law a provision which declares in effect that we are opposed to this appropriation. The question comes back, shall we give it in this deficiency bill for all the time until the 1st of July next? To be consistent, we should refuse it here. I would rather, and the Committee of Ways and Means would rather have given it; but the House has acted upon the subject, and refused to make this appropriation, commencing with the 1st of July next.

I have made this explanation, so that we may understand precisely where we are. The bill proposes what may be thought to be asking too much; and to remain consistent, we should strike this appropriation out, and make our legislation correspond with that of yesterday. But it is a matter of indifference to me whether it is retained or stricken out.

Mr. VANSANT. I desire to ask the gentleman whether, if this provision of the bill be retained, it is not competent under the rules of the House to reconsider the provision stricken out by the House, and so make our action consistent?

The CHAIRMAN. No further discussion is in order.

Mr. SKELTON, by unanimous consent, withdrew his amendment to the amendment.

Mr. DAVIS, of Rhode Island. Is it in order to speak upon the amendment now pending?

The CHAIRMAN. No further debate is in order.

Mr. DAVIS. I desire to ask another question. Is it in order to move to insert here the provision heretofore stricken out by the House?

The CHAIRMAN. The gentleman can move to increase the appropriation by any sum he pleases.

Mr. DAVIS. What I wanted to know was whether, in order to make the action of the House consistent, it would be in order to move to insert in this bill the provision which was stricken out of another bill by the House yesterday?

The CHAIRMAN. It will be in order for the gentleman to move to amend by increasing or diminishing the appropriation to any amount he may propose.

Mr. DAVIS. Well, sir, for the purpose of making a single remark upon the subject, I move to increase the appropriation one dollar.

I will only say that when these pensions have been paid to these people, but a small amount of funds will have been taken out of the National Treasury; and it seems to me that it would be extremely hard to cut them off at this time—much harder than if they had never been paid them at all. When this Government has once adopted a practice, and continued it for a series of years, they should not depart from it without very good

reasons. Now, these are men, most of them, whose very life depends upon receiving this pension, and, in this point of view, I think it is of great importance that this appropriation should be made.

The gentleman from Virginia [Mr. MILLSON] has alluded to the morality of the matter. Well, sir, we are not here to decide that question. The courts have settled that. I know that the courts have decided that privateering is not a lawful mode of warfare, and that a law has been passed to that effect; but privateering did exist for a long series of years, and was not objected to by the Government when these persons were engaged in it; and it seems to me that the humanity of the House, that a sense of justice, will impel them to grant these pensions. It will be much harder for these men, if you deprive them of this means of subsistence now, than if you had never given it to them at all. It is not a question of granting it originally—we have passed that point—but it is whether you will discontinue a practice which has been continued for a long series of years.

Mr. HOUSTON. An argument was made by one gentleman, awhile ago, to the effect that it was intended to base this claim upon the ground that a fund still remained, out of which the payment could be made. But it turned out, upon reading the remainder of the letter, that the appropriation was made in the same manner in which it is now proposed to make it for six or seven years after the fund was exhausted. Another gentleman urges the claim upon precisely the opposite grounds, that, inasmuch as the appropriation has been continued for several years beyond the time when the fund was exhausted, it ought, therefore, still to be continued. Now these two arguments will not stand together. It is true the fund was exhausted in 1844, but that the appropriation continued to be made until 1850.

But since that time there have been no appropriations made. On one or two occasions the House passed an appropriation for this purpose, but the Senate rejected it, and the House concurred in the action of the Senate.

I have made this motion upon my own individual responsibility, without consulting the Committee of Ways and Means; and as the facts of the case have been very correctly stated by the gentleman from New York, [Mr. HAVEN,] in the few remarks which he has submitted to the committee, I do not wish to consume further time. I am anxious to get along with the bill, and I therefore ask for a vote upon the proposition.

The question was then put on Mr. DAVIS's amendment to the amendment; and it was rejected.

The question recurred on Mr. HOUSTON's amendment, and being put, it was decided in the negative.

So the amendment was rejected.

Mr. ORR. I am instructed by the Committee on Indian Affairs to offer the following amendment:

For general incidental expenses in the Indian service in New Mexico, for the present fiscal year, \$15,000, to be expended under the direction of the Secretary of the Interior.

The Commissioner of Indian Affairs asks that this appropriation may be made. The necessity for it is created by the fact that at the last session of Congress the estimates, which were for \$20,000, were cut down to \$10,000, and this sum is required to be expended between now and the 30th of June.

The Indians in New Mexico are in a very destitute condition—almost starving—and the agents are compelled literally to purchase their peace with the Indians by furnishing them with food, presents, and things of that sort. This appropriation is necessary for that purpose. Of course, if a less sum than \$15,000 is required, the whole of this appropriation will not be expended. I hope there will be no objection to the amendment.

The question was taken on the amendment, and it was agreed to.

Mr. CRAIGE. I am instructed by the Committee on Public Buildings and Grounds to offer the following amendment:

For President's house and grounds, for fuel for President's house, and for iron fences, \$3,800.

For repairs of the Capitol, and improving the grounds around it, \$6,500.

For repairs of water-pipes \$200.

To pay two draw-keepers on the Long Bridge up to July 1, 1854, \$400.

For trees, tree-boxes, and repairs of pavement, \$500.

For lamps and lamp posts on Pennsylvania avenue be-

tween 17th street and Georgetown, and between the Capitol and the navy-yard, \$1,200.

For completing the pedestal and inclosure of the equestrian statue of Andrew Jackson, \$500.

That amendment has been prepared according to the estimates furnished by the Commissioner of Public Buildings and Grounds. The committee have given it a careful examination, and believe it to be correct.

The question was taken upon the amendment, and it was agreed to.

Mr. MORGAN proposed the following amendment:

For paying William Irvin \$625, for service as acting Superintendent of the Seventh Census, for five months from the 30th of May, 1851.

Mr. HOUSTON. I would ask the Chairman whether that is not a private claim, and out of order in this bill?

The CHAIRMAN. The Chair is of the opinion that it is a private claim, and therefore not in order in a general appropriation bill.

Mr. MORGAN. I was informed by some of the members of the committee that this was the proper place to submit the amendment.

The CHAIRMAN. The Chair is of the opinion that it is a private claim. If the gentleman withdraws it, the Chair will give it further consideration.

There was no objection, and the amendment was withdrawn.

Mr. PERKINS, of Louisiana. I move the following amendment:

To complete the construction of the marine hospital at Vicksburg, \$50,000.

Mr. HOUSTON. That amendment has been decided to be out of order. I again make the point of order on it.

The CHAIRMAN. The Chair decided the amendment to be in order, but the committee overruled that decision. The Chair now decides, in conformity with the vote of the committee, that the amendment is not in order.

Mr. PERKINS. I understood that the committee decided that an amendment somewhat similar to this, appropriating \$55,000, was not in order. This amendment is differently worded, and for a different amount, although it may be for somewhat the same purpose.

The CHAIRMAN. The Chair presumes that the committee did not act as it did on account of the amount, but on some principle connected with the subject. The amendment was decided to be out of order as not being for a deficiency, but belonging properly to the general appropriation bill, for which the estimate was made, and which is to come up shortly. The Chair is compelled, under the former decision of the committee, to decide the amendment out of order.

Mr. PERKINS. Would it be in order for me, Mr. Chairman, to state the reasons why this is a different proposition from the previous one?

The CHAIRMAN. It would not be in order; but the Chair will hear the gentleman.

Mr. JONES, of Tennessee. I insist on the Chair's proceeding in order.

Mr. PERKINS. It is from a sense of duty that I introduce this amendment; and, as was the case with the Delegate from Oregon, [Mr. LANE,] I am satisfied that the committee do not understand the proposition upon which they are to act. I should like, in a few words, to place the question in the light in which I think it will be regarded by the committee when they come to understand it.

The CHAIRMAN. The Chair must remind the gentleman that debate is not in order. The gentleman is at liberty to state any facts.

Mr. PERKINS. The fact I wish to state is this—

Mr. JONES. I submit that debate is not in order.

The CHAIRMAN. So the Chair has decided.

Mr. STANTON, of Kentucky. I take an appeal from the decision of the Chair; and I desire, as I have the right, to state the ground of that appeal.

Mr. JONES. I raise the question of order, that the appeal is not debatable. Stating facts is debate; and now all debate is terminated, except on amendments.

Mr. STANTON. I have a right to state my position.

The CHAIRMAN. The gentleman has the

right to state the ground of his appeal, but not to go into an argument.

Mr. STANTON. I did not intend to go into an argument. The ground upon which this decision is made is this: that the appropriation asked for by the gentleman's amendment is not for a deficiency. I maintain that it is for a deficiency; and it is so for this reason: Congress has ordered a marine hospital to be built at Vicksburg. They have already appropriated \$10,000 for that purpose; and with that amount the work has been commenced. Now, the purpose of this amendment, if I understand it aright, is to enable the proper authorities to continue the progress of the execution of that order. The beginning of the year is the time when preparations are necessarily made.

Mr. PERKINS, of Louisiana. With the gentleman's permission I will state in this connection, —and it is a fact which I wish to impress upon the House—that \$4,000 was appropriated in the midst of the epidemic, when all business was suspended; and if the appropriation is made at any other time than this, it will come in the sickly season, and will be entirely useless. If made now it will come in advance of the sickly season.

Mr. JONES, of Tennessee. Who knows best whether it is a deficiency, the Secretary, or gentlemen upon this floor?

The CHAIRMAN. The amendment of the gentleman from Louisiana proposes to appropriate some \$50,000 for the completion of the marine hospital at Vicksburg. The Chair, in conformity to the decision of the committee, made a few minutes since, decides that the amendment is not in order. The Chair supposes that the ground upon which the committee proceeded in their decision was that the appropriation was not for a deficiency needed during the current year, but was, in fact, regularly estimated for in the usual appropriation bill for the next year. The Chair conforms to the decision of the committee. From that decision of the Chair an appeal is taken, and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was put, and the decision of the Chair was sustained.

Mr. MURRAY, from the Committee on Printing, offered the following amendment; which was read, considered, and agreed to:

For the payment of the printing of the returns of the Seventh Census, and paper purchased for said printing, under the provisions of the joint resolution providing for printing and binding of the returns of the Seventh Census, approved March 3, 1853, that is to say—

For the printing of the returns before mentioned, the sum of \$15,000 93.

For the paper purchased for said printing, the sum of \$27,106 68: *Provided*, That the sums herein mentioned be paid to the printer who executed the printing, and to the contractor who furnished the paper, respectively, at the Treasury of the United States.

Mr. DISNEY. I move that the committee now rise.

Mr. HOUSTON. I wish the gentleman would withdraw his motion for a few moments. There are some amendments to be reported from the committees, which can be disposed of in ten minutes, and then we shall stand a chance of getting through the bill to-morrow.

The CHAIRMAN. Does the gentleman withdraw his motion?

Mr. DISNEY. I do not.

The question was put; and there, were upon a division—ayes 70, noes 40.

So the committee agreed to rise.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 49, being a bill to supply deficiencies in appropriations for the service of the fiscal year ending 30th June 1854, and had come to no resolution thereon.

Mr. FLORENCE. I rise to a privileged question. I move to reconsider the vote by which the following clause was stricken out of House bill No. 50, making appropriations for the payment of invalid and other pensions.

"For pensions of invalids who were wounded on board of private armed vessels during the last war with Great Britain, \$2,500. Privateer pensions in Boston are hereby abolished, and the said pensioners shall be paid as privateer pensioners are paid at other places."

I make this motion in order to make our action consistent with the vote in the Committee of the Whole to-day, by which an appropriation was made for this purpose.

Mr. ORR. Has not the invalid pension bill already gone from the House?

The SPEAKER, (Mr. JONES, of Tennessee, temporarily occupying the chair.) This bill was passed by the House, sent to the Senate, and they returned it to the House with an amendment striking out the words indicated by the gentleman from Pennsylvania, [Mr. FLORENCE.] The House yesterday concurred with the Senate in making that amendment. The bill is now in the possession of the House, yet to be enrolled, it having originated here, and the Senate have been notified of the concurrence of the House in that amendment.

Mr. ORR. Therefore it is not in order to reconsider.

The SPEAKER *pro tempore*. The rules prescribe that a motion to reconsider should be made upon the day upon which the vote is taken, or upon the succeeding day. What the effect of the action of the House and the notification of the Senate may have upon it is for the House and not for the Chair to determine. The Chair is of the opinion that a motion to reconsider is not too late. The gentleman from Pennsylvania moves to reconsider the vote by which the House on yesterday concurred with the Senate in making a certain amendment to the invalid pension bill.

Mr. HOUSTON. I move to lay the motion to reconsider upon the table.

Mr. WALSH. I rise to a question of order. I understand, by the decision of the Chair, upon repeated occasions here, that no gentleman was entitled to the floor while another was occupying it, unless with his consent. I noticed gentlemen from all parts of the House addressing the Chair—

The SPEAKER. The gentleman from Pennsylvania [Mr. FLORENCE] was recognized by the Chair.

Mr. ORR. I raise the question of order, that the motion to reconsider could not be entertained, inasmuch as the House had put it beyond its power to reconsider the matter, having advised the Senate of its action on yesterday.

The SPEAKER *pro tempore*. The Chair has overruled the point of order made by the gentleman from South Carolina, by expressing the opinion that it was in time for the gentleman from Pennsylvania to make the motion to reconsider; that it was still in order for any gentleman who voted in the majority to move to reconsider; and that it is for the House, and not for the Chair, to determine the question.

Mr. ORR. I have great respect for the opinion of the Chair, but I think that his decision is wrong in this particular instance, and I therefore appeal from it. It is out of the question for the House to put itself back in the condition which it occupied before the message was sent to the Senate.

The SPEAKER *pro tempore*. The Chair will state, that if the House entertain the motion to reconsider, they can and will notify the Senate that that motion is pending here.

Mr. ORR. Well, sir, I do not think that if the Journals of the House were to be searched you could find a precedent for the House attempting to reconsider a matter which had gone to the other end of the Capitol.

The SPEAKER *pro tempore*. The bill is now in possession of the House, having been returned from the Senate. The Constitution of the United States provides that each House shall make rules for its own government. In pursuance of that provision, this House, in prescribing the rules for its government, has provided that any vote having been taken, a member voting with the majority may, upon the same or the succeeding day, move to reconsider such vote.

Mr. ORR. Is the appeal from the decision of the Chair debatable?

The SPEAKER *pro tempore*. It is.

Mr. ORR. Well, sir, if the reasoning of the Speaker be correct, what would be the effect of it supposing this bill had yesterday been engrossed, reported by the Committee on Enrolled Bills, and sent to the President for his signature?

Mr. EWING. I rise to a question of order. What is the question before the House?

The SPEAKER *pro tempore*. The question is

upon the appeal taken by the gentleman from South Carolina from the decision of the Chair; and that appeal the Chair thinks is debatable.

Mr. EWING. I was under the impression that the appeal was not debatable.

The SPEAKER *pro tempore*. The Chair knows of no rule showing why it is not. The gentleman from South Carolina will proceed.

Mr. ORR. I have very little to say in addition. Suppose, after the House had concurred in the amendment of the Senate yesterday, the bill had been enrolled, and the Committee on Enrolled Bills had presented it to the President, and it had received his signature, could the House have taken action upon it then? I submit that there is no precedent at all in the legislative history of this House where a motion has been entertained to reconsider a proposition which has passed beyond the control of the House.

Mr. LETCHER. Will the gentleman allow me to interrupt him?

Mr. ORR. The gentleman from Virginia will excuse me, but I cannot yield to him. I dislike to be interrupted.

Mr. LETCHER. I merely wanted to make a privileged motion, if the gentleman would allow me.

Mr. ORR. If the gentleman desires the floor to make the privileged motion, which I suppose he does, I will yield for that purpose.

Mr. LETCHER. The motion I proposed to make was that the House do now adjourn.

Mr. ORR. I will yield the floor for that purpose.

Mr. FLORENCE. Do I understand that the floor can be taken from me (for I still hold it) without my consent, for a motion to adjourn? I submit a point of order.

Mr. GREEN. I desire to present a report from the Committee on Enrolled Bills.

The SPEAKER *pro tempore*. The gentleman from Virginia will be pleased to withdraw his motion, and allow the report from the Committee on Enrolled Bills to be made.

Mr. LETCHER. I think the Committee on Enrolled Bills had better make their report to-morrow. [Laughter.]

The SPEAKER *pro tempore*. The Chair understands it is important that the bills the committee desire to present should receive the signature of the Speaker to-day.

The question was put upon the motion to adjourn, and, amid confusion, the Chair decided it in the negative.

Mr. ORR. I am now entitled to the floor, am I not?

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GREEN] is upon the floor, for the purpose of making a report from the Committee on Enrolled Bills, which he has the right to make at any time.

Mr. ORR. I will yield the floor to the gentleman from Ohio, but I insist that the Chair shall divide the House upon the motion to adjourn. There were loud and repeated calls for a division before the result of the vote was announced by the Chair.

The SPEAKER *pro tempore*. It is too late now to demand a division.

Mr. GREEN, from the Committee on Enrolled Bills, reported back, as correctly engrossed, the following joint resolution and bill; which thereupon severally received the signature of the Speaker:

"A resolution authorizing an increase of the force in the office of the Superintendent of Public Printing; and

"An act to regulate the disbursement of the contingent fund of the Senate, and for other purposes."

Mr. ORR. With a view of looking into precedents, and giving my friend from Pennsylvania [Mr. FLORENCE] an opportunity of having his motion considered, I move that the House do now adjourn.

The motion was agreed to; and thereupon the House adjourned until to-morrow.

IN SENATE.

WEDNESDAY, February 8, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the

Senate a communication from the Secretary of War, transmitting statements of the contingent expenses of the offices and bureaus of his Department for the year ending 30th June, 1853; which was ordered to lie on the table, and be printed.

Also, a communication from the Secretary of War transmitting abstracts of the returns of the militia of the several States; which was ordered to lie on the table, and be printed:

THE MISSOURI COMPROMISE.

Mr. BRODHEAD. I have received, and desire to present to the Senate, a memorial of the representatives of the religious society of the Friends in Pennsylvania, New Jersey, Delaware, and adjacent thereto. They express themselves in strong terms against the institution of domestic slavery, and especially against what they call a proposed repeal of the Missouri compromise line.

This memorial has been brought to me by a committee of four gentlemen, who represent the society named. They are not political Abolitionists, but they express sentiments which have been long entertained by the society to which they belong. Although I may differ from them in regard to the constitutional power of Congress upon the subject, I nevertheless respect their motives. I will not ask for the reading of the memorial; but as the Nebraska bill is now under consideration, I will move that it lie upon the table. I will not ask it for another reason. One of the committee has informed me that they intend to present a copy to each member of the Senate.

The memorial was ordered to lie on the table.

Mr. BRODHEAD also presented five petitions of citizens of Pennsylvania, remonstrating against the repeal of the Missouri compromise; which were ordered to lie on the table.

ADMISSION OF LADIES.

Mr. HOUSTON. Mr. President, I rise this morning for the purpose of moving that ladies be admitted to occupy the seats immediately in the rear of the bar of the Senate. I make this motion on account of the inclemency of the day, the fullness of the galleries, and the number of ladies in attendance who have not been admitted. This is the first time that I have ever made such a motion in the Senate. I have generally opposed it; but the peculiar circumstances of this occasion seem to appeal to the members of the Senate to allow the admission of ladies who have not been admitted. There are several hundred of them at the door. [Laughter.]

Several SENATORS. Oh, no!

Mr. HOUSTON. At any rate there is a considerable number of them. Suppose there are only a hundred, or even fifty here, it would be exceedingly gratifying to those fifty to admit them. I do trust that, on this occasion, the Senators will extend that liberality, that courtesy—to say nothing of gallantry—which I suggest.

Mr. DODGE, of Wisconsin. I second the motion of my friend from Texas with great pleasure. On this occasion, for the reasons which he has suggested, I think the ladies should be permitted to enter the Senate Chamber, and take the seats in the rear of us. We are to hear a gentleman to-day who is renowned for great eloquence, and I desire very much on this occasion to see the ladies gratified by giving them an opportunity of hearing him.

Mr. WELLER. Mr. President, if it were not exceedingly ungracious and ungallant, I should be compelled to object to the motion of the Senator from Texas. I unfortunately sit here on the frontier, [the honorable gentleman's seat is on the outer row,] and I am sorry to say that the admission of ladies disturbs the quiet of our location here very much, oftentimes rendering it impossible to hear what is said on the other side of the Chamber; and I am very much more disposed to turn my ear to what is going on behind me than to listen to what is said on the other side of the Chamber. But as this motion has been made by my very gallant friend from Texas, I do not wish to be put in the position of opposing it; but I hope the ladies will understand that if they shall come in, I hope they will be as quiet as possible. [Laughter.]

Mr. PETTIT. I enter an objection in the most solemn form against this proposition.

The PRESIDING OFFICER. (Mr. FOOT in the chair.) As the Chair understands the rules of the Senate, it requires unanimous consent to adopt

this motion. It is equivalent to a motion to suspend the rules, and that requires one day's notice, unless by unanimous consent.

Mr. PETTIT. I saw the other day a judge of the Supreme Court, seventy years of age, standing here unable to get a seat.

The PRESIDING OFFICER. Objection being made, the motion cannot be entertained.

PETITIONS, ETC.

Mr. BRODHEAD presented twelve memorials signed by citizens of the city and county of Philadelphia, asking Congress to provide suitable accommodations for a post office, and for the use of the United States courts of the eastern district of Pennsylvania; which were referred to the Committee on the Post Office and Post Roads.

Mr. PRATT presented a petition numerously signed by the citizens and property-holders of the District of Columbia, against the construction of a railroad along Pennsylvania avenue, in Washington city; which was referred to the Committee for the District of Columbia.

Mr. HAMLIN. I have received a memorial signed by citizens of Maine, who ask that the existing laws may be so modified that a maximum of \$15 per ton duty only shall be chargeable upon the iron imported into this country in any shape, which I ask may be referred to the Committee on Finance.

I present also, another petition, and signed, I believe, by the same persons, who ask that the duty on charcoal iron may be reduced to \$10 a ton. I ask that this petition also may be referred to the Committee on Finance.

The memorials were so referred:

Mr. SHIELDS presented a petition of the Mississippi and Wabash Railroad Company, praying a grant of land to aid in the construction of their railroad; which was referred to the Committee on Public Lands.

Mr. WRIGHT presented the memorial of William A. Duer, administrator of William Duer, deceased, praying compensation for supplies furnished to the Government of the United States, under contract with the Treasury and War Departments; which was referred to the Committee of Claims.

Mr. MALLORY presented the petition of G. J. Pendergrast, Commander United States Navy, praying reimbursement of his expenditures for medical services in consequence of the failure of the Government to provide a naval surgeon; which was referred to the Committee on Naval Affairs.

REPORTS FROM COMMITTEES.

Mr. BRIGHT, from the Committee for the District of Columbia, to whom was referred a petition of citizens of Washington and Georgetown, praying an appropriation for the purchase of a site and the erection of a custom-house for the District of Columbia, asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT, from the Committee for the District of Columbia, to whom was referred the bill to incorporate the National Hotel Company of Washington City, reported it back without amendment.

NOTICE OF A BILL.

Mr. CLAY gave notice of his intention to ask leave to introduce a bill granting to the State of Alabama alternate sections of land in aid of the construction of certain railroads in that State.

BILLS INTRODUCED.

Mr. SHIELDS asked and obtained the unanimous consent of the Senate to introduce the following bills; which were read twice by their titles, and referred to the Committee on Public Lands:

Bill to authorize the sale of Rock Island, in the State of Illinois, and for other purposes.

Bill granting a portion of the public lands to the State of Illinois, to aid in the construction of the Mississippi and Wabash railroad.

Bill granting a portion of the public lands to aid in the construction of the Warsaw and Rockford railroad.

PHILADELPHIA COURTS AND POST OFFICE.

Mr. BRODHEAD asked and obtained unanimous consent to introduce a bill to provide a place for a post office in the city of Philadelphia, and for the courts of the United States for the eastern district of Pennsylvania. It proposes to enact that the Postmaster General be authorized and empowered

to provide necessary and permanent accommodations for a post office for the city of Philadelphia, and for the courts of the United States, and the officers connected with them, in the eastern district of Pennsylvania, by leasing and fitting up the same, for a term not less than ten years, or by purchase. It provides, however, that no purchase shall take place, except within the limits of an appropriation to be made by Congress.

The bill was read a first and second time, and was referred to the Committee on the Post Office and Post Roads.

RAILROADS IN MICHIGAN.

On the motion of Mr. STUART, the Senate, as in Committee of the Whole, resumed the consideration of the bill granting the right of way and making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa railroad from Pontiac to Lake Michigan, and branches from Corunna and Grand Rapids to the Straits of Mackinaw, and a continuous branch from thence to the Montreal river, in said State.

Mr. DAWSON. I desire to suggest to the Senator from Michigan that, when the bill was under consideration yesterday, the Senator from Delaware, [Mr. BAYARD,] whom I do not now see here, intimated his desire to address the Senate upon the subject. I suppose he did not expect the bill to be called up in the morning hour, and therefore is not here prepared to discuss it. I suggest, therefore, that it should go over until to-morrow.

Mr. STUART. I would suggest to the Senator from Georgia, that the Senator from Delaware simply submitted a motion to postpone the consideration of the bill until to-morrow, and that motion being pending, my colleague moved to adjourn.

Mr. DAWSON. I ask that the bill should be postponed until to-morrow. We should accommodate the Senator from Delaware by giving him the opportunity of expressing his views upon it.

Mr. STUART. I should be very glad, Mr. President, to accommodate any gentleman who desires to discuss the bill. It will be recollected, however, that the Senate discussed several bills other than this yesterday, and I had hoped that, this morning, whatever discussion was to be had, might be had at once, so that the bill might pass. For myself, I am not disposed to consume the time of the Senate, nor to prevent any other Senator from expressing any views which he desires to present; but I am very solicitous that the bill should be considered now.

Mr. JONES, of Tennessee. It is very obvious that we cannot dispose of this bill to-day. If we take it up, it will lead to debate, and will consume the morning hour, and extend beyond the morning hour. We know that at one o'clock the special order of the day, the Nebraska bill, comes up. I therefore propose to the Senator from Michigan to postpone the further consideration of the bill until to-morrow.

Mr. STUART. I certainly would consent to the suggestion made by the Senator from Tennessee, but we have passed other bills at this session; and one yesterday morning, precisely like it, we passed through in ten minutes. We have already passed two for the State of Wisconsin. We passed one yesterday morning for the Territory of Minnesota; and it will be recollected here we discussed by the hour general principles entirely disconnected with this bill. The road proposed to be benefited by the bill runs through an unbroken wilderness, so that nine tenths of the arguments submitted to the Senate yesterday had no application to it. Inasmuch as the general principles governing the bills have been so thoroughly discussed in the Senate for the last three years, it does seem to me that we should not become very much enlightened by any further discussion. I hope, therefore, that the Senate will allow us to progress with the bill, and let us see what will be done with it. I assure the honorable Senator, however, that when the time arrives for entering upon the consideration of the special order, I shall not interpose any objection to taking it up. I have no disposition to interfere with that measure at all.

Mr. CLAYTON. I do not wish to make any remarks upon this bill; but I do wish to hear the principles relating to all these railroad bills discussed; and I now ask, as an act of justice to

my colleague, [Mr. BAYARD,] who is not now in his seat—

Mr. JONES, of Iowa. Yes, he is.

Mr. CLAYTON. He has just come in. If he desires to go on, I will not press the request to postpone the bill.

Mr. STUART. The Senator from Delaware is now in his seat, and can discuss the bill if he desires.

Mr. BAYARD. I shall not occupy much of the time of the Senate now, but I shall take occasion hereafter to express my opinions fully in reference to the unconstitutionality, in my view, of these appropriations, and endeavor to show that there is no great distinction between the appropriation of land according to the provisions of these bills and the appropriation of any other property belonging to the United States, and in the hands of the Government for their benefit. I think the distinction cannot obtain. I can understand perfectly that, when, as in the first instance, according to the doctrines of Mr. Calhoun, the Government, as a great land-holder, having in its possession and holding the title to immense quantities of unsettled land, which under the laws of the country are salable at specific prices, or are subject to entry at specific prices, desires to encourage the sale of the lands, it might, without making any donation at all or grant, either to the States or individuals, dispose of one section of land for the purpose of making a road when it reserves the alternate sections for the purposes of the Government; but the moment you go beyond the point at which you reserve the alternate sections to the Government, that moment you make it a donation for the general purposes of internal improvements in the particular States, or to the particular individuals to whom the donation is made.

The distinction seems to me so palpable that I will not now intrude longer on the time of the Senate in reference to it; but I shall take occasion at a future day to express more at length my views in reference to measures of this kind.

It seems further to me, making the suggestion merely now, that you have got to something more than the mere temporary expedients of the hour. It may be perfectly true, as alleged by the honorable senator from Mississippi, [Mr. BROWN,] that experience has proved that you have made more rapid sales of the land on some of those roads which have been constructed, or are about to be constructed, under your grants and donations.

That may be true, but the ultimate effect of such a system on the political morals of the country, in my judgment, outweighs any temporary advantage, which merely tends to the present benefit of the country and the agricultural population. That effect on the political morals of the country is far more injurious than is beneficial any temporary good derived from these grants.

These are my general views on the subject. I shall take occasion hereafter more fully to express them to the Senate, when some other bill comes before it. For the present, however, I shall not say anything further upon this bill.

The PRESIDING OFFICER, (Mr. FOOT.) The bill is before the Senate as in Committee of the Whole, and is open to amendment.

Mr. BAYARD. There is an amendment which I think should be made to the bill. As it stands, it leaves a doubt, in my mind, as to the construction which may be given to one of its sections. The grant is to the State of Michigan, for the purpose of aiding in the construction of certain roads, of "every alternate section of land designated by odd numbers, for six sections in width on each side of said roads and branch road; but in case it shall appear that the United States have, when the lines or route of said road are definitely fixed by the authority aforesaid, sold any section or any part thereof granted as aforesaid, or that the right of preemption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tier of sections above specified, so much land in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preemption has attached."

Does that mean equal in quantity, or in value? I can easily see that the construction might be

given to it, that, inasmuch as the sections immediately along the road sold by the United States, exceeded in value the same quantity in a more remote distance from the road, the claim might be made that you should double the number of sections in order to equal the quantity that the State should have. It is capable of that interpretation. I do not say that that interpretation is designed. But, at all events, there can be no harm in stating specifically what we do mean by inserting after the word "equal" the words "in quantity." I move that amendment.

Mr. STUART. I will accept the amendment. I think that is the construction which is now put upon the section. Let the amendment be made accordingly.

Mr. DODGE, of Iowa. I hope the amendment will be agreed to.

The amendment was agreed to, and the bill was reported to the Senate as amended.

Mr. DODGE. I will now ask that the whole bill may be read.

The Secretary proceeded to read the bill, but was interrupted by—

Mr. WALKER. I desire to suggest to the Senator from Iowa, that it is unnecessary to occupy the time of the Senate with the reading of the bill. It will take some time to read it. We all understand its provisions. It does not differ from the other bills which have passed.

Mr. DODGE. I withdraw the request to read the bill.

The bill was ordered to be engrossed for a third reading, and was read a third time.

On the question of its passage, Mr. BAYARD called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 32, nays 14; as follows:

YEAS—Messrs. Adams, Allen, Bell, Benjamin, Bright, Brown, Cass, Clay, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fitzpatrick, Foot, Geyer, Houston, James, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Pettit, Rusk, Sebastian, Shields, Slidell, Smith, Stuart, Sumner, Thompson of New Jersey, Walker, Weller, and Wright—32.

NAYS—Messrs. Bayard, Butler, Clayton, Dawson, Dixon, Hamlin, Hunter, Mason, Norris, Pratt, Thompson of Kentucky, Toombs, Wade, and Williams—14.

So the bill passed.

Mr. STUART. The amendment reported from the Committee on Public Lands renders it necessary to change the title of the bill. I therefore move to amend the title, so as to make it read as follows:

"A bill making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa railroad, and a railroad from the Grand Rapids to the Straits of Mackinaw, and a railroad from Pontiac, via Pere Marquette river, Manitowoc and Ontonagon river, to Kewanna Point, with a branch to the vicinity of Carp river, upon Lake Superior."

The motion was agreed to.

RAILROAD IN LOUISIANA.

Mr. BROWN. I now ask the unanimous consent of the Senate to take up the bill making a grant of land to the States of Louisiana and Mississippi to aid in the construction of certain railroads in those States. I would not ask the indulgence of the Senate to take up this bill at this time, if it were possible that it would give rise to any debate. It contains a grant for three roads. During the last session of Congress three bills passed this body covering the three several grants which have now been combined in one bill. In its principle it is the same as those which have heretofore passed. It is precisely the same as the bill which we have just passed, with the single exception of the change of names. I ask the indulgence of the Senate to take it up and act upon it at this time.

Mr. SLIDELL. I will remind the honorable Senator from Mississippi that it was the understanding yesterday that all these railroad bills should be taken up in their order upon the Calendar; and on that account I withdrew my request for the consideration of a bill making a grant for a road in my State, to enable the Senator from Michigan to have his bill taken up.

Mr. BROWN. I certainly do not design to violate any understanding of the Senator; and if that be the understanding, I give way.

Mr. SLIDELL. I now move that the bill granting to the State of Louisiana the right of way and a donation of public lands for the purpose of locating and constructing a railroad from Algiers, on the Mississippi river, to the Sabine river in said State, be taken up for consideration.

The motion was agreed to, and the Senate, as

in Committee of the Whole, proceeded to consider the bill. No amendment being proposed, it was reported to the Senate, ordered to be engrossed for a third reading, was read a third time, and passed; and the title was amended so as to read: "A bill making a grant of lands to the State of Louisiana, to aid in the construction of certain railroads in said State."

FRENCH SPOILIATIONS.

Mr. HAMLIN. Mr. President, I move that the Senate proceed to the consideration of the bill to provide for the ascertainment and satisfaction of the claims of American citizens for spoiliations committed by the French prior to the 31st of July, 1801. Senators will recollect that this bill, as the special order, was assigned for Monday of this week, but for reasons with which every one is acquainted, it was not taken up. I now ask that it may be considered during the morning hour. I do not know a single Senator who desires to speak on it; but if there should be any, and the morning hour should expire before the bill can be disposed of, it may be postponed, and its consideration resumed during the morning hour to-morrow, and from day to day, until it shall have been passed. I do not think, however, that there will be any debate. I know of no one desirous to discuss it, and therefore I move that it be taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DODGE, of Iowa. Mr. President—

Mr. HAMLIN. I desire to say that the bill is verbatim the same as the bill which passed this body at the last Congress.

Mr. DODGE. That was exactly the question which I wished to ask. I want to hear the bill read. If I am not mistaken, from an examination of some copies of the bill which I have seen, there is an important section omitted in this bill, which may materially affect the interests of the Government. I do not question the veracity of the Senator, who has thoroughly examined the whole subject; but I have perused several of the bills, and I understand that a section, very important to the Government, is withdrawn from this bill.

Mr. HAMLIN. I only desire to say that the bill which I introduced to the Senate, and which has been reported from the select committee, was taken from the files of the Senate. It was the identical bill of the last year. If there is an omission, it is one which has escaped my observation. If the section has been omitted, let it be inserted.

Mr. HUNTER. Let the bill be read.

The Secretary read the bill.

Mr. DODGE, of Iowa. I find, by an examination of the bill, that I was right in this matter, and I therefore offer the following amendment as an additional section:

Sec. 12. And be it further enacted, That an attorney to the said board shall be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to resist all unjust claims, and to protect the interest of the United States, and of the fund that may be appropriated to carry this act into execution; and to this end he shall have power to examine witnesses, and to cause testimony to be taken for the United States, and testimony before the commission for the purpose of examining it, and the right to be heard in all cases. He shall be sworn to the faithful performance of his duty as attorney, and shall be entitled to the same compensation as one of the commissioners.

Mr. HAMLIN. The bill which I introduced into the Senate, was, as I supposed, the bill which we passed at the last Congress. I hope the question will be taken on the amendment; that it will be adopted; and then, that the bill may go over until to-morrow.

Mr. CLAYTON. I wish to say that I have no objection to the amendment proposed, but I recollect very well that when President Taylor recommended to Congress the appointment of an attorney, such as was proposed by this amendment, to attend a board of commissioners to ascertain claims arising under the treaty of Guadalupe Hidalgo, a resolution was adopted to that effect, but no attorney was appointed. I thought that it was proper. I therefore do not object to the amendment.

The amendment was agreed to.

Mr. HAMLIN. I now move that the further consideration of the bill be postponed until half past twelve o'clock to-morrow, and be made the special order for that hour.

The motion was agreed to.

COURT OF CLAIMS.

On motion by Mr. BRIGHT, it was ordered that the Committee on the Judiciary be discharged from the further consideration of the bill to establish a court for the investigation of claims against the United States; and that it be referred to the Committee on Finance.

NEBRASKA AND KANSAS TERRITORIES.

The Senate resumed the consideration of the bill to establish a Territorial government in Nebraska.

Mr. EVERETT, to whom the floor was assigned, proceeded to address the Senate. He occupied its undivided attention for an hour and a half. [His speech will be found in the Appendix.]

Mr. E. having concluded,

Mr. SMITH. Mr. President, I propose, with the indulgence of the Senate, to submit some remarks on this subject; but I think it is now too late for me to proceed far with those remarks to-day, if I should now commence. I therefore hope that the honorable chairman of the Committee on Territories will consent to allow me the indulgence of an adjournment.

Mr. SEWARD. I move that the further consideration of the subject be postponed until to-morrow.

Mr. SMITH. That will suit me.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. DOUGLAS, the Senate proceeded to the consideration of Executive business; and after some time spent in the consideration thereof, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 8, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the War Department, transmitting a statement of the expenditures of the appropriations for contingencies of the various offices and bureaus of that Department during the fiscal year ending June 30, 1853; which was ordered to lie upon the table, and be printed.

Also, a communication from the War Department, transmitting an abstract of the returns of the militia of all the States and Territories, with their arms, accouterments, and munitions, taken from the latest returns received by the Department; which was ordered to lie upon the table, and be printed.

ORDER OF BUSINESS.

The SPEAKER. On yesterday the gentleman from Pennsylvania [Mr. FLORENCE] moved to reconsider the vote by which the House agreed to a certain amendment of the Senate to House bill (No. 50) "making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1853." The gentleman from South Carolina [Mr. ORR] raised the question of order, that the motion could not be entertained, inasmuch as he contended that the bill had passed from the possession of the House. The Chair overruled the point of order, and from that decision the gentleman from South Carolina appealed. That appeal is the first business in order this morning, and the question is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. HOUSTON. I do not see the gentleman from South Carolina [Mr. ORR] in his seat, and I would rather that this question should go over until he is present. I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. I hope we shall be able to get through with the deficiency bill to-day.

The SPEAKER. The motion of the gentleman from Alabama is in order.

REMONSTRANCE AGAINST NEBRASKA BILL.

Mr. CUTTING. Will the House allow me to present a remonstrance, signed by the officers of a meeting, citizens of New York city, expressing the sense of a public meeting held in that city, at the Tabernacle, in opposition to the Nebraska

bill? They have selected me as their organ, and as it is very well known that my political sentiments differ from those of the persons who attended that meeting, the non-presentation of their remonstrance by me in open House might be attributed to motives very different from those that really actuate me; and, therefore, with the consent of the House, I will present the remonstrance, and let it take that direction which the Chair supposes to be proper.

The SPEAKER. If there be no objection, the remonstrance will be received.

Mr. MACDONALD. I object.

The SPEAKER. The gentleman from New York is aware that he can introduce the remonstrance, under the rule, at the Clerk's table.

Mr. CUTTING. I asked the unanimous consent of the House to enable me to present the remonstrance, simply for the purpose of preventing any possible misconception that might arise in the minds of those persons who participated in the meeting. I have accomplished that purpose. I have made an effort, and objection having been made, I will present the remonstrance, under the rule, at the Clerk's table.

Mr. RIDDLE. I hope the gentleman from Maine will withdraw his objection. This morning I received a similar remonstrance, as I suppose, (having just entered the House,) to the one which the gentleman from New York desired to present. It is signed by many respectable constituents, and although differing with them entirely in the views which they have expressed, I would prefer, while I concede to them the right of petition, to express at the time I present their views, the views which I entertain myself, and which will, in every probability, control my vote, if I like to give it.

The SPEAKER. Is the objection withdrawn?

Mr. MACDONALD. No, sir; I decline to withdraw it.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Alabama, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. FLORENCE. I hope that motion will not prevail. I desire to make a statement in relation to the motion to reconsider.

Mr. HAMILTON. I call for the regular order of business.

Mr. FLORENCE. Well, the motion to reconsider is the regular business in order.

The SPEAKER. The Chair will turn to the rule controlling this matter.

Mr. HOUSTON. The gentleman from South Carolina, [Mr. ORR] who took the appeal from the decision of the Chair, is not here, and I insist that it would not be proper to take up that question until he is present.

Mr. FLORENCE. Rather than be considered discourteous to the gentleman from South Carolina, who is absent, I will not interpose any objection to the postponement of this subject for the present.

The SPEAKER. The rules governing this question are as follows:

"It shall be the standing order of the body, throughout the session, for the House to resolve itself into the Committee of the Whole on the state of the Union;" and—

"The House may at any time, by the vote of a majority of the members present, suspend the rules in order to go into the Committee of the Whole on the state of the Union."

Mr. FLORENCE. I certainly would not be discourteous to any gentleman on this floor; and, therefore, I do not desire to be considered as interposing any objection to the postponement of this matter.

Mr. LANE, of Indiana. I desire to ask the gentleman from Alabama to withdraw his motion for one moment, to permit me to ask the unanimous consent of the House to offer a resolution calling upon the President for copies of certain papers.

Mr. HAMILTON. I insist on the regular order of business.

The question was then taken on Mr. Houston's motion, and it was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. Seymour in the chair.)

DEFICIENCY BILL.

The CHAIRMAN. The subject in order before the committee for consideration is House bill (No. 49) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854. No amendment was pending when the committee rose. The Clerk will proceed with the reading of the bill.

Mr. HAVEN. I move to insert, after line 125, the following:

For compensation of two additional clerks in the office of the Superintendent of the Public Printing, \$1,200.

The amendment simply provides compensation for the two additional clerks ordered by the joint resolution, which was passed a few days ago.

Mr. HOUSTON. I do not see why there can be objection to this amendment. It only provides compensation for the very two clerks the House gave the Superintendent of the Public Printing. It is simply in compliance with the law which we passed two days ago, and against which I voted.

The question was then taken, and the amendment was agreed to.

Mr. HAVEN. I desire, by the instruction of the Committee of Ways and Means, to offer another amendment, which, I believe, so far as that committee is concerned, finishes the troublesome and raveled question of the public printing; it is as follows:

For the printing of the Executive Departments, including for paper, and the printing of the annual estimates of appropriations for the year 1855, and for printing, paper, and binding twenty thousand copies of the annual report of the Secretary of the Treasury on Commerce and Navigation for the year 1853, \$9,085.

Mr. Chairman, I will explain the items of the amendment. That portion of it which provides for the printing of the Treasury Department becomes necessary, by reason of the transfer of the charge of the printing from that Department to the office of the Superintendent of the Public Printing, by the general printing law of 1852. The remainder of the amendment, in reference to the printing of the work on commerce and navigation, is to supply a deficiency which occurred two years ago, and in consequence of the change having been made at that time. The account of the public printing was thrown then into confusion. I believe that the passage of this amendment will straighten up all these accounts, so far as the committee, at least, know anything about them.

The question was taken, and the amendment was adopted.

The Clerk then proceeded with the reading of the bill.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to submit the following amendment:

After line 141 insert the following:

For rent of house on the northwest corner of F and 17th streets, and warming all the rooms in it, \$385.

For the compensation and expenses of the commission of civilians and military men appointed under the provisions of the first section of an act entitled "An act making appropriations for the support of the Army for the year ending the 30th of June, 1854," approved 3d March, 1853, to determine matters connected with the management of the national armories, \$5,996 61.

Mr. LETCHER took the floor.

The CHAIRMAN. Does the member from Alabama yield the floor to the gentleman from Virginia?

Mr. HOUSTON. I do not want to make a speech further than to say that, in relation to this first item of \$385, I have a very full explanation from the Secretary of War, in which he says that the necessity for it arises in consequence of the high price of fuel, and the great difficulty of warming the house to which it is proposed to apply it.

The last item is to pay the commissioners who examined the contested question whether work was better done in the national armories, under the control of civil or military men. That committee was in session a considerable length of time. I have that explanation here also. The amendment proposed is in conformity to the estimates recommended by the Secretary of War for the actual time they were in service.

Mr. LETCHER. I know all that. I have no great respect for estimates, and I want some information in respect to this proposition to amend the deficiency bill. I desire to know, Mr. Chairman, what that sum is made up of—what compensation is given to the civilians, and whether it is proposed to give to the officers of the Army, who were engaged in the service, additional pay?

Mr. HOUSTON. Mr. Chairman, I will answer the gentleman's question by reading the written estimate.

"Estimate for the compensation and expenses of a commission of civil and military men appointed under the provisions of the Army appropriation act of March 3, 1853, to determine matters connected with the management of the national armories.

"For the compensation of six members, and a secretary for 119, 119, 114, 112, 111, and 112 days respectively, in all 796 days, at \$3 per day, \$3,338, less the pay of three Army officers for 112, 111, and 112 days respectively, \$1,720 05, leaving.....\$4,617 95

"Second, to traveling, in all 10,341 miles, at ten cents a mile.....1,034 10

"Third, printing.....344 00

\$5,996 05

Mr. LETCHER. Mr. Chairman, I understand the state of the case to be this: that the officers of the Army who were engaged in this service are to receive eight dollars per day, deducting their regular pay.

Mr. HOUSTON. That is it.

Mr. LETCHER. Now, sir, if this be the state of the case, I am opposed to the amendment. These officers go into the Army, and receive compensation for their services. That compensation is fixed by law; and I do not think that it is proper for this House to undertake, by this indirection, to increase that compensation in the mode that it is here attempted, at the rate of eight dollars per day.

Mr. HOUSTON. Mr. Chairman, if the gentleman from Virginia allows me, I will say a word on this subject. I believe that the position he occupies in relation to the compensation of military men to be a just and proper one if it were universally followed. But it is not universally followed, and therefore the committee thought it proper, in this case, to conform to what had been the constant and unbroken custom of the Department, sanctioned by Congress.

Mr. LETCHER. I understood, Mr. Chairman, that this was the era of retrenchment and reform—particularly in this House. I had expected to see the Committee of Ways and Means set the example on this subject, by reforming old abuses, and curtailing bad customs. But it seems now that this amendment was introduced here because the principle of it is in accordance with old abuses, and for the purpose of perpetuating and sanctioning this principle in all time to come.

Now, sir, if this be the state of the case, the sooner we get out of the practice the better. I want to go back to the old rule which prevailed in the better days of the Republic. Let us confine these gentlemen to their salaries, and pay them what they are entitled to under the existing law, and no more.

[A message was here received from the Senate by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a bill entitled "An act to aid the Territory of Minnesota to construct a railroad for postal, military, and other purposes."]

Mr. INGERSOLL. Is discussion still in order upon the amendment?

The CHAIRMAN. Discussion is exhausted upon the proposed amendment, and it will be necessary to offer another amendment before further discussion can be in order.

Mr. INGERSOLL. I move to increase the appropriation one dollar.

Mr. Chairman, I agree with the gentleman from Virginia [Mr. LETCHER] that this appropriation should be so far reduced as that it should provide only for the payment of the civilians who sat upon this armory commission, and when so amended, I am in favor of the amendment offered by the chairman of the Committee of Ways and Means. I should have been better satisfied had the amendment embraced an appropriation for the payment of the counsel and the witnesses who appeared before the commissioners, at Springfield, under the impression, derived from the commissioners, that they were to be paid. But, sir, I am in favor of the amendment.

These commissioners have made a report to the President, I understand, in regard to the working of the military system of superintendence at the national armory, at Springfield; they have reported in favor of a change from the military to the civil superintendence, the news of which has gladdened the hearts of every New England mechanic who has heard (and who has not heard?)

of the petty tyranny exercised at the national armories by gentlemen in epaulets, whose education, if not inclination, leads them to look upon the mechanic in the workshop as the soldier in his barracks.

Mr. HOUSTON. I rise to a question of order. I am exceedingly anxious to get this bill through as soon as possible to-day, and if we enter into a discussion of the merits of the original proposition the debate will be indefinitely prolonged.

Mr. INGERSOLL. I believe I am in order, and hope the gentleman from Alabama will not interrupt me.

Mr. HOUSTON. I raise the point of order, that it is not competent to enter into a discussion of the merits of the original proposition, and—

The CHAIRMAN. The gentleman will suspend until the Chair decides the question.

Mr. HOUSTON. If we go into that discussion it will last for days. The question I make is this: the proposition is now to pay the commissioners for the performance of certain services. The labor has been done, and that in pursuance of a law of the last Congress; and I say it is not in order, upon that proposition, for gentlemen to discuss the merits of the original proposition upon which they were acting.

The CHAIRMAN. The Chair understood the gentleman from Connecticut merely to advert to the value of the services rendered.

Mr. INGERSOLL. I will endeavor to make my remarks germane to the question, and I trust the gentleman will not again interrupt me. I hope the amendment will pass unanimously; and when Congress has done its duty in the premises, I hope the President will decide this question in accordance with the report of the commission he appointed; and then I trust Congress will expunge from the statute-book this *anti-republican law*, which places free mechanics, men of character, industry, and worth, under drum-head orders. Congress will have, I suppose, the report of these commissioners before it in due time—a report signed by such distinguished men as Andrew Stevenson, of Virginia, Governor Steele, of New Hampshire, and Chancellor Walworth, of New York—if the half of what I hear is true, there is a system of petty oppression and espionage exercised at the Springfield armory which is befitting more a penitentiary of convicts than a government institution, in which some of the first mechanics and men of genius in the country are employed.

But I am reminded that this is not the time or the occasion to speak of these things. I hope they will present themselves shortly; and when gentlemen come to know the truth of this matter, sure I am that they will not hesitate to restore the superintendency of the armories to that republican system in which all our institutions are conceived, and which a previous Congress has, in this instance, (in my opinion,) clearly departed from.

Mr. HOUSTON. I am opposed to the amendment offered by the gentleman from Connecticut, [Mr. INGERSOLL,] and I desire to say to the Chair and committee, that my opposition to the course of remark pursued by that gentleman does not proceed from any disinclination to hear that subject discussed whenever it shall be proper to take it up.

The proper time, in my opinion, to discuss the merits of these two systems, will be when the armory bill comes up, in which the appropriation is contained. Here we only propose to pay gentlemen for examining and making a report; and that report, I take it, will be submitted to both Houses. If gentlemen desire it, they may discuss this subject upon the proposition to print the report, and when an appropriation is proposed to be made for the armories, discussion of the kind now indulged in will be in order, but it is not in order at present. I hope that the committee will rule it out of order, and that they will agree to postpone it until it comes up legitimately. Let us, if possible, get this bill through as soon as possible, and not discuss matters which will come up more appropriately at another time.

Mr. INGERSOLL. I withdraw the amendment I offered.

Mr. LETCHER. I propose to reduce the amount \$3,000.

Mr. JONES, of Tennessee. If the gentleman will permit me I will offer an amendment to that clause, that will, perhaps, better accomplish his object, and it is, if he will hear it read, to insert

at the end of the proposed amendment the following:

Or so much thereof as may be necessary, provided that nothing herein contained shall be construed to authorize the payment or allowance of any compensation to military men employed other than their regular pay or emolument, as officers of the Army.

Mr. LETCHER. The amendment offered by the gentleman from Tennessee [Mr. JONES] will satisfy me. So far as this military and civil superintendency is concerned, my course is known to be as decidedly against military superintendency as that of the gentleman over the way. I was opposed to it in the last Congress, and I am opposed to it now; but at the same time, I do not think it necessarily follows that we should undertake to increase the salaries of officers because we happen to be in favor of civil superintendency over the military.

It strikes me that there is a great disposition manifested here to add to the salaries of public officers. We find the number of public officers almost daily increased here, and that their salaries are increased also, in the way of percentage, in almost every way which the ingenuity of man can suggest. We find here a proposition to add to the regular salaries of these gentlemen while they are engaged in service far lighter than the performance of their regular duties as military officers. It seems to me that there is no reason in it, and there can be no reason for it.

It affords a little recreation if they have to go upon excursions of this sort, and leave their regular duties in the Army to engage in such service for the time being. The fair rule would be, instead of increasing, to decrease the compensation allowed them. I have no objection to paying the other gentlemen concerned in the commission what is reasonable and right. They have been selected from a different walk in life, and they have no regular compensation except what they get for their services as awarded to them in pursuance of law.

In the other case, they are receiving regular pay, and their compensation ought to be confined to their regular pay.

Mr. JONES. I ask that the amendment to the amendment may be read as it will stand if the amendment I have proposed to it be adopted.

The amendment, as proposed to be amended, was read by the Clerk.

Mr. LETCHER. Is the amount proposed in the original amendment changed by the amendment to the amendment?

Mr. JONES. It is not. The amendment, as proposed to the original amendment, offered by the chairman of the Committee of Ways and Means, provides the same amount, or so much thereof as may be necessary; provided that nothing therein contained shall be so construed as to increase the pay of the officers of the Army engaged in the commission.

I agree perfectly with the gentleman from Virginia [Mr. LETCHER] in regard to the payment of additional compensation to these Army officers, whose service is permanent; but in reference to the others, whose employment was merely temporary, the case is entirely different.

The question was taken, and the amendment to the amendment was agreed to.

The question then recurred upon the adoption of the amendment as amended.

Mr. FAULKNER. I propose to increase the appropriation \$1,000, with a view of the prosecution of the same inquiry at Harper's Ferry which has been made at Springfield.

Mr. HOUSTON. Do I understand the gentleman from Virginia to propose an appropriation with a view of continuing this commission at Harper's Ferry?

Mr. FAULKNER. I propose to increase the appropriation \$1,000, that the President may, if he thinks proper, direct the commissioners to proceed with their duties at Harper's Ferry. The original intention of the commission, as I understand it, was that the investigation should take place both at Harper's Ferry and Springfield. I am one of those who believe that the discretion which was vested in the President of the United States by the act of Congress referred to by the gentleman from Alabama, [Mr. HOUSTON,] to decide the question whether the national armories should be under a military or civil superintendence should never have been placed in the hands of the Executive. I protested against it at the time, and

my opinion has undergone no change since. It is a question of legislative policy, which ought to have been determined by Congress, and made a fixed and permanent rule.

But as Congress did vest that discretion in the President, it was but proper to give him a commission to investigate the subject fully at the two national armories; and to enable him to decide, from the result of that investigation, whether it is proper that the present system should be continued, or the old system be reinstated.

The commissioners appointed, of able and practical men, proceeded to Springfield, and made a thorough investigation there during a period of ninety or a hundred days. Why it is that that investigation was cut short, and they were not permitted, according to the original appointment, to go to Harper's Ferry, for the purpose of continuing the investigation there, the public has not been informed. Certain it is that the people of Harper's Ferry were prepared there to have thrown much light upon this question. The board which sat at Springfield made its report as early as the latter part of November, and, as has been stated, two thirds of them concurred in the propriety of abrogating the present military system, and restoring the system of civil superintendence.

Sir, to this day that question remains undecided by the President of the United States, no doubt from the pressure of his other public engagements. It is a subject of profound regret to us that the matter continues yet undecided, and more especially that it has not been already decided in conformity to the report of that board, in accordance with opinions expressed by this body, in accordance with the spirit of our institutions, and in accordance with the clearly ascertained popular will of this nation.

Now, if there could be any doubt upon a question of this kind, that doubt I am sure could be removed by the prosecution of that investigation at Harper's Ferry. They are there prepared with testimony to show what has been the past and present operation of the two systems, and how they have respectively operated upon the interests of the Government and the persons employed there. I should demand an investigation, unless I believed the materials now before the President, are sufficient to enable him to come to a conclusion such as we expect and hope he may reach.

I repeat, sir, if I did not believe that those materials now before the President, collected by the labor and industry of the commission at Springfield, were sufficient to enable him to come to a satisfactory conclusion on this subject, I should insist upon my amendment; but believing, as I do, that that information now before him is sufficient to enable him to arrive at the conclusion satisfactory to the country, I will withdraw my amendment, having offered it only for the purpose of making the few remarks which I have done.

The CHAIRMAN. Is there objection to the withdrawal of the amendment?

Mr. WALSH. I object.

Mr. LETCHER. I hope there will be no objection to the withdrawal of the amendment.

The CHAIRMAN. It is not in order to debate that question.

Mr. LETCHER. I intend to oppose the amendment, because I do not consider that there is any occasion for it.

A MEMBER. It has been withdrawn.

Mr. LETCHER. The withdrawal was objected to. The law of last session made provision for an investigation at both armories, and I am just as much surprised as my colleague that the investigation has been confined to Springfield, and that Harper's Ferry has been neglected. We desired to have an investigation there also, but I do not see that this amendment will accomplish that purpose.

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from Virginia, [Mr. FAULKNER.]

Mr. PRATT. What is it?

The CHAIRMAN. It is to add \$1,000 to the appropriation reported by the Committee of Ways and Means.

Mr. PRATT. I am opposed to the amendment.

The CHAIRMAN. Discussion is exhausted on the amendment to the amendment.

The question was taken; and the amendment to the amendment was rejected.

Mr. PRATT. I move to increase the appropriation one dollar.

I am surprised, Mr. Chairman, that anybody in this committee should move to increase that appropriation \$1,000. For my own part, as an humble individual residing somewhere near Springfield, where that commission sat, to examine its armory, I am perfectly satisfied that the whole thing was a humbug—perfectly so. I would not give one rush for their report, though by no means calling into question the character for veracity of those gentlemen. Most of the time they were perambulating New England. They were in Springfield only for a brief period; and if I am correctly advised—but I may be mistaken—they were bound for Harper's Ferry, when told not to go there, for the reason that the course pursued at Springfield had rendered the commission unpopular. I believe I am correct when I make this statement.

I wish to be distinctly understood. Individually I have no hostility to the commission; on the contrary, I feel that they are honorable men. Attending parties and dinners and drinking champagne, I believe, was their principal business. [Laughter.] I did not see them there, but I know that the course they pursued was anything but popular with the mass of the people residing in that vicinity. I do not believe that they would do one particle of good if they were to go to Harper's Ferry, more than they did at Springfield. I presume, as the commission was created under an act of Congress, that the Government is bound to pay their compensation and expense.

Mr. BANKS. I am opposed, Mr. Chairman, to the amendment proposed by the gentleman from Connecticut, for the reason that it is not sufficient to effect a material change in the question. I doubt very much whether any good is to be secured by the appointment of commissions to investigate matters of detail like those submitted to the commission which sat at Springfield. The question at the bottom of this subject is one not so much of details as principle. It is a question of discipline. Now it is as necessary that there should be strict discipline among the mechanics in the armory at Springfield, as among the soldiers of the Army in service anywhere else; but the discipline is of a different character. The discipline of the armory is not of that character which prevails in the Army, and therefore it is not, in the nature of things, proper or right, as a matter of principle, that the mechanics employed at the armory should be placed under the superintendence of gentlemen educated in the discipline of the Army. The mechanics ought not to be required to submit to it.

The CHAIRMAN. The Chair will remark to the gentleman from Massachusetts that the question before the committee is as to the appropriation to pay the commission for the expenses already incurred. That is the general question.

Mr. BANKS. I understand that very well; and I am opposed to the payment of this commission for the reason I have stated. I say, sir, that considering it a question of discipline simply, a commission for that purpose could not be satisfactory or serviceable to the country, and that the proper tribunal for its settlement is the House of Representatives, with the other branches of the Government acting in a legislative capacity. A commission ought not to depend so much on the evidence of gentlemen, in reference to the execution of particular kinds of work, as upon the great principle of discipline which is at the bottom of it. Therefore I am opposed to it; and I hope, as has been suggested by the chairman of the Committee of Ways and Means, that the question may come up hereafter, when it may be debated in its full length and breadth. I desire to say, at this time, that I am as well opposed also to the extension of the commission for that purpose, and to the payment of the commission which sat in the State which I in part have the honor to represent.

I desire, in addition, to say one word in reply to the gentleman from Connecticut, [Mr. PRATT,] as to the commission which sat in Springfield. He says the commission was unpopular. Well, sir, in the nature of things, it would be more or less unpopular. There are different interests. In Springfield, as also in the State of Massachusetts, so far as I am informed, there is among mechanics no difference in sentiment upon this question. This system of military superintendence is unpopular, because it is unserviceable to the Government, and

unjust to the men employed. The commission must, more or less, perfectly represent both interests; and in so far as its members, in the progress of the examination, should side with one or the other, dissatisfaction would follow.

Besides the inquiry, departing from the simple and single question of principle which should lie at its foundation, and entering upon minute details as to the execution of work, and treatment of workmen, it would degenerate into personality, upon which different persons would take different sides. This was not the fault of the commission, of course, but it shows that, in the nature of the inquiry, it could have no essential elements of popularity, and therefore could not be greatly serviceable to the Government or the people, in determining the delicate questions submitted by Congress.

The question was then put on the amendment to the amendment to reduce the appropriation one dollar, and it was rejected.

Mr. STANTON, of Kentucky. I propose the following amendment:

And the President shall cause the commission to continue their examination at the armory at Harper's Ferry.

Mr. HOUSTON. I make a point on that amendment. This is a proposition to amend the deficiency bill, by appropriating compensation for those gentlemen who have made the examination at the armory at Springfield. I object to the amendment because it proposes new legislation, or additional legislation, on the subject. This is bringing up the whole question, instead of the mere question of compensating the commission. It is bringing up the whole question of legislation on which we do not propose to legislate.

The CHAIRMAN. The Chair has some doubts about its being in order. The original bill is to supply deficiencies in appropriations for the year ending June 30, 1854. The amendment proposed by the gentleman from Kentucky [Mr. STANTON] is not a proviso to any appropriation, but is unconnected with all appropriations for a deficiency. It provides that the President shall hereafter cause the commission to continue their examination at the armory at Harper's Ferry.

Mr. STANTON. I will amend the amendment by saying, "provided further" after "and." Then it becomes a proviso to an appropriation. If I understand the matter aright, these commissioners have not been discharged from their duties. They are still in the service of the Government, and the effect of the amendment simply is to provide that their duties shall not be terminated until they have performed them in full. It was a part of their original duty to examine the armory at Harper's Ferry, as well as that at Springfield; and they have but half performed it by examining and reporting in regard to the latter.

The CHAIRMAN. The Chair thinks the amendment is of such a nature as not to be admissible.

Mr. HIBBARD. It is clearly out of order.

Mr. STANTON. I shall have to take an appeal from the decision of the Chair. It seems to me that while we are providing for the payment of these commissioners for services partially rendered, we certainly can direct the President to carry out the object for which the commission was originally appointed, and continue the examination.

Mr. HOUSTON. As far as we are informed, that commission has discharged its duties, and is not now in existence.

Mr. STANTON. I withdraw the appeal; and to obviate all difficulties, I propose to put in an appropriation of \$500 to continue the examination.

I am not opposed, Mr. Chairman, to the payment to these gentlemen for the services already performed.

Mr. HOUSTON. I desire to hear the amendment read.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read, as follows:

And the President shall cause the said commission to continue their examination at Harper's Ferry, and that \$5,000 be appropriated for that purpose.

Mr. HOUSTON. I make the point of order, in accordance with the decision yesterday, that it is not a deficiency, and not an appropriation proper for this bill. The amendment creates a new com-

mission. It is true it states "for continuing that commission;" but the commission has made its report, showing to the House, as far as it can be shown, that its existence has terminated; therefore, to say "for continuing the commission" does not alter the facts. It proposes an appropriation which is not needed for the service during the current year.

Mr. STANTON. I may be mistaken in my view of the subject; but my opinion is, that the commission was instituted for the purpose of examining both armories, and they have made only a partial report. They examined the Springfield armory, and made a report simply upon that branch of their examinations. The commission exists still; and if that is the case, we can provide for their continuing it.

Mr. HIBBARD. I wish to suggest simply, with regard to this point of order, that one thing is very clear, and that is, that the amendment proposes to change the existing law. It proposes to modify the existing law; and it has been held again and again that you cannot change the existing law by a mere proviso to the deficiency bill. The Chair will remember that amendments have been repeatedly ruled out of order for that reason.

The CHAIRMAN. The Chair thinks that when an appropriation bill, providing for deficiencies, is under consideration, it is not competent to make an amendment directing the President in regard to such a matter as this, and therefore rules the amendment out of order.

Mr. STANTON. Then I move to amend by increasing the sum \$500.

I think it very proper that these gentlemen, who have been called to serve upon the commission, should be fully paid for their services. Therefore it is that I shall vote for the amendment of the gentleman from Alabama, [Mr. Houston.] But, sir, I also want this investigation to continue, in order that the evils of military supervision of mechanics, artisans, and other civilians, may be fully developed to the country. I look upon the system of infusing the military men of the country into civil places, to the injury of competent mechanics, as a great evil, and shall do all in my power to break up and destroy it. I do not believe that officers of the Army are educated by this Government to manufacture intricate machinery, either for war, or other purposes. Where is your school for teaching them the practical art of manufacturing fire-arms? Their duty is to use them—not to make them. I venture to say, that where there is one officer of the Army who is qualified to superintend the manufacture of fire-arms, you may find, even in this city six men of practical skill and experience equally as competent, and through the country many who are much better qualified for that duty, and whose supervision would be infinitely more acceptable to the worthy workmen in the shops, who loathe, and detest the arbitrary and exacting requirements of military rule to which the freemen of this country are unaccustomed.

I beg to call the attention of this House to the extent to which this evil of supplanting civilians by officers of the Army, is being carried by this Government, and that, too, I regret to say, under a Democratic Administration. Look around, and you will see in all quarters of the Union these gentlemen of the military establishment, educated and sustained at the public expense, withdrawn from the legal and proper duties belonging to their profession, and usurping the places heretofore occupied by worthy civilians—men who have shed lustre by their genius upon the character of the country, and who have been looked upon with pride by the people. We have, sir, in this country, and I rejoice that it is so, architects and builders, mechanics and artisans, who rank well with any of the same classes who are to be found in any part of the world; and I have seen to my mortification and disgust, some of these men, at least one, with a genius in his profession not surpassed by any of his class now living, reduced to the condition of a mere clerk, draughtsman, or servant, if you please, of one of these military engineers, to record his will, give form to his crude suggestions, and spend superior talents to make eclat and fame for his inexperienced but highly favored superior. Your custom-houses, scattered all over the country, cannot be constructed but you must take an officer from the military department to superintend them. You cannot carry out any river and

harbor improvement under civil superintendence, but must have a military man to direct it. You cannot build an asylum or hospital but some one of these favored gentlemen must be taken to supervise the mechanics employed in constructing it. Even your Capitol is under military rule. You cannot provide rooms in which to carry on the usual and ordinary legislation of the country without having a military man to superintend and control the thousand mechanics who work upon them. Why, sir, it is not enough that all these works should be placed under military control, but you see devised a stupendous plan of bringing water to this city, at a cost of millions of money, that a military man may erect a monument to his own fame. Now, sir, what is the effect of all this? Not only to increase enormously the expenditures of this Government, as I shall show upon some future occasion, but to do gross injustice to eminent civilians, by shutting them out from employment for which they are better qualified than military men, and to make the laboring mechanics in the employment of Government subject to the degrading and slavish regulations of military rule.

The system is wrong for another reason. There are other duties, in their legitimate and proper line, which these military men ought to be employed in. Their services are needed by the Government in strictly military duties belonging to their profession. Because they are not in the discharge of their duties Congress is called upon to increase their number. If gentlemen will turn to the documents accompanying the President's message, they will see that the Colonel of Engineers demands an increase of his corps, for the reason that there are not enough of this class of officers for the service of the Government. He enumerates the different employments in which they are engaged, and shows that in consequence of their employment, many of them, in works of purely a civil character, an increase of the number is absolutely indispensable.

Mr. HOUSTON. Is this debate in order?

The CHAIRMAN. The gentleman is evidently taking a wide range upon subjects connected with the appropriation.

Mr. STANTON. My purpose is to show that the system of placing military men in civil positions is a great evil, which ought instantly to be corrected; and by continuing this commission, information will be developed which will enlighten the public mind as to that evil, and force from Congress a correction of it. I was endeavoring to show, when interrupted, that one effect of the system would be to enlarge the Corps of Engineers, and thus increase the Army, when it is wholly unnecessary. Already are we called upon by the head of the corps to add to its numbers, because there are not enough of the engineers left to superintend the construction of fortifications, light-houses, &c.

Mr. HOUSTON. My point of order is, that the gentleman from Kentucky, by the precise language of the rules, should confine himself to an explanation of his amendment. If we are to go on with this general debate, we will never get through the bill.

Mr. STANTON. I perceive that this is a subject upon which some gentlemen are very sensitive; and to save further trouble, I will drop it now, and take some other occasion to fully expose the whole matter to the country. It shall be fully understood.

Mr. PRATT. I conceive that there is no possible necessity of either of the amendments proposed by the gentleman from Tennessee, [Mr. Jones,] or the gentleman from Kentucky, [Mr. Stanton.] The whole question lies within the limits of a nut-shell—and it is whether these armories shall be under the supervision of the civil or military superintendency. For my part, I have confidence in some of the officers of the Army of the United States. I do not believe that they are wholly incompetent to discharge these responsible duties. They are generally high-minded, intelligent, and honorable men. To be sure, there may be some civilians as competent to take charge of these armories. The gentleman who has charge of the armory in Springfield is one of the most intelligent, magnanimous, and high-minded men that ever held a commission in the Army of the United States.

The question was then taken on the amendment to the amendment, and it was not agreed to.

Mr. BISSELL. What is the question now before the committee?

The CHAIRMAN. It is upon the adoption of the amendment offered by the gentleman from Alabama, [Mr. Houston,] providing compensation for the persons engaged in the commission appointed by the President in reference to the national armories, as amended by the committee.

Mr. BISSELL. I move to amend by increasing the appropriation \$100.

Mr. Chairman, I believe this is not the first nor the second time that my friend from Kentucky [Mr. Stanton] has diverged so far from the legitimate line of discussion as to be found out of order by the Chair, in his endeavors to assail the Administration for what he considers a very reprehensible practice, in employing the engineers of the Army in superintending the public works. Now, I should like to know of that gentleman—since the Government finds these officers under its control, under its pay, and who could not be got rid of if it were desired; men who are, in every respect, competent to superintend these works—what would he have it do with them? Would he have the Government employ civilians to attend to these duties, and send your Army engineers out upon furlough upon full pay?

The CHAIRMAN. The gentleman from Illinois will recollect that the gentleman from Kentucky, upon being called to order for pursuing the same line of discussion which the gentleman from Illinois is now pursuing, resumed his seat. The Chair thinks this discussion out of order.

Mr. BISSELL. I yield to the decision of the Chair. I knew I could not proceed in this course of remark only until I was called to order. I merely wished to express my disapprobation of the gentleman's persevering efforts to find fault upon points which, if explained, as I cannot now be permitted to explain, could furnish no reasonable ground for dissatisfaction.

I will now, with the consent of the committee, withdraw my amendment.

Mr. STANTON, of Kentucky. I object; and desire to say a word in opposition to the amendment. I simply wish to say, in reply to the gentleman from Illinois, who has just taken his seat, that it was not my purpose, in the remarks I made, to assail the Administration. I have no occasion to attack them now. But, sir, I think a great wrong, a great outrage, has been committed by one of the Departments of the Government, in appointing officers of the Army to discharge duties which could be better discharged by civilians, and in consequence of which the officers of the Army come here and ask us for an increase of the Army corps, in order to make up for those who have been drawn from the legitimate service of the Army.

Mr. HOUSTON. I call the gentleman to order.

The CHAIRMAN. The Chair decides the gentleman from Kentucky to be out of order.

Mr. BISSELL. I wish to ask the gentleman from Kentucky if it is not known—

[Cries of "Order!" "Order!"]

The CHAIRMAN. The Chair must call the gentleman to order. No further discussion upon the pending amendment is in order.

Mr. BISSELL. Very well, sir. I am not disposed to continue this discussion further.

The question was put, and the amendment to the amendment was disagreed to.

Mr. DICKINSON. In order that we may act understandingly upon this matter, I ask that the law under which the commission was appointed may be read.

The CHAIRMAN. The law referred to by the gentleman is not in the possession of the Chair.

Mr. DICKINSON. Can it not be procured? I desire to hear this law read before I am called to vote upon the amendment.

Mr. HOUSTON. I can turn to the law in a minute, but without that trouble I can state the substance of it in a word. It authorizes the President to appoint a mixed commission, composed of civilians and military men, to examine and report upon the superintendence of the national armories.

Mr. DICKINSON. I called for the reading of the act because, as I suppose, it contemplated the payment of the commission which, under the authority of the President of the United States, was to visit the armories at Springfield and Harper's Ferry. They have been to one of those armories

and made an examination. They now present their bills to Congress for payment, and this proposition to instruct them to go to Harper's Ferry, it seems to me, is out of order.

The CHAIRMAN. The Chair has ruled it out of order.

Mr. DICKINSON. I know that. I want to know, from the reading of the act, under what authority that commission was created.

I want, then, merely to say that if the commission, having been appointed under an act of Congress, have proceeded in part to discharge the duties which they were authorized to discharge, it is of no consequence whether they have been prevented from discharging all their duties or not; we are under obligation to pay them for what they have done. If the question is whether they are entitled to eight dollars a day, or to any other sum, that is a proper matter to come before this committee; but, as I understand it, the only question is, whether they shall be paid for what they have done.

The CHAIRMAN. Does the gentleman from Massachusetts propose an amendment? If not, remarks are not in order at this time.

Mr. DICKINSON. I propose to increase the amount of the appropriation five dollars.

Mr. HOUSTON. I have sent the law up to the Clerk's table, and if the gentleman wishes it, he can have it read now.

Mr. DICKINSON. I ask that it may be read.

The Clerk read the law, as follows:

"For repairs, improvements, and new machinery at Springfield armory, \$48,000: *Provided*, That from and after the 1st day of July next, the act of Congress approved August 23, 1842, be so modified that the President may, if, in his opinion, the public interest demand it, place over any armory a superintendent, who does not belong to the Army; and is hereby authorized to cause the necessary and proper inquiries to be instituted, through the medium of a commission of civilians and military men, with a view of ascertaining which of the two systems is more economical, efficient, and safe for the management of the public armories—that formerly existing, of superintendence by civil officers; or that now existing, of superintendence by officers of the Ordnance Department."

Mr. DICKINSON. I merely wish to say, further, that so far as the commission have proceeded to discharge their duties they ought to be paid. The question now before the House is, what amount they shall receive as compensation, and this question of civil or military superintendence is not legitimately before us.

As I understand it, the law leaves that matter in the hands of the President of the United States. Whenever it comes up legitimately for discussion here, it will devolve upon me, as the representative of the district in which the Springfield armory is located, to take some part in the discussion. I do not wish now to state what my views are upon the question, but if the matter comes up I shall take occasion to address the House upon it.

Mr. FLORENCE. I am opposed to the amendment of the gentleman from Massachusetts. It may not perhaps be germane to the subject or clearly in order, but I desire to ask a single question of the chairman of the Committee of Ways and Means. I wish to know whether this commission have performed all their duties, or whether they have been released from the performance of a portion of those duties?

Mr. HOUSTON. Judging from the communications before the Committee of Ways and Means, I should come to the conclusion, without the least hesitation, that they have discharged all the duties that the law devolved upon them, under the direction of the President of the United States.

The commission was to report to the President, and he was to appoint such superintendent as he might choose under the direction of Congress. I take it that they are to perform no more duties than they have already performed, unless another law be passed with that view.

Mr. FLORENCE. Then I conceive, if the commission has discharged its duties, and there are none others for it to discharge, its members ought to be paid. The only question is, whether the military men of the commission shall be paid in addition to their regular pay in the Army. For my own part, I am not willing to sanction, by my vote, any increase of pay for the discharge of duties to which these officers were detailed by the President of the United States. Nor do I concur with the gentleman from Illinois, [Mr. BISELL.] I speak for myself, and do not attempt to apologize

for the course which the gentleman may conceive it to be his duty to pursue, when I declare that I have no hesitation in saying to this committee that I am uncompromisingly opposed to the discharge, by military or naval men, of the mere mechanical duties of the Government.

The CHAIRMAN. The gentleman is out of order. Gentlemen have been ruled out of order on several occasions for alluding to that subject in this connection.

Mr. FLORENCE. I presume that I may be indulged with an opportunity to explain my position so far as the gentleman from Illinois referred to the subject. I am an uncompromising friend of the present Administration, and I do not hesitate to make the declaration upon this floor; but I am not one of those who believe that "the king can do no wrong." I am opposed, I may say in reply, and by way of explanation of the position which I occupy upon this floor, to mere military men superintending the civil, or rather the mechanical, departments of this Government. I am, then, opposed, and I cannot help expressing the opposition, to the superintending of the extension of the Capitol by gentlemen belonging to the engineer department of the Government.

Mr. HOUSTON. I call the gentleman to order. If the course of remark in which the gentleman is indulging be out of order I object to his proceeding in it.

The CHAIRMAN. The gentleman from Pennsylvania is out of order. The question is upon increasing the compensation to be paid these gentlemen.

Mr. FLORENCE. I clearly comprehend the amendment. I am giving the best possible reasons why their compensation should not be increased. I do not think that military men are in their proper province at Springfield or at Harper's Ferry. I am of opinion that for the discharge of mechanical duties mechanics should be selected. In constituting this commission it was not necessary to select officers of the Army or the officers of the Navy for the performance of the duties intrusted to it. It would have been better constituted of mechanics, who are more acquainted with the mere details of the manufacturing of arms than such officers. The best person to be selected for the discharge of the mechanical duties of any department of the Government is a mechanic; and, believing thus, I am opposed to the proposed increase of compensation.

The question was taken on the amendment to the amendment, and it was rejected.

Mr. GOODRICH. I propose to increase the appropriation \$200.

I concur entirely with my colleague on my left, [Mr. DICKINSON,] that the question before the committee is the amount that we are to appropriate for the payment of the services which have been rendered by the members of this commission; and that is the only question. Suppose the gentleman from Kentucky [Mr. STANTON] should show that this system of military superintendence in our national armories is all wrong. Would that show that we ought not to pay for the services which have been already rendered by this commission, under the law of the last Congress, or what the amount ought to be? But I do not propose to discuss this question. I wish to say a single word in reference to a remark of my colleague [Mr. BANKS] over the way. Referring to the statement of the gentleman from Connecticut, [Mr. PRATT,] which was in substance that the course pursued by the commissioners had been such as to render them very unpopular, my colleague says that the people of Massachusetts are all opposed to the system of military superintendence—that there is but one opinion there on this subject. This is substantially what he said, as I understood him. Now, sir, I think this statement is much too broad. So far as I understand the facts, (and I think I understand something about them,) public opinion is considerably divided upon this question, particularly in Springfield and vicinity, where the armory is situated. Many are very strongly in favor of the military system; and many, and the mechanics, I think very generally, are as strongly in favor of the civil system.

This undoubtedly is the fact, which is all I desire to say at this time, further than to remark, lest what I have now said should be misunderstood, that I voted in the last Congress to substi-

tute the civil for the military superintendence, and should do so again.

Mr. HOUSTON. I am opposed to the amendment.

Mr. GOODRICH. If there be no objection I wish to withdraw it.

No objection being made, the amendment to the amendment was withdrawn.

The question was then put on the amendment proposed by Mr. HOUSTON, and it was adopted.

The Clerk proceeded to read the bill.

Mr. RITCHIE, of Pennsylvania, offered the following amendment:

And be it further enacted, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to apply such sum as in his opinion may be necessary to complete the building for the custom-house, post office, and court-house in the city of Pittsburg, and to furnish such building in a manner appropriate to its uses, and also to improve the grounds attached to said building; and also to pay to the two commissioners who superintended the construction of said building a compensation at three dollars a day each for the time they were actually employed in superintending the same, and for which the said Secretary shall think them entitled: *Provided*, That the sum so, as aforesaid, to be expended by the Secretary of the Treasury shall not exceed the sum now remaining unexpended of appropriations heretofore made for the said building.

Mr. RITCHIE. I desire to state to the House the necessity of passing this amendment at the present time. This building has just been completed. The amendment asks for no additional appropriation whatever, but simply gives authority to the Secretary to apply a sum of money for the completion and furnishing the building, not to exceed the unexpended balance heretofore appropriated for the construction of this building. I desire to have this amendment passed now, because the lease of the building at present occupied by the Government will expire on the first of the coming April. We desire to have the new building put in order for us before the arrival of that time. It asks no additional appropriation whatever. It is to be paid out of an unexpended balance of an appropriation heretofore made; which balance was set aside, for this very purpose, by the architects under whose charge the building was erected. No part of the sum was specifically appropriated for that purpose, and on that account the Secretary considered that there was a technical difficulty in ordering it to be applied to the object which we now seek to accomplish. For this cause it was necessary to come before Congress to ask that this balance may be applied in this manner. I trust there will be no objection to this amendment.

The question was taken, and the amendment was agreed to.

Mr. HOUSTON, from the Committee of Ways and Means, offered the following amendment:

For the expenses of the House of Representatives for horses and carriages, \$840.

For newspapers for members, \$2,000.

For pages, \$1,936.

For binding documents, \$77,596 40.

Miscellaneous items, \$10,000.

For binding the Congressional Globe and Appendix for the second session of the Thirty-Second Congress, five thousand and eighty-eight volumes, at sixty cents per volume, \$3,412 80.

For messenger for Speaker, \$312.

For payment for Annals of Congress ordered for the House Library, being one hundred copies each of the following volumes: the first, second, and third volumes of the Tenth Congress, the first, second, and third volumes of the Eleventh Congress, in all six hundred volumes, at five dollars a volume, \$3,000.

For printing Index to Private Claims, ordered to be printed by the House of Representatives, by resolution of 22d December, 1851, \$20,000.

Mr. SMITH, of Virginia. I wish to propose a question to the gentleman from Alabama, [Mr. HOUSTON.] There is a messenger to the Speaker, and according to the original arrangement in regard to that matter he was to be one of the messengers of the House. That did not involve any original expense.

Mr. HOUSTON. The direction made by the House was that the Speaker should have the appointment of one of the messengers of the House, whose compensation should be four dollars a day, instead of two and a half. The estimate was for an entire new messenger, but the committee have cut it down, and reported the difference between four dollars and two and a half.

Mr. GREENWOOD. I offer the following amendment to the amendment:

For furnishing the marine hospital at Napoleon, Arkansas, the sum of \$10,000.

Mr. HOUSTON. There is no estimate for any such appropriation at all in any of the estimates which have come within my knowledge.

Mr. GREENWOOD. I am perfectly willing that the vote should be taken first upon the proposition of the gentleman from Alabama, [Mr. HOUSTON,] and I withdraw my amendment for the present, in order that a vote may be taken upon his proposition.

The question was then taken upon Mr. HOUSTON's amendment, and it was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment:

For arrearages incurred prior to the 1st of July, 1853, for running and marking the boundary line between the United States and Mexico under the treaty of Guadalupe Hidalgo, \$50,000.

The question was taken, and the amendment was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment:

For salaries and incidental expenses of the commission appointed under the act of March 3, 1851, for settling the land claims in California, \$37,500.

Mr. WRIGHT, of Pennsylvania. I rise to a question of order. This is a very important amendment upon which we are called to vote. I think that we ought to have a quorum of the committee present to vote upon it. I appeal to the Chairman to know whether there is a quorum present.

Mr. HOUSTON. I will state to gentlemen of the committee, that this amendment is to carry out the provisions of a law which we passed a few days since.

The CHAIRMAN. Does the gentleman from Pennsylvania demand a count of the House?

Mr. WRIGHT. I do.

The CHAIRMAN. We can ascertain the fact upon a division whether there is a quorum present. The question before the committee is upon the amendment proposed by the gentleman from Alabama, [Mr. HOUSTON.]

Mr. ORR. I call for a division upon the amendment, and we can then ascertain whether there is a quorum present.

The question was put; and, upon a division, 61 rose in the affirmative.

Mr. COBB. I ask for tellers.

Tellers were ordered; and MESSRS. WHEELER and VAIL were appointed.

Mr. WALSH. There is certainly no quorum present now; but there may be, when gentlemen have sent out and called in members from the Senate.

Mr. HOUSTON. I will only say in explanation of the amendment, that this amount is rendered necessary by the law passed a few days ago, providing for an extension of the existence of the land commission for California.

Mr. WALSH. How many commissioners are there?

Mr. HOUSTON. Four.

The question was put, and the tellers reported—ayes 79, noes 38.

So the amendment was agreed to.

Mr. WALSH. I rise to a question of order. I ask the Chair whether gentlemen outside the bar of the House, when the question is put, have a right to come in and pass between the tellers?

The CHAIRMAN. The Chair overrules the point of order. The rule with reference to members outside the bar applies only to a vote by yeas and nays.

Mr. SAGE. Well, is it in order for a gentleman to vote twice by tellers?

The CHAIRMAN. Certainly not.

Mr. COBB. A gentleman has a right to change his vote, I suppose?

Mr. CHANDLER. I am instructed by the Committee on Foreign Affairs to offer the following amendment:

For compensation to Francis Dainese, for the discharge of the United States consular duties at Constantinople, from the 16th of May, 1849, to the 20th of December, 1852, in conformity with the act of Congress, approved 11th August, 1848, \$3,594 50.

Congress has fixed the compensation for this consularship at \$1,000 a year. I have before me a letter from the State Department, which assures

us that the person mentioned in this amendment discharged the consular duties for the time named, but has not been paid, because no appropriation has been made for the purpose. The amendment merely proposes to make that appropriation. It is hardly necessary to debate so plain a matter.

The question was then taken on the amendment, and it was agreed to.

Mr. GREENWOOD. I offer the following amendment:

For furnishing the marine hospital at Napoleon, Arkansas, the sum of \$1,000.

The gentleman from Alabama, [Mr. HOUSTON,] the chairman of the Committee of Ways and Means, remarked, when I had the floor a few minutes since, that he saw no estimate for this appropriation. That is true; but it is a very small amount, and I believe that it is absolutely necessary, in order to place the marine hospital at Napoleon in a fit condition for the accommodation of the sick seamen who may be brought there to be cared for.

At the last session of Congress the sum of \$4,000 was appropriated for the purpose of completing this hospital. That appropriation was never applied, or ordered to be applied, until the present session of Congress. I am apprised, from sources that I can rely upon, that it is thought by the gentleman who has charge of the building, that, by the strictest economy, the sum of \$4,000 appropriated last session will complete it, but that it will not be sufficient to place it in a fit condition for the reception of patients. Now, it is absolutely necessary that the building shall be furnished as well as completed. What is the use of an hospital unless it is furnished? This building ought to be completed and furnished before the sick season commences; and if it was necessary to construct it at all it is equally necessary to furnish it.

It is thought that \$1,000 will be sufficient for the purpose. These are the reasons why the appropriation has not been made before.

I understand that the committee have been against all the estimates made by the proper Departments. I know that the chairman of the Committee of Ways and Means has not seen proper to report a bill in pursuance of the estimates of the Secretary of the Treasury, and of other officers at the head of various bureaus.

I will conclude by saying that if the appropriation be not made now for furnishing this hospital it cannot be made until the next session, before which time the sickly season will arrive. I therefore ask most respectfully of this committee to grant the appropriation, so that the hospital may be placed in a fit condition to accommodate the sick seamen who may be compelled to enter it.

Mr. LETCHER. I find in the report on the finances this statement in reference to the hospital under consideration:

"*Napoleon, Arkansas.*—Site purchased September 15, 1837, at a cost of \$1,000. There have been expended in the structure \$53,250. There yet remains much to be done, before the building will be ready for occupation. This includes the completing of the interior finish, the hanging of the doors, painting the interior and exterior, arranging the bathing rooms, grading, terracing, and draining the grounds. The title deed is on file, as above."

Now, sir, it seems to me that the proposition which has been submitted by the gentleman from Arkansas of \$1,000 to finish this establishment—

Mr. GREENWOOD. To furnish the establishment.

Mr. LETCHER. The house must be finished before it is furnished. It seems to me that the sum proposed will not be sufficient to accomplish the purposes which the Secretary of the Treasury reports to this House as necessary yet to be done. Here he prescribes various things necessary to be done to this establishment; not only the furnishing, but the painting, and all these various purposes; and I take it that \$1,000 would be hardly sufficient to furnish a house which cost some \$60,000 for its construction. It would be altogether insufficient for that purpose; but it shows this: that we ought to have some data, either from the Secretary of the Treasury or somebody else who knows the facts, and advise the appropriations of money here for this as well as for all other purposes.

Now, have we anything from any Department of the Government, or from any informed person connected with this marine hospital at Napoleon, which goes to show that \$1,000 is necessary for

this purpose; or even, if that sum be appropriated that it will be sufficient to accomplish the purpose designed? Hence it is, in consequence of making appropriations in this way, that we are constantly called upon at each succeeding session for increased amounts. There are deficiencies at almost every session, and they go on year after year. Now, would it not be much better to have some additional definite information on the subject? I suggest to the gentleman from Arkansas [Mr. GREENWOOD] that he had better ascertain, through the Treasury Department, how much money they need to accomplish this purpose specified. It seems to me that we ought to have some definite information before we undertake to vote \$1,000, or any other amount.

Mr. PERKINS, of Louisiana. I move to increase the appropriation from \$1,000 to \$6,000. If it be in order, I would move also that the same amount be appropriated for the marine hospital at Natchez, Mississippi.

The CHAIRMAN. The gentleman can only offer one amendment at a time.

Mr. PERKINS. Then I will say, in reference to the Napoleon amendment, what I designed to say in regard to both. I proposed the appropriation for the Natchez marine hospital at the request of the gentleman from Mississippi, [Mr. HARRIS.] He will, no doubt, offer it himself when the opportunity occurs.

It is really very difficult, Mr. Chairman, to meet the views of gentlemen on this subject. Yesterday the appropriation was too large; to-day it is too small. Another objection urged is, that there is no proper estimate before the House as to the necessity for the appropriation. Who is responsible for this neglect? We were told yesterday by the chairman of the Committee of Ways and Means that the Secretary of the Treasury had made no estimate, and that the committee had made none. Then how is the House to have the information which it requires? I, sir, can speak from personal knowledge of the destitution of the Southwest in this particular. I reside upon the banks of the Mississippi, and was there during the raging of the epidemic the past year; and I saw the men whom it is the object of this amendment to provide for, display such heroism in keeping up intercourse from point to point on the river, as is displayed and rewarded on the field of battle. They contracted in New Orleans the seeds of disease, and were put out at the different towns along the banks of the Mississippi—the objects of individual charity. And yet, though their mortality excited general attention, and roused the sympathy of the whole country, the Secretary of the Treasury has not regarded it, it seems, a matter of sufficient importance to be the subject of an estimate, although we have ample items of all the little establishments along the Ohio.

But, sir, there is something very peculiar also in the recommendation of the Committee of Ways and Means. I desired to call the attention of the committee to this point yesterday, but owing to the system which is pursued by some old members, of holding in *terrorem* questions of order over new members, I postponed doing so at that time.

Look at the estimates of the Committee of Ways and Means. They do not bring in any appropriation for this hospital. Like the Secretary of the Treasury, they ignore the existence of everything on the Mississippi river, from Cairo to New Orleans, while estimates and appropriations are made to the heart's desire for States which have Representatives on that committee, and we hear no opposition to them. Why is this? On that committee are found a gentleman from Missouri—and Missouri is attended to; there is upon that committee a gentleman from Kentucky—and as the Secretary of the Treasury is also from Kentucky—that State is doubly provided for; there is a gentleman on that committee from Alabama, and another from Tennessee—and how are they provided for, sir? Mr. Chairman, I will explain. The manner, as well as the fact, is worthy of attention—

Mr. JONES, of Tennessee, (interrupting.) With the permission of the gentleman from Louisiana, I will say that I voted against every one of these appropriations for marine hospitals, whether located in Tennessee, Mississippi, or Louisiana.

Mr. PERKINS. I was not thinking of the gentleman from Tennessee; and if I mentioned him,

he must excuse me—it was as a mere copulative, connecting the others. I was thinking of the gentleman from Alabama, and the appropriation for Paducah, which, though nominally in Kentucky, is at the mouth of the Tennessee river, which passes through the district represented by the gentleman from Alabama, [Mr. Houston,] and runs along for miles in close proximity to the district represented by the gentleman from Tennessee, [Mr. Jones.]

The gentleman from Alabama [Mr. Houston] yesterday objected, and, I thought, with great propriety, to the erection of custom-houses along the Ohio and the Mississippi, because all the work is done in New Orleans; and the gentleman from New Hampshire, whose general liberality of views I acknowledge, and for which I am grateful, tells us that these appropriations are not needed on the Ohio, but in the Southwest; and yet, sir, the Committee of Ways and Means, of which both these gentlemen are prominent members, come forward with not a single appropriation, of any character, from Cairo to New Orleans; and when members rise on this floor and propose \$50,000 to complete a building, they get up and call it extravagance. If we change the character of our demand, and come forward, not as supplicants, but asking an appropriation—not to erect gorgeous palaces, like such as are seen on the Ohio, but such as is absolutely necessary to prepare a covering for the sick—we are told that it is too little, and will do no good!

Sir, we do not ask this appropriation for ourselves. We assert the claim of humanity and justice. These people, for whose benefit it is designed, are not citizens either of Arkansas, Louisiana, or Mississippi. They come down from Indiana, and from Ohio. They are thrown upon our shores; and we have taken them in and nursed them. We ask you to do what? To make us some return? To take something from the public treasury? To violate any constitutional scruples? Not at all. As early as the year 1802, every mariner and seaman on the Mississippi river paid twenty cents per month (\$2 40 per annum) into the public treasury, as a provision against periods of sickness. With the wages of no other class of laborers, except the sailor, does the Federal Government directly interfere. It is not then a charity you have to dispense, but an obligation to discharge. From New Orleans to Cairo, a distance of more than one thousand miles, there is not a single marine hospital completed. The one at Natchez, although in an unfinished state, is the only one which can receive a patient. From Cairo to Pittsburg, a distance of another thousand miles, there are four; at Paducah, Evansville, Louisville, and Pittsburg. I appeal to gentlemen if this is justice, not to the South, but to those unfortunate persons who should be the recipients of this fund? Is it legislation worthy of this House?

The CHAIRMAN. The Chair desires to inquire of the gentleman if he understood his amendment as only increasing the amount proposed by the amendment of the gentleman from Arkansas?

Mr. PERKINS. My amendment was to increase that amount from \$1,000 to \$6,000.

Mr. HOUSTON. The gentleman from Louisiana, in the ardor of his investigation of this subject, it seems to me, runs into very extraordinary errors. He attempts to analyze the Committee of Ways and Means, in order to account for this appropriation. Now, sir, the gentleman has not done himself justice in that; and he has not only not done himself justice, but he has not done the Committee of Ways and Means justice; for the estimates upon which the Committee of the Whole have heretofore acted, were all made by the Secretary of the Treasury.

Mr. PERKINS, (interrupting.) So far from complaining of this matter as solely the act of the committee, I spoke of it as a mystery which I did not pretend to understand. It seems strange to me, however, that the members of the Committee of Ways and Means should be so much opposed to these appropriations, and yet be the only ones to get them for their districts, and that without even assuming the responsibility of advocating them.

Mr. HOUSTON. The gentleman is wandering, and does not extricate himself. I stated distinctly—and this committee will remember what I stated—that I believe these appropriations for

marine hospitals and custom-houses are all wrong, and I resisted the appropriations to custom-houses until I found that resistance did no good; and I then yielded to what I believed to be the sense of my colleagues upon the committee.

The same was the case in regard to the marine hospitals. I have none in my district. My State asks for nothing except for the Mobile custom-house, and the Committee of Ways and Means did not recommend that. All these appropriations for marine hospitals were rejected by the Committee of Ways and Means, because they believed—I speak for myself—because I believed the appropriations were extravagant, wasteful, and unnecessary. I am not one of those who can be made to believe that a hundred thousand dollars, or even eighty thousand dollars, are necessary to build marine hospitals at any of the points mentioned in this deficiency bill.

The gentleman speaks of the marine hospital at Paducah as a matter of mine. No, sir, the gentleman is mistaken. If he had put himself to the trouble to examine the subject, he would have found that I have been voting for years against these hospitals in the interior. They are too close to each other; and not only that, but they are upon a scale of extravagance and wastefulness which is in conflict with sound discretion in the care and treatment of the sick seamen.

At Memphis there is a marine hospital, which accommodates all our sick at three dollars and a half per week. At some points it costs us as much as ten dollars a week. At Buffalo we have made an arrangement for our sick seamen at three dollars a week, aside from medical attendance, which is but a small item. The city establishments are the only ones where we get accommodated at a fair price.

We are wasting money on this matter. We are wasting it in decorating cities and points where we propose to establish these hospitals, by making a splendid show in the erection of the buildings. I do not object to hospitals as such. Not at all. I want one wherever it is necessary, and where a private establishment cannot be had.

A word in regard to the amendment of the gentleman from Arkansas, who presented it in a fair and proper manner, without making an attack upon the committee or upon anybody else. The gentleman says the Committee of Ways and Means did not bring in a bill for that hospital. There was no estimate for it, and it was not referred to us, and we are not in the habit of bringing in bills upon subjects which are not referred to us. There was no recommendation for the hospital at Napoleon, in Arkansas.

At the last session of Congress—the phraseology used here is singular, and I believe that it is a mistake—we appropriated for completing and finishing the marine hospital at Napoleon, Arkansas, \$4,000. "For completing and furnishing" I believe was the language intended to be used. We have no estimates from the Department, and no papers before us, to show us that this additional sum is necessary.

Mr. WALSH. I should like to ask some of the gentlemen who have spoken upon this question from what fund this money is to be taken?

The CHAIRMAN. The gentleman from New York [Mr. WALSH] is reminded that the debate is exhausted, and that he can only proceed by unanimous consent.

Mr. WALSH. I ask for no favors.

The question was then taken upon Mr. PERKINS's amendment to the amendment; and it was not agreed to.

The question then recurring upon Mr. GREENWOOD's amendment, it was taken, and there were—ayes 25, noes 40; no quorum voting.

Mr. WALSH. I ask for tellers.

Mr. HOUSTON. I ask for a call of the roll, as there is no quorum voting.

The CHAIRMAN. The Chair thinks that tellers were called for in time.

Tellers were ordered, and Messrs. VAIL and WHEELER were appointed.

The question was taken, and the tellers reported—ayes 70, noes 51.

So the amendment was agreed to.

Mr. DISNEY. I am instructed by the Committee on Public Lands to offer the following amendment:

For payment of draftsmen and clerks employed under

resolution of May 4th, 1848, upon the maps of the public lands, \$5,675.

I do not know, Mr. Chairman that there is any necessity for me to give a particular explanation in regard to this amendment. As I have already said, I offer it in obedience to the instructions of the Committee on Public Lands—a decision made by that committee unanimously, and after careful and full consideration of the matter.

By a resolution adopted by the House on the 4th of May, 1848, it was provided that maps of the public lands should be prepared for the use of the House and of the Committee on Public Lands. These maps are kept in the room of that committee, and are constantly referred to. Their utility and necessity are conceded by all who know anything about the matter, and, I believe, by all who wish to know anything in regard to the public lands.

At the last session of Congress, for reasons advanced at the time, the House refused to make any appropriation for the continuation of the work, it being supposed that the work could be continued under the supervision and control of the General Land Office. The matter was left in that condition; but, subsequently, upon a reference to the imperative character of the resolution, it was deemed proper by the parties who had been at work on the maps to continue their labors, and they have continued them. This amendment is to provide for their compensation for the time they have been employed.

As I said, at the commencement of my remarks, the Committee on Public Lands have carefully and fully considered the case, and have unanimously directed me to report the amendment to the House, and I hope it will be adopted.

The question was then taken on the amendment, and it was agreed to.

Mr. MORGAN. I offer the following amendment:

For paying William Irving \$825 for services as acting Superintendent of the Seventh Census for five months, from the 30th of May, 1851.

Mr. HOUSTON. That amendment was ruled out by the Chairman yesterday.

Mr. LILLY. Was it not voted down?

The CHAIRMAN. No. The gentleman withdrew it before any vote was taken on it.

Mr. HOUSTON. Does the Chair decide that this is not a private claim?

The CHAIRMAN. Does the gentleman make that point of order?

Mr. HOUSTON. I do.

The CHAIRMAN. The gentleman from Alabama makes the point of order that this is a private claim. The Chair would inquire of the gentleman from New York whether, under any existing law, Mr. Irving is entitled to the pay provided for by this amendment?

Mr. MORGAN. There were a great many cases of this sort provided for last year. It is only necessary to refer to one of them to show that the House has been in the habit of ingrafting cases of this sort on appropriation bills.

The CHAIRMAN. Will the gentleman turn his attention to the point whether there is any law already in existence under which Mr. Irving is entitled to this pay?

Mr. MORGAN. He was acting Superintendent of the Census, and was for a time the only Superintendent, and of course there is a law authorizing his payment.

Mr. HOUSTON. But has not the regular Superintendent of the Census already drawn the salary for this time?

Mr. MORGAN. No, he has not. He has not been paid. It is an unliquidated debt; one that has never been settled.

Mr. HOUSTON. I desire to ask the gentleman from New York a question at this precise point. Has not the regular Superintendent filed his account, claiming the salary for this period of time?

Mr. MORGAN. Yes; but it has not been allowed him.

Mr. HOUSTON. Then who has been paid?

Mr. MORGAN. No one has been paid; but of course the man who did the work ought to receive the pay.

Mr. HOUSTON. Mr. Kennedy, who was the regular Superintendent at the time, claims the compensation, and is no doubt entitled to it.

The CHAIRMAN. The Chair will state to the gentleman from New York [Mr. MORGAN]

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

FRIDAY, FEBRUARY 10, 1854.

NEW SERIES.....No. 25.

that if the object of this amendment be to decide who is entitled to this money, it would not be in order, for then it would be a private claim, and should be considered as such.

Mr. MORGAN. It is not in the nature of a private bill. He was, at the time specified, the only Superintendent. Mr. Kennedy was in Europe, and he remained there for five months. I have Mr. Irving's commission.

The CHAIRMAN. The gentleman will proceed with his statement of the facts in the case, and when he has concluded, the Chair will decide whether the amendment is or is not in order.

Mr. MORGAN. On the 30th day of May, the Superintendent of the Census, Mr. Kennedy, went to Europe, and was absent for five months. Mr. Irving at that time was a clerk in the Interior Department, at a salary of \$1,000 per annum; and, without his solicitation, a commission was made out by the Secretary of the Interior, directing him to enter upon the discharge of the duties of the office of the Superintendent of the Census. He took charge of the Census Office. He had the superintendence of many clerks, and, in fact, his duties were doubled. The following is the commission which he received:

DEPARTMENT OF THE INTERIOR, May 30, 1851.

SIR: You are appointed Acting Superintendent of the Seventh Census during the absence of the Superintendent, and will at once enter upon the discharge of your duties as such. Respectfully,
A. H. H. STUART,
Secretary of the Interior.

WILLIAM IRVING, Esq., Census Office.

It is upon that commission he bases his claim for compensation. He is entitled to what the Superintendent was. These are the facts of the case.

Mr. ORR. Does the Chair rule the amendment to be in order?

The CHAIRMAN. The Chair does rule the amendment to be in order.

Mr. ORR. My attention has not been sufficiently directed to this matter to say anything that is calculated to enlighten the committee. I desire to have some information myself before I can vote for it. I should like to know whether this gentleman did not receive his compensation as clerk all the time he was acting in the capacity of Superintendent of the Census?

Mr. MORGAN. He did receive \$1,000 per annum. He now asks for the difference between that salary and the salary of the Superintendent for the time he was employed as such. He had to discharge double the duties of his previous position.

Mr. ORR. Then I understand that the gentleman for whose benefit this amendment is proposed claims the same compensation that he would have received if he had been the Superintendent at the time?

Mr. MORGAN. Yes, sir.

Mr. ORR. Now, I would inquire whether the Superintendent continued to draw his full salary for the time he was absent?

Mr. MORGAN. He claimed its payment, but it was not paid him by the Department.

Mr. HOUSTON. The regular Superintendent has filed his claim for the compensation, but the Department has not yet allowed it. My recollection is that the universal practice has been, in these cases, that whenever the head of the bureau is absent for a few days, the chief clerk, or some one else, is directed to discharge the duties of the bureau. That practice is without exception. The chief clerk gets nothing, unless he gets it by legislation in a private bill. I know the Senate are passing upon some bills of that sort now.

The CHAIRMAN. The question is now on the amendment proposed by the gentleman from New York, and on which a division is called for. The House was divided; and the Chair reported 22 voting in the affirmative.

Tellers were demanded and ordered. Messrs. WHEELER and KERR were appointed.

The question was then taken; and the tellers reported—ayes 32, noes 55.

The CHAIRMAN. No quorum voting, the Clerk will call the roll.

The call of the roll of the House was then proceeded with, and one hundred and twenty-nine members answered to their names.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee reported to the Speaker that the Committee of the Whole had had under consideration the deficiency bill, and it appearing, on a vote, that there was no quorum present, the roll was called, and the Chairman was directed to report the absentees to the House.

The SPEAKER. There being a quorum now present, the committee will resume its session.

Mr. SEYMOUR accordingly resumed the chair.

The CHAIRMAN. The question under consideration when the committee rose was on the amendment proposing to pay to William Irving \$625 for services as Acting Superintendent of the Seventh Census for five months to 31st May, 1851.

Mr. LETCHER. Is it in order, Mr. Chairman, to move now an amendment to that amendment?

The CHAIRMAN. It is in order.

Mr. LETCHER. Then, sir, I move a proviso that but one person shall—

Mr. WASHBURN, of Illinois, (interrupting.) Do I understand that the Chair rules that after tellers are ordered it is in order to move an amendment?

The CHAIRMAN. Certainly it is.

Mr. WASHBURN. If so, it was ruled differently the other day.

The CHAIRMAN. The Chair is not aware that the question was ruled differently.

Mr. McMULLIN. I desire to know if this is not a private claim? and if so, it cannot be properly brought up here to-day. I raise a question of order, that the proposition before the committee is a private claim.

The CHAIRMAN. The Chair will remark that the question of order was raised before, and the whole subject discussed; and though the Chair thinks that it might have perhaps been decided on as a private claim, yet as the whole matter is before the committee, the Chair will leave it for their decision.

Mr. LETCHER. I propose to add to that amendment a proviso:

Provided, however, That but one person shall obtain his salary as Superintendent of the Census for the time specified in the amendment.

Mr. MORGAN. I accept the amendment.

Mr. LETCHER. The object of my amendment is this: Mr. Kennedy was appointed Superintendent of the Census, and he performed the duties appertaining to that office until he was dispatched to Europe for the purpose of collecting statistics abroad in regard to the mode of arranging the census returns. While he was in Europe he received, as I understand, or, at any rate, he claims that he shall receive, the regular pay of Superintendent of the Census.

Now, sir, I am opposed to paying two men for the same service. I am opposed to allowing to Mr. Kennedy pay as Superintendent of the Census, and at the same time allowing to this gentleman, who occupies the position of a clerk in the Census Bureau, the pay which Mr. Kennedy himself receives. This individual went into that office upon an understanding that he was to get a certain compensation for his services. He remained in that office, and received that compensation. Now, after it has been received, and after the contract has been fulfilled on the part of the Government towards this individual, he comes forward and asks that an extra compensation may be allowed him; and that he shall be raised, by the action of this House, to a far higher grade than that which the contract contemplated.

Now, it seems to me that if this principle is to be carried out in this case, it is needless for any of the committees of this House to resist any applications for extra compensation. We have numberless claims of this character now pending, which we are endeavoring to resist. But if this House shall undertake to establish this precedent, it is in some respects a rebuke to the committees,

who are endeavoring to resist these claims, and it establishes the principle that an officer may contract his services for a particular sum, and then be allowed double the amount, upon application to this House.

I hope no such precedent will be set. Let individuals be held to the terms of their contract; and when the Government has fulfilled it on its side, let the party be required to perform his, and let him understand that he will not be allowed to receive any other compensation than that which is the legitimate result of the agreement upon which he went into office.

In addition to all that, this is a mere private claim, and nothing more nor less than a private claim; and if the House undertakes to vote it in here it will be competent, and within the rules of order, to take this as a precedent, and under it to bring in any other private claim now pending before any committee of this House and undergoing investigation there. Does not the House see the results to which this will lead? Do they not see the monstrous frauds which will be perpetrated upon the Government if you allow these claims without investigation, and in the absence of all knowledge as to their justice and right? I hope the House will pause and consider this thing, and not establish so dangerous a precedent. If this gentleman wants extra compensation let him present a petition and have it referred to the Committee of Claims, who will investigate it and report upon it to the House.

Mr. McMULLIN. I rise to a question of order. My point is that the amendment before the committee embraces a private claim, and is not therefore in order.

Mr. WASHBURN, of Illinois. That point of order has already been raised and decided.

Mr. McMULLIN. Not upon this particular question.

The CHAIRMAN. It was made before the subject was fully discussed, and the Chair decided it in the affirmative.

Mr. McMULLIN. Was there an appeal taken from the decision?

The CHAIRMAN. There was not.

Mr. McMULLIN. Then I desire to take an appeal.

The CHAIRMAN. It is rather late to take the appeal now.

Mr. McMULLIN. Was the decision upon this particular question?

The CHAIRMAN. It was.

Mr. McMULLIN. I make the point again; and if the Chair decides that the amendment is in order I beg leave to take an appeal from the decision.

Mr. WASHBURN. I submit that it is in order.

The CHAIRMAN. The Chair thinks that it is in order to take an appeal from the decision of the Chair.

Mr. WASHBURN. I submit that the point of order is made too late.

The CHAIRMAN. The Chair thinks that it is not too late.

Mr. McMULLIN. Is the question of appeal debatable?

The CHAIRMAN. It is not debatable. When a question somewhat similar to this was introduced by the gentleman from New York, [Mr. MORGAN,] the Chair supposed that it was probably a private claim; but upon inquiry of the gentleman from New York the Chair understood that it made an appropriation, but that the question, Who was entitled to it? was settled by the existing laws. Under those circumstances, the Chair decided that the amendment was in order. The Chair now doubts whether the amendment now offered is in order; but, in conformity with the prior decision made by him, he decides it to be in order. From that decision the gentleman from Virginia [Mr. McMULLIN] appeals. The question now is, whether the decision of the Chair shall stand as the judgment of the committee?

The question was then put, and it was decided in the negative.

So the decision of the Chair was not sustained, and the amendment was ruled out of order.

Mr. MILLER, of Indiana. I propose the following amendment:

To complete the marine hospital at Evansville, Indiana, \$2,000.

The question was taken upon the amendment, and it was agreed to.

Mr. HARRIS, of Mississippi. I move to amend the bill by inserting the following:

For the completion of the marine hospital at Natchez, in the State of Mississippi, the sum of \$6,000.

In offering this amendment, my object is to bring this matter of appropriations to supply deficiencies in previous appropriations for marine hospitals to a conclusion, one way or the other. There appears to be no consistency in the action of the House, nor in the objections that are constantly interposed. I am rather gratified that my friend from Louisiana [Mr. PERKINS] so far pushed the honorable chairman of the Committee of Ways and Means to the wall as to compel him to assign his true reason for opposing these appropriations. That reason is, we are informed, that he was in principle opposed to all these appropriations. The Committee of Ways and Means seem to experience the same emotions of surprise and horror when an additional appropriation is asked for that the parish officer felt when poor, starving Oliver Twist "asked for more." At first we were told that these appropriations do not come under the head of deficiencies, and when, at last, under the pointed explanations of my friend from Louisiana, as to the facts of particular cases, and of the urgent necessities of particular localities, it became apparent that neither under the plea that the appropriations asked for is not germane to the deficiency bill, nor upon objections to the justice and propriety of the expenditure, could the opposition indiscriminately offered be sustained, we are met with the explanation that the opposition is general to everything which touches the money of this Government. Sir, I do not envy the reputation gained in this House, or before the country, by our objecting to everything on the score of guarding the Treasury, by lying in wait in a sort of ambush for private claims, playing the ant bear, in snapping up small insects that crawl tremblingly into the House.

Mr. HOUSTON. If the object of the gentleman is to state my argument, I tell him that he is precisely wrong.

Mr. HARRIS. The gentleman has told everybody in the House that they were wrong, until he has exposed the fact that he himself is seldom right.

Mr. HOUSTON. I tell the gentleman that I made no such argument.

Mr. HARRIS. I know I am right. The appropriation asked for the hospital at Natchez is a deficiency upon all fair rules of construction. It is not so reported by the Secretary of the Treasury, and for that reason it is held to be out of order. It is not reported as a case requiring appropriation at all, even under the general appropriation bill. So that when that comes up I shall be met with the objection that it is not recommended by the Secretary—that the estimates are not furnished. It is quite easy for the Secretary, who has ascertained that certain things remain to be done, to complete a building, and knowing what remains to be done, it is easy for him to state what sum will be required. He has done so in regard to other cases, but does not do so in this particular case, and the failure to furnish this information is to be taken as a condemnation of the marine hospital at Natchez. If information is wanted to enable the House to come to a correct conclusion I will now furnish it. I do so gratuitously. But the information which I give is about as good as that upon which the House usually acts. I say that the appropriation is necessary to complete the hospital, in such a way as to render it comfortable and serviceable to those for whom it was designed, and there can be no reasonable objection to it.

Mr. HOUSTON. I had not expected to say anything further, or to take any other part in the debate upon this proposition; and I should not have risen now if the gentleman from Mississippi, who was last up, had stated my position correctly. I had hoped that when I called his attention to the misstatement of the argument I made, that he would have corrected himself; but he has failed to do so; and I am, therefore, under the necessity,

in order to set myself right, to restate the position I assumed.

Mr. Chairman, I appeal to your recollection, I ask this committee, I ask the gentleman from Mississippi himself, whether he is correct in characterizing me as saying that I opposed everything connected with marine hospitals?

I said the other day, in the only speech that I desired to make upon the subject, that I was in favor of building hospitals by the Government for sick and disabled seamen, at all prominent locations where the use of private hospitals could not be obtained. I further maintained, that we were building hospitals in places where they were not needed. But I asserted upon that occasion, and I repeat it now, that I am in favor of affording to sick and disabled seamen all the aid they need upon the part of the Government. That has nothing, however, to do with the matter of appropriating \$100,000 for the construction of a hospital where we have no evidence that it is needed. That was what I said the other day, and I am satisfied that this committee so understood me.

I did not say I was opposed to all marine hospitals. I said that I had voted against extravagant appropriations for all these marine hospitals. I have stated, both publicly and privately, that I am willing to vote for the establishment of these hospitals wherever they are needed, and that all I desire is that the appropriations shall be kept within reasonable and proper bounds. That is the ground which I have all along occupied upon this question.

The gentleman from Mississippi says that the proper Department reports that this hospital at Natchez is incomplete; but they ask for nothing for its completion. Well, what are we to infer from that? I have not the report before me, nor has there been anything referred to the Committee of Ways and Means in reference to this work requiring action at the hands of that committee. I infer, however, from the statement of the gentleman himself, that the Secretary does not want this appropriation now. True, the Secretary reports that the building is incomplete, but what is his object in saying that to the House? If he wants additional money why does he not ask for it? The fair presumption—alike fair to the Secretary and to ourselves—is that he has a balance of unexpended appropriations enough to complete it.

Why at the last session of Congress we passed an appropriation of \$4,000 for the marine hospital at Natchez. No one knows whether that money has been expended yet. There is no report on the subject. The gentleman does not undertake to say that that appropriation is all exhausted, or that any of it has been applied yet. The gentleman merely says that the building is incomplete. The Secretary also says that it is incomplete, but fails to ask for anything to complete it. It is, therefore, fair and reasonable to suppose that there is enough money on hand to complete it.

I do not care what appropriations this committee sees fit to put in this bill. I do not intend to resist these appropriations after the sense of the House has been taken, and the question has been decided against me. I made war against them when they were first presented. My opposition, I am sure the House will sustain me in saying, was a fair and manly opposition; and I care not for these assaults, let them come from whatsoever quarter they may. It is rather a singular course for gentlemen to pursue when they offer amendments that do not meet with the support and sympathy of this committee to assail the Committee of Ways and Means.

Mr. PERKINS, of Louisiana. I have no desire to discuss again the necessity, the absolute necessity, whether in the light of justice or humanity, of appropriations of this kind for the lower branch of the Mississippi river. One of the members of the Committee of Ways and Means has himself confessed the necessity of erecting these hospitals on that river—

Mr. HIBBARD, (interrupting.) I presume my friend refers to me, and I thank him for the liberal manner in which he alluded to me in his previous remarks. I meant to say that I believed some marine hospitals were needed. I did not mean to be understood as saying that these appropriations were needed. I think money enough has been appropriated.

Mr. PERKINS. I must accept, then, the good

will without the assistance, it seems, of the gentleman, although I cannot draw the distinction between the desire for marine asylums to exist and the disposition to appropriate money for their existence, unless the gentleman desires that we shall continue to do what we were obliged to do last year—support these individuals that the Government has bound itself by a sacred pledge to provide for. If Congress will not provide hospitals, when another pestilence sweeps through the country, we must and will take care of these men. None of them are residents either of Mississippi or Louisiana. Some are thrown upon us by necessitous circumstances, and some by business. And yet a committee, composed of western members, under these circumstances, come into this House, and, if not recommending at least acquiescing in appropriations for little spots along the Ohio river, oppose everything for the lower Mississippi. Sir, I ask where are those persons to come from who are to receive this bounty? It has been said in argument that some of those hospitals on the Ohio have not had the past year a single patient. I am not surprised at it. Those who were destined for them were buried on the banks of the lower Mississippi, before they reached the Ohio; and in consequence of the kind charity that nursed them disease was scattered all along our shores. It is for this reason, and not that I regret the charity, that I speak with feeling.

At this very time, Natchez, in Mississippi, is petitioning the Legislature of my State to make some sanitary provisions to protect the mouth of the Mississippi, and the points along the river; and a committee appointed by the State of Louisiana is investigating the subject; while the Governor, under a sense of its importance, has suggested, in its aid, an appropriation of a considerable portion of the land given for internal improvements. And for what, Mr. Chairman, is all this? Is it to make New Orleans healthy to the citizens of that city or that State? Why, sir, they are not the subjects of disease. The purpose is to extend the hospitalities of the State to, and secure the health of, those citizens of the West, and other portions of the country, who visit us either for pleasure or business.

Mr. Chairman, I have not designed to reflect on the chairman of the Committee of Ways and Means, or to prefer charges against him. I have sympathized from the first in the embarrassment of his position, in being compelled to ask appropriations from this House against the principle of which, even in their advocacy, he has been obliged to argue. I have made this to myself an excuse for the many illogical speeches he has been obliged to deliver during this discussion; and I did not, therefore, expect a satisfactory answer to the remarks of my friend from Mississippi.

Mr. McMULLIN. I am opposed to the amendment of the gentleman from Louisiana; and I beg for a moment to call the attention of the committee to one or two facts which present themselves to my mind, and which I regard as of importance in the decision of this question. The gentlemen have not been able to draw to their aid the report of your able Secretary of the Treasury, as was the case when this subject of hospitals and custom-houses was formerly before the committee. Here the Secretary of the Treasury is not at war with this much-proscribed committee. I do not envy the position of the Committee of Ways and Means. They are a sort of target, to be shot at by every member whose particular bill and appropriation they oppose.

Now, how stands this particular case? There have already been appropriated for that hospital some \$60,000. Your Secretary of the Treasury is sworn to report the facts to the House, and if more is wanted to complete the hospital, and he has not reported that want, he has been derelict in his duty. Let me say to my friends from Mississippi and Louisiana, that if they need more money to finish this institution, let them come forward and ask the Committee of Ways and Means to appropriate a sufficient sum in the general appropriation bill.

Mr. PERKINS. An appropriation in the general appropriation bill would be entirely useless. That bill will pass in August next. Appropriations for the North can then be profitably expended. At the South they could not be, for it is the season of sickness. It is therefore we ask if you intend to give the appropriation in August

that you will give it now, and we will anticipate it by a judicious application.

Mr. McMULLIN. Mr. Chairman, the gentleman has satisfied this committee that—

Mr. FULLER, (interrupting.) I see from the report of Colonel Long, who has charge of the hospitals in the southwest, that of the sum appropriated for Natchez there is \$4,035 37 unexpended.

Mr. McMULLIN. I thank, very kindly, my friend from Maine for stating this important fact. Here are four thousand odd dollars unexpended in April last. If this be not sufficient to complete the institution, then I would tell my friend from Louisiana that in the civil and diplomatic appropriation bill, if necessary, he can vote for the deficiency. It is not necessary to make the appropriation in this deficiency bill. Facts here show to the contrary. Then I ask the committee, if they will, in violation of the report of the Committee of Ways and Means, and in violation of the report of the Secretary of the Treasury, force the appropriation of this money which was not asked for?

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from Louisiana, to add \$500 to the appropriation.

Mr. PERKINS. If there be no objection I withdraw the amendment.

There being no objection the amendment was withdrawn.

Mr. HIBBARD. I move to reduce the amendment one dollar. I had not proposed, Mr. Chairman, to have entered into this debate about these marine hospitals, because I believed it useless, as the sense of the House has already been manifested on the subject; and when that is done by a legislative body, deliberately, decidedly, and repeatedly, as in this case, even though it may be against my own convictions, I have not, on that account, deemed it necessary to contest that will any further. I am disposed to defer to the voice of the majority thus expressed. I have been content to vote according to my convictions, without consuming time by useless discussion.

But, Mr. Chairman, the references made to the chairman of the Committee of Ways and Means make it proper, in my judgment, that I should say a word or two in reply to my friend from Louisiana, [Mr. PERKINS,] who, I know, will not intentionally misinterpret me, though he misunderstood what I did say. I stated, sir, and repeat now, that marine hospitals, at some points, are needed. I believe one is needed at New Orleans, and if there had not been enough already appropriated for that purpose, I would go for an appropriation. That place is not now under discussion. It is possible marine hospitals may be needed at other points. But what I said was, that for those which are needed we had already appropriated enough, as many of them had left sums unexpended, while others were not needed at all.

Now, sir, as to this point at Natchez, I know little about it. I have no particular objection to the hospital there. My impression is that it comes under the class of those for which no more appropriations ought to be made. It appears, sir, that at Natchez they had unexpended in April last upwards of \$4,000. The Secretary asks no more. He does not understand that any present deficiency exists there; but he goes on in his report and tells us what remains to be done. He says, on page 297, that this building, though not yet completed, is occupied. It is plain, therefore, that the appropriation has been nearly enough; the building, if it was occupied, must be nearly finished; and as to what is remaining, he says:

"That which remains to be done is mainly the construction of hot-air furnaces and heaters, the erection of force pumps, to serve as fire-engines, with conduits to convey the water to all parts of the building, the making of a brick pavement, and the construction of a balustrade in front of the hospital."

It will be seen by this that what remains to be done is comparatively unimportant, mere matter of finish, and I dare say the Secretary believes that the sum of money already on hand is sufficient to do it. There is no deficiency now that he calls for; at least it is to be inferred that there is none, or an estimate would have been made therefor.

It has become very common for gentlemen to read lectures to the Committee of Ways and Means. I do not propose to reply to such attacks because I am not troubled thereby. I believe gen-

tlemen mean their attacks in a Pickwickian sense. They make them when they have nothing else to say. When their propositions are such as to admit of no other argument, they fall upon our much-abused committee. I might have been troubled by these allusions if I had not become used to them. Having served upon the Committee of Ways and Means for some four years, I have become very indifferent to this kind of talk; we have become so accustomed to being scolded about, that we do not feel it. We have got used to it, and appreciate it at its true value, which is nothing at all. I think, sir, we shall continue to do our duty, nevertheless. I am not at all troubled about these attacks, but I am sorry to see the public money voted away in a manner so prodigal and indefensible. The judgment of the country, and the sober sense of these gentlemen themselves, will assuredly be with us in the end.

The House has already voted an appropriation to Paducah, Kentucky. We had before appropriated for that point the sum of \$49,625. Five thousand has been added now, making in all, over \$54,000 for that point. The hospital is occupied, and in operation. Nine persons are employed there, and the annual amount of their compensation is over \$3,000. The annual interest on the money already appropriated is about \$3,000 more, making nearly \$6,000 as the annual expense, in addition to the \$54,000 expended there, at a point where there is not a patient, where there has not been one during the last year, and where I am not aware that there ever has been, or ever is likely to be, a patient. And notwithstanding this the committee voted the appropriation of \$5,000.

It is probably useless to contest the Natchez appropriation now, after such a vote, to say nothing of others like it, and I do not propose to. If the issue is to be made before the country upon such a system of appropriations, I am prepared, for one, to meet it. I am willing that it should go before the country, and that the country should settle it; I read no homilies to other gentlemen on this floor. If they are content with their position I am with mine. I say to gentlemen—and I address myself particularly to this side of the House—that we are starting out upon a programme of appropriations which, if carried out, will require an annual appropriation of \$70,000,000.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

The question then recurring upon the original amendment, it was put, and decided in the negative.

So the amendment was not agreed to.

Mr. CHANDLER, from the Committee on Foreign Affairs, offered the following amendment:

For compensation to Peter Parker, for services as chargé d'affaires in China from 24th May, 1852, to 31st January, 1853, being the difference between the salary as secretary of legation and interpreter and that of chargé d'affaires for the above stated term, \$1,370 78.

Mr. CHANDLER. In pursuance of the direction of the Committee on Foreign Affairs, I directed a letter to the Secretary of State in reference to this matter, and he answered that Mr. Parker served during that time as chargé d'affaires, and that it was proper to make the appropriation.

Mr. FULLER. I should like to inquire of the gentleman from Pennsylvania whether there has been any such officer as chargé d'affaires to that Government?

Mr. CHANDLER. Certainly. When the former Commissioner retired, he appointed this gentleman as chargé d'affaires.

Mr. FULLER. Was he not a mere secretary of legation, performing the duties of the Minister? Is there any such officer known to the law as chargé d'affaires?

Mr. CHANDLER. He is, in diplomatic language, a chargé d'affaires, and is charged with the duties belonging to a Minister.

Mr. FULLER. I understand that we have a grade of Ministers—chargé d'affaires—inferior to a full Minister. There was a full Minister to that court, with a secretary of legation, who, in the absence of the Minister, performed the duties pertaining to the mission. I am, therefore, opposed to the principle of giving pay to any officer not known to the law or accredited to that Government.

Mr. LETCHER. I rise to a question of order

upon that amendment. I do not understand that that amendment proposes to supply a deficiency in any respect; but that it proposes nothing more nor less than this: to give an additional sum of money to an individual for what is represented to be extra service. That is about the amount of it.

The CHAIRMAN. While upon this point, the Chair would make the same inquiry that he did of the gentleman from New York, [Mr. MORGAN,] whether the law now authorizes the payment of this money, or whether the appropriation is merely for the purpose of paying money now due?

Mr. CHANDLER. I will read a clause of a letter from Secretary Marcy upon that point.

Mr. SMITH, of Virginia. I would like to hear the whole letter read.

The letter was then read, as follows:

DEPARTMENT OF STATE,
WASHINGTON, Feb. 7, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th inst., inquiring, under instructions from the committee of which you are a member, whether Dr. Peter Parker is entitled to the pay of a chargé d'affaires of the United States from the 24th of May, 1852, to the 31st of January, 1853.

In reply, I have the honor to inform you that it appears from the files of this Department, that Dr. Parker acted as chargé d'affaires *ad interim* of the United States in China during the term above mentioned, and that it is usual for Congress to grant a secretary of legation in such cases the difference between his salary and that of a chargé d'affaires.

I have the honor to be, very respectfully, sir, your obedient servant,
W. L. MARCY.

Hon. JOSEPH R. CHANDLER, of the Committee on Foreign Affairs of the House of Representatives of the U. S.

Mr. LETCHER. I insist upon my point of order being decided.

The CHAIRMAN. The Chair thinks that this case is somewhat like the case from New York. The Chair then decided the claim to be in order, and that it was not a private claim; but the Chair was overruled by the decision of the committee. This case differs somewhat from that, and the Chair agrees with the Secretary in the opinion that this money is due to the individual named for his services. The Chair therefore decides the amendment to be in order.

Mr. LETCHER. I do not think that the Chairman states, as the Secretary has stated, that it is due according to usual courtesy, and not by law.

Mr. CHANDLER. We have precedents of this kind every year.

The CHAIRMAN. The Chair rules the amendment to be in order. Does the gentleman from Virginia appeal?

Mr. LETCHER. I think it is like the New York case, and I do appeal.

Mr. SMITH, of Virginia. I would be glad to get some information upon this subject. I understand that this Mr. Parker was an officer sent upon this mission, and that he has received the pay due to his position. The whole account is, therefore, closed. I ask whether or not this particular sum is proposed to be given to him as chargé d'affaires *ad interim*, and whether it is a deficiency or not. What is the deficiency here? I desire to be informed upon this point.

Mr. CHANDLER. It is a deficiency in the gentleman's salary.

Mr. SMITH. I am not aware that the gentleman has any salary.

The CHAIRMAN. The Chair decides that the amendment offered by the gentleman from Pennsylvania is in order. From this decision the gentleman from Virginia appeals; and the question now is, "Shall the opinion of the Chair stand as the judgment of the committee?"

The question was taken, and the decision of the Chair was not sustained; and the amendment was ruled out of order.

Mr. WHEELER. I move that the committee do now rise, and report the bill and amendments to the House.

Mr. EDGERTON. I have another amendment to offer. I move to add the following:

And that Abelard Guthrie, late claimant for a seat in the House of Representatives from Nebraska, be allowed the same per diem and mileage that was allowed to Hugh N. Smith and Almon W. Babbitt, of New Mexico and Utah, under similar circumstances.

Mr. HAMILTON. I rise to a question of order. There is no law authorizing such an appropriation, and I submit that it cannot be made as a deficiency.

Mr. EDGERTON. I can state to the gentleman that it has been the custom heretofore to make

appropriations of this character without any specific law authorizing them.

Mr. HAMILTON. Is there any law authorizing the election of a Delegate from the Territory of Nebraska, or recognizing such a person at all?

Mr. EDGERTON. Again, I state to the gentleman and to the committee, that appropriations have heretofore been made, paying the per diem and mileage of Delegates sent from a Territory without any law authorizing them to be sent, and when the Territory had not been organized. Such was the fact in reference to the Delegates first sent from Utah, from New Mexico, and from Minnesota. The Delegates sent from those Territories received their regular per diem and mileage, notwithstanding the fact that the Territories were not organized when they were elected.

Mr. RICHARDSON. Will the gentleman permit me to make a single statement?

Mr. EDGERTON. I will yield to the gentleman.

Mr. RICHARDSON. In the case provided for in the amendment offered by the gentleman, the Delegate came on, but was not admitted to a seat upon this floor. In the cases to which the gentleman alludes as precedents, however, the Territories were subsequently organized, and the Delegates obtained their seats—if my recollection be correct—so that the cases are not parallel ones.

Mr. EDGERTON. In reply to the gentleman I would say, that Delegates came on from Utah and New Mexico and obtained this per diem and mileage when they had not been admitted to seats upon this floor.

Mr. ORR. Do I understand the Chair to decide this amendment to be in order?

The CHAIRMAN. The Chair was in doubt, and desired information in respect to the amendment.

Mr. EDGERTON. I have only to repeat what I have already said. These Delegates to whom I have referred were elected from New Mexico and Utah, and came on here. They were denied seats in this House, but were, nevertheless, paid their per diem and mileage.

The CHAIRMAN. From the precedents heretofore set in committee, the Chair is of the opinion that the amendment is clearly out of order, and he so ruled it.

Mr. McNAIR. I move that the committee do now rise, and report the bill and amendments to the House.

Mr. LANE, of Indiana. I demand tellers upon the motion.

Tellers were ordered; and Messrs. WHEELER and VALE were appointed.

Mr. FLORENCE. I rise to a point of order. I demand—

[Cries of "Order!" "Order!" and much confusion.]

Mr. McNAIR. I withdraw the motion that the committee rise.

Mr. LANE, of Oregon. I move to amend the bill by adding the following:

For the payment of the balance of the actual and necessary expenses incurred by the provisional government of Oregon in defending the people of said Territory from the attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848; and that it shall be the duty of the Secretary of the Treasury to allow and pay the sums found due and allowed by the Governor of said Territory, or any one of the commissioners on Cayuse war claims, \$75,000.

Mr. Chairman, I am reluctant to consume the time of this committee upon any question. I never do so unless the interests of my constituency are involved. The amendment I propose concedes nothing more than a further appropriation, required in order to meet a liability assumed by Congress, by the original appropriation, and in which this sum appears now as a deficiency. I propose it in behalf of those who voluntarily turned out and performed military service in defense of the lives and property of the people of Oregon, for a period of from six to eight months, against the attacks and hostilities of the Cayuse Indians. The troops, for the expenses of whom this further appropriation is asked, subsisted themselves during the entire period of this war, and have never been paid for their services or their expenses remunerated, the appropriation having proved insufficient.

When it is remembered that the people of Oregon have never enjoyed the benefit of the protection afforded by troops stationed in the Territory, and that by some means or other it seems to have

become the settled policy of the Government to leave that country without any protection whatsoever—save that which may be afforded by the people themselves—I can imagine no reason why they should not at least be remunerated for the actual and necessary expenses incurred by them in the discharge of a duty which rightfully pertains to the General Government, but which, being there neglected, is performed by the people.

During the last summer, when Indian hostilities again occurred in the Rogue River valley, and the settlements were about being swept away and destroyed by the depredations of the Indians of that valley, Captain Alden, a gallant and brave gentleman, commanding a post in northern California, and within striking distance of the scene of trouble, came over, with his entire command at that time capable of service, which was but nine only, and by his prompt action with this handful of "regulars," aided by the gallant citizens of the Territory who volunteered to the service, succeeded in preserving the settlements of the valley from the destruction with which they were menaced by the savages of that country. In doing this we lost a number killed, and many more crippled for life. The wounded, however, of our service are not here soliciting pensions for their wounds. We defend ourselves, and ask pay only for the time we are engaged in the service, and for our subsistence while we are in the field in defense of the country, and in quelling the Indian disturbances.

I wish, Mr. Chairman, I had time to detail the cause and history of that Cayuse war. It will be recollected that the Indians attacked the settlement of Mr. Whitman, a missionary among them, and wantonly and barbarously murdered him, his wife, and others then residing at the station. To this wanton and unprovoked butchery is to be traced the cause and commencement of that war. That it was repressed without the sacrifice of our settlements in Oregon is to be attributed to the gallantry, self-denial, and courage of those for the payment of whose expenses this amendment is proposed.

Mr. Chairman, I have already submitted to this House a bill, now in the hands of the Committee on Military Affairs, making an appropriation for the payment of the expenses of the late war with the Rogue River Indians, to which I alluded a few moments since. The citizens, in that instance, were called out by Captain Alden for the suppression of the hostilities of those savages, and are, it seems to me, of course entitled to compensation for their services. Will the committee now determine that these appropriations shall not be made to pay the just and necessary expenses of the people of Oregon in defending themselves, their families, and their property from the attacks and hostilities of the Indians of the country, who are thus left unrestrained by a neglect and seeming indifference for which the people of Oregon are in no sense responsible? I trust not.

[Here the hammer fell.]

Mr. HAVEN. I wish to say to the committee, and to the gentleman from Oregon, also, that after this matter was up in committee yesterday a communication on the subject came from the proper Department, and was referred to the Committee of Ways and Means. That committee have looked into it to some extent. The communication is somewhat of a lengthy and involved character. And while it is the feeling of the Committee of Ways and Means—if I may be allowed to say as much as that of their action—to go any reasonable and rational length, I may properly say that I fully concur in what is reasonably claimed not only for Oregon but for any of the Territories. Yet the committee think that this appropriation ought to be delayed for the present. So far from there being any deficiency, the communication from the Department says that of the \$100,000 heretofore appropriated to pay the expenses of the war there is yet an unexpended balance of \$3,224 59. Still, justice to the Delegate from Oregon requires me to say, that, under the existing laws, that amount is not at present applicable to claims, for reasons which I could not take the time now to state without wearying the committee.

There have been five commissioners appointed by the Legislature and the Governor of Oregon, for the purpose of ascertaining the amount of these claims. The first commissioner, Mr. Skin-

ner, reported \$10,400, and Mr. Wait, the second commissioner, reported \$76,830, making \$87,230 in all. Some additional claims have been added by the Government, and when they have all been paid, there is the balance left which I have mentioned. Still, in fairness to Oregon, I must say that there have been three other commissioners, Messrs. Harding, Rice, and Terry, who have examined, or are engaged in examining those claims. The papers which the Department has sent to the Committee of Ways and Means, do not show that any report has yet come in from either of those three commissioners. Now, if it be true that there is a report showing the act of these commissioners, if it be any satisfaction to the Delegate from Oregon, I assure him that I am willing to make provision for it. For one, I am willing to say that, so far as I am concerned, he shall have my cordial support, if a report come in showing that these commissioners have acted, and that that action requires further appropriation. I will, at least, give him my feeble aid for the purpose of taking a proper care of these claims. Suffice it for this purpose to say that, as far as the Committee of Ways and Means are concerned, they were of the opinion that the thing was not in a position where it was proper for them in this deficiency bill to appropriate. When the regular bill comes up, and we have more information on the subject, it will be time enough to answer all the purposes of the Delegate from Oregon. I therefore hope that he will be satisfied with this explanation, and not press his claim further at this time.

Mr. LANE. I am unwilling to press anything which the committee think that I ought not to press. My demand is only for justice to the Territory which I have the honor to represent upon this floor.

In explanation, however, I beg to be allowed to read the communication from the last commissioner. My friend from New York has truly said that there have been five commissioners to examine and allow claims of persons on account of that war. He has given what has been reported by two of them. The books of the commission have been turned over by each commissioner to his successor. They show the amount of awards. The awards are not all here, and it is not necessary that they should be all filed in Washington city until an appropriation has been made to pay them. The communication to which I have referred is as follows:

OFFICE OF COMMISSIONERS. }
SALEM, OREGON, November 23, 1853. }

SIR: I have been quite busily engaged, for the past few days, in examining the books of the Cayuse war, in order to ascertain, as near as practicable, the whole cost of that war. I find, after said examination, that the whole cost of the Cayuse war will amount to one hundred and seventy-five thousand dollars, (\$175,000,) needing another appropriation of seventy-five thousand dollars (\$75,000) to cover the full expenses of said war.

Hoping that the appropriation will be speedily passed for the benefit of those concerned, I will ever remain your obedient servant,
CHESTER N. TERRY,
Commissioner on Cayuse War Claims.

Hon. JOSEPH LANE.

Now, sir, as exhibited in the books, the commissioner has allowed all the claims, and the awards were allowed as granted. And permit me to say here, that the comptroller, whom I regard as honest a man as there is in the world, has told me, over and over, that the awards made by the commissioner have been made in so strict and correct a manner that he had not found it his duty to refuse the payment of a single charge.

Now, Mr. Chairman, I wish to say that if the committee think I ought to withdraw the amendment I will do so with pleasure, for I never would ask anything which I did not think right.

The CHAIRMAN. The Chair desires to understand whether the gentleman from Oregon withdraws his amendment.

Mr. LANE. Mr. Chairman, some of my friends think it better that I should withdraw it; I am willing to do so, and leave the bill as it stands.

The amendment was therefore withdrawn.

Mr. WHEELER. I move that the committee do now rise, and report the bill, with the amendments adopted, to the House.

The question was put, and agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee [Mr. Seymour] took the floor to report—

Mr. FLORENCE, (interrupting.) Mr. Speaker, I submit that under the rule—I having addressed the Chair before the motion was made for the committee to rise and report the bill to the House—that it is not in order to make a final report, asking the sanction of the House to it, till the amendment is acted on.

The SPEAKER. That is an action which has reference to the committee, and not to the House. It is too late now to mention the matter.

Mr. SEYMOUR, Chairman of the committee, reported that the Committee of the Whole on the state of the Union had had under their consideration, according to order, House bill No. 49, and had directed him to report it to the House, with sundry amendments, and with the recommendation that the bill, as amended, do pass.

Mr. FLORENCE. I submit a privileged question.

The SPEAKER. The gentleman from Pennsylvania will state his proposition.

Mr. FLORENCE. If it is not a just one it may be decided in a moment. I do not desire to detain the House, but inasmuch as I have been deprived of my privilege, I now move to recommit the bill to the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Pennsylvania has not the floor at this time for any such proposition.

The SPEAKER then informed the House that the Chairman of the Committee of the Whole on the state of the Union had reported that the committee had had under consideration the deficiency bill, and had made sundry amendments, and recommended that the bill and amendments do pass.

Mr. HOUSTON. I move the previous question on the bill and amendments.

Mr. WASHBURN, of Illinois. I move that the House do now adjourn.

Mr. JONES, of Tennessee. I ask the gentleman to withdraw that motion, and let the previous question be seconded, and the main question ordered, and then renew his motion.

[Many voices, "That is right."]

Mr. WASHBURN. I withdraw the motion.

The previous question was then seconded, and the main question ordered to be put.

Mr. WASHBURN. I now move that the House adjourn.

The question was taken, and the motion was agreed to.

The House, accordingly, (at half past three o'clock,) adjourned until to-morrow.

IN SENATE.

THURSDAY, February 9, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. BROWN presented the petition of Mrs. Nannie Denman, widow of Lieutenant F. J. Denman, of the United States Army, praying a pension; which was referred to the Committee on Pensions.

Mr. CASS presented a memorial of citizens of the State of Pennsylvania, remonstrating against the ratification of a treaty whereby a reciprocal international copyright is proposed between this country and Great Britain; which was referred to the Committee on the Library.

Mr. BRIGHT presented the memorial of the heirs and representatives of Colonel George Gibson, praying five years' commutation pay; which was referred to the Committee on Revolutionary Claims.

Also, the memorial of George Mattingly, praying the United States to confirm his title to square four hundred and ninety-five, sold to him by mistake by the corporation of Washington; which was referred to the Committee for the District of Columbia.

Mr. BAYARD presented a petition, numerously signed by citizens of Delaware, remonstrating against the passage of any bill which will permit the introduction of slavery now or at any future time into any portion of the Territory of Nebraska; which was ordered to lie on the table.

Also, a memorial of citizens of the State of Delaware, praying a further appropriation for the completion of the piers at Reedy Island; which was referred to the Committee on Commerce.

Mr. JONES, of Iowa, presented the petition of Rebecca Bright, widow of Jacob Bright, praying a pension; which was referred to the Committee on Pensions.

Mr. PRATT presented documents in relation to the claim of the heirs of Major Andrew Leitch, deceased, praying interest upon seven years' half pay allowed under an act of 20th June, 1834; which was referred to the Committee on Revolutionary Claims.

Mr. SEWARD presented a document containing statistical information in relation to the line of mail steamers proposed to be established by Christian Hansen between Brooklyn, New York, and certain ports in Europe; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Also, a petition of Horatio Seymour, and other citizens of New York, praying that the bill to secure the rights of citizenship to children of citizens of the United States born abroad, may become a law in the form it which it passed the House of Representatives; which was ordered to lie on the table.

Also, the petition of Joseph Goyette, one of the descendants of John B. Laboute, a captain during the war of the Revolution, praying to be allowed bounty land and commutation pay; which was referred to the Committee on Revolutionary Claims.

Also, a petition of voters of Bergen and its vicinity, in the State of New York, remonstrating against the passage of the bill to organize the Territory of Nebraska; which was ordered to lie on the table.

Also, a petition of citizens of Clinton county, New York, praying the passage of a law to grant to the officers and soldiers of the Army of the United States, in the second war of independence, one hundred and sixty acres of land; or, if deceased, to their widows and heirs-at-law; which was referred to the Committee on Public Lands.

Also, a petition of citizens of New York, praying the prohibition of the sale of slaves for debts due the United States; which was ordered to lie on the table.

Mr. WADE presented the petition of Elizabeth Summers, widow of Cornelius Summers, who served in the last war with Great Britain as a substitute for one Gray, praying to be allowed bounty land; which was referred to the Committee on Public Lands.

Mr. BELL presented the petition of Thomas B. Eastland, late major and quartermaster in the Army in the war with Mexico, praying to be credited with an amount of money disallowed by the United States in the settlement of his accounts, and compensation for the performance of certain services not in the line of his duty; which was referred to the Committee on Military Affairs.

Also, the petition of John H. Thompson and others, composing a company of volunteers raised under a call by Major General Gaines, during the war with Mexico, praying to be allowed the pay due them; which was referred to the Committee on Claims.

Also, the petition of John H. Thompson, praying payment for provisions and provender furnished to a company of mounted men, raised for service in Mexico, under a call by Major General Gaines; which was referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. WALKER, from the Committee on Revolutionary Claims, reported a joint resolution explanatory of an act entitled "An act for the relief of Abigail Stafford;" which was read, and passed to a second reading.

Mr. CLAY, from the Committee of Claims, to which was referred the bill from the House of Representatives for the relief of Gray, McMurdo, & Co., reported it without amendment.

He also, from the same committee, to whom was referred the memorial of Benedict J. Heard, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading.

THE PACIFIC RAILROAD.

Mr. BRIGHT moved that 5,000 additional copies be printed of the report of the Secretary of War, communicating copies of all reports of the engineers and other persons employed to make explorations and surveys to ascertain the most prac-

ticable and economical route for a railroad from the Mississippi river to the Pacific ocean that have been received at that Department.

The motion was referred to the Committee on Printing.

HOUSE BILL REFERRED.

The bill from the House of Representatives, granting the right of way to the St. Louis and Iron Mountain Railroad Company, through the arsenal, magazine, and Jefferson barrack tracts, was read a first and second time by its title, and referred to the Committee on Military Affairs.

INDIGENT INSANE PERSONS.

Mr. FOOT. I desire to ask the indulgence of the Senate this morning to allow me to call up the bill making a grant of public lands to the several States and Territories of the Union for the benefit of indigent insane persons. I desire to remark that this bill was referred, at an early day of the session, to the Committee on Public Lands, and early reported by that committee, and it stands upon the general orders in advance of all other bills making appropriations of public lands. I should be entirely willing to allow it to be taken up in the order in which it stands on the Calendar, if the practice of the Senate would allow it to be reached in that order; but the practice, as our experience has taught us, is that bills standing in the rear of it are from day to day taken up, and made special orders in advance of it. I therefore desire to have this bill taken up at the present time.

I may remark, however, that if any Senator present shall express his determination or desire to discuss the bill, I will not ask the Senate to proceed with its consideration at this time. I do not desire to interpose this or any other question in the way of the consideration of the pending special order; neither do I desire that when this bill shall be taken up and presented to the consideration of the Senate, if it shall elicit discussion, that that discussion shall be interrupted, but that it may proceed until the action of the Senate be finally had upon the bill. Therefore, if any Senator shall express a desire to debate the measure, I will only move that it be made the special order for some early day, with the understanding that the Senate on that day, if it shall not be in the way of any other special order, will take it up, debate it, act upon it, and finally dispose of it.

The motion was agreed to, and the Senate proceeded, as in Committee of the Whole, to consider the bill.

Mr. ADAMS. I understood the Senator to say that if there were objections to the bill, he desired to fix a day for its consideration. With that understanding I did not object to taking it up, but for one, I never can consent to vest the title of lands in one State for any purpose in other States. An important principle is involved in the bill, and I shall certainly object to its passage.

Mr. FOOT. What I said, Mr. President, was, that if any Senator present desired to debate the bill, to occupy any time in the discussion of it, I would agree to make it the special order for some early day, and would not press its consideration at the present time; but if there be no objection, causing delay in the action of the Senate on the bill, I should desire to have a vote now.

The amendment to the bill, reported from the committee, in the form of a substitute for the whole bill, was read by the Secretary.

Mr. PETTIT. I propose to discuss the bill when it shall come up fully before us for action. I now desire to offer an amendment to it. I am not prepared, from the reading of the bill, to say in what section it should be inserted. It can, however, be inserted in the proper place. The object of the amendment is to confine the grant of lands to the States in which the public lands lie. It is as follows:

Provided, That all the grants of lands provided for by this act shall be confined to such States as have public lands in them equal to the amount hereby granted to such State.

Mr. FOOT. That amendment is, of course, entirely inconsistent with all the provisions of the bill. Inasmuch as the Senator from Indiana expresses his determination to discuss the bill, I will move, agreeably to the announcement with which I called it up, that its further consideration be postponed until Monday next, and made the special order for that day.

Several SENATORS objected to the day as being too early.

Mr. FOOT. I will modify the motion, and name Monday week.

The motion was agreed to.

FRENCH SPOILIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801.

Mr. HAMLIN. On comparing the printed bill, which was reported from the committee last year, with the engrossed bill as it passed, I find there are verbal amendments which I propose to make to this bill, so as to make it precisely like the bill which passed last year. I therefore propose to amend the first section by inserting after the word "assignment," in the proviso, the words "except gifts or donations," and to strike out the word "claimant" and insert "assignee," so that the proviso shall read:

Provided, also, That in all cases of transfer or assignment, except gifts or donations, no assignee shall be entitled to receive an amount beyond the consideration paid and interest thereon.

And also in the seventh section to strike out the words "twenty years from," and insert at the end of the section "upon twelve months' notice," so that the clause will read:

And such certificates of stock shall be redeemable at the pleasure of the United States, at any time after the date of the termination of said commission upon twelve months' notice.

The amendments were agreed to; the bill was reported to the Senate as amended, the amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

Mr. DODGE, of Iowa. That is the bill providing for the payment of French spoiliations committed prior to 1801, and in the language that the Senator from Georgia [Mr. DAWSON] employs, when he speaks of land bills, I desire to call the attention of the country, the people of the old as well as the new States, to the fact, that the Senate of the United States are now about to pass a bill which I believe would not have been read, but for the amendment which I offered. I think the Senator from Maine proposed to pass it through without reading, informing the Senate that it was the bill which had passed at a previous session.

Mr. WELLER. Appropriating only \$5,000,000.

Mr. DODGE, of Iowa. Only \$5,000,000, my friend from California says, were to be appropriated, without the bill being read. I know how vain any opposition is which I may attempt to make to a bill such as this, which has grown with its age and strengthened by every possible appliance. Suffice it then to say, that a bill which could not get a committee of men who lived at the day and generation when the obligations were incurred, to report it to the Senate of the United States; which could not get a corporal's guard to support it in the earlier history of the country, when the actors in the scenes out of which the claims grew were living, and upon whom the obligation rested to repay that country which acted so noble a part with us in our Revolution, and towards which I shall ever cherish the most kindly sympathies—now, since the jobbers, the men who crowd and fill up the aisles here around Congress, urge their claims, the bill can pass, pass without a struggle and without opposition; and yet let the homestead bill—let a bill which is for men, for muscle, sinew, and bone, upon the frontier, come up, or a bill which is to aid a State, and not take one dollar from the Treasury of the United States, and you will see how it will be fought to desperation by every sort of appliance that the rules will favor. This bill, vetoed by one President, rejected by all the men that lived in the days when the obligation was incurred, is now so powerful that it is to pass, and will pass triumphantly, unless it should meet with a presidential veto, or a defeat in the other branch of Congress.

Mr. HAMLIN. I desire only to correct one mistake which the Senator from Iowa has made. He says that when these claims had their origin in the history of the country there were found none to give them a favorable report.

Mr. DODGE, of Iowa. A bill, I said.

Mr. HAMLIN. Why the Senator is wholly and totally mistaken. The very year succeeding

the settlement of these claims, when our Government appropriated them to pay their own debts, a report on the bill was made to Congress, and every Congress from that day to this has followed it up.

Mr. PRATT. There is one other observation made by my friend from Iowa in which I think he is mistaken. He says that the owners of the claims embraced in this bill, are now stock-jobbers who crowd the lobbies of your Senate Chamber, and that therefore the bill will pass without any opposition; but when the homestead bill is brought up it will be fought and opposed on every side of this Chamber. Now the distinction between these two bills, in my apprehension, is this: that the bill now before us is to pay your own citizens a debt which was honestly due from your Government to them; while the bill to which the Senator refers is only a premium offered to the immigration of foreigners to this country. That is the distinction which I see between the two bills. I think the bill before us, which is for the payment to your own citizens of an honest debt which has been delayed for years and years, ought to pass. The Senator says it has not even been read; it has been read; it has been read in this Chamber year after year, and it has been passed whenever brought to a vote here, under every state of political parties in the Senate. It has always passed the Senate; and whenever a vote has been given in the other branch of Congress, it has always passed there.

Mr. President, I thought the allusion to the homestead bill, in this connection, on the part of my friend from Iowa, was unkind towards those citizens, at any rate; I speak of those from my own State, which I represent here. They are not besieging the Senate or any one here, in reference to their claims; they are honest citizens of Maryland, who were owners of the vessels, and the debt is honestly due from this Government, because it has received from the French Government a *quid pro quo*. Therefore, I do think that my friend from Iowa is unkind in characterizing them as he has done.

Mr. DODGE, of Iowa. It was the least of my design to be unkind to anybody, and certainly not to the Senators from Maine and Maryland; but I declare before God and man that with all my reading on the subject—and I admit that it is not a very great deal, but I have read numerous speeches in relation to it, and I have heard one from the honorable Senator from Virginia, not now in his seat, and from the late Senator from Missouri—I believe the claim has no foundation whatever in justice. And, although my friend states bills have passed, I ask him if a bill ever passed the two Houses of Congress before 1846? From 1800, then, to 1846, these claims were before Congress, and petitioned for, but a bill never was passed, I believe, before 1846.

Mr. HAMLIN. Oh, no.

Mr. DODGE, of Iowa. It passed the Senate, but never, until 1846, did Congress pass it, and then it was after a violent struggle. Now it passes almost unanimously; and I now refer to that which I believe to be the case; and I neither wish to misrepresent, nor do any injustice to any one of the claimants, or anybody else. I understand, though, that those interested—the purchasers of these old claims—have put on foot, among other appliances, one of sending out agents to the capitals of different States, and getting up grand champagne parties, with a view to get instructions through the different State Legislatures, and that there are high-minded, honorable Senators here now upon this floor who vote for the bill because of the instructions which are thus gotten up in different parts of the country. I have heard that in relation to it. Sir, the claims are strengthening, and I believe will continue to strengthen. There was a tremendous struggle to pass them before; but they pass now almost without objection.

Mr. PRATT. I desire to ask one question of the Senator from Iowa—whether a vote in either branch of Congress has ever been taken upon this bill, in which it has not passed by a decided majority? I can answer that no such vote has ever been taken.

Mr. PETTIT. Mr. President, as I propose to vote for this bill, I will briefly state to the Senate my reasons for that vote. I may be misinformed as to the historical facts of the case; but if I am not, I can conceive of no bill which commends

itself with greater force of justice to the Senate and the country than this.

I will say to the Senator from Iowa that I will not, however, oppose his homestead bill, but will endeavor to be a co-laborer in that great measure. There will, therefore, be one Senator in the body who will vote for both these measures, believing them not to be incompatible, but to be demanded by the highest considerations of public and private benefit.

Mr. President, if I understand the history of the matter, it is briefly this, without reference to dates particularly: During the revolutionary war we were weak and needed assistance. We at that time applied to the powerful monarch of France to become our ally. We made with France a treaty offensive and defensive. We stipulated that she should furnish us with money and men to aid us in our struggle, and we stipulated to return a like equivalent to her. We agreed, also, to protect her in the continued and perpetual possession of her West India islands. Our war ceased, and came to a final, glorious, and advantageous termination, not more by the prowess of our own ancestors than by the assistance of the French Government. As I said, we made an alliance, offensive and defensive, with France, and we stipulated to defend her against her enemies, and particularly against Great Britain, and especially to protect her in the continuance of the possession of her West India islands. Our difficulty passed away. Hers came on, and she in vain appealed to our Government to come forward and render that service which we had stipulated to render in return for what she had done for us. We failed to render her any assistance. The condition of our country was such that we could not do it. We had neither the men, nor the money, nor the navy, to carry out our stipulation with her. We had, therefore, like a bankrupt creditor, to say, "You have got our bond, but we cannot perform its conditions." Such I understand to have been precisely the condition of things.

France, then, incensed by our unwillingness or inability; unwillingness, as she called it, for her magnanimity would probably have induced her to pardon us if we had been able to show her clearly that we were unable to perform it, and she would have been an indulgent creditor; but believing that we were perfidiously and meanly refusing to perform our part of the contract, for which we had received a valuable consideration, she authorized, indirectly, if not directly, her cruisers, her privateers, and men-of-war, to commit depredations on our commerce. They did commit innumerable depredations upon our commerce, against which we protested. But when we protested, they said, in substance, in return, "You are a perfidious nation; you are justly liable to these reprisals; you have not performed your engagements with us, and we are now driven to the extremity of war, when you, our ally, to whom, in times gone by, we rendered good service, and liberated you from the bondage of Great Britain, now refuse to perform your part, and we will seek our indemnity and redress in what way we can."

These spoiliations took place upon our merchant commerce, and were carried on for years and years. Then we applied to France, as it was our business, and our duty to do; for I hold that it is the duty of every Government to apply for redress for any injury or wrong done its citizens in the lawful pursuit of commerce at home or abroad. When peace was again restored, we said to France, "here is our bill of particulars; you have captured, seized, and destroyed when we were at peace with you and all Europe, vessel A, and vessel B, with their cargoes, and they have been condemned; we therefore demand of you an indemnity for these acts."

France substantially said, she did not pretend to deny that the stipulations were true, but that she did not know the citizens, and only the Government of the United States; she had nothing to do with the citizens, but only the Government of this country. And she said to the Government, "we have a set-off against you; here is your bond, in which you stipulated to return us services for those which we rendered to you; you stipulated to defend our West India possessions, but you have not done so; and we have lost them in consequence of your failure to perform that stipulation; we will therefore not pay your citizens; we were justified in these acts; they were the only

means which we had of getting redress for the non-performance of your pledged faith."

After various attempts at negotiation, after the matter had been talked over at Paris and at Washington, repeatedly, and again and again brought to the consideration of the two Governments, it was finally settled that these claims should be mutually merged, that they should be mutually abandoned—that France, in consideration of our abandoning and releasing her from her liability to our citizens for these spoliation committed against the laws of war, and in consideration of our no longer importuning her to pay for them, would release us from the non-performance of our engagements entered into in our treaty with her during the revolutionary war, for mutual defense and protection. That, I understand, is the case precisely.

I voted for this bill years ago in the other House. I then gave it a more thorough examination than I have now given it. What I have now stated is from general recollection, having no documents or particular dates before me; but the substance of my remarks will be found to be literally true, and to comport entirely with history.

Now, sir, in what condition does this place us, is the next question? We, as the sovereigns of the individuals of this country, or as their guardians, if you prefer that term, have appropriated the debts due our wards, the people of the United States, to liquidate our own debts. That is as good an illustration as I can give of it. A guardian is indebted to A, and A is indebted to the ward. The guardian goes to A, and tells him, "Sir, you owe money to my ward." That is precisely what we told France: "You owe our citizens, whose interests we are bound to protect." In the case which I have put, the guardian says to A, "I demand that you shall pay this bond in favor of my ward, or that you shall pay him for the trespass you have committed, or the violation of his rights." A says, "I will not do it; you are the guardian, it is true; but here is your bond, and according to it you owe me so much. Now, why not settle this matter with me, and go back to your own house and settle with your ward as you can? You owe this amount, and more. Then cancel this debt, receipt to me for what I owe your ward, and I will receipt to you for what you owe me, and then you may go and settle with your ward as you please."

Well, sir, it is not only mutually stipulated so to do, but it is actually carried out and is done. The guardian gives A. full receipt and discharge; that is nothing more nor less than your release of the debt, and nothing more nor less than you have done by your treaty with France. You have exonerated, absolved, and discharged, and released France from these liabilities long and long ago, more than half a century ago—so long, that those to whom the debts were first due, and justly due, as I hold, have long since, almost without exception, been swept from the face of earth and gone to their long homes, leaving heirs to wrangle with Congress and the Government for their just dues.

Well, sir, the debt is released; the guardian releases A, and takes a receipt in return for what is due from him. In what condition in law, in equity, and, much more, in morals, does it place the guardian? I ask you, if he can go home to his ward and tell him, "Sir, true I have released this bond, as I had the power to do, and discharged your debtor A, but I will not pay you myself." Sir, in your private life would not such a man be scorned and hooted from any community? I feel precisely in that situation here. While I am clothed with authority or power anywhere for the public interest, I will, at least, be as honest in the service of those who sent me here as I would feel that honor and honesty required me to be in individual transactions. Sir, I desire to represent, and will represent, no constituency who would not allow me to say, "take as much money from our pockets as shall be necessary honorably to discharge our public engagements."

It is suggested that it is one o'clock, the time for the special order, and if it is desirable to go on with that business I will give way now, and resume my remarks hereafter. I had desired to say something further, but I give way.

On motion by Mr. HAMLIN, the further consideration of the bill was postponed to, and made the order of the day for half past twelve o'clock, to-morrow.

CHARLES GORDON.

Mr. CLAYTON. I am instructed, by the Committee on Public Lands, to ask to be discharged from the further consideration of the petition of Charles Gordon, and that it be referred to the Committee of Claims. I will say, that the documents in the case made a favorable impression on the minds of the members of the committee as to the justice of the claim; but as it was thought that the jurisdiction of the subject belonged to the Committee of Claims, and as there was some testimony wanting, it was resolved that the Senate should be asked to discharge the Committee on Public Lands, and to refer the memorial to the Committee of Claims.

It was so ordered.

BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bill and resolution; which had previously received the signature of the Speaker of the House:

"An act to regulate the disbursement of the contingent fund of the Senate, and for other purposes."

"A resolution authorizing an increase of the force employed in the office of the Superintendent of the Public Printing."

NEBRASKA TERRITORY.

The Senate resumed the consideration of the bill to establish a Territorial Government in Nebraska.

Mr. SMITH proceeded to address the Senate, and when he had spoken an hour and a half,

Mr. SEWARD. It is apparent to the Senator that he cannot conclude his remarks to-day. I beg leave, therefore, with his consent, to submit the motion that the further consideration of the subject be postponed until to-morrow.

Mr. SMITH. I did desire to finish my remarks to-day, but I see that I cannot possibly do it.

Mr. SEWARD. I move to postpone the further consideration of the bill until to-morrow.

Mr. WELLER. I shall have to object to that arrangement. There are a good many Senators here—perhaps myself among the number—who desire to speak upon this question; but if we go on, allowing the Senate to adjourn upon a speech of an hour and a half each day, it will be utterly impossible to arrive at a decision of the question for many weeks to come. Now, if the Senator will proceed with his remarks until the usual hour of adjournment of the Senate, I shall have no objection, if he should not have got through with his remarks then, to a postponement until to-morrow. But I do not see that the Senator is greatly exhausted by his remarks this morning; and I would prefer still more of the dose to-day, that I may have the less to take to-morrow. Therefore it is that I am not willing to agree to the motion.

Mr. SMITH. I do not choose, after the remarks of the Senator from California, who suggests that I should go on until the usual hour of adjournment—

Mr. WELLER. Mr. President—

Mr. SMITH. I do not yield the floor. The gentleman says, he wants to get as much of the dose to-day as possible, so that he may have as little as possible to-morrow. That is a remark made by a Senator of the United States, and in the presence of the whole American Senate. It is an eminently characteristic remark. That is all I have to say about it. I am perfectly willing that the honorable Senator shall display himself—

Mr. WELLER. If the Senator will allow me—

Mr. SMITH. He may make such displays as he pleases. I have nothing in reserve but silent contempt for such conduct.

Mr. WELLER. If the Senate will indulge me, I said nothing, in my judgment, calculated to give offense to the Senator. I may say, I did not intend it. I did not say whether the dose was palatable or unpalatable. I desired to have as much of it to-day as possible, if the Senator would allow it, in order that we might have the less of it to-morrow. I do not know what I have said that should have provoked the indignation of the Senator from Connecticut. He well knows, of course, the opinion I entertain of him. I have never regarded him as a gentleman, and, as a matter of

course, I would not have intruded myself at this time upon the Senate for the purpose of offending him. I am sure such was not intended. The relations which we have heretofore sustained were well understood by the Senate. It is a matter of no sort of importance to me whether the Senator regards me with contempt or not. All that I desired, in the remark which I made, was to hasten the determination of this question. I made that in good faith, because I desired to bring it to a vote in the Senate at the very earliest day I could obtain.

Now, so far as the language of the Senator is concerned, I have no reply to make to it. At the previous Congress, I was compelled from public consideration to give my opinion of him. That was heard by the Senate. I have no disposition to repeat it now. I cherish no unkind feelings to him. He took occasion, some years ago, when I was commissioner upon the boundary survey between the United States and the Republic of Mexico, to make unfounded charges against me. When I came here as a Senator from that glorious State upon the Pacific, I took occasion to demonstrate that the charges against me were false and unfounded. He had not the manliness then to say that he had fallen into an error. He made no explanation. He neither attempted to justify nor to explain himself. I was then compelled to make use of language that I had trusted I never would be compelled to make use of in the American Senate. In what I said to-day, I intended no offense to him, nor to any other Senator; for when I desire to insult, those who know me know that I am not in the habit of using equivocal language. Such was not my design to-day.

I ought perhaps to apologize to the Senate—to the Senator I shall not—for the very innocent manner in which I have been drawn into this personal discussion here to-day. If I said anything, therefore, at the outset, which was calculated to wound the feelings of any Senator, I cheerfully withdraw it. But my opinion of the Senator from Connecticut, as a matter of course, remains unchanged.

Mr. SMITH. The remarks which the Senator has now made are not of such a nature as to lead me to change the feeling with which I look upon them. What he has said has very little to do with the question before us, and it is not necessary for me to make any further reply to his remarks.

The PRESIDING OFFICER, (Mr. SHIELDS in the chair.) Is the motion to postpone withdrawn?

Mr. SEWARD. No, sir.

The PRESIDING OFFICER. It is moved that the further consideration of the subject be postponed until to-morrow.

Mr. PRATT. I think it would be better to postpone it until Saturday,—that will probably suit the Senator as well. To-morrow is private bill day. Last Friday private bills were postponed at one o'clock for the purpose of considering this subject. I hope that will not be done to-morrow.

Mr. SMITH. I would inquire whether, if the subject be postponed until to-morrow, it being private bill day, it would not necessarily go over until Saturday?

Mr. PRATT. Not if the Senate fix upon to-morrow. Would it not suit the Senator as well to conclude his speech on Saturday?

Mr. SMITH. I am perfectly willing to do so.

Mr. PRATT. The Senator will have a better opportunity of arranging his remarks, by a postponement until Saturday. I hope the sense of the Senate will be taken upon so postponing it.

Mr. SEWARD. If it is more agreeable to the honorable Senator and the Senate, I will modify my motion to postpone until Saturday.

Mr. MALLORY. I would ask whether, if we postpone this subject until to-morrow, we could not have the entire morning hour for private bills?

Mr. BADGER. Certainly.

Mr. MALLORY. Then I suggest that we should not postpone it until Saturday, but until to-morrow, at one o'clock.

Mr. PRATT. To-morrow is the day upon which private bills cannot be arrested by the objection of one individual. I understand that the Senator from Delaware [Mr. BAYARD] intends to discuss at large the policy of a class of bills which have been reported from the committee of which I have the honor to be a member. It will not be

competent for us to decide upon these bills in the morning hour. I therefore think that the subject had better be postponed until Saturday, when the Senator from Connecticut can conclude his speech, so that we may have the whole of to-morrow for the consideration of private bills.

The PRESIDING OFFICER put the question on the postponement until Saturday, and declared that it appeared to be carried.

Mr. DOUGLAS. I shall have to appeal to the friends of the measure and to the indulgence of the Senate not to postpone the bill for a longer period than to-morrow.

Mr. BRIGHT. I presume the Senate will hardly sit on Saturday. I take it that there is not a Senator present but would prefer to give the Senator from Connecticut an opportunity of finishing his speech to-morrow, and to dispense with the consideration of private bills. I therefore move that the further consideration of the subject be postponed until to-morrow, at one o'clock. I think that will meet with the approbation of the Senator. There is no rule for the Senate adjourning over Saturday, but it is our custom.

Mr. PRATT. I suppose the question will be put on the longest period first.

Mr. SEWARD. I withdraw the motion to postpone until Saturday.

The PRESIDING OFFICER. The question will be on postponing the further consideration of the bill until to-morrow.

Mr. PRATT. I move to amend, by substituting Saturday.

The PRESIDING OFFICER. The question is first on postponing until to-morrow.

Mr. PRATT. I have renewed the motion to postpone until Saturday, and, according to parliamentary rule, as I understand it, the question must first be taken on the longest period.

Mr. BADGER. I think my friend from Maryland is mistaken. The privileged motions when there is a question before the Senate, among others, are, to postpone until a time certain, and to postpone indefinitely; but these motions are not amendable. If a motion is made to postpone indefinitely, an amendment cannot be offered to strike out "indefinitely" and put in "to-morrow," they are specific privileged motions; and a motion being made to postpone until to-morrow, it must be put to postpone until to-morrow.

The motion to postpone until to-morrow was agreed to.

EXECUTIVE SESSION.

On the motion of Mr. BRIGHT, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 9, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the War Department, transmitting, in compliance with a resolution of the House of Representatives of the 30th ultimo, a report from the Chief of the Topographical Engineers, with such plans and estimates as were in the War Department, for the removal of obstructions at Colbert Shoals, in the Tennessee river.

Mr. HOUSTON. That is a communication in response to a resolution which I had the honor to offer. I move that it be referred to the Committee on Commerce, and be printed.

The question was put, and the motion agreed to.

GUANO TRADE.

Mr. FRANKLIN. I hold in my hand resolutions passed by the Legislature of the State of Maryland in regard to the present monopoly in the sale of guano. I ask leave to present the same to the House, and move that they be referred to the Committee on Agriculture, and be printed.

No objection being made, the resolutions were introduced and referred, as above indicated.

ORDER OF BUSINESS.

The SPEAKER. On yesterday the gentleman from Pennsylvania [Mr. FLORENCE] moved to reconsider the vote by which the House agreed to a certain amendment of the Senate to House bill (No. 50) "making appropriations for the payment

of invalid and other pensions of the United States for the year ending June 30, 1854." The Clerk will report the amendment.

Mr. ROBBINS. Will it be in order to postpone the consideration of this subject until my colleague, [Mr. FLORENCE,] who made the motion to reconsider, shall come into the House? I perceive he is not in his seat.

The SPEAKER. That can be done by unanimous consent. The Chair hears no objection, and the House will proceed to the next business in order.

DEFICIENCY BILL.

The SPEAKER. The business in order is the consideration of House bill (No. 49) "to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854," upon which the main question has been ordered. The Committee of the Whole on the state of the Union yesterday reported the following amendments, which will be read by the Clerk.

Mr. HOUSTON. There are a good many amendments to that bill, and I suppose it will be the better way, if the House will agree thereto, to read over the amendments, and if any member desires a separate vote upon any of them, let him indicate that wish, as the reading progresses. To such as are not objected to one vote can be taken upon the whole.

The SPEAKER. That is the usual and convenient mode of proceeding, and if not objected to, that course will be pursued.

The Chair hears no objection. Should any gentleman desire a separate vote, he will indicate it as the reading proceeds.

The Clerk then read the following amendments, to which no objection was made:

First amendment:

In line 33 strike out "For outfit of a commissioner to reside in China, \$9,000."

Second amendment:

In the following clause—
"For the usual return allowance for Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, Peru, and Chili, \$30,250"—

Strike out the word "Peru" and "\$30,250" and insert in lieu thereof "\$18,000."

Third amendment:

In the following clause—
"For the usual return allowance of chargé d'affaires, as Ministers resident to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, New Granada, Venezuela, Buenos Ayres, Bolivia, Guatemala, Ecuador, and Nicaragua, \$18,000"—

Strike out the word "Guatemala," and also "\$18,000," and, in lieu of the latter, insert "\$15,750."

Fourth amendment:

Add to the clause "For outfits of chargé d'affaires, \$2,439 02" the words "for outfit of chargé d'affaires to Austria, \$4,500."

Fifth amendment:

In the following clause—
"For the employment of workmen, materials, and other expenses necessary to put the Branch Mint at San Francisco, California, in operation, \$40,000"—

Add these words:
"To purchase a site for a custom-house at Providence, Rhode Island, \$40,000: *Provided*, That the entire cost of said site and building thereon shall not, in any event, exceed the sum of \$74,000."

"To complete the public buildings in New Mexico \$50,000."

Sixth amendment:

Insert "For the completion of the custom-house at Cincinnati, \$40,000."

Mr. LETCHER. I ask for a separate vote on that amendment.

Seventh amendment:

Insert "For the completion of the custom-house at Louisville, Kentucky, \$40,000."

Pending the reading of the last amendment, Mr. PRESTON said, I rise to a question of order. Is it the will of any member of the House to demand a separate vote upon each amendment relating to custom-houses?

The SPEAKER. By the unanimous consent of the House it was ordered, that the amendments should be read as a whole, and any gentleman desiring a separate vote upon any one proposition should signify the fact—the object being to have a vote taken at once upon all those to which no objection may be made.

Mr. PRESTON. The question I ask is whether it is competent for any gentleman to demand a separate vote upon each case?

The SPEAKER. It is competent for any gentleman to demand a separate vote upon any of the amendments which have not been read.

Mr. DRUM. I demand a separate vote upon each case.

The Clerk then proceeded to finish the reading of the amendments.

The SPEAKER. The question now is upon agreeing to the amendments to which no objection has been made.

The question was then taken; and the amendments not objected to were agreed to.

The SPEAKER. The question will be on the adoption of the following amendment:

"For continuing and completing the custom-house at Cincinnati, Ohio, \$40,000."

Mr. ORR demanded the yeas and nays.

The yeas and nays were ordered; and the question being taken, was decided in the affirmative—yeas 84, nays 65; as follows:

YEAS—Messrs. Ball, Benson, Benton, Bissell, Bliss, Breckinridge, Bugg, Campbell, Caruthers, Chandler, Clark, Cook, Corwin, Cox, Crocker, John G. Davis, De Witt, Dickinson, Disney, Dunbar, Eastman, Edmunds, Ellison, English, Everhart, Farley, Flagler, Florence, Fuller, Giddings, Green, Greenwood, Aaron Harlan, Harrison, Hendricks, Henn, Hiester, Hill, Hunt, Johnson, Kerr, Knox, Lane, Latham, Lindsey, Macdonald, Mace, Macy, Matton, Middlewarth, John G. Miller, Morgan, Norton, Mordecai Oliver, Pennington, Phillips, Preston, Pringle, Puryear, Richardson, Riddle, David Ritchie, Thomas Ritchey, Russell, Sapp, Shannon, Simmons, Gerrit Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, John L. Taylor, Thurston, Tracy, Upham, Vail, Vansant, Wade, Elihu B. Washburn, Israel Washburn, Wells, and Zollieffer—84.

NAYS—Messrs. James C. Allen, Willis Allen, Ashe, Barksdale, Barry, Boccock, Carpenter, Chastain, Chrisman, Clingman, Cobb, Colquitt, Curtis, Dawson, Dent, Dowdell, Drum, Dunham, Fenton, Franklin, Goode, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hibbard, Hilyer, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Kurtz, Lamb, Letcher, Lilly, McNair, McQueen, Millson, Morrison, Murray, Andrew Oliver, Orr, Peckham, Bishop Perkins, John Perkins, Pratt, Ready, Reese, Robbins, Rufin, Sage, Seymour, Shaw, Samuel A. Smith, George W. Smyth, Stratton, Trott, Walker, Walsh, Wheeler, Witte, and Hendrick B. Wright—65.

So the amendment was concurred in by the House.

Mr. PRESTON. I move to reconsider the vote last taken, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

The question being on the following amendment:

"For completing the custom-house at Louisville, Kentucky, \$40,000"—

Mr. HAMILTON demanded the yeas and nays; which were ordered.

[A message was here received from the Senate, by ASBURY DICKENS, its Secretary, informing the House of the passage by that body of bills of the following titles:

Senate bill (No. 84) "making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa railroad, from the Grand Rapids to the Straits of Mackinaw; and a railroad from Pontiac, via Pierre Marquette river, Manitowoc and Ontonagon river, to Kewanna Point, with a branch to the vicinity of Camp river, upon Lake Superior."

Senate bill (No. 7) "making a grant of land to the State of Louisiana, to aid in the construction of a certain railroad in said State."

The question being taken on the seventh amendment, it was decided in the affirmative—yeas 81, nays 77; as follows:

YEAS—Messrs. Ball, Benson, Benton, Bliss, Breckinridge, Bugg, Campbell, Caruthers, Caskie, Chandler, Chase, Clark, Cook, Corwin, Cox, Crocker, Thomas Davis, De Witt, Dickinson, Disney, Dunbar, Eastman, Edmunds, Ellison, Everhart, Farley, Flagler, Florence, Fuller, Giddings, Green, Greenwood, Aaron Harlan, Harrison, Henn, Hiester, Hill, Hunt, Johnson, Kerr, Knox, Latham, Lindsey, Macdonald, Mace, Macy, Maxwell, Meacham, Middlewarth, John G. Miller, Smith Miller, Norton, Mordecai Oliver, Pennington, Phillips, Preston, Pringle, Puryear, Richardson, Riddle, David Ritchie, Thomas Ritchey, Rogers, Russell, Sapp, Shannon, Simmons, Gerrit Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Thurston, Tracy, Upham, Wade, Elihu B. Washburn, Israel Washburn, Wells, and Zollieffer—81.

NAYS—Messrs. James C. Allen, Willis Allen, Thomas H. Bayly, Barksdale, Barry, Belcher, Bissell, Carpenter, Clingman, Cobb, Craig, Curtis, John G. Davis, Dawson, Dent, Dowdell, Drum, Dunham, Eddy, Edgerton, Faulkner, Fenton, Franklin, Goode, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hendricks, Hibbard, Hilyer, Houston, Hughes, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Kurtz, Lamb, Lane, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Millson, Morrison, Murray, Nichols, Andrew Oliver, Orr, Peckham, John Perkins, Ready, Reese, Robbins, Rufin, Sabin, Shaw, Skelton, Samuel A. Smith,

William Smith, George W. Smyth, Stratton, Andrew Stuart, Trout, Vail, Vansant, Walker, Walsh, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—77.

So the amendment was concurred in by the House.

Mr. PRESTON. I move to reconsider the vote last taken, and to lay the motion to reconsider upon the table.

Mr. CRAIG. Upon the motion to lay upon the table, I demand the yeas and nays.

The yeas and nays were not ordered, only twenty-four members having voted therefor.

The question was taken; and the motion to reconsider was laid upon the table.

Upon the following amendment:

"To complete the custom-house at Bath, Maine, \$20,000."

Mr. WALSH demanded the yeas and nays.

The yeas and nays were ordered; and the question being taken, was decided in the affirmative—yeas 86, nays 74; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Bennett, Benson, Benton, Breckinridge, Bugg, Campbell, Carpenter, Caruthers, Caskey, Chandler, Chase, Clark, Cook, Corwin, Cox, Crocker, Thomas Davis, De Witt, Dickinson, Disney, Dunbar, Eastman, Edmonds, Everhart, Farley, Flagler, Florence, Fuller, Giddings, Greenwood, Aaron Harlan, Harrison, Henn, Hiestler, Hill, Hughes, Hunt, Kerr, Kidwell, Knox, Latham, Lindsley, Macdonald, Mace, Macy, Maxwell, Meacham, Middleswarth, John G. Miller, Smith Miller, Morgan, Norton, Mordecai Oliver, Pennington, Phillips, Preston, Pringle, Puryear, Reese, Richardson, Riddle, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sapp, Shannon, Simmons, Gerrit Smith, Richard A. Stanton, Hester L. Stevens, John L. Taylor, Thurston, Tracy, Upham, Vail, Wade, Walker, Ellihu B. Washburne, Israel Washburn, Wells, and Zollicoffer—86.

NAYS—Messrs. Ashe, James C. Allen, Willis Allen, Barksdale, Barry, Bissell, Chastain, Chrisman, Clingman, Cobb, Colquitt, Craig, John G. Davis, Dawson, Dent, Dowdell, Dunham, Eddy, Edgerton, Edmundson, Ellison, English, Faulkner, Fenton, Franklin, Goode, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hastings, Haven, Hendricks, Hibbard, Hillyer, Houston, Daniel T. Jones, George W. Jones, Kittredge, Kurtz, Lane, Leitcher, Lilly, McCulloch, McNair, McQueen, Millson, Morrison, Murray, Nichols, Andrew Oliver, Orr, Peckham, Bishop Perkins, John Perkins, Phelps, Pratt, Ready, Robbins, Ruffin, Shaw, Skelton, Samuel A. Smith, George W. Smyth, Snodgrass, Stratton, Andrew Stuart, Trout, Vansant, Walsh, Wheeler, Witte, and Daniel B. Wright—74.

So the amendment was concurred in by the House.

Mr. BENSON. I move to reconsider the vote last taken, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

The ninth amendment was next read, considered, and agreed to:

"To complete the whole works in and about the custom-house at Bangor, Maine, \$20,000."

Mr. WASHBURN, of Maine. I move that the vote last taken be reconsidered, and that the motion to reconsider be laid upon the table.

The question was put, and the latter motion was agreed to.

The tenth amendment was next read, as follows:

"For the completion of the custom house at St. Louis, Missouri, \$100,000."

Mr. PERKINS, of Louisiana, demanded the yeas and nays on the adoption of the amendment, which were ordered.

The question was taken, and decided in the affirmative—yeas 84, nays 74; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Benson, Benton, Breckinridge, Bugg, Campbell, Caruthers, Caskey, Chamberlain, Chandler, Chase, Clark, Corwin, Cox, Crocker, Thomas Davis, De Witt, Dickinson, Disney, Dunbar, Eastman, Edmonds, Ellison, Edgerton, Ewing, Farley, Flagler, Florence, Fuller, Giddings, Goodrich, Green, Greenwood, Aaron Harlan, Harrison, Henn, Hiestler, Hill, Hughes, Hunt, Johnson, Kerr, Kidwell, Knox, Lindsley, Macdonald, Mace, Macy, Middleswarth, John G. Miller, Smith Miller, Noble, Mordecai Oliver, Pennington, Phelps, Phillips, Preston, Pringle, Puryear, Richardson, Riddle, David Ritchie, Rogers, Russell, Sabin, Sapp, Shannon, Simmons, Gerrit Smith, Richard A. Stanton, Hester L. Stevens, Andrew Stuart, John L. Taylor, Thurston, Tracy, Upham, Wade, Walker, Ellihu B. Washburne, Israel Washburn, Wells, and Zollicoffer—84.

NAYS—Messrs. James C. Allen, Willis Allen, Appleton, Ashe, Barksdale, Barry, Bennett, Bissell, Brooks, Carpenter, Chastain, Clingman, Cobb, Colquitt, Craig, John G. Davis, Dawson, Dent, Dowdell, Drun, Dunham, Eddy, Edgerton, Edmundson, Faulkner, Fenton, Goode, Grow, Hamilton, Hastings, Havens, Hendricks, Hibbard, Hillyer, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Kurtz, Lane, Leitcher, Lilly, McCulloch, McNair, McQueen, Millson, Morrison, Murray, Nichols, Andrew Oliver, Orr, Peckham, Bishop Perkins, John Perkins, Pratt, Ready, Reese, Thomas Ritchey, Robbins, Ruffin, Shaw, Skelton, William Smith, George W. Smyth, Snodgrass, Stratton, Trout, Vail, Vansant, Walsh, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—74.

So the amendment was agreed to.

Mr. MILLER, of Missouri. I move that the vote last taken be reconsidered, and that the motion to reconsider be laid upon the table.

The question was put, and the latter motion was agreed to.

[A message was here received from the President of the United States, by SIDNEY WEBSTER, his Private Secretary, informing the House that he did, on the 8th instant, approve and sign a bill of the following title:

House bill (No. 198) "giving further time for satisfying claims for bounty lands, and for other purposes."]

The eleventh amendment was read, as follows:

"For completing, in a fire proof manner, the custom-house at Wilmington, Delaware, \$12,000."

Mr. JONES, of Tennessee. Is this the last of these custom-house amendments?

The SPEAKER. The Chair understands there are one or two others.

Mr. JONES. I would suggest that the others be read, and all included in one vote.

Several MEMBERS. Oh, no.

Mr. JONES. We certainly have had votes enough to test the sense of the House upon these amendments; and it is but a waste of time to take separate votes upon the other amendments.

The SPEAKER. The suggestion of the gentleman can only be followed by unanimous consent.

Mr. WALSH. I object.

The SPEAKER. Then separate votes must be taken upon every amendment.

Mr. LILLY. I demand the yeas and nays upon concurring in the pending amendment.

The yeas and nays were not ordered.

The question was then taken, and the amendment agreed to.

Mr. RIDDLE. I move to reconsider the vote last taken, and to lay the motion to reconsider upon the table.

The question was taken, and the latter motion was agreed to.

The twelfth amendment was read, as follows:

"For the completion of the custom-house at Mobile, Alabama, \$64,900."

Mr. HENDRICKS demanded the yeas and nays on concurring in the amendment; which were ordered.

The question being taken, it was decided in the affirmative—yeas 82, nays 77; as follows:

YEAS—Messrs. Barksdale, Benson, Benton, Boyce, Breckinridge, Bugg, Campbell, Caskey, Chandler, Clark, Clingman, Cook, Corwin, Cox, Crocker, Cunningham, Thos. Davis, De Witt, Disney, Dunbar, Eastman, Edmonds, English, Farley, Flagler, Florence, Fuller, Giddings, Goodrich, Green, Greenwood, Grey, Aaron Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Henn, Hill, Hunt, Latham, Lindsley, Lindsley, Macdonald, Mace, Macy, Maxwell, Middleswarth, John G. Miller, Smith Miller, Noble, Norton, Mordecai Oliver, Pennington, Phelps, Phillips, Preston, Puryear, Richardson, Riddle, David Ritchie, Rogers, Russell, Sapp, Shannon, Shaw, Simmons, Gerrit Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Thurston, Tracy, Upham, Wade, Walker, Ellihu B. Washburne, Israel Washburn, Wells, and Hendrick B. Wright—82.

NAYS—Messrs. James C. Allen, Willis Allen, Barry, Belcher, Bennett, Bissell, Brooks, Chastain, Chrisman, Cobb, Craig, John G. Davis, Dawson, Dent, Dowdell, Drun, Dunham, Eddy, Edmundson, Ellison, Goode, Grow, Hamilton, Andrew J. Harlan, Haven, Hendricks, Hibbard, Hillyer, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Kurtz, Lane, Leitcher, Lilly, McMullin, McNair, McQueen, Matteson, Millson, Morgan, Morrison, Murray, Nichols, Andrew Oliver, Peckham, Bishop Perkins, John Perkins, Ready, Thomas Ritchey, Robbins, Ruffin, Skelton, Samuel A. Smith, Snodgrass, Stratton, Andrew Stuart, Trout, Vail, Vansant, Walsh, Wheeler, Witte, and Zollicoffer—67.

So the amendment was agreed to.

Mr. PHILLIPS. I move to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider upon the table.

The question was put upon the latter motion, and it was agreed to.

Thirteenth amendment:

"To complete the marine hospital at Cleveland, Ohio, \$25,000."

The question was put; and the amendment was agreed to.

Mr. WADE moved to reconsider the vote by which the amendment was adopted, and also moved to lay the motion to reconsider upon the table.

The question was put on the latter motion; and it was agreed to.

Fourteenth amendment:

"For the construction of stone steps and railings to the

hospital at Chicago, Illinois, and for grading the grounds and inclosing the site of said hospital with a suitable iron fence, in accordance with the recommendation of the Secretary of the Treasury, \$8,000."

The question was put, and the amendment was agreed to.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the amendment was adopted; and also moved to lay the motion to reconsider upon the table.

The question was put on the latter motion, and it was agreed to.

Fifteenth amendment:

"For inclosing and draining the site, and for the necessary out buildings, of the marine hospital at San Francisco, California, \$44,000."

The question was put; and the amendment was agreed to.

Sixteenth amendment:

"For the construction of hot-air furnaces, fencing, paving, &c., of the marine hospital at Louisville, Kentucky, \$12,500."

The question was put; and the amendment was agreed to.

Seventeenth amendment:

"For the completion and improvement of the marine hospital at Paducah, Kentucky, \$5,000."

The question was put; and the amendment was agreed to.

Eighteenth amendment:

"For the collection of agricultural statistics, and purchasing seeds, to be paid out of the patent fund, \$10,000."

Mr. ORR called for the yeas and nays on this amendment.

The yeas and nays were not ordered.

The question was then put; and, on a division, there were—yeas 75, noes 38; no quorum voting. Mr. CHANDLER asked for tellers.

Tellers were ordered; and Messrs. CAMPBELL and VAIL were appointed.

The question was again put; and the tellers reported—yeas 84, noes not counted.

So the amendment was agreed to.

The question was next taken upon the following amendment, and it was agreed to:

Nineteenth amendment:

"For the entire completion of the edifice and grounds of the hospital at St. Louis, Missouri, and putting the whole into a fit state for occupancy, the sum of \$3,000."

The Clerk read the next amendment, as follows:

"For the purchase of the lots, or parcels of land, with the appurtenances, and the buildings thereon, belonging, the one thereof, to the Bank of Commerce, and the other thereof, to the Bank of the State of New York, and particularly referred to and described in two contracts; one with each of said banks, for the leasing and right to purchase the same, bearing date the 19th of August, 1853: *Provided*, That before the said purchase is made, the State of New York shall cede to the United States jurisdiction over said land and property, and shall, by law, exonerate the same, and the property of the United States thereon, from all taxes, levies, and assessments thereon, while the same remains the property of the United States, \$530,000."

Mr. LANE, of Indiana. I demand the yeas and nays on the amendment.

On the demand for the yeas and nays there were, on a division—yeas 24, noes 57; no quorum voting.

Mr. ROBBINS. I call for tellers on the demand for the yeas and nays.

Tellers were ordered; and Messrs. VAIL and CAMPBELL were appointed.

The House was again divided; and, 29 voting in the affirmative, the yeas and nays were ordered.

The question was then taken on the amendment, and it was adopted—yeas 87, nays 60; as follows:

YEAS—Messrs. James C. Allen, Appleton, Ball, Banks, Belcher, Bennett, Benson, Bissell, Bliss, Boyce, Breckinridge, Bugg, Campbell, Carpenter, Caskey, Chamberlain, Chase, Clark, Cobb, Cook, Corwin, Cunningham, Cutting, John G. Davis, Dunbar, Edgerton, Edmonds, Edmundson, Farley, Giddings, Greenwood, Grey, Aaron Harlan, Sampson W. Harris, Hastings, Haven, Hendricks, Henn, Houston, Hughes, Hunt, Daniel T. Jones, George W. Jones, Knox, Latham, Leitcher, Lindsley, Macdonald, McMullin, Mace, Macy, Matteson, Maxwell, Morgan, Murray, Nichols, Noble, Norton, Andrew Oliver, Orr, Peckham, Pennington, Preston, Reese, Richardson, Thomas Ritchey, Rogers, Sapp, Simmons, Gerrit Smith, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Thurston, Upham, Vail, Vansant, Wade, Walker, Warren, Ellihu B. Washburne, Wells, Wheeler, and Zollicoffer—85.

NAYS—Messrs. Aiken, Thomas H. Bayly, Barry, Benton, Brooks, Chandler, Chastain, Chrisman, Clingman, Craig, Crocker, Curtis, Dawson, Dent, Disney, Dowdell, Drun, English, Faulkner, Florence, Green, Grow, Hamilton, Andrew J. Harlan, Wiley P. Harris, Harrison, Hibbard, Hiestler, Hillyer, Johnson, Roland Jones, Kittredge, Kurtz, Lane, Lilly, Lindsley, McCulloch, McNair, Middleswarth,

Smith Miller, Millson, Morrison, John Perkins, Puryear, Ready, Robbins, Ruffin, Russell, Shannon, Shaw, Skelton, William Smith, George W. Smyth, Snodgrass, Stratton, Andrew Stuart, Trout, Walsh, Daniel B. Wright, and Hendrick B. Wright—60.

So the amendment was adopted.

Mr. FLORENCE. Mr. Speaker, is it in order here to make a motion to postpone the consideration of this bill?

The SPEAKER. Such a motion would not be in order, as the House is acting under the operation of the previous question.

Mr. FLORENCE. How does the previous question operate?

The SPEAKER. First upon the amendments reported to the House by the Committee of the Whole on the state of the Union; and then upon the bill.

Mr. FLORENCE. I am satisfied. I asked the question simply because I desired information upon which to base a motion.

Mr. WALKER moved to reconsider the vote by which the amendment above was adopted, and to lay the motion to reconsider upon the table. The question was put on the later motion, and it was agreed to.

The following amendments of the committee were severally read, voted upon, and agreed to:

Twenty-first amendment:

"For finishing the capitol and territorial prison of the Territory of Minnesota, and for grading and fencing the grounds of the same, \$10,000, to be expended, under the direction of the Secretary of the Treasury."

Twenty-second amendment:

Under the head of Interior Department, after "\$3,400," at the end of line 182, page 6, insert the following:

"For the President's House and grounds, for fuel for the President's House, and for iron fences, \$3,800.

"For repairs of the Capitol, and for improving the grounds around it, \$6,500.

"For repairs of water pipes, \$200.

"To pay the two draw-keepers on the Long Bridge, \$400.

"For repairs of the pavement, and other purposes, \$500.

"For lamps and lamp posts on Pennsylvania avenue between Seventeenth street and Georgetown, &c., \$1,200.

"For completing the pedestal of the equestrian statue of General Jackson, \$500."

Twenty-third amendment:

"For the general and incidental expenses of the Indian service in New Mexico, for the present fiscal year, \$15,000; to be expended under the direction of the Secretary of the Interior."

Twenty-fourth amendment:

"For the payment for the printing of the returns of the Seventh Census, and for the paper purchased for said printing, under the provisions of a joint resolution approved March 3, 1853; that is to say, for the printing of the returns before mentioned \$15,909 93; for the paper purchased \$27,106 68: *Provided*, That the sums hereinbefore mentioned be paid to the printer who executed the printing, and to the contractor who furnished the paper, respectively, by the Treasurer of the United States."

Twenty-fifth amendment:

"For compensation for two additional clerks in the office of the Superintendent of Public Printing, \$1,200."

Twenty-sixth amendment:

"For the printing of the Executive Departments, including for paper, and the printing of the annual estimates of appropriations for the year 1855, and for printing, paper, and binding, twenty thousand copies of the annual report of the Secretary of the Treasury on Commerce and Navigation for the year 1853, \$9,085."

Twenty-seventh amendment:

After line 141 insert the following:

"For rent of house on the northwest corner of F and Seventeenth streets, and warming all the rooms in it, \$385.

"For the compensation and expenses of the commission of civilians and military men appointed under the provisions of the first section of an act entitled 'An act making appropriations for the support of the Army for the year ending the 30th of June, 1851,' approved 3d March, 1853, to determine matters connected with the management of the national armories, \$5,996 61, or so much thereof as may be necessary; provided that nothing herein contained shall be construed to authorize the payment or allowance of any compensation to military men employed other than their regular pay or emolument, as officers of the Army."

Twenty-eighth amendment:

"And he it further enacted, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to apply such sum as in his opinion may be necessary to complete the building for the custom house, post office, and court house in the city of Pittsburgh, and to furnish such building in a manner appropriate to its uses, and to improve the grounds attached to said building; and also to pay to the two commissioners who superintended the construction of said building a compensation at three dollars a day each for the time they were actually employed in superintending the same, and for which the said Secretary shall think them entitled: *Provided*, That the sum so as aforesaid to be expended by the Secretary of the Treasury shall not exceed the sum now remaining unexpended of appropriations heretofore made for the said building."

Twenty-ninth amendment:

On page 10, after line 221, insert the following:

"For the expenses of the House of Representatives for horses and carriages, \$840.

"For newspapers for members, \$2,000.

"For pages, \$1,936.

"For binding documents, \$77,596 40.

"Miscellaneous items, \$10,000.

"For binding the Congressional Globe and Appendix for the second session of the Thirty-Second Congress, five thousand and eighty eight volumes, at sixty cents per volume, \$3,412 80.

"For messenger for Speaker, \$312.

"For payment for Annals of Congress ordered for the House Library, being one hundred copies each of the following volumes: the first, second, and third volumes of the Tenth Congress, the first, second, and third volumes of the Eleventh Congress, in all six hundred volumes, at five dollars a volume, \$3,000.

"For printing Index to Private Claims, ordered to be printed by the House of Representatives, by resolution of 22d December, 1851, \$20,000."

Thirtieth amendment:

"For arrearages incurred prior to the 1st of July, 1853, for running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, \$50,000."

Thirty-first amendment:

"For salaries and incidental expenses of the commission appointed under the act of March 3, 1851, for settling the land claims in California, \$37,500."

Thirty-second amendment:

"For compensation to Francis Dainese, for the discharge of the United States consular duties at Constantinople, from the 16th of May, 1849, to the 20th of December, 1852, in conformity with the act of Congress, approved 11th August, 1845, \$3,594 50."

Thirty-third amendment:

"For furnishing the marine hospital at Napoleon, Arkansas, the sum of \$1,000."

Thirty-fourth amendment:

"For payment of draughtsmen and clerks employed under resolutions of May 4, 1848, upon the maps of the public lands, \$5,675."

Thirty-fifth amendment:

"To complete the marine hospital at Evansville, Indiana, \$2,000."

The SPEAKER. The question now is upon ordering the bill to be engrossed; and read a third time.

The question was taken, and decided in the affirmative.

The bill having been engrossed, it was subsequently read a third time by its title.

The SPEAKER. The question recurs upon the passage of the bill.

Mr. HAMILTON. Upon that I call the previous question.

The previous question was seconded, and the main question was ordered to be put.

Mr. CLINGMAN. I ask for the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

The question was then taken, and decided in the negative—yeas 57, nays 93; as follows:

YEAS—Messrs. Appleton, Banks, Benson, Bissell, Bliss, Bugg, Chamberlain, Chandler, Crocker, Cutting, Thomas Davis, Disney, Dunbar, Eastman, Edgerton, Edmands, Ellison, Everhart, Farley, Goodrich, Greenwood, Aaron Harlan, Harrison, Haven, Hiestler, Houston, Hunt, Ingersoll, Lindsey, Lindsey, Macy, Middlewarth, John G. Miller, Smith Miller, Noble, Phillips, Preston, Riddle, David Ritchie, Thomas Ritchey, Robbins, Shannon, Simmons, Gerrit Smith, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, John L. Taylor, Thurston, Tweed, Upham, Vail, Vansant, Wade, Walker, and Israel Washburn—57.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Ball, Barksdale, Barry, Belcher, Bennett, Boyce, Campbell, Chase, Chastain, Christian, Clingman, Cobb, Corwin, Cox, Craig, Curtis, John G. Davis, Dawson, Dent, Dowdell, Drum, Dunham, English, Faulkner, Fenton, Florence, Goode, Green, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Hill, Hillyer, Johnson, George W. Jones, Roland Jones, Kerr, Kidwell, Kittredge, Knox, Kurtz, Lane, Lilly, McCulloch, McMullin, McVair, McQueen, Mace, Maneson, Meacham, Millson, Morgan, Morrison, Murray, Nichols, Andrew Oliver, Orr, Peckham, Pennington, Bishop Perkins, John Perkins, Pratt, Pringle, Ready, Rice, Rogers, Ruffin, Russell, Sage, Sapp, Shaw, Skelton, William Smith, Stratton, Tracy, Trout, Walsh, Elihu B. Washburne, Wheeler, Witte, Hendrick B. Wright, Yates, and Zollcofer—93.

So the bill was rejected.

Pending the call of the yeas and nays, and before the result was announced,

Mr. LETCHER said: Had I been in the House when my name was called I should have voted against the bill.

Mr. PURYEAR said: Had I been in the House when my name was called I should have voted for the bill.

Mr. CARPENTER said: Had I been present I should have voted against the bill.

Mr. FLORENCE said: I voted against this bill because—

[Cries of "Order," "Order," all over the House.]

Mr. CAMPBELL. I call the gentleman to order. The SPEAKER. Debate is not in order.

The Chair then announced the result, as above indicated—yeas 57, nays 93.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Cries of "Oh, no," "No."]

Mr. CLINGMAN. Does not a motion to reconsider and lay upon the table take precedence of a motion to go into the Committee of the Whole on the state of the Union?

Mr. JONES, of Tennessee. No, sir.

The SPEAKER. The motion to reconsider and lay upon the table will be entered if the gentleman desires it, in order to save his right; but a motion to go into the Committee of the Whole on the state of the Union, is in order at any time.

Mr. CLINGMAN. I hope the motion will be voted down.

Mr. ORR. I ask for tellers upon the motion.

Tellers were ordered; and Messrs. HARRIS of Alabama, and ROBBINS were appointed.

The question was then taken; and the tellers reported—yeas 66, noes 78.

So the House refused to go into the Committee of the Whole on the state of the Union.

Mr. CLINGMAN. I now move to reconsider the vote by which the deficiency bill was rejected, and to lay the motion to reconsider upon the table.

Mr. FLORENCE. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MACE. I move that the House do now adjourn.

Mr. HOUSTON. I move a call of the House.

The SPEAKER. The question will be put on the motion to adjourn.

Mr. McNAIR demanded tellers on the motion.

Tellers were ordered; and Messrs. McNAIR and CAMPBELL were appointed.

The question was then taken; and the tellers reported—yeas 51, noes 91.

So the House refused to adjourn.

The question then recurred upon the motion that there be a call of the House.

Mr. HOUSTON. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HENN. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn.

Mr. MILLSON. I wish to make an inquiry of the Chair. Will it be competent for the House, if the motion to reconsider the vote by which the bill was rejected should prevail, to recommit the bill to the Committee of Ways and Means?

The SPEAKER. If the House reconsiders the vote by which the bill was rejected, and then reconsiders that by which it was ordered to be engrossed, and read a third time, it will then be in order to move to recommit the bill.

Mr. FLORENCE. I move that the House do now adjourn, and upon that motion I demand the yeas and nays.

The SPEAKER. The Chair must inform the gentleman that no business has intervened since the House refused to adjourn.

Mr. READY. I wish to inquire of the Chair what will be the effect of the motion to reconsider in the event—

The SPEAKER. That motion is not the one immediately pending. The question upon which the House is about to vote, is, "Shall there be a call of the House?" and upon that motion the yeas and nays have been ordered.

The question was taken; and decided in the negative—yeas 59, nays 114; as follows:

YEAS—Messrs. Aiken, Appleton, Banks, Bliss, Carpenter, Caskey, Chamberlain, Chandler, Clark, Cobb, Craig, Disney, Ellison, Faulkner, Florence, Goode, Green, Greenwood, Grow, Aaron Harlan, Sampson W. Harris, Harrison, Henn, Hibbard, Hill, Houston, Hunt, Johnson, George W. Jones, Roland Jones, Keitt, Kidwell, Lane, Lindsey, Lindley, MacDonald, McQueen, Matteson, Maxwell, John G. Miller, Smith Miller, Millson, Nichols, Noble, Phillips, Preston, Riddle, David Ritchie, Thomas Ritchey, Robbins, Shannon, Shaw, Tweed, Upham, Vansant, Walker, Elihu B. Washburne, Wells, Daniel B. Wright, and Hendrick B. Wright—59.

NAYS—Messrs. James C. Allen, Ashe, Thomas H. Bayly

Ball, Barksdale, Barry, Belcher, Bennett, Benson, Bissell, Boyce, Brooks, Bugg, Campbell, Caruthers, Chase, Chastain, Chrisman, Clingman, Colquitt, Cox, Crocker, Cullom, Curtis, Cutting, John G. Davis, Thomas Davis, Dawson, Dent, Dickinson, Dowdell, Drum, Dunbar, Dunham, Eastman, Eddy, Edgerton, Edmunds, Everhart, Ewing, Farley, Franklin, Fuller, Giddings, Goodrich, Grey, Hamilton, Andrew J. Harlan, Wiley P. Harris, Hastings, Haven, Hendricks, Hiestler, Hillyer, Hughes, Ingersoll, Daniel T. Jones, Kerr, Kittredge, Knox, Kurtz, Lamb, Latham, Lecher, Lilly, McCulloch, McMullin, McNair, Mace, Macy, May, Middlesworth, Morgan, Morrison, Murray, Norton, Olds, Andrew Oliver, Orr, Peckham, Pennington, Bishop Perkins, John Perkins, Phelps, Pringle, Puryear, Ready, Rogers, Ruffin, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Stratton, Andrew Stuart, John L. Taylor, Thurston, Tracy, Trout, Vail, Wade, Walsh, Wheeler, Witte, and Zollicoffer.—114.

So the motion for a call of the House was disagreed to.

Mr. NICHOLS moved that the House do now adjourn.

The question was put, and it was decided in the negative.

So the House refused to adjourn.

The question then recurred on Mr. CLINGMAN'S motion to lay upon the table the motion to reconsider the vote by which the deficiency bill was rejected; and being put, there were—yeas 89, nays 88; as follows:

YEAS.—Messrs. Aiken, James C. Allen, Ashe, Thomas H. Bayly, Ball, Belcher, Bennett, Boyce, Brooks, Bugg, Campbell, Carpenter, Chase, Chastain, Clingman, Cobb, Colquitt, Corwin, Cox, Craige, Cullom, Curtis, John G. Davis, Dawson, Dent, Dowdell, Drum, Dunham, Eastman, Edgerton, Ewing, Franklin, Giddings, Grey, Hamilton, Hastings, Hillyer, Daniel T. Jones, George W. Jones, Keitt, Kerr, Kittredge, Knox, Kurtz, Lamb, Lecher, Lilly, McCulloch, McMullin, McQueen, Matteson, Maxwell, Meacham, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Orr, Peckham, Pennington, Bishop Perkins, John Perkins, Pratt, Pringle, Ready, Rogers, Ruffin, Sabin, Sage, Sapp, Seymour, Shaw, Skelton, William Smith, George W. Smyth, Snodgrass, Stratton, Andrew Stuart, Tracy, Trout, Vail, Walsh, Elihu B. Washburne, Wheeler, Witte, and Zollicoffer.—89.

NAYS.—Messrs. Appleton, Banks, Barksdale, Barry, Benson, Bissell, Bliss, Caruthers, Caskie, Chamberlain, Chandler, Chrisman, Clark, Crocker, Cutting, Thomas Davis, Dickinson, Disney, Dunbar, Edmunds, Ellison, English, Everhart, Farley, Faulkner, Florence, Fuller, Goodie, Goodrich, Green, Greenwood, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Harrison, Haven, Hendricks, Henn, Hubbard, Hiestler, Hill, Houston, Hughes, Hunt, Ingersoll, Johnson, Roland Jones, Kidwell, Lane, Latham, Lindley, Lindsley, Mace, Macy, May, Middlesworth, John G. Miller, Smith Miller, Milston, Noble, Olds, Mordecai Oliver, Phelps, Phillips, Preston, Puryear, Riddle, David Ritchie, Thomas Ritchie, Robbins, Shannon, Simmons, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Thurston, Tweed, Upham, Vansant, Wade, Walker, Israel Washburn, Wells, Daniel B. Wright, and Hendrick B. Wright.—88.

The SPEAKER. The Chair votes in the affirmative.

So the motion to reconsider lies upon the table.

This announcement was received with loud applause.

Mr. CLINGMAN then moved that the House do now adjourn.

The motion was agreed to.

And thereupon (at half past three o'clock) the House adjourned until to-morrow.

IN SENATE.

FRIDAY, February 10, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The Hon. JACKSON MORTON, of Florida, appeared in his seat this morning.

EXECUTIVE COMMUNICATION.

The PRESIDENT. This being private bill day, I ask the unanimous consent of the Senate to present a report from the Postmaster General, in answer to a resolution of the Senate in reference to the steps taken in carrying out the provisions of the post route bill of August 31, 1852.

Mr. THOMPSON, of Kentucky. That communication is in response to a resolution which I offered some days since. Not knowing whether it will require any reference to a committee, I move for the present that it lie on the table, and be printed.

The motion was agreed to.

PRIVATE BILL DAY.

Mr. BRODHEAD. Are petitions in order?

The PRESIDENT. Petitions are not in order. Nothing is in order but the consideration of private bills on the Calendar.

Mr. PETTIT. I ask the unanimous consent

of the Senate to report back from the Committee on Private Land Claims some bills which have passed the House, and which have been referred to that committee.

The PRESIDENT. If there be no objection, the report will be received.

There was no objection.

LAND CLAIMS IN CALIFORNIA.

Mr. PETTIT. The Committee on Private Land Claims, to which was referred the bill from the House supplementary to an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3, 1851, have had the same under consideration, and have directed me to report it back, and recommend its passage. It is so clear a case that I ask that the bill may now be considered and passed.

There being no objection, the Senate proceeded as in Committee of the Whole to consider the bill.

It proposes to allow certain parties who are named, or their representatives, to present their claims to the commissioners appointed under the act of March 3, 1851, within six months after the passage of the supplementary act, and to empower the commissioners to hear and dispose of them, as though the claims had been presented in due time. It also proposes to limit the persons named in their claim to purchases made of Don Salvador Velejo, a Mexican grantee, for a tract situated in Nappa county, California.

Mr. PETTIT. It will be seen that this bill simply extends the time within which the parties named may present their application.

Mr. WELLER. I hope this bill will be passed by the Senate immediately. The necessity for it has been produced in consequence of the fact that the attorney who was originally employed to present these claims to the land commissioners was stricken down with the small-pox, and persons were prevented from going to see him. During his sickness, the time limited by law for filing the claims expired, and the object of this bill is simply to allow persons, who were deprived by this accident of the opportunity of presenting their claims in time, an opportunity of doing so now.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

HERCULES L. DOUSMAN.

Mr. PETTIT. The Committee on Private Land Claims, to whom was referred House bill to confirm to Hercules L. Dousman his title to farm lot 32, adjoining the town of Prairie du Chien, in the State of Wisconsin, have directed me to report it back without amendment, and recommend its passage, and to ask for its present consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to confirm the title and direct a patent to issue for it, with the proviso, however, that it shall only be a relinquishment to all claim on the part of the United States.

The bill was reported to the Senate without amendment, ordered to be read a third time, and was read a third time, and passed.

BILLS INTRODUCED.

Mr. PETTIT asked and obtained the unanimous consent of the Senate to introduce a bill authorizing a patent to be issued to Peter Poncin for certain lands therein named; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

REPORT FROM A STANDING COMMITTEE.

Mr. HAMLIN, from the Committee on Commerce, to whom were referred a memorial and resolution on the subject, reported a bill constituting San Pedro, in California, a port of entry and delivery; which was read, and passed to a second reading.

C. A. WICKLIFFE.

Mr. THOMPSON, of Kentucky, from the Committee on Private Land Claims, to which was referred the bill for the benefit of the heir-at-law of Lieutenant C. A. Wickliffe, reported it back, by unanimous consent, without amendment, and recommended its passage, and asked for its immediate consideration.

The Senate accordingly, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Secretary of the Interior to issue to C. A. Wickliffe a land warrant for one hundred and sixty acres of land, in satisfaction of the claim

of Lieutenant C. A. Wickliffe, deceased, for bounty land, under the act of Congress "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850.

C. A. Wickliffe, jr., joined General William O. Butler's staff in 1847, and proceeded with his division to the city of Mexico. He remained upon the staff until he was appointed Lieutenant in Captain Thomas Mayfield's company of the fourth regiment of Kentucky volunteers. He served as lieutenant until he was honorably discharged at Louisville, on the 25th of July, 1848, by reason of the expiration of his term of service. On the 15th November, 1850, he filed his claim in the Pension Office for bounty land, under the act of September 28, 1850. Pending his application he departed this life, leaving his father, C. A. Wickliffe, his only heir-at-law.

Upon the application of the heir-at-law, the Commissioner of Pensions decided that as Lieutenant Wickliffe died, leaving no widow or minor children, a bounty land warrant could not be issued. From that decision an appeal was taken to the Secretary of the Interior, who, while he affirmed the decision, acknowledged the justice of the claim. Inasmuch as the Secretary acknowledged the justice of the claim, and as the warrant would have been issued by the Commissioner to Lieutenant Wickliffe before his decease, had not a press of business in the office prevented it, the committee were of opinion that the warrant should issue to the heir-at-law.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, was read a third time, and passed.

PETITIONS, ETC.

Mr. SMITH presented the petition of Samuel Colt, of Hartford, Connecticut, praying an extension of his patent for improvements in fire-arms; which was referred to the Committee on Patents and the Patent Office.

Mr. EVERETT presented a petition signed by citizens of Massachusetts, remonstrating against the passage of the law giving further protection to patentees; which was referred to the Committee on Patents and the Patent Office.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by the hands of Mr. SIDNEY WEBSTER, his Private Secretary:

Mr. PRESIDENT: I am directed by the President of the United States to deliver to the Senate several messages in writing.

I am also directed to inform the Senate that the President has this day approved and signed,

A joint resolution authorizing an increase of the force in the office of the Superintendent of the Public Printing; and

An act to regulate the disbursement of the contingent fund of the Senate, and for other purposes.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing the passage by that body of the following bills:

A bill for the relief of Harriet Leavenworth, widow of the late Brevet Brigadier General Leavenworth;

A bill for the relief William B. Edwards; and

A bill for the relief of Anthony G. Willis, deceased.

NEBRASKA AND KANSAS.

Mr. DOUGLAS. Mr. President, it is known to the Senate that the Senator from Connecticut did not yesterday finish his speech on the territorial question; and as he is ready now to proceed and anxious to finish it, I hope the unanimous consent of the Senate will be given to allow him to proceed now.

Mr. BRODHEAD. I thought the understanding was, when we adjourned yesterday, that we would meet to-day for the purpose of considering private bills under the rule, and that the honorable Senator from Connecticut was to proceed to-morrow with his speech. Why not say to-morrow? I think it would be more agreeable to him to deliver the remainder of his speech to-morrow. I feel bound, as chairman of the Committee of Claims, to insist upon the rule being observed.

The PRESIDENT. It requires the unanimous consent to permit the Senator from Connecticut to proceed now.

Mr. BRODHEAD. But, still, if it is the unanimous wish of the Senate that the Nebraska bill

shall be considered to-day, I will not interpose an objection. I do not wish to do anything contrary to the general sentiment of the Senate.

The PRESIDENT. The Chair hears no objection to the proposition.

Mr. STUART. I wish to say now—not for the purpose of interposing an objection here to-day, although I should feel myself perfectly justified in doing it, because I suggested it to all the Senators around me yesterday—that I may not be regarded as captious, that I shall insist hereafter, so far as my own action may go, on considering the private business on Friday. I do not believe, sir, that there is any more important business; at this time, for the Congress of the United States to perform or transact, than to do justice to the private claimants against this Government, some of whom, they and their heirs, have been applying here for a quarter of a century.

Mr. CLAYTON. For fifty years.

Mr. STUART. I, sir, have a case of a friend of mine which has actually been crowded out of these Halls, in consequence of the discussions in 1850. It is only one of numerous cases. And now, sir, I desire to say, while under the circumstances, notwithstanding the notice which I gave yesterday, I shall not interpose to-day. I shall feel myself not only justified, but almost bound to make objection hereafter. To-day I will consent to it, but with the express understanding that hereafter, so far as my action goes, I shall insist that Fridays be consumed, whenever there is private business here, in the consideration of that business, which, by a resolution of the Senate, has been set apart for it.

No objection was made, and the Senate, as in Committee of the Whole, resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. SMITH proceeded to address the Senate in conclusion of the remarks which he commenced yesterday. [Mr. S.'s speech will be found in the Appendix.]

Mr. WELLER. I desire to submit a few remarks to the Senate upon the question now under consideration. If the Senate should meet to-morrow, I can go on then; if they should adjourn until Monday, I will then be prepared to proceed; and I now give notice to any other Senator who may desire to speak, that I shall not occupy one hour.

Mr. BRIGHT. With the consent of the Senator, I move that when the Senate adjourn to-day, it be to meet on Monday next.

The motion was agreed to.

Mr. WELLER. I understand there is some business requiring the action of the Senate in Executive session. I therefore move to postpone the further consideration of the subject until Monday, in order that we may have an Executive session.

Mr. HOUSTON. Do I understand the Senator to say that he will not take up more than an hour on Monday? I shall desire to submit some remarks myself.

Mr. WELLER. I certainly shall not occupy an hour.

The motion to postpone was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and the Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 10, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER stated that the business first in order was the consideration of bill No. 125.

Mr. FULLER. This being private bill day, I wish to inquire what business would be in order, if a majority of the House, under the operation of the 29th rule, should determine not to go to private business?

The SPEAKER. The business before the House would be the consideration of certain private bills upon the Speaker's table, and then, no motion to go into Committee of the Whole on the state of the Union, or any other privileged motion being made, the Chair would proceed to call the committees for reports.

Mr. FULLER. That is the business I desire to get at. I move, if it be in order, that the House proceed to the call of committees, and the other regular business of the morning hour.

The SPEAKER. That motion is not in order. There are two or three private bills on the Speaker's table reported from the Committee of the Whole House when it was last in session, but which have not yet been disposed of. Upon one of those bills the previous question was demanded. When that is disposed of there are three other private bills upon the table, which it will be the duty of the Speaker to present to the House.

Mr. FULLER. The 29th rule provides that the Friday and Saturday of each week shall be appropriated to the consideration of private bills, unless otherwise ordered by a majority of the House.

The SPEAKER. Another rule, however, prescribes that the order of business shall not be changed, except by a vote of two thirds.

Mr. HAVEN. I call for the regular order of business, if it pertains to private business.

On motion by Mr. HAMILTON, leave was granted to withdraw from the files of the House the papers of Colonel Johnson, for the purpose of presentation to the Senate.

Mr. JONES, of Tennessee. I have a privileged motion to make. I move to reconsider the vote by which the motion to reconsider the vote rejecting the deficiency bill was laid upon the table yesterday.

The SPEAKER. The Chair neglected to call the attention of the House to the manner in which the Journal is made up. On a count of the vote yesterday on the motion to lay upon the table the motion to reconsider, referred to by the gentleman from Tennessee, the report to the Speaker was years 88, says 88, and thereupon the Chair gave the casting vote, as it was his duty to do under the rules. On reexamining the vote, however, it was found that the yeas were 89, the nays 88, and the Journal has been made up according to the facts of the case.

Mr. HAVEN. It does not change the result.

The SPEAKER. No; the result is the same.

Mr. STEPHENS, of Georgia. Unless the Speaker changes his vote.

The SPEAKER. The Speaker has no right to change his vote to-day.

Mr. COBB, (sotto voce.) Perhaps a great many of us would change our votes to-day if we had the power.

The SPEAKER. The Chair would not.

Mr. HOUSTON. If the Chair decides that the motion of the gentleman from Tennessee is in order I am content.

The SPEAKER. The Chair decides that the motion is not in order, according to the practice of the House.

Mr. JONES. Will the Chair have the 56th rule read?

Mr. HOUSTON. I desire to submit a point to the Chair.

The SPEAKER. The gentleman will suspend, until the rule is read.

Mr. HOUSTON. I do not want to pass—

The SPEAKER. The gentleman from Tennessee has already a question of order before the Chair.

Mr. JONES. An appeal is not debatable; and therefore it is not in order for me to make any explanation. But I desire that the 56th rule may be read, which I think is most clear and explicit.

The Clerk then read the 56th rule; which is as follows:

"When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn, and shall not be withdrawn after said succeeding day without the consent of the House, and thereafter any member may call it up for reconsideration."

The SPEAKER. The Chair states that the universal practice of this body has been to regard a vote to lay a motion to reconsider upon the table as final; unless the bill be resuscitated by a motion made in order, which would take it from the table.

Mr. JONES, of Tennessee. If I may be permitted one remark—

The SPEAKER. The gentleman will please suspend his remarks until the Chair has explained.

It will be recollected, by the gentleman from

Tennessee and others, that the same question of order was made at nearly the close of the last session of Congress; the decisions in the case have been uniform; and the Chair will remark, that if the practice be reversed we shall hardly ever see the end of any bill about which there is controversy on this floor. It will be for the House, however, to determine what its practice shall be in that respect; the Chair is not disposed to change that practice; he thinks that it is a very good one.

Mr. STEPHENS, of Georgia. I understand, Mr. Speaker, that the deficiency bill was defeated yesterday?

The SPEAKER. It was.

Mr. STEPHENS. And the motion was then made to reconsider the vote by which that bill was defeated; and that that motion be laid upon the table. Upon the latter motion there were—yeas 89, (as now reported,) nays 88. If the Speaker should vote "no," of course that motion to lay the motion to reconsider upon the table would fail. I hold that the Speaker must vote. His vote may change the result, and under the rules he is required to cast it. I therefore now call upon the Speaker to vote.

The SPEAKER. The Chair has the right, under the Constitution, equal to any other member, to cast his vote. He has cast his vote, and is not now disposed to change it.

Mr. CLINGMAN. I do not know that there is any objection to again referring the deficiency bill to the Committee of Ways and Means, if it be desired. I agree with the Chair on the point of order; but I hope, by general consent, that the bill may be recommitted, if the Committee of Ways and Means want to have it again. I presume some of its appropriations are proper in the opinion of every member. In this way we might get out of the difficulty, if nobody objects.

The SPEAKER. The gentleman from North Carolina proposes that, by the unanimous consent of the House, the deficiency bill be recommitted to the Committee of Ways and Means. Is there objection?

Mr. WALSH. I object.

Mr. RICHARDSON. I beg to call the attention of the Speaker to a decision made during the Thirty-First Congress. It arose on the Texas, or New Mexican, boundary bill. An amendment submitted by the present Presiding Officer failed. A motion to reconsider the vote by which it was rejected was laid upon the table. Then, if my recollection be right, a motion was made to reconsider the vote by which the motion to reconsider was laid upon the table. The Speaker decided that motion to reconsider could be made, and in that decision he was sustained by the House.

Mr. ORR. I do not think the gentleman's recollection is correct.

The SPEAKER. The gentleman from Illinois [Mr. RICHARDSON] is mistaken in regard to the history of that case. It is true that the amendment to attach the Mexican territorial bill as an amendment to the boundary bill was voted down; it is true that vote was reconsidered; it is true that it was voted down a second time; it is also true that this House overruled the decision of the Chair, declaring it could not be reconsidered a second time, notwithstanding an amendment had been made. I suppose that is the only case of the kind on the record of any deliberative body. The times were revolutionary, gentlemen will recollect. [Laughter.]

Mr. JONES, of Tennessee. I appeal from the decision of the Chair in this case. The case of the Texas boundary bill is not at all analogous to this.

Mr. HAMILTON. Mr. Speaker, is this question debatable?

The SPEAKER. It is not debatable.

Mr. JONES. I only want to state the grounds of my appeal, and that I have a right to do.

The SPEAKER. The gentleman from Tennessee has a right to state the grounds of his appeal; but he has not a right to make an argument upon it.

Mr. JONES. I do not purpose making any argument, but merely wish to state the ground of my appeal, which is this: Under the 56th rule of this House I, having voted yesterday with the majority to lay the motion to reconsider upon the table, have a right on this day to move for a reconsideration of that vote, it being a vote of this House on a motion made, and I voting with the majority. This right is clearly secured under the

rule, to me and to each of the other eighty-eight persons who voted with me on that occasion.

A MEMBER. Is not this debating the question? Mr. JONES. No, sir; I am not debating, or making an argument. I am simply stating my right, and the ground of appeal. And I would refer the Chair to one case analogous, to some extent, with this one, which occurred in the Thirty-First Congress. That was a case where a motion was made to lay a bill upon the table.

Mr. HAMILTON. I submit, Mr. Speaker, that this is debating the question.

Mr. JONES. If the gentleman from Maryland will wait I shall be done in a minute. I was referring to a case, Mr. Speaker, that occurred in the Thirty-First Congress, where a motion was made to lay a bill upon the table. That vote was negative. The House continued in the consideration of that bill till the adjournment. Under the practice of this House the bill went to the Speaker's table. On the next day, one of those who had voted against laying the bill upon the table moved a reconsideration of the vote. I made the question that this could not be done; that it was such a motion as the rules of the house prohibited—

Mr. HUNT. I call the gentleman from Tennessee to order. He is out of order, and has been already overruled, but he contumaciously persists in occupying the floor. [Laughter.]

Mr. JONES, (continuing.) And the House sustained the motion—

Mr. HAMILTON, (interrupting.) I move to lay the appeal upon the table.

Mr. DAVIS, of Indiana. And on that motion I call the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will state the question: If this bill had been decided, either by a vote rejecting or passing it, it would be in order to move for a reconsideration of that vote. In this case, a motion was made to reconsider the vote by which the bill was rejected, and that motion was laid upon the table. What did the House do by laying that motion upon the table? It determined that it would not reconsider the vote by which the bill was rejected.

The gentleman from Tennessee [Mr. JONES] moves to reconsider the vote by which the motion to reconsider was laid upon the table. The Chair states, that the practice of this body has been uniform on this subject; and he thinks he may defy the gentleman from Tennessee, or any other member, to point to a single case in the history of this House differing from the course which the Chair here deems to be the correct one; which is, that a motion to lay upon the table such a vote as that is final, until it be in order to take that vote or bill from the table.

Mr. DISNEY. I desire to ask the Chair one question. It may not be improper to state that my recollection is different from that of the Chair. But the question I desire to propound is—conceding the usage—if the usage is contradicted by the express statute provisions, what is the usage worth?

Mr. PECKHAM. A good interpretation of the statute.

Mr. JONES, of Tennessee. Decision under the common-law would not do against the statute.

The SPEAKER. The Chair has already answered the question of the gentleman from Ohio, in simply stating the fact, that the uniform practice of the House has been in such cases to make the vote final, and it has been final in regard to every bill. If it is the wish of the House to change its own practice, it is a matter of propriety which it can determine for itself.

Mr. STEPHENS, of Georgia. I trust the gentleman from Tennessee [Mr. JONES] will withdraw his motion, and that the House will not reverse its long-established and judicious practice. I take it for granted that the House will pass all necessary appropriations for deficiencies, and if there are any provisions in this bill which are wrong the House can rectify the wrong; and I therefore suggest that they let this bill rest upon the table until Monday next, when a motion can be made to suspend the rules; and under that suspension the bill can be taken up, and referred to the Committee of Ways and Means.

Mr. JONES. There is another difficulty in the way of that. This bill has been engrossed, and no committee, nor the House itself, can amend an engrossed bill.

Mr. RICHARDSON. I wish to ask one single question. I wish to know if this is anything more than a motion to reconsider the vote by which the House laid the motion to reconsider upon the table?

The SPEAKER. Nothing more.

Mr. HOUSTON. I wish the House would give its general consent to make a compromise, by allowing me to introduce a bill to the House, and by having it referred to the Committee of the Whole on the state of the Union.

The SPEAKER. It is not an order, if objected to.

Mr. DAVIS, of Georgia. I object.

The SPEAKER. Objection is made, and the gentleman cannot offer the bill.

Mr. McMULLIN. What is the question before the House?

The SPEAKER. It is the motion to lay upon the table the appeal taken by the gentleman from Tennessee from the decision of the Chair. Upon that question the yeas and nays have been ordered.

The question being, "Shall the decision of the Chair stand as the judgment of the House?" it was put, and decided in the affirmative—yeas 134, nays 35; as follows:

YEAS—Messrs. Aiken, Appleton, Ashe, Thomas H. Bayly, Ball, Benson, Bissell, Bliss, Bocoek, Boyce, Breckinridge, Bugg, Campbell, Carpenter, Caruthers, Chastain, Christmas, Clingman, Colquitt, Corwin, Cox, Craigie, Culom, John G. Davis, Thomas Davis, Dawson, Dent, Dick, Dowdell, Drum, Dunham, Edgerton, Edmunds, Edmundson, Ellison, English, Ewing, Farley, Faulkner, Fenton, Flagler, Franklin, Fuller, Giddings, Goode, Greenwood, Grey, Hamilton, Aaron Harlan, Sampson W. Harris, Harrison, Hastings, Haven, Hendricks, Henn, Hibbard, Hill, Billyer, Houston, Hunt, Ingersoll, Johnson, Daniel T. Jones, Roland Jones, Kerr, Kittredge, Knox, Kurtz, Lamb, Leicher, Lilly, Lindsey, McCulloch, McMullin, McNair, Mace, Mateson, Maxwell, Meacham, Middlewarde, John G. Miller, Morgan, Morrison, Murray, Nichols, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Peck, Peckham, John Perkins, Phelps, Pratt, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Rogers, Ruffin, Russell, Sabin, Sage, Sapp, Seymour, Shannon, Simmons, Skelton, Gerrit Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Alexander H. Stephens, Stratton, Andrew Stuart, John L. Taylor, Tracy, Trout, Tweed, Upham, Vail, Walker, Walsh, Warren, Ellihu B. Washburne, Wheeler, Witte, and Zoll-coffer—134.

NAYS—Messrs. James C. Allen, Banks, Barksdale, Barry, Belcher, Chandler, Churchwell, Clark, Cobb, Crocker, Dickinson, Disney, Dunbar, Eastman, Everhart, Florence, Green, Grow, Biester, Hughes, George W. Jones, Lane, Macdonald, Macy, Smith Miller, Millson, Pennington, Bishop Perkins, Richardson, Riddle, Richard H. Stanton, Hester L. Stevens, Thurston, Israel Washburn, Wells, and Hendrick B. Wright—35.

So the decision of the Chair was sustained.

Mr. HOUSTON. As I understand, the objection to the introduction of the bill which I before offered is withdrawn by the gentleman who made it, I now ask to introduce it, and that it be referred to the Committee of the Whole on the state of the Union.

Mr. WALSH. I object.

The SPEAKER. Objection is again made, and it is not in order to present the bill.

Mr. EDGERTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HENDRICKS. I would suggest to the gentleman that we had better first dispose of the business upon the Speaker's table, which is of a private character.

Mr. EDGERTON. I withdraw my motion for the present.

The SPEAKER. The first business upon the Speaker's table is the bill which will now be reported by the Clerk.

The following bill was then read, by its title:

"A bill for the relief of Harriet Leavenworth, widow of the late Brevet General Leavenworth.

The SPEAKER. The question first recurs upon the demand for the previous question, which was made when the bill was last under consideration.

Mr. SMITH, of Virginia. I ask that the bill may be read.

The bill was read *in extenso*.

It provides that the Secretary of the Interior shall place the name of said Harriet Leavenworth upon the pension roll at the rate of \$30 per month, for the period of five years, from February 1, 1853.

The question recurring upon the demand for the previous question—

Mr. CAMPBELL demanded tellers, which

were ordered; and Messrs. CAMPBELL and VAIL appointed.

The House was then divided, and the tellers reported—yeas 82, nays 39.

So the previous question was seconded, and the main question ordered to be put.

The main question being upon ordering the bill to be engrossed, and read a third time, it was put, and decided in the affirmative.

The bill was then ordered to be engrossed, and read a third time; and having been engrossed, it was read the third time.

Mr. JONES, of Tennessee. I move to lay the bill upon the table.

The question was taken, and the House refused to lay the bill upon the table.

The question then being, "Shall the bill pass?" it was taken, and decided in the affirmative.

So the bill was passed.

Mr. HENDRICKS moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The bill coming up next in order upon the Speaker's table was the bill for the relief of William B. Edwards. This bill provides for granting him a pension, at the rate of eight dollars per month, to commence on the 1st day of January, 1854, and to continue during five years. The committee propose the following amendments to the bill: In line sixth to strike out the word "four," and in the seventh line to strike out the words "five years" and insert in lieu thereof the words "his natural life."

The several amendments were agreed to.

The bill was then ordered to be engrossed, and read a third time; and having been engrossed, was accordingly read the third time, and passed.

The House next proceeded to consider the bill for the relief of Anthony G. Willis, deceased, with the amendment reported by the Committee of the Whole House.

The bill was read through by the Clerk. It provides for the payment of \$251 to the heirs of the late Anthony G. Willis, deceased, as compensation for the use of a wagon by the United States during the last war with Great Britain.

The amendment strikes out the words "heirs," and inserts the words "executors and administrators."

The question was put, and the amendment agreed to.

The bill, as amended, was then ordered to be engrossed, and read a third time; and having been engrossed, was accordingly read a third time, and passed.

The following Senate bills were next taken up in their order, severally read a first and second time by their titles, and referred, as indicated below:

An act (No. 36) "for the relief of William Senna Factor." Referred to the Committee on Indian Affairs.

An act (No. 166) "to incorporate the Georgetown Gas-Light Company." Referred to the Committee for the District of Columbia.

An act (No. 184) "for the relief of Mrs. Elizabeth C. Smith, of Missouri." Referred to the Committee on Military Affairs.

The SPEAKER. The business next in order is the call of committees for reports, beginning with the Committee on Military Affairs.

Mr. HENDRICKS. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole House.

The question was put, and the motion agreed to.

The House accordingly resolved itself into a Committee of the Whole House, (Mr. Wright, of Pennsylvania, in the chair), and proceeded to the consideration of the Private Calendar.

The CHAIRMAN stated that the first business in order was the reconsideration of Senate bill (No. 2) "to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816."

The Clerk read the bill.

It provides, that whereas, by a decision of the Supreme Court of the United States, made April 25, 1853, the State of Indiana has lost one of the two townships of land granted to her for the use of a State University, and has become liable to refund to a private corporation the proceeds of the

sale of said lands, the Governor of said State is hereby authorized to select out of the lands of the United States within said State, subject to private entry, nineteen thousand and forty acres of land in legal subdivisions: *Provided*, That the proceeds of said lands when sold shall be, and forever remain, a fund for the use of the Indiana University.

The question now being on ordering the bill to be laid aside to be reported to the House, it was put, and the Chairman announced that it was decided in the affirmative.

Mr. MILLSON, (rising before the decision was announced.) I should like to have some information about this bill from my friend from Indiana, [Mr. DUNHAM.]

Mr. DUNHAM. I should be happy to make any explanation the gentleman desires, but the question having been decided, it is too late.

The CHAIRMAN. The decision has been withdrawn, to allow the gentleman from Virginia to make a statement.

Mr. DUNHAM. I should like to know what power the Chair has to withdraw it?

The CHAIRMAN. The decision had not been announced at the time the gentleman from Virginia rose and addressed the Chair.

Mr. MILLSON. I am exceedingly reluctant to make opposition to a bill which my friend from Indiana [Mr. DUNHAM] seems to take great interest in, and I should not have done so but for the very peculiar circumstances in which I am placed. I beg leave briefly to recount those circumstances, that the House may see the very unwilling position in which I have been placed in reference to this bill.

On the third day of the present session of Congress, this bill, having been passed by the Senate, was brought to the House of Representatives, and my friend from Indiana [Mr. DUNHAM] desired that it should be put immediately upon its passage, stating that it was a bill which had passed both Houses of the last Congress, and had only failed to receive the Executive signature because of an accident of some sort, which, I believe, he did not explain, but which prevented the attention of the President from being called to it. At that time I knew nothing whatever of the bill. All that I did, when the effort was made to pass it without reference to the Committee of the Whole, or any one of the standing committees of the House, was to ask that it should be referred, being impressed with the mischiefs which resulted from this practice at the last Congress, and not having the least knowledge of the nature of the bill—not desirous to make any sort of opposition to the bill on its merits, but believing—

[Here a message was received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House that that body had passed bills of the following titles;

S. No. 44. "An act for the benefit of the heir-at-law of Lieutenant C. A. Wickliffe."

H. R. No. 200. "An act to confirm to Hercules L. Douman his title to farm lot, No. 32, adjoining the town of Prairie du Chien, in the State of Wisconsin."

H. R. No. 197. "An act supplemental to an act entitled 'An act to ascertain and settle the private land claims in the State of California,' approved, March 3, 1851."

Mr. MILLSON, (resuming.) I was observing, Mr. Chairman, that believing if the House could then be induced in a case seemingly so strong as that then presented to its consideration to refer this bill to one of the standing committees, or the Committee of the Whole House, that we should establish a precedent from which we should not be apt to depart; I urged its reference, and I did so the more readily because I believed, from the circumstance of this bill having passed both Houses at the Thirty-Second Congress, and its early introduction here at this, that it would be the first bill upon the Private Calendar, would be soon reached, and again passed. I felt that I was not subjecting my friend from Indiana to the risk of losing the bill by submitting the motion which I then made to refer it to the Committee of the Whole House. The bill having been referred, I intended to do nothing more. I did not direct my attention to the subject afterward until the period I am about to name.

My accidental connection with the bill in pressing its reference to a Committee of the Whole House, induced some gentleman, whom I must be

excused from naming—a gentleman, doubtless, conversant with the whole subject—to inform me that there were objections to the bill, which he suggested that I should look into. Really, I have so much matter to attend to appertaining to the interests of my own constituents, that I have but little leisure to examine bills affecting other gentlemen, and other States; and I should not then have deemed it to be my duty to have looked into this question, but my friend from Indiana [Mr. DUNHAM] came and conversed with me on the subject, for the purpose of satisfying me that the bill had merits, and ought to pass—perhaps, unfortunately for him, for I might not myself have made any investigation of the point, but for the very views and documents to which he called my attention.

And I will now state, that I have never made any examination of the question, except from the papers that my friend from Indiana himself called to my attention. Yet, from these very papers, being persuaded that the bill ought not to pass, or if it pass at all that it ought not to pass in the form in which it has been now presented to the House, I deem it my duty—a duty which I discharge most reluctantly and unwillingly—to state to the committee some of the reasons which have operated on my own mind.

Mr. Chairman, the facts as I understand them, are these: Sometime in the year 1804, Congress reserved for the use of a seminary of learning, in the State of Indiana, or in the region of country which is now the State of Indiana, a whole township of land. If I misstate the facts, I desire that any gentleman who takes an interest in the passage of the bill, may correct me as I proceed. There were three townships of land reserved in three land districts—the district of Vincennes, the district of Kaskaskia, and the district of Detroit. These lands were reserved for the use of a seminary of learning, without specifying for what seminary of learning. Some two years afterwards the Legislature of Indiana chartered the Vincennes University, and it was held by the supreme court of that State, or rather by the Supreme Court of the United States, that that institution, under the act of the Senatorial Legislature of Indiana, was entitled to the benefit of the township reserved by the acts of 1804.

After Indiana became a State—or perhaps in the bill which authorized her admission as a State—Congress reserved for the use of a seminary of learning, and vested in the Legislature for that use, another township of land in addition to the one formerly reserved. You will observe, sir, that the act of 1816 did not grant to the State of Indiana two townships of land in addition to the one heretofore reserved. The State of Indiana afterwards, through her Legislature, granted these two townships—the one which had vested in the Vincennes University, and the one reserved by the act of 1816—to the Indiana State University. The Vincennes University, however, claimed the land as belonging to it, and instituted a suit, which is now pending in the supreme court of the State of Indiana, for the recovery of the township which was first reserved by the act of 1804. The supreme court of the State dismissed the bill brought by the Vincennes College or University. An appeal was taken to the Supreme Court of the United States, and, by a majority of the Supreme Court, the decree of the supreme court of the State of Indiana was reversed, and the case was remanded to the supreme court of the State of Indiana for further proceedings.

It is in this state of things that the State of Indiana, or some of her Representatives here, apply to Congress to indemnify her for the loss of the township of land recovered by the Vincennes University from the Indiana State University.

And now, sir, the committee will perceive that several grave objections to the passage of this bill present themselves. In the first place, the land has not been lost to the State University. This bill assumes that the Vincennes University has recovered the land from the Indiana State University, and asks Congress to indemnify the State for the land so recovered by the Vincennes University. But, in point of fact, Mr. Chairman, that suit is now pending and undetermined. The supreme court of the State of Indiana has never yet even acted upon the defenses set up in the bill by the State University. The plea of the statute of limitation was insisted upon by the State University, and has never yet been decided. They rely also

upon their long adverse possession—upon the lapse of time. However, the supreme court of the State of Indiana dismissed the bill without the consideration of those points of objection at all, upon the ground that the land never vested in the Vincennes University, and that it therefore had no right to sue.

That decision of the supreme court of Indiana, dismissing the bill, has been reversed by the Supreme Court of the United States. But in reversing that particular decision they have not put an end to the litigation. They did not adjudge the lands to the Vincennes University, but simply remanded the cause to the supreme court of the State of Indiana for further proceedings; and there is much reason to believe that, when that cause comes to be decided by the supreme court of the State of Indiana, upon the pleas in the record, they will hold that the lapse of time—the statute of limitations—will constitute a complete bar to the recovery of the land claimed by the Vincennes University.

Mr. DUNHAM, (interrupting.) As the gentleman seems to assert that opinion with great confidence, I should be glad to have him state the ground of it. I think I shall be able to show to the committee in five words that there is no ground whatever for it.

Mr. MILLSON. The grounds of that opinion are simply these: It is hardly to be supposed that a plea would be filed in any case, by learned counsel, insisting upon a lapse of time, and the statute of limitation, as a bar, unless they expected, or at least hoped, to succeed in establishing the plea. The grounds are that this lapse of time has actually occurred—that there is a period of time after which suits shall not be prosecuted. But whether the plea shall be successful or not, still the answer to the gentleman is, that the case is not decided. The defense has not been overruled, and the case now abides the decision of the court upon this very question of the statute of limitation, among other questions which have been presented by the defendants as a bar.

Mr. MACE. I wish to ask the gentleman a single question. The Supreme Court has decided that the property never vested in the State University, but that it vested in the Vincennes University at the time of the grant. Then if the State University took possession of it, was she not a trespasser, and could she then successfully set up the plea of the statute of limitations?

Mr. MILLSON. The gentleman will perceive that he calls upon me to do here what it is the peculiar province of the supreme court of the State of Indiana to do; and that is, to decide upon the sufficiency of the plea of the statute of limitations. If the gentleman insists that I, as a lawyer, should pronounce an opinion upon this subject, I should require the evidence, and I should like to know the state of the pleadings. What I do mean to say now is, that this defense has been set up by the Indiana State University, that the case is still undecided, and that before Congress undertakes to indemnify the State of Indiana for the loss of this township of land, they had better wait until she loses it. Before we undertake to remunerate and return to the Indiana State University lands taken from them by a failure of title, we had better wait until a failure of title occurs, or shall be adjudged to have occurred. The preamble to this bill recites:

"Whereas, by a decision of the Supreme Court of the United States, made January 15, 1853, the State of Indiana has lost,"

speaking in the past tense—

"one out of two townships of land granted to her for the use of the State University, by the act of April, 1816, and has become liable to refund to private corporations the proceeds of said township," &c.

There are two mistakes in that recital. In the first place, the State of Indiana has not lost one of two townships. She may, for aught I know, at some future time, lose one of these two townships by a decision of her own supreme court; but I cannot now say that she has lost this township. It is rather premature to call upon us to indemnify her for a loss which she may never sustain, and which, if she ever does sustain, may then, but not till then, furnish the occasion for this call upon us for relief. That is the first error in the recital. The next is, that she has lost one of two townships of land granted to her for the use of the State University by the act of April, 1816. The

mistake there is, that this preamble recites that two townships of land were granted to her by the act of April, 1816, when there was only one granted. This township was granted to her in addition to the one heretofore reserved. The act of 1816 makes no grant of more than one township, and the gentleman from Indiana will remember that this very question was before the Supreme Court, and decided in accordance with what I now say; for although it was argued before the Supreme Court that this act of 1816 granted two townships, the majority of the court decided that the act of 1816 granted but one township, and not the one which had been reserved in 1804.

Mr. DUNHAM. Will the gentleman allow me to interrupt him for a moment? I expect, as a matter of course, that the committee will hold their minds in abeyance until I shall be able to argue this case at length. Yet I desire the gentleman from Virginia, upon such points as he touches, to give the proper explanations as he passes along. I presume that the error which he seems to criticize is an error merely in language. I do not intend to assert that the decision of the Supreme Court gave two townships of land to Indiana, but what I do assert is, and which I think I will be able to show, that Congress, by the act of 1816, intended to grant them.

Mr. MILLSON. Mr. Chairman, I am very happy to be interrupted now, and will very cheerfully submit to any future interruption from any gentleman from the State of Indiana who may desire to explain; and I shall be well pleased if any of those gentlemen can give such an explanation to the committee, or such an explanation to myself, as will incline me to vote for the passage of this bill. For I assure the gentleman that there are few persons here whom I should more desire to gratify, and for whose sake I should be more disposed to forbear opposition to any bill for which my conscience would allow me to vote, than my honorable friend on my right, [Mr. DUNHAM,] and therefore it is that I renew my invitation to him and to other gentlemen from Indiana to set me right whenever I may be wrong.

But the gentleman says that I am indulging in a mere verbal criticism upon the language of the preamble. Sir, the gentleman must come to the conclusion that there is something more than a mere verbal criticism involved in this point, when he remembers that it was a point carefully raised, deliberately considered, and expressly decided by the Supreme Court of the United States. If this had been a mere question of verbal criticism, would it have been likely to have occupied so much of the attention of the Supreme Court of the United States?

They have then decided that but one of these townships was granted by the act of 1816, and not two townships, as the gentleman from Indiana now says was the case, or was intended to have been the case. The other township was reserved by the act of 1804, and came into possession of the Vincennes University, in consequence of the charter of that institution, in 1806. I say, then, that before we can be called upon to indemnify the State of Indiana, it must be shown that she has lost the lands.

But, sir, what I have said will suggest to the committee this obvious inquiry. Suppose the State, or rather the State University of Indiana, has lost the lands, what possible obligation can there be upon the part of the Government of the United States to remunerate her for the loss? It was the intention of Congress to grant to Indiana two townships of land for the use of these seminaries of learning, and I maintain that this intention has been carried into complete effect. The Vincennes University, one seminary of learning, has had, and if it recovers in this suit, will continue to receive, the benefit of one township under the act of 1804, and the Indiana State University, another seminary of learning, is now enjoying the benefit of the grant made by the act of Congress of 1816.

Sir, when did Congress ever pledge itself to grant these two townships of land to the Indiana State University? Why, sir, that institution was not in existence in 1804, when the reservation was first made. The Vincennes College was not even in existence at the time.

Mr. HENDRICKS. If the gentleman will allow me, I will endeavor to show him what the law was which attempted to vest this land in the State of Indiana. Indiana does not claim that the

land was vested in the State University, but she does claim that the land should have been vested in the State—not in any corporation, but in the State—and she claims it under the language of the statute which provided for her admission into the Union.

In 1816, Congress passed an act providing for the admission of Indiana into the Union. One of the clauses of that act is as follows:

"That one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of said State, to be appropriated solely to the use of such seminary by the Legislature."

What sort of a grant, I ask the gentleman, as a lawyer, does that import? Is it a grant to the State of Indiana of one township, or of one township in addition to the one heretofore reserved? Those are the only conveying words in the statute, in my judgment.

The Supreme Court of the United States did not decide the question upon the ground that the gentleman has assumed. The Supreme Court did not decide that the language of this act did not import a grant. The Supreme Court held that it was a grant. But the General Government had previously, in 1804, granted away this land; so that when Congress attempted to grant this township to Indiana in 1816 it could not convey it, for the reason that it had been conveyed before that to the Territory of Indiana, and had passed to a private institution. I think that no gentleman who reads this act can doubt that Indiana has a claim to two townships under the language here used: "That one entire township, in addition to the one heretofore reserved, shall be vested in the State of Indiana." It was not vested in the State of Indiana, because the Government at that time had no title to vest, and that is the ground of the decision of the Supreme Court of the United States. If the General Government had had a title to the land in 1816, this grant would have been sufficient; but because of a defect in the title of the Government, it did not vest in the State.

I will say, further, to the gentleman from Virginia that this is not a controversy between two seminaries of learning. It is a controversy between the State of Indiana, which claims both of these townships, to be used by her according to the sovereign will of the State, and a private and sectarian institution. Indiana desires that this land shall be used for the benefit of the State institution—an institution to which all the young men of the State can go. It is not a sectarian institution. It is one that was established by the State, and endowed, as we had supposed, by the moneys received from the sale of this very land. Another seminary of learning, which belongs to one of the religious sects of the State, holds it under the decision of the Supreme Court of the United States.

Mr. DUNHAM. If the gentleman will allow me, I will state, in addition to what he has said, that when this township was taken possession of by the sectarian school, parts of Illinois, Michigan, and Ohio were interested in it.

Mr. HENDRICKS. It was not a grant, although the Supreme Court of the United States held it in connection with the subsequent act of the Territorial Legislature, to amount to a grant. The language of the act of Congress did not make it a grant; but it reserved the township for the benefit of the seminary of learning. In 1816, Congress supposed that that land was still under its control, and that it could convey it to the State of Indiana. It was not undeceived in reference to the matter until the Supreme Court of the United States otherwise decided last year.

Mr. MILLSON. I submit that what the gentleman from Indiana has said is not in correction of anything which I have stated to the committee. So far from it, I have used the very words which the gentleman himself has employed. I used the very language of the act of 1816, reserving a township for the use of a seminary of learning in addition to the one heretofore reserved. Now, it seems the question is one simply of construction, whether the language of the act imported a grant of two townships or of one. All I have to say on that subject is, that what the gentleman has just said in support of this construction might have been very well said, and doubtless was very well

said, to the Supreme Court of the United States when it had that very question before it. But the Supreme Court of the United States decided that it was a grant of only one township; that the act of 1804 reserved the other township, and that the act of 1816 did not, in itself, import a grant of two distinct townships to the State of Indiana. I still think, notwithstanding the gentleman from Indiana supposes I am mistaken in reference to the opinion of the Supreme Court, that I am correct in attributing to that decision the meaning which I have given it. I find full authority for the statement I made in the following marginal note in the report of this case:

"In 1804, Congress passed an act, making provision for the disposal of the public lands in the Indiana Territory, in which it reserved from sale a township in each one of three districts, to be located by the Secretary of the Treasury, for the use of a seminary of learning."

"The language of the act of Congress, by which Indiana was admitted into the Union, did not vest the above township in the Legislature of the State."

Here the question was made, and distinctly decided by the Supreme Court, that the act admitting Indiana into the Union did not vest in the Legislature of the State the township reserved by the act of 1804.

Mr. DUNHAM. I will ask the gentleman, as a lawyer, whether that decision does or could go further? By that act, Congress could not vest the land in the State of Indiana, because it had previously granted it elsewhere. The decision of the Supreme Court goes no further. It does not go to the question, as my colleague [Mr. HENDRICKS] has well said, that Congress did not intend to vest the two townships in the State of Indiana.

Mr. MILLSON. It is sufficient for me to show what the court decided. I am under no obligations to give the reasons for its decision. If the gentleman calls on me, as a lawyer, to say why it so decided, I think I may content myself by saying what the decision was, and leaving to the gentleman to infer the reasons which probably governed the court.

But as he asks me for these reasons, I will gratify him, by reading an extract from the opinion of the court, as pronounced by Judge McLean. He says:

"The words of the act seem to be so clear as to admit of but one construction. A township, in addition to the one formerly reserved, is appropriated, and vested in the Legislature. The first township is only referred to to show that the one then appropriated was in addition to it. The Gibson township had before been appropriated. A part of it had been sold, and a part held under leases. Whether we regard the words used, or their grammatical arrangement the intention of Congress seems to be clearly expressed."

Now, sir, I refer to this for the purpose of replying to the inquiry of the gentleman from Indiana [Mr. DUNHAM] as to the reason why the court so decided.

Mr. DUNHAM. I did not ask the gentleman from Virginia [Mr. MILLSON] for the reasons for the decision of the court. I simply said that the decision showed that this act could not have made the grant, because the grant had been previously made.

Mr. MILLSON. Precisely. That is what I am myself showing—that the grant of the first township had been previously made. Now, Mr. Chairman, in relation to this other matter, as to which the gentleman from Indiana [Mr. HENDRICKS] rose to correct me, namely: that Indiana was not a State at the time of the reservation of 1804, and that other portions of the country were then embraced within the Territory of Indiana. The gentleman will do me the justice to recollect that I stated that the land was reserved in three land districts, the districts of Kaskaskia, Vincennes, and Detroit. And if any of the Representatives of that section of the country participated with Indiana in the legislation by which this township was granted for the benefit of the Vincennes College, why, so much the better for the State. For it appears that though Delegates, representing portions of the territory now included in Illinois and Michigan, actually voted with the Delegates of Indiana, yet Indiana, or what is now Indiana, got the benefit of the act of 1804.

Sir, I have said that this reservation was made for the benefit of a seminary of learning. Two seminaries of learning have received all the benefit of those grants which was intended by Congress to be secured to the people of Indiana. Congress never intended that the Vincennes University, or the State University, or that any particu-

lar seminary of learning, should derive the benefits of this grant. It seems to me, then, that so long as the State of Indiana has secured the full benefit intended to be granted by this act of 1804, and by the act of 1816—so long as two seminaries of learning, no matter which, have the possession and engagement of these two townships of land—it is, sir, a matter of comparatively little importance to us that the State University has, or has not, received what the State Legislature may have intended to secure to it. What Congress intended to do has already been done. We have nothing to do with the controversies between the two Universities which have grown out of the legislation of Indiana herself.

I do not think it necessary, Mr. Chairman, to prolong my remarks. The amendment which I propose to offer to the bill—though I am bound, in candor, to say, that even if it should be adopted it will not remove my objections to the passage of the bill—the amendment, I say, which I propose to offer, and which I have not yet drawn up, will provide that nothing in this act contained shall be construed to vest anything in the State of Indiana, in the event that the suit now pending before the supreme court of that State shall be determined in favor of the Indiana State University.

Mr. DUNHAM. I do not propose to detain this committee long, but I feel it absolutely necessary to present this case fairly before them, and I think, when the history of this whole matter is fairly and properly brought before them, no doubt will be entertained of the justness of the proposition here presented.

Allow me to state, in the first place, that the very existence of one of the finest institutions of learning in the whole western country, in my opinion, is involved in the decision we this day make upon this bill—an institution of learning which has been built up upon the beneficent grant which Congress made to the State of Indiana in 1816; a grant which has been managed with so much liberality and faithfulness by that State, I am proud to say, as to diffuse its benefits and blessings most generally throughout not only her own extensive domain, but also throughout that whole western country over which her emigration rolls its ceaseless tide.

The institution endowed by this land is a State University, entirely separate and distinct from all sectarian influence, and based upon the broad principle of republicanism. It belongs to, and is under the exclusive control of the State. She has got together a corps of professors unsurpassed by that of any other institution of learning, and provision is made for the gratuitous education of the students from each county in the State, thereby extending the means of a liberal education to two young men from each county, who would not otherwise, perhaps, be able to obtain it. It affords facilities for education, not only in the usual studies pursued in colleges, but also in all those branches of knowledge, which enter into all the walks of life, and in all the industrial pursuits of the State. We have there a professor who instructs in those sciences particularly useful to agricultural pursuits. Provision is also made for the instruction of common school teachers, who are afterwards scattered all over the State, and disseminate among the masses of the people, the benefits which they have derived from that institution.

I have made these remarks, not that they bear directly upon the question at issue, but because I thought that this state of things should at least predispose you to a favorable consideration of this application; and if, with these impressions upon your minds, I can show that we have a reasonable ground for this additional grant, there will not be a single member upon this committee who will hesitate a moment to make it.

I will now proceed to give you the facts upon which we predicate this application. In 1804, there were organized, in what was then the Indiana Territory, (comprising a part of Ohio, all of Michigan, Indiana, and Illinois, to which the Indian title was extinguished,) three land districts, Kaskaskia, Detroit, and Vincennes. The Vincennes district embraced a portion of the present State of Illinois, as well as Indiana. In organizing these land districts, and providing for the sale of the lands therein, one entire township of land in each was reserved for the use of a seminary of learning. I have only to do with the one reserved in the

Vincennes district. It was given to no university or institution; indeed, no such institution whatever was then in existence within that district. It was simply reserved from sale, as we insist, and as Congress, more than forty years afterwards, by its action admitted, subject to the future control and action of this Government, to be bestowed as to it might seem proper and right.

Afterwards, in 1806, the Territorial Legislature of Indiana, embracing a part of Ohio, Indiana, Illinois, and Michigan, as before stated, incorporated the Vincennes University as a private institution, and, as my colleague has very properly remarked, a sectarian institution. That Legislature could not grant the land to that institution, because they had no power to do so. The land had not been granted to the Territory, nor no control of it given to it. This private corporation without any authority from Congress, except simply the fact that the township of land had been reserved within the Vincennes land district for the use of a seminary of learning, and because it happened to be the first seminary of learning organized within the Territory, took possession of this land as if it had been expressly granted to it. This is all the title that corporation had to the land, and I must say—and I speak with all due deference—the decision of the Supreme Court deciding that to be a sufficient title, is a very singular one—

Mr. ORR. Was it unanimous?

Mr. DUNHAM. No. There were seven judges upon the bench, three of whom dissented. At the head of those dissenting, was that man venerable for his age, and alike distinguished for his talents and his learning, whose mind illumines every subject he discusses—I mean Chief Justice Taney. Any lawyer who will read his dissenting opinion, as reported in Howard, can, it seems to me, have no doubt as to the merits of this case. It is clear, lucid, and logical, and it seems to me, that no man can read it and have a doubt as to what was the intention of Congress by the reservation in the act of 1804. But I go on with the history of this case. That is the only ground upon which the Vincennes University undertook to appropriate those lands. This corporation sold a portion of this reserved township, probably about two thousand three hundred acres, and put up a college building.

In 1816 Indiana was admitted as a State into the Union upon certain conditions. Certain things were to be done on one side, in return for which certain other things were to be left undone upon the other. In other words, there was a contract between the General Government and the State of Indiana, upon which she came into the Union. The part of that contract which devolved upon the State to perform, she religiously obeyed. You required, or prohibit her, by the terms upon which she was admitted into the Union, from laying taxes upon the lands within her borders which the United States then held, or which had then been sold by the Government, until after they had been sold five years. If the State, from the organization of her government, had been allowed to levy taxes upon those lands, as she otherwise would have taxed them, in the lands held by her own citizens, she would have realized therefrom, probably, at least, half a million of revenue. By this relinquishment alone she has dearly paid for all the grants she has had from this Government. Among other things to be done by the United States, the sixteenth section in every township was granted for the use of common schools in such township, and I believe that every township in the State has got it, except this very township in controversy; and I trust that a section will be granted to it before we adjourn.

Another of the conditions upon which that State came into the Union was, as I shall now attempt to show, that two entire townships of land were to be granted to her for the endowment of a State University. Observe the language used:

"That one entire township of land, which shall be designated by the President of the United States, in addition to one heretofore reserved (not granted) for that purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of the State, to be appropriated solely to the use of such seminary by said Legislature."

You will find the statute in the third volume of the Laws, on the 290th page. I do think it very apparent that Congress supposed that the first township reserved had never before been granted or appropriated, and, by the act just recited, made

a grant of both townships to the State for the use of a State university.

Now, sir, I will strengthen this position by another fact. No other State created out of the Northwest Territory has been admitted into the Union, to which two entire townships have not been granted to such State for the endowment of a State university. When the State of Ohio came into the Union, two townships of land were reserved for the benefit of a university of learning in that State. The same provision was made when Illinois came into the Union as a State; the same in reference to Iowa, and so with reference to every State which has been created out of that Northwest Territory. Now, I ask if this fact is not a veritable confirmation of the position I have assumed, that Congress intended to grant two townships of land to the State of Indiana for the benefit of this university.

I will also state another fact in confirmation of the same position. In passing over the history of this matter, I noticed that the Vincennes University sold a portion of the township reserved under the act of 1804, for the purpose of constructing a college building, &c. This sale was afterwards confirmed by Congress in 1849, I think. After a full consideration of the subject, Congress passed another act, granting to the State for the use of this State University, precisely the number of acres which had been sold by the Vincennes University out of that township without authority, but the title to which Congress had confirmed, showing that Congress then put the same construction upon the act of 1816 which I have put upon it, viz: that both townships were granted to the State for a State institution.

Now then, let me give another reason for the position I have assumed to be correct. The history of this matter shows that at the time of the passage of the act of 1816, the State of Indiana put the same construction upon the act which I have put upon it, and not only that, but the Vincennes University so understood it, and that corporation, in consequence, soon after became dissolved. They gave up the remaining lands in the township, unsold to the State, and under the direction of the State it was sold out for the purpose of endowing the State University, and that University has now for a period of about thirty years been enjoying the benefit of that endowment. Here then is the action of Congress; here is the contemporaneous action of the Legislature of Indiana, and moreover here is the action of this very Vincennes University itself, all showing that the act of 1816 intended, and was understood, to grant both townships to the State for the use of a State institution.

The gentleman from Virginia [Mr. MILLSON] says Congress did not grant this land to the State, because the Supreme Court of the United States has so decided. That may be; but because the Court decided that Congress, by that act, did not grant it, it does not follow that Congress did not intend to grant it, and did not attempt to do so. Here is the very gist of our case: Congress intended to grant, and undertook to grant it, but failed to do so, because she had before that granted it to another and distinct party. Congress did not, and could not grant it to the State, simply because it had itself no title. It should now make good the intention and undertaking, by giving us an equal amount out of what does belong to it.

Mr. MILLSON. I desire to ask the gentleman from Indiana if the Vincennes University ever received any land from Congress, except that reserved by the act of 1804?

Mr. DUNHAM. Suppose I answer, as I should, that it did not, what follows?

Mr. MILLSON. Then I ask this question: If Congress has not heretofore recognized the right of the Vincennes University to the land granted by the act of 1804?

Mr. DUNHAM. If so, I do not know in what.

Mr. MILLSON. I ask further, if Congress did not, in 1807, pass a law confirming the titles of various persons to lands claimed under the Vincennes University?

Mr. DUNHAM. Precisely; and that proves just the reverse of the gentleman's position; because the very fact that Congress felt it necessary to confirm those titles which individuals had obtained from the Vincennes University, shows that Congress did not consider that they had got good

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, FEBRUARY 14, 1854.

NEW SERIES.....No. 26.

titles from that corporation, that, having no title itself, it could make none to its vendees.

I repeat, again, so that everybody may understand, that the Vincennes University took possession of these lands, and sold about twenty-three hundred acres to private individuals.

Mr. HENDRICKS. Four thousand acres. Mr. DUNHAM. Well, no matter about the amount. I think it was two thousand three hundred acres. In 1807, Congress confirmed the titles of the individuals to whom those lands were sold, showing that Congress did not understand that any grant had been made to the Vincennes University, or that that University had any power to sell or convey them.

Mr. HENDRICKS. My colleague is mistaken about one fact. The Vincennes University sold four thousand acres of the land, leaving nineteen thousand acres that were not sold. Congress afterwards confirmed the titles of the men who bought those four thousand acres from the Vincennes University, thus indicating that the title given by the University was not a good title of itself. Afterwards, from 1822 up, the State of Indiana, by virtue of State legislation, sold the remainder of the township, placed the money derived from the sales in the State treasury, and used the interest of the money for the benefit of the State institution. The Vincennes University brought this suit to recover that money, and the Supreme Court of the United States has decided that the Vincennes University can take that money from the State of Indiana and the State institution.

Mr. DUNHAM. I was mistaken simply as to the amount of land sold, and not as to the fact that Congress, by thus confirming the titles of the purchasers, evidently gave its opinion that this land did not belong to the Vincennes University.

Mr. MILLSON. Not necessarily.

Mr. DUNHAM. Well, I should like to know if the gentleman thinks that Congress would confirm a title which they thought good? Would the purchasers come here and ask a confirmation of a title that they had no doubt about? The citizens of Indiana, who have bought land from the General Government, never come here to ask Congress to confirm their titles, because they rely upon those titles, and feel that they are good and safe.

But, to proceed with the facts of the case: After the State of Indiana came into the Union, the corporation of the Vincennes University became disorganized; and from that time until it was revived, many years afterwards, for the purpose of bringing this suit, it had no actual existence whatever; to this day, as I understand, there is no school organized under that corporation. The reorganization of the corporation was for no other purpose in the world than to endeavor to filch from the State of Indiana the land which its University had been enjoying for so long a time for the benefit of those interested in that corporation.

Mr. CRAIGE. Where is the University?

Mr. DUNHAM. It is within the limits of Indiana.

Mr. CRAIGE. Has there been any act of Congress by which that State can be deprived of the land?

Mr. DUNHAM. If the decision of the Supreme Court of the United States and the gentleman be right, there has been an act of Congress by which they have been deprived of it. The intention of Congress in making the grant to Indiana for the establishment of a State University is no more carried out than if that institution stood on the other side of the Wabash river, in the State of Illinois. It was organized for the land district embracing a portion of Illinois and a portion of Michigan, as well as Indiana.

A private corporation, over which Indiana has no control, and which, I again say, is only nominally in existence, and has not been since that State took possession of this land for the endowment of the State University. A few years since this Vincennes University revived its corporate powers. The purpose for which this was done

was not known for some time later still, when it brought suits against the persons to whom the State had sold the land contained in this township to dispossess them. I want to call particular attention to this matter, for here is involved the question of the statute of limitations, which my friend talks so much about, and which is the only thing now left for the defense of this suit. Suits were brought against the persons to whom I have referred before the statute of limitations obtained. Therefore the individual purchasers, to whom the State of Indiana was bound to make good their titles, could not have set up that as a defense against the suit brought against them.

In 1846 or 1847, I do not remember which, but it does not matter, the State of Indiana, for the purpose of securing the citizens who had purchased these lands, proposed to the Vincennes University, that if it would dismiss the suit against the individuals, it should have authority to bring suit against the State, so that the title to the land might be tested. It was her duty to do so. Now, I submit to any lawyer upon this floor, of what value the statute of limitation is under such circumstances? The statute of limitation had not run when suit was brought against those individuals. The State of Indiana stepped in and took the position of those individuals, and had the onus of the suit transferred from them to herself. Is there any lawyer on this floor who will say that the State of Indiana stood in any better position, and can avail herself of the statute of limitations any more than the individuals whom she relieved? Most assuredly not; and so little was thought of that defense, that it was scarcely mooted in the courts below, and no allusion was made to it whatever in the supreme court of the State, or the Supreme Court of the United States.

A MEMBER. It never came to the point.

Mr. DUNHAM. It never came to the point in the Supreme Court of the United States. In the court below all the questions were litigated. If gentlemen will look at the plea itself, as put in by the counsel, and see the negligent manner in which it was drawn, they will judge at once that no particular reliance was placed upon it whatever.

The gentleman from Virginia [Mr. MILLSON] seems to think that the claim of the Vincennes University must be barred by the statute of limitations, or else such a plea would not have been pleaded. That is a novel reason truly. It would be rather a violent presumption, I should think, to presume that everything asserted in a plea must be true. My experience is, that things are often set up by the pleadings in a case that nobody dreams can be established by the proofs.

Then there is the other point, so successfully made by my colleague from the eighth district. It is this: If there were no grant of this land to the State of Indiana by the act of 1816, then the State of Indiana took possession of it without even the color of title, and the citizens deriving from her are in possession without any title whatever. If this law did not grant a shadow of title, then those persons who hold under it are mere trespassers; and will the gentleman undertake to say that a mere trespasser upon lands can successfully plead the statute of limitations against the legal owner? Is there a lawyer on this floor who would entertain a doubt upon it for one moment? But I think I can elucidate that matter so that everybody can appreciate the propriety of falling back upon that plea, however frivolous it may appear, and asking for the passage of this bill before the final decision of the case.

This University is a flourishing and prosperous institution. The youth of our citizens all over the State have there facilities for education. If these funds are withdrawn before the deficiency is made up from some other source, the institution must be suspended, and its usefulness, for the time being at least, destroyed, however much we might make up this deficiency afterwards. And from this point I come to look at the gentleman's amendment. The true policy of the State University, therefore, was to endeavor, by some plan, to keep the case from a final adverse decision until the

State, through her Representatives, should come here and appeal to you for justice, and ask you to endow and maintain this institution as it was intended that it should have been endowed and maintained when the original grant was made; that the fund which it now enjoys might not be impaired; that its corps of professors might not be broken up, and that the institution might not be disorganized. With a view to this the plea of the statute of limitations has been relied upon. Does anybody see in this anything dishonest? Is there anybody who sees in it anything doubtful? Is there anybody who will not say that this was a correct and very proper line of policy to be pursued on the part of the friends of this University? This bill, if now passed as it is, will enable the institution to maintain its position and its usefulness.

A MEMBER. It will give the University a degree of credit.

Mr. DUNHAM. Yes, sir; it would give it public credit, or rather, it would sustain the credit it already has. Adopt the gentleman's amendment, and the whole object and benefit of the policy which has been pursued will be defeated. And a word as to that amendment.

Mr. MILLSON. I had not prepared the amendment when I stated to the committee the scope of it; but I have since drawn up the amendment, so that the gentleman [Mr. DUNHAM] might have an opportunity of speaking to it. The amendment, Mr. Chairman, is as follows:

Provided nevertheless, That this act shall not take effect until the suit now pending in the supreme court of Indiana, by the trustees of the Vincennes University against the State of Indiana, be finally determined; and unless the decision of the said suit shall be in favor of the plaintiffs, and shall deprive the said State, or those claiming under her, of the township which is the subject matter of the suit.

Mr. DUNHAM. Since I have had the honor of a seat in this body, now going on five years, I have seldom, if ever, asked anything for the local interests of my district. I come here now because I feel the justness of the claim which I have presented, and because I am impressed with the usefulness of the Institution, which I desire to perpetuate. I hope, therefore, I may ask for this your liberal consideration.

Sir, if the amendment of the honorable gentleman from Virginia [Mr. MILLSON] is adopted, what will be the result? The very object, I repeat, sought to be accomplished by the policy I have referred to will be defeated. If you have any doubt as to how the question of the statute of limitation will be decided, then adopt the gentleman's amendment. But is there any doubt of it? The facts you have before you, and you can judge for yourselves. Can you see anything to hang even a doubt upon, suppose the amendment is adopted? The case cannot be submitted to the court until spring, and it will then be a year, or a year and a half, before a decision will be rendered, however plain the case, because the court is behind in its business; and the case cannot be reached in its turn, and it will not be taken up out of it.

We ask this land to be granted within our own State. We do not seek to go out of it. We are willing, although at this late day, with none but refuse lands left unsold within our borders; we are, I say, willing to take this deficiency within the State of Indiana; there being scarcely any available lands remaining, even of an inferior character. Before this case can be decided they will all be absorbed, and I would not give a rush for the grant you make us by this bill, with the amendment. You give us but the mockery of a grant—a relief which is no relief. By the time this grant could be made available, under such an amendment, there would be none left, and we would feel—the University would feel—and the State would feel, that they must give up the fight, and that this institution of learning, of which we are so justly proud—whose rays have illumined so large a district of country—must go to decay. It would wither under the very uncertainty of such procrastination.

Mr. ORR. I desire to make an inquiry of the gentleman. I do not perceive the force of the gentleman's reasoning, in reference to the amend-

ment offered by the gentleman from Virginia, [Mr. MILLSON.] How long will it be before the suit can be terminated?

Mr. DUNHAM. From one to two years.

Mr. ORR. Why?

Mr. DUNHAM. Because, as I have before stated, after the case is submitted, which will not be until spring, on account of the immense business before the court, it must necessarily be a long time before it can be reached in its order for decision. By the time the decision can be had I would not give a rush for the grant under this bill with such an amendment. I state it as a fact, well known by every one of my colleagues, that there are now left unsold within our State no good lands; they are all taken up—the refuse only left. Railroads are penetrating—as you will see, by a reference to the map—every part of the State, and wherever these railroads go every acre of land, at all available, is at once absorbed.

Mr. ORR. Suppose, when this case comes to be tried by the supreme court of Indiana, that the decision should be adverse to the claim of the Vincennes University. How, then, is Congress to repair the injury it has done by granting to Indiana three townships for the State University, when it was her intention to grant only two?

Mr. DUNHAM. Can the gentleman, whom I know to be a good lawyer—can anybody—with the facts before them, doubt as to what the decision must be?

Mr. PECKHAM. If the amendment prevails, who is to carry on the suit on both sides?

Mr. DUNHAM. That is a very pertinent inquiry. Nobody will be interested in doing so. The University will not want to draw upon its funds to maintain a suit when she has nothing to gain; for if the decision is in its favor she only retains what she now has; she gains nothing. If it is against it, she will have the present grant. The State will have no interest in doing so, nothing to gain by it, but directly the reverse.

Mr. MILLSON. I was aware of that when I submitted the amendment I did, but I thought that I could repose confidence in the Indiana judiciary.

Mr. DUNHAM. I repose great confidence in the decisions of the judiciary of Virginia. Decisions have been made in Virginia, however, in favor of claims to be paid out of the general Treasury, which, upon close examination, might have been decided otherwise. Any man who knows anything of public business must at once concede that, in a suit where everybody is to gain by a decision in one way, and to lose by a decision upon the other, that there will not be a very hard fight. I trust, however, that, under any circumstances, Indiana will do her duty.

Mr. BISSELL. Although I am not at all satisfied that this case has real merits, such as ought to secure it a passage through this House, yet I can hardly forbear remarking that it is brought here rather prematurely. I think that after this pending lawsuit shall have been terminated in some way, or in some form, then will be the time for the injured party to come here for redress. The case being such as the gentleman from Indiana states it—with all candor, I have no doubt—the lawsuit should have been dismissed. I should have been pleased to vote for the bill; but with the lawsuit pending, the thing is an anomalous one, and I cannot do so without it is amended. The matter is pending here at the same time that it is pending in court, and we are called upon to decide upon the question when it is still uncertain whether, by the existing act, the State will not get the land.

Mr. HENDRICKS. Will the gentleman allow me for a moment?

Mr. BISSELL. Yielded the floor.

Mr. HENDRICKS. The gentleman from Illinois says the suit ought to have been dismissed. Does the gentleman not know that the State of Indiana has no power to dismiss the suit?

Mr. BISSELL. I supposed the gentleman must have understood my meaning. I say the suit ought to have been determined or decided in some way.

Mr. HENDRICKS. I will inform the committee how the case now stands. It has been decided in the Supreme Court of the United States, and the decision sent down to the supreme court of Indiana. In my judgment, the supreme court of Indiana has nothing to do but to enter and carry out the decision of the Supreme Court of the United

States; but nothing can be done in the matter until the case is reached in its regular order upon the docket.

Mr. BISSELL. As I remarked before, I do not pretend to say how the case ought to have been got rid of, but I do say that it ought to have been disposed of in some form before the application was made here for the grant of another township of land.

Mr. DUNHAM. I look with great confidence to the judgment of the gentleman from Illinois in this matter, because I know he is perfectly aware of the rapid manner in which lands in his own State, as well as my own, have been disposed of; and because I know he is aware of the limited quantity which now remains unsold; and I submit it to his judgment to say whether, if we were to wait until this case could be decided in the supreme court of Indiana, the grant would be worth having? and particularly when, as is very well known, if this fund were to be withdrawn from the State University, it would at once become insolvent?

Mr. BISSELL. I admit that the case made out by the gentleman appeals very strongly to my feelings; and if the bill can be put in a shape to obviate the objection I have raised, I should very cheerfully vote for it, although I have very great doubts as to its merits; but I have every disposition to be very liberal in such cases. Therefore, if the House will adopt the amendment proposed by the gentleman from Virginia, [Mr. MILLSON,] the bill shall have my support; but without some such provision, I think the gentleman ought not to ask us to vote for the bill.

We know—we all know the uncertainty there is in the issue of a lawsuit; and, although it may be very plain to the gentleman now as he sees the case, that the suit will be decided adversely to the State, yet it would not be a strange matter at all if it should turn out entirely different; for, as I have already said, there is nothing more uncertain than the issue of a lawsuit. I think, therefore, that it will be proper for the House to adopt the amendment of the gentleman from Virginia, which will secure the rights of the Government in case the decision of the courts should be different from what the gentleman now expects. There are so many interests involved in this matter, of so general a nature to the people of Indiana, that, perhaps, after all, some arrangement can be made by which the case can be disposed of out of this Hall.

Mr. DUNHAM. It can only be settled by the other party withdrawing the suit.

Mr. BISSELL. Well, then, perhaps the other parties will withdraw the suit.

Mr. DUNHAM. There is certainly no prospect of it.

Mr. ORR. I have been very strongly inclined to vote for the bill which has been advocated with so much zeal and ability by my friend from Indiana, [Mr. DUNHAM,] and I am still inclined to vote for it, with the amendment offered by the gentleman from Virginia [Mr. MILLSON.] I confess that I am not able to see how the effect of that amendment will be such as my honorable friend from New York, sitting near me, [Mr. PECKHAM,] seems to suppose; that, if the donation is made to depend upon the decision of the courts in the case now pending, the parties may not act in good faith. I am not disposed to think that the Indiana State University will attempt, by any collusion, to obtain more from Congress than it is legitimately entitled to. I take it for granted that they will, in good faith, see that the suit is determined according to law, and that they will leave no step not taken to see that it is decided favorably to the interest of the State.

Mr. PECKHAM. Suppose the amendment be adopted, and the bill passed, who is to pay the expenses of carrying on the lawsuit?

Mr. ORR. Counsel have already been employed by both these parties—by the Vincennes University, and by the State of Indiana. Those counsel have carried the case through the State courts of Indiana, and afterwards to the Supreme Court of the United States; and it has now gone back to the supreme court of the State of Indiana. I suppose that very little additional expense will be devolved upon either the State or the Vincennes Institute, and I should presume, at least, that they would practice sufficient good faith not to collude together for the purpose of defrauding Congress. There is a strong equity—

Mr. HENDRICKS (interposing.) I will sug-

gest to the gentleman from South Carolina why Indiana would not collude for any such purpose. She has now to take refuse land—land that is not worth, perhaps, fifty or seventy-five cents per acre, instead of the best land there was in Indiana. The township which Congress had given, as Indiana supposed, was of the very first quality, and brought the highest price in the market.

Mr. ORR. Well, then, the State of Indiana would not consent to any collusion, because it is to her interest to retain the township already granted. Now, as to the objection made by the gentleman from Indiana, [Mr. DUNHAM,] against the amendment of the gentleman from Virginia, operating as a postponement of this case, all I can say is, that if the State of Indiana permits the docket of her court to be encumbered by cases so that justice cannot be reached within a period of two years after a case has been appealed upon, I do not know that it is in the power or duty of Congress to afford her any redress. In passing this bill, if we pass it all, we should take care to put such guards in it that Congress may not give more to Indiana than is intended.

I take it that there is a strong equity in favor of the passage of the bill. I do not know but what, in strict law, it ought to be passed. It was the intention of Congress in 1816, when the State of Indiana was admitted into the Union, to grant to that State two townships of land, for the purpose of endowing a State University. That is very clear, as shown by the reading of the act, and by similar legislation extended to all the other States having land on their admission. Immediately after the State was admitted into the Union, they proceeded to institute a State University, and applied these townships for its endowment.

The first township was reserved in 1804, and the second was granted to the State in 1816, and the act contemplated, as its phraseology indicates, the granting of the first township, which had been previously reserved merely from sale. The first was a reservation, not a grant or donation, and I think the Supreme Court of the United States ought so to have decided. Such decision would have been in conformity with the intention of Congress, as exemplified in all its acts upon this subject. Well, when the State organized its University, understanding that Congress had, by the act of 1816, granted the two townships, it took possession of both townships, and claimed the title to the same, although the trustees of the Vincennes Institute had, some years before, claimed the first township reserve in 1804, and had long before that proceeded to sell some three or four thousand acres of that township. Here, then, was a conflict as to the lands in the first township between the State University and the Vincennes Institute; but when the claim was made formally by the State, the trustees of the Vincennes University stood by, and did not contest it. They surrendered all right and title to the land to the authorities of the State of Maryland. Upon that action of the trustees of the Vincennes University, surrendering any claim, at least by implication, they might have had, the State proceeded to sell the land, and to invest the proceeds of the sale for the benefit of the State University. These events occurred sometime about 1820.

In 1845, or thereabout, sixteen or eighteen years after the State had thus taken possession of the land, some lawyer, no doubt, in rummaging over the dusty records of the Vincennes Institute, advised the trustees of that defunct institution that if they would sue the holders of the land—those then in possession of it, by virtue of the sale made by the State of Indiana, for the benefit of the State University—it could be recovered for the benefit of the Vincennes University. Hence actions were brought against those parties, and the State of Indiana, to protect her citizens to whom she had granted titles of the land, passed a law, saying to the trustees of the Vincennes University, If you will withdraw your actions against our citizens we will authorize you to bring action against the State, and this question of titles can be determined. If you have the legal title we will account to you for the proceeds of the sale we have heretofore made. This proposition was made by the State of Indiana, and accepted by the trustees of the Vincennes Institute. The action was brought, and it was decided in the supreme court of Indiana in favor of the State University. It was then carried to the Supreme Court of the United States, and there de-

cided in favor of the Vincennes University. It was decided that the reservation of a township, in 1804, was a donation, and not a reservation; the effect of which decision was to declare that the act of 1818, which purported to grant two townships, only granted one, and that the former township disposed of by the Territorial Government had been vested long before the passage of the act of 1818—or, in other words, that Congress could not, as intended, grant the township reserved in 1804; and hence the act of 1818 was defeated, Congress having no authority to grant what had previously been referred. There was but a bare majority of the Court in favor of the decision. The dissenting opinion was written by Chief Justice Taney, and concurred in by Judge Catron, and, I think, by Judge Daniel. The Court was divided four to three. As a legal proposition, I think that the dissenting opinion was right. I may be wrong in that; and for that reason I believe that we should pass this bill, and carry out the intention of Congress, by granting to the State of Indiana two townships of land, within her limits, for a State University. We should do it in such a way, and with such guards, as to prevent our giving one township more than we intend to give. For that reason I think the gentleman's amendment ought to be adopted.

Mr. MILLSON. With the gentleman's permission, I will correct him there. The gentleman says that we ought to carry out the obvious intention of Congress, and secure these two townships for the benefit of the Indiana State University. It was never the intention of Congress to secure any of this land to the State University.

Mr. ORR. It was granted to the State of Indiana for a State Seminary. I think that is the language.

Mr. HENDRICKS. The precise language was, "for a seminary of learning under her control."

Mr. ORR. The Vincennes Institute was never organized by the Legislature of Indiana at all. It was organized under the territorial government. The State Legislature of Indiana never sanctioned or approved of it in one way or the other; and if you do not make this donation, the effect will be that the sales which Indiana has made, and the funds she has already invested for the benefit of this University of hers, will have to be withdrawn, and the University left in a crippled and perhaps decaying condition. Now, the difficulty grew up, I have no doubt, in consequence of the careless and loose phraseology of the act of 1816. I think Congress may well carry out the purpose originally intended for the benefit of the State institution. It is true that the effect is to give Indiana three townships of land instead of two—not to the State, but two to the State and one to the citizens, who, by some legerdemain, have secured one of these townships by the decision of the court. I think the decision in the supreme court of Indiana, pursuing the decision of the Supreme Court of the United States, will be adverse to the claim of the State of Indiana, and she will lose the land.

The amendment of the gentleman from Virginia [Mr. MILLSON] ought to be adopted to prevent our giving too much; and if Indiana chooses to incur her dockets, as I said at the outset of my remarks, with cases two or three years in advance, let the responsibility rest on her, and not on Congress.

Mr. ENGLISH. As one member of the Indiana delegation, I should have no objection to the amendment proposed by the gentleman from Virginia, [Mr. MILLSON], provided that he will allow it to be modified in one respect; and I think when I make the suggestion, that it will meet with the concurrence of the committee as well as the gentleman himself. The bill provides that the land to be selected under this grant shall be taken from any unentered lands within the State of Indiana. The amendment proposes, before the selection shall be made, that a certain suit shall be decided, which is now pending in the supreme court of that State. The difficulty is this: Before the case can be reached on the calendar, and decided by the court, all the unentered land now remaining in the State will have been absorbed by private entry, and no land will be left. Therefore, if the gentleman will allow his amendment to be modified, so as to allow of entry upon the unentered land of the United States generally, I will

agree to the amendment, for one, and would be glad to see it adopted. I would submit that amendment.

Mr. BISSELL. I am opposed to this amendment for various reasons, which I do not care now to present. I only rise for the purpose of making a friendly suggestion to the friends of this bill, which is, that they shall provide by an amendment that Indiana shall have the privilege of immediately selecting these lands, and that they shall be held in reservation for the same until the termination of this suit, when she shall be entitled to the land, if the suit should be decided in favor of the Vincennes University.

Mr. DUNHAM. My only objection to that amendment is this, that the land cannot be selected without a great deal of trouble. [The remainder of the gentleman's remarks were utterly inaudible to the Reporter.]

Several MEMBERS. "Question!" "Question!"

Mr. ORR. I hope the gentleman from Illinois [Mr. BISSELL] will introduce an amendment to the effect he proposes.

Mr. BISSELL. I have not reduced the amendment to writing. Indeed, I care very little about it. I am willing to vote for the bill if there be a provision embodied in it which shall obviate this danger. I make this suggestion, more with a view of being friendly to the bill, than for any other purpose. I have not reduced the amendment to writing, nor do I care to do so.

Mr. DUNHAM. If the gentleman from Illinois [Mr. BISSELL] will suggest a way to obviate the difficulty, I shall most cheerfully accept his amendment. But I see no way to obviate the difficulty. If you accept the amendment of the gentleman from Illinois, the lands selected for the use of the university could not be brought into market and made available for some considerable length of time—say for five years; and, in the mean time, our State University must necessarily be broken up.

Mr. BISSELL. Why, Mr. Chairman, the gentleman [Mr. DUNHAM] has just told us of the great rapidity with which the land is snapped up in that part of the country, and that if they had to wait two years for this township, there would be no land to get. He told us of the eagerness with which purchasers are rushing there to swallow up all the little fragments of land that are left. And now he tells us that he believes, in two years from this time the university came into possession of this land, they would find difficulty in making immediate sale.

Mr. DUNHAM. If this decision is not rendered in one year, I ask the gentleman what is to become of the university? It will be disorganized.

Mr. BISSELL. I am willing to take the gentleman's word for it. He tells us that the lands will all be entered up. So that even if permission be given to the university to take a township, there will not be any land in the State for the university to appropriate. If that be the case, how then is it possible that, in a few years from this time, the lands which may be selected now will find no purchasers?

Several MEMBERS. "Question!" "Question!"

The CHAIRMAN. The question before the committee is on the amendment to the amendment.

Mr. LETCHER. Read it.

The Clerk read the amendment, as follows:

"Provided further, That said State shall make her selection of land out of any land of the United States subject to private entry."

Mr. JONES, of Tennessee. Would that authorize the State of Indiana to locate those lands within the limits of another State?

The CHAIRMAN. It would have that effect.

Mr. JONES. Well, sir, I would certainly prefer that the amendment should so read as that the State of Indiana shall locate them within her own borders.

The CHAIRMAN. The amendment is not subject to amendment. There is already an amendment pending to an amendment.

Mr. BISSELL. The gentleman will allow me to state an objection to that. We know that in these various railroad grants there are lands reserved, subject to private entry, to use the language of the bills, held at the price of two dollars and a half per acre.

Mr. JONES, of Tennessee. The great objection is the allowing one State to hold lands within

the borders of another. I hope the amendment will be voted down.

Mr. ENGLISH. I accept the suggestion made by the gentleman from Illinois, [Mr. BISSELL], and am willing to insert in the proper place a provision that the lands shall be selected from those subject to entry, at the rate of one dollar and a quarter per acre.

Mr. LANE, of Indiana. It may be that the States where lands are held by the Government will have objections to another State becoming a landholder therein, and I hope the gentleman will withdraw his amendment.

Mr. BISSELL. I have frequently spoken upon this subject, and I did not think I should rise again.

It is not in accordance with the policy adopted by Congress to permit one State, in which public lands lie, to go into another State and select donations made to it by Congress for the purposes of education; and I do not think the principle of allowing them to do so would be right. It is admitted that there is an abundance of lands in Indiana—lands which are so valuable that they are being entered upon every day with great rapidity; and still, when you propose to grant that State an entire township, they ask permission to go out into other land States to select it, wherever they can find better land than their own. That is a thing which has never been done, or, at least, a thing which has not been practiced. I should like to know upon what principle it ought to be done now? When you give lands to a State for educational purposes, and there are lands in that State, you certainly will restrict her to her own limits in making the selection.

Mr. EASTMAN. I am opposed to the amendment offered by the gentleman last up. That amendment, if I understand it, proposes to allow the State of Indiana to go beyond her own limits, and into other States, and take public lands there which are subject to private entry. I am in favor of the bill itself, and I believe all the members from the Western States are inclined to support it with their votes; but I tell the gentleman from Indiana, [Mr. DUNHAM], that however much I might desire to vote for the bill, if the amendment to which I refer is attached to it, I shall vote against it; and I hope and believe every gentleman from the Western States will do the same. We do not want the State of Indiana, or any other State, to become a great landholder within our State, neither will we consent to it by our votes, or directly or indirectly countenance it.

Mr. DAVIS, of Indiana. I appeal to the gentleman to withdraw his amendment proposed to this bill. I have one which I think will satisfy the House, but I will not offer it now.

Mr. ENGLISH. I desire to say to the gentleman from Wisconsin [Mr. EASTMAN] that I too prefer the bill in its present shape; and if all the amendments shall be voted down, I shall have no objections. But if the gentleman from Virginia [Mr. MILLSON] insists upon the adoption of the amendment which he has proposed, I shall insist upon the one which I have offered as an amendment to his amendment. I prefer the bill as it is now. But as it is the request of several of my colleagues, I withdraw my amendment for the present.

Mr. JONES, of Tennessee. I do not know that I exactly understand this proposition, or the principle upon which this land is asked for. If I do, it seems to me that it is a question of giving to the State an additional township of land, and not whether we shall vote the right to her to locate land in lieu of the township which she has heretofore lost. If I understand the facts of the case, about the year 1804 two townships of land were set apart for the benefit of a University within the State of Indiana. There was one at that time, or shortly afterwards, in existence at Vincennes. That institution got possession, and enjoyed the benefit of one of these townships of land. At a subsequent period of time, another State institution was established at Bloomington, which got possession of and kept the other township. The Bloomington institution sued for the one, the enjoyment of which had been in the possession of the Vincennes institution.

Mr. DUNHAM. The gentleman is mistaken in his facts. The Vincennes University sold only about four thousand acres of the first township of land reserved. When the State of Indiana was

admitted into the Union, as I understand it, and as Congress understood it at the time, that township and another were granted to the State for the State University. The State of Indiana sold both townships, with the exception of the four thousand acres previously sold; and the Vincennes University has since brought a suit to recover from the State the funds which accrued from the sale of the first township of land reserved to the State. The State University was endowed and is now supported by the funds arising from the sale of both townships.

Mr. JONES. That does not materially alter the position of this case. The State of Indiana has received the benefit of two townships of land given to the State by the Congress of the United States. They have not both gone to endow one institution. One township has been given under the action of Indiana to the State institution. The other township has, under the decision of the Supreme Court of the United States, gone to the Vincennes institution. Then the Bloomington institution has received the benefit and the proceeds of the sales of one township, and the Vincennes Institution has received the proceeds of the sales of the other. Both of these institutions are located in the State of Indiana. If this is the true state of facts, it does seem to me that this is a question whether we will again give to them an additional township of land. Who is the correct judge of what was done by the act of Congress, the people of Indiana who are interested in building up the State institution, or the supreme court, who may be supposed at least to be impartial, and who, we may conclude, have made a correct decision in this matter?

The gentleman from Indiana says in his argument, I believe, that that court was composed of a bare quorum when they decided the question. He says that there were but seven members of the court present. The court when full is composed of nine members, and five is a quorum. Four judges out of seven made the decision to which the gentleman objects. I think, as I before said, that this is simply a question whether we will give to the State of Indiana an additional township of land or not, and not a question whether we are bound to vote another as an act of justice under the former law.

Mr. SIMMONS. I have but a word to say. If this were a case between two land speculators, I should be inclined to vote for such an amendment as this, for the purpose of putting the measure upon the ground of strict right against them. But it must be apparent to every member of the committee that a mistake was made by Congress in making this grant, and that the State of Indiana has failed to realize what she should have done in order to place her upon an equality with the other States to which such grants have been made by Congress. Now, the only difficulty about the matter is, that if we should pass the bill without amendment, there may possibly be some means by which the Indiana State University may get the land which it was the intention of Congress to grant her in the first place. Well, sir, suppose it does; after all, it goes for the benefit of education; and it seems to me that if we were now to pass this bill without the amendment proposed, and after a while the other party should come here and claim as a matter of equity to be reinstated in the quantity of land which Congress originally granted to them, and, representing as they do from that State, two great systems of education, Congress had better grant it. These institutions certainly need the land, and I would rather grant a township more than they are justly entitled to than to deprive them of half a township which they are entitled to. We have got land enough, and it is a plain case, in my opinion, that the State of Indiana has a just and equitable right to what is claimed in this bill; and if so, she ought to have it untrammelled by any restriction which should prevent her from enjoying its full benefit.

Pass this bill, and the meaning of the act will then be so plain that there need be no apprehension that the State of Indiana will ever undertake to make money out of a construction of the law that Congress meant to grant three townships instead of two, which she would have to do in case those things should take place against which this amendment is designed to provide. It seems to me, therefore, that we may very safely pass the bill as it now stands. As I said at the outset, I

look upon the matter very differently from what I should if it were with speculators that we were dealing.

Suppose the decision should be changed by the courts, and the other party should come here and claim an equal quantity of land with that granted to the State University, we should be compelled, in justice to these two systems of education, to treat them equally, and give to one as much as we have given to the other; but I think the land could not be better disposed of than for the benefit of education.

Mr. GREENWOOD. I am not disposed to participate in this discussion; but I will say that, while I concur in the amendment proposed to be offered by the gentleman from South Carolina, [Mr. ORR,] I fully appreciate the motives which actuate the gentleman from New York [Mr. SIMMONS] in the liberality with which he would donate the public lands for the benefit of education. Like him, I would go to any reasonable extent for the purpose of advancing institutions of that character; and, like him, I would carefully scrutinize the pretensions of speculators.

But, sir, representing in part one of the new States of this Union, I should be unwilling to adopt any amendment which would authorize the State of Indiana to make her selection in any part of the Union outside of her own borders. I fully concur in the remarks of the gentleman from Wisconsin [Mr. EASTMAN] on that subject. I am willing to vote for the bill, if I can possibly do so, in such a shape as to meet the views of the Representatives of the State of Indiana; but I am in favor of throwing such guards around it as to prevent the State of Indiana from obtaining a larger amount of land for this purpose than it was the original intention of Congress to grant her.

The suit seems to be still pending in the supreme court of the State. True, the gentleman from Indiana [Mr. DUNHAM] says that there is nothing in the suit, and that they cannot possibly expect to recover; but the suit is, nevertheless, still pending, and I can see no harm that can possibly result to the State of Indiana by submitting to an amendment that will secure the object which the gentleman professes to desire to obtain.

I am in favor of the bill. I am in favor of voting to Indiana what is her right, and what the Government designed originally to give her; but I think that the friends of the bill should certainly not object to an amendment which will secure that to her eventually. They say that delay would place the State in such a condition that she could not possibly recover this loss, because the lands are being entered up by individuals so fast that the grant would not be worth a farthing by the time the suit is decided, if she was confined to her own borders in making the selection. The amendment which will be introduced by the gentleman from South Carolina [Mr. ORR] will obviate that difficulty. It provides that the Governor of the State of Indiana shall be authorized to appoint an agent to select these lands at once, and to report them to the General Land Office, to be reserved from sale, subject to confirmation or rejection, as this suit may terminate. It seems to me that the friends of the bill cannot possibly object to that proposition.

Mr. SMITH, of Virginia. I do not rise to make a speech, but I really desire to know whether I understand this question, for there has been such a perplexity of arguments and statements that I confess myself to be somewhat in the dark in regard to it.

As I understand it, it is customary for Congress to grant to each new State that may be admitted into the Union two townships of land, for educational purposes—that is to say, for university purposes. Is that the fact? I appeal to members from the new States to know if it is so.

Mr. EASTMAN. Yes; it is.

Mr. SMITH. Well, I understand that the State of Indiana has had her two townships.

Mr. DUNHAM. No; no.

Mr. SMITH. Yes, sir; she has had her two townships. The gentleman says "no;" I understand, however, that such is the fact, but that there is a difference between her own people as to who has a right to the land. The State has got it, but the question is whether the Vincennes University was entitled to it or not. The State has already received the quantity of land habitually given to new States for this purpose, and the

effect of this bill, as I understand it, would be to give her another township of land. If that be so, it is plain to my mind that we ought to vote down the bill.

Mr. ORR. If the amendment of the gentleman from Virginia [Mr. MILLSON] should be rejected, I propose to offer an amendment which I think will meet the views of every gentleman. It provides that the State of Indiana may cause the lands to be selected at once; that the lands so selected shall be reported to the Commissioner of the General Land Office, and shall be by him withdrawn from sale until the decision of the cause now pending in the supreme court of the State of Indiana, in which the Vincennes University is the plaintiff and the State of Indiana the defendant; and that said selection shall be confirmed, and patents issued therefor, if the suit shall be decided adversely to the State of Indiana, but if otherwise, then the selection shall be null and void.

Mr. DISNEY. I purpose, Mr. Chairman, saying a word or two in relation to this bill. I have looked somewhat into it. In the remarks which I am about to make, I leave out of view the auxiliary and subsidiary question, which has been debated here this morning.

The merits of the bill rest upon this statement of facts: At the time of the admission of the State of Indiana into the Union, in the year 1816, as is usual on such occasion, a compact was entered into between that State and the United States. In that compact various stipulations and conditions were inserted. Among them, on the part of Indiana, was a stipulation to forbear taxation in such regards, and to such extent. On the other side, on the part of the United States, certain donations in consideration of this forbearance were made, to wit: of all the salt-spring lands and various other matters, not necessary to the understanding of this case, and therefore not necessary for me to enumerate. Suffice it for me to state, in general terms, that there were a number of donations and grants in that act. Among others was a grant of a township of land to the State of Indiana, for the purpose of aiding in the establishment and support of a seminary of learning, under the direction and control of that State. And in making this grant the act of Congress had reference to and recognizes a previous grant of a township of land for the same purpose.

I think it perfectly apparent, on the face of the act admitting that State, that it was the understanding of both the parties—to wit: the State of Indiana and the Congress of the United States—that two townships of land were given to the State of Indiana, subject to the control of her Legislature, in order to sustain and support a seminary of learning—given to the State of Indiana in virtue and in consideration of the stipulations set forth in that act, of certain things to be done, or forbore to be done, on the part of that State. And besides, sir, the act in so recognizing the previous grant, and in making a special, specific grant of an additional township, but followed the course of proceeding which had been adopted in regard to the State of Ohio previously to this time, and which has been followed ever since in relation to the northwestern States of the Union.

Well, sir, so stands the case; both parties understanding that a grant of two townships of land had been made to the State of Indiana for this purpose. Subsequent facts have proved that the first granted township would not, as was supposed by both parties, inure to the State of Indiana, and could not inure to her for any purpose whatever; and it has been held that the United States had not conveyed to the State, by the original grant, the township which had been proposed, and which both parties supposed was conveyed previous to the admission of the State. Here, then, was an error of fact, contrary to the understanding of both parties. It now turns out that the State of Indiana, instead of getting two townships for the support of her seminary of learning under the control of her Legislature, as all of the other northwestern States have, only gets one.

Now, it is alleged, on the other hand, although the State has not got in her State capacity two townships of land for such a purpose, yet she has got one for that purpose, and her citizens, in point of fact, got the other township of land with which they promoted similar, or kindred purposes. Now what force is there in the objection? Here was a solemn compact entered into between Indiana, at

the time of her admission into the Union, and the United States.

In this agreement, every body of understanding can perceive—and the fact is sufficiently set forth in the act itself, so as to permit of no doubt—that Indiana was to have conveyed to her—as had been conveyed before to the State of Ohio, and as was subsequently conveyed to every one of the north-western States—two separate and distinct townships of land, to be subject to the Legislature of the State, and to be applied to a specific purpose.

Now, sir, is this contract to be evaded by the fact that the General Government had appropriated the same land to other parties for other purposes, even though those other parties are citizens of Indiana? I apprehend not; for besides it will be discovered, by the most casual observer, that the purposes to which this land was to be appropriated by this Vincennes University, are in some respect different—entirely different from the purposes to which it has been applied under the direction of the State Legislature—as in this, for instance: The State University has regulations and provisions by which gratuitous education is given to youth, which the Vincennes University has not. And I am also reminded that the State University is not sectarian in its character, while the other University differs from it in both these respects. It has no gratuitous education provided for youth, and it is sectarian in its character.

But even if these differences did not exist, still the possession of this township on the part of a private association could not be a good plea on the part of the United States against the claim of the State of Indiana, set up legally, legitimately, and fairly under the terms of the contract, and under the act of Congress by which that State became one of the members of this Confederacy.

There stands the contract; and not only is this right to the land in question expressed on the face of the contract, but the grant itself is in consonance with the same kind of contract entered into by the General Government with the other north-western States of the Union. And, Mr. Chairman, upon the general principles of equity—putting aside the special purposes to which this grant was to be applied—the General Government would be bound to extend to the State of Indiana the same provision, and to the same extent, which it has done to the other States of the Union in like cases.

Now, Mr. Chairman, to proceed to consider another aspect of this case. The appropriation of this first grant of a township of land, was not made by the citizens of the State of Indiana. It was done by the citizens of the Territory of Indiana; and all right on the part of the State of Indiana, or control on the part of the United States, had passed away before the State of Indiana had an existence.

The grant had been made by the General Government. The State of Indiana took no interest by virtue of the act. It was made for the special purposes of education. And this donation, which was intended on one part to be given, and supposed on the other part to be received—in relation to this township of land—had no existence. The parties misunderstood the fact, and there was no township of land there to be appropriated. And hence, sir, one of the conditions stipulated and set forth in that act, on the admission of the State of Indiana into the Union, failing to be performed, Indiana has now a legal right to come before Congress and ask us to keep our contract.

Mr. HIESTER. Will the gentleman from Ohio give way to me for a moment, that I may make a motion for the committee to rise?

Mr. DISNEY. I will be through in one moment, and the gentleman can then make the motion he purposes. I confess, Mr. Chairman, that generally I do not like this sort of contingent legislation—legislation which is to depend on the happening of some future event—to depend on the action of other individuals than those constituting the Legislature of the Union. Now, sir, it has been held by our judicial courts that a legislative act, depending for its force and operation on the action of parties other than those composing the Legislature itself, is not a legislative act, and is not a law enacted by the competent authority; and I suggest a doubt whether an act of the sort which this would be, if the suggested amendments are adopted, would be a valid and constitutional act; that is to say, if you make the grant and the se-

lection of this tract of land dependent upon the act of other parties, whether it is within the constitutional competency of this Congress to pass it. I think not.

Mr. COBB. My object in rising is to move that the committee rise, for the purpose of introducing a resolution to close debate, in order that we may some time get to an end of this matter. We have consumed the whole day in discussing it.

Mr. LETCHER, (interrupting.) Will the gentleman allow me to make a suggestion to him?

Mr. COBB. No, sir; I know what it is. But if the House will take a vote upon the subject now, I will withdraw my motion.

Mr. BISSELL. I ask that the amendment of the gentleman from Virginia [Mr. MILLSON] may be read.

The amendment was accordingly again read.

Mr. BISSELL. I have an amendment to offer to that amendment, which I think will be acceptable all around. It is:

Provided further, That the State of Indiana may cause the land to be selected at once, and that the Secretary of the Interior, on being notified by the Governor of Indiana, at any time, that the selection of the land herein provided to be donated has been made by the proper authorities of that State, shall thereupon withdraw and reserve such land from sale, until the termination of said suit.

Mr. ORR. That is entirely acceptable to me.

The CHAIRMAN. The gentleman from Virginia [Mr. MILLSON] moved the amendment. Does he accept the modification?

Mr. BISSELL. I hope the gentleman from Virginia will accept it.

Mr. MILLSON. I desire to say only a word.

The CHAIRMAN. The gentleman from Virginia [Mr. LETCHER] was recognized by the Chair.

Mr. LETCHER. We have heard enough of this bill to satisfy us that the House knows nothing about it; and it will be well for us to read the debates upon this subject, as they will be published in the newspapers. There is a great difference of opinion now, and by a week's delay, and a week's examination of this debate, we can get at the facts of the case, and then take up the matter and dispose of it in a sensible and prudent way. I do not think that can be done now. Besides, the House is thin, there being only few more than a quorum of the members present, and, upon a vote upon such a proposition as this, there ought to be a full House.

I move that the committee rise.

Mr. MILLSON. I hope the gentleman will withdraw his motion for a moment.

Mr. LETCHER. I will withdraw it in favor of my colleague.

Mr. MILLSON. I desire to say, in reply to the gentleman from Illinois, that I cannot accept of his amendment, though perfectly willing to do so as far as I am concerned. My reasons are simply these: It will be recollected that I stated some time ago, that although the amendment I proposed would render the bill more acceptable to me than it is in its present shape, yet I should feel constrained to vote against the bill, even if my own amendment were adopted; for I stated that the institution of the State of Indiana had received all the benefit Congress intended to grant to her, and, this being a simple question between two collegiate institutions, I could not consent to vote for the bill, even if my own amendment were adopted, although I thought it was perfectly obvious that the amendment should be adopted. It was for that reason that I declined to accept the amendment to the amendment.

Mr. LETCHER. I now move that the committee rise.

The question was then taken upon Mr. LETCHER's motion, and a division being had, there were—ayes 45; noes not counted.

Mr. CHANDLER demanded tellers; which were ordered; and Messrs. HARRIS, of Alabama, and VAIL were appointed.

The question was again put, and the tellers reported—ayes 49, noes 67.

So the committee refused to rise.

The question was taken, and the amendment to the amendment was agreed to.

The question then recurred upon the adoption of the amendment as amended; and being taken, was decided in the affirmative.

So the amendment was agreed to.

The CHAIRMAN. If there be no objection, the bill, as amended, will be laid aside to be reported to the House.

Mr. WALSH. I object.

Mr. HENDRICKS. If it be necessary to make the motion, I move that the bill be laid aside, to be reported to the House, with the recommendation that it do pass.

Mr. ASHE. I move that the committee do now rise. I do it because it is evident that there is no quorum in the committee, and I do not wish to have final action upon a bill of so much importance as this, with less than, or barely a quorum.

The CHAIRMAN. The vote lately taken showed that a quorum was present.

Mr. HENDRICKS. I rise to a question of order. I submit that no business has intervened since the committee refused to rise. I ask that the vote may be taken upon my motion that the bill be laid aside to be reported to the House.

The CHAIRMAN. The Chair decides that sufficient business has intervened to make the motion of the gentleman from North Carolina in order.

Mr. WALSH. What is the question before the committee?

The CHAIRMAN. It is that the committee do now rise.

Mr. WALSH. Is it that the committee rise and report the bill to the House?

The CHAIRMAN. It is not. It is upon the simple motion that the committee rise.

Mr. WALSH. This matter has been debated at such immense length, that nobody understands it, [a laugh,] and I do not want the committee to take final action upon it to-day.

The question was taken, and decided in the negative—ayes 54, noes 67.

So the committee refused to rise.

Mr. JONES, of Tennessee. Has the bill been laid aside?

The CHAIRMAN. It has not.

Mr. JONES. I move, then, that the committee do now rise and report the bill, with the amendments, to the House.

The question was put, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman (Mr. WRIGHT) reported that the Committee of the Whole House had had the Private Calendar generally under consideration, and particularly the joint resolution of the Senate (No. 2) "to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816," and had directed him to report the same to the House, with an amendment, and with a recommendation that, as amended, it do pass.

Mr. KEITT. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. FULLER. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. JONES, of Tennessee, called for tellers. Tellers were not ordered.

The question was then put; and, on a division, there were—ayes 99, noes 27.

So the motion was agreed to.

Mr. DUNHAM moved the previous question on the bill.

The previous question received a second, and the main question was ordered to be now put.

Mr. JONES, of Tennessee, moved to lay the bill upon the table.

Mr. McMULLIN moved that the House do now adjourn.

The question was put; and, on a division, there were—ayes 68, noes 57.

So the motion was agreed to, and the House thereupon (at twenty-five minutes before four o'clock) adjourned till Monday, at twelve o'clock, m.

IN SENATE.

MONDAY, February 13, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

Mr. BRIGHT. Will the Secretary please read a note which I have received from the President of the Senate?

The Secretary read, as follows:

WASHINGTON, February 13, 1854.

DEAR SIR: Will you do me the favor to preside in the Senate to-day? DAVID R. ATCHISON.

Hon. J. D. BRIGHT, United States Senate.

Mr. BRIGHT. If there be no objection, I will

comply with the request of the President of the Senate, and take the chair.

There was no objection.

The Journal of Eriday was read and approved.

THE MISSOURI COMPROMISE.

Mr. EVERETT. Mr. President, I have been requested to present a memorial of fourteen hundred citizens of Worcester, Massachusetts, against the passage of the bill for organizing the Territories of Kansas and Nebraska. This memorial is signed by the present Governor of the State of Massachusetts, by Mr. John Davis, well known to most of the members of this body, for a long time filling the same place, and afterwards a much respected Senator of the United States. It also bears the signature of Mr. Lincoln, who was for many years Governor of Massachusetts; and is signed by citizens of every party and every section of party in the Commonwealth of Massachusetts. It represents, I believe, the unanimous opinion of the people of that part of the country, and is signed by more than fourteen hundred individuals.

I also present the memorial of the representatives of the yearly meeting of the Society of Friends in New England, respectfully protesting against the extension of the area of slavery in the United States.

As the subject of these memorials is now before the Senate, I move that they lie on the table.

The motion was agreed to.

DUTIES ON RAILROAD IRON.

Mr. BELL. I present the memorial of sundry citizens of the State of Tennessee, stockholders in the Tennessee and Alabama railroad. The memorialists set forth that this road is now in course of construction, but that the completion of it is likely to be delayed and obstructed by the very high price of rail bars. They set forth very cogent reasons why the duty on imported railroad iron should be altogether repealed, or the collection of the duty postponed until at least two years after the road shall have been completed and in operation. They allege that otherwise not only projects on which large amounts of capital have already been expended will remain incomplete, but also many new projects retarded, unless this privilege be granted. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

CLAIMS AGAINST TEXAS.

Mr. BENJAMIN. I desire to present the petition of a number of citizens of Louisiana interested in claims against Texas. They represent that, owing to conflicting opinions in Congress in relation to the obligation of the United States to assume the payment of these debts, and the importance of the subjects now submitted to Congress for deliberation, they fear that the delay of an application to Congress will be so great as almost to defeat their interest in the claims, and they therefore earnestly pray Congress to pass a law authorizing them to institute a suit in equity before the Supreme Court of the United States, against the United States, with the view of testing the liability of the Government for the payment of the claims. In order to have that question taken into consideration, I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

CAPE FEAR RIVER.

Mr. BADGER, in accordance with previous notice, asked and obtained leave to introduce a bill making further appropriation for the improvement of Cape Fear river, North Carolina; which was read, and ordered to a second reading.

Mr. BADGER. I will not ask the reference of the bill nor its consideration at this time. I wish, however, to lay upon the table and have printed some papers from a report on the subject, showing conclusively not only the propriety but the necessity, the indispensable necessity, of the appropriation being made without delay, or the consequence will be the entire closing up of the mouth of the river. I will, therefore, allow the bill to remain without a second reading until the papers which I send to the table can be printed. When they are printed, I shall ask the Senate to take up the bill and pass it without delay.

The papers were ordered to be printed.

EXTRA PAY TO OFFICERS IN MEXICAN WAR.

Mr. DODGE, of Iowa, submitted the following

resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of allowing to the officers of the Army who served in the late war with Mexico, and who, whilst so serving, received their commutation of subsistence in money, an extra compensation of twenty cents per ration for each ration so received by the said officers during the time herein specified.

BRAZILIAN CORRESPONDENCE.

Mr. WADE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested, if in his judgment the same may be done without detriment to the public welfare, to communicate to the Senate copies of the dispatch from the late Minister Plenipotentiary of the United States to Brazil to the Secretary of State, dated November 24, 1851, together with all accompanying papers & documents which were sent therewith, and also a copy of the letter of the Secretary of State to the said Minister in reply thereto, and of the communication from the Navy Department, which was inclosed in the said letter of the Secretary of State.

INSANE HOSPITAL IN THE DISTRICT.

Mr. NORRIS submitted the following resolution, and asked for its immediate consideration:

Resolved, That the Secretary of the Interior be requested to inform the Senate what deficiency, if any, there is in the appropriation to complete the hospital for the insane of the District of Columbia, and of the Army and Navy, the cause of such deficiency, and whether, in his opinion, any additional appropriation will be required to complete the work, and if so, how much.

The resolution was considered by unanimous consent.

Mr. BRODHEAD. I move to amend the resolution by adding "and also whether the sites selected are the most proper and convenient."

Mr. NORRIS. I will accept that.

The resolution, as modified, was agreed to.

Mr. BRODHEAD subsequently said: I move to reconsider the vote adopting the resolution, for the purpose of offering an additional amendment. I have consulted the mover of the resolution, and he has no objection to it.

The motion to reconsider was agreed to.

Mr. BRODHEAD. I move to amend the resolution by adding the following:

And what sums have been respectively paid for those sites, and whether such sums were or were not reasonable, compared with the value or price of land in the vicinity of those sites.

The amendment was agreed to; and the resolution, as amended, was adopted.

PETITIONS, ETC.

Mr. FITZPATRICK presented a petition of citizens of Alabama, and other southern States, praying that restrictions in regard to the transportation of turpentine and the various other products of the pine tree on board of steamboats, may be repealed; which was referred to the Committee on Commerce.

Also, the petition of the Governor of the State of Alabama, the Judges of the Supreme Court, members of the Legislature, and other officers of the State, praying that the compensation of the Clerk of the United States district court for the middle district of Alabama, may be increased; which was referred to the Committee on the Judiciary.

Mr. WADE presented a petition of citizens of Ohio, remonstrating against the enactment of any law which will permit slavery in the Territory of Nebraska, or otherwise infringe the provisions of the Missouri compromise in regard to slavery; which was ordered to lie on the table.

Mr. FISH presented the petition of Peter A. Myers, praying an increase of his pension; which was referred to the Committee on Pensions.

Mr. HAMLIN presented resolutions passed at a meeting of citizens of Bath, Maine, in favor of a reduction of the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Also, a petition of Jeremiah Simons, one of the Dartmoor prisoners during the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Also, a petition of Abner Lowell and others, praying the erection of a light-house on Wood Island, on the coast of Maine; which was referred to the Committee on Commerce.

Also, the petition of Joseph Pennley, one of the Dartmoor prisoners during the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Mr. SEWARD presented an additional document in support of the claim of Sarah Crandall, widow of James Coon, to a pension; which, with the petition and papers already presented, on the files of the Senate, was referred to the Committee on Pensions.

Also, a petition of citizens of Steuben county, New York, praying that the pension now allowed Isaac Ackerman may be increased; which was referred to the Committee on Pensions.

Also, a petition of non-commissioned officers of the Navy, praying an increase of their pay; which was referred to the Committee on Naval Affairs.

Also, a petition of citizens of New York, remonstrating against the ratification of any treaty by which it is proposed to establish an international copyright between the United States and Great Britain; which was ordered to lie on the table.

Also, a petition of citizens of Niagara county, New York, remonstrating against the passage of the bill to establish the Territory of Nebraska in its present form, or any other bill by which the Missouri compromise will be violated; which was ordered to lie on the table.

Also, two petitions of citizens of Pennsylvania, remonstrating against the enactment of any law by which slavery will be permitted in the Territory of Nebraska, or the Missouri compromise violated; which were ordered to lie on the table.

Mr. CLAYTON presented two petitions of citizens of Delaware, remonstrating against the passage of the bill to organize the Territory of Nebraska in its present form; which were ordered to lie on the table.

Mr. FOOT presented a petition of citizens of Windham, Vermont, remonstrating against the enactment of any law by which the Missouri compromise will be repealed or abrogated; which was ordered to lie on the table.

Mr. GEYER presented a memorial of the citizens of Livingston, Grundy, and Mercer counties, Missouri, asking a grant of lands to aid in the construction of a railroad through said counties; which was referred to the Committee on Public Lands.

Mr. FISH presented the memorial of Goodhue & Co., and others, merchants of New York, praying the enactment of a law to prevent the forfeiture of ships without fault of the owners in certain cases; which was referred to the Committee on Finance.

Also, additional papers and testimony in support of the petition of Meigs D. Benjamin, of New York, praying the return of an excess of duty heretofore paid by him on the importation of certain goods; which were referred to the Committee on Finance.

Mr. SUMNER presented a petition of citizens of Massachusetts, a petition of citizens of North Danvers, Massachusetts, and a petition of citizens of Windham, Vermont, remonstrating against the repeal of the provision of the Missouri compromise in regard to slavery; which were ordered to lie on the table.

Mr. CHASE presented two petitions of citizens of Ohio, remonstrating against any disposition of the public lands except for the use of actual settlers; which were referred to the Committee on Public Lands.

Also, a memorial of citizens of Cincinnati, praying an appropriation to aid a stock company in the construction of a canal around the falls of the Ohio river on the Indiana side; which was referred to the Committee on Roads and Canals.

Also, two petitions of residents of Ohio, and a petition of citizens of Pennsylvania, remonstrating against the passage of the bill, in its present form, to organize the Territory of Nebraska; which were ordered to lie on the table.

Also, proceedings of a meeting of citizens at Cleveland, Ohio, against a violation of the Missouri compromise; which were ordered to lie on the table.

Mr. BRODHEAD presented ten petitions of citizens of Pennsylvania, remonstrating against the passage of the bill to organize the Territory of Nebraska in its present form; which were ordered to lie on the table.

Also, two memorials of citizens of Philadelphia, praying the erection of a building for the use of the post office in that city, and the United States courts for that district; which were referred to the Committee on the Post Office and Post Roads.

Mr. HUNTER presented a petition of the inspectors of the customs for the district of Norfolk and Portsmouth, Virginia, praying an increase of their compensation; which was referred to the Committee on Finance.

Mr. EVANS presented a petition of the clerks and others employed in the offices of the collector of the customs and naval officer for the district of Charleston, South Carolina, praying an increase of their compensation; which was referred to the Committee on Finance.

Mr. DODGE, of Iowa, presented the following petitions; which were referred to the Committee on Public Lands:

Petition of citizens of Iowa, praying that a grant of land be made to aid in the construction of the Philadelphia, Fort Wayne, and Platte Valley Air-Line Railroad.

Petition of citizens of Iowa, praying that a grant of land be made to aid in the construction of the Fort Madison, West Point, Keosauqua, and Bloomfield Railroad.

Two petitions of citizens of Iowa, praying that a grant of land be made to the States of Indiana, Illinois, and Iowa, to aid in the construction of a railroad from Fort Wayne to Council Bluffs.

Also, a petition of citizens of Iowa, praying the establishment of a mail route from Fort Des Moines to Eldora, the county seat of Harding county, in that State; which was referred to the Committee on the Post Office and Post Roads.

Also, a supplemental petition of James Pool, praying remuneration for services rendered, under contract, to the Seneca nation of Indians; which was referred to the Committee on Indian Affairs.

Mr. PEARCE presented the memorial of Rebecca P. Stansbury and others, children of Thomas Peters, deceased, praying to be allowed an amount of money equal to the pensions their father and mother would have been entitled to for the services of the former during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MALLORY, it was

Ordered, That the petition of James Edwards, administrator of the estate of Edward M. Wanton, and the petition of the legal representatives of the estate of Nehemiah Brush, be withdrawn from the files of the Senate, and, together with an additional document, referred to the Committee on Military Affairs.

On motion by Mr. SEWARD, it was

Ordered, That the petition of James Wornsey be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the petition of Isaac S. Bowman, praying to be allowed half pay, to which his father was entitled, submitted a report; which was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred three petitions of citizens of Blair county, Pennsylvania, and the proceedings of a meeting of soldiers of the war of 1812, held in Philadelphia, in favor of a modification of the bounty land law, asked to be discharged from their further consideration, and that they be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the bill for the relief of paymasters' clerks who served in Mexico, submitted an adverse report thereon; which was ordered to be printed.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the memorial of Harriet O. Read, executrix of brevet Colonel A. C. W. Fanning, praying compensation for extra services performed by him, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. CLAY, from the Committee on Pensions, to whom were referred the petitions of Michael Hennessey, Ann L. Moor, and Jacob T. Smith, praying pensions, submitted adverse reports thereon; which were ordered to be printed.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the petition of Sarah Somers Corson, and the petition of Thomas Conner, praying pensions, submitted adverse reports thereon; which were ordered to be printed.

Mr. DODGE, of Wisconsin, from the Committee on Commerce, to whom was referred a resolution of the Senate in relation to the subject, reported a bill to constitute Dubuque, in the State of Iowa, a port of delivery; which was read, and passed to a second reading.

Mr. HAMLIN, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Ira Day, praying compensation for carrying certain mails, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WADE, from the Committee of Claims, to whom was referred the petition of John Devlin, praying compensation for services performed in the Fifth Auditor's Department, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WILLIAMS, from the Committee on Pensions, to whom were referred the following bills from the House of Representatives, reported them back without amendment:

Bill for the relief of Lyman N. Cooke.

Bill for the relief of Emelie Hooe, widow of Captain Hooe.

NOTICES OF BILLS.

Mr. RUSK gave notice of his intention to ask leave to introduce a bill to provide for the officers of the late Texas Navy.

Mr. PEARCE gave notice of his intention to ask leave to introduce a bill providing for the entering into an examination of certain accounts between the State of Maryland and the United States.

PHILADELPHIA COURTS AND POST OFFICE.

Mr. BROADHEAD moved that the bill referred February 8 to the Committee on the Post Office and Post Roads, to provide a place for the post office in the city of Philadelphia, and for the courts of the United States for the eastern district of Pennsylvania, be printed; which was agreed to.

BILLS INTRODUCED.

Mr. BROWN asked and obtained the unanimous consent of the Senate to introduce a bill to perpetuate preemption to actual settlers on the public lands; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. FITZPATRICK, agreeably to previous notice, asked and obtained leave to introduce a bill making a grant of land to the State of Alabama, in alternate sections, to aid in the construction of a railroad from the line of Georgia, on the Chattahoochee river, to the city of Mobile; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. FITZPATRICK, agreeably to previous notice, asked and obtained leave to introduce a joint resolution for extending an existing contract for carrying the mail in Alabama; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. CLAY, agreeably to previous notice, asked and obtained leave to introduce a bill granting to the State of Alabama public lands, in alternate sections, to aid in the construction of the Alabama and Tennessee Railroad, from Selma on the Alabama river, to the Tennessee river, at or near Gunter's Landing, and also the Memphis and Charleston Railroad from Memphis, on the Mississippi river, to some point connecting with the Nashville, Chattanooga and Charleston Railroad; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. CLAY asked, and obtained, the unanimous consent of the Senate to introduce a bill for the relief of Thomas Snodgrass; which was read a first and second time by its title, and referred, together with the petition and papers on the files of the Senate, to the Committee on Claims.

HOUSE BILLS REFERRED.

The following bills, from the House of Representatives, were severally read a first and second time by their titles, and referred—the two first named to the Committee on Pensions, and the last to the Committee on Claims:

"A bill for the relief of Harriet Leavenworth, widow of the late Brevet Brigadier General Leavenworth."

"A bill for the relief of William B. Edwards;" and

"A bill for the relief of Anthony G. Willis, deceased."

NEBRASKA TERRITORY.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. WELLER addressed the Senate for nearly an hour in support of the bill. [His speech will be found in the Appendix.]

Mr. HOUSTON. Mr. President, it was my intention to address the Senate to-day, but owing to indisposition I do not feel that I should be able to proceed as I had desired and contemplated, and therefore I will move that this subject be laid over until to-morrow.

Mr. BUTLER. Do I understand the Senator to say that he is too unwell to go on now?

Mr. HOUSTON. Yes, sir.

Mr. BUTLER. Then I move that the further consideration of the bill be postponed until to-morrow, in order that we may proceed to the consideration of Executive business.

Mr. GWIN. I hope the Senator from South Carolina will not ask for an Executive session, for we have a great many bills on the Calendar which we can go on and dispose of.

The PRESIDING OFFICER. The first question is on the motion to postpone until to-morrow.

Mr. DOUGLAS. I would ask if there is not some other Senator prepared to go on? It does not follow, by any means, that because the Senator from Texas is not able to proceed there are not others ready to go on. I know of several Senators who, it is presumed, are to speak; and I hope some of them may go on and make their remarks now, though I do not wish to interfere at all with the Senator from Texas.

Mr. HOUSTON. I am satisfied, though owing to a hoarseness under which I now labor, and of which I can be relieved by to-morrow, I cannot now proceed, that I shall be enabled to go on then without any detriment to the bill or to the business of the Senate.

Mr. BUTLER. Some of my friends say it would be an indulgence to them to allow the Senate to sit in open session for half an hour, because they have four or five land bills to dispose of. I suppose they can get through with them in that time.

The motion to postpone was agreed to.

DEFICIENCY BILL.

Mr. GWIN. I rise to give notice to the Senate that I shall, to-morrow, or at some early day thereafter, ask leave to introduce the deficiency bill which the House of Representatives have defeated. Unless the Senate take up and pass such a bill, it may be that the wheels of the Government will be stopped. I give notice, therefore, of my intention to introduce that bill.

GRANTS OF LANDS FOR RAILROADS.

Mr. SLIDELL. I move that the Senate now proceed to consider bill No. 8, being a bill granting to the State of Louisiana the right of way, and making a grant of the public lands, for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river, in said State.

Mr. DAWSON. I hope we shall take up the Calendar in its order, beginning at the beginning, and going regularly on.

Mr. SLIDELL. It seems to me that there should really be no opposition to these bills now. Friday is set apart for the consideration of private bills, and these bills cannot be touched on that day. I think the Senator might be satisfied with the fight which he has already made on this question, and submit to the passage of the bills. It will only be an unnecessary consumption of time to continue the discussion of them.

Mr. DAWSON. I have no doubt that these bills will go through, but still I dislike to see prematurity in these matters. I know they will go through by the force of their own weight, but I dislike to see them running over everything else.

Mr. SLIDELL. I am not familiar with the rules of order, but I submit to the Chair that my motion is in order.

The PRESIDING OFFICER. It is in order, and the question is upon it.

Mr. WALKER. I wish to know from the chairman of the Committee on Public Lands whether this course is in accordance with the understanding?

Mr. DODGE, of Iowa. This bill is reported in the usual form, and with the unanimous consent of the committee.

Mr. WALKER. I am not inquiring as to the form of the bill, but as to the order in which it shall be taken up. If I understand, one bill has already been passed for Louisiana.

Mr. SLIDELL. This is in exact accordance with the understanding the other day; this is the next railroad bill on the Calendar.

Mr. WALKER. There is a bill granting lands to Wisconsin for a railroad, which is ahead of this on the Calendar. Besides this is a second one for the same State.

Mr. SLIDELL's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands, with an amendment, in the nature of a substitute.

The Secretary was proceeding to read the substitute.

Mr. WALKER. The form of these bills is so well known that I presume it cannot be necessary to read this. There are a dozen more of the same sort upon the tables of Senators.

The PRESIDING OFFICER. If there be no objection, the reading of the amendment will be dispensed with.

Mr. BAYARD. I move to postpone the further consideration of the bill until Monday next. The bill introduced by the honorable Senator from Vermont, [Mr. FOOT,] in relation to the disposition of the public lands for the benefit of the indigent insane, was postponed until that day. The two questions run into each other. I am myself, on principle, opposed to the whole of these bills, and I desire to be heard on them when they come up; but if you take them up one at a time, in this mode, immediately after some other subject has attracted the attention of the Senate, it is impossible to give them the consideration which I think they ought to have. There are many objections to them in detail, which I think ought to be made, independent of the objection in principle; and if this course be persisted in—if these bills be taken up in this way—all that I can do is to require that each bill be read through. I move, however, to postpone the further consideration of the bill until Monday next.

Mr. SEWARD. The honorable Senator from Delaware spoke so low that it was impossible for me, in the confusion around me at that moment, to understand him. I see no reason for postponing this bill to-day, upon any public consideration; but if the honorable Senator desires to address himself to the subject of the bill, on Monday next, which I did not hear, I shall of course, with great pleasure, yield to his request.

Mr. BAYARD. I will endeavor to speak loud enough for the honorable Senator from New York to hear me; and I will explain to him the reason why I move the postponement. I am opposed to the principles embodied in all these bills. They are brought in separately for different States. The bill introduced by the honorable Senator from Vermont embodies a different principle as to the disposition of the public lands. I am opposed to that also, but I am not able to distinguish between the principle that disavows his bill from these bills which are daily passed. I wish to be heard on the question.

Mr. SEWARD. Very well.

Mr. BAYARD. I move to postpone this bill to the day to which the bill of the honorable Senator from Vermont has been postponed. If we get through with the other question which is engrossing the attention of the Senate when these bills come up, I desire to be heard upon them.

Mr. JONES, of Tennessee. Will the Senator from Delaware withdraw his motion for one minute? I will renew it, if he desires it. It will be remembered by the Senate, that some weeks ago I gave notice that I would, at some proper time, ask leave to introduce a bill to distribute the proceeds of the public lands among the States. It has been my purpose, from that time until the present, to fulfill that promise. I have postponed it, however, on account of the more engrossing subjects before the Senate. On consultation with a number of gentlemen, I find that they are anxious that the question should be tested upon some one of these bills. It is not my wish to embarrass any bill which is before the Senate. I have invariably voted for every proposition that has been before

the Senate to give lands for purposes of internal improvement, and I shall continue so to vote unless some better system can be adopted. I think the system can be benefited materially. As the Senator from Delaware proposes to make this question the special order of the day for next Monday, I think it would be a saving of time if we could bring the whole question up. It is in that view, with the permission of the Senator from Delaware, that I propose to offer my intended bill as an amendment to the bill which is under consideration, in order that the whole question may come up and be decided at once. We had better decide the matter at once, or it will give rise to another debate upon the same branch of the same question on another bill. I submit, therefore, to Senators, whether it would not be best to propose my amendment to this bill, in order that the whole question may come up.

Mr. DODGE, of Iowa. Mr. President, I appeal to my friend from Tennessee, as a fair legislator, not to bring forward that proposition now. I am perfectly willing that he should do so at any other time when he sees fit, and we will give him a hearing, and fix a day for its consideration; but I am sure that he wishes to deal fairly among the sister States of this Union. As a Senator, I am certain that he does not wish to pass a bill for one or two States, and withhold from others for days and weeks a like bill, because of an amendment which he may move involving other and outside questions than those which are involved in the bills under consideration, and upon which there is no question. Now, I will make a proposition in reference to this matter. It is the proposition of the committee. I hold that the State which I in part represent, for instance, will be most unkindly treated by the Congress of the United States, and the parent Government, if they withhold from it a grant similar to that which has been made to its sister State upon the east, and adjoining to it, and to its sister State upon the south, and adjoining to it. The Committee on Public Lands at this session, taking the Illinois bill for their guide—a State from which there has been no request since—have sought in their action to report bills making grants within that amount, upon the presumption that the Senate of the United States, and the other branch of Congress, would act upon principles of equality and justice in this matter.

I appreciate the motives which actuate my friend from Tennessee in the movement which he has made. I have conversed with him in relation to it. It is, however, a separate and independent proposition, not connected with these bills, and I am certain that, as a legislator, he desires no bargain to be made in reference to any measure which is to be passed here, but he is desirous to let all bills pass or be rejected on their own merits or inherent strength. That I believe to be the case; and I say that amendments moved to these bills to make additional grants look very much like a bargain; and I hope everything of that sort will be avoided.

Those who are opposed to these grants, and to this mode of disposing of public lands, can vote against the bills. Those who have other propositions can bring them forward and have a vote of the body upon them. All that I ask now is that fair play shall be done to all. I represent one of the States which has felt aggrieved in relation to this matter; and I, as a representative, have felt dishonored as a member of this body because of the manner in which my State has been treated. My colleague and myself have sought to do all that we could do in our representative capacity to prevent any such thing. When our bill was up two years ago, Judge Underwood offered an amendment which provoked a debate of four or five months; but we kept the matter before the body, because of the indefatigable zeal and energy of my colleague, who pressed our bill upon the Senate day after day; and the bill finally passed the Senate, but did not obtain a hearing in the House.

I trust that, as we have not embodied these bills together, desirous that they should pass or be rejected, each on its own merits, the Senate will proceed to do justice to the public land States, acting separately on their bills. I hope my friend from Tennessee will not press his amendment. I promise, however, when he brings that forward as a separate measure, to give him a hearing—a fair and a full hearing.

Mr. GWIN. Mr. President, I wish to add a single remark to what the Senator from Iowa has said with regard to this question. It must be apparent to the Senate that if the representatives of those States who have been asking for grants of lands for railroads, fail to get their bills through at an early period in the session, and other Senators have bills passed for the benefit of their States, it will affect them injuriously at home. There is another important question connected with this matter, so far as my own State is concerned. A bill has been reported from the Committee on Public Lands, granting alternate sections for railroad purposes on four short routes in that State. The Legislature is now in session. If there is not some indication of congressional action which can be transmitted by the next mail, the benefits of the act may pass over for a whole year, for the want of that State legislation which is indispensably necessary to give any efficiency to the grant that may be made. I hope, therefore, that, as some of these bills have already been passed, the Senator from Tennessee will allow the remainder to go through without any discussion or obstruction from those who entertain opinions adverse to such grants, and give us an opportunity of being placed on the same footing with those States for whose benefit bills have already been passed by the Senate.

Mr. BAYARD. Mr. President, I trust I shall be unwilling, under any circumstances, to do injustice to any State in this Union; but though it may be true that the Congress of the United States have passed certain bills at anterior sessions for the purpose of granting lands for railroads to individual States, it does not follow that, if I think those bills are wrong in principle, I am committing injustice to other States because I do not recognize a wrong principle when a subsequent bill is introduced. The question of the disposition of the public lands is certainly a vexed question. There is not a settled policy in regard to it. These bills have been resisted at all times. My hope is that some adjustment can be made that will prevent any difficulty in reference to the question. My own opinions tend towards an amendment which was offered some two sessions ago by the honorable Senator from Virginia, [Mr. HUNTER,] but, as these bills now stand, they seem to me to involve a principle of gross injustice to the other States of the Union. I admit that, according to my views, Congress have no constitutional power to dispose of the public lands among the States at large. Nor am I able to distinguish between the right to give them to the land States any more than to give them to the States at large, if they be a gift. As to the doctrine connected that the United States being great landholders, I wish to show, and I think I can show, that the principle connected with that has been departed from in the bills which are now framed upon the model bill of the Senate; and I wish to be heard upon that question. If, after that, the Senate choose to pass such bills, they will meet with no further opposition from me than a silent vote. I shall not struggle beyond the point of bringing the question before the Senate, with the hope that we may be able to adopt some plan which, while it satisfies the demands of the representatives from the landholding States, will also satisfy the public sentiment of the whole Union in the non-landholding States as well as in the landholding States. Being opposed in principle to each and every one of these bills, I cannot see how it is just, because previous isolated bills have passed granting lands to other States on principles which I do not recognize, to require at my hands that I shall assent to the passage of this bill without opposition, when I have never had an opportunity of being heard in regard to it.

Mr. SLIDELL. I trust the motion to postpone the further consideration of this bill until Monday will not be adopted by the Senate. The honorable Senator from Delaware has had abundant opportunity to examine, not only the principles, but the details of this bill. It has been reported from the Committee on Public Lands, and has been on our tables now, I think, for more than a month past. It has been the subject of discussion during three different sessions at least. The whole principle of the bill was fully discussed upon the question of the passage of one of a similar character some five or six days since. I am sure the honorable Senator from Delaware, who has now been

present, I think, during three sessions, at least, in which bills have been introduced and passed, involving the same principles, and nearly the same details, is quite as competent to argue the case now as he will be at any subsequent period. I am sure if I thought the Senator from Delaware was not prepared at this moment to discuss this bill with a full knowledge of its principles and its details, I should consider it as a matter of necessary and proper courtesy to consent to his motion to postpone; but knowing the ability and zeal with which he examines all questions of this kind, I am sure he will not be able to do more justice to his argument five or six days hence than now. Therefore, if the motion be insisted on, I shall ask for the yeas and nays upon it.

Mr. BAYARD. I wish only to say that I suppose I am a better judge as to whether I am prepared to argue the question now or not, than the honorable Senator from Louisiana. I certainly have not certain facts, certain comparisons which I wish to make of the bill before us with the antecedent bills which have been passed when I was not a member of the body. Those which were passed during the last Congress while I was a member of the Senate, were not, according to my recollection, subjects of discussion; certainly not of extended discussion. As to the full discussion of which the honorable gentleman speaks as having taken place at this session, I have not heard it, certainly; though I have heard the question partially discussed.

If I am not wrong, the bill was not reported from the Committee on Public Lands until the 30th day of January, which is a period now of two weeks. Since then, we have had a great many other exciting subjects before the Senate, and many collateral questions which one is obliged to examine. I never anticipated, and I presume that no Senator on this floor anticipated, that this question would come up to-day. I had supposed that while the discussion on the Nebraska bill was pending, other questions of importance would not be taken up. One thing is very certain, that on a question of privilege which would otherwise be entitled to precedence, the debate has been stopped, though it was the order of the day for Thursday last, and it has passed even unnoticed in the Senate under the pressure of the Nebraska bill. Besides, we had the enunciation on the part of two Senators on the last day of our session, that they both intended to speak to-day, and hence I presumed that the whole day, after one o'clock, would have been consumed in the discussion of the Nebraska bill. I did not come here to-day for the purpose of discussing this bill, because I did not expect that it would be taken up; and hence I have made my motion to postpone.

It is a matter of indifference to me whether the Senate choose to grant my request or not, for I can and will take occasion hereafter, on some other of these bills, to express my sentiments. And certainly I will not speak now if the Senate refuses to postpone the bill till Monday.

Mr. CLAYTON. I believe the Senate never before refused, on an application of this kind, the courtesy of postponing the consideration of a subject for a few days, to give a Senator an opportunity of being heard. This is a great subject. It is one about which there is a very great difference of opinion. I hardly know of a more important subject for discussion at this session; and in consideration of the fact that we are pressed by the Nebraska bill, and by the bill providing indemnity for French spoliation, and many other measures which occupy our thoughts, I trust the Senate will not depart from the courtesy with which it has heretofore indulged gentlemen upon such bills. I hope, therefore, that by unanimous consent the measure may lie over until Monday, and then we can come prepared to understand it and hear it discussed.

Mr. JOHNSON. The motion is to postpone the further consideration of this bill until next Monday. To-day is Monday, and hence the motion is to postpone it for a whole week. Sir, I am satisfied that it will not take a gentleman of the intelligence of the Senator from Delaware, with that general knowledge which he already possesses on these subjects, a whole week to investigate the few points which are involved in these bills. And as it bears hardly upon us, I think it would be but just to those of us who feel that we suffer by the delay, to name an earlier day.

Whilst I am willing, on my part, to concede to the Senator all necessary time, I am not willing to give him a whole week. I think two days will be sufficient.

Another thing I would suggest to the good, common sense of the gentleman, and it is this: By postponing this bill you will involve a contest upon almost every other bill of this sort. What do you achieve by laying this bill over? Simply this: the Senator whose bill is now before the Senate is compelled to wait for a week before it can be taken up. It will be postponed, but the other bills will not be postponed, and we shall be at perfect liberty to bring up any other bill of the same class on any intervening day. I do not rely, however, on this argument; but I think the Senator himself must feel that it is hardly just to ask us now to postpone this bill for a week. We have but few opportunities to bring our bills before the body when there is an important special order pending. Then, with all the time which he has had, considering the repeated number of sessions at which these matters have heretofore been discussed, the general information which already exists, and the easy accessibility of further information on this subject, it is unjust, I think, that he should ask for a whole week. It does not seem to me to be right; and I respectfully submit to him whether he cannot name a shorter day. If I may be allowed, I will move to amend his proposition so as to make the postponement be until Wednesday next instead of until Monday.

Mr. BROWN. Mr. President, I should vote, although deeply interested in the question of the disposition of the public lands, for the postponement proposed by the Senator from Delaware, with great pleasure, but for one thing: I feel that if this motion succeeds it necessarily carries with it all of the other land bills; for, I take it for granted, that the Senate would not postpone the bill in which the Senator from Louisiana takes so deep an interest, and then allow others to have their bills taken up and passed before disposing of his bill. If the motion succeeds, it necessarily carries with it all the other bills. With that view of the case I should vote for the motion, although it operates hardly on myself, if I had any assurance that when Monday comes the Senate will take up the bills and act upon them. But if we postpone a bill for a week, at the instance of the Senator from Delaware, how shall we refuse to postpone it for another week for some other Senator, and another week for some other, until these bills, by appeals to our courtesy, shall be postponed from time to time to the end of the session, or so near the end that it will be impossible to procure the action of the House of Representatives upon them?

Sir, I am willing, as a young Senator, to yield everything in the way of courtesy which I can yield in justice to my State; but when appeals to my better feelings, and to my courtesy, are made, which involve a surrender of the rights of my constituents and of my State, I feel that more is asked than I can give. If, in accordance with the suggestion of the Senator from Arkansas, the Senator from Delaware thinks he will be prepared to go on in two days, and with the hope that when that time shall have expired, other Senators will be prepared to pursue the discussion, so far as it is to be considered at all, I am willing to vote for a postponement for that period. Beyond that I do not feel disposed to go.

Mr. BADGER. Mr. President, I hope there will not be any serious objection to granting to the Senator from Delaware that which he asks. Personally, I have no wish to delay the passage of any of these bills; no wish to discuss them; no desire to occupy time upon them; but I am very certain that at no time since I have been a member of this body, would such a request, supported by such reasons, be followed by anything else, on the part of the Senate, than an acquiescence in the proposal of the gentleman who asks the favor. With regard to the suggestion of my friend from Mississippi, that we shall be called upon to postpone another week for another gentleman, permit me to say that, if we were to adopt that idea as the rule by which we should determine upon an application to extend a courtesy to any gentleman of the Senate, we should have to begin and refuse giving courtesy at all, because, undoubtedly, that courtesy may be abused; but I can assure him of one thing: as far as I am concerned, if I shall discover any disposition on the part of any Sena-

tor to pursue such a course as he has suggested, he will never command my vote for aiding him in it. But the case is this: the Senator from Delaware says he wishes to discuss the whole principle of these appropriations. He is not prepared to do it now, but will be on Monday. It is suggested to postpone to Wednesday or Thursday; but I think my friends will perceive in a moment that that postponement will accomplish no purpose, because we have not the slightest reason to believe that by Thursday the Nebraska bill will be out of the way. I think, therefore, that what is asked ought to be conceded to the honorable Senator, and that, in reality, my friend from Mississippi will be mistaken in supposing that there will be any disposition in the Senate—and I hope there will be none in any Senator—to make, by a succession of applications of this kind, an unnecessary delay in the passage of the bill.

Mr. SEWARD. Mr. President, it has seemed to me, for several days past, that, instead of being in the Senate of the United States, we had fallen into a county court, and that, when a Senator, standing upon his own sense of his responsibilities to his constituents and to the country, appealed to the Senate for the customary courtesy, his statements were examined and scrutinized with the care which is taken to scrutinize the affidavits of a party seeking to delay the trial of a cause. Now, sir, I think it is due to the honorable Senator from Delaware that he should not be placed in a false position on this subject. Surprise is expressed that he is not prepared at this time, and that he may not be prepared on Thursday next, to discuss the general principle involved in the policy of granting lands for railroads to the States. Sir, I should, on the other hand, be very much surprised if he was, under all the circumstances, prepared now; and I shall esteem it very creditable to him when I see that he is prepared to discuss this great question on Monday next—the day he himself assigns. No Senator who heard the argument—distinguished for its acumen, distinguished for its ability, distinguished for its research, and distinguished for its candor—with which that Senator furnished this body upon the question of the contested-election case from Vermont, can be surprised that he is not prepared to follow that, within three or four days, by a similar argument upon the question on which he desires to address the Senate. Besides that, I doubt not that the honorable Senator has been pressed, as we have all been pressed, by the great question which now occupies the attention of the Senate, to the exclusion of everything else; and has felt the necessity of being prepared to express his opinion upon it to-day, because a vote might be required of him to-day.

I have made these remarks because I thought there was reason to fear injustice would be done to the honorable Senator by supposing that he ought to be prepared to discuss this subject at this moment. I have always voted for every one of these bills, though I have no personal interest in them—

Mr. SLIDELL. If the honorable Senator from New York will excuse me, I will state, that, after consultation with the friends of these various bills, we assent to the suggestion that the consideration of this bill be postponed to Monday next, with, however, the distinct understanding, in which I hope the Senate will generally acquiesce, that when it does come up on Monday, the bill will be disposed of.

Mr. SEWARD. I will barely add that I have, of course, nothing to say on that subject. I am, with the honorable Senator, in favor of these bills; but I give notice to honorable Senators who desire the passage of these bills, that, if they expect my vote at the price of a courtesy due to a Senator from one of the old thirteen States, they will never get it, even for their bills.

Mr. DODGE, of Iowa. As one of those Senators, I repudiate the lecture which has been read to me by the honorable Senator from New York. It is in as bad taste as is his eulogium in reference to a pending matter, on which the Senate of the United States are called to vote, touching a high constitutional question. I submit to none from him. I take none from him. I throw it back upon him.

Mr. JOHNSON. I wish to know if it is the general understanding that the bills will be acted upon on the day assigned? I do not understand

the remarks of the Senator from New York. Does he consent to, or does he mean by what he has said, to protest against any such understanding that the Senate will then by general consent take the matter up?

Mr. SEWARD. I will inform the honorable Senator, so far as I am concerned, that I am with him for taking up the bill and passing it at any time desired.

Mr. JOHNSON. I merely wanted to know if it is the understanding that we shall then dispose of the bill, because if it is, I will go for the motion to postpone; but, if otherwise, I will not go for it.

Mr. DAWSON. I beg to say that I enter into no contract that we shall take up the bill and pass it. I cannot consent to that.

Mr. JOHNSON. Take it up and vote upon it.

Mr. DAWSON. If we have time, I shall certainly make no opposition to take it up and go into the discussion of it; but I beg for myself not to be bound to vote for the bill when it comes up.

Mr. BROWN. Nobody expects that.

Mr. JOHNSON. All that we ask is, that when these bills come up they shall be considered without any unnecessary delay.

Mr. DAWSON. All that I mean to be understood from my acquiescence is, that it shall be considered polite towards these bills to take them up on the day named.

The motion to postpone the further consideration of the bill until Monday next was agreed to.

Mr. GWIN. I now move that all the other bills upon the Calendar, which have been reported on favorably by the Committee on Public Lands, and which propose to make grants of the public lands to the several States for railroad purposes, be postponed to the same day.

Mr. BAYARD. I understand that all these bills are framed in exactly the same way, with no variation, except as to the *termini*, and, of course, the quantity of land to be taken, according to the length of the road.

Mr. JOHNSON. That is all.

Mr. GWIN. My object is that we may take up all these bills and pass them at once; not pass one to-day, and one six weeks hence, which I think unjust.

Mr. BUTLER. The gentleman takes it for granted that all these bills will be passed. [Laughter.] I have no doubt of it.

Mr. BADGER. By common consent it can be understood that these bills will come up one after the other.

Mr. GWIN's motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. BUTLER, the Senate proceeded to the consideration of Executive business; and after some time spent in the consideration thereof, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, February 13, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

Mr. J. GLANCY JONES, a Representative elect from the State of Pennsylvania, in the place of Henry A. Muhlenberg, deceased, appeared and qualified by taking the usual oath to support the Constitution of the United States.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of the Interior, in obedience to a resolution of the House, passed on the 30th ultimo, transmitting a statement, showing, as near as may be, the number of acres of the public lands which have been donated by the Government of the United States, and for what purposes, specifying the quantity for each purpose, and in what States and Territories; which was ordered to lie upon the table and be printed.

The SPEAKER stated that the first business in order was the consideration of a privileged motion.

REMONSTRANCE AGAINST NEBRASKA BILL.

Mr. WASHBURNE, of Illinois. I ask the unanimous consent of the House to present the remonstrance of one hundred citizens of Savannah, Illinois, against the passage of any bill organizing Nebraska Territory so that slavery can be introduced there.

Mr. HAMILTON. I object, and call for the regular order of business.

Mr. WASHBURNE. Is it in order to move to suspend the rules to enable me to present the remonstrance?

The SPEAKER. It is not, because there is already a privileged motion pending over from Friday. It is a motion made by the gentleman from Tennessee [Mr. JONES] to lay upon the table a bill reported from a Committee of the Whole House, and after a demand for the previous question had been seconded. Is it the pleasure of the House to proceed to the consideration of that bill?

Mr. WHEELER. What is it?

The SPEAKER. It is Senate bill (No. 2) "to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816."

Mr. HENDRICKS. I believe that my colleague, [Mr. DUNHAM,] who has that bill especially in charge, is willing that it shall lie over until the next private bill day.

The SPEAKER. If there is no objection, the bill will go over until Friday next.

No objection was made.

DEFICIENCY BILL.

Mr. BRECKINRIDGE. Is it in order now to make a motion to suspend the rules?

The SPEAKER. It is in order.

Mr. WASHBURNE, of Illinois. I submitted a motion to suspend the rules just now, and the Chair decided that it was not in order.

The SPEAKER. Nor was it in order until the bill reported from the Committee of the Whole House was disposed of. The gentleman from Illinois did not address the Chair after that bill was disposed of, until the gentleman from Kentucky had been recognized. This is the day set apart for the call of the States for resolutions, beginning with the State of New York.

Mr. BRECKINRIDGE. I am about to make a motion to suspend the rules, with a view to take up the motion that was laid upon the table the other day, to reconsider the vote by which the deficiency bill was rejected.

It seems to be due from the Committee of Ways and Means, perhaps, to make an effort, in some form, to resuscitate that or some other bill; and in order that the House may exactly know what is proposed to be accomplished, if it will allow me, I will make a statement, not extending over two minutes, stating the steps designed to be taken.

The SPEAKER. Is it the pleasure of the House that the gentleman shall be indulged in the statement he proposes?

[Cries of "Go on!"]

Mr. BRECKINRIDGE. I propose to move to suspend the rules to take up the motion to reconsider, which was laid upon the table. If the rules be suspended the motion will be taken up, and the question will be reconsidered. If reconsidered, then it will be necessary to move to suspend the rules, with a view to reconsider the vote by which the bill was engrossed for a third reading.

If the vote be reconsidered the question will then be, "Shall the bill rejected the other day be engrossed for a third reading?" At that point of time, I propose, if I can get the floor, to move the bill which I hold in my hand as a substitute for the deficiency bill, which was rejected the other day; and it is fair to notify the House that I shall move the previous question, which would bring the House to a vote between the bill which I hold in my hand and the bill which was rejected the other day.

I will only add, that the bill in my hand is the deficiency bill as it came from the Committee of Ways and Means, together with the amendments put upon it by the recommendations of the committees of this House. If this course be pursued it will give the House an opportunity to take either of the bills, or neither, whichever it may prefer.

Mr. McMULLIN obtained the floor.

The SPEAKER. The gentleman from Kentucky proposes to move to suspend the rules of the House, for the purpose of taking from the table the motion to reconsider the vote by which the deficiency bill was defeated.

Mr. BRECKINRIDGE. I will only add, that the effect will be to put both bills within the power of the House; and it can take either of them, or

neither of them, whichever it may prefer. I now move to suspend the rules.

The SPEAKER. The gentleman from Virginia [Mr. McMULLIN] was recognized by the Chair, and is now upon the floor.

Mr. McMULLIN. I should like to be able to gratify the gentleman in his suggestion; but differing with him, out and out, as to the parliamentary question involved, I cannot vote for the proposition. I would most respectfully suggest to the gentleman from Kentucky, and the House, whether inasmuch as the chairman of the Committee of Ways and Means is not in his place, this question should be mooted at this time?

Mr. BRECKINRIDGE. I will state to the gentleman that the chairman of the Committee of Ways and Means is absent on necessary business, and that this motion is made by his consent.

Mr. WHEELER. I demand the yeas and nays on the motion.

Mr. STEPHENS, of Georgia, obtained the floor.

Mr. McMULLIN. I have not yielded the floor.

The SPEAKER. Debate is not in order. The Chair has recognized the gentleman from Georgia. He may have sought the floor for the submission of a privileged question.

Mr. STEPHENS. I suggest that the gentleman from Kentucky will withdraw what he has stated in respect to a substitute for the bill, because, perhaps, a majority of the House will not take that substitute. I would propose that he barely adopt such course as will again bring that bill before the House. If the gentleman persist in stating that he will offer the substitute, and call the previous question upon it, so as to bring the House to a direct vote between the bills, both, perhaps, will again be lost.

The SPEAKER. The gentleman from Virginia has the floor. If discussion or explanation be allowed it is the gentleman's right to be heard.

Mr. BRECKINRIDGE. I only wish to make a single remark, in reply to what has been said by the gentleman from Georgia.

Mr. McMULLIN. I will yield to the gentleman, if it be the pleasure of the House.

Mr. BRECKINRIDGE. If the steps I have suggested be taken, when the question comes up on the substitute I propose, if a majority of the House is in favor of that substitute, it will be put in; if a majority is opposed to the substitute it will be voted down, and the question will then recur on the deficiency bill, which was defeated the other day. So the House will have choice between the two bills.

Mr. FLORENCE. It is only fair, then, that the substitute be read to the House.

Mr. BRECKINRIDGE. It will be read.

Mr. TAYLOR, of Ohio. I wish to ask the gentleman from Kentucky a question, that I may understand this proposition, and I trust that he will be kind enough to give it answer. I would inquire whether the bill he proposes to submit as a substitute embraces the appropriation made by the Committee of the Whole on the state of the Union?

Mr. BRECKINRIDGE. I will reply to the gentleman, that it does not embrace all of those items.

It simply embraces the items reported from the Committee of Ways and Means originally, together with those items which were added to it on the suggestion of other committees, and recommended by the Committee of the Whole on the state of the Union for adoption by the House.

Mr. CAMPBELL. Will the gentleman from Virginia [Mr. McMULLIN] allow me to make a suggestion?

Several MEMBERS. I object to this discussion.

The SPEAKER. The Chair must interpose. The matter cannot be discussed unless by the unanimous consent of the House. The gentleman from Kentucky [Mr. BRECKINRIDGE] has made a motion to suspend the rules of the House, for the purpose indicated by him, which is to submit a motion to take from the table the vote by which the motion to reconsider was laid upon the table. No debate, and no explanation, is in order, unless it be conceded by the unanimous consent of the House.

Mr. WALSH. I object to anything further on the subject.

The SPEAKER. If explanation or discussion

be allowed at all, the gentleman from Virginia [Mr. McMULLIN] has the floor for that purpose.

Mr. CAMPBELL. I ask the gentleman from Virginia [Mr. McMULLIN] to allow me to make a suggestion.

Mr. LETCHER. I rise to a question of order.

The SPEAKER. The gentleman from Virginia will state his question of order.

Mr. LETCHER. I desire to know, Mr. Speaker, whether this debate is in order?

The SPEAKER. It is not in order.

Mr. LETCHER. Then I insist on our adhering to the rules of the House.

A MEMBER. I call for the yeas and nays.

The SPEAKER. The yeas and nays are demanded on the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] to suspend the rules.

Mr. HAMILTON. I desire to ask a question for information: Whether it is not competent for the Committee of Ways and Means to have a suspension of the rules to refer the original bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It is competent for the House to take that course by a suspension of the rules.

Mr. CAMPBELL. I would like to understand what the gentleman from Kentucky [Mr. BRECKINRIDGE] himself—

The SPEAKER (interrupting). The gentleman from Virginia [Mr. McMULLIN] was addressing the Chair.

Mr. CAMPBELL. Will the gentleman from Virginia allow me but a moment to make an inquiry?

The SPEAKER. The Chair must enforce the rule.

Mr. OLDS. Mr. Speaker, I rise to a question of order.

The SPEAKER. The Chair repeats that no discussion or explanation is in order.

Mr. CAMPBELL. Then I object to anything further in the matter.

The SPEAKER. All debate and explanation is out of order.

Mr. McMULLIN. I desire to know if the Chair has entertained, under the rules of the House, the proposition of the gentleman from Kentucky, [Mr. BRECKINRIDGE]?

The SPEAKER. The Chair did entertain it; it is competent for the House to do almost anything, when it chooses to set aside the rules of the House.

Mr. CAMPBELL. Then I hope the House will adhere to the rules.

Mr. McMULLIN. I object to the gentleman from Kentucky, as being clearly out of order, and his course being in violation of the rules.

The SPEAKER. The motion of the gentleman from Kentucky is to suspend all law.

Mr. WHEELER. Has not this matter been laid upon the table once?

Mr. ORR. I rise to ask a question for information. I desire to know if it is competent for the Committee of Ways and Means to report another—a new—deficiency bill?

The SPEAKER. The Chair has no doubt about it. It will be for the Committee of Ways and Means itself to determine what its powers are.

Mr. ORR. Then I hope the committee will adopt that course.

Mr. PECKHAM. Mr. Speaker, I desire to inquire whether in the case any other than the ordinary course should be taken? Why should not the Committee of Ways and Means retire and report, in the ordinary way, another deficiency bill?

The SPEAKER. The Chair will be bound to arrest anything like discussion, because it is entirely out of order.

Mr. FLORENCE. I desire to ask the Chair a single question.

The SPEAKER. The Chair repeats that discussion and explanation is out of order.

Mr. FLORENCE. Then I rise to a privileged question.

Mr. CAMPBELL. I object to the gentleman propounding any question, except a point of order be raised.

Several MEMBERS. "Question!" "Question!"

Mr. FLORENCE. I do raise a point of order.

The SPEAKER. The gentleman from Pennsylvania will state his point of order.

Mr. FLORENCE. The point of order which I raise is this: that the gentleman from Kentucky, having indicated his purpose to present a bill, it

is in order to have that bill read at the Clerk's table.

The SPEAKER. The Chair rules that it is not in order.

Mr. FLORENCE. Very well; that is all which I desired to know.

Mr. BRECKINRIDGE. I find that the steps to be taken, and the objections made, are too numerous to enable me to carry the proposition I have made; and if it be in order to withdraw such motion I will do so, and move to suspend the rules so as to enable me to introduce the bill which I hold in my hand, and move that it be referred to the Committee of the Whole on the state of the Union.

Mr. ORR. That will do.

Mr. BRECKINRIDGE. I have already indicated the nature of the bill I propose to introduce.

The SPEAKER. The gentleman from Kentucky submits a motion—

Mr. CAMPBELL (interrupting). I desire to make an inquiry. It is, whether the Committee of Ways and Means could not, when they are called upon in the regular order of committees, introduce this bill, without the necessity of a suspension of the rules?

The SPEAKER. Most certainly.

Mr. ORR. They might, when that committee is called, but the committee may not be called again for a week or more.

The SPEAKER. The gentleman from Kentucky [Mr. BRECKINRIDGE] submits a motion that the rules be suspended, so as to enable him to introduce a new deficiency bill.

Mr. BRECKINRIDGE. No, sir; the Chair mistakes. It is not a new bill from the Committee of Ways and Means, but one introduced by me, upon my own responsibility. It is the bill originally reported from the Committee of Ways and Means, with such amendments as were recommended by the standing committees, and adopted by the Committee of the Whole on the state of the Union.

Mr. DISNEY. I desire to inquire of the Chair whether the parliamentary law is not express and emphatic, that a matter being disposed of it is not in order, at the same session, to bring in the same, in substance, before the House, no matter how it varies in detail? Is not that a fundamental parliamentary law?

The SPEAKER. The Chair will respond. Suppose that—

Mr. DISNEY. The Chair will excuse me. One word further. I desire to say, that in my judgment—of the correctness of which I have no sort of doubt—that the decision of the Chair, and the original motion of the gentleman from Kentucky, were strictly parliamentary, and that they indicated the only mode in which this House can arrive at the consideration of this bill at this time. But the pending motion is unparliamentary and dangerous as a precedent.

The SPEAKER. The Chair decides that the rule referred to by the gentleman from Ohio may be suspended by the positive order of the House. That is the subject upon which we are now engaged. The House can suspend not only that rule, but every other rule standing in the way of the introduction of that bill. Of this the Chair has no doubt.

Mr. CAMPBELL. I desire to inquire of the honorable gentleman from Kentucky, whether the bill which he proposes to introduce has ever been submitted to the Committee of Ways and Means?

Mr. CLINGMAN. I object to this discussion. We have already wasted time enough upon the matter, and I object to any conversation which is not in order.

Mr. CAMPBELL. I contend that it is in order to inquire whether the bill has been reported by the Committee of Ways and Means, or submitted by them.

Mr. BRECKINRIDGE. With the permission of the Speaker, I will state what the bill is which is proposed to be referred to the Committee of the Whole on the state of the Union. It is the bill as it originally came from the Committee of Ways and Means, together with the amendments recommended by the standing committees of this House. These are all the contents of the bill.

Mr. CAMPBELL. Will the gentleman allow me to ask him a question?

Mr. PRESTON (interrupting). I ask the gentleman from Kentucky whether the amendments are those which the Committee of the Whole ordered?

Mr. BRECKINRIDGE. The amendments put into the bill by the Committee of the Whole are not in this bill, with the exception of those which were recommended by the standing committees of the House. If this bill is introduced and referred to the Committee of the Whole, gentlemen can move their amendments again.

Mr. CAMPBELL. Has this bill been submitted and acted upon by the Committee of Ways and Means, and recommended by them?

Mr. BRECKINRIDGE. It has not been formally acted upon by that committee, but a majority of them have requested that it should be submitted to the House.

Mr. WHEELER demanded the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

Mr. STEPHENS, of Georgia. The gentleman from Kentucky says that this bill has received the approbation or sanction of a majority of the Committee of Ways and Means. I beg leave to say to the House, that that committee has not been called together, and that I have never seen or heard of this bill before. It has not received my sanction.

Mr. BRECKINRIDGE. I wish to make a personal statement. I did not offer this bill as coming from the Committee of Ways and Means; but, after conversation with a majority of that committee, I determined, on my own responsibility, to take this course, believing that it will meet their approval. In fact, I do it at the request of a majority of the members of the committee. It is not the act of the committee, but my own individual act. My only object is to put it in the power of the House, if dissatisfied with the bill rejected the other day, to pass such a one as a reference to the wants and interests of the country may require.

Mr. ROBBINS. I have never been consulted in the matter, but I desire that the bill may be recommitted to the Committee of Ways and Means, or referred to the Committee of the Whole on the state of the Union. I know nothing about the bill.

The question was then taken upon Mr. BRECKINRIDGE's motion, and there were—yeas 107, nays 72; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Appleton, Ashe, Thomas H. Bayly, Banks, Barksdale, Belcher, Bennett, Benton, Bliss, Bocock, Breckinridge, Bridges, Chastain, Chrisman, Clark, Clingan, Cobb, Colquitt, Craige, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, Dent, Dowdell, Drum, Dunbar, Eastman, Eddy, Edmundson, Ellison, English, Etheridge, Everhart, Fenton, Flagler, Fuller, Giddings, Goode, Green, Greenwood, Grow, Hamilton, Andrew J. Harlan, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Hughes, Johnson, Roland Jones, J. Glancy Jones, Kidwell, Kirtledge, Kurtz, Lane, Latham, Macdonald, McMullin, McNair, Mace, Macy, Maxwell, Middeworth, Smith Miller, Milson, Morrison, Murray, Nichols, Noble, Olds, Orr, Packer, Bishop Perkins, Phelps, Phillips, Puryear, Richardson, Riddle, Robbins, Ruffin, Seymour, Shaw, Singleton, Skelton, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, Thurston, Trout, Vail, Vansant, Wade, Walker, Warren, Wells, John Wentworth, Daniel B. Wright, and Zollicoffer—107.

NAYS—Messrs. Ball, Benson, Bugg, Campbell, Carpenter, Caruthers, Chase, Corwin, Cox, Crocker, Cullem, Dick, Dickinson, Disney, Edgerton, Edmunds, Farley, Florence, Grey, Aaron Harlan, Harrison, Haven, Hiester, Hill, Hiliyer, Hunt, Daniel T. Jones, George W. Jones, Kerr, Knox, Leitcher, Lindley, McCulloch, McQueen, Matson, Maurice, John G. Miller, Morgan, Norton, Andrew Oliver, Mordecai Oliver, Peck, Peckham, Pennington, John Perkins, Pratt, Preston, Pringle, Reese, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Simmons, Gerrit Smith, George W. Smyth, Snodgrass, Alexander H. Stephens, Andrew Stuart, John L. Taylor, Tracy, Tweed, Upham, Walbridge, Walsh, Elihu B. Washburne, Israel Washburn, Wheeler, and Hendrick B. Wright—72.

Two thirds not voting in the affirmative, the rules were not suspended.

Mr. BRECKINRIDGE. The House having indicated its sense in this respect, I wish now to make the motion which I originally made. I will make another effort for the purpose of getting the bill, in some form, before the House. I move to suspend the rules, so as to take from the table the motion by which the deficiency bill was rejected.

Mr. HAMILTON. Upon that proposition I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WENTWORTH, of Illinois. What was the effect of the last vote?

The SPEAKER. The rules were not suspended. Mr. WENTWORTH. I would ask the Chair if the motion now pending is the original motion made by the gentleman from Kentucky?

The SPEAKER. It is.

Mr. TAYLOR, of Ohio. I wish to make the inquiry of the Chair, as I desire to vote understandingly, what the question really is before the House?

The SPEAKER. It is a motion to suspend the rules, so as to take from the table the motion by which the deficiency bill was rejected.

Mr. STEPHENS, of Georgia. If this motion prevail, and the rules are suspended, will not the question then be, "Shall the vote by which the deficiency bill was rejected be reconsidered?"

The SPEAKER. As put by the gentleman from Kentucky [Mr. BRECKINRIDGE] such is not the understanding of the Chair. The gentleman from Kentucky will again state his motion.

Mr. BRECKINRIDGE. My motion is to suspend the rules for the purpose of taking from the table the motion laying upon the table the motion to reconsider the vote by which the deficiency bill was rejected.

Mr. STEPHENS. I will explain in a few words my understanding of the question. A motion was made to lay the motion to reconsider upon the table, and carried. If the House now reconsider the question, the question then coming up will be, "Shall the motion to reconsider be laid upon the table?" The yeas and nays will be called upon that. If the House vote that down, and the motion to reconsider is not laid upon the table, the question then will recur "Shall the bill be reconsidered?" That is the exact course which I indicated the other day, by which the House could again get up the bill.

The question was then taken upon Mr. BRECKINRIDGE's motion; and there were—yeas 102, nays 77; as follows:

YEAS—Messrs. James C. Allen, Appleton, Thomas H. Bayly, Banks, Barksdale, Benson, Bissell, Bliss, Bocock, Boyce, Breckinridge, Buzz, Chastain, Clark, Cox, Craige, Crocker, Curtis, Thomas Davis, Dean, De Witt, Dickinson, Disney, Dunbar, Eddy, Edmunds, Edmundson, Ellison, English, Etheridge, Ewing, Farley, Fenton, Fuller, Giddings, Goode, Greenwood, Aaron Harlan, Wiley P. Harris, Harrison, Hastings, Haven, Henn, Hibbard, Hiester, Hill, Hughes, Hunt, Johnson, George W. Jones, Roland Jones, Kerr, Kidwell, Latham, Lindley, Linsley, Macdonald, McNair, Mace, Macy, Maxwell, Middleswarth, John G. Miller, Smith Miller, Milson, Nichols, Noble, Mordecai Oliver, Bishop Perkins, Phelps, Phillips, Powell, Preston, Ruryear, Richardson, Riddle, David Ritchie, Robbins, Rogers, Simmons, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William K. Smith, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, John L. Taylor, Thurston, Tweed, Upham, Vail, Vansant, Wade, Walker, Israel Washburn, Wells, Daniel B. Wright, and Zollicoffer—102.

NAYS—Messrs. Aiken, Willis Allen, Ashe, Ball, Belcher, Burnett, Benton, Bridges, Campbell, Carpenter, Chandler, Chase, Chrisman, Clingman, Cobb, Colquitt, Corwin, Cullum, Cumming, John G. Davis, Dawson, Dent, Dowdell, Drum, Edgerton, Florence, Grev, Hamilton, Andrew J. Harlan, Hendricks, Hillyer, Daniel T. Jones, J. Glancy Jones, Kittredge, Knox, Kuriz, Lane, Letcher, McCulloch, McMullin, McQueen, Matteson, Maurice, Morgan, Morrison, Murray, Norton, Olds, Andrew Oliver, Orr, Packer, Peck, Peckham, Pennington, John Perkins, Pratt, Pringle, Reese, Thomas Ritchey, Ruffin, Russell, Sabin, Sage, Sapp, Seward, Seymour, Shannon, Shaw, George W. Smyth, Snodgrass, Andrew Stuart, Trout, Walbridge, Walsh, Warren, Elihu B. Washburne, John Wentworth, Wheeler, and Hendrick B. Wright—77.

So (two thirds not having voted in the affirmative) the rules were not suspended.

RESOLUTIONS.

Mr. CLINGMAN. I have a resolution which I desire to offer, and to which, if the House will hear it read, I presume there will be no objection.

Mr. WALSH. I object.

Mr. CLINGMAN. I move to suspend the rules, to enable me to offer the resolution; and now I ask that it may be read for information.

The resolution was read by the Clerk, as follows:

Resolved, That the Secretary of the Treasury be requested to transmit to this House a statement showing the original cost of each custom-house, including expenditure for sites as well as for construction and improvements, and that he also state the entire expenditure for the last three years for salaries and other items of each of said custom-houses; and that he also state the amount of revenue collected at each place during the like period, so arranging the statement as to enable Congress to see at what points the expenditures exceed the returns.

Mr. McMULLIN. I call for the regular order of business.

The SPEAKER. It is in order to move to suspend the rules. That motion has been made by the gentleman from North Carolina, and is, there-

fore, for the time being, the regular order of business.

Mr. McMULLIN. We are already in possession of the information which the gentleman seeks.

Mr. CLINGMAN. The information is not in the possession of the House in the form for which the resolution provides.

The question was put, and fifty-seven rose in the affirmative.

Mr. CLINGMAN. I ask for tellers upon the motion.

Tellers were ordered; and Messrs. Olds and Vail appointed.

The question was taken, and the tellers reported—ayes 69, noes not counted.

So (two thirds of a quorum not having voted in the affirmative) the rules were not suspended.

Mr. WENTWORTH of Illinois. I have a resolution which I desire to introduce.

Mr. WALSH. I object.

Mr. WENTWORTH. I move to suspend the rules to enable me to introduce the resolution. I ask that it may be read for information, and to its reading I ask the earnest attention of the House, for I assure them it is a matter of great importance.

The resolution was read for information, by the Clerk, as follows:

Resolved, That the Committee of Ways and Means be instructed, whenever they omit or change the estimates sent to them by any Department of the Government, to report the reason for such omission and change in writing.

Mr. WENTWORTH. If this resolution be adopted, the House will be enabled to act understandingly. [Laughter.]

Mr. WALSH. I move to lay the resolution upon the table.

The SPEAKER. The resolution is not yet before the House.

Mr. BRECKINRIDGE. I ask that the resolution may be read again. We want to understand distinctly upon what we are called upon to vote.

The resolution was again read by the Clerk.

Mr. WENTWORTH. Now, Mr. Speaker, if this be adopted, we out West shall understand when—

The SPEAKER. No discussion can be permitted until the rules are suspended, and the resolution regularly before the House.

The question was taken, and the Speaker announced that that the noes seemed to have it.

Mr. WENTWORTH. I demand the yeas and nays, and call for tellers on the yeas and nays.

Tellers were not ordered—only three members rising.

Mr. WENTWORTH. Then I give up all hope of information. [Laughter.]

The question was then put; and (two thirds not voting in favor thereof) the rules were not suspended.

Mr. McMULLIN. I call for the regular order of business.

The SPEAKER. Resolutions are in order from the State of New York.

Mr. MACE. I desire to offer a resolution, and if it is objected to I shall move to suspend the rules.

Mr. SAGE. I object to it.

Mr. MACE. Then I move to suspend the rules.

A MEMBER. Read the resolution.

The resolution was read, as follows:

Resolved, That a select committee be appointed to investigate all mistakes or frauds in the disbursement of money appropriated to the Collins steamers for mail service, and other steamers for like services, with power to send for persons and papers.

Mr. WHEELER. I object to that resolution.

The SPEAKER. The motion is to suspend the rules.

The question was then put, and (two thirds voting in favor thereof) the rules were suspended.

The question was then put on the resolution, and it was adopted.

Mr. WENTWORTH, of Illinois. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

The question was put on the latter motion, and it was agreed to.

The SPEAKER. Resolutions are in order from the State of New York.

Mr. FLAGLER submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to transmit to this House, as soon as practicable, a copy of the survey of the harbor at the mouth of the Twelve Mile Creek, on Lake Ontario, made pursuant to an order of the Department in 1852.

Mr. CHANDLER. I ask the consent of the House to introduce to-day the report from the joint committee relative to the wreck of the steamer San Francisco, that it may be disposed of at once.

Mr. WALSH. I object.

Mr. CHANDLER. I move to suspend the rules.

The question was put, and (two thirds not voting in favor thereof) the rules were not suspended.

Mr. MAURICE, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Commerce:

"A bill relative to ocean steamships."

[Here a message in writing was received from the President of the United States, by the hands of Mr. SIDNEY WEBSTER, his Private Secretary.]

Mr. MURRAY. I should be glad, Mr. Speaker, to have the message, which has just been received from the President of the United States, read to the House.

Mr. WALSH. I object.

Mr. OLIVER, of New York, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Revolutionary Pensions:

"A bill to provide pensions for revolutionary service."

Also, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Invalid Pensions:

"A bill to provide pensions to certain persons engaged in the land and naval service of the United States in the war with Great Britain, declared by the United States 18th of June, 1812."

Mr. WHEELER. I now move to take up the resolution which I submitted two weeks since.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of War be requested to communicate to this House for what reasons the appropriation of \$50,000, made by the last Congress for the improvement of the navigation of the Hudson river has been withheld? and, also, why some definite action has not been taken in reference to said improvement.

Mr. HAMILTON. I object.

Mr. WHEELER. I move to suspend the rules, for the purpose I have indicated.

The question was taken, and the House refused to suspend the rules.

Mr. CUMMING offered the following resolution, which was adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making the port of Brooklyn, in the State of New York, a port of delivery, and that they report by bill or otherwise.

Mr. PERKINS, of New York. I offer the following resolution, so that the Committee of Ways and Means may again have the subject of the deficiencies of appropriations in their possession:

Resolved, That so much of the President's message, and the report of the Secretary of the Treasury, as relates to deficiencies in former appropriations be re-referred to the Committee of Ways and Means.

Mr. WALSH. I wish to debate that resolution.

The SPEAKER. The resolution accordingly lays over.

Mr. WRIGHT, of Pennsylvania. I submit the following resolution:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of extending the provisions of the third and fourth sections of the act of Congress, entitled "An act further to provide for the collection of duties on imports," approved 2d March, 1833, so as to give the Supreme Court of the United States jurisdiction of all cases, whether arising under the revenue laws, or any other law of the United States; and that they report by bill or otherwise.

The question was put, and the resolution was adopted.

Mr. STRAUB. I desire to present a memorial of citizens of the Society of Friends, in Pennsylvania, New Jersey, and Delaware, against the introduction of slavery into the Territory of Nebraska.

Mr. CLINGMAN. Mr. Speaker, can this memorial come in under the rule? If not, I object to it.

The SPEAKER. The gentleman from Pennsylvania, the Chair supposes, is aware of his right to present it at the Clerk's desk, and have it referred.

Mr. STRAUB. I am aware I can take that course, and will do so. I now beg to offer the following resolution:

Resolved, That the Committee on Printing be requested to inquire into the expediency of reporting a resolution directing the printing of thirty thousand additional copies of the Mechanical and Agricultural Patent Office Report of 1853, for the use of new members of the House.

Mr. WHEELER. I propose to debate that resolution.

Mr. HAVEN. It goes to the Committee on Printing without a vote, and so it goes without debate.

The SPEAKER. The resolution just reported will, under the express rule of the House, go to the Committee on Printing without a vote of the House, and will not, in the opinion of the Chair, go over as other resolutions, proposed to be debated, do.

The resolution was accordingly referred to the Committee on Printing.

Mr. GROW. I propose the following resolution, which is under the influence of the same rule:

Resolved, That two thousand copies of the Report of the Postmaster General be printed, for the use of the Post Office Department.

The SPEAKER. Under the rule referred to, that resolution goes to the Committee on Printing. It was so ordered.

Mr. RITCHIE, of Pennsylvania. I move the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of Judges of the district court of the United States for the western district of Pennsylvania, and that they report by bill or otherwise.

The question was put, and the resolution was adopted.

Mr. CHANDLER. I offer the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into and report, at as early a day as possible, on the expediency of causing to be constructed or purchased, in the city of Philadelphia, a building for the accommodation of the courts for the eastern district of Pennsylvania, for the accommodation of the marshal and other officers of the court, and for the safe keeping of the archives, and also for the use of the post office in Philadelphia.

Mr. HESTER, by unanimous consent, presented the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of changing the present mode of anticipating the payment of the public debt of the United States, by withdrawal of the definite offers of the Secretary of the Treasury, and substituting therefor invitations to the holders of said debt to submit proposals for the surrender thereof, at rates to be specified according to some uniform system in such proposals, the lowest and most favorable of which may be accepted by the Secretary of the Treasury, at such times and rates, and in such amounts, as shall be deemed expedient; and that the said committee report thereon by bill or otherwise.

Mr. FLORENCE. I propose to present to the House a memorial similar to that just presented by my colleague, [Mr. STRAUB.]

Mr. WALSH. I object; such memorials can be sent to the Clerk's desk, under the rule.

Mr. FLORENCE. I desire to say, that inasmuch as I occupy a position opposed to the memorialists —

[Cries of "Order!" "Order!"]

Mr. FLORENCE. I ask the House to extend to me the same courtesy which was accorded to the gentleman from New York, [Mr. CUTTING,] and to the gentleman from Delaware [Mr. RIDDLE] the other day.

The SPEAKER. Is it the pleasure of the House to hear the gentleman from Pennsylvania?

Mr. CLINGMAN. I object.

Mr. FLORENCE. I move to suspend the rules, so as to enable me to explain the reasons why I present the memorial which I hold in my hand.

Mr. WALSH. I ask the gentleman from Pennsylvania whether the memorial contains any written names, and whether it is competent for this House to take cognizance of any but written names?

Mr. FLORENCE. I do not consider it proper at this time to answer the question of the gentleman from New York, [Mr. WALSH.]

The SPEAKER. This discussion can only be indulged by the unanimous consent of the House.

Several Voices. "I object."

The question recurring upon the motion to suspend the rules, it was put, and decided in the affirmative, upon a division—ayes 94, noes not counted.

Mr. FLORENCE. I am very much indebted to the courtesy of the House for this privilege. I intended to say, that I held in my hand a memorial of the religious society of Friends, of Pennsylvania, New Jersey, and Delaware, petitioning Congress against the passage of a law legalizing the introduction of slavery into Nebraska.

Mr. DEAN. I rise to a question of order. I understood that the rules were suspended for the purpose of allowing the gentleman to introduce the memorial, and not to make a speech.

The SPEAKER. The rules were suspended for the purpose of allowing the gentleman to make an explanation, and not for the purpose of enabling him to present the memorial which he held in his hand.

Mr. FLORENCE. The gentleman from New York is out of order, as he very often is.

Now, Mr. Speaker, I differ entirely with these petitioners. I represent in this House a large number of the people who have so petitioned. I agree with them in scarcely a single declaration made in this petition; perhaps in none which bears any relation to the bill which has been introduced for the organization of the Territory of Nebraska. I do not admit, with these memorialists, that the passage of the bill submitted from the Committee on Territories by the gentleman from Illinois [Mr. RICHARDSON] contemplates the introduction of slavery into Nebraska. These petitioners say that it does. I do not so understand the object of the bill. I understand it to be perfectly in accordance with the action of Congress in enacting the series of measures known as the compromise acts of 1850, which brought peace to the country, and to the councils of the nation. This enactment I have, by my vote in this House, approved, and it, in my judgment, meets the approbation of a majority of my constituents. Inasmuch, then, as the petitioners are respectable and intelligent citizens of Pennsylvania, and members of a religious society of philanthropic and benevolent individuals, with many of whom I am intimately acquainted—a portion of them being among the most estimable of my constituents—I only desired to state to the House that they had so petitioned, and, in presenting it, to say I did not agree with them; and that I intend, unless it is very materially altered, to vote for the bill introduced by the gentleman from Illinois, [Mr. RICHARDSON;] for I conceive it proper and just, and is, most effectually, in my mind, best calculated to put a stop to the periodical agitation of the question of slavery in Congress, and in the Union. I am very much obliged for the courtesy of the House; and I desire, Mr. Speaker, to reiterate the deep sense of the obligation I am under for the kindness which has been so generously, and with so much unanimity, extended to me.

Mr. MILLSON. I offer the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of removing the marine hospital near Norfolk, to Craney Island, or some other point on Elizabeth river."

The question was then taken, and the resolution was agreed to.

Mr. LETCHER. I offer the following resolution:

Resolved, That the Secretary of the Treasury be requested to furnish to this House, at as early a day as practicable, a copy of the circulars addressed by him to persons engaged in manufacturing and commercial pursuits, soliciting their views upon the best mode of adjusting the tariff, so as to bring it within the revenue standard, together with the replies received from all such persons.

The question was then taken, and the resolution was agreed to.

Mr. GOODE. I offer the following resolution:

Resolved, That the President of the United States be requested to cause to be prepared for the use of this House tabular statements exhibiting:

First. The area of each State and Territory, expressed in square miles and in acres.

Second. The extent of public domain now remaining in each State and Territory, expressed in acres.

Third. The extent of public domain alienated by the Government of the United States in each State and Territory, distinguishing between that sold for a valuable consideration and that given, granted, ceded, or conveyed, for the purposes of education, public buildings, internal improvements, and miscellaneous objects.

The question was then taken, and the resolution was agreed to.

Mr. EDMUNDSON. I offer the following resolution:

Resolved, That upon a call of the yeas and nays, every member be permitted to vote who is without the bar of the House before the final result of the vote is declared by the Speaker.

I ask that it be referred to the Committee on Rules.

Mr. WALSH. I object to the introduction of the resolution.

Mr. JONES, of Tennessee. I move to suspend the rules, so that the resolution may be adopted at this time.

Mr. CAMPBELL. If the gentleman from Virginia will allow me, I think I can make a suggestion, which will obviate the necessity for the adoption of the resolution he proposes to introduce. That branch of the duty assigned to the Committee on Rules, and to which reference is had in this resolution, has been attended to by them. A majority of the committee have agreed to report in favor of allowing any person who is within the bar before the call of the roll is finished to vote.

Mr. JONES. It will be a long time before that report is acted upon. The case embraced in this resolution is so clearly and manifestly right in itself that I think we ought to act upon it now. The object of the resolution is merely that any member shall have the right to vote before the result is announced.

Mr. CAMPBELL. I would suggest to the gentleman from Virginia, [Mr. EDMUNDSON,] that he modify his resolution so as to provide that any member may vote before the call of the roll is finished. As it reads now, it is before the final result of the vote is declared by the Speaker.

Mr. EDMUNDSON. I accept the modification suggested by the gentleman from Ohio.

The resolution, as modified, was then read, as follows:

Resolved, That upon a call of the yeas and nays every member be permitted to vote who is without the bar of the House before the call of the roll is finished.

The question then being on the suspension of the rules, it was taken and decided in the negative.

Mr. EDMUNDSON demanded tellers, which were ordered; and Messrs. DEAN and BOOCK appointed.

The question was again put; and, upon a division, there were—ayes 89, noes not counted.

Mr. JONES, of New York. As this resolution, if adopted, will lead to very loose legislation upon the part of the House, I demand the yeas and nays upon the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and the result was—yeas 105, nays 61; as follows:

YEAS—Messrs. Jas C. Allen, Willis Allen, Ashe, Thos. H. Bayly, Ball, Banks, Barksdale, Belcher, Benton, Bocock, Boyce, Bridges, Bugg, Campbell, Carpenter, Caruthers, Chandler, Chase, Chastain, Chrisman, Clark, Clingman, Corwin, Cox, Crocker, Cunningham, Curtis, John G. Davis, Dawson, Dean, Dent, De Witt, Dick, Dickinson, Dowdell, Eastman, Edwards, Edmundson, English, Etheridge, Everhart, Ewing, Flagler, Florence, Fuller, Giddings, Goode, Greenwood, Grow, Andrew J. Harlan, Hastings, Hendricks, Hester, Hill, Hughes, Hunt, George W. Jones, J. Glancy Jones, Keitt, Kerr, Knox, Latham, Letcher, Lindsey, McMullin, Mace, Macy, Maxwell, Mayall, Middleswarth, John G. Miller, Noble, Norton, Olds, Mordecai Oliver, Parker, Pennington, John Perkins, Pratt, Fresco, Richards, Riddle, D. Ritchie, Rogers, Russell, Sapp, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Straub, Andrew Stuart, Thurston, Tweed, Upham, Vail, Wade, Walbridge, Wheeler, Witte, and Hendrick B. Wright—105.

NAYS—Messrs. Appleton, Bissell, Breckinridge, Chamberlain, Cobb, Colquitt, Craige, Cullom, Drum, Dunham, Eddy, Edgerton, Ellison, Farley, Grey, Hamilton, Aaron Harlan, Harrison, Haven, Hubbard, Hillyer, Daniel T. Jones, Roland Jones, Kurtz, Lane, Macdonald, McNair, McQueen, Matteson, Maurice, Smith Miller, Milson, Morgan, Murray, Nichols, Andrew Oliver, Orr, Peck, Peckham, Bishop Perkins, Phelps, Puryear, Reese, Thomas Ritchey, Robbins, Ruffin, Sage, Seymour, Shaw, Simmons, Singleton, Hester L. Stevens, Stratton, Tracy, Trout, Vansant, Walker, Walsh, Warren, John Wentworth, and Zolllicoffer—61.

So (two thirds not having voted in the affirmative) the rules were not suspended.

Pending the call of the roll—

Mr. BENSON asked to vote.

The SPEAKER. Was the gentleman within the bar when his name was called?

Mr. BENSON. I was not, having been called out by a friend not privileged one minute before; and that is the reason why I wish to vote "aye," because my name stands so early on the roll.

The SPEAKER. The gentleman can only vote by the unanimous consent of the House.

Mr. WALSH. I object.

Mr. BOCKOCK introduced a joint resolution, providing the manner in which naval supplies may be furnished in certain cases therein mentioned; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

Mr. BOCKOCK. I wish to state to the House, that if the resolution just read, and referred to the Committee on Naval Affairs, be approved by that committee, when it shall be reported to the House by them, I will ask to put it upon its passage, for particular reasons, which I shall then give to the House. I make this statement for the purpose of requesting members to examine it, so that they may be prepared to act upon it when it shall come up for consideration.

Mr. FULLER. I have a resolution which I desire to offer.

Mr. CLINGMAN. I object, and call for the regular order of business.

The SPEAKER. The introduction of the resolution having been objected to, resolutions are in order from the State of Virginia.

Mr. BAYLY, of Virginia. At the request of my friend from Maine, [Mr. FULLER,] I offer the resolution which he just now asked consent to offer.

The resolution was then read by the Clerk, as follows:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of printing ten thousand extra copies of so much of the report of the Secretary of the Treasury and accompanying papers as relates to the present tariff laws.

Mr. WHEELER. I propose to debate that resolution.

The SPEAKER. The resolution will go to the Committee on Printing, under the rules of the House, as a matter of necessity.

Mr. CLINGMAN. I now offer the resolution for which I asked the unanimous consent of the House some minutes ago.

The following resolution was then read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to transmit to this House a statement showing the original cost of each custom-house, including expenditure for sites as well as for construction and improvements; and that he also state the entire expenditure for the last three years for salaries and other items of each of said custom houses; and that he also state the amount of revenue collected at each place during the like period, so arranging the statement as to enable Congress to see at what points the expenditures exceed the returns.

Mr. ASHE offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill to the following effect: That the commissioners of the town of Wilmington, North Carolina, be authorized to levy and collect a tonnage duty, not exceeding four cents per ton, upon all vessels not less than sixty tons, for the purpose of cleaning out the obstructions in the mouth of Cape Fear; and that to effect that purpose, the said commissioners be authorized to pledge the receipts from said tonnage duty to pay the interest or principal, or any loan they may effect for that purpose: *Provided*, That the Legislature of North Carolina, at its next session, order and authorize such a tonnage duty.

Mr. CRAIG submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States, if no incompatible with the public interest, be requested to inform this House whether any negotiations have been opened by the Government of the United States with the Government of Peru, for the removal of the restrictions imposed by the latter Government upon the exportation of guano from that country; and if so, what is the present state of said negotiations.

Mr. COBB. I offer the following resolution; and upon it I demand the previous question:

Resolved, That the Committee of Ways and Means be instructed to report back House bill No. 25, with a recommendation that it do pass, which proposes to extend the time of the payment of the duties on railroad iron, by paying six per cent. interest per annum.

Mr. RITCHIE, of Pennsylvania. I propose to debate that resolution.

The SPEAKER. The gentleman from Alabama has demanded the previous question.

Mr. ROBBINS. Then I move that the resolution do lie upon the table.

Mr. COBB. On that motion I demand the yeas and nays; and I call for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. ROBBINS. I call for tellers on my motion.

Tellers were not ordered.

Mr. DISNEY. Will the Chair cause the resolution to be read?

The Clerk again read the resolution.

Mr. DISNEY. Such a resolution was never heard of before in a legislative body.

Mr. JONES, of Tennessee. You can instruct the committee to report the bill back, but you cannot instruct them as to what recommendation they shall make.

Mr. COBB. Does the gentleman mean to say that you cannot instruct a committee to report favorably on a bill?

Mr. DISNEY. I never heard of such a thing in my life.

Mr. COBB. It has been done in several cases—the bounty land bill, for instance.

Mr. DISNEY. Oh, no!

Mr. HAVEN obtained the floor.

Mr. WALSH. Is this matter debatable.

The SPEAKER. It is not.

Mr. HAVEN. I rose simply for the purpose of inquiring if it was debatable, because if it is I desire to say a few words.

The SPEAKER. It is not debatable. The question is on the motion to lay the resolution upon the table.

The question was then put; and, on a division, there were eighty-six in the affirmative. A further count was not insisted on.

So the resolution lies upon the table.

Mr. PERKINS, of Louisiana, in pursuance of previous notice, introduced a bill, which was read a first and second time by its title, as follows, referred to the Committee on Private Land Claims, and ordered to be printed:

"A bill for the relief of the representatives of Pierre Clermont."

Mr. JONES, of Tennessee. I would suggest, in reference to the bill which has just been referred, that it has not been usual to order the printing of a bill until it has been reported back from the committee.

Mr. PERKINS. I desire only to pursue the customary course.

The SPEAKER. If there be no objection the order to print the bill will be rescinded.

There was no objection, and the order to print was rescinded.

Mr. HUNT, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Public Lands:

"A bill granting to the State of Louisiana the right of way, and a donation of the public land, for the purpose of locating and constructing a railroad from Algiers on the Mississippi river to the Sabine river."

Mr. JONES, of Louisiana, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Private Land Claims:

"A bill granting the right of preemption to settlers upon the public land known as the 'Maison Rouge grant.'"

Mr. DUNHAM. In my judgment the bill should be referred to the Committee on Public Lands.

Mr. BALL offered the following resolution; which was read, and adopted:

Resolved, That the Secretary of the Treasury be requested to report to this House the names of the different persons, who, since the 4th of March, anno Domini 1853, have drawn from the Treasury of the United States any compensation, either as outfit or salary, for services as ministers, plenipotentiaries, chargés d'affaires, or secretaries of legation at foreign ports, specifying particularly the amount paid to each respectively, the date of payment thereof, and the duration of their residence at the courts to which they were commissioned."

Mr. OLDS. I move the following resolution.

Resolved, That fifteen hundred extra copies of the Postmaster General's Annual Report be printed, for the use of the Post Office Department.

Mr. OLDS. I move its reference to the Committee on Printing.

The SPEAKER. The resolution goes to that committee, under the rule, without motion.

Mr. TAYLOR. I move the following resolution, and ask the previous question:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of changing the site of the military asylum, near the city of Washington, from its present location, to the estate of Mount Vernon, or a part thereof, if the same can be purchased at a reasonable price; and that the said committee also inquire and report to this House the original cost of the present site of said asylum, the quantity of land contained therein, and the amount expended in improvements up to this date; and that they report to this House, by bill or otherwise.

The question was put, and the resolution was adopted.

Mr. SAPP, in pursuance of previous notice, asked and obtained leave to introduce a bill; which was read a first and second time by its title, as follows, and referred to the Committee on the Judiciary:

"A bill declaratory of the second section of the act of Congress, approved February 3, 1853, entitled 'An act to continue half pay to certain widows and orphans.'"

Mr. GREY, in pursuance of previous notice, asked and obtained leave to introduce a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Public Lands:

"A bill granting to the State of Kentucky public lands to aid in the construction of certain railroads in that State."

Mr. PRESTON. I beg to offer the following resolution, and I ask the indulgence of the House for one second to make a statement. Under recent decisions of the courts forgeries of land warrants have not been deemed to have been provided for; and persons who have committed such forgeries have escaped punishment. I hold in my hand some land warrants, the assignments to which have been forged, and I am advised, by the appropriate Department, that the United States laws at present afford no remedy by which new warrants can be issued to persons who have been deprived of their rights under these warrants. It strikes me, Mr. Speaker, that the United States should be in the same position as a bank on which forgeries are committed, and which is still responsible. I therefore ask to refer to the Committee on the Judiciary the resolution which I now introduce, together with papers which I hold in my hand, containing evidence of the fact in the cases of Lewis Felden and Frederick Walzinger, with a view that the committee may report a bill to supply the deficiency in the law.

The Clerk read the resolution, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of providing by law for the proper punishment of persons who may forge assignments of land warrants, or other instruments of writing affecting the rights of persons entitled to bounty lands under various laws of the United States in relation thereto; and also to provide for the issue of new warrants where the warrants have been wrongfully issued to persons not entitled to lands, or where lands have been located or patented to persons not entitled thereto, and without the negligence or wrongful act of the persons justly entitled to such bounty lands.

The question was put, and the resolution was adopted.

The SPEAKER. The gentleman from Kentucky also moves that certain papers be referred to that committee. Shall it be so ordered?

There being no objection, it was so ordered.

Mr. STANTON, of Kentucky, offered the following resolution:

Resolved, That a special committee of seven members be appointed by the Speaker to inquire and report to this House whether the appointment of military officers to superintend the manufacture of firearms at the national armories, the construction of light houses, works of river and harbor improvement, the building of custom-houses and post offices, the construction of water works for the cities of Washington and Georgetown, the extension of the United States Capitol, and the survey and management of works of internal improvement by the States, is compatible with the public interest, and consistent with the nature and character of our civil government; that said committee also inquire and report to this House how many of those military officers, in civil employment, are intrusted with the disbursement of the public funds without bond and security, and to what extent they have been allowed to make contracts and purchase materials for the public use without the usual advertisement, and how their accounts are settled at the public Treasury; that said committee further inquire whether the present embarrassment of the Engineer Department, for want of officers, complained of in the annual report of the colonel of the corps, is not occasioned by the withdrawal of said officers from their proper duties, and their employment in civil services; and whether it is expedient, under the circumstances, to grant an increase of said corps; and that said committee have power to send for persons and papers.

Mr. STANTON. I move the previous question.

Mr. BISSELL. I move to refer that resolution to a committee.

The SPEAKER. The previous question is called for by the gentleman from Kentucky.

Mr. BISSELL. I ask the gentleman to withdraw it, in order to enable me to move to refer the resolution to the Committee on Military Affairs. One branch of the subject embraced in it is already before that committee, and it is properly there.

Mr. STANTON. I would gladly accommodate the gentleman, but the committee to which he refers is the last one to which it should be sent.

Mr. BOYCE. I move to lay the resolution upon the table.

Mr. ORR. I ask that the resolution may be referred again.

The resolution was again read by the Clerk.

The question recurring upon the motion to lay the resolution upon the table, it was put, and decided in the negative—ayes 42, noes not counted.

Mr. JONES, of Tennessee. As this resolution contemplates a change of the rules as to the appointment of a select committee, I would inquire of the Chair whether it does not require a two-thirds vote to carry it?

The SPEAKER. The Chair thinks not.

Mr. BISSELL. I wish to give notice, if this motion is not carried, that I shall move the reference of this resolution to the Committee on Military Affairs.

The question then being upon sustaining the demand for the previous question, it was taken, and there were—ayes 77, noes 50.

So there was a second, and the main question was ordered to be put.

Mr. LANE, of Indiana. I demand the yeas and nays upon the adoption of the resolution.

The yeas and nays were not ordered.

The question was then taken upon the adoption of the resolution; and there were—ayes 91, noes not counted.

So the resolution was agreed to.

Mr. STANTON, of Kentucky, moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. BRECKINRIDGE. I offer the following resolution:

Resolved, That so much of the estimates from the various Departments of the Government as relates to deficiencies for the current fiscal year be recommitted to the Committee of Ways and Means.

Upon the adoption of the resolution, I ask the previous question.

The previous question was seconded, and the main question ordered to be put.

The question was then taken, and the resolution was agreed to.

Mr. JONES, of Tennessee. I offer the following resolution, directing an inquiry on the part of the Committee on Public Lands:

Resolved, That the Committee on Public Lands be instructed to inquire and report, by bill or otherwise—

First, As to the propriety of repealing all laws requiring or authorizing the offering at public sale to the highest bidder the public lands of the United States after being surveyed, and before they are subject to private entry.

Second, As to the propriety and expediency of providing by law, that the public lands of the United States shall be sold to actual settlers in limited quantities, at prices fixed, with a view to reimburse the Government for their cost by private entry, and in no other way.

Third, As to the expediency and propriety of ceding to the States, respectively, in which they are located, the public lands of the United States, which have been subject to private entry for a period of fifteen years, upon condition that such States shall dispose of the lands so ceded to any persons except actual settlers, in quantities not exceeding one half section to each settler, for a price not exceeding ten cents per acre.

Mr. WASHBURN, of Illinois. I ask that the resolution may be read again.

Mr. JONES. I will state again that it is simply a resolution of inquiry. It provides for no definite action.

The resolution was again read by the Clerk.

Mr. LANE, of Indiana. Is it in order to move an amendment to the resolution?

The SPEAKER. It is in order.

Mr. LANE. I would like to have a quarter section inserted instead of a half section.

Mr. JONES. The committee can make that inquiry without special instructions.

Mr. LANE. Very well; I will not move to amend at this time.

Mr. BISSELL. I would inquire of the Chair if the resolution is debatable?

The SPEAKER. It is not. It must go over if debated.

Mr. BISSELL. I desire to say a word in reference to it. But I do not wish to have it go over, and I will therefore refrain.

Mr. JONES. I demand tellers upon the adoption of the resolution.

Tellers were ordered; and Messrs. CAMPBELL and VAIL were appointed.

The question was then put; and the tellers reported—60 in the affirmative.

Mr. DAVIS, of Indiana. I call for the yeas and nays.

Mr. COBB. I move the previous question, for fear some gentleman should propose to debate the resolution. Is the demand in order at this stage?

The SPEAKER. It is.

Mr. WALSH. I rise to a question of order. Is it in order to call the previous question on a resolution which must go over if it is discussed at all?

The SPEAKER. Not after discussion has commenced. If discussion arises, the rule is that the resolution must go over, but if the previous question is demanded and sustained, discussion cannot arise, and the practice is to bring the House to a vote under the operation of the previous question.

The question was then put, and the demand for the previous question was not seconded.

Mr. WALSH. I propose to debate the resolution.

The SPEAKER. Then the resolution lies over.

Mr. SMITH, of Tennessee. I offer the following resolution:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of granting bounty lands to the officers and soldiers called out by his Excellency Newton Cannon, then Governor of the State of Tennessee, in the year 1836, for service in the Florida war, and who were in the service of the United States, for a period less than one month, and that said committee report by bill or otherwise.

Mr. BISSELL. What committee is it proposed to refer that resolution to?

The SPEAKER. The Committee on Private Land Claims.

Mr. BISSELL. I move to amend the resolution by striking out "Committee on Private Land Claims," and inserting "Committee on Military Affairs" in lieu thereof. I think that a resolution of this sort, embracing a large class of cases, ought to go to the Committee on Military Affairs.

Mr. CULLOM. I hope the amendment of the gentleman from Illinois will not prevail.

Mr. SMITH, of Tennessee. I appeal to the gentleman to withdraw his amendment.

Mr. BISSELL. The Committee on Military Affairs has heretofore had jurisdiction of all such cases. Where one man comes forward claiming to have a right to land, his claim naturally goes to the Committee on Private Land Claims, but it is proposed by this resolution to embrace a very large class of cases—

The SPEAKER. It is the duty of the Chair to lay the resolution over, if discussion arises.

Mr. BISSELL. Well, I propose to discuss it.

Mr. SMITH, of Tennessee. I will agree to the gentleman's amendment, rather than that the resolution should lie over.

The SPEAKER. Is it the unanimous consent of the House that the resolution shall be referred to the Committee on Military Affairs?

Mr. WALSH. I object.

The resolution accordingly lies over.

Mr. MILLER, of Indiana, in pursuance of previous notice, introduced "A bill for the relief of Nathan Ewing, assignee of the interests of H. Richards," which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

Mr. LANE, of Indiana, offered the following resolution, which was adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill compelling the captains or owners of all American vessels, sailing from American ports, to ship a certain number of boys, between the ages of twelve and sixteen years, to instruct them in seamanship, the number to be proportioned according to the tonnage of the vessel.

Mr. LANE also submitted the following resolution:

Resolved, That the President of the United States be, and

is hereby, requested to cause to be furnished to this House, at his earliest convenience, copies of all recommendations, and other papers on file, referring in any manner to the appointment of the marshal of the United States, by the present Administration, for the district of Indiana.

Mr. PHELPS proposed to debate the resolution, and it was laid over.

Mr. JAMES C. ALLEN submitted the following resolution; which was adopted:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of so amending the act of September 23, 1850, granting bounty land to all minor heirs of deceased soldiers, as to extend the provisions of said act to all the heirs of said deceased soldiers who were minors at the date of the passage of said act, and that they report by bill or otherwise.

Mr. STRAUB. I move that the resolution be referred to the Committee on Invalid Pensions.

The SPEAKER. The motion is not in order.

The resolution has been adopted, sending it to a different committee. The gentleman can only effect his object by moving to reconsider the vote by which the resolution was adopted.

Mr. WENTWORTH, of Illinois, submitted the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing the duties on salt and sugar.

Mr. PERKINS, of Louisiana, proposed to debate the resolution, and it was laid over.

Mr. KNOX submitted the following resolution; which was adopted:

Resolved, That a special committee be appointed, with authority to act in the premises, to devise some plan for the better ventilation of this Hall.

Mr. LINDLEY, in pursuance of previous notice, asked and obtained leave to introduce a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Military Affairs:

"A bill, entitled 'An act to amend an act providing for the payment of horses and other property lost or destroyed in the military service of the United States,' approved March 3, 1849."

Mr. STEVENS, of Michigan, in pursuance of previous notice, asked and obtained leave to introduce bills; which were severally read a first and second time by their titles, as follows, and referred to the Committee on Public Lands:

"A bill to enable the United States to make use of the solar compass in the public surveys;"

"A bill to establish a land office in the lower peninsula of Michigan;"

"A bill granting land to the Territory of Minnesota, to aid in the construction of certain railroads therein;"

"A bill making a grant of land to aid in the construction of a railroad from Pontiac to Lake Superior;" and

"A bill making a grant of land to the State of Michigan, to aid in the construction of the Port Huron and Lake Michigan railroad, from Port Huron to, or near the mouth of, Grand river, and a branch of the said railroad from Lapeer to the Straits of Mackinaw."

Mr. SMYTH, of Texas. I offer the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the propriety of greatly reducing, or wholly repealing, the duty on railroad iron.

Mr. HAMILTON. I propose to debate the resolution, and I move to lay it upon the table.

A MEMBER. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. HAVEN. Is it in order to make any remarks in reference to the resolution?

The SPEAKER. It is not; and the motion is to lay the resolution upon the table. If not objected to, it will be again reported.

No objection being made, the resolution was again read.

Mr. STRAUB. I rise to a question of order.

Upon former occasions similar resolutions were introduced and voted down, and I wish to know whether it is in order to again introduce resolutions similar to those which have been voted down?

The SPEAKER. Similar resolutions are in order, in the opinion of the Chair. The question is upon the motion to lay the resolution upon the table.

The question was then taken; and decided in the affirmative—yeas 80, nays 63; as follows:

YEAS—Messrs. Ball, Banks, Belcher, Benson, Bridges, Bugg, Chandler, Corwin, Crocker, Cumming, Curtis

Thomas Davis, Dean, Dickinson, Disney, Drum, Dunham, Eastman, Edmonds, Everhart, Farley, Fenton, Florence, Fuller, Grow, Hamilton, Aaron Harlan, Harrison, Hastings, Haven, Hibbard, Hiester, Hillyer, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kurtz, Letcher, McCulloch, Macdonald, McNair, Macy, Matteson, Maurice, Mechem, Middlesworth, Smith Miller, Morgan, Morrison, Murray, Packer, Peck, Peckham, Pennington, Pratt, Pringle, David Ritchie, Robbins, Russell, Sabin, Sage, Simmons, Skelton, Gerrit Smith, Strauton, Straub, Thurston, Tracy, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—80.

YAYS—Messrs. Aiken, Willis Allen, Ashe, Thomas H. Bayly, Bissell, Boccock, Breckinridge, Campbell, Chase Chastain, Clark, Clingman, Cobb, Craige, Culom, John G. Davis, De Witt, Dowdell, Dunbar, Eddy, Edgerton, Edmundson, Ellison, Etheridge, Giddings, Goode, Green, Greenwood, Hendricks, Henn, Hunt, Johnson, Roland Jones, Keitt, Kerr, Knox, Lane, Latham, Lindsley, McMullin, McQueen, Millson, Nichols, Norton, Olds, Andrew Oliver, Orr, John Perkins, Phillips, Puryear, Ready, Reese, Thomas Ritchey, Rogers, Ruffin, Sapp, Shaw, George W. Smyth, Snodgrass, Frederick P. Stanton, Hestor L. Stevens, Andrew Stuart, Upham, Wade, Elihu B. Washburne, and Wheeler—63.

So the resolution was laid upon the table.

Mr. RITCHIE, of Pennsylvania, moved to reconsider the vote last taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. BALL offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Judiciary Committee be, and hereby is, instructed to inquire whether any legislation is necessary to enable the United States to receive back money advanced for services therefor to be performed, when the individual to whom the advance is made fails to perform the services; and that they report by bill or otherwise.

Mr. CAMPBELL. I move that the House do now adjourn.

Mr. WELLS. I would inquire of the Chair, before that motion is put, whether all the States have been called through for resolutions?

The SPEAKER. They have not.

The question was then taken, and the motion was agreed to.

The House accordingly (at three o'clock and twenty minutes) adjourned.

IN SENATE.

TUESDAY, February 14, 1854.

The Journal of yesterday was read and approved.

The PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in answer to the resolution of the 31st of January, calling for a statement of the amounts of money which have been allowed and paid under the acts of 26th of June 1834, and 29th of May, 1836, to the owners of several vessels sunk for the defense of the harbor of Baltimore; which, on the motion of Mr. PEARCE, was ordered to lie on the table, and be printed for the use of the Senate.

SENATE DEBATES.

The PRESIDING OFFICER laid before the Senate a communication from Mr. Robert Armstrong, proprietor of the Washington Union, surrendering his contract to report and publish the debates of the Senate.

On the motion of Mr. HAMLIN, the communication was referred to the Committee on Printing.

CONGRESSIONAL GLOBE.

Mr. JOHNSON. The communication from Robert Armstrong, asking to be relieved from his contract, has been referred to the Committee on Printing. My attention has been drawn to the subject, and I have no doubt, that unless we take some action in regard to the printing of our reports, there may be some embarrassment to those who do so. I therefore present the resolution which I hold in my hand, and ask that it may be considered by unanimous consent, and referred to the same committee:

Resolved, That John C. Rives, the printer of the debates for the two Houses, furnish to the Senate the same number of copies of the debates and proceedings as are now furnished to the House of Representatives.

The PRESIDING OFFICER, (Mr. BRIGHT.) It requires unanimous consent to consider the resolution at this time.

Mr. JOHNSON. Yes, sir; and I ask for that unanimous consent, so that the resolution may be referred to the Committee on Printing. At the proper time I shall give the reasons for it.

The resolution was considered by unanimous consent, and referred to the Committee on Printing.

PETITIONS, ETC.

Mr. BRODHEAD presented a memorial of citizens of Pennsylvania, Delaware, and New Jersey, praying a further appropriation for the completion of the piers at Reedy Island; which was referred to the Committee on Commerce.

Also, a petition of citizens of the State of Pennsylvania, remonstrating against the passage of any bill which will permit the introduction of slavery now, or at any future period, into the Territory of Nebraska; which was ordered to lie on the table.

Mr. MASON presented the petition of the legal representatives of Captain James Purvis, captain in the Virginia continental line, praying commutation pay and bounty lands; which was referred to the Committee on Revolutionary Claims.

Mr. BAYARD. I have three petitions, addressed to the Senate and House of Representatives, of which I will state the substance. The petitioners respectfully request that in the organization of Nebraska, or any other Territory by law, the principle of non-intervention by Congress with slavery in the States and Territories recognized by the legislation of 1850, commonly called the compromise measures, may be adhered to; so that it may neither be legislated into, nor excluded from, any Territory, but left to the disposition of the people of the Territory, subject only to the provisions and intent of the Constitution. These three memorials are all in the same language; and as the subject-matter is now pending before the Senate, I move that they lie on the table.

The motion was agreed to.

Mr. SEWARD presented a petition of citizens of Onondaga county, New York, remonstrating against the passage of the bill, in its present form, to organize the Territory of Nebraska; which was ordered to lie on the table.

Also, a petition of citizens of New York, remonstrating against the ratification of any treaty by which it is proposed to establish an international copyright between the United States and Great Britain; which was ordered to lie on the table.

Mr. ADAMS presented a memorial of the Legislature of Mississippi, praying that a grant of land be made to aid in the construction of the Mobile and New Orleans railroad, and all other railroads now in progress in that State; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. SUMNER presented a petition of citizens of Fitchburg and its vicinity, Massachusetts, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. CHASE presented a petition of the Mayor and council, and other citizens of Sandusky, Ohio, praying that the prohibition of slavery north of 36° 30', contained in the Missouri compromise, may not be repealed; which was ordered to lie on the table.

Mr. EVERETT presented the memorial of Eliza G. Townsend, praying a pension on account of the services of her late husband, Major David S. Townsend; which was referred to the Committee on Pensions.

Mr. PRATT presented a petition of officers of the Army stationed at Fort Myers, Florida, praying that the commutation price of the Army ration may be increased; which was referred to the Committee on Military Affairs.

Mr. EVANS presented the petition of Thomas D. Jervy, deputy collector of the port of Charleston, praying an increase of salary; which was referred to the Committee on Finance.

Mr. BAYARD presented a petition of citizens of Pennsylvania, Delaware, and New Jersey, praying a further appropriation for the completion of the harbor at Port Penn, on the Delaware; which was referred to the Committee on Commerce.

REPORTS FROM STANDING COMMITTEES.

Mr. SLIDELL, from the Committee on Foreign Relations, to whom was referred the petition of Harriet D. P. Baker, widow, and the children of John M. Baker, late Consul at Rio de Janeiro, praying compensation for diplomatic services alleged to have been performed by her husband, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of E. Ritchie Dorr, late

United States Consul at Buenos Ayres, praying compensation for diplomatic services alleged to have been performed by him, submitted an adverse report thereon; which was ordered to be printed.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill to provide for the execution, by the courts of the United States, of commissions to take testimony issuing from the courts of justice of friendly nations, reported it back with sundry amendments.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SLIDELL, it was

Ordered, That the petition of Charles G. Ridgely be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

CAPE FEAR RIVER.

On the motion of Mr. BADGER, the Senate proceeded to the consideration of the bill making further appropriation for the improvement of the Cape Fear river, North Carolina.

It was read a second time, and considered as in Committee of the Whole.

It is proposed by this bill to appropriate the sum of \$140,000 for the year ending 30th June, 1855, to be expended under the superintendence of the Secretary of War, for the continuation of the improvement of the Cape Fear river, North Carolina, at or near its communication with the ocean. It is also proposed to appropriate the further sum of \$60,000, or so much thereof as may be necessary, to refund to the citizens of Wilmington, North Carolina, the amounts contributed by them to that improvement, and expended thereon by the agent of the United States in charge of the work.

Mr. DODGE, of Iowa. I wish to inquire of the Senator from North Carolina, if the bill has been reported from the Committee on Commerce, and is in accordance with an estimate from the Department?

Mr. BADGER. I will state to my friend that the bill has not been reported, for it was not referred to the committee. It was a subject perfectly understood by the Senate, and my friend at the head of the committee thought there was no necessity for a reference.

Mr. DODGE, of Iowa. Then I rise to express my entire approbation of the course of the honorable Senator from North Carolina in reference to this matter. It is a course which I intend to pursue in regard to a subject of very great interest to the State from which I come. It is proper and right in itself that each of these bills should stand on its own merits, without being connected with any other. I shall vote for the bill with great pleasure.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

FRENCH SPOILIATIONS.

On motion by Mr. HAMLIN, the Senate resumed the consideration of the bill "to provide for the ascertainment and satisfaction of claims of American citizens, for spoiliations committed by the French prior to the 31st day of July, 1801;" the question being on ordering it to be engrossed for a third reading.

Mr. PETTIT. Mr. President, when this bill was postponed last week I had the floor, and designed saying a few additional words upon it, and but few. I will now, with the indulgence of the Senate, proceed to say them; premising, however, that they shall be short. I had nearly concluded my remarks; and I am now admonished, by the appearance of the desk of the Senator from Texas, [Mr. Houston,] that he is prepared for his greatest and most decisive battle; having before him a greater battery and stronger fortifications than he ever used on any former occasion.

Mr. President, I wish to say in reference to this bill, and to the claimants for whose relief it is intended, that prior to the remarks which I made last week upon it, I had never seen an original claimant for indemnity for these spoiliations, or one who was such by succession, and I had never seen an agent, or attorney, or factor, for one of these claimants in my life. I could not, therefore, be supposed to be influenced by any outside consideration, or any other feeling than that which springs from the merits of the question itself. Having said this much, I propose to conclude my remarks by asking and answering a few questions.

First, I wish to ask, are all Governments, as such, bound by their duty to their citizens and

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, FEBRUARY 16, 1854.

NEW SERIES...No. 27.

subjects to protect them in all lawful pursuits at home and abroad? Is it one of the duties of a Government (for I am always more in the habit of speaking of duties than of rights) to protect its citizens or its subjects in all lawful pursuits, at home or abroad? I apprehend that there can be no difficulty in answering this question in the affirmative. No one who has studied the duties of Governments—who has made that matter a part of his thoughts and reflections—will hesitate for a moment to answer in the affirmative. I will not doubt that every Senator here has made that subject a part of his consideration and of his study. I conclude, therefore, that it is the duty of a Government to protect its citizens or its subjects.

The next question I ask is, were spoliation committed by France prior to 1800 on citizens of the United States in the lawful pursuit of their business or their commerce? No Senator who has read the history of the times will hesitate to answer that question in the affirmative. It is settled, beyond doubt, that large and extensive spoliation were committed by the authority of France, a Government on the other side of the Atlantic, on our citizens when pursuing their lawful avocations.

What follows then? It follows that, if this was done, it was the duty of this Government to ask, demand, have and receive indemnity; and if, by no other means it could be got, to bring that suit known to the laws of nations as the *ultima ratio*. It was the duty of this Government first to ask, to demand, to enforce, receive from France, and then pay over to our citizens, a full indemnity for the injuries which they sustained in the pursuit of their lawful business and commerce.

I ask, did our Government do this? True, I will be answered, they did make application after application. Time after time they applied to the French Government for indemnity for wrongs done our citizens in the pursuit of their commerce and trade; but what was the result? Did our Government demand? did they enforce the claim? did they sue for it? did they receive the indemnity? did they pay it over? Some of these questions must be answered in the affirmative, and some in the negative. The Government did ask—did demand indemnity. The United States never did sue for it; but they received it, and put it into their own coffers. They received it as an equivalent for what they owed France for the non-performance of our obligations to her. We have released her from the obligation, and we are bound to discharge it ourselves.

A citizen of the United States, or of any Government, cannot speak to a foreign Government. The only means by which he can speak, or make known his grievances to a foreign Government, is through the agents of his own Government. It is always the business and always the duty of a Government thus to speak for its citizens and enforce their rights and just claims. In this case the citizen's right was abandoned by the action of the Government, expressly cut off, expressly waived, annihilated, and placed upon the shoulders of the Government at home.

Sir, I know that the debates and documents upon this subject have shown that the Administration, when our merchantmen were rather drawing in their adventures, and hesitating to go to sea for fear of further and more ruinous captures, advised them by public proclamation to go on with their commerce, to push it to any extent, to all portions of the earth where they had a right to go, and that the Government would indemnify them. I care not, however, about any such declaration on the part of our Government. It was only reaffirming what is the eternal duty of the Government to do, and the immutable right of the citizen or subject to have done. No Government, just coming into existence, need reaffirm and acknowledge upon paper all its rights and obligations to its citizens. They are well known, and well understood. Whatever may be the form of Government, whether imperious or liberal, whether the voice of the people controls, or whether an individual controls it, the obligation of the Govern-

ment to its citizens or subjects is alike the same. It is of no use to say to me that the Constitution of the United States has provided that private property, as in this instance, shall not be taken for public use without just compensation. That is only a reassertion of, it is only reducing to paper in the Constitution what is the immutable law of right or wrong, what all Governments which recognize civilization as their rule, and the laws of nations as entitled to consideration, are bound to do.

The whole of it results in simply this, without going into the whole history of the transaction; that the Government of the United States has not protected its citizens in their lawful pursuits; that it has appropriated the proceeds, which it should have collected and paid over to our citizens, to its own use, and put it in its own coffers. In other words, the Government of the United States has used these claims as a set-off, as it is termed in law, against the obligation which it owed to France. Then in what condition are you placed, unless you disgorge an equal amount and pay it to your citizens?

I can see but one way of doing justice. I envy not the man who has a bias or prejudice against these claims growing out of the long delay which has ensued since they were first presented. I wish to lead him to a different conclusion. I admit—and it is my only regret connected with this matter—that I blush for the injustice of my country, when I recollect that for more than half a century my fellow-citizens have begged here, year after year, at the door of the National Legislature, demanding justice, demanding that you shall disgorge from the Treasury their money, which you have wrongfully, wantonly, and wickedly placed there.

Mr. ADAMS. I ask for the yeas and nays on the question of ordering the bill to be engrossed for a third reading.

The yeas and nays were ordered.

Mr. WELLER. As the yeas and nays have been ordered on this question, I shall be driven to the necessity of making a single remark in explanation of my vote. I have been accustomed to vote against this bill. I believe I uniformly voted against it when I was a member of the House of Representatives. I never took the trouble, I must confess, to investigate it. There was a very large amount of money involved in it, and there was so strong an outside influence at that day brought to bear in its favor, that my prejudices were very naturally excited against it. During the present session of Congress, being confined temporarily to my room by indisposition, I took occasion to investigate the whole subject, and read with great attention the very learned speech made by the distinguished Senator from Delaware on this subject some years ago, and I arrived at the conclusion that this was a just and equitable demand against the Government.

Entertaining the opinions which I do, no matter what the amount may be, I dare not vote against the bill, and therefore I shall be compelled to stand upon the record as having voted upon both sides of the question; and all who know me know the fact that I am in the habit, from my positive character, of remaining in the wrong until most of my friends have discovered the fact before I did.

The question, "Shall the bill be engrossed for a third reading?" was taken by yeas and nays, with the following result:

YEAS—Messrs. Allen, Badger, Bayard, Bell, Dawson, Evans, Fish, Foot, Hamlin, Houston, James, Jones of Tennessee, Mallory, Morton, Pearce, Pettit, Pratt, Sebastian, Seward, Shields, Smith, Sumner, Toombs, Wade, Weller, and Wright—26.

NAYS—Messrs. Adams, Bright, Brown, Cass, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fitzpatrick, Jones of Iowa, Mason, Norris, Rusk, Slidell, Walker, and Williams—16.

So the bill was ordered to be engrossed for a third reading.

GRANT OF LANDS TO ILLINOIS.

Mr. SHIELDS. I move that the Senate proceed to the consideration of the bill to authorize the State of Illinois to select the residue of the

lands to which she is entitled under the act of the 2d of March, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan. The object of the bill is to make up a small deficiency which has occurred in a former grant of land. It is reported from the Committee on Public Lands with an amendment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to authorize the Governor of the State to select the balance of the lands to which it is entitled under the provisions of the act mentioned, out of any unsold public lands in the State not claimed by preemption.

The amendment reported from the Committee on Public Lands, was to insert after the word "State" the words "subject to private entry at \$1 25 per acre;" so that the clause will read, that the selection shall be made "out of any of the unsold public lands in said State subject to private entry at \$1 25 per acre."

Mr. SHIELDS. I will merely state that the object of the bill is to make up a deficiency. The act mentioned in it gave a certain number of acres to the State. A small portion—a very small portion of those acres—the Government sold, and the object is merely to make up for that deficiency. The bill has passed the Senate frequently; but has been lost in the House for want of time.

The amendment was agreed to. The bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading, and was read a third time, and passed.

THE NEBRASKA TERRITORY.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. HOUSTON addressed the Senate in opposition to the bill. He opposed it because it violated the rights of the Indians, who are in possession of that territory, and the good faith of this Government, on which the Indians relied when they treated to remove to it.

Mr. STUART. The Senator from Texas is considerably exhausted by his speech to-day, and has not concluded. I hope, therefore, that by unanimous consent the subject will be postponed until to-morrow.

Mr. HOUSTON. I am perfectly willing to go on, if there is the least anxiety that I should do so; but, in the condition of my voice, I prefer to desist.

Mr. STUART. If the Senator will allow me the floor, I will move to postpone the further consideration of the bill until to-morrow.

Mr. HOUSTON. Certainly.

Mr. DOUGLAS. I understand the Senator to say that he is willing to go on. If so, I think it would be better to have him do so, as other persons expected to get the floor to-day to continue the debate.

Mr. HOUSTON. I will not act as we have frequently done with the Indians. I have said I was willing to go on and get through, and I will do so.

The PRESIDING OFFICER, (Mr. WALKER in the chair.) There is a motion pending to postpone the further consideration of the bill until to-morrow.

Mr. STUART. I made that motion, believing it to be but justice to the Senator from Texas. If, however, he is willing to go on, I withdraw the motion.

Mr. HOUSTON. Mr. President, I will proceed now—

Mr. STUART. At the suggestion of Senators around me, and certainly for the comfort of the Senator from Texas, I renew the motion to postpone; and I hope there will be no objection to it.

Several Senators. Certainly not.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHIELDS. I move that the Senate proceed to the consideration of Executive business.

The question being taken, there were, on a division—ayes 18, noes 12; no quorum voting.

The PRESIDING OFFICER. There is a quorum present, in the opinion of the Chair, if Senators will vote.

Mr. SEWARD. I move that the Senate do now adjourn.

Mr. WELLER. I ask for the yeas and nays on the motion. This is certainly an unusual hour at which to adjourn.

The yeas and nays were ordered, and taken, with the following result:

YEAS—Messrs. Allen, Badger, Bayard, Brodhead, Chase, Dawson, Everett, Fish, Foot, Jones of Tennessee, Morton, Rusk, Seward, Smith, Sumner, Thompson of Kentucky, Toombs, Wade, and Wright—19.

NAYS—Messrs. Adams, Bell, Butler, Cass, Clay, Clayton, Douglas, Evans, Fitzpatrick, Geyer, Houston, Hunter, James, Mallory, Mason, Pearce, Pettit, Sebastian, Shields, Sibley, Stuart, Walker, Weller, and Williams—24.

So the motion to adjourn was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Illinois to proceed to the consideration of Executive business.

The motion was agreed to—ayes 24, noes not counted.

The Senate accordingly proceeded to the consideration of Executive business; and, after some time, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 14, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT.

The SPEAKER presented to the House a message from the President of the United States, transmitting a communication from the Secretary of the Navy, accompanied by the second part of Lieutenant Herndon's report of the exploration of the valley of the Amazon and its tributaries, made by him in connection with Lieutenant Lardner Gibbon, under instructions from the Navy Department; which was laid upon the table, and ordered to be printed.

Also, laid before the House a communication from the Secretary of the Treasury, transmitting a copy of a memorial to Congress from Charles Homer, contractor for the construction of the San Francisco marine hospital; which was laid upon the table, and ordered to be printed.

Also, laid before the House a communication from the Department of the Interior, transmitting a copy of a report from the Commissioner of Indian Affairs, dated the 6th instant, recommending that treaties be made with the Indian tribes in Oregon and Washington Territories; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SURVEY OF CROW SHOALS AT CAPE MAY.

The SPEAKER also laid before the House a communication from the War Department, in answer to a resolution of the House of Representatives of the 30th ultimo, viz: "That the Secretary of War be requested to communicate to this House any information which may be on file in his office, in reference to a survey of Crow Shoals, at Cape May;" stating that the only information on the files of the Department on this subject will be found printed as Senate Document No. 155, second session Twenty-Fifth Congress, and as Executive Document No. 433, and Report of Committees (H. R.) No. 1,050 of the same session of Congress; which was referred to the Committee of Commerce, and ordered to be printed.

BLUE BOOK.

On motion by Mr. MURRAY, it was

Ordered, That the Committee on Printing be discharged from the further consideration of the resolution which was referred to them, in reference to the propriety of printing five hundred extra copies of the Blue Book of the present year, for the use of the members of this House; and that the same be laid upon the table.

On motion by Mr. MURRAY, it was

Ordered, That the Committee on Printing be discharged from the further consideration of a resolution directing them to inquire into the expediency of reporting a resolution directing the printing of thirty thousand additional copies of the Mechanical and Agricultural Patent Office reports for 1852-'53, for the use of the members of the House; and that the same be laid upon the table.

On motion by Mr. MURRAY, it was

Ordered, That the Committee on Printing be discharged from the further consideration of the memorial of Joseph L. Smith, representing that the prosperity of the country will be greatly promoted by the distribution, under authority of law, of the President's annual message, with the accompanying documents, the Patent Office reports, Geological and Topographical reports, and such other documents as Congress may deem appropriate, to each common school in the United States, for the use of the people of their respective school districts; and that the same be laid upon the table.

On motion by Mr. MURRAY, it was

Ordered, That the Committee on Printing be discharged from the further consideration of the resolution of inquiry in regard to the printing of the Census report; and also from the further consideration of the memorial of J. C. G. Kennedy, in relation to printing the statistics of manufactures.

And it was referred to the Select Committee on Printing.

PATENT OFFICE REPORT.

Mr. STANTON, of Kentucky. I offer the following resolution, from the Committee on Printing:

Resolved, That there be printed, for the use of the House of Representatives, thirty thousand copies of the mechanical part of the Patent Office report, and ten thousand copies for the use of the Commissioner of Patents.

Mr. CLINGMAN. I would like to make one suggestion in that connection. I am very willing that there should be a liberal appropriation for the Patent Office report. If you print forty thousand copies of the mechanical part, it will give nearly two hundred copies to each member, which is more than we need of that document. I think it would be far better to print a small edition of this part, and a larger edition of the agricultural part. The whole community are anxious to get the agricultural part. I find, when I get two hundred copies of the mechanical part, that, in my district, there are not probably over twenty or twenty-five persons who care anything about receiving it; and the mechanics who do get it find that the abstracts contained in the document are so imperfect that they derive but little practical use from them.

On the other hand, if I had one or two thousand copies of the agricultural part I could dispose of them to very great advantage, as there are so many individuals anxious to get them. I hope, therefore, that the gentleman from Kentucky will reduce the number of the mechanical part to fifteen thousand copies, which will give every member sixty or eighty copies, and make a larger increase of the edition of the agricultural part. I make this suggestion to the gentleman over the way, and I hope that he will either move, or allow me to move, to reduce the number of the mechanical part to be printed, with a view of increasing the edition of the other part.

Mr. STANTON. The ideas of the gentleman from North Carolina [Mr. CLINGMAN] accord fully with my own, and the resolution of the committee is intended to carry them out. This resolution proposes to publish twenty thousand copies less than were published last year. The work is not so important or valuable as the agricultural part, and the committee thought it better to diminish the number of the one and increase the other. Sixty thousand copies of this part were published last year, and the resolution proposes to reduce it to forty thousand now, that we may add the difference, twenty thousand, to the agricultural part. Thirty thousand copies are intended for distribution by members, and ten thousand for the use of the Commissioner of Patents. This will not give us more than we can readily send to our constituents.

Mr. CLINGMAN. The edition of one hundred thousand copies of the agricultural part last year gave us four hundred copies each, thirty thousand ought to give us one third of that number. It will give us one hundred, which I think unnecessarily large.

Mr. STANTON. We did get four hundred copies of the agricultural part, and this thirty thousand copies will allow to each member one hundred and twenty.

Mr. MURRAY. I was about to say, that at the last session of Congress we ordered sixty thousand copies of the mechanical part of the Patent Office report to be printed; fifty thousand for the use of members, and ten thousand for the use of the Patent Office. This number gave two hundred copies of this part of the report to each member. We propose now to reduce the number of the mechanical part, and increase that of

the agricultural. The agricultural report has not yet been made. The committee propose to print, for the use of members, thirty thousand copies of the mechanical report, which will give one hundred and twenty to each member, and ten thousand copies for the use of the Patent Office. That is the conclusion to which we have come.

Mr. BAYLY, of Virginia. I desire to inquire of the chairman of the Committee on Printing what number of this document has been heretofore ordered by former Congresses?

Mr. STANTON, of Kentucky. We printed sixty thousand last year.

Mr. BAYLY. I hope the usual number will be printed. We have all of us got mechanics enough in our districts to distribute them among, Mr. CLINGMAN. They do not want them.

Mr. BAYLY. I think they do want them.

Mr. STRAUB. I ask that the resolution may be read again. I do not precisely understand it.

The resolution was again read by the Clerk.

Mr. STRAUB. Do I understand that this is the report for the present year?

Mr. STANTON. It is the report which was submitted a few days ago.

Mr. STRAUB. Well, it is a report which has not yet been printed; is it not?

Mr. STANTON. It has not yet been printed.

Mr. STRAUB. If it be in order, I will move to amend by striking out the number inserted in the resolution, and to insert sixty thousand.

Mr. CLINGMAN. I hope that motion will not prevail. I have tried, during the last three Congresses, to get northern members, who are supposed to represent a larger number of mechanics than we at the South, to exchange agricultural reports for my mechanical reports; but I have never been able to get one of them to exchange with me. I have sent my mechanical reports to the mechanics of my district, and have received complaints from them for so doing. They say they would rather have the other part. I have no doubt that if the number of mechanical reports were much reduced, and the number of agricultural increased to a corresponding extent, we should much better meet the wants of even the mechanics of the country.

I do hope, therefore, that if we are to spend money in printing and circulating these Patent Office reports, that the number of the mechanical will be diminished, and that of the agricultural increased. I myself think the number reported by the committee is too large, but it should certainly not be increased.

Mr. HUNT. I would suggest to the gentleman from North Carolina that he move to increase the number of the agricultural report to the same extent that he diminishes the mechanical.

Mr. CLINGMAN. That is what I desire.

Mr. BLISS. I do not know what the wants and requirements of the people may be in that section of the country in which the gentleman from North Carolina resides, but I do know well that, in that portion of the country from which I come, there is no document furnished by the Government in so great a demand as the mechanical report of the Commissioner of Patents. It has been utterly impossible to supply the demand, or any considerable portion of the demand, for that document. A large portion of the people, and a very valuable portion of them too, in the West are engaged in mechanical pursuits, and they look to this document for the information they desire.

The States have nearly all of them agricultural institutions, which furnish probably to the people nearly all the information which they can get from the agricultural branch of this report; but it is not so with the mechanics. Hence, for good and sufficient reasons, there is a greater demand for this document than for the other branch of this report; and for the benefit of the people which I represent, as well as for others, I hope that a liberal supply of this valuable document will be printed for distribution among them.

Mr. DAVIS, of Indiana. Believing that the House understand this question perfectly, without any further explanations, I move the previous question.

Mr. LANE. Will the effect of the previous question, if seconded, be to bring the House to a vote upon the amendment of the gentleman from Pennsylvania?

The SPEAKER. That will be its effect.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER. The question now recurs upon the amendment of the gentleman from Pennsylvania. The Chair desires to know of the gentleman the form in which the amendment was intended to be moved. The resolution as reported from the committee provides that thirty thousand copies shall be printed for distribution by the members of the House, and ten thousand for the use of the Patent Office. The Chair desires to know which number it is that the gentleman proposes to strike out?

Mr. HAVEN. I understood the gentleman from Pennsylvania to move to strike out and insert so that the aggregate number shall be sixty thousand, of which fifty thousand shall be for distribution by the members, and ten thousand for the use of the Patent Office.

Mr. STRAUB. That is precisely my motion.

The SPEAKER. The gentleman can then accomplish his object by moving to strike out thirty thousand, and to insert fifty thousand.

Mr. STRAUB. I will then put my motion in that form.

[A message was here received from the Senate, by ASBURY DICKINS, its Secretary, informing the House of the passage by that body of "An act for the further improvement of the Cape Fear river, North Carolina."]

Mr. WALSH. I will simply suggest, that the demand spoken of here could be very easily supplied if every shopkeeper in Washington did not wrap up a pair of socks—

[Cries of "Order!"]

The SPEAKER. Debate is not in order.

Mr. WALSH. Then I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. CHAMBERLAIN. I should like to have the proposition read before we are required to vote upon it.

The Clerk read the resolution again.

The question was then put on Mr. STRAUB's amendment; and, on a division, there were yeas—87, noes 64.

So the amendment was agreed to.

The question recurred on the resolution, as amended.

Mr. HAMILTON. On that I call the yeas and nays.

The yeas and nays were not ordered.

The question was then put; and the resolution, as amended, was adopted.

HOMESTEAD BILL.

Mr. JONES, of Tennessee. This is the day set apart for the consideration of the homestead bill as the special order. I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up that special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

The CHAIRMAN stated that the business before the committee was the consideration of House bill, (No. 37,) reported from the Committee on Agriculture by Mr. DAWSON, "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified."

The bill was read through by the Clerk.

Mr. DAWSON, of Pennsylvania, addressed the House at length in favor of the bill. His speech will be found in the Appendix.

Having concluded—

Mr. MACE obtained the floor.

Mr. GROW. I ask that the gentleman from Indiana will yield to me for a moment, to submit a substitute for the bill under consideration, in order that it may be printed.

The CHAIRMAN. No order can be made by the committee for the printing of the substitute.

Mr. GROW. I simply wish to present it now. It will be printed in to-morrow's Globe.

Mr. MACE yielding the floor, the substitute was offered.

Mr. MACE again obtained the floor, and addressed the committee during an hour, principally in regard to the provisions of the bill organizing the Territories of Nebraska and Kansas. He went into a history of all the compromises touching the slavery question, comprehending also the Missouri compromise, which he maintained was disregarded in the provisions of the bill which he discussed. He asserted, that he had urged his people to sustain the more recent compromises on the slavery question pending the late Presidential election, believing that it was to be a final settlement of the question.

He acted in good faith, as did his constituency. They believed that the last compromise was to be a finality to all agitation; but they were now doomed to disappointment. The agitation, he regretted, was renewed, and was still to progress. He maintained that if General Pierce had intimated, preceding the Presidential election, or made a declaration to that effect, that he was in favor of a repeal of the Missouri compromise act, he would not now have the distinguished honor of being President of the United States.

He, for one, would never vote for a repeal of the Missouri compromise; and if his constituency desired him so to vote, he should feel it to be his duty to resign, that their views might be represented by another.

Pending the delivery of Mr. MACE's remarks he was interrupted by

Mr. RICHARDSON, who said: I only wish to set the gentleman from Indiana right in relation to his statement that Missouri was admitted into the Union upon the passage of what is known as the compromise measures. Missouri was only authorized to adopt a constitution by the act to which the gentleman refers. He says that this Missouri compromise admitted Missouri into the Union, and settled all this question. The very Congress that passed the Missouri compromise objected to the admission of Missouri as a State into the Union, until other terms were complied with than those relative to slavery. The gentleman from Indiana misapprehends the history of that matter entirely.

Mr. MACE. I hope it will not be expected that this interruption will constitute a part of my speech. If I have misapprehended the history of this matter, it does not affect the facts of which I have spoken.

Mr. SKELTON next addressed the committee on the subject of the Nebraska bill. He regretted that gentlemen from the free States had felt it to be their duty to incorporate within the provisions of that bill a clause in violation of the Missouri compromise.

The introduction of this new topic of agitation he viewed to be unnecessary and uncalled for, so far as it was proper to give territorial government to this new country. He entered fully into a history of all the compromises on the slavery question, maintaining that they were contracts which could not be honorably abrogated.

Mr. S. having concluded—

Mr. MEACHAM obtained the floor; but yielded to

Mr. DEAN. I move that the committee do now rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill (No. 37) "to encourage agriculture, commerce, and manufactures," and had come to no resolution thereon.

Mr. DEAN. I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

Whereupon, the House adjourned until to-morrow, at twelve o'clock.

IN SENATE.

WEDNESDAY, February 15, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT laid before the Senate a mes-

sage from the President of the United States, transmitting a communication from the Secretary of the Navy, accompanied by the second part of Lieut. Herndon's report of the exploration of the valley of the Amazon and its tributaries, made by him in connection with Lieut. Lardner Gibbon, under instructions from the Navy Department.

Mr. FISH. I move that the communication lie on the table.

The motion was agreed to.

Mr. HAMLIN. Mr. President, I find on examining the Journals of the Senate of last year, that there was an order of the Senate providing that the second part of this document, which is now before the Senate, should be printed. I believe, therefore, there is no necessity for any additional order. I will read what was the vote of the Senate last year:

"That there be printed for the use of the Senate ten thousand extra copies of the first part of the exploration of the valley of the Amazon and its tributaries, made by Lieutenant William L. Herndon, in connection with Lieutenant Lardner Gibbon, under instructions from the War Department; and also the same number of the remaining portion of the report hereafter to be furnished."

That remaining portion is now before the Senate; there is, therefore, no vote of the Senate necessary for its printing.

TONNAGE DUTIES ON SPANISH VESSELS.

Mr. HAMLIN. The Committee on Commerce, to whom was referred the bill to repeal certain acts concerning duties on Spanish vessels, have directed me to report it back without amendment, and with a recommendation against its passage.

Mr. BENJAMIN. In relation to that report, I beg leave to state that there is a minority of the committee who entertain a decided conviction of the propriety of passing the bill, and therefore dissent from the report.

JOHN O. MEARS.

Mr. GWIN. I am instructed by the Committee on Naval Affairs, to whom was referred House bill for the relief of John O. Mears, to report it back without amendment, and recommend its passage. As the principle of the bill has often been established by the Senate, I hope the bill will be considered now.

The Senate accordingly, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the proper accounting officer of the Treasury to settle and adjust his accounts as acting purser of the United States brig Dolphin, under the appointment of the commander of the squadron then on the coast of Africa; and to allow him the pay of purser while discharging the duties of that appointment.

The bill was reported to the Senate without amendment, ordered to be read a third time, was read a third time, and passed.

BILLS INTRODUCED.

Mr. RUSK, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for the surviving officers of the late Texas navy; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

Mr. EVERETT asked and obtained the unanimous consent of the Senate to introduce a bill to recompense the discoverer of practical anesthesia; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

PETITIONS, ETC.

Mr. EVERETT presented the memorial of the Trustees of the Massachusetts Humane Society, praying for an appropriation in aid of the operations of the society for the rescue and relief of shipwrecked mariners; which was referred to the Committee on Commerce.

Mr. FISH. I am desired to present a remonstrance of the representatives of the religious Society of Friends, in the city of New York, and places adjacent, remonstrating against the enactment of any law by Congress, or any laws, which will extend the area of slavery or perpetuate the existence of that institution. They represent a very numerous and highly respectable body of citizens, and the memorial is worthy of consideration. I move that, as the subject is before the Senate, the memorial lie on the table.

The motion was agreed to.

Mr. JONES, of Iowa, presented a memorial of citizens of Iowa, praying the establishment of a

mail route from Marengo to Toledo, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. SLIDELL presented the memorial of J. H. Rinehart and others, remonstrating against any change in the act of Congress of 27th January, 1851, relating to settlers in the Maison Rouge grant; which was referred to the Committee on Private Land Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SEBASTIAN, it was

Ordered, That the petition and papers in the case of Susan Cuddy and Richard Fields be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

On motion by Mr. DAWSON, it was

Ordered, That the petition and papers in the case of Coombs Greenwell be withdrawn from the files of the Senate, and referred to the Committee of Claims.

On motion by Mr. DAWSON, it was

Ordered, That the petition and papers in the case of Joseph M. Hernandez be withdrawn from the files of the Senate, and referred to the Committee of Claims.

On motion by Mr. WALKER, it was

Ordered, That the memorials of physicians and of various medical associations and institutions of Massachusetts, on the subject of anesthesia, be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. DAWSON, from the Committee for the District of Columbia, reported a bill granting certain additional powers to the corporation of the city of Washington; which was read a first time, and ordered to a second reading.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the memorial of Orway H. Berryman, praying to be allowed an amount equal to the balance found against him on the settlement of his accounts as acting purser while in command of the United States schooner Onkayhe, and which amount he had been obliged to pay over to the United States, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Philip F. Voorhees, praying to be allowed his expenses incurred in carrying public ministers of the United States to Siam, and other places in the East Indies, and elsewhere, submitted a report, accompanied by a bill for the relief of Captain Philip F. Voorhees, United States Navy; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. FISH, from the Committee on Naval Affairs, to whom was referred the memorial of John C. Fr. Salomon, praying an appropriation to enable him to test the utility of carbonic acid gas as a motive power, reported adversely thereon.

Mr. BRODHEAD, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of the Utica Steam Woolen Company, reported it back without amendment, with a recommendation that it pass.

He also, from the same committee, to whom was referred the memorial of the administrator of Major Elijah J. Weed, praying that the accounting officers be authorized to settle his accounts on equitable principles, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

RIVER AND HARBOR BILL.

Mr. STUART submitted the following resolution for consideration:

Resolved, That the Committee on Commerce be, and they are hereby, instructed to report to the Senate, at as early a day as one can reasonably be prepared, a bill making appropriations for the improvement of harbors and rivers.

RESOLUTIONS ADOPTED.

Mr. SEBASTIAN. I present the following resolution:

Resolved, That the Secretary of the Interior be requested to inform the Senate whether the valuation of certain improvements, amounting to \$2,999, valued by agents of the United States, in 1834, in the name of David Carter, a Cherokee, who enrolled and emigrated west under the eighth article of the treaty of 1828, was included in the claim of said Carter, amounting to \$4,542, adjudged to him for spoliation in the nature of rent of land and mills, under the fifteenth article of the treaty of 1835-36, by Messrs. Lumpkin & Kennedy, commissioners for adjusting claims under said treaty, from which the claimant had been dispossessed for three years; also, state by what authority said valuation of

\$2,999 was cut down to \$1,251 50, and any further information on file respecting the claim which may affect its validity.

This resolution asks for information to enable the committee to decide upon a claim which has been referred to them; and the information cannot be obtained by any other process than by a resolution of the Senate. The resolution calls for extracts from the files of the Department, which, by a regulation of that Department, are not accessible except upon a resolution of this body or of the other House. I therefore ask the Senate to consider the resolution at this time.

The resolution was considered by unanimous consent, and agreed to.

Mr. TOOMBS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any further legislation is necessary to protect the ministerial officers of the courts of the United States in the discharge of their respective duties, and that the committee report by bill or otherwise.

FRENCH SPOILIATIONS.

The bill to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French, prior to the 31st day of July, 1801, was read a third time.

The PRESIDENT. The question is, "Shall the bill pass?"

Mr. CLAYTON. I was accidentally absent yesterday when the yeas and nays were taken on the engrossment of the bill. I desire to record my name in its favor, and therefore I ask for the yeas and nays upon its passage.

The yeas and nays were ordered and taken, with the following result:

YEAS—Messrs. Allen, Badger, Bayard, Benjamin, Clayton, Dawson, Dixon, Evans, Fish, Foot, Geyer, Hamilton, Houston, James, Johnson, Jones of Tennessee, Mallory, Morton, Pearce, Pettit, Pratt, Sebastian, Seward, Smith, Thompson of Kentucky, Toombs, and Weller—27.

NAYS—Messrs. Adams, Atchison, Brodhead, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fitzpatrick, Hunter, Jones of Iowa, Norris Slidell, Walker, and Williams—15.

So the bill was passed.

ADDITIONAL LAND DISTRICT.

On motion by Mr. MALLORY, the Senate, as in Committee of the Whole, proceeded to consider the bill to establish a land district in the State of Florida, to be called the district of Tampa. It proposes to create all that part of the land district of Nunanville and St. Augustine, in Florida, lying south of the line dividing townships nineteen and twenty, south, into a new land district, to be called the district of Tampa; and that the act shall take effect at the expiration of six months from its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time; and passed.

SAN PEDRO A PORT OF ENTRY.

On motion by Mr. GWIN, the Senate proceeded, as in Committee of the Whole, to the consideration of the bill constituting San Pedro, in the State of California, a port of entry and delivery.

It proposes to constitute the counties of Los Angeles, Santa Barbara, and San Bernardino, California, a collection district, to be called the district of San Pedro, for which district San Pedro is to be the port of entry. The collector of the district is to receive \$3,000 per annum, with an additional maximum compensation of \$2,000, if his emoluments and fees amount to that sum. It also proposes to enact that Santa Barbara shall remain a port of delivery, in the same manner as it now constitutes a port of delivery in the district of San Diego.

Mr. HAMLIN. I move to amend the third section, after the word "delivery" where it first occurs, by inserting the word "therein," so that it will read, "that Santa Barbara, in said district, shall remain a port of delivery therein," &c.

The amendment was agreed to.

Mr. HAMLIN. This subject was very carefully examined by the Committee on Commerce, and the bill has the approbation of the Appraiser General of the revenue, who made a personal examination of the matter, and has no doubt that this is a place where a port of entry should be established.

The bill was reported to the Senate as amended; the amendment was concurred in; the bill was or-

dered to be engrossed for a third reading, was read a third time, and passed.

PUBLIC LANDS IN OHIO.

On motion by Mr. CHASE, the Senate proceeded, as in Committee of the Whole, to the consideration of the bill to grant to the State of Ohio the unsold and unappropriated public land remaining in that State.

It proposes to grant to the State of Ohio all the unsold and unappropriated lands which may remain therein on the 31st of March, 1854, to be disposed of as the Legislature shall direct; with a proviso that the grant shall not in any manner affect any right of preemption or other right vested in any individual; and that the lands, the proceeds of which are reserved for the use of certain Indian tribes, shall not be included within the grant. It also proposes to direct the Commissioner of the General Land Office to proceed to close the current land business in Ohio, and to transfer to the Governor of the State, before the 31st of August next, all the archives relating to public lands in that State, except those of the Chillicothe district, relating to lands lying in the State of Indiana, within that district, which shall be attached to and subject to sale in the Jeffersonville district in Indiana. The lands granted are to remain charged with all liabilities and equities to which they are now subject.

Mr. DAWSON. Will the Senator from Ohio be good enough to state how many acres of land are supposed to be undisposed of in that State, and are now to be granted to Ohio?

Mr. WELLER. Only two hundred thousand.

Mr. CHASE. That is all; two hundred thousand acres.

Mr. DAWSON. Only two hundred thousand! The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

CEMETERY IN DUBUQUE.

Mr. JONES, of Iowa. I ask the Senate now to take up the bill "to relinquish certain lands to the city of Dubuque, in the State of Iowa," which has been reported from the Committee on Public Lands. It is merely to authorize the city of Dubuque to exchange a lot of ground given to that city as a cemetery, for another lot, outside the limits of the city, and of a larger extent. There can be no objection to it at all.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill. No amendment being proposed, it was reported to the Senate without amendment, was ordered to be engrossed for a third reading, was read a third, and passed.

PALATKA AND BAYPORT, FLORIDA.

On the motion of Mr. MALLORY, the Senate, as in Committee of the Whole, proceeded to consider the bill to constitute Palatka and Bayport, in the State of Florida, ports of delivery respectively, which had been reported from the Committee on Commerce without amendment. It proposes to create the places named ports of delivery, and to subject them to the same regulations and restrictions as other ports of delivery in the United States; and to direct the appointment of a surveyor of customs to reside at each, who shall, in addition to his own duties, perform the duties and receive the salary of the surveyors prescribed by the act of Congress of the 2d of March, 1831, "allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places. It also proposes to annex Palatka to the collection district of St. John's, and Bayport to the collection district of St. Marks, and to extend all the privileges and facilities to them which are afforded to the places named in the act of March 2d, 1831."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

The pending question is on the amendment moved by Mr. DOUGLAS to the 14th section of the substitute reported by the Committee on Territories, to strike out the words

"—which [the Missouri compromise act] was super-

sed by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative,"

and to insert,

—which being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

Mr. HOUSTON continued and concluded the speech which he commenced yesterday. [See Appendix for speech.]

The PRESIDING OFFICER, (Mr. STUART in the chair.) The question is on the amendment of the Senator from Illinois to the fourteenth section.

Mr. CHASE. I would inquire whether the amendment of the Senator from Illinois is capable of division? If so, I wish to have it divided, so that the question may first be taken upon the preamble, as it may be called, to the main proposition.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Ohio how he would propose to divide the amendment?

Mr. CHASE. I wish to have the question first taken on the reason assigned for the repeal, or for the declaration that the act of 1820 is inoperative and void, so that the declaration will stand as a substantive and distinct proposition.

The PRESIDING OFFICER. In the opinion of the Chair the amendment is not susceptible of that division.

Mr. SEWARD called for the yeas and nays upon the amendment, and they were taken, and resulted—yeas 35, nays 10; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Bell, Benjamin, Brodhead, Brown, Butler, Cass, Clayton, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pearce, Pettit, Pratt, Sebastian, Slidell, Stuart, Thompson of Kentucky, Toombs, Weller, and Williams—35.

NAYS—Messrs. Allen, Chase, Dodge of Wisconsin, Everett, Fish, Foot, Houston, Seward, Sumner, and Wade—10.

The PRESIDING OFFICER. The question is now upon the substitute reported by the committee for the original bill.

Mr. CHASE. I desire to submit an amendment, to insert immediately after the words which have just been inserted, the following:

Under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein.

I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. CHASE. I will state, in very few words, the design of this amendment. The amendment just adopted declares that it is the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. The amendment had already declared the Missouri prohibition inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories as recognized by the legislation of 1850, commonly called the compromise measures. It will be seen that the amendment just adopted does two things. It puts a construction on the acts of 1850, and then it construes the act of which it is a part. It declares the principle of the acts of 1850 inconsistent with the Missouri prohibition; and it declares for the act, of which it forms a part, that its design is to leave the subject of slavery to be disposed of by the people of the Territories, subject only to the limitations of the Constitution of the United States.

Now I desire to have the sense of the Senate upon the question, whether or not, under the limitations of the Constitution of the United States, the people of the Territories can prohibit the existence of slavery there?

There can be no reasonable objection to the expression of the judgment of the Senate on this question. The very amendment just adopted is, for the most part, only an expression of the judgment of the Senate on a question of interpretation. The only real words of legislation in it are these:

"Is hereby declared inoperative and void;" all the rest is opinion, judgment, intent.

Now I want a little clearer understanding of one important point. I want the judgment of the Senate upon the question whether, *under the limitations of the Constitution*, the people of the Territories can protect themselves against slavery?

After I have obtained a vote on this question, I shall want to know—and if no other Senator shall do it, I will move amendments calculated to ascertain—whether it be intended to give the principle of non-intervention, asserted by the bill, full scope? If it is to be adopted, I want to see it fully and thoroughly carried out.

I object to the amendment which has just been adopted, that it will have opposite interpretations in different sections of the country. In one section it will be construed as leaving the whole subject of slavery completely at the disposition of the people of the Territories; and in another section as so binding up the people, by its reference to the limitations of the Constitution, that they can in no case, and by no means, however disposed to do so, protect themselves against the introduction of slavery. I shall detain the Senate, for the present, no longer. My desire only is, that the Senate and the country may understand clearly the scope and purpose of the amendment I now submit, and to have a vote, by ayes and noes, upon it.

Mr. PRATT. Mr. President, the principle which the Senator from Ohio has announced as the principle of his amendment is, that the question shall be left entirely and exclusively to the people of the Territories whether they will prohibit slavery or not. Now, for the purpose of testing the sincerity of the Senator, and for the purpose of deducing the principle in his amendment correctly, I propose to amend it by inserting after the word "prohibit" the words "or introduce;" so that if my amendment be adopted, and the amendment of the Senator from Ohio, as so amended, be introduced as part of the bill, the principle which he says he desires to have tested here will be inserted in the bill—that the people of the Territories shall have power either to introduce or prohibit slavery, as they may think proper. I suppose the question will be first taken on the amendment which I offer to the amendment.

Mr. SEWARD. Is an amendment to an amendment to an amendment in order?

Mr. CHASE. The amendment which I offered is an amendment to an amendment.

The PRESIDING OFFICER. The amendment of the Senator from Maryland is not now in order.

Mr. PRATT. Perhaps the Senator from Ohio will accept it.

Mr. JONES, of Tennessee. I desire to ask a question of the Senator from Ohio. His object in offering this amendment must be obvious to the Senate. He either intends to perfect the bill and make it acceptable, or he intends to embarrass it. One of these two things is inevitable. Now, I wish to ask the Senator from Ohio whether, if we adopt his amendment, he will vote for the bill? I hope he will answer the question. He refuses to answer, and it is therefore obvious that his purpose is to embarrass the bill. I hope no friend of the bill will suffer himself to be entangled in this way.

Mr. CHASE. Mr. President, I have no objection whatever to answer the question put to me from the honorable Senator from Tennessee, [Mr. Jones.] I say to him distinctly, that I will not vote for this bill, unless relieved of every clause looking towards the abrogation of the Missouri prohibition.

But, sir, is anything less doubtful than that it is the right and duty of a Senator, who sees that a bill containing important provisions, so obnoxious as to make it impossible for him to vote for it, is yet likely to pass the Senate—is it not, I say, the right and duty of a Senator, under such circumstances, to endeavor as far as practicable to make the bill in other respects such as he desires it to be? A measure of legislation may fail to commend itself to my judgment, and yet may be rendered vastly less obnoxious by amendment than in its original shape. I have moved this amendment, therefore, in good faith. I wish to see the bill perfected, as near as may be, in accordance with the principle upon which it is said to be framed.

I remarked, when last up, that I should probably

have other amendments to offer, and I may as well indicate briefly the nature of those amendments.

The advocates of the bill say that it is framed upon the principle of non-intervention. But what kind of non-intervention? You refer the question of slavery to the people of the Territories, to be acted upon through their Legislatures; do you not? Certainly you say so. But then the Legislature of the Territory is to act upon that question, *subject to the restrictions and limitations of the Constitution of the United States*.

Now, sir, there are great differences of opinion here as to what the limitations and restrictions of the Constitution are. Some Senators think that the Constitution of the United States has no operation at all in the Territories, unless extended to them by express enactment. Other Senators are of opinion that the Constitution extends over the Territories from the moment of acquisition. Other Senators maintain that the Constitution, properly interpreted, would have prevented the existence of slavery in the Territories altogether, and would render it impossible for a Territorial Legislature to introduce slavery by a valid enactment. Other Senators contend that, under the Constitution, no Territorial Legislature can exclude slavery.

Now, sir, I desire to have the sense of the Senate upon the question, whether the Territorial Legislatures to which you propose to refer this great question—*vital to the future destiny of the people who are to emigrate into those Territories*—can, "*subject to the Constitution*," protect themselves, if they see fit to do so, from slavery? The Senator from Maryland [Mr. PRATT] has proposed an amendment to my amendment. I cannot accept it. But it will be entirely within the power of the Senate, after adopting my amendment, to agree to his, if they see fit to do so.

Mr. SHIELDS. If the honorable Senator will permit me, I will suggest to him, if he wishes to test that proposition, to put the converse, as suggested by the honorable Senator from Maryland, and then it will be a fair proposition. Let the Senator from Ohio accept the amendment of the Senator from Maryland, for the purpose of testing the question.

Mr. CHASE. I was about to state why I could not accept the amendment of the Senator from Maryland. I have no objection that the votes should be taken upon it; and it is probable that it would receive the sanction of a majority here. But with my views of the Constitution, I cannot vote for it. I do not believe that a Territorial Legislature, though it may have the power to protect the people against slavery, is constitutionally competent to introduce it. A majority here probably think otherwise. A vote upon my amendment will not prevent a vote from being taken upon the proposition of the Senator from Maryland. I cannot vote for his amendment. He will not vote for mine. There may be a majority for each, and yet a proposition uniting both might be rejected. I submit, therefore, to the good sense of the distinguished Senator from Illinois, [Mr. SHIELDS,] whether it is not fairest to take a separate vote upon each proposition? If there be a majority who believe that the people of a Territory can, under the Constitution, protect themselves from slavery, let them say so. And if another and a different majority, who think that the people of a Territory can, if they see fit, introduce slavery, let them say so. There is nothing in the adoption of the one amendment which would preclude the adoption of the other. But let us have a vote upon the distinct and substantive proposition, unembarrassed by connection with any other; then let the proposition of the Senator from Maryland be submitted and voted upon unembarrassed by any connection with mine. This is fair. In my judgment it is the only fair mode of ascertaining the sense of the Senate. The sole object of my amendment is to let the people of the country see whether those who assert the principle of non-intervention are willing that the people of the Territories may, if they see fit, exclude slavery.

Mr. President, I have referred to the limitations under which the Territorial Legislatures are to act under the provisions of this bill. They may legislate, among other subjects, upon that of slavery. But how? Freely? Without restraint? Is non-intervention the real principle of this bill? Why, sir, according to one of the provisions of this bill, every act of the Territorial Legislature is subject

to the absolute veto of a government appointed here. The bill gives the appointment of the Governor to the President. He is made removable by the President. He holds his office only during Executive pleasure; and this Governor, thus appointed, thus removable, thus subject in all respects to Executive control, is to have an absolute veto on every act of the Territorial Legislature. Is that non-intervention? That, sir, is one of the provisions which I shall propose to strike from the bill.

Then, sir, every case between parties litigant which arises under any act of the Territorial Legislature, must, of course, come before the court. Now, who are to be the judges of these territorial courts? Are they to be elected by the people? Appointed by the Legislature? Not at all. Every one of them, under the provisions of this bill, is to be appointed and commissioned here. So that all territorial acts, and all rights claimed under them, are to be brought under the revision of judges, not responsible to the people of the Territory, nor deriving their powers from them, but dependent wholly upon Executive patronage and favor—judges appointed by the President, and, according to recent practice sanctioned by the Senate, removable by him at pleasure. And this, sir, is not all. Not only is the Territorial Legislature, under the provisions of this bill, placed under the control of an appointee of the Federal Executive; not only are its acts subject to revision of judges appointed and removable by the President, but all its legislation is to be reported to Congress; and every act may, if Congress shall see fit to disapprove of it, be declared null and void.

I call attention to these provisions, Mr. President, as features of a bill which, in my judgment, are totally irreconcilable with the principle of non-intervention upon which it is said the bill itself is constructed. For the present, I only ask for a vote upon the amendment I have offered. I propose, hereafter, to offer other amendments designed to remove this provision, and to carry out as far as practicable the professed principle of the bill, and refer all questions of legislation and administration within the limits of the Territories to the uncontrolled and unbiased judgment of the people.

Mr. BADGER. I was not in my seat when the amendment was offered, and I do not know that I have correctly understood its purport from the remarks which have been made. Before submitting some remarks upon it, I ask that it may be read.

It was read accordingly.

Mr. BADGER. Mr. President, I have understood, I find, correctly the purport of the amendment offered by the honorable Senator from Ohio. The purpose of the amendment, and the effect of the amendment, if adopted by the Senate, and standing as he proposes, are clear and obvious. The effect of the amendment, and the design of the amendment, are to overrule and subvert the very proposition introduced into the bill upon the motion of the chairman of the Committee on Territories. Is not that clear? The provision as it stands, since the amendment has been adopted, is an unrestricted and unreserved reference to the Territorial authorities, or the people themselves, to determine upon the question of slavery; and therefore, by the very terms as well as by the obvious meaning and legal operation of that amendment, to enable them either to exclude or to introduce or allow slavery.

If, therefore, the amendment proposed by the Senator from Ohio were appended to the bill in the connection in which he introduces it, the necessary and inevitable effect of it would be to control and limit the language which the Senate has just put into the bill, and to give it this construction: that, though Congress leaves them to regulate their own domestic institutions as they please, yet, in regard to the subject-matter of slavery, the power is confined to the exclusion or prohibition of it. I say this is both the legal effect and the manifest design of the amendment. The legal effect is obvious upon the statement. The design is obvious upon the refusal of the gentleman to incorporate in his amendment what was suggested by my honorable friend from Maryland, the propriety and fairness of which was instantly seen by my friend from Illinois, [Mr. SHIELDS.]

Is it proposed by the Senator to test the question whether these people shall expressly have authority to determine for themselves upon the existence of this domestic relation? If so, and the language

just put into the bill is not sufficiently explicit, in his estimation, is it not beyond all question that you should put in the words "or introduce?" Under the bill as it stands, the people may regulate their domestic relations as they see fit; but, says the amendment of the Senator from Ohio, that shall enable them, under the Constitution, to prohibit slavery. What is the effect of that amendment but to modify, reduce, restrain, and bring down the latitude of authority conferred upon them by the previous language just incorporated into the bill?

But, Mr. President, that this is the design of the honorable Senator from Ohio he has himself told us; for in the speech which he delivered here the other day, in commenting on the Missouri compromise, of the sacrosanct character of which he seemed to have such a deep conviction and such a profound reverence, what did he tell us? He told us that that compromise contained an express prohibition of slavery north of the line of 36° 30', and no express allowance of it south of that line, though, the Senator confessed there was such an implication in favor of its allowance. And yet, what did the honorable Senator tell us, in that very speech which he has put forth to the world with the captivating title of "Maintain Plighted Faith?" Here was a compromise, according to his own declaration, containing an express prohibition of slavery north of a certain line, and an implied admission or allowance of it south of the line; and he proposes to Maintain Plighted Faith—how? By regarding both parts of the agreement? By maintaining the express exclusion and leaving the implied admission? No, sir. Here is his own language, which furnishes the commentary on his motive for proposing this amendment, and serves to explain his whole course on this bill:

"We believe no permanent adjustment of that question possible, except by a return to that original policy of the fathers of the Republic, by which slavery was restricted within State limits; and freedom, without exception or limitation, was to be secured to every person outside of State limits, and under the exclusive jurisdiction of the General Government."

What, then, is that? It is insisting upon the compromise so far as he likes; it is invoking "plighted faith" to sustain the compromise so far as he likes it, with a distinct announcement that, so far as he does not like it, he goes for repudiating it. What is the effect of that upon the Missouri compromise? It is to convert it, not into a compromise line, but to give it the same effect and operation, in every respect whatever, as if that Missouri compromise, instead of being that slavery should be prohibited north of 36° 30', had been, in terms, that slavery shall be prohibited everywhere. That is the maintenance of plighted faith! That is the mode in which we are taught to regard the arguments so pathetically urged to us, to maintain the plighted faith of the Government! It is to take what is offered, and to refuse the consideration. It is to maintain what you have gotten upon a bargain, and to deny that, in consideration of which, what you have gotten was obtained. It is to say, "adhere to a compromise on your part, which I utterly disregard and trample under foot."

Sir, is there any difference, in point either of moral or of legal obligation, between an express and an implied stipulation? None. In the court below, they hold every man as fully bound in an implied engagement as by an express engagement. It is the engagement that constitutes the obligation. It is binding in law; it is binding in morals. Honor requires that he who has obtained from another anything upon an implication that that other is to receive something in return, should faithfully discharge the obligation by which he has procured that which otherwise would not have been given.

Now, Mr. President, I do not make these remarks by way of blaming the honorable Senator from Ohio for the course which he thinks proper to pursue. I have no right to blame him. I am no tribunal to try him. But when the honorable gentleman proposes an amendment of this character to the bill, I cannot help seeing that, under his notions with regard to his obligation to maintain what he calls freedom to every human being under the authority of the United States, and under the view which he announces with regard to the operation of the Constitution of the United States, he is bound to refuse to us everything: that he can be bound by no bargain, and that no stipulation which could be made by this Senate, even with his own

assent, would bind him for an hour—I mean with regard to the subject of slavery.

Why is it not clear? Suppose that the honorable Senator were to agree to a compromise, now, to allow the people in these Territories to choose whether they would have slavery or not. Upon his argument he could not be morally bound by it. Why? He thinks the Constitution prohibits slavery in the Territories; he thinks that the people of the Territories cannot be allowed to introduce slavery, even if they choose. I am not mentioning this as a matter of complaint; I am not alleging it against him as blame; I am not affirming that it implies any moral turpitude in him. It is the necessary logical consequence of the positions which he lays down as fundamental on this subject; and therefore it is idle for us to talk about compromises with the honorable Senator; for the honorable Senator who now puts "Maintain Plighted Faith" at the head of his speech, published a speech here during Congress when the compromise measure of 1850 were adopted, which he headed with the solemn title of "Freedom," I think it was, or "Liberty without Compromise." He is against compromises, and yet calls upon us to enforce that portion of the Missouri compromise by which our rights were restricted, as we think.

Now, sir, the true, direct, and manly course to meet this question is that suggested by my honorable friend from Illinois, [Mr. SHIELDS.] Put into your amendment that the people of the Territories shall be at liberty to exclude or introduce; and if there is anything in the Constitution of the United States which disables a territorial government from introducing slavery, if the honorable Senator believes that, if he is sincere in that opinion, there sits a tribunal below us who will pass upon the validity and constitutionality of any act that we may pass.

I have no hesitation, therefore, in saying that I shall vote against the amendment of the Senator from Ohio. The clause as it stands is ample. It submits the whole authority to the Territory to determine for itself. That, in my judgment, is the place where it ought to be put. If the people of these Territories choose to exclude slavery, so far from considering it as a wrong done to me or to my constituents, I shall not complain of it. It is their own business.

Well, again, the Senator says that the bills passed by the Territorial Legislatures are subject to the approval or disapproval of the Governor, and that they are subject to the revision and disapproval of Congress. Be it so; but not upon this subject in particular. It applies to the whole legislative power of the Territory. The Territory is not an independent State. The Territory is not emancipated from our paramount jurisdiction and control, and there is no inconsistency whatever in retaining in the bill these restrictive and revising powers, and the bill stands with these complete and fair. The restricting and revising power which applies to the subject of slavery applies to every other power of legislation. The bill does not select this case, as a case in which the action of the Territorial Legislature shall be submitted to the Governor; and having received the sanction of the Governor, it does not provide that in this case, in regard to slavery, it shall come under the consideration of Congress; but it is the precise provision, in so many words, which was incorporated into the bills for the organization of the territorial governments of Utah and New Mexico, and is in no way inconsistent with what the bill alleges, and that is, that we intend to leave them freedom upon this subject—just the same freedom that we leave them upon any and every other subject of legislation.

Mr. President, I am content with these remarks on this point. I was necessarily absent in the court below at the time when the honorable Senator from Texas concluded his remarks. I desire to be heard upon this bill, and upon the whole bill. I am in favor of the bill; and I wish to show why I am; and I wish to answer the objections which I have heard taken against it in this Chamber, so far as I think it necessary to do so.

Mr. JONES, of Tennessee. If the Senator will allow me, I will move to adjourn.

Mr. PRATT. Oh, no; let us take the question upon the amendment.

Mr. CASS. We cannot take the question yet on this amendment. There is something more to be said upon it.

Mr. BROWN. Mr. President, I hope that the vote upon this amendment will not be pressed this evening. There can be no necessity for urging us to a vote now upon this precise question. I desire to submit my views upon it. I do not desire to make a speech upon the bill, nor anything like a regular argument upon this point; but Senators certainly understand that this has been a mooted question for a long time; and I learn from the remarks which the honorable Senator from North Carolina has submitted, that he thinks that by the vote which we have just taken upon the amendment submitted by the chairman of the Committee on Territories, we have yielded more than I think we have yielded. Sir, if gentlemen from the South and from the North make speeches, which are to go upon the record, and by which our action upon this question is in after times to be interpreted, I shall desire to state my views upon the point; so that when our present action comes to be criticised and interpreted, it shall be understood that all of us did not at the time occur in the view taken by the honorable Senator from North Carolina, and by the honorable Senator from California, [Mr. WELLER,] the other day, if I understood him correctly. I may say, in a single word, without intending to discuss the point now, that I have not, in my own judgment, and I trust I have not in my action here, yielded the principle that the people of the Territories, during their territorial existence, have the right to exclude slavery. I have not intended to yield that point, and I do not mean that my action, in future times, shall be so construed. As I am not prepared with authorities to go on upon this precise point this evening, I hope that I shall be allowed about fifteen minutes before the vote is taken, when I will have the authorities with me, to give my views upon this point, and this alone. Therefore, if other gentlemen wish to discuss the question further, I trust they will go on this evening, or if not, that we shall adjourn and hear the speech of the Senator from North Carolina to-morrow.

Mr. DOUGLAS. As the honorable Senator from North Carolina proposes to discuss the main question to-morrow, and as it is late this evening, and as there is a necessity for an Executive session, I move to postpone the further consideration of this bill until to-morrow, in order that we may proceed to the consideration of Executive business.

Mr. CASS. Will the Senator withdraw the motion for a moment?

Mr. DOUGLAS. Certainly.

Mr. CASS. Mr. President, it seems to me that the discussion may just as well go on upon this point as upon any other. The honorable Senator from Mississippi [Mr. Brown] has touched on one of the main questions connected with it, and which has not been touched upon before. It is a very grave and a very important question. The power of the people of the Territories to legislate upon their internal concerns, during the period of these temporary governments, is most clearly given in this bill, if the Constitution permits it.

Mr. BADGER. Certainly.

Mr. CASS. If the Constitution does not permit, they have not got it.

Mr. BADGER. That is clear.

Mr. CASS. Behind that stands the other question, which must be discussed here; and I, for one, am determined that my constituents shall know my views on the point. It is one on which the honorable Senator from Mississippi and myself differ, and have differed radically, but on which, as I trust, we differ, and shall differ, properly. It is whether, by virtue of the Constitution of the United States, there is a kind of motive power in slavery that immediately spreads it over any territory, or by virtue of which any slave may be taken to any territory of the United States, as soon as it is annexed to the Union. I believe I state the point properly. It has been before us heretofore, and is familiar to us all. Now, behind the power of the people, given by the bill, to exercise this privilege in respect to their internal concerns, stands this grave question; and the honorable Senator from Mississippi is perfectly right in wishing to give his views upon it; for I presume this is the point to which he alludes; indeed, I am sure of it.

Mr. BUTLER. Mr. President, before the discussion goes further upon this question, I wish to save myself. I am perfectly willing to vote for

the clause as it has been modified by the honorable Senator from Illinois, the chairman of the Committee on Territories, but with a very clear judgment that, if Congress has not constitutional competency to legislate either one way or the other—either to introduce or prohibit slavery in the Territories—a territorial government has no derivative authority to do so from any act which Congress can pass.

Mr. BROWN. Certainly not.

Mr. BUTLER. I do not intend to go into this discussion; and I am perfectly willing to leave this question under the Constitution.

Mr. DAWSON. There is where it ought to be left.

Mr. BUTLER. I am perfectly willing to leave it under the Constitution, to be decided by the law tribunals of the country; and that is the true ground upon which to put it. If, in the process of settlement, the people of these Territories shall be prepared to assume upon themselves the attributes of a sovereign State, they can then, certainly, either exclude or admit slavery. I presume that will not be denied by any one. During their growth, and before they undertake to become a State, can they assume to exercise a power which Congress itself, under the Constitution, cannot confer upon them? They can have no derivative power on the subject from an act of ours.

Mr. CASS. That is a matter to be argued. I differ from the honorable Senator *in toto*.

Mr. WELLER. I have a single remark to make, though not upon the point which is now being discussed. Although, as I said in my remarks on Monday last, I am in favor of the general principles of the bill, there are some provisions in it which do not receive the sanction of my judgment. I may refer to that which confers upon the Governor an unqualified veto. I do not think I can vote for any territorial bill which contains a provision of that sort. I see no reason why the Committee on Territories should have reported this bill, on this point, differently from those which have preceded it in our legislation. The veto of the Governor should be a qualified one. I believe in Oregon a bare majority of the Territorial Legislature can overrule the veto of the Governor. I am willing, however, to place it where the Constitution of the United States has placed the veto power here. I would require two thirds of the Legislature to overrule the veto of the Governor; and I would not, under any circumstances, invest an absolute and unqualified veto in one man. I cannot vote for the bill with such a provision in it.

Mr. DOUGLAS. The friends of this bill have had the provision to which the Senator from California has referred, and some others, under consideration, and they intend to dispose of these two points—that is, the veto power of the Governor, and as to the revisory power of Congress when we arrive at them. These two provisions are in this bill because they were in the Utah bill, which was our guide. I am aware that the former territorial bills gave the Governor only a qualified veto. I believe the Iowa bill required two thirds of the Legislature to overrule the veto; and in the Oregon bill a majority was required. I intend, when we get through with this provision, to call the especial attention of the Senate to that subject, and state what my own views are upon it. The clause providing for a revision of the laws by Congress has been uniformly inserted, and it arose in this way: In the early history of this country a Territory was legislated for by the governor and judges. Inasmuch as they had no Legislature, no representation, no popular Government, we required their laws to be submitted here, either for approval or disapproval. Since the Territories have had Legislatures, it has become a serious question whether any such revision is necessary; but the friends of the bill will consider that matter when we get through with this point. I renew my motion to postpone the further consideration of the bill, in order that we may proceed to the consideration of Executive business.

Mr. BUTLER. With the understanding that the Senator from North Carolina has the floor.

Mr. DOUGLAS. Of course.

Mr. BRODHEAD. I move that the Senate adjourn.

The motion was agreed to; and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 15, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting from the Commissioner of Customs, in conformity with the provisions of the act of Congress approved March 3, 1809, entitled "An act to further amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," and the act passed March 3, 1817, entitled "An act to provide for the prompt settlement of the public accounts," a statement of the accounts due more than three years prior to the 30th of June, 1853, on the books of the Register of the Treasury.

On motion by Mr. HIBBARD, the communication was referred to the Committee of Ways and Means, and ordered to be printed.

HOMESTEAD BILL.

Mr. COBB. The homestead bill is now the special order for consideration in the Committee of the Whole on the state of the Union; and, with the consent of the House, I shall present an amendment, which I desire to be made to it, so that it may be referred to that committee, and ordered to be printed.

There was no objection; and the amendment was introduced, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

The same course as the above was pursued in reference to substitutes for the homestead bill submitted by Messrs. LETCHER, GROW, and HENN, and amendments to it by Messrs. WALSH and ETHERIDGE.

MISSOURI COMPROMISE.

Mr. WASHBURN, of Maine. I have received, Mr. Speaker, the remonstrance of Joseph H. Allen and four hundred and forty-five others, citizens of Bangor, Maine, against the repeal of the Missouri compromise; which I move be referred to the Committee on Territories, and ordered to be printed.

Mr. BOYCE. I object to the introduction of the remonstrance.

Mr. WASHBURN. I will then present it under the rule.

REPORTS FROM COMMITTEES.

Mr. BISSELL, from the Committee on Military Affairs, reported back without amendment, and with a recommendation that it do pass, Senate bill No. 124, entitled "An act for the relief of Allen G. Johnson;" which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Also, from the same committee, reported back Senate bill No. 184, entitled "An act for the relief of Mrs. Elizabeth C. Smith, of Missouri," without amendment, and with the recommendation that it do pass; which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Also, from the same committee, reported back Senate bill No. 135, entitled "An act for the relief of Adam D. Stuart, paymaster of the United States Army," without amendment, and with the recommendation that it do pass; which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Also, from the same committee, reported back House bill No. 135, entitled "A bill for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco."

Mr. BISSELL. It will be recollected that this bill passed the House, and went to the Senate. That body returned it to us with three amendments, and it was again referred to the Committee on Military Affairs. That committee recommend concurrence in the first and third amendments; and non-concurrence in the second amendment.

Mr. DAVIS, of Indiana, obtained the floor.

Mr. BISSELL. Mr. Speaker, if I could have the attention of the House for a moment, I would desire to make a remark—

The SPEAKER. The gentleman from Indiana [Mr. DAVIS] has the floor.

Mr. DAVIS. I merely want to say, sir, that I would prefer to have the whole bill read, with the amendments, for the information of the House.

The SPEAKER. The Clerk will read the whole bill first, and then the amendments.

The bill was accordingly read.

The SPEAKER. The Senate propose to amend the bill, as follows:

"Sec. 1, line 8, after the word 'sea,' insert 'and to Lieutenant Francis K. Murray, and any other officers or seamen of the United States Navy who were on board the said steamship under orders.'"

The SPEAKER. (to Mr. BISSELL.) Does the committee recommend concurrence in this amendment?

Mr. BISSELL. Yes, sir; the committee recommend concurrence in it. And I would say, that the committee of the House intended to embrace Lieutenant Murray, of the Navy, in the original bill. He was on board the ship, under orders, to join his squadron in the Pacific ocean. I presume the House will have no objection to the amendment.

The question was taken, and the amendment was concurred in.

Mr. BISSELL. Now, Mr. Speaker, I would prefer to have the third amendment read next.

The SPEAKER. The Clerk will report the third amendment.

The amendment was read, as follows:

"Sec. 2, line 3, at the end of the section add the following words: 'And that the widows and minor children of those officers, non-commissioned officers, and privates who perished by that disaster, or who died by disease in consequence thereof, shall be allowed pensions in the same manner, in all respects, as if the said officers, non-commissioned officers, and privates had been killed in battle.'"

The question was put, and the amendment was concurred in.

Mr. BISSELL. Now let the second amendment be read, in which the committee do not concur.

The amendment was reported as follows:

"At the end of the first section add the following: 'Provided, that the amount of the pay and allowances advanced to the officers and men, by the authority of the President, previous to their embarkation, shall be brought to their credit, and that their receipts for the same be canceled.'"

Mr. BISSELL. Mr. Speaker, it will be remembered by this House, that before the embarkation of these soldiers for California, the President directed that there should be advanced to them six months' pay. Some of the officers and soldiers availed themselves of the privilege which was thus allowed them. Others did not. Some received two months' pay in advance; some four months'; some six months'; some none at all. This amendment provides that the amounts received by the soldiers and officers, under that order, shall be canceled. That would seem to operate unjustly, inasmuch as many of these officers and men did not receive any advance at all; while others did receive pay, varying some for two months, and some for six months.

The committee were of opinion, therefore, that the House ought not to concur in that amendment; and they have recommended non-concurrence accordingly, with a view to ask for the appointment of a committee of conference from this House to confer with the Senate committee; which I think will result in making matters satisfactory to us all.

The question was put on the amendment, and it was not concurred in.

Mr. BISSELL. Mr. Speaker, if this be the proper time, I would ask for the appointment of this committee of conference to meet the Senate committee.

The SPEAKER. The usual time for appointing the committee of conference is after the Senate shall have acted on our rejection of their amendment.

Mr. BISSELL, from the Committee on Military Affairs, to whom was referred the petition and papers of Samuel J. Raybourn, reported a bill for his relief; which was read a first and second time by its title, and referred to a Committee of the Whole House.

Mr. BISSELL. I have another report from the same committee, which is mislaid at this moment, and I ask the privilege of reporting it when I shall find it.

OBSTRUCTIONS TO UNITED STATES MAILS.

Mr. MILLSON. I rise to a privileged question. Some ten or twelve days ago, a bill to pre-

vent obstructions to the United States mails; or, to describe it more accurately, to punish injuries to railroads, was reported and referred to the Committee of the Whole on the state of the Union; afterwards, a motion was made to reconsider that vote, which motion is still pending.

The Erie troubles, which doubtless furnished the occasion for reporting this bill, are said to be quieted, and I understand there is no further disposition to press this motion to reconsider. But as I do not know how soon other occurrences may take place, there or elsewhere, which may tempt the House to the exercise of such powers as are contemplated by this bill, I move to lay the motion to reconsider upon the table.

The SPEAKER. The Clerk will report the title of the bill.

The title of the bill was read, as follows:

"A bill to secure the safe transmission of the United States mails upon railroads."

The SPEAKER. The pending motion is to reconsider the vote by which that bill was referred to the Committee of the Whole House. The gentleman from Virginia [Mr. MILLSON] calls up that motion, and moves to lay the motion to reconsider upon the table.

The question was then put, and the motion to reconsider was laid upon the table.

REPORTS—AGAIN.

On motion by Mr. CRAIGE, it was

Ordered, That the Committee on Public Buildings and Grounds, to whom was referred the memorial of Randall Pegg, for additional pay for services as watchman to the Patent Office in the years 1859-70, be discharged from the further consideration of the same, and that it be laid upon the table.

Mr. CRAIGE, from the same committee, reported the following resolution:

Resolved, That the President of the United States be, and he is hereby, authorized to cause a supplemental contract to be made with the contractors for the marble for the Capitol extension to procure the columns and ashlar in larger blocks than required by the specifications of their present contract.

Mr. CRAIGE. I desire to make a short statement in reference to that resolution, showing the necessity of its passage.

The SPEAKER. The Chair supposes that the gentleman intended the resolution as a joint one. It is not so by its form.

Mr. CRAIGE. I did intend it as such.

The SPEAKER. The alteration in form will be made, and then the resolution will be read a second time.

The resolution was accordingly modified, and read a second time, by its title, as a joint resolution, in reference to contracts for the extension of the Capitol.

Mr. CRAIGE. On the 19th day of September, 1851, a contract was entered into between Mr. Walter, the architect of the Capitol, and certain gentlemen, for the marble work to be used for the extension of the United States Capitol. The architect agreed to pay these parties "at the rate of 65 cents per cubic foot for all blocks of marble containing thirty cubic feet or less, and \$1 93 per cubic foot for all blocks of marble containing over thirty cubic feet, according to the provisions, conditions, and requirements of the agreement."

According to the eleventh specification of the contract, "the shafts, exclusive of the capital and the lower diameter to be three feet, and the upper base, were to be twenty-five feet five inches high, diameter two feet seven inches. The upper torus of the base to be cut on the lower frustum of the shaft, and none of the frusta of the shaft to be less than four feet in height." Those who have charge of the extension now desire to have these blocks in large pieces. At the time the contract was made, it was supposed that they could not be so furnished; but the committee understand now, from those having charge of the quarries from which the marble is supplied, that blocks in large pieces can be furnished; but they refused to furnish them at the prices at which they had agreed to furnish the smaller.

According to the twenty-fifth specification, "the ashlar work throughout the buildings was to have beds from nine to eighteen inches, cut square throughout the entire thickness of the stone, and to be slightly free from the square on the front edge, to prevent fracture at the joints."

The architect and superintendent of this work think that these beds ought to be eighteen inches, and two feet and six inches; but the contractors

refuse to furnish them at the low prices at which they were to furnish the other beds.

In order that we may therefore get the necessary supply of marble to carry on this work, I think it necessary that a change in the contract should be made. At the last session of Congress, the work of the Capitol was required to be measured according to the existing contract. The superintendent of the work did not feel himself at liberty to order the blocks of the size which the architect required without the concurrence of Congress, and therefore the committee having this matter in charge have directed me to report the resolution which has been read, and which I ask may be put upon its passage now.

The resolution was then ordered to be engrossed, and having been engrossed, was then read the third time.

The question then being, "Shall the resolution pass?" it was taken, and decided in the affirmative.

So the resolution was agreed to.

Mr. PERKINS, of Louisiana, from the Committee on Foreign Affairs, made an adverse report in the case of J. R. Sands, of the United States Navy; which was laid upon the table, and ordered to be printed.

He also, from the same committee, reported a bill for the relief of W. D. Porter, of the United States Navy; which was read the first and second time by its title.

Mr. P. said: There are circumstances connected with this bill which, if they were brought to the attention of the House, would, I think, induce the House to pass the bill at once. It provides for no appropriation, and avoids that question entirely. The bill has passed the Senate twice, and has only failed to pass this House from want of time. It proposes to leave the settlement of the accounts in this case entirely with the Auditor. It simply grants the power to a lieutenant in the Navy to settle his accounts, for until they are settled he cannot go into service. He has been in Washington for some three years, detained from service. On this account I ask that the bill be put upon its passage.

The bill was read through by the Clerk.

It authorizes and directs the Secretary of the Navy to cause the accounts of W. D. Porter, a lieutenant in the Navy of the United States, for moneys actually expended by him in bringing Amin Bey and suite to the United States, in conformity with the request of the Hon. George P. Marsh, the Minister of the United States at Constantinople, to be audited and settled, provided that the whole sum shall not exceed \$2,204 32.

Mr. DAVIS, of Indiana. I submit that the bill makes an appropriation, and that, in accordance with the rules of the House, must be first considered in the Committee of the Whole.

Mr. PERKINS. The bill makes no appropriation.

The SPEAKER. The bill will again be read, and the Chair will then determine whether it must go to the Committee of the Whole.

The Clerk again read the bill.

Mr. PERKINS. The Chair will perceive that it makes no appropriation. It simply guards against an excess being paid to Lieutenant Porter. It does not say that even one dollar is due to him, but simply says that the Secretary of the Navy may audit and settle his accounts, and guards against paying more than a certain amount.

The SPEAKER. Under the provisions of the bill, if any money shall be found due to Lieutenant Porter, the Chair thinks he could draw it without any further legislation. In accordance with the rules and usages of the House, therefore, it must go to the Committee of the Whole House, unless, by unanimous consent, the rule be set aside.

Mr. PERKINS. If that be the case, I have no desire to press the passage of the bill upon the House now. I move that it be referred to the Committee of the Whole House, and made the order of the day for to-morrow.

The motion was agreed to, and the bill accordingly referred.

Mr. CHANDLER, from the Committee on Foreign Affairs, reported "A bill for the relief of E. A. F. Levalette, a captain of the United States Navy;" which was read a first and second time by its title, referred to the Committee of the

Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. BAYLY, of Virginia. I am directed, by the Committee on Foreign Affairs, to report back a large number of petitions from different States, asking that all national disputes may be settled by arbitration, with the request that the committee may be discharged from the further consideration of the same, and that they be laid upon the table.

There being no objection, the order was accordingly made.

Mr. HARRIS, of Alabama, from the Committee on Military Affairs, reported adversely upon the memorial of Francis A. McCauley; which was laid upon the table, and ordered to be printed.

Mr. EWING. I wish to present a memorial, which I believe comes within the rule of privilege, in respect to the right of one of the members of this House to a seat upon this floor. I have received this morning, as one of the members of the Committee of Elections, a memorial, signed by certain citizens of New York, representing that the Hon. MIKE WALSH, the Representative in Congress from that district, is not a citizen by naturalization of the United States, and that he was born in Ireland.

I wish to present this petition simply as a member of the Committee of Elections, and have it referred to that committee, without being understood to express any opinion in reference to it, further than simply to say that I should be very sorry to part with my friend over the way.

Mr. WALSH. The gentleman need not give himself any trouble on my account.

The memorial was accordingly referred.

Mr. BISSELL, from the Committee on Military Affairs, reported a bill "for the relief of the legal representatives of Captain William Davis, late Commander of the United States transport schooner Eufaula," which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

On motion by Mr. HENDRICKS, the Committee on Invalid Pensions was discharged from the further consideration of the memorial of Lieutenant William H. Weirick; and the same was referred to the Committee on Military Affairs.

Mr. HENDRICKS, from the Committee on Invalid Pensions, made adverse reports on the applications of Zacariah Long and Robert Hughes for pensions; which was ordered to lie upon the table.

Mr. H., from the same committee, reported back Senate bill (No. 155) "granting five years half pay to the widow of Captain John W. Gunnison," with a recommendation that it do pass.

The bill was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. H., from the same committee, reported back Senate bill (No. 121) "for the relief of Amelia Brown, widow of Major General Jacob Brown, deceased," with a recommendation that it do not pass.

Mr. H. said: It is right, perhaps, before I make the motion which I intend to submit, that I should state to the House that this Senate bill for the relief of the widow of Major General Brown gives her back pension to the amount of \$19,000, and gives her, also, a pension for life, at the rate of \$100 per month. This is in violation of all the principles that have governed the action of Congress in reference to pensions. I move that the bill do lie upon the table.

The SPEAKER. If there be no objection the bill will be so disposed of.

Mr. HUGHES. I object.

Mr. ORR. I would like to inquire of the chairman of the committee if there is no merit at all in the bill? Perhaps it would be better to refer it to a Committee of the Whole House, and consider it there.

The SPEAKER. Does the gentleman from Indiana withdraw the motion to lay the bill upon the table?

Mr. HENDRICKS. I do, for a moment. In reply to the gentleman from South Carolina, I will say that, in my judgment, there is much merit in the application of Mrs. Brown for a pension; but the Committee on Invalid Pensions have reported to this House a bill, giving her such a pen-

sion as she would be entitled to under the general law. That bill is before a Committee of the Whole House, and will be acted upon, and made to suit the House, as a matter of course.

Mr. ORR. Then I have no objection to the gentleman's motion.

Mr. HENDRICKS. I now renew the motion to lay the bill upon the table.

Mr. HUNT. I ask for tellers on that motion.

Mr. JONES, of Tennessee. I call for the yeas and nays.

Mr. ORR. I hope the gentleman from Tennessee will withdraw that demand. If the House had heard what the gentleman from Indiana [Mr. HENDRICKS] said, I am sure they would not hesitate to lay the bill upon the table. The Committee on Invalid Pensions has already reported a bill for the relief of Mrs. Brown, and it has been referred to a Committee of the Whole House. There is, therefore, no necessity for sending this bill there.

The SPEAKER. Debate is not in order.

Mr. PRATT. I hope the gentleman from South Carolina will be permitted to make a statement.

The SPEAKER. The motion is to lay the bill upon the table, and it is not debatable.

Mr. HENDRICKS. For the purpose of enabling the House properly to understand this whole question, I will, for the present, withdraw the motion to lay upon the table, and explain the condition of this bill. The Committee on Invalid Pensions have reported a bill giving to the widow of General Brown such pension as she could receive under the general pension law of the United States—that is, half pay for ten years. This bill, which the committee have reported, gives her half pay for ten years—no more than she could get under the general pension law.

Mr. OLDS. I should like to ask the gentleman from Indiana a question.

Mr. HENDRICKS yielded the floor.

Mr. OLDS. The question I desire to ask is this: Does the bill, as it came from the Senate, propose to give to the widow of Major General Brown any larger pension than during the last Congress was given to the widow of General Worth?

Mr. HENDRICKS. The bill which the Committee on Invalid Pensions have reported does not give so large a pension as that of the widow of General Worth.

Mr. OLDS. But General Worth was higher in rank in the Army of the United States than General Brown.

Mr. HENDRICKS. The widow of General Worth received fifty dollars per month. But the Committee on Invalid Pensions did not think that this departure from the general policy of the pension laws ought to be followed by this Congress. That case was a departure from the policy of the general law. The general law gives to the widow of any officer—if the grade which he holds be above that of lieutenant colonel in the infantry—the half pay for five years which a lieutenant colonel in the infantry would receive.

The bill which we have reported in favor of Mrs. Brown gives her for ten years, the half pay of a lieutenant colonel of infantry: that is, thirty dollars per month. If the House consider this pension too small, it can, as a matter of course, be increased. That bill is now pending before Congress, and is, therefore, under the control of this House. If the House think that thirty dollars per month for ten years is not enough to give to the widow of General Brown, then, I repeat, that bill, as a matter of course, can be amended, to suit the wishes of the House.

The bill which we have reported, and which is now before the House, comes from the Senate; and I am inclined to think that that bill did not receive the careful consideration of that body, for I have never known, in the history of mere legislative action, such a bill to pass any legislative body.

The Senate bill gives her a pension from the year 1838, at the rate of the half pay which her husband was entitled to receive. His half pay while in the service was a hundred dollars per month—his whole pay two hundred dollars per month—a brigadier general of the Army of the United States. The half pay since 1838 to the present time, to which Mrs. Brown would be entitled according to this bill, would give her upwards of \$19,000 of back pension; and the bill would also give her a hundred dollars per month for life.

That bill, I think, the House ought to lay upon the table.

A MEMBER. I think so too.

Mr. HENDRICKS. I think it ought to be condemned in the most emphatic manner that this House can condemn it. For these reasons, sir, I move to lay the bill upon the table.

Mr. JONES, of Tennessee, (interrupting.) I wish to make an inquiry of the gentleman from Indiana, who reported this bill.

Mr. HENDRICKS. What is it?

Mr. JONES. The Committee on Invalid Pensions have reported a bill giving to the widow of General Brown a pension, in pursuance of the general law of the land. I wish to ask the gentleman if there is any law upon the statute-books of this Government which authorizes the giving of a pension to a widow of any person who dies in time of peace; and if the pension is due, in pursuance of a general law, what is the necessity for reporting a bill at all? Why is it that a pension was not granted at the other end of the avenue?

Mr. HENDRICKS. That question may be very well discussed when we come to take up the other bill in the Committee of the Whole on the state of the Union. But, for the present, I say, in reply to the gentleman from Tennessee, that the general law upon the subject of pensions will give a pension to the widow of a soldier, or of an officer, who dies in time of peace, provided he dies from the effect of wounds received in the public service, or from the effect of disease contracted during the war.

The committee found that General Brown did die from the result of wounds received during the war of 1812; and for that reason they thought the widow ought to have a pension. But she cannot get her pension through the Pension Department of the Government, because she cannot make the proof which the regulations of that Department require. It is satisfactorily shown, to the judgment of any man, I think, that General Brown did die in consequence of wounds received in the service of the country.

I am in favor of paying her a pension, as much as she would receive under the general law, but I am not in favor of such a bill as has come in here from the Senate.

I renew the motion to lay the bill upon the table.

The question was put, and the bill was laid upon the table.

PENSIONS.

Mr. EDMANDS, from the Committee on Invalid Pensions, reported back, without amendment, and with a recommendation that it do pass, Senate bill (No. 117) "for the relief of Moses Olmsted," which was referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. EDMANDS also, from the same committee, reported back, without amendment, and with a recommendation that it do pass, Senate bill "for the relief of Mary C. Hamilton," which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. EDMANDS also, from the same committee, to whom was referred the petition of John Morrison, of New York, a soldier in the war of 1812, for an increase of pension, made an adverse report thereon; which was laid upon the table, and ordered to be printed.

Mr. EDMANDS also, from the same committee, to which was referred the petition of O. H. Whitney and others, from Mexico, New York, for another law in regard to pensions, made an adverse report thereon; which was ordered to lie on the table, and be printed.

Mr. EDMANDS also, from the same committee, to which was referred the petition of Susan Worth, of Massachusetts, asking for a pension, made an adverse report thereon; which was ordered to lie on the table, and be printed.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a bill of this House of the following title:

H. R. 175. "An act for the relief of John O. Means."

Also, that the Senate had passed bills of the following titles:

S. 19. "An act to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of 2d of March, 1827, grant-

ing land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan;" and

S. 36. "An act to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801."

In which he was directed to ask the concurrence of the [House.]

Mr. EDMANDS, from the same committee, reported back without amendment, and with a recommendation that it do pass, House bill (No. 167) "for the relief of pensioners under the act of February 3, 1853."

The bill was then read by the Clerk, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the widows of officers, non-commissioned officers, musicians, soldiers, mariners, or marines of the Revolutionary Army, who are entitled to pensions under the act of February 3, 1853, shall commence their pensions from the same date as the pensions authorized by the act of July 29, 1848, which date is the 4th day of March, 1848.

Mr. E. said: I hope that the House will consent to pass the bill at this time, as its provisions are perfectly simple and plain, and are such as should commend themselves to every man who desires to see justice done to a class of petitioners who are not now provided for by existing laws.

Mr. ORR. I hope that the bill will be referred to the Committee of the Whole on the state of the Union, and printed. It is proposed to modify the law which was passed the 3d of February, 1853, in a material particular, if I understand it from the reading. The report which has been submitted by the committee in this case has not been printed. It was the intention of those who voted for the bill passed in February, 1853, to restrict the commencement of pensions granted to widows by that act to and from the time when the application should be made, or, at least, not a time prior to the passage of the act. It is the correct principle upon which all pensions should be granted. If the principle of giving pensions can be justified upon any ground at all, it is upon the ground that the Government gives to the beneficiary the means of subsistence. It is a gratuity, and the excuse for the gratuity is, to give him a support; and we should not, therefore, go back eight or ten years behind the time when the bill giving the pensions is passed. At all events, a bill of this character should be referred to the Committee of the Whole, and printed. Let the report also be printed; and if there be anything wrong in it, let the Committee of the Whole have an opportunity of revising and amending it. I hope it will be sent to the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. Prior to the passage of the act of 3d February, 1853, no widow of a revolutionary soldier could receive a pension who had married that soldier subsequent to the year 1800. The act of February 3, 1853, provided, that the widows of revolutionary soldiers should receive pensions, notwithstanding the fact that they were married subsequent to the 1st of January, 1800; and no matter at what time. By this act, the widows of these soldiers are entitled to pensions, under the same rule, and subject to the same restrictions, as widows married prior to the 1st of January, 1800. Now, sir, when the act of 1853 was passed and applications for pensions came to be presented under it, the Commissioner of Pensions so construed it, that no pension should commence before the passage of the act granting the pension. That was the construction given at the Pension Office; and why is it that it has been contended that such a construction is wrong? Because, when that law was passed, and applications came to be made under it, if the pension must commence with the date of its passage, February 3, 1853, not enough would be due to pay the agent making the application.

But is not the principle, that the pension shall commence with the passage of the act granting it, a correct one? Suppose you allow it to date back to 4th March, 1848—nearly five years before the passage of the law—and suppose that the soldier himself, who, in the mean time, had been receiving a pension, died on the 1st of January, 1853, if you give the construction to the act of 1853 which this bill proposes, it seems to me that by such a construction you would give two pensions, one to the soldier, and one to the widow. I therefore say, that the bill, at least in this respect, requires amendment, that the motion of the gentleman

from South Carolina [Mr. ORR] should prevail, and that the Committee of the Whole should have an opportunity of examining it.

Mr. EDMANDS. The act of February 3, 1853, not only states that this class of widows shall receive a pension, but it also defines explicitly the manner in which it shall be granted. It provides, that they shall receive pensions in the same manner as the pensioner under the act of 1848. But, sir, the Commissioner of Pensions has seen fit so to construe that act as to make their pensions date from February 3, 1853; and it is in consequence of that construction that these pensioners come forward, very properly, as I believe, and ask that they may be allowed their pensions from the same period as those under the act of 1848.

Mr. HENDRICKS. I desire to ask the gentleman from Massachusetts whether the law of 1853 provides for a five years' pension?

Mr. EDMANDS. It does. That is the extent to which it can be allowed, and it is only for half pay at that. But, sir, I would also look into the intent of the law of 1848, and into the intent of the law of 1853. The law of 1848 merely provided, that those widows who were married prior to 1800 should have pensions commencing with the passage of that act. The law of 1853 steps in to say, that those who married subsequently to 1800 shall have the same rights and privileges as those who married prior to that period. I demand the previous question.

Mr. JONES, of Tennessee. I wish to ask the gentleman a single question, if he will withdraw the demand for the previous question. The gentleman from Indiana inquired of the gentleman who reported the bill, if the act of 1853 does not limit the pensions to five years, and I understood him to respond in the affirmative. Now, my understanding of the act is, that the first section of it extends additional five years' pensions to all widows of soldiers who have heretofore received five years' pensions. The second section of the act extends the benefits of the pension laws to all widows of revolutionary soldiers who have been married subsequent to 1800. There is no pension law ever passed by Congress which limits pensions to revolutionary soldiers to five years, or to any other period. The second section gives them during life, and that is the pension which it is now required shall go back and commence on the 4th of March, 1848. If the pensions were for only five years, it would be a matter of indifference whether they commenced in March 1848, or in February 1853, but this is to give them pensions for life.

Mr. EDMANDS. This bill is merely to carry out the act of 1853; it is merely declaratory of that act. I move the previous question.

Mr. MILLSON. Will the gentleman allow me to ask him a question?

Mr. EDMANDS. I cannot withdraw the demand for the previous question.

Mr. MILLSON. I wish to ask if this is the bill which the Commissioner of Pensions says will cost the Government \$200,000 a year?

The SPEAKER. The gentleman from Massachusetts declines to withdraw the demand for the previous question, and debate is therefore not in order.

The previous question received a second, and the main question was ordered to be now put.

The question now being on referring the bill to the Committee of the Whole on the state of the Union, it was put; and, on a division, there were—ayes 71, noes 48.

Mr. EDMANDS. I call for tellers.

Tellers were ordered; and Messrs. CAMPBELL and VAIL were appointed.

The question was then taken; and the tellers reported—ayes 80, noes not counted.

So the bill was referred to the Committee of the Whole on the state of the Union, and was ordered to be printed.

Mr. DEAN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. FULLER. Has the morning hour expired?

The SPEAKER. It has not quite expired.

Mr. BRECKINRIDGE. Before that question is put, I wish to say to the House that I am instructed, by the Committee of Ways and Means, to declare their readiness, if it shall be the pleasure

of the House, to report a deficiency bill, in order that it may be referred and printed.

Mr. DEAN. For the purpose of allowing the gentleman to make that report I withdraw my motion.

The SPEAKER. Did I understand the gentleman from Kentucky to ask the consent of the House to make the report?

Mr. BRECKINRIDGE. I said I was instructed by the Committee of Ways and Means to inform the House of their readiness to report to the House, if it shall be their pleasure, a deficiency bill, that it may be referred and printed.

The SPEAKER. If the gentleman will allow the Chair, he will suggest that the Committee of Ways and Means will soon be called upon for reports, if the House continues the call a short time longer.

Mr. DENT, from the Committee on Invalid Pensions, to whom was referred the petition of Libeas H. Babb, of Conway, New York, asking for an increase of pension, made an adverse report thereon; which was ordered to lie upon the table, and be printed.

Mr. DENT also, from the same committee, to which was referred the petition of Leeman Gibbs, Watertown, Wisconsin, a soldier in the war of 1812, asking for a pension, made an adverse report thereon; which was laid upon the table, and ordered to be printed.

Mr. DENT also, from the same committee, reported a bill to provide a pension for James K. Welch, of Fulton county, New York; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. DENT also, from the same committee, reported a bill; which was read a first and second time by its title, as follows, made the order of the day for to-morrow, and ordered to be printed:

"A bill to be entitled 'An act to create and provide a pension for David Towle, of Oxford county, in the State of Maine.'"

Mr. DENT. I have been instructed, by the Committee on Invalid Pensions, to report a bill in the case of Captain Thomas Porter. Before the report is made, I desire to state the peculiar circumstances which surround this case.

Since I was directed to make the report, and since the report in the case was made up, and the bill itself drawn in conformity thereto, I have been informed, by a gentleman from Indiana, that Captain Porter is dead.

I desire that the bill and report be read, and I hope, considering the peculiar circumstances of the case, that the bill, with an amendment which will be offered to it, will be passed now.

The gentleman from Indiana will move an amendment to the bill. The case is a meritorious one, and I hope it will receive the prompt consideration of the House. I ask that the bill may be read.

The bill, after being read a first and second time by its title, was read through.

The bill provides that the name of Captain Thomas Porter shall be placed upon the roll of invalid pensions, at the rate of twenty dollars per month, to commence on the second day of March, 1831, deducting therefrom such sum or sums as heretofore have been allowed and paid to him as pension money.

Mr. DAVIS, of Indiana. Is it intended to put this bill upon its passage?

The SPEAKER. It is.

Mr. DENT. I desire that the report may be read, as a part of my remarks.

The report was then read, as follows:

W. B. W. DENT, from the Committee on Invalid Pensions, in the case of Captain Thomas Porter, makes the following report:

That Thomas Porter entered the service in Captain James A. McClelland's troop of volunteer light dragoons in the month of October, 1812; continued in said service for one year; was severely wounded at the battle of Missinnoway, on the 19th December, 1812—so much so that he had to be and was carried on a litter from the battle ground to Dayton, Ohio, and from thence to Lebanon, Ohio, in a sleigh. His horse was killed in said battle. Partially recovering from said wound, he joined his troop in the following spring, and marched to Fort Meigs; was in the first siege of said fort, at which place he was slightly wounded by a cannon ball, the same killing a second horse for him while in the attitude of marching. He continued in the service till the close of the campaign, partaking in all the engagements of his squadron, and terminating with the battle of the Thames, after which he was discharged. Shortly

after leaving the volunteer service, he received, without solicitation on his part, the appointment of ensign in the sixteenth regiment United States infantry, and soon thereafter, without solicitation, the additional appointment from President Monroe, of assistant-deputy quartermaster general, with orders to repair to Carlisle, in the State of Pennsylvania. He accepted the appointment, and promptly repaired to the post assigned him, and there continued, in the full discharge of his duties, until peace was made.

In the winter of 1814-'15, he felt serious inconvenience from the wounds he had previously received, and was confined to his bed for some weeks in consequence thereof. From the month of October, 1819, in consequence of said wounds, he has been confined to his bed, his crutches, and his staff. His sufferings have been great, beyond the power of language to express. The greater part of the thigh bone, below where the ball passed, has been extracted, and has left great inflammation, and a constant running sore. Doctor Jeremiah H. Brown has known Captain Porter since 1820—has been his physician since 1828. Doctor J. Smith, Professor of Surgery in the Medical College of Ohio, Doctor Crookshanks, and Doctor A. Brown, Army surgeons, all certify to the disability, and believe that it was brought on by severe service and exposure in the winter of 1814-'15. Doctor Jabez Percival, a surgeon and physician of fifty years' standing, attending on Captain Porter for four years, commencing in 1819, agrees with the above named medical men, that the disability was incurred by the hard service in the winter of 1814-'15, and says, that in all his history he has not witnessed so much suffering in any one patient.

The muster rolls show that Captain Porter had his horse killed at Fort Meigs, that his saddle, holsters, and pistols were torn to pieces, and that he immediately supplied himself with another horse. The committee find other and voluminous testimony, which they deem unnecessary to bring into this report, as enough has already been adduced to show that Captain Porter served his country gallantly and faithfully in every position in which he was placed—that in the hour of danger he has bravely and enthusiastically stood by his country's flag—that in so doing he has received wounds which make him an invalid for life—that he is poor and needy—that the country owes him a debt of gratitude, and ought to pay it liberally and promptly—that his few remaining days may be soothed with the consolation that his country, while she cannot heal those honorable scars, will provide for the necessities of him who wears them. The committee, therefore, recommend the passage of the bill.

Pending the reading of the report—

Mr. FULLER, of Maine, said, I rise to a question of order. Is it in order to have reports read during the morning hour upon private matters?

The SPEAKER. It is in order to read such a report as a part of the remarks of the gentleman asking such a privilege. The gentleman from Georgia [Mr. DENT] asked for the reading of the report as a part of the remarks which he intended to make.

Mr. LANE, of Indiana. I move to amend the bill by adding at the end the following:

And the amount found due, under the provisions of this bill, shall be paid to the children of the said Captain Thomas Porter.

I merely desire to state to the House, that since this report has been made by the committee, Captain Thomas Porter has deceased, in consideration of which fact I have moved this amendment, providing that the amount found due shall be paid to his children. The bill, as reported by the committee, does not encroach upon the precedents heretofore set by Congress. In 1831, Congress placed upon the pension roll the name of Captain Thomas Porter, at the rate of eight dollars per month. At that time there was conclusive testimony that he was wounded at the battle of —, and at the battle of Fort Meigs; that the wounds were of an aggravated nature, and that they produced disability, while he held the rank of captain. This evidence was before Congress at that time; and it is now proposed in this bill that, in lieu of the eight dollars per month granted by Congress, his name shall be placed upon the pension roll to receive, instead of eight dollars per month, the half pay of captain.

I have known Captain Porter from my childhood; and there is another, within the sound of my voice, the son of the lamented Harrison, late President of the United States, who has also known him from a child—

Mr. DEAN, (interrupting.) I ask if the morning hour has expired?

The SPEAKER. It has expired.

Mr. DEAN. I move that the House proceed to the business upon the Speaker's table.

Mr. LANE. Will the gentleman withdraw the motion long enough for me to move that this bill be referred to the Committee of the Whole on the state of the Union?

Mr. DEAN. Certainly; I will withdraw for that purpose.

Mr. LANE. I now move that the bill and amendments be referred to the Committee of the

Whole on the state of the Union, and, with the report, be printed.

The motion was agreed to, and the bill accordingly referred.

Mr. DEAN. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. SMITH, of Virginia. Must not the rule be suspended to go into the Committee of the Whole of the state of the Union?

The SPEAKER. Certainly.

Mr. SMITH. Then a two-thirds vote will be required.

The SPEAKER. Under the rules of the House, a majority in this case may suspend the rules.

Mr. SMITH. I can only say, that I hope the House will proceed with the call of committees for reports.

Mr. FLORENCE. I desire to know whether the gentleman from Kentucky [Mr. BRECKINRIDGE] can accomplish his purpose in reference to the deficiency bill if we go into committee now?

Mr. SMITH. He cannot.

Mr. FLORENCE. Then I hope the House will vote down the motion.

A MEMBER. He can introduce his bill to-morrow morning.

The question was put, and Mr. DEAN's motion agreed to—ayes 80, noes not counted.

HOMESTEAD BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

The CHAIRMAN stated that the business before the committee was the consideration of House bill (No. 37) "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified," and that the gentleman from Vermont [Mr. MEACHAM] was entitled to the floor.

NEBRASKA—KANSAS—SLAVERY.

Mr. MEACHAM. I propose to speak to-day on the subject of the Nebraska bill now before the committee, and being somewhat indisposed, I intend to strip my remarks of everything preliminary, and to give merely the naked line of argument that I wish to present on the subject.

Mr. RICHARDSON. I rise to a question of order. As the gentleman from Vermont has indicated the line of remark which he proposes to pursue, I make the point of order upon him that was made yesterday, that he is not speaking upon the subject now before the committee; that the House having limited the debate upon the homestead bill, and appropriated this time for its discussion, it is not in order, under the rules of the House, to discuss another subject.

The CHAIRMAN. The Chair will state to the committee that this point was raised yesterday. The Chair stated then that the practice of the House had been to tolerate debate of this kind. On examining for precedents, however, the Chair has been unable to find any case in which a point of order was raised on this special point, although he knows that, during the last Congress, when the homestead bill was under consideration, great latitude of debate was allowed. The Chair stated yesterday that he should have been disposed then to sustain the point of order raised, if it had been raised for the first time. He is willing, to-day, to sustain the point of order.

Mr. CAMPBELL. I appeal from the decision of the Chair.

Mr. MATTESON. I would inquire of the Chair if it is not within his recollection that this point has been repeatedly made before? I think, if the Chair will refresh his memory, he will remember that the point has been frequently made.

The CHAIRMAN. The Chair will make himself distinctly understood by the committee, by stating the question as he understands it. The Chair is aware that the point of order has been made, that in the Committee of the Whole on the state of the Union great latitude of debate is allowable; but the Chair can find no precedent in which the point of order has been raised, that where a bill has been made the special order, the

usual latitude of debate is cut off. Does the gentleman appeal from the decision of the Chair?

Mr. CAMPBELL. I do.

Mr. WASHBURN, of Maine. I wish to ask if the Chair does not recollect distinctly that a year ago, when the House was in Committee of the Whole on the state of the Union upon this same bill, or a similar one—the bill of Mr. Johnson, of Tennessee—there was the widest and most unbounded latitude of debate, and that this very question of order was raised, and overruled by the Chairman, Mr. Stanton, of Tennessee?

The CHAIRMAN. The Chair will state the point of order.

Mr. WASHBURN, of Illinois. I appeal from the decision of the Chair.

The CHAIRMAN. The appeal is entertained. The Chair has already stated, that when the homestead bill was under consideration during the last Congress great latitude of debate was allowed, but not after the bill had been made a special order.

Mr. WASHBURN, of Maine. I suggest to the Chair that that bill was a special order.

The CHAIRMAN. The Chair decides, that inasmuch as the House has determined that the homestead bill shall be the special order, to the exclusion of all other business, the debate must be confined to the homestead bill. From that decision an appeal is taken, and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. CAMPBELL. Will the Chair allow me to make an inquiry?

Mr. DISNEY. The question on appeal is not debatable.

Mr. CAMPBELL. I want to inquire of the Chair if this is in order?

The CHAIRMAN. The Chair has made its decision, and the Committee can overrule the Chair if they wish.

Mr. RICHARDSON. I demand order.

Mr. CAMPBELL. I desire to debate the question.

The CHAIRMAN. No debate is in order.

Mr. CAMPBELL. Is it not in order to make an inquiry?

Mr. WALSH. I rise to a question of order.

The CHAIRMAN. Does the gentleman from Ohio understand the question?

Mr. CAMPBELL. It is as to a point of fact, which was stated by the Chair, that I rise to a question. I wish to have the fact understood, and whether the Chair is correct in its history of past events. I doubt that somewhat myself.

The CHAIRMAN. If the Chair is in error, the committee can correct it.

Mr. CAMPBELL. Very well; I wish to correct the Chair in relation to the truth of history, which must be maintained—

Mr. RICHARDSON. I again demand order.

Mr. CAMPBELL. The inquiry I wish to ask is this: Whether during the last session a latitude of debate was not allowed on a similar bill, and whether subjects were not debated which were not at the time a special order?

Several MEMBERS. Certainly it was.

The CHAIRMAN. The gentleman from Ohio does not understand the question which the Chair made at all. It is not that a latitude of debate is not allowed, for the Chair distinctly stated that such was the fact, but that the point of order which was raised was not distinctly made under the proposition; the point of order having been made, the Chair was disposed to sustain it, and if the committee do not believe its decision to be correct they can overrule it.

Mr. DEAN. I call for tellers on the appeal from the Chair's decision.

Tellers were ordered; and Messrs CAMPBELL and DEAN were appointed.

The question was then taken; and the tellers reported—ayes 55, noes 85.

So the decision of the Chair was overruled.

Mr. MEACHAM then resumed his remarks, and stated his objections to the bill to establish the Territories of Nebraska and Kansas. He contended that the population of these Territories was not such as to justify their erection into territorial governments; that by the passage of the bill gross injustice would be done to the Indian tribes inhabiting the region of country to which it applied, the Government having promised, by solemn treaty stipulations, that they should never be included within the boundaries of any State or Territory;

and he also objected to the bill, because it proposed to do away with the Missouri compromise. If the Missouri compromise should be repealed, he earnestly believed, before God, it would be the last compromise that ever would be made between clashing interests of different sections; that it would not be the last that would be rendered null and void.

[The speech will be found in the Appendix.]

Mr. FENTON. Will the gentleman from Vermont allow me to occupy five or ten minutes of his time in explanation?

Mr. MEACHAM. The gentleman can go on. I cannot speak any longer.

Mr. CLINGMAN. I should like to know if the gentleman yields the floor altogether?

Mr. MEACHAM. I do.

Mr. FENTON then addressed the committee in remarks which will be found embodied with those subsequently delivered, in another column of this day's proceedings. He was interrupted, before concluding, by the fall of the Chairman's hammer, which intimated that the portion of the hour yielded to him by the gentleman from Vermont [Mr. MEACHAM] had expired.

Mr. WHEELER obtained the floor.

Mr. FENTON. Am I not still entitled to the floor?

The CHAIRMAN. The Chair understood the gentleman from New York as taking a portion of the time of the gentleman from Vermont, [Mr. MEACHAM.]

Mr. FENTON. I asked permission of the gentleman from Vermont to make an explanation. He yielded the floor to me before I commenced my explanation. At the expiration of the hour, I addressed the Chair, desiring then to make my remarks.

The CHAIRMAN. The Chair decides that the gentleman's right to the floor has expired, and that his colleague [Mr. WHEELER] is entitled to it.

Mr. LANE, of Indiana. Do I understand the decision of the Chair as taking the floor from the gentleman from New York, [Mr. FENTON?]

The CHAIRMAN. The Chair so decided.

Mr. LANE. Then I appeal from the decision of the Chair.

The CHAIRMAN. The Chair still adheres to the opinion, that the gentleman from New York is not entitled to the floor.

After some discussion in regard to the right of Mr. FENTON to address the committee during an hour upon his own right to the floor under the rule, in which Messrs. WENTWORTH, of Illinois, PECKHAM, WHEELER, McMULLIN, LANE, of Indiana, and LETCHER, participated.

Mr. WHEELER expressed a willingness to yield a portion of his time to his colleague, [Mr. FENTON.]

The CHAIRMAN decided, that if the gentleman from New York yielded the floor, except for personal explanation, he must yield it entirely.

Mr. WHEELER. Am I to understand that if I extend this courtesy to my colleague I lose my right to the floor?

The CHAIRMAN. That is the decision of the Chair.

Mr. WHEELER. Then I do not yield the floor.

Mr. LANE. I now insist that the question shall be taken on my appeal from the decision of the Chair.

The question was then put, "Shall the decision of the Chair stand as the judgment of the Committee?" and it was decided in the affirmative.

So the decision of the Chair was sustained, ruling that Mr. WHEELER was entitled to the floor.

Mr. WHEELER. Mr. Chairman, I rise to address this committee with some little reluctance, notwithstanding the gratuitous assertion of the honorable gentleman from Alabama, [Mr. SMITH,] that "he knew I was anxious to make a speech for my constituency." Sir, when I arrive at that point in my political history of which he boasts, I will hold my peace; until then, I shall at all times, despite the threats of power or Executive promises, speak the honest sentiments of my heart, in behalf of an honest constituency. Sir, in the discharge of my duty I shall be honest and fearless. I came here to sustain the principles of the Democratic party, and to assist in legislating for the common good, not to pin my faith or opinions to the coat-sleeve of any man or any Administration. I am here to do my duty to my country

and myself. If, in the discharge of that duty, I use language that grates harshly upon the ear, attribute it to the plain garb in which truth is clothed, rather than a desire to wound the sensibility of any member of this House. Sir, to me the most despicable position for a man on this floor is to have a motive for his vote, and be ashamed to avow it. I do not insinuate that such has been the case; I do not say that the Executive sword has been suspended over the head of any member of this House; but I do say there have been some who, honored by a seat upon this floor, have progressed in notoriety, and hold conspicuous places when they do not enjoy the "largest liberty;" that under the cowardly threat of decapitating one friend, and refusing to appoint another, men have exposed themselves to the suspicion of having forgotten their allegiance to their constituency, and the common good.

In passing the "White House" at the other end of the avenue a few days ago, a friend, looking at its graceful columns and fine proportions, suddenly exclaimed, "AXES GRINDING HERE." I was then, for the first time, struck with the force of the answer, (when asking why a certain member voted as he did,) "Oh! he has an axe to grind." It seems that there is a great Government grindstone, the approach to which is guarded by a modern Cerberus, called "Yield All." In order to use this grindstone you have to divest yourself of all independence of thought and action—you are to have no will of your own. Having constituted yourself a "living corpse," you are at liberty to give a keen edge to your axe, in order that you may cut through the grating of principle and seize fast hold of the spoils.

Sir, my constituency did not send me here to sharpen my axe at the expense of principle; they sent me hear to yield nothing; they sent me here to stand up boldly for sound, National Democracy against our common enemy, regardless of spoils or Executive dictation. They use no trick or subterfuge to obtain place. It requires no interpreter to tell what they mean when they speak. They are independent in their action—asking for nothing to which they are not entitled—and that they will have (if at all) without fawning. "I shall in all the best obey them."

Sir, there was a time in the history of this Government, when, to insure the success of a great public measure, it was not necessary to ask—"Does the President approve it?" "How does Mr. Guthrie feel on this subject?" "Won't Jefferson Davis take offense?" "Will Caleb Cushing, independent in nothing but his politics, sanction it?" I say, sir, there was a time when such questions would have been an insult to gentlemen on this floor. That, however, was the golden age of principle, when it was not necessary daily to define one's position; when men's principles were embodied in all their acts; when there was no man-worshipping or timeserving; no getting astride of the line, waiting the issue of the contest, and then leaping to the side of the victor, and claiming the spoils. The man who dared that, was sure to have his shins cracked on both sides of the line, and be made (as he should be) a political cripple for life. But, alas! times have sadly changed. Nothing can now be done without consultation with the "Powers that be." You must trim your sails to the Executive breeze, or you will be driven among the breakers; you must lose all independence, and submit to a dictation as impudent as it is overbearing; you are commanded to take to your bosom the assassins who struck down the party in 1848; you are to make a glorious "union" of all the isms of the day, in order that the Democracy may be invincible. The old rank and file, who have borne our banner in triumph through many a hard-fought contest—whose courage is undoubted, and whose scars are honorable—are thrust aside to make room for—whom, sir? For renegades and traitors; for the ragged camp-followers—the miserable deserters, who, near starvation through their own treachery, now crave the food that will strengthen them for a still more damning treason. Has it come to this? Is the Democratic party so powerless—utterly powerless—as to need the assistance of its enemies? Must she not only grant an amnesty, but pay a bounty to traitors, or meet defeat? Where, oh where is that quickening, life-giving power that for sixty years has crowned with laurels the genius of our party? Where is that spirit that breathed

into our system an activity that enabled us to embrace the land that lies between the Atlantic and the Pacific, and say to all the world—this, this is the gift of a liberal, unadulterated, National Democracy?

That spirit is still with us, and we need not the aid of designing and treacherous men; that spirit is fully equal to its mission, is fully able to cope with enemies without, or traitors within. It makes no truces; it grants no amnesties; it pays no bounties; it cannot live in the same atmosphere with Van Burenism, or Free-Soilism.

Sir, the people I have the honor to represent are national, in the strictest sense of the term—opposed to Van Burenism, Free-Soilism, or any other *ism* that can in the least degree raise the question of disunion. They are against all—ALL—Federal encroachments upon the rights of the States, and will denounce any President who exercises his official power to muzzle any citizen in the free expression of his opinion, or in the exercise of the elective franchise; and the President who does it, in my humble opinion, has in his nature the elements of weakness and despotism. They are in favor of honest men for office, those who have never altered their principles or deserted their party. Now, sir, in this connection, I will say that this Administration has been charged with filling the highest places with the Free-Soilers of 1848. How has this charge been met?—with argument? No, sir; on the contrary, private character has been most villainously traduced, and the columns of the "Organ" fairly staggered under the weight of calumny they contained. This is, indeed, a "crushing-out" Administration—I thank the Attorney General for that word. Instead of convincing argument, we have had presented to us a *salmagundi* of abuse—a kind of cross between blackguardism and refined vulgarity; instead of the keen, clear cutting of the practical anatomist, it is the mangling of the blacksmith's sledge; instead of manly boldness and eloquent vindication, it is unmanly cowardice and base vituperation.

Why, sir, an individual as humble as myself could not escape the lank jaws of this hyena press that fattens on the blood of character. I have been assailed in the most indecent manner; and my occupation has been sneeringly alluded to. Well, sir, what matters it if I am a hotel keeper—does that place me *without* the pale of Congress? Does that *banish* me from the company of honorable men? Does it debar the expression of opinions, for which I entertain honest reasons? Sir,

"I had rather be a toad,

And live upon the vapor of a duncheon,"

than be the proprietor or editor of a paper so entirely void of respect, and whose somersaults on great public questions are as astounding as the sudden evolutions of traveling mountebanks. I had always been under the impression that the vocation of hotel keeping was an honest calling, quite as necessary to the comfort and necessity of society as to be the "Organ" of an Administration "that runs with the hare and holds with the hounds." Hotel keepers must stand up to their advertisements; they must treat their guests like gentlemen; they must not tell them they are grocers, sawyers, or tape sellers; they must give them bread and meat, and that of the best kind, or they will change their quarters.

Not so with that political hotel at the other end of the avenue, called the "White House." Gentlemen know from experience they must put up with what they choose to give them there, or leave the house, and have all out of doors for their comfort. Now, sir, I am one of those who would prefer, like Lazarus of old, to sit outside and wait for God's mercy, rather than be in doors and have crammed down my throat what I could not keep on my stomach. If I mistake not, the father of that organ's master (one Colonel Benjamin Pierce) once kept a tavern. I am told that when he made his hotel-inaugural, he stood up to his advertisement—the entertainment to which he invited his guests was what they expected and found. His meats were said to have been served upon separate dishes, and not indiscriminately hashed together. But a truce, sir, to this pleasantry.

My Free-Soil colleague [Mr. HUGHES] has had the hardihood to insult the one hundred thousand national men of New York, by asserting on this floor, that at the next election in that State a fife and drum would draw together but a corporal's guard.

Mr. HUGHES, (interrupting.) I will say to the gentleman that I made no such remark. I said that if the existence of "Hards" and "Softs" had been left upon that question alone, no other issues being brought in, then, in such case, it would have taken the life and the drum to collect the "Hards" together.

Mr. WHEELER. That is about the same thing.

Mr. HUGHES. I did not speak of the next election, or of any election.

Mr. WHEELER. Taking the gentleman as he says, yet prophecy does not always turn out to be history, and it may be so with the prediction of my colleague. We are to have a State election in New York in November next, and the National Democrats will not fail to have their ticket in the field. That the Whig party will make their nomination no one doubts; and if the Free-Soilers, with or without the cooperation of this Administration, dare to put forth their candidates, the result will show where the strength of the Democratic party of New York lies. I shall not aim to vie with my colleague in the character of a prophet, but will leave the result to show whether we have four votes to their one, or not.

Now, Mr. Chairman, this slur is worthy of being cast by one who boasts that he voted for Van Buren and Adams, and under like circumstances would do it again. This impertinent assault could only come from one who hides himself and his duty to the country behind the burly forms of his constituency. Sir, let me say to that gentleman that very possibly the hour of his reckoning is coming—nay, is close at hand—when that life and drum will be used for the legitimate purpose of drumming from the ranks, to a certain notorious tune, these camp-followers and peculiar friends of the Administration—those who make bargains to break them. Such men, stripped of their borrowed plumage, will hereafter go forth bearing the brand of the letter "D," as an evidence of their second political apostasy.

Now, sir, I desire to trace the progress of this Administration from its inauguration into power up to this present time, and see if it has not proved faithless to the trust the Democracy of the country reposed in it. I recollect with gratification the inaugural of General Pierce. The doctrines it contains commend themselves to the heart of every patriot. But, sir, it is one thing to preach and quite another to practice. The "Union was to be preserved inviolate;" and how has it been done? By the appointment of men to the Cabinet who fought the battle of the Union and the Constitution? By the choice of men who all their lives long had labored for the success of Democratic principles? No—no, sir. The national men of the party have been overslaughed, and a man made the chief adviser of the President who for a quarter of a century warred against the Democratic party. They have taken to their bosoms and confidence men who possess to such an extent the elements of fanaticism—ruthless and merciless—that they would strike down the Constitution and sing peans of rejoicing over a torn and dismembered Union. Can the tongue be silent when the eye witnesses such outrages committed in the honored name of Democracy?

"The Union was to be preserved inviolate," and how? By resting upon the strong arm of that Jeffersonian creed that despised alliance with traitors? No, sir; that was too antiquated—too old foggyish. In order to preserve inviolate the Union, it was thought necessary to bargain and huckster with the Free-Soilers of 1848—with few exceptions men of no consistency, of no principle, and whose capacious maw can digest all the spoils a treacherous Administration can cram it with, and then impudently ask for more. But, sir, not only was the Union to be preserved inviolate, but the rights of the States to be held sacred. How was this pledge carried out? Go to my own State, and ask the one hundred thousand honest, principle-loving, National Democrats what they were fighting for in November last, and they will tell you that they were resisting the encroachments of the Federal Executive; and they did it successfully. They fought, Mr. Chairman, for the rights of their State against the impudent and tyrannical power of an Administration that had shamelessly coalesced with the enemies of the Constitution, and sent its own officers heading bands of hired ruffians to a convention of the people to speak by authority. I say

bands of hired ruffians, armed, and of the most desperate character, led on by two officers of the Federal Government, who overawed and controlled its action; and when my "Soft" colleague [Mr. Westbrooke] made the assertion that this was incorrect, he was guilty, either ignorantly or willfully, of misrepresentation.

Go to Massachusetts, and ask the cause of the indignation of the people of that State, and they will tell you that a Cabinet officer spoke through the trumpet of the President, and threatened Democrats with a "crushing out," if they dared to do that which this Administration has been doing ever since it came into power—coalescing with Free-Soilers. And how did they receive the message? They looked upon it as a direct interference in the rights of their State, and hurled back with indignation the letter of the Attorney General, preferring, if they were to be lectured at all, to have a father of the party do it, and not an apostate from the Whig faith; to have a man whose skirts were clean, and not one who owed all the positions he ever held in the Democratic party to the success of coalitions. And why, sir, was this same letter, to which I allude, telegraphed by a Whig—who boasts of it—to the State of Mississippi, on the eve of an important election, long before it was sent to Massachusetts? Who paid the expense of telegraphing this long letter to that State. This Whig has assured me, repeatedly, that the bill was sent to the office of the Union, the organ of the Executive, and there promptly paid. Why was it done? Why could not the Administration refrain from meddling in the election of a sovereign State? Alas! who would have thought that the rights of the States would be thus outraged?

But not only was the Union to be preserved inviolate, and the rights of the States held sacred, but every citizen was to walk forth free and untrammelled, in all the majesty of freedom. How was this pledge fulfilled? Why, sir, they appointed Greene C. Bronson collector of New York without his solicitation, and because he would not submit to the arrogant dictation of those who were seeking to lower him in the estimation of all honest men, he was dismissed; but not until he had left on record a correspondence as imperishable as it is ennobling; that reflects credit upon his head and heart; that adds to the sum total of our country's honor, while it administers a scathing rebuke to a Cabinet despotism that seeks to make tools out of men who are infinitely their superiors.

Again, sir. During the last election in New York how were the citizens in the employ of the Government treated? Were they left free and untrammelled? No, sir. They were made—that's the word, made—to contribute funds to support the "Free-Soil ticket," and in case of refusal were threatened with dismissal. Many of these employees had large families, and not liking the cheerless prospect of being unprovided through the coming winter, were forced to yield. Others refused, and would not give. They are still in office, but expect to be removed, now that the confirmation of Mr. Redfield has been effected. Is this protection to citizens in the just exercise of opinions? Are men, previous to taking position under the Government, to forego all right of thought or expression? If so, then Democracy is only another name for slavery—slavery the most abject and intolerable.

Now, sir, I am not only speaking to members of this House, I am speaking to the people of the country. I know not whether the committee will agree with me in what I have said, but I know the people do, because they have experienced the crushing hand of the Administration in the manner to which I have alluded. They know that the doctrines promulgated in the inaugural have been discarded; they know the promise has only been kept to the ear, and they are now asking, Why has the pledged faith been violated; why has the President coalesced with Free-Soilers? Why has the sovereignty of the States been invaded? Why have citizens been trammelled in the just exercise of their rights? Why were the compromise measures repudiated, and their friends tauntingly told "that they never had the strength to elect a President?" Sir, I do not believe the Baltimore platform was a swindle. The people do not believe it. There was no acquiescence; it was an unconditional approval. Everywhere throughout the land the people are rising up and declaring the

assertion false, that General Pierce was not elected solely on the strength of the compromises. We were not cheated; we were not swindled. General Pierce was not whirled into power upon a delusion—it was a living, breathing, soul-stirring reality. The Constitution and its compromises, was the battle-cry; the Constitution and its compromises was the stake; the Constitution and its compromises was the consummation of the most overwhelming victory in the annals of politics. Sir, the "Hards" of New York claim that victory as theirs; they claim it as the original and steadfast friends of those measures; they claim it as men who have done their whole duty to their country; they claim it as men who, in all time to come, will do their whole duty to their country.

Sir, one word in conclusion. I was astonished to hear the gentleman from Virginia [Mr. Smith] apply a test to the "Hards" of New York—a test of their Democracy. Sir, they need no testing. When the Constitution was in danger they stood by it; and if it is about to be endangered again, they will stand by it. He asks what it is the New York Hards want, if it is not the sympathy of the once chivalrous South. Let me tell him they despise sympathy—they want acts. They want the South to be true to the Constitution and State-Rights, and not to be blinded with office and Executive promises, so that they seemingly forget that there is a Constitution, and that there is still a principle left called State-Rights. They want them to have honor enough left not to deliberately stifle investigation into the acts of a treacherous Executive, who has proved recreant to the great principles upon which he was carried into power. True, sir, the Hards have been mocked at, and spit upon by the Administration—that they have been denounced as disorganizers and mischief-makers—that they have been called place-hunters. The Executive has endeavored to drive us outside the pale of the party; all that envy and malice combined could heap upon us has been our portion; and yet they are now begging—begging the Hards on this floor for their votes to aid in the passage of the Nebraska bill. Where are their allies—the Free-Soilers? Certainly they will not desert the Administration in this, its hour of dire extremity.

Sir, there is a story told somewhere of a distinguished British officer, who, during the Revolution, paid a visit to a lady in Charleston. They were walking in the garden, when the officer called her attention to a beautiful flower, at the same time asking, "what is it called?" She replied, "it is called the rebel flower." "And why?" said he. "Because," was the answer, "the more it is trodden on, the more it flourishes." Now, sir, there may be a moral in this, when applied to the "crushing-out" policy of the Administration.

Mr. FENTON next followed, in reply to the speech made some time since by Mr. Smith, of Virginia. He denied the right of that gentleman to prescribe a test for members on this floor, and if the Nebraska bill should be presented as that test, the gentleman would find Softs springing up all over the North. Mr. F. then gave his views on the Nebraska bill, and earnestly opposed the repeal of the Missouri compromise of 1820.

[The speech will be found in the Appendix.]

Mr. BOYCE next obtained the floor, but yielded to

Mr. ROBBINS, who moved that the committee do now rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill (No. 37) "to encourage agriculture, commerce, and manufactures," and had come to no resolution thereon.

Mr. CAMPBELL. I move that the House do now adjourn.

Mr. BRECKINRIDGE. I hope the gentleman will withdraw the motion for a moment.

Mr. CAMPBELL. I withdraw it.

DEFICIENCY BILLS.

Mr. BRECKINRIDGE. Perhaps it may be the pleasure of the House, before it adjourns, to adopt the suggestion made by me this morning in relation to the Committee of Ways and Means,

and allow the bills which they have brought forward to be referred and printed, so that the matter may be in possession of the House.

[Cries of "Agreed!" "Agreed!"]

The SPEAKER. Is it the pleasure of the House that the gentleman should make the report?

Many Voices. "Yes!" "Yes!"

Mr. BRECKINRIDGE then reported from the Committee of Ways and Means "A bill to supply the deficiency in the appropriations for the services of the fiscal year ending June 30, 1854," which was read a first and second time by its title.

The SPEAKER. The bill will be referred to the Committee of the Whole on the state of the Union, unless objected to.

Mr. WALSH. I object.

The question was then put to the House, and carried in the affirmative; and the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. WALSH. Was it in order for the Committee of Ways and Means to make a report at this time?

The SPEAKER. It was in order, by unanimous consent.

Mr. WALSH. I certainly made objection.

The SPEAKER. The Chair did not hear the objection, or he certainly would have been governed by it.

Mr. BRECKINRIDGE. I wish to report another bill from the Committee of Ways and Means, being a bill to provide for the completion of certain custom-houses and marine hospitals therein mentioned.

Mr. HAMILTON. I object to its introduction.

Mr. BRECKINRIDGE. I hope that the House will allow the bill to go to the Committee of the Whole on the state of the Union.

The SPEAKER. The precise bill which the House agreed, by unanimous consent, should be reported, was the deficiency bill. The Chair must enforce the rules, if any gentleman objects. Does the gentleman from Maryland withdraw his objection?

Mr. HAMILTON. I am opposed to that bill, and I will take every legal advantage to defeat it. I do not withdraw my objection.

Mr. HAVEN. I wish to be heard one moment upon this question of order, if the House will indulge me. The request, sir, that was made by the gentleman from Kentucky, [Mr. BRECKINRIDGE,] was one that he was authorized and directed to make by the Committee of Ways and Means, and it was that he might report these bills together. The committee were unwilling that the subject should be opened or submitted to the House unless the bills were received in that way. They felt desirous that these bills should be placed before the House for its judgment and deliberation, and they thought that wise and consistent legislation required that the subjects should be kept separate, so that the House might fairly understand the measures before them, and be unembarrassed by having measures connected which the votes of the House heretofore may be said to indicate it wishes to consider and vote upon separately. I hope that the matter may come before the House as it was proposed by the committee, and then the House may make such disposition of it as they see fit. Any other course would be getting from the committee what it has never intended or determined to give.

Mr. BRECKINRIDGE. I will state, unless I have forgotten what I did say, that I asked the consent of the House to report bills from the Committee of Ways and Means; and if reference was had to my remarks—

The SPEAKER. The Chair will state that the gentleman from Kentucky arose in his place and stated to the House that he desired to make a report of the deficiency bill. What the purpose of the gentleman from Kentucky was it is impossible for the Chair to understand.

Mr. PRATT. I think that the Chair must be mistaken.

The SPEAKER. The Chair thinks that he cannot be mistaken as to the language used by the gentleman from Kentucky. By unanimous consent the report submitting the deficiency bill was made. The gentleman from Kentucky proposes now to report another and a different bill; but the gentleman from Maryland [Mr. HAMIL-

TON] makes objection. It is not in the power of the Chair to control the matter. It is certainly not in order for the gentleman from Kentucky to report the bill which he desires now to submit, unless the objection be withdrawn.

Mr. HAVEN. Perhaps I may be allowed to say, that I do not doubt that the Chair states correctly what he understood the gentleman from Kentucky to say, but I desire also to say that I feel it my duty to announce to the House that these two bills were reported together by the Committee of Ways and Means, and that it was the understanding of that committee that they should go together to the Committee of the Whole on the state of the Union; and that one should not be reported unless the other was at the same time reported, that the House might exercise its sound judgment upon them.

Mr. HUNT. It seems to me that if this matter was distinctly understood, there would be no difficulty with respect to it. I hope the gentleman from Maryland will withdraw his objection, and allow this bill to go along with the other to the Committee of the Whole on the state of the Union.

The SPEAKER. Does the gentleman from New York appeal from the decision of the Chair?

Mr. HAVEN. I do not; but I desire to call the attention of the Chair, and of the House, to the circumstances under which these bills were reported.

The SPEAKER. The Chair has no doubt as to what was the intention of the Committee of Ways and Means. He does not doubt that the two bills were designed to be reported together; but he is greatly mistaken if the gentleman from Kentucky [Mr. BRECKINRIDGE] so stated when he asked the consent of the House.

Mr. HAVEN. I will not appeal from the decision of the Chair; but while I am upon the floor, in order to set the Committee of Ways and Means right, duty requires that I should move to reconsider the vote by which the first bill reported to the House was referred to the Committee of the Whole on the state of the Union. It is the only method by which I can place that committee where it placed itself, and desires to stand.

Mr. BRECKINRIDGE. I have but one remark to make. I have just told the House for what I thought I had asked their consent. The Chair understood me differently. I find, however, that gentlemen around me have the same recollection as myself, that I asked the consent of the House to report bills from the Committee of Ways and Means.

The SPEAKER. The gentleman will allow the Chair to say that if he has misstated the request of his colleague from Kentucky, he will be very happy to be corrected in his recollection by the House; but he has stated, and now repeats that it is his recollection, that the gentleman rose in his place and asked the unanimous consent of the House to report a deficiency bill. The consent of the House was given, and the report was made; and the Chair must say, in all candor, that he does not recollect any other remark made by the gentleman from Kentucky. There need be no difficulty, however, in reference to the matter.

Mr. FLORENCE. Will the Chair allow me to make a single remark?

The SPEAKER. The gentleman from Pennsylvania will remember that the gentleman from New York [Mr. HAVEN] has submitted a motion to reconsider the vote by which the bill reported by the gentleman from Kentucky was referred to the Committee of the Whole on the state of the Union, and has the floor upon that question.

Mr. FLORENCE. Well, I have no doubt that the gentleman from New York will allow me to ask him a single question.

Mr. HAVEN. If the gentleman simply desires to make an inquiry, I will yield him the floor.

Mr. FLORENCE. I only desire it for that purpose.

Mr. BRECKINRIDGE. I ask the gentleman from Pennsylvania and the gentleman from New York to allow me to say, as I feel a little sensitive upon this point, and as the recollection of the Chair is different from mine, that there are other gentlemen around me whose recollection agrees with mine; and, not only this, but I am informed by a friend that the reporter who took down my language at the time says I was correct.

Mr. HUNT. (Mr. FLORENCE yielding the floor.) In justice to the Chair, I will say that I understood the gentleman from Kentucky as the

Chair has stated; but nevertheless, it is no matter whether he has made such a mistake or not. Gentlemen are all agreed that there should be a reference of these two bills, as the report of the Committee of Ways and Means. Let us then make that reference, and adjourn.

Mr. FLORENCE. I desire to ask the gentleman from New York a single question, and will occupy the time of the House but a moment. I wish to ask him why these two bills have been separated, and whether that separation was made by the order of the Committee of Ways and Means, and has received their sanction?

While upon the floor, I may be permitted to say, that in the confusion incident to the motion to adjourn—I say "incident to," because such a motion always creates confusion in this House—I understood the gentleman from Kentucky [Mr. BRECKINRIDGE] distinctly to say that he desired to make a report from the Committee of Ways and Means. Well, I certainly concluded that he had the unanimous consent of the House to make a report of one, two, three, or four bills. The report is a unit in itself, so far as the privilege is concerned, and I apprehend that the gentleman has a right to report two or three bills. I ask the gentleman from New York whether both of these bills have received the assent of the Committee of Ways and Means, and if so, why they are separated?

Mr. HAVEN. I would not trouble the House to listen to me while I answered all the questions put to me by the gentleman from Pennsylvania.

Mr. FLORENCE. I have no objection to the reporting of these bills, as is known to the House.

Mr. HAVEN. Let me state briefly, in answer to the first interrogatory, why the bills were separated. The committee think it is proper that limitations and restrictions should be put upon appropriations for custom-houses and marine hospitals. The committee thought that that course was wise. I, for one, thought so, and I think the whole committee thought so too. I so indicated my opinion to the House some days since, whilst the former deficiency bill was under consideration.

I will add, sir, that the Committee of Ways and Means have been censured from all parts of the House, heretofore, for not regarding the estimates from the Treasury, and for not divining in advance what the wishes and sense of the House were on these subjects, and for not reporting their bills beforehand, as the House afterwards determined it wanted them. Now, sir, the committee desired to report both these bills to the House, because the disputed or contested items contained in both of them have received the deliberate sanction of the House, on the years and nays.

The committee therefore determined that whilst doing justice to the House, and to the business they were transacting, they would reflect the sense of the House in these two bills, and let the House complain of itself, and not of the Committee of Ways and Means, if it was dissatisfied. The committee desired to reflect back, as far as they could, the deliberate acts and opinions of the House; they felt that would be consistent for the committee, and they knew the House would hereafter remain in its action consistent with what it has done heretofore on this subject. That is the reason why the bills have been reported, and in the shape in which they are reported, so far as I am concerned.

Mr. ORR. I desire to make a suggestion to the gentleman from New York. I understand that he moves to reconsider the vote by which the deficiency bill was referred to the Committee of the Whole on the state of the Union. Is that his motion?

Mr. HAVEN. It is.

The SPEAKER. That is the motion.

Mr. ORR. Then I desire to inquire of the gentleman what he will accomplish by the reconsideration of that vote? The bill is already in the possession of the House. I regret that the gentleman from Maryland [Mr. HAMILTON] persists in his objection to allowing the gentleman from Kentucky to report the second bill; but it seems to me that the gentleman from New York will not accomplish the purpose he has in view, even if his motion to reconsider prevails.

The Committee of Ways and Means, if the gentleman will pardon another remark, will, in all probability, be called for reports to-morrow, during

the morning hour, when they can submit this second bill. The two bills, being separate, would have to go on the Calendar, each one taking its place thereon; and if the committee report the second bill to-morrow morning, it probably will not be placed on the Calendar below the position it would have occupied if the gentleman from Kentucky had been allowed to report it this evening. I would therefore suggest to the gentleman from New York that he should not press his motion to reconsider, inasmuch as nothing can be gained by it.

Mr. HAVEN. I receive in all kindness, as I have no doubt it was intended, the suggestion of the gentleman from South Carolina; but I desire to say here, and will repeat while I have the floor, that the Committee of Ways and Means have been "pitched into" from all quarters in this House, and, as one of that committee, I am determined that this House shall quarrel with itself, and not with the committee, in reference to these bills. I will not, for one, consent that the report of the committee shall be divided. It came in here united in reference to these bills, and I ask that they may be reported together, as the committee intended to have them reported, or that the House let us have them back under our control.

Mr. CLINGMAN. By the permission of the gentleman from New York, I would suggest a point of order to the Chair. A difficulty arises in determining what was the extent of the leave which the House granted to the gentleman from Kentucky—whether it was to submit a report embracing two bills, or only a single bill. I submit to the Chair that the House is the proper judge of the extent to which it went in that leave, and that the Chair may properly refer it to the House to say—each member voting according to his own understanding—what was the extent of the leave given to the gentleman. Then, if a majority hold that permission was given to the gentleman to make a report embracing two bills, he can report the second bill. It seems to me that the Speaker would be right in submitting the question to the House.

The SPEAKER. The Chair would be very happy to give the subject that direction, and leave it to the House to determine what it was that it intended to do.

Mr. CLINGMAN. Then I hope the Chair will state the question in that way.

Mr. JONES, of Tennessee. Will the gentleman permit me to interrupt him to make a remark?

Mr. HAVEN yielded the floor for that purpose.

Mr. JONES. With the permission of the gentleman from New York, who holds the floor, I will state that I was not in my seat when the gentleman from Kentucky [Mr. BRECKINRIDGE] made his request, and consequently I cannot determine what his exact language was. But I think it is immaterial what it was. All whom I have heard speak of it—the Chair included—agree that he stated he wished to make a report from the Committee of Ways and Means as to the bill or bills supplying the deficiencies in the appropriation of the current year. Then, sir, all the items in these bills have been heretofore before the House, and have been voted in as deficiencies. The most of them, if not every one of them, seem to be for custom-houses, asking for deficiencies; and if all of them had been in the one bill, there would have been but one report. In my opinion, there is but the one report made by the committee at the same time; and whatever may have been the phraseology employed by the gentleman from Kentucky, it seems to me that, from the nature of the case, and from the position of the two bills, and from what was said by the committee when they authorized the report to be made, that they included both of these bills which they proposed to report. One bill comes as much under the force of this request to report the deficiency bill as the other.

Mr. CLINGMAN. Let the House determine whether they gave leave or not, as they understood it. They can vote just as they understood the matter at the time. I think that is a fair way of settling the difficulty.

Mr. PRESTON made some remarks, which, owing to the confusion in the Hall, were too indistinctly heard to be reported, maintaining that the Committee of Ways and Means had, by the votes in the Committee of the Whole on the state of the

Union, and on yeas and nays in the House, been fully instructed as to what should be reported in the bills now the subject of controversy. He saw no reason why both bills should not be received, referred, and printed. His recollection coincided with that of the gentleman from Kentucky [Mr. BRECKINRIDGE] as to the extent of the request made to the House, and to which unanimous consent was accorded. He [Mr. PRESTON] was fortified in his recollection by the gentlemen around him. He therefore thought that the matter was perfectly plain and trusted that, without discussion, the sense of the House would be taken, as proposed by the gentleman from North Carolina, [Mr. CLINGMAN,] as to whether the House should permit the Committee of Ways and Means to make an unconditional report instead of a contingent one.

Mr. HAVEN still retaining the floor.

Mr. KEITT. Will the gentleman from New York [Mr. HAVEN] yield to me for a moment?

Mr. HAVEN. With pleasure.

Mr. KEITT. I merely desire to state a point of order in relation to this matter.

Mr. HAVEN. That you could have done without my consent.

Mr. KEITT. I agree with the remarks made by the Chair; and yet I have not a particle of objection to the introduction of those bills by the gentleman from Kentucky. Indeed, I should be glad to have them introduced. But I submit a point of order, whether or not they can be received by this House. These bills can only be introduced by unanimous consent. This being the case, can a majority now, by indirection, accomplish the same purpose? If there be a single individual in the House voting against it, I submit that it is but fair to him to give him the exercise of those rights with which he is invested by parliamentary rule. This bill, therefore, I submit, cannot be introduced, unless by the unanimous consent of the House.

Mr. HUNT. The difficulty can be remedied in this way. This is a part of the deficiency bill; a part of the one report; and in this way a majority can agree to receive the report under the leave originally granted; or the House may grant leave on motion.

Mr. HAVEN still retaining the floor.

Mr. RICHARDSON. Will the gentleman from New York permit me to make a suggestion?

Mr. HAVEN. Of course, with pleasure.

Mr. RICHARDSON. The gentleman has moved to reconsider the vote by which the bill making appropriation for the deficiencies has been referred to the Committee of the Whole on the state of the Union. If the House adjourns now, the Committee of Ways and Means can report the other bill in the morning. Then the gentleman can withdraw the motion to reconsider, and the bills will go together upon the Calendar to the Committee of the Whole, and the object sought will be accomplished. I do not see how the gentleman can get at it, unless in some such way.

The SPEAKER. The Chair states that he has no recollection at all of any intimation from the gentleman from Kentucky [Mr. BRECKINRIDGE] that there were two bills to be reported. His recollection is that the gentleman from Kentucky rose and asked the unanimous consent of the House to allow him to introduce a deficiency bill. The gentleman from Kentucky thinks that the recollection of the Chair is incorrect. Other gentleman, too, think the Chair misremembered the precise request made by the gentleman, and granted to him by the House.

The Chair would be happy, as far as the mere point of recollection is concerned, if the House would take that matter in their own hands. If confined to the rules, the Chair must decide that the objection made by the gentleman from Maryland [Mr. HAMILTON] to the introduction of the second bill, is conclusive in regard to it, and that it cannot be introduced. The Chair hopes the House will determine what they agreed, by unanimous consent, should be introduced by the gentleman.

Mr. HAVEN. I hope it will do so.

Mr. WALSH. With the consent of the gentleman from—

The SPEAKER. The Chair only asks the House to relieve the Chair.

Mr. WALSH. I remarked to the Chair that I objected to the introduction of the first bill.

The SPEAKER. Very true.

Mr. WALSH. The Chair said he did not hear the objection. Now my objection stands good, if this one does.

The SPEAKER. The Chair decides that the objection made by the gentleman from Maryland must stand, according to the rules.

Mr. HAVEN. One word more. The House is very liable to get fatigued in these operations, and to grow uneasy and weary. I hope it will pardon me. But I have no objection to proceeding with this matter to-night, as long as I can keep myself in such a position that the Committee of Ways and Means, of which I am a member, shall not be made, by the hasty action of the House here, and by the misunderstanding of the Chair, to do a thing which they have not intended to do.

The SPEAKER. The Chair will say in reply to that that the gentleman from Kentucky should have been more explicit.

Mr. HAVEN. I remarked that I did not doubt that the Chair stated truly what he understood to be the proposition of the gentleman from Kentucky. I therefore feel bound to insist upon my motion to reconsider the vote by which the bill was referred, and on that motion I demand the previous question.

Mr. DEAN. I move that the House do now adjourn.

The question was put; and, upon a division, there were—ayes 34, noes 55; no quorum voting.

Mr. GOODRICH. I would inquire whether it is in order to take an appeal from the decision of the Chair?

Mr. HENDRICKS. Is debate in order?

The SPEAKER. Does the gentleman rise to a question of order?

Mr. HENDRICKS. I do. Can any business be done by this House when there is not a quorum present?

The SPEAKER. There cannot.

Mr. HENDRICKS. Then I object to all business.

The SPEAKER. The Chair will ascertain whether there is a quorum present.

The Chair then proceeded to count the House, and announced that there were ninety-three gentlemen present.

Mr. DAVIS, of Indiana. I move that the House adjourn.

Mr. HAVEN. I desire to inquire of the Chair what the condition of this matter will be if the House should adjourn now?

The SPEAKER. The gentleman from New York [Mr. HAVEN] will be at liberty to call up his motion to reconsider the first thing to-morrow unless it interferes with some previous motions of the like character.

Mr. ORR. I would suggest to the gentleman from New York that he had better withdraw the demand for the previous question.

The SPEAKER. A motion to reconsider is a privileged question. There are now one or two motions to reconsider entered upon the Clerk's Journal, which will take the precedence of that made by the gentleman from New York.

Mr. HAVEN. Under the decision made by the Chair, and relying, as I believe I may, upon the desire of the House to see justice done, at least in one instance, to the Committee of Ways and Means, when they ask for it, I withdraw my call for the previous question, and move that the House do now adjourn.

The question was then taken upon Mr. HAVEN's motion, and it was decided in the affirmative.

So the House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, February 16, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. WELLER presented the memorial of Lewis Warrington, jr., purser in the United States Navy, praying to be allowed the difference between the pay of a purser of a frigate and that of a first-class steam-frigate, while thus employed on board the steamship Mississippi; which was referred to the Committee on Naval Affairs.

Mr. JAMES presented the memorial of the heirs-at-law of Captain W. H. Allen, late of the United States Navy, praying Congress to grant

them such a sum as will suitably compare with the extent of his brilliant services in the last war with England; which was referred to the Committee on Naval Affairs.

Mr. FOOT presented the petition of Nathaniel Doty, of Vermont, praying to be allowed a pension as an invalid of the Revolution; which was referred to the Committee on Pensions.

Mr. DODGE, of Iowa, presented a memorial of citizens of Louisa county, Iowa, praying a grant of land to aid in the construction of a railroad from Fort Wayne, Indiana, via Rochester, Lacon, New Boston, and Wapello, to Council Bluffs City, on the Missouri river, near the mouth of the Platte; which was referred to the Committee on Public Lands.

Mr. HAMLIN presented two petitions of citizens of Maine, praying the enactment of a law granting one hundred and sixty acres of land to each soldier who served in any of the wars of the United States, and to the widows or heirs of those deceased; which were referred to the Committee on Public Lands.

Mr. ADAMS presented the petition of James Robertson, praying indemnity for his arrest and imprisonment without cause, by the Sergeant-at-Arms of the Senate, in December, 1849; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHASE presented a petition of citizens of Hamilton county, Ohio, praying that in the organic law of the Territory of Nebraska slavery may be forever excluded from its limits; which was ordered to lie on the table.

Also, a petition of citizens of Mahoning county, and a petition of citizens and female residents of Lorain county, in the State of Ohio, remonstrating against the passage of the Nebraska bill, or any law for the admission of more slave territory into the Union; which were ordered to lie on the table.

Also, a petition of citizens of the borough of Canonsburg, Pennsylvania, praying Congress to pass no bill that will impair the Missouri compromise; which was ordered to lie on the table.

Mr. MASON presented the petition of Mary Tasker, widow of James Tasker, a revolutionary soldier, praying a pension; which was referred to the Committee on Revolutionary Claims.

Mr. SUMNER presented a petition of Francis O. Morse, for himself and other citizens of the United States engaged in the importation of lasts, and a memorial of boot and shoemakers, in the State of Massachusetts, protesting against the passage of the bill of the Senate giving further remedies to patentees; which were referred to the Committee on Patents and the Patent Office.

Also, a petition of citizens of Rockport, Massachusetts, protesting against any repeal of the prohibition of slavery or the addition of slave territory to the Union; which was ordered to lie on the table.

Also, a petition of citizens of Sangamon county, Illinois, praying that slavery may be forever prohibited in the Nebraska Territory; which was ordered to lie on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill granting to the State of Alabama public lands in alternate sections, to aid in the construction of the Alabama and Tennessee railroad, from Selma, on the Alabama river, to the Tennessee river, at or near Gunter's Landing; and also the Memphis and Charleston railroad, from Memphis, on the Mississippi river, to some point connecting with the Nashville, Chattanooga, and Charleston railroad, reported it without amendment.

Mr. EVERETT, from the Committee on Foreign Relations, to whom was referred the memorial of the heirs of Richard W. Meade, submitted a report, accompanied by a bill, for settling the claim of the legal representatives of Richard W. Meade, deceased; which was read, and passed to a second reading. The report was ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. PETTIT, it was

Ordered, That the petition and papers in the case of Israel Johnson be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

On motion by Mr. CHASE, it was

Ordered, That the administrator of Elijah J. Weed have leave to withdraw his petition and papers.

ERRONEOUS SURVEY IN MICHIGAN.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making an appropriation for the payment of damages incurred in consequence of erroneous or fraudulent surveys in township one south, range seven east, in the State of Michigan.

COMMUTATION PAY.

Mr. SEWARD. I am requested to ask that the papers of the heirs of Andrew Fink, an officer in the revolutionary army, be taken from the files of the Senate, and referred to the Committee on Revolutionary Claims.

Mr. WALKER. I desire to ask to what subject those papers relate?

Mr. SEWARD. To commutation pay.

Mr. WALKER. I supposed so. I would say, that it is useless to send them to the committee, as it has made a report upon that whole subject, and brought in a general bill, which is now upon the Calendar, and will be acted upon by the Senate.

Mr. SEWARD. Then I will not ask for their reference.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. FORNEY, its Clerk, announcing that they had passed a joint resolution authorizing a supplemental contract for certain marble for the Capitol extension.

WEIGHTS AND MEASURES.

Mr. HAMLIN. Mr. President, in 1848 a complete series of United States standards of weights and measures was presented to Monsieur DeVattemare, for the purpose of having the same presented to the French Government. I have received from Monsieur DeVattemare a full and detailed report upon the subject of weights and measures, with a request that it should be laid before Congress, and printed in the American as well as the French language. I have given it a careful examination, and I believe I am justified in saying that there is much in it that is worthy of the attention of the public.

This communication is addressed directly through the Senate to the Committee on Commerce, and it is a subject which might appropriately belong to that committee; but inasmuch as the Senate has seen fit to give that subject another direction, and memorials have been presented from scientific societies of our own country, which have been referred to the Committee on the Library, I beg leave to present this report with a request that it may be committed to the same committee, thereby discharging the Committee on Commerce from what would otherwise be their appropriate duty. It would be inappropriate for two committees to have the same subject under consideration. I move to refer the communication to the Committee on the Library.

The motion was agreed to.

SUFFERERS ON THE SAN FRANCISCO.

A message was received from the House of Representatives by Mr. FORNEY, their Clerk, announcing that they had concurred in the first and third amendments, and non-concurred in the second amendment of the Senate to the bill of the House for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco.

The first amendment in which the House concurred, was to insert in the first section, which is as follows:

"That there shall be paid, under the direction of the President, to each of the officers, non-commissioned officers, musicians, and privates, who, on the 21st day of December, 1853, embarked at New York, under orders for California, on the steamship San Francisco, and who was on board that vessel on the occasion of her recent disaster at sea, a sum equal in amount to his pay and allowances for four months;"

after the word "sea," the words:

"and to Lieutenant Francis K. Murray, and any other officers or seamen of the United States Navy who were on board the said steamship under orders."

The third amendment, in which the House concurred, was to add at the end of the second section, which is as follows:

"That if any such officer, non-commissioned officer, musician, or private, shall have died before receiving such payment, from any cause consequent upon said disaster, his widow, if one survive him, and if not, then his minor children, if any there be, shall be paid a sum equal in amount to six months' pay and allowances of the deceased;" the words:

"And that the widows and minor children of those officers, non-commissioned officers, and privates who perished by that disaster, or who died by disease in consequence thereof, shall be allowed pensions in the same manner, in all respects, as if the said officers, non-commissioned officers, and privates had been killed in battle."

The second amendment, in which the House non-concurred, was to add at the end of the first section, as given above, the words:

"Provided, That the amount of the pay and allowances advanced to the officers and men, by the authority of the President, previous to their embarkation, shall be brought to their credit, and that their receipts for the same be canceled."

Mr. HUNTER. The chairman of the Committee on Military Affairs [Mr. SHIELDS] is not in his seat. The consideration of the message of the House had, therefore, perhaps better be postponed for the present.

The PRESIDENT. If there be no objection, it will be laid upon the table for the present.

SENATE DEBATES.

The PRESIDENT laid before the Senate a letter from Beverley Tucker and William M. Overton, publishers of the Washington Sentinel, proposing to assume the contract relinquished by Robert Armstrong, for the publication of the proceedings of the Senate; which,

On motion by Mr. HAMLIN, was referred to the Committee on Printing.

COUNCIL BLUFFS, IOWA.

On motion by Mr. DODGE, of Iowa, the Senate, as in Committee of the Whole, proceeded to consider the bill to lay off the town of Council Bluffs, which had been reported from the Committee on Public Lands, with an amendment in the form of a substitute, which proposes to direct the judge of the county court for the county of Pottawatomie, in the State of Iowa, to enter certain lands mentioned in the bill at the Land Office, by paying therefor at the rate of \$1 25 per acre, under the terms therein mentioned; with the provision, however, that it shall not affect preemption or any other rights which have accrued under any other act of Congress; and with the provision, also, that the entry shall be made within twelve months from the date of the passage of the bill, and that a patent shall issue therefor.

The amendment was agreed to; the bill was reported to the Senate as amended, the amendment was concurred in, the bill was ordered to be engrossed for a third reading, and was read a third time and passed.

BRUNSWICK, GEORGIA.

On motion by Mr. HAMLIN, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill making Brunswick, in the State of Georgia, a port of entry, and for other purposes.

It proposes to direct that Brunswick, in the district of Brunswick, Georgia, shall be a port of entry for that district, that a collector shall reside there, and that Darien, in the district, shall be a port of delivery only, and that a deputy collector shall reside there.

Mr. HAMLIN. The bill only proposes to change the port from one place in the district where it now is, to another—to make what is now a port of delivery a port of entry, and what is now a port of entry a port of delivery. It is done in accordance with the recommendation of the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

WELSH AND WELLS.

On motion by Mr. BRODHEAD, the bill for the relief of passed midshipmen George P. Welsh and Clark H. Wells was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to pay Mr. Welsh \$341 66, and Mr. Wells \$342 93.

Mr. BAYARD. I should like to know the grounds upon which that bill is presented.

Mr. BRODHEAD. The grounds upon which these small amounts are claimed are stated in the report, which I ask may be read.

The report of the Committee on Naval Affairs was accordingly read; from which it appears that Mr. Wells and Mr. Welsh were doing duty as passed midshipmen on board the Plymouth, the flag-ship of the East India squadron, in 1848,

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, FEBRUARY 20, 1854.

NEW SERIES.....No. 28.

when vacancies occurred in the lieutenantships, and they were appointed by the Commodore acting lieutenants, their appointments being dated the 11th of October, 1848; in which position they served on board the Plymouth and the Dolphin until June, 1851. By the sixth section of the naval appropriation act of 1847, it is provided that when any master or acting master in the Navy shall, under the order of the commander of the vessel, supply a deficiency in the complement of lieutenants of the vessel, he shall be allowed the pay for the time during which he performs the duty.

This was unknown to the officers of the East India squadron. Mr. Welsh and Mr. Wells were made lieutenants, not from the grade of master or acting master, but from that of passed midshipmen, and of course were not entitled to extra pay. The commodore, when he heard of the law, rescinded their appointments, passed them through the grade of master, and reappointed them on the 1st of March, 1850. The difference of pay which they claim is for the time while they acted as masters previous to their reappointment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

CHARLES G. GUNTER.

On the motion of Mr. FITZPATRICK, the bill to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto, was read a second time, and considered as in Committee of the Whole.

It proposes to direct that all the right, title, and interest which might accrue or revert to the United States, to a certain fraction of section number nineteen, of township number sixteen, and range number sixteen, including an island in the Alabama river, commonly called Manac's Island, a little below the mouth of Catoma creek, and being the reservation to which Samuel Manac, a Creek Indian, became entitled under the treaty of Fort Jackson, shall be relinquished to Charles G. Gunter, his heirs and assigns, and a patent shall be issued to him or them for it upon the payment to the receiver of the land office at Cahaba, in the State of Alabama, of the minimum price per acre of the public lands now subject to entry in the State.

Mr. FITZPATRICK. If there is any doubt about the bill, I ask for the reading of the report.

Several SENATORS. It is all right.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, was read a third time, and passed.

JUDICIAL RECIPROCITY.

On motion by Mr. BAYARD, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill "to provide for the execution, by the courts of the United States, of commissions to take testimony issuing from the courts of justice of friendly nations," which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause, and insert the following substitute:

That each and every circuit and district court of the United States, and the circuit court for the District of Columbia, shall have full power and authority, whenever it shall be requested by any court of record, or court having equity or admiralty jurisdiction, in any foreign State or country in amity with the United States, by letters rogatory, issuing out and by authority of said foreign court, or by application from a commissioner or commissioners, duly appointed under the authority of said foreign court, to issue all the necessary and proper writs and process, and make and enforce such orders as may be necessary and proper for obtaining the testimony of witnesses, re-iding within the jurisdiction of said circuit or district court, to be used in any civil cause depending in the said foreign court; and for this purpose to make and enforce all such orders as may be necessary and proper for the administration of an oath or solemn affirmation to any witness so resident as aforesaid, whose testimony may be required; which oath or affirmation shall have the same effect, validity, and legal obligation, as if administered in a civil cause depending in the said circuit or district court: *Provided, nevertheless*, That it shall be discretionary with the said circuit or district court, to which application may be made as aforesaid, by any such foreign court, to refuse the same, if the said foreign court has no sufficient authority to extend reciprocal

aid and assistance in obtaining testimony to the several Federal and State courts of this Union, when properly requested, or having such authority, has refused on proper application to exercise the same.

SEC. 2. *And be it further enacted*, That the costs of all such proceedings, under any such request or application, in the said circuit or district court, to which the said request or application may be made, shall be taxed by the clerk of the said circuit or district court, subject to the revision of the court, and paid by the person or persons on whose behalf the said request or application may be made.

SEC. 3. *And be it further enacted*, That if any person, to whom an oath or affirmation has been administered under the provisions of this act, shall, after making such oath or affirmation, knowingly and willfully swear or affirm falsely, such person so offending, shall be deemed guilty of perjury, and shall, on conviction thereof, be liable to the same pains and penalties prescribed by law for persons convicted of willful and corrupt perjury.

Mr. STUART. I should like to inquire of the Senator from Delaware why it is that the bill limits this power to applications made from the courts of Governments, which have conferred the same power upon their courts?

Mr. BAYARD. The original bill was introduced on that basis, and I think it is a sound one. There is no obligation on the part of any nation to assist in the procuring of testimony to be used in courts of foreign nations, unless it is founded on what is called the comity of nations; and, if that comity is refused to you, I think you are perfectly right in authorizing your judges to refuse it to the nation which chooses to place herself in that position. If the authorities of the other nation are not willing to advance the interests of humanity by extending the comity of nations to us, we are not bound to extend the privilege to her. That is the principle on which I suppose the bill stands.

Mr. STUART. I do not know that, upon a brief reading of the bill, I am able to comprehend all its consequences; but if I do, I think that the restriction contained in it ought not to exist. In the first place, it might very well happen, that citizens of the United States would be either directly or indirectly interested in the very litigation for which the testimony would be asked, and yet the Government where the trial was to be held may not have extended similar privileges to those contained in the bill. Now in such a case as that, I apprehend there would be no difference of opinion, but that the testimony here ought to be taken, and taken in a mode to be useful to the court where it was desired.

But, aside from any consideration of this kind, it seems to me that the restriction ought not to be retained in the bill. The bill does not provide any mode by which the court is to ascertain whether this reciprocity exists or not. There might be a difficulty in ascertaining, in a given case, that fact. But waiving all that, I cannot see why this liberality should not be extended without that restriction, for the very purpose of inducing a kind act by being the originator of a generous one ourselves. I cannot see any injury to result to the Government of the United States, or its citizens, in allowing this bill to pass without any restriction. If any foreign court should apply here according to the terms of this bill, and you confer upon our courts the means of conforming to the application, what injury could grow out of that?

Again, it strikes me that there might be some question of doubt as to the propriety of conferring upon courts, inferentially, duties which clearly fall within the treaty-making power. That, sir, perhaps is not a fatal objection, but it is one that might produce, if not a clashing of power, at least such an exercise of power by the inferior courts of this country, which in a given instance might be questionable. Being unable to see for myself any reason whatever for the retention of the restriction, I should feel myself bound, unless some reasons are offered satisfying me, to propose to amend the bill in that respect by striking out the restrictive clause.

Mr. BAYARD. Comity between nations, I suppose, Mr. President, is always reciprocal, and should be so. The very meaning of the word "comity" includes that idea. It necessarily includes reciprocal acts on the part of the nations in which it exists. Whenever it has been exer-

cised by courts of justice, in all subjects relating to the comity of nations, they always confine the exercise of the power to those nations who are willing to return the same acts of comity on their part. I think, therefore, that is a sufficient answer to the objection of the Senator from Michigan.

It seems to me that the bill is quite sufficient and extensive when it tenders to every foreign nation the privilege of advancing the purposes of justice on our behalf, on the same terms on which we advance them in their behalf. The exception stated by the honorable Senator from Michigan, is,—suppose a citizen of the United States were interested in a suit in a foreign court, ought he not to have the means of taking testimony here? My answer is, that is not the basis of the bill at all. We are not passing it for the purpose of interfering with the modes of administering justice in the courts of foreign nations, but we are passing it, under the comity of nations, to permit courts of another nation, if that nation recognizes the comity of nations, to have the same advantages in taking testimony in the courts of this country as we have in their courts.

But this principle is only founded upon the principle recognized in the courts of common law, and certainly in the courts of equity, that on letters rogatory they will authorize testimony to be taken for other courts. In those courts testimony is taken for the purpose of being used in civil causes in other jurisdictions, but they will not exercise that comity unless the court to which the letters rogatory are addressed recognize the same comity on their part. I think the principle a sound one in all national relations. I do not think we are called to go one step towards tendering to a foreign nation the aid to administer justice in their dominions unless they extend the reciprocal aid to us; and that is the provision of the bill.

But, again, the court is not compelled to exercise the power; it is left, and it must be left, to the discretion of the court, as to whether, under the circumstances, it will or will not issue the power to take the testimony, when the foreign nation either does not possess the power, or, possessing the power, the courts of that nation refuse to exercise it for the benefit of the courts of this country. It is left to the discretion of the court, and surely there can be no objection to that.

The honorable Senator complains, further, that the bill does not provide specifically for the mode in which the courts are to ascertain the fact whether the foreign nations extend the same privilege to us. It would be a great objection if the bill attempted to do that; it is a great deal better to leave that to the courts of justice, if the fact is brought before them and established, because that would be necessary to prevent the recognizing of the commission. If the nation is in amity, the court will necessarily carry out the provisions of the law; and if it was made to appear to them, in such modes as a court of justice always requires, that the courts of the foreign nation had no such authority, or that the court from which the letters rogatory issued had refused to exercise a similar duty on their part, of course the court in its discretion would refuse the application. It would be impossible—it would be in vain to prescribe any rule on this subject. It is a great deal better left to the administration of justice under the general discretion of the court, because there can be no abuse under it. That is also a sufficient answer to the objection that is founded on the fact that the interest of a citizen of the United States might be involved in the proceedings in a foreign court, and therefore the testimony should be taken here, even if the foreign Government refused the reciprocity. The court in that might, in its discretion, make an exception, grounded on the right of a citizen, and not on the comity of nations.

It fully provides, therefore, for that objection. The very existence of the discretion is an argument in favor of the bill; and for my own part, as regards all these matters which go to advance civilization, and to enlarge the connection between nations for all proper purposes, I prefer infinitely

the system of reciprocal legislation, to the system of treaties which are too often perverted from their original meaning, and so negligently passed, that when you come to their construction, if the policy of either nation happens to alter, the treaties are violated by that nation giving them a construction different from what was intended. Reciprocal legislation is always under your control. If the policy of the nation changes, or circumstances indicate that the reciprocity is useless, it can be withdrawn without any breach of faith.

I do not recollect any other objection which the honorable Senator from Michigan made to the provision here. In that respect, the bill has been adopted in principle as it was originally introduced. The alteration we made was to confine the power to purposes for the furtherance of civil justice. The original bill authorized the taking of testimony in aid of criminal justice in foreign nations. The committee were indisposed to carry the principle so far, and remodeled the bill to restrict it to the purposes of civil justice, and also introduced the clause providing for the punishment of false swearing, and further for the payment of costs and charges where the application is made.

Mr. BENJAMIN. I was not aware that this bill was to be taken up this morning. I have insuperable objections to its passage. I object to its principles. I object to any extension by the Congress of the United States of the judicial power of the United States not granted by the Constitution. The bill proposes to invest in the circuit and district courts of the United States certain jurisdiction in relation to controversies arising in foreign countries. By reference to the provision of the Constitution of the United States, I find that the judicial power extends to certain defined cases, and that this is not one of the cases for which the Constitution provides.

Section second of article third of the Constitution, says:

"The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

Now, this judicial power is proposed to be extended to controversies between foreigners, where neither a State of this Confederacy nor a citizen of the United States is interested. If this, then, be intended to be a judicial power, I oppose the bill, upon the ground that it extends the judicial power beyond the cases provided for in the Constitution of the United States; and I apprehend that a reference to the clause of the bill, will show that the power proposed to be conferred is a judicial power. It is not merely a ministerial power; and if it were a ministerial power alone, I should object to it upon that ground. I do not think that the judges of the United States, or the courts of the United States, are organized under the Constitution for purposes ancillary to the administration of justice in foreign nations.

That is not the purpose for which the courts of justice are organized; and I doubt very much our power to impose a duty of that kind upon the judges of our courts. But the provisions of the bill are clearly placed upon the basis of the grant of power being judicial. It provides for the issuing of writs and process upon application. It provides for conferring upon the judges all necessary authority for the purpose of carrying out the jurisdiction which the bill proposes to vest in them. It provides for the punishment of witnesses, who are called before the judges, for perjury in cases of false swearing.

Mr. DOUGLAS. Will the Senator allow me to call for the special order? This subject, I think, will lead to considerable debate.

Mr. BENJAMIN. I will yield the floor, especially as I was not prepared to discuss the bill to-day, not having any idea that it would come up. I will very freely give way to allow the special order to be called up.

Mr. DOUGLAS. I then call for the special order.

The PRESIDENT. If there be no objection, the bill will be postponed until to-morrow.

There was no objection.

TERRITORY OF NEBRASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill to organize the Territory of Nebraska, the pending question being on the amendment submitted on the 15th instant by Mr. CHASE, to add to the 14th section of the substitute reported from the Committee on Territories, as amended on the motion of Mr. DOUGLAS, the words:

"Under which the people of the Territory, through their appropriate representatives, if they see fit, prohibit the existence of slavery herein."

So that the part of the section relating to that matter would read:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States; except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States, under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein."

Mr. BADGER being entitled to the floor, rose and addressed the Senate at great length in support of the bill as it now stands amended, and against the amendment of Mr. CHASE. [Mr. B.'s speech will be found in the Appendix.]

Mr. SEWARD. I desire, with the indulgence of the Senate, to express my views upon this question. It will not be convenient for me to proceed at this late hour of the day, and I suppose the Senate will not wish to have me commence an argument now.

I move, therefore, to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. JAMES, the Senate proceeded to the consideration of Executive business; and after some time spent in the consideration thereof, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 16, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the motion made by the gentleman from New York, [Mr. HAVEN,] yesterday evening, to reconsider the vote by which the deficiency bill was referred to the Committee of the Whole on the state of the Union.

CORRECTION OF AN ERROR.

Mr. HUNT. I rise to a privileged question. I perceive, in the published proceedings of the House in relation to the Patent Office reports, that the Globe represents me as having supported the motion of the gentleman from North Carolina, [Mr. CLINGMAN,] I stated that I was against diminishing the number of the mechanical report, and was perfectly willing to increase the number of the agricultural part, if gentlemen desired it. I wish to make this statement to the House, because I desire it to be understood that I am, and always will be, in favor of liberal appropriations for the diffusion of useful information.

Mr. CHAMBERLAIN. I desire to offer an amendment to the homestead bill now pending, and ask that it be referred to the Committee of the Whole, and printed.

It proposes to combine its provisions with the provisions of the amendment for the construction of railroads to the Pacific.

The SPEAKER. There being no objection, it will be so ordered.

Mr. HILLYER. I am instructed by the Committee on Private Land Claims to say to the House, that the business referred to that committee is so great, and so constantly accumulating, that it is impossible for the committee to investigate it with the degree of care and attention which is necessary to its proper adjudication consistently with their legislative duties. The committee therefore in-

struct me to ask the House that they may be permitted to employ a clerk, with a compensation of four dollars a day; while actually employed by the committee for that purpose. I ask the consent of the House to introduce this resolution.

The resolution was then read, as follows:

Resolved, That the Committee on Private Land Claims be authorized to employ a clerk, with a compensation of four dollars per day while actually employed by the committee.

Mr. JONES, of Tennessee. I object.

Mr. HAMILTON. The first thing in order is the question of reconsideration moved by the gentleman from New York, [Mr. HAVEN.]

The SPEAKER. The Chair has so stated. When the House adjourned, the gentleman from New York had the floor upon the question of reconsideration.

Mr. HAVEN. I desire to facilitate the public business this morning, and go on peaceably, if we can. I intended to say to the Chair, if it was the pleasure of the House, that I would not call up the motion to reconsider, so that we might go on with the call upon committees for reports, and in that case perhaps the Committee of Ways and Means can be reached, and the whole matter be disposed of without any further difficulty.

The SPEAKER. Is it the pleasure of the House that the further consideration of the motion to reconsider be informally passed by? The Chair hears no objection, and it will be so ordered.

PENSIONERS.

Mr. HENDRICKS. I move to reconsider the vote by which House bill, (No. 167,) "for the relief of pensioners, under the act of July 3, 1853," was referred to the Committee of the Whole on the state of the Union. My object in making the motion is merely to call up this matter at some future time.

[A message was here received from the Senate, by ASBURY DICKINS, its Secretary, informing the House of the passage, by that body, of Senate bills of the following titles:

"An act (No. 6) to grant to the State of Ohio the unsold and unappropriated public lands remaining unsold in that State;"

"An act (No. 93) to establish a land district in the State of Florida, to be called the district of Tampa;"

"An act (No. 164) to relinquish certain lands to the city of Dubuque, in the State of Iowa;"

"An act (No. 179) to constitute Palatka and Bayport, in the State of Florida, ports of delivery respectively;" and

"An act (No. 200) constituting San Pedro, in the State of California, a port of entry and delivery."

Mr. MILLSON. I desired yesterday to say a word upon the subject of that bill.

The SPEAKER. The Chair understands the gentleman from Indiana [Mr. HENDRICKS] does not now wish to consider the motion to reconsider.

Mr. MILLSON. Is it not my privilege to call up the motion to reconsider?

The SPEAKER. Certainly; the gentleman can call it up, if he pleases.

Mr. HENDRICKS. I hope the gentleman from Virginia will not call up the motion now. Let it lie over for the present, and the House can then have an opportunity to examine the bill, which they have not now had.

Mr. MILLSON. I wish to say a word or two upon the subject of the bill now, and therefore I prefer to call it up.

The SPEAKER. If the gentleman proposes to discuss this bill now, the Chair suggests that he give way long enough to allow the bill to be read.

Mr. MILLSON. Certainly; I will give way for that purpose.

The bill was then read by the Clerk.

Mr. MILLSON. I give notice to the House, that before I take my seat I shall move to lay this motion to reconsider upon the table. But before doing so, I beg to say a very few words as to the character of the bill before us. It is a bill which proposes to give to a certain class of widows—one among the many classes of widows who have received pensions under the legislations of Congress—five years' pay in addition to that which was granted to them by the act of 1853.

This bill is reported from the Committee on Invalid Pensions—a committee not properly chargeable with the subject—at least not properly charge-

able with this bill, so far as it has reference to the subject of giving pensions to the widows of the soldiers and officers of the war of the Revolution; and when I state to the House that the passage of this bill—for such seems to be the object of the motion to reconsider—will draw from the Treasury of the United States a sum of money which may amount to nearly \$2,000,000, I think they will see that it is a matter of some importance. Yes, sir, I do not think I exaggerate, when I say that, for aught we now know, the passage of this bill may involve a draft upon the Treasury not far short of that providing for the payment of French spoliation.

Yet it is gravely proposed to take up such a bill as this, and pass it, without reference to the Committee of the Whole, and, perhaps, without due discussion in the House.

Having been charged, during the whole of the last Congress, as chairman of the Committee on Revolutionary Pensions, with the consideration of this subject, I trust the House will see that it is, perhaps, somewhat incumbent upon me to give them the results of the investigations then made.

A brief historical narrative may be necessary to enable the House to see the effect of this bill. Some time in the year 1836, I think, Congress, for the first time, determined to grant pensions to a class of widows of revolutionary officers and soldiers—that is, to those who were married before the close of the war. The argument was this: We ought to grant pensions to those widows who were married before the close of their husband's last period of service, for they participated in the perils and sufferings of that period; they remained at home, to attend to the domestic affairs, while their husbands were in the field in the service of their country; and having been married before the close of the revolutionary war, the number of those who now survive must be exceedingly small, and there will be but a very small draft upon the public Treasury for the purpose of providing pensions for that class of widows.

The law passed. I do not now remember the precise number of widows who were entitled to receive pensions under that law. It was not very large.

Mr. ORR. It was larger than was supposed.

Mr. MILLSON. It was certainly larger than was expected. Some time afterwards, as the number diminished by death, Congress undertook to increase the number of those who should be entitled to pensions, by extending the term of marriage from the termination of the service of the husband to the year 1794 or 1796. An additional class became entitled to pensions under that law. Some short time afterwards Congress still further extended the time, by granting pensions to those who married at any time previous to January, 1800. There was a still further addition to the pension list in consequence of the passage of that law, and thus the law remained.

There were, however, other petitions from those who were married after the year 1800, praying that they too might receive the benefit of the pension laws. A bill, having that object in view, was considered in the Thirtieth Congress. Strenuous efforts were then made to extend the law so as to grant pensions to those who were married at any time before the year 1810; but this House, by a very large majority, rejected the bill, refusing to grant pensions to those widows of revolutionary officers and soldiers who were married after 1800, and before the year 1810. These petitions continued to come in till the Thirty-First Congress. They were there either reported against, or no action at all was taken upon the subject.

During the Thirty-Second Congress, when I had the honor to act as chairman of the Committee on Revolutionary Pensions, a number of petitions was sent in to us. They were deliberately considered. I addressed a letter of inquiry to the then Commissioner of Pensions, Mr. Heath, for the purpose of ascertaining what would be the probable number of widows who would receive pensions if the law was extended so as to embrace all those who were married after the year 1800. I received a letter in reply, in which it was stated, that if such a law should pass, numerous frauds would be practiced upon the Government, and it would involve the payment of a very large annual amount out of the Treasury of the United States. Sir, we did not report favorably on these petitions.

One of the reasons why the committee did not

report in favor of granting pensions to those widows who had been married after the year 1800 is simply this: Those widows of revolutionary soldiers who are now living, and who were married after the year 1800, must present the case of the marriage of a young girl to a very old man. From the very nature of the case it must be so. If a revolutionary soldier married in the year 1815, 1820, or 1830, and if his widow be still living, then it follows, almost as a matter of course, that this could only be the result of the marriage of a young girl with a very old, decrepit man; and, sir, I did not see that there was so much merit in the fact of a young girl marrying a very old man, as to consider we were therefore obliged to place this female on the pension roll, and support her at the cost of the public Treasury for the rest of her life.

But, sir, towards the close of the last session of Congress, the gentleman from Alabama [Mr. COBB] introduced a bill here, not intended at the time, as I believe, to provide for this class of widows, but having other objects in view. He gave notice that, before he took his seat, he designed to call for the previous question. He, however, yielded the floor to several gentlemen, who proposed amendments of one sort or other, and I think that among the amendments thus offered was one proposing to place on the pension roll those widows of revolutionary soldiers who were married after the year 1800. I then sought to get the floor, that I might have the opportunity of making a brief statement, showing the probable effect of the passing of this law. The gentleman from Alabama declined to yield me the floor. The bill passed, under the operation of the previous question. There was no examination made; and, as the Commissioner of Pensions has lately reported, Congress appropriated only the sum of \$24,000 for the purpose of providing for the payment of that class of pensions.

But, sir, what are we now told by the Commissioner? Why, Mr. Waldo comes forward and tells us, that the deficiency for the current year alone will amount to upwards of \$200,000. He tells us, that the amount necessary to pay these pensions for the present year is about \$240,000, and you have appropriated but \$24,000 for that purpose. Thus, then, there will be a deficiency of more than \$200,000 for the current year alone; which must be provided for in the deficiency bill, when the House shall again have that subject under consideration.

And now, sir, after having passed this law without inquiry, without reference to a committee, without discussion, and on the distinct and express refusal of the gentleman from Alabama [Mr. COBB] to allow even a word of caution to be addressed to the House, it is proposed to make these pensions commence in 1848, instead of 1853. The gentleman from Alabama now says he never intended that it should have any such result—

Mr. COBB. And I did not think so at the time.

Mr. MILLSON. That admission, Mr. Speaker, is an emphatic warning as to the danger of such hasty legislation. The gentleman, [Mr. COBB,] who then had charge of the bill, comes forward now, and tells this House that he never intended it should have had any such result as this. And yet the gentleman refused to allow me an opportunity last year of giving a warning to the House as to the probable effect of it.

Mr. COBB. The gentleman from Virginia presses very hard. The bill has been construed by the Commissioner of Pensions precisely as the committee then intended it to have been construed, and as they desire it to be construed to-day.

Mr. MILLSON. I do not know that that is any answer to my remark.

Mr. COBB. I am not mistaken in regard to what I then did, because the view I entertained then was carried out by the Commissioner of Pensions.

Mr. MILLSON. I understand the gentleman to tell me that it was never intended to have that result.

Mr. COBB. I said that it was never designed to go back to 1848.

Mr. MILLSON. But the present bill does contemplate carrying the pensions back to 1848. The act reported yesterday by the Committee on Invalid Pensions does carry it back to 1848. That is the very object of this bill.

Mr. COBB. Then I am not to blame.

Mr. MILLSON. I did not say the gentleman was to blame. I only stated the fact that the act did carry the pensions back to the year 1848,—the fact, that that bill was passed during the last Congress, under the operation of the previous question; and that the gentleman refused to allow me the floor for the purpose of suggesting to the House the amount which would be taken from the public Treasury, if that bill should be passed.

I am now saying that the amount exceeds \$200,000 a year. I say that the Commissioner of Pensions, in his recent report, declares that he is now receiving applications from that class of widows at the rate of sixty per week; that the number will run up to three thousand and that there is already a deficiency of upwards of \$200,000, during the current year.

One of the objects of this bill, then, being to extend these pensions back to 1848, and to entitle these widows to pensions from February of that year, instead of February, 1853, it gives to that class alone just \$1,200,000, even if there be no further addition to the pensioners than that estimated for by the Commissioner of Pensions.

The sum of \$1,200,000 will be voted out of the public Treasury for the payment of that class of widows alone, if these pensions are to date back to 1848 instead of to 1853.

I deem it proper to make these remarks, not for the purpose of going into an extended discussion of the bill. When it comes up for consideration in Committee of the Whole I may, or I may not, do so. I make these remarks now merely for the purpose of indicating to the House that this is a bill too important to be considered without a reference to the Committee of the Whole, and that it involves too important consequences to induce this House to act upon it without that deliberation which ought to be bestowed upon such a matter.

I mean to close these remarks by a motion to lay upon the table this motion to reconsider. If the gentleman from Massachusetts, [Mr. EDMANDS,] who I perceive rises in his seat, wishes to make a remark I will give him the opportunity to do so, although he declined to extend a similar courtesy to me yesterday. But if he does not wish to do so I will move to lay the motion to reconsider upon the table, for I do not think the time of the House ought to be consumed in the discussion of this matter, when we have other business pressing for consideration.

Mr. EDMANDS. I do not wish to interrupt the gentleman in his remarks. I wish, however, to say a few words upon this question.

Mr. MILLSON. I yield the floor only for that purpose, but do not mean to lose this opportunity of making the motion to lay the motion to reconsider upon the table. I yield for the purpose of explanation only.

Mr. EDMANDS. I shall wait until the gentleman has finished his remarks.

Mr. MILLSON. I have already stated that I mean to conclude my remarks by making the motion to lay the motion to reconsider upon the table.

Mr. EDMANDS. I will renew the motion, if the gentleman yields me the floor.

Mr. MILLSON. I will give way to any explanation, but I do not wish to lose the floor. I have already declared that I will move to lay the motion to reconsider upon the table. I do not think that this is a question which ought to engage the attention of the House at this time.

Mr. EDMANDS. I only wish to say to the House, that the bill now proposed does not extend, in the least, the circle of pensioners. No new pensioners are to be added to the number upon the rolls, in any way. The present bill merely proposes to carry out the purposes of the act of February 3, 1853. I would state, that on the 29th of July, 1848, an act was passed granting to the widows of officers and privates the same pensions that their husbands would be entitled to if living—limiting the benefits of the act to those who were married prior to 1800. On the 3d of February, 1853, another act was passed, taking off that restriction, merely giving pensions to those who were married subsequent to 1800, as well as those who were married prior to that year.

That act reads as follows:

"That the widows of officers, non-commissioned officers, musicians, and privates of the revolutionary army, who were married subsequent to January, 1800, shall be entitled to pensions in the same manner as those who were married before that day."

Now those who were married before that day drew their pensions from the 4th of March 1848; and the pensioners, under the act of February 3, 1853, supposed that they could draw their pensions from the same date. The construction which the Commissioner of Pensions has given to it is, that they were to draw their pensions from the date of the passage of the bill. The committee were fully aware that it was the custom, and properly so, of the Commissioner of Pensions to give an interpretation to the act according to the uniform practice; and they have been very particular, accordingly, to report a separate pension law providing for this class of cases, so as to make that explicit and certain which is now very indefinite. They chose to report a general law to that effect. They felt as though it was reasonable to do so, when they saw that the act of February 3, 1853, itself provided that the pensioners named in that act should draw their pensions in the same manner as those of 1848.

Mr. MILLSON. I did not say that the bill would increase the number of pensioners. What I stated was, that the effect of the law was to give these pensioners a pension, not from the period of the passage of the law, the time when they became entitled to it by the law, but from the year 1848, when no law existed in relation to these pensions at all. The effect of the present law would be to draw from the Treasury at once \$1,200,000 for that class of pensioners alone.

And, sir, the thing does not stop there; for if we decide that widows, who are entitled by the act of 1853 to pensions, shall commence their pensions with the 3d of February, 1848, then the heirs of those widows who have died in the interval between 1848 and 1853, will come forward and demand to be placed upon the same footing as these widows themselves. I trust I have now said enough to enable the House to see that this is not one of those unimportant bills which ought to be considered and acted upon hastily.

Mr. COBB. Will the gentleman allow me to explain?

Mr. MILLSON yielded the floor.

Mr. COBB. The explanation I have to make in reference to my action in relation to this question, during the last Congress, shall be brief. I offered an amendment to provide for the widows and minor children of the officers and soldiers of the various wars. This revolutionary measure was attached to mine in the Senate. It came back again with some disagreement, and we had a committee of conference upon the subject. I agreed to the measure, with the understanding that it should not extend back beyond the date of its passage.

As far as the matter of its having taken \$2,000,000 out of the Treasury is concerned, if I had the work to do over again, and were satisfied that it would take \$10,000,000 to do justice to that class of individuals for whom I was endeavoring to provide, my course would be the same. Whenever the case of destitute women and children comes up here, and their rights are to be defended, you will always find me upon their side. But when questions come up of extending certain provisions to certain individuals, who are, perhaps, not so meritorious, I confess that I am occasionally found voting against them. This is all the explanation I have to make; and I repeat, that if I had the same thing to do over again, though \$10,000,000 stared me in the face, my course would be the same.

Mr. HENDRICKS. I also desire to make a brief explanation.

Mr. CLINGMAN. I hope the gentleman will allow this matter to go over, and that we go into the Committee of the Whole on the special order.

Mr. HENDRICKS. I have no objection to that, if the gentleman from Virginia, by whose courtesy I have the floor, will permit the motion to be made.

Mr. CLINGMAN. I then move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. MILLSON. I think we had better dispose of this matter now. I do not yield the floor for that purpose.

Mr. HENDRICKS. I will then proceed to make my explanation now. I think this question ought to be looked into somewhat by the House

before it is finally disposed of. I think the measure introduced yesterday by the honorable gentleman from Massachusetts [Mr. EDMANDS] ought not to be voted down upon a single argument made against it. I made the motion to reconsider the vote by which it was referred to the Committee of the Whole on the state of the Union, not for the purpose of discussing it this morning. I desired that the motion to reconsider might be entered and passed over for the present, in order that all of us might have time to examine the question, and be prepared to express ourselves upon it when it should again come up for action. But the gentleman from Virginia, who, it seems, had some connection with it during the last session of Congress, makes a long speech in opposition to it this morning. Sir, I had nothing to do with the matter during the last Congress. I was not connected with the committee which had charge of it, and I did not examine into the merits and demerits of the bill. But the gentleman from Virginia having this morning made along speech against the measure, and then moved to lay the motion to reconsider upon the table, the effect of which is practically to take the subject out of the control of the House, I hope the motion will not be sustained.

The persons who are to receive the benefits of this act are not long to remain among us to receive any benefit that we can confer upon them. They are the widows of revolutionary soldiers; and therefore I say, that if this bill is to pass at all it ought to pass this session. If it be finally referred to the Committee of the Whole on the state of the Union, it will not be reached again till the next session; before which time half the persons it is designed to benefit will have passed beyond its power to benefit. Hence I made the motion to reconsider the vote by which the bill was committed to the Committee of the Whole on the state of the Union, that the matter might be within the control of the House. I think this was very right.

The gentleman from Massachusetts, [Mr. EDMANDS,] when he introduced this bill, thought that it gave a proper construction to the law of last winter. I am not prepared to say whether it does or does not. The House ought to consider it, and if it does give the proper construction to that law it ought to pass.

I cannot see why the law of 1848 should give pensions to the widows who were married to revolutionary soldiers prior to 1800, and deny pensions to all who were married after that year. It is an arbitrary arrangement, and one not founded on any reason that I can appreciate.

This bill, if it passes, will, as I understand it, place widows who were married to revolutionary soldiers after the year 1800, in precisely the same position that those occupy who were married prior to that year. I think the motion to lay the motion to reconsider on the table ought not to prevail, but that the motion to reconsider ought to be kept under the control of the House.

Mr. MILLSON. One word in reply to the remarks which have been made, and in explanation of my personal position. I am not very fond of addressing the House. I trust that my course here during a service—now not a very brief one—has already enabled gentlemen to perceive that I am not forward to address the House; and I think I am generally even more reluctant to speak than the House can be to hear me. I rarely do so except when I think I am under some obligation to communicate to the House the result of investigations that I may have made; and, I must confess, that I sometimes blame myself for allowing my unwillingness to ask the attention of the House, to prevent me from saying what it would perhaps be right for me to say.

But the gentleman from Indiana states that I made a bitter and relentless speech against the bill, and then concluded by moving to lay the motion to reconsider on the table. Why the gentleman will recollect, that with the very view of enabling others to present their views to the House, I myself invited gentlemen to take the floor during my hour before I closed. I invited them to make such explanations as they desired to make. I refused the floor to nobody, and three or four gentlemen have sought and held the floor, for the purpose of making explanations connected with the bill. Surely, then, the gentleman cannot justly charge me with making a speech against the bill, and then moving to lay the motion to reconsider upon the table, so as to exclude all further

debate. I desired to act fairly towards the House, and made only such remarks as I thought would induce the House to conclude that this was a bill which ought not to be passed upon hastily. The bill has been referred to the Committee of the Whole on the state of the Union. There let it remain. It will still be within the power of the House. A majority can, at any time when we go into committee, take it up and consider it. A bill is not beyond the control of the House when it is in the Committee of the Whole on the state of the Union.

As to the remarks of the gentleman from Alabama, [Mr. COBB,] about the propriety of relieving the wants of destitute females, perhaps my sympathies in such cases will not be less active than those of some other gentlemen. It does not follow that the widows of those who served in the revolutionary war are necessarily destitute, and it is not the province of the Government of the United States to relieve all cases of suffering. When we indulge our sympathies, let us do so out of our own private means, and not at the cost of others. Let not gentlemen seek to place upon the pension roll, to be supported at the public charge, a class of persons who have themselves done no service to the country, and who, as has been repeatedly decided by Congress, have no claim whatever on the public for support. But, at least, though we may choose to provide for their future support, I see no propriety in voting them a gross sum out of the Treasury, equal to their pensions for five years, by declaring that they shall be entitled to claim from 1848, instead of 1853, when they were first placed upon the pension rolls.

I now move, Mr. Speaker, to lay the motion to reconsider on the table.

The question was put; pending the result, Several MEMBERS. "Divide!" "Divide!"

The House divided; and the Speaker announced 49 in the affirmative.

Mr. ORR called for tellers.

Tellers were ordered; and Messrs. McMULLIN and ROBBINS were appointed.

The question was then taken; and the tellers reported—ayes 68, noes 65.

So the motion to reconsider was laid on the table.

Mr. CLINGMAN. I move now that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. TWEED. I demand the yeas and nays on the last question.

Mr. HAMILTON. It is too late.

The SPEAKER. It is too late to call for the yeas and nays after the decision is announced. The Chair heard no demand for the yeas and nays before the decision was announced.

Mr. FULLER. I wish to inquire, if the House refuses to go into the Committee of the Whole on the state of the Union, what will be the business first in order?

The SPEAKER. The call of committees for reports.

Mr. FULLER. Then I hope the House will not go into the Committee of the Whole on the state of the Union.

Mr. GREEN, from the Committee on Enrolled Bills, reported, as correctly enrolled, House bills of the following titles:

"An act supplementary to an act, entitled 'An act to ascertain and settle the private land claims in the State of California,' approved March 3, 1851;

"An act for the relief of William Blake;" and

"An act to confirm to Hercules Dousman his title to farm lot No. 32, adjoining the town of Prairie du Chien, in the State of Wisconsin."

Thereupon the same received the signature of the Speaker.

Mr. TWEED. Are not reports in order from the Committee on Invalid Pensions?

The SPEAKER. They are not in order until the pending question is disposed of.

Mr. ROGERS. I ask the unanimous consent of the House to make a report from the Committee on Revolutionary Claims.

The SPEAKER. It cannot be done unless the pending motion to go into the Committee of the Whole be withdrawn for that purpose.

Mr. CLINGMAN. I have no objection to withdrawing the motion a moment, for that purpose.

Mr. ROGERS. I now ask the unanimous consent of the House to make the report.

Mr. WALSH. How many bills constitute a report?

The SPEAKER. One only.

On motion by Mr. ROGERS, it was

Ordered, That the Committee on Revolutionary Claims, to which was referred the petition of John Winslow, Edward Winslow, and others, asking for compensation for revolutionary services of General John Winslow, be discharged from the same, and that it be referred to the Committee on Revolutionary Pensions.

Mr. ROGERS also, from the same committee, reported "A bill for the relief of the heirs of Daniel Bedinger;" which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

On motion by Mr. ROGERS, it was

Ordered, That the same Committee, to which was referred the petition and papers of Isaac S. Bowman, Executor of Isaac Bowman, a lieutenant, &c., in the revolutionary war, asking for half pay, and other compensation, be discharged from the further consideration thereof, and that the same be referred to the Secretary of the Interior, for liquidation, under the act of July 5, 1832.

Mr. ROGERS also, from the same committee, reported "A bill for the relief of Colonel John H. Stone and heirs;" which was read the first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. ROGERS also, from the same committee, reported "A bill for the relief of the legal representatives of Colonel Willis Riddick, deceased;" which was read the first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

The SPEAKER. The question now is upon the motion made by the gentleman from North Carolina, [Mr. CLINGMAN,] that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken; and, upon a division, there were—ayes 42, noes not counted.

So the House refused to resolve itself into the Committee of the Whole on the state of the Union.

Mr. ORR. I call for the regular order of business.

The SPEAKER. Reports are in order from the Committee on Invalid Pensions.

QUESTION OF PRIVILEGE.

Mr. WALSH. I rise to a question of privilege. It is well known that there is a question before one branch of this Congress now, and it is shortly expected to come up before this body, which has created a great deal of sensation in the public mind. Without expressing any opinion upon it, either one way or the other, I would like to know, while there is such an immense amount of outside influence brought to bear upon it, whether it is proper for distinguished gentlemen, members of this House, to be seeking information by communication with the other world? [Laughter.] I understand that there has been a rule adopted by this House precluding the introduction of liquor, and I would like to know whether it is proper, in the face of that rule, to introduce spirits upon the Nebraska question, as they have been introduced down stairs, in a room there? [Great Laughter.]

The SPEAKER. Reports are now in order from the Committee on Invalid Pensions.

Mr. TWEED, from the Committee on Invalid Pensions, made adverse reports in the cases of Daniel B. Lewis, Reuben Apperson, and John Stevin; which were laid upon the table, and ordered to be printed.

On motion by Mr. TWEED, it was

Ordered, That the same committee be discharged from the further consideration of the case of the widow of Captain Timothy Newiman, and that the petition and accompanying papers be referred to the Committee on Revolutionary Pensions.

Mr. TWEED also, from the same committee, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"An act for the relief of James M. Lewis."

Mr. VAIL, from the same committee, made an adverse report upon the following cases; which were laid upon the table, and ordered to be printed: The claim of Henry Jackson for a pension, on

account of disability incurred in the Mexican war.

The petition, with accompanying papers, of Charles Bemns, praying for an additional pension, on account of services in the war of 1812.

Mr. VAIL also, from the same committee, reported bills; which were read a first and second time by their titles, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of William Mayo, of the State of Maine;" and

"A bill for the relief of James Walsh."

Mr. STRAUB, from the same committee, made adverse reports in the following cases; which were ordered to lie upon the table, and be printed:

The petition of Lee H. Thomas, of Chambers county, Alabama, for a pension for services rendered the United States during the late war with Great Britain, and in the Indian war of 1836.

The petition of Ephraim Sharp, of Dryden, Tompkins county, in the State of New York, praying for a pension.

Mr. STUART, of Ohio, from the same committee, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Jesse R. Faulkner, of Missouri."

On motion by Mr. STUART, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of House bill No. 234, entitled "A bill to amend the pension laws therein mentioned;" and that the same be referred to the Committee on Revolutionary Pensions.

Mr. S. also made adverse reports in the following cases; and the petitions and papers were ordered to lie upon the table:

The petition of J. N. Newton and others, asking for the passage of a law providing that invalid pensions may be allowed from the time when the pensioners became injured, in the service of the United States, up to the time when their names were entered upon the list of invalid pensions.

The petition of John B. Smith and others, citizens of the State of New York, asking for the passage of a law enabling persons entitled to pensions, under the act of April 24, 1816, to receive said pensions from the time of the passage of said act.

The petition of R. R. Platt, asking for the passage of a law placing him upon the pension roll, as in similar cases.

Mr. CHRISMAN, from the same committee, made adverse reports in the following cases; and the petitions, with accompanying papers, were ordered to lie upon the table:

The petition of Peter Frost, for an increase of pension, dating from the time of his discharge, July 1, 1846.

The petition of sundry citizens of Grand county, State of Kentucky, praying that arrearages of pensions may be paid to George Williams, who was wounded in the war of 1812.

The petition of Judith Taylor, widow of Captain John Taylor, who was killed during the war of 1812, for a pension.

Mr. CHRISMAN also, from the same committee, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed:

"A bill for the relief of Albro Tripp."

Mr. RUSSELL, from the Committee on Printing, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That fifteen hundred extra copies of the annual report of the Postmaster General be printed, for the use of the Post Office Department.

BOOKS FOR NEW MEMBERS.

Mr. CHANDLER, from the Committee on the Library, reported back, with a recommendation that it do pass, joint resolution of the Senate (No. 6) "for supplying new members of the Senate and House of Representatives with such books of a public character as have been heretofore supplied.

Mr. C. moved the previous question on the resolution.

Mr. DAVIS, of Indiana. I rise to make an appeal to the gentleman from Pennsylvania, [Mr.

CHANDLER,] to withdraw the motion for the previous question for a few minutes, to enable me to submit a few remarks in opposition to this resolution. I am now, and ever have been, opposed to this practice of voting money out of the public Treasury for the purchase of a private and political library for members of Congress. I regard it as a flagrant abuse; and I trust the gentleman will withdraw his motion for the previous question, that I may give the reasons, to my constituents and the country, which govern my action.

A MEMBER. Read the resolution.

The Clerk read the joint resolution. It provides that each of the new members of the two Houses of Congress shall be supplied with the same number and description of such books of a public character as were supplied to each member of the Senate or House of Representatives during the last Congress, provided they be furnished by the publishers at prices not exceeding those at which they have heretofore been supplied for the use of members of either House.

Mr. CHANDLER. It is with extreme reluctance that I, at any time, impose the previous question on any gentleman, and if I could be sure that this matter would come up to-morrow morning, I would consent to its postponement until then; otherwise I cannot do it.

Mr. DAVIS. I have no objection to that. Let it be postponed.

[Cries of "Question!!"]

Mr. CHANDLER. I am urged by gentlemen around me to press the resolution now. I therefore demand the previous question, and leave it to the House to decide.

Mr. DAVIS. All I can say is, that I hope the House will vote down the previous question, and let us discuss this matter.

Mr. McMULLIN. I desire some information on the subject now before the House. What is the resolution?

The SPEAKER. It is a resolution from the Senate for the supply of books to new members. It is reported back by the Committee on the Library, with a recommendation that it do pass.

Mr. McMULLIN. I should like to hear it read.

The SPEAKER. The resolution will be read, unless objection is made.

There being no objection, the resolution was again read.

The SPEAKER. On the third reading of this joint resolution, the previous question is demanded.

The previous question was seconded—107 voting in the affirmative; and the main question was ordered to be put.

Mr. JONES, of Tennessee. I move to lay the resolution on the table; and on that I ask for the yeas and nays.

The yeas and nays were not ordered.

The question was then put on the motion to lay the joint resolution on the table; and it was not agreed to.

The resolution was then ordered for a third reading; and having been read the third time, the question recurred, Shall the joint resolution pass?

Mr. CHANDLER demanded the previous question.

Mr. DAVIS, of Indiana. I ask for the yeas and nays.

Mr. CHAMBERLAIN. I trust that the demand for the previous question will be withdrawn for a few moments.

The SPEAKER. The yeas and nays cannot be ordered on the second to the demand for the previous question; but they may on the ordering of the main question.

The previous question was seconded.

The SPEAKER. The Chair understands that, on the ordering of the main question to be put, the gentleman from Indiana [Mr. DAVIS] demands the yeas and nays.

The yeas and nays were not ordered.

The main question was then ordered to be put. Mr. CHAMBERLAIN demanded the yeas and nays on the passage of the resolution.

Mr. EWING demanded tellers on the yeas and nays, but they were not ordered.

Mr. DEAN. I move to lay the resolution on the table.

Mr. EWING. I call for the yeas and nays on that motion. I want the yeas and nays, in some way or other.

The yeas and nays were not ordered.

The question was then taken upon the motion

to lay the resolution on the table, and decided in the negative.

The question then recurred upon the passage of the resolution; and being put, it was decided in the affirmative.

So the resolution was passed.

Mr. CHANDLER. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

Mr. WASHBURN, of Maine. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. VAIL. I ask for tellers upon that motion. Tellers were ordered; and Messrs. VAIL and DEAN appointed.

The question was taken; and the tellers reported—ayes 40, noes not counted.

So the motion was not agreed to.

The SPEAKER resumed the call of committees for reports.

Mr. CHANDLER. I ask now to present the report of the joint committee appointed by the House and the Senate, in reference to the sufferers and rescuers connected with the steamship San Francisco.

The SPEAKER. The joint resolution will be read.

It was read, as follows:

Joint resolution manifesting the sense of Congress towards the officers and seamen of the vessels and others engaged in the rescue of the officers and soldiers of the Army, the passengers, and the officers and crew of the steamship San Francisco, from perishing with the wreck of that vessel.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to procure three valuable gold medals, with suitable devices, one to be presented to Captain Creighton, of the ship Three Bells, of Glasgow; one to Captain Low, of the bark Kilby, of Boston; and one to Captain Stouffer, of the ship Antarctic, as testimonials of national gratitude for their gallant conduct in rescuing about five hundred Americans from the wreck of the steamship San Francisco; and that the cost of the same be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. Resolved, That a sum not exceeding \$100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President to reward, in such manner as he may deem most appropriate, the officers and crews of those vessels that aided in the rescue of the survivors of said wreck, and such other persons as distinguished themselves by offices of humanity and heroism on that occasion; the reward to be proportionate to the nature of the efforts made, and the merit of the services rendered, so far as the same can be ascertained.

The resolution was then read the second time.

The SPEAKER. The resolution contains an appropriation, and it must therefore go to the Committee of the Whole on the state of the Union.

Mr. CHANDLER. I know that it provides an appropriation, and that, according to the rules of the House, it must go to the Committee of the Whole; but it has been resting so long in our hands, and so many events have transpired since it was introduced to occupy the attention of the House, that I hope the House will give their unanimous consent to act upon it at this time.

Mr. JONES, of Tennessee. I believe the rules say, that bills or resolutions providing an appropriation must have their first consideration in the Committee of the Whole on the state of the Union.

The SPEAKER. That is the rule of the House; but the gentleman from Pennsylvania, as the Chair understands, is in the act of appealing to the House to suspend the rules, by unanimous consent.

Mr. CHANDLER. I hope that the House will consent to act upon the resolution now.

The SPEAKER. The gentleman from Pennsylvania asks the unanimous consent of the House to consider the resolution now. Is objection made?

Mr. McMULLIN. I object.

Mr. CHANDLER. I make the motion, then, that the House make this matter a special order for Tuesday next.

The SPEAKER. There is already a special order for that day.

Mr. CHANDLER. I will then say Wednesday next.

The SPEAKER. Is it the unanimous pleasure of the House that the consideration of this resolution be postponed to Wednesday next?

Mr. McMULLIN. I move its reference to the Committee of the Whole on the state of the Union, with a view to its consideration there.

The SPEAKER. That motion is in order, and will be entertained. The gentleman from Pennsylvania, however, asks the unanimous consent to make the resolution the special order for Wednesday next.

Mr. HUNT. I hope that the House will grant unanimous consent to the gentleman from Pennsylvania to make his motion. This is a matter which properly presses itself upon the attention of the country—

The SPEAKER. The Chair must remind the gentleman from Louisiana that there is a special rule of the House requiring bills or resolutions which contain appropriations to be referred to the Committee of the Whole on the state of the Union, and if any member objects to their consideration when introduced, they must go there.

Mr. HUNT. I was perfectly aware of the rule; but there was only one gentleman objecting to its consideration, and I hope that he will withdraw his objection.

Mr. McMULLIN. I can inform my friend from Louisiana that I was not the only member objecting, but that there were several members who objected.

Mr. HUNT. I am mistaken, then, it seems.

Mr. BOCK. I object to making this matter a special order, upon the ground that I endeavored to get a bill to authorize the construction of steam frigates made a special order, but the House refused to do it.

The SPEAKER. The question now pending is upon referring this joint resolution to the Committee of the Whole on the state of the Union.

Mr. CUTTING. Will the chairman of the Committee on Military Affairs inform the House what action they had upon this matter?

Mr. BISSELL. I will inform the gentleman from New York, that the Committee on Military Affairs took the subject up with a view of considering it; but, upon understanding that the Select Committee were about ready to make a report, they concluded to defer action until that report should be made, in order that there might not be any conflict in the action of the two committees.

Mr. CUTTING. I would ask whether a report has not been made by the Committee on Military Affairs upon the same subject, and what disposition was made of the bill so reported?

The SPEAKER. The bill reported by them was passed a few days since.

Mr. CUTTING. That was another bill.

Mr. BISSELL. It was the bill for the relief of the sufferers on board of the San Francisco, which came from the Senate, but which has been sent back to the Senate with the non-concurrence of the House in one of its amendments. I thought that the gentleman referred to the bill rewarding the captains and officers of the ships that rescued the San Francisco.

The SPEAKER. The question is upon the motion to refer the joint resolution to the Committee of the Whole on the state of the Union.

Mr. CHANDLER. Is that motion debatable?

The SPEAKER. The rules of the House require that all bills or joint resolutions making appropriations shall be first considered in the Committee of the Whole; and, inasmuch as this resolution makes an appropriation, the Chair thinks it is not debatable, but that it must go to the Committee of the Whole, and that it may go there without the vote of the House.

Mr. TAYLOR, of Ohio. I desire to inquire if it has not been the usual practice of the House to allow debate upon motions to commit to the Committee of the Whole?

The SPEAKER. It is the opinion of the Chair that a bill containing an appropriation cannot be first considered in the House, and therefore that the motion to refer to the Committee of the Whole is not debatable. How far it might be competent for the gentleman to discuss the motion to print is another question; but the rule is quite clear as to the motion to refer.

Mr. TAYLOR. Does the Speaker decide that we have no right to debate a motion to commit?

The SPEAKER. The Chair decides that it is not in order to debate first in the House any bill containing an appropriation.

Mr. HUNT. We are not proposing to debate the bill. It is only proposed to discuss the question of reference. When a bill is presented in the House, and a motion is made to refer it to a certain committee, is not that motion regularly

before the House, and is it not subject to discussion?

The SPEAKER. There is no such motion to refer to any standing committee pending, that the Chair is aware of.

Mr. HUNT. I understood my friend from Virginia, [Mr. McMULLIN,] to move to refer the resolution to the Committee of the Whole; and that it was this motion of reference which the gentleman from Pennsylvania proposed to discuss.

The SPEAKER. The Chair decides that the motion cannot be debated, under the 133d rule of this House, which is as follows:

"All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House."

Mr. CHANDLER. It is very evident that if this bill is referred to the Committee of the Whole on the state of the Union, there will be divers other shipwrecks before it will ever be reached, and any action taken upon it there. I propose, therefore, if it be in order, to move to recommit the bill to the Committee on the Library.

The SPEAKER. The motion is in order, but the motion to refer to the Committee of the Whole on the state of the Union takes precedence, and must be first put.

Mr. ORR. I would suggest to my friend from Pennsylvania that he can accomplish his purpose by allowing the resolution to go to the Committee of the Whole on the state of the Union, and then, on Monday next, under a suspension of the rules, he can have it made a special order. In this manner he can insure to it an early action upon the part of the House.

Mr. CHANDLER. With that understanding, I have no objection to its going to the Committee of the Whole on the state of the Union. My only object is to secure for it the action of the House at an early day.

The question was then put upon Mr. McMULLIN's motion, and decided in the affirmative.

So the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. RIDDLE. I desire to remind the Chair, that, in calling the committees for reports, he has omitted to call the Committee on Engraving.

The SPEAKER. The Committee on Engraving is a privileged committee, and has the right to report at any time.

Mr. RIDDLE. I am instructed by the Committee on Engraving to report the following resolution:

Resolved, That the Committee on Engraving be, and they are hereby, authorized and directed to have lithographed and printed the maps accompanying the report of the Secretary of War on the exploration of the routes for the Pacific railroad: Provided, That the cost shall not exceed \$75.

The Committee on Engraving thought that this was a subject in which the House was very much interested, and as the work involves so little cost, they authorized me to offer this resolution.

The question was then taken on the resolution, and it was agreed to.

Mr. BRECKINRIDGE, from the Committee of Ways and Means, reported "A bill to provide for the completion of certain custom-houses and marine hospitals therein mentioned;" which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HAVEN. I move that the Committee of Ways and Means be discharged from the further consideration of the resolution adopted by the grand jury of Philadelphia, with reference to post office accommodations in that city. The resolution does not appropriately belong to the Ways and Means.

The motion was agreed to.

Mr. HAVEN. I desire now to give the gentleman from Philadelphia [Mr. CHANDLER] an opportunity of moving to refer the resolution to such committee as he thinks the proper one.

Mr. ORR. I would suggest the Committee on Public Buildings and Grounds.

Mr. HAVEN. It seems to me that it might appropriately go to the Committee on the Post Office and Post Roads.

Mr. CHANDLER. Will the gentleman from New York allow me to say, that I understand the Committee on the Post Office and Post Roads does not intend to take any action with reference to post office buildings. I can only say that there will soon be no accommodation for the Philadel-

phia post office, as there is not room for it in the building in which it is at present situated.

I sent some memorials on this subject to the Committee on the Judiciary recently, and perhaps this resolution had better go to that committee also. I move that it be so referred.

The motion was agreed to.

Mr. HAVEN, from the Committee of Ways and Means, reported back House bill (No. 47) "making appropriation for the support of the Military Academy for the year ending 30th June, 1855;" with a recommendation that the House disagree to the amendments proposed by the Senate to the bill.

The bill and amendments were referred to the Committee of the Whole on the state of the Union.

Mr. HAVEN. Has the bill making appropriation for custom-houses and marine hospitals been referred?

The SPEAKER. It has been referred to the Committee of the Whole on the state of the Union.

Mr. HAVEN. Then I desire to say to the Chair that I will withdraw the motion which I submitted yesterday, to reconsider the vote by which the deficiency bill was referred to the Committee of the Whole on the state of the Union.

The SPEAKER. That can only be done by unanimous consent. If there be no objection, however, the gentleman will have leave to withdraw the motion.

No objection being made, the motion to reconsider was then withdrawn.

Mr. MACE, from the Committee of Claims, reported a bill "for the relief of General John E. Wool;" which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and, together with the accompanying report, ordered to be printed.

Mr. MACE, from the same committee, reported a bill "for the relief of the legal representatives of Colonel Francis Vigo, deceased;" which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. EDGERTON, from the Committee of Claims, to whom was referred the petition of A. F. Clifton, made an adverse report thereon; which was ordered to lie upon the table, and be printed.

Mr. EDGERTON, from the same committee, reported back bill of the Senate "for the relief of Priscilla C. Simonds;" with a written recommendation that it be rejected.

The bill was referred to a Committee of the Whole House, made the order of the day for to-morrow, and, together with the accompanying report, was ordered to be printed.

Mr. EDGERTON. I am also directed, by the same committee, to report the following resolution:

Resolved, That there be paid out of the contingent fund of the House, to John Lee, \$250; it being the sum withheld from him by Richard M. Young, when clerk of this House.

The question was put, and the resolution was adopted.

On motion by Mr. CURTIS, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of Allan Mead and others, asking compensation for losses sustained by John Mead, during the war of the Revolution; and that it be referred to the Committee on Revolutionary Claims.

On motion by Mr. CURTIS, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of John Baldwin, asking for the payment of a balance under a contract with the Navy Department; and that it be referred to the Committee on Naval Affairs.

Mr. LETCHER, from the Committee of Claims, made an adverse report on the petition of John T. Ball, praying for extra pay for services rendered in the office of the Clerk of the House of Representatives; and it was ordered to lie on the table.

Mr. FULLER. I am directed by the Committee on Commerce, to report back, with certain amendments, Senate bill (No. 39) "to extend the warehousing system, by establishing private bonded warehouses, and for other purposes." And I am directed to ask that the bill and amendments, and the letter of the Secretary of the Treasury, together with the letter of the collector of customs

of New Orleans accompanying them, be printed; and that the bill and amendments be referred to the Committee of the Whole on the state of the Union.

It was so ordered.

Mr. FULLER. I now move to reconsider that motion, and I ask to make a word of explanation why I do so. When the bill and amendments and letters are printed the House will see that there is a necessity for immediate action in the matter. And after they have been printed I propose, at the proper time, to call the attention of the House to the matter, and to ask for its consideration.

Mr. DUNBAR. I am directed by the Committee on Commerce to report back, with a recommendation that it do pass, Senate bill (No. 55) "to extend the limits of the port of New Orleans."

The SPEAKER. What motion does the gentleman make in reference to it?

Mr. DUNBAR. I ask that the bill be put upon its passage. There will be, I believe, no objection made to it. I request that the bill be now read.

The Clerk reported the bill, as follows:

"That the port of New Orleans be so extended as to embrace the right bank of the Mississippi river for the same distance up the said bank as it now extends on the left bank."

The bill was then ordered for a third reading; and it was read the third time, and passed.

On motion by Mr. DUNBAR, it was

Ordered, That the Committee on Commerce, to whom was referred House bill No. 113, upon the same subject, be discharged from its further consideration, and that the same be laid upon the table.

Mr. MILLSON, from the Committee on Commerce, reported back, with a recommendation that it do not pass, Senate bill (No. 50) "for the relief of the legal representatives of Noah Miller, of Lincolnville, in the State of Maine, and for the relief of other persons."

The bill was ordered to lie upon the table, and the report to be printed.

Mr. STEPHENS, of Georgia. Has the morning hour expired?

The SPEAKER. It has.

Mr. STEPHENS. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put, and the motion was agreed to.

HOMESTEAD BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

The CHAIRMAN stated that the business before the committee was the consideration of House bill (No. 37) "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified;" and that the gentleman from South Carolina [Mr. BOYCE] was entitled to the floor.

Mr. BOYCE addressed the committee on the subject of the tariff. He advocated such a system as would impose the least amount of taxation upon the people possible by which the Government could be supported. He maintained, that any tariff system which cherished and protected one branch of industry at the expense of others was unconstitutional. He was opposed to the principle of levying upon the people a tax to build up any system of manufacture which was in itself unprofitable; and maintained that the proper principle of economy for the United States was to buy in the cheapest market and sell in the dearest.

[The speech will be found in the Appendix.]

Mr. STEPHENS, of Georgia, here obtained the floor.

Mr. HAVEN. The gentleman from Georgia is laboring under ill health, and, with his permission, I will move that the committee do now rise.

The CHAIRMAN. With the indulgence of the House, the Chair would suggest that the gentleman from Georgia, being in ill health, desires to speak the first thing to-morrow morning. If he will give way, other gentlemen can occupy the floor this afternoon, and, by unanimous consent,

the gentleman from Georgia can have the floor to-morrow morning.

[Cries of "Yes!" "Yes!"]

Mr. JONES, of Tennessee. I would suggest that to-morrow is private bill day, and private bill days are excepted out of the special order. Yet, if they think proper, the House can go into committee, notwithstanding.

Mr. STEPHENS. I am perfectly willing to yield the floor, with the understanding that the next time the House goes into committee I shall have the floor upon this bill.

[Cries of "Agreed!" "Agreed!"]

The CHAIRMAN. If there is no objection, that understanding will be considered as the pleasure of the House.

No objection being made, Mr. STEPHENS yielded the floor, and

Mr. SAPP obtained it, who addressed the committee in favor of the homestead policy, maintaining that it was constitutional and wise. [This speech will be found in the Appendix.]

Having concluded—

Mr. KERR obtained the floor.

Mr. DEAN. Will the gentleman from Georgia yield the floor, to enable me to make a motion.

The CHAIRMAN. The Chair would remark to the gentleman from North Carolina, [Mr. KERR,] that the gentleman from Georgia is entitled to the floor, and has, in consequence of indisposition, postponed addressing the House until to-morrow morning. That gentleman will therefore be heard first to-morrow; but as the gentleman from North Carolina has now obtained the floor, it will be given to him next after the gentleman from Georgia.

Mr. DEAN. I move that the committee do now rise.

The question was put, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman (Mr. OLDS) reported to the House that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and especially House bill No. 37—being the homestead bill—and had come to no resolution thereon.

Mr. McMULLIN. I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

The House accordingly adjourned, at half-past three o'clock, p. m., till to-morrow.

IN SENATE.

FRIDAY, February 17, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. MORTON. I ask leave to withdraw from the files of the Senate the memorial of Charles Evans and others, for losses sustained by the occupation of their land by troops of the United States in 1814.

The PRESIDENT. No motion of the kind can be entertained. This is private bill day.

Mr. MORTON. I hope the Senate will grant me unanimous consent to have these papers withdrawn, and referred to the Committee on Foreign Relations.

There being no objection, leave was granted.

Mr. PRATT. Now let us go on with private bills.

The PRESIDENT. If there be any objection the Chair cannot entertain any motion in reference to any business except private bills.

Mr. PRATT. If we are to take up the Private Calendar we had better proceed with it at once. If on the other hand, it is the desire of the Senate not to proceed with private business, we had better take up the special order immediately.

Mr. PETTIT. I wish to make some reports from the Committee on Private Land Claims.

Mr. PRATT. The rule is that the Private Calendar shall be taken up to the exclusion of all other business.

Mr. PETTIT. I wish to know what the rule is—whether it applies to the Private Calendar alone, or to private bills?

The PRESIDENT. The rule is as follows:

Resolved, That for the residue of the present session,

every Friday shall be set apart exclusive for the consideration of private bills on the general orders of the day; and that on the first Friday of every month, no such bill shall be taken up to which there may be objection, or the consideration of which may lead to debate.

Mr. FOOT. I do not propose to commit any breach of the rule, but I ask the indulgence of the Senate, and their unanimous consent, to allow me to make a report from the Committee on Public Lands, which I had not the opportunity to make yesterday morning. It is important that the report should be presented now. It is a railroad bill. I desire to have it deferred for consideration until Monday morning with the other bills which have been assigned for that day. I presume there will be no objection to that.

Mr. PRATT. I feel very reluctant to do an act of discourtesy towards any one. Such is not my intention certainly. But the rule of the Senate is that to-day is to be exclusively occupied in the consideration of private bills which have been heretofore reported, and are upon the Calendar. Now, sir, if it be the desire of the Senate that we shall depart for to-day from that rule, well and good; but if we are to proceed with the Private Calendar, let us commence at once. For the last two or three Fridays the consideration of private bills on the Calendar has been broken in upon. I hope my friend from Vermont [Mr. Foot] will not suppose that it is from any indisposition to indulge him in reporting his bill that I object.

Mr. FOOT. Certainly not.

The PRESIDENT. Objection being made, the Senate will now proceed to the consideration of private bills.

Mr. SHIELDS. I desire to inquire whether the rule excludes the introduction of private bills?

The PRESIDENT. It does. It excludes everything but the consideration of private bills on the Calendar.

HODGES, LANSDALE, AND JOHNSON.

The Senate, as in Committee of the Whole, resumed the consideration of the bill reported from the Committee of Claims, for the relief of Hodges and Lansdale, and of the legal representatives of Rinaldo Johnson, and of Ann E. Johnson, deceased.

It proposes to direct the proper accounting officer of the Treasury to audit their claims for tobacco destroyed by the British in 1814, at the warehouses at Nottingham and Magruder's Ferry, Prince George's county, Maryland, and from such competent proof as may be exhibited to them, within six months after the passage of the bill, ascertain the quantity and value of the tobacco so destroyed, and pay the amount.

Mr. BAYARD. I desire to make some remarks upon the bill. Before doing so, I ask for the reading of the report of the Committee of Claims.

The report was accordingly read.

Commodore Barney, in 1814, commanded the United States flotilla, designed by the American Government to protect the Chesapeake bay and its tributaries from the naval force of the enemy. To prevent the capture of the vessels under his command, he was compelled to abandon the Chesapeake, and was induced to sail up the Patuxet river, one of its tributaries, with the hope that the British would be unable, or at least unwilling, to follow with their larger vessels. This expectation, however, was not realized. He was pursued by the enemy, and was compelled to blow up his vessels to prevent their capture. From that period the Patuxet river was occupied by the naval forces of the enemy, and became the point from which various military expeditions were ordered against the surrounding country, terminating with the capture of Washington, and the burning of the Capitol. General Winder was placed in command of this military division; the militia was called out to resist the landing of the British forces, and for a considerable period were successful; in several instances in preventing the landing, and in all instances in driving the enemy back to their vessels.

Two public warehouses had been erected many years before this period, upon the margin of the Patuxet, for the inspection and deposit of the tobacco grown by the citizens of Prince George's county—one at the village of Nottingham, the other at Magruder's Ferry. These houses were in 1814 filled with hogsheads of tobacco, the property of the planters of that county, or of mer-

chants who had purchased it for shipment; and the tobacco for which remuneration is now claimed by the petitioner, R. Johnson, had been deposited in the warehouse at Magruder's Ferry, and the tobacco for which payment is asked by Hodges & Lansdale was deposited in the warehouse at Nottingham. The warehouse at Magruder's Ferry was burned by the British, with all the tobacco it contained; and all the tobacco in the warehouse at Nottingham was either taken away or burned by the enemy.

The petitioners could not have claimed indemnity under the general laws of 1816 and 1817, because the relief designed to be afforded by those acts expressly and exclusively applied to injuries to real property.

The committee, however, were unable to recognize the force or propriety of the distinction which makes the United States liable for real property destroyed by the enemy, and which exempts the Government from liability for personal property destroyed under the same circumstances; and they were of opinion that the United States should be held liable to reimburse her citizens, whenever private property has been (in accordance with the usages of civilized warfare) destroyed by a public enemy, because of its use for military purposes by the authority of an officer or agent of the Government.

In reference to the warehouse at Magruder's Ferry, it appears that a considerable American force was stationed behind it. Being filled with tobacco, it afforded complete protection against the cannon of the enemy; and a battle was fought with the British vessels, which continued until the ammunition of our troops was exhausted, and they were consequently obliged to retreat. Upon the retreat of the American force, the British landed and burned the warehouse, with the tobacco of the petitioner, R. Johnson, and others therein contained. In regard to the tobacco destroyed at the Nottingham warehouse, it appears that this warehouse was for a considerable time the depository of the military stores intended for the use of the militia employed in the defense of this exposed section of Maryland; and that upon one occasion the tobacco was rolled, by the directions of the officer in command, from this house, with which a breastwork was formed, from behind which the enemy were fought and repulsed. It also appears that when the enemy subsequently landed and proceeded to Washington, they destroyed or took away all the tobacco deposited in this warehouse, which belonged to the petitioners, Hodges & Lansdale, and others.

There are many precedents to show that the Government have paid for personal property destroyed under similar circumstances.

Mr. SHIELDS. Mr. President, it strikes me that that bill carries the principle of indemnification very far; much further than any general law can carry it. The accidents of war are such that no nation can, in my opinion, indemnify private individuals for all the losses that occur. Now, the principle of that bill, if carried out, would require the Government, in case a city is bombarded, and property in that city is destroyed by such bombardment, to indemnify the citizens who suffer losses in consequence of it.

I do not believe that principle could be maintained in any country. There are certain cases where a Government is bound to make up for losses—that is, where the Government itself takes possession of a house. A general law provides for that, or where the Government troops take possession of a house, and for the time being convert it into a fortification, and in consequence of such occupation the house is destroyed. Then the Government ought to make up for the loss; but when it is one of the inevitable and unavoidable casualties of war, such as the destruction of a city, or the destruction of property by an enemy, then I hold the Government is not bound to make up the loss.

When war is carried into a country, the citizens of that country must share a portion of the calamities of that war. The Government cannot indemnify all those who may by possibility suffer a loss. No Government does.

What has struck me in this bill is the length to which the principle will carry indemnification. If we act upon the principle, and an enemy should bombard any of our cities, as the Americans bombarded Vera Cruz, it will become an obligation

and the duty of the Government to make up the losses of private citizens who suffer in consequence of that bombardment. It seems to me, no Government could indemnify them. It may be such that it would be impossible for any exchequer to meet the demand. I only mention this because the bill seems to carry the principle too far.

Mr. BAYARD. I understand the Senator from New York [Mr. Seward] proposes at one o'clock to request the Senate to proceed to the consideration of the Nebraska bill. If that be so, it would be idle for me now to go into the discussion of the principles connected with this claim.

This claim, in common with a great number of others, was referred to me when I became a member of the Committee of Claims at the first session when I was a member of this body. After giving to these cases the best consideration which I could, I made up my own opinion against them, though my view was contrary to that of the majority of the committee; and I wish now to assign at length, as the principles of this bill embrace a class of cases, my reasons for opposition to the whole. I wish to discuss the principles upon which the bill is framed, and the application of the facts which are proved in the case to the principle upon which the bill is said to be founded. It will take some time, probably, to do that; and if the discussion is to be interrupted at one o'clock, I should think it would be almost useless for me to attempt to proceed now; but if, on the contrary, it is intended to devote this day entirely to private bills, I am perfectly ready and willing to go on.

I only wish to know what the sense of the Senate is as to this point. The Senator from New York is under the impression that, at one o'clock, he will be permitted to proceed with his remarks on the Nebraska bill. If that is the case—if it is the understanding of the Senate that the discussion of the Nebraska bill shall be resumed at one o'clock, I presume it will not be proper to go on with the discussion of this bill now. I think it would be more agreeable to the honorable Senator from Maryland, [Mr. Pratt], who takes a different view of the case from what I do, not to devote a portion of the day to a partial discussion of this matter, and then postpone it. I desire to know the sense of the Senate upon that point, before going on with any remarks which I may have to make, and which will probably be somewhat enlarged. With a view to test the sense of the Senate, I move to postpone the further consideration of the bill until to-morrow.

Mr. BRODHEAD. I supposed that this question was settled when the Senate met this morning—that this day, under the rule, was to be devoted exclusively to the consideration of private bills on the Calendar. If, however, there was a general understanding to the contrary yesterday, I yield to that understanding. I do not wish to interpose a single objection to what is the general sense of the Senate. I never will do that. I do not think it is right, when a large majority of the Senate desires to proceed with any measure of public business, for me to interpose my single objection.

Mr. PRATT. I wish to have the yeas and nays upon the motion to postpone, so as to ascertain whether it is the sense of the Senate.

Mr. ADAMS. Before the vote is taken on the motion of the Senator from Delaware, I wish to say that I think this bill passed the Senate after a full discussion at the last session of Congress. The sense of the Senate was then ascertained upon this particular bill; but there may be some change of opinion since that time, and Senators may desire to express the reasons for that change. I should like, however, before the question is taken upon the pending motion, to call the attention of the Senator from Illinois [Mr. Shields] to a feature in this case, differing from the principle which he thinks it involves. I am confident that if he looks into the facts of the case he will not only change his views, but will vote for the bill.

Mr. PRATT. He voted for it last year.

Mr. ADAMS. I have not investigated this claim at this session of Congress; but, if I recollect it aright, from what occurred at the last session, I think it is not one of that class of cases to which the objection of the Senator from Illinois would apply. The principle on which this bill is reported is this: The property proposed to be paid for by the bill was used as a means of defense, and the proof shows that it was destroyed

by the enemy in consequence of having been used by our troops as a means of defense.

That is my recollection of the nature of the claim, and it is the reason why it is taken out of the exception for which the Senator from Illinois contends. I am confident it does not come within the rule laid down by him; and if he finds that I am right in this, I know his generous disposition will induce him to vote for the bill if it is right.

The yeas and nays were ordered.

Mr. PRATT. I imagine, sir, that private claims will have to yield to the public business of the Senate; and therefore that this bill will not be discussed to-day. In justice to the claimants, and to those who under this bill stand in the same position, it may be appropriate that I should give some of the facts of the case, so as to disabuse the mind of my honorable friend from Illinois, [Mr. SHIELDS,] and those who have heard his speech.

Under the general law of 1816, the Government of the United States bound itself to pay for all houses and buildings which were destroyed by the enemy, where the destruction was caused by the occupancy of such houses by the military forces of the United States, or the agents of the United States. The principle of the present bill is, that the Government is equally bound to pay for personal property, where that personal property was rightfully destroyed by a foreign enemy, in accordance with the usages of civilized warfare, in consequence of its use by the officers or Army of the United States. The committee who reported the bill, as they state in the report, have been unable to comprehend a difference between an obligation to pay for a house which is destroyed, because that house is occupied by the Army of the United States, under the authority of the Government, and the obligation to pay for the personal property of an American citizen which is destroyed with the house.

Now, if the committee are right, I would ask my honorable friend (between now and the next day when private bills shall come up) to consider whether he can form in his own mind a distinction between the obligation to pay for personal property which happens to be in a house occupied by the American forces and destroyed in consequence of such occupancy, and the obligation to pay for the house itself.

Again, sir, I desire to throw out another view of this question for my honorable friend from Delaware, [Mr. BAYARD,] that he may consider it. The tobacco claimed by one of the parties to be paid for was taken away by the British after their retreat from the city of Washington. The other was destroyed. My honorable friend from Delaware voted the day before yesterday, and always has advocated, the payment of the claims for French spoliation. I see that he smiles with incredulity at the idea that there is any analogy between the two cases; but I desire him to consider this view.

Under the treaty of Ghent, Great Britain obliged herself to pay for the property of citizens of the United States taken away by the British army. The two Governments were unable to agree in reference to that subject, and the whole question was referred to the Emperor of Russia. That potentate decided, that under the first article of the treaty of Ghent, Great Britain had obligated herself to pay for all the property of citizens of this country which was taken away by her forces at the end of the war, or during the war of 1812-1814.

After this decision of the Emperor of Russia, a convention was held between the two Governments of the United States and Great Britain, by which the stipulations of the treaty of Ghent, as decided upon by the Emperor of Russia, were altered to this extent: Great Britain agreed with the United States, in lieu of this general obligation, to pay for all property taken away, to pay the gross sum of about \$1,400,000 to the United States, and the United States, in consideration of the receipt of that amount of money, agreed to pay its citizens for all property which had been taken away; which, under the first article of the treaty of Ghent and the decision of the Emperor of Russia, the Government of Great Britain was bound to pay for. The article of the treaty is in these words:

"ART. I. His Majesty, the King of the United Kingdom of Great Britain and Ireland, agrees to pay, and the United States of America agree to receive, for the use of the per-

sons entitled to indemnification and compensation, by virtue of the said decision and convention, the sum of twelve hundred and four thousand nine hundred and sixty dollars, current money of the United States, in lieu, of, and in full and complete satisfaction for, all sums claimed or claimable from Great Britain, by any person or persons whatever, under the said decision and convention."

Now, sir, the money which was thus received by the United States from Great Britain, was applied exclusively in the payment for slaves taken, I believe, from Maryland and Virginia alone, during the war of 1812. The article of the treaty of Ghent, and the decision of the Emperor of Russia, applied as well to all other property as to slaves. The decision of the Emperor of Russia was:

"That the United States of America are entitled to a just indemnification from Great Britain, for all private property carried away by the British forces, and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories."

Here, then, was the consequent obligation on the part of the British Government to pay, not merely for slaves, but for all property taken away by the British during the period of that war; and when the United States received \$1,204,960, and obliged themselves to settle with the American citizens for all the property which was taken, they placed themselves, in reference to the claims under the treaty at Ghent, precisely in the position which they occupied in reference to the claims for spoliations committed by the French prior to 1800.

I have made these remarks because I thought it was necessary to disabuse the mind of my honorable friend from Illinois of the false impression which he has taken in reference to the facts of this case. My recollection is, that after the discussion of last year, my honorable friend went with me in voting for this bill. I know that my friend from Michigan, [Mr. CASS,] who expressed, in his seat, his concurrence with the views of the Senator from Illinois, did vote for it. The principle in the bill is simply that personal property should be paid for as well as real property, when destroyed under the same circumstances. If this were real property, the Government, under the law of 1816, would be obliged to pay for it. If my friend can draw a distinction between the obligation to pay for property destroyed in a house, and the obligation to pay for the house itself, it is a distinction which I cannot draw or understand.

Mr. SHIELDS. I will examine the facts in this case between now and next Friday, and it is very likely I may change my view of the subject. If I find that the bill comes within the principle which I have laid down as the correct principle, I shall vote for it; but it struck me, on hearing the reading of the report, that it did not come within that principle. The true principle I take to be this: A Government pays for property which itself destroys, or which it is the cause of being destroyed.

Mr. PRATT. That is it.

Mr. SHIELDS. But it does not pay for all property destroyed by the enemy. If the bill comes within this principle I shall vote for it.

Mr. BAYARD. Though the case is to go over until next week, I cannot allow the remarks of the Senator from Maryland to go without some additional ones from me. I think the distinction very obvious between the principle on which the claimants for French spoliations are entitled to relief from Congress, and the principle upon which the class of cases now before you, under the treaty of Ghent, rests. It seems to me so; and I think I can show by previous repeated reports of committees—for I do not rely on my own opinion alone—that the distinction to which the Senator from Maryland objects has been recognized, and recognized on principles, I may say, incontrovertible as between real and personal property.

I may mention one ground of distinction which has been taken, and which applies to the whole class of cases. It is this: The principle on which you give relief at all in such cases is, that where the enemy destroys property according to the usages of civilized warfare, you should compensate your citizen who suffers by that destruction, if the destruction has been in consequence of your having imparted to that property such a character as justifies it. I hold that that cannot take place as to personal property at all. It may as to realty. You may convert houses into bar-

racks; you may make them places of military deposit, and you may justify their destruction by the enemy under these circumstances; and then you are bound to compensate your own citizen who suffers.

But if you take possession of property for barracks purposes, or for purposes of military deposit, the possession of the Government must be exclusive in its character, and the individual has no right to permit his personal property to remain there; and you impress upon it no character which justifies the enemy in its destruction, according to the usages of civilized warfare.

This is a principle which I wish to discuss when we come to the discussion of this claim. For the present, I adhere to my motion to postpone.

Mr. PRATT. There is one point which I wish my friend from Delaware to bear in mind, and it is that this tobacco was taken possession of by our army, and with it a breastwork was formed, from which the battle was fought. I withdraw the call for the yeas and nays, and submit to the manifest desire of the Senator to postpone the consideration of this bill.

The PRESIDENT. It will require unanimous consent.

There being no objection, the question was not taken by yeas and nays.

The motion to postpone was agreed to.

JOSEPH CAMPAU.

On motion by Mr. STUART, the bill for the relief of Joseph Campau was read a second time, and considered in Committee of the Whole. It proposes to confirm his claim to the tract of land occupied by him, lying in township six north, of range seventeen east, in the State of Michigan.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

CONTRACTS ON THE CAPITOL.

The joint resolution from the House of Representatives, authorizing a supplemental contract for certain marble for the Capitol extension, was read a first and second time by its title; and, on motion by Mr. BAYARD, referred to the Committee on Printing.

JOHN DEVLIN.

On motion by Mr. SHIELDS, the bill for the relief of John Devlin was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to cause the claim of John Devlin, for services as temporary clerk in the Fifth Auditor's Office, in 1837 and 1838, to be settled, and to pay him such sum as may be found due, not exceeding \$1,366.

It appears that John Devlin was employed to discharge the duties of two regular clerks in the Fifth Auditor's Office who were absent, and whose business could not be postponed, and was subsequently retained in the office, and usefully occupied in the service of the Government for thirteen months. The reason why he was not paid was, that there was no fund provided for his compensation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

JOHN P. McELDERRY.

On motion by Mr. BRODHEAD, the bill for the relief of John P. McElderry was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Navy to cause to be paid to Mr. McElderry \$133 33, in full for his services as a clerk in the Bureau of Yards and Docks, in the months of May and June, 1851.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

IRA DAY.

Mr. FOOT. I ask the Senate now to proceed to the consideration of the bill for the relief of Ira Day, of Vermont. It passed the Senate, it will be recollected, during the last Congress, and then a very full and elaborate discussion was had upon it, in regard to the question of the payment of interest upon the claim, which was then reported by the committee. It passed the Senate then with the allowance of interest; but the Committee on the Post Office and Post Roads have now reported the bill for the payment of the principal sum only, without interest.

The PRESIDENT. The bill has not been returned from the printer, and therefore cannot be taken up.

RAILROADS IN ALABAMA.

Mr. FOOT, by unanimous consent, from the Committee on Public Lands, to whom was referred a bill making a grant of land to the State of Alabama, in alternate sections, to aid in the construction of a railroad from the line of Georgia, on the Chattahoochee river, to the city of Mobile, reported it without amendment, and submitted a report recommending its passage; which was ordered to be printed.

Mr. FOOT. I move that the consideration of this bill be assigned for Monday next, in connection with other bills of a similar character, which have been postponed until that day.

The motion was agreed to.

ADJOURNMENT OVER.

Mr. SHIELDS. Before the Nebraska bill is taken up, as I do not see in his seat the honorable Senator from North Carolina, whose special prerogative it is to make the usual motion to-day; I move that when the Senate adjourn, it be to meet on Monday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. McKean, its Chief Clerk, announcing that it had passed a bill and joint resolution of the Senate, of the following titles:

"An act to extend the limits of the port of New Orleans;" and

"Joint resolution for supplying new members of the Senate and House of Representatives with such books, of a public character, as have been heretofore supplied."

Also, that the Speaker had signed the following enrolled bills:

"Bill to confirm to Hercules L. Dousman his title to farm lot No. 32, adjoining the town of Prairie du Chien, in the State of Wisconsin;"

"Bill supplemental to an act entitled 'An act to ascertain and settle the private land claims the State of California,' approved March 3, 1851," and

"Bill for the relief of William Blake."

INDIANA UNIVERSITY LAND.

A message was received from the House of Representatives, by Mr. Forney, its Clerk, announcing that it had passed the bill of the Senate to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union, in 1816.

TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. SEWARD. Mr. President, it is somewhat out of order, owing to the derangement of the business of the Senate this morning; but, nevertheless, having received from his Excellency, the Governor of the State of New York, the resolutions of the Senate and Assembly of that State, remonstrating against the passage of this bill, I ask leave to present them now, and ask that they may be read, and ordered to be printed.

The resolutions were read, and ordered to be printed.

Mr. SEWARD then addressed the Senate at length in opposition to the Nebraska and Kansas Territorial bill, and against any interference with the Missouri compromise. [His speech will be found in the Appendix.]

Mr. PETIT. I desire to address the Senate on this question. As the day is far spent, I do not desire to proceed now; but for the purpose of addressing the Senate on Monday next, I move that the further consideration of the subject be postponed until that day.

Mr. SUMNER. I would like to suggest, also, that I design to take the floor at an early day and address the Senate on this subject, and, with the permission of the Senate, I shall be glad to follow the Senator from Indiana on Tuesday.

Mr. DAWSON. I desire to ask whether, if we accept the proposition made by the Senator from Massachusetts, taking day after day in this way, when he says he desires to address the Senate after another Senator, he acquires any parliamentary right, other than from our courtesy, to the floor? I have no objection, of course, to hearing the honorable Senator—

Mr. SUMNER. I make the announcement only as a matter of notice.

The motion to postpone was agreed to.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 17, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order is upon the motion of the gentleman from Tennessee [Mr. JONES] to lay upon the table the bill which will be reported by the Clerk.

The title of the bill was then read, as follows:

"An act to indemnify the State of Indiana for the failure of a title to a township of land granted to said State on her admission into the Union in 1816."

THE NEBRASKA QUESTION.

Mr. DEAN. I have received, this morning, a letter from the Governor of the State of New York, transmitting joint resolutions of the Senate and Assembly of that State, passed on the 8th of February, instant, in relation to the territorial question now before Congress. I ask that these resolutions, together with the letter of the Governor, be read, and that they be laid upon the table, and printed.

Mr. CLINGMAN. It is not necessary to read them.

Mr. HENDRICKS. Let them be read.

The SPEAKER. If there be no objection, the resolutions will be read.

Mr. WALSH. I object to the reading. I have a copy in my possession if any gentleman wishes to read them.

Mr. CLINGMAN. I hope there will be no objection to their reception, and as to the reading it is not customary in such cases.

Mr. DEAN. I believe it is usual to read the resolutions of any sovereign State upon any subject pending before Congress.

Mr. CLINGMAN. I hope there will be no objection to the reception, and as to the reading it is not material one way or the other.

The SPEAKER. Is the objection withdrawn? Mr. WALSH. It is not. I objected to the reading, and not to the reception.

Mr. DEAN. I suppose they may be read by the order of the House?

The SPEAKER. The resolutions are received by unanimous consent, and it is in order, after papers are received, to read them, if desired.

[Many MEMBERS. "Read!" "Read!"]

The resolutions were then read, as follows:

Resolved, (if the Senate concur,) That we view with deep regret, and with unfeigned alarm, the proposition contained in a bill to organize the Territory of Nebraska, submitted on the 23d day of January, 1854, to the Senate of the United States, from the Committee on Territories, whereby it is declared that the "eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and it is hereby declared 'inoperative'"; that the adoption of this provision would be in derogation of the truth, a gross violation of plighted faith, and an outrage and indignity upon the free States of the Union, whose assent has been yielded to the admission into the Union of Missouri, and of Arkansas, with slavery, in reliance upon the faithful observance of the provision, (now sought to be abrogated,) known as the Missouri compromise, whereby slavery was declared to be "forever prohibited in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30' north latitude, not included within the limits of the State" of Missouri.

Resolved, (if the Senate concur,) That inasmuch as it is expressly, and in terms, enacted in an act entitled, "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850, as follows, viz: "Nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of Texas, or otherwise;" which said third article of the second section of the joint resolution for annexing Texas contains the following provision: "And in such State or States as shall be formed out of said territory, north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited," the principle and the application of the Missouri compromise is maintained, unimpaired, and unqualified, and that the Legislature and the people of this State will hold the application by Congress, of a contrary intent, at this time, to be in derogation of the truth, an arbitrary exercise of assumed power, an unjust and unworthy

violation of good faith, and an indignity to the free States of the Union.

Resolved, (if the Senate concur,) That although the people of the State of New York have abolished slavery within their limits, and have thereby expressed their disapprobation of the holding in bondage of human beings, they are not disposed to interfere with the rights of other States to regulate their internal policy according to their own sense of right. But, at the same time, duty to themselves, and to the other States of the Union, demands that when an effort is making to violate a solemn compact, whereby the political power of the State, and the privileges, as well as the honest sentiments of its citizens, will be jeopardized and invaded, they should raise their voice in protest against the threatened infraction of their rights, and declare that the negation or repeal, by Congress, of the Missouri compromise, will be regarded by them as a violation of right and of faith, and destructive of that confidence and regard which should attach to the enactments of the Federal Legislature.

Resolved, (if the Senate concur,) That our Senators and Representatives in Congress be requested to oppose any action which shall look, in any degree, to a repeal or to a negation of the binding force of the provisions known as the Missouri compromise, and that they use all honorable efforts to defeat the passage of that, or any other bill violating said compromise, or authorizing or allowing the establishment of slavery in any portion of the Territories of the United States, north of the line established preparatory to the admission of Missouri as aforesaid.

Resolved, (if the Senate concur,) That the Governor of this State be requested forthwith to furnish copies of the above resolutions to each of the Senators and Representatives in Congress from this State.

Mr. DEAN. I move that the resolutions, together with the letter of the Governor, be laid upon the table, and printed.

The SPEAKER. Unless objected to, that disposition of them will be made.

Mr. McMULLIN. I do not think it necessary that they should be laid upon the table, and printed.

The SPEAKER. Is objection made to laying the resolutions upon the table?

Mr. McMULLIN. It was my purpose to object to laying the resolutions upon the table, but understanding that such has been the custom of the House in similar cases, I waive my purpose.

The SPEAKER. There being no objection, it is unanimously ordered that the resolution be laid upon the table, and printed.

Mr. HILLYER. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

Mr. CLINGMAN. I hope that we will take up the special order.

LAND TO INDIANA.

The SPEAKER. The Chair will state, that the first business in order is the consideration of the bill, entitled "An act to indemnify the State of Indiana for the failure of title to a township of land, granted to said State on her admission into the Union, in 1816."

The previous question was demanded and seconded upon the passage of the bill, but a motion was made by the gentleman from Tennessee [Mr. JONES] to lay the bill upon the table. By the unanimous consent of the House its consideration was postponed to this day, and it is, of course, the first business in order.

Mr. CLINGMAN. I rise to make a privileged motion, and that is, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. PECKHAM. I hope the House will not agree to that motion, but go into the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair is of the opinion, a demand for the previous question having been made and seconded upon this bill, that it is not in order to go into the Committee of the Whole on the state of the Union.

Mr. CLINGMAN. Then the decision of the Chair is contrary to the former practice of the House.

The SPEAKER. The Chair is of the opinion that the practice indicated by him has always been held here.

Mr. CLINGMAN. I will remind the Chair of a precedent. When what was called Mr. Doty's resolution was offered—

Mr. PECKHAM. I wish to ask the Chair a single question. What was the order as to the resolutions submitted a few minutes since?

The SPEAKER. They were laid upon the table, and ordered to be printed.

Mr. CLINGMAN. I was about to remind the Chair of a decision upon this point, touching the question now pending, which I have no doubt the Chair will recollect very well. When Mr. Doty's famous resolution was offered in this House, the

previous question was sustained, and the main question ordered to be put, and we then resorted to two motions. It was decided by the Speaker, Mr. Cobb, that we could not have a call of the House, owing to the fact that the previous question was seconded. Motions were made to go into the Committee of the Whole, and to adjourn, and alternated, and we were kept here until midnight. I have no doubt the Chair will recollect that such was the condition of things. It has been clearly decided since that time, that a motion to go into the Committee of the Whole on the state of the Union, or a motion to adjourn, was in order at any time.

The SPEAKER. The Chair thinks that a demand for a call of the House, for instance, is a call of the same dignity as a motion to go into the Committee of the Whole on the state of the Union. The recollection of the Chair is, that it has been the practice of my predecessors, when the demand for the previous question had been seconded, and the main question ordered to be put, that it cuts off either one of these motions.

Mr. CLINGMAN. The Chair can refer to these precedents. The only one I recollect is the Doty resolution, in the session of 1850, where we sat up until midnight, and it was decided that it went over—

Mr. JONES, of Tennessee. Has the main question been ordered?

The SPEAKER. The previous question was seconded, and the main question ordered, but a motion is now pending to lay the bill on the table. The consideration of the subject was postponed, by unanimous consent, until this morning. That is the condition of the question. The Chair is not disposed to change the practice either way upon this subject, and has not time now to look up the precedents.

Mr. CLINGMAN. The Chair will find, I think, that I am not mistaken as to the practice.

A MEMBER. Read the rule.

The SPEAKER. The following is the only rule which is applicable to the subject:

"50. The previous question shall be in this form: 'Shall the main question be now put?' It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question."

The Chair thinks that a motion for a call of the House is, at least, of equal dignity and equal privilege with that to go into the Committee of the Whole on the state of the Union; and that it cannot, therefore, be entertained after the previous question has been seconded.

Mr. CLINGMAN. The Chair may be correct in what he states as to the comparative dignity of the two motions, but if he will turn to the case to which I have referred, he will find that the decision of the Speaker was then the other way.

The SPEAKER. The Chair does not recollect what the practice was in the case to which the gentleman alludes.

Mr. CLINGMAN. If the Chair will turn to it, he will find that the decision was as I have stated—

Mr. HILLYER, (interrupting.) I call the gentleman from North Carolina to order. This question is not debatable.

The SPEAKER. The Chair has stated his decision. Does the gentleman from North Carolina appeal?

Mr. CLINGMAN. No, sir; I will not appeal, but I protest against the decision of the Chair.

The SPEAKER. If, upon reference, the Chair finds the practice of the House has been as the gentleman from North Carolina states, he will not be disposed to change the practice of the House.

The question now being upon the motion to lay the bill upon the table, it was taken, and decided in the negative.

The question then recurred upon the adoption of the following amendment:

Add the following at the end of the bill: *Provided nevertheless*, That this act shall not take effect until the suit now pending in the supreme court of Indiana, by the trustees for the Vincennes University vs. the State of Indiana, be finally settled; and unless the decision of said suit be in favor of the plaintiff, and shall deprive the said

State, or those claiming under her, of the township of land, or the proceeds of sale thereof, which are the subject of said suit: *Provided further*, That the State of Indiana may cause the lands to be selected at once, and that the Secretary of the Interior on being notified by the Governor of Indiana, at any time, that a selection of the lands herein provided to be donated has been made by the proper authorities of that State, shall therefore withdraw and reserve such lands from sale till the termination of said suit.

Mr. JONES, of Louisiana. Upon the adoption of that amendment I demand the yeas and nays. The yeas and nays were not ordered.

Mr. MILLSON. I demand tellers upon ordering the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

Mr. ORR. I demand tellers upon the adoption of the amendment.

Tellers were ordered; and Messrs. McMULLIN and PHILLIPS were appointed.

The question was then put; and the tellers reported—ayes 47, noes not counted.

So the amendment was not agreed to.

The bill was then ordered to be engrossed for a third reading, and being engrossed, was subsequently read the third time.

The question now being, "Shall the bill pass?"

Mr. LETCHER demanded the yeas and nays. The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 114, nays 47; as follows:

YEAS—Messrs. Aiken, Willis Allen, Belcher, Bissell, Bliss, Boyce, Breckinridge, Campbell, Carubers, Chamberlain, Chandler, Chase, Clark, Cobb, Cook, Corwin, Cox, Crocker, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, De Witt, Dick, Disney, Drum, Dunbar, Dunham, Eastman, Edgerton, Edmunds, Edmundson, Ellison, English, Farley, Fenton, Flagler, Florence, Giddings, Goodrich, Green, Greenwood, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Hendricks, Henni, Hiester, Howe, Hughes, Ingersoll, Johnson, Daniel T. Jones, J. Glancy Jones, Roland Jones, Kittredge, Knox, Kurtz, Lane, Macdonald, McDougall, McNair, Mace, Macy, Matteson, Mayall, Middlewarth, Murray, Nichols, Norton, Olds, Andrew Oliver, Packer, Pennington, Phelps, Richardson, Riddle, David Ritchie, Thomas Ritchey, Robbins, Russell, Sapp, Seymour, Simmons, Gerrit Smith, William R. Smith, Frederick P. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Trout, Tweed, Upham, Vail, Vansant, Wade, Warren, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, Hendrick B. Wright, and Yates—114.

NAYS—Messrs. Ball, Bennett, Bocoek, Bugg, Caskie, Chrisman, Clingman, Colquitt, Craig, Dent, Dowdell, Elliott, Etheridge, Gamble, Grey, Grow, Hamilton, Wiley P. Harris, Hill, Hillyer, George W. Jones, Kerr, Lamb, Letcher, McCulloch, McMullin, Maurice, Millson, Morgan, Morrison, Orr, Peckham, Puryear, Ready, Reese, Ruffin, Sabin, Shaw, Singleton, Skelton, William Smith, Snodgrass, Tracy, Walsh, Witte, and Zollicoffer—47.

So the bill passed.

Mr. DUNHAM. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The question was put on the latter motion, and it was agreed to.

Mr. McMULLIN. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. Has the title of the bill been disposed of?

The SPEAKER. It has.

Mr. JONES. I wish to make the title state what the act is—that it grants an additional township to the State of Indiana for educational purposes.

The SPEAKER. The Chair announced, in the usual form, that if there was no objection the title would stand as it was, and no objection was made. The Chair thinks that it is too late to amend the title now.

CORRECTION OF THE OFFICIAL REPORTS.

Mr. MATTESON. I rise to a question of order, or rather to a privileged question, and a question of privilege, both. I rise to have the Journal corrected—the reports of our proceedings in the Globe—

The SPEAKER. The Globe is not the Journal at all.

Mr. MATTESON. I speak of the proceedings in the Congressional Globe.

Mr. RICHARDSON. That is not the Journal. It is no privileged question.

Mr. MATTESON. The proceedings in the Globe are published by the order of the House.

The SPEAKER. It will be in order for the gentleman to move to correct the Journal which was read this morning; but the Globe is not the Journal at all, and no privileged question can arise out of what the Globe reports—none whatever.

Mr. MATTESON. It is a personal matter.

The SPEAKER. Then it will be for the House to determine whether the gentleman shall be allowed to make a personal statement.

Mr. MATTESON. It is a personal matter, and a question of privilege, both.

The SPEAKER. It will be for the House to determine whether the gentleman shall be heard.

Mr. MATTESON. Is it possible that when the official reporters of this House omit a part of what occurs here, it cannot be corrected?

Mr. McMULLIN. You can make the correction by a note to the editor of the Globe.

Mr. RICHARDSON. The House has nothing to do with it at all.

Mr. MATTESON. I wish to state my point, and my question of privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. MATTESON. On Wednesday last, when one of my colleagues was speaking on the other side of this House, the chairman of the Committee on Territories interrupted him, and suggested that the objection he was making to the bill would be obviated by way of an amendment when the discussion might come up. Hearing that, I made a suggestion to the chairman of that committee, with the permission of the gentleman who was then speaking on the subject of the Nebraska bill. I asked the chairman [Mr. RICHARDSON] if that bill would be open to amendment. He at first answered me—and so far I speak from recollection—that, so far as he knew, it would. I put the question to him again, and he answered that it positively would. Now, sir, every word of that is omitted in the report of our proceedings of that day.

The SPEAKER. The Chair must announce to the gentleman from New York, that there is nothing of a privileged character in what the gentleman has brought forward.

Mr. RICHARDSON. I ask the unanimous consent of the House to make a personal explanation.

The SPEAKER. The gentleman from New York, [Mr. MATTESON,] as the Chair understands him, has not asked the unanimous consent of the House to make a personal explanation.

Mr. MATTESON. In what I have said I intended no imputation whatever on the gentleman from Illinois. I have said nothing which could be so construed. I have only said that what occurred then in this House did not appear in the report of the official proceedings.

Mr. RICHARDSON. Mr. Speaker, am I entitled to the floor?

Mr. MATTESON. Mr. Speaker, I desire—

The SPEAKER. The Chair must say to the gentleman from New York, that there was nothing whatever of a privileged character in the matter which he has introduced to this body. Nothing. The Chair again states that the Congressional Globe is not the Journal of this body; and it is not competent, as a question of right, under the rules of this House, for the gentleman to undertake to correct the report of the speeches made upon this floor. There is nothing of privilege in it.

The gentleman from Illinois [Mr. RICHARDSON] asks the unanimous consent of the House to allow him to make a personal explanation. Is that consent given?

Several MEMBERS. Yes, yes.

Mr. MATTESON. I wish to say again that I cast no imputation on the gentleman from Illinois.

The SPEAKER. The Chair has once or twice suggested to the gentleman from New York that he can only arrive at the object which he has in view by asking the unanimous consent of the House to make a personal explanation. He has not availed himself of it; and the gentleman from Illinois has asked and obtained the unanimous consent of the House to make a personal explanation. The gentleman from Illinois, therefore, has the floor for that purpose.

Mr. RICHARDSON. I will allow the gentleman from New York to make any further statement he has to make.

Mr. MATTESON. I repeat, I did not design anything offensive to the gentleman from Illinois.

Mr. RICHARDSON resumed the floor.

Mr. TAYLOR, of Ohio. I hope the gentleman from New York will be allowed to make the explanation which he desires.

The SPEAKER. The Chair decides that the gentleman from Illinois has the floor.

Mr. SAPP. It appears to me that the gentleman from New York had the floor.

The SPEAKER. The unanimous consent of the House has been long since given to the gentleman from Illinois, to make a personal explanation. The gentleman from New York asked no such privilege; and the Chair is bound to decide that he has no right to the floor as a matter of privilege. If he had asked the leave of the House to make a personal explanation, the Chair has no doubt that it would have been given to him.

He declined to do that. The Chair twice suggested to him that he could attain his object in that form; but he chose to rely on his right under the rule. He did so, and the Chair ruled him out of order. The House has given its unanimous consent to the gentleman from Illinois that he has a right to be heard in personal explanation. This is the history of the matter.

Mr. RICHARDSON. The gentleman from New York, if he had put himself to the trouble to have inquired of the reporters at the desk, would not have brought this question before the House. I assure him that I am utterly incapable of suppressing, or skulking, from the responsibility of any declaration which I make here.

Mr. MATTESON. Will the gentleman from Illinois allow me to say one word?

Mr. RICHARDSON. With pleasure.

Mr. MATTESON. I assure the gentleman that I intended or designed no such imputation as he deduces from my remarks.

Mr. RICHARDSON. The gentleman, Mr. Speaker, has said that, and I accept it. But I am not dealing with his declarations. I am dealing with the deductions that are to be drawn in other quarters from the statement which he has made here.

Mr. Chairman, I presume it has happened very often, in the experience of gentlemen who have been here for years, that when notes of remarks have been sent to a gentleman's room for correction, that they did not happen to get into the paper of the next morning. Such is the case, I state upon this floor, in regard to the remarks I submitted here the other day. I changed, in a slight particular only, the statement of the reporters, in relation to the matter upon which the gentleman from New York [Mr. FENTON] was commenting. So far as the questions and replies between the gentleman from New York [Mr. MATTESON] and myself are concerned, the language is left precisely as it came to me, not changed, in any particular, from the form in which the reporters took it down. The notes are at my room. I happened to be absent from my room for a short time when they came to get them, and the result was that they could not go into the Daily Globe. I intend that they shall go into the Congressional Globe. The gentleman shall have the full benefit of all that I have said or shall say here.

I must be permitted here to say, that with this matter there seems to me to be a very morbid desire to magnify this into something of vast importance, and to give the gentleman some notoriety by calling up somebody for skulking from what they said here. If the gentleman had gone to the quarter where true information could have been had, he would have had no business with it before this House in this shape. The gentleman makes himself quite conspicuous when he undertakes to determine what the action of each gentleman upon this floor is to be. When he marks out and lives up to his own course he will have quite enough to do without undertaking the guardianship of me.*

Mr. CLINGMAN. I now ask that the question be put upon the pending motion, to go into the Committee of the Whole on the state of the Union.

The question was put, and decided, upon a division, in the affirmative—ayes 92, noes not counted. The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

THE HOMESTEAD BILL.

The CHAIRMAN. When the committee last rose, they had under consideration House bill No. 37, being the homestead bill. The Chair begs leave to state, that under the special order this bill

would come up for consideration; but private bill days are excluded from the operation of this order, and the Chair, therefore, does not see how this special order then can come up without the unanimous consent of the House.

Mr. EDGERTON. Do I understand the Chair, if objection be made, that discussion upon the special order cannot take place now?

The CHAIRMAN. The Chair decides that under the rule making the homestead bill the special order, that bill would come up for consideration were it not that private bill days are excepted from the operation of any special order. Therefore the homestead bill is not the special order for this day.

Mr. CLINGMAN. Will it not come up as unfinished business, if no objection is made?

Mr. JONES, of Tennessee. I wish to submit this question: The homestead bill is made the special order from Tuesday, the 14th, to the 21st day of February—Friday bill days being excepted. If the House determine to go into the Committee of the Whole on the state of the Union, do they not thereby pass over the private bill Calendar, and resolve to take up the special order of the day?

Mr. STEPHENS, of Georgia. The House has resolved itself into the Committee of the Whole on the state of the Union; and being entitled to the floor, I claim my right to hold it.

Mr. EDGERTON. I supposed, when the House determined to go into the Committee of the Whole on the state of the Union, that the homestead bill came up as a matter of course, and that we were not to go into the Committee of the Whole on the Private Calendar, until I heard the decision of the Chair.

The CHAIRMAN. The Chair begs leave to state to the committee, that there are two or three bills on the Calendar ahead of the homestead bill. By unanimous consent they can be passed over, and the homestead bill be taken up.

Mr. CAMPBELL. There are no private bills in the Committee of the Whole on the state of the Union.

The CHAIRMAN. The Chair is aware that no private bill can be taken up in the Committee of the Whole on the state of the Union.

The CHAIRMAN. When the Committee of the Whole on the state of the Union last rose, the gentleman from Georgia [Mr. STEPHENS] was entitled to the floor.

Mr. STEPHENS, of Georgia, having the floor, addressed the House on the Nebraska bill, controverting the ground taken by Mr. MEACHAM, of Vermont, and Mr. FENTON, of New York. After reviewing the ground taken by the former-named gentleman he argued that his positions were altogether untenable.

In 1821, when Missouri applied for admission, under her constitution, into the Union, she had made no compact or contract whatever in regard to the existence of slavery within her territory. She claimed admission on her right as a State, and this compact, as it was called, was a mere law, and nothing but a law. When Arkansas applied for admission into the Union, did the North give her sanction to this compact, as it was called? If there was any compact between the North and the South in 1820 it was that slavery should exist in the South.

The principle then settled was the principle as between Lot and Abraham: "You shall go to the North, and we will go to the South." The first State that applied for admission into the Union, after this "compromise," was the State of Arkansas. He had in his hand the vote upon that question, and John Quincy Adams moved to amend the proposition, by providing that nothing in this act should be so construed as relating to the subject of slavery, and eighty gentlemen from the North voted against it.

When the gentleman, therefore, from Vermont talked to him about compacts, and contracts, and honor, he would ask him whether the South had ever proposed to disturb this line? Never, never. Every effort in that direction had come from the North. The gentleman from New York [Mr. FENTON] had talked about this Missouri compromise as being a bond of union between the North and South for thirty years; and who sought now to unsettle that bond? The North, the North.

Well did he remember, and perhaps many gentlemen here remembered also, that on the 15th day of June, 1850, the South had on the floor of that

House offered to continue by this compromise. He well recollected that day; and but with few exceptions from the North, no man voted to recognize it. The South was pressed to the wall. The North was unyielding. They would have "all or nothing"—every foot of territory we had acquired from Mexico; and when the South saw that there was no faith in the North—he spoke of the Free-Soil sentiment of the North—they said, "If you obliterate all land-marks we must throw ourselves back upon our constitutional rights—the rights we possess under the Constitution of the United States."

In 1850 it was solemnly agreed upon that the subject of slavery should be taken out of Congress. They might call him Whig, or Democrat, or Republican, or what they pleased, but he would ever adhere to principle, regardless of names, and that principle was the right of people to govern themselves. He alluded to the speech of Mr. Webster in the Senate, in 1850, when he declared this great doctrine, and when it was thought by all that this demon of discord was ejected both from the Senate and the House. In that year it was solemnly decided, by the compromise measures, that the people of the Territories should be allowed to form their governments as they pleased, without regard to any restriction. It was on that principle those measures were passed; and he claimed, as an American, that the North should stand upon that principle, and upon that alone.

He recommended the gentlemen of the North to follow the example of that great man when Faneuil Hall was closed against him, and he went to an open space in front of the Revere House, and there boldly told an assemblage, of more than three thousand persons, that they should conquer their prejudices, and fulfill their agreement with the South.

He granted that the compromise acts of 1850 did concede the right to come into the Union with or without slavery, and it was only the Free-Soilers of the North who desired to discriminate. If ever we were to have repose in the country, it would only be when the Free-Soilers of the North learned that Congress should not interfere with this question, but should leave to the people of the Territories the right to do as they pleased. He hoped it might be the honor and glory of this Congress to give sanction to those principles, so recently established, and so nobly sustained. [His speech will be found in the Appendix.]

Mr. CAMPBELL sought the floor.

Mr. KERR, (who was entitled to the floor under the arrangement entered into yesterday.) If the gentleman from Ohio desires to address the committee in opposition to the views which we have just heard, I will yield the floor to enable him to do so, if I can resume it after he has concluded his remarks.

The CHAIRMAN. Is it the pleasure of the committee that the gentleman from North Carolina shall be considered as entitled to the floor when the gentleman from Ohio concludes?

[Cries of "Agreed!" "Agreed!"]

The CHAIRMAN. Then the gentleman from Ohio can proceed.

Mr. GIDDINGS. Will my colleague yield me five minutes of his time, to enable me to set the gentleman from Georgia right as to an historical fact?

Mr. CAMPBELL. I prefer not to do it.

Mr. PECKHAM. I desire to move that the committee do now rise, that we may go into Committee of the Whole House on the Private Calendar.

The CHAIRMAN. Will the gentleman from Ohio yield the floor for that purpose?

Mr. CAMPBELL. No, sir; I cannot.

Mr. PECKHAM. I will not press the motion.

The CHAIRMAN. The motion cannot be submitted whilst the gentleman from Ohio holds the floor.

[A message was here received from the Senate, by ASBURY DICKINS, its Secretary, informing the House of the passage by that body of Senate bills of the following titles; in which he asked the concurrence of the House.]

"An act (No. 92) for the benefit of citizens and occupants of the town of Council Bluffs, in Iowa."

"An act (No. 112) making Brunswick, in the State of Georgia, a port of entry, and for other purposes."

Also sundry private bills.]

*The remarks referred to will be found in the Appendix, embodied in the speech of Mr. FENTON, on the Nebraska bill, page 158.

Mr. CAMPBELL, of Ohio, next addressed the Committee. He would yield to no gentleman on that floor in his devotion to the Constitution and the Union. He had never been disposed to agitate this question of slavery, and had never spoken about it except when called to the stand by the speeches of southern gentlemen. He was surprised at the remarks of the gentleman from Georgia, who, on a former occasion, had protested against the agitation of this question, and who had now made a most thrilling speech upon the subject, taunting the North with a breach of faith.

Although he believed that there was nothing in the Constitution which authorized the Missouri compromise, it could not be denied that there were occasions in the history of every Government which required the enactment of extra constitutional measures. Where was the authority in the Constitution of the United States to annex Louisiana, or Florida, or Texas, or to make a conquest of and annex the territory we acquired under the treaty of Guadalupe Hidalgo? Mr. Jefferson had said that in annexing Louisiana we had gone beyond the Constitution.

He entered into a relation of the history of the institution of slavery in the United States, from its earliest period, contending that the framers of the Constitution regarded it as an unnatural incubus, and desired that it should never be extended beyond its then existing limits. Not one word was said in the Constitution concerning the institution of slavery; and the framers of the Constitution not only never looked to its extension, but even had an eye to its final abolition.

He believed that Congress had the power to exclude slavery from the territories, and such, he contended, were the views of Mr. Webster, as explained in his great speech of 7th of March, 1850. He also quoted the opinions of Mr. Clay, delivered in the House of Representatives in 1837, which coincided with the views he [Mr. C.] entertained. [His speech will be found in the Appendix.]

Mr. KERR was here recognized by the Chair as having the floor.

The CHAIRMAN. The Chair would remark to the gentleman from Ohio, [Mr. GIDDINGS,] that but a minute and a half of his colleague's time remains.

Mr. KERR. As the House is rather thin, and doubtless weary—

[Cries of "Go on!" "Go on!"]

Mr. BAYLY, of Virginia. It is too late.

Mr. GIDDINGS. I prefer to hold on to the floor, if the committee is about to rise.

The CHAIRMAN. The gentleman will have but a minute or so, and the gentleman from North Carolina can have the floor to-morrow morning.

Mr. KERR. I shall not detain the House long, and I prefer not to yield the floor.

[Cries of "Go on!" "Go on!"]

Mr. KERR then addressed the House. He said this question had not been canvassed before his constituents before he left home, and he was somewhat taken by surprise to find its discussion here.

He regarded the compromises of 1850 as the only means on earth by which the two sections of the Union could be made to move on harmoniously together, and by which the prosperity of the Union could be maintained; and, for one, he was determined to adhere to them.

He did not believe that the spirit of the compromise was violated in the measure which had been for several days discussed—the Nebraska question. If he thought so, he would be against it. He had examined that question anxiously before he made up his mind that it was perfectly in consonance with the adjustment of 1850. [His speech will be found in the Appendix.]

Mr. GIDDINGS obtained the floor.

Mr. PERKINS, of Louisiana. Will the gentleman yield to a motion for the committee to rise?

Mr. GIDDINGS. No; I prefer to go on now. I do not propose to detain the committee for more than eight or ten minutes. It is not my intention to enter into the discussion of either of the questions to which the attention of the committee has been directed. I shall not even allude to the bill now under consideration, although it is one in which I feel a deep interest; nor am I about to discuss the Nebraska bill. I rise solely for the purpose of setting gentlemen right upon some points of history which, although they may not

be important in their bearing upon the questions now before us, may hereafter be referred to.

I have taken part somewhat in the debates alluded to, and have some knowledge of the history of the transactions to which reference has been so frequently made for the last few days. I will state what I believe to have been the distinct understanding of statesmen at the time our treaty with France was made, in 1803, in regard to the extent and boundaries of the "Louisiana purchase," to which the compromise was confined. And I invite the attention of the learned gentlemen who represent States framed out of that territory, those who understand the language in which its history is written; and if I am wrong I trust that they will correct me.

Sir, it seems to me that much of our misunderstanding of the subject arises from the difference in historical views. The French nation claimed the territory to what was termed "Louisiana," by right of discovery. I wish to be distinctly understood on this point: that her original title, and her only title, was in the discovery of the mouth and sources of the Mississippi river; and that such title extended, by a rule or comity of nations, to the country drained by its tributaries. That, by the discovery and occupation, the British claims extended from the Atlantic coast, on the east, to that river; and therefore the French claim rested solely to the country drained by its western tributaries. I wish to be specific, because gentlemen, here—and perhaps it is not out of order to allude to the other end of the Capitol—have connected Oregon with the "Louisiana purchase," and insisted that in attaching the Wilmot proviso to Oregon, we denied the validity of that compromise. Now, I lay it down, that the French nation claimed title solely by that law or rule among nations which gives to the Government making the discovery of an important river the country drained by its waters. By that rule, and by no other, was "Louisiana" bounded.

The Rocky Mountains, which bounded the tributaries of the Mississippi, was the western boundary of "Louisiana," as understood by the French nation, as understood by the American nation, as understood by Congress, as understood by all our statesmen down to a very recent period. This is my view of that matter. I know it to have been so understood by leading men of that day. In the words of the treaty ceding "Louisiana" to us, there was no room for misapprehension or misunderstanding of the boundaries. It was "Louisiana, as held by France previously to her ceding it to Spain." It is, therefore, under the original title of France that we hold that country, bounded as it was while in her possession. Such was the title which we received, and which was held for something like sixteen years.

We held the entire country drained by the southern tributaries of the Arkansas, as well as that drained by its northern tributaries. The Middle Park, to which allusion has been made at the other end of the Capitol, emptied its waters into the Colorado, and not into the Mississippi; and we had no more title to the Middle Park under the "Louisiana purchase" than we had to California or Oregon.

I intend to say, the dividing ridge between the Colorado and the waters of the Arkansas was the boundary of that purchase. Now in 1819, when the negotiation of the treaty with Spain was entered into—some sixteen years subsequently to the treaty with France, by which we obtained this territory—Spain owned the whole country adjacent on the southwest, and then, by the treaty with Spain, the boundary between that country and ours was defined and established, without following the lines of the "Louisiana purchase."

Here let me call the particular attention of gentlemen to the fact, that in that treaty we surrendered to Spain the whole of the country watered by the southern tributaries of the Arkansas, which empty their waters into that river west of the hundredth degree of longitude. That country, which constituted a part of the "Louisiana purchase," was given to Spain, and the boundary was established on the Arkansas river, instead of the southern "divide" which separates its tributaries from those streams which run south.

Following the Arkansas to its source, the line agreed upon runs thence due north, until it strikes the forty-second degree of north latitude, thus giving to us that tract which Fremont describes as

the "Middle Park," whose waters, as heretofore stated, empty into the Colorado. This tract had belonged to Spain, until the ratification of our treaty, in 1821. It constituted no part of "Louisiana," and did not belong to us when the Missouri compromise was adopted; and, of course, could never have been subjected to that compromise, which was confined to the territory ceded to us by France.

The Middle Park was held by Spain by force of the same principle which France held "Louisiana"—by discovery—claiming the whole country watered by the tributaries of their streams, among which was the Colorado.

It is also a fact, worthy of note, that our title to Oregon was also based upon the discovery of the mouth of the Columbia river, by Captain Grey, of Boston; and I think, if gentlemen will look into the documents, they will find such to have been our title, and that by force of this rule Great Britain admitted our claim to the whole region north of that river watered by its tributaries.

Now, sir, another historical fact. When gentlemen say it was proposed to carry the Missouri compromise to Oregon, these facts were proclaimed upon this floor. It was here stated that Oregon had no connection or association with "Louisiana"—that it was entirely distinct, separate, and independent of that purchase, that we held it by another title. I do not now mean to say that no one suggested that it was so connected, but I give the facts. And when it was proposed, as remarked by the gentleman from Georgia [Mr. STEPHENS] to-day, that it lay north of 36° 30', a member from my own State, who had served long in these Halls—I allude to Mr. Vinton—arose and stated to gentleman here, that the Missouri compromise had relation solely to the "Louisiana purchase," and to nothing else. And, sir, the Wilmot proviso was attached to the Oregon Territory, as far as my recollection extends, with this express understanding, and as far as I have any knowledge of the views of other members then upon this floor—it was attached with this belief that it constituted no part of the Louisiana purchase.

I mention these things that members may not make mistakes by speaking of Oregon as a part of Louisiana. I do not regard the facts important, as connected with the present discussion, but I prefer to vindicate the truth of history, and to keep our record of transpiring events as accurately as we are able.

As remarked when I first rose, I have no intention of entering at present into the discussion of the question which is now exciting so much interest in this body, and do not know that I shall desire to speak upon it, unless the "agitators" become so deeply excited as to require me to pour oil upon the troubled sea which now begins to rage about us.

Mr. NOBLE here obtained the floor, but yielded to—

Mr. DEAN, who moved that the committee do now rise.

The committee accordingly rose; and the Speaker *pro tempore* [Mr. WRIGHT, of Pennsylvania] taking the chair, the Chairman of the committee reported to the House that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and was about to say that they had particularly under consideration the Nebraska bill, but that parliamentary forms required him to say that they had particularly under consideration House bill, (No. 37,) commonly called the homestead bill.

Mr. PRESTON. I move that when this House adjourns, that it adjourn until Monday next.

Mr. LETCHER. Upon that motion I call for the yeas and nays. There are several gentlemen who desire to speak upon the homestead bill.

Only seventeen gentlemen rising, the yeas and nays were not ordered.

Mr. JONES, of Tennessee. I demand tellers upon the yeas and nays.

Tellers were not ordered.

Mr. JONES. I ask for a division, to see whether there is a quorum or not.

The question was then taken upon Mr. Preston's motion; and, a division being had, there were—ayes 67, noes 36.

The SPEAKER *pro tempore*. There is no quorum voting.

Mr. LETCHER. I move that the House adjourn.

Mr. FLORENCE. Count the House.

Mr. HAMILTON. Upon a division of the House, on the question of adjourning over, there was no quorum present. I ask the Speaker to count the House, and ascertain whether there is a quorum present, before we do adjourn over.

Mr. LETCHER. Is my motion to adjourn in order now?

The SPEAKER *pro tempore*. The question first is to ascertain whether there is a quorum present.

Mr. LETCHER. I rise to a point of order. I understand, under the rules, that any member can move to adjourn, yet the Speaker has come to the decision that there must be a quorum present in order to adjourn.

The SPEAKER *pro tempore*. Before the gentleman from Virginia [Mr. LETCHER] made his question of order, the gentleman from Maryland [Mr. HAMILTON] rose to another question, and that was for the Speaker to ascertain whether there was a quorum present or not.

Mr. MEACHAM. I call for tellers, to ascertain whether there is a quorum.

The SPEAKER *pro tempore*. The Chair has the right to appoint tellers to ascertain whether there be a quorum in the House.

Mr. FULLER. I will save the Chair that trouble. The House cannot adjourn over without a quorum. The vote which has been taken upon the motion of the gentleman from Kentucky [Mr. PRESTON] shows that there is no quorum present. I therefore move that the House do now adjourn, and I ask that the Chair shall entertain the motion.

The SPEAKER *pro tempore*. The Chair will entertain the motion of the gentleman from Maine.

Mr. FLORENCE. Upon that motion I demand tellers.

Mr. PRESTON. I rise to a question of order. I insist that the question cannot be taken upon the motion to adjourn while the motion to adjourn over is pending.

Mr. FLORENCE. I call the gentleman from Kentucky to order. His point of order has been once decided by the Chair.

The SPEAKER. It is in order at any time to move that the House adjourn.

Mr. PRESTON. If the Chair will permit me, I will state my point of order. I obtained the floor, and then made the motion, that when this House adjourn, it adjourn to meet on Monday next. There has never been any decision of that motion, and, pending it, various motions have been made to adjourn. I now demand the Speaker's decision, whether or not I am entitled to have my motion first decided by the House?

Mr. FULLER. I submit that the question was put upon the motion of the gentleman from Kentucky, and the Chair announced that no quorum voted. That is all the decision the gentleman's motion can have, for less than a quorum cannot adjourn over.

Mr. PRESTON. I demand that my point of order shall be decided by the Chair.

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky was entertained by the Chair, and put by him to the House; but, upon a division, it appeared that there was no quorum voting. The gentleman from Maine [Mr. FULLER] then made the motion that the House adjourn, which the Chair thinks he was bound to entertain, and upon that motion the gentleman from Pennsylvania demanded tellers. The question therefore is upon ordering tellers upon the motion to adjourn.

Mr. PRESTON. Then I shall be compelled to appeal from the decision of the Chair; for there has been no decision upon my motion.

Mr. LETCHER. I ask that the question may be taken upon the motion that the House do now adjourn.

The SPEAKER *pro tempore*. The question must first be taken upon the appeal from the decision of the Chair.

Mr. LETCHER. Then I appeal from the decision of the Chair, ruling that the motion to adjourn is not first in order. [Laughter.]

The SPEAKER *pro tempore*. Only one appeal can be taken at a time.

Mr. DISNEY. Do I understand the Chair to decide that less than a quorum cannot adjourn?

The SPEAKER *pro tempore*. The Chair has made no such decision.

Mr. DISNEY. I apprehend that two can adjourn as well as two hundred.

The SPEAKER *pro tempore*. There is no doubt of that; but the Constitution provides that less than a quorum cannot adjourn for more than one day. The question now is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. FLORENCE. I move to lay the appeal upon the table, and upon that motion I demand tellers.

Tellers were not ordered.

The question was then put on Mr. FLORENCE's motion; and it was decided in the negative.

So the House refused to lay the appeal upon the table.

Mr. LANE, of Indiana. I move that the House do now adjourn. That motion is in order, and I demand that it be put.

Mr. PRESTON. I now again submit the point of order that my motion has precedence of the motion of the gentleman from Indiana. I submit that a motion to adjourn to a particular day takes precedence of a motion to adjourn.

Mr. LANE. Oh, no.

Mr. PRESTON. Here is the rule. Will the Chair permit me to read it?

The SPEAKER *pro tempore*. Certainly.

Mr. PRESTON. Rule 48:

"A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall always be in order."

Here is the note to that rule:

"It has been decided and acted upon, that, under this rule, a motion to fix the day to which the House shall adjourn takes precedence of a motion to adjourn. The reason of this decision is, that before the House adjourned, it was proper to fix the time to which it should adjourn. To this decision, and upon this reasoning, no objection has been made."

Mr. JONES, of Tennessee. The rule which the gentleman has read is clear and plain— [Cries of "Order!" "Order!"]

Mr. TAYLOR, of Ohio. Is the question debatable?

The SPEAKER *pro tempore*. It is not.

Mr. LANE. I want to make a suggestion.

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana is entertained by the Chair in preference to any other.

Mr. JONES, of Tennessee. I wish to ask the Speaker one question. I ask him if he did not put the question on the motion of the gentleman from Kentucky, [Mr. PRESTON,] and if, upon a division, there was not less than a quorum voting? The Chair announced that fact. Now the Constitution provides that less than a quorum can only adjourn from day to day. A motion was then made to adjourn, and that motion was in order, the motion to adjourn over having failed for want of a quorum.

The SPEAKER *pro tempore*. The motion to adjourn submitted by the gentleman from Indiana [Mr. LANE] has been entertained by the Chair.

Mr. PRESTON. Then I now move that when this House adjourns, it adjourn to meet on Monday next.

[At this stage of the proceedings other motions were made to adjourn, which were intervened by questions of order; and there was great confusion in the Hall.]

Mr. BRECKINRIDGE. I ask what question is before the House? Is it the simple motion to adjourn, or the motion that when it do adjourn, it adjourn till Monday next? Whatever it is, I move that the Speaker put the question quickly and decisively.

The question was then put on Mr. PRESTON's motion, which was adopted; so it was agreed that when the House adjourn, it be till Monday next.

The question was put on the motion to adjourn, which was also adopted.

The House accordingly adjourned, at twenty minutes past three o'clock, to Monday next, at twelve o'clock.

IN SENATE.

MONDAY, February 20, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the

Treasury, made in compliance with a resolution of the 28th March last, requesting him to report the average prices annually, for the last ten years preceding 1853, of the various kinds of iron at the markets of production abroad and at home; which was referred to the Committee on Finance, and ordered to be printed.

PETITIONS, ETC.

Mr. BADGER presented the memorial of Asbury Dickins, praying to be allowed the difference between the compensation of chief clerk in the Treasury and State Departments, and that of the head of those Departments, during the time he performed the duties of head of those Departments respectively, under appointment by President Jackson; which was referred to the Committee of Claims.

Mr. SEWARD presented a petition of citizens of East Hamburg, New York, praying that the agricultural products of Canada may not be admitted into the United States free of duty; which was referred to the Committee on Finance.

Also, a memorial of citizens of New York, remonstrating against the renewal of Cyrus H. McCormick's patent for improvements in reaping machines; which was referred to the Committee on Patents and the Patent Office.

Also, a petition of electors of the town of Smithfield, and a petition of electors of the town of Kingsbury, New York, remonstrating against a repeal of the Missouri compromise of 1820; which were ordered to lie on the table.

Also, a petition of electors of the town of Skaneateles, a petition of citizens of Hannibal, and a memorial of citizens of the town of Scio, New York, remonstrating against the passage of the bill, in its present form, to organize the Territory of Nebraska; which were ordered to lie on the table.

Also, a petition of citizens of Fabius, Onondaga county, New York, praying that the law organizing the Territory of Nebraska, may be so framed as to prohibit slavery therein; which was ordered to lie on the table.

Also, resolutions adopted at a meeting of the voters of Skaneateles, New York, held at Lyceum Hall, in that town, February 13, against the organization of the Territory of Nebraska, without a recognition of the validity and binding force of the Missouri compromise; which were ordered to lie on the table.

Also, resolutions adopted at a meeting of citizens of Seneca county, held in the town of Ovid, New York, protesting against all legislation tending to the introduction of slavery into any of the territories of the United States where it does not already exist; which were ordered to lie on the table.

Mr. WADE presented a petition of citizens of Ohio, three petitions of the State of New Jersey, and a petition of citizens of Pennsylvania, remonstrating against the passage of any bill which will permit slavery in the Territory of Nebraska, or infringe the eighth section of the Missouri compromise act of 1820; which were ordered to lie on the table.

Mr. EVERETT presented the petition of C. C. Beatty, executor of Reading Beatty, a surgeon in the revolutionary army, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Also, the memorial of J. Randolph Clay, praying that a law may be passed to provide for the temporary relief of distressed and destitute American citizens, other than mariners, in foreign countries; which was referred to the Committee on Foreign Relations.

Also, a petition of citizens of the town of Webster, Massachusetts, without distinction of party, remonstrating against the passage of the bill to organize the Territory of Nebraska, or the extension of the area of slavery; which was ordered to lie on the table.

Mr. FISH presented the memorial of Meigs D. Benjamin and others, merchants and citizens of New York, praying that the excess of duties paid by them on certain importations made by them under the tariffs of 1824 and 1828, may be refunded with interest; which was referred to the Committee on Finance.

Also, a petition of citizens of the county of Monroe, New York, praying that the bounty land laws may be so altered as to grant a hundred

and sixty acres of land to each officer and soldier who was engaged in the war of 1812; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Dutchess county, New York, remonstrating against the passage of the Nebraska bill in its present form, or any other bill which may impair the validity of the Missouri compromise; which was ordered to lie on the table.

Also, four petitions of citizens of Martinsburg, New York, praying that provision may be made in all treaties with foreign nations for referring to the decision of an umpire all questions that cannot be adjusted by amicable negotiation; which were referred to the Committee on Foreign Relations.

Mr. BENJAMIN presented the petition of Ralph King, late United States Consul at Bremen, praying compensation for services rendered the United States, during the years 1851, 1852, and 1853; which was referred to the Committee on Commerce.

Mr. FOOT presented a petition of citizens of Hinesborough, Vermont, remonstrating against the passage of the bill, in its present form, to organize the Territory of Nebraska; which was ordered to lie on the table.

Mr. CHASE presented the following petitions against the passage of the Nebraska bill, and praying that slavery and the slave trade may be abolished wherever the constitutional jurisdiction of Congress extends; which were ordered to lie on the table:

- Petition of citizens of New Concord, Ohio.
- Petition of citizens of Martinville, Ohio.
- Petition of citizens of Mahoning county, Ohio.
- Petition of the Kennett Monthly Meeting of the religious Society of Progressive Friends, in Chester county, Pennsylvania.
- Petition of citizens of Buffalo, Illinois.
- Petition of citizens of Morgan county, Ohio.
- Petition of citizens of Somerton, Ohio.

Also, a memorial of the Board of Trustees of the Protestant University of the United States in the State of Ohio, praying a grant of public land for the endowment of that institution; which was referred to the Committee on Public Lands.

Mr. JOHNSON presented additional documents in relation to the claim of James Erwin, for himself and heirs of Daniel Greathouse, praying indemnity for losses sustained under contracts for subsisting emigrating Indians; which, with his petition on the files of the Senate, were referred to the Committee on Indian Affairs.

Mr. BRODHEAD presented twenty-three memorials of citizens of Pennsylvania, praying that suitable accommodation may be provided for the post office and courts of the United States for the eastern district of Pennsylvania; which were referred to the Committee on the Post Office and Post Roads.

Also, a memorial signed by citizens of Montgomery county, and two petitions of citizens of Pennsylvania, remonstrating against the repeal of the Missouri compromise act of 1820; which were ordered to lie on the table.

Also, twenty-nine petitions, numerous signed by citizens of Philadelphia, praying that the United States Mint now in that city may not be removed; which were referred to the Committee on Finance.

Also, a remonstrance of citizens of Philadelphia against the renewal of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. WRIGHT presented the petition of William A. Cameron, praying the passage of an act for the settlement of the claims of John Denman and George Towley, of New Jersey, for cattle furnished by them for the use of the Army in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. DODGE, of Iowa, presented the memorial of H. D. Johnson, Delegate from the Territory of Nebraska, claiming for the people of that Territory the right to legislate for themselves on the subject of slavery, and that Congress should leave the question to the decision of their own choice; which was ordered to lie on the table, and be printed.

Mr. WILLIAMS presented documents in relation to the claim of Lucinda Morrill, widow of Stephen Morrill, to a pension; which were referred to the Committee on Pensions.

Mr. BROWN presented a resolution of the Legislature of Mississippi, in favor of the establish-

ment of a direct overland mail route from Grenada, Mississippi, to Memphis, Tennessee; which was referred to the Committee on the Post Office and Post Roads.

Also, additional documents in relation to the petition of Nannie Denman, widow of Lieutenant F. J. Denman; which were referred to the Committee on Pensions.

Mr. SUMNER. I present the petition of Hall J. Kelley, of Palmer, Massachusetts, setting forth his services in the colonization of the Territory of Oregon, and praying compensation therefor. He also prays that the matter may be submitted to a special committee. That I shall not attempt to ask, but move that it be referred to the Committee on Territories.

The motion was agreed to.

Mr. SUMNER also presented a petition of citizens of Cambridge, Massachusetts, praying the reduction of ocean postage to two cents for letters weighing not more than half an ounce; which was referred to the Committee on the Post Office and Post Roads.

Also, the following petitions protesting against the repeal of the eighth section of the Missouri compromise act, or the admission of more slave territory into the Union; which were ordered to lie on the table:

- Two petitions of inhabitants of Longmeadow, Massachusetts;
- Petition of citizens of Boston;
- Petition of citizens of Holliston, Massachusetts;
- Petition of citizens of Pennsylvania;
- Petition of the citizens of Keene and its vicinity, New Hampshire;
- Petition of Rev. James Johnston and others; and
- Petition of citizens of Ohio.

Also, a petition of William B. May and others, citizens of Massachusetts, praying the enactment of a law authorizing certain invalid pensioners of the United States, living in that State, to draw pensions from the date of the injury received in the public service; which was referred to the Committee on Pensions.

Mr. HAMLIN presented a petition of Lewis Elwell and others, of Northport, Maine, who were detained as prisoners-of-war in Dartmoor during the war of 1812, praying compensation for loss of health occasioned by their captivity; which was referred to the Committee on Pensions.

Also, a petition of citizens of Maine, praying that the benefits of the bounty land law may be extended to all who performed actual duty in any war of the United States since 1776; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. BADGER, it was

Ordered, That the petition of Encas Munson be withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. SLIDELL, it was

Ordered, That the memorial of William H. Henderson be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. MALLORY, it was

Ordered, That the petition of John Hudry be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* approved and signed two enrolled bills of the following titles:

- "An act for the relief of William Blake;" and
- "An act supplemental to an act entitled 'An act to ascertain and settle the private land claims in the State of California,' approved March 3, 1851."

REPORTS FROM STANDING COMMITTEES.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the memorial of Joseph Smith, assignee of a certain land warrant, praying the right to locate a quantity of land therein described, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of John S. Wilson, praying remuneration for a quantity of land purchased of the United States, and of which he was dispossessed, submitted a report, accompanied by

a bill for his relief; which was read, and passed to a second reading.

The report was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom were referred the following bills from the House of Representatives, reported them back without amendment, with a recommendation that they pass:

- "An act for the relief of Mary Deany;"
- "An act for the relief of Aaron Stafford;" and
- "An act to provide a pension for Silas Champion, of Genesee, State of New York."

He also, from the same committee, to whom was referred the petition of George Fitzsimmons, praying a pension, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill from the House of Representatives for the relief of Hezekiah Johnson, of the town of Bridgewater, in the State of Vermont, reported it back without amendment.

Mr. FOOT, from the Committee on Pensions, to whom were referred the following bills from the House of Representatives, reported them back without amendment, with a recommendation that they pass:

- "An act for the relief of Harriet Leavenworth, widow of the late Brevet Brigadier General Leavenworth."

"An act for the relief of William B. Edwards."

He also, from the same committee, to whom was referred the petition of Mary Carlton, administratrix of Moses Carlton, a soldier in the revolutionary war, praying a pension, submitted a report, accompanied by a bill, for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom were referred the documents in the case of Leonard Procter, praying a pension, submitted an adverse report; which was ordered to be printed.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the memorial of Benjamin S. Roberts, praying remuneration for losses sustained in the Mexican war, submitted an adverse report thereon; which was ordered to be printed.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the memorial of Commander G. J. Pendergrast, praying remuneration for expenses incurred for medicines and medical aid, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee of Claims, to whom was referred the petition of certain clerks in the Second Auditor's office, praying an increase of compensation, asked to be discharged from its further consideration, on the ground that one bill had been already passed for their relief, and that another was now under the consideration of a standing committee with the same object in view; which was agreed to.

Mr. BENJAMIN, from the Committee on Commerce, to which was referred the bill to remove obstructions to navigation in the mouths of the Mississippi, at the Southwest Pass, and the Pass à l'Ouvert, reported it back with an amendment in the form of a substitute.

BILLS INTRODUCED.

Mr. SHIELDS asked, and obtained, the unanimous consent of the Senate to introduce a bill to constitute Cairo, in the State of Illinois, a port of delivery; which was read a first and second time by its title, and referred to the Committee on Commerce.

Also, a bill to provide for the survey of the public lands in the Territory of New Mexico, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Public Lands.

THE SAN FRANCISCO.

On motion by Mr. SHIELDS, the Senate proceeded to consider the message from the House of Representatives announcing that they agreed to the first and third, and disagreed to the second, amendments of the Senate to the bill of the House for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco.

On motion by Mr. SHIELDS, the Senate insisted on their second amendment, and asked for

a conference on the disagreeing votes of the two Houses thereon; and, on his motion, it was ordered that the conferees on the part of the Senate be appointed by the President *pro tempore*.

HARBOR AND RIVER IMPROVEMENTS.

Mr. BENJAMIN. The Committee on Commerce, to whom was referred the bill for removing obstructions in the mouth of the Mississippi river, at the Southwest Pass, and the Pass à l'Ouvert, have directed me to report it with a substitute. As the bill contains but a single section, and is a matter of importance, I ask the unanimous consent of the Senate now to take it up for consideration.

Mr. STUART. I shall have to ask my honorable friend to postpone the consideration of the bill.

Mr. SLIDELL. I hope the honorable Senator from Michigan will reconsider his determination to oppose the immediate passage of the bill. A bill appropriating an amount nearly as large, for a purpose much less important and much less national, passed the Senate the other day by unanimous consent, without even a report on the subject. I allude to a bill appropriating \$200,000 for the improvement of the navigation of the Cape Fear river. The bill just reported by my colleague for the removal of the obstructions in the passes of the Mississippi is one which, I presume, will command the unanimous consent of the Senate. I think there will be no objection to it. Unless, therefore, there be some special objection on the part of the Senator from Michigan, I hope he will waive his objection.

Mr. STUART. Mr. President, if there is one thing more unpleasant to me than another, it is to interpose an objection when gentlemen with whom I agree in sentiment, or to whom I am opposed, desire to do a particular thing. But I will say, in a few words—for I cannot, of course, at this time be permitted to say much to the Senate—that I agree, in reference to these appropriations, with the gentlemen who are the most liberal under the powers conferred in the Constitution. But here is a fact that has met me in the face ever since I have had the honor of a seat in Congress, and members of this House, as well as of the other, ought to understand and contemplate it. The fact is, that there is a very considerable minority of Congress opposed to river and harbor improvements. The rules of the House of Representatives are such that that minority there can prevent, whenever they choose, the consideration of a single bill; that is, a bill having for its object a single appropriation only. Now, if the friends of harbor and river improvements mean to surrender the whole thing; if it is the sense of the Senate and of Congress to surrender the whole question to its opponents, they will fall into this snare of reporting separate bills; because just so long as they do that, and just so long as the rules of the House of Representatives remain as they are, one single bill cannot pass except as a matter of grace; and when you pass a bill as a matter of grace you exasperate all the remainder of the country that stands upon an equal footing; and it is for that reason that I signified, in the committee, my intention, both in and out of it, to oppose the passage of separate bills.

Let a bill be prepared, such a one as ought to be reported and presented—and I offered a resolution the other day with the view to instruct the Committee on Commerce of the Senate, if the House does not act in season, to report—and let us act upon it; and I may suggest, in view of some past legislation of the Senate, let us act with discretion and with prudence, and it can be passed, and ought to be passed. But if separate bills are considered, as I have said, they will be lost. And I will suggest to the Senate how they will be lost, and then I will consume no more time at present.

By the rules of the House of Representatives, appropriation bills are entitled to precedence over all other business. A bill making appropriations for rivers and harbors has been repeatedly adjudged by the House to fall within the provisions of the rule, and hence in Committee of the Whole the majority can take up that bill, whenever they choose to act upon it, and pass it. A separate bill clearly is not within the rule; it goes upon the Calendar; and inasmuch as the discussion in that body in Committee of the Whole permits the member speaking to discuss anything he chooses, the result is that everything except the subject

under consideration is discussed during the whole Congress; and separate bills of this character, or any other, are not reached.

I will state a fact. A bill was reported quite early in the first session of the last Congress in the House of Representatives to provide for an appropriation in money to construct the St. Mary's Canal; and although the first session of that Congress was nine months long, and we also sat the constitutional time of the second session, we did not get within sixty of that bill.

It will be recollected by the Senator from Mississippi, who was then a member of the House, [Mr. BAOWN], that the chairman of the Committee on Roads and Canals reported separate bills for improving the rivers early in the session, among the very first bills that were reported at the first session of the last Congress, and we never came near one of them during the whole year; and I say now, what I have frequently said in that House, that if Congress were to sit nine years continuously, with the rules of that House as they stand, a minority opposed to river and harbor improvements can prevent you from reaching a separate bill. My object, therefore—and it is said with the utmost friendship to my friends from Louisiana and to this measure—is simply, at the proper time, to call the attention of the Senate to these facts; and if the Senate decide the question against me, decide to surrender the whole question of river and harbor improvements, I certainly shall not oppose it; but, as at present advised, I cannot consent to the consideration of this bill until we can have time to take up the question and consider it.

Mr. BELL. I wish to add a few words to the considerations which have been suggested by the honorable Senator from Michigan. Under the circumstances and influences which exist in regard to a river and harbor bill—I will not specify what they are—at the present session of Congress, I foresaw, at a very early day, that probably, unless the Committee on Commerce of the Senate should take up this subject, which I think it is their bounden duty to do, we should have no harbor and river appropriations during the session; and I agree with the views presented by the honorable Senator from Michigan: if we attempt to get these bills for certain specific, very important, and indispensable objects—and such an object I know this to be, which is presented by the Senator from Louisiana—one after another, it will be a death-blow to any but some particular favored ones; and I doubt whether even those will get through.

There is another reason which I hope will influence the Senate. I did not know, indeed, that there was a resolution pending on the subject, but I hope to-morrow morning the Senate will take up that resolution, and instruct the Committee on Commerce to report a general bill of this description; for it is not only highly expedient, if we mean to direct attention to these appropriations, and to these great and valuable objects, that the Senate committee shall report a bill, and that it shall pass through both Houses, but it is also highly important that it should be done at an early period of the session.

We appropriated some \$2,000,000 last Congress to various objects of more or less importance—some of very little, to be sure, but a great number were highly important improvements—and they are in a half finished condition. If we let these bills lag along and wait upon the House of Representatives until they report their bill, at a late period in the session, when we shall have to hurry it through near the close of the session of Congress, which I think I foresee will be some time in the month of September, or in all probability in October, a great portion of the appropriations, and of the valuable works which have been commenced under them, will be wholly lost; and the works only commenced will be in a state of dilapidation and decay, swept away by storms or floods, for want of a continuation of the work. We not only want the appropriation, but we want it at an early period of the session. Whatever appropriations we propose to make, if it be the will of both Houses to make any, ought to be passed before the spring opens, so that the works may be recommenced. I hope, therefore, the honorable Senator from Michigan will not fail, to-morrow morning or next day, to move for the consideration of his resolution.

Mr. STUART. I intend to do it.

Mr. BENJAMIN. I shall withdraw my request for the consideration of the bill, and join the honorable Senators from Michigan and Tennessee to get the action of the Senate upon the subject of river and harbor improvements, in the way of an instruction to the Committee on Commerce.

PRIVATE LAND CLAIMS IN MICHIGAN.

Mr. ALLEN. The Committee on Private Land Claims, to whom were referred the resolutions of the Legislature of Michigan in relation to claims for lands, have directed me to report a bill appointing commissioners to ascertain certain facts relative to private land claims in Michigan, and to ask for its consideration at this time. It meets with the approbation of the Commissioner of the General Land Office.

The bill was read twice by unanimous consent, and considered as in Committee of the Whole.

It proposes to appoint the register and receiver of the Detroit land office commissioners to ascertain, under the direction of the Commissioner of the General Land Office, what title to lands lying within the Territory of Michigan were confirmed by the commissioners in their several reports to the Secretary of the Treasury, which are not covered by any act of confirmation of Congress, and for which patents have not been issued; and that they shall take an oath, or affirmation, faithfully to perform the duties prescribed in "An act appointing commissioners to ascertain certain facts relative to private land claims in the Territory of Michigan."

It proposes to direct, further, that it shall extend to claimants to land the title to which was confirmed by previous commissioners, and to which the claimants did not receive any conveyance from the United States, and to claimants to land the title to which was confirmed by the commissioners, and who received a patent from the United States for a less quantity of acres than was confirmed; with the provision, however, that it shall not extend to claimants who received a patent from the United States for lands included within the metes and bounds set forth in their application or in the confirmation of the commissioners, or who received other lands equal in quantity; that the claimants shall, within one year from the passage of the bill, give specific notices of their claims to the commissioner, minutes of which notices, and all subsequent proceedings, with the evidence in each case, shall be entered by the register in a book kept for the purpose; that the commissioner shall have power to compel the attendance of witnesses, administer oaths, and have access to all records of the United States that may be necessary in their investigations; and that within two years after the passage of the bill, they shall furnish a certified transcript of their proceedings and the evidence, together with their opinion, upon the merits of each case, to the Commissioner of the General Land Office, who shall immediately thereafter lay them before Congress, with his recommendation thereon.

Mr. GWIN. What is that bill?

Mr. STUART. I will state to the Senator, that it is for the purpose of enabling the Land Office Department to ascertain certain facts respecting private land claims in the eastern part of our State, with a view to their being properly adjusted. It is a preliminary movement to enable the Land Office to ascertain the facts in the case.

Mr. GWIN. It makes no settlement?

Mr. STUART. Oh, no; it is only with a view of getting the facts to enable a proper disposition to be made afterwards.

Mr. PETTIT. The bill was drawn under my direction and advice. It does not give away or dispose of an acre of land. It only authorizes the appointment of commissioners, which is necessary to enable the Commissioner of the General Land Office to know where certain lands lie, and how much of them there are, and to direct them to report, in order that patents may be issued.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

CAPITOL EXTENSION.

Mr. BAYARD. The Committee on Public Buildings, to whom was referred the joint resolution from the House, authorizing a supplemental contract for certain marble for the Capitol extension, have directed me to report it back without amendment, and with a recommendation in favor

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, FEBRUARY 23, 1854.

NEW SERIES.....No. 29.

of its passage; and I am also instructed to ask for its immediate consideration.

The Senate accordingly proceeded, as in Committee of the Whole, to consider the joint resolution. It proposes to direct the President of the United States to cause a supplemental contract to be made with the contractors for marble for the Capitol extension, and to procure the columns and ashlar in larger blocks than are required by the specification of their present contract.

Mr. BAYARD. The reason for asking the immediate consideration of the resolution which passed the House last week, is, that it is necessary, for the construction of the Capitol, if the alteration of the contract is to be made in the size of the blocks used for the purpose of construction, that it should be passed at once. The ground on which it is asked is, that, in making the original contract, the quarry from which the marble was to be taken had been just opened; it was not known, or was not supposed, that blocks of the size which will be requisite to make the columns for the Capitol would be obtained; and the contract, therefore, stipulated for furnishing the blocks, which would require six pieces to each column.

The Superintendent is of opinion, and I have no doubt correctly, that the effect of the change upon the columns, either as regards beauty or permanence, will be far more than any increase of cost arising from the purchase. The other alteration of the contract which is contemplated is in the enlargement of the size of the blocks which form the face of the Capitol. As it now stands, the width and depth of some of these blocks, it appears from a drawing exhibited by the Superintendent, are nine inches; and under the contract, as originally made, the contractor refuses to deliver them in that width at the prices which the contract would call for. It is believed that the permanence of the building, its facing and durability, require the blocks to be six inches; and in order to obtain that, it is necessary that a supplemental contract should be made.

I will state generally that the increase of cost, according to the estimate of the Superintendent, arising out of these alterations, tending to the greater permanence and beauty of the structure, will be somewhere about \$148,000.

The joint resolution was reported to the Senate without amendment, was ordered to be read a third time, was read a third time, and passed.

ISAAC BOWMAN.

On the motion of Mr. JONES, of Iowa, the Senate proceeded to consider the following resolution reported from the Committee on Pensions:

Resolved, That the claim of Isaac Bowman, legal representative of Isaac Bowman, deceased, for half pay due his father under the act of the General Assembly of Virginia of May —, 1790, be referred to the Secretary of the Interior for liquidation under the act of Congress of July 5th, 1833, and that the Committee on Pensions be discharged from further consideration of the case.

The resolution was agreed to.

RAILROAD BILLS.

Mr. SLIDELL. I am not familiar with the rules of the Senate, but I will suggest that various railroad bills were assigned as special orders for to-day. I wish them to preserve their preference on the Calendar, and I presume it will be enough now to take them up and make them the special order for to-morrow.

The PRESIDING OFFICER, (Mr. Foor in the chair.) The Chair will suggest, that in his judgment, that is entirely unnecessary. They do not lose their order on the Calendar, although they are not taken up on the day assigned.

INDIAN TERRITORIES.

Mr. JOHNSON. I ask the unanimous consent of the Senate to introduce a bill to establish and organize the Territories of Chahlahkee, Muscogee, and Chahta. I desire to have the bill read twice and referred to the Committee on Territories, and to ask also that it be printed. That, I presume, will be done, and I wish then to have a further step taken in regard to it, which I will submit to the Senate.

Leave was granted to introduce the bill; which was read twice and referred to the Committee on Territories, and ordered to be printed.

It proposes to enact that, in order more fully to extend the protection of the Constitution and laws of the United States over the Cherokee, Muscogee or Creek, Seminole, Choctaw, and Chickasaw nations of Indians, and to enable them to advance civilization, and hereafter to become citizens of the United States, all that portion of country west of the States of Missouri and Arkansas, included within certain limits, as follows: Beginning at a point on the old western territorial line of Arkansas Territory, being twenty-five miles north from the point where the said territorial line crosses the Arkansas river; thence running from said north point south on the said territorial line to the point where it crosses the Verdigris river; thence down said Verdigris river to the Arkansas river; thence down said Arkansas river to a point where a stone was placed in the year 1833, opposite the east or lower bank of the Neosho or Grand river, at its junction with the Arkansas; thence running south 44° west, one mile; thence in a straight line to a point four miles northerly from the mouth of the north fork of the Canadian river; thence along the said four mile line to the Canadian river; thence down the Canadian river to the Arkansas river; thence down the Arkansas river to that point on the same where the eastern Choctaw boundary line strikes said river; thence running with the western boundary line of the State of Arkansas to the southwest corner of Missouri; thence along said western boundary line of Missouri to the lands assigned to the Senecas; thence on the south line of the Senecas to Grand river; thence up Grand river to the northwest corner of the lands of the Senecas and Shawnees; thence along the northern boundary line of those lands to the western boundary line of Missouri; thence with said western boundary line of Missouri to the thirty-seventh parallel of north latitude; thence with that parallel of latitude to the one hundredth parallel of west longitude; thence with that parallel to where it crosses the northern line of Texas; thence with that line to the one hundred and third parallel of west longitude; thence with that parallel of longitude to where it crosses the thirty-seventh parallel of north latitude; thence with that parallel of latitude to where it crosses the one hundredth parallel of west longitude; thence with said parallel of longitude to a point on the same, due west from the place of beginning; and thence due east to the place of beginning, shall be with the assent of the Cherokee nation of Indians, to be obtained in a manner specified in the bill, erected into a special and qualified Territory of the United States, to be called the Territory of Chahlahkee; and that all that portion of country south and west of said Territory, bounded on the north and east by said Territory, on the south by the Canadian river, and on the west by the one hundredth parallel of west longitude, shall be, with the assent of the Muscogee or Creek, and the Seminole Indians, erected into a Territory of the United States, to be called Muscogee; and that all that portion of country west of the State of Arkansas, bounded on the east by Arkansas, on the north by the Territories of Chahlahkee and Muscogee, on the west by the one hundredth parallel of west longitude, and on the south by Red river, shall be, with the assent of the Choctaw and Chickasaw Indians, erected into a Territory to be called Chahta.

Mr. JOHNSON. This bill has been prepared with a great deal of care, after some conversation and consultation with the members of the Committee on Territories. The design of the bill, is, if possible, to solve what has always been a very grave and a very serious and difficult question with the Government and people of the United States; that is, as to what shall be the fate of the unfortunate aborigines of this country—what the destiny and the end of our Indian tribes.

It proposes to give them some description of government, simplified as much as may be, which shall tend to elevate them in the scale of civilization, and which will hold out to them inducements

to use and improve upon the civilization which they already have, to such a degree that they may ultimately become citizens of the United States, and be vested with the highest rights of self-government. The object of the bill will be seen at once by this statement.

The tribes to which this bill relates are now highly civilized for Indians, and are the only tribes on the continent of America, that I know of, where this experiment could be fairly tried; for, of course, this is as yet but an experiment. In order that the intelligence of these tribes may consider and scan this bill, I ask that a thousand additional copies of it may be printed. The object is, that a certain portion of the printed copies may be distributed amongst each one of the tribes, so that their chief men may have time to examine the provisions of the bill, and report back to us such objections as they may find to it, and such improvements as they themselves may think would be for their best interests.

I ask, therefore for the printing of a thousand additional copies to be used in that way.

It is a subject that will address itself with peculiar interest to the benevolent and humane in every nook and corner of this prosperous, powerful, and happy country. It is in discharge of a debt we all acknowledge, in fulfillment of a duty to a much and long injured race of people, that ought to be, and I trust is, a matter of conscience throughout the land.

If the effort now proposed be successful, it will show to the world that the vast sums appropriated by the Government of the United States, and advanced and expended by the benevolent societies of our people, to aid in educating and civilizing these suffering people, have not been thrown away.

If successful, liberty and christianity, good government, and individual advancement in all that makes life desirable, will have been achieved for the unfortunate, consolation and encouragement for the benevolent and conscientious, and a settled policy for the Government, (where now there is none,) that shall atone in some degree for wrongs that are innumerable, and oppressions unequalled in the history of all the world beside. I have unlimited and abiding faith in its success.

The PRESIDENT. The motion must go to the Committee on Printing, unless by unanimous consent the reference be dispensed with.

Mr. JOHNSON. I ask the unanimous consent of the Senate to have the question taken now.

There being no objection, the motion was agreed to.

TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. PETTIT. Before proceeding in my remarks, and as prefatory to them, I desire to read a short dispatch that has just reached me:

"The Baltic has arrived with Liverpool dates of the 8th instant. Count Orloff's mission has failed, and the Russian ministers have left Paris and London. The Czar's last proposition has been finally rejected, and all further negotiations broken off. England and France are making extensive preparations to send troops to Turkey. Unless the Czar speedily withdraws, a general war is certain."

Mr. President, I return, this morning, my sincere, devout, and humble thanks to the Ruler of all nations that our beloved country is not involved in that dire catastrophe—war. Long may we be spared such a calamity.

He then proceeded to speak on the bill before the Senate and occupied its attention for three hours. A report of his speech will be found in the Appendix.

Mr. SUMNER. I move that the further consideration of this bill be postponed until to-morrow.

Mr. CASS. I gave way to the honorable Senator from Massachusetts, but I want a few minutes for explanation. I do not like to sleep upon this matter. I am not going to imitate the dogmatical manner or the coarseness of language of the honorable Senator from Indiana. My respect for the Senate and myself—not for that Senator—prohibit. Every member of the Senate who knows me knows that very well; but there are some

things which he has said to which I wish to call the attention of the Senate. It is necessary to the proper understanding of my position; and, therefore, I should desire the attention of the Senate either to-night or to-morrow morning.

Several SENATORS. To-morrow morning.

Mr. CASS. I would rather go on now.

Several SENATORS. Go on! go on!

Mr. SUMNER. I withdraw my motion.

Mr. CASS. I prefer to go on, and I shall not detain the Senate long. The Senator from Indiana has made a most extraordinary speech. He says he has reflected upon it, and that the fire has burned within him, I think, for about four years, apparently wholly smothered. Well, sir, it has finally come out, something after the manner of a volcano—with a great explosion, but a very harmless one. I did not suppose he had nursed it up so long; and, under all the circumstances, the view which the honorable Senator has taken is wonderful, indeed. The Senator admits he did say that Congress had power to sell the people of the Territories into slavery. If I had said that in the American Senate, I should be in a great passion with myself, as he evidently is, and not being willing to turn upon myself, I should turn upon somebody else. It was a most extraordinary sentiment, atrocious, indeed. Now, what were the circumstances under which I referred to it? Two years preceding my speech on which the Senator commented I wrote a letter, which is somewhat known, I presume, to every Senator, and has, in a measure, become historical, in which I went into the consideration of the constitutional power of Congress over the Territories. The Senator, a few months after that letter was written, when I was not here, reviewed the doctrine I advocated in the severest terms, using such epithets as "silliness," and "absurdity," and others of a similar character, applying them to those who advocated the same position which I maintained. Knowing perfectly that I had advocated it, how could I suppose but that he meant his remarks to apply to me? The first opportunity I had after I returned here I took up the question connected with the government of the Territories, and in so doing, I turned over the Congressional Globe, and reviewed all that had been said upon the subject.

Why, sir, any man who has heard the Senator from Indiana to-day would have supposed that I had picked him out, and that he was the only person to whose opinions I had alluded. I went over the history of the whole matter, in my examination, in order to ascertain the views of the respective speakers, and the foundation upon which they placed the assumed power of Congress to govern the Territories. My own colleague was one of them, and he will recollect the circumstances perfectly well. I did review them all. I quoted their language, in order; in the first place, to show these assumed grounds, and then, subsequently, to show that, in my opinion, there was no power in the Constitution of the United States giving the right to Congress to govern the Territories. That was my conclusion. Among these was the Senator from Indiana; and I was far more struck with the unjustifiable sentiments he advanced than by the strength of the argument he displayed. I commented upon them, as I had a right to do. And it is among the extraordinary perversions of human nature to witness the spirit displayed by the Senator four years after the occurrence, at this very common procedure.

But, sir, the Senator says I said this when he was absent. And does he suppose he can shoot a speech like a Parthian arrow, and then place himself beyond reach of observation? The gentleman left his speech here. It was a public document, among the Congressional archives of the nation. It had gone out to the country, to the knowledge of the American people. Because he was not here, was his doctrine never to be reviewed? It was no personal matter; it was the speech of a member of the House of Representatives of the United States. I found it in the Congressional Globe. It laid down constitutional doctrines in which I did not believe. I will ask any man, within the hearing of my voice, if this was not a proper ground of criticism and of examination? And I appeal to every Senator to look at my speech, and see whether I did not examine it in a proper spirit. There is no question but that I had a right so to do, and he has no right to reproach me for having performed this duty.

The gentleman examined, in my absence, the doctrines which I had advocated, and, though he did not use my name, no man can doubt, who knows the history of the country, that I must have been one of the persons in his mental eye at the time he was so prolific in his denunciations. It could not have been otherwise.

As to the general power and jurisdiction of Congress over the Territories, I am not going to argue that now. I have done that before. I leave others to judge. I must confess I am better pleased with my work since I have seen the temper in which it has been received by the Senator. He who is right generally preserves his self-balance. I will say, however, a few words, in consequence of the positive tone and apparent self-complacency in which the Senator asserted he had established his position beyond doubt. How has he established it? Why he has established it by loose and general references and implications. He supposes the power of acquisition to include the power of government. This is a *non sequitur*. We may organize governments without the least necessity for regulating the internal affairs of the people. Those should be left to themselves. When you acquire territory there is a moral necessity for the organization of government. That you may do as a matter of necessity. But there the necessity and your power stops, and from that point the right of the people to exercise the power of self-government commences. The two powers of external organization and of internal regulation are as different as two political principles can be, and he who does not understand the difference, does not understand the doctrine of our fathers, and their separation from England.

Now, Mr. President, I will ask any Senator here to put his finger upon that clause in the Constitution which gives Congress the power to regulate the internal affairs of the Territories. You cannot find anything like it from the beginning to the end of that instrument. You find the power to regulate and "dispose of" the "territory and other property belonging to the United States;" but what has the Supreme Court said about that provision? That the word "territory" in that part of the Constitution means land, and the power is, in other words, the power to regulate and dispose of the public lands; and I ask any man if that includes the power of political jurisdiction, the power of life and death, over all the inhabitants living there? The power to dispose of the land, upon the construction of the Senator, gives a political jurisdiction over all the concerns of life, and all that makes life desirable—the right to sell land gives the right to sell the people into slavery. Never under the Government of Turkey or Russia was such a power conveyed in such language.

The Senator says that Judge Marshall so decided. He did in some measure intimate such an opinion; but the Senator quotes Judge Marshall's words, and most singular they are; showing great doubts upon the subject—and any candid man on examination will say so. What does he say in the very words which have been quoted? Why, that whatever may be the foundation of the power, the United States unquestionably possess it. Is that in the usual manner of that clear-sighted, and clear-spoken man, when he saw the subject before him without doubt? No; it in fact abandons the question of right, as not to be maintained, and places the exercise of power upon possession only. And the Senator repeats the same view, and says, no matter where the power came from, the United States have got it. Is it no matter, in this Government of limited power, where Congress gets its authority? Has Congress nothing to do but to exercise any powers which it may lay its hands upon, and then justify the possession by the usurpation? That certainly is a most reprehensible and dangerous doctrine. I must again say, however, that I could never understand how the Court—after determining that the word "territory" in the clause, giving Congress power to make all needful rules and regulations in the territory, and other property of the United States, meant "land," and that it was only a power to regulate lands—could decide that this Government had full power of life and death over the people of the Territories.

The Senator says that I am arraigning all the people to whom he referred, dead and living, judges, legislators, and many other characters.

What kind of an argument is that? I acknowledge the value of precedents; I am not bound by them, indeed, but I acknowledge them as reasonable evidence of the proper meaning of the Constitution; but is that any reason why I should not examine their truth and foundation? In a Government like this, of written and limited powers, they are less authoritative than in any other, for we have always our great charter to fall back upon. The Senator has yet to learn one of the main principles of the Democratic faith, and that is, that no precedent supersedes the Constitution. The repeated decisions in favor of the right to establish a bank do not weigh a straw with the Democratic party, and they reject the doctrine and the usurpation. I submit, with all possible resignation, to this solemn arraignment repeated so often by the Senator, and which he seemed to consider a kind of death stroke.

With respect to this question of jurisdiction, Mr. Madison said that the Congress of the Confederation, which exercised a similar power, did it without a shadow of authority. He examined the point, and decided that its exercise was unconstitutional. I think the Senator had better include him in his formal arraignment, as he has attacked me for following humbly in his footsteps.

As to the general question of jurisdiction, how does this question stand? One gentleman gets up and contends that Congress have the power, because they are sovereign; another, because they may make acquisitions, and then must govern them; a third, because they are owners, and so on, to the end of the chapter. There are, in fact, no less than twelve reasons which have been given in favor of this power; and under what kind of a Government is it that this authority is thus claimed? Under a Government of limited powers; of powers which cannot be executed unless you find them in the Constitution expressly or by necessary implication; yet we hear gentlemen saying here that the United States are sovereign, and therefore may govern the Territories. Put your finger, I repeat, on the clause of the Constitution which gives the power. That is the place to find it to the law and to the testimony. But you cannot find it there. You may be sovereign or subordinate, dependent or independent, and these considerations are not worth a cent in such an inquiry as this. The Constitution alone is your guide, and should be your rule. The honorable Senator from New York [Mr. SEWARD] the other day committed the same error in maintaining that, because under certain circumstances, you may establish a government for a Territory, you may do everything; you may usurp jurisdiction over all their internal concerns. How easy does power seek to extend itself! for just so said the British Government to our fathers.

They declared "that his Majesty in Parliament has the right, by statute, to bind the colonies in all cases whatsoever." And what said the patri-archs of the Revolution to this tyrannical edict? "You have no such right. We grant you the right of regulating our exterior concerns; but when you come to our homes to touch our domestic concerns we deny your right, and will resist you." And they did. And I tell the Senator from Indiana, after all he has said, that Congress has never gone to that length. Congress has regulated the exterior relations of the Territories; and you will observe, that when you put this power on the only true foundation, the foundation on which Mr. Madison put the action of the Congress of the Confederation, as a matter of necessity arising under the circumstances, you are bound to go no further than the necessity requires. That is the true doctrine. Does necessity require you to regulate the domestic concerns of the Territories? No, sir; and the best evidence is, that you have never done so but in one instance. The only case of direct intermeddling with the internal concerns of a Territory by Congress has been in regard to the institution of slavery.

I do not speak of the outlines for their government. Men may well differ as to whether a Territory should have three or four judges, or how long they shall hold their terms of office, or shall be voters, or on many others similar questions. I willingly admit that men may differ as to how far you may go in the execution of your necessary power, or to what extent you shall be limited. I, perhaps, should differ from many on this question; but there is a point beyond which you cannot

pass; beyond which you have no constitutional, no moral, no legal right to pass; and that is, when you enter the houses of the people of the Territories, and touch their domestic altars, and their firesides. There you have no right to go. You have no constitutional power to go there, and you are forbidden by the laws of God. This right of self-government is an inalienable right of the people, consecrated by the blood of our fathers, and hallowed by the affection of their sons. Sir, you cannot interfere with it, nor can anybody else. This is the error of the Senator from Indiana: That because some power is necessary, therefore, all power may be exercised. And his defense of this doctrine—that there is no danger of the power being abused—is contradicted by all human experience, and in the very face of all the efforts of the American people, to limit, by constitutions, the authority granted to their servants. He will find it difficult to make his constituents believe that unlimited power may safely be granted to any one.

Mr. President, I will not detain the Senate any longer upon this subject. The Senator from Indiana has evinced very bad temper, I must say. He said a great deal which, if he does not regret, his best friends will regret for him. I think my review of his former speech was a very fair one. If I were to prepare it now, perhaps I should not use every term I then employed. It may be, that supposing I was aimed at, as I yet suppose I was, that feeling may be apparent in some of my expressions. But be that as it may, everything I said had relation to the discussion and to the arguments only, nor was there anything in them which did not fairly arise out of the circumstances, or which should give offense to any one.

Mr. SUMNER obtained the floor, and on his motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 20, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Friday was read.

CORRECTION OF JOURNAL.

Mr. JONES, of Tennessee. I merely wish to say that the Journal of Friday is not made up in accordance with the facts as they occurred here. I got up and demanded a division of the House upon the question of adjourning till Monday. The Journal correctly states that when the motion to adjourn over was taken no quorum was present. And when it was subsequently taken, and there having been no ascertainment of the question whether there was a quorum present, I arose in my seat, and, addressing the Speaker *pro tempore*, [Mr. WRIGHT, of Pennsylvania,] demanded a division of the House upon the question, in order to ascertain whether there was a quorum, without which the House could not adjourn over. That fact does not appear upon the Journal.

The SPEAKER. Will the gentleman state whether he was recognised by the Chair?

Mr. JONES. The yeas and nays were called for, and refused. Tellers were called for, and refused. I then called for a division of the House, that we might see whether a sufficient number was present to adjourn over. The gentleman from the Lexington district, Kentucky, [Mr. BRECKINRIDGE,] if I recollect right, asked the Chair what the question was. The Chair stated that I made a call for a division, and I think the gentleman from Kentucky [Mr. B.] told the Chair to put the question, and to put it quick. He did so, and decided that the yeas had it, and that it was too late to call for a division.

The SPEAKER. Does the gentleman make a motion upon the subject?

Mr. JONES. I do not.

The SPEAKER. The Speaker was not in the chair at the time of the occurrence alluded to, and can only be governed by the records of the House before him.

Mr. JONES. The Journal shows who was in the chair at the time.

The SPEAKER. Does the gentleman make a motion to amend the Journal?

Mr. JONES. No, sir; I only wish to state the facts.

PRE-EMPTION PRIVILEGES IN CALIFORNIA.

The SPEAKER. The Committee on Public

Lands was being called for reports before the House last adjourned, and the gentleman from California [Mr. LATHAM] is entitled to the floor.

Mr. LATHAM. Mr. Speaker, the Committee on Public Lands, to which was referred Senate bill No. 124, entitled "An act for the extension of the preemption privilege in California," have instructed me to report it back to the House, with an amendment, and a recommendation of its passage. I wish, Mr. Speaker, to say a word, in reporting this bill to the House, explanatory of its character. By the third proviso of the sixth section of an act passed March 3, 1853, the preemption privilege was extended in California to the unsurveyed lands, and for the period of one year.

The same anomalous condition of the public lands in that State which authorized the granting of this privilege still exists. And the bill I now report, which passed the Senate and the Committee on Public Lands unanimously, merely asks for the extension of this right of preemption on the unsurveyed lands of California, for the period of two years from the 3d of March next. It will be some time yet before the public lands can be surveyed, and, of course, until the provisions of the preemption law of 1841 can be made applicable. I will also state that since the right of preemption was given on the unsurveyed lands in California, settlements and improvements have been made of a permanent character, and a population is there settling whose interests are identified with the soil, and who constitute the strength and power of that country.

I ask, sir, in behalf of my State, and in behalf of her energetic people, and in behalf of her future agricultural prosperity, that this House will now act upon this bill. The right of preemption on the unsurveyed lands ceases in that State on the third March next, and unless some provision, like the one contained in this bill, is made, all that confusion of claims and title will ensue which has too often resulted in bloodshed. When the House recollects that out of the 93,622,400 acres of land, as is estimated by the Surveyor General to be in that State, there are 52,000,000 acres of mineral lands, 19,000,000 acres that cannot be irrigated, and of course not cultivated, 2,629,000 acres of swamp land, leaving but about 20,000,000 of acres of agricultural lands, between 10,000,000 and 11,000,000 of which are claimed under large Spanish grants, they can see the strongest reason why the General Government should use every reasonable means to facilitate permanent settlements in that country.

Mr. WASHBURN, of Illinois, (interrupting.) I desire to inquire of the gentleman if his bill proposes the establishment of any new privilege other than the extension of the right already granted?

Mr. LATHAM. It only proposes the extension of rights already granted. It asks no appropriation of money, and establishes no new principle.

Mr. WASHBURN. If the gentleman will permit me, I will say I am in favor of the most liberal appropriations to California, and that I have no objection to the passage of the bill at this time.

Mr. LATHAM, (resuming.) In addition, Mr. Speaker, I will only add, that so remote is my State from the General Government, that it takes months for the people to get information of a law of this kind being passed by Congress, and the provisions of the third proviso of the sixth section of the law of the 3d of March, 1853, is now but generally known, when it is about to cease; I think the House will not hesitate to pass at once this law, which calls for no appropriation, the establishment of no new principle, and upon the passage of which depends, in a great degree, the prosperity and the development of the true wealth of my State. I therefore move that the bill be read a third time, and put upon its passage, and on that motion I call the previous question.

The bill was then read through, as follows, by the Clerk.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the 4th of September, 1841, granting preemption rights to settlers on the public lands, as modified and made applicable to the State of California, by the act of the 3d of March, 1853, shall be further modified, so far as such claims apply to lands subject to private entry, by granting to each settler in said State who is entitled to preemption under said laws, an extension of time for the com-

mencement of his or her settlement as the period within which proof of right and payment shall be made for the lands claimed as aforesaid; and the third proviso in the sixth section of the aforesaid act of the 3d of March, 1853, shall be so modified, as to extend said rights to settlements made prior to and within two years after the passage of this bill.

The following amendments, reported by the Committee on Public Lands, were then reported, as follows:

Strike out from the word "so" in the third line to the word "and" in the seventeenth line inclusive. Strike out from the word "shall" in the twentieth line to the word "rights" in the twenty-first line, and insert after the word "modified" in the ninth line the words "by extending the provisions of," so as to read:

That the provisions of the 4th of September, 1841, granting preemption rights to settlers on the public lands, as modified and made applicable to the State of California by the act of the 3d of March, 1853, shall be further modified, by extending the provisions of the third proviso in the sixth section of the aforesaid act of the 3d of March, 1853, to settlements made prior to and within two years after the passage of this act.

Mr. LATHAM. I demand the previous question.

The previous question was seconded, and the main question ordered.

The question being first upon the adoption of the amendments, it was taken; and, upon a division, there were—ayes 71, noes not counted.

Mr. RICHARDSON demanded tellers; which were ordered; and Messrs. RICHARDSON and CAMPBELL were appointed.

The question was then taken; and the tellers reported—ayes 105, noes 16.

So the amendments were agreed to.

The bill was then ordered to be engrossed, and read a third time; and having been engrossed, was accordingly read the third time, and passed.

Mr. LATHAM. I move that the vote by which the bill passed be reconsidered, and that the motion to reconsider be laid upon the table.

The question was put, and the latter motion agreed to.

Mr. WENTWORTH, of Illinois. I want to know what is the regular order of business? I call for the regular order, whatever it is.

The SPEAKER. The regular order of business is precisely what the House is now engaged in. The call of committees for reports has commenced, and further reports are in order from the Committee on Public Lands.

Mr. WARREN obtained the floor.

Mr. EWING. I rise to a privileged question. In view of the fact that the time allowed for debate in Committee of the Whole on the homestead bill is almost expired, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. TAYLOR, of Ohio. I hope not; I hope the committees will be allowed to make their reports.

The SPEAKER. The motion of the gentleman from Kentucky is not of such a privileged character as will permit him to take the floor from the gentleman from Arkansas [Mr. WARREN] for that purpose.

Mr. EWING. I tried to get the floor before it was awarded to the gentleman from Arkansas.

The SPEAKER. But the gentleman from Kentucky was not recognized by the Chair.

CHANGE OF THE BOUNTY LAND LAW.

Mr. WARREN. I am instructed by the Committee on Public Lands to report back House bill (No. 56) proposing to change the bounty land laws, with a recommendation that it do not pass.

I am also instructed to report adversely upon twenty-two petitions from the State of Pennsylvania, asking for a like change in that law, with the recommendation that they be laid upon the table.

I also ask, in behalf of the committee, that a communication from the Secretary of the Interior upon the same subject may be considered as a part of their report; showing, as it does, the reasons which induced the committee to come to the conclusion they have, and that it be also laid upon the table, and printed.

Mr. FLORENCE. I desire to make a motion.

The SPEAKER. No motion is in order while the gentleman from Arkansas is upon the floor, and until the business before the House has been disposed of.

Mr. FLORENCE. Is it not in order to make

a motion with reference to the business before the House?

The SPEAKER. The Chair will hear any motion the gentleman has to make.

Mr. FLORENCE. If I understood the gentleman from Arkansas, he reported back the bill, which was introduced on my motion at an early part of the session, and referred to the Committee on Public Lands, with a recommendation that it do not pass.

Mr. WARREN. That is the bill I have reported back.

Mr. FLORENCE. And also a communication from the Secretary of the Interior upon the same subject. I desire to debate the question, if it is in order to do so.

The SPEAKER. It is not debatable, a motion being made to lay the report upon the table. The Chair announced that it would be so ordered. It is not so ordered, however, as opposition is made to the motion, and a vote of the House will be taken upon the question, but it is not debatable.

Mr. FLORENCE. Can I move to recommit the report? Is not that debatable?

The SPEAKER. The motion to recommit will be in order when the motion to lay on the table has been disposed of; but that motion being highly privileged, cuts off the motion to recommit.

Mr. FLORENCE. I hope the gentleman from Arkansas will be good enough to withdraw the motion to lay on the table, and let it be an open question for the present. I take strong exception to the conclusion that the Secretary of the Interior arrives at in relation to the subject-matter, so far as I can understand it; and I desire to review that report, if I can have an opportunity of doing so, at some not very distant day.

Mr. DEAN. I hope the gentleman from Arkansas will withdraw his motion.

Mr. WARREN. I am perfectly willing to place this question in such a position that gentlemen may be heard. I do not care to press the motion to lay the report on the table.

Mr. DEAN. I would suggest that the report be referred to the Committee of the Whole on the state of the Union, and be printed.

Mr. WARREN. I withdraw the motion to lay the report on the table; and gentlemen can dispose of it as they please.

Mr. COBB. I wish to know if the gentleman withdraws the motion of his own will, or under the influence of those around him?

Mr. WARREN. I will give my reasons for it. I do it because I feel conscious that the committee have acted right in making the report, and will be able to sustain it; and I am willing that the subject shall be fully debated.

The SPEAKER. The Chair understands that the report is an adverse one. Is any motion made in regard to it?

Mr. FLORENCE. I move that it be referred to the Committee of the Whole on the state of the Union, and printed.

Mr. JONES, of Tennessee. What is the subject of the report?

The SPEAKER. It is an adverse report on a bill referred to the Committee on Public Lands, "extending the provisions of the several laws granting bounty lands to the officers and soldiers who have been engaged in the military service of the United States," and on sundry petitions on the same subject. The committee submit a communication from the Secretary of the Interior as their report, which will be read.

The Clerk read the communication, as follows:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, January 18, 1854.

SIR: On the 23d ultimo you inclosed to me "A bill extending the provisions of the several laws granting bounty lands to the officers and soldiers who have been engaged in the military service of the United States," with the request that I would give my opinion as to the effect of the passage of the same, and the probable amount of lands that would be disposed of by virtue thereof. I now have the honor to return it, with the result of the examination and consideration which have been bestowed upon the subject.

The words "provisions of the several laws granting bounty lands to the officers and soldiers who have been engaged in the military service of the United States," used in this bill, construed in their most comprehensive sense, would embrace all the bounty land laws ever passed; but I have supposed that it was not intended to revise and extend the laws which granted bounty land for revolutionary services, or those giving land to persons who enlisted for five years in the war of 1812, and that the real object of the bill

was limited to the acts of February 11, 1847, September 28, 1850, and March 22, 1852.

I have further supposed that the terms "State troops called into service by State authority," as coupled with the qualification contained in the act of March 22, 1852, and as embracing only those whose services were recognized and paid for by the General Government subsequent to the 18th of September, 1812.

With this understanding of the object of the bill, I find that it makes provision for four classes of beneficiaries, viz:

First. All those persons who served in the war of 1812, the Mexican war, and the various Indian wars since 1790, in the capacity of teamsters, wagoners, warrant officers of the staff, artificers, and laborers of the ordnance corps.

Second. All the officers, non-commissioned officers, musicians, privates, mariners, and marines, who were engaged in the naval, revenue, marine, gun-boat, or flotilla service, or in defense of the coast, or any part thereof, or who may have been taken captive by the enemy, and remained either in captivity or on parole, in any, and all the wars referred to.

Third. The heirs-at-law of those persons who, having served in said wars, have died without receiving bounty land, and who have not left relatives who are entitled on account of their services under the provisions of either of the aforesaid acts.

Fourth. All those persons who were formerly widows of soldiers who served in those wars, and who have married and become, or who may become, widows again.

From the best data obtained, it is estimated that the number of effective men who were engaged in the various wars to which the bill under consideration applies, is about 608,117. It is supposed that teamsters, wagoners, warrant officers of the staff, artificers, and laborers of the ordnance corps, form about one tenth part of the effective military force. This would give, as embraced in the first class, 60,811. It is supposed that the number of persons embraced in the second class is not less than 50,000.

The whole number of warrants already issued to persons serving in these various wars, is 302,039, which, deducted from the entire military force engaged in them, will leave 306,078 persons to be provided for, and supposing that of this number 6,078 are provided for by existing laws, there will remain to be embraced by the third class about 300,000.

Of the fourth class it is supposed there may be about 1,000. But as the cases in which they would take are estimated in the third class, they would not increase the aggregate number of persons provided for by the bill.

Besides these several new classes of beneficiaries, this bill gives to all those persons who are entitled to, or who have received lands under existing laws, such additional quantity as will amount to 160 acres each.

The number of persons who have received warrants for eighty acres each, and who will consequently be entitled to an additional eighty acres, is about 55,000.

The number who have received warrants for forty acres, and who will be entitled to an additional one hundred and twenty acres each, is about 109,000.

Upon these hypotheses, the quantity of land which would be disposed of, were this bill to become a law, is as follows:

To class No. 1, containing 60,811 persons, at 160 acres each.....	9,729,760 acres.
To class No. 2, containing 50,000 persons, at 160 acres each.....	8,000,000 "
To class No. 3, (which also includes the number in class No. 4,) containing 300,000 persons, at 160 acres each.....	48,000,000 "
To 55,000 persons an additional quantity of 80 acres each.....	4,400,000 "
To 109,000 persons an additional quantity of 120 acres each.....	13,080,000 "

Making the total number of warrants to be issued 574,811, and the quantity of land required to satisfy them..... 83,209,760 "

The execution of this law, so far as the third class of beneficiaries is concerned, will be attended with great difficulty. The examination of the claims will involve accurate knowledge of the laws of descent in the various States in the Union, and other localities, where the soldier may, by chance, have had his domicile at the time of his death. There must oftentimes be conflicting claims as to the right of inheritance, and the opportunities for the perpetration of frauds will be fearfully increased. The execution of the law will likewise require an immense amount of time and labor. The number of warrants issued under existing laws, during the last three years, is about 183,000, and at that rate, the issuing of those granted by this bill, with the present clerical force engaged in the execution of the existing bounty land laws, would require upwards of nine years, or more than triple the present force, during the present Administration.

The enhanced value of the public lands, consequent upon the increasing facilities by railroad and otherwise, for transporting their products to market, and the increasing population of the country, would, no doubt, cause these warrants to be located more rapidly than those heretofore issued; but, notwithstanding, it is estimated that it would require at least eight or ten years to absorb them. In the mean time, of course, the revenue derived from the sale of the public lands would be insignificant in amount.

This bill introduces several new principles into the bounty land system. It grants bounty land without respect to length of service; and, consequently, gives to those serving only one month the like quantity as to those serving throughout all the wars to which it is applicable. It gives land to laborers, and to the heirs-at-law of those who rendered military service.

I am, sir, very respectfully, your obedient servant,
R. McCLELLAND, Secretary.
Hon. E. A. WARREN,
Of the Committee on Public Lands,
House of Representatives.

The reading of the report having been concluded—

Mr. FLORENCE. Mr. Speaker, I move to

refer the report just read to the Committee of the Whole on the state of the Union, and that it be printed, together with the letter of the Secretary of the Interior.

Mr. Speaker, while I was on the floor a moment ago, I said that I took exception to the letter of the Secretary of the Interior, so far as I understood it. I do not mean to say now, without knowing its contents sufficiently well, after hearing only a single reading of it here, that I will take issue on that letter or report. I do not mean to reflect upon the Secretary of the Interior, or do injustice to that intelligent and courteous member of the Cabinet of our distinguished Executive, inasmuch as it seems to me to be a very elaborate and impartially-considered document; and as that gentleman seems to have taken up the subject so clearly, that when his letter will have been printed, and I have read it, I may probably arrive at the same, or to a very nearly similar conclusion which the Secretary of the Interior has,—hence, Mr. Speaker, I repeat, I do not wish to be misunderstood in saying that I took exceptions to that letter, or to be charged with having any other motive than to wish an opportunity to have fully and clearly examined it, which I certainly desire to do, with a view only to arrive at the facts, so that full justice may be done to the Government, and be meted out to those who have petitioned for the passage of a law by Congress making such provision for the distribution of bounty lands, as is indicated in the bill which the committee have reported upon adversely. I candidly acknowledge that all the information communicated by the Secretary of the Interior I have yet received, upon this now very important subject, at least so far as the public lands are concerned, has been obtained here today, except a reference to it in the correspondence of one of our largely circulated newspapers in the city of Philadelphia—the Public Ledger—wherein it was stated that the Secretary of the Interior had informed the Committee on Public Lands that if the bill which I had the honor of introducing, and which was referred to the committee, should pass, it would require eighty-three millions of acres of the public lands, and would cost \$120,000,000; that it would take all the clerical force of the General Land Office for the space of nine or ten consecutive years, besides causing endless litigation, and a train of other evils growing out of the passage of this bill. Now I also understand the Secretary of the Interior to say that the execution of this law so far as one class of the beneficiaries contemplated by it are concerned, will be attended with great difficulty; and that the examination of the claims will involve accurate knowledge of the laws of descent in the various States in the Union, and other localities, where the soldier may, by chance, have had his domicile at the time of his death; there must oftentimes be conflicting claims as to the right of inheritance, and the opportunities for the perpetration of frauds will be fearfully increased; the execution of the law will likewise require an immense amount of time and labor; the number of warrants issued under existing laws, during the last three years, is about one hundred and eighty-three thousand, and at that rate, the issuing of those granted by this bill, with the present clerical force engaged in the execution of the existing bounty land laws, would require upwards of nine years, or more than triple the present force, during the present Administration.

I further understand that the total number of warrants to be issued, if the bill becomes a law, will be 574,811, and the quantity of land required to satisfy them 83,209,760 acres; and from the best data obtained, it is estimated that the number of effective men who were engaged in the various wars to which the bill under consideration applies, is about 608,117. It is supposed that teamsters, wagoners, warrant officers of the staff, artificers, and laborers of the ordnance corps, form about one tenth part of the effective military force.

Upon these facts which have been elicited, the deductions of the Secretary are arrived at. Sir, I do not desire to bring down such a calamity and such consequences on the country as the Secretary of the Interior fears, or anticipates; but I desire, at least, to have a fair chance of reviewing this report. Thousands of persons residing in the State of Pennsylvania who were engaged in the war of 1812, have sent petitions to me, and to a number of my colleagues, and to members of this

House from other States of our Confederacy, in reference to what they considered their claims to public lands for services in that and other wars of the Republic; and I felt, so far as I could understand the subject, that these people were entitled to consideration at the hands of Congress. I believed that those soldiers who served in the war of 1812, and in the Indian wars since 1790, were quite as much entitled to a hundred and sixty acres of the public lands as were those who served in the war with Mexico, and their petitions were entitled to the proper and fair consideration of Congress, from the fact that they are a very meritorious, patriotic, and intelligent, class of our citizens, who had made many sacrifices in taking up arms in defense of their country.

Besides, but recently, sir, on the 8th of January of the present year, a national convention of the soldiers of the war of 1812 was held in the city of Philadelphia, at which resolutions were passed petitioning Congress to pass a law such as has been contemplated. This very large body of men, composed of more than a thousand delegates, from twelve or more States of this Union, and from this District of Columbia, have had the proceedings of their convention printed, and, I presume, placed in the hands of every member of the present Congress; at least, I hope they have been, as it is important just now. I have received copies, one of which is in my desk, and from which I have obtained a few of the resolutions which were passed with great unanimity. Here they are:

Resolved, That we look back with much pleasure upon a contest with the mistress of the ocean, as she vauntingly called herself, with her boastful motto:

"The winds and waves are Britain's wide domain,
And not a sail but by permission spreads."

When we recall to mind the speech of a member of the British Parliament, upon the capture of two British ships, the *Guerriere* and *Macedonian*—made in the early part of the war—he says, that "indignation was a wholesome feeling, which ought to be cherished and maintained. It cannot be too deeply felt, that the sacred spell of invincibility of the British Navy was broken by those unfortunate captures. And however we must all wish the war to terminate, I hope I shall not be considered as sanguinary and unfeeling, when I express my devout wishes, that it may not be concluded before we have reestablished the character of our naval superiority, and smothered in victories the disasters which we have now to lament, and to which we are so little habituated."

Resolved, That while we take a retrospect of the valor and daring of our Navy, we can look with feelings of exultation and pride upon the splendid battles fought by our soldiers on land. Towards the close of the war, on the shores of the lakes, Brown, Pike, Scott, Macomb, Jesup, Miller, Croghan, McNeil, Harrison, Towson, Cass, Wool, Taylor, and a host of others, won undying fame; while in the southwest, Jackson, Coffee, Carroll, Butler, Armstrong, and their companions in arms, covered themselves with laurels. Nor can we forget with what high pleasure we received the intelligence of the manly and successful resistance of a sister city against an assault made by an incendiary army, that like Goths and Vandals, plundered the Presidential Mansion, and then destroyed it; burned the national archives of great value, and would doubtless have committed acts of equal atrocity upon the city they were then approaching, if its brave soldiers had not slain their leader in his march, and driven back his troops for shelter to their ships. So overwhelming were the victories of our war, that it has preserved peace even until now. It was in very deed a second war of independence. Is it, therefore, asking too much that those who participated in it should be properly cared for by the Republic?

Resolved, That as the persons who performed military duty in the war of 1812 and Indian wars, or the widows and heirs of those who are dead, are scattered over all parts of the Union, a grant to them will reach almost every family in the nation; children and grandchildren will be interested in such bounty of Government; consequently, such a provision could not fail to be as popular with the whole country as any act that could be passed by our National Legislature.

Resolved, That Congress ought to place the soldiers of the war of 1812 upon the same footing with those who served in Mexico, by considering them in service until paid off, as was the case with the volunteers who returned from Mexico, who were not deemed out of service till they received their pay from the General Government.

Resolved, That we specially thank the representatives of the different Legislatures who have forwarded their resolutions of approval in favor of the grant of one hundred and sixty acres of land by the National Legislature.

Resolved, That the Government of the United States should be just before it is generous, and that in our judgment it will be time enough for Congress, after it has given its bounty to those who served their country, to go in search of new recipients of its favor.

Resolved, That if Congress had given the defenders of their country in the war of 1812 forty acres of land, when their service was performed forty years ago, that grant would have been much more valuable than the grant of one hundred and sixty acres, now asked for by those who still remain of that gallant band, or their widows and children.

Resolved, That, inasmuch as the marines have received one hundred and sixty acres of land under the bounty laws, each of the sailors who fought by the side of the marines in the same battles is entitled to a similar amount of land, and that Congress be requested to alter the bounty

law act, so as to provide alike for those who served on water and those who served on land.

Resolved, That it be recommended to Congress to grant one hundred and sixty acres of land to those who were confined in the loathsome Dartmoor and other foreign prisons during the war of 1812; and, in case of their death, that their widows shall receive the said land; and where there is no widow, that the bounty shall go to the surviving children.

Resolved, That it also be asked of Congress to give one hundred and sixty acres of land to the few remaining men, and the widows and children of such as are dead, who were prisoners at Tripoli, and who were made to work daily as beasts of burden, under the brutal lash of their taskmasters, for two whole years.

For the purpose, therefore, that the whole matter may be fully examined, so that just conclusions may be arrived at, and nothing more, I move that the report just read, the bill, and the letter of the Secretary of the Interior, be printed; and that the whole be referred to the Committee of the Whole House on the state of the Union.

Mr. ORR. I move the previous question.

Mr. JONES, of Tennessee. If I understand the rights of the House, it has a right—if I move to lay the matter on the table—to carry out the report of the Committee on Public Lands.

Mr. EWING. Is it now in order, Mr. Speaker, to make the motion which I desired to make a moment ago?

The SPEAKER. The Chair thinks it is in order. Both are privileged questions. The Chair decides that it is in order for the gentleman from Kentucky to make his motion.

Mr. EWING. Then, Mr. Speaker, in view of the fact that debate on the homestead bill is drawing to a close on this floor—it having been limited—and as the matter now before the House may be just as well entered into at any other time, I move that the rules be suspended, and that the House do now resolve itself into the Committee of the Whole on the state of the Union.

Mr. FLORENCE. Oh, no; let us dispose of this matter first.

Mr. RICHARDSON. I ask the gentleman from Kentucky to withdraw his motion for a moment—and I will renew it—so that I can ask the permission of the House, under the direction of the Committee on Territories, to set apart three days next week for the consideration of local territorial business?

Mr. ORR. No; let it not be so soon as next week.

Mr. EWING. I will withdraw the motion for a moment.

Mr. RICHARDSON. I ask the unanimous consent of the House to submit a resolution that Tuesday, Wednesday, and Thursday of next week be set aside for the consideration of some local territorial business.

Mr. ORR. I hope the gentleman will put it off until two weeks from next week. There are reports yet to come from committees. It is earlier than the usual time set apart for that purpose.

Mr. RICHARDSON. I will state to the gentleman from South Carolina that it is my purpose, and the purpose of the Committee on Territories, to set apart three days next week, and then to ask for a week in the month of May, for the consideration of other Territorial business, which cannot be got through earlier.

I will state, also, with the permission of the House, that some local legislation is necessary for some of these Territories, in order to carry out some appropriations recommended here by the Department for their benefit, and which appropriations should be made at once, otherwise they will not be of avail to the Territories this season.

Mr. JONES, of Tennessee. I wish to ask the gentleman if his proposition is to set aside these days to consider business connected with the organized Territories?

Mr. RICHARDSON. It is.

Mr. JONES. And no other?

Mr. RICHARDSON. None other.

Mr. JONES. Then I unite with the gentleman from South Carolina, [Mr. Orr,] and ask that the gentleman from Illinois will postpone the time he asks for two weeks, in order that between this time and then we may dispose of the deficiency bill, which has been reported to this House.

Mr. JONES, of New York. Unless it is distinctly and explicitly stated by the gentleman from Illinois that he desires these days set apart for the consideration of business relating to the organized Territories, I object to the introduction of the resolution.

Mr. RICHARDSON. Then I move that the rules be suspended, in order to enable me to introduce a resolution, setting aside the seventh, eighth, and ninth days of March, for the purpose I have indicated.

Mr. JONES, of New York. I ask for tellers.

Tellers were ordered; and Messrs. HARRIS of Alabama, and DEAN were appointed.

The question was then taken; and the tellers reported—ayes 87, noes 32.

So the rules were suspended.

Mr. DE WITT, from the Committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles:

"An act to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816."

"A resolution for supplying new members of the Senate and House of Representatives with such books, of a public character, as have been heretofore supplied."

"An act to extend the limits of the port of New Orleans."

Which thereupon received the signature of the Speaker.

Mr. DUNHAM. Before the motion of the gentleman from Illinois [Mr. RICHARDSON] is put, I would like to ask the unanimous consent of the House to have the papers in the case of John H. Hicks re-referred to the Committee on Invalid Pensions.

The SPEAKER. That can be done at the Clerk's desk, without asking the unanimous consent of the House.

Mr. DUNHAM. The case has been reported at this session, and I only desire to have the papers in the case recommitted to the committee.

The SPEAKER. There being no objection, it will be so ordered.

The gentleman from Illinois [Mr. RICHARDSON] proposes to set aside the 7th, 8th, and 9th of March, for the consideration of the local territorial business within the organized Territories, and that that business will be made the special order for those days.

The question was taken, and the motion agreed to.

Mr. RICHARDSON. In accordance with my promise to the gentleman from Kentucky, I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put, and the motion agreed to.

HOMESTEAD BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair,) and resumed the consideration of House bill (No. 37) reported from the Committee on Agriculture, by Mr. DAWSON, "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for a certain specified period."

Upon which the gentleman from Michigan [Mr. NOBLE] was entitled to the floor.

Mr. NOBLE addressed the committee on the subject of tonnage duties; and, in the course of his remarks, said, he could quote from thirteen of the messages of Presidents, either annual or special, or veto messages, in which there is almost an identity of sentiment with President Pierce on this topic. He alluded to these things simply to show that there was no necessary connection with what was put forth by President Pierce on the subject of internal improvement, warranting the legitimate inference that he is in favor of tonnage duties. As well might gentlemen charge that the distinguished predecessors of President Pierce were in favor of tonnage duties. When General Jackson, Madison, and Monroe placed their views before Congress, was there any one who sprung up and said that they were in favor of tonnage duties? There was no public man, living or dead, who ever said that these statesmen ever favored tonnage duties.

Notwithstanding the remarks of the eloquent gentleman from South Carolina, [Mr. KEITT,] Mr. Calhoun never favored the plan as laid on the

table, and as advocated by that gentleman. It was the Senator from Illinois [Mr. DOUGLAS] who first brought forward a plan giving the consent of Congress to the States to levy indiscriminately tonnage duties on foreign industry and domestic commerce. To him is due the honor. If the plan has the merits which is claimed for it; if it is to be beneficial to the great national commerce on the western waters; if it is to forward and preserve this great interest, then he should be the last to oppose it. But he looked on the plan as unconstitutional and inexpedient, and as calculated to prove disastrous to the best interests of the West. These points he argued until the close of the hour to which he was limited in debate, insisting that such a plan could operate only on foreign commerce. As to domestic commerce, he showed that the plan was inexpedient, and would not yield a sufficient amount of money for the purposes designed, either on the northern lakes or the Mississippi, taking into consideration the right of inter-State commerce. [His remarks will be found in the Appendix.]

Mr. EWING obtained the floor.

Mr. NOBLE. I wish to ask the unanimous consent of the committee to make a few more additional observations in conclusion.

Several MEMBERS. Go on.

Mr. LETCHER. I object; we have had one speech from the North, and now let us have one from the South.

Mr. NOBLE. I only ask for a very few minutes.

A MEMBER. You can print your speech.

Mr. KEITT. I ask my friend from Kentucky to give way for one word of explanation.

Mr. EWING. How long do you want?

Mr. KEITT. Only for a moment. It is to correct a mistake made by the gentleman from Michigan, which is personal to myself, in relation to my remarks connecting Mr. Calhoun with the measure he had been discussing.

Mr. EWING. I will yield to the gentleman.

Mr. KEITT. I said that Mr. Calhoun was the first to announce the constitutionality and expediency of levying tonnage duties; but I did not connect his authority with any specific plan, or any details of any plan. The member from Missouri [Mr. OLIVER] invoked the delegation from South Carolina to reject the plan for levying tonnage duties, and rested his invocation upon the authority of Mr. Calhoun; and it was in connection with those remarks that I said Mr. Calhoun was the first to announce the doctrine of the constitutionality and expediency of tonnage duties. But I neither connected his authority with any specific plan, nor with any detailed plan, nor did I state the extent to which he had carried his views upon the constitutionality of the question.

Mr. NOBLE. I now ask the gentleman to allow me to make one remark in reply to the gentleman from South Carolina.

Mr. EWING. I should be very glad to accommodate the gentleman, but I cannot yield the floor further.

Mr. EWING then addressed the committee. He said that the name of Mr. Clay had been invoked here and elsewhere in support of the antiquated principle of the Missouri line. He wished briefly to show from the public records that so far from his being, as had been asserted, the author of this Missouri line, he had no connection whatever with it.

He read from the remarks of Mr. CLAY, in the debates of 1850, to show, that so far from his being the author of the Missouri line, it did not even originate in the House of Representatives, of which he was a member; that Mr. CLAY could not certainly tell whether he voted for it, as he was the Speaker at the time of its adoption; that it originated with Senator THOMAS, of Illinois, in the other branch of Congress; that it failed to accomplish its purpose; that the North, still opposing the admission of Missouri, the next year Mr. CLAY came here and found members, from all quarters of the Union, in the midst of great excitement, and found it necessary to offer the Missouri compromise, of which he was the author, and which accomplished the admission of Missouri into the Union, as a final settlement of the slavery question. Mr. E. also urged the inconsistency of the compromise of 1820, and that of 1850, and spoke in favor of the principles of the latter. [His remarks will be found in the Appendix.]

Mr. JAMES C. ALLEN obtained the floor.

Mr. RICHARDSON. If my colleague will give way, I will move that the committee rise.

Mr. ALLEN. I yield the floor for that purpose.

Mr. RICHARDSON. I then move that the committee rise.

The question was then taken; and, upon a division there were—ayes 41, noes not counted.

Mr. STANTON, of Kentucky, demanded tellers; which were ordered; and Messrs. HARRIS of Alabama, and CAMPBELL were appointed.

The question was then taken; and the tellers reported—ayes 76, noes 36.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee [Mr. OLDS] reported to the House that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly House bill No. 37, commonly called the homestead bill.

Mr. RICHARDSON. I rise to a privileged question. I move to reconsider the vote taken this morning setting apart the seventh, eighth, and ninth days of March next for the consideration of Territorial business, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion agreed to.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in compliance with an act of Congress of August 20, 1842, and a resolution of the House of Representatives of January 13, 1846, transmitting a statement showing the names of the clerks and other persons employed in his Department during the year 1853, or any part thereof; the time each was actually employed; the sum paid each, and the residence of each at the time of appointment. Also, stating that it had not been found necessary during the year past to employ any extra clerks, nor was it anticipated that such a necessity would arise during the present year.

The communication was ordered to lie upon the table, and be printed.

CHANGE OF THE BOUNTY LAND LAW AGAIN.

The SPEAKER. When the House went into committee this morning, the Committee on Public Lands had reported back a bill to change the bounty land laws, with a recommendation that it do not pass. A motion was made that the bill be referred to the Committee of the Whole on the state of the Union. A motion was then made that the bill and report be laid upon the table, and be printed. The question now before the House, therefore, is, "Shall the bill and report lie upon the table, and be printed?"

Mr. McMULLIN. Is it in order to move to refer the bill and the report to the Committee of the Whole on the state of the Union?

The SPEAKER. That motion is already pending; but a motion is made that the bill and the report lie upon the table and be printed, which has precedence of the motion to commit.

Mr. HAVEN. I would inquire if any member of the committee which reported this bill desires to have it re-referred to them?

Several MEMBERS. Oh, no!

Mr. HAVEN. If they do not, then I hope that the motion to lay on the table will prevail.

The SPEAKER. The Committee on Public Lands report adversely on the bill, and the gentleman from Arkansas, [Mr. WARREN,] the gentleman making the report, moved that it lie upon the table, and be printed. He subsequently withdrew that motion, at the request of the gentleman from Pennsylvania, [Mr. FLORENCE,] who moved that it be referred to the Committee of the Whole on the state of the Union, and printed. The gentleman from Tennessee [Mr. JONES] then rose and moved to lay the bill and report upon the table, and that they be printed, and that is the first question before the body.

Mr. BISSELL. Is it a bill or a report?

The SPEAKER. A bill and a report.

Mr. BISSELL. I understand that the gentleman from Arkansas who made the report only desires to have the report printed.

Mr. WARREN. No, sir; I think it will be necessary to print the bill, in order to make the communication from the Secretary of the Interior intelligible.

The SPEAKER. The pending question is on the motion of the gentleman from Tennessee, that the bill and report be laid upon the table and printed. That takes precedence of the motion made by the gentleman from Pennsylvania, that it be referred to the Committee of the Whole on the state of the Union, and printed.

Mr. FLORENCE. I call for tellers on the motion of the gentleman from Tennessee.

Tellers were not ordered.

Mr. ROBBINS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The question was then put on Mr. JONES's motion, and it was decided in the negative.

So the House refused to lay the bill and report upon the table.

The question recurred on Mr. FLORENCE's motion, on which the previous question had been demanded.

Mr. TAYLOR, of Ohio. I wish to make an inquiry of the Chair. I do not understand the question. Is the demand for the previous question on the motion to refer the bill and report to the Committee of the Whole on the state of the Union?

The SPEAKER. That is the proposition before the House. The effect of the previous question will be to bring the House to a vote on the motion to refer. If the House refuses to refer the bill, the question will then recur on ordering it to be engrossed, and read a third time.

Mr. TAYLOR. I hope it will be referred and printed.

Mr. DEAN. I now move that the bill and report be laid upon the table.

The SPEAKER. No action has been had since a similar motion was voted down. The motion is therefore not in order.

Mr. DEAN. The previous question has been demanded.

The SPEAKER. Yes; but the House has taken no action on the demand. When that is disposed of the motion of the gentleman will be in order.

Mr. FLORENCE. I withdraw the call for tellers on the second.

The question was then put, and the previous question did not receive a second.

Mr. ROBBINS. Is it not now in order to take the question on referring the bill and report?

The SPEAKER. It is; and it would have been if the previous question had been seconded. That is now the pending question.

Mr. ROBBINS. I so understood it.

Mr. DEAN. I move to lay the bill on the table.

Mr. DAVIS, of Indiana. I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. FLORENCE. I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

Thereupon the House adjourned (at three o'clock) until to-morrow, at twelve, m.

IN SENATE.

TUESDAY, February 21, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed three enrolled bills of the following titles:

"An act to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816;"

"A joint resolution for supplying new members of the Senate and House of Representatives with such books, of a public character, as have been heretofore supplied;" and

"An act to extend the limits of the port of New Orleans."

LOSS OF THE SAN FRANCISCO.

The PRESIDENT *pro tempore* appointed Messrs. SHIELDS, JOHNSON, and JONES of Tennessee, a committee of conference on the disagreeing votes of the two Houses on the bill for the relief of the troops of the United States who were sufferers by the late calamity to the steamer San Francisco.

PETITIONS, ETC.

Mr. HUNTER presented the petition of the

heirs of Richard K. Meade, deceased, praying commutation pay; which was ordered to lie on the table, as a general bill has been reported which will embrace that case.

Mr. BRODHEAD presented a memorial of sundry merchants of Philadelphia, praying that the provision of law by which the forfeiture of ships is incurred, without the fault of the owners, may be repealed; which was referred to the Committee on Finance.

Also, the memorial of H. Gold Rogers, late *Chargé d'Affaires* of the United States to Sardinia, praying to be allowed arrears of compensation; which was referred to the Committee on Foreign Relations.

Also, the memorial of A. Kintzing, late special examiner of drugs at Philadelphia, praying extra compensation for performing the duties of one of the assistant examiners at that port; which was referred to the Committee of Claims.

Mr. BAYARD. I desire to present five petitions from different parts of the State of Delaware, signed by its most respectable citizens, praying that Congress, in the organization of the Territory of Nebraska, or any other Territory hereafter, will adhere to the principle of non-intervention as established in the legislation of 1850, so as to provide that slavery shall neither be legislated into, nor out of, any Territory by the authority of Congress. As the subject is now before the Senate, I move that the petitions lie on the table.

The motion was agreed to.

Mr. CHASE. I beg leave to present a memorial of citizens of Cincinnati, praying that a grant of public lands may be made to the Cincinnati and Mackinaw Railroad Company. This petition is signed by a large number of the most respectable and influential citizens of that city. It states further, very clearly and distinctly, the public reasons which commend this enterprise to the favorable regards of the Senate. I beg leave to commend it very earnestly to the attention of the Committee on Public Lands.

It was so referred.

Mr. SEBASTIAN. I present various communications which have been received at the office of the Commissioner of Indian Affairs, which, if they had been received in time, would have formed part of the annual report of that office. I move, therefore, that they be printed with his annual report, and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PEARCE presented the petition of Mary S. Maffit, of Cecil county, Maryland, praying indemnity for the destruction of a fishery belonging to her husband at Spesus Island, at the mouth of the Susquehanna river, by the British troops in 1812; which was referred to the Committee of Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. BAYARD, from the Committee on Public Buildings, to whom was referred a resolution of the Senate of January 5, on the subject, reported a bill to authorize the extension and completion of the Treasury building, and also the construction of a building for the War, Navy, and Interior Departments; which was read, and passed to a second reading.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the petition of the representatives of Joseph Watson, deceased, praying compensation for services rendered by him as Indian agent, reported a bill for their relief; which was read, and passed to a second reading.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred so much of the President's message as relates to the Navy, reported a bill to authorize the construction of six steam frigates, and for other purposes; which was read, and passed to a second reading.

Mr. GWIN gave notice that he should ask the Senate to take up that bill to-morrow morning, as it was one of pressing importance.

Mr. WADE, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of Isaac Cook and others, reported it back without amendment, and recommended its passage.

He also submitted a report on the subject of the bill; which was ordered to be printed.

Mr. WILLIAMS, from the Committee of Claims, to whom was referred the bill from the House of Representatives for the relief of the ex-

ecutors of the late Lieutenant John E. Bispham, reported it back without amendment, and recommended its passage.

Mr. JONES, of Iowa, from the Committee on Territories, to whom was referred the bill to authorize the construction of a line of telegraph from the Mississippi river to the Pacific ocean, reported it back without amendment, accompanied by a report; which was ordered to be printed.

Mr. WALKER, from the Committee on Revolutionary Claims, to whom was referred the memorial of the heirs and representatives of Colonel George Gibson, praying five years' commutation pay, asked to be discharged from its further consideration, and that it lie on the table, as the object of the memorial is embraced in a general bill now pending.

He also, from the same committee, to whom were referred the following bill, memorials, &c., asked to be discharged from their further consideration, and that they be referred to the Committee on Pensions:

Bill for the relief of Sophia Kirby.

Petition of Anne Royall, widow of Captain William Royall.

Memorial of Thomas Foster.

Documents relating to the claim of the heirs of Uriah Jones.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom were referred the petition of Richard Fields, and the memorial of William M. Ryer, asked to be discharged from their further consideration; which was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HUNTER, it was

Ordered, That the heirs of Gustavus B. Hamer have leave to withdraw his petition and papers.

On motion by Mr. STUART, it was

Ordered, That the petition of David B. Sears be withdrawn from the files of the Senate, and referred to the Committee on Public Lands.

On motion by Mr. STUART, it was

Ordered, That the documents relating to the claim of Sylvanus Culver, heir of John Pearson, be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

THE SMITHSONIAN INSTITUTION.

Mr. PEARCE offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the vacancy in the Board of Regents of the Smithsonian Institution, occasioned by the expiration of the term of the Hon. R. M. Charlton, be filled by the President of the Senate.

The PRESIDENT appointed Mr. DOUGLAS to fill the vacancy.

WASHINGTON'S BIRTH-DAY.

On the motion of Mr. BAYARD, it was

Ordered, That when the Senate adjourns to-day, it adjourn to meet on Thursday next.

PRE-EMPTION IN CALIFORNIA.

A message was received from the House of Representatives, by Mr. McKEAN, its Chief Clerk, announcing that it had passed the bill of the Senate for the extension of the preemption privilege in the State of California, with certain amendments, in which the concurrence of the Senate was requested.

The bill, as it passed the Senate, was as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of the 4th of September, 1841, granting preemption rights to settlers on the public lands, as modified and made applicable to the State of California, by the act of the 3d of March, 1853, shall be further modified, so far as such claims apply to lands subject to private entry by granting to each settler in said State, who is entitled to preemption under said laws, an extension of time for the term of two years after the commencement of his or her settlement as the period within which proof of right and payment shall be made for the lands claimed as aforesaid, and the third proviso in the sixth section of the aforesaid act of the 3d of March, 1853, shall be so modified as to extend said rights to settlements made prior to and within two years after the passage of this act."

The House amended it so as to make it read:

"That the provisions of the act of the 4th of September, 1841, granting preemption rights to settlers on the public lands, as modified and made applicable to the State of California by the act of the 3d of March, 1853, shall be further modified, by extending the provisions of the third proviso in the sixth section of the aforesaid act of the 3d of March, 1853, to settlements made prior to and within two years after the passage of this act."

On the motion of Mr. GWIN, the amendment

made by the House of Representatives was concurred in.

INDIGENT INSANE.

On motion by Mr. FOOT, the Senate proceeded to consider the bill making a grant of public lands to the several States and Territories of the Union, for the benefit of indigent insane persons.

Mr. FOOT. Mr. President, the Committee on Public Lands reported an amendment to this bill, in the form of a substitute for the original bill, which was introduced by myself, and referred to that committee; and to that amendment or substitute there is now pending an amendment offered by the Senator from Indiana, [Mr. PERRIN,] who is not now in his seat.

Mr. President, this bill, with but slight modification, has been pending before Congress for the last five or six years, and has passed each House by decisive majorities at different terms, though unfortunately not at the same term in concurrence. The object of the bill and its provisions are doubtless well understood by most, if not all the members of the Senate. It has been very fully and carefully considered by your Committee on Public Lands, and we think it well guarded in all its provisions. It can hardly be deemed necessary, therefore, to enter upon any extended discussion at this time, with a view to enforce its claim upon the favorable consideration of the Senate.

By the last census, it appears there are over thirty thousand persons in the United States laboring under the most fearful and terrible of all afflictions, mental alienation or insanity; a very large proportion of whom are in circumstances of indigence and want, destitute alike of the ordinary physical comforts of life, and of that remedial care and treatment which are afforded only at well endowed hospitals, devoted exclusively to that purpose, and which all observation and experience show to be indispensable to their restoration.

The amelioration of the condition of this large and increasing class of our citizens, suffering under the most direful calamity which can befall a human being; to restore them, so far as it may be done, to reason, to usefulness, and to happiness, is no secondary object of public interest, or of national concern. The subject is one which appeals not to our sympathies only, but it addresses itself emphatically to our regard as legislators for the public weal. It seems hardly possible to conceive of any other, or more practicable mode, than the measure proposed by this bill, by which the Federal Government, not transcending its constitutional powers, can more effectually contribute to the accomplishment of this most beneficent and most desirable object.

The bill proposes a grant of ten millions of acres from your immense public domain for this object, to be apportioned among all the States, new and old, according to a prescribed and equitable ratio, in sections and parts of section, after it shall have been surveyed. The States in which there are public lands of the value of \$1 25 per acre are to have their distributive shares selected from such lands. The States in which there are no public lands of that value are to receive the amount of their distributive shares in acres in land scrip, to be sold by the States at a price not less than one dollar per acre. No State to which scrip is to be issued is authorized to locate it in any other State or Territory; but their assignees may locate their scrip upon any of the unappropriated lands of the United States which shall then be subject to private entry at \$1 25 per acre.

This provision will prevent the location of this scrip upon any of the public lands along the lines of proposed railroads, whose minimum value shall have been fixed at the duplicate price, or at any price above \$1 25 per acre. The expenses of these proceedings are to be borne by the several States respectively. The moneys realized from the sale of the lands and from the sale of the scrip are to be invested in the United States stocks, or other stocks yielding not less than five per cent. upon their par value; and this is to constitute a perpetual fund, the interest of which shall be applied to making provision for, and to the support and maintenance of the indigent insane in some public hospital or institution devoted exclusively to their care and treatment, and having full corps of officers, physicians, and attendants attached to them. The previous assent of the States to the

grant, with all its provisions and conditions, is to be signified by legislative enactments. If any portion of the fund shall be lost, or if it shall become diminished from any accident or cause whatever, the State must make up such loss or diminution, and keep the fund entire and inviolable.

These are the principal features of the bill. The object is a good one. It is, indeed, an object of growing and national importance. The measure proposed by the bill is not circumscribed, nor local, nor partial in its operation, like very many of your grants; but, on the contrary, it is general and equitable, and as universal in its operation and influence as the miseries it proposes to relieve. It passes clear of all the objections to merely local and partial grants. It comes clearly within the limits of your constitutional power upon general principles, and has the authority of precedents almost without number. Indeed, the precedents, many of them, go far beyond this proposition, and which, from their local and partial character, were obnoxious to objections of which this case stands clear. Objects of humanity and charity, both at home and abroad, have not unfrequently claimed the attention and consideration of Congress, and have shared the bounty of the Federal Government in different forms. Without stopping to comment upon them, I beg leave to call the attention of the Senate to several acts in which the principle and the power we ask to be exercised and applied in this case have been fully recognized by Congress.

In 1819 Congress granted a township of land for the support of an asylum for the deaf and dumb in Hartford, Connecticut. In 1826 they granted another township of land for the support of a similar institution at Danville, Kentucky; and in 1812 Congress appropriated \$50,000, to be expended in the purchase of provisions to be sent to the people of Venezuela, who had suffered from the great earthquake; and in 1815 they granted a tract of land in the Territory of Missouri, called the "New Madrid grants," for the benefit of such persons as had suffered by earthquakes. In 1827 Congress voted \$20,000 to the city of Alexandria, for the relief of persons who had suffered by the fire which had consumed a considerable portion of the town; and in 1847 Congress authorized the employment of the United States ships *Macedonian* and *Jamestown* to transport provisions for the famishing poor of Ireland and Scotland. These were all objects of charity, of benevolence, and humanity. They were objects local and temporary in their character, and, in two instances, among a foreign people. Yet the Congress of the United States answered to the calls of human suffering, and in bestowing these gratuities, while you inflicted no blow upon the Constitution, you struck a responsive chord in the American heart.

In 1831 Congress granted a tract of land to the trustees of Shawneetown, Illinois, for the purpose of graduating and paying the river bank within the limits of that town; and at another time a similar grant was made to Tuscarawas county, Ohio, for the improvement of streets and alleys. But I need not multiply instances of this sort. Special grants, in almost unlimited numbers, have been made for purposes of local improvement; for educational purposes; for sites for court-houses; for churches and cemeteries, and the like.

Of a similar character was the large grant in 1841 of half a million acres to each of the States in which the public lands are situated, for purposes of internal improvement. Your whole system of annuities, your pension and bounty land system, is but a system of beneficent and charitable gratuities, and founded upon no consideration springing from any contract for service. Your statute-books abound with acts making grants of lands and money for particular and local objects; for local and specific improvements; for local institutions within the States; for the support of schools, academies, colleges, and universities, to say nothing of your annual appropriations for your numerous marine and military hospitals.

In addition to all this, there are now bills upon your table by which it is proposed to invite the landless of our own country, and of other countries, to go and take possession, each man, of a hundred and sixty acres of your public domain, without money and without price. In the fullness of your liberality to all other claims, you are now asked to bestow this comparatively small pittance for the relief of those who are not only destitute, but

are mentally and physically unable to avail themselves of your proffered boon upon that condition—who have not the ability to go and personally occupy your lands. The only mode in which they can be benefited by the bounty of the Government through its public lands, is in the manner proposed by this bill. Why shall we hesitate to pass it? Humanity, public policy, and impartial justice alike demand the adoption of the measure. Pass the bill, and the sentiment of the country will respond to it as one of the most just and beneficent acts of your legislation. Pass this bill, and it will accomplish more substantial and lasting good—it will alleviate more suffering and sorrow; yes, sir, it will illumine, with the rays of hope, more dark and desolate places of anguish and despair, than an equal appropriation of your public lands in any other manner, or for any other purpose.

It is no argument against this proposition to tell us that it is the duty and the proper business of the States to provide for and to take care of their indigent insane. We do not propose to take from them that duty, but the rather to encourage and aid them in the discharge of it. And with the multiplied examples and precedents before us, it is quite too late to make a serious question of the power of Congress to grant such aid. If Congress may give lands to the States to aid them in building roads, and canals, and railways; to support schools, and academies, and colleges; to improve streets, and alleys, and river banks, in particular localities; if it may give sites for court-houses, and churches, and cemeteries to particular towns, or counties, or parishes; if it may grant annuities, and pensions, and bounty lands to particular individuals, or classes of individuals—the very terms of which imply a gift, or bounty, and independent of any contract obligations; if it may give money and employ its ships to furnish provisions to the sufferers from earthquake, or from fire or famine, in foreign lands, as well as in our own; if it may give lands for the benefit of local asylums in Connecticut or Kentucky; if it may give lands, as you propose to do, to all the destitute among those who are vigorous and robust enough to go and take possession of and occupy them—if we may do all this, why, in the name of common justice, and of common humanity, may we not grant lands, in equitable proportions, to all the States, embracing the new as well as the old, to aid them in making suitable provisions for the proper care and treatment of the thirty thousand of our fellow-beings, who are in a more helpless and deplorable condition than any other class upon whom your bounty has ever been bestowed?

If it be said that Government receives a consideration for these land grants, in the enhanced value of its remaining lands, by the increased settlements and improvements, the argument applies with equal force in the present case. You are furnishing another means, an additional agency to encourage and promote settlements, and thereby to create an increased demand, and to give a greater value and more ready sale for your other lands. The exercise of the power claimed in this case comes within the rule of the most strict construction, that the Federal Government, as the trustee of the public lands, may dispose of them only in such manner as a proprietor would do in the exercise of a sound discretion.

Mr. President, if I may be allowed to express the opinion, this is the only measure which is likely to command the favorable action of Congress, by which the old States will receive directly any share or benefit from the public domain, which is the common property of all the States. I am not complaining of injustice to the non-landholding States; but with the record of its acts before me, I feel authorized to say that Congress has dealt liberally, to say the least, with the land States in the way of grants to them. The grants to the new States and Territories, for various purposes, amounted in the aggregate, on the 30th of June last, to a fraction short of one hundred and thirty millions of acres. I hope the policy of the Government will always be characterized by a spirit of liberality towards them; but, at the same time, that it will not be forgetful of a proper regard to what is just and due to the old States of this Union.

Now, when the new States are asking the votes of the representatives of the old States, for grants

of other millions of acres of this common domain, to aid them in the construction of various lines of railroad and for other purposes, is it a vain or unreasonable expectation on our part, that the representatives from the new States will characterize their action by a spirit of justice and liberality, in cheerfully according to us the small portion of this common fund which is called for by the provisions of this bill, for an object so commendable and worthy, and in which they themselves are to enjoy an equal participation? "They who ask justice must do justice," is a maxim of policy as well as of morality, even in legislation. I am not prepared to believe that honorable Senators from the new States will assume the position of demanding all for themselves and denying everything to us. It gives me pleasure, indeed, to bear my testimony to the very kindly and generous disposition of those Senators from the new States upon the Committee on Public Lands, towards this beneficent measure.

Mr. President, if it were needful, or if it were possible, to invest the proposition before us with any additional interest aside from its intrinsic merit, it is found in the consideration of its origin. It comes commended to our attention and our regard in the memorial of an accomplished and gifted lady, the prime and energy of whose years have been devoted to the study and amelioration of the condition of this most unfortunate and neglected class of people. She has visited in person nearly every State in this Union, and made herself acquainted with the condition and personal history of more than twenty-five thousand of this class of persons, most of whom were found in a lamentable state of destitution and neglect. Fitted by rare endowments to have attained popular eminence and applause in the higher and more inviting departments of life; to have moved among the more attractive and admired scenes of its proudest and gayest circles, her days and years, and an ample private fortune have been expended in seeking out and alleviating the condition of those whom the world beside had forsaken. With the vigilance and devotion of a patron saint, she has sought out the stricken maniac in jail, and in poor-houses; in private cells, in garrets, and in dark dens; often in rags and in chains, and administered to their physical wants, and poured the accents of inspiring hope and consolation into their dark and troubled spirits. Like an angel of mercy, her visitation by day and by night have been among the abodes where poverty and wretchedness and wild delirium dwell. This, sir, is but a feeble tribute to the purity and disinterestedness of motive, to the excellence and energy of purpose, to the moral heroism and true nobility of character of her whose prayer is before you in her memorial for the aid of the Government in behalf of suffering humanity. Look at the picture which that memorial presents; look at your abundant means; look at what you have done, and are daily doing, for others; then let those who can, reject the prayer of that petition.

A word or two now, Mr. President, in reference to the amendment offered by the Senator from Indiana, [Mr. PETTIT,] which proposes to limit the appropriation exclusively to the States in which the public lands lie. The proposed amendment is incompatible with the main object of the bill, and inconsistent with all its provisions. It is an adversary proposition, and as such, it may be considered as coming within the parliamentary rules of legitimate opposition to the bill, with a view to defeat its passage. If the Senate agree to the amendment, it defeats the bill; if they reject it, the vote may be taken as an indication of the judgment of the Senate in favor of the bill. I am quite willing, therefore, that the issue should be made upon the proposed amendment, and that the fate of the bill be tested by that vote.

The time having arrived for taking up the special order, on motion, the further consideration of the bill was postponed until half past twelve o'clock to-morrow.

TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. CASS. Mr. President, I am under obligations to the honorable Senator from Massachusetts, [Mr. SUMNER,] who is entitled to the floor, for allowing me to address the Senate for a few minutes this morning, and I will encroach on his time as little as possible. It was so late last evening

when I submitted my remarks, and I was so unwilling to delay the Senate, that I omitted one or two important points which I desired to notice. I shall now do it. But as the Senator from Indiana [Mr. PERCIVAL] is not in his seat, I shall make no personal allusion to him, but shall confine myself strictly to the subjects I propose to consider.

Mr. President, for some years we have heard a great deal said about what are called the fundamental articles of compact by which governments for the territory northwest of the Ohio were originally instituted, and a good many erroneous impressions have prevailed concerning them. What were they? Having lived under territorial government in that region during many years of my life, the history of the organization of these political communities is perfectly familiar to me. The Congress of the old Confederation, in 1787, passed a law establishing the Northwestern Territory. It was styled an ordinance, and many have supposed that it derived peculiar solemnity from the use of that term. But it is a mistake. Be it ordained, &c., was the formula of enactment before the Constitution, and this ordinance had no more validity than the usual acts of the old Congress. It has been supposed, too, that the whole of this act constituted a compact. That is an equal error. Much the larger portion of it is occupied with the necessary details establishing a government, and for the appointment of its officers, and prescribing the mode of its administration. Five sections or articles of it are declared to be forever binding upon the people and States of the Union then existing, and upon the people and States to be formed in the northwestern region, and to be irrevocable but by common consent.

Now, sir, what is a compact? I have just adverted to the Dictionary, to the old and standard English lexicographer, to ascertain its meaning, and here it is: "A compact is a contract, an accord, an agreement between two or more to do or forbear some thing." Now, sir, in applying this definition to the case before us, let us inquire who were the "two or more" parties or persons by whom this contract was made? It will be hard to find them. The law was passed, as I have said, by the Congress of the old Confederation; and there never was, in fact, any other party to this compact, nor is there any pretext for it. What did they undertake to do? They undertook to establish five articles, containing various provisions of more or less importance, affecting the rights and interests of the people then occupying, or who might in all time to come occupy, the region over which the ordinance extended. And they declared that they should never be altered except in the mode pointed out. And will any man seriously contend that that is a compact? What other party was there to it? There were some thousands of people then living in that country, not one of whom heard of this contract which was forever to bind them until years and years after its promulgation. It is an insult to common sense to say that they and their posterity are bound by such a one-sided instrument as that. The French settlements upon the Wabash, in the Illinois country, at and in the region around Detroit, at Michilimackinac, at Green Bay, at Prairie du Chien, contained a large population; and, besides these, there were not a few American citizens scattered through the country, and no question was ever put to them whether they approved or disapproved this covenant thenceforth to bind them.

Besides, if there had not been a single man in those regions, how could a compact be established which was forever to operate upon the people and States thereafter to exist there, when no provision was made for submitting it to their assent under any circumstances, or in any future time? It is evident, sir, that it is idle to talk of the obligatory nature of a compact thus declared to be such by one party, without the existence of any other party at the time, and without any arrangement for procuring its concurrence when such party should come into existence. This ordinance is destitute of the first essence of mutual obligation.

But, sir, independent of the fatal objection of the want of parties, there was another equally fatal, and that was the want of power. Nothing is more certain than that the Congress of the Confederation had not the slightest authority to establish territorial governments; and there is no man, who will turn to the articles of confederation and

examine them, who will have the least doubt upon the subject.

Mr. Madison said, in speaking upon this subject, "all this has been done;" that is, governments have been organized, &c., "without the least color of constitutional authority." And Mr. Adams said "that the ordinance of 1787 had been passed by the old Congress of the Confederation without authority from the States," &c.

Then there were neither parties to this so-called compact, nor power to establish it. And yet we are called upon, with a confidence that seems to defy argument or inquiry, to pronounce these five articles irrevocable and binding now and at all times hereafter upon the people north of the Ohio. What were they, these fundamental enactments? They contained various provisions very proper in themselves, but just such provisions as every political community enjoying the rights of self-government should be left to regulate for themselves. They provided for judicial proceedings according to the common-law, for the benefit of the writ of *habeas corpus*, right of trial by jury, and for other objects of a similar nature connected with the administration of justice. Now, will any man venture to say that the people of the States north of the Ohio are forever precluded, in the progress of time and improvement, from substituting some other law for the old English common-law? I hope not, for I hold it in no great respect. Cannot the writ of *habeas corpus* be changed, and some other mode adopted for the security of human liberty? And so with respect to the other provisions in relation to this subject. No right feeling man, with his just proportion of State pride, State justice, indeed, can contend that the people of his State are always to be marked with this badge of inferiority, and must ask the permission of the old States to make changes in their institutions which they may deem essential to their prosperity.

The Senator from Illinois [Mr. DOUGLAS] told us the other day—proved to us, indeed—that his State had recognized the existence of slavery, notwithstanding its eternal interdiction in the ordinance of 1787. And I never heard, till recently, that the power of the other northwestern States to do the same thing was doubted or denied. If they cannot, by their conventions, regulate the condition of slavery as they please, they have not a just political equality in the Union. I say political equality, for that is a very different question from the power to seize the property of the United States, which is sought to be made a test of equality.

But look at another circumstance. One of these fundamental articles of compact provided that there should be three States, at least, formed out of the Northwestern Territory, with permission to Congress to make two other States, at their discretion, being five in the whole. Now, what is the fact? You exhausted your power under this article when you established Wisconsin, for that made the fifth State north of the Ohio. And yet you have gone on and established another Territory, Minnesota, occupying a large portion of this very region, and with an eventual right of admission into the Union; thus making a sixth State in the Northwest. The chairman of the Judiciary Committee, Mr. Berrien, I think it was, one of the most respectable lawyers and statesmen that ever sat in this body, when the Minnesota bill was up for consideration, said the objection had been made in committee, but that four out of five of the members thought it was entitled to no weight; and so thought the Senate, for the bill was passed, and passed, too, with a full knowledge of the matter. And thus the irrevocable articles of compact were repealed. The Senator from Indiana stated that some court had decided that this compact was forever binding. I cannot say it is not, sir, but I doubt whether his information is correct. The court may have had before them some question connected with the jurisdiction over the navigable waters north of the Ohio, which, by the articles of cession of Virginia, were declared to be forever free and common to all the citizens of the United States. The validity of this act of cession no one can doubt. It was a formal agreement, executed by the State of Virginia and the United States, and by virtue of it the General Government acquired the territory north of the Ohio river. Undoubtedly a court might well assert its binding nature. But this is a very different question from these articles of compact, which were all on one side.

There is a mistake pervading the argument of the Senator from Indiana, and which is common to those who hold the opinion he does. So far as regards the practical operation of the ordinance of 1787, the establishment, in other words, of territorial governments, no one can dispute that the object was effected. Necessity required it, and necessity justified it, and so far it had its validity. But the inviolability and perpetual obligation of these fundamental articles rest on very different grounds, and it is a great mistake to confound them.

Now, sir, I have a few words to say on the subject of the power of Congress to establish governments for the Territories. And I introduce the matter, much less with a hope of throwing any new light upon it myself, for I do not expect to do so, than for the purpose of asking the attention of the Senate to the opinion of one of the most able and learned judges of this land, who adorns the seat he occupies, and who supports the general doctrine I have maintained upon this subject. The article to which I refer was published in the *Intelligencer* some few years ago, and a most able and satisfactory one it is. I brought it to the attention of the Senate two or three years since; but as there may be some who have not seen it, and as it bears directly upon the issues before us, I have thought I should perform an acceptable service by thus directing attention to it, and by quoting a part of it. I was authorized to mention the name of the author, and I do so with pleasure. It is Judge McLean. I certainly feel much gratification that the views I have taken are supported, almost to the letter, by the opinion of this eminent judge, upon the particular point of a want of jurisdiction in Congress to legislate upon the domestic concerns of the Territories. He draws the distinction which our fathers drew between the power to establish colonial or territorial governments, and to prescribe their outlines, and the power to interfere with and control their domestic concerns; to invade their firesides, and to prescribe for them the duties connected with the relation of husband and wife, of parent and child, of master and servant, and of the other family conditions, which constitute almost all that is valuable to man in a state of society. This difference between external organization and internal government was the very foundation of our revolutionary struggle. The British Government could not, or would not, understand it. After studying the matter, however, for between seven and eight years, Lord North finally comprehended its bearing; but the price of the lesson was the loss of the Colonies.

Let me ask you, where do you get your power to govern the Territories? Put your finger upon the clause conferring it, if you can. The power seems to have been taken by the Government of the Constitution from the Government of the Confederation without examination, and for some years no inquiry was instituted into its true foundation. After awhile, however, the subject came up for practical consideration; and it appearing to be absolutely necessary that a justification should be found for this authority, a search was instituted for the discovery. The first clause selected was that which provides that "Congress shall have power to dispose of and regulate the territory or other property of the United States." It was impossible, however, that such a provision should be entirely satisfactory. It was not a basis on which to erect the superstructure of a Government; and I think it has been generally abandoned. It seems to me that no just rule of construction, of common sense, indeed, can justify the pretension that the power to dispose of the public land, *ex vi termini*, confers complete political jurisdiction, embracing all the concerns of life; or, in other words, because Congress have the power to sell the land, therefore they have the power which has been claimed to sell the people into slavery. And, besides, the principle will not meet the circumstances of the case. Political jurisdiction, the power of government, has been exercised over extensive regions, which were not the "land or territory" of the United States—over a large portion of the State of Ohio, the country between the Little Miami and Sciota rivers, and over the district reserved by Connecticut, and running one hundred and twenty miles west of the Pennsylvania line; over seven eighths of the State of Tennessee, much of Louisiana, and a good deal of other States. If Congress get the power of establishing governments from this power to regu-

late the public land, it is certain they can establish no government where they own no land. Some other foundation, therefore, of the power must be sought. I repeat, where is it? Search for it, from one end of your Constitution to the other, and you will search in vain. Some four years since, in some remarks to the Senate, I went into this subject fully, and have no disposition now to reinvestigate it.

It is a little curious to ascertain the different reasons which have been given why Congress have this power. I will count them upon my fingers:

1. Is this power to sell.
2. The war and treaty-making power.
3. The right to admit new States.
4. The right to sell the public lands.
5. The right of ownership.
6. The right or duty of settlement.
7. The right of sovereignty.
8. The nature of government.
9. Nationality.
10. The principles of agency and trust.
11. The obligation to carry into effect the engagements of the old Confederation.
12. A sort of tacit confirmation by the present Constitution of the assumption of this power.

There is the round dozen, Mr. President, and I think that it would be difficult to find a stronger argument against the exercise of this power than this very diversity of opinion respecting its origin. Eight plain words would have given the power beyond doubt and beyond controversy—*Congress shall have power to govern the Territories*. Until now, sir, we have been taught to believe that the men who formed the Constitution of the United States were remarkable for their intellect and intelligence, and that that instrument was remarkable for the clearness and precision of its language. And, in the face of these characteristic traits, we are asked to believe that, instead of a clear provision for the exercise of the momentous power of instituting governments over freemen, we must search it and find it in some one or other of the clauses to which I have referred, and which have not the most distant relation to the matter. Latterly, it has been contended by some, with a good deal of confidence, that this authority is derived from the treaty-making power; and I suppose that this opinion has most advocates at this day. It is unfortunate, sir, for its adoption, that, in order to sustain it, we must resort to two implications from one grant of power. You have the right to make treaties, and, as an implication, you have the right of acquisition.

The Constitution stops with one implied power, but here you must have another, and claim the authority to govern as an incident to the right of acquisition, which is itself an incident of the treaty-making power. As to the regulation and disposition of property when acquired, that is expressly provided for in the Constitution. But there is another fatal objection to this assumption. It does not meet the exigencies of the case any more than does the clause for selling the public land. Eight Territories have been formed within the original limits of the United States, five northwest of the Ohio, and three south of it. The region covered by these Territories does not come within the treaty-making power of the Constitution, and consequently no incident affecting it can be derived from the treaty-making authority. It makes part of our original territory not ceded by England, for we did not ask her to make any cession to us. We claimed the whole country as our own, and we kept it as our own, and all England did was to recognize our right to it. Then, sir, it is clear that the authority to establish the northwestern Territories and the Territories of Tennessee, Mississippi, and Alabama, never came to Congress through the treaty-making power. We are again baffled in our investigations.

And now, sir, for the views of Judge McLean:

"The true construction of the Constitution is, that implied powers can only be exercised in carrying into effect a specific power, and this implication is limited to such measures as shall be appropriate to the object. That is an admitted and safe rule of construction. It is believed to be the only one which has been sanctioned by statesmen and jurists. Powers exercised beyond this are not derived from the Constitution, but must depend upon an unlimited discretion, and this is despotism.

Though the Senator from Indiana says there is no danger.

"—Now, there is no specific power in the Constitution

which authorizes the organization of a territorial government. Such a power was given in relation to the District of Columbia, and it was equally necessary in regard to the other Territories. But if this power be implied from the specific power given to regulate the disposition of the public lands, it must, under the above rule, be limited to means suitable to the end in view. If Congress go beyond this in the organization of a territorial government, they act without limitation, and may establish a monarchy. Admit that they may organize a government which shall protect the lands purchased, and provide for the administration of justice among the settlers, it does by no means follow that they may establish slavery. This is a relation which must be created by the local sovereignty. It is a municipal regulation of limited extent, and necessarily of an equally limited origin. It is a domestic relation over which the Federal Government can exercise no control."

No point can be clearer than that the distinction here drawn between the power to establish a government for a country, and the power to intermeddle with, and to direct and control its domestic relations, is one founded in nature, and fortified by our whole history, from the earliest period to this day.

What does Mr. Madison say as to the foundation of this power? He placed its exercise under the old Confederation upon the true ground—the ground of necessity. "The public interest," he said in the Federalist; "the necessity of the case imposed on them the task of overlapping their constitutional authority;" and he adds that he imputes no blame to Congress, because they could not have done otherwise. And some such idea must have occurred to Judge Story, and to Judge Marshall, when they used the language quoted yesterday by the Senator from Indiana. "This necessity of the case," or "inevitable consequence," was in their view one of the grounds of justification for the action of Congress upon this subject, and the adoption of the Constitution. "Perhaps," says Judge Marshall, "the power of governing a Territory may result necessarily, from the fact that is not within the jurisdiction of any particular State, and is within the power of the United States."

Now, sir, I repeat what I said yesterday, that any man who knew Judge Marshall, that eminent and able jurist, with as clear an intellect as perhaps ever fell to the lot of any one, and whose opinions upon all subjects were clearly formed and clearly expressed, must be satisfied that he hesitated upon this subject, and that his hesitation resulted from the difficulty—impossibility, indeed—of tracing this power fairly to the Constitution. He knew that the Territories must be governed, and that the incipient measures must be taken by Congress. His frame of mind is sufficiently evinced by his saying, that "perhaps the power of governing a Territory may result," &c. *May, and perhaps*, mark the doubt that rested on his mind; for it was rare that any equivocation remained with respect to his opinions. "Whichever," he continued, "may be the source whence the power is derived, the possession of it is unquestioned." The possession, indeed! It is not that we are in search of, but the rightful possession.

To be sure, Congress have exercised the power, but we want to know whence came the authority; and it is certainly no satisfactory answer to a man making the inquiry to be told that "the possession of it is unquestioned." The judge who said that, when he looked to possession as the foundation of the right, must have failed to find the latter in the Constitution. It has but one foundation, sir, search as you will, and that is the necessity of the case which justifies the action of a Government in circumstances not provided for, and necessary to be met in the interests of the country.

Tendering my thanks to the Senator from Massachusetts, and tendering them to the Senate for their indulgence, I here quit the subject.

Mr. SUMNER then proceeded to address the Senate in opposition to the bill. [His speech will be found in the Appendix.]

Mr. TOOMBS obtained the floor.

The further consideration of the subject was postponed until to-morrow; and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 21, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER. The question first in order is on the motion to lay on the table the bill extend-

ing the provisions of the several laws granting bounty lands to the officers and soldiers who have been engaged in the military service of the United States, and to have printed the accompanying report.

PERSONAL EXPLANATION.

Mr. WARREN. I desire, Mr. Speaker, to make a personal explanation in reference to the bill now under consideration.

The SPEAKER. Is it the unanimous consent of the House that the gentleman from Arkansas shall be heard on the matter to which he alludes?

There was no objection.

Mr. WARREN. I find, by reference to the morning paper, that the provisions of this bill, as well as the opinion of the committee touching it, have been misunderstood. The committee has been made, by the reporters, to oppose any modification of the bounty land law. That committee has now before it propositions to modify that law, and will report bill or bills to effect that object to some extent.

The bill reported back on yesterday proposes to modify the bounty land law so as to give to each officer and soldier who served in any war of the United States, without regard to the time of service, whether twelve days or twelve months, one hundred and sixty acres of land. The committee thought it unequal, and reported adversely on it, after thorough investigation. They did not intend to indicate, however, that they were opposed to any modification of the bounty land law. They found, on examination, that if the provisions of the bill under consideration became law, that almost half of the public lands still remaining in the Union would be disposed of, and that it would require ten years for the Department to carry them into execution. It was therefore that they authorized me to report adversely to the bill.

We are not opposed to a change of the bounty land law. We disclaim anything of the kind. We are in favor of a certain modification of that law, and shall so report to the House. We have only decided on the proposition then before us, which was to give to every officer and soldier, without regard to the time or the war in which he may have served, one hundred and sixty acres of land, thereby placing the officer or soldier who only served ten days on the same footing with the one who served months and years.

LOUISVILLE AND PORTLAND CANAL.

Mr. PRESTON, in pursuance of previous notice, introduced, by unanimous consent, a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Roads and Canals:

"A bill to enlarge the Louisville and Portland canal, and provide for its control and management, and to make said canal free to navigation and commerce."

Mr. CAMPBELL. I move that the rules be suspended; and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. DISNEY. I trust that motion may not prevail.

Mr. HAMILTON. I demand tellers on the motion.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and CAMPBELL were appointed.

The question was taken; and the tellers reported—ayes 70, noes 47.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

The CHAIRMAN. When the committee rose yesterday it had under consideration, by special order, House bill No. 37, known as the homestead bill; on which question the gentleman from Illinois [Mr. JAMES C. ALLEN] is entitled to the floor.

Mr. ALLEN then addressed the House, declaring himself in favor of the bill for establishing territorial governments in Nebraska and Kansas, and giving his reasons for supporting it. His speech will be found in the Appendix.

Mr. GROW obtained the floor, and said: As a number of gentlemen desire to speak upon this question, and as the debate is to close at three o'clock to-day, I will, with the consent of the committee, yield the floor now, and make my remarks during the hour allotted to my colleague,

[Mr. DAWSON,] the chairman of the Committee on Agriculture, who reported this bill.

Mr. JONES, of Tennessee. We had better adhere to the rule.

Mr. COX. I object to any such arrangement.

Mr. GROW. I hope there will be no objection to my suggestion.

Mr. WALSH. Oh, yes; I object to it.

Mr. COX. I object to any contract or arrangement for the disposal of the floor.

The CHAIRMAN. The Chair begs leave to say to the committee, and to the gentleman from Pennsylvania, [Mr. GROW,] that objection being made to the proposed arrangement, he would like to assign the floor to some gentleman who wishes to speak in opposition to the homestead bill, which has not yet been much discussed.

Mr. JONES, of Tennessee. I suppose there is no one here opposed to the bill.

The CHAIRMAN. The Chair understands that the gentleman from Georgia [Mr. DENT] proposes to speak in opposition to the bill, and if the gentleman from Pennsylvania will yield the floor now, he can still have forty-five minutes when the gentleman from Georgia concludes.

Mr. GROW. If that be the gentleman's object, I shall yield the floor to him.

Mr. DENT. Mr. Chairman, representing, as I do, in part, one of the sovereign States of the Union, I feel it to be my duty not to let this homestead bill pass without stating my objections to it. I have waited, with great patience, in the hope that some other gentleman from Georgia would secure the floor, and do more justice to this subject than I can hope to do. Being entirely a new member, and unaccustomed to the proceedings of legislative bodies, I have felt at a loss to know how to proceed to obtain the floor to speak in opposition to the bill. I have desired that this bill should be opposed by some one from Georgia, because the people of that State are opposed to it. I have no notes, and my remarks on the present occasion must be rather disjointed; but I propose to enter my protest against the pending proposition for the disposition of the public lands now before this committee. I am opposed to the homestead bill for various reasons. It is unjust and unequal. It proposes to give that which belongs to the sovereign States and people of this Confederacy to a set of individuals, who, perhaps, are as little worthy to receive it as any other class on the continent. If I remember the language of the bill, it, in effect, really invites the pauper population of Europe to come and take possession of our public lands.

Mr. DAWSON. I beg leave to correct the gentleman in that respect. There is nothing in the bill which holds out inducements to the population of Europe. Its provisions are exclusively confined to those who are now citizens and residents of the States and Territories of the United States.

Mr. DENT. A friend has just handed me a copy of the bill, and I find the following to be its language:

"Sec. 6. And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but, at the time of making such application for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States."

There is no limitation in the bill. Its operation is to be perpetual, and as soon as the pauper population of Europe are informed that in this country, to which they are naturally disposed to come, such a law has been passed by the American Congress, our shores will be lined with millions of them.

Mr. DAWSON. I only interrupt the gentleman to turn his attention to the language of the bill. He seems to have overlooked the words "now resident." The provisions of the bill are exclusively confined to those who are now citizens, or now residents of the States or Territories.

Mr. DENT. Very well; then ten years hence—for this bill makes no limitation as to the length of time it is to be in force—those emigrants who come here from Europe within the next five years will then be citizens of the United States, and consequently entitled to the benefits of this homestead law.

Mr. DAWSON. Not at all. The gentleman

from Georgia labors under a great misapprehension as to the effect of the bill.

Mr. DENT. Very well; if I be mistaken, I am willing to be corrected by the gentleman from Pennsylvania.

Mr. SMITH, of Virginia, (interrupting.) I desire to state a few words in reference to this matter. I suppose the gentleman from Pennsylvania certainly does not mean to confine the operation of this bill to those persons who are now in the United States; because everybody knows that the principle to be adopted, that the same arguments which would carry this bill in favor of those who are citizens of the United States to-day, would also be carried out in favor of those who come here to-morrow. The principle embodied here would, if settled, apply as well to those who come hereafter as those who are here at present.

Mr. DAWSON. The only answer that I have to make to this objection is, that there is no provision in the bill which confers its benefits on any other than those who are now citizens or residents of the United States. As to what the Congress of the United States may hereafter do on the subject is a matter for Congress itself to decide.

Mr. DENT. I do not recognize the right of any gentleman on this floor to interrupt me while I am addressing the committee; and I wish to be distinctly understood that it is no want of courtesy on my part, when I object to these interruptions. Still, if I make any erroneous statement, I am willing to be corrected. But I am speaking extemporaneously, without notes, and therefore do not wish to be interrupted.

In rising at this time, Mr. Chairman, I wish it simply to go before the House and the country, that there is at least one representative on this floor from the sovereign State of Georgia who is opposed to the distribution—the disposition that is now attempted to be made—of the public lands; not only in reference to this homestead bill, but your great Pacific railroad enterprise, your railroad grants; and, in a word, to every measure that is now pending before this House to dispose of the public lands, except to that one which proposes to relieve the soldiers who fought and bled to acquire these territories; who served their country when she was in danger; who stood by her in the hours of trouble.

I understand the principles which prevail in some of the committee rooms. I understand the feeling of this House which prompts members to refuse justice to those who, by the best right, are entitled to these lands, while they are ready to give them to the pauper population of Europe, and to that class of men who are too lazy to work for the land necessary to provide themselves a home.

But, it is proposed to give away the land to the great railroad companies; it is proposed in this republican country to build up an aristocracy of wealth, by taking away that which is common to us all, and giving it to a few companies. Sir, I object to the whole of this unjust and unequal system. The public lands are the common property of all the sovereign States, and should not thus be alienated. The Constitution of the United States—if, from my reading, I recollect it aright—says, "that Congress shall have the power to dispose of the public lands, and to make all needful rules and regulations in reference thereto." But, in the same clause, it goes on to say, "that Congress shall do no act which shall be prejudicial to the United States, or to any State of the Union."

Now, sir, if you take the public lands, and divide them up between new States, with a view that they may then give them to railroad companies, do you not do an act which is unjust—which militates against the interests of some of the States of the Union? What, then, is to become of the rights which the old States have to the public domain? Would you, sir, if you were a parent, having thirty-one children, divide your vast estate between the youngest twelve, and cut off from a share in it those who had helped you to make your fortune, and to accumulate it? Would you, I say, give all your property to the twelve youngest children, and deprive the rest of your family of that which you had acquired by their cooperation?

That is precisely the argument brought in here. Gentlemen argue that by giving to these railroad companies this amount of public land, you thus enrich the whole country. I object to it. I object to the doctrine advocated upon this floor, that

Congress owns, or that the Government is the proprietor of, the public domain. It is not the proprietor, it is but the agent, the common agent of the sovereign States, and as such, can exercise only certain delegated powers which have been given to it. Further than that it cannot go.

What would you think of a parent who should make such a disposition of his estate? What would you say of a guardian who should give to twelve of his wards the whole estate, leaving the nineteen penniless upon the world, and then say he has made the whole family rich? You would take him up and put him into a lunatic asylum. Justice is the parent of peace.

Gentlemen representing the old thirteen States, and indeed any State in which the public lands do not lie, do themselves and their States great injustice to allow a set of gentlemen to come in upon this floor and make a kind of log-rolling business of these matters. The homestead bill is advocated by some, and grants to railroads by others. I understand that something like a hundred bills, of this latter character, are now pending before both branches of Congress. The original land system of this country is good. It has worked well, and my doctrine is to let well enough alone. If you proceed to give lands to some roads, to some States, and to some companies, upon the same principle you may proceed to give the balance to other companies and to other States, which will be soon knocking at your door, asking for land. And if you continue thus to give away, in a short time you will have disposed of the whole public domain of the country.

Sir, the public lands are the wealth of this nation. I have always been opposed to the distribution of the proceeds of the public lands. Being a Democrat, I stand with the Democratic party. I understand that the doctrine of the Democratic party is that we must hold on to the public domain, and not dispose of it; neither to divide it between the States nor the proceeds of the sale thereof. That was the original Democratic doctrine, and I see no reason why it is not good doctrine to-day.

If, sir, we proceed to give away the public domain, we deprive the Treasury of the money which would naturally flow into it from the proceeds of the sale of such public lands. But it is said that these lands do not yield anything to the country. I understand, if I recollect right, that the President of the United States in his late message informs us that nearly fifty-four millions of net proceeds from their disposition have been deposited in the National Treasury. That amount of money has gone to support the Army, to support the Navy, and to carry on the great machinery of the General Government. That much less, then, was required to be levied and raised by a tariff.

My doctrine has been, and the demand of my people has been, free trade. We want to keep the public lands, to be sold as the people demand them for settlement. We want the proceeds thereof to go into the public Treasury, and thus do away the necessity of having a protective tariff, or bring our tariff to a low standard. That is what the people of this country want. The great body of the American people want free trade. They want the world as a market, in which to sell the products of their soil.

Keep your public lands; let them be sold as the wants of the people require, whether they be foreigners or citizens. I am glad to see the people of other countries who have no homes in the Old World come and take possession of lands here under the laws and Constitution of the country. We have in our possession a vast public domain, and I am glad to see them settle upon it, and cultivate it. Justice is the parent of peace, and he that does not take care of his own household is worse than an infidel.

We should first take care of our own people. First of all we should take care of those patriotic men who made this the "land of the free and the home of the brave," and those who stood so gallantly by the flag of the country in the second war of independence—the war of 1812—some of whom have never received an acre of land for their services. There are instances were men who volunteered, or were drafted, marched to the rendezvous, entered into the service of their country, actually engaged in service twenty-nine days, but who have been excluded from any benefit under

the celebrated law of September 28, 1850. Pay your debts with your public lands. You owe a debt of honor to the old soldiers. Pay it with the public lands, so far as they can liquidate any portion of it. First and foremost, above all things connected with the public lands, I hold that the soldiers of the war of 1812 should be paid. You give the soldier who served thirty days in the war of 1812 forty acres of land, while you give a man who served in the Mexican war less than a month, if he was honorably discharged, one hundred and sixty acres. When the country becomes powerful, and is abundantly supplied with munitions of war to fight a half-civilized puny race of men, you give those soldiers who served less than a month one hundred and sixty acres of land, while those who served in the war of 1812, when the country was weak and feeble, and when we were contending with a great and powerful nation, that prided itself upon being mistress of the seas, you give but forty acres of land. Proposition after proposition have been before different committees of this House, and have been introduced into the House, for the relief of these men; but they have found but few friends.

I have been a silent member of the House, yet a constant observer, and I find that the great idea now is, that all the various railroad bills and the homestead Buncombe bills are included under one general arrangement, by which if you tickle me I will agree to tickle you. I have seen enough to know that some of the great railroad interests of this country have the Legislatures of several of our sovereign States almost in their breeches pockets. I hope such is not the case in this House, and that no extraneous, outside influences of this character have been brought to bear upon us here; but that we will legislate upon this matter of the public lands as becomes American statesmen. Your public lands should be held sacred.

Gentlemen argue, that by giving railroads alternate sections of land they increase the value of the lands remaining unsold, and that the Government does not lose anything by the operation.

I hold that all the railroads which it is necessary to have built—all the great lines of railroad—will be built by private enterprise. If I am correct in making this assertion, then let these private companies go on and build their railroads, and let the Government sell all their lands at \$2 50 an acre; or, in other words, if it is to be a speculation upon the part of the Government—if the Government is to make money by giving away one half the land, and selling the other half at \$2 50 per acre—if these railroads are worth so much, it would be better for the Government to build the roads out of its own funds, and then sell all the lands for \$2 50 per acre.

But, sir, it is not the policy of this country to put the price of our public lands at \$2 50 per acre. A humane and generous policy has always characterized the course of this Government with reference to the disposition of the public domain. It has been our policy to give these lands to poor people cheap. A dollar and a quarter an acre is a low price, and with that price the settler is content.

Your preemption laws have been dictated by a humane policy. Under them the poor man who takes possession of a quarter section of land in the deep wilds of the far West, and has not the money to pay for it, is protected in his right to the title, and time is given him to make the money from the proceeds of his farm. This is the true policy of Government, and to change it is, in my opinion, wrong.

If you pass this homestead bill, and give a portion of your public domain away to settlers, and the balance to the various railroads, reserving a little for the great Pacific, in a short time you will find that you have killed the goose that laid the golden egg. It will all be gone.

Gentlemen talk about keeping this land out of the hands of speculators. Why, sir, that is out of the question. Humane as it may be to give the poor man this land, yet if you compel him to live upon it five years, no Georgian would thank you for the gift. No, sir, they are too proud—too high-spirited to accept the gift with any such reservation or restriction. If you will give it to him without condition, he will be obliged to you for it, and will accept it, provided all his countrymen share alike with him; but no true American citizen would thank you for the gift of one hundred and sixty acres of wild land, if you had dictated

to him terms by which you would compel him to live upon it for five years. By the terms of this bill, if the settler absents himself for six months, on account of sickness, or from any cause, he loses his right to the land.

Sir, this bill is wrong in principle. The Constitution of the United States does not authorize Congress so to dispose of the public lands. Congress may, and it is its duty, to dispose of the public lands, but it must do so in an impartial manner. We are all interested in their disposition. The people of every State, from Maine to Georgia, from California to Virginia, are all equally interested. The sovereign States of this Union are, each and every one of them, interested in this matter.

I am willing to make some alterations in our present laws. This bill, even, might be so perfected, and put in such a shape as to meet my approbation; but I have no expectation that such changes will be made as will induce me to vote for it.

I may vote for giving these lands for the construction of the several railroads for which they are asked, but before I shall do so, there must be something done to make the benefit applicable to all sections of the country. There must be some compromise made. Compromises have come to be very fashionable at this day; I am not, however, much of a compromise man. I believe in administering the Government according to the plain letter and intent of the Constitution. But if compromises are to be made, I ask for such a compromise in reference to these lands as will give the old States a fair share to divide a portion of this common property of us all. Let those gentlemen, therefore, who want the votes of the Georgia delegation for this measure—I am not authorized to speak for the whole State of Georgia, but I may speak for the people I represent, and I think in this matter I speak the sentiments of a large majority of the people of the whole State—I say, let those gentlemen prepare a plan by which the old States, and the citizens of the old States, may be benefited as well as the new States, if they wish to get our votes. It is impossible for me to recollect the precise amount, but a very large amount of land—a hundred and thirty millions of acres perhaps—has already been given away to about fourteen of the States of this Union. A large amount of land has thus been disposed of.

I wish it to be distinctly understood, that I never will vote a single dollar for the construction of a Pacific railroad; nor do I believe that any States-right man can vote a single dollar out of the public Treasury for that purpose. It is not the policy of this Government to own a railroad, and we have no right to take the people's money to build a railroad. You may argue that it is a national work; I assert that it is sectional; for wherever you build the road the people of that section will derive the main benefit from it, and the balance of the country will receive no direct benefit. I repeat, that it is not the policy of this Government to build a Pacific railroad. It is the policy of this Government to survey the routes and mountain passes, and to open all possible avenues to our enterprising citizens. It is the policy of this Government to encourage manufactures and commerce. But it is the duty of this Government, in dealing out the public domain, to do it upon principles of stern justice and equality. Sir, let this homestead bill be changed. Let the representatives of those States that want land for railroad purposes come to those of us from the old States, and make a fair proposition to us. Much as I have been opposed to the distribution of the proceeds of the public lands, yet if they are to be disposed of in that way, I desire to have them divided upon principles of justice and equality. I am opposed to all these measures; but I am in favor of an amendment of the bounty land law of September 28, 1850; and I give notice to the House that I shall myself introduce such an amendment, unless I see one that suits me introduced by some other gentleman. I have known claims which called aloud for justice stifled in committees.

There are the soldiers of the war of 1790, who fought our Indian foes; and there are the soldiers of the wars of 1835, and '36, all of whom ought to be provided for.

I speak now of the volunteers, of the men who have done as we Georgians used to do; we used to work eight days while our neighbors fought,

and then fight eight days while our neighbors worked. Sir, the people that I represent were rocked in the cradle of war. The people of Georgia, and South Carolina, and Tennessee had for years to defend our frontier against a hostile foe. Not a regular soldier ever made a track on our soil, unless it was when President Adams sent General Gaines with his regiment to awe the Georgians into submission on account of some treaty difficulties; and if he had not left the State quietly and quick, he would have been eaten up for a breakfast spell. [Laughter.] Sir, we complain of the injustice that is done us by this scramble to divide the public lands between a few States and incorporated companies. An aristocracy of wealth will be built up in this country fast enough, without any aid from the Government.

In this view, I will candidly acknowledge that the homestead bill has more merit about it than the railroad bills. But there is too much Buncombe about it, and too little justice and equality. The bill as it now stands encourages idleness. It proposes to give lands to those who are too lazy to work; and the gentleman from Pennsylvania [Mr. Dawson] seems to be well aware of that, for he would compel them to live five years on the land before he would grant them the fee-simple to it. They are placed in a situation where they are compelled to work or die. So little confidence is placed in their virtue, intelligence, and patriotism that it is proposed the Government shall be their express guardian for five years.

Mr. Chairman, the remarks which I have made have been very desultory. I am not accustomed to public speaking. I am nothing but a plain farmer, and have never been educated for a public speaker. I am not one who could be expected to tread the flowery paths of eloquence. When I rose I expected to make a few remarks only. I would not have attempted it, but that I wanted, so far as Georgia was concerned, to let it be understood there was one man here who opposed this measure, and who believed he did so with the approbation of his constituents. I am, and always have been, a railroad man. I have shown that by my words and deeds. I have encouraged the building of railroads in my own State. I have contributed from my own pocket for the survey of routes for roads, and have even gone as a pioneer into the wilderness; but I do not own one dollar's worth of railroad stock, and never expect to. I am glad to see railroads building. I look on them as a bond of Union between these States. They bring the men of the North and the South, the East and the West, into contact. By their means the men of the West are brought with dispatch to the sea-board.

Georgia has extended her railroads from the sea-board to the valleys of the West. Her roads are now to be put in connection with the valley of the Mississippi, with all the enterprises of the Northwest, and with the roads to be built to the Pacific ocean. I am in favor of seeing a road built from the Mississippi valley to the Pacific ocean by private enterprise, and I believe that it will be built. Such is the spirit of the age that you could not prevent it if you would, and you ought not to prevent it if you could. You ought to give the right of way. Give all the aid and comfort you can; but give no money and no land. Let it be built on its own merits. Let those who take it in hand do as men do in other enterprises—let them employ their own capital. That is my doctrine. Very soon our Georgia roads will be extended through Alabama and Tennessee, and put in connection with Kentucky and Ohio. Very soon, indeed, we shall be able to go from the cities of my State to Chicago and the far distant West in forty-eight or fifty hours. I am glad to see it. You cannot check the spirit of the age, and you ought not to do it if you could.

It is our duty to legislate in a just and equal manner. I desire that the public land shall be disposed of as it has been in bygone days. First and foremost I want to see every soldier who has a just claim on his country paid in land. Nothing is more gratifying to a man that has stood by his country's flag, than to know that he has served a country willing to give him a homestead. Land is more properly given to a soldier than money. If I had my way, I would go to your pension office and strike out all pensions requiring payment in money, and substitute payment in land. I would give these soldiers as much of the public land as

would make them and their posterity an independent home.

After we have paid the soldier we all ought to stand on equal footing. No bill ought to be proposed here that has class legislation about it. No act of this free Republic ought to bear on its face discrimination between the rich and the poor. We ought to make our laws equal and just. We ought to encourage our people to be enterprising by placing them on a common level in respect to the public domain, which was obtained by our common blood and by our common treasure. We have, by our blood, labor, and treasure, purchased all the land and the territory belonging to us all; and, in the distribution of this land, the citizens of the whole States and of the Territories ought to be consulted.

Mr. CHAIRMAN, I return my thanks to the committee for the courtesy and kindness with which they have listened to my extended remarks. I had no intention of trespassing on their time to-day, and therefore I had not prepared myself with notes; indeed, I did not know that I should ever be able to get the floor to speak on the subject; and I was not aware that I could obtain it now, until two minutes before I rose to address you. But, lest I might never have another opportunity of addressing the committee on the subject, I was disposed to give them a small sprinkling of a speech, and hope they have got enough of it to make them pause and consider well before they act on the important questions concerning the disposition of the public lands.

Mr. GROW said the best disposition which can be made of the public lands is in the manner proposed in the bill now pending. The gentleman who had just taken his seat objected to the bill, on the ground that an invitation would be extended to the paupers of the Old World to come hither, and partake of its generous provisions. He would ask the gentleman, and every other who opposes the bill, whether it is not better, as the population of the Old World will find a home here, to fasten them to an interest stronger than the oath of allegiance?

But few men desert the land of their fathers and the home of their childhood from choice. Most of them are driven hither by dire necessity. These men, he repeated, must and will come. Would it not be better to make these men good citizens, instead of having them a curse to themselves and the cities in which they may locate?

He stated various reasons why the bill should be passed, and contended that its effect would not only be to increase the wealth of the country, but to expand the blessings of country and of home, and strengthen the defenses of the Union. He argued that the public land should no longer be a source of revenue to the Government. [His speech will be found in the Appendix.]

Mr. SMITH, of Virginia. Mr. Chairman, I had not intended to indulge in any remarks upon this question; and, as the gentleman from Georgia [Mr. DENT] said, "I am without notes," though I do not know that that makes much difference. But I really desire to call the attention of the committee very briefly to a few of the objections to this bill which are obvious to my mind, and which, I trust, will be considered as entitled to some consideration.

In the first place, I wish it to be understood that I totally deny the right or power of this Government to give away the common property of the Union. There is no proposition so clear to my mind as that there is no right or power on the part of this Government to make a gratuitous donation of any part of the public property to a portion of the people of this Union. I do not intend to dwell upon this branch of the subject, but I ask gentlemen by what process of reasoning they come to the conclusion that this Government has a right to give land to the poor man or to the rich man, and at the same time has no right to give money out of the public Treasury? There are now twenty-odd millions of dollars in the Treasury. Have we a right to give away that money to those who want it? No one will pretend that we have, and yet you undertake, by this bill, to give millions of acres of the public domain to those who choose to occupy it.

But that is not all. This bill proposes to give to foreigners just arrived in the country the right to go and settle on these lands. The foreigner who lands in New York to-day, would have the

same right that an American citizen would have, to go and take possession of a portion of the public lands. The gentleman from Pennsylvania, [Mr. DAWSON,] who introduced this bill, when that objection was made by the gentleman from Georgia, [Mr. DENT,] said that the benefits of the bill were intended to be confined to those now in the country. I put it to his candor, if the principle of the bill does not equally include all who may hereafter arrive?

Mr. DAWSON. Not at all. The gentleman appeals to me, and I will answer him at once, if he desires it.

Mr. SMITH. The gentleman will have an opportunity of answering me, and I beg him to do it. The Irishman or German who arrived to-day would have the right; the Irishman or German who arrived to-morrow would not have the right. Upon what principle of discrimination can the gentleman make the distinction which is involved? I cannot, for the life of me, see it.

But the bill is most manifestly unjust in other respects. It actually gives to the wealthy portion of the people of this country the same right that it gives to the poor. When I heard gentlemen speak of the great benefits which the bill was to confer upon the poor and the destitute, I supposed, of course, that its provisions were confined to them. But not so; the wealthiest portion of the people of our country would have the same right, under this bill, to go and occupy one hundred and sixty acres of the public lands as the humblest and poorest. I should like to know on what principle that is fair? I cannot see it.

Again: Look at the operation of this bill. I know that it is a great bill for the West; and I do not blame western gentlemen if they can reconcile their conscience to the constitutional objection for voting for it. A man in the West, with four hardy sons, if this bill becomes a law, takes the benefit of its provisions, and perhaps locates on the very land around the school-house for which he intended laying out his money. Under the bill the whole public land will be occupied by western men. Everybody sees the operation of it. There is not a gentleman from the West who does not know that to be its immediate operation. Take my district: I represent the adjoining town of Alexandria. What chance have my constituents to locate land around your school-houses in the new settlements of the West, when the sons, the hardy sons of the actual settlers, are ready to pounce on it? Long before any that I represent, or any represented by eastern men, can reach there, the valuable portion of the land will have been located by those who are there, and who have none. But, whether they have land or not, it makes no difference; for a man with ten thousand acres has the right to locate one hundred and sixty acres alongside of the poorest man. Is that just and equal? I ask this committee whether it can perpetrate such an outrage?

That is not all. The operation of this bill should be just and equal. We have millions of mechanics throughout the eastern, and, to some extent, throughout the southern portion of this Union, engaged in the various branches of industrial pursuits. What chance have they to get homesteads? I put the question. I go to Pennsylvania—men who are engaged in the iron business; I go to the workshops of the East—those for the construction of machinery; I go to the town of Alexandria, where there are a number of workshops, and I ask what chance have those mechanics to enjoy the benefits of this bill? They are told that they may pull up their stakes and go to the West. But they cannot prosecute their trade out there. They cannot squat on one hundred and sixty acres each and set up machine-shops. No, sir; their very occupation shuts them out from the enjoyment of this property, though it may be that every Saturday night, when they receive their pay, the current actual family obligations demand the appropriation of every cent of it. Is there equality in this? No; it is a gross, outrageous inequality; and I am only astonished to see so many men here engaged in advocating this bill, disregarding the constitutional objection, when its necessary operation is so evidently unjust.

But this bill has most extraordinary features. It actually provides that the property thus acquired shall not be responsible for debt. A man may incur obligations, but you cannot get hold of him. Not even that; you cannot subject it to the tax-gatherer. The very tax that is assessed on

these very lands cannot be collected. The committee will readily see this objection.

Another thing: There are, as it is well known, a very large portion of those who reside in the Atlantic States, poor, and live from hand to mouth, and yet who live well. How are they to get to the West, and where the public land is? The wealthy will easily be able to send out a number of persons to occupy these sections under arrangement, by which they will accumulate in their hands a large portion of them. A wealthy man can make an arrangement with a certain class of the poor people, and have it signed, sealed, and delivered, so that he will accumulate in his hand a large amount of the public land. Yet, sir, this bill provides in no respect against that. We know the fact that these arrangements have been made, and will be made again; and, under this bill, they will operate to a very great and mischievous extent.

But I here take occasion to say—and I shall thus conclude my remarks—that it is the most extraordinary thing I have ever known that the provisions of this bill—drawn as they are, and embracing the principles they do—should be forced on to final action before this House, while there are hundreds and thousands of the soldiers who served in the war of 1812, and in the Indian wars, who are denied the provisions which they seek, and which, it seems to me, ought to be accorded to them.

Mr. SMITH, of New York, regarded the homestead bill as second in importance to no other bill. He was in favor of it, not because by giving up a part of the public domain to be occupied the remainder will be more valuable to the Government than all of it was before the occupation; nor was he in favor of it for any of the more current and popular reasons for it, but he was in favor of the bill because he was in favor of what he interpreted to be the admission that Government does not own the land, and that the landless do own it.

He hoped that this bill would get the favor and vote of this committee, and yet he could not hope that his reasons for it would meet the approbation of the majority of this committee; but he did hope the committee would tolerate him for his reasons. He then proceeded to argue that the lands belong to the landless, and that land monopoly has reduced the great mass of mankind to abject poverty. [See Appendix for speech.]

The CHAIRMAN. The time has now arrived fixed by the House for the termination of the debate upon this bill. The gentleman from Pennsylvania, [Mr. DAWSON,] who reported it, is now entitled to the floor for one hour, if he desires to occupy it.

Mr. SMITH. Of course I should like more time to continue my remarks; if it be the pleasure of the committee to grant it. I am, however, entirely at their disposal.

Mr. DAVIS, of Rhode Island. I hope the gentleman will be allowed to proceed.

Mr. COX. I hope not. The House has decided that all debate shall close at three o'clock, and I trust that its order will be strictly executed.

Mr. HUGHES. I would ask if the gentleman from New York cannot proceed by unanimous consent.

A MEMBER. I object.

Mr. EWING. I would suggest that we might have the unanimous consent of the House to accomplish more than simply to give one gentleman an opportunity of speaking. I believe there are quite a number of us who would like to speak, and with a view of extending the time allowed for debate upon this bill, I would suggest that we go into the House for that purpose.

The CHAIRMAN. The Chair must remind gentlemen that debate is closed, and that it is not in the power of the committee to extend it. The Chair would also suggest, that it will be impossible to accomplish such a purpose by going into the House. A motion was made to reconsider the vote by which the resolution closing debate was adopted, and the motion laid upon the table, placing it out of the power of the House to extend the debate.

Mr. FLORENCE. Is it not competent for the committee to lay aside this bill for the present, and take up some other bill upon the Calendar, upon which the debate may proceed?

The CHAIRMAN. It is not. The resolution of the House fixes the time when the debate shall close, and then prescribes that the committee shall

then proceed to vote upon such amendments as are pending, or may be offered to the bill, and shall report the same to the House. The order is positive, and the committee can proceed to the consideration of no other business until it has been executed.

Mr. FLORENCE. I was under the impression that the committee had the power to lay aside this bill and take up another.

The CHAIRMAN. It has not.

Mr. COBB desired to obtain the floor.

The CHAIRMAN. The Chair has already announced to the committee that the gentleman from Pennsylvania is entitled to the floor.

Mr. COBB. I am aware of that, but if the gentleman does not wish to avail himself of his privilege, I should be glad to occupy a portion of his time.

A MEMBER. You can not do that.

Mr. DAWSON. Instead of availing myself of my privilege and right to make another hour speech, I shall confine myself exclusively to replying, as briefly as possible, to the objections which have been made to the bill now under consideration.

In the first place, I will notice the objections which have been brought forward by the honorable gentleman from Virginia, [Governor SMITH.] He objects to the passage of this bill, because he considers it a violation of the Constitution of the United States. I had hoped that I had met that objection satisfactorily in my opening speech upon this subject; but whether I succeeded in satisfying the gentleman from Virginia or not, to obviate all difficulty touching any constitutional question which may be involved, I will read in full the provision contained in the third section, fourth article, of the Constitution, to which I merely referred in my opening speech. The language is as follows:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

I think the power which this bill asserts is there clearly set forth in plain and positive language. But I will turn the attention of the gentleman from Virginia, and of the committee, to the exercise of that power by the Congress of the United States, which may be found by reference to the act, (United States Laws, volume 1, page 583, old edition,) by which four hundred acres of land were granted by Congress to each of the French and Canadian inhabitants who were settlers in Illinois.

To the act of March 3, 1791, by which five thousand four hundred acres were granted to the inhabitants of Vincennes.

To Statutes at Large, volume 1, page 442, by which twenty-four thousand acres of the public land were granted to the French inhabitants of Gallipolis.

To United States Statutes at Large, volume 1, page 257, by which one hundred thousand acres of land were granted to the Ohio Company of Associates, for each male person not less than eighteen years of age, being an actual settler.

I will also refer the honorable gentleman to the recent act of Congress of the 27th of February, 1850, by which donations of the public lands in the Territory of Oregon were made to actual settlers, varying in quantity from one hundred and sixty to six hundred and forty acres to each person. I never heard the constitutionality of that act called in question. Virginia herself, by a liberal policy, has made numerous and extensive grants of her lands for a mere nominal consideration, with a view to settlement and improvement.

But all doubt as to the constitutional power of Congress to make grants of the public domain to individuals, with a view to settlement and cultivation, vanishes on referring to the fact that Congress, by numerous acts, has granted to individuals, for military service, 24,841,979 acres, and for the construction of canals, railroads, internal improvements, and the improvement of navigable streams, 18,553,700 acres. Hence I think it a very late day for the gentleman from Virginia to interpose constitutional objections.

Another objection which the gentleman makes to the bill is, that it is not confined, in its provisions, to those who have no land. Why, I am surprised that an objection of that kind should be made. For my part, I utterly repudiate all restrictions or anything that may approximate to

agrarianism in the disposition of the public lands. In all my speeches and remarks upon this question, I have endeavored to strip it of every objection of such a character. One of the great controlling considerations with me is to make the public domain productive, to secure its settlement, to increase the agricultural productions of the country, and, consequently, to increase the aggregate of the national wealth; to enlarge the basis of our commercial interests, to add to the national revenue, to build up our cities, to extend our commercial marine, so that the ocean shall be whitened with the sails of our commerce; to make us prosperous at home, and to people our broad country from the Atlantic to the Pacific. Hence, the language of this bill has been carefully selected, so that its provisions may be extended to all. I would extend the privileges, which it proposes to confer, to every man, no matter how much property he may possess, if he is willing to abandon that property to make a settlement in the wilderness, to reclaim the waste and wet lands, to fell the forest, to make roads, to build towns, villages, churches, and school-houses, and to make it productive and prosperous.

Another objection which the gentleman opposes to this measure is, that a large portion of the population of this country is engaged in mechanical pursuits, and therefore that they cannot avail themselves of the privileges of this bill. Why, sir, it was never contemplated that this bill should force any one from his natural pursuit. It must be left entirely to the judgment of each man, and to the advantages it may promise him. Many of the mechanics of the New England States, and of the States situated on the sea-board, have already abandoned their mechanical pursuits, and have settled in the West. If others wish to do the same, they will have the privilege under this bill. If, on the other hand, they prefer to remain in the land of their birth, around those old court-houses, where civilization is positively retrograding, where population is comparatively diminishing, where energy is being exhausted, as it were—if they prefer to remain there, in that condition of things, why we of the West will offer no objection. We, who take pride in our noble streams; we, who gather energy from the magnificence and extent of our forests and prairies, from our smiling villages and cultivated fields, and the hum of industry that everywhere characterizes the onward march of the western people—for in the great valley of the Mississippi all is life, energy, and action; the rivers are covered with the most extensive commercial marine on the face of the globe, while the cities are the busy theaters of commercial industry—we will not then complain if you refuse to emigrate; we will not invade your domain, but we will permit you to enjoy it to the fullest extent.

Another objection which the gentleman has urged against this bill, and urged with vehemence, that is evidence of his sincerity and candor, is that the land granted by it will be forever exempt from taxation and from sale for debt. I regret that the honorable gentleman from Virginia did not examine the provisions of the bill with his usual care and ability, before he made that objection.

Mr. SMITH of Virginia. I did not say that it would be exempt forever.

Mr. DAWSON. Then for how long?

Mr. SMITH. The term provided for in the bill is five years.

Mr. DAWSON. Yes, sir, five years. Is there any objection to that? That is, as long as the title remains in the Government. If you strike that out, it will be a bill for the benefit of creditors, and not a homestead bill.

Mr. SMITH. Yet allow me for a moment, I will state, though the bill itself seems to contemplate an exemption for five years, that really it is so drawn as to make the exemption forever. If the gentleman will read it, he will see that the sentence is awkward, and bears that construction.

Mr. DAWSON. In order that there may be no difficulty about the language of the bill I shall read it. It is as follows:

"SEC. 4. And be it further enacted, That all land acquired under the provisions of this act, shall, in no event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor."

"Prior to the issuing of the patent therefor." That exempts debts incurred prior to the issuing of the patent.

Mr. SMITH. Certainly; the land is not to be

responsible for debts incurred prior to the issuing of a patent, and it is never to be responsible. It is to be in mortmain forever.

Mr. DAWSON. That is for the old debts?

Mr. SMITH. Yes, sir.

Mr. DAWSON. That is what I want. It is an important and valuable provision; and I shall maintain it to the last.

Mr. SMITH. The land itself may be the seat of a town, and the man who owns it may be worth millions, and yet it cannot be responsible for debt.

Mr. DAWSON. That is supposing a remote improbability. The liability for debts contracted after the issuing of the patent commences at once; hence they will not go into mortmain for ever, as the gentleman supposes. It surprises me to hear that objection from a gentleman who resides in the Old Dominion, the mother of States and statesmen. I would ask him whether the lands in Virginia can be sold for debt?

Mr. SMITH. Certainly.

Mr. DAWSON. Since when?

Mr. SMITH. Ever since I can remember, in one way or the other.

Mr. DAWSON. Do I understand the gentleman to say, that, under the law of Virginia, the fee-simple in land can be sold for debt?

Mr. SMITH. Most assuredly.

Mr. DAWSON. How long has that been the case?

Mr. SMITH. Ever since I remember, and I am getting a little older than I like to remember. [Laughter.]

Mr. DAWSON. That is new law to me.

Mr. SMITH. But it happens to be so. We in Virginia have always attached a value to land which we did not to chattels.

Mr. DAWSON. So do we in Pennsylvania. [Laughter.] It is a higher order of security. It is more reliable and more valuable; but I will not consume the time of the committee further. I live in a district of country bordering on Virginia, and once claimed by her, which, by the running of Mason and Dixon's line straight instead of crooked, secured to Pennsylvania, and lost to Virginia, a district of country as valuable as any upon the face of the globe of the same extent; and I never heard of that law before. On the contrary, all my knowledge, from observation and reading, has been that the fee-simple in lands there could not always and absolutely be sold for debt.

In Virginia, as I am informed, land could not be sold, at least until very recently, by ordinary process of law. You had then a process called *elegit*, by which you could have an equal half of a debtor's land rented out until a debt was paid by the rents. But you had no legal process, properly so called, by which you could have the land of a debtor sold for debt. It is true that where fraudulent conveyances were made, or other circumstances existed which would give jurisdiction to a court of equity, such court might, in order to do equity in other respects, decree a sale of the land, and that the creditor be paid out of the proceeds, but you could not, in a simple case of debt, by order of process of law, sell the lands of the debtor.

I take it then, Mr. Chairman, that I have met all the objections which have been urged by the gentleman from Virginia. Having done that, and there being with me nothing for display, nothing for exhibition, I shall resume my seat, satisfied with the bill, and the true national policy it contemplates.

Mr. HENN. I move that the committee do now rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman (Mr. OLDS) reported to the House that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and especially House bill No. 37—being the homestead bill—and had come to no resolution thereon.

Mr. STRAUB. Is it now in order to offer an amendment to the homestead bill?

The SPEAKER. The bill is not now before the House; it is still before the Committee of the Whole on the state of the Union, and, consequently, it is not now in order to move an amendment to it.

Mr. GREEN, from the Committee on Enrolled

Bills, reported back, as correctly enrolled, bills of the following titles:

"Joint resolution authorizing supplementary contract for certain marble for the Capitol extension;" and

"An act for the relief of John O. Means."

Which thereupon received the signature of the Speaker.

Mr. DISNEY. I remark that there are several bills upon the Speaker's table, which ought to be referred. I therefore move that we proceed to the business on the Speaker's table.

The SPEAKER. Is it the pleasure of the House to proceed to the business on the Speaker's table?

Mr. JONES, of Tennessee, (interrupting.) There is an act before the House, which should be referred to the Committee of the Whole on the state of the Union. I therefore move to proceed to the regular order of business.

THE BOUNTY LAND BILL.

The SPEAKER. The gentleman from Tennessee demands the regular order of business, which is the pending motion to lay on the table the following bill, and accompanying report and letter from the Secretary of the Interior:

"A bill extending the provisions of the several laws granting lands to the officers and soldiers who have been engaged in the military service of the United States."

Mr. BISSELL. I would announce, that if the motion to lay the bill on the table do not prevail, I will move its reference to the Committee on Military Affairs, which is the proper reference.

The SPEAKER. A motion is pending, made by the gentleman from Pennsylvania, [Mr. FLORENCE,] to refer this bill to the Committee of the Whole on the state of the Union.

A MEMBER. Was not there a demand for the previous question?

The SPEAKER. Yes; the gentleman from South Carolina called for the previous question, but he afterwards withdrew the demand.

Mr. ORR. I renew the motion to lay the bill and report upon the table.

Mr. LANE, of Indiana. I call for the yeas and nays on the motion.

Mr. FLORENCE. Were not the yeas and nays asked for, and refused before on this question?

The SPEAKER. The yeas and nays were refused upon another proposition yesterday—upon the first proposition, which was to refer to the Committee of the Whole on the state of the Union.

The yeas and nays were not ordered.

Mr. ROBBINS. I demand tellers.

Tellers were ordered; and Messrs. ROBBINS and VAIL were appointed.

The question was then taken; and the tellers reported—yeas 56, noes 72.

So the motion was not agreed to.

Mr. FLORENCE. The question now recurs upon my motion to refer the bill to the Committee of the Whole on the state of the Union.

ADJOURNMENT OVER.

Mr. WRIGHT, of Pennsylvania. I rise to a privileged question. I move that when this House adjourn it adjourn to meet on Thursday next. To-morrow being the 22d of February, I do not think this House ought to be in session.

Mr. FLORENCE. Will it be in order to move to amend the motion by inserting "that the Clerk be requested, at twelve o'clock to-morrow, to read from the desk Washington's Farewell Address?"

The SPEAKER. It would not be in order.

The question was then put; and there were, on a division—yeas 113, noes 34.

So the motion was agreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from Pennsylvania, [Mr. FLORENCE,] that the bill and accompanying report be referred to the Committee of the Whole on the state of the Union, and that they be printed. The gentleman from Illinois [Mr. BISSELL] moves also that the bill be referred to the Committee on Military Affairs.

Mr. HAMILTON. I demand the previous question.

Mr. JONES, of Tennessee. I ask if the demand for the previous question is not pending; was it not made previous to my making a motion to lay the bill upon the table?

The SPEAKER. Action has been had upon the bill since the motion of the gentleman was made.

The demand for the previous question was seconded, and the main question ordered to be put.

The question was then taken upon Mr. FLORENCE's motion; and there were—yeas 103, noes not counted.

So the bill and report were referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. WHEELER. I move that the House adjourn.

Mr. HAVEN. I desire simply to suggest to the House, as we have agreed to adjourn over until Thursday, whether it would not be well to clear the Speaker's table?

Mr. WHEELER. I withdraw my motion to adjourn.

[A message was here received from the Senate, by Mr. MACHEN, its Chief Clerk, informing the House that the Senate insist upon their second amendment, disagreed to by the House, to the bill of the House, (No. 135,) entitled "An act for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco," ask a conference with the House on the said disagreeing vote, and have appointed Mr. SHIELDS, Mr. JOHNSON, and Mr. JAMES C. JONES, the managers of the said conference, on their part.]

Also, that they had passed a joint resolution of this House, (No. 15,) authorizing a supplemental contract for certain marble for the Capitol extension, without amendment.

Also, that they had passed a bill of the Senate, (No. 217,) entitled "An act appointing commissioners to ascertain certain facts relative to private land claims in the Territory of Michigan."

Mr. DE WITT, from the Committee on Enrolled Bills, reported, as correctly enrolled, a bill of the following title, which received the signature of the Speaker:

"An act for the extension of the preemption privilege in the State of California."

Mr. WHEELER. I now renew the motion that the House adjourn.

The question was put; and, upon a division, there were—yeas 67, noes 64.

Mr. FLORENCE. I ask for tellers upon the question.

Tellers were not ordered.

So the motion was agreed to, and, at half-past three o'clock, the House adjourned until Thursday next.

IN SENATE.

THURSDAY, February 23, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Tuesday was read and approved.

CREDENTIALS.

Mr. HAMLIN presented the credentials of Hon. WILLIAM PITT FESSENDEN, chosen by the Legislature of the State of Maine, a Senator from that State, for the term of six years from the 4th of March last; which were read; and the oath prescribed by law having been administered to Mr. FESSENDEN, he took his seat in the Senate.

Mr. SHIELDS presented the credentials of Hon. STEPHEN A. DOUGLAS, elected a Senator from Illinois for six years from the 4th of March last; which had not been received when Mr. DOUGLAS was sworn in on the 4th of March. They were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Department of the Interior, in answer to a resolution of the Senate of the 14th instant, in relation to the hospital for the insane of the District of Columbia; which was referred to the Committee for the District of Columbia, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Navy Department, transmitting eighty copies of the Navy Register for the use of the Senate; which was ordered to lie on the table.

RELIGIOUS LIBERTY.

Mr. CASS, Mr. President, I have a petition to present, which is but the forerunner of many others. It asks the interposition of this Government with foreign Powers, where such interposition is required, in order to secure to American citizens abroad the enjoyment of religious worship while living, and a place of sepulture, and the

rights of Christian burial when dead. And strange is it that such demands are rendered necessary by the arrogance of earthly presumption, in this day of knowledge and searching inquiry. But so it is; and public opinion in this country is awakening to the interest of this question; and it is time that our voice should be heard and heeded.

The freedom of religious worship is a subject which belongs to the kingdom of God, and not to the kingdom of man; and no human ruler can interfere with it without equal injustice and presumption. Of course we claim no right to interpose between other Governments and their own people, except, indeed, the right of judgment and of condemnation, common to all countries not crushed by the foot of the oppressor, when such acts of revolting tyranny occur as to shock the feelings of mankind. But when American citizens are the sufferers, it is the undeniable duty of this Government to take all such measures as are justified by the laws of nations, to insure their protection and the exercise of right which ought to be wholly without the scope of political institutions, as they are without just authority.

I propose, sir, at some convenient time, when the Senate is less engaged than at present, to move the reference to the Committee on Foreign Relations, of the excellent report made last session upon similar petitions, by a most estimable member [Mr. Underwood] now no longer among us; and upon that occasion I shall ask to be heard in relation to this general subject. Independent of the momentous principles involved in it, and which, of themselves, furnish a sufficient motive for examination, I have another, which is personal to myself. It will probably be recollected by some of the Senators that I submitted a few remarks to this body when the question was first before us.

Our proceedings, and particularly my share of them, were reviewed with some severity by Archbishop Hughes in a letter signed by himself, and published in the papers after our adjournment. I do not object at all to that course, though certainly I must have been greatly misunderstood, judging by some of the sentiments imputed to me. Now, sir, I propose, not so much to review the review as to redeem myself from misapprehension, and to reassert and maintain my true views. And while I shall execute this task with all the respect due to the personal character and to the high position of this distinguished prelate, I shall do it with the freedom which belongs equally to the subject and to my own position as a member of this great depository of so much of the national power. I move the reference of this petition to the Committee on Foreign Relations.

The motion was agreed to.

PETITIONS, ETC.

Mr. SHIELDS. I present the petition of Ithiel S. Richardson, the inventor and patentee of what is called the atmospheric telegraph. He is desirous that a select committee should be formed to investigate this invention; and if they approve of it, he asks a small appropriation to make an experiment between here and Baltimore. He says that \$5,000 will enable him to construct this telegraph for ten miles. It will convey packages, mails, or any other matter necessary to be conveyed, at a speed exceeding five hundred miles an hour, and will convey a weight exceeding five thousand pounds. He states that if it succeeds for ten miles, he will expect an appropriation to enable him to take it on to Baltimore. The whole amount of the appropriation which he now asks, is that which would be sufficient to make the trial for ten miles, and that will be only \$5,000. I move that a select committee be appointed to investigate the character and nature of this invention; the committee to consist of five members, and to be appointed by the Chair.

The motion was agreed to.

Mr. SHIELDS presented the petition of Cornelius Coffey, late a private in the United States Army, praying to be allowed bounty land; which was referred to the Committee on Public Lands.

Also, the petition of Thomas Bassuet, praying the aid of Congress to enable him to test by experiments his theory of meteorology. The petitioner states that if his discovery had been known at the time of the loss of the San Francisco it might have been applied so as to prevent the loss of that vessel. The petition was referred to the Committee on Commerce.

Also, a petition of citizens of Calumet, Illinois, praying the removal of the bar from the mouth of Calumet river; which was referred to the Committee on Commerce.

Also, the petition of Arabella Riley, widow of Major General Bennet Riley, of the Army, praying a pension; which was referred to the Committee on Pensions.

Also, five petitions of widows of officers of the Army who have died in the service since the war with Mexico, most of them of disease contracted during the war, praying to be allowed half pay for five years; which were referred to the Committee on Military Affairs.

Mr. EVERETT. I have been requested to present the memorial of inhabitants of Nantucket, praying the erection of a breakwater, for the purpose of deepening the water in the harbor at that place. They represent that that harbor is the only place of refuge for a distance of one hundred miles; and that, through the sound between that island and the main land, there pass every year, by probable computation, not less than forty thousand vessels; and that, as there are but seven feet depth of water upon the bar, it is impossible for vessels of any size, in stress of weather, to take refuge in that place.

They state in this petition that on the afternoon preceding the assembling of the town meeting at which this memorial was unanimously adopted, sixty-eight vessels passed the light-boat in the sound bound for the east. At eleven o'clock on the same evening a gale came on, and only fourteen were near enough to get back to Martha's Vineyard, which is a safe port, and most of those that could not retreat were driven upon the shore, and several entire crews perished in the storm. It was probably in consequence of that event that the meeting was held at which this memorial was unanimously adopted. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. EVERETT presented the petition of George Harlow and others, owners of the schooner Argo, of Plymouth, Massachusetts, praying that they may be allowed the usual bounty on their vessel; which was referred to the Committee on Commerce.

Mr. PEARCE presented the memorial of General Nathan Towson, for himself, David R. Whitely, and other members of Captain Towson's artillery, in the war of 1812, praying to be paid for the capture of the British ship Caledonia; which was referred to the Committee on Naval Affairs.

Also, the petition of the heirs of Mountjoy Bayly, a captain in the Maryland line in the war of the Revolution, asking to be allowed interest on commutation; which was referred to the Committee on Revolutionary Claims.

Mr. FOOT presented a remonstrance of citizens of Clarendon, Vermont, against the abrogation of the Missouri compromise; which was ordered to lie on the table.

Mr. MALLORY presented a memorial of the Chamber of Commerce and citizens of Appalachicola, praying an appropriation for the erection of a marine hospital at that place; which was referred to the Committee on Commerce.

Mr. MORTON presented the memorial of Jasper Strong and George Terrill, praying authority to construct a railroad from the Perdido river to the Bay of Pensacola, near the town of Warrington, Florida; which was referred to the Committee on Naval Affairs.

Also, the presented a petition of citizens of West Florida, praying the establishment of a new land district in Florida, west of the Chattahoochee river; which was referred to the Committee on Public Lands.

Also, the memorial of Joseph Tatnall, junior, a purser in the Navy, praying to be indemnified for losses sustained while purser of the United States ship Dale, on the coast of Africa; which was referred to the Committee on Naval Affairs.

Also, the memorial of Manuel Hernandez, praying a tract of land equivalent to one purchased by him, the title to which was confirmed by the commissioners of land claims in Florida, but the land subsequently sold by the United States to another person; which was referred to the Committee on Private Land Claims.

Mr. COOPER presented the petition of James

A. Glanding, praying a pension on account of a wound received in the defense of Baltimore in 1814; which was referred to the Committee on Pensions.

Mr. SEWARD presented the petitions of Phoebe Hascall, of New York, late widow of Sidney Smith, a captain in the United States Navy, praying a pension; which was referred to the Committee on Pensions.

Also, the following petitions, &c., protesting against a violation of the Missouri compromise, which were ordered to lie on the table:

Two petitions of inhabitants of the State of Michigan;

Proceedings of a meeting of citizens of Rochester, New York;

Proceedings of a meeting of mechanics and others, citizens of New York;

Three petitions of citizens of the State of New York;

Petition of fifty-five of the legal voters of Evans, Erie county, New York;

Petition of fifty-seven of the legal voters of Evans, Erie county, New York; and

Petition of fifty-six of the legal voters of Erie county, New York.

Mr. BRODHEAD presented two petitions of citizens of the United States, praying the repair of the wharves and piers at Marcus Hook, in the Delaware river; which were referred to the Committee on Commerce.

Also, fifty-four petitions of citizens of Philadelphia, praying that the United States Mint may not be removed from that city; which were reported to the Committee on Finance.

Mr. JONES, of Tennessee, presented a memorial of a convention of the Baptists of West Tennessee, praying the adoption of measures to secure religious toleration to American citizens in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. DAWSON presented the memorial of William Harris, praying to be allowed pay for the term of five years which he served in the war of 1812, as sergeant in the eighth regiment of United States infantry; which was referred to the Committee on Military Affairs.

Mr. BAYARD presented two petitions of citizens of the State of Delaware, praying that in the organization of Nebraska, or any other Territory, by law, the principle of non-intervention by Congress in the institution of slavery, either in the States or Territories, as recognized in the compromise legislation of 1850, may be adhered to; which were ordered to lie on the table.

Mr. CHASE presented the following petitions against the passage of any bill now, or at any future period, to introduce slavery into Nebraska; which were ordered to lie on the table:

Petition of Samuel Burwell and others, citizens of Berlin, Holmes county, Ohio;

Petition of 49 citizens of Stark county, Ohio;

Petition of William T. Reese and others, citizens of Guernsey and Noble counties, Ohio;

Resolutions of a public meeting of the citizens of Delaware, Ohio;

Petition of Benjamin Sale and others, citizens of Stark, Carroll, and Columbiana counties, Ohio;

Petition of D. M. Moore and others, citizens of Greenfield, Highland county, Ohio;

Petition of P. Dow and others, citizens of Pennsylvania;

Petition of citizens of Washington county, Pennsylvania;

Petition of John A. English and numerous citizens of Pennsylvania;

Petition of William Marot and numerous citizens of Pennsylvania;

Petition of E. Bemiz and others, citizens of Washington county, Pennsylvania; and

Petition of 64 citizens of Wayne Centre, Illinois.

Mr. DODGE, of Iowa, presented four petitions of citizens of Iowa, praying that a grant of land may be made to aid in the construction of the Fort Madison, West Point, Keosauqua, and Bloomfield railroad; which were referred to the Committee on Public Lands.

Also, the petition of John P. Gaines in behalf of persons residing in the Territory of Oregon who are entitled to bounty land, respecting the location thereof; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FOOT, it was

Ordered, That the petition of David Felker be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. JONES, of Iowa, it was

Ordered, That the petition and papers of Richard Chany be withdrawn from the files of the Senate, in order to be presented in the House of Representatives.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of John E. Marin be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

REPORTS FROM STANDING COMMITTEES.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the bill authorizing a patent to be issued to Peter Poncin for certain lands therein named, reported it back without amendment, together with a report on the subject; which was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the memorial of Thomas S. Russell, praying compensation for services performed in the Seminole Indian war, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee of Claims, to whom was referred the petition of Asbury Dickens, praying to be allowed the difference between the pay of a chief clerk in the Treasury and State Departments, and that of the heads of those Departments, during the time he performed the duties of the heads of those Departments, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WADE, from the Committee of Claims, to whom were referred the documents relating to the claim of John Metcalf, praying remuneration for property lost during the last war with Great Britain, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills from the House of Representatives, submitted adverse reports thereon; which were ordered to be printed:

"Bill for the relief of Benjamin Rowe;"

"Bill for the relief of John Hamilton;"

"Bill for the relief of Parmelia Slavin, late the wife of John Blue, deceased;" and

"Bill for the relief of Alton Nelson."

Mr. ALLEN, from the Committee on Pensions, to whom were referred the memorials of Jeremiah Simmons and Joseph Penley, two of the Dartmoor prisoners during the last war with Great Britain, praying pensions, submitted an adverse report thereon; which was ordered to be printed.

Mr. ADAMS, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of John R. Jefferson, of Mississippi, praying compensation for carrying the mail, and damages for the annulment of his contract by the Postmaster General, submitted an adverse report thereon; which was ordered to be printed.

Mr. CLAY, from the Committee of Claims, to whom was referred the memorial of the heirs of John Burnham, praying remuneration for losses sustained by the capture of the ship Hope by an Algerine cruiser, in 1793, submitted an adverse report thereon.

PORT OF ENTRY AT KEOKUK.

Mr. DODGE, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making Keokuk, in Iowa, a port of entry and delivery.

PRE-EMPTION RIGHTS.

Mr. JOHNSON. I am instructed, by the Committee on Public Lands, to report a bill for the relief of settlers on land reserved for railroad purposes. I ask that the bill may now be read through, and put upon its passage. It is a matter of some urgency. It is necessary for the public interest, and to secure private rights. I therefore ask the Senate to consider the bill at once.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to allow settlers on the public lands, (which have been or may be withdrawn from

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

FRIDAY, FEBRUARY 24, 1854.

NEW SERIES.....No. 30.

market in consequence of proposed railroads,) who had settled thereon, prior to the withdrawal, the right of preëmption, at the ordinary *minimum* price, to the lands settled and cultivated by them; with a provision that they shall prove their rights, according to such rules and regulations as may be prescribed by the Secretary of the Interior; and shall pay for their lands before the day which may be fixed by the President's proclamation for their restoration to market.

Mr. JOHNSON. It is for the public interest that the bill should pass at once; and I will explain the circumstances which render it necessary. The lands which have been granted to two or three of the States for railroad purposes are now withdrawn from the market, but the title is yet in the United States, and we still have power to legislate with regard to them. Prospectively, the United States have parted with them; they have been withdrawn from the market for the purpose of protecting the interests of the grants which have been made to the States themselves; and under these circumstances no action can be taken by those who are actual settlers upon the lands.

There is a provision in the preëmption law which requires thirty days' notice to be given by any one, who is an actual settler on the public lands, and designs to claim a preëmption right. These reservations having come in unexpectedly, before they have given that notice, they are cut off from the benefits of the general preëmption law. The same thing may occur with respect to railroad grants, which may be made hereafter, if any shall be made. The reservation having taken effect before the thirty days' notice has been given, the settlers are cut off and cannot now come forward, enter their land, and pay the money into the Treasury of the United States and secure their own rights.

The object of this bill is to enable them, notwithstanding that reservation—where they are *bona fide* settlers, and where they shall conform to the rules which may be laid down to secure truthful and fair action in the premises by the Secretary of the Interior—to come in and enter those lands. It is for the interest of the Government of the United States that this should be done. It is for the protection of a class of people who are not generally well read, or well informed, and who were not aware that they were cut off by the provision requiring thirty days' notice, and who did not anticipate that the reservations would act so hardly upon them.

It is consistent with the feelings of the people of the States themselves where these grants have been made for railroad purposes. If it takes off from anybody it is from the railroad grantees—from the States which have received railroad grants, and it gives the land to those who were entitled to it before, in obedience to other laws.

If this bill be not passed at once, and either of the States to whom grants have already been made should perfect the terms upon which they are to receive the lands before these parties can secure their preëmption, the consequence will be that the preëmptors will be cut off entirely, and the States will get the lands. The settlers will lose the land, and the Government of the United States will lose the money, which otherwise would have been put into the Treasury. The bill is just and right, and I am instructed by the Committee on Public Lands to ask that it be passed at once.

No amendment being proposed, the bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

BILL INTRODUCED.

Mr. PEARCE, in pursuance of previous notice, asked and obtained leave to introduce a bill to direct the reëxamination of the accounts between the United States and the State of Maryland; which was read a first and second time by its title, and referred to the Committee on Finance.

TELEGRAPH TO THE PACIFIC.

Mr. JONES, of Iowa. I reported some days ago a bill from the Committee on Territories to

authorize the construction of a telegraphic line from some point on the Pacific to some point on the Mississippi. I am now directed by that committee to move the printing of five thousand additional copies of the bill and report.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The motion goes to the Committee on Printing.

Subsequently, Mr. HAMLIN, from the committee, reported in favor of printing the additional number, and the report was concurred in.

LONDON EXHIBITION.

Mr. PEARCE. The Committee on the Library, to whom was referred the message of the President of the United States, requesting some action of Congress in relation to the volumes and medals illustrative of the exhibition in London, in 1851, have instructed me to report "a joint resolution accepting certain volumes and medals presented by her Britannic Majesty's Government to the United States." I am also instructed by the committee to ask that it be considered at this time.

The joint resolution was read twice by unanimous consent, and considered as in Committee of the Whole. It proposes to direct the Government of the United States to accept the volumes and medals, and that they be placed in the library of Congress; and further, that a copy of the resolution be communicated to the British Government, in such a manner as the President of the United States may see proper.

Mr. PEARCE. There are five of those volumes. Four of them contain the awards of the juries, and one the report of the commissioners. There are three volumes of illustrated catalogues, and one of medals. The whole form a beautiful and useful series of works illustrative of the objects of utility and art which were in that remarkable exhibition. They were presented by the British Government, through their minister here, in an official communication to our Government on the subject. This was done in a spirit of international courtesy which should be reciprocated. It is deemed proper, therefore, that Congress should accept them in the form now proposed. I think there can be no objection to the passage of the resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

On motion by Mr. PEARCE, it was

Ordered, That the message of the President, and the accompanying documents, be printed.

PATENT OFFICE CONTRACT.

Mr. COOPER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to lay before the Senate the report of the examination and measurement made of the work and materials furnished by contract for the construction of the wing of the Patent Office, as ordered by the act of August, 1852, together with a statement showing the amount of payments made on account of said contract since the passage of said act.

MANUSCRIPT CENSUS RETURNS.

Mr. BRODHEAD. I ask the unanimous consent of the Senate to introduce a joint resolution for its consideration at this time.

Unanimous consent was given, and the joint resolution was read a first time. It is as follows:

Resolved, &c., That the late superintending clerk of the census be permitted to use such of the manuscripts now in the census office, as by him may be deemed necessary for the preparation of his work on the manufactures of the United States; and for their safe keeping and return the Secretary of the Interior may require such security as in his judgment may be deemed proper.

Mr. BRODHEAD. I wish to state in a few words the object of the joint resolution. This gentleman is about preparing a work on the manufactures and mechanic arts of the United States. In the preparation of that work he desires to use certain unused portions of the census returns. Nearly all the census returns have been printed. There were some, however, taken which were not published, and this gentleman wishes to use them. He will give security for their safe return; and,

besides that, he proposes to give a consideration. He proposes for the use of the papers, on the completion of the work, to give a copy to each of the Departments of the Government, and to furnish copies to all the members of Congress, and to each State library in the Union. If these returns are not published, but continue to lie in the office, of course they can be of no use. This proposition will make them useful to the public. I hope there will be no objection to the passage of the resolution.

Mr. FITZPATRICK. I should prefer that the resolution should go over.

Mr. SHIELDS. I think the Superintendent of the Census Bureau ought to be consulted before we adopt the proposition, because some of the files of that bureau may be essentially necessary to be retained there.

Mr. BRODHEAD. I think the resolution contains every provision that may be necessary. It is left to the discretion of the Secretary of the Interior, in whose Department this bureau is.

Mr. SHIELDS. I suggest that it should be left to the Superintendent of the Census.

Mr. HAMLIN. It seems to me that this is somewhat novel.

The PRESIDING OFFICER. The Chair will inform the Senator that the consideration of the joint resolution at this time is objected to by the Senator from Alabama, and therefore it cannot now be considered.

Mr. FITZPATRICK. I withdraw the objection, if the Senator from Maine desires to proceed.

Mr. HAMLIN. I will suggest to the Senator from Alabama that it would be desirable to refer the resolution to the Committee on Printing. The Senator knows that that committee has the subject now before them.

Mr. FITZPATRICK. I have no objection to that direction.

Mr. BRODHEAD. I have no objection. Let it go to the committee.

The joint resolution was read a second time, and referred to the Committee on Printing.

THE SAN FRANCISCO.

Mr. SHIELDS. I had intended this morning to call up the joint resolution reported from the select committee in relation to the rescuers of the troops, passengers, and crew on board the steamship San Francisco, but, as I fear it would interfere with my honorable friend from Georgia, [Mr. TOOMBS,] who has the floor this morning to address the Senate upon another question, I will defer it until to-morrow morning. I hope the Senator from California [Mr. GWIN] will then be prepared to permit it to be called up.

Mr. GWIN. To-morrow is private bill day, and I suppose it cannot be taken up then; but I do not desire it to be delayed on my account. There is, however, certain information which I wish to lay before the Senate, containing the views of the minority of the committee on the subject. I will hereafter present a statement in regard to it.

TERRITORY OF NEBRASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. TOOMBS addressed the Senate for upwards of an hour and a half in favor of the bill. [His speech will be found in the Appendix.]

Mr. HUNTER obtained the floor.

Mr. GWIN. I hope the Senator from Virginia will give way. It is now too late in the day to commence a speech, and there is a bill before the Senate providing for the increase of the steam vessels of the Navy, which I wish to have acted upon immediately. I therefore move, if the Senator from Virginia consents, that the further consideration of this bill be postponed until to-morrow.

Mr. HUNTER. I am willing to yield.

The motion to postpone was agreed to.

STEAM FRIGATES.

Mr. GWIN. I now move that the Senate take up for consideration the bill to authorize the con-

struction of six steam frigates, and for other purposes.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the Secretary of the Navy to cause to be constructed for the United States Navy, at as early a day as practicable, consistently with a due regard for economy and efficiency, six first-class steam frigates, to be provided with screw propellers, and properly armed and equipped for service; the vessels and machinery to be built by contract, or in the Government navy-yards, as the Secretary of the Navy may think most advisable for the public interest, and to appropriate \$3,000,000, to be expended under his direction, for the purpose mentioned, and for altering, completing, and launching the frigates *Santee*, at Kittery, and *Sabine*, at New York.

Mr. GWIN. Mr. President, I may state that this bill has met with the approval of the Committee on Naval Affairs in the other House, and has been reported to that body, but has lain there for two months without being taken up for consideration. It is in exact accordance with the recommendation of the Secretary of the Navy, and, I believe, meets with the concurrence of the whole Senate. I have not heard any opposition to it. It is a matter of pressing importance, and should be acted on now. The Secretary states that if the bill becomes a law, he wishes to begin immediately with the construction of the vessels.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. HAMLIN, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 23, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Tuesday was read and approved.

The SPEAKER stated the regular order of business to be the call of committees for reports.

MISSOURI COMPROMISE.

Mr. WHEELER. I ask the unanimous consent of the House to present a communication which I have received this morning. I ask that it may be read for information.

The Clerk proceeded to read the following communication, for information:

NEW YORK, February 20, 1854.

SIR: On behalf of several thousand working-men and other citizens of this city, who assembled in mass meeting on Saturday evening, 18th instant, to express their sentiments in regard to the repeal of the Missouri compromise, I have the honor to address to you a report of their proceedings on that occasion, and to request you, in pursuance of the last resolution contained therein, to present these proceedings to the House of Representatives, at the earliest convenient opportunity, that that honorable body may be officially advised of the sentiments of the working-men of the city of New York on the momentous question now pending before Congress and agitating the country.

I am, sir, your obedient servant.

JOSEPH P. SIMPSON, President.

Mr. WHEELER. I now ask that the proceedings of the meeting may be read.

Mr. CLINGMAN. I believe the old rule of the House provided that any member who desired to present a memorial should state briefly its contents, and then have it referred. If the gentleman from New York will follow this course, I am willing that the business of the House shall be waived for that purpose, although against the rule recently adopted; but if he proposes to have it read at length I shall object, and call for the regular order of business.

The SPEAKER. The gentleman from North Carolina calls for the regular order of business. Reports are in order from the Committee on Public Lands.

Mr. CLINGMAN. I have no objection to the reference of the memorial. What I objected to was its reading.

Mr. WHEELER. I will state that the communication I have presented is the proceedings of a meeting of the working-men of the city of New York, protesting against the repeal of the Missouri

compromise. I ask that it be referred to the proper committee.

Mr. TAYLOR, of Ohio. I do not see the propriety of presenting the proceedings of private meetings in the city of New York, or in any other portion of the Union, in open House. The rule provides that they may be presented and referred at the Clerk's desk, and I ask that the rule may be adhered to.

The SPEAKER. The communication can only be received and referred by unanimous consent. Objection is made, and it cannot therefore be received.

Mr. GREENWOOD. I ask that the gentleman from Maryland, [Mr. SOLLERS,] who sits near me, in consequence of the indisposition under which he is suffering, may be allowed to sit with his hat on.

There was no objection, and the proposition was assented to.

EXECUTIVE COMMUNICATION.

The SPEAKER presented to the House a communication from the War Department, transmitting, in compliance with a resolution of the House of June 14, 1848, a transcript of the Army Register for the year ending June 30, 1853, which was laid upon the table.

Mr. ELLISON. I ask the unanimous consent of the House to present a petition, and have it referred.

Mr. CLINGMAN. I object, and insist upon the regular order of business.

REPORTS OF COMMITTEES.

The SPEAKER then proceeded to the call of committees for reports, commencing with the Committee on Public Lands.

Mr. WARREN. I am instructed by the Committee on Public Lands to report back the memorial of citizens of Pennsylvania, asking for a law granting one hundred and sixty acres of land to soldiers of the various wars, without regard to the time of service, and ask that the same do lie upon the table.

I will simply remark that this petition is upon the same subject which was before the House two or three days ago, and having been disposed of by the House, I make this motion with reference to it.

Mr. FLORENCE. Previous to making any motion, I desire to ask a single question. The bill introduced by myself some time since, granting bounty lands to the soldiers who had been engaged in the military service of the United States, was the other day, by the action of the House, referred to the Committee of the Whole on the state of the Union. I desire to know whether the various memorials and papers then accompanying that bill will also be referred to the Committee of the Whole?

The SPEAKER. They were not; they were laid upon the table.

Mr. FLORENCE. Then I have no objection to the reference which the gentleman from Arkansas now proposes.

The memorial was accordingly ordered to lie upon the table.

Mr. WARREN also, from the same committee, reported back House bill (No. 74) "granting the right of way, and making a grant of land, to the State of Arkansas, to aid in the construction of a railroad from a point on the southwest boundary of the State of Missouri, in a line from Springfield, Missouri, to Bentonville, Arkansas, via Bentonville, Fayetteville, Van Buren, and Fort Smith, to the southern boundary north of the Red River Raft, to be denominated the Western Border railroad," with an amendment, in the form of a substitute; which, with the amendment, was referred to the Committee of the Whole on the state of the Union, made the order of the day for tomorrow, and ordered to be printed.

Mr. STEVENS, of Michigan, from the same committee, reported a bill for the establishment of a land office in the Lower Peninsula of Michigan; which was read a first and second time by its title.

Mr. STEVENS. I ask that the bill may be put upon its passage.

The bill was read through by the Clerk.

Mr. LETCHER. I move that the bill be referred to the Committee of the Whole on the state of the Union, and printed. It seems to me that the chief object of the bill is to provide for somebody who wants an office in the State of Michigan. I think there are enough of them provided

for already, without providing for others hastily, and without investigation.

Mr. STEVENS. I will merely say, in reply to the gentleman from Virginia, that his supposition is erroneous, and that the bill is not designed to give an appointment to anybody. The object is to meet the public interests in that part of the State of Michigan. The report of the Commissioner of Public Lands will satisfy any candid and ingenuous man that such is the fact.

Mr. LETCHER. It seems to me that this is a matter of no great moment any way, as the public lands are now going. Gentlemen from the West claim the whole of the public lands; and, I presume, from the intimations which have been made upon this floor, that, sooner or later, they will have the power to assert that claim. Then why put the Government to this additional expense, especially when there has been no opportunity to investigate the bill, or to know anything about the necessity for its passage?

Mr. STEVENS. It is proposed to locate this office at the northern end of the lower peninsula of the State of Michigan. There is now no land office within two hundred miles of that spot, with the exception of the one at the Sault Ste. Marie, which it is very difficult to reach. The other two land offices in this district are at least two hundred miles away from the section of country intended to be benefited by this location, and can only be reached at certain seasons of the year, in consequence of the lakes being frozen up and navigation discontinued; and, at any time, it is attended with a great deal of expense for a man desiring to locate lands to reach those offices. I know an instance of a man who went through the Straits of Mackinaw to locate a forty acre lot at the land office at Flint, and on arriving there he found that the lot had been located by another party. He thus incurred an expense equal to the price of the land. If there is any spot in the State of Michigan, or in the United States, where a land office would be beneficial, it is this very place that I am now talking about, and where I wish to have the office located.

The question was then put on Mr. LETCHER's motion; and, on a division, there were—ayes 46.

Mr. LETCHER. I demand tellers on the motion.

Mr. HAVEN. I listened with great attention, for the purpose of possessing myself with the features of the bill, but I was unable to do so. Now, I am quite willing and desirous to accommodate the gentleman from Michigan, if there be nothing objectionable in the bill. I am quite satisfied that the gentlemen in this part of the Hall cannot vote understandingly unless the bill be again read. I did not hear the explanation of the gentleman from Michigan, though I listened with attention.

The SPEAKER. The bill will be again read.

Mr. DISNEY. I apprehend that there is hardly a gentleman in the House who will hesitate to vote for the bill, after a few moments' consideration of the facts of the case. They are few, and may be briefly stated. It is simply proposed to provide for the location and establishment of a land office at the extreme northern point of the lower peninsula of Michigan—that region of the State where there is a large quantity of the public land. Many people have to go one hundred and two hundred miles south to find a land office. Now, the only question involved is, whether the Government will create this additional land office, in view of the great convenience thereby to be afforded to the people of that remote region of country, and exempt them from traveling some two hundred miles to locate small tracts of land. That is all about it. I repeat that I am satisfied, from the very nature of the case, that there is not a gentleman on this floor who would hesitate to vote for the bill, on being acquainted with the facts. There is nothing in the bill but provision for the location and establishment of a land office at that remote portion of the State of Michigan.

Mr. WENTWORTH. It is said around me that the bill makes a land grant.

Mr. DISNEY. No, sir; it only provides for the establishment of a land office.

Mr. WENTWORTH. Let the bill be read, so that we may know exactly what are its provisions. The bill was again read through.

Mr. HAVEN. I believe that we in this part of the House now understand the bill. It is for the location and establishment of a land office in a

new and remote country; and if the bill comes from the Committee on Public Lands and meets with their approbation, as I understand it does, I hope it will pass.

Mr. MORGAN. I would ask the gentleman from Michigan how many land offices there are now in that State; and how near the nearest of them is to that proposed to be established by this bill?

Mr. STEVENS. There are only five land offices in the State of Michigan. One of them is located in the city of Detroit, one at Kalamazoo, one at Ionia, one at Flint, in Genesee county, and one at Sault Ste. Marie; making, in all, five land offices in the State. In the northern part of the State there is no office, and the nearest one to that proposed to be located is that at Sault Ste. Marie, which is over a hundred miles distant.

Mr. LETCHER. I should like to know whether the bill proposes to abolish—

The SPEAKER, (interrupting.) The gentleman from New York [Mr. MORGAN] has the floor.

Mr. MORGAN. I will yield the floor to the gentleman from Virginia to propose his question.

Mr. LETCHER. The question I desire to ask from the gentleman from Michigan is, whether we cannot abolish some of the old land offices when this new one is created; whether there is any sort of necessity to keep them all open there?

Mr. DISNEY. If the gentleman from Virginia would reflect a moment he would remember that there is a law on the statute-book which provides for the discontinuance of a land office in a district where the amount of public lands in that district is less than a hundred thousand acres. There can be no office unless that or a larger amount of public lands is in the district. The Committee on Public Lands have considered the whole matter in this bill, and it is to be supposed they have done so with fairness, as they understand all the facts.

Mr. WENTWORTH said the passage of this bill would assist very much to break up one of the greatest abuses existing under the General Government. The lands in that region were very much in demand for their timber, and, for want of a land office there, the people were too much in the habit of taking the timber without buying the land; which they would be the last to do if there was a land office there. People went to the timber country and made their selections; and, having done so, they dared not leave them to be gone several weeks to enter them.

The establishment of this office would do much towards doing away with our present system of keeping up what is called "the timber agency." Men are sent out there to prevent timber stealing. But they do not do any such thing. Their friends, and those who pay tribute to them, steal all they please. Others are allowed to steal and get the lumber to the vessel. Then the agents seize it, sell it, and put the money in their own pockets; and if the depredator complains, these agents persecute the depredators to penury and want in our United States courts.

These agents have collected hundreds of thousands of dollars, but they have never paid one dollar into the Treasury; and they are now prosecuting honest men in our courts, merely because they—having mistaken section lines, after having given up all their lumber and paid damages—have sent me vouchers to show the Secretary of the Interior, to prove that, while they were sent out to keep men from stealing lumber, they themselves are stealing money; or, what is the same thing, taking money and not paying it into the Treasury.

I am for getting rid of these agents. They have imposed upon the Government long enough. They have oppressed western lumber men long enough. And, as one of the best means thereof, I hope this office will be established. I therefore move the previous question.

The SPEAKER. Tellers have been demanded on the proposition to refer the bill.

Tellers were not ordered.

The question was then taken on ordering the bill to be referred to the Committee of the Whole on the state of the Union, and to be printed; which question was not agreed to.

The question then recurred on ordering the bill to be engrossed, and read a third time.

The House divided; and the question was decided in the affirmative—89 rising in support of it.

The bill having been engrossed, it was subsequently read a third time, and passed.

On motion by Mr. DISNEY, it was—

Ordered, That the Committee on Public Lands, to which was referred the memorial and papers of William Darby, be discharged from the further consideration thereof, and that the same be referred to the Committee of Claims.

LANDS FOR RAILROADS IN WISCONSIN.

Mr. DISNEY. I am directed by the Committee on Public Lands to report to the House, Senate bill No. 149, "granting a portion of the public land to the State of Wisconsin, to aid in the construction of a railroad and a branch road in that State," with an amendment, and with a recommendation that it do pass.

The bill was reported to the House by its title.

The amendment reported by the committee was to add at the close of section first, the following:

Provided, That no land on either side of said road, south of Janesville, shall be granted to the State of Wisconsin by virtue of any provision of this act.

Mr. DISNEY. It seems to be desirable that this bill should be put upon its passage. Perhaps, in that view, it may not be amiss to say a word or two, and but a word or two, in relation to it.

This bill provides for the grant of land in the State of Wisconsin for the purpose of constructing two railroads, one from the southern boundary of the State, running northerly by way of Janesville, in Rock county, and Fon du Lac, on Lake Winnebago, to such point on Lake Superior as may be designated under the authority of that State; and for the construction of a branch road from Janesville, by way of Madison, to the St. Croix river, near the falls thereof, in said State.

From Janesville south there is a road being constructed which connects that town with Chicago, and thence, by existing railroads, with other portions of the Union. The bill, as it came from the Senate, extends this grant down to the southern boundary of the State. But as a portion of the road between Chicago and the town of Janesville is, in fact, substantially constructed, or being constructed, and the means provided therefore, we thought it not politic, upon the part of the Government, to aid in the construction of that part of the road; hence the committee have recommended the amendment which has been read, which is to strike out so much thereof as refers to lands which lie south of the town of Janesville.

Mr. MILLSON. I rise to a question of order. Does the Speaker decide that when a bill has been sent to us from the Senate, and is read a first and second time for the purpose of reference, and afterwards it is reported back, it must not be again read a first, second, and third time?

The SPEAKER. The Chair decides that the bill received its first and second reading, under the rules of the House, before its reference, and the question is now upon ordering the bill to be read a third time.

Mr. MILLSON. I did not understand the Chair to decide that it was read when referred to the committee.

The SPEAKER. The Chair does so decide; and that it is now before this body, upon ordering it to a third reading. The question, however, is first upon the adoption of the amendment reported by the committee.

Mr. SMITH, of Virginia. I wish to inquire whether a motion to commit this bill to the Committee of the Whole House would not have priority?

Mr. DISNEY. Certainly.

Mr. SMITH. Then I make that motion.

Mr. DISNEY. The gentleman from Ohio [Mr. DISNEY] does not yield the floor for the purpose of any such motion.

Mr. SMITH. I thought the gentleman said that such a motion had priority?

Mr. DISNEY. I did say so; but the gentleman cannot make the motion while I occupy the floor.

I was about proceeding to state, Mr. Speaker, that those two roads were intended to place the central and northern parts of the State in direct communication with the Atlantic States of the Union. They traverse a portion of the State which now constitutes a part of the public domain, upon which there are vast tracts of public lands not now alienated from the General Government, but still remaining in its possession and ownership. The amount of land which would be granted by the provisions of this act is about two millions and a half of acres. Viewing the bill as the committee

have considered it, all I may be allowed to state to the House is, that my advocacy of railroads is limited to those cases, and those only, where individual proprietors, owning the same lands with the Federal Government, through which it was proposed to construct said roads, would deem it a matter of pecuniary advantage and sound policy to have them constructed.

I make this remark in order to get behind all questions of constitutional objection. The committee decided, and it has been conceded by every one who has given any attention to this matter, that the General Government, as the owner of this public domain, has the right to make such disposition of it as shall enhance its general value, under that general clause of the Constitution which gives Congress the power to dispose of and make all needful rules and regulations in regard to the Territories of the Union. This view of the question has been sanctioned by our present Executive, and the advantages to result from it have been set forth in the report of the Secretary of the Interior, during the present session of Congress, and sustained, too, by the opinions of the Commissioner of the General Land Office, in his reference to the past experience and the results which have ensued from similar grants. Besides all this, even Mr. Calhoun himself has heretofore avowed and sustained this very doctrine; and, with the permission of the House, in order that they may understand precisely the views of the committee in regard to the position we occupy as to the pending bill, and all similar bills, I now beg leave to call their attention to a passage from the report made by Mr. Calhoun, in 1846:

"Your committee will next proceed to consider that portion of the memorial which relates to the communication by railroads between the valley of the Mississippi and the southern Atlantic States. They regard works of the kind as belonging to internal improvements, (that is, improvements within the body of the States,) and, as such, are, in their opinion, not embraced in the power to regulate commerce. But they are, nevertheless, of the opinion that where such roads, or other works of internal improvements, may pass through public lands, the United States may contribute to their construction, in their character of proprietors, to the extent that they may be enhanced in price thereby. This has usually been done by ceding alternate sections on the projected line of such works; and it is believed that no mode of contributing, more fair or better calculated to guard against abuses, can be devised. That Congress has a right to make such contributions, where there is reasonable ground to believe that the public lands will be enhanced in proportion, under its right to dispose of the 'territory and other public property of the United States,' your committee cannot doubt. In making this assertion they hold to the rule of strict construction, and that this power, like all the other powers of the Government, is a trust power, and, as such, is strictly limited by the nature and object of the trust. In this case the rule requires that the lands, and other public property of the United States, should be disposed of to the best advantage; and where that can be done by contributing a portion to works which would make the residue equally or more valuable than the whole would be without it, as is supposed, they hold it would be strictly within the rule. Your committee go further. They are of the opinion, not only that Congress has the right to contribute to the extent stated, in such cases, but that it is in duty bound to do so, as the representative of a part of the proprietors of the land to be benefited. It would be neither just nor fair for it to stand by and realize the advantage they would derive from the work without contributing a due proportion towards its construction. It would be still less justifiable to refuse to contribute, if its effects should be to defeat a work, the construction of which, while it would enhance the value of the land belonging to the public, and that of individual proprietors, would promote the prosperity of the country generally."

In all this I fully concur, as I remarked a moment ago. I take occasion, however, to say, that in the course of the present session of Congress I shall show, in a report which I shall present in connection with another bill, what I hold to be a strictly constitutional rule with regard to the power of the Government in the disposition of its public lands. I repeat, sir, that I only make these remarks now in order to show the members of the House that, in reference to the pending bill, there is no question of constitutional law involved. It is simply a practical question, addressing itself to the good sense of the gentlemen of the House. It is simply a question whether they will make such donations of the public lands as will enhance the value of the public domain, carrying along with it all those auxiliary considerations of the great general benefit it will confer, and the immense pecuniary benefit it will bring to the State of Wisconsin in this particular case.

There can be no doubt that the donation of these lands to aid in the construction of the railroads for which they are to be given will have the effect, not only to enhance the value of the

lands in the State of Wisconsin, but, as I have said, it will bring to the Government ready purchasers for the land which it reserves for itself, and settlers for the land; thus the Government will be greatly the gainer by the proposed grants; and its effects upon the Atlantic cities will be obvious to every one. As I have said, it brings directly in contact the Atlantic ports of the Union with the resources which may be developed by the consequent improvement and settlement of central and northern Wisconsin. With these remarks, I leave the matter in the hands of the House.

Mr. SMITH, of Virginia. I should be very glad if the House would, just for one moment, give their attention to this subject. I understand that this bill has been but just reported to the House.

The SPEAKER. It is a Senate bill, passed by that body, received here, and referred to the Committee on Public Lands. It was this morning reported back by that committee to the House.

Mr. SMITH. So I understand it. It has been referred to a committee of this House, and only just now reported back with an amendment. It has never before been laid upon our tables.

Mr. JONES, of Tennessee. I rise to a question of order. I desire to know if the gentleman from Ohio [Mr. DISNEY] has yielded the floor altogether?

The SPEAKER. The gentleman from Ohio did conclude his speech, and took his seat. The gentleman from Virginia is now entitled to the floor.

Mr. JONES. Then I hope the gentleman from Virginia will, before he concludes his remarks, move to refer the bill to the Committee of the Whole on the state of the Union.

Mr. SMITH. That is just what I propose to do.

Mr. LETCHER. I ask my colleague to yield me the floor, to enable me to ask the chairman of the Committee on Public Lands [Mr. DISNEY] a question.

Mr. SMITH yielded the floor for that purpose.

Mr. LETCHER. I understand there are, in all, some two hundred bills of this character, proposing to donate the public lands in quantities from half a million to two or three millions at a time.

I desire to make this suggestion to the gentleman, which I hope will be acceptable to him—that we should take all these bills together, and consider and discuss them fairly, when we shall have had an opportunity to examine them all. What objection can the committee have to that?

Mr. DISNEY. I do not understand the gentleman's point.

Mr. LETCHER. I will repeat my suggestion. I understand that there are some two or three hundred of these bills at this end of the Capitol, or at the other, or at the two combined, and that they propose to donate from five hundred thousand to two or three millions of acres each for the purposes of these improvements. Now, my inquiry of the gentleman is this: Why cannot all of these bills be reported at one time, and directed to be printed, so that we may have an opportunity to investigate them, and some time fixed for their consideration and discussion in this House?

Mr. DISNEY. The very idea which the gentleman from Virginia suggests was one of the very first ideas that suggested itself to the Committee on Public Lands with reference to these bills. We were animated by a most anxious solicitude to have as many of them before us as we possibly could before we came to any decision on the subject; but they came in in such numbers that we found it utterly impossible to adopt any such idea as that suggested by the gentleman.

There is one idea involved, rather than expressed, in the remarks of the gentleman, which I desire to notice. He speaks of the multitude of these bills, and the amount of land involved in each. Well, now permit me to state to the gentleman that he need not entertain any very great alarm or apprehension as to the extent to which the Committee on Public Lands of this House will go in that regard. I am not authorized to make any such declaration; but upon a full view of the present state of the facts, having reference to all the bills now before the committee, and which will probably be presented, I think I shall not err a great deal when I say that the committee will

not probably report to this House bills embracing lands to a greater amount than fifteen or twenty millions of acres in the whole; and that will only give to each of these States an amount equal to that which has been granted to the State of Illinois.

Mr. LETCHER. The chairman of the Committee on Public Lands suggests that I need not be at all alarmed at the idea that the committee are going very far in disposing of the public lands, for that he thinks the probability is that they will not grant more than fifteen or twenty millions at a time.

Mr. DISNEY. In the whole.

Mr. LETCHER. Well, sir, they have begun, in this bill, with two millions and a half acres. It will not take long to make up fifteen or twenty millions at that rate.

Mr. DISNEY. That may be.

Mr. LETCHER. There are now two or three hundred of these bills before the committees of the two Houses, and others are being daily presented; and I should like to know what proportion of the public lands they embrace. My suggestion to the chairman of the committee grew out of the fact that I wanted to see all these bills together, in order to ascertain whether there are public lands enough to supply all these grants.

Mr. SMITH, (resuming.) I think the House will, at least, admit that I have granted very liberal indulgence to the gentlemen who have interrupted me. I rise now merely for the purpose of calling the attention of the House to the real importance of this question. Will the House act deliberately upon the question before it? Will they seriously and intelligibly consider the bills reported for their adoption?

The bill is one from the Senate; and, as I remarked before, was referred to the Committee on Public Lands, which reported it back with amendments. The bill, then, now for the first time on our table, is to be definitely acted upon. I ask this House—I ask every member on this floor—if they are able to act intelligibly on the bill? Do they know its features? Have they any more information on the subject than that afforded by the chairman of the committee who reported it? Have they been able to look over the printed bill which has been laid on our desks? And, in the name of common sense, will this body of Representatives of the people act on such an important question, involving such serious principles, without being intelligibly informed of what it is doing? Yet we are called on to do it; and the gentleman from Ohio [Mr. DISNEY] gets up here gravely, and with his usual intelligent manner, and seems to consider, as a matter of course, that the bill will be passed. I think that this House ought not to countenance such a proceeding.

If we go on in this way, as my colleague over the way remarked, we shall not have land enough to satisfy the demands made on it. We have the homestead bill, which is to satisfy the wants of half a million a year. It is difficult to tell what amount of land will be required for that purpose. We have another bill to satisfy the soldiers who have been engaged in the public defense in the war of 1812, and the various Indian wars. We are informed by the Secretary of the Interior, that to carry out the provisions of that bill, some eighty-three millions of acres of the public domain must be disposed of. If you give all the railroads the land which they ask, these objects of your bounty, involved in the bills to which I have referred, will have nothing but the cuttings of the public domain. But the question, I again say, is this: Will this House act on this bill without opportunity being afforded members to thoroughly investigate and properly understand it? Believing that it will not, I now move that the bill be referred to the Committee of the Whole on the state of the Union.

Mr. DOWDELL. I am a friend to the railroad system; but if this bill be now forced to its passage, I shall be compelled to vote against it. I want these matters investigated. There is but one rule to be applied in the disposition of this matter; and that is, we are to act the part of a wise trustee; and the road that does not come within the line of that policy ought not to be patronized. How, then, are we to determine without investigation?—and how can we investigate unless the bill be sent to the Committee of the Whole on the state of the Union, that we may all have an opportunity of understanding the facts?

This system, at best, is unequal in its operation. The public domain has been acquired by the common treasure of the whole Union; and while I hail from the State in which a great portion of the land is public land, I am unwilling to give my support to any policy which would operate unjustly to the older States of the Union.

I am for equality—it is democratic. It is contrary to all democratic principles to make any distinction in the disposition of these public lands. The granting of alternate sections to railroads proceeds on the principle that the remaining land will be enhanced, and thereby that the Treasury of the Government will receive no detriment.

Now, sir, let these grants for roads be investigated. Let every bill be thoroughly examined; and I again say, if this one be now forced to its passage, that I shall be constrained to vote against it. I have introduced a bill for a like purpose; it has been carried on the Calendar, and is now before the Committee of the Whole on the state of the Union. I am willing that it shall be investigated; and if it should turn out that it comes not within this line of policy, I am willing to see it defeated. I shall not vote for any measure which would do injustice to the old States of this Union. I must be satisfied that the remaining lands shall be enhanced in value, and that the Treasury of the United States shall receive no detriment. I am opposed to this policy, and there are other friends of mine in this House who are also opposed to it, and who will vote against this measure if it be put directly on its passage. I therefore move to refer the bill to the Committee of the Whole on the state of the Union, and on that I ask the previous question.

The SPEAKER. There is a motion for the previous question already pending, made by the gentleman from Virginia, [Mr. SMITH].

Mr. SMITH. I withdraw my motion.

Mr. DISNEY. I hope the gentleman from Alabama will withdraw his call for the previous question, to enable me to make a statement.

Mr. DOWDELL. I will do so, if the gentleman from Ohio will renew it.

Mr. DISNEY. Of course I will.

The SPEAKER. Is the demand for the previous question withdrawn?

Mr. DOWDELL. I have consented to withdraw it on the ground that it be renewed by the gentleman from Ohio.

Mr. COBB obtained the floor.

Mr. DISNEY. I desire to make a statement, Mr. Speaker—

The SPEAKER. The gentleman from Alabama, not having spoken, has a right to the floor; and if he insists upon it, the Chair must so decide, under the rule.

Mr. COBB. Mr. Speaker, I regret that my colleague, [Mr. DOWDELL,] who, I am perfectly satisfied, is determined to do what he believes to be right, has not investigated the case to his entire satisfaction, so as to enable him to determine whether he will vote against it, or for it, on its merits.

A MEMBER. There has not yet been time to investigate it fully.

Mr. COBB. It has been a question before Congress for several sessions. I have been, from the commencement of this Congress, disposed to refer everything to the Committee of the Whole on the state of the Union, or to the Committee of the Whole House, as the case might be. I advocated that policy at an early day of the session; and I thought that it was generally adopted. But since action was taken on the question then, I have seen bill after bill reported here, and put upon its passage. I believed, sir, that that was the fixed determination of the House.

It is due to my constituents, to this House, and to myself, to say that when I reported a bill proposing to grant to the State of Alabama lands for the purpose of constructing a railroad therein. I embraced in that report my colleague's bill. He then urged upon me to procure it a final and favorable report, believing the principle of it correct. I am satisfied that the gentleman then investigated this very measure, now under discussion, as thoroughly as he has investigated his own, and which investigation enabled him to arrive at the conclusion that it was correct. And I am satisfied that, when he has considered it, he will not hesitate for a moment to support this measure with his whole heart, and with that ability which distinguishes

him. I believed, sir, as I said before, that it was a determined and fixed policy of the House to refer all bills; and from this consideration, I did not insist that the bill providing for grants of lands to the State of Alabama should be then considered, but be referred to the Committee of the Whole on the state of the Union.

Mr. Speaker, my opinion is to-day, that if this policy of putting bills on their passage immediately be pursued, the bill to which I have referred has gone where it will never again be resurrected. But shall I do injustice to the applicants in this case, because, perhaps, those cases in which I was interested have been injuriously affected by the action of the House—its previous determination to have all questions referred to the Committee of the Whole on the state of the Union. I am not one, Mr. Speaker, who is disposed to oppose a just measure, because I failed to secure justice in regard to a case equally meritorious, in which I was interested.

Do justice to all mankind, and trust to their liberality to do justice to you. I am going to vote for this measure. I am going to vote that it shall be considered now, and considered fairly and properly. If there are gentlemen upon this floor who have not maturely considered the matter, I am perfectly willing that the consideration of it may be postponed for a very short time, for the purpose of enabling them to satisfy themselves of its particular bearings.

I have so considered it as to satisfy myself of its justness; and I believe that the provisions of this bill embrace the principles, merely, involved in all the grants heretofore made to the various States, since we have commenced this system of making grants for railroads. Why do I say that? A large portion of these roads provided for in this bill—as I could exhibit to you, if I had a map before me—runs through a portion of the public lands remote from settlements, and which are not yet brought into market. The lands through which these roads pass, and which will not be taken up by the roads, will be increased in price to two dollars and a half per acre. The Government will sell the lands contiguous to the roads at that price, and, consequently, will be benefited thereby; whereas, in all probability, other lands, which lie near some of the roads, to aid in the construction of which we have made grants, will not be worth two dollars and a half an acre, and cannot be sold by the Government for that sum. Therefore, I believe all the reasons which have supported the grants we have made to other roads, will more effectually apply to this than to them.

The result will be a benefit to the General Government; and I am going to support this policy with all my heart and strength. But, sir, while I do this, I am determined, by any action of mine, not to avoid the State of Alabama—my own adopted State. Her bills are upon the Calendar; and if they are to sleep there, while this House determines to pass the bills for Wisconsin and other States, as reported by the committee, let it be so; but I shall appeal, in due time, to this House to do justice to all the States.

Illinois, under grants made a few years ago, received two millions five hundred thousand acres of the public domain. It has been the policy of the Committee on Public Lands thus far—and I trust they will endeavor to carry it out—to bring the other States up to an equality with Illinois, and to make two millions five hundred thousand acres of land the maximum amount which they will grant to other States.

If this policy is adopted, though we may not have, as the gentleman from Virginia [Mr. LETCHER] says, enough land to meet the three hundred bills, as he says—

Mr. LETCHER, (interrupting.) How many are there, then?

Mr. COBB. Not one third as many as the gentleman said. I say, if we carry out the principle which we have determined upon, and give to every State, including all she has heretofore received, the amount of two millions five hundred thousand acres of land, to put them on an equality with Illinois, we shall only do justice to them all. What is there in this course that gentlemen need be so much alarmed at? We are determined that no State, including what she has heretofore received, shall in any event receive over two millions five hundred thousand acres, and we intend to confine every one of them to that amount.

Mr. LETCHER. Will the gentleman from Alabama permit me to address a question to him? How does the gentleman propose to enforce his rule? Suppose the present Committee on Public Lands limit this year the grants to two millions and five hundred thousand acres; I ask, would they not come back here next Congress and advocate another grant?

Mr. COBB. So far as I am myself concerned, perhaps I might do so, if I believed it would promote the interests of the General Government, not only if the individual States receiving these millions of acres, but the old States, that during former days took it all to themselves, and that are now refusing to make to their younger sisters similar grants of the public lands.

Mr. STANTON, of Tennessee. I do not intend to enter into the consideration of the policy involved in the measure now before the House, but I desire to repeat what I have said heretofore upon various occasions, as to the propriety or impropriety of putting bills upon their passage, when they come from committees. I must confess that I cannot see the evils which many gentlemen seem to see in such a course of proceeding upon the part of the House. I do not intend to impugn the motives of those gentlemen who take the ground that this bill, and similar bills, ought to go to the Committee of the Whole on the state of the Union. I do say, that the effect of such a course of policy is to throw all those measures into a vortex, from which they will never be relieved. Everybody knows that the great mass of business upon the Calendar of the Committee of the Whole on the state of the Union never will be reached, and never can be disposed of.

But suppose you make this bill a special order in Committee of the Whole? What will be the course of things then? Suppose you appropriate a week for its discussion, and you will either have a debate upon the Nebraska question, or have a discussion among my good friends, the Hards and Softs of New York; or you will have a discussion as regards the whole policy of the Government, and this will all take place upon this particular bill, if it shall be made the special order in Committee of the Whole. I do not see the necessity for any postponement of this question. Should it be postponed? The question is a mere simple one; the policy of appropriating lands for railroad purposes in different States has been discussed over and over again. It has been investigated; and gentlemen upon all sides of the House have doubtless made up their minds upon the question of the constitutionality and good policy of making grants of land for the purpose of constructing railroads; so that I do not see that it requires much time upon the part of any gentleman of this House to consider that question.

Then another question is raised as to the propriety of the location of this road. I suppose that a speech or two of an hour's length upon the part of gentlemen who understand the question, would enlighten the whole House in regard to it, and enable them to make up their minds; and I suppose, after a debate of two or three hours, confined to the real point involved in the bill, that the House would be just as well prepared to vote upon the question as if we were to debate it a week. Entertaining that opinion, I hope that we shall now take action upon the bill; and I shall vote for or against it, as gentlemen will satisfy me that it is right or wrong. I do not see that anything is gained by postponing action upon this bill and referring it to the Committee of the Whole on the state of the Union. We should lose time by that course, and I doubt whether the House would be benefited or further enlightened by any debate which might take place there. There is no rule requiring that this bill, or that any other bill, unless it contains an appropriation of money, should go to the Committee of the Whole. We violate no rule of the House or of propriety by taking action upon the bill now. I understand that the gentleman who reported the bill desires to bring the debate to an immediate close.

Mr. SMITH, of Virginia. I would ask the gentleman from Tennessee how it is possible that a person who has not read the bill, or looked into the amendments, as reported, can act intelligently upon the question now before us?

Mr. STANTON. I think that the bill has been lying upon our tables for two or three days.

Mr. PERKINS, of New York. I call the at-

tention of the House to the following section of the bill:

"SEC. 4. And be it further enacted, That the lands hereby granted to said State shall be disposed of by said State only in the manner following, that is to say, that a quantity of land not exceeding one hundred and twenty (120) sections, and included within a continuous length of twenty miles of said road or branch, may be sold; and when the Governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of said road or branch is completed, then another like quantity of land hereby granted may be sold; and so from time to time until said road and branch are completed; and if said road or branch road is not completed within ten years, no further sales shall be made, and the land unsold shall revert to the United States."

Now, if this be a pattern for all the bills of this character which are to be brought in here; if we are to authorize the State in which the land is granted, to dispose of one hundred and twenty sections of land, and then abandon the project altogether and build no railroad, I cannot vote for such a bill. If the bill be amended so as to obviate this objection, however, so far as I can now see, I will vote for it.

Mr. STANTON. I am not now discussing the merits of the bill, nor do I now propose to express any opinion as to the propriety or impropriety of its particular provisions. I have heretofore voted for many of these railroad bills, and I know of no reason why I should not continue to vote for them. I will not say whether this bill is judicious in all respects or not; that is not the question we are to decide. I am opposed to the proposition to refer to the Committee of the Whole on the state of the Union. I do not believe we gain anything in the investigation of these bills by postponing that investigation, unless it is in peculiar cases. I do not believe that we work any injury or mischief by considering these cases when they first come up. I believe that you will double the amount of useless work and unprofitable discussion by sending this bill to the Committee of the Whole on the state of the Union. The same things will be brought up over and over again; you will have over again all the discussion that we have had this morning, and a great deal more that will not be pertinent to the bill, and the effect, in my judgment, will be, in all probability, to defeat the bill.

A MEMBER. It ought to be defeated.

Mr. STANTON. It may be that it ought to be defeated, but after sufficient intelligent investigation of it. The House may as well defeat it now as at any other time, if that is to be its fate.

Mr. DISNEY rose to obtain the floor.

Mr. JONES, of Tennessee, also rose at the same time.

THE SPEAKER. The gentleman from Ohio having spoken once upon the subject, the Chair awards the floor to the gentleman from Tennessee.

Mr. DISNEY. I do not desire to make an argument, but I merely wish to remind the Chair that I have not spoken upon the motion now pending to commit the bill. I will, however, ask the gentleman from Tennessee to yield me the floor to make one or two statements, and first to inform the House that the form and provisions of this bill are designed by the Committee on Public Lands as a model, which will be observed and applied to every bill which they introduce into the House, proposing to donate alternate sections of the public lands to aid in the construction of railroads. The Senate Committee on Public Lands have also agreed to the same form; and all the bills of this character which are introduced into both Houses will, therefore, conform in their provisions precisely to the one now under consideration.

Another fact which I desire to state is, that if the House refer these bills to the Committee of the Whole on the state of the Union, to take their places upon the Calendar, it is perfectly obvious that they will never be reached in their order, and would not if the House were to continue in session for twelve months.

Mr. LETCHER, (Mr. JONES still holding the floor.) Will the gentleman allow me to ask the gentleman from Ohio a question?

Mr. JONES. I would, if the question did not have to be followed by an answer.

Mr. LETCHER. Only a single moment. I desire to know of the gentleman from Ohio if these railroad companies have been chartered by the Legislature of Wisconsin?

Mr. DISNEY. They have.

Mr. LETCHER. I understand that the object

is to make the appropriation of land, and then get the Legislature to grant a charter. I suppose from that fact that the road never would be made at all unless Congress furnish the means.

Mr. DISNEY. I desire to reply to the gentleman from Virginia.

Mr. JONES. The gentleman will have a whole hour to reply.

Mr. DISNEY. I only wish to reply to the interrogatory of the gentleman from Virginia. He asks if the roads have been chartered. I am advised that they have been, but the gentleman will remember that this is not a grant to companies; it is a grant of lands to a State for a particular purpose.

Mr. JONES. I cannot give way for debate; I must claim the floor.

Mr. FULLER. Will the gentleman from Tennessee allow me to ask the gentleman from Ohio a question?

Mr. JONES. No, sir, I cannot. My position with regard to these bills making grants of lands for railroad purposes is known. My general position with regard to the putting of bills upon their passage when reported from the committees is also known. I think that, as a general rule, when bills are reported here from committees, they should go to the Committee of the Whole on the state of the Union, or to a Committee of the Whole House, so that each and every member of this House may have an opportunity, not only of examining and understanding the bills, but of proposing such amendments to them as he may think right.

I concede that there are bills so clearly and manifestly right in themselves, containing, perhaps, but a solitary proposition, that when they are reported here, the House may properly, by unanimous consent, put them upon their passage. But, in the case of a bill of this sort, involving a grant of hundreds of thousands, if not millions of dollars' worth of property, and involving, too, principles of the very highest importance, I suppose all will agree with me that it is next to a moral impossibility that a committee of nine gentlemen, five of whom compose a majority and quorum of the committee, can prepare a bill of this sort which, in all its features, will meet with the approbation and sanction of a majority of this House.

I am opposed to the general principles and features of this bill, yet if it is to pass, there are provisions in it which I wish to have altered and amended; but a motion has been made to refer the bill to the Committee of the Whole on the state of the Union, and consequently no proposition to amend it is in order.

One of the provisions of the bill, which I wish to see amended, is the second section, which provides that the sections or parts of sections of land which, by this grant, shall remain to the United States, within six miles on each side of the road or branch road, shall not be sold for less than double the minimum price of public lands when sold, nor shall said land become subject to private entry until it shall have been first offered at public sale at the increased price.

Mr. BARKSDALE. I would inquire of the gentleman from Tennessee if he will vote for the bill if that section is amended?

Mr. JONES. I will tell the gentleman whether I will vote for the bill or not when I am called upon to give my vote. Now, however much I may be opposed to the bill in its general features, I am, if possible, more opposed to the principle which that section proposes to establish than I am to the principal object and design of the bill. What is the effect of this second section? It is to give each alternate section of this public land, and then to double the price of what remains, in order that the Treasury of the United States shall not suffer loss by the donation. Suppose we give three quarters out of each section, and then provide that the remaining quarter shall not be sold for less than five dollars per acre? We would give the road three times as much land as is proposed by the bill; and when we had sold the remaining quarter at five dollars per acre, your Treasury would be just as full, just as rich as if we had sold the entire body of the land at one dollar and twenty-five cents per acre. But what is the effect? It is to tax the settlers. It is to tax the cultivators of the soil within six miles of the line of the road for the benefit of its company. It is to make the

cultivators of this land pay the amount of money which shall be necessary to construct the road for the benefit of a few corporators who own stock in it.

But, said the gentleman from Ohio, [Mr. DISNEY,] who reported this bill, it does not propose to give land to the company. Neither did the Illinois bill propose to give land to the company; but what was done by that State? What did the Legislature of that State do when this Government had given it the land lying along the lines of its railroads? Did they sell those lands, and invest the proceeds in the stock of roads for the benefit of the State? Did they require that this land should be invested for the benefit of the people? My understanding is that they gave the land to the company who were to construct the road. I have seen it stated, but I do not know how true it may be, that some \$350,000 worth of stock had been sent to the family of one gentleman, who was a stockholder of that road. Perhaps he had not paid as many dollars for that stock.

Mr. WENTWORTH, of Illinois. The stock was unpaid stock.

Mr. JONES. I saw it stated, also, that they are selling the alternate sections which were given to the gentleman's State, and by that State to a company, for prices which will construct the road and leave a surplus. I do not know how that may be, however.

Mr. RICHARDSON. With the gentleman's permission, I will make a single suggestion. If the company are selling their lands at these high prices, which I presume is true, the actual settlers, who paid two dollars and fifty cents per acre for their land, and which the gentleman from Tennessee seems to think a great hardship, are enabled to sell it at the same high price.

I desire to call the gentleman's attention to another thing. The State of Illinois did not grant the land to the company absolutely without consideration. They received each year, as a consideration for that grant, so much of the proceeds of the work—

Mr. DISNEY, (interrupting.) Seven per cent.

Mr. JONES. What is the amount?

Mr. DISNEY. Seven per cent. of the gross proceeds of the work.

Mr. JONES. Seven per cent. Well, Mr. Speaker, suppose the sale of this land produces money enough to construct the road, if the State had the proceeds, and had invested it in the stock herself, it seems to me that, instead of getting seven per cent., the dividend declared by the company, she would have got five, six, seven, eight, or ten per cent. profit, which might have been made, and would have been made on the entire investment in the work.

Mr. DISNEY. Will the gentleman from Tennessee allow me to read for his information, and for that of the committee, an extract from the report?

Mr. WENTWORTH. I would remind the gentleman that the State could not have done so at the time, having had to break down—

Mr. JONES. Well, I suppose, if she had got the money out of these lands, she could have broken up again.

Mr. DISNEY. If the gentleman from Tennessee will permit me, I will read an extract from the report of the commissioner, with reference to the expense and operations of the railroad. It is as follows:

"To afford these settlers an opportunity of making selections, the lands along the proposed route of the road were, for a short period, withdrawn from the market, most of them being of little value to the States where they are, or to the General Government, until the grants were made, and till it was ascertained that the road would be constructed; and they were then bought up with avidity, and are now considered as the most choice and valuable."

The commissioner goes on with his statement:

"During the half year ending the 31st December, 1850, the quantity of land sold and located within the district traversed by the road was 342,000 acres; and the alternate sections which were reserved to the United States were released from the reservations and brought into market in the months of July, August, and September; and during that and the next succeeding quarter, 1,374,000 acres were sold—an increase over the corresponding half year next preceding the construction of the road of over 932,000 acres—which the General Government sold in addition, in consequence of the location of the road and of the grant."

Mr. JONES. That may be all very true, and I doubt not it is; but who was it that purchased these lands? Does the gentleman [Mr. DISNEY]

pretend, or will any other gentleman pretend, that these lands were sold by their former occupants, by those persons who intended to settle on them, and to cultivate them?

These lands, sir, were, I presume, sold to persons who bought them on speculation; and it would not alter the fact—as I understand it—that this increased price, under this section, is a tax upon those who shall settle on these lands, who shall cultivate them; and that the benefit thereof shall inure to the capitalists who hold stock in the road. I am told, sir, however, that—

Mr. RICHARDSON, (interrupting.) Mr. Speaker—

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. JONES. I have no objection, sir, to allow him to correct me, if I am in error.

Mr. RICHARDSON. I would state to the gentleman from Tennessee that my understanding about that matter is this, that nine tenths of these lands which were sold by the General Government at these enhanced prices went into the hands of the actual settlers. The town sites, the depots, and such places as these, passed into the hands of the speculators; but the balance passed into the hands of the occupants themselves, of those who are either settled there now or intend to settle there.

Mr. JONES. Mr. Speaker, if the land is bought by the actual settlers at this rate of two and a half dollars per acre, I ask the gentleman from Illinois if this additional one dollar and a quarter is not paid by these settlers for the acre of land because the road runs alongside of it?

He is required to pay four hundred dollars for the one quarter section because you have given the quarter section adjoining his to the railroad. If you had not done that he could have purchased his quarter section for two hundred dollars. Now, sir, suppose you let the Government sell all the land for one dollar and a quarter per acre, and then, when these lands are sold, let the men owning them pay the additional two hundred dollars in stock to a railroad company, then their land will be worth two dollars and a half per acre—

Mr. McMULLIN, (interrupting.) Will the gentleman allow me to interrupt him a moment?

Mr. JONES. Yes, sir.

Mr. McMULLIN. I do not understand that the House has determined to consider and dispose of this bill at the present time. I suggest, most respectfully—

Mr. JONES. I did not yield to allow the gentleman to make a speech. I supposed he merely desired to ask a question.

Mr. McMULLIN. Very well.

Mr. JONES. Mr. Speaker, if the Government would sell all these lands at the minimum price of one dollar and twenty-five cents, and then, when the owners shall believe that it is their interest to locate and construct a railroad through their country, and that it would enhance the value of their lands, let them, in the exercise of their rights and their discretion, contribute this two hundred dollars per section in addition to the price paid for the land, and invest that in railroad stocks; they would then have their land, and have two hundred dollars invested in stock, upon which they would receive the interest or dividends which would accrue from the operation of the road.

I am told by my friend from Illinois [Mr. RICHARDSON] that this was not an absolute grant by the State of Illinois, to that company, of the immense grant of land given to that State, but that the company is required to pay to the State seven per cent. upon the gross proceeds of that road. I do not know what these lands will sell for; but suppose for about \$5,000,000; and suppose that would be sufficient to construct that road. Suppose, further, that the gross proceeds of that should be ten per cent., it would amount to \$500,000. Upon that, the State of Illinois would receive seven per cent., instead of getting the entire lands, and the entire gross proceeds, less the amount to defray the expenses of the road during that time.

Now, sir, as I said before, as much as I am opposed to the general principle of giving away these lands, I am more opposed, if possible, to increasing the sections reserved by the Government, and doubling the price thereon. I ask my friends from Illinois, [Mr. RICHARDSON,] from Wisconsin, [Mr. EASTMAN,] from Iowa, [Mr. HENN,] and my friends from every other new

State in which public lands are situated, how they can reconcile their consistency in supporting this principle with their support of that other principle for which they have been contending for years and years, and in the support of which I have aided them, and in which I am now ready to go with them? I allude to the principle of graduating the price of the public lands. How can they reconcile the principle of the graduation of the price of the public lands with this principle of doubling the price of the sections retained by the Government?

There is, sir, another feature in this bill which I think should be amended. The bill provides—

"That the said railroad and branch shall be and remain a public highway for the use of the Government of the United States, free from toll and other charge upon the transportation of any property or troops of the United States."

Just after the word "troops," I should like to have inserted the words "and the mails of the United States." I think that if this Government give the land out of which the means for constructing railroads can be realized, that it is but just and proper that these railroads should, at least, carry the mails as well as the troops, and such other property as the Government may require, free of charge in all time to come.

Mr. EASTMAN. I will cite the gentleman from Tennessee to the fifth section.

Mr. JONES. I have looked at the fifth section, and it is not exactly what I think it ought to be. If the amendment I have proposed was inserted, I should then move to strike out the fifth section, which reads as follows:

"Sec. 5. And be it further enacted, That the United States mail shall be transported over said railroad and branch road, under the direction of the Post Office Department, at such price as Congress may by law direct: Provided, That until such price is fixed by law the Postmaster General shall have the power to determine the same."

Now that provision contemplates that the prices must be fixed by Congress upon this particular road; and until they fix such prices, the Postmaster General is to determine what shall be paid this company for carrying the mails upon it. As I said before, I desire to see this section stricken out, and a provision inserted in the third section providing for the transportation of the mails free of cost, as the troops and other property of the United States are transported. It was not my intention, when I got the floor, to enter into a discussion of the merits of this bill. I do not feel myself competent to do so at this time; but I feel it due to myself that I should make a few remarks touching the proposed passage of this bill without reference to the Committee of the Whole on the state of the Union. The commencement of this policy kept this House from considering all other business, except railroad grants, for about six months of the first session of the last Congress. If it be adopted again at this session, I know not when we shall get through them. How many railroad bills the Committee on Public Lands may have I know not; but we must take them as they present them. They cannot be amended in this House. You see from the situation of this one that they can be passed under the operation of the previous question, after short explanatory speeches by the gentlemen who reported them. I do not know how many bills my friend from Alabama [Mr. Cobb] may have ready for action when this one shall be successfully disposed of here. I know that some have been reported, and have gone to the Committee of the Whole on the state of the Union. But pass this one, and how easy it will be for the friends of these various propositions—even those which have been reported and referred to the Committee of the Whole on the state of the Union—to get up other bills in the committee, something different, but immaterially so, from those already reported and referred, bring them in here, and pass them upon the report of the committee without opportunity for discussion, and without opportunity for amendment, or proposition even for amendment.

I think sound policy requires of the House that, if we intend to give all the business a fair chance, we should refer these bills to the Committee of the Whole on the state of the Union. Why, it is the general impression here now, that when bills are referred to the Committee of the Whole they are lost.

Mr. DEAN, (interrupting.) I rise to a privileged question. With a view of moving to go into the Committee of the Whole on the state of the

Union, I move that the House proceed to the consideration of business upon the Speaker's table.

Mr. JONES. I hope the gentleman will not insist upon that motion, and I will finish what I have to say in a minute.

Mr. DEAN. Does the gentleman intend to move the previous question before he takes his seat?

Mr. JONES. I do not think I shall; but I will not occupy more than a minute more with my remarks. I merely wish to state that every bill in the Committee of the Whole is in the hands of a majority of that committee. The rule is as plain as anything can make it; when you go into Committee of the Whole, and the Calendar comes up for consideration, if any member desires to pass by the first bill which is called up in its order by the chairman, he moves that it be passed over. The majority may direct that it shall be passed over, and the next bill comes up, which the majority may also pass over, and so on, until they come to the one they wish to reach, and which the majority are disposed to take up. The only exceptions to this rule are general appropriation bills, and bills for raising troops, &c., in time of war. Happily, we have none of this latter class at this time; and I see no difficulty in getting at these bills in Committee of the Whole on the state of the Union, whenever the majority may be disposed to take them up.

Mr. SKELTON obtained the floor.

Mr. DEAN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman cannot take the floor from the gentleman from New Jersey for that purpose.

Mr. DEAN. I suppose the morning hour has expired, and that it is in order to move to proceed to the consideration of the business upon the Speaker's table?

The SPEAKER. That motion is in order.

Mr. DEAN. I make the motion, then; and I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and, upon a division, 44 rose in the affirmative.

The SPEAKER (Mr. JONES, of Tennessee, in the chair) announced that the motion was not carried.

Mr. DEAN. I ask for tellers.

Tellers were ordered, and Messrs. DEAN and VAIL appointed.

The question was then taken, and the tellers reported—ayes 54, noes not counted.

So the motion was disagreed to.

The question recurred on the motion to proceed to the business on the Speaker's table; and, being put, it was decided in the negative.

So the House refused to proceed to the consideration of the business on the Speaker's table.

Mr. SKELTON, (resuming.) When the bill now under consideration was first presented by the Committee on Public Lands, I was anxious that it should be referred to the Committee of the Whole on the state of the Union; but perceiving that there is a disposition on the part of the House, or at least on the part of the friends of the bill, to urge its immediate passage, and discussion having taken place, I feel constrained, on this occasion, to offer a few remarks in opposition to appropriations of this kind. I thought at first of raising a question of order upon this bill; but that question having been heretofore raised and decided adversely, I will state the reason why I believe it ought to go to the Committee of the Whole on the state of the Union. The bill contains an appropriation of public lands. The rules of the House require that all bills containing appropriations, shall go to the Committee of the Whole on the state of the Union. The decision of the House, heretofore made, is that appropriations of public lands are not appropriations of money, and therefore do not come under that rule. Now, I believe that distinction not to be valid.

But I have another objection to the bill. It contains an appropriation of lands to aid in the construction of internal improvements. I believe that lands are the same as money; indeed I believe that they are much more valuable than money. When we expend the public treasure of the country and exhaust the amount in the hands of the United States Treasurer, the loss rests with the amount

of money expended; but when we appropriate and dispose of all the lands of the United States, it exhausts the supplies, and we have no means of returning to the people of the United States that inheritance which is more valuable than anything which has ever descended to the American people save liberty itself. If the view which I take be correct, these appropriations are unconstitutional. I do not propose, however, on this occasion, to enter into a discussion of the constitutional question. Such discussions have degenerated to such a condition that the House is neither willing to listen or attach weight to them.

[Here a message was received from the Senate, by the hand of Mr. MACHEN, its Chief Clerk, notifying the House that that body had passed a bill and joint resolution of the following titles, and requesting its concurrence therein:

S. 228. "An act for the relief of settlers on lands reserved for railroad purposes;" and

S. R. 12. "A resolution accepting certain volumes and medals presented by her Britannic Majesty's Government to the United States."]

Mr. SKELTON, (resuming.) I was about to remark, that the distinction between the money and the land of the United States was in favor of the latter. I will say here, that I would sooner appropriate money out of the public Treasury for the construction of these roads than I would appropriate the public land. When that land is exhausted, we have no other; and the effect of that exhaustion will be felt in the country for hundreds of generations to come. For what purpose is the public land intrusted to the care of the representatives of the people? Is it not, sir, that it should be cultivated? that it should be settled? that it should yield sustenance for our kind, and likewise, that it should be productive of health, of commerce, of trade to the whole country?

This Government is in its infancy. The policy about to be adopted, whether correct or otherwise, will be felt for generations yet to come. Look back at the history of our country. Look at the brief period which has elapsed since the first settlements were made on this land. Look at the rapid strides which civilization, agriculture, and the arts are making toward the Pacific ocean. Consider that the child is now born who will see this country, if its progress in prosperity be as great in the future as it has been heretofore, covered with a population of 200,000,000. Is it of no consequence, then, whether this land go into the hands of corporations or that of the actual settler? I might dwell on this point at length; but I do not propose to make any extended remarks at this time. All I desire is, simply to call the attention of honorable members to the result of this action on the future prosperity of the Union. I object to these appropriations because they are unjust; and any injustice done by the Congress is an injury to the country.

Our institutions and our Government must rest on the eternal and immutable principles of justice. If we want to sap the foundations of liberty, destroy the morals of the people, and the happiness of our common kind, then overlook the demands of justice, and your object is accomplished. It is unjust to the older States to appropriate these lands for internal improvements in the new States. We claim a common inheritance in these lands. I might dwell on that point; but I shall pass it by saying that it is unjust to the new States, it is unjust to the States where the land is located, and, if anything, more unjust to them than the older States. What will be the effect, this land in the hands of corporations? It will be to increase its price, and put it into the market; and one of the weightiest objections to this bill was that urged by the gentleman from Tennessee, [Mr. JONES,] that it increased the price of the land and excluded the poor toiling millions from settling on it.

But, sir, it has been remarked—and the only argument that I have heard in favor of this appropriation, is—that the increased price of the remaining lands counterbalances the value of that granted away; and that, therefore, the General Government suffers no loss by the transaction.

[Some interruption having taken place, owing to the noise in the Hall, Mr. SKELTON suspended his remarks for a moment. Resuming them, he said:]

I was about remarking, Mr. Speaker, when I was interrupted, that the proposition which has

been made, and which is now before the House, is that these grants of alternate sections of public lands are calculated to increase the value of the remaining lands. Objection has already been made to that proposition; but let us look at it for a moment, and what does it amount to?

If the construction of railroads increase the value of the public lands remaining in the hands of the people of the United States, would it not be wise for the Government to construct these roads herself, and so obtain all the increased value of the lands? If it is legitimate for this Government to obtain these lands, and to hold them for the purpose of speculation, would it not be wise and prudent for her to still hold and sell them in small quantities, and for the Government Treasury to make appropriations in money for the aid of these railroads?

In addition to this, let us examine this policy for a few moments, and what does it amount to? It must be admitted that if the Government has a right in this way to improve the public lands, for the purpose of increasing their value, and of thus increasing the wealth of the country, then, on the same principle, she would have a right to go into these lands by the assent of the General Government and cultivate them. Because if there is anything that will improve the value of the lands, it must be, above all things else, the hand of the industrious man, who enters, and tills, and cultivates it. On the same principle, I say, that we would make grant of alternate sections to enhance the value of the remaining lands, so we should cultivate and improve the lands. Just look where this policy is leading us; look at what we are going to in our pursuit of it.

This policy of making grants of the public lands for railroads is one of the most objectionable systems of internal improvement that has ever been decided on under this Government. It is a system without limits, without restriction, with no boundaries to it. As my friend justly remarked on the floor, a few moments ago, let us examine first, and ascertain whether we have land sufficient now to supply the demands that are made upon this Government. What would be the effect if it should turn out that we had not? Suppose we go on and pass bills granting public lands, without examination, and without looking at the results, and suppose that the Government finds when it comes to surrender possession of the lands for which it has made donations, that we have not lands enough left, will not these men to whom donations may be made come in and ask to be remunerated for the lands donated to them, but which they did not get possession of? Will they not have a legal claim on the Treasury of the Government?

Mr. RICHARDSON. I am just told by a friend at my side that there is at present a bill before us for remuneration for a grant of land which has not been delivered over to the grantee.

Mr. LETCHER. Yes; a bill of that sort came in here the other day.

Mr. SKELTON. A bill to that effect has been just reported from the Senate. Because some persons go in and settle on these swamp lands before they get into the possession of the person to whom they were donated, the grantee comes and asks the Government to indemnify him for the value of the lands granted to him, but which he did not procure the possession of.

Mr. RICHARDSON. If that be so, I think the bill a very unjust one. I did not know anything about it until told by my friend.

Mr. DAVIS, of Indiana. It is a correct bill, if it be the one introduced last session, that is alluded to.

Mr. SKELTON. I have another objection to these donations. It is, sir, that we are not only disposing of the public lands in a manner which is unwise, and which, in my opinion, is detrimental to the best interests of the Government, but that we are hindering the settlement of the country, and increasing the value of lands by building up corporations. Sir, this Government is building up the most gigantic system of corporations ever seen in the world anywhere; history presents no parallel to these corporations which we are bringing into existence; whose interests would be identical in these enterprises with those of railroad corporations.

Why, sir, railroads constructed by private enterprise, already extend over the United States to the extent of seventeen thousand miles. We have,

in addition to that, under contract and in process of construction, twelve thousand miles more. The amount of capital already invested—and private capital, too—is between five and six hundred millions of dollars.

Here allow me to say that I am not inimical to railroads. They are in accordance with the wants of the age. I like to see them progressing and extending all over our common country. I like to see them everywhere; but I desire that they shall be constructed by private enterprise and capital, without any interference on the part of our Government.

Now, sir, while we cherish these institutions as useful, and as indispensable to the wants of the age, it becomes necessary that this Government should, as far as possible, see that all proper restrictions and restraints be thrown around them. Concentrated wealth is always dangerous to the liberties of the people. Concentrated wealth of this kind, in the hands of railroad companies, which extend themselves from one extreme of the country to the other, and which employ and have under their control hundreds of thousands of men—I say, wealth concentrated in such corporations as these, exercise a greater influence upon the Government than the old United States Bank ever did or could exercise.

I think it is well for us to pause, before we thus contribute the funds of the General Government to create a power which will seek hereafter to control the legislation of the country. We should endeavor to throw around them some restraint, and thus give security to the liberties of the people. We have already seen those institutions coming in here and demanding to control the legislation of Congress. We had during the last session, and we have had during this session, propositions before this House to exempt railroad companies from the common taxation which is imposed upon other classes of society, and that their associations should be permitted to import the products of our common country duty free. They demand that there shall be a discrimination made in their favor against the farmer, the mechanic, and the artisan who use the article of iron.

Is there no ground to fear that these institutions will hereafter control the legislation of Congress? A gentleman told me, when I opposed the abolition of duties upon railroad iron, that I spoke as the representative of the iron interest. I deny being the representative of the iron interest, the railroad interest, or any other interest. We ask nothing for the iron interest which other interests do not receive. We ask for no higher rate of duties upon it than are imposed upon other products. We ask that, when duties are assessed, the assessment shall be made equal; that no discrimination shall be made between different classes of citizens, or between the citizens of different States. I believe we have the constitutional right to demand, in opposition to the claim of these institutions, that railroad iron shall pay the same rate of duty which the farmer and the mechanic pays upon the imported iron which they use.

I put it to this House, if these institutions are not already attempting to control the legislation of this Congress. I would not wish to be understood as throwing out any insinuations against any individual upon this floor. I believe all members are as honorable men as myself, and I make no insinuations. But we are all of us, more or less, controlled by surrounding circumstances. We are, more or less, influenced by the wants and wishes of our constituents, and it is the question whether we ought to yield to their importunities in relation to their local demands.

I object to the principle of building up these interests in this way by the Congress of the United States. It is not only unjust, unequal, and unconstitutional, but it is, in an extreme degree, a most unwise system of legislation. Where is security afforded the American people from the grasping hand of avarice, controlled by concentrated capital? Where is safety given that the possession of the vacant, unoccupied lands of the United States shall afford an asylum to which the down-trodden and oppressed, who have felt the hand of oppression and of concentrated capital with crushing force, can flee, where they can settle, and not only maintain their own independence, but assist in maintaining the independence of our common country? I am unwilling that the wealth of the country should be concentrated in

the hands of a few individuals, and then, after doing that, that we should place in the hands of these gigantic corporations the public lands of the country. I object to it as unwise, unjust, and highly detrimental to the prosperity of the common country. I ask my Western friends, who are asking for this grant, if they desire to have gigantic land monopolies in their midst; if they are willing to give the control of their public lands to capitalists in other States? Let them answer that question.

I have another objection to this species of legislation, and it is, that we put the influence of the Government of the United States in competition with private enterprise; and this bill, as I have been informed, is a bill of that class. If I am correctly informed, this very road to which we propose to make this donation of land, is to come in competition with another road now being constructed by the private enterprise of citizens of the United States. This system of interfering with the private enterprise of citizens is a very mischievous and dangerous one. A few years ago we attempted to give, and did give, the influence of the General Government to assist mail steamer transportation companies to compete with private enterprise in crossing the Atlantic. At the last session of Congress we voted from the Treasury of the United States the enormous sum of four millions of dollars, as extra compensation, to one single company, for carrying the United States mail, when we had propositions pending before this House to carry it for one eighth of that sum.

I would ask this House if they will allow Government to paralyze the arm of private enterprise; if they will allow the General Government to enter upon the field of speculation, and control the commercial enterprise of our citizens, by locating railroads in certain localities, and donating public lands for their construction? I ask this House if they are willing to engage in a system of legislation of this kind, which will have the effect of destroying the enterprise of private citizens? I take it that it is sound policy to leave the avenues of trade, commerce, and manufactures, open to the enterprise of every individual who chooses to enter into these fields of labor and industry. I take it, that it is monstrous policy for this Government to attempt to interfere with, and control, the private enterprise of our citizens. I do not believe it was ever contemplated that this Government should ever possess such powers. If the Constitution of the United States gave such powers to this Government, I hold that it would be unwise and injudicious to attempt to exercise them by a control of the private enterprise of our citizens.

I have already spoken longer than I intended when I rose. I intended very briefly to give my views upon this question, and to state a few points in opposition to enterprises of the kind sought to be accomplished by this bill. I have done so, without entering minutely into the discussion of principles, or elucidation of the points involved, because I was unwilling to occupy the attention of the House for that purpose. But this is a question which, in my opinion, ought to be discussed for weeks. We should examine this bill very carefully. We should refer it to the Committee of the Whole on the state of the Union, that members might have an opportunity of examining and discussing it.

But, sir, as I remarked, I do not intend to enter minutely into this discussion, nor have I done it. I have barely hinted at points which have been suggested by the remarks of those who have preceded me, and which I have no doubt, if this discussion is allowed to proceed, will be fully elucidated by others before the subject is disposed of.

Mr. DISNEY. I desire to make a single remark. I wish to say to gentlemen of the House, that if they suppose the Committee on Public Lands have any disposition to prevent discussion on this bill they misjudge us. I am perfectly willing they shall discuss it as much as they please, reserving to myself the right, when discussion is closed, to answer, as I am sure I shall be able to answer, all the objections that may be raised.

Mr. DEAN. I think we have had enough of this for to-day, and I hope we shall now go into the Committee of the Whole on the state of the Union, and progress with the homestead bill.

Mr. DISNEY. I would inquire whether, un-

der the pending motion to commit, this bill will not come up as the first business in order during the morning hour to-morrow?

Mr. LETCHER. I hope we shall have some definite time fixed for the further consideration of this subject.

Mr. DISNEY. It will come as the first thing in order to-morrow morning, I presume.

Mr. DEAN. I desire to ask the Chair a question, the answer to which I suppose will furnish gentlemen with all the information they desire, and then I will move to go into the Committee of the Whole on the state of the Union. I ask the Chair whether, to-morrow being private bill day, this matter will not go over till Monday?

Mr. LETCHER. But will it come up on Monday? That is what I want to understand.

The SPEAKER *pro tempore*. The Chair will state, in reply to the gentleman from New York, that to-morrow being private bill day, and next Monday being resolution day, the bill, probably, will not come up again till Tuesday.

Mr. BISSELL. Will it come up as the first business in order then?

The SPEAKER *pro tempore*. Whenever the committees are again called for reports, the call will commence where we now leave off, and this bill will come up as unfinished business.

Mr. DEAN. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. RICHARDSON. Upon that motion I demand tellers.

Tellers were ordered; and Messrs. HARLAN, of Indiana, and GREY were appointed.

The question was then taken; and the tellers reported—ayes 64, noes 35; no quorum voting.

Mr. OLDS. I move that there be a call of the House.

Mr. TWEED. I move that the House do now adjourn.

Mr. WHEELER. I call for tellers on that motion.

Tellers were ordered; and Messrs. PERKINS, of New York, and GREY were appointed.

The question was then put; and the tellers reported—ayes 62, noes 51.

Mr. DEAN. I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken, and the motion was disagreed to—yeas 53, nays 82.

So the House refused to adjourn.

Mr. OLDS. I withdraw my motion that there be a call of the House.

Mr. WALSH. Would it be in order now to move to reconsider the vote by which the House refused to adjourn; and to lay the motion to reconsider on the table, as that seems to be the general rule? [Laughter.]

The SPEAKER. It would. The question is now on the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Messrs. HARLAN, of Indiana, and GREY resumed their places as tellers; and the question being again put on the motion to go into the Committee of the Whole, they reported—ayes 67, noes 25; no quorum voting.

Mr. CAMPBELL. Is it in order to move an adjournment?

The SPEAKER. Nothing has been done since the question was taken on the motion to adjourn; and, therefore, a motion to adjourn is not now in order.

Mr. DEAN. I ask for a new count.

The SPEAKER. If a new count be desired by the House it can be had. No quorum has voted, so the question is not decided; the motion is still pending.

Mr. ORR. I move for a call of the House.

Mr. CAMPBELL. I move that the House do now adjourn.

Mr. DEAN. On that motion I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then taken, and the motion was agreed to.

The House then adjourned (at twenty minutes past two o'clock, p. m.) till to-morrow, at twelve o'clock, m.

IN SENATE.

FRIDAY, February 24, 1854.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT, by unanimous consent, laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the acts of April 20, 1808, and March 3, 1809, a statement of the contracts made under the authority of the War Department during the year 1853; which, on motion by Mr. ADAMS, was ordered to lie on the table, and be printed.

Also, a report of the Secretary of War, communicating lists of clerks and other persons employed in the War Department, other than officers of the Army, during the year 1853; which was ordered to lie on the table, and be printed.

ATMOSPHERIC TELEGRAPH.

The PRESIDENT *pro tem.* appointed Messrs. SHIELDS, EVERETT, MAILLORY, WILLIAMS, and THOMPSON, of Kentucky, the select committee to inquire into the utility of the invention of Ithiel S. Richardson, by which he proposes to convey packages, mails, &c., by atmospheric propulsion.

BRAZILIAN CORRESPONDENCE.

A message was received from the President of the United States, transmitting a report of the Secretary of State, communicating, in compliance with a resolution of the Senate of the 13th instant, certain correspondence with the late United States Minister at Brazil; which was ordered to be printed.

ORDER OF BUSINESS.

Mr. EVERETT. I ask the unanimous consent of the Senate, this being private bill day, to present the resolutions of the Legislature of Massachusetts, remonstrating against the passage of the Nebraska bill.

The PRESIDING OFFICER, (Mr. STUART in the chair.) It will require the unanimous consent of the Senate to-day to consider any business except private bills. If there be no objection, the Chair will understand that consent to be given.

There being no objection, the Senate proceeded to consider public business.

PETITIONS, ETC.

Mr. EVERETT presented resolutions of the Legislature of Massachusetts remonstrating against the passage of any bill annulling the Missouri compromise; which were ordered to lie on the table, and be printed.

Mr. DIXON presented the memorial of George Stealey, praying compensation for his services and expenses while on a mission to the Indian tribes in the northern portion of the State of California, under the authority of the Indian Commissioner of that State; which was referred to the Committee on Indian Affairs.

Mr. HAMLIN presented a memorial of inhabitants of Wellfleet, Massachusetts, praying the erection of a custom-house at Barnstable, Massachusetts; which was referred to the Committee on Commerce.

Also, a petition of inhabitants of Seniston Falls, Maine, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. SUMNER presented the petition of the Rev. Leonard Woods and eleven hundred citizens of Andover, Massachusetts, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a petition signed by Harriet Beecher Stowe and eleven hundred women of Andover, Massachusetts, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a petition of legal voters of Lunenburg, Massachusetts, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, two petitions of inhabitants of Michigan, remonstrating against the passage of the Nebraska bill in its present form; which were ordered to lie on the table.

Mr. PETTIT. I desire to present the remonstrance of W. B. Whitworth and one hundred and fourteen other citizens of Indiana, against the repeal of the Missouri compromise.

I will simply say, in presenting it, that the me-

morialists do not express my views upon the propriety of this measure; but as I hold the unlimited right of petition, and as the memorial has been sent to me, I ask leave to present it, and move that it lie upon the table.

The motion was agreed to.

Mr. WADE presented a petition of the representatives of the religious Society of Friends, constituting the "Ohio Yearly Meeting," at their session held at Mount Pleasant, Ohio, February 18, 1854, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. CASS presented two memorials of citizens of New York, praying that measures may be taken to secure religious freedom to American citizens abroad; which were referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. WADE, it was

Ordered, That the petition and papers in the case of the widow of C. L. Williamson, late a commander in the Navy, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion by Mr. ADAMS, it was

Ordered, That James Thompson have leave to withdraw his petition and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the bill from the House of Representatives, to amend an act entitled "An act to divide the State of Arkansas into two judicial districts," approved March 3, 1851, reported it back with sundry amendments.

He also, from the same committee, to whom was referred the memorial of Susan Coody and others, Cherokees, praying indemnity for property destroyed by some of the United States soldiers, near Fort Gibson, in the year 1845, reported a bill for the relief of Susan Coody and others; which was read, and passed to a second reading.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the memorial of Matthew Rippey, praying that a patent may be granted to Conrad Wheat, junior, or his legal representatives, for six hundred and forty acres of land, according to the plat of survey under the New Madrid location certificate of said Wheat, submitted a report, accompanied by a bill for the relief of Conrad Wheat, junior, or his legal representatives; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. CLAY, from the Committee of Claims, to whom was referred the memorial of G. A. Dabney and others, mechanics enlisted in the service of the United States, praying to be allowed for transportation from California to the Atlantic States of the Union, submitted an adverse report thereon.

IRA DAY.

Mr. FOOT. Mr. President, on the last private bill day I called for the consideration of the bill for the relief of Ira Day, of Vermont. It happened, however, to have been mislaid, so that the clerks were unable to put their hands upon it at the time, and so it was passed over. I move that the Senate now proceed to the consideration of that bill.

The motion was agreed to, and the bill was read a second time, and considered as in Committee of the Whole.

The bill authorizes the Postmaster General to pay to Ira Day, of Vermont, \$1,008 90, out of the funds of the Post Office Department, in full for the balance due to him for transporting the mail from Royalton to Burlington, in the State of Vermont, from January, 1833, to July, 1837.

This subject has been repeatedly before Congress. A bill was reported in 1839, another in 1840, and others at more recent Congresses. The facts are these:

James Barker and others were contractors for transporting a daily mail for four years from Boston, in the State of Massachusetts, to Royalton, Montpelier, and Burlington, (the great depot of navigation on Lake Champlain,) being the great mail route from Boston to Montreal, for the sum of \$12,250 per annum, commencing on the 1st day of January, 1833, and ending in January, 1837. In the month of October, 1834, the Postmaster General ordered the route to be discontinued one day in a week, on that part of the

route from Royalton to Burlington; which part of the route, for the transportation of the mail, was assigned by the contractors to the petitioner. Under the order of the Postmaster General, the mail from Boston arrived at Royalton on Saturday evening, and remained over until the Monday morning following.

The inconvenience to the public by this order appears to have been so great that the postmasters on the route and other citizens solicited and urged the petitioner to continue the transportation of the mail every day, notwithstanding the order of the Postmaster General. He did so; and by so doing the line was continued unbroken, and the mail was transported regularly from Boston to the capital of Vermont, and thence to Burlington, and *vice versa*, every day in the week. The petitioner, therefore, claims the sum of \$1,008 90, being the sum withheld from him by the Postmaster General, on account of the order for discontinuing the transportation of the mail.

The order of the Postmaster General, if it had been carried out, would have occasioned great inconvenience to the public, for it would have delayed the mail thirty-six hours on one of the most important and productive routes in that section of the country. The order, though peremptory on its face, was, no doubt, designed as a temporary measure for the relief of the Department in its then embarrassed condition. This is apparent from the fact, that after the expiration of the petitioner's contract, the Department ordered a daily mail upon the route.

It also appears that the mail was carried by the petitioner, at the request of the Postmaster General, after the contract had expired, from the first of January, 1837, to the first of July of the same year. The one seventh part of the amount of the original contract for performing that service was also retained by the Postmaster General, and is included in the bill.

As the service was performed, and as the authority of the Postmaster General to issue the order to discontinue the mail is inconsistent with the contract, the passage of the bill was recommended by the committee.

Mr. BAYARD. Does the bill allow interest?

Mr. FOOT. It does not. I have only to repeat what I said when I called for the consideration of the bill before. This subject was very fully considered, and debated at great length during the last Congress; and a bill for the relief of Mr. Day passed the Senate by a decisive majority. The only question in controversy at that time, was upon the allowance of interest. The bill then included interest upon the original amount deemed to be due to Mr. Day. The Committee on the Post Office and Post Roads, however, at this session, have reported a bill only allowing the principal sum, and not including interest. Presuming, therefore, that there will be no objection to the bill, I ask that it may be passed at once.

No amendment being proposed, the bill was reported to the Senate without amendment; was ordered to be engrossed for a third reading, was read a third time, and passed.

GRAY, M'MURDO AND COMPANY.

On the motion of Mr. SLIDELL, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House for the relief of Gray, McMurdo & Co., which had been reported from the Committee of Claims without amendment.

The bill appropriates the sum of \$570 70, to be paid to Gray, McMurdo & Co., of New Orleans, in the State of Louisiana, in full of their account for interest on moneys advanced by them in 1850 to the Quartermaster's Department.

During the period between May and July, 1850, Gray, McMurdo & Co. advanced to Thomas F. Hunt, Deputy Quartermaster General at New Orleans, \$57,000, for which he received the drafts of the deputy upon the Quartermaster at Washington city. At the time those drafts became due, the appropriations for the Quartermaster's Department were exhausted, and the drafts were not paid until the 7th of October, 1850, the appropriation bill having passed on the 28th of September. Interest is claimed on the advances from the time they were made.

Mr. WALKER. I have no objection to the bill. I think it but just that it should pass. I asked for the reading of the report, to call the

attention of the Senate to the fact that it proposes to make an appropriation for interest only; and from the further fact, that there are other bills pending which propose to allow interest, two of which have been reported from the Committee on Revolutionary Claims, of which I am chairman. I hope that when this bill is passed it will not be considered that the committee of which I speak is doing injustice, when it asks that the Senate shall deal out the same justice to others that it proposes to deal out in this case. I think that interest ought to be allowed in this case. I think that the bill ought to pass; it is but justice to the claimants here that they should have the interest upon this sum; but I do not wish that it should be a special case, legislated for favorably, and that all other similar cases should be rejected, because they are cases involving interest.

Mr. BAYARD. I have no opposition to make to this bill, for I consider it an excepted case, a case of advance of money to the Government without any obligation on the part of the individuals to make that advance, or without their having any interest in the making of it. I think the practice exceedingly censurable which allows a quartermaster, or any other officer, to draw drafts for money when there is no appropriation to pay the amount for which they are drawn; but we are not passing upon that now.

Under such a practice, as I understand, the money was advanced by these gentlemen, who are bankers or merchants in New Orleans, without any other consideration than a desire to prevent a difficulty connected with the disbursements of the Quartermaster's Department. Under such circumstances, as there was no profit to be made, it not being the case of a contract into which the parties entered for their benefit, I should think it formed an excepted case, and that they would be entitled to interest from the time the money became due; although, as I have already said, I think the practice exceedingly censurable which authorizes any officer of the Army, or any other officer, to draw bills without the knowledge of the fact that there are funds to meet the draft.

The bill was reported to the Senate without amendment, was ordered to be read a third time, was read a third time, and passed.

HOMESTEAD BILL.

Mr. WALKER. Will it be in order for me to make a report from the Committee on Public Lands?

The PRESIDING OFFICER. The Chair understands that unanimous consent has been given to the consideration of public business, so that, in the opinion of the Chair, it will be in order.

Mr. WALKER. The Committee on Public Lands, to whom was referred a bill to perpetuate preemption to actual settlers on the public lands, have directed me to report it back, with several amendments, and to recommend its passage.

That bill is designed by the committee to take the place of what is commonly called the homestead bill; and it does in point of fact, I think, more effectually than any other bill now before either branch of Congress, go to the extent of securing homesteads to actual settlers. As that subject will be one of great interest, and in all probability will give rise to some considerable discussion, I now move that the bill be printed, with the amendments proposed by the committee. I will remark further, before permitting the motion to be put, that if the bill shall pass, it will be necessary also, to change its title, and I shall propose to change the title to that of "An act securing a homestead to each head of a family."

The PRESIDING OFFICER. The bill and the amendments will be printed without any motion being made to that effect.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, its Chief Clerk, announcing that it had passed a bill for the establishment of a land office in the Lower Peninsula of Michigan.

GOVERNOR RAMSEY.

Mr. COOPER. The Committee on Indian Affairs, to whom was referred the report of the commissioners appointed to investigate the charges against Governor Ramsey, late Commissioner of Indian Affairs in Minnesota, have instructed me to make a report.

Before presenting the report, I wish to state to

the Chair that it concludes with a resolution which I desire to have passed immediately. Governor Ramsey has been here waiting on the action of the committee; and, through my own neglect, and not that of the committee, the action of the committee has been delayed until this time. The committee unanimously have acquitted Governor Ramsey of all impropriety of conduct; and one of the gentlemen who preferred the charges has had the manliness to come out and say that, after hearing the testimony, he is entirely satisfied, and that Governor Ramsey should be acquitted of all blame. I ask that the resolution with which the report closes be passed now. The committee have unanimously recommended it.

The resolution is as follows:

Resolved, That the committee be discharged from the further consideration of the subject; and that the accounts of Governor Ramsey, growing out of disbursements of the funds referred to in this report, be settled by the proper Department.

The resolution was considered by unanimous consent, and agreed to.

On motion by Mr. COOPER, it was

Ordered, That the report of the Committee on Indian Affairs, on the report of the commissioner appointed to investigate the charges against Governor Ramsey, be printed.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary, announcing that he had approved and signed the following enrolled bills and joint resolution:

"An act to indemnify the State of Indiana for the failure of title to a township of land granted to said State on her admission into the Union in 1816;"

"An act to extend the limits of the port of New Orleans;" and

"A joint resolution for supplying new members of the Senate and House of Representatives with such books of a public character as have been heretofore supplied."

LOUISIANA RAILROAD BILL.

Mr. BAYARD informally submitted an amendment in the form of a substitute to the bill granting to the State of Louisiana the right of way and a donation of public land for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river; which was ordered to be printed.

TERRITORY OF NEBRASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. DOUGLAS. I will ask the Senator from Virginia [Mr. HUNTER] permission to say one word. The friends of this bill, under the impression that it seems to be the understanding of its opponents that the debate may be concluded at an early day, have consulted together as to how long a time its friends would be responsible for perfecting it, and have come to the conclusion that to-day, to-morrow, Monday, and Tuesday would enable us to bring the debate to a conclusion; so that on Wednesday, at one o'clock, I may sum up the debate, and then that we may take the vote on that day. I make this announcement with the view that those who are anxious to go away may rely upon how we shall proceed to act.

I would state, therefore, to the friends of the bill, that on that day I shall ask that the vote may be taken, in pursuance of what I believe to be the general understanding. The Senator from South Carolina [Mr. BUTLER] will, I understand, be able to go on to-day, after the Senator from Virginia.

Mr. CHASE. With the leave of the Senator from Virginia, I wish to say that, in conformity with a notice given by me on a former day, I shall propose a number of amendments to this bill, and ask the vote of the Senate upon them. But I shall not interpose any objection to the question being taken at the earliest possible moment upon the bill, consistently with doing my whole duty with regard to it.

Mr. HUNTER spoke an hour and a half in support of the bill.

Mr. BUTLER followed on the same side.

Having spoken an hour, he gave way at the suggestion of Mr. MASON, and the further consideration of the subject was postponed until to-morrow. [See Appendix for these speeches.]

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 24, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. WASHBURN, of Illinois, in pursuance of previous notice, asked and obtained leave to introduce a bill; which was read a first and second time by its title, as follows, and referred to the Committee on the Judiciary:

"A bill to divide the State of Illinois into two judicial districts."

Mr. STRATTON, by unanimous consent of the House, presented a joint resolution of the Senate and General Assembly of the State of New Jersey, in favor of extending the same privilege, and grants of land, to the soldiers of the war of 1812 as have been granted to the soldiers in the more recent wars of the United States.

The resolution was read *in extenso*, and referred to the Committee on Military Affairs.

Mr. FAULKNER. I ask the unanimous consent of the House to present certain resolutions adopted by the General Assembly of Virginia, and move that they be referred to the committees indicated respectively on the resolutions.

The SPEAKER. Does the gentleman from Virginia desire that these resolutions be read?

Mr. FAULKNER. Yes; let them be read; they are very brief.

The Clerk reported the resolutions, as follows:

1. Resolution in favor of amending the act of Congress of 5th July, 1832, by which Congress assumed the payment of claims for half pay of the officers of the Revolution, and their heirs; so as to embrace within its provisions warrant officers of the Navy.

Referred to the Committee on Revolutionary Claims, and ordered to be printed.

2. Resolution in favor of so modifying the act of Congress of August 31, 1852, providing for the satisfaction, in scrip, of outstanding Virginia military land bounty warrants, as to authorize the issuing of scrip on all warrants allowed by the authorities of that State.

Referred to the Committee on Public Lands.

3. Resolution in favor of the extension by Congress of the bounty land acts, so as to allow all persons who served, on land or water, in the war of 1812, and the widows and minor children of such as are deceased, an amount of land not exceeding one hundred and sixty acres each.

Mr. BISSELL. I suggest that the Committee on Military Affairs is a more appropriate committee for the reference of this resolution than that indicated, (the Committee on Invalid Pensions.)

Mr. FAULKNER. Very well; let it go to the Committee on Military Affairs.

It was so ordered.

4. Resolution in favor of an amendment, by Congress, of its law of July 5, 1832, so as to embrace within its provisions an adjudication and payment, by the Secretary of the Treasury of the United States, of the claims of the officers of the Virginia line, upon continental establishment, upon the same principles as those of the State line. Referred to the Committee on Revolutionary Claims.

THE SAN FRANCISCO DISASTER.

Mr. BISSELL. I move that a committee of conference be appointed to meet a similar committee appointed by the Senate, upon the disagreeing votes concerning the amendments to the bill for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco. As a committee of three has been appointed on the part of the Senate, I suppose it would be proper to appoint a committee of five from the House; and I suggest that that be done.

Mr. STANTON, of Kentucky, from the Committee of Elections, to whom was referred the memorial of William Carr Lane, contesting the right of José Manuel Gallegos to a seat in the House of Representatives, as a Delegate from the Territory of New Mexico, made a report thereon, setting forth the facts in the case, as they appeared

in evidence before the committee, accompanied by the following resolution:

Resolved, That the Hon. José Manuel Gallegos is entitled to the seat as Delegate from the Territory of New Mexico for the Thirty-Third Congress.

The question was then taken, and the resolution was agreed to.

Mr. STANTON moved to reconsider the vote by which the resolution was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The SPEAKER presented the following Executive communications; which were severally read and disposed of, as indicated below:

1. A communication from the Treasury Department, transmitting, in compliance with a resolution of the House of the 13th instant, a statement showing the original cost of each custom-house, including expenditure for sites as well as construction; also the entire annual expenditure for the last three years, with the salaries of officers employed, and the amount of revenue collected during a like period; so arranged as to show at what points the expenditures exceeds the returns.

Laid upon the table, and ordered to be printed.

2. A communication from the War Department, transmitting, in compliance with various acts of Congress, a list of persons employed in that Department other than officers of the Army, during the year 1853.

Laid upon the table, and ordered to be printed.

3. A communication from the War Department, transmitting, in compliance with a resolution of the House of the 13th instant, a report of Topographical Engineers, in reference to a survey of Twelve Mile Creek, Lake Ontario.

Referred to the Committee on Commerce, and ordered to be printed.

4. A communication from the War Department, transmitting a statement showing what contracts have been made under the authority of that Department during the year 1853.

Laid upon the table, and ordered to be printed.

5. A communication from the Navy Department, transmitting three hundred copies of the Navy Register for the year 1854.

Laid upon the table.

REFERENCE OF SENATE BILLS

The following bills from the Senate were taken up, in their order, from the Speaker's table, read a first and second time by their titles, and severally referred, as indicated below:

"An act (No. 48) for the benefit of the heir-at-law of Lieutenant C. A. Wickliffe." Referred to the Committee on Private Land Claims.

"An act (No. 92) for the benefit of citizens and occupants of the town of Council Bluffs, in Iowa." Referred to the Committee on Public Lands.

"An act (No. 183) for the relief of Passed Midshipman George P. Welsh, and Clark H. Wells." Referred to the Committee on Naval Affairs.

"An act (No. 167) for the relief of Joseph Campan." Referred to the Committee on Private Land Claims.

"An act (No. 176) for the relief of John P. McEldery." Referred to the Committee of Claims.

"An act (No. 208) for the relief of John Devlin." Referred to the Committee of Claims.

Bill from the Senate (No. 153) "to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto;" was also taken from the Speaker's table, and read a first and second time by its title.

The SPEAKER. This bill will be referred to the Committee on Private Land Claims.

Mr. COBB. I think it would be best to refer it to the Committee on Public Lands.

The SPEAKER. It was referred to the Committee on Private Land Claims in the Senate, and the Chair therefore supposed that was the appropriate committee.

Mr. COBB. I am satisfied it is the wrong committee, and I move that the bill be referred to the Committee on Public Lands.

Mr. SAGE. I move that it be referred to the Judiciary Committee. I think that would be more appropriate.

The question was taken on Mr. COBB's motion, and it was disagreed to.

The question was then taken on Mr. SAGE's motion, and it was agreed to.

So the bill was referred to the Committee on the Judiciary.

Mr. BISSELL. It is suggested to me, by gentlemen around me, that in asking this morning for the appointment of a committee of conference of five members I asked a departure from the general rule of the House, and that three is the usual number of such committees.

The SPEAKER. That is true; three is the usual number.

Mr. BISSELL. I ask that, by common consent, the number may be changed from five to three.

No objection being made, it was so ordered.

LANDS TO WISCONSIN.

The SPEAKER stated that the next business in order was the consideration of a bill reported yesterday from the Committee on Public Lands, "granting a portion of the public lands to the State of Wisconsin, to aid in the construction of railroads and branch roads therein;" that a motion was pending to refer the bill to the Committee of the Whole on the state of the Union, and that the gentleman from Illinois [Mr. BISSELL] was entitled to the floor.

Mr. BAYLY, of Virginia. Have we got through with the bills on the Speaker's table?

The SPEAKER. This is private bill day, and we have disposed of all the private bills on the Speaker's table.

Mr. ORR. I desire to make some remarks upon this bill.

The SPEAKER. The gentleman from Illinois is entitled to the floor.

Mr. DISNEY. I desire to suggest that it seemed to be understood yesterday, by common consent, that the further consideration of this bill should go over until Tuesday morning, in view of the fact which has been indicated by the Speaker this morning, in taking up only private bills from the table, that the action of the House is limited to-day to private bills.

Mr. ORR. I intended to submit that motion.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. BISSELL. I yield the floor for the purpose indicated.

Mr. ORR. Then I move that the consideration of the bill be postponed until Tuesday next.

The question was taken, and the motion was agreed to.

REPORTS OF COMMITTEES.

The SPEAKER. Reports are now in order from the Committee on Public Lands.

Mr. TAYLOR, of Ohio. I ask the unanimous consent of the House to present the following resolution:

Resolved, That the committee heretofore appointed to inquire into the expediency of amending the Constitution of the United States, in relation to the mode of electing a President, be, and the same is hereby, instructed further to inquire into the expediency of limiting the term of service of the President of the United States to one term, and making him thereafter ineligible to the office of President.

Mr. DAVIS, of Indiana, objected to the introduction of the resolution, and called for the regular order of business.

Mr. DISNEY. I am instructed, by the Committee on Public Lands, to report adversely on the petition and papers of Christopher Thompson and others, praying for relief in regard to the location of certain lands in Oregon. The facts appear to be these: The petitioners, in violation of the laws of the United States, settled themselves on lands belonging to the Indians within the Territory of Oregon. During a recent war they were driven off the land by these Indians, to whom, since peace has been made, the land has been returned. Now these men come and ask this Government to indemnify them for lands settled on in violation of the laws of the United States. In the opinion of the Committee on Public Lands they are not entitled to any compensation. I move to lay the report on the table.

The question was taken, and the motion was agreed to.

Mr. DISNEY. I am further instructed, by the same committee, to report adversely on the petition of J. A. Lapham, praying for compensation for services rendered in furnishing information to Messrs. Foster & Whitney and Mr. Owen, when they were making a geological survey of Wisconsin, Michigan, Iowa, and Minnesota. With respect to the case, the facts are simply these: The

petitioner being in possession of valuable information in regard to the geological formation of the countries indicated, was applied to by the surveyors appointed by the Government of the United States to furnish it to them. He voluntarily gave it to them. Now, some three or four years subsequently, he asks the Government to pay for the information which he voluntarily communicated to these gentlemen, who were in the employ of the Government. The committee deemed that he was not entitled to compensation, and report adversely on the petition. I move that that report be laid on the table.

The question was taken, and the motion was agreed to.

Mr. DISNEY. I am instructed to report back, without amendment, and with a recommendation that it do pass, a bill of the following title:

"A bill confirmatory of certain school selections."

The Clerk proceeded to read the bill *in extenso*.

Mr. HAVEN. Is the proposition now before the House to put the bill on its passage?

The SPEAKER. That is the proposition.

Mr. HAVEN. Then I perceive that it is not in order to make my motion now.

The Clerk resumed, and concluded the reading of the bill.

Mr. DISNEY. Mr. Speaker, the friends of this bill desire to have it put upon its passage. It arises out of this state of facts:

The provisions of the existing statutes authorize the authorities of the several States, in cases where a fractional township shall not contain within its limits section sixteen—the school section—to select a section in lieu thereof in such lands as do not fall within the limits of the township surveyed. Under that provision of law the authorities in these particular cases proceeded, in good faith, to make selections of what they supposed themselves to be entitled to. The land office confirmed these selections as school lands to the respective townships. Subsequently, the State, in some cases, disposed of these lands by sale. This they had a right to do, if the title were legally vested in them. Parties purchased in good faith, and paid valuable consideration for them, and the matter was supposed to be finally adjusted and settled.

Subsequently, however, the surveys of the Government were extended so as to embrace the islands in these boundaries. In the State of Iowa several islands in the Mississippi river were so embraced within the boundaries; and in the extension of these surveys it was found that, in some cases, section sixteen was comprised in some of these islands.

Here, then, is the condition of the case. The authorities supposing that section sixteen, belonging to the township for school lands, was not within their limits, proceeded, under the provisions of the existing statutes, to select lands outside of their boundaries in lieu of section sixteen. The whole transaction was carried on in good faith. The land office confirmed the selections, and the proper authorities of the State disposed of the lands in some instances, and they are now in the possession of innocent purchasers, who have acquired their title or right to them by the payment of valuable consideration.

It was subsequently, however, discovered that section sixteen was included in the island, and the question of legal title has been raised as to whether the township was entitled to section sixteen on the island, or whether it was entitled to enter on lands outside of its limits, and appropriate them under the provisions of the statute.

I believe there are some fifteen or twenty similar cases altogether in the Union.

This bill, then, is to provide a remedy for the case. If it should be held that the title to the sixteenth section, discovered by the final survey, was vested in the township, and that they were legally entitled to it, then they possess no title to the land which the State had disposed of, and which is now in the hands of innocent purchasers. If, on the other hand, it should be held that the original selection having been made in conformity to the statute, as the surveys then stood, the title thereto was vested, and that subsequent discovery, made by the extension of the survey, conveyed no title to the authorities, then sections sixteen, which are found upon these islands, remain in the United States.

But these questions can only be determined by judicial investigation and decision. Now, the whole amount involved in all these cases, in all the States, does not exceed two thousand acres. In order, therefore, to avoid the expenses and difficulties attending the litigation of these questions, and in order to avoid embarrassing innocent purchasers, the committee came to the conclusion to recommend the passage of a bill to confirm the selection, and to confirm the title to the lands in the State authorities. The whole amount, as I before stated, in all the States—in Wisconsin, Missouri, Iowa, and others—will not reach two thousand acres. These are the facts of the case, and they have induced the Committee on Public Lands to recommend this bill.

Mr. LETCHER. I wish to make an inquiry of the gentleman from Ohio. If I understand the gentleman aright, he proposes to confirm to the State the title of these lands which have been taken in lieu of the sixteenth sections, and then to give them the sixteenth sections besides, when discovered?

Mr. DISNEY. That is so.

Mr. LETCHER. I do not exactly understand the reason, or the rule, which would give them the sixteenth sections, to which they were entitled in the first instance, and then give them, by this act, what is equivalent to the sixteenth sections. I do not understand that either equity or right demands this course. The fact that the amount of land involved is only two thousand acres or less, does not, it seems to me, at all affect the principle. We find in the bill the principle and the terms upon which these grants are made, and whenever the question of grants of lands shall again be presented upon this floor, by some member for his own State, precedents like this one are invariably brought up, and are claimed as controlling the action of the House upon his case.

Now, sir, it seems to me that a bill of this sort ought not to be passed without some consideration being given to it, or at least, without some opportunity being given for consideration. This House ought not to be driven into the consideration of any question here, when not a single member of the House has had the opportunity to examine the bill and to ascertain what will be its bearings upon present or future legislation.

But, besides, this is precisely the course of policy introduced here during the first session of the last Congress, by which this Committee on Public Lands effectually suspended the whole business of the other committees of this House, and thereby prevented everything and anything being done by this body from that time to the close of the session, which embraced a period of five or six months. The same thing is introduced here now. Member after member of this committee comes in here and presents bills for the consideration of this body, and immediately moves to put them upon their passage. The whole morning hour is thus wasted, and the matter goes on in this way from Monday morning to Saturday night, putting off all other business until the close of the session. I hope this thing will not be tolerated. I hope this Committee of Public Lands will be placed precisely where all other committees are placed, and when they present reports, the reports will be referred to the Committee of the Whole House on the state of the Union, so as to furnish the House with an opportunity to investigate them, and ascertain whether they are right or wrong. This is the rule followed in reference to the other committees of this body, and I ask that the same measure which is meted out to the one may be meted out to the others. I therefore move that the bill be referred to the Committee of the Whole on the state of the Union.

Mr. DEAN. I am in favor, as a general rule, of referring bills to the Committee of the Whole. But I understood the chairman of the committee, [Mr. DISNEY,] who made the report, to state that this bill involved only some two thousand acres of land, and that it was to be given to the States exclusively for school purposes.

I should like to know whether these lands are intended exclusively for school purposes. It seems to me, that the House should have time to understand this matter, so as to be prepared to vote upon it. I was about to ask for the previous question, but if the chairman of the Committee on Public Lands desires to speak, I will not press it now; but I hope that he will move it. The Com-

mittee on Public Lands did clog up the business at the last Congress, and unless they manage soon to finish making their reports, I think that the House, in self-defense, will be obliged to refer all their measures immediately to the Committee of the Whole, and I hope that they will do it.

Mr. COBB. This advice, given to the House by the gentleman from New York, [Mr. DEAN,] is very sage indeed. I am inclined to think that the gentleman himself has been as forward to introduce measures, and press them upon the action of the House, as other gentlemen here; and now he gets up and tells the House what they ought to do, in violation of his own practice.

[Cries of "Order!" "Order!"]

Mr. DISNEY. I confess that I am somewhat surprised at the remarks made by the gentleman from Virginia, [Mr. LETCHER,] and the gentleman from New York, [Mr. DEAN,] with regard to the action of the Committee on Public Lands. The gentleman from Virginia talks about the House not tolerating this sort of proceeding. What does the gentleman mean? Not tolerate what? Not tolerate the Committee on Public Lands attending to the business with which this House has intrusted them? Is the fact of attending to business so utterly in violation of the general usage and practice of the House, as not to be tolerated, because it is a departure from the common practice of the House? Is that what the gentleman means? Is it so great a departure from the gentleman's own usage and practice, when a Committee of this House attends intelligently to its duties, and presses upon the House, in obedience to those duties, the consideration of a matter which has been intrusted to their hands, that he must rise here and talk to this House about not tolerating the attention to business manifested by the Committee on Public Lands? I ask, is it the contrast furnished by the attention and diligence of this committee that treads upon the toes of the gentleman? Tolerate! Is that the word? What does the gentleman from New York [Mr. DEAN] mean, because, forsooth, he too takes up the song and echoes the strain with the gentleman from Virginia.

The gentleman from New York talks about no business being done, because the Committee on Public Lands occupy the attention of the House. With what do they occupy the attention of the House? What does the gentleman from New York call business? Is it the discussion between the Hards and Softs? [Laughter.]

The Committee on Public Lands have endeavored to discharge the duties with which they are intrusted. They have endeavored to discharge those duties, I repeat, intelligently, and to possess themselves of the facts before they came to a decision, so as to be able at all times to give an intelligent reason for the action which they may recommend to the House. I trust, hereafter, when the committee, in accordance with their instructions, have examined and considered upon any matter, and have submitted a report upon it, as they are bound to do by parliamentary law, that we shall hear no more from the gentleman from Virginia, and the gentleman from New York, about clogging the business of the House, or calling upon the House not to tolerate it.

I endeavored, when I had the floor, to explain all the facts in connection with the bill. Those facts were plain and simple, yet the gentleman from Virginia [Mr. LETCHER] wants more time to consider. Why, how long does it take that gentleman to understand a plain, simple fact? For what length of time does he ask? Does he want to reestablish the old common-law rule of fifteen days' notice before he can be compelled to plead? Is there any fact simple enough to come within his comprehension without having it postponed for days, weeks, and it may be months?

Is it for the advantage of the public interest? Is it the way to facilitate the public business, by referring every little trivial matter, and send it lumbering upon your records in committee, filling up your Calendar, until the House becomes dismayed at the immense amount of business standing there claiming its action?

Sir, it is my opinion that the best way of facilitating the business of the House is by the immediate disposition of these small matters, involving only one or two plain simple facts, as soon as they are reported in the House. Take, for instance, the bill now under consideration. As I before stated, all the cases in all the States in the Union

that would come under its operation would not number more than some fifteen or twenty. It relates only to fractional townships. Every gentleman who knows anything about the system of surveying the public lands, knows that of necessity there must be the sixteenth section, which will fall within the entire townships, and therefore the bill does not and cannot apply to them. I repeat, that it is only in the case of fractional townships, where section sixteen does not, or did not, fall within the limits of the township.

In the original survey, in some cases it was found that in fractional townships, section sixteen would not fall within them. That survey proceeded only to the banks of the boundary rivers, and there stopped; and under the provisions which existed by statute, the authorities proceeded to select, as they had the right to do in cases where section sixteen did not fall within the fractional township, lands in lieu of fractional section sixteen. This selection was made in good faith, under authority of law, and was in good faith confirmed by the Land Office.

The authorities, in some of these cases, have proceeded to dispose of the lands so selected, for school purposes; and, as I have stated, innocent parties purchased them, paying a full and valuable consideration for them, and now are in possession. As I have said, the authorities sold these lands for full consideration. Subsequent to all this, however, after the sale had been made, and after these innocent parties had come into full possession of the lands, the Government determined to have their surveys extended so as to embrace the islands within the boundary streams. And here let me state, although I dislike to make so many repetitions, that these fifteen or twenty cases embrace every one, so far as school lands are concerned, that has been found in the Union, and so far as the surveys of the public lands have been made. It is not confined in its operation, to any one State, but applies to every State in the United States.

But to proceed with the narrative: after this subsequent survey had been made, a few cases were found in which the sixteenth section, in lieu of which lands had been before selected and located, fell upon islands in the boundary streams; and the question now arises, to which of these lands are the States entitled? Whether they are entitled to the lands selected under authority of law, in lieu of the missing section sixteen, as shown by the then existing surveys, and disposed of to purchasers; or whether the title is vested in the sixteenth section wherever found; and now found to be on the islands to which the survey has been extended, and thus disturb the title of the parties purchasing the lands originally selected? If it should, on the one hand, be held that the executive officers of the Government did wrong in stopping their surveys on the banks of the rivers, then the sixteenth sections, when discovered, will belong to the States; if, upon the other hand, it should be held that the surveys were right originally, when limited to the banks of the streams, then the lands selected in lieu of the sixteenth sections are vested in the States, and the parties in possession are the legal owners. The cases can only be settled by legal adjudication, and the whole amount involved in all the cases is but two thousand acres—or it may be less.

I repeat, that there are only some fifteen or twenty cases, and they are all fractional townships, and the whole proceeds are to be given to the States for common school purposes.

Mr. ORR. I perceive that the bill which the gentleman has reported is general in its character.

Mr. DISNEY. I so stated.

Mr. ORR. The gentleman states that there are not more than fifteen or twenty of these cases. I suppose he means that only that number have come to the knowledge of the committee.

Mr. DISNEY. That is all. But I made particular inquiries at the land offices, and those are all the cases they know of. The information I now give to the House, in regard to the number, is derived from the records of the Land Office itself. The bill involves only two thousand acres in the whole, applied to all the northwestern States, where these cases exist, and judicial questions will arise if a bill of this sort is not passed, involving more cost than the whole value of the land involved in it.

[A message was received from the Senate, by

Mr. MACHIN, its Assistant Secretary, informing the House that the Senate had passed a bill "to authorize the construction of six steam frigates," in which he was directed to ask the concurrence of the House.]

Mr. LETCHER. The gentleman from Ohio wants to know whether it is the contrast of the faithful and efficient discharge of their duties, on the part of the Committee on Public Lands, with my own, and that of the committees on which I act, that has induced me to ask the House not to tolerate their course of proceeding. Now, allusions of that sort have very little effect upon me; for, so far as I am concerned, I take it for granted that my attention to the business of this House, and to the business before the committees, will, to say the least of it, compare very favorably with that of the gentleman himself. I believe that such would be the judgment of the House. But now let us look back to what occurred here last session, as well as this, and see whether the Committee on Public Lands are really entitled to all the compliments which their chairman has paid them in his remarks just closed. They have been engaged for the space of nearly three months in considering matters of this sort, and now, at the end of February, they come in and present these bills, and begin to urge them upon the consideration of the House, and to demand their passage the moment they are presented; and all this before there has been an opportunity to print them—before there has been an opportunity to examine them, or to ascertain the various provisions which they embody.

Now, why were not these bills brought in before? Why have not the reports been presented as the reports of other committees here, which have gone on the Calendar, thus affording an opportunity to members of this body to examine into all their principles and all their details? And, sir, the gentleman will recollect, if he will go back to the action of the committee at the last session, that this was precisely the course which was adopted at that time. Towards the latter part of the month of February they came in with their reports. They presented them here morning after morning. They asked their consideration, and an hour or more was wasted in the consideration of each. I believe that the action in regard to the reports made by the Committee on the Public Lands wound up at the close of the first session of the last Congress with the passage of the Arkansas railroad bill, and the passage of the Missouri railroad bill, although they had blocked up all the other business for the space of some five or six months of the Congress, cutting off every other committee from all opportunity even to present reports.

Now, sir, if this thing be continued, where is it to end? Here, on yesterday, we had the old arrangement of the first session of the last Congress started with the Wisconsin railroad. The whole morning hour was spent, and no result was reached in regard to it. That lies over until Tuesday next. This morning the gentleman comes in with other propositions, providing for the confirmation of grants in lieu of sixteenth sections, giving the new States two instead of one. Whether fractional parts or whole sections, does not affect the principle. Here is an hour or more gone this morning. Even suppose you decide this question to-day; to-morrow morning the gentleman comes in with another, and then goes another hour. By the time he is through with the stock on hand, my friend from Alabama, [Mr. COBB,] who is prolific, will come in with an armful—as is usual with him—and then we shall have it for at least a month. [Laughter.]

Mr. COBB. Will the gentleman allow me to reply?

Mr. LETCHER. Certainly.

Mr. COBB. If the gentleman will examine the Calendar he will find, that in proportion to the number reported, more bills from the Committee on the Public Lands were referred to the Committee of the Whole than from any other committee of the House.

Mr. LETCHER. I suppose that the gentleman's committee and the gentleman's claims stand exactly as the reports from the Committee of Claims, of which I am a member, stand here; and that he has no other right to any greater advantage in behalf of the reports from his committee than should be granted to every other committee on this floor.

Mr. COBB. I spoke of bills on the Calendar, and which have been referred.

Mr. LETCHER. Very well; they have so many referred. Now what is the course to get at the balance? Why they come here, and one member of that committee after another takes the floor, and no other member of a committee ever gets a chance to report. That is the game.

I had the curiosity yesterday to go up to the committee room of Public Lands after a conversation with my friend, the chairman, [Mr. DISNEY,] to see how many of these railroad applications were pending before the committee, and to my absolute amazement I found one hundred and seven on the docket! [Laughter.] Both these gentlemen come here, morning after morning, with reports and bills; and when, from present indications, is this thing to end? [Laughter.] It cannot be this session; and we shall have the whole time from now until the close wasted, every other committee cut off from the floor, and every private claim postponed until the next session of Congress, and perhaps even longer.

Mr. HENN. I wish to ask the gentleman from Virginia whether I understand him to say that there are one hundred and seven railroad propositions before that committee?

Mr. LETCHER. Yes, sir, one hundred and seven applications.

Mr. HENN. For different roads?

Mr. LETCHER. I do not know whether for different roads or not; but there are that number of applications for railroads.

Mr. HENN. I will explain to the gentleman. A great many of these applications are for the same road. I, myself, have presented twenty applications for one road, and they are all entered on the docket.

Mr. LETCHER. How many different bills have been referred in regard to the same road is not mentioned. My friend from Alabama [Mr. COBB] has acknowledged the corn as to five different bills introduced by him. [Laughter.] How many has the gentleman from Iowa?

Mr. COBB. I acknowledge the corn to more than five. I have more than that number.

Mr. LETCHER. I mentioned it to you yesterday; but you did not seem disposed to acknowledge it then.

Mr. HENN. There are fourteen propositions from my State; but the committee have not examined them yet.

Mr. LETCHER. Mr. Speaker, is not that modest for a young State! [Laughter.] No more than fourteen! Here is a list, furnished, as I understand, by the Clerk, in which there appear to be forty-four bills for independent railroads awaiting the action of the committee. There is no sort of connection between them at all, unless it may be that one line begins where the other ends. But here there are bills for forty-four independent roads to come before the House.

[A message was here received from the President of the United States, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, informing the Speaker that he had signed bills of the following titles:

An act (House bill No. 197) supplemental to an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3, 1851.

An act (House bill No. 200) to confirm to Hercules L. Dousman his title to farm lot No. 32, adjoining the town of Prairie du Chien, in the State of Wisconsin.

An act (House bill No. 100) for the relief of William Blake.]

Mr. LETCHER, (resuming.) Mr. Speaker, I see that Alabama has eight of these bills under consideration, either reported to the House or now before the committee for action; Indiana and Illinois have each two bills; Arkansas has two; Florida has one—

Mr. ORR, (interrupting.) Mr. Speaker, is it in order to discuss railroads on this bill?

THE SPEAKER. It is not in order.

Mr. LETCHER. I am merely referring to them by way of illustrating my position.

THE SPEAKER. The question is on referring the bill reported by the gentleman from Ohio [Mr. DISNEY] to the Committee of the Whole on the state of the Union.

Mr. WENTWORTH, of Illinois. Mr. Speak-

er, the State of Illinois has applied for no road, and asked for none.

Mr. LETCHER. Well, I do not think that Illinois ought to ask for any, after getting two millions and a half only two or three years ago.

The SPEAKER. This discussion is not in order.

Mr. LETCHER. I merely refer to these matters for the purpose of showing that if the arrangements now proposed to be carried out by the chairman of the Committee on Public Lands shall be carried out here, that it would render it impossible—utterly impossible—that any other committee can receive consideration during the balance of this session, and all other committees might as well be disbanded at once. I do not ask anything for the committee of which I am a member that I am not willing to have awarded to others. All I seek is, that they be all placed on the same footing. When our reports are presented here, let them be appropriately referred. Let them be printed, and let every member have an opportunity to examine them, and inform himself about the facts which they embody. And when this is done, then let members be called upon to vote.

But the gentleman from Ohio [Mr. DISNEY] tells us that this bill is a very simple one—that it contains but few provisions, and these very simple ones—and that the whole amount of land embraced by it, is probably not more than fifteen hundred or two thousand acres. It will be recollected that on yesterday the chairman of the Committee on Public Lands laid it down as a rule, that all the States were to be equalized in respect to the donations or grants of public lands for the purpose of internal improvement, or for any other purpose. Now you go on here and confirm the titles to the sections of land already taken by these States, and you award to the States, also, the sixteenth sections which they have not taken. How many of these cases will occur no one knows. We only know how many of them are before that committee. That is as far as we can go for the present; but when we open the door, we will find it a difficult matter to close it again. We must go on, according to the rule of the chairman of the Committee on Public Lands, and equalize the States in their donations and grants.

Mr. DISNEY (interrupting) made an observation, which was, in a great measure, inaudible to the reporter; but to the effect that there were only a few cases to which this act would have to be applied.

Mr. LETCHER. Very well, sir; how many of them? Can the gentleman tell us where these lands lie? In what States?

Mr. DISNEY. If the gentleman had paid any attention to the facts, he would have known. I said they were situated in Alabama, Missouri, and Iowa.

Mr. LETCHER. How many acres are required for each of these States?

Mr. DISNEY. From three to four hundred acres.

Mr. LETCHER. And then, in all probability, Indiana will come in here, at the next session, and claim that she may be equalized with each of these other States, that have got three or four hundred acres, by virtue of this act.

Mr. DISNEY. This is a general bill.

Mr. LETCHER. So I understand. It is a general bill. You will confirm the title to the land taken, and give them, also, all the unoccupied sixteenth sections. It is general in that particular, at least. But is it not general further than that? Does it not open the door to those who want to get the benefit of the principle, and allow others to come in here and base claims upon this as a precedent?

But the gentleman says the case is simple, and easily understood; that he has made an explanation of the whole matter; and therefore the House ought to be prepared to act upon it. The gentleman knows the opinion I entertain in regard to him, and that I would impute no improper conduct to him. But I have seen bills presented to this House, under circumstances similar to those under which this has been introduced, which have been passed by this House, but which, from misunderstanding, or from a want of opportunity to examine them, operated to produce a far different result from that avowed by their friends and patrons upon the floor at the time of their passage. I want an opportunity to look into this thing,

and so do the members of this House, I imagine. We do not come here to pin our faith to the sleeve of the chairman, or of any member of any committee of this body. We come here to examine these things, and to vote understandingly upon them; but if the rule now sought to be enforced is adopted, everybody will be cut off except an isolated individual upon a committee, who has examined the matter and given it his attention.

I hope this bill will be referred to the Committee of the Whole on the state of the Union, and there take its chance; and that other committees and others members of this House, as well as the Committee on Public Lands, will have an opportunity for the introduction of bills and reports between this and the close of the session.

I move the previous question.

The previous question was then seconded, and the main question ordered to be put.

Mr. TAYLOR, of Ohio. Is the first question upon the passage of the bill?

The SPEAKER. The question is first upon the motion to refer the bill to the Committee of the Whole on the state of the Union, and that it be printed.

The question was taken, and the motion was agreed to.

The SPEAKER. Reports are still in order from the Committee on Public Lands.

Mr. HENDRICKS. I move that the House resolve itself into the Committee of the Whole House upon the Private Calendar.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, (Mr. MIDDLESWORTH in the chair.)

The CHAIRMAN. The first bill in order, for the consideration of the committee, is House bill No. 51; which will be read by the Clerk.

Mr. LETCHER. Is it objection day?

The CHAIRMAN. It is the fourth Friday of the month, and therefore objection day.

Mr. LETCHER. I move that the committee now commence to take up the cases upon the Calendar at the point where objections ceased the last time the committee were in the Committee of the Whole House on the Private Calendar.

The CHAIRMAN. If no objection be made, that course will be pursued. The first bill in order is bill No. 246, for the relief of the children and heirs of Major General Baron De Kalb.

The bill was then read by the Clerk; and the report was in the process of being read—

Mr. WASHBURN, of Illinois. As this report is a very long one, I move that its further reading be dispensed with.

Mr. JONES, of Tennessee. I move to amend that motion by dispensing with all further action in reference to the bill until some day when we can have an opportunity to discuss it.

The CHAIRMAN. Does the gentleman from Tennessee object to its consideration?

Mr. JONES. I do.

The CHAIRMAN. Then it must go over.

The next bill in order on the Calendar was Senate bill (No. 17) "to reimburse to the common council of New York city expenditures made for the first regiment of New York volunteers."

The bill was read through by the Clerk.

Mr. BISSELL. This bill ought to pass. I hope there will be no objection.

Mr. JONES. I call for reading of the report.

Mr. BISSELL. I will state to the honorable gentleman from Tennessee that the Committee on Military Affairs concluded to adopt the report of the Senate committee. I understand that that report has temporarily been mislaid by the Clerk. I will, therefore, make a statement to the House of the facts of the case. It is a very simple one, and the justice of the claim is very apparent. The committee thought so.

Mr. HAMILTON. If debate arises, the bill must go over.

Mr. BISSELL. I am not going to debate it, but simply to make a statement of the facts of the case in the absence of the report.

The CHAIRMAN. The report has been found, and will be read.

The Clerk then read the report, which is very brief; and from which it appears that the bill merely proposes to provide for a balance of \$3,672 90 of disbursements of money actually paid out by the

Common Council of New York city, for the equipment of volunteers for the service of the United States, the payment of which was suspended because the vouchers therefor were not in the proper form.

Mr. JONES, of Tennessee. I think that the principle contained in that bill is wrong; and, as we cannot debate it to-day, I object to its consideration.

Mr. BISSELL. I do not like this plan of objecting without necessity or reason.

Mr. JONES. I say that I am opposed to the principle of the bill, and as it cannot be discussed to-day, I object to its consideration.

The bill was accordingly laid over.

The bill next in order on the Calendar was Senate bill (No. 33) "for the relief of the legal representatives of Major Caleb Swan, deceased."

The Clerk read the bill and the accompanying report.

Mr. JONES, of Tennessee. It is evident, I think, that there is not a quorum present; and that very few of those who are here are attending to the consideration of these claims. I therefore move that the committee do now rise.

Mr. HAMILTON. We are attending to them very well, and I trust that the motion will not be agreed to.

The question was put; and, on a division, there were—ayes 7, noes 75; no quorum.

Mr. CAMPBELL. I demand tellers.

Tellers were ordered; and Messrs. WRIGHT, of Pennsylvania, and CHURCHWELL were appointed.

The question was then taken, and the tellers reported—ayes 14, noes 79; no quorum voting.

Mr. JONES, of Tennessee. Call the roll.

The roll was then called, and the names of the absentees noted; and Mr. ORR taking the chair, the Chairman of the committee [Mr. MIDDLESWORTH] reported that the Committee of the Whole House on the Private Calendar had found itself without a quorum, and directed him to report the fact to the House, with the names of the absentees.

The SPEAKER *pro tempore*. A quorum having answered to their names, the Chairman will resume the chair.

The CHAIRMAN accordingly resumed the chair, and announced that when the committee found itself without a quorum, the pending question was upon a motion that the committee rise.

Mr. JONES, of Tennessee. I withdraw the motion.

The CHAIRMAN. The pending question now is upon the passage of Senate bill (No. 33) "for the relief of the legal representatives of Major Caleb Swan, deceased."

Objection was then made, and the bill was laid over under the rule.

The next bill which came up in order for consideration was Senate bill (No. 134) "for the relief of Allen C. Johnson."

The bill provides that the Secretary of the Treasury be directed to cause to be paid to Allen C. Johnson, of the State of Florida, the value of certain subsistence stores, turned over to him as captain in the Florida militia, at the time of his muster out of service, on the 6th of January, 1840, to J. B. Collins, a quartermaster in the service of the United States, but not credited to him by the said Collins in his returns to the Treasury Department; the amount so paid not to exceed the sum of \$137 23.

The report was then read.

Mr. BISSELL. The Committee on Military Affairs have investigated this case very minutely, and think that the bill should be passed.

No objection being made, the bill was laid aside, to be reported to the House.

The next bill which came up in order for the consideration of the committee was Senate bill (No. 135) "for the relief of Adam D. Stewart, a paymaster of the United States Army."

The bill, which was read, provides that the Secretary of the Treasury cause to be paid to Adam D. Stewart, a paymaster of the United States Army, the sum of \$150, the same being the amount paid by him as a fee to Ashley Ringo, for prosecuting a suit at law for the recovery of the sum of \$2,000, stolen on board of the steamboat Tom Bolin, while the said specie was in his charge, and being transported, for account of the United States, to Little Rock, in Arkansas, in June, 1834.

The report was then read.

No objection being made, the bill was laid aside, to be reported to the House.

The bill next in order for consideration was Senate bill (No. 184) "for the relief of Mrs. Elizabeth C. Smith, of Missouri."

The bill provides that the proper accounting of officers of the Treasury be authorized and directed to pay to Mrs. Elizabeth C. Smith, of Missouri, for her services as a private in Captain Holeshider's company D, of Colonel Gilpin's regiment of Missouri infantry volunteers, from September 16, 1847, to May 14, 1848, in which she served during that time in male attire, and under the assumed name of "Bill Newcom," as well as three months' extra pay provided for by the fifth section of the act approved July 19, 1848, in the same manner as if she had been properly mustered and regularly discharged.

The bill was laid aside, to be reported to the House, with a recommendation that it do pass.

The bill next in order for consideration was Senate bill (No. 264) "for the relief of Samuel K. Rayburn."

The bill provides that the sum of \$105 should be paid Samuel K. Rayburn, in full compensation for the loss of a horse and equipage in the war with Mexico.

Mr. BISSELL. I believe that in this case there is no written report. The facts in the case are very plain, and well attested. Rayburn was a volunteer in the private mounted volunteers of Alabama, from which, in the neighborhood of Vera Cruz, he became necessarily separated a short time from the balance of the company, and in that condition was set upon by a ranchero, and while pursued by him, he had the misfortune to ride into a cistern, partially filled with water, and by that means his horse was killed, never being taken from the cistern. Rayburn himself remained in a very critical condition for some hours, until he was extricated from the cistern. As he lost not only his horse but all his equipage, he applied to the Department for payment for the loss thereof, but as the law provides indemnification for horses only when lost in battle, the officers at the head of the Department thought that they could not allow payment for this one, inasmuch as this one was not technically lost in battle. The committee were unanimously of the opinion that the amount named in the bill should be paid to Rayburn for the loss of his horse.

There being no objection, the bill was laid aside, to be reported to the House, with a recommendation that it do pass.

The next bill in order upon the Calendar was House bill (No. 265) "for the relief of W. D. Porter, of the United States Navy."

The bill and report having been read, Mr. WALSH objected, and the bill was laid over.

The next bill in order upon the Calendar was House bill (No. 266) "for the relief of Captain E. A. F. Lavallette, of the United States Navy."

The bill, which was read through by the Clerk, provides for payment of the sum of \$346 67 to Elias A. F. Lavallette, a captain of the United States Navy, the said sum being the amount paid by the said Captain Lavallette to Lawrence Cardona, who acted as interpreter to the forces under Captain Lavallette, while he was discharging the duties of civil and military Governor of Mazatlan, in Mexico, from October, 1847 to June, 1848.

Mr. LANE. There is no need of reading the report; the bill explains itself.

Mr. CHANDLER. I can assure the House that the bill is a just and proper one.

There was no objection, and the bill was accordingly laid aside, to be reported to the House.

The next bill that came up in order was House bill (No. 267) "for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufala."

The bill, which was read through by the Clerk, provides that there be paid to the legal representatives of Captain William Davis, late commander of the United States schooner Eufala, \$360 in full compensation of all claims against the United States, for and on account of the wages or services of said William Davis, as commander of said transport.

Mr. BISSELL. There is no written report in this case, but the facts are these: Mr. Davis was

employed in transporting supplies to our Army during the war with Mexico. In the fall of 1848, while at New Orleans, he was ordered to proceed to Philadelphia by sea with his schooner. It was at a time when, for several successive days, the most violent gales swept over the Gulf. He started from New Orleans but never reached Philadelphia, nor did his schooner, nor any of those who were with him. The Quartermaster General has adjusted his accounts up to the time when he left New Orleans, but he says he had no power to pay for anything beyond that, though he recommends that Congress should do it. The committee thought it right to allow pay to his representatives up to the time when he would naturally, under the ordinary state of things, have reached Philadelphia, and that is what we have done.

There being no objection to the bill, it was laid aside, to be reported to the House.

The bill next in order on the Calendar was Senate bill (No. 155) "granting five years' half pay to the widow of Captain John W. Gunnison."

The bill directs the Secretary of the Interior to place the name of Mrs. Gunnison, widow of Captain John W. Gunnison, deceased, upon the list of pensions, and pay to her, for the term of five years, from the 1st of January, 1854, half the pay to which her husband was entitled at the time of his death.

The CHAIRMAN. The report will be read.

Mr. LANE, of Indiana. Oh, we are all conversant with the case.

Mr. HENDRICKS. It is hardly necessary to read the report.

Mr. LANE. I move to amend the bill by striking out "five years," and inserting "ten years," in lieu thereof, so as to place Mrs. Gunnison on the same footing as the widows of other officers.

Mr. COBB. I must object to the amendment, although otherwise I have no objection to the bill.

Mr. LANE. Do I understand the gentleman to object to the amendment?

Mr. COBB. I do.

Mr. LANE. Why it merely proposes to place Mrs. Gunnison on the same footing as the widows of officers killed in the service. Her husband was clearly in service at the time of his death.

Mr. COBB. I do not object to the bill, but only to the amendment.

Mr. LANE. Then I withdraw the amendment.

There being no objection to the bill, it was then laid aside to be reported to the House.

The bill next in order on the Calendar was Senate bill (No. 117) "for the relief of Moses Olmstead."

The Clerk read the bill, which directs the Secretary of the Interior to place the name of Moses Olmstead on the list of invalid pensioners, and pay him during his life a pension of eight dollars a month, commencing January, 1853.

Mr. WALSH objected to the bill, and it was laid over.

The next bill in order upon the Calendar was Senate bill (No. 100) "for the relief of Mary C. Hamilton."

The bill was read through. It provides that Mrs. Hamilton shall receive such pension, commencing from the day of the death of her husband, as she would have been entitled to had he died of wounds received in battle.

The report on the case was read.

No objection being made, the bill was laid aside to be reported to the House.

The next bill which came up for consideration was House bill (No. 268) to provide a pension for James K. Welch.

The bill, which was read, provides that the name of James K. Welch be placed upon the pension roll at eight dollars a month, from the first day of January, 1854, to continue during his natural life.

The report was then read, from which it appears that the petitioner enlisted in the service of the United States in February, 1846, as a private in company K, of the sixth regiment of infantry, of the regular Army; that while at Vera Cruz, about 8th June, in 1846, exposed to drilling and much fatigue in the heat of the sun, petitioner became sun-struck, and was put under charge of the surgeon. He becoming worse, was put in the hospital at Vera Cruz, and remained there about

two months; that his right eye went out the second day, and the left in nine days; and that he has ever since been totally blind.

Mr. JONES, of Tennessee. I wish to inquire if the individual in this case applied to the Pension Office. It seems to me that this is a case which comes clearly within the general law, and that the petitioner, upon application at the proper Department, could have received a pension.

Mr. DENT. The papers accompanying the petition show that he never did make application for a pension.

Mr. JONES. The general law provides for all cases where the disability was incurred in the service of the United States.

Mr. DENT. I do not suppose that the petitioner ever applied at the Pension Office. As the facts were reported to us, the committee came to the conclusion that the case was a very meritorious one.

Mr. JONES. I would like to know why the petitioner did not apply to the proper Department.

There being no objection, the bill was laid aside to be reported to the House, with a recommendation that it pass.

The bill next in order upon the Calendar for consideration was House bill (No. 269) "to create and provide a pension for David Towle."

The bill provides that the petitioner be placed upon the pension rolls at the rate of eight dollars per month, from the 5th of April, 1848.

The report accompanying the bill shows that the petitioner, on the 14th of April, 1813, enlisted for one year as corporal in the thirty-third regiment of the United States infantry, commanded by Colonel Isaac Lane; that the regiment to which he belonged marched to Boston, and from that place were afterwards ordered to march to Concord, in August, during excessively hot weather, and that from the exhaustion consequent upon the march at that time, he suffered so much as to disqualify him from performing labor of any kind.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

The bill next in order upon the Calendar was House bill (No. 270) "to provide a pension for Captain Thomas Porter."

The bill provides that the name of the petitioner be placed upon the pension rolls of invalid pensioners, at the rate of twenty dollars per month, from March, 1831, taking from such amount the sum or sums as have heretofore been paid to him by way of pension.

The report was read by the Clerk.

It seems that Thomas Porter entered the service, in Captain James A. McClelland's troop of volunteer light dragoons, in the month of October, 1812; continued in said service for one year; was severely wounded at the battle of Missinaway on the 19th December, 1812. His horse was killed in said battle. Partially recovering from said wound, he joined his troop in the following spring, and marched to Fort Meigs; was in the first siege of said fort; at which place he was slightly wounded by a cannon ball, the same killing a second horse for him while in the attitude of mounting. He continued in the service till the close of the campaign, partaking in all the engagements of his squadron, and terminating with the battle of the Thames; after which he was discharged. Shortly after leaving the volunteer service he received, without solicitation on his part, the appointment of ensign in the 16th regiment United States infantry; and soon thereafter, without solicitation, the additional appointment from President Monroe of assistant deputy quartermaster general, with orders to repair to Carlisle, in the State of Pennsylvania. He accepted the appointment; and promptly repaired to the post assigned him, and there continued in the full discharge of his duties until peace was made. In the winter of 1814 and 1815 he felt serious inconvenience from the wounds he had previously received, and was confined to his bed for some weeks in consequence thereof. From the month of October, 1819, in consequence of said wounds, he has been confined to his bed, his crutches, and his staff. His sufferings have been great, beyond the power of language to express. The greater part of the thigh bone below where the ball passed has been extracted, and has left great inflammation, and a constant running sore. The Army surgeons certify to the disability, and believe that it was brought on by severe

service and exposure in the winter of 1814 and 1815. The muster-roll has a note, showing that Captain Porter had his horse killed at Fort Meigs, his saddle, holsters, and pistols torn to pieces, and that he immediately supplied himself with another horse. And there is abundant testimony going to show that Captain Porter served his country gallantly and faithfully in every position in which he was placed; that in so doing he has received wounds which make him an invalid for life; that he is poor and needy; that the country owes him a debt of gratitude, and ought to pay it liberally and promptly.

Mr. HAMILTON. I ask that that bill may again be read.

The bill was again read through by the Clerk.

The CHAIRMAN. The following amendment to the bill is pending:

Add thereto the words—

"And the amount found due under the provisions of this act shall be paid to the children of said Captain Thomas Porter."

Mr. LANE, of Indiana. As I stated to the House the other day, since the Committee on Invalid Pensions reported this bill for the benefit of Captain Thomas Porter, he has died. He has, however, left four children, and I offered this amendment to give the pension that was due him to those children.

It will be recollected that I stated the other day that the disability occurred in consequence of his wounds being aggravated by exposure while he was a captain; that he submitted proofs to this House of that fact; and that the member of Congress from his district had a special act passed giving him eight dollars per month. It appears that the passage of that special act prevented his name being placed upon the pension roll, as it should have been, at twenty dollars per month.

A MEMBER. Does he leave a widow?

Mr. LANE. He does not; but there are four children.

Mr. WALSH. I would like to ask the gentleman what are the ages of the children?

Mr. LANE. Two of the children are young, unmarried women, who are now living with and are supported and sustained by a connection of the late Captain Porter by marriage. They are entirely destitute.

Mr. HAMILTON. I would inquire of the gentleman when the application was first made to Congress?

Mr. LANE. In 1831, I think.

Mr. HAMILTON. When was the pending application made?

Mr. LANE. This session. I will state, however, for the information of the gentleman, that some eight or twelve years ago an application was made to the Department for a pension, and the Department, believing that Congress had had the subject under consideration, declined to place Captain Porter's name on the pension roll.

Mr. LETCHER. I believe that if debate arises the bill must go over?

The CHAIRMAN. That is the rule.

Mr. LETCHER. Then let it go over.

Mr. DENT. I hope no one will debate it, but that the amendment will be adopted. I investigated the papers in this case, and know that it is a very plain and meritorious one. If the committee does not understand the case, I would like to state the circumstances, and why the amendment is necessary. It is a very peculiar case.

Mr. LETCHER. Let the amendment be read, that we may know what it is first.

The Clerk again read the amendment.

Mr. DENT. Now, sir, by your leave, I will make a statement. The papers in this case were placed in my hands for investigation. After the report was made out—indeed, on the very morning when it was to be submitted—news came that Captain Porter was dead. The amendment was offered for the purpose of giving the benefits of the pension which he was entitled to to his family. It appears that he has received only eight dollars a month since 1831, when in fact he was entitled to a captain's pension.

Mr. LETCHER. And do you propose to give him the difference between eight dollars a month and a captain's pension back to 1831?

Mr. DENT. We do.

Mr. LETCHER. Well, then, I object to the bill.

The bill was accordingly laid over.

The bill next in order on the Calendar was House bill (No. 272) "for the relief of Daniel Bedinger's heirs."

The Clerk read the report which accompanied the bill.

Mr. HAMILTON objected to the bill, and it was passed over.

The bill next in order on the Calendar was House bill (No. 273) "for the relief of the legal representatives of Colonel John H. Stone."

The bill was read through. It provides that the Secretary of the Treasury be authorized and directed to pay out of any money in the Treasury not otherwise appropriated to the legal representatives of Colonel John H. Stone the half pay of colonel in the continental line of the Army of the United States, said pay to commence August 1, 1779, and to terminate October 5, 1804, the day of his death, the same being then due and unpaid in virtue of the resolution of Congress of August 17, 1776.

The report was then read, but—

Mr. MILLSON objecting, the bill was laid over under the rules.

The next bill which came up in order for consideration was House bill (No. 274) "for the relief of the legal representatives of Colonel Willis Rid-dick, deceased."

Mr. JONES, of Tennessee. As the gentleman who made the report in this case is not present, I think that the case had better lie over.

So objection being made, the bill was laid over under the rules.

The case next in order upon the Calendar was a report, (No. 106,) being "a resolution to refer the petition of Isaac S. Bowman, son and executor of Isaac Bowman, deceased, to the Secretary of the Interior for liquidation under the act of July 5, 1832."

Mr. JONES, of Tennessee. As this is a case of the same character with the last, and as the gentleman who reported it is not present, and it ought not to be passed without discussion, I object to its consideration now.

So objection being made, the case was laid over under the rules.

The bill next in order upon the Calendar was House bill (No. 275) "for the relief of James M. Lewis."

The bill provides that the name of the petitioner be placed upon the pension rolls of the United States, at the rate of eight dollars per month, from the first of January, 1850, to continue during his natural life.

The report in this case shows that the petitioner served his country about four years; that he was in military service, under the command of General Jackson, for two years, and took part in the battles on the southern frontier, where he received wounds, and that subsequently, in carrying an express from the army to Nashville, he was thrown from his horse, and so severely injured as to amount to total disability.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

The next bill in order on the Calendar was House bill (No. 276) "for the relief of William Mayo, of the State of Maine."

The bill (which was read) authorizes and directs the Secretary of the Interior to increase the pension now received by William Mayo, of the State of Maine, three dollars per month from January 1, 1854, making thereby the said William Mayo's pension eight dollars per month during his natural life.

The report (which was read) shows, that William Mayo, of Belfast, Maine, was in the United States service as an ordinary seaman, and that while in the service he became disabled, and was left at the port of Rio Janeiro, at the hospital; that owing to want of proper medical treatment, he lost his eye-sight ere he was returned to his home; that he has applied for, and received a pension from the Government, of five dollars per month, 25th February, 1846.

The proof of service and of his disability is complete, he being entirely blind, and without a connection to rely upon for aid or protection.

There was no objection, and the bill was laid aside to be reported to the House.

The next bill in order on the Calendar was House bill (No. 277) "for the relief of James Walsh."

The bill (which was read) authorizes and directs the Secretary of the Interior to place the name of James Walsh, of the District of Columbia, upon the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the 1st day of January, 1854, and to continue during his natural life.

The report (which was read) shows that James Walsh was in the service of the United States, as a private soldier, from the 6th of December, 1836, until May 4, 1849, with the exception of a few months; that at each expiration of his time he was honorably discharged, except that, on one occasion, he is reported as under *ordinary disability*, which continued only one month and nine days.

He also proves that at the battle of Molino del Rey, in Mexico, September 8, 1847, he was wounded in the left foot by a shot, which now renders him, as appears by the certificate of Surgeon Wotherspoon, of the United States Army, entirely incapacitated from earning his livelihood by manual labor, and that he is now an inmate of the military asylum, in the District of Columbia.

There was no objection, and the bill was laid aside, to be reported to the House.

The bill next in order on the Calendar was House bill (No. 278) "for the relief of Jesse R. Faulkner, of Missouri."

The bill (which was read) directs the Secretary of the Interior to place the name of Jesse R. Faulkner, of Missouri, on the pension roll of the United States, at the rate of eight dollars per month during his natural life, commencing January 1, 1854.

No objection being made, the bill was laid aside, to be reported to the House.

The bill next in order on the Calendar was House bill (No. 279) "for the relief of Albro Tripp."

The bill was read.

It directs the Secretary of the Interior to place the name of Albro Tripp upon the invalid pension roll, at the rate of ten dollars per month, in lieu of the four dollars per month which he is entitled to under the law passed May 4, 1852, to commence the 1st of December, 1851, and continue during his natural life, the sum he has received under said act of May 4, 1852, to be deducted therefrom.

The second section repeals an act passed May 4, 1852, "for the relief of Albro Tripp."

The report accompanying the bill was then read.

Mr. HAMILTON. I would ask the gentleman who reported this bill why the person for whose benefit this bill is designed is to have a pension of ten dollars a month instead of eight dollars, or whatever the usual sum is? I think there should be uniformity in the granting of these pensions.

Mr. HENDRICKS. I do not see the gentleman from Kentucky [Mr. CHRISMAN] who reported this bill in his place, but there seems to have been a half disability established by the evidence; the petitioner seems to have been a captain. A disabled captain's full pension is twenty dollars a month, half of which would be ten dollars; and it is on that that the bill is based. The report shows that he was a captain, but that Congress did not understand that fact when the former bill for his relief was passed.

There being no objection to the bill, it was laid aside, to be reported to the House.

Bills of the following titles next came up in order, and were objected to, as indicated below:

No. 281. A bill for the relief of Brigadier-General John E. Wool. [By Mr. LANE, of Indiana.]

No. 282. A bill for the relief of the legal representatives of Colonel Francis Vigo. [By Mr. HAMILTON.]

S. No. 54. An act for the relief of Priscilla C. Simonds. [By Mr. STANTON, of Tennessee.]

Mr. WRIGHT, of Pennsylvania. I move that the committee do now rise and report the bills which have been ordered to be laid aside to be reported to the House with the recommendation that they do pass.

The question was taken, and the motion was agreed to.

The committee accordingly rose and the Speaker having resumed the chair, the Chairman [Mr. MIDDLERSWORTH] reported that the Committee of the Whole House had had the Private Calendar under consideration; and had directed him to report sun-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, FEBRUARY 28, 1854.

NEW SERIES....No. 31.

dry bills without amendment, and with the recommendation that they do pass.

Mr. HENDRICKS. I move that the House take up the bills just reported from the Committee of the Whole, and that they be considered together, they having been all reported without objection.

Mr. McNAIR. I object.

Mr. LANE, of Indiana. I desire a separate vote upon Senate bill (No. 155) "granting half pay to the widow of Captain John W. Gunnison."

Mr. McNAIR. I withdraw my objection.

The SPEAKER. Is it the pleasure of the House that the bills which are objected to be noted at the request of any member desiring a separate vote thereon, and that the balance be voted upon, and passed together?

Mr. CLINGMAN. Let them be announced one by one.

The following Senate bills were then ordered to be read a third time; and, having been severally read the third time, were passed:

No. 134. An act for the relief of Allen C. Johnson.

No. 135. An act for the relief of Adam D. Steuart, Paymaster of the United States Army.

No. 184. An act for the relief of Mrs. Elizabeth C. Smith, of Missouri.

No. 100. An act for the relief of Mary C. Hamilton.

The following House bills were then ordered to be engrossed, and read a third time; and having been engrossed, they were subsequently read the third time, and passed:

No. 279. A bill for the relief of Albro Tripp.

No. 278. A bill for the relief of Jesse R. Faulkner, of Missouri.

No. 277. A bill for the relief of James Walsh.

No. 276. A bill for the relief of William Mayo, of the State of Maine.

No. 275. A bill for the relief of James M. Lewis.

No. 267. A bill for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufala.

No. 268. A bill to provide a pension for James K. Welch.

No. 266. A bill for the relief of Captain E. A. F. Lavallette, of the United States Navy.

No. 264. A bill for the relief of Samuel K. Rayburn.

The SPEAKER. There is one bill still remaining undisposed of, being Senate bill granting five years' half pay to the widow of Captain John W. Gunnison.

Mr. LANE, of Indiana. I propose an amendment, to strike out the word "five," and insert in lieu thereof the word "ten," so as to place the petitioner upon the same footing with widows of other pensioners.

Mr. LETCHER. What will be the effect of the amendment?

The SPEAKER. The effect will be to give the petitioner ten years' pension instead of five.

The question was then taken upon the amendment, and it was decided in the negative.

The bill was then ordered to be engrossed, and read the third time; and, having been engrossed, and read the third time, it was subsequently passed.

DEATH OF GENERAL ARMSTRONG.

Mr. CHURCHWELL rose and said:

Mr. SPEAKER: In obedience to that inexorable law of God, our great men have fallen around us like the autumn leaves. The badge of death is still upon us. It is a melancholy duty, Mr. Speaker, to announce the end of any one's life, but more particularly the death of a bosom friend.

With the going down of yesterday's sun the spirit of a noble American patriot took its flight.

General Robert Armstrong is no more. After an illness of several days he expired near 7 o'clock, p. m., of yesterday, leaving a large family of affectionate children to mourn the loss of a fond and devoted father. He died of congestion of the brain.

He first saw the sunlight in the year 1791, making his age, when he died, sixty-three years. He

was born at Abingdon, Washington county, Virginia. He afterwards removed with his father's family (Trooper Armstrong) to Tennessee, and settled in Knox, my native county, where he resided for many years, and enjoyed the confidence and esteem of a large circle of friends. He then moved from Knoxville to Nashville, and remained a citizen of the last-named city until called by President Polk to fill the high and responsible trust of Consul to Liverpool. While discharging the duties of this honorable position—which he did with honor to himself and credit to his country—he made many very warm friends in England.

The dread messenger has summoned from among a large circle of warm and devoted friends one of earth's noblest gentlemen.

He has gone to the grave. Need we deplore him?

He has gone to an honorable grave, having borne himself nobly and gallantly through his whole life.

He was the bosom companion and friend of that great patriot who sleeps at the Hermitage in my own native State. He possessed the confidence of General Jackson in a greater degree than any living man.

Of Irish descent, he was largely endowed with those noble qualities that always adorn the Irish heart—generous and brave.

He was a reliable man—true to his friends; true to his enemies; honorable to both. If I had the privilege and the honor of writing his epitaph, I would inscribe upon his tomb, "*Here lies a true man.*"

He was a Democrat of the Jackson school. The last Congress elected him its public printer, and the present House of Representatives acknowledged their appreciation of his merits in that capacity by his reelection by a decided majority.

He had the confidence of Presidents Jackson, Van Buren, Polk, and Pierce. He never betrayed a trust, or proved false to a friend. As a soldier he rendered to his country distinguished services. Admirable man!

General Armstrong was emphatically the body guard of General Jackson.

In the last hours of the old hero's last days, when about to set his house in order for the great change common to us all, he addressed a letter to General Armstrong, expressing his warm feeling of devotion and regard. In the distribution of trophies of honor and fame which gallant States and a grateful people tendered him for noble acts and chivalrous deeds, he reserved his pistols and sword, which he had so often worn and unsheathed in defense of his country's honor, for his brave and tried friend.

He bequeathed them to the hands of General Armstrong. He says in his will: "As a memento of my high regard for General Robert Armstrong as a gentleman, patriot, and soldier, as well as for his meritorious military services under my command during the late British and Indian wars, and remembering the gallant bearing of him and his gallant little band at Enotchopeco creek, when, falling desperately wounded, he called out, 'My brave fellows, some may fall, but save the cannon'—as a memento of all these things, I give and bequeath to him my case of pistols and sword, worn by me throughout my military career, well satisfied that in his hands they will never be disgraced—that they will never be used or drawn without occasion, or sheathed but with honor." General Armstrong received these emblems of glory and renown, by the request of General Jackson, through the hands of Hon. A. O. P. Nicholson.

They were preserved pure and unsullied—thus he leaves them.

"Death lies on him, like an untimely frost
On the sweetest flowers of all the field."

But, sir, I do not propose to go into the biography of this departed hero—history will record his fame. I only desire to pay an humble tribute of respect to a bosom friend.

Sad is the heart of many warm and devoted friends on this mournful occasion. The debt is a

common one. We must all pay it—the law is inexorable.

Few are our days between the cradle and the grave. All things are subject to end and decay. Man, like all else, falls to the earth—to sprouts, trees, and flowers again:

"How short is human life! the very breath
Which frames our words accelerates our death."

In order that members of this House may have an opportunity to attend the funeral ceremonies of the deceased, I move that when this House adjourns it adjourn to meet on Monday next.

Mr. EWING. I think there is a peculiar propriety in the motion which has been made by my friend from Tennessee. I know not what precedents may have been established upon similar occasions, if any have occurred; but General Armstrong was an officer intimately connected with this House, and from this fact, aside from his manifold virtues, the forms of mourning should be regarded upon the occasion of his death.

I thank my friend from Tennessee for having made this motion upon his own part, and cheerfully accede to his gratifying request that I should second it, and for connecting with it the still more gratifying suggestion, that I had the honor to be a favorite of the worthy man who has so recently been taken from our midst. I am proud of the compliment; and I should have heard it with unmixed pleasure, but for the fact that I feel that to stand so well with one whose standard of honor, truth, and probity was so exalted is a compliment that I do not deserve. I feel almost the shame of having practiced an innocent imposition upon his generous simplicity.

His whole career was one of manly virtue, and his many years were full of honor. He had served his country with such eminent distinction as to have won the proud title earned before by Marshal Ney—of the "bravest of the brave." And he died in a service not less honorable than that of the soldier, for in this day "the pen is mightier than the sword." But his higher, better, and rarer qualities; his generous simplicity of heart, his truth and honesty of character, were only appreciated by those who knew him as a friend.

But, sir, I will not undertake to pay to him a high-sounding eulogy. It would not, I am sure, have comported with his own wishes—with his own modest character. The tear of sorrow for his death, the kind word of condolence and sympathy with his friends, is the most appropriate tribute we can pay to his memory. I hope the House will adjourn over, and enable us to unite with them in paying the last debt of affection and regard to one who deserved it so well. For my own part, I shall feel it my duty, at all events, as an individual, whether this House adjourns or not, to follow in that funeral train with those who sincerely mourn the death of this worthy patriot and honest man.

Mr. McMULLIN. I regret that I was not apprised beforehand of the appropriate and praiseworthy motion of the gentleman from Tennessee. It would have afforded me pleasure, if I had been aware that this House would be called upon to commemorate the death of this great, and good, and distinguished man, to have said a few words in honor of his memory.

It has already been announced to the House, by the gentleman from Tennessee, that General Robert Armstrong was a native of Abingdon, in the county of Washington, Virginia, a county which I have the honor to represent upon this floor. It is needless for me to attempt to enumerate to this House, the many virtues, both of the head and of the heart, of the distinguished man now deceased. His history is recorded in the history of his country. But, sir, if the death of General Armstrong will be mourned in Tennessee, his adopted State, it will be deplored and mourned as deeply in the country of his nativity as in any part of this broad Union. It may well be said of General Armstrong, that he was a man of honesty and of truth; a patriot, and a hero. He has gone to "that bourn from whence no traveler returns," but he leaves behind him a character as pure and spot-

less as perhaps any man who has preceded him in the awful solemnities of death. I trust that it will meet the approbation of every member of the House, to pay this tribute of respect to his memory, and to his noble and exalted character.

The question was then taken on Mr. CHURCHWELL's motion, and it was agreed to *nem. con.*

THE NEBRASKA BILL.

Mr. APPLETON. I have the honor to present the resolutions of the Legislature of the Commonwealth of Massachusetts. I ask that they may be read, laid upon the table, and printed.

The Clerk read the resolutions, as follows:

Resolved, That we view with apprehension and alarm the proposition now pending before the Congress of the United States, to repeal a solemn injunction against the introduction of slavery into territory now free, and which was sacredly appropriated to the exclusive occupation of freemen by the compromise of 1820.

Resolved, That we hold it as nothing less than a violation of plighted faith to annul all that part of the Missouri compromise which remains to be fulfilled for the benefit of freedom and the free States; while all that part which was intended for the benefit of slavery and the slave States is rigidly insisted upon, and has been fully executed.

Resolved, That in behalf of the people of Massachusetts, we deplore the introduction of this measure as a proposition to disturb that which has already been settled: And that, if we are to witness fresh scenes of sectional animosity and contention, the authors and supporters of the Nebraska bill must forever bear the responsibility, and be answerable for all the fearful consequences of so flagrant an act of injustice.

Resolved, That His Excellency the Governor be requested to transmit a copy of these resolutions to each of the Senators and Representatives of Massachusetts in the Congress of the United States.

The resolutions were then ordered to lie upon the table, and be printed.

The SPEAKER also laid before the House a communication from the Navy Department, transmitting a reply to the resolution of the House of Representatives of the 3d of January last, in reference to the steam navy of the United States.

Mr. MACDONALD. The communication, Mr. Speaker, is in answer to resolutions which I had the honor to introduce into this body. I have examined the manuscript, and find that the reply to the fifth interrogatory of the resolutions is general in its character. The inquiry was in relation to the constructors and superintendents of our steam navy; but it was found to be difficult to give a full and detailed answer. In the report of the Secretary of the Navy, which has been sent us, there is a detailed account. It embraces the correspondence of the Department, and also the proceedings of the Navy Board. I felt it my duty to make this statement to the House, because on the question of printing, which I shall make, the object of the inquiry would not be answered by publishing the general answer, and I have no doubt that the publication of the detailed statement would furnish a useful document, certainly for the Department and for the country historically, in connection with our steam navy. With that suggestion, I move that the communication be laid upon the table, and ordered to be printed.

The question was taken, and the motion was agreed to.

Mr. CHANDLER. I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

Whereupon the House adjourned, at half past three o'clock, to Monday next, at twelve, m.

IN SENATE.

SATURDAY, February 25, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

RAILROADS IN INDIANA, ILLINOIS, AND IOWA.

Mr. PETTIT asked, and by unanimous consent obtained, leave to introduce a bill granting a portion of the public lands to the States of Indiana, Illinois, and Iowa, to aid in the construction of a railroad in said States; which was read twice, and referred to the Committee on Public Lands.

PETITIONS, ETC.

Mr. COOPER. Mr. President, I have been requested to present the remonstrance of the representative committee of the religious Society of Friends, residing in the States of Pennsylvania, New Jersey, Delaware, and Maryland, against the proposed enactment of a territorial law for the

Territory of Nebraska and the admission of slavery therein. I would state, Mr. President, that, as is well known, this class of the citizens of the State which I in part represent upon this floor, and indeed of all the States of the Union, are not that class of people who have ever, on any occasion, endeavored to do anything which was violative of the concord and harmony which should exist between the States, but have always been governed by the principle of their religious creed—*forbearance*.

Mr. BADGER. They are not political agitators.

Mr. COOPER. No, sir, they are not political agitators; but they do conscientiously and uprightly believe that the subject on which they remonstrate is one calculated to do mischief. I say this in justice to the gentlemen who have signed this remonstrance. I now move that the petition lie on the table.

The motion was agreed to.

Mr. BRODHEAD presented a large number of petitions signed by citizens of Pennsylvania, Delaware, and New Jersey, praying an additional appropriation for the completion of the piers on the easternmost side of Reedy Island, in the Delaware river; which were referred to the Committee on Commerce.

Also, three petitions signed by citizens of the State of Pennsylvania; remonstrating against the passage of the Nebraska bill in its present form; which were ordered to lie on the table.

Also, two memorials signed by citizens of Philadelphia, praying that the United States Mint, now in that city, may not be removed; which were referred to the Committee on Finance.

Mr. MALLORY presented the petition of Thomas P. Kennedy and J. Darling, praying reimbursement for losses occasioned by the burning of their store, on Peas Creek, Florida, by the Seminole Indians; which was referred to the Committee on Military Affairs.

Mr. WELLER presented the petition of L. F. Frazer, praying Congress to adopt a life boat, of which he claims to be the inventor, in the United States Navy; which was referred to the Committee of Naval Affairs.

Mr. FESSENDEN presented a petition of citizens of Hemen, State of Maine, praying that slavery may be prohibited in the Territories of the United States; which was ordered to lie on the table.

Also, four petitions of inhabitants of Maine, remonstrating against the abrogation of the Missouri compromise; which were ordered to lie on the table.

Mr. CASS presented four memorials of citizens of New York, praying Congress to enact such laws as will best secure religious freedom to American citizens resident in foreign countries; which were referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MALLORY, it was

Ordered, That the petition and papers in the case of George E. McLellan be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

On motion by Mr. MALLORY, it was

Ordered, That the petition and papers in the case of Foxhall A. Parker be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

HOUSE BILL REFERRED.

The bill from the House of Representatives for the establishment of a land office in the Lower Peninsula of Michigan, was read a first and second time by its title, and referred to the Committee on Public Lands.

INTERNAL IMPROVEMENTS.

On the motion of Mr. STUART, the Senate proceeded to the consideration of the following resolution:

Resolved, That the Committee on Commerce be, and they are hereby, instructed to report to the Senate, at as early a day as one can reasonably be prepared, a bill making appropriations for the improvement of harbors and rivers."

Mr. HAMLIN. Mr. President, there is but a thin Senate this morning, and therefore I should much prefer that the consideration of this resolution should be postponed until we can have a fuller vote upon it. I suggest that it may lie on the table until Monday or Tuesday morning.

Mr. STUART. For myself, I should have no

objection to the postponement suggested by the chairman of the Committee on Commerce; but it has been before the Senate for several days, and I have been requested by several Senators, again and again, to call it up.

It is known to the Senate that I have been temporarily occupying the chair for the last few days, and hence I have been unable to do so. I however will now very cheerfully submit to the suggestion of the chairman of the Committee on Commerce, if it will meet the approbation of the Senate. I desire, however, early action on this subject; for I regard it as one of the most important that will be brought to our attention. I have been unable to see any reason for continuing the custom—for it is but a custom—of waiting for a bill to come from the House of Representatives on this subject. I have long noticed that such bills have come here at so late a day that they have been very imperfectly considered in the Senate; and they have not unfrequently been lost, because they have been crowded out by the necessary consideration of the appropriation bills. I confess, sir, that from the inquiries which I have made, I see no prospect of a bill reaching us from the House of Representatives this session at any earlier day than it has heretofore.

I may, perhaps, entertain views on this subject different from those of other gentlemen; but entertaining those opinions, I have felt it to be my duty to call for early action here, and I shall be as glad as the Senator from Maine to see a full Senate whenever it is considered; not that I regard this as a test question, for it is a mere question of propriety. I apprehend that any Senator might vote for this resolution, and not be committed to any particular course upon the bill that may in consequence be reported. It is a mere question at this time whether the Senate will exercise the functions that appropriately belong to it or not. As I said, I shall very cheerfully consult what seems to be the wish of the Senate in respect to the time of considering it, saying, however, to the chairman of the Committee on Commerce, that I shall personally be glad to oblige him.

Mr. CASS. I agree with my colleague on this subject. I wish that it may be considered, and acted upon fairly. Independent of what my colleague has very well stated, as to the time at which these appropriations are made, I will add that even at the long session they are almost uniformly delayed and carried into July, August, and September, before they are passed. The consequence is, that the business of that year is lost; or if not lost, it is done so hastily that it is done badly and expensively.

I can speak upon that subject with the utmost confidence. The appropriation should be made early, so that all the arrangements connected with the expenditures of that season may be made in time, in order to have the work go on as soon as the season will permit; otherwise your expenses are lost. Improvements have been commenced under former appropriations, which are intended to be permanent, such as those upon the lakes, the operations of dredging boats, &c., and they will be lost, utterly lost, and sacrificed as they have been once before, unless your appropriations go on.

Upon this subject I desire to say, speaking for my portion of the Union, that I consider these appropriations essentially necessary for its prosperity. I have a radical objection to transferring this power of improvement over rivers and harbors to the State authorities. In the first place, I believe it would take ages, upon any system of tonnage duties which you might adopt, to have it done. In the next place, I do not want what I consider the legitimate powers of this Government transferred anywhere else. I want them strictly executed, but I want them faithfully and constitutionally exercised.

There is no "noise and confusion" in that. That is all plain. I do not mean that I would pursue the system to extremes. It has been carried too much to extremes. I am opposed to roads and canals; but from the foundation of the Government, expenditures for harbors, and the mouths of rivers, have been made. Such improvements have been entered into from the days of Washington down to this day. I think myself the power is clear under the Constitution, as clear as any general power can be. I am, therefore, most exceedingly anxious that this subject should come before

the Senate in such a way that it will act in regard to it.

Mr. BENJAMIN. I hope the honorable chairman of the Committee on Commerce will not insist on the postponement of this resolution. I moved, the other morning, to take up a bill reported from the Committee on Commerce, for the removal of obstructions at the mouth of the Mississippi river, and the honorable Senator from Michigan [Mr. STUART] objected to taking it up, because it was, as he thought, a proper subject for a general bill. Since that time I have received letters from several merchants of the city of New Orleans on this very subject. I will state to the Senate, that from the foundation of the Government to the admission of the State of Louisiana into the Union, repeated appropriations have been made for the purpose of improving the navigation at the mouth of the Mississippi river—a navigation which interests not only the State which I in part represent, and the whole valley of the Mississippi, but particularly the constituency of the honorable Senator from Maine, [Mr. HAMLIN,] and every State upon the Atlantic sea-board. Last year \$75,000 were expended under a contract for opening the mouths of the Mississippi river. We have the report of the Secretary of War, which establishes the fact that this is the first appropriation ever made by the Government for that improvement which has had any beneficial effect. This sum of \$75,000, pitiful as it is, has been expended with this beneficial result: that for the last twelve months there has been a depth of not less than eighteen feet of water upon the bar at the mouth of the river. But by the reports of engineers, and by the letters from these merchants, I am informed that that channel is filling up again; and that unless a further appropriation be made to continue the dredging system, which has thus far operated with such beneficial effect, we shall again be suffering the same evils which the commerce of the whole country was suffering at the time when that small appropriation was made. It is, therefore, a matter of great urgency to the commerce of the West that any bill which contains an appropriation for this particular improvement should be reported and acted upon at an early day. I concur in every word which was uttered by the honorable Senator from Michigan, [Mr. Cass.] All the appropriations that we make will be made in vain in relation to works already commenced, if we make them at so late a period in the session as to allow the works already begun to be destroyed or rendered useless. But if we make an early appropriation, not only will the sums already expended prove beneficial in the past, but will make a serviceable basis for future improvements.

Now it is not, as the Senator from Michigan [Mr. STUART] has suggested, a test question which we propose. We are not discussing the system of internal improvements. Any Senator who votes for this resolution may, with perfect consistency, when the bill is reported by the Committee on Commerce, vote against any section of the bill, against an appropriation for any particular improvement, or against the whole bill. The object of the resolution is merely to prepare the way for efficient legislation on the subject. Under these circumstances, I cannot conceive that it is necessary that the Senate should be very full. I hope the resolution will be adopted this morning.

Mr. HAMLIN. It is very true that the resolution proposes no test, and a bill may be reported by the Committee on Commerce, against which members of that committee and other Senators may vote when reported. That is all very true. It is equally true, however, that this resolution does propose a radical and thorough change in the proceedings of the Senate. It proposes to report the appropriation bill to the Senate, and thus to do what has before never been done. Before the Senate shall take that course, I propose to say a very few words, giving my reasons why I think it injudicious. I could, perhaps, say the little I have to say this morning; but there are Senators who have intimated to me that they wish to speak upon this matter, and I refer to one in particular, the Senator from Virginia, [Mr. MASON,] who desires to be heard upon it. I will, therefore, ask, as it proposes a radical change in the mode of proceeding in the Senate, that it shall be deferred until Tuesday morning next. My friend from Louisiana knows that we have no meeting of our committee until Wednesday morning; and, there-

fore, if the resolution shall pass before Wednesday, it will not be considered before that time. It will, therefore, do equally as well to pass it on Tuesday morning as to-day. I therefore hope, for those reasons, that it may go over until Tuesday morning, when it can be taken up if the Senate thinks proper to do so.

Mr. BENJAMIN. Why not name Monday morning? We may not be able to get it acted upon on Tuesday.

Mr. HAMLIN. On Monday morning it is quite likely that we shall have a very thin Senate. There are serious objections in the minds of some Senators to the proposition. They should be permitted to be present. I would, therefore, like to have Tuesday morning named, so that we may have a full Senate.

Mr. STUART. If I may thus far control the resolution, I will move to postpone its consideration until Tuesday morning.

The motion to postpone was agreed to.

THE SAN FRANCISCO.

Mr. SHIELDS. Mr. President, a joint resolution for the purpose of manifesting the sense of Congress towards the officers and seamen of the vessels, and others, engaged in the rescue of the officers and soldiers of the Army, the passengers, and the officers and crew of the steamer San Francisco, from perishing with the wreck of that vessel, has been reported from a joint committee of both Houses. It is intended by the resolution to return some acknowledgment to those who aided in rescuing the sufferers on board of the San Francisco; and being a matter of that character, I take it for granted that there will be no opposition to the Senate taking it up now. It is one of those cases, being an act of generosity and of grace, that ought to be promptly acted upon, if acted upon at all. I will therefore move that it be taken up now for consideration.

Mr. MALLORY. I will ask the honorable Senator from Illinois if he did not understand the chairman of the Committee on Naval Affairs, [Mr. GWIN,] when he proposed to call up the resolution before, to intimate that whenever the resolution came up he had something to say in regard to it? I think it was so understood; and, therefore, I submit to the honorable Senator, as the Senator from California is not in his seat, to permit this resolution to go over for another day at least.

Mr. SHIELDS. The honorable Senator from California, who was a member of the committee, did not concur in the joint resolution, and did not approve of its terms, and asked time, when I reported the resolution and requested its consideration, to prepare a report expressing his views upon the subject. He informed me that he was endeavoring to obtain some information on which he could found his report. I had told him that I would call it up the first opportunity I had, and I believe he will have no objection to have it taken up. I have been waiting day after day for him to present his report, until I begin to find that the people think we are rather putting off the matter, and trying to hush it up.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SLIDELL. I desire to say that I know the Senator from California [Mr. GWIN] is desirous to be present when this resolution is considered. He has some information to present which he thinks may influence the action of the Senate. Under these circumstances, I think it should go over.

Mr. SHIELDS. I have already stated that this resolution has been kept waiting for that honorable Senator from day to day, until I find that the people are beginning to think our object is to hush it up. I stated to the Senator from California, the other day, that it was my intention to call it up as soon as possible. He stated that he had intended to make an adverse report; but, upon calling on the Department, he had not got the facts which he expected, on which to base that report. He intimated that he would make some statements when the resolution should be called up.

Mr. SLIDELL. I will state what I believe to be the facts on which the Senator from California desires to obtain information. It is known that very large sums have been raised by voluntary contributions for the purpose of rewarding

those persons, and the honorable Senator, I believe, desires to ascertain what amounts have been contributed, and how they have been disbursed. Now, for my part, I should desire very much to know those facts—how much has been received, and how much distributed already. The knowledge of those facts might influence our action upon the resolution, or upon the manner in which it should be framed. I prefer, therefore, that it should pass over until Monday; and I submit whether, under the circumstances, it would be at all respectful towards the Senator from California to consider it at this time when he is not in his seat?

Mr. WELLER. I would ask my friend from Illinois to let this question go over until Monday. This is only the first or second time, I believe, that we have sat, during this session, on Saturday. My colleague left the city the other day, not expecting, as a matter of course, that this subject would be called up to-day. He desires to be heard upon it. I would submit, therefore, to the Senator from Illinois to let it go over.

Mr. SHIELDS. Certainly, sir. I am very anxious that the resolution should be acted upon and passed, but I cannot refuse the request of Senators to let it go over. I will, therefore, move its postponement until Monday. Perhaps, however, before doing so it may as well be reported to the Senate.

The joint resolution was reported to the Senate, without amendment.

Mr. SHIELDS. I now move that the further consideration of the joint resolution be postponed until Monday next.

The motion was agreed to.

RELATIONS WITH FRANCE AND ENGLAND.

Mr. CASS. Mr. President, I have observed to-day an article in one of the London papers which I desire to bring to the attention of the Senate—to the attention of the Committee on Foreign Relations—especially to the attention of the chairman of that committee, [Mr. MASON,] whom I am glad to see in his seat. I refer to a speech delivered by Lord Clarendon, the British Secretary of State for Foreign Affairs, from which I will read a few lines. It is one of the most extraordinary declarations that has been made in my day. I do not suppose that it is very rare that such projects are concocted and matured among European cabinets; but I think it is very rare that they are thus publicly avowed. It is not often that the information of such a treaty finds its way into the public prints in such a manner. What Lord Clarendon said, is this; after speaking of the good understanding between England and France, connected with the Turkish question, he adds:

“Your lordships will be glad also to hear that the union of the two Governments is not confined to the Eastern question, but that the habit of a good understanding between them has become general on all matters of policy, and extends to all parts of the world; and that on the question of policy, there is no part of the world, in either hemisphere, with regard to which we are not entirely in accord.”

Now, there is no misunderstanding that statement. It is intended to be a notice to us that France and England have come to an agreement with respect to the schemes of aggrandizement of the United States, and mean to stop it. It means Cuba. It means any place where we wish to procure the acquisition of territory.

I observed that in the House of Representatives—I will not detain the Senate now with reading them—some most excellent resolutions have been introduced by a member from Tennessee, in every word of which I heartily concur; and I hope that our Committee on Foreign Relations will examine into the matter, and will introduce those resolutions into the Senate.

It is useless, Mr. President, for us to tamper any longer with these questions. It is useless to say that we shall not take our place among the nations of the world, and to declare, when interpolations are made into the system of the law of nations, regulating the Powers of the world, that we have no right to be heard. Yet we are told we are humbugged—I cannot call it by any other name. I do not mean to express disrespect to any one, but the country is humbugged with the impression that if we declare that a European Power has no right to interpolate provisions in the law of nations, it is an “entangling alliance,” and General Washington and Jefferson are quoted in opposition to it. How an entangling alliance is made by the declaration of the American Republic that the Powers of the earth have no right

to interpolate a foreign and tyrannical system into the laws of nations, I cannot see. Mr. President, we shall have to come to this point. I have no doubt that the President and his Cabinet are well disposed. I have no doubt that they will take high ground, and support it with all the means in their power; but they want more than that; they want the moral support of the American Legislature; they want the moral support of the American people; and that support should be given by our declaration. The sooner we make it the better.

Mr. MASON. The paragraph from the speech of Lord Clarendon, to which the honorable Senator refers, had not escaped my attention. Whether it is meant to indicate, at any time, or for any purpose, any interference with the purposes of this Government, I do not know; but it is certainly unnecessary to place any probable construction on the paragraph, so far as Cuba is concerned, because this country has been distinctly informed, in a correspondence which took place twelve months ago between the two Ministers of France and England and our then Secretary of State, when the Secretary of State declined the proposition of the tripartite convention, the two Governments of France and England would consider themselves thereby committed to the position which they occupied in the correspondence which was commenced, and gave notice that whenever the occasion arrived, they would be found united; so that we have had fair notice. I should say, then, "forewarned, forearmed."

Mr. BELL. How have we profited by that notice?

Mr. MASON. We have profited, so far as I am informed, by remaining, as we ought to remain, silent and quiet. I do not know what sort of action the Senator from Michigan proposes on the part of the Government, or on the part of the Committee on Foreign Relations; but I should rather apprehend, in the present state of public affairs, this country profoundly at peace, holding her usual commercial intercourse with the nations abroad, that if a proposition of that kind had come from any Senator further South, it would have been looked upon as a sort of "abstraction." When the case occurs in a tangible form, I apprehend this Government will be prepared to meet it; and I, for one, am prepared to say that any interference of any description with the action of this Government upon this continent—considering South America, and the islands dependent, as a part of it—I feel satisfied, from what I know of the feelings of the American people, will be resisted by the whole powers of the country. But at present I am not aware of any.

Mr. CASS. The Senator asks me what I would do? I will tell him. I would pass just such resolutions as these, and support them to the last extremity. When so many people around us are struggling to obtain their liberty, and when liberty has not a friend in the world except this single country, and declarations are made that set at naught the public opinion of the world, we are told that we must not counteract them, because it will be an abstraction!

We might as well call the Declaration of Independence an abstraction. Such a measure as this is not an abstraction. To foresee a storm is to be prepared for it. Declare your principles to the world. Let them know what you will do when the time comes to do it. That is what we should do. We should take our position, and maintain it.

Mr. President, I will read the resolutions which have been introduced into the House; and I repeat, that I cordially concur in every word of them:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of this Union have ever viewed with the deepest concern the renewed intervention of Powers in the affairs of countries not embraced within their borders, particularly when such intervention had avowedly for its object the repression of generous political sentiments; and that they will never permit such an occurrence upon this continent without physical resistance to it."

"Resolved, That while the United States of America are disposed to observe, in a spirit of good faith, international obligations, they desire a similar observance of such obligations by all the nations of the earth, and that they can never behold with indifference the obliteration of independent States by a third power, because of the political freedom of such States."

"Resolved, That the President be, and he is hereby, requested to cause a copy of these resolutions to be communicated to each of the diplomatic agents of foreign nations residing near this Government, and also copies thereof to be transmitted to diplomatic agents in foreign countries, in

order that the sentiment and the purpose of this Republic may be neither misconceived nor misunderstood in any quarter of the globe."

The honorable Senator from Tennessee, put a very searching and touching question. What good that notice had done? France and England have said what they would do. Have we ever said that we were dissatisfied? What ground have we taken? I would let them know exactly what we would do; that is to say, I would let them know what our rights are. What we would do at a particular moment will and must depend on the circumstances of the case. But I would tell them what our rights are.

Mr. MASON. If a people do not know what their rights are, they will not learn them from us. I have as much sympathy for those who struggle for liberty abroad as any man; but if our example does not stimulate them to attain the same results which we have attained, our resolutions will have no other effect in the world; I apprehend, but to render us ridiculous.

Mr. BADGER. I wish the honorable Senator from Virginia would explain, if he pleases, a remark which he made a little while ago. He said, that if this proposition had come from the South it would have been pronounced an "abstraction." I wish to know from him if he is so ungenerous and unfair as to suppose that there is any exclusive right in the South to manufacture abstractions? [Laughter.]

Mr. MASON. Why, Mr. President, the honorable Senator has not yet attained, I apprehend, sufficient age in the councils of the country to be aware of the fact that when the South has occasionally remonstrated against what I consider aggressions from the Federal Government—really existing, tangible and palpable to every sense—they have been, in some quarters, denounced as abstractions.

It was in reference to that that I make the remark. When the honorable Senator attains to more matured years he will understand the allusion. [Laughter.]

Mr. CASS. When you get to be an "Old Foggy," probably.

Mr. WELLER. I believe there is no question before the Senate?

The PRESIDENT. There is not.

Mr. BADGER. I wish to ask a question.

Mr. WELLER. I have seen several wars gotten up on this floor with Great Britain; but I hope we shall settle this Nebraska question before we seriously involve this Government in a war with any foreign country. Settle our domestic affairs, those which belong to our own firesides, and then we may be ready to break a lance with Great Britain.

My distinguished friend from Michigan will never be able to forgive the British for their conduct in the war of 1812. I have as strong prejudices, perhaps, against that nation as that distinguished Senator, but I would meet them elsewhere than in the Senate. "Sufficient unto the day is the evil thereof."

Whenever any of these practical questions come up I am ready to meet them; but I have said, upon another occasion, that there is a great deal of time lost here in discussing abstract questions; and my friend from Michigan will allow me to say, that I know of no one who has entered to a greater extent into the discussion of abstractions than he. Whenever he will propose a practical measure the Senate will be ready to meet it. In the mean time, let us proceed to the decision of our own domestic affairs. I therefore call for the order of the day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. McKean, their Chief Clerk, announcing that they had passed bills of the following titles:

- A bill for the further relief of Albra Tripp;
- A bill for the relief of Jesse R. Faulkner, of Missouri;
- A bill for the relief of James Walsh;
- A bill for the relief of William Mayo, of Belfast, State of Maine;
- A bill for the relief of James M. Lewis;
- A bill for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufalia;
- A bill to provide a pension for James K. Welch;

A bill for the relief of Captain E. A. V. Lavalette, of the United States Navy; and

A bill for the relief of Samuel K. Rayburn.

Also, that they had passed the following bills from the Senate:

An act granting five years' half pay to the widow of Captain John W. Gunnison;

An act for the relief of Mrs. Elizabeth C. Smith, of Missouri;

An act for the relief of Mary C. Hamilton;

An act for the relief of Allen G. Johnson; and

An act for the relief of Adam D. Stewart, paymaster of the United States Army.

Also, that they had agreed to the conference asked for by the Senate, on the disagreeing votes of the two Houses on the bill for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco, and had appointed Mr. W. H. BISELL, Mr. J. R. CHANDLER, and Mr. DAVID STUART, as managers on their part.

THE TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. BUTLER resumed and concluded the speech which he commenced yesterday.

Mr. BROWN next obtained the floor, and followed, in support of the bill.

Mr. DODGE, of Iowa, next addressed the Senate in favor of the bill.

[See Appendix for these speeches.]

Mr. CASS obtained the floor.

Mr. SUMNER. Before the Senate adjourns, I desire to correct an error of fact into which the Senator from South Carolina [Mr. BUTLER] fell as he closed his remarks. He quoted a passage from a work describing the condition of infant negro slaves in Massachusetts; and to my inquiry as to the period it referred to, his reply was, a period subsequent to the act of emancipation in that State. I thought, at the moment, that he was under a misapprehension. He has kindly placed in my hand the authority which he read; and, on examination, I find that he was mistaken, and that the statement referred to the period of slavery in Massachusetts. The statement is offensive in its character; but it is associated simply with the period of slavery, and not with any period subsequent to its abolition, which, in point of fact, was accomplished by the constitution adopted in 1780. I make this explanation, not by way of apology for the circumstance mentioned, but merely that it may be understood, and be placed to the account of slavery.

The further consideration of the subject was postponed until Monday.

The Senate then adjourned.

IN SENATE.

MONDAY, February 27, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

PETITIONS, ETC.

Mr. SEWARD presented six petitions, signed by five hundred and sixty-one citizens of Monroe county, State of New York, praying that one hundred and sixty acres of land may be granted to the officers and soldiers who served in the war of 1812; which were referred to the Committee on Public Lands.

Also, the proceedings of a meeting of citizens of Orleans county, held at Albion, New York, remonstrating against the passage of the Nebraska bill; which were ordered to lie on the table.

Also, twenty-two memorials of citizens of Ontario county, New York, remonstrating against any infringement of the Missouri compromise; which were ordered to lie on the table.

Also, the following petitions remonstrating against any violation of the Missouri compromise; which were ordered to lie on the table:

Petition of electors of Tioga county, New York;

Petition of citizens of Le Roy, New York; and

Petition of citizens of Allegan, Michigan.

Mr. DODGE, of Iowa, presented a petition of citizens of the State of Iowa, praying Congress to grant to said State the reservation and buildings commonly known as Fort Atkinson, in the county of Winneshiek, for educational purposes; which was referred to the Committee on Public Lands.

Also, a petition of citizens of the State of Iowa,

praying the establishment of a post road from Dubuque via West Union, Auburn, and Old Mission, to Decorah; which was referred to the Committee on the Post Office and Post Roads.

Mr. BENJAMIN presented the petition of Samuel J. Peters, praying to be allowed for certain spurious money received by him while collector of customs at the port of New Orleans; which was referred to the Committee on Commerce.

Also, resolutions of the Senate and House of Representatives of the State of Louisiana, instructing their Senators and Representatives in Congress to use their utmost exertions to procure the passage by Congress of several bills now pending, having for their object a grant of lands by the General Government to the Vicksburg, Shreveport, and Texas Railroad; the New Orleans, Jackson, and Great Northern Railroad; and the New Orleans, Opelousas, and Great Western Railroad Company; which were read, and ordered to be printed.

Mr. HAMLIN presented two petitions of American citizens who were detained as prisoners of war in Dartmoor, and other English prisons, during the last war with Great Britain, praying pensions; which were referred to the Committee on Pensions.

Mr. SUMNER presented the following petitions remonstrating against the extension of the area of slavery by the passage of the Nebraska bill in its present form; which were ordered to lie on the table:

Two petitions of citizens of New Hampshire;
Two petitions of citizens of Massachusetts; and
Petition of citizens of Ohio.

Mr. SMITH presented two memorials, numerously signed by citizens of Whitteville, Connecticut, remonstrating against the renewal of the patent of Samuel Colt for improvements in fire-arms; which were referred to the Committee on Patents and the Patent Office.

Also, a memorial of citizens of Philadelphia, remonstrating against the removal of the United States Mint, now in that city; which was referred to the Committee on Finance.

Also, a memorial signed by Henry Alling and one hundred and one other citizens of New Britain, Connecticut, remonstrating against the passage of the Nebraska bill in its present form; which was ordered to lie on the table.

Mr. EVERETT presented a memorial of one hundred and fifty clergymen of Worcester county, Massachusetts, remonstrating against any infringement of the Missouri compromise; which was ordered to lie on the table.

Mr. COOPER presented the memorial of McCallmont, Geaves & Co., praying that certain duties imposed on goods imported by them into the port of Vera Cruz, during the late war with Mexico, may be refunded; which was referred to the Committee on Commerce.

Mr. FISH presented a petition of inhabitants of New York, praying the enactment of laws for the protection of emigrants arriving in the ports of the United States; which was referred to the select committee appointed to examine into the subject.

Also, a memorial of citizens of West Troy, New York, praying that measures may be taken to secure religious freedom to American citizens resident abroad; which was referred to the Committee on Foreign Relations.

Also, a memorial of the representatives of the New York Yearly Meeting of Friends, remonstrating against any infringement of the Missouri compromise; which was ordered to lie on the table.

Mr. TOUCEY presented a memorial of citizens of Hartford and its vicinity, Connecticut, praying that measures may be taken to secure religious liberty to American citizens abroad; which was referred to the Committee on Foreign Relations.

Mr. CHASE presented the memorial of Thomas Hazen, of Ottawa county, Ohio, praying indemnity for losses sustained in the last war with Great Britain; which was referred to the Committee of Claims.

Also, the petition of Joseph H. Riley and others, citizens of Ohio, remonstrating against the passage of a treaty for the reciprocal interchange of copyright; which was ordered to lie on the table.

Also, the petition of James Boyd Austin and others, citizens of Clermont county, Ohio, praying Congress to introduce such clauses into treaties with foreign Powers, that citizens of the United

States, resident abroad, may be permitted to worship God freely and openly; also, to build churches and chapels; and also, to buy land wherein to inter their dead, according to forms and ceremonies deemed appropriate by their friends; which was referred to the Committee on Foreign Relations.

Mr. THOMSON, of New Jersey, presented a petition of citizens of Pennsylvania, Delaware, and New Jersey, praying a further appropriation for the completion of the piers at Reedy Island, in the Delaware; which was referred to the Committee on Commerce.

Mr. BRODHEAD presented a petition of citizens of Montgomery county, Pennsylvania remonstrating against the passage of the Nebraska bill as a breach of faith, calculated to shake the confidence of the people in the permanency of their political system; which was ordered to lie on the table.

Mr. THOMSON, of New Jersey, presented two petitions of citizens of New Jersey, remonstrating against any infringement of the Missouri compromise; which were ordered to lie on the table.

Also, the petition of Alexander M. Cumming, of New Jersey, praying for the passage of a law authorizing the settlement of his accounts with the Post Office Department upon principles of equity and justice; which was referred to the Committee on the Post Office and Post Roads.

Mr. WELLER presented a petition of citizens of Pennsylvania, remonstrating against the ratification of any treaty by which it is proposed to establish an international copyright between the United States and Great Britain; which was ordered to lie on the table.

Mr. FISH presented a petition of citizens of New York, remonstrating against any infringement of the Missouri compromise; which was ordered to lie on the table.

Mr. WADE presented four petitions of citizens of Cuyahoga Falls, Ohio, remonstrating against the enactment of the bill to organize the Territory of Nebraska in its present form; which were ordered to lie on the table.

Mr. MASON presented resolutions of the Legislature of Virginia, relative to the claims of the officers of the Virginia line of the Continental establishment; relative to the satisfaction of outstanding Virginia military land warrants; and relative to an extension of the bounty land laws; which were read, and ordered to lie on the table, and be printed.

Mr. CHASE presented the following petitions, against the passage of the Nebraska bill in its present form; which were ordered to lie on the table:

Petition of electors and members of the Ohio Washington University;

Petition of Jacob Emmons and others, citizens of Columbiana, Stark, and Carroll counties, Ohio;

Petition of Andrew Robb and one hundred and six citizens of New Richmond, Clermont county, Ohio;

Petition of Benjamin E. Parker and others, citizens of Huron county, Ohio;

Petition of George Gage and others, citizens of Harrison county, Ohio;

Petition of Nathan Cook and one hundred and one citizens of Ohio;

Petition of Benjamin Clendenon and two hundred and twenty-six citizens of Ohio;

Petition of Angus Campbell and numerous citizens of Mahoning county, Ohio;

Petition of Jacob Messer and numerous citizens of Holmes county, Ohio;

Petition of M. Frazier and citizens of Holmes county, Ohio;

Petition of Hugh Newton and one hundred and ten citizens of Wayne county, Ohio;

Petition of R. Safford and numerous citizens of Muskingum county, Ohio; and

Petition of L. P. Mathews and others, citizens of Whitefield, Ohio.

Also, the following petitions against the passage of the Nebraska bill, and praying the abolition of slavery in the District of Columbia; which were ordered to lie on the table:

Petition of L. P. Sloan and other citizens of Hamilton county, Ohio;

Petition of Q. F. Atkins and seven other aged citizens of Cuyahoga county, whose aggregate of years amounted to five hundred and ninety-six;

Petition of Clarkson Burgess and other citizens of Morgan county, Ohio;

Petition of John Patton and other citizens of Morgan county, Ohio;

Petition of James S. McCutchen and three hundred and forty citizens of Washington county, Pennsylvania;

Petition of Joseph S. Buchanan and other citizens of West Alexander, Pennsylvania;

Petition of James Loven and numerous citizens of Indiana;

Petition of Thomas C. Noble and other citizens of Indiana;

Petition of H. S. Scate and other citizens of Indiana;

Petition of B. Webber and numerous citizens of Allen county, Indiana;

Petition of Lucien Farnham and one hundred and six other citizens of Illinois;

Petition of W. D. Johnson and numerous citizens of Fulton county, Illinois; and

Petition of Garret Anderson and two hundred and eight citizens of Illinois.

Also, the following petitions, praying the repeal of the fugitive slave law and the abolition of slavery in the District of Columbia; which were ordered to lie on the table:

Petition of E. G. Dudley and numerous citizens of Noble county, Ohio;

Petition of Isaac Pierce and other citizens (male and female) of Stark county, Ohio;

Petition of A. McKinney and other citizens of New Concord, Muskingum county, Ohio; and

Petition of John Bishop and numerous other citizens of Indiana.

Also, the following petitions, praying the abolition of slavery in the District of Columbia; which were ordered to lie on the table:

Petition of A. McKinney and other citizens of New Concord, Muskingum county, Ohio;

Petition of Robert Hilles and eighty-nine citizens of Stark county, Ohio; and

Petition of John P. Hale, and citizens of New York county, New York.

Also, a petition of numerous citizens of the United States, praying the abolition of slavery in the District of Columbia and remonstrating against the coast-wise slave trade, the inter-State slave trade, and against slavery in the new Territories; which was ordered to lie on the table.

Also, a petition of citizens of the city of New York, praying the enactment of a law to prohibit the sale of slaves for debts due the United States; which was ordered to lie on the table.

NOTICES OF BILLS.

Mr. WALKER gave notice of his intention to ask leave to introduce a bill for the relief of Sylvester Pettibone.

Mr. FITZPATRICK gave notice of his intention to introduce a bill granting public lands in aid of the construction of a railroad from Beard's Bluff, on the Tennessee river, in Alabama, to Nasketa, Mississippi, via Tuscaloosa, Northport, and Gainesville, in Alabama.

REPORT FROM COMMITTEE.

Mr. FOOT. The Committee on Pensions have instructed me to ask that they may be discharged from the further consideration of the petitions of Mary A. M. Jones, Commodore Thomas Ap Catesby Jones, and Captain Hiram B. Sawyer. I will say that the committee are not prepared to grant the prayer of these petitions; but at the same time they do not wish to prejudice the claims of the petitioners by an adverse report, but are of opinion that, if provision be made for their relief, it should be by modifications of existing general laws. They therefore have instructed me to move that they be discharged from their further consideration.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. DOUGLAS, it was

Ordered, That the petition of the executors of Henry Eckford, deceased, be withdrawn from the files of the Senate, and referred to the Committee of Claims.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Obed Hussey be withdrawn from the files of the Senate and referred to the Committee on Patents and the Patent Office.

On motion by Mr. RUSK, it was

Ordered, That the petition of Almanzon Huston be withdrawn from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

On motion by Mr. COOPER, it was *Ordered*, That the petition of Michael Hanson be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. HUNTER, it was *Ordered*, That the petition of Mrs. Mary A. M. Jones be withdrawn from the files of the Senate.

RAILROAD GRANT TO LOUISIANA.

Mr. BENJAMIN. I desire to call the attention of the Senate to the fact that Senate bill No. 8, granting to the State of Louisiana the right of way and a donation of public land for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river was under discussion a few days ago, and was postponed until last Monday. It went over in favor of the order of the day, the Nebraska bill. I now ask the unanimous consent of the Senate to take it up with a view to its passage. The Senator from Delaware, [Mr. BAYARD,] I understand, is willing to withdraw his proposed amendment to this particular bill, which he had printed for the information of the Senate. If the bill be passed to-day, it can be reached in its regular order in the other House; otherwise it cannot be reached. I move that the bill be taken up for consideration.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT. This bill has been reported from the Committee on Public Lands with an amendment in the form of a substitute.

Mr. RUSK. As I see the Senator from Delaware [Mr. BAYARD] is not in his seat, it is proper I should say that I spoke to him in reference to this bill, stating to him the circumstances under which it appeared before us; that though there is a grant of land for the road, there has been a large amount of capital stock paid in. I mentioned to him the circumstances, and he said it was immaterial to him whether he offered the amendment to this bill or to any other bill. For the purpose of allowing this bill to go on and seek its chance in the House of Representatives, his amendment is not offered to it. It was only submitted informally, as intended to be offered and submitted for the action of the Senate.

The amendment of the committee was agreed to; the bill was reported to the Senate as amended; the amendment was concurred in, and the bill was ordered to be engrossed for a third reading, and being read a third time, was passed.

RAILROAD GRANT TO WISCONSIN.

On the motion of Mr. DODGE, of Wisconsin, the Senate, as in Committee of the Whole, resumed the consideration of the bill granting to the State of Wisconsin land to aid in the construction of a railroad from Madison to the Mississippi river, which had been reported from the Committee on Public Lands, with an amendment.

Mr. GWIN. I hope the reading of the bill will be dispensed with. The substitute reported from the committee is of the same form as those which have been acted upon.

By unanimous consent, the reading was dispensed with.

The amendment was agreed to; the bill was reported to the Senate as amended; the amendment was concurred in, the bill was ordered to be engrossed for a third reading, and was read a third time and passed.

GRANTS TO LOUISIANA AND MISSISSIPPI.

On the motion of Mr. BROWN, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill making a grant of land to the States of Louisiana and Mississippi to aid in the construction of certain railroads in said States, which had been reported from the Committee on Public Lands.

By unanimous consent, the reading of the bill was dispensed with.

The bill was reported to the Senate, was ordered to be engrossed for a third reading; and was read a third time, and passed.

GRANT OF LAND TO IOWA.

On the motion of Mr. DODGE, of Iowa, the Senate, as in Committee of the Whole, resumed the consideration of the bill making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State, which had been reported from the Committee on Public Lands with an amendment.

By unanimous consent, the reading of the bill was dispensed with.

The amendment was agreed to; the bill was reported to the Senate as amended; the amendment was concurred in; the bill was engrossed for a third reading; and being read a third time, was passed.

GRANT OF LAND TO ALABAMA.

Mr. FOOT. While these railroad bills are being taken into consideration, I have one which I desire shall receive the action of the Senate. It is bill No. 205, "making a grant of land to the State of Alabama, in alternate sections, to aid in the construction of a railroad from the line of Georgia, on the Chatahoocchie river, to the city of Mobile." I move that the Senate proceed to its consideration.

Mr. BRODHEAD. I wish to make a suggestion on this subject. I understood the Senator from Texas [Mr. RUSK] to say, that the honorable Senator from Delaware, [Mr. BAYARD,] who has an amendment to propose to these bills, and some objections to offer to their passage, waived his amendment and objection only with reference to the Louisiana bill. If that is the fact, we are wrong in passing these bills without hearing the objections of the Senator from Delaware, and his proposed amendment. I do not wish to interpose any objections to these bills myself. I made my speech against them at the last Congress; but I think it is right, under the circumstances, that the Senator from Delaware should be heard.

Mr. GWIN. It is very well known to the Senate that the amendment of the Senator from Delaware will not meet the approval of a majority of this body. We have had a test question on that point at the last Congress and at the present Congress. I will state to the honorable Senator from Pennsylvania that some members of this body occupy a peculiar position with regard to these railroad bills. We shall be looked upon as having, in some measure, neglected the interests of our constituents, inasmuch as several bills of this character have been passed, and ours have not been acted upon at all. We have postponed the consideration of these bills for two weeks already to hear the Senator from Delaware. I am perfectly confident, that, with all the acknowledged ability of the honorable Senator from Delaware, he cannot change a single vote in reference to these measures; and I do hope that those of us who have sat by and aided our colleagues in getting their own bills passed for their States, will have an opportunity this morning to get ours through. There will be plenty left behind for testing the amendment of the Senator from Delaware.

The PRESIDENT. The question is on passing by the previous orders and proceeding to the consideration of the bill mentioned by the Senator from Vermont, making a grant of land to the State of Alabama, in alternate sections, to aid in the construction of a railroad from the line of Georgia, on the Chatahoocchie river, to the city of Mobile.

The motion was agreed to.

Mr. FOOT. This bill is in the same form as the other railroad bills which have been passed at this session. The Senator from Alabama, however, desires to propose a slight amendment, to which there is no objection.

Mr. FITZPATRICK. I move to amend the bill by inserting the words "for the construction of said road within said State," so as to confine the grant of lands to that portion of the road within the State of Alabama.

The amendment was agreed to; the bill was reported to the Senate as amended; the amendment was concurred in, and the bill was ordered to be engrossed for a third reading, was read a third time, and passed.

ALABAMA AND TENNESSEE RAILROAD

Mr. CLAY. I ask the indulgence of the Senate to take up at this time the bill granting to the State of Alabama public lands, in alternate sections, to aid in the construction of the Alabama and Tennessee railroad, from Selma, on the Alabama river, to the Tennessee river, at or near Gunter's Landing; and also, the Memphis and Charleston railroad, from Memphis, on the Mississippi, to some point connecting with the Nashville, Chattanooga, and Charleston railroad. I will state to the Senate that this bill has twice passed this body, but has been lost in the other House. It has been reported back by the Committee on Public Lands

in the same form in which it was introduced; and is, substantially, if not in word and letter, the very bill which has already been twice passed by the Senate.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole. No amendment being proposed, it was reported to the Senate without amendment, ordered to be engrossed for a third reading; was read a third time, and passed.

RAILROADS IN CALIFORNIA.

On motion by Mr. GWIN, the Senate, as in Committee of the Whole, proceeded to consider the bill making a grant of land to the State of California to aid in the construction of railroads from San Francisco to San José; Benicia to Marysville; Sacramento City, via Auburn, to Nevada City, and Stockton to Sonora, which had been reported from the Committee on Public Lands, with an amendment, as a substitute, in the usual form.

Mr. GWIN. The amendment is the usual form of the bills which have been passed at this session, and there is no necessity for reading it.

The reading of the amendment was dispensed with.

The amendment was agreed to, and the bill was reported to the Senate as amended; and the amendment was concurred in; the bill was ordered to be engrossed for a third reading; was read a third time, and passed.

RAILROADS IN FLORIDA.

Mr. JOHNSON. Mr. President, the Senator from Florida [Mr. MALLORY,] has been called home by sickness in his family. Before he left, he requested me to call up a bill which had been introduced by him, and reported from the Committee on Public Lands, giving a right of way and granting alternate sections of certain public lands to the State of Florida, to further the construction of certain railroads therein specified. In accordance with his request, I now move that the Senate take up that bill. It has been reported from the Committee on Public Lands, with an amendment or substitute in the usual form. I wish to move some further amendments, by direction of the committee, and to ask for the passage of the bill.

The motion was agreed to; and the Senate proceeded to consider the bill as in Committee of the Whole.

Mr. JOHNSON. I move to amend the amendment of the committee by striking out in the first section of the substitute the words "on the St. John's river," and also to strike out "Appalachicola" and insert "St. Andrew's bay," and insert also, after the words "Tampa bay" the words "and from Pensacola on a point between the boundary line of Florida and Alabama;" so that the grant shall be, "for the purpose of aiding in the construction of a railroad from Pensacola, in the said State, to Jacksonville, or some point near thereto, with branches to the waters of the Gulf of Mexico, one of which shall terminate at St. Andrew's bay, and one at Tampa bay, and from Pensacola on a point between the boundary line of Florida and Alabama." &c.

The amendments were agreed to; the amendment of the committee as amended was agreed to; and the bill was reported to the Senate as amended; the amendments were concurred in, and the bill was ordered to be engrossed for a third reading, was read a third time, and passed.

RAILROADS IN ARKANSAS.

On motion by Mr. JOHNSON, the Senate proceeded, as in Committee of the Whole, to consider the bill granting the right of way and making a grant of land to the State of Arkansas, to aid in the construction of a railroad from a point on the Mississippi, in the region of Gaines's Landing, via Camden, to the Texas boundary, near Fulton, in Arkansas, which had been reported from the Committee on Public Lands with an amendment, as a substitute, in the usual form.

The amendment was agreed to; the bill was reported to the Senate as amended; the amendment was concurred in; the bill was ordered to be engrossed for a third reading; was read a third time, and passed.

INDIGENT INSANE.

Mr. DAWSON. I perceive that the gentlemen from the new States are in very fine temper after having got their railroad bills through. I never

saw them with more smiling faces in all my life. In this state of things, I will now move, with the consent of my friend from Vermont, that we take up and pass the bill for the benefit of the indigent insane of the old States, and of the new States—the bill usually known as Miss Dix's bill.

Mr. JOHNSON. I will unite with the gentleman in going for the bill myself, though I know some gentlemen from the new States think it ought not to be passed.

Several SENATORS. Let us take it up.

Mr. DOUGLAS. If the bill leads to debate, I must object to its interfering with the order of the day.

Mr. GWIN. I will state to the Senator from Georgia, that I have a slight amendment to propose to the bill; but I am willing to allow it to be brought up to-morrow morning, and put upon its passage. In five minutes the hour for the consideration of the special order will have arrived, and I do not think we can pass this bill in that time. I shall be ready to propose my amendment to-morrow morning, and the bill can then be passed at once.

Mr. DAWSON. All I wish is to have a little mixture of humanity with these appropriations for railroads. Let us have the mixture now. This is the time.

Several SENATORS. Now; now.

The motion was agreed to; and the Senate resumed, as in Committee of the Whole, the consideration of the bill making a grant of public lands to the several States and Territories of the Union for the benefit of indigent insane persons.

The bill is designed to grant to the several States and Territories ten millions of acres of land, to be apportioned under the direction of the President of the United States, in the compound ratio of the geographical area and representation of the States in the House of Representatives, with a provision, however, that no State shall be computed at more than fifty thousand square miles. The land, after being surveyed, is to be apportioned to the States and Territories in sections or sub-divisions of the sections; but to those States in which there are no public lands of the value of \$1 25 an acre, land scrip is to be issued to the amount of their distributive shares in acres, which is to be sold by the States, and the proceeds thereof applied to the objects proposed by this bill. No State to which land scrip may be thus issued is to be allowed to locate it within the limits of any other State or of any organized Territory; but their assignees may locate it upon any of the unappropriated lands of the United States subject to private entry.

The expenses of management and superintendence of lands previous to their sale, and all expenses incurred in the management and disbursement of the moneys which they may produce, are to be paid by the States to which they may belong, out of the treasury of each State, so that the entire proceeds of the sale of the lands shall be applied to the purposes for which they are given. The money derived from the sales of the lands, and of land scrip, is to be invested in stocks of the United States, or of the States, or of some other safe stocks, yielding not less than five per centum upon the par value; and the moneys so invested are to constitute a perpetual fund, and the interest is to be inviolably appropriated to the comfortable maintenance and support of the curable and incurable indigent insane. If any portion of the fund invested, or of the interest, shall be diminished, it is to be replaced by the State or Territory to which it belongs. The bill provides how the insane are to be disposed in organized institutions, and prohibits the use of the fund, or the interest thereof, for the erection, preservation, or repair of any building for the reception or security of insane persons, or the purchase of any site or lands, for which the States must make provision. State legislation is, therefore, indispensable to accept the terms proposed, and to carry out the objects of this bill.

The Committee on Public Lands, to whom the bill was referred, reported it back with an entire substitute. The committee add to the proviso of the first section, which prescribes the area of a State at fifty thousand square miles, the provision that the representation of a State shall not be computed at less than six members. The second section they so change as to confine the donation of land and scrip to States, excluding Territories. By a new section the committee provide that the

States shall not dispose of any portion of the scrip for less than one dollar per acre; and they are required to make annual returns to the Secretary of the Interior of the amount of scrip sold, and the value received for it. The committee strike out that portion of the original bill which prohibits the use of the fund, or the interest, for the purchase, erection, or preservation of buildings, or for sites or grounds.

The PRESIDENT. The pending question is on the amendment submitted by the Senator from Indiana, [Mr. PETTIT,] on the 9th instant, when the bill was under consideration, to insert the following:

"Provided, That all the grants of land provided for by this act shall be confined to such States as have public lands in them equal to the amount hereby granted to such State."

Mr. WELLER. I am very sorry to be compelled to interpose any objection to this bill. I am in favor of the general principles incorporated into it; but I cannot vote for it just as it stands. It will be necessary, in my judgment, to amend it; otherwise, injustice will be done to some of the new States of the Union, and particularly to the one which I in part represent. I move, therefore, that the further consideration of the bill be postponed until to-morrow.

The motion was not agreed to.

Mr. WELLER. I shall have to ask for the reading of the bill.

Mr. DAWSON. Of course; we do not object to having our bills read.

Mr. HUNTER. The hour of one o'clock is at hand. I hope we shall go on with the special order. It will be a useless waste of time to read the bill now, for it is obvious that it cannot be acted upon this morning.

Mr. DAWSON. It will take but a few minutes.

Mr. DODGE, of Iowa. I wish to say to the Senator from Vermont, who reported this bill, that I know the Senator from California suggests his amendment in no factious spirit, and with no view to defeat the bill, but simply in order to do an act of justice to his State. For one, I pledge myself to help the Senator from Vermont to get up his bill to-morrow morning.

Mr. DAWSON. If that is the object, of course I shall not object to the postponement.

Mr. FOOT. I am not responsible for the bill being called up this morning. I was desirous of calling it up for consideration at an appropriate time; but as we had reached so near the hour of one o'clock, I did not consider it proper to call it up this morning, and therefore I have no objection to letting it go over until to-morrow morning.

Mr. DAWSON. I have no objection, under the circumstances, to the postponement.

The further consideration of the bill was postponed until to-morrow.

RESCUERS OF THE SAN FRANCISCO.

Mr. GWIN. I have prepared a minority report on the part of the minority of the Select Committee appointed on the part of the two Houses, to report a suitable form of testimonial for the rescuers of the passengers and crew of the steamship San Francisco. I ask that it may be printed.

Mr. SHIELDS. I promised the other day to call up, this morning, the joint resolution, reported by the majority of the committee; and as the honorable Senator from California was in his seat to-day, it was my intention to call it up; but as the hour for the consideration of the special order has arrived, I will defer the motion until to-morrow morning. Then, I suppose, the Senator from California will be ready to allow us to dispose of the matter finally.

Mr. GWIN. I shall be ready.

The motion to print the minority report was agreed to.

TRANSPORTATION TO THE PACIFIC.

Mr. RUSK offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what amount has been paid for the transportation of troops, supplies, and munitions for the land and naval forces on the Pacific ocean; also, what has been paid for the transportation of the mails, including the transportation by sea and across the Isthmus, for way agents, agents at Chagres and Panama, and what amount, if any, has been paid to the contractor on the line by way of Vera Cruz and Acapulco, for the last three years, designating the amounts for each year.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read a first and second time by their titles, and referred to the following committees, as annexed:

A bill for the further relief of Albra Tripp—to the Committee on Pensions.

A bill for the relief of Jesse R. Faulkner, of Missouri—to the Committee on Pensions.

A bill for the relief of James Walsh—to the Committee on Pensions.

A bill for the relief of William Mayo, of the State of Maine—to the Committee on Pensions.

A bill for the relief of James M. Lewis—to the Committee on Pensions.

A bill for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufalia—to the Committee of Claims.

A bill to provide a pension for James K. Welch—to the Committee on Pensions.

A bill for the relief of Captain E. A. V. Lavallette, of the United States Navy—to the Committee on Foreign Relations.

A bill for the relief of Samuel K. Rayburn—to the Committee of Claims.

SIGNING OF ENROLLED BILLS.

A message from the House of Representatives was received by Mr. MCKEAN, its Chief Clerk, announcing that the Speaker had signed the following enrolled bills and joint resolution:

An act for the relief of John O. Mears; Joint resolution authorizing a supplemental contract for certain marble for the Capitol extension;

An act for the extension of the preemption privilege in the State of California;

An act granting five years' half pay to the widow of Captain John W. Gunnison;

An act for the relief of Mrs. Elizabeth C. Smith, of Missouri;

An act for the relief of Mary C. Hamilton;

An act for the relief of Allen G. Johnson; and

An act for the relief of Adam D. Steuart, paymaster of the United States Army.

The PRESIDENT *pro tempore* then signed the above-named bills.

TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. CHASE. I desire to lay upon the table informally an amendment which I intend to propose to this bill. I ask that it be printed.

The motion to print was agreed to.

Mr. CASS, who was entitled to the floor, addressed the Senate at length on the question of the powers of the General Government over the subject of slavery in the Territories. [His speech will be found in the Appendix.]

Mr. COOPER next addressed the Senate on the same subject. [His speech will be found in the Appendix.]

Mr. BRÖDHEAD. Mr. President, as I made a speech nearly six years ago in favor of the principles of this bill, and discussed at some length the questions which have been brought to the notice of the Senate during this debate, I had determined to give a silent vote; but as I cannot concur in the positions taken by my honorable colleague, [Mr. COOPER,] or in the views advanced by him, it may seem obligatory, and I feel it to be so, on me to make a brief reply. I regret the circumstance. I regret to be obliged to differ from my honorable and respected colleague on this subject. I entertained the hope that there would be one Whig north of Mason & Dixon's line—and that that Whig would be my honorable colleague—who would unite on this question with his southern Whig brethren, and not join the sectional party which is now getting up in the country; but, sir, I have been somewhat disappointed; and, as I find myself obliged to differ from him, I must ask the favor of the Senate to give me a brief hearing in the morning in reply. I therefore move that the Senate do now adjourn.

The motion was agreed to, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 27, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

PUBLIC PRINTER.

Mr. DAVIS, of Indiana. I rise to a privileged question. It is known to this body that the public printer of the House of Representatives has died. According to my view of the law authorizing the election of a public printer for the House of Representatives, I conceive that office to be now vacant. I therefore offer the following resolution:

Resolved, That this House will, on to-morrow, at two o'clock, p. m., proceed to the election of a public printer for the House of Representatives, to serve during the remainder of the present Congress, in place of Robert Armstrong, deceased.

Mr. DEAN. I move to amend by substituting Monday next for to-morrow.

Mr. FLORENCE. What is to become of our printing in the mean time? Let us proceed to the election of a public printer to-morrow; the sooner the better.

Mr. CAMPBELL. I would suggest to the gentleman from Indiana that he make the election for a public printer come up at once. There is no use in appointing a time in the future for that purpose.

Mr. DEAN. I believe that I have the floor.

Mr. CAMPBELL. Understanding that the gentlemen want a caucus over the matter I withdraw my suggestion.

Mr. DEAN. The object in fixing Monday next as the time for the election is because on to-morrow the homestead bill will be up. It has been already under discussion, and on last Thursday there was an endeavor to go into the Committee of the Whole on the state of the Union, in order to close the five-minutes debate. I am of the opinion that the homestead bill should be first considered and disposed of. There need be no haste about this matter of the public printing. Monday next is as soon as the House ought to be called on to vote for a public printer. This is a matter about which there can be no discussion, and—

Mr. STANTON, of Kentucky. Before the gentleman calls for the previous question, I would like to suggest that the election of the public printer ought not to be postponed until next Monday, for the reason that in the mean time there will be no authority conferred on anybody to execute the printing of the House which will necessarily occur during the present week. The printing of bills and reports, which are constantly presented, and which are required by the laws to be returned to the House the next day after they have been ordered to be printed, cannot be executed, because there is no power with anybody to execute them.

Mr. DEAN. During the last Congress, for nearly a whole session we were without a public printer; and I can see no necessity for any particular haste in this matter now. I think the members of the House ought to have time to consider this matter; and that we ought to understand, also, who we are to elect, and whether any new tests are to be imposed upon us by these candidates before we elect one. I call the previous question.

Mr. JONES, of Tennessee. Will the gentleman withdraw his call for a moment? I will renew it.

Mr. DEAN. For a moment.

Mr. JONES. I merely wish to say that I do not agree with my friend who has introduced the resolution. I do not consider that the position of the public printer is an office of this House, or of the Government, but that it is a contract to do certain work.

But, sir, if it is the determination of the House to consider it as an office, and that it is now vacant; or that it is in such a position, whether under a contract or office, as now requires the action of this House, I think that we should go into this election on to-morrow, at furthest. To test the sense of the House whether I am right in the estimation of the House or not, I will first, in compliance with the promise I made to the gentleman from New York, [Mr. DEAN,] move the previous question, and then I move to lay the resolution upon the table.

Mr. DEAN. I ask the gentleman from Tennessee [Mr. JONES] to withdraw the motion for a moment, that I may modify my motion so as to provide that the election shall take place on Wednesday next, instead of Monday.

Mr. DAVIS, of Indiana. I trust the gentleman will withdraw it.

Mr. JONES. I withdraw it.

Mr. DEAN. I now modify my motion by in-

serting "Wednesday" in the place of "Monday." I move the previous question.

Mr. DAVIS. I believe I had the floor, Mr. Speaker, after the gentleman from Tennessee [Mr. JONES] withdrew his motion.

The SPEAKER. The Chair recognized the gentleman from New York, [Mr. DEAN,] and he modified his motion, as the Chair holds he has a right to do.

Mr. DAVIS. Then I appeal to the gentleman from New York to withdraw his call for the previous question for a moment.

Mr. DEAN. I will, if the gentleman will renew it.

Mr. DAVIS. I will do so. I was remarking that I differed with my friend from Tennessee, [Mr. JONES,] in reference to the view he takes of the character of this law. The act which authorizes the election of public printer, and which was passed during the first session of the last Congress, is in these words:

"Be it enacted, &c., That there shall be elected a public printer for each House of Congress, to do the public printing for the Congress for which he or they may be chosen; and such printing for the Executive Departments and bureaus of the Government of the United States as may be delivered to him or them to be printed by the Superintendent of the public printing. The following rates, &c., shall be allowed," &c.

That, as I take it, creates an office, and the printer elected under it is an officer of this House. He is not required to give any bond for the performance of the duties of the office, it is true, but that does not change the principle involved. Sir, he is just as much an officer of the House as the Clerk is, or as the Speaker of the House of Representatives himself is.

Mr. WASHBURN, of Maine. I would ask the gentleman from Indiana, [Mr. DAVIS,] when this law was passed creating a public printer, whether it was not intended to be something more than a mere contract; whether it did not involve the idea of trust and confidence, of personal fitness and qualifications? I contend that it was not to be assignable, and that the benefits of it would not descend to his heirs.

Mr. DAVIS. Certainly.

Mr. WASHBURN. I ask whether that was not the argument used in favor of that law?

Mr. DAVIS. I do not remember what were the arguments used in reference to this matter; I desire nothing further than the act itself to convince me that the public printer is as much an officer of this House as your Clerk, Sergeant-at-Arms, Postmaster, or the Speaker. We did not elect the printing establishment as the public printer. We elected an individual as such officer; and the law provides that the public printing shall be presented to and be done by that person, and not by the establishment, not by the "Union" office. When that individual ceases to live the office expires with him, and cannot descend, by any fair and liberal construction of the law, to his heirs, executors, or administrators. I will not detain the House with arguments in reference to this question, for it seems to me to be so clear and palpable a matter that "he who runs may read." In compliance with my promise to the gentleman from New York, [Mr. DEAN,] I renew the demand for the previous question.

The SPEAKER. The resolution offered by the gentleman from Indiana [Mr. DAVIS] proposes to go into the election of a public printer to-morrow, at two o'clock. The gentleman from New York [Mr. DEAN] moves to strike out the words "to-morrow," and insert the words "Wednesday next." The gentleman from Indiana [Mr. DAVIS] demands the previous question.

Mr. JONES, of Tennessee. Will the gentleman from Indiana withdraw the demand for the previous question for a moment? I should like to make a brief explanation in regard to this matter.

Mr. DAVIS. I do not like to withdraw it.

Mr. JONES. As the gentleman does not withdraw the demand for the previous question, I move to lay the resolution upon the table.

Mr. WALKER. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The question was then taken upon Mr. Jones's motion; and it was decided in the negative.

So the House refused to lay the resolution upon the table.

Upon the demand for the previous question, a

division being had, there were—yeas 76, noes not counted.

Mr. WASHBURN, of Illinois, demanded tellers, which were ordered; and Messrs. HAMILTON and CAMPBELL were appointed.

The question was taken, and the tellers reported—yeas 77, noes 45.

The previous question having received a second, the main question was then ordered to be put.

The question being first upon the amendment to strike out "to-morrow" and insert "Wednesday next" was put, and, upon a division, 52 rose in the affirmative.

Mr. WALSH. I demand tellers upon the adoption of the amendment.

Tellers were ordered; and Messrs. CHURCHWELL and CAMPBELL were appointed.

Mr. CUTTING. Is it in order to take the question first upon striking out and then upon inserting?

The SPEAKER. It is not. Under parliamentary law the question would be divisible, but by an express rule of the House the motion to strike out and insert is indivisible.

The question was again put; and the tellers reported—yeas 72, noes 68.

Mr. JONES, of Tennessee. I call for the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 96, nays 86; as follows:

YEAS—Messrs. Appleton, Ball, Bell, Bennett, Benson, Breckinridge, Bugg, Campbell, Carpenter, Caruthers, Christian, Cook, Corwin, Craig, Crocker, Culom, Cutting, Thomas Davis, Dean, Dick, Drum, Dunbar, Eastman, Edgerton, Edmonds, English, Etheridge, Ewing, Farley, Fenton, Flagler, Giddings, Goodrich, Green, Grey, Harrison, Haven, Hiestor, Hughes, Hunt, Daniel T. Jones, Kerr, Kittredge, Knox, Lamb, Latham, Lindley, Lindsey, McCulloch, McMullin, Macy, Matteson, Maurice, Middleswarth, John G. Miller, Morrison, Nichols, Noble, Norton, Pennington, Phillips, Pratt, Preston, Furey, David Ritchie, Rowe, Ruffin, Russell, Sahin, Sage, Sapp, Seymour, Shaw, Shower, Simmons, Coritt Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Stratton, Straub, Andrew Stuart, John L. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walsh, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Westbrook, Yates, and Zolllicoffer—96.

NAYS—Messrs. James C. Allen, Ashe, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bissell, Biscoe, Boyce, Bridges, Caskie, Chamberlain, Chandler, Chastain, Churchwell, Clark, Clingman, Cobb, Cox, Curtis, John G. Davis, Dawson, Dent, Dowdell, Edmundson, Ellison, Faulkner, Florence, Fuller, Gamble, Greenwood, Grow, Hamilton, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Hill, Ingersoll, Johnson, George W. Jones, Roland Jones, Keitt, Kurtz, Lane, Leitcher, Lilly, Macdonald, McDougall, McNair, Maxwell, Mayall, Smith Miller, Milson, Olds, Andrew Oliver, Orr, Packer, Peck, Peckham, Bishop Perkins, John Perkins, Phelps, Ready, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Seward, Skelton, Samuel A. Smith, William R. Smith, Hestor L. Stevens, Tweed, Vail, Nansant, Wabridge, Walker, Warren, Wells, Witte, Daniel B. Wright, and Hendrick B. Wright—86.

So the amendment was agreed to.

The question was then taken on the resolution as amended, and it was adopted.

Mr. DEAN. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

The question was put on the latter motion, and it was agreed to.

Mr. DAWSON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up the special order.

STEAM FRIGATE BILL.

Mr. BOCOCK. I appeal to the gentleman from Pennsylvania to withdraw his motion, to enable me to make a motion, with a view to bring before this House, at an early day, the bill to authorize the construction of six steam frigates. Will the gentleman do it?

Mr. DAWSON. I withdraw my motion for that purpose.

Mr. BOCOCK. I wish to make a motion in relation to this subject, and I am perfectly willing to consult the temper and wishes of the House as to the particular motion that I shall submit.

I suppose that almost every member of this House, if not every one, is perfectly satisfied, as every member of the Senate was satisfied, that there is a propriety in the passage of this bill, and its immediate passage. If I was certain that that was the temper of the whole House, the motion that I would make would be to suspend the rules, for the purpose of taking up the Senate bill, with a pledge on my part, that if no one else wished to

discuss it I would not, but would move the previous question, and bring the House to a vote upon it.

[Cries of "Agreed!" and "Try it!"]

Mr. BOCOCK. As that seems to be the wish of the House, I move to suspend the rules to take up the Senate bill, with a pledge on my part, that when the bill is taken up, if I can obtain the floor, I will immediately move the previous question, so as to cut off debate and bring the House to a vote upon the passage of the bill.

Mr. CAMPBELL. We want to discuss the bill.

Mr. JONES, of Tennessee. The bill would have to go to the Committee of the Whole on the state of the Union.

Mr. BOCOCK. I suppose the House understands that there is a rule making it necessary that every bill which involves an appropriation shall go to the Committee of the Whole on the state of the Union? Unless some such motion as this is made and carried, when the Senate bill is reported, it must, under that rule, go to the Committee of the Whole on the state of the Union.

Mr. WALSH. Well, let it go there.

Mr. BOCOCK. It will go to the foot of the Calendar, and will be reached late in the dog-days, if reached at all.

The SPEAKER. The motion is not debatable.

Mr. CAMPBELL. If it is debated on one side, we want to be heard upon the other. I move to lay the resolution on the table.

The SPEAKER. It is not a resolution, but a motion.

Mr. WALSH. I call for the yeas and nays on the motion of the gentleman from Virginia.

Mr. TAYLOR, of Ohio. I wish to inquire of the gentleman from Virginia what day he proposes to set apart for the consideration of this bill?

The SPEAKER. The proposition is not debatable.

Mr. TAYLOR. I shall have to vote against the gentleman's motion, unless I know what day or days he proposes to set apart.

Mr. CAMPBELL. He intends to put the bill upon its passage now.

Mr. JONES, of Tennessee. What is the question before the House?

The SPEAKER. It is on the motion to take up the Senate bill authorizing the construction of six steam frigates.

Mr. JONES. Does the gentleman from Virginia propose to bring the Senate bill in here, and put it on its passage under the operation of the previous question?

Mr. CAMPBELL. That is the proposition.

Mr. JONES. I hope such a departure from all rules will not be allowed.

The SPEAKER. Debate is not in order. The gentleman from Virginia moves to suspend the rules to take up and dispose of a bill of the following title:

An act to authorize the construction of six steam frigates, and for other purposes.

The yeas and nays were ordered.

The question was then taken on the motion to suspend the rules; and it was decided in the affirmative—yeas 127, nays 60; as follows:

YEAS—Messrs. Aiken, James C. Allen, Appleton, Ashe, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Benson, Boccock, Breckinridge, Bugg, Carpenter, Caskey, Chamberlain, Chandler, Chastain, Chrisman, Churchwell, Clingman, Colquitt, Cook, Corwin, Cox, Crocker, Cullon, Cutting, Dawson, Dean, De Witt, Dick, Disney, Dowdell, Drum, Dunbar, Edmonds, Edmundson, Elliott, Ellison, Etheridge, Ewing, Farley, Faulkner, Florence, Fuller, Gamble, Goodrich, Green, Greenwood, Grey, Wiley P. Harris, Harrison, Hastings, Hibbard, Hiestler, Keitt, Kurtz, Lamb, Latham, Lecher, Lilly, Lindsey, McCulloch, Macdonald, McDougall, McNair, Macy, Maxwell, Mayall, Middleswarth, Smith Muller, Milson, Morrison, Noble, Mordcaif Oliver, Peck, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Reese, Richardson, Riddle, David Ritchie, Robbins, Ruffin, Russell, Sabin, Seymour, Shaw, Shower, Singleton, Skelton, Samuel A. Smith, Richard H. Stanton, Straub, John L. Taylor, Thurston, Trout, Tweed, Upham, Vail, Vansant, Walbridge, Walker, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Westbrock, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—127.

NAYS—Messrs. Ball, Bell, Bennett, Boyce, Bridges, Campbell, Caruthers, Clark, Cobb, Craige, John G. Davis, Thomas Davis, Dent, Eastman, Edgerton, English, Fenton, Flagler, Giddings, Grow, Hamilton, Haven, Hendricks, Henn, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Knox, Lane, Lindsey, McMullin, McQueen, Matteson, Maurice, John G. Miller, Nichols, Norton, Olds,

Andrew Oliver, Orr, Packer, Peckham, Preston, Ready, Thomas Ritchey, Rowe, Sage, Sapp, Seward, Simmons, Gerrit Smith, George W. Smyth, Hestor L. Stevens, Stratton, Tracy, Wade, Walsh, Wells, and Yates—60.

So the rules were suspended.

The bill was then taken up, and read a first and second time by its title.

The bill was then read through.

Mr. BOCOCK. The motion which I submitted a few minutes ago, and which has been just voted on by the House, was understood by myself, and almost every other person with whom I have conversed, as a motion to suspend that rule which requires that this bill shall first go to the Committee of the Whole on the state of the Union to be considered. I wish to know what the ruling of the Chair is on that point?

The SPEAKER. The Chair rules that, as the motion was understood and put by him, it was to suspend the rules for the purpose of taking the bill up.

Mr. BOCOCK. My object was to have the bill first considered in the House. The rule of the House is, that a bill of this sort shall be first considered in the Committee of the Whole on the state of the Union. My motion was to consider it first here, and that being incompatible with that rule, of course the motion was to suspend that rule. The sense of the House has been tested, and, if necessary, I move to suspend the rule which requires that a bill containing an appropriation shall be first considered in the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair considers it scarcely regular to move that the rule be suspended which requires a bill to go to the Committee of the Whole on the state of the Union to be first considered, at the very moment that the motion is submitted to suspend the rules, in order to take it up. Perhaps both motions ought to be embodied in a resolution. The Chair is of the opinion that it would not be regular to couple both the motions as proposed by the gentleman from Virginia. The Chair rules that the bill must be first considered in the Committee of the Whole on the state of the Union.

Mr. BOCOCK. I move to suspend the rule which requires that the bill shall be first considered in the Committee of the Whole on the state of the Union.

Mr. HAMILTON. I demand the yeas and nays.

Mr. HENN. Is it in order to move to refer the bill to the Committee on Naval Affairs? It contains an appropriation of three millions of dollars, and should be considered by some committee.

The SPEAKER. It is not in order pending the motion to suspend the rules, otherwise it would be in order.

The yeas and nays were ordered.

Mr. JONES, of Tennessee. If it is in order, I wish to inquire of the gentleman from Virginia, [Mr. Boccock,] what is the estimated cost of these six steamers?

The SPEAKER. It is not in order. The Chair must arrest everything like a discussion upon a motion to suspend the rules.

Mr. BOCOCK. I hope the Chair will allow me to answer that question.

The SPEAKER. The gentleman can do so only by the unanimous consent of the House.

[Cries of "No!" "No!"]

The SPEAKER. Gentlemen insist upon an enforcement of the rule.

Mr. JONES. Will it be in order to move to suspend the rules, to allow the gentleman to answer that question?

The SPEAKER. It will not. After one order or motion to suspend the rules has been disposed of, it will be in order to submit another, but both cannot be pending at the same time.

The question was then taken; and it was decided in the negative—yeas 98, nays 80; as follows:

YEAS—Messrs. James C. Allen, Appleton, Ashe, Thomas H. Bayly, Banks, Barksdale, Belcher, Benson, Bissell, Boccock, Breckinridge, Bugg, Carpenter, Caskey, Chamberlain, Chandler, Chrisman, Churchwell, Clingman, Colquitt, Cook, Corwin, Cox, Crocker, Dean, De Witt, Dick, Dowdell, Dunbar, Edmonds, Edmundson, Etheridge, Farley, Faulkner, Florence, Fuller, Goodrich, Green, Grey, Wiley P. Harris, Harrison, Hastings, Hibbard, Hiestler, Hill, Hughes, Hunt, Ingersoll, Kurtz, Lamb, Latham, Macdonald, McDougall, McNair, Macy, Maxwell, Middleswarth, Milson, Noble, Packer, Pennington, Bishop Perkins, John Perkins, Phelps, Powell, Pratt, Puryear, Richardson, Riddle, David Ritchie, Robbins,

Ruffin, Russell, Sabin, Seymour, Shaw, Shower, Singleton, Skelton, Samuel A. Smith, William R. Smith, Solters, Frederick P. Stanton, Straub, John L. Taylor, Thurston, Trout, Tweed, Upham, Vail, Vansant, Walker, Israel Washburn, Tappan Wentworth, Westbrock, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—98.

NAYS—Messrs. Ball, Barry, Bennett, Boyce, Bridges, Campbell, Caruthers, Clark, Cobb, Craige, Cutting, John G. Davis, Thomas Davis, Dawson, Dent, Disney, Eastman, Edgerton, Elliot, Ellison, Everhart, Ewing, Fenton, Flagler, Gamble, Giddings, Grow, Hamilton, Haven, Hendricks, Henn, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kittredge, Knox, Lane, Lecher, Lilly, Lindsey, Lindsey, McCulloch, John McQueen, Matteson, Maurice, Meacham, John G. Miller, Smith Miller, Morrison, Nichols, Norton, Olds, Andrew Oliver, Orr, Peck, Peckham, Ready, Reese, Thomas Ritchey, Rowe, Sage, Sapp, Seward, Gerrit Smith, George W. Smyth, Richard H. Stanton, Andrew Stuart, Tracy, Wade, Walbridge, Walsh, Warren, Ellihu B. Washburne, Wells, John Wentworth, Witte, and Yates—80.

So the motion was not agreed to, two thirds not voting in favor thereof.

Mr. BOCOCK. This motion having been lost, I take it for granted that this bill goes, as a matter of course, to the Committee of the Whole on the state of the Union?

The SPEAKER. It may go to the Committee on Naval Affairs.

Mr. BOCOCK. I would state here that this bill is precisely the one which was considered and reported to the House by the Committee on Naval Affairs some time ago. A gentleman from the Senate copied the bill which we had reported, and submitted it to the Senate, and it passed that body verbatim, as we have reported it. It passed the Senate unanimously. Under these circumstances it is not important that it should go again to the Committee upon Naval Affairs. I therefore now move that it be referred to the Committee of the Whole on the state of the Union, and be made the special order for to-morrow week.

Mr. JONES, of Tennessee. I would say to the gentleman from Virginia, [Mr. Boccock,] that to-morrow week and the two succeeding days have been set apart for the consideration of local Territorial business.

Mr. BOCOCK. Then I move that it be made the special order for next Thursday week.

Mr. JONES. That is one of the special order days already set apart. They are Tuesdays, Wednesdays, and Thursdays.

Mr. BOCOCK. Then I would make it to-morrow two weeks.

Mr. HAVEN. I desire to say one word before that question is put. I hope the House will consider this matter for a moment, before they make another special order by which they will tie themselves up, nobody knows for how great a length of time hereafter. We have been here three months, and not an appropriation bill of any consequence has been passed yet. The new deficiency bill is still untouched. I hope the House, at least, will so far consider this matter before it makes another special order, as to determine whether it cannot transact its business quite as well by the free exercise of its judgment when questions arise as by tying up its hands in advance, and declaring in advance that it has not confidence; that hereafter, and when the question arises, it will be able to act properly.

Mr. BOCOCK. As the gentleman has been permitted to make those remarks, I hope I may be permitted to reply to them. I want to know what the gentleman means by his remarks in reference to this House tying up its hands? If he means by it that the House ties up its hands when a particular measure comes up before another matter, I say that the very rules of this House tie up its hands. Are we not obliged to consider some things before others? We must have business come up in some order, and how does the fact of making this bill the special order for a particular day tie up the House any more than anything else?

The SPEAKER. Will the gentleman from Virginia submit his proposition in writing, or state it again? Does the gentleman mean to make the bill the special order for to-morrow two weeks, and to continue from day to day until disposed of? Is it the purpose of the gentleman to give the matter one day or more?

Mr. BOCOCK. I will include two days, to-morrow week and the next day.

Mr. HAMILTON. I ask for a division of the question.

The SPEAKER. The first question is, then,

upon the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. Does it not require a two-third vote to make it a special order?

The SPEAKER. It does.

Mr. LILLY. If this bill goes to the Committee of the Whole on the state of the Union, without making it a special order, will it not be in the power of that committee to take it up at any time?

The SPEAKER. It is in the power of the committee to take up any bill upon the Calendar. The question is now upon the motion to refer to the Committee of the Whole.

Mr. ORR. I see, in looking at the Calendar, that the bill reported by the Committee on Naval Affairs stands the fifth upon the docket in the Committee of the Whole.

Mr. FLORENCE. Did I understand the Speaker to say that a majority of the House is competent to consider a bill referred to the Committee of the Whole at any time?

The SPEAKER. The Chair did so decide.

Mr. FLORENCE. Is it now in order to move to proceed to consider bills upon the Calendar?

The SPEAKER. Not being in committee, it would not be in order.

Mr. FLORENCE. Would it be in order to move to go into the Committee of the Whole on the state of the Union to consider that bill upon the Calendar? The gentleman from South Carolina [Mr. Orr] referred to the fact that more than two months ago, the Committee on Naval Affairs reported a bill, in substance, precisely what this bill is. That bill is upon the Calendar, and referred to the Committee of the Whole on the state of the Union, and I ask whether it be in order now to move that the House resolve itself into the Committee of the Whole on the state of the Union, with special reference to the consideration of that bill?

The SPEAKER. The motion would not be in order. It would be in order to go into the Committee of the Whole on the state of the Union, but there is already a privileged question before the House. The Chair decides that the bill must go to the Committee of the Whole on the state of the Union, and there being no motion to refer it to any one of the standing committees of the House, the Chair orders the bill to be referred to the Committee of the Whole on the state of the Union, without a vote. The question arises upon making the bill the special order for to-morrow and the next day two weeks.

Mr. FLORENCE. Will the Chair allow me a single word upon this matter? I do not desire to trouble the House—

[Cries of "Order!" "Order!"]

The SPEAKER. The question is not debatable.

Mr. FLORENCE. I do not desire to debate the question at all. I merely wish to make an inquiry, and not to make a speech. But to ascertain how to pursue that course under the rules of the House, as will best attain the purpose I have in view, to secure the immediate passage of this bill, if possible to do so to-day. The pressing importance of it, in my judgment, is very great. Appearances and advices from abroad indicate a protracted European Continental war of the most sanguinary character, and, in that event, it is the duty of the Government to afford protection to vessels of our commercial marine, sailing under the flag of our country; besides, to prevent spoiliations upon our commerce with the world, and, generally, to insure safety to our citizens and flag everywhere. The resources of the American Navy are not, at present, sufficiently large for that purpose. The loss by revenue from customs alone, will, in all probability, in a few years, more than pay the cost of building and equipping the six steamers provided for in this bill, independently of the loss of property and life which may occur, if adequate means of protection is not speedily afforded to prevent it. Prudence, economy, and duty, all prompt speedy action; and it is in obedience to the universal sentiment pervading the hearts of the great masses of the American people. I hope this House will act promptly and properly upon this important subject.

The SPEAKER. The question now pending is the motion made by the gentleman from Virginia, [Mr. Bocock], to suspend the rules so as to make the bill under consideration the special order for to-morrow and the next day two weeks.

Mr. JONES, of New York. Upon that motion I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. WALSH demanded tellers; which were ordered; and Messrs. VAIL and CAMPBELL were appointed.

The question was then taken; and there were—ayes 91, noes 48.

Mr. FLORENCE. I demand the yeas and nays upon the motion to suspend the rules.

The SPEAKER. The yeas and nays were demanded and refused upon this proposition.

So (two thirds not having voted in the affirmative) the rules were not suspended.

PAYMENT OF EXPENSES IN NEW MEXICO.

Mr. GALLEGOS (Mr. PHELPS acting as interpreter) offered the following resolution:

Resolved, That the Committee on Military Affairs be requested to inquire into the expediency and propriety of provision being made for the payment of the compensation due to the civil officers employed in the Territory of New Mexico, while it was under military government, and of refunding to that Territory the sum paid said officers from its treasury, as a part of said compensation, according to the report of the Secretary of War to Congress, contained in the Senate Executive Document, No. 71, parts 1 and 2, Thirty-Second Congress, first session.

Mr. LETCHER. I ask whether this is a resolution of inquiry, or whether it proposes definite action?

Mr. PHELPS. It is merely a resolution of inquiry.

The resolution was then considered and agreed to.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported, as correctly enrolled, bills of the following titles; which received the signature of the Speaker:

An act for the relief of Mary C. Hamilton;

An act granting five years' half pay to the widow of captain James W. Gunnison;

An act for the relief of Adam D. Steuart, a paymaster in the United States Army;

An act for the relief of Allen G. Johnson; and

An act for the relief of Mrs. Elizabeth C. Smith, of Missouri.

CONTESTED ELECTION.

Mr. MILLER. On Friday last the Committee of Elections reported a resolution to this House, declaring that the sitting Delegate from the Territory of New Mexico was entitled to his seat upon this floor. That report and resolution were concurred in by the House without investigation, without consideration, and without even having been printed and laid upon the tables of the members of the House.

Governor Lane, the contestant, as is known to the members of the House, was not entitled to a place upon this floor, nor could he occupy a seat here, until the contest had been decided by the House in his favor. He was not notified by the chairman, or any member of the committee, that the report would be made upon that day, nor did he know that it was made until he was subsequently informed of the fact, and after the resolution had been acted upon by the House.

The report and resolution were concurred in, and the vote by which it was concurred in was afterwards reconsidered, and the motion to reconsider laid upon the table; thus closing up the whole matter without the slightest investigation upon the part of the House, and without affording the contestant the slightest opportunity of investigating the report, or of presenting his claims before the House and the country.

I am but little familiar with the mode of procedure in cases of this kind, but it does strike me that it would be eminently proper, when the right of a member or delegate in this House is a matter of contest, that it should not be passed over more hurriedly than other matters of ordinary legislation.

I deem it due to Governor Lane to say that he desires the House and the country to know that he wishes his claim examined, not from personal considerations, but because he believes it due to those who sent him here; for he comes here at the instance and urgent solicitation of many of the people of New Mexico, to assert his right to the seat, and he asks that his claim should be investigated. I think such an investigation eminently proper in this case, for the reason that, upon the credentials presented by the sitting member, it

appears that there were gross irregularities in the election, and that the Governor and Secretary of State, who made out those credentials, and gave the certificate to the sitting member, excluded from the count several hundred votes; and it also appears, from the report of the Committee of Elections, that there was great irregularity in the election.

The SPEAKER. The gentleman from Missouri is aware that the subject is not debatable.

Mr. MILLER. I am aware of that fact, and I am only prefacing the motion which I intend to submit with this statement, in order that the House may act understandingly on the question. I ask the indulgence of the House that I may make this statement as an act of justice to a claimant who cannot be heard upon this floor unless an opportunity is afforded him by reconsidering the action of the House last Friday. I make the motion, which I am about to submit, as an act of courtesy and justice to him; for I think it due to him that he should be heard in the matter.

I was remarking, that it appears upon the credentials of the sitting member that hundreds of votes were excluded by the Governor and Secretary of the Territory in making out the count; and, if I understand the report of the Committee of Elections aright, that committee also report that great irregularities did exist in the election, not only in the manner in which it was held, but in the returns which were made. I hold, therefore, that it is right and proper that the House should have before them the report which was made. I was not present at the time the report was made on Friday last, and do not know whether that report was read through, but from my own knowledge of the complicated case presented by the contestant, I am sure it is utterly impossible for the House to understand it without an investigation of the report after it shall have been printed.

Sir, I deem it but an act of justice to the contestant, who has no right to a seat on this floor, when that report was presented, that his claim shall receive at least that consideration and investigation which is accorded to the humblest claimant who presents his claim here for dollars and cents; it is worthy of such consideration, because it involves a high and sacred right and privilege—because it involves the purity of the elective franchise itself. If, as the committee report, irregularities did exist in the election in New Mexico, I hold that it is due to the people of that Territory that this House should so act upon the question that those irregularities may be prevented for the future. It may be said that the Territory of New Mexico embraces a large population, who are unacquainted with our language and our laws. That is true, I presume. But ignorance of the law is no justification for its violation. These irregularities in elections should be checked, and the election laws observed, if we would preserve unimpaired this great franchise of the citizen. And I understand that this is not the only election in which such irregularities have occurred.

I have understood that irregularities existed in the first election which was held in the Territory for a Delegate to Congress. And the gentleman who was defeated in that canvass was urged to contest the election there, but declined to do it. And I understand from the contestant here, that he was urged by men of all parties in New Mexico to come here to contest the right of the sitting member; and he holds that it is not only an act of justice to himself, but an act of justice to those whom he believes he is entitled to represent upon this floor, that his case should be heard; that the matter should be investigated by this House, and that their judgment should be passed on it after full and thorough investigation.

I now appeal to this House, whether they have given this case, involving the rights and interests of the people of New Mexico, that full and fair investigation which will enable each member on this floor to say that he voted understandingly when he voted to sustain the report of this committee? This is all we ask. And, sir, for the purpose of having the matter fully investigated, I submit the motion that the rules be suspended, to enable me to take from the table of the House the resolution submitted by the Committee of Elections, not for the purpose of considering it now, but for the purpose of bringing it again before the House after the report has been printed, and laid upon the tables of members, so that when called

on to vote they may vote understandingly. If this be done, the contestant and the people of the Territory will be satisfied.

Mr. STANTON, of Kentucky. I trust that the House will indulge me in making a few remarks in reply to what has been said by the gentleman from Missouri.

Mr. JONES, of Tennessee. The gentleman made the report from the committee, and certainly ought to be indulged.

There was no objection to the gentleman proceeding to reply.

Mr. STANTON. The report was made last Friday, and it was not without calm and attentive consideration by the committee who were intrusted with the duty of doing so. Both the parties were before the Committee on Elections. The investigation occupied a period of more than two months. The committee met sometimes once, sometimes twice, and I believe as often as three times a week. The parties had every facility afforded them for the purpose of making a thorough and searching examination with all the facts connected with the subject. Why, sir, we postponed the proceedings for more than two weeks, in order that Colonel Lane might himself scrutinize every paper and every figure which was on them. Well, after hearing both sides, after examining all the testimony, the committee were unanimously of the opinion that Colonel Lane had no shadow of right.

It is true that an attempt was made to show, not fraud in the voters, not fraud in the manner of conducting the election, but that fraud had been committed in making the returns—not in altering or changing the returns, but in the manner in which they were communicated to the Secretary of the Territory. We regard that as a mere irregularity, and the report admits on its face that there was irregularity in making the returns. The forms of elections, as laid down by the law, are complex and difficult. Those who had to carry them out did not understand the language. It was a new country, the government just organized, and great allowances ought necessarily to be made for that condition of things. The committee were disposed to make it, in the absence of all fraud on the part of the voters, the candidates, or anybody else concerned.

The gentleman says that the certificate of election which was given to the sitting member, Señor GALLEGO, showed on its face that certain votes had been excluded. The gentleman misapprehended the fact. His credentials show no such thing; but there is a certificate from the secretary of the Territory, giving an abstract of all the votes, and making three or four calculations, each one differing from the other.

Mr. RICHARDSON, (interrupting.) Will the gentleman from Kentucky allow me to ask him a single question? Did I understand the gentleman to say that the canvassing officer did not undertake to purge the poll-book?

Mr. STANTON. I say the Secretary of the Territory submits the certificates, and sends them here with the papers, in which—

Mr. RICHARDSON. I desire to call the attention of the gentleman to another point. JOSE MANUEL GALLEGO is admitted here upon the certificate of the Governor. It was irregular, but it was not such an irregularity as to exclude him, I admit. The Governor, in making out the list of votes, and giving a certificate, takes away from each one of the candidates some several hundred votes, (or else I have greatly mistaken the certificate,) and it is that to which I wish to call the attention of the gentleman from Kentucky.

Mr. STANTON. I intended to explain that matter; and it is susceptible of an easy explanation. The certificate of the Secretary contains four calculations. In the first he sets down such votes as are not disputed; and in that he comes up perfectly to the requirements of the law. In that calculation he excludes returns where the poll-books do not show where each man's name is numbered, from one down to the end of the list. In another instance he excludes those which have the numbers, but do not indicate, upon the face of the poll-books, for whom each individual voted. The law requires that there shall be an abstract containing that information, which shall accompany the poll-book; and it requires that the list of votes shall be sent to the Secretary of the Territory. In the next column he excludes all votes which were excepted to. In the third column he makes no exclusion.

In the fourth column, which is the true basis of calculation, he admits all the votes polled at the election. There is no proof that any of those votes were fraudulently cast. Of all the votes cast at the election, we have excluded only some two hundred odd, polled by the Pueblo Indians, who, under the law of the Territory, had no right to vote.

The law requires that the probate judge shall organize the election and appoint officers to conduct it, and shall furnish them with poll-books. The probate judge in this case did not discharge that duty, for the reason that the law did not require him to do it. But the Indians met, and organized themselves into an election district, and appointed their chiefs as judges; and afterwards, in the town meetings held the elections and sent up the returns. The committee have only excluded those two hundred and eight Indian votes.

Mr. MILLER. I stated that the credentials submitted by the sitting Delegate presented the fact that there was irregularity in the election. The gentleman joins issue with me upon that question. I hold in my hand a copy of the certificate of the Secretary of State, and I beg leave to call the attention of the gentleman to it. I will read a portion of it:

"I, W. S. Misservy, Secretary of the Territory of New Mexico, do hereby certify that on September 20, A. D. 1853, and in the presence of the Governor of said Territory, I proceeded to count the returns of the votes given at a general election held on the fifth day of September last, for a Delegate to the Thirty-Third Congress of the United States, and that counting the entire vote as returned to this office by the several prefects, the result stands as follows:

Jose Manuel Gallegos received.....	4,971 votes.
William Carr Lane received.....	4,526 "
Majority for Jose Manuel Gallegos.....	455 "

And that after throwing out of the count such returns as were not made in strict accordance with law, the result stands as follows:

Jose Manuel Gallegos received.....	2,806 votes.
William Carr Lane received.....	2,267 "
Majority for Jose Manuel Gallegos.....	539 "

Therefore I, the said W. S. Misservy, Secretary as aforesaid, do hereby certify that the said Jose Manuel Gallegos was and is duly elected the Delegate from said Territory to the Thirty-Third Congress of the United States, according to law."

This shows that the Governor and Secretary excluded over four thousand votes, and yet the gentleman from Kentucky [Mr. STANTON] says that there was no irregularity, and no votes excluded by the Governor and Secretary in their count, because of irregularity or illegality.

Mr. STANTON. The Governor and secretary did make the calculation, and did present it, and the committee had to examine these credentials. The question was, whether these votes were irregularly excluded. The committee came to the unanimous conclusion that, though there were irregularities in the returns, yet they ought not to be excluded, because they were not of a character to justify the exclusion. The Secretary himself does not say that they were excluded, because he presented the other calculation, and upon the result of that calculation he gives a certificate.

The gentleman from Missouri [Mr. MILLER] complains that the committee did not give Colonel Lane notice that we intended to present this report to the House. It is possible that we may have done wrong in that respect, but I do not know that it was our duty to inform Colonel Lane as to the character of the report which we intended to make. I did not know that the gentleman from Missouri desired to contest this matter, for if I had known that he or any other gentleman desired to be present at the meeting of the committee, and discuss this matter, I should have been courteous enough to have given him the opportunity of doing so. I did not know that it was the desire of Colonel Lane to discuss the matter. He had requested me to present his case. I did so, and the report made by the committee was presented to the House. I made no motion to stop debate, or call the previous question, or press for a vote upon it, and when I presented it, I made no remarks. I did not even make a motion to put the resolution upon its passage. It seems to me, that the House ought not to open the question again.

Mr. HAVEN. What is the precise motion before the House?

The SPEAKER. The pending motion is to suspend the rules so as to enable the gentleman from Missouri [Mr. MILLER] to make a motion

to take from the table a motion to reconsider the vote of the House, adopting the report made by the Committee of Elections.

Mr. MILLER. I desire to say but a word. I doubt not the Committee of Elections are satisfied with the conclusion at which they have arrived in this matter. That is not now the question before the House. If we are to take the argument of the gentleman from Kentucky [Mr. STANTON] as a sound one, then there is no necessity for investigating any matter that is reported by a committee of this House, if it be merely sufficient that a majority report for or against it. I desire only that the same course shall be pursued in the investigation of this case which is pursued in a matter of dollars and cents. When the committee of which I am a member—the Committee of Claims—make a report, and introduce a bill or resolution appropriating \$100 out of the Treasury for the payment of a just claim, it is not taken for granted by the House that that appropriation ought to be made because the committee recommend it, but the question is referred to a Committee of the Whole House, where it may be sifted and examined. I think that we should at least be willing to adopt such a rule upon a question involving the right of a Delegate or a Representative to a seat upon this floor. That is all we ask.

There are gentlemen all around me, and I doubt not there are gentlemen all over the House, who are wholly unacquainted with the facts in this case. The gentleman from Kentucky [Mr. STANTON] says that it is only a question of irregularity; that there is no fraud in the case. I can well imagine that there may be questions of this character so grossly violating the law as to vitiate an election, and cases in which neither of the contestants should be admitted to a seat upon this floor; but they should be sent back to the people, that such irregularities might be corrected, and the election conducted in pursuance of the law. The contestant holds in this case that there has been such irregularity. I desire an opportunity, not only to decide upon the merits of this case for myself, but I desire that the gentleman who contests the right of the sitting Delegate upon this floor should have justice done to him, and that the people of the Territory may be satisfied that the House has given the application of the contestant that fair and impartial hearing which is due to every citizen who presents a claim for the consideration of this House.

The SPEAKER. The gentlemen of the House will recollect that, after the resolution reported by the Committee of Elections was adopted by the House, a motion was made to reconsider, and the motion to reconsider laid upon the table. The gentleman from Missouri now moves to suspend the rules, to enable him to submit a motion that the report may again be taken from the table and considered.

Mr. HAVEN. If the House will permit me, I will say, that although I am not acquainted with the merits of this controversy, I do not doubt that the Committee of Elections have faithfully discharged their duty; and I do not understand that the application of the gentleman from Missouri looks to the impeaching of their integrity, or the correctness with which they have examined into the matter; not at all. I understand him to put it upon the ground that this is a subject upon which the House has no particular knowledge, and which has been acted upon with more precipitation than is usually manifested upon a case of mere ordinary importance; and, inasmuch as it involves a principle connected with the elective franchise, and for the purpose of securing an intelligent investigation into matters of this kind, upon which the uprightness and independence of the members of this House hinges, I would submit whether it would not be better to place the subject at least in a condition where the House can give to the constituents of the sitting Delegate from New Mexico their intelligent opinion, after a proper investigation, that he is rightfully entitled to the seat which he occupies. It seems to me that the resolution is a fair one, and I hope the House will entertain and adopt it.

Mr. STANTON, of Tennessee. I desire simply to inquire whether the resolution which was passed the other day was passed under the operation of the previous question?

The SPEAKER. It was not. The previous question was not demanded upon its passage.

Mr. STANTON. I would like the House to understand the length of time the subject was under consideration; whether a long report was not read in the hearing of the House, concluding with the resolution; and then whether it was not deliberately adopted, without any motion or effort upon the part of any one to postpone its disposition?

The SPEAKER. The report was read at the Clerk's desk, and the question was put upon the adoption of the resolution, without any discussion, or any motion upon the part of any member.

Mr. HUNT. If the action of the House, in the adoption of this resolution, has been unadvised or precipitate, it becomes the character of this House to reconsider its action, and give the subject a proper share of deliberation. There is no imputation intended to be cast upon the honorable Committee of Elections. The members of that committee are doubtless satisfied with the correctness of the conclusion to which they have come, but members around me say that they are not in possession of the facts in this case, and that an intelligent judgment has not been given upon it. I hope, therefore, in order that justice may be done in a matter which concerns the representation of the people, that the motion of the gentleman from Missouri will prevail.

The question "Shall the rules be suspended?" was put; and, upon a division, sixty-four rose in the affirmative.

Mr. MILLER. I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER. The Chair doubts whether a quorum of members are in the House, but the yeas and nays will show.

The question was then taken; and there were—yeas 87, nays 50; as follows:

YEAS—Messrs. Aiken, Appleton, Thomas H. Bayly, Ball, Bennett, Benson, Bridges, Brooks, Campbell, Caruthers, Caskie, Chandler, Cook, Cox, Crocker, Curtis, Dawson, Dean, DeWitt, Dick, Eastman, Edmonds, Edmondson, Etheridge, Flagler, Gamble, Goodrich, Greenwood, Grey, Grow, Andrew J. Harlan, Harrison, Haven, Henn, Hill, Hunt, Johnson, Daniel T. Jones, Kerr, Kidwell, Kittredge, Knox, Kurtz, Leitcher, Lindley, McCulloch, McDougall, Macy, Maechan, John G. Miller, Smith Miller, Milton, Norton, Mordecai Oliver, Peckham, Powell, Pratt, Fruston, Puryear, Ready, Richardson, David Ritchie, Thomas Ritchie, Sabin, Sage, Sapp, Seward, Seymour, Shaw, Singleton, Gerrit Smith, Snodgrass, Hestor L. Stevens, Straub, Andrew Stuart, John L. Taylor, Tracy, Trout, Tweed, Upham, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, Hendrick B. Wright, Yates, and Zolligoffer—87.

NAYS—Messrs. Belcher, Bissell, Bockock, Boyce, Breckinridge, Chamberslain, Chrisman, Churchwell, Clark, Cobb, Colquitt, Craige, Cutting, John G. Davis, Disney, Dunham, Elliston, English, Everhart, Fenton, Florence, Hamilton, Hastings, Hendricks, Hester, George W. Jones, Lane, Lilly, Lindsay, McQueen, Mateson, Maurice, Morrison, Nichols, Peck, Robbins, Ruffin, Russell, Skelton, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Thurston, Vail, Vansant, Wade, Walsh, and John Wentworth—50.

So (two thirds not voting in favor thereof) the rules were not suspended.

OCEAN MAIL STEAMERS.

Mr. WALKER. I offer the following resolution:

Resolved, That the Secretary of the Navy be requested to communicate to this House whether, in his opinion, the steamships employed in the ocean mail service of the United States are of proper construction to be converted into vessels of war, in the event of the occurrence of an emergency requiring their use for such purpose; and if so, how many, and which of them.

Mr. WALSH. I object to the consideration of that resolution now.

Mr. WALKER. I move to suspend the rules, to enable me to offer the resolution.

The question was put, and (two thirds voting in favor thereof) the rules were suspended.

The question was then taken on the resolution, and it was agreed to.

DELEGATE FROM NEW MEXICO.

Mr. RICHARDSON. I ask the unanimous consent of the House to enable me to offer the following resolution:

Resolved, That the Hon. JOSE M. GALLEGOS, Delegate from New Mexico, be allowed to introduce within the doors of the Hall of the House of Representatives, a person to act as his interpreter, in order that he may more effectually understand and participate in the proceedings of this body.

Mr. WRIGHT, of Pennsylvania. I object to that resolution.

Mr. RICHARDSON. The purpose of the resolution is not to introduce upon the floor an interpreter, but it is to give him permission to come

inside the House. Mr. GALLEGOS does not understand one word of the English language, which is the misfortune of his constituents; and this is not for his personal convenience, but for the convenience of the people that he represents. I move to suspend the rules, to enable me to offer the resolution.

The question was then taken, and (two thirds not voting in favor thereof) the rules were not suspended.

Mr. EASTMAN. What is the regular order of business?

The SPEAKER. The call of States for resolutions.

Mr. EASTMAN. Well, I hope the States will be called in their regular order, commencing where the last call left off.

PRIVILEGE OF THE FLOOR.

Mr. ORR. I ask the unanimous consent of the House to enable me to offer the following resolution:

Resolved, That the seventeenth rule be so amended as to admit within the Hall of the House of Representatives the Assistant Secretaries of the State and Treasury Departments, Ministers and ex-Ministers of the United States to foreign Governments, and heads of bureaus.

Mr. JONES, of Tennessee. I object to that; we have enough on the floor already.

Mr. ORR. I move to suspend the rules, and I ask that the Clerk may read the 17th rule as it stands at present. The House will see that the rule now admits officers of an inferior grade to those enumerated in my resolution upon the floor of the House.

Mr. WENTWORTH, of Illinois. I will never consent that any other persons shall be admitted upon this floor, unless it is provided that they shall not be claim agents.

Mr. JONES. Exclude all the ex-members who are claim agents.

Mr. WENTWORTH. Yes; too many of the ex-members are claim agents.

Mr. ORR. I do not object to the amendment of the rule in that respect, if gentlemen desire it; but I think that consistency requires that the officers included in my resolution shall be admitted, unless some of those now admitted are to be excluded. I hope the rule will be read.

The Clerk read the 17th rule; which is as follows:

"No person, except members of the Senate, their Secretary, heads of Departments, Treasurer, Comptrollers, Register, Auditors, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their Secretaries, officers who, by name, have received or shall hereafter receive the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Governor for the time being of any State or Territory in the Union, such gentlemen as have been heads of Departments or members of either branch of the National Legislature, the members of the Legislatures, for the time being, of the States and Territories, and, at the discretion of the Speaker, persons who belong to such Legislatures of foreign Governments as are in amity with the United States, shall be admitted within the Hall of the House of Representatives; and no person not known to the Doorkeeper to be entitled to the privilege of the floor shall enter the Hall unless the Doorkeeper shall be informed by a member that the individual is entitled to admission under this rule, and in what capacity."

The SPEAKER. There is another rule bearing on this subject, which will be read, if there is no objection.

Mr. LETCHER. I hope the resolution of the gentleman from South Carolina will be read first.

The Clerk again reported the resolution.

Mr. HESTER. Did I understand the Chair to say that there was another rule bearing on this subject?

The SPEAKER. There was a rule adopted at the present session requiring a register to be kept, in which the names of persons claiming the privilege of the floor should be kept, and the grounds on which they claim it. The motion is to suspend the rules, for the purpose of introducing the resolution which has been read.

Mr. JONES, of Tennessee. I ask that the rule adopted at the present session may be read.

The SPEAKER. It has not been inserted, as yet, among the printed rules.

Mr. JONES. The House has virtually determined that the Assistant Secretary of the Treasury was a mere clerk.

Mr. BAYLY, of Virginia. Yes, sir; an inferior officer. [Laughter.]

The question was then taken, and the House refused to suspend the rules.

Mr. BELL, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Naval Affairs:

A bill to authorize the President to incorporate the officers of the late Texas navy into the Navy of the United States.

Mr. EASTMAN. I submit the following resolution:

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire into the expediency of dividing the State of Wisconsin into two judicial districts.

The question was put; and, on a division, there were—ayes 40—

Mr. EASTMAN. I demand tellers.

Tellers were ordered; and Messrs. WRIGHT, of Pennsylvania, and CLINGMAN, were appointed.

Mr. FLORENCE asked that the resolution be again read; but it was objected to by Mr. WALSH.

The question was taken, and the resolution was adopted, the tellers having reported—ayes 71, noes not counted.

CUSTOM-HOUSE AT MILWAUKIE.

Mr. WELLS, in pursuance of previous notice, asked and obtained leave to introduce a bill; which was read a first and second time by its title, as follows:

A bill to provide for the purchase of a site, and the erection of a suitable building thereon, in Milwaukee, Wisconsin, for a custom-house, and to contain suitable rooms for the United States courts, and post office; referred to the Committee on Commerce.

CODIFYING THE REVENUE LAWS.

Mr. CURTIS asked the unanimous consent of the House to introduce a resolution; which was read for information, as follows:

Resolved, That the Committee of the Whole be discharged from the further consideration of the Senate resolution authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws.

Mr. JONES, of Tennessee. That bill provides for an appropriation, and I think it best not to take it out of the Committee of the Whole. I therefore object to its introduction.

Mr. CURTIS. Then I move to suspend the rules, to allow me to introduce the resolution.

Mr. BENSON. I would inquire whether the call of States for resolutions has been completed?

The SPEAKER. It has not; but, pending the call, the gentleman from Pennsylvania [Mr. CURTIS] rose and offered a resolution, and moved to suspend the rules, to enable him to do so. That motion is in order, and is pending.

The question was taken; and the motion was not agreed to, two thirds not voting in favor thereof.

Mr. LANE, of Oregon, in pursuance of previous notice, asked and obtained leave, to introduce a bill; which was read a first and second time by its title, as follows:

A bill to amend an act entitled an act to create an additional collection district in the Territory of Oregon, and for other purposes.

Referred to the Committee on Commerce.

Mr. LANE also, in pursuance of previous notice, asked and obtained leave to introduce a bill; which was read a first and second time by its title, as follows:

A bill authorizing the payment by the Secretary of the Treasury of certain drafts drawn by Lieutenant ——— Dement for the ransom of American citizens, prisoners of the Indians of Queen Charlotte Island, and for other purposes.

Referred to the Committee of Ways and Means.

Mr. MILLER, of Missouri. I offer the following resolution:

Resolved, That the Sergeant-at-Arms be directed to pay to William Carr Lane, who has contested the seat of JOSE MANUEL GALLEGOS, as Delegate from New Mexico, the per diem and mileage allowed to the Delegate from said Territory, from the commencement of this session up to this date.

Mr. JONES, of Tennessee. I desire to debate that resolution.

The SPEAKER. The gentleman from Tennessee proposes to debate the resolution, and, of course, it goes over under the rules.

Mr. MILLER. Is it not in order for me to move to suspend the rules for the purpose of introducing the resolution?

The SPEAKER. The resolution was not received by the House, and it is in order for the gentleman from Missouri to make that motion.

Mr. MILLER. I move then to suspend the rules, so that I may introduce the resolution I have submitted.

Mr. JONES. It takes two thirds, of course, to suspend the rules.

The question was then taken upon Mr. MILLER's motion, and, upon division, there were—ayes 50, noes not counted.

Mr. JAMES C. ALLEN demanded the yeas and nays, which were ordered—27 gentlemen rising in the affirmative.

On motion by Mr. HESTER, the House then adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, February 28, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The President *pro tempore* presented a communication from the Secretary of War, transmitting seventy-five copies of the official Army Register for 1854.

PETITIONS, ETC.

Mr. PEARCE. Mr. President, I have been requested to present to the Senate the proceedings of a public meeting, held in Baltimore on the 17th of February. Several resolutions were adopted at that meeting. One of them asks that the soldiers of the war of 1812 may be allowed bounty lands; another, that the provisions of the pension acts relative to the officers and soldiers, and their widows, of the revolutionary war, may be extended to the officers and soldiers, and their widows, of the war of 1812; another resolution asks that the pensions may commence from the date of the wounds and disabilities. Although these are separate matters, it is scarcely worth while to divide them, and therefore I move to refer the whole proceedings to the Committee on Military Affairs.

The motion was agreed to.

Mr. CHASE. I have been requested to present and call the attention of the Senate to the proceedings of a mass meeting of German citizens of Cleveland, Ohio, remonstrating against the repeal of the Missouri compromise. I am informed by a gentleman whom I know very well, that this meeting was very largely and numerous attended by the German electors, of the highest respectability and character in that city. I move that it lie on the table.

The motion was agreed to.

Mr. TOUCEY presented a petition of citizens of Middletown, Connecticut, remonstrating against any infringement of the Missouri compromise; which was ordered to lie on the table.

Mr. EVERETT presented a memorial of citizens of Barnstable, Massachusetts, remonstrating against the passage of the Nebraska bill in its present form; which was ordered to lie on the table.

Mr. WADE presented a petition of citizens of Erie county, Ohio, remonstrating against the passage of the Nebraska bill in its present form; which was ordered to lie on the table.

Mr. FISH presented a remonstrance, numerous signed by citizens of Montgomery county, New York, against the repeal or alteration of the Missouri compromise act of 1820; which was ordered to lie on the table.

Mr. SUMNER presented the following memorials, remonstrating against the passage of the Nebraska bill in its present form; which were ordered to lie on the table:

Petition of citizens of Wilbraham, Massachusetts;

Two memorials of citizens of Leicester, Massachusetts;

Petition of citizens of Middlebury, Indiana; and

Five petitions of citizens of Pennsylvania.

Mr. FISH presented a petition of merchants and ship owners of New York, praying the enactment of a law to facilitate the unloading of the cargoes of ships arriving in the ports of the United States; which was referred to the Committee on Commerce.

He also gave notice of his intention to ask leave to introduce a bill relating to the subject.

Mr. CLAYTON presented a petition of citizens of New Castle county, State of Delaware, remon-

strating against any infringement of the Missouri compromise; which was ordered to lie on the table.

Mr. CHASE presented the following petitions, &c., praying the enactment of laws to prevent the increase, to mitigate the evils, and to promote the final eradication of slavery; which were ordered to lie on the table:

Petition of citizens of Miami and Montgomery counties, Fredericktown and vicinity;

Petition of citizens of Youngstown, Mahoning county, Ohio;

Petition of Robert Eyre and others, citizens of Fayette county, Ohio;

Resolutions of citizens of Leeburg and vicinity, Carroll county, Ohio;

Proceedings of a meeting of citizens of Fayette county, Ohio;

Petition of citizens of Galena county, Ohio;

Petition of citizens of Gallia county, Ohio; and

Petition of Samuel Hamilton and other citizens of South Salem, Ross county, Ohio.

Mr. HAMLIN presented a petition of inhabitants of Kennebunk and Kennebunk Port, York county, Maine, who were detained as prisoners of war in Dartmoor and other English prisons and prison-ships, during the last war with Great Britain, praying to be granted pensions; which was referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred the petition of James Edwards, the petition of the administrator of Edward M. Wanton, and the petition of the executors of Nehemiah Brush, praying compensation for loss of property in the war with the Seminoles, submitted a report, accompanied by a bill for the relief of James Edwards and others; which was read, and passed to a second reading.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom were referred the following petitions, submitted adverse reports thereon; which were ordered to be printed:

Petition of Jane A. Wight; and

Petition of citizens of Steuben county, New York, in behalf of Isaac Ackerman.

He also, from the same committee, to whom was referred the petition of James Wormsley, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

BILLS INTRODUCED.

Mr. PETTIT asked and, by unanimous consent, obtained leave to introduce a bill granting the right of way to the States of Indiana and Illinois, and a portion of the public lands, to aid in the construction of a certain railroad in said States, known as the Indiana and Illinois Central railway; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SLIDELL asked, and obtained the unanimous consent, to introduce a bill for the relief of the Pine Grove Academy, in Louisiana; which was read twice, and referred to the Committee on Private Land Claims.

Mr. SLIDELL asked, and obtained the unanimous consent of the Senate, to introduce a bill to authorize the issuance of patents for lands in Louisiana in certain cases; which was read twice, and referred to the Committee on the Judiciary.

Mr. WALKER. In pursuance of previous notice, I now ask leave to introduce a bill for the relief of Sylvester Pettibone. I do not design to move its reference to any committee, but I ask that it may be read a first time, with the promise that I will make a statement to the Senate in regard to it, as I am familiar with the whole case.

The bill was read a first time, and ordered to a second reading.

Mr. FITZPATRICK, in accordance with previous notice, asked and obtained leave to introduce a bill granting public lands in aid of the construction of a railroad from Beard's Bluff, on the Tennessee river, in Alabama, to Nasketa, Mississippi, via Tuscaloosa, Northport, and Gainesville, in Alabama; which was read twice, and referred to the Committee on Public Lands.

LAND GRANT TO FLORIDA.

Mr. JOHNSON. I move to reconsider the vote of yesterday by which a bill making a grant of land to the State of Florida, to aid in the construction of railroads in said State, was passed. I ask it for the purpose of submitting an amendment, to

insert after the word "Jacksonville," one of the termini of the road, the words "or Fernandino," so that that place may be made a terminus. It is within a short distance of Jacksonville, only some fifty or sixty miles. It may be desirable to make that the terminus, and the amendment will leave it in the option of the Legislature to take either of the points.

The motion to reconsider was agreed to; and the amendment was agreed to.

The bill was then ordered to be engrossed for a third reading, and was read a third time, and passed.

SWAMP AND OVERFLOWED LANDS.

Mr. STUART. The Committee on Public Lands, to whom was referred a bill for the relief of purchasers and locators of swamp and overflowed lands, have instructed me to report it back. I desire to have the bill read now, for the purpose of asking the Senate to consider it at this time. It is one that requires immediate action.

The Senate, as in the Committee of the Whole, accordingly proceeded to consider the bill. It proposes to direct that when lands granted to the several States by the act of September 20, 1850, to enable the State of Arkansas, and other States, to reclaim the swamp lands within their limits have been sold or located since the passage of the act, the purchase money shall be paid over to the State for such of the lands as have been sold, and the Governor, by his agents, may select other lands in lieu of those located by warrants and scrip upon the surrender to the United States of all title or claim on the part of the United States to the lands granted, which have been entered or located, or any part of them, and that upon such surrender the title in fee to the purchasers shall pass by United States patent; and wherever any State has sold the lands by mistake as swamp lands which still belong to the United States, the purchaser shall, upon the payment of the purchase money into the land office of the district in which the land lies, or if the money has been already paid to the State, then upon the presentation of receipts or proofs of such payment, the United States patent shall pass the fee-simple of the same.

Mr. STUART. I am instructed to move to strike out all that portion of the bill which has been read last, and which relates to mistakes in sales by the States. I apprehend that if there are any such mistakes, they are very few. My own opinion is that there are none; but if there are, they are such errors as can easily be provided for by the State itself. It produces no difficulty between the respective States and the General Government. I therefore move to strike out all that part of the bill, so as only to leave the part to provide for errors which have been inevitable in entries which have been made since the passage of the law granting these lands to the States. Without this, I have a long communication from the Commissioner of the Land Office, stating that great difficulty will continue, and that they are almost in inextricable confusion in the office.

The amendment was agreed to; the bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. DODGE, of Iowa. I desire to inquire of the Senator from Michigan, whether it would not be well to extend the provision of this bill to the holders of land warrants, in case the lands upon which they have located have been sold by an error.

Mr. STUART. I will suggest to the Senator from Iowa, that that amendment would be very much out of place in this bill, and I think it might embarrass it in its passage in the other House; that is the only objection I have to it.

Mr. DODGE, of Iowa. Then I will not press it.

The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

RICHARD M. YOUNG.

Mr. SEBASTIAN. I am directed by the Committee on Indian Affairs to submit the following resolution:

Resolved, That the Secretary of the Senate be directed to pay to Richard M. Young \$974 20, the amount of his per diem and compensation allowed him by the President as special commissioner to investigate the charges against the Hon. Alexander Ramsey, late Superintendent of Indian Affairs of Minnesota Territory, under a resolution of the Senate of the 5th of April, 1853; and that the same be paid out of the contingent fund of the Senate.

The PRESIDENT. As this resolution pro-

poses to appropriate money out of the contingent fund, it must go, under the rules, to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SEBASTIAN. I ask the unanimous consent of the Senate to have the resolution considered now, without a reference.

The PRESIDENT. If there be no objection, the resolution will now have its second reading.

The resolution was read a second time.

Mr. SEBASTIAN. If it provokes any discussion, I will consent that it may go over.

Mr. STUART. I should like to inquire of the Senator from Arkansas if there is any recommendation from the Department for the payment of this sum.

Mr. SEBASTIAN. There is an official statement from the Secretary of the Interior that this amount is due, and would have been paid out of the contingent fund of that Department, but for the fact that that fund was exhausted by the payment of the other expenses of the commission. These expenses are properly chargeable to the contingent fund either of the Senate or of the Department of the Interior. There is no question about that, for the whole investigation arose under the order of the Senate. The only reason why the matter has been brought here, is, because the contingent fund of the Department of the Interior has been exhausted by the payment of the other expenses of this commission.

Mr. STUART. I do not wish to indicate any opposition to the resolution, but I ask that it may lie over, in order that we may have an opportunity of looking into it.

The PRESIDENT. The objection being made, the resolution must go over.

Mr. SEBASTIAN. I have no objection to the postponement.

The motion to postpone was agreed to.

INDIGENT INSANE.

On motion by Mr. FOOT, the Senate resumed, as in Committee of the Whole, the consideration of the bill making a grant of public lands to the several States and Territories of the Union for the benefit of indigent insane persons, the pending question being on the amendment submitted by Mr. PETTIT, on the 9th instant, when the bill was under consideration, to insert the following:

Provided, That all the grants of land provided for by this act shall be confined to such States as have public lands in them equal to the amount hereby granted to such State."

Mr. PETTIT. I rise, sir, not to detain the Senate in the consideration of this bill, but for the purpose of withdrawing the amendment which I offered to it. In doing so, I wish simply to state that I do not withdraw it because I yield the idea that to the new States their own territory and land ought to belong. That, I hold, should have been the early policy of the Government; and, so far as my vote now can go towards securing to them what they ought to have had originally, I shall be found pursuing such a course. But since we have been informed by the Senator from Iowa [Mr. Dodge] that there is more insanity and lunacy, not to say idiocy, in the old northern free States than in the western and southern States, it may be a matter of philanthropy and justice to pass the bill as a remedy for that afflicted class. In this state of things I will withdraw my amendment.

The PRESIDENT. If there be no objection, the Senator will have leave to withdraw the amendment.

Mr. FOOT. I wish to offer an amendment, which is recommended by the Committee on Public Lands. Before doing so, allow me to say that I am entirely satisfied with the act of the Senator from Indiana in withdrawing his amendment, without indorsing his reason, or taking time, at present, to combat it. The Committee on Public Lands have authorized and directed me to move to amend the first section of the substitute reported by them, by striking out the words—

"And that the representation of any State shall not be computed at less than six members,"

and to insert in lieu thereof:

"And that said apportionment shall be made after first allotting to each State one hundred thousand acres."

The Committee on Public Lands bestowed very much reflection and study upon the question of the proper basis of the distribution of these lands among the several States, having reference not

only to the present population of the States, but also to the prospective and more rapidly increasing population of the new States. To distribute these lands among the several States according to their population or representation, would not, in the opinion of the committee, be quite just to the new and less populous States at the present time. To adopt the basis of territorial area, on the other hand, would be doing injustice to the old and more populous States. They adopted then the compound ratio of population or representation and territorial area, with a certain limitation. The committee, after much reflection and consideration upon the subject, came to the conclusion that this constituted the most equitable basis upon which they could propose the distribution of these lands.

Mr. WELLER. I desire to move to strike out a portion of the first section of the substitute reported by the committee, and I do not know to what extent my objection has been obviated by the amendment which has been just submitted. I understand the Senator from Vermont to say that the basis of distribution is a compound one—that of representation in Congress, and the quantity of square miles of land within the limits of the States. Now, by taking either of these, great injustice will be done to the State from whence I come.

You provide that the area of a State shall not be taken to exceed 50,000 square miles. The State of California has nearly 150,000 square miles. You then fix upon the basis of representation in the other branch of Congress. The State of California has but two members there, though she is justly entitled, in my judgment, at this day, to at least four members. This compound ratio, therefore, which has been fixed upon by the Committee on Public Lands, will necessarily do great injustice to that State by fixing upon the quantity of lands to which she is entitled.

Now, whilst I am in favor of the general principles of this bill, I am unwilling that this gross injustice shall be done to the States which have a larger quantity of land than that fixed as a maximum in this bill. I desire, therefore, to move to strike out that portion of the bill which limits the area of the States to fifty thousand square miles, leaving each State to receive a quantity of land in proportion to the amount which may be found within its limits. My State is interested, as well as other States, in providing for this numerous class of people; for there are many insane people there, who have gone from the older States, with the anticipation, perhaps, of making fortunes very suddenly; but finding themselves disappointed in that, have become deranged, and are now charges upon the people of that State for support. Unless my difficulty be obviated by the amendment now proposed, I shall move to strike out that proviso in the first section.

Mr. FOOT. I propose, in order to meet the objection of the Senator from California, to withdraw the amendment which I offered, and in lieu of it, to move to strike out the whole of the proviso as it at present stands, and to insert in lieu of it:

Provided, That said apportionment shall be made after first allotting to each State one hundred thousand acres.

These words are to take the place of the present proviso, which reads:

Provided, That the area of no State shall be computed at more than fifty thousand square miles, and that the representation of any State shall not be computed at less than six members."

Mr. DAWSON. I have a suggestion to make to which I should like to have an answer. As I understand the bill, it proposes to allot to all the States, except the old thirteen—

Mr. FOOT. To all the States—to each of the thirty-one States—one hundred thousand acres is first to be allotted. That will require three millions one hundred thousand acres out of the ten millions of acres proposed to be granted. Then the remaining six millions nine hundred thousand acres will be apportioned upon the compound ratio of representation and territorial area.

Mr. DAWSON. Then it is all right.

Mr. ADAMS. Mr. President, I shall ask for the yeas and nays upon the passage of this bill. I wish to say, however, that I dislike very much to vote against it, considering the purposes to be effected by it. I conceive, however, that this is a much more objectionable mode of disposing of the public lands than the distribution of their proceeds. It is true, that one of the objections which

I have had heretofore to the bill—that it made one State a freeholder in another—is obviated by the bill in its present form; yet, a State having no lands within its limits is authorized to sell its land scrip to individuals, and the assignee of the State has the liberty of locating the land within the limits of the new States. What will be the effect of this? It will be, that large bodies of land will fall into the hands of speculators in the different States. This is palpably unjust. There will be a hundred thousand acres of land at first located by each of the old States in a few of the new States, and the lands will be in the hands of speculators, who will, of course, sell them for the very highest possible price which they can get. They hold them up or lease them out.

Now, sir, if Senators from the old States knew the great injury which it is to the new States to have a large body of their best lands in the hands of speculators, they would at once see that it would be a great deal better to provide that the one hundred thousand acres of land, or whatever amount may be assigned to each State, should be sold by the Government, and the proceeds paid over to the different States. This would be much less objectionable, and would do much less injury to the new States than the bill in its present form. This bill involves the same principle as to the disposition of the proceeds of the public lands, against which we have heretofore been fighting; and it is assuming a much more objectionable form in its practical effect upon the country. I shall, therefore, ask for the yeas and nays upon the question of the engrossment of the bill.

The PRESIDENT. The question is on the amendment of the Senator from Vermont. The Senator from Mississippi does not propose to ask for the yeas and nays on that?

Mr. ADAMS. No, sir.

The amendment was agreed to; and the substitute of the committee, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. GWIN. I wish to ask the gentleman who has brought forward this bill, whether it gives authority to any State—for instance, the State which he represents—to locate its land scrip in the State of California? I have not been able to read the bill with a view to ascertain this.

Mr. FOOT. The question has been put to me by several members. The bill has been once read through; but some were then absent, and did not hear its provisions in this respect. I can state to the Senator that, so far from giving such authority to any State to locate these lands in any other State or Territory, it does, in express terms, prohibit any such thing. No State is authorized to locate its share of these lands in any other State or Territory.

Mr. GWIN. I wish to ask another question. Does this bill authorize a State which gets lands to locate those lands within its own territory, if there be vacant lands there?

Mr. FOOT. Certainly, it does.

Mr. GWIN. Then I wish to ask, further—I shall get through with my difficulties in a moment—can that State, if there be no lands there subject to entry at private sale, select such public lands as are within the State?

Mr. FOOT. The bill limits the location to lands subject to private entry at \$1 25 per acre at the time.

Mr. GWIN. Although there are millions and tens of millions of acres of land in California, there is not a foot of public land in that condition. There is not a foot of public land there subject to sale at private entry; nor do I believe there will be any for twenty years to come. If the Senator will agree that where there are no such lands in the land States, those States may locate their lands on any of the unappropriated public domain in their own limits, I shall be perfectly willing to agree to it. This bill, however, as it now stands, gives no lands to California; and under its provisions, my State will not be able to get any in twenty years to come, in my opinion. If the Senator will agree to this amendment, that, if, in any of the land States where there are no lands subject to sale at private entry, that State shall select the quantity given in this bill from any other unappropriated public lands, I shall have no objection to the bill.

Mr. FOOT. My construction of the provisions of the bill would be this: That such States as have

no public lands subject to private entry at the time, can locate their lands elsewhere in other States or Territories where there are public lands subject to private entry at the time. I have, however, no objection to the Senator from California drawing up an amendment to suit the condition of his own State in that respect, for I presume that is the only State in that condition.

Mr. GWIN. If I can get that amendment, I shall be satisfied.

Mr. DAWSON. Before the Senator from California draws up his amendment, will he be kind enough to explain why there are no public lands in California which can be taken by that State under the provisions of this bill. Is it because they are not surveyed?

Mr. GWIN. Yes, sir.

Mr. DAWSON. It is not to be presumed that the Government will allow the public lands to remain in California without being surveyed.

Mr. GWIN. If the Senator will permit me, I will explain the matter in a moment. There are hundreds of thousands of acres of land there which have been located upon by the settlers; and such has been the necessity to provide for those settlers, that we have passed a law through Congress giving them a right to go on the lands before they are surveyed, because the officers cannot survey them fast enough to meet the demands of the settlers. They are surveying that portion which is inhabited, and it is all taken up before the surveys are completed. Every foot of it is now located, and will be for years to come. In a State with such an immense area of public domain, the surveys can progress only at a certain ratio, and they must first survey that portion which is settled, according to the progress of the population; and hence I do not believe that in twenty years to come, there will be an acre of land there subject to sale at private entry. I only wish to meet the necessities of my own State.

Mr. DAWSON. Certainly there can be no difficulty; for in a State so large as California, every lot surveyed by the Government will not be immediately taken up by the settler.

Mr. GWIN. Yes, sir, immediately.

Mr. DAWSON. Then that will be the most astonishing thing in the history of the disposition of our public lands. Our past experience in that respect does not justify any such belief. Now, I would say to the State of California, let the surveys be made in a district of country where this great demand is not existing, and California can get the whole of her lands very easily surveyed. I would rather pass a section of this bill declaring the amount the State of California shall locate, than to give her (a new State, with such an immense quantity of public land, out of which the Government has not yet realized anything) the right of going into another State to select these lands.

Mr. GWIN. I do not want to go into another State. I wish to get the right to have these lands located within our own State.

Mr. DAWSON. Very well.

Mr. HUNTER. I believe the hour for the special order has come, and therefore I move to postpone the further consideration of this bill until to-morrow.

Mr. FOOT. I hope we may have a moment longer to dispose of this question.

Mr. HUNTER. I hope the further consideration of the bill will be postponed until to-morrow. I do not believe a vote can be had upon it to-day. The time has come for the special order, on which the Senator from Pennsylvania has the floor.

The motion to postpone was not agreed to.

Mr. FOOT. I would suggest to the Senator from California to move his amendment in this form:

Provided, That California may locate her distributive share of the lands hereby granted within the limits of that State, on any of the public lands, either surveyed or unsurveyed.

Mr. GWIN. That will suit my purpose.

Mr. STUART. There is no provision in this bill to take care of the interest of preëmptioners and actual settlers. The very provision which is now under consideration applies to land which is subject to entry at one dollar and a quarter an acre. If the Senator from California expects to secure my vote for such an amendment, he must take care of actual settlers on the public lands.

Mr. GWIN. We have already passed a law

at this session giving every settler on unsurveyed land in California the right to the possession of his tract.

Mr. STUART. Precisely. And the effect of this bill will be to give to the State the land, and the jurisdiction over it.

Mr. GWIN. No, sir. It only gives the State the unappropriated public lands. If there are settlers on the lands, they are appropriated, and the State cannot take them.

Mr. STUART. It would be better to add the words "and unoccupied."

Mr. GWIN. I am willing to say, "the unappropriated and unoccupied public lands."

Mr. MASON. The effect of the amendment of the Senator from California, I take it for granted, will be to enable his State to appropriate the richest of the gold lands within her limits.

Mr. GWIN. I am willing to exclude them altogether. They are not to be surveyed. There is an order already not to survey the gold region at all. I am willing, therefore, to insert "other than mineral lands."

Mr. MASON. But it would not be known whether they were mineral lands or not until they were appropriated. I suspect there is a large portion of the surface of the State of California which has not yet been explored, which will be found to be quite rich in mineral wealth.

Mr. GWIN. The mineral region is well defined; and there is no act of Congress, and I am not in favor of passing an act of Congress, appropriating any portion of the mineral lands. All our legislation has been carefully guarded in this respect; and the surveyor general has received express instructions to make no surveys of the mineral region.

Mr. MASON. But these lands are to be appropriated to California, whether surveyed or unsurveyed.

Mr. GWIN. But if the State takes mineral lands, the very words of the law will make the selection void.

Mr. MASON. I am much at a loss to know how the grant could become void after the title had become vested in the State of California, by a subsequent discovery that the lands were in fact mineral lands.

Mr. GWIN. I do not wish to have the further consideration of the bill postponed, or I could show to the Senator at once that the mineral region of California is strictly defined, and is well known there, and no public surveys are going on in that section of the State, nor will there be any until further action by Congress.

Mr. MASON. I am perfectly willing to take the word of the honorable Senator from California for anything about which he is certain; but I submit that he cannot be certain whether the line of the mineral lands is well defined or known. It is a matter of conjecture. It may be that the boundary of the mineral lands is such a parallel, or such water-courses, or such mountains; but it is conjectural, purely conjectural; and the State of California may have boundless mineral wealth in other portions, for aught we know.

I do not mean to throw any embarrassments in the way of the bill; but I suspect that the honorable Senator who moved it, and who is chiefly interested in it, will find that unless we go far beyond the hour assigned for the special order, we cannot get a vote to-day; for I shall feel myself bound to give my reasons for the opposition which I shall make to the bill. I will do so when the bill is ready for its passage. I think, however, that the amendment of the Senator from California may place it in the power of the State of California to appropriate these mineral lands, to the exclusion of the Federal Government.

Mr. FOOT. I hope the question may be taken without further debate.

Mr. GWIN. I have modified my amendment so as to read:

Provided, That the State of California may locate her portion of the said lands upon any of the unappropriated lands in that State, other than mineral lands, and not then occupied by actual settlers.

The amendment was agreed to.

The PRESIDENT. The question now is on ordering the bill to be engrossed for a third reading. On this question the Senator from Mississippi has asked for the yeas and nays.

Several MEMBERS. Let them be taken on the final passage of the bill.

Mr. HAMLIN. I understand that the Senator from Virginia proposes to discuss the bill; and I would therefore suggest to my friend from Mississippi that it would be equally as well to take the yeas and nays, after the Senator from Virginia has been heard, on the passage of the bill.

Mr. ADAMS. I have no objection to withdrawing the call until the question comes up upon the passage of the bill.

The bill was ordered to be engrossed for a third reading.

Mr. MASON. I am perfectly willing to make now the remarks which I feel myself required to make in explanation of my vote upon this bill; and I really do not wish to embarrass at all the action of the Senator from Vermont. It is, however, now after one o'clock, and I therefore move to postpone the further consideration of the bill until to-morrow, and call for the order of the day.

The PRESIDENT. If the Senator objects, the bill cannot have its third reading until to-morrow.

Mr. MASON. I object.

The PRESIDENT. The bill must go over until to-morrow.

TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. BROADHEAD addressed the Senate in support of the bill. [For speech see Appendix.]

Mr. THOMPSON, of New Jersey, followed on the same side of the question. [See Appendix for his speech.]

Mr. CLAYTON. Mr. President—

Mr. STUART. I suppose the Senator will not desire to proceed to-day. I should like to have the subject postponed for the purpose of taking up another bill. With the consent of the Senator, I move to postpone the further consideration of the subject until to-morrow.

The motion was agreed to.

SOLAR COMPASS.

Mr. STUART. There is a bill on the Calendar, which was objected to some Fridays ago because it was not a private bill, although it stands as such on the Calendar. Perhaps it may be doubted whether that is its true character. It is the bill to enable the United States to make use of the solar compass in the public surveys. I do not think it will lead to discussion. I move that the Senate proceed to its consideration.

The motion was agreed to, and the bill was read a second time, and considered as in Committee of the Whole.

The object of the bill is to appropriate \$15,000 to compensate William A. Burt for the use, by the United States, in the prosecution of the public surveys, of the solar compass, which he has invented and patented.

The use of Burt's solar compass, which has been expensive in its construction, it is represented has saved the Government a heavy outlay in surveying the mineral lands in Wisconsin, Michigan, Iowa, and Arkansas, as in those mineral districts the ordinary compass was wholly inefficient, local attraction being so great as frequently to prevent the traverse of the needle, causing variations from ten to one hundred and eighty degrees. In 1852 the Commissioner of the General Land Office said that Burt's solar compass has proved of inappreciable utility in the mineral regions of Lake Superior and elsewhere, where the local attraction is such as to render the ordinary compass a useless thing.

In the mineral regions of Michigan, Wisconsin, and Arkansas, it is estimated that 31,104 miles (9,953,280 acres) of public land surveys were accomplished by it, at a maximum cost of \$186,624; which, without its discovery and use in that service, could not have been surveyed without resorting to the tedious process involved in the use of transit and other instruments, causing delays in the execution of the work, and proportionably swelling the cost of the public surveys of the same body of land to an estimated amount of at least \$622,080, and possibly a great deal more: that is to say, to twenty dollars a mile instead of six dollars, and possibly double the former amount.

Mr. Burt is understood to have been fourteen years in aiming to perfect his invention, and the measure of compensation claimed is one mill on the acre for the results attained by means of the use of his instrument, wherever it was of such indispensable advantage and so economical to the public

land surveying service. Such allowance, based on the aggregate amount of acres above specified, would amount to \$9,952 for all the past. As regards the future, he claims the extension of the same allowance to *twenty-one* years from the date of his patent—February 25, 1836—which would reach to February 25, 1857."

The transcendent merits of this instrument in the public land surveys, consists in the facility with which it determines the *true meridian*, from which, by the mechanical construction and graduation of the compass, any and all angles or courses may be determined. Thus the surveyor, by a simple operation, is enabled to arrive at accurate results; and whatever may be the local causes surrounding him, which but serve to distract the operator with the ordinary compass, he is by this instrument enabled promptly to proceed in his labors without any misgivings, delays, or interruptions.

Nearly twenty years of anxious thought and study, and thousands of dollars, have been spent by him in bringing this instrument to perfection, and eighty dollars is all the remuneration he has received from it.

Mr. HUNTER. I do not mean to dispute the merit of this gentleman's invention; but it seems to me that we shall be introducing a dangerous principle, and setting a bad example by the passage of this bill. The Constitution has provided that inventors shall be rewarded by having secured to them a patent for a limited period. That, it seems to me, is the true mode of providing for inventors. But here is a proposition to give an appropriation directly out of the public Treasury. It may be, that in this particular instance, this gentleman is entitled to what is proposed; but it will be setting an example which will certainly be followed, and which, it seems to me, will lead to a great deal of mischief. When I say that he may perhaps be entitled, I do not mean that he has any just claim against the United States, but I mean to say that this perhaps is as strong a case of that nature as can be presented. But I am against setting such precedents, against beginning with such examples. This may not be the first case of the kind. I recollect others in which inventors have sent a petition to Congress, asking a reward for their discoveries, for which they could not be paid by the community at large. If we once begin this, we shall find that we are beginning to take a troublesome subject of jurisdiction into our hands. Nor do I think that any inventor can claim more of us than that which is accorded to him by the Constitution of the United States—a patent to be issued under our laws. For the rest, we buy his instruments as everybody else does, if we need them. And if it should so happen that he has given his ingenuity a direction in which a profit cannot be reached in money, he must take his chance for that compensation, which is all that many of those who make discoveries and inventions obtain—the reputation and fame which they acquire from them.

Mr. STUART. I certainly did not expect that this bill would produce any discussion in the Senate, particularly after the reading of the report, and the recommendation of the Commissioner of the General Land Office. I beg leave to say in the outset that all I desire, and that, I may say, I do desire, is that every Senator will give his attention to it; and if, understanding the facts, the Senate, or the Congress of the United States, reject this bill, I will confess myself more disappointed than I have been yet at any of their action.

The Senator from Virginia has not sought to show, as I understand him, that Congress did not possess the constitutional power to do this thing, although that is one of the most convenient arguments of the day; but his objection is put upon the ground that this man must stand where every other inventor stands, and reap his profit from the sale of his invention in the market. It was, sir, but the other day that we gave more money than is provided for in this bill to be distributed, according to the opinion of the Committee on Military Affairs, to persons who had made certain inventions in reference to percussion caps. There were two or three claimants to the invention; and we passed here, and without debate, a bill which paid money out of the Treasury of the United States to those gentlemen who were officers in the Army. Sir, I then thought, and I think now, that a pretty good argument might be got up upon the ground that a man who was in the employ of the United

States, and was paid by the United States, owed his duties and all his time to the United States. That was suggested to the Senate, but a point was not made upon it.

Now, sir, here is a case in which a man has made an invention which, it is stated by the Commissioner, saves fourteen dollars a mile in the surveys of the public lands. I need not explain this to have every Senator understand it. Fourteen dollars is saved on every mile. It has been saved in Michigan, in Wisconsin, in Arkansas, in Ohio, and it will be saved throughout the State which you, sir, represent, [Mr. WELLER temporarily occupying the chair.] This is not a matter of opinion. It is a matter which has been demonstrated. We have the reports and statements of gentlemen who have tried it in the Lake Superior region. They not only state that the needle there will vary, but that it will absolutely point south, in consequence of the local attraction; and that without this invention, or something just like it, the surveys could not be made unless at a vast expense, and that if made at all, they would be made as you see the lines in the State of Arkansas, in the shape of an Indian bow.

Now, what is proposed by this bill? It is proposed to give the man who has made this invention, which is saving millions of dollars to the Government of the United States and its people, \$15,000 for all the use of it that the Government has had, and for the use of it, undisputed, for all time to come. It is answered to this, that he has a patent. He has received only eighty dollars for patented instruments which he has sold; and why? Because the Government of the United States controls all surveys. If the Government would let out these surveys to individuals by contracting in all cases, when the contractors found they could not run the lines without Burt's solar compass being used, they would be obliged to pay his price, or not run the line. But we hold the monopoly of the surveys. And here is a man who saves millions of dollars to the Government by his invention. The Senator from Virginia well says, it is the strongest case that can be presented to Congress; and yet, if we follow the advice of that Senator, we are about to refuse to give him \$15,000 for it.

Mr. President, I cannot consent, unless it is made necessary, to consume the time of the Senate in talking upon this question. But I do say, that if ever a case was presented where the Government was called upon to measure out, not justice, but a certain amount of justice, where an immense amount is due, to a citizen of the United States, this is that case. But I do not desire, nor do I design that this bill shall go through the Senate of the United States without consideration, and without the deliberate judgment of every Senator. I have stated the facts in the main briefly, very briefly indeed; but I do think that the facts themselves will so impress the subject upon the minds of Senators, that they cannot in justice, or with any proper sense of justice, refuse to grant a small pittance to an inventor who has thus saved millions of money to the Government of the United States.

Mr. SLIDELL. It is desirable to have an Executive session; I therefore move to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 28, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the War Department, informing the House that he had transmitted therewith two hundred and fifty copies of the official Army Register of 1854, for the use of the members of the House of Representatives.

The communication was laid upon the table, and ordered to be printed.

The SPEAKER. The business first in order is upon the motion to refer to the Committee of the Whole on the state of the Union the bill grant-

ing a portion of the public lands to the State of Wisconsin, to aid in the construction of a certain railroad and branch railroad in said State. Upon that proposition the gentleman from Illinois [Mr. BISSELL] had obtained the floor.

Mr. DAWSON. Is it not in order to make a motion that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. It would be in order to do so if the gentleman had obtained the floor, but he cannot take the floor from the gentleman from Illinois during the morning hour.

Mr. EWING. Is it in order to rise to a question of privilege?

The SPEAKER. That question is always in order, unless some other privileged motion shuts it out.

Mr. EWING. The Committee of Elections, to whom was referred the petition of George W. Isaacs and others, in reference to the proposed contest of the right of Hon. Mike Walsh to a seat upon this floor, have, in a meeting at which I was not present, but in the conclusions to which they came I fully agree, directed me to report back the memorial to the House, and ask leave to be discharged from its further consideration. The memorial, I may as well state, is unsupported and uncorroborated by any proof whatever, but is accompanied by a rather unusual proposition, and the unprecedented request, that a commission be sent to New York to take this proof. I ask leave that the committee be discharged from the further consideration of the matter.

It was so ordered.

The SPEAKER. The question first in order is upon referring to the Committee of the Whole on the state of the Union the bill granting a portion of the public lands to the State of Wisconsin, to aid in the construction of a railroad, and a branch railroad, in said State. Upon this motion the gentleman from Illinois [Mr. BISSELL] had obtained the floor.

Mr. BISSELL. In obtaining the floor I had no purpose to say anything more than to correct, very briefly, some of the errors into which the gentleman from Tennessee, [Mr. JONES,] over the way, I thought, had fallen in the remarks which he made in opposition to the passage of the bill now before the House. I do not design to do anything more than that now. The principle of granting portions of the public domain for the purpose of aiding in the construction of public works, especially railroads, was, I thought, well settled in this House and the country. I say, I thought that the principle of these grants was well settled, and that the country, Congress, and the Executive, had become convinced of the correctness of that policy. Nor is it a recent policy at all. It is a policy which dates as far back as the birth of the oldest State which was formed out of the public domain. Not a State has been carved out of the public domain which has not received the benefit of this particular policy; not always in the precise form provided for in this bill, but substantially in the same mode. I thought, more especially since our experience of the last two or three years, that this policy might be regarded as the settled policy of the country. I was surprised to hear the gentleman from Tennessee, who is not now in his seat, I regret to see, allude to our experience connected with the Illinois Central railroad, and attempt to deduce from that arguments in opposition to this policy. My purpose, at the time I obtained the floor, was mainly to refer to the history of the Illinois Central railroad, for which a magnificent donation of land was made by Congress in proof and for the purpose of sustaining the correctness of the policy embraced in these bills.

The gentleman from Tennessee [Mr. JONES] held in his argument, that the State of Illinois itself had been a great sufferer and loser in consequence of the action which had been had in reference to the grant made by Congress to that State for the Central railroad. There never was a greater mistake. I affirm here, and if I can stand upon my feet long enough I can prove, that not only the State of Illinois, but that the General Government and the settlers of Illinois, have all profited by that grant. What is true of that grant will be true of similar grants made for similar purposes.

The tract of country through which the Central railroad mainly runs, is in a portion of the State so remote from market, and so destitute of

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, MARCH 1, 1854.

NEW SERIES.....No. 32.

all communication with all other places, that, for thirty years, the time during which the lands had been in market, there had been no purchasers of these lands to be found, even at forty or fifty cents an acre. Settlers and emigrants avoided these lands upon this immense tract in the interior of the country. They passed by them for thirty years, and would not purchase them at \$1 50 an acre, or even at forty or fifty cents, and thus this tract of land remained a desert waste. Congress granted two millions and a half acres of land to aid in the construction of that railroad, and now, in consequence of it, men are eager and anxious to purchase these very lands at \$2 50 an acre. They esteem themselves fortunate in having the opportunity of purchasing these lands at \$2 50 an acre; when, before the grant was made, they would not have taken them at \$1 25 an acre, or at a lower price. They would not pay thirty cents an acre for them.

Does not this fact show at a glance where the benefit lies in this case? The land is better worth \$2 50 an acre now, and the settler so regards it, than it was at thirty cents an acre before this grant was made by Congress. Is the settler, then, a sufferer by this grant? Does he lose by the operation? Not at all. If he had to pay \$5 an acre he would get it cheaper; yes, cheaper than he would at fifty cents an acre if the grant had not been made.

But has the Government been a sufferer by the grant? Look at the late message of the President of the United States, in which he exults in the admirable working of this policy, and refers to this very road as an example of its working. Look at the report of the Secretary of the Interior, in confirmation of that message, in which he tells us that the Government has greatly profited by the adoption of this policy. If, then, we may take the statements of the President, and of those of the Secretary of the Interior—and I do not know who should better know the facts of its practical working—the Government, so far from being the loser from making these grants, is largely a gainer by this course of policy, in a pecuniary point of view. These gifts which accrue to the State, and not to companies, by the General Government, are returned, increased four fold. What then do gentlemen mean by talking about Government giving away its lands—about the Government giving away its resources—about the Government sacrificing the public property for the benefit of speculators and railroad companies? The settlers, as I have already said, are greatly benefited by the grant; not only those who have resided in the vicinity for some time, and the value of whose property is, of course, enhanced four fold, but those who wish to purchase now readily take up the land at \$2 50 an acre when they would not have taken them at fifty cents an acre before the grant was made.

But the gentleman from Tennessee seemed to have considerable concern about the prosperity of the State of Illinois. He deeply lamented that the State had not taken different action with reference to it—such action as would have redounded more to its pecuniary advantage. Sir, I was very much astonished to find that a gentleman, who is usually so well informed upon all subjects connected with our action here, should have fallen into so grave and serious an error in reference to this matter. He estimates the cost of the road at \$5,000,000. Why, sir, \$17,000,000 is the lowest sum that has ever been fixed as the cost of the construction of this road.

A MEMBER. How long is it?

Mr. BISSELL. Seven hundred and four miles. Seventeen million dollars have been negotiated by the company, and a greater part of that sum has already been actually expended in the construction of the road. So that, so far from the entire cost of the road being \$5,000,000, as the gentleman states, \$17,000,000 have already been negotiated, a greater part of it in Europe, and brought by the company into the State of Illinois, and there expended. Now, I ask, under these circumstances, who is injured? Who are the parties that are injured? From whom is money taken? Not from

the settler. There is no oppression upon him; he will tell you how much he is benefited by it. Not the State, for I hold in my hand the message of the executive of Illinois, delivered but a very few days ago to the Legislature of that State, in which he refers, exultingly, to the effects and consequences of the speedy construction of the Central railroad in Illinois. I take occasion to say that three pages of the pamphlet copy of that message are altogether occupied with notices of the most flattering kind of the state, progress, history, and effects of that road upon the interests of the State. The State, then, is satisfied; nay, more, she is delighted. The settler, also, is more than well pleased. The General Government announces, in its most solemn form, its entire satisfaction with the results of this policy. The company are left to take care of themselves; but they ought to, as I hope they will, remunerate themselves well for what they are doing. What have they done? This land was not given by Congress to them, but it was given by Congress to the State. The State had become deeply in debt, in consequence of attempting to build this very same road, among others, some sixteen years ago. Her credit was so depressed but a short time since that her bonds were only worth thirty-five cents in the market. Of course, therefore, she could not think of embarking in this great enterprise. She could not have raised money enough to have provided even for the survey of the road. What did she do? And it is that which the gentleman from Tennessee denounces her so much for. She knows well, by dear-bought experience, that these works are best made by private companies or individuals. Well, here was a company of gentlemen who came forward and said to the State, "We are railroad men; we have the means, or can raise them, to build the road, and although its length is seven hundred and four miles, yet we will undertake to build it, to put it in complete running order, and have it in operation in four years, upon certain conditions: transfer to us the lands, and in four years your railroad shall be finished and in operation, and in addition to that we will give you 7 per cent. of the gross proceeds (equal, of course, to 14 per cent. of the net proceeds) of the road for ever." I say equal, of course, to 14 per cent., because everybody knows that it costs 50 per cent. to operate a railroad. The State chartered the company, transferred these lands to trustees for their benefit, and they were to have them till the road was completed. Well, in this state of facts they set about to work; they negotiate \$17,000,000; they spend their time, night and day, for four long years, and who should complain if, while benefiting everybody else, they themselves should reap some benefit from it? Why should that occasion indignation against the company? When these individuals have proposed, on fair and honorable terms, to construct this road for the State of Illinois, why denounce them as speculators, who are to make so much out of the country? I dare say they will make what they deserve to make, and no more. They deserve much for their enterprise, their energy, and their liberality. Our State feels it, and she is content with the bargain she has made with them. Why then should the gentleman from Tennessee complain on this account of the State of Illinois?

None of these grants have been made by Congress to monopolies; and, for aught I know, the grant to be made by the bill now under consideration to the State of Wisconsin, will be used by the State itself to build the road. I know of no company in connection with it. At any rate, the State will do as she thinks proper about it; and I take it that one of the sovereign States of this Union may be intrusted with her own affairs. Wisconsin may well be trusted to take care of her own affairs. But the gentleman from New Jersey, [Mr. SKETCHER,] who spoke on the same side of this question with the gentleman from Tennessee, is greatly alarmed that if these things go on the new States will become the prey and victims of companies.

Mr. KERR. I will ask the gentleman a question. I understand that there is now a railroad

running from Milwaukee to the Mississippi river. Now, I would ask the gentleman whether the proposed route of this railroad does not run exactly parallel with that road for a considerable distance? I learn likewise that the Milwaukee and Mississippi road was built by individual enterprise. I ask for information merely. Will not this scheme greatly conflict with the Milwaukee and Mississippi road?

Mr. BISSELL. My friend, the chairman of the Committee on Public Lands, will answer the gentleman.

Mr. DISNEY. With the permission of the gentleman from Illinois, I will reply to the interrogatory of the gentleman. There were two roads asked for by the people of Milwaukee—one running east and west to Prairie du Chien on the Mississippi, the other running northwestwardly from Milwaukee to La Crosse. The roads provided for in the pending bill run north and south. Of the two roads asked for by the people of Milwaukee, the one proposed to be run northwestwardly from that town to La Crosse was decided against by the Committee on Public Lands.

Mr. CUTTING. If the chairman of the committee will permit me, I will ask the gentleman from Illinois a question. In regard to the answer that has just been given, for my own information, I desire a little more particularity; and I will say that this particular bill in favor of the State of Wisconsin, which had for its apparent object the uniting of the great inland sea of Lake Superior with the Atlantic and the Gulf of Mexico, seemed to me to be a most important one; but I was yesterday waited upon by the president of the Milwaukee and Mississippi railroad, who informed me that the mayor of that city was here, and that he had called on the Senators from Wisconsin, and that one of them had admitted that he was in error in regard to the route which was proposed by this bill. A map was produced and exhibited to me, and by that map it seemed that as regards this portion of the bill, the branch railroad from Janesville by the way of Madison to the Mississippi river—that that branch railroad proposed to be built by means of the Government lands, for a distance of from forty to sixty miles, runs nearly parallel with and within an inconsiderable distance from this road that has been built by the great exertions of the people of that new State, against hope almost, and which is now nearly completed from Milwaukee to Madison, being one of the points through which this road runs.

Now, while I regret that the gentleman from Illinois [Mr. BISSELL] should have been interrupted in the very interesting remarks which he was making when the question was propounded by the gentleman from North Carolina, [Mr. KERR,] and partially answered by the chairman of the committee who reported this bill, yet it seemed to me that the answer was not specific enough, or at all satisfactory. For myself, I have this to say, that whenever the General Government take their funds, or take their public lands for the purpose of conferring them upon individuals or States, with the direct appropriation of them to a purpose antagonistic to, and clashing with individual enterprise, and destructive of that which individuals have done, with their private capital and their personal means, I, for one, will frown upon and oppose any such use of the Government patronage and Government means against the single-handed efforts of humble and comparatively powerless individuals; and more especially when they come from a new and thinly-settled country like that through which the Milwaukee road runs.

By looking at the map, in reference to the railroad from Milwaukee to Madison, it will be seen that the road contemplated by this bill is laid down upon the line, and along side of the former for a considerable distance. And you now propose to give to the State the right to the alternate sections of land lying fifteen miles on each side of it, where a railroad already runs, and the land may be taken from the very neighborhood of the existing railroad.

I submit to the friends of this bill that we ought to have a clear and explicit understanding about this matter. It would be unbecoming this body to legislate to the prejudice of the rights of individuals. If it be true that the branch road proposed to be built from Janesville, by way of Madison, to the St. Croix river, does run along side of this private road—for the building of which the inhabitants of that State are entitled to the greatest possible credit—it is essential, and due to the House, that the matter should be plainly understood. We are compelled, in a great degree, to act and vote upon faith. We rely upon the representations of honorable members from other portions of the country for what relates to their districts. We are strangers to them, and we ought, before being called upon to vote, and possibly to do injustice, particularly when intimations of injustice to individuals are made, to have the subject clearly explained. This bill ought not to be acted upon by conscientious men until an opportunity has been given to them to look into it themselves, and more especially so when the explanations which have been made are not satisfactory.

There is a map, in the committee room below, of the whole United States, upon which is traced the line of the Milwaukee road, and all that gentlemen have to do is to look at this map and see where these railroads laid down. It is now proposed to endow the State, in order that it, or its grantees, may become competitors, and that they may build a rival road, by means of donations of public lands. The land upon each side, even of the existing road, is given by this bill in order to accomplish it.

If these are the facts—and I profess to know nothing of this matter, except from information given to me by responsible gentlemen from that portion of the country—they ought to be known. I presume the chairman of the Committee on Public Lands [Mr. DISNEY] will enlighten us, for we really want light upon this subject.

Mr. DISNEY. I will do so after the gentleman from Illinois [Mr. BISSELL] shall have finished his remarks.

Mr. BISSELL. Upon the subject to which the question of the gentleman from New York relates, I have not informed myself. I have not looked into the details of this bill, for I did not mean, after all, that the remarks I made should be particularly in favor of this bill, any more—though just as much—than in favor of any other bill now, or which may hereafter be, before us.

My object was to vindicate the policy of it, so far as our experience, connected with the history of the Illinois Central railroad was concerned, as that was the burden of the speech of the gentleman from Tennessee [Mr. JONES] in opposition to this bill.

I suppose this, however, and I would say, in answer to the question propounded by the gentleman from New York, [Mr. CUTTING], that this grant is so made to the State of Wisconsin. She has a great deal of legislation to enact before this goes into practical operation. I think that we may quite as safely leave the interests of her citizens in her own hands, as to take charge of those interests ourselves, whether those citizens comprise a railroad company or be individuals. That is all I have to say in reference to that branch of the subject.

When I was occupying the floor before, I think I did show that in the grant to the State of Illinois—so similar to the one now before us, that the one may be taken in all respects as the type of the other—that none of the parties interested had been injured, but that all had been benefited. I give the statements of the President of the United States, and of the Secretary of the Interior, without detaining the House by reading them, that the Treasury of the General Government is benefited by this policy. I give the statement formerly made by the Executive of the State of Illinois, that it has operated most beneficially upon that State, and of course upon her citizens. My own experience, and I believe the experience of others who have had any knowledge of this policy, is to the same effect, that the settlers are benefited by it. As for the company which is engaged to build this railroad, I apprehend gentlemen care very little about them; though I think, as I said before, they ought to make money. Seeing nothing, therefore, in the argument of the gentleman from

Tennessee, and knowing nothing after five or six years reflection upon the subject, that inclines me to doubt the wisdom of this policy, I am in favor of all such bills; and in local matters which may affect particular States, I leave all those States to regulate and take care of themselves; as, for instance, that which was brought to view by the gentleman from New York. I think that matter is better in the hands of the Legislature of Wisconsin than here. The gentleman from New Jersey [Mr. SKELTON] the other day seemed to manifest a great deal of anxiety lest the western States might become victims to monopolizing companies. There may be some danger of that, but I think the western States are shrewd enough to look to their own interests. At any rate, I do not hardly think it is becoming in a gentleman from New Jersey to lecture the western States upon the subject of monopolies, yielding up sovereignty, and all that sort of thing, to railroad or canal companies.

Mr. SKELTON. I hope the gentleman will allow me to say a very few words upon this point.

Mr. BISSELL. I cannot yield to the gentleman. I shall finish what I have to say in a few moments. I have merely to remark again, that I think it is hardly the part of a representative from the State of New Jersey to give us lectures or lessons upon that subject. Why, is the State of New Jersey itself anything except a railroad company? Is not the legislation of the State in the hands of one or two railroad companies? I believe her entire sovereignty is in the keeping of a railroad company, or the president thereof. [Laughter.] Indeed, I am not certain but the broad seal of the State has been handed over to some of these companies, and is now in the possession of these same companies. I do not know that it is so, but I think the Camden and Amboy Railroad Company would like to be in possession of it, at any rate. However, I received the admonitions of the gentleman from New Jersey with a great deal of good will, and I really hope my State will profit by it.

Mr. DISNEY obtained the floor.

Mr. SKELTON. I would like to say a few words in reference to the imputations that have been cast upon the State which I have the honor in part to represent. Indeed, sir, I presume I may claim the right as a question of privilege.

The SPEAKER. The gentleman has no such right as a matter of privilege.

Mr. DISNEY. I will yield the floor to the gentleman from New Jersey, but I wish him to understand that I do so only for a very few moments.

Mr. LETCHER. I rise to a question of order. I submit that the gentleman from Ohio, [Mr. DISNEY], having once spoken upon this bill, is not entitled to the floor to speak upon it again until all those who wish have spoken.

The SPEAKER. The gentleman from Ohio has not had the floor upon the proposition to commit.

Mr. LETCHER. The gentleman made a speech upon the bill, at any rate.

The SPEAKER. But not upon the motion to commit.

Mr. SKELTON. I have but very few words to say upon this subject. If it had not been that the reputation of my State has been assailed upon this floor, I should not have risen to reply to the remarks of the gentleman from Illinois. But I consider it the duty of a member, representing a State of the character which the State of New Jersey possesses in this Union, to allow no imputation to be thrown upon her.

We in New Jersey have always been strongly in favor of State rights. We have, in looking back upon our past history, shown to the American people and to the world that we are capable of self-government.

The time was when our number of inhabitants was very small, that the whole power of the British Government took possession of our territory, but the people of New Jersey even then never yielded for a moment, but fought bravely for their rights; and they eventually succeeded in driving from their soil, after the most bloody and sanguinary battles of the Revolution, the most desperate enemy that this country has ever known. It would not be becoming the representatives of New Jersey at this time to allow the other States of this Union to undertake to dictate to them on questions of domestic policy, nor yet to cast aspersions upon them.

With regard to these railroad companies, and chartered companies generally throughout the United States, I am not the defender of them. I wish it to be distinctly understood that what I have to say is not in defense of chartered corporations anywhere, but in defense of the fair fame, independence, and liberties of the people of a sovereign State.

Sir, I could show this House, if my time allowed—but I do not propose to trespass on the courtesy tendered me by the gentleman from Ohio—that the people of New Jersey not only have the power of self-government, but that they have the capability; and not only that, but that they have always been careful to respect and protect the rights and interests of the people of the other States of the Union.

Now, I wish to say to the gentleman from Illinois, and to all other gentlemen who may rise upon this floor, and make reflections upon the State of New Jersey, that we are a sovereign State, and that we have the right, the capability, and the determination to govern ourselves, and our own local institutions in our own way—

Mr. COBB, (interrupting.) I hope that the gentleman from New Jersey will not enter into a discussion of the question of State rights, for if we once get upon that question we shall never do any business during this Congress. We all know that New Jersey is capable of taking care of herself, and she sends sons here who are more than capable of taking care of her interests.

The SPEAKER. It is competent for a gentleman holding the floor to yield it to another for explanation only, and if objection is made, the Chair must decide that the gentleman from New Jersey is indulging in remarks which are not in order.

Mr. SKELTON. Do I understand the Chair to decide that my remarks are not in order?

The SPEAKER. The Chair decides that it is competent to the gentleman from Ohio, having the floor, to yield it to the gentleman from New Jersey for explanation only.

Mr. SKELTON. That is what I am attempting to do. I am explaining my course in debating this question, and defending the reputation of my State.

The SPEAKER. The Chair must endeavor to draw a distinction between mere explanation and a speech, and if any member calls the attention of the Chair to it the Chair must rule the remarks of the gentleman out of order.

Mr. COBB. I am always very much interested in the speeches of the gentleman from New Jersey, but I desire to facilitate the business of the House.

Mr. SKELTON. Well, I will take my seat now.

The SPEAKER. Does the gentleman from Alabama call the gentleman from New Jersey to order?

Mr. COBB. I hate to do it, and I hope he will quit without being called to order.

The SPEAKER. If not objected to by any member, the gentleman from New Jersey can proceed with his remarks.

Mr. DISNEY. With every disposition to extend to the gentleman from New Jersey all the courtesy which the proprieties of the case will admit of, still I confess that I feel unwilling to yield the floor to him to make any very extended remarks.

Mr. SKELTON. I will not trespass on the courtesy of the gentleman and of the House, but will reserve my remarks for some other occasion.

Mr. TAYLOR, of Ohio. I presume that my friend and colleague [Mr. DISNEY] is about to make the closing speech on this bill.

Mr. DISNEY. Oh, no.

Mr. TAYLOR. I desire to make a few remarks about it, and I should like to do so now, if it be agreeable to my colleague. He will have the privilege to close the debate, and it may be that unless the opportunity be afforded me now, I shall not have it at all.

Mr. DISNEY. My whole purpose and object has been to afford to every gentleman upon this floor ample opportunity to examine all the provisions of the bill, and to do it in every possible position in which the case might be considered. The bill has met with my deliberate approval and judgment, after a calm and dispassionate examination; and, confident in the justice and validity of

my conclusion, I shall not avoid or shrink from any examination, no matter from what quarter it may come. And, sir, at least in all matters of this sort there are but one or two questions which require investigation or consideration.

My purpose in rising here was rather more to make one or two statements of facts than to go into any general or extended argument in regard to the provisions of the bill, or its operation; but being up, it occurs to me that it might be well that I should say a word or two in relation to some questions connected with it generally, as not belonging to this bill merely but to kindred bills.

And let me first advise the House, that since this question was last before it, I have found that I was inadvertently led into an error in regard to the quantity of land involved in this grant. I have, however, since the time which has elapsed, had the draughtsman of the Committee on Public Lands to give me his regular official statement. From that I find that I have overstated the quantity of land which is proposed to be granted. I have heard out of doors, as I suppose every member of this committee has, all sorts of stories in reference to these pending railroads. I have heard, to a greater or less extent, the same kind of stories in regard to almost every railroad bill pending before Congress. I had heard that the amount of land involved in the grant, instead of being 2,500,000, was 3,700,000 acres. Now, let me say to the House, that in making up these statements, the course of the Committee on Public Lands has been this: Before they have reported a bill to the House they require their draughtsman, from an examination of a map of the public lands, to make an estimate of the quantity of the land to be embraced in the grant. In this case, as I have already stated, I inadvertently took up the wrong statement. I have now, however, the statement made by the draughtsman before me. It appears that the amount involved in the bill, instead of being 2,500,000 acres, is only 1,692,320 acres. I am asked, "What is the length of the road?" and I advert to the question, because it is put in reference to the ascertaining of the quantity of land.

Now the gentleman will here bear in mind that in these bills the grant is limited to the selection of lands within a range of fifteen miles on either side of the proposed road, and if the General Government has disposed of, or in any manner alienated the land within that limit, the road gets none. Consequently, to make up the calculation, a calm examination is to be made of all the public land lying within fifteen miles of the proposed road. These estimates are made from the maps, which show all the locations, and the particular subdivisions, of the public domain, within the bounds of the indicated route.

I repeat it, the quantity of land proposed to be granted in this bill, as embraced in both routes, is 1,692,320 acres; and that that quantity, in connection with that which will be granted to another road, which the Committee on Public Lands have determined to report favorably upon to the House—the Prairie du Chien road—will not make the grant for railroad purposes to the State of Wisconsin exceed the amount to which she will be entitled, taking the grant to Illinois as the unit of comparison. So much for the equity of the matter.

Let me now advert to the matter which was presented by the gentleman from New York, [Mr. CUTTING.] He finds a difficulty in his way, in the fact that a railroad is started from Milwaukee, running for part of the distance, as he supposes, nearly parallel to the road provided for in the bill; and he thinks it a hardship and an impropriety for the Government to come forward and give its aid to one road to the injury of another. Now, let me say, in the first place, both these routes are individual and private enterprises.

Mr. CUTTING. Both which routes?

Mr. DISNEY. All of them. The State of Wisconsin, speaking through its State Legislature, which, we are bound to presume, is amply competent to decide what routes are important to the interests of that State, have indicated, not the route spoken of by the gentleman from New York, but the route indicated by the pending bill. I repeat it, that the Legislature of Wisconsin have asked Congress to aid the construction of the roads provided for in the pending bill, while they have not asked aid in favor of the road of which the gentleman speaks.

Mr. CUTTING. I would ask the gentleman why the Legislature of Wisconsin should ask for public lands, if a road is constructed, or nearly finished, to Madison, by private enterprise; or so nearly completed that it is entirely graded to Madison, and in relation to which nothing is left to be done but to put down the rails—what, I say, could the Legislature ask for a road of that description?

Mr. DISNEY. I understand the gentleman complains of the competition of the roads south and east of Madison. Let me say to the gentleman, that as far as the pending bill is concerned the company gets no land south of Madison. There is not, in my bill, any aid proposed to be given by the General Government to the company mentioned in the bill, by a grant of lands south of the town of Madison, because there are no public lands there.

Mr. WENTWORTH, of Illinois. I wish to ask the gentleman from Ohio a question.

Mr. DISNEY. I dislike to be interrupted.

Mr. WENTWORTH. The gentleman from New York [Mr. CUTTING] made an issue upon this floor in reference to this matter. The gentleman representing the Milwaukee district [Mr. WELLS] is now in the House, and is prepared, or ought to be prepared, to speak for that place, and I hope the gentleman from Ohio will allow that gentleman to rise in his place and speak for Milwaukee.

Mr. DISNEY. I was about to proceed and state—

Mr. WENTWORTH, (interrupting.) I shall go for this bill if the gentleman from Milwaukee is for it, and I want him to speak, and let the House know his views upon this subject.

Mr. DISNEY. I have said that the Legislature of Wisconsin, familiar as of necessity they must be with the value and the condition of the respective roads within her limits, have selected and indicated the roads provided for in this bill as the most important to that State; and this fact ought to be conclusive with this House in regard to their action upon it.

Mr. PECKHAM. How?

Mr. DISNEY. By a memorial addressed to Congress.

Mr. WENTWORTH, of Illinois. Will the gentleman from Ohio allow the representative from Milwaukee to state his views?

Mr. DISNEY. I will soon.

Mr. WENTWORTH. I wish to know if this bill is the united wish of the inhabitants of Milwaukee? If so, I shall vote for it, and I hope the gentleman from Ohio will give that gentleman an opportunity to speak.

Mr. DISNEY. I will allow the gentleman a brief statement.

Mr. WELLS. The gentleman from Illinois [Mr. WENTWORTH] has called upon me to say whether I acquiesce in this measure. I would reply that I have been opposed to it. I opposed it before the committee. I have no hesitation in saying that it is generally considered as unfavorable to the Milwaukee and Lake Shore interests. The bill having passed the Senate came to the House. The majority of the committee were in favor of it. The rest of the delegation from Wisconsin were known to advocate its passage; and I had concluded not to make open opposition to it on this floor, with the understanding that my colleague would also remain silent, and that we should leave the House to pass upon its merits, after both sides had been fairly presented by those not immediately interested. I have adopted this course, too, in the hope that it would secure a favorable consideration to other bills, which would directly benefit the interests which I more immediately represent.

Mr. DISNEY. I desire to ask the gentleman from Wisconsin whether he intends to vote for the bill now under consideration?

Mr. WELLS. I have some question about it.

Mr. SMITH, of Virginia, desired to obtain the floor.

The SPEAKER. The gentleman from Ohio cannot yield to more than one gentleman at a time.

Mr. SMITH. I yield, of course, to the gentleman from Wisconsin, over the way, to answer the question.

The SPEAKER. The gentleman from Ohio [Mr. DISNEY] is entitled to the floor; but yielded to the gentleman from Wisconsin for the purpose

of explanation. The Chair therefore could not, of course, award the floor to a third person.

Mr. WELLS. I suppose I have the right to answer affirmatively or negatively, or neither. In the present condition of things, I prefer not to answer at all, but to wait the further action of the House.

Mr. COBB. I hope the gentleman from Wisconsin will say one way or the other, whether he will vote for the bill or not?

Mr. WELLS. I have nothing further to say upon the subject for the present.

Mr. WENTWORTH, of Illinois. Does the gentleman from Wisconsin, then, refuse to answer the question?

The SPEAKER. The gentleman from Illinois must remember that the gentleman from Ohio is upon the floor, and has only yielded to the gentleman from Wisconsin for the purpose of explanation.

Mr. DISNEY. I have stated one fact, which, if duly reflected upon, must be conclusive with every gentleman of the committee with regard to the difficulty, which has been raised.

[A message was here received from the Senate, by ASBURY DICKINS, its Secretary, informing the House that they had passed Senate bills of the following titles, in which he was instructed to ask the concurrence of the House:

An act (No. 40) making a grant of land to the State of Arkansas, to aid in the construction of certain railroads in said State.

An act (No. 74) making a grant of land to the State of California, to aid in the construction of railroads from San Francisco to San José; Benicia to Marysville; Sacramento City, via Auburn, to Nevada City, and Stockton to Sonora.

An act (No. 98) making a grant of land to the State of Florida, to aid in the construction of certain railroads in said State.

An act (No. 110) granting the State of Wisconsin land to aid in the construction of a railroad from Madison to the Mississippi river.

An act (No. 173) making a grant of land to the States of Louisiana and Mississippi, to aid in the construction of certain railroads in said States.

An act (No. 204) granting to the State of Alabama public lands in alternate sections, to aid in the construction of the Alabama and Tennessee railroad, from Selma, on the Alabama river, to the Tennessee river, at or near Gunter's Landing; and also the Memphis and Charleston railroad, from Memphis, on the Mississippi river, to some point connecting with the Nashville, Chatanooga, and Charleston railroad.

An act (No. 205) making a grant of land to the State of Alabama, in alternate sections, to aid in the construction of a railroad from the line of Georgia, on the Chattahoochee river, to the city of Mobile.]

Mr. SMITH, of Virginia. I desire to ask the gentleman from Ohio, if he will allow me, whether there are any other bills before the Committee on Public Lands to aid in the construction of railroads in the State of Wisconsin?

Mr. DISNEY. The committee, as I have already stated, have reported another bill, to aid in the construction of a railroad from Madison, in Wisconsin, westward to Prairie du Chien, and that seems to be the understanding of the committee to be the share that State is entitled to. The committee have endeavored to apportion these grants among the different States in which the public lands are located, so as to place them all upon an equality with the State of Illinois, and I apprehend that remark covers the information which the gentleman from Virginia desires.

Mr. SMITH. I apprehend not.

Mr. DISNEY. Then I do not understand the point the gentleman would make.

Mr. SMITH. The point I refer to is this: I want to understand how many propositions to appropriate land for the benefit of Wisconsin are before the Committee on Public Lands? We have been told that there are one hundred and seventy in all before that committee; I want to know how many are for the benefit of Wisconsin?

Mr. DISNEY. It matters not whether there are one or five hundred.

Mr. SMITH. But will the gentleman answer the question?

Mr. DISNEY. I have said that the committee have reported one bill which is now before the House, and that they have agreed to report an-

other. That is all they have agreed to recommend to the House for the benefit of Wisconsin. They have reported adversely upon other propositions for the benefit of that State. But I repeat, that it has been the policy of the committee to equalize, as much as possible, these grants of land among the different States which are to receive them; and whether there are one or five hundred propositions before our committee makes no difference so long as an undue proportion is not given to any one State.

But to proceed. I said a moment ago, that there are no public lands south and east of the town of Madison, in the State of Wisconsin, and hence the competition of which the gentleman from New York [Mr. CUTTINE] speaks cannot be urged as an objection to the practical operation of this bill. I say there is no part of the public domain which will be donated by the bill now pending before the House, and cannot, therefore, be located upon to the detriment of any other road. This fact is a sufficient reply to all the difficulties raised by the gentleman from New York.

Mr. JONES, of Tennessee. I wish to inquire if the morning hour has expired?

The SPEAKER. The morning hour has expired.

Mr. JONES. Then, with a view of getting into the Committee of the Whole on the state of the Union, and progressing with the homestead bill, I move to proceed to the business on the Speaker's table. I do not think we shall suffer much by postponing this question.

Mr. DISNEY. I should like very much to finish what I have to say now.

The SPEAKER. The proposition is not debatable; the gentleman from Tennessee has a right to submit his motion.

The question was then put on Mr. JONES's motion, and it was agreed to.

Mr. JONES. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. RICHARDSON. I hope my friend from Tennessee will first permit me to make a motion connected with the business that is to come up next week. I desire to have certain bills on the Speaker's table taken up and referred to the Committee on Territories, so that they may be acted on there, and be reported back in time for the action of the House next week.

Mr. JONES. I have no objection to that.

The SPEAKER. To what bills does the gentleman from Illinois refer?

Mr. RICHARDSON. The territorial bills on the Speaker's table.

The SPEAKER. If not objected to, the territorial bills on the Speaker's table will be taken up and referred.

Many MEMBERS. What bills are they?

Mr. RICHARDSON. There are several bills. I do not know what they are, but they relate to territorial affairs.

[Loud cries of "What are they?"]

Mr. RICHARDSON. Gentlemen need not be uneasy; the Nebraska bill is not one of them.

Mr. JONES, of Tennessee. It has not passed the Senate yet.

Mr. CAMPBELL. And it will probably be some time before it does.

Mr. HENN. I hope all the bills on the Speaker's table will be taken up and referred.

Mr. TAYLOR, of Ohio. I trust that course will be pursued.

Mr. JONES. If any bill gives rise to debate I shall insist on my motion.

The SPEAKER. If the motion that the House resolve itself into the Committee of the Whole on the state of the Union is withdrawn, the business on the Speaker's table is now in order.

Mr. JONES. I withdraw it for the present.

The following bills were then taken from the Speaker's table, read a first and second time by their respective titles, and severally referred, as indicated below:

An act to aid the Territory of Minnesota in constructing a railroad for military, postal, and other purposes. Referred to the Committee on Territories.

An act making a grant of lands to the State of Louisiana, to aid in the construction of a certain railroad in that State. Referred to the Committee on Public Lands.

An act making a grant of land, in the State of Michigan, to aid in the construction of the Oakland and Ottawa railroad, and a railroad from the Grand Rapids to the Straits of Mackinaw, and a railroad from Pontiac, via Pere Marquette river, Manitowoc, and Ontonagon river, to Kewana Point, with a branch to the vicinity of Carp river, upon Lake Superior. Referred to the Committee on Public Lands.

An act making further appropriation for the improvement of Cape Fear river, North Carolina. Referred to the Committee on Commerce.

An act to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of March 2, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan. Referred to the Committee on Public Lands.

An act to provide for the ascertainment and satisfaction of claims of American citizens for spoiliations committed by the French prior to the 31st of July, 1801. Referred to the Committee on Foreign Affairs.

An act to grant to the State of Ohio the unsold and unappropriated public lands remaining unsold in that State. Referred to the Committee on Public Lands.

An act to establish a land district in the State of Florida, to be called the district of Tampa. Referred to the Committee on Public Lands.

An act to relinquish certain lands to the city of Dubuque, in the State of Iowa. Referred to the Committee on Public Lands.

An act to constitute Palatka and Bayport, in the State of Florida, ports of delivery respectively. Referred to the Committee on Commerce.

An act constituting San Pedro, in the State of California, a port of entry and delivery. Referred to the Committee on Commerce.

An act making Brunswick, in the State of Georgia, a port of entry, and for other purposes. Referred to the Committee on Commerce.

An act appointing commissioners to ascertain certain facts relative to private land claims in the Territory of Michigan. Referred to the Committee on Private Land Claims.

S. 228. An act for the relief of settlers on lands reserved for railroad purposes. Read a first and second time by its title.

Mr. WARREN. I ask that the last bill read may be now taken up and put upon its passage. It is a bill the merits of which can be understood in a very few moments. It has passed the Senate.

The bill was read through.

Mr. JONES, of Tennessee. The motion to go into the Committee of the Whole was withdrawn with the understanding that no bill was to give rise to debate, but that they should be merely taken up, read, and referred to the appropriate committees.

Mr. WARREN. Then I shall not press my motion.

Mr. JONES. I hope this bill will go to the Committee on Public Lands.

Mr. ORR. I move that it be so referred.

The motion was agreed to.

The following resolution and bills were then read a first and second time, by their respective titles, and referred, as indicated below:

A resolution accepting certain volumes and medals presented by her Britannic Majesty's Government to the United States. Referred to the Committee on the Library.

An act for the relief of Ira Day, of Vermont. Referred to the Committee on the Post Office and Post Roads.

An act making a grant of land to the State of Louisiana, to aid in the construction of a railroad in said State. Referred to the Committee on Public Lands.

An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State. Referred to the Committee on Public Lands.

An act making a grant of land to the State of Arkansas, to aid in the construction of certain railroads in said State. Referred to the Committee on Public Lands.

An act making a grant of land to the State of California, to aid in the construction of railroads from San Francisco to San José, Benicia, to Marysville, Sacramento City, via Auburn, to Nevada

City and Stockton, to Sonora. Referred to the Committee on Public Lands.

An act making a grant of land to the State of Florida, to aid in the construction of certain railroads in that State. Referred to the Committee on Public Lands.

An act granting to the State of Wisconsin land to aid in the construction of a railroad from Madison to the Mississippi river. Referred to the Committee on Public Lands.

An act making a grant of land to the States of Louisiana and Mississippi, to aid in the construction of certain railroads in said States. Referred to the Committee on Public Lands.

An act granting to the State of Alabama public lands, in alternate sections, to aid in the construction of the Alabama and Tennessee railroad, from Selma, on the Alabama river to the Tennessee river, at or near Gunter's Landing; and, also, the Memphis and Charleston railroad, from Memphis, on the Mississippi, to some point connecting the Nashville, Chattanooga, and Charleston railroad; referred to the Committee on Public Lands.

An act making a grant of land to the State of Alabama, in alternate sections, to aid in the construction of a railroad from the line of Georgia, on the Chattahoochee river, to the city of Mobile, in Alabama; referred to the Committee on Public Lands.

Mr. DAWSON. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken, and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

HOMESTEAD BILL.

The CHAIRMAN. When the committee last rose, they had under consideration House bill (No. 37) reported from the Committee on Agriculture by Mr. DAWSON, "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same during the period herein specified." General debate having closed by order of the House, the committee will now proceed to consider the bill by sections. The Clerk will report the first section of the bill.

The first section of the bill was then read by the Clerk, as follows:

"Be it enacted, &c., That any person who is the head of a family, and a citizen of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one quarter section of vacant and unappropriated public lands, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of the public lands, and after the same shall have been surveyed."

Mr. COBB. I desire to offer an amendment to the section just read. Before I offer it, I wish to say, if, after a thorough consideration of this bill, it should not be so perfected as to meet my approbation, that I intend to offer the substitute of which I gave notice some little time ago, and which has already been printed. The amendment which I now propose to offer to the first section, is to strike out all after the word "any," in the third line, and insert the following:

—free white person, the head of a family and citizen of the United States, or any single free white male person of the age of twenty-one and upwards, a citizen of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one hundred and sixty acres, titled to enter, free of cost, one hundred and sixty acres, subject to private entry at \$1 25 per acre, either in the States or Territories, of any vacant surveyed agricultural lands not reserved or appropriated, and which shall not interfere with any existing rights, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of the public lands.

The committee will find, upon comparing the amendment I propose with the first section, that there are several material differences. In the first place, it proposes to grant one hundred and sixty acres of land to a single man who may have arrived at the age of twenty-one, and who may choose to make a location upon the public lands, the same as is proposed by this bill to be given to head of families. I consider this an important amendment.

The amendment proposes, in the second place, that no lands shall be located upon, except agricultural lands, and those too which may be sub-

ject to private entry at \$1 25 an acre. The necessity of this amendment must strike every member of the House instantly. I do not desire, in the first place, that when we have given a man the right to a farm of one hundred and sixty acres, to allow him to go and locate it upon the mineral lands.

After consultation with the Commissioner of the General Land Office, I am satisfied that, as the bill now reads, any man would be entitled to go and locate his land upon the mineral lands of the United States; and I have therefore proposed to amend so as to confine the bill in its operations to the mineral lands.

The next important provision in the amendment provides that the warrants shall be located upon lands subject to private entry at \$1 25 an acre. This is to avoid the locations being made upon the alternate sections upon which we have raised the price to \$2 50 an acre, the object of which was, that in making donations to the States for railroad purposes, the Government should at least be compensated to some extent for the land they have given away.

These are the prominent features of the amendment to which I desire to call the attention of the committee. Gentlemen will see that they are material, and that they differ materially from the original provisions of the bill. It proposes to extend the privileges of the bill to single men, as well as to require them to locate upon agricultural lands, subject to private entry, at the price of \$1 25 an acre, so that they shall not locate upon the lands upon which the price has been raised to \$2 50 an acre, and upon mineral lands. These are important features. I think they will strike every member of the committee as such, and I am satisfied, from several consultations I have had with the chairman of the Committee on Agriculture, [Mr. Dawson,] that he cannot interpose any very serious objections to the adoption of the amendment.

I do not know that I need to say more at present in support of my amendment. I am aware that it will operate to increase the extent of the provisions of the bill, but I hope it will be adopted. I did hope that my friend from Tennessee, [Mr. Jones,] who is a bachelor, would have brought forward an amendment proposing to extend the privileges of the bill to unmarried females who shall have arrived at the age of twenty-one years. I advocated that policy in committee, but I was overruled. I hope, however, that my bachelor friend from the State of Tennessee, if he will not entitle himself to enjoy the privileges of the bill by sharing them with a female, will at least allow her to take to herself the farm and enjoy it in loneliness.

Mr. DAWSON. I think it will be the best policy for the friends of the bill to adhere to it as reported, and pass it in its original form. There are, it is true, some arguments to be adduced in support of the amendment of the gentleman from Alabama, but I think that, upon examination, it will be found that it contains so many propositions in a single sentence that its interpretation will be rendered very ambiguous, if adopted by the committee.

It proposes to amend, in the third line of the section, by extending the privileges of the bill to single as well as married men. Now, I do not object to that proposition, and would agree at once to its adoption, but I fear that it may possibly endanger the passage of the bill. It will be bad policy for us to propose to do too much at once. I prefer, the more certainly to secure the passage of the bill, to confine its operation, in the first instance, to the heads of families.

The last part of the gentleman's amendment is out of place. He wishes to confine the entries to lands, the minimum value of which is only \$1 25 an acre, thereby intending to exclude the alternate sections reserved in the various railroad grants that have been made by Congress. If the committee see proper to adopt it, I have no objection to it, but it is ill-timed and out of place. If introduced at all, it would come in properly in the seventeenth line of the last section. I would, therefore, suggest to the gentleman from Alabama, that he should divide his amendment, and offer it separately. Some of the propositions contained in it I shall not object to; but I trust that the friends of the bill will adhere to it in its present shape, and endeavor to carry it through without any material alterations.

Mr. DEAN. I move to amend the amendment of the gentleman from Alabama by striking out the word "State."

Mr. TAYLOR. How will it read then?

Mr. DEAN. It will read "in any territory of the United States."

I am in favor of the bill as reported by the Committee on Agriculture, or of the principles of that bill; and I shall vote for it in almost any form, as long as it contains the principle of granting one hundred and sixty acres of land to actual settlers free of cost. I desire to perfect it; but I hope that a bill to carry out that principle will be passed before the adjournment of the present Congress.

Gentlemen who have made hour speeches upon this subject have said that the Senate will not pass the bill. Now I submit to gentlemen who are in favor of this principle, that if we cannot get the whole, if we cannot provide a homestead for every actual settler in the States, we can at least incorporate the principle into the territorial bills, and insist that it shall be a fundamental law hereafter in the organization of new Territories.

Mr. DAWSON. What gentleman who has made an hour speech has said that the Senate will not pass the bill?

The CHAIRMAN. The Chair would remind the gentleman from New York that he will hold that debate must be strictly confined to the amendments under consideration. The gentleman must therefore confine his remarks to the proposition to strike out "State."

Mr. DEAN. I am confining my remarks to the proposition to confine the operation of this bill to the Territories. In the States rights have already accrued and become vested in individuals. The Government can sell the lands in the States, but if individuals choose to go into the Territories, there can be no doubt that they ought to have a farm given them in return for the privation that they must there endure.

Sir, this question in regard to the public lands ought to be taken out of Congress. The lands within the States ought to be ceded to those States, and they should be allowed to administer their own lands as suits themselves. There is a bill pending here for that purpose so far as one of the States is concerned. But we have exclusive jurisdiction over the Territories, and we ought to exercise it, and see that this principle is carried out in the Territories, although we may not be able to secure it in the States. It is for that reason that I propose to strike out the word "State" in the amendment of the gentleman from Alabama.

There is another reason why this ought to be done. The public lands were originally ceded by New York, Virginia, and other States, for the purpose of having them settled and formed into republican States; and when those republican States are formed, the jurisdiction over the lands ought to be granted to them; but, so far as the Territories are concerned, I insist that it is the duty of every friend of the homestead policy to see that this principle is carried out strictly, and applied to every Territory hereafter to be formed.

Mr. COBB. Believing the gentleman's amendment wrong, I, of course, oppose it. In the first place, I hold that the lands within the States belonging to the Federal Government should be governed, so far as settlements are concerned, by precisely the same law that they are in the Territories; but I shall bring forward no argument to refute the gentleman's position; I shall not attempt to do it; I think it is so obvious that it is hardly necessary for me to allude to it.

But one word to the chairman of the Committee on Agriculture, [Mr. Dawson,] who reported the first bill here, though not the first one introduced into the House, or of which notice was given of its introduction; but bill No. 37, which was referred to the Committee on Agriculture, and next day reported back without almost an hour's consideration. The amendment which I propose is one that was thoroughly matured by the Committee on Public Lands, after due deliberation, for nearly one month. Can the gentleman, or does he, point out one solitary provision in my amendment to which he objects? If he can or does I will pause for him to point it out. Then he does not object to one single provision of my amendment; but he says that it comes in ill time, and therefore proposes to add it along by piecemeal to perfect his own bill. I am for perfecting a bill when I commence with its consid-

eration. If it be perfected before it reaches the point where the gentleman's bill may be perfect, why then we can easily dispose of such parts of his bill as we deem wholly and entirely imperfect.

The CHAIRMAN. The Chair must remind the gentleman that he must apply the same rule to him as he did to the gentleman from New York. The gentleman must confine his remarks to opposing the amendment to strike out the word "States."

Mr. COBB. That is confining me within too prescribed a field. I want more sea room. [Laughter.]

The question was then taken on the amendment to the amendment, and it was rejected.

Mr. JONES, of Tennessee. The first section of the bill, as it stands now, is near about right. I move, for the purpose of perfecting it in my estimation, a slight amendment. Insert after "family" the words "or who is eighteen years of age," so that the section will read:

"That any person who is the head of a family, or who is eighteen years of age, and a citizen of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one quarter section of vacant and unappropriated public lands, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of the public lands, and after the same shall have been surveyed."

Gentlemen suggest that I insert twenty-one instead of eighteen. I prefer the age of eighteen, because that is the age at which your Government require military services of the male citizens of the country. When they are thought competent and able to perform such service I think that it is nothing but right that they should be participants in the benefits of a bill of this kind.

Again, in another part of the bill, it is proposed that if the person who settles on the land shall die before the expiration of the five years, that then the right of location shall be sold for the benefit of the heirs who are fourteen years of age. When we come to that part of the bill I will—

Mr. COBB, (interrupting.) I rise to a question of order. I proposed an amendment to the original bill, and I hold it is not proper for the gentleman to offer an amendment, and speak to it, while my motion is pending.

The CHAIRMAN. The Chair overrules the point of order, and rules that it is in order to offer an amendment to the portion of the bill proposed to be stricken out, in order to perfect it, before the vote is taken upon the motion to strike out.

Mr. JONES. When we shall come to that clause of the bill which provides that its benefits shall result to children under fourteen years of age, I will move to strike out "fourteen" and insert, in lieu thereof, "eighteen," so that there shall be no gap left in this provision; and that, at the time the benefits shall cease to the children, they shall acquire it in their own right.

Again, there are many persons in this country who marry at as early an age as eighteen; and there are many who, at that age, might desire to go and make a location of land preparatory to forming that union. I would desire this bill to be so perfect, that if such persons should make the location at eighteen years of age, and then after that continue to cultivate the land for five years, they shall have all the rights secured by this bill. I can see no good reason why it should not be so. With that amendment, the section will be about as perfect, in my estimation, as it can be made. It will be plain, simple, and comprehensive.

The other provisions in the amendment offered by the gentleman from Alabama, or some of them, if it be deemed right by the committee to incorporate them, will come in in other parts of the bill more appropriately than in this section.

I hope the committee will adopt this amendment, and thereby provide that American citizens, heads of families, or eighteen years of age, shall be embraced within the provisions of this bill.

Mr. GREENWOOD. Would an amendment to the amendment of the gentleman from Alabama be now in order?

The CHAIRMAN. The amendment of the gentleman from Tennessee is pending, and is first to be acted upon. An amendment will then be in order.

Mr. GREENWOOD. I could not hear what the proposition of the gentleman from Tennessee was.

[A message was here received from the Senate, by the hands of ASBURY DICKINSON, their Secretary,

informing the House that the Senate had passed a bill entitled "An act for the relief of the purchasers and locators of swamp and overflowed lands," in which he was directed to ask the concurrence of the House; and then he withdrew.]

THE CHAIRMAN. The Chair would state to the gentleman from Arkansas, [Mr. GREENWOOD,] that he will have an opportunity to offer his amendment when the amendment of the gentleman from Alabama again comes up. The question now is upon the motion proposed by the gentleman from Tennessee, [Mr. JONES.]

MR. READY. I would suggest to my colleague [Mr. JONES] that he will not effect the object which he has in view by the amendment he has proposed. I approve the principle at which he is aiming. If he had proposed to insert the words "twenty-one years," instead of "eighteen," I should have given him my hearty support. The reason why I think twenty-one is a more suitable age than eighteen, is found in part in a subsequent provision of this bill. It is provided, that those who propose to avail themselves of the benefit of this homestead privilege shall not be permitted to do so unless they can prove that they continuously reside upon their one hundred and sixty acres of land for five years. If you extend the provision to minors, will you not be engaged in a useless work? Minors are under the control of their parents; and, indeed, they may be said to be servants. Parents have the right to command the time and services of their children until they have arrived at their majority. Some gentlemen here say that it is not always so. Perhaps that may be true, but the cases are always rare; and unless the individual whom you propose to benefit by this law is entitled to the control of his own time and his actions, I think that there would be no use in declaring that he should be so entitled. I think, perhaps, that it would be endangering the bill to insert a useless provision of this kind; but if you provide that the head of a family, who is of the age of twenty-one years, shall have the right to make an entry upon the public land, provided that he will settle upon it and continue to reside upon it for five years, you then insert a provision which can be carried out, and the object of my colleague may be attained.

The question was then taken upon Mr. JONES's amendment, and it was not agreed to.

MR. YATES. I now propose the following amendment: To strike out the words in the third line, "or who is the head of a family."

MR. CHAIRMAN. The short time allowed by the rules of the House will not allow me to enter into the discussion of the merits of this bill. I am glad, however, that there is time enough for me to say that it meets with my full approbation. Two years ago, when the bill was pending before Congress, I had the good fortune to express my views at some length in its favor, and since that time I have had no reason to change my opinions. In fact, more mature reflection, and the interchange of views with my constituents, have served to confirm me in my convictions, and I am now satisfied that the proposed measure ought at once to be adopted by Congress.

The friends of the homestead bill in the last Congress labored hard for its passage; and so convincing were the arguments in its favor, that on the 12th day of May, 1852, it passed the House of Representatives by a vote of more than two to one. It went to the Senate, and from the opposition or indifference of that body, or for the want of time, it failed to pass. The passage of the bill through the House met the sanction of the country. It has been indorsed and commended to Congress by various State Legislatures. I well recollect, sir—and it is a pleasant recollection—that upon my return home at the close of the first session of the last Congress, I was taken by the hand by many a laboring man and greeted with warm benedictions because of the very humble part I had taken in favor of the measure. And when I told them, what I then believed, that it failed in the Senate for want of time, but that I had no doubt it would pass that body at its short session, they were inspired with new hope. The mere prospect of its passage gladdened the heart and brightened the eye of many a poor and homeless man, who had been led to look anxiously for a home on the public domain, and who could not understand why the Government should, with the grasp of the miser, hold on to her lands unoccu-

pied and unimproved, while he had no home on earth, but had a willing heart and hand to bring them into settlement and cultivation.

But the action of the Senate only brought renewed disappointment. The visions of a home, with all its sweet and hallowed associations of fire-side, wife, children, and friends, vanished before the opposition or inaction of the Senate. But these hopes are now again revived, and I trust they will not be again disappointed. At all events, we can do our duty, and leave the responsibility of its defeat, if it is to be defeated, where it properly belongs.

It would be easy to show that the General Government would profit greatly by these grants to the actual settler; that it would greatly increase the value of the remaining unoccupied lands, and augment, to a great extent, the aggregate of national production and prosperity. It would be easy to show that it would promote immigration to the land States, and insure their settlement and improvement; and that it would establish in comfortable homes, and elevate in character, a large portion of our laboring classes, who now gain a scanty livelihood by the hard earnings of daily toil, or who, as mere tenants of the soil, hopelessly struggle against adverse fortune without the prospect of bettering their condition. But there is not time to take up these points. The small quantity of the public lands to be taken would not be missed by the Government. It is not to be supposed that more than half a million of persons would avail themselves of the provisions of this bill. And what would a half million, out of the ten million quarter sections of land, be to the Government?

MR. CHAIRMAN, that we may form some idea of the vast domain upon which American agriculture is to achieve its triumphs, I remark, that since the year 1802, thirteen new States (Ohio being the first and California the last) have been admitted into the Union, embracing an area of five hundred and six million acres of land. That vast country stretching from the northern lakes and the Mississippi river to the borders of California and the Pacific ocean, embraces an additional area of eleven hundred and ten million acres. There were of unsold and unappropriated, offered and unoffered lands, up to June 30, 1853, in the thirteen States and Territories, over thirteen hundred and sixty million acres apportioned in the said States and Territories, as designated in the following table:

States and Territories.	Area of Acres.
Ohio.....	244,196.08
Indiana.....	247,339.41
Illinois.....	4,115,969.97
Missouri.....	29,732,801.41
Alabama.....	15,049,693.70
Mississippi.....	9,067,655.94
Louisiana.....	9,134,143.81
Michigan.....	16,142,293.48
Arkansas.....	15,735,368.83
Florida.....	29,962,674.59
Iowa.....	22,775,175.57
Wisconsin.....	23,678,480.19
California.....	113,689,436.00
Minnesota Territory.....	85,225,601.41
Oregon.....	206,349,333.00
New Mexico.....	127,383,040.00
Utah.....	113,569,013.00
Northwest.....	338,384,000.00
Nebraska.....	87,488,000.00
Indian.....	119,789,440.00
Total.....	1,360,070,681.89

Thus we see how mighty is the course on which is to be run the great race of American labor. Our public domain stretches far into the West, over mighty forests and prairies, crossing mountains and rivers, on to the Pacific ocean. Here, sir, is a domain boundless, and exhaustless for generations to come, to be applied to the great purposes of national advancement, internal improvement, and education, and to be the homes of our spreading millions of American freemen. Thank God! here is room for every son of toil. We can say to every poor laboring man, "Here is room." And I hope the day is now at hand, when these public lands shall be opened for occupation in limited quantities to the actual settler, and when every homeless and houseless American citizen, and every poor wanderer from foreign oppression, may find upon this broad domain a home for himself and his posterity forever.

I am no agrarian, sir. I can well see why absolute fee-simple title in the soil is not only right, but necessary to insure permanent improvements,

such as houses, farms, &c., essential to the comfort of families and the prosperity of the State. But I also believe that no law or conventional usage, nothing, except a man's own want of energy or his worthlessness, should exclude him from a sufficiency of the earth to be tilled for the subsistence of himself and family. Shall he breathe the free air of Heaven, drink the pure water so bountifully provided, and enjoy the light of God's glorious sun, without money and without price, and yet, of all the untold million acres of this green earth, not have a spot for the labor of his hands and the home of his heart?

The measure is not agrarian. It does not take your property and give it to me. It gives to each person a portion of his own interest, or share in this great heritage held by the Government in trust for all. And if these lands were divided among the people, the share of each would be far more than that which is allowed by this bill. I repeat, it is not agrarian. It does not pull down, it builds up. It degrades no one, it elevates all. It does not bring down the high, but it raises the low. It does not make the rich poor, but it makes the poor richer, more comfortable, and more happy. Its object is to shed life, and light, and happiness, to plant in the wilderness new Commonwealths, the church, the school-house, and the freehold home, and to push forward the car of civilization and Christianity. The effect of the bill will be not only to augment the aggregate of national agricultural production, but also to increase to a vast extent the amount of consumption, affording to manufacturers and mechanics, to commerce and navigation, new fields for profit and employment. It will make of those now helplessly poor and oppressed, independent free-holders, having an interest in the soil and in the Government, and doubly patriotic and attached to their country, because of the generous interest and care evinced by that Government in providing homes for them and their families.

How shall the Government more effectually advance its own welfare or add to its strength? It is among the tillers of the soil where we most generally find the men of strong arms and brave hearts, and those virtues of honesty, frugality, and firmness, and patriotism, which must ever constitute the tending and imperishable bulwarks of national strength and national security.

MR. JONES. I ask the gentleman from Illinois to accept this modification of his amendment: Strike out, in the third line of the section, the words "head of a family," and insert "twenty-one years of age." It will then read, "who is twenty-one years of age, and a citizen of the United States," &c.

MR. YATES. I will accept the modification proposed by the gentleman from Tennessee.

MR. DENT. I would inquire of the gentleman from Tennessee, if, when he says "any person," he means female as well as male?

MR. JONES. I suppose that is what it means.

The question was put upon the adoption of the amendment; and, upon a division, there were—ayes 60, noes 20; no quorum voting.

MR. JONES, of Tennessee. I demand tellers upon the adoption of the amendment.

Tellers were ordered.

MR. JONES. I must ask that the amendment may be once again reported to the committee.

It was again reported.

Messrs. BOCKOCK, and LANE of Indiana, were appointed tellers.

MR. McMULLIN. Is the amendment amendable?

THE CHAIRMAN. It is in order to move to amend it.

MR. McMULLIN. I move to insert the words "any male citizen over twenty-one years of age." [Cries of "Oh, no."]

MR. RICHARDSON. Oh, I hope the gentleman will make it females instead of males. These bachelors ought not to be given land. [A laugh.]

MR. McMULLIN. Several gentlemen around me insist that I must withdraw my amendment, and I will do so.

MR. TAYLOR, of Ohio. I wish to offer an amendment to the amendment. I understand that the amendment of the gentleman from Illinois, [Mr. YATES,] as modified at the instance of the gentleman from Tennessee, [Mr. JONES,] would make the clause read, "that any person who is twenty-one years of age, and a citizen," &c. Now, before the question is taken on that, I pro-

pose to amend it so as to make it read, "that any male person who is twenty-one years of age, and any female person who is eighteen years of age," &c.

You are well aware, Mr. Chairman, although probably the committee do not understand it, that in the State which I have the honor, in part, to represent, a young lady is, by law, of age at eighteen years. The amendment suggested by the gentleman from Tennessee, and accepted by the gentleman from Illinois, seems to imply some invidious distinction between the sexes.

I wish to avail myself of this opportunity to say, with the indulgence of the committee, that when a bill, similar to this, was up for consideration at the last session of Congress, I felt it my duty, for several reasons, to oppose it.

I was constrained to oppose it, although it passed the House by a large majority, for the reason that the person making application at a land office for the benefits of the bill then under consideration, was required to file his affidavit that he was not the owner of any real estate, so that if an industrious citizen of the country had accumulated fifty or a hundred dollars—

Mr. JONES, of Tennessee. I rise to a question of order. The time allowed for general debate on the bill has terminated, and we are now acting under the five-minutes rule, which requires that gentlemen shall confine themselves to the amendments under consideration.

The CHAIRMAN. The Chair has so ruled.

Mr. JONES. The provision, about which the gentleman is speaking, is not in this bill at all.

Mr. TAYLOR. I am aware of that fact.

The CHAIRMAN. The gentleman must confine his remarks to the amendment.

Mr. TAYLOR. I am only referring, by way of showing my reasons for at present sustaining this bill. I shall endeavor to confine myself within the rules. I have the bill before me, proposed by an honorable gentleman who represented the State of Tennessee, in part, at the last Congress, and who now fills the gubernatorial chair of that State. I shall not call the attention of the committee to what I do not deem important. I invite attention to the following:

"Sec. 2. And be it further enacted, That the person applying for the benefit of this act shall, upon the application to the register of the land office, in which he or she is about to make such entry, make affidavit before the said register, that he or she is the head of a family, and is not the owner of any estate in land at the time of such application, and has not disposed of any estate in land to obtain the benefits of this act; and upon making the affidavit as above required, and filing the affidavit with the register, he or she shall thereupon be permitted to enter the quantity of land already specified."—*Congressional Globe*, vol. 24, part 2, page 1349.

Now, as I suggested, that was one of the reasons why I felt myself constrained to vote against that bill at the last session. Many of my constituents, Mr. Chairman—

The CHAIRMAN. The Chair is sorry to have to inform the gentleman that he must confine his remarks to the amendment under consideration.

Mr. TAYLOR. I will presently show the application of my remarks to the amendment.

Mr. HUNT. The gentleman is perfectly in order to pursue that line of argument which leads to the conclusion that he is pressing on the committee.

The CHAIRMAN. The Chair holds that it is not in order for the gentleman to give reasons why he voted against the bill at the last session on a motion to insert females with males. [Laughter.]

Mr. TAYLOR. I will show the reasons why I shall now vote for the bill, if it be properly framed. If the amendment which I propose be adopted, it will be one reason why I shall vote for the bill. If I can get an amendment in this bill which will give the young men of the country of twenty-one, and such of the young ladies at eighteen, equal benefits under it with other citizens of the United States, it shall have my hearty support. Is that pertinent to the amendment?

The CHAIRMAN. That is in order.

Mr. TAYLOR. Now, sir, I am in favor of making liberal grants to the States for railroad purposes, if you please, in alternate sections, as is proposed by the chairman of the Committee on Public Lands, [Mr. DISNEY.] On a re-examination of this bill, especially that framed by my friend before me, [Mr. DAWSON,] which avoids many of the improprieties and inconsistencies of the bill of the last Congress, I am constrained to

believe that it is only a portion of the same policy, which I have invariably advocated, of granting land in alternate sections for railroad purposes, to the States of the Union. I think that I am only enlarging it when I grant to each of the individual settlers of the country the same alternate quarters of sections.

Mr. RICHARDSON. I should like to know whether the amendment is susceptible of division. There is one portion of it which I am unwilling to vote for. There is another which I can support. I can very cheerfully vote for that portion of the amendment which proposes to give the land to the young lady of eighteen, and the young gentleman of twenty-one. If he is not married, it is his fault. If it is not his fault, he is not entitled to any land.

Mr. JONES, of Tennessee. How many unmarried men did you command in Mexico?

Mr. RICHARDSON. I did not mean to say anything personal to the gentleman. [Laughter.]

Mr. JONES. I do not expect anything under the bill. I waive all right.

Mr. DENT. Is an amendment in order?

The CHAIRMAN. It is not, there being an amendment to an amendment now pending.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Ohio.

Mr. WRIGHT, of Pennsylvania. I move to amend the amendment by inserting after the word "any" the words "free white," so that it shall read, "that any free white person who is the head of a family," &c.

I am, Mr. Chairman, a friend of this bill generally, and can also cheerfully support the details of this bill, and I hope that the chairman of the Committee on Agriculture [Mr. DAWSON] will throw no obstacle in the way of the amendment which I propose.

Mr. DAWSON, (interrupting.) I suggest to my colleague that his amendment is surplusage.

Mr. WRIGHT. I do not know in regard to that. I know that some States—

Mr. DAWSON. My friend from Pennsylvania is a very good lawyer, and he knows very well that the supreme court of Pennsylvania have decided that the term "citizen" means "white men."

Mr. WRIGHT. I will state, for the benefit of my colleague, that the case known as *Hobbs vs. Fogg*, decided by the supreme court of Pennsylvania, previous to the adoption of our amended constitution, decided that a negro there was not a citizen. I argued that case in the court below, and also argued it, on appeal, in the court above, and I know that such was the decision in Pennsylvania.

But the convention which met for the purpose of amending our constitution, incorporated the words "free white" in the constitution of the State, and those words are now in that instrument.

I am informed, also, that other States have decided that negroes are not citizens. I do not think that the question should be left as an open question here. I prefer that this House should put its own construction upon it, and that will settle the matter, leaving no ground for quibbling or difficulty hereafter. I do not think I can give my support to this bill, unless this amendment is incorporated into the bill. I have no prejudice in regard to color. [Laughter.]

My remarks seem to create some amusement, and I will ask the indulgence of the committee to state what I mean. I mean that I am not the enemy of the negro, but I love the white man more. That is what I mean by not having any prejudice in regard to color.

The CHAIRMAN. The Chair would interrupt the gentleman, and inquire whether he proposes his amendment to come in in the third line, before the word "person"?

Mr. WRIGHT. Before the word person.

The CHAIRMAN. The Chair then rules that the amendment is not in order at this time; for that is not a portion of the words proposed to be stricken out by the gentleman from Illinois.

Mr. WRIGHT. Then I withdraw the amendment for the present, and will move it again after that matter is disposed of.

The CHAIRMAN. The question recurs upon

the amendment proposed by the gentleman from Illinois.

Mr. BARRY. I move to amend the amendment of the gentleman from Illinois, by inserting in the third line, after the word "family," the words "or who has arrived at the age of twenty-one years." If the amendment of the gentleman from Illinois be adopted, no man who is less than twenty-one years of age will be entitled to the benefits of the act, even though he be the head of a family. The purpose of the bill is to give homes to the homeless—to all such as may be willing to take possession of the soil, and retain it. The language employed should be as broad as the purposes of the bill. No person who comes within the avowed purposes of the bill should be denied its benefits. The man who, by the laws of his country, is allowed to contract marriage, even though laboring under the disabilities of minority in respect to some other civil rights, is not without the pale of the advantages of this bill. The younger he is, and the less competent to provide for himself, the stronger is his claim to protection from the law.

Nor is there reason to limit the extension of this act to males only. If a female desires to possess a home, and is willing to conform to the requirements of the law, there is no reason why she should be an alien to the justice or the charity of her country. If she is unfettered by marriage ties she has the same natural right to be provided a home from the public domain that the unmarried man of the same age has. And if she is a widow, though under the age of twenty-one, the reason is still stronger in her favor. Yet the amendment of the gentleman from Illinois would deny to all heads of families, however great their necessities, the benefits of this act who chance to be less than twenty-one years of age—thus visiting the fault of early marriages with the penalty of a temporary exclusion from a free share of the public domain. My amendment will make this clause of the section read thus: "That any person who is the head of a family, or who has arrived at the age of twenty-one years, and a citizen of the United States," &c. The amendment will accomplish both objects which gentlemen desire. It not only extends the benefits of the act to all unmarried citizens of the age of twenty-one years, but also to those heads of families, male or female, who are under twenty-one years of age. Thus will be included all who are heads of families, and whom the law recognizes as of an age to act and contract for themselves.

Mr. YATES. I will accept the amendment.

Mr. BARRY. I would suggest, in order to make the sentence grammatical, a mere verbal amendment, that the word "years" be inserted after the word "and," in the third line.

The CHAIRMAN. If no objection is made, the word "years" will be inserted in the place indicated by the gentleman, as it is a mere verbal amendment.

Mr. GREENWOOD. I propose to amend the amendment, so as to provide that those persons who are not heads of families shall have eighty acres of land.

The CHAIRMAN. The Chair would inform the gentleman from Arkansas that that subject is not embraced in the amendment proposed by the gentleman from Illinois. It is another part of the bill, not now under consideration. When the amendment now under consideration is voted upon, then the amendment which the gentleman desires to offer will be in order. The question now is upon the amendment offered by the gentleman from Illinois, [Mr. YATES,] upon which tellers were ordered. The tellers will again resume their places.

The tellers then resumed their places, and the question being taken, they reported—ayes 80, a further count not being demanded.

So the amendment was agreed to.

Mr. WRIGHT, of Pennsylvania. I now renew my amendment, to insert before the word "persons," the words "free white," so that it will read "any free white person."

Now, Mr. Chairman, I want to say a word to the chairman of the committee, [Mr. DAWSON,] who seems to think this amendment would be simply a matter of surplusage, because, whenever the location came to be made, it would involve the question of citizenship. Now, sir, there has been a great diversity of opinion upon this matter of citizenship. I understand, from my friend from

Ohio, that the courts of that State have decided that a half-blood negro is a citizen of that State, according to the provisions of their constitution. I believe in the State of Massachusetts it has been decided that a negro, whether a full or a half-blood, is a citizen, within the meaning of the constitution of that State, and of the United States.

As I have before said, it has been decided in Pennsylvania that neither a half-blood nor a full-blood negro is entitled to the privileges of citizenship under the Constitution and laws of the country, and subsequently the purport of that decision was incorporated in the constitution which was adopted by the people of the State. Now, with the view I take of the subject, it is desirable that this bill should be relieved of all questions of judicial decision that may arise in giving it construction. I do not know why objection is made by my colleague to this provision being incorporated in the bill.

It would, perhaps, be good policy, so far as the southern portion of the Union is concerned, to make some provision by which they could discharge their old, worn-out, broken-down servants, by sending them into our western Territories, and giving them each farms under the provisions of this bill. That would be a strong southern argument, but I doubt very much whether it would be an argument that would have weight and character with the population that is designed to settle this western country.

I approve of the principles of the bill. I give it my hearty approval and concurrence. The features of it are right, and I believe, as my colleague, [Mr. Dawson,] the chairman of the Committee on Agriculture, said in his remarks the other day, that there is no one feature in the legislation of the country that can contribute more to the strength, and power, and honor of the nation than the throwing open of these public lands to the settlements to be made by citizens of the United States, or persons who have filed their declarations of intention to become such. I am willing to go for all the provisions of the bill, even for that in regard to those persons who have filed their declarations of intention, but I must say that I make this amendment which I offer, so far as I am concerned, a *sine qua non*. I will not agree that the black population of this country shall be put on an equal footing with the citizens of the country, and those who may become citizens of the country, in location and settlement upon the public lands. I am opposed to grading our own race, which we should do by putting negroes upon an equality with us in making these lands subject to entry by them.

Mr. DAWSON. Will my colleague hear me for a moment?

Mr. WRIGHT. Certainly.

The CHAIRMAN. The gentleman's time has expired. The gentleman's colleague [Mr. Dawson] is entitled to the floor for five minutes.

Mr. DAWSON. It was never contemplated for a moment that the black population of this country should be put on an equality with the white population, in the enjoyment of the benefits of this bill. Not at all. The language of the bill was intended to secure its provisions and privileges only to the white population of the country; and I was, therefore, surprised to hear my colleague raising the question, as if there could be any doubt as to the word "citizen" meaning a white man. He well knows that that is the decision of the courts of Pennsylvania; and, as I am informed, it is the decision of the courts of a number of the other States of the Union. I regard the proposition to amend, by inserting the word "white," as wholly unnecessary, and it perhaps might endanger the passage of the bill.

Mr. KEITT. I desire to ask the gentleman if he regards the free black in any State a citizen?

Mr. DAWSON. Not at all in reference to the privileges conferred by this bill. I consider that the amendment of my colleague, if adopted, would be surplusage; but if the committee see proper to adopt it, in order to remove even the apprehension of doubt, certainly I have no great objection to it.

Mr. DENT. I desire to make an inquiry. I understand that a certain class of free negroes in the State of New York—those worth \$250—are allowed to vote, and thereby are considered as citizens of that State. Now if they are citizens of the State of New York, are they not citizens of the United States? I understand that the pending

amendment is to exclude the colored population from the benefits of the bill. Now, how can you do that if persons of this class, when worth \$250, are regarded as citizens? How can you exclude those who are recognized as citizens by a sovereign State?

The CHAIRMAN. The Chair must inform the gentleman from Georgia that debate is exhausted on this amendment. The gentleman can, however, offer an amendment to the amendment. The gentleman from Pennsylvania [Mr. Dawson] has occupied five minutes in opposing the amendment of his colleague.

Mr. DAVIS, of Rhode Island. I am opposed to the amendment of the gentleman from Pennsylvania, [Mr. Wright,] and I trust the committee will not adopt it.

The CHAIRMAN. Debate is exhausted on that amendment.

Mr. DAVIS. I did not understand the gentleman's colleague [Mr. Dawson] as opposing it.

The CHAIRMAN. No further discussion is in order on that amendment. The gentleman can offer an amendment to the amendment.

Mr. DAVIS. Then I move to strike out the word "free." I trust that this House will not adopt the amendment of the gentleman from Pennsylvania, [Mr. Wright,] but that they will leave this question as it is in the bill, and open to that construction which the laws may put on it. It is a cruel deed to outlaw any set of men; to leave no place in this great land where a man can go, because his skin is not colored like ours; to inflict on him this odious mark of distinction by which he shall be shut out everywhere, and then to complain that he is a degraded being, and not fit for any place. I trust that this great committee of the Representatives of the United States will not allow themselves to take such a step on this occasion. We are now preparing a bill which is large, liberal, and just, and in its spirit contemplates the improvement of all classes of the community, and in God's name why should this class be excluded? Why should we indulge in the prejudices of the gentleman from Pennsylvania, [Mr. Wright,] and adopt such an amendment as the one he has proposed?

In our State, and in other States, the colored man is just as much a citizen as the whitest man there. In Massachusetts, Rhode Island, and New York, and, I believe, in most of the free States, he is a citizen under the laws, and he may go there, under the Constitution of the United States, and claim his rights as a citizen. The Constitution protects him to the fullest extent. Gentlemen, in my opinion, in putting such a clause as that in the bill violate the spirit of our Constitution, which makes no such distinction. And we are introducing here a principle which is extending the principle of slavery all over the land; and, for one, I protest against it in the name of our common humanity and our common rights.

I know that these men make good citizens. They are industrious, and they should be left to occupy the soil which their fathers have cultivated, and which they have cultivated; which, for the last one hundred years, they have done more to develop than any part of our countrymen; and to defend which they shed their blood during the Revolution. These things should not be forgotten, and that very territory is the joint result of that labor and that contest. These colored men, and I say it here, have contributed as much as any people of this country to secure it; and it is the cruelest injustice to shut them out from it; a wrong beyond which you cannot go.

Now, the gentleman from Pennsylvania [Mr. Wright] says that he has no prejudices. It is not that he loves them less, but his own race more. The truth is, a man who tramples on the rights of any set of men hardly knows what justice or love is. [Laughter.] But he finds it out at last, that justice is a hard word. It means to protect the poor and the oppressed, to extend to them the full measure of their rights; and in this case I trust that this committee, who are legislating for the people of the United States, will not adopt this invidious principle. I say, sir, that the colored man can go there under that bill, because he is a citizen of the States, and every citizen of a State has the rights of every citizen of all the States. I know that this principle is violated in one half of the States of the Union, but it is nevertheless true and sound.

Mr. DAWSON. In employing the language in this bill I consulted the Constitution of the United States as to the literal and legal meaning of the word citizen, and framed it in reference to the very language employed there, in defining the qualifications of representatives of the United States. I will read from the second section of the first article, which is as follows:

"No person shall be a representative who shall not have attained the age of twenty-five years, and have been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

It does not appear that the framers of the Constitution deemed it necessary to qualify the word "citizen." No one understood the import of language better than James Madison, who drafted that instrument. Taking it for granted, then, that the word *citizen* means nothing more and nothing less than a white man, I adopted it, and for so doing furnish the authority of the Constitution itself.

Mr. WRIGHT. I wish to ask my colleague a question.

The CHAIRMAN. It is not in order at this time. The question is upon the amendment to the amendment.

Mr. DAVIS, of Rhode Island. I withdraw it, if there be no objection.

Mr. WALSH. I object.

The question was put, and the amendment was not agreed to.

Mr. GIDDINGS. I move to amend the amendment by inserting before the word "white" the words "more than one half."

I propose this amendment for the purpose of rendering the original amendment ridiculous. That gentleman [Mr. Wright] has expressed his abhorrence of the colored man. By what right has he done it? Have they not fought for the liberties which he enjoys? Have they not bled that he and I may be freemen? Have they not shed their blood upon every battle-field of the Revolution? Did not they stand by General Jackson at New Orleans? Sir, but a few years ago you and I sat in this Hall deliberating upon the value of a colored man who spoke and wrote with facility four different languages, and I doubt whether the gentleman himself can do that. I mean no offense to "niggers." [Laughter.]

Sir, I intended to create no laughter; but when I see an attempt to wield the power of this House for oppression I care not whence it comes, I cannot refrain from raising my voice against it. We were formed into a Government to protect the rights of the weak; to elevate the oppressed; to do good to our fellow-men; "to do unto them as we would they should do unto us." We have brought these people from their native land, and are we to persecute them and trample them in the dust? Is that the voice of the free representatives of the old Keystone State? But a few years ago the colored man had the right of suffrage in that State.

In my own State to-day some of its best citizens, and some of the most intelligent citizens, are men who have colored blood in their veins; they are authorized to hold offices, and to be Governors of the State; and yet, under the construction of the proposed amendment of the gentleman, they must be excluded from the benefits of this bill.

On behalf of that class of men I protest against it here and everywhere. Let them have the right to settle upon this land, and support themselves and their children. I did not intend to make any speech, but having thrown out these suggestions, and having obtained my object, I now ask leave of the committee to withdraw the amendment I offered.

Mr. WALSH. I object.

The question was taken on Mr. GIDDINGS's amendment to the amendment, and it was not agreed to.

The question then recurring upon Mr. WRIGHT's amendment, it was taken, and decided in the negative.

Mr. CLINGMAN demanded tellers upon the amendment; which were ordered; and Messrs. CHAMBERLAIN and VAIL were appointed.

The question was then taken; and the tellers reported—ayes 71, noes 66.

So the amendment was agreed to.

Mr. DENT. I offer the following amendment: After the words "United States," insert "that any un-

married white man over nineteen years of age, or any white female over eighteen years of age, a citizen thereof."

I was in favor, Mr. Chairman, of the amendment offered by the gentleman from Tennessee, proposing to extend the privileges of this bill to young men eighteen years of age, but as that was voted down by the committee, I propose the age of nineteen. There is no reason why we should exclude our young men from the benefits of this public domain, if it is to be disposed of in this manner. But, on the contrary, there is great justice and great propriety in giving these lands to our young men, who are bound by the laws of the land to serve their country whenever they are called on. At the age of eighteen years a young man may be drafted into the service of the country in time of war; and it has been found that at such time the largest class of voluntary enlistments come from this class.

Now, sir, there are many men not more than nineteen years of age who are not heads of families, but who are capable of taking care of themselves—who are capable of going out into our western wilderness, and providing themselves with a homestead, and who would provide themselves with wives afterwards. It is true that our young men are not all married at the age of nineteen, and many of them are not on account of their poverty. I have proposed to grant this privilege to young men nineteen years old because I believe there is a great deal of justice in it; and I propose that young women of eighteen years of age shall be entitled to the land also. It is true, as has been said, that when young men twenty-one years of age are not married, it is generally their own fault; but it is also true that there are a great many young ladies eighteen years of age who are unmarried, though that is not their fault. [Laughter.]

The CHAIRMAN, (interrupting.) The Chair must interrupt the gentleman. A portion of the amendment offered by him is incompatible with the amendment offered by the gentleman from Illinois, [Mr. YATES,] and adopted by the committee.

Mr. DENT. What is it?

The CHAIRMAN. The Chair alludes to the provision prescribing twenty-one years of age.

Mr. DENT. This applies only to men, I believe?

The CHAIRMAN. That is all.

Mr. DENT. Then I go it for the women. [Great laughter.]

Mr. FLORENCE. I desire to ask a single question. Do I understand the gentleman to say that the ladies of Indiana marry at the age of eighteen?

Mr. DENT. Some of them marry at sixteen.

Mr. FLORENCE. I did not know at what time they did marry, and I was desirous of being informed.

Mr. DENT. It was remarked, by a gentleman who occupied the floor a short time since, that if young men were not married at the age of twenty-one it was their own fault. I say it is not the fault of young ladies that they are not all married at the age of eighteen. It is but a few days since that a bill passed this House granting one hundred and sixty acres of land to a young lady who went into the Army and served her country in the war with Mexico. Now, I suppose that there are hundreds of young ladies in your western country, in destitute circumstances, perhaps widows, who would, probably, gladly avail themselves of the opportunity of securing one hundred and sixty acres of land by settling upon it; and I have no doubt but that their lovers would accompany them, and help them to build shanties thereon, for the purpose of bringing them within the purview of the law.

I hope that my amendment, so far as it relates to ladies under eighteen years of age, will be adopted. If that portion of the bill in reference to young men has been perfected, it is, of course, too late to amend it; but I do insist that the principle is correct, that when a man is bound to serve his country, he ought to be entitled to the privilege of receiving land at the hands of the Government.

I have no objection to that portion of the bill with reference to those who have filed a declaration with the intention to become citizens, but I will take this occasion to say that the poor people who come to this country from Europe are not able to reach these lands. It is only the rich peo-

ple, who bring money with them, who will be able to avail themselves of the benefits of the bill.

Mr. Chairman, there never was a more stupendous speculation gotten up in the House of Representatives than this bill. It will operate as the emigration to Texas did. The rich millionaires of the northern cities will pick up out of the gutters men who, unaided, would never be able to get ten miles, and send them out by thousands to the western country, to settle these lands upon share—

[Here the hammer fell.]

Mr. MILLSON. The gentleman from Georgia proposes to extend still further the class of persons who are to be at liberty to seize upon and appropriate to themselves the lands belonging, not to us, but to the United States, and for that reason I am opposed to his amendment. Sir, it cannot be denied that this bill is in conformity with the spirit of the present age—"the spirit of progress." Such progress! Sir, at the last Congress, when this bill, or another bill of the same nature, to the great amazement of the country, was introduced, it proposed to restrict the privileges granted by it to those who are the heads of families, and who are worth less than \$500. Now, it is proposed to give a quarter section of land to every citizen of the United States, whether he be the head of a family or not, who is over the age of twenty-one.

Sir, if any gentleman were to introduce a proposition into this House to cede to the States, in which the public lands lie, all of those lands, it would be regarded as a very extravagant proposition on the part of the new States; and yet the present bill is infinitely better for them and infinitely more injurious to the old States, for by it, you will, in effect, give to the States in which the public lands lie every foot of such territory, and you give to them also a useful class of population which you attract to them by the promise of one hundred and sixty acres of the public lands; you take from the old States the most enterprising portion of their population, and by granting to every person who may become an inhabitant or a resident of a new State, you increase the strength and wealth of the new States, and their power in the Government by adding to the subjects of taxation. If we must imitate the recklessness of King Lear, let us beware we do not experience his self-reproaches, and realize his fate.

The question was then taken on Mr. DENT's amendment; and it was rejected, on a division, there being only 26 in the affirmative.

Mr. YATES. I move to add the following to the first section:

Provided, That no person shall hereafter be permitted to enter with money, land scrip, warrants, or otherwise, more than one section of the public land.

Mr. JONES, of Tennessee. I submit to the Chair whether that amendment be in order—whether it be germane to the subject under consideration, to provide for the prevention of entry of land with money, land scrip, warrant, or anything else? If we commence to get these things into the bill we shall never get through with it. I will vote with the gentleman for that provision, when in a bill by itself.

The CHAIRMAN. The Chair will state, that when this bill was under consideration by this committee at the last Congress, a proposition was made to amend, by offering an amendment to graduate the price of the public land, and the then occupant of the Chair held that it was not germane to the bill, and no appeal was taken from that decision. He supposes, in accordance with that construction of the rules of last year, the amendment of the gentleman from Illinois would not be germane to the subject under consideration.

Mr. YATES. I offer the following amendment: Strike out from the first section the words "one quarter section," and insert "three hundred and twenty acres."

Mr. Chairman, I offer this amendment with the view of making a speech only. I will withdraw it when I am done. There should be no delay in passing this bill. It will, perhaps, not be a year before nearly every acre of good land now subject to private entry will be taken up. And by whom taken up? By the actual settler? No, sir; by the speculator. We learn, from the report of the commissioner of the General Land Office, that the sales of the public lands, for the fiscal year ending June 30, 1853, amounted to seven millions two

hundred and thirty-five thousand two hundred and eighty-one acres; exceeding the sales of the previous year by over two million acres. Now, sir, of these two million acres thus sold, I hesitate not to say that there was not one million sold for the purposes of immediate actual settlement; so that at least six million acres of these lands have gone into the hands of speculators. In the State of Illinois, during the same year, there were sold two millions eight hundred and seven thousand nine hundred and eighty-one acres. It is very probable that over two and a half million acres of these lands also went into the hands of speculators. I was at the land office in Danville, Illinois, during the last fall, where I found hundreds of speculators; one, sir, who told me he had entered twenty-four thousand acres, and he a non-resident, at that. I found there, sir, several instances in which poor men, who came there to purchase for actual settlement a chosen spot of eighty acres—chosen after weeks of search—found their lands included within the broad area on which the speculator had laid his remorseless grasp. They were compelled to go in search of other lands, at the hazard of like disappointment, or to pay fivefold the Government price for the lands they had hoped to enter. And yet, sir, the President, in his message, says: "It is believed that experience has verified the wisdom and justice of the present system with regard to the public domain, in most essential particulars."

Mr. Chairman, I submit the question, whether the system, as now pursued, is to be our policy in the future as to the lands in the States and Territories? "Has experience justified the wisdom and justice of the system," which permits the wealthy capitalist to purchase these lands in unlimited quantities, and to withhold them from settlement and occupation, to the exclusion of the actual settler? Under the present system, non-residents go into the new States and Territories, and by means of associated capital, enter large tracts of the best land—from one to one hundred thousand acres—which they withhold from settlement and cultivation until the improvements of adjacent lands, made by the hard-handed toil of the actual settler, add tenfold to their value, when they sell them to him at these augmented prices. I oppose such a system, as having the effect to retard the settlement and prosperity of the new States and Territories; as an act of gross and intolerable injustice to the poor and industrious pioneer; and as establishing land monopolies, which have been the curse of every country where they have been suffered to exist. Would it not be better to have these lands in cultivation, divided into farms of moderate size, in the occupation of our poor and industrious families, than to have them entirely absorbed by speculators? I call the attention of the Committee on Public Lands to this subject, and suggest to them the propriety of providing for the sale of the public lands in limited quantities to each purchaser. Under the present system, we are rendering the States and Territories liable to the largest land monopolies the world ever saw. No small part of the calamities and oppressions of the kingdoms of Europe is to be traced to these monopolies of the soil in the crown, and in the hands of a few. Look at Ireland, whose millions of yeomanry are the miserable vassals and tenants of English landlords. Look at England, where some thirty thousand proprietors have the title to the soil. In those, and other countries of Europe, are to be seen, and will be seen and felt for generations to come, all the evils and inequalities growing out of such systems of land monopoly. There are to be seen the fearful contrasts between the luxurious splendor of wealth, on the one hand, and abject want and squalid misery on the other. I know, sir, that, under our laws of descent, we may never expect to witness this contrast to the same appalling extent, yet it cannot be denied that enormous injustice, as well to individuals as to the State, must be the result of our present system of land policy.

It is urged that the passage of this bill will tend to diminish the population of the old States by holding out inducements to emigration. I apprehend that though this may be the case to some extent, yet it will not sensibly affect the prosperity of the old States. But, sir, I cannot believe that the citizens of the old States would so far stifle the feelings of humanity as to desire to prevent the laborer from seeking any portion of our com-

mon country where he could better his condition, and release himself from the grasp of want and poverty. There being but few public lands in the district I have the honor to represent, doubtless some of my constituents would seek a home elsewhere on the public lands. And, sir, though I might dislike to part with them, yet I would say to them, "Go where you can find the greatest enjoyment and highest prosperity." Wherever they may locate on our broad domain, they will still be American citizens, protected by the same Constitution, under the folds of the same glorious flag, and united to us by the ties of country and a common humanity.

I care not, Mr. Chairman, what motives may be ascribed to me for the support of this bill. If it shall only become a law I am willing that those who are destitute of those noble pulsations which should sway every man's breast in behalf of his fellow-man, may ascribe what motives they please. I have not been an unmindful observer of the hardships of the laboring man, and I thank God I have a heart full of sympathy for suffering humanity. Wherever I see the laboring man I respect him. It is no disgrace that his hands are soiled by honest labor. It is the essence of our institutions to respect and honor labor; and if we are ever to have an aristocracy in this country, God grant that it may be the aristocracy of free American labor. What little influence I may have here or elsewhere shall be exerted to promote its highest dignity, and to secure to it its highest reward. And it is in this spirit and for this purpose I support this bill. Whenever I see the poor but industrious laborer, with a large family dependent on him for support, struggling against the strong current of adversity and poverty; whenever I see him tottering beneath his heavy load, as he toils with unsteady step up the scaffold of the rich man's edifice; or when I see him in the back ground upon the corner of another's farm, barely able to obtain a scanty subsistence, and without the means of educating his children, it is then I think of this bill. It is then, sir, that the vision of a bright, sweet home for that man, in the valley of the Nebraska, on the hill side, in the forest glade, or "where the prairie sparkles with flowers," rises up before me.

I trust, Mr. Chairman, that we may this very day send this bill to the Senate, with the prestige of a large majority in its favor, and that that body, in response to the almost universal sentiment of the country in its favor, will act upon it and pass it without delay.

Mr. LETCHER. Our Illinois friends seem rather hard to please. The gentleman who has just addressed the House [Mr. YATES] objects to any man going into the State of Illinois to buy land, if he goes from one of the old States. At the same time, he is perfectly willing that the land should be given away, without reimbursing the Government the actual cost of purchase, survey, and bringing the land into market. Not only so, he is perfectly willing to donate it to a corporation, without even a restriction as to the time at which the land should be sold. Why is it that there was not some indignation expressed at such a donation? Why is it that those lands can go into the hands of private, soulless, moneyed corporations, and yet these same gentlemen feel no compunctious visitings at this result?

We have made grants of what are called the swamp lands, and I know how the act in relation thereto has been executed. One of the most respectable men of my own district (Mr. David Vanmeter, of Hardy county, Virginia,) in 1852, went to the west and selected twelve hundred acres of land for his son, and in 1853 he selected twelve hundred acres more for another son, for the express purpose of farming, and for no other purpose in the world; carefully avoiding everything like swamp lands, and yet when his certificates were returned to the Commissioner of the General Land Office, in order that he might get his patents, he found that the State of Illinois was claiming these very lands so selected under the swamp land act, although there had never been a drop of water upon them, except what had fallen from heaven, or was to be found in the springs or streams thereon. [Laughter.]

I do not understand the policy that these gentlemen are advocating here. If they want to take these lands, if they want to appropriate them to their own use without compensation to the Gov-

ernment, let them take some other course to accomplish the object. Do not make war upon the old States by seeking to withdraw their population by donations of the public lands to those who have no lands.

While this is the case in Illinois, it is the case in many other States. Here are these donations to corporations without restriction; and not only that, but they even undertake to exempt these corporations from all taxation upon their private property for six years, and upon the lands until they are sold. I would like to see their preaching and practice correspond in the disposition of the public lands. When these gentlemen make war upon this ground, I would like to see their acts correspond with their professions. I wish to see them carry out the rule which they prescribe for others as the proper rule to be observed.

Mr. BRIDGES. I move that the committee rise.

The question was taken, and it was decided in the affirmative.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and by special order House bill No. 37, commonly known as the homestead bill, but had come to no resolution thereon.

Mr. HENN. I move that the House adjourn. The question was then taken, and it was decided in the affirmative.

So the House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, March 1, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. SEWARD presented a petition of citizens of Albany, New York; a petition of citizens of Bucks county, Pennsylvania; the proceedings of a meeting of citizens of Lockport, New York; the proceedings of a meeting of citizens of Auburn, New York; a petition of citizens of New York; and certain resolutions passed at a meeting of citizens of Oneida, New York, protesting against the passage of the bill to organize the Territories of Nebraska and Kansas without a prohibition of slavery therein; which were ordered to lie upon the table.

Also, the petition of Thomas C. Nye, praying indemnity for the violation, by the Post Office Department, of his contract for the transportation of the mails; which was referred to the Committee on the Post Office and Post Roads.

Mr. EVERETT presented the memorial of Mary Baury, widow of Louis Baury, an officer during the war of the Revolution, praying a pension; which was referred to the Committee on Pensions.

Mr. CASS presented a memorial signed by mechanics and others, citizens of the United States, praying Congress to enact such laws as will best secure the protection of American citizens in the enjoyment of their rights of conscience, and of religious worship in foreign countries; which was referred to the Committee on Foreign Relations.

Also, a petition of the citizens of the State of Michigan, remonstrating against a reciprocal international copyright treaty between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. SUMNER presented a petition of inhabitants of Chester, Massachusetts, and a petition of citizens of Boston, Massachusetts, protesting against any repeal of the prohibition of slavery, or the addition of slave territory to the Union, immediate or prospective, such as is proposed in the Nebraska bill; which were ordered to lie on the table.

Also, a petition of inhabitants of the town of Winchendon, Massachusetts, praying a reduction in the present rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. EVERETT presented the petition of George M. Farnum, praying the reimbursement of expenses incurred by him while United States Consul at the Mauritius, on account of destitute American citizens; which was referred to the Committee on Foreign Relations.

Mr. ADAMS presented the petition of David Gordon, praying that an act may be passed for the settlement of his accounts as examiner of the land offices in Louisiana and Mississippi; which was referred to the Committee of Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of Gustavus G. Cushman be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. SUMNER, it was

Ordered, That the administrator of Joseph H. Whipple have leave to withdraw his petition and papers, in order that they may be presented in the House of Representatives.

On motion by Mr. HUNTER, it was

Ordered, That the petition of Lucy Tate be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. CLAY, from the Committee on Pensions, to whom were referred the following petitions, submitted adverse reports thereon; which were ordered to be printed:

Petition of the heirs of Joseph Pomroy;

Petition of the administrator of Joseph Richardson;

Petition of James A. Glanding; and

Petition of Phoebe Hascall.

He also, from the Committee of Claims, to whom was referred the petition of Absalom Kyle and William C. Kyle, praying the compensation for transporting the mail due according to the terms of their contract, submitted an adverse report; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred the petition of McCalmont, Greaves & Co., praying that certain duties imposed on goods imported by them into the port of Vera Cruz, during the late war with Mexico, may be refunded, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. BENJAMIN, from the Committee on Commerce, to whom was referred the memorial of E. J. McLane, praying compensation for expenses incurred in seizing horses and mules smuggled into the United States from Mexico, reported a bill for his relief; which was read, and passed to a second reading.

Mr. DODGE, of Wisconsin, from the Committee on Commerce, to whom was referred a petition of citizens of Green Bay and Depere, Wisconsin, reported a bill to extend the limits of the collection district of Milwaukee, in the State of Wisconsin, and for other purposes; which was read, and passed to a second reading.

He also, from the same committee, who were instructed by a resolution to inquire into the subject, reported a bill to constitute Keokuk, in the State of Iowa, a port of delivery; which was read, and passed to a second reading.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the petition of William Harris, of Georgia, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

LAKEPORT, LOUISIANA.

Mr. BENJAMIN, from the Committee on Commerce, to whom was referred the memorial of the Jefferson and Lake Ponchartrain Railway, reported a bill to establish a port of delivery at Lakeport, on Lake Ponchartrain, and for other purposes, and asked for its present consideration.

The bill was accordingly read twice, by unanimous consent, and considered as in Committee of the Whole.

It proposes to establish at the terminus of the Jefferson and Lake Ponchartrain Railway, on Lake Ponchartrain, a port of delivery, to embrace, also, the lake terminus of the new canal, to be called Lakeport; to direct that a surveyor shall reside there; that all ships or vessels bound to it shall, after proceeding thereto, making a report and entry at the port of New Orleans within the time limited by law, be permitted to unload their cargoes at Lakeport, under the rules and regulations prescribed by law; that all vessels about to depart from there to foreign places shall be permitted to clear out with their cargoes at the custom-house in New Orleans, and depart under the same rules

as vessels departing for foreign places from New Orleans, by way of the Mississippi river.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, and was read a third time, and passed.

BILL INTRODUCED.

Mr. FISH asked, and by unanimous consent obtained, leave to introduce a bill to prevent unnecessary delays in the unloading of cargoes arriving from foreign ports; which was read a first and second time by its title, and referred to the Committee on Commerce.

CONGRESSIONAL GLOBE.

Mr. HAMLIN. The Committee on Printing, to whom was referred a resolution submitted by the Senator from Arkansas, [Mr. JOHNSON,] directing John C. Rives to furnish an additional number of the Congressional Globe and Appendix, have instructed me to report it back with an amendment. I ask for its consideration at this time.

Objection was made, as the morning business was not disposed of; so the resolution lies over, under the rules.

PORTRAITS OF THE PRESIDENTS.

Mr. FISH offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be directed to inquire into the expediency of purchasing, for the use of the Executive mansion, a series of portraits of the first five Presidents of the United States, painted by Gilbert Stuart for the late Colonel George Gibbs, and now in the possession of his family.

STEAM CONDENSERS.

Mr. BENJAMIN offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to communicate to the Senate what action, if any, has been taken by his Department under that clause of the naval appropriation bill of the 31st of August, 1852, which authorizes the Secretary of the Navy "to apply steam condensers to one or more of the steam vessels belonging to the United States, for furnishing fresh water to marine boilers, and for the use of the crew," together with all information in his possession on the subject-matter of this resolution.

RICHARD M. YOUNG.

The resolution directing the payment of \$974 20 to Richard M. Young, for his services as special commissioner for the investigation of charges against the Hon. Alexander Ramsey, was read a third time, and passed.

ORDER OF BUSINESS.

Mr. STUART. It was understood that the resolution which I offered some time ago, instructing the Committee on Commerce to report a river and harbor bill, was to have been voted upon yesterday. I move that the Senate now proceed to consider that resolution.

Mr. FOOT. With the leave of the Senator from Michigan, I will ask that the bill which was ordered to be engrossed yesterday may now have its third reading.

Mr. STUART. I yield to the Senator from Vermont in that particular, although I am anxious to have my resolution considered; and therefore I withdraw my motion.

INDIGENT INSANE.

The engrossed bill making a grant of the public lands to the several States and Territories of the Union for the benefit of indigent insane persons, was read a third time.

The PRESIDENT. The question is, "Shall the bill pass?"

Mr. MASON. Mr. President, this bill, as I understand it, is a departure, a very great departure, from any previous policy, varied as that policy has been, in regard to the public lands. I am free to confess that it is somewhat difficult to resist the appeal which has been made to the Senate upon this subject, because it is addressed only to the sensibilities of the Senate. Now, sir, in the former dispositions of the public lands, varied as I have said they have been, I am not aware that any disposition has been made of them, but with some regard to political considerations.

The public lands have formed a most disturbing element in the councils of the nation for many years. The disposition which has been made of them has gone far, in my judgment, to unhinge the Constitution and all constitutional action.

There is now a bill depending, as we are aware, which will probably be before us—a bill which has heretofore been before the Senate—to give these lands away—to give them away to the first comers, whether they be citizens or foreigners. Even that bill has some political considerations connected with it, because it is said, and properly said, that when you invite settlers into a wilderness and give them a portion of the land, the improvements which they will make will more than remunerate the Government for the gratuity, in the appreciation of the adjacent lands. There is, then, some pretext, at least a political consideration, which might lead to the passage of such a bill.

Then there is another class of bills, several of which passed the Senate the other day, because it was idle to object to them on the part of those who think as I do that it is an improvident, if not an unconstitutional disposition; I mean the class of bills giving the public lands to railroad companies, or to States to construct railroads. But even there, again, there is to be found some political element, or some shade of a political element, because of the alleged appreciation of the lands through which these roads will pass.

But, sir, what is this bill? Has it any such element connected with it at all? Is it addressed to any other considerations than to those which are purely moral? Is it a bill which makes the Federal Government the grand almoner of the States, and gives them the lands, not for political purposes, but to be used altogether in charity? If there be one consideration which can be urged by any advocate of this bill, except that it is charitable to pass it, I am at a loss to know what that consideration is.

Sir, the bill proposes that you shall give these public lands according to a stated ratio among the States, to endow hospitals for the maintenance and cure, if they be curable, of a certain class of patients—the indigent insane. Now, sir, I put it to the Senate, and through the Senate I hope I shall put it to the country, if it is competent for Congress to constitute itself an almoner for the States, and distribute charity for the benefit of the indigent insane, is it not equally competent for Congress to take charge of the poor of the States? What earthly difference is there between the two cases? Why should we not just as well strike out "insane" from the bill and give these lands to the States for their "indigent"—their poor, whether insane or not? The principle is entirely the same. And if we can give land to the States to maintain their poor, I ask you, sir, what department in the police of the States is there which this Government may not invade, and take from the control of the States; and may they not administer the police regulations of the States at their pleasure? This bill is an entering wedge.

Sir, what right have we to do this? In what relation does this Government stand to the public lands? Is it in the relation of an owner, to dispose of them at the caprice or the pleasure of the Congress, for the time being; or does it hold them as a trust, to be administered as a trust, and treated as a trust? Why, if we may give lands for the benefit of the indigent insane, what limit can you place upon the power of disposing of the public property?

Sir, the bill requires of the States that they shall treat these lands, and the proceeds of their sales, as a sacred fund, and administer it exclusively for the support of one class of charities; and the argument addressed to us is, that the indigent insane are a class of our fellow-beings who appeal more strongly to our sensibilities than any other class of our fellow-citizens; and that is the whole argument. It is, that they are a class of our fellow-beings, who, because of their condition, being deprived of reason, appeal more strongly to our sensibilities than any other class; and, therefore, it is incumbent—to do what? On Congress to interfere for their relief and for their support. Why is it more incumbent on Congress to interfere for them than for any other class, I care not what it may be? I admit that if we can maintain an argument addressed to our sensibilities, these people are more deserving the care and protection of the Government than any other class; but you must at last solve the question whether the Government has authority to interfere for any class; and if it has not authority to interfere for one, it certainly has not for another.

Now, sir, is not this that sickly sentimentality which was so properly and so appropriately exposed here on this floor, the other day, by my friend from the State of South Carolina, [Mr. BUTLER?]. Cannot the States take care of their poor, whether they are insane or merely indigent? Is it not the duty of the States to take care of their poor, and are they not now doing it? I am not aware that there is a State in the Union—although there may be—which has not, in the discharge of its appropriate duty, provided hospitals for this class of patients, as the States provide poor-houses for those who are unable to work.

If there be any State where this duty is neglected, it has been neglected not because of want of ability in the State itself, but on account of want of inclination. And what are we to do? We are to give a fund to those who do not want it, or to those who will misuse it; for, my word for it, if I know anything of human nature, there is not a State in the Union which has felt it an obligation on itself to provide for the indigent insane, which will not do it at their own will, entirely independent of this gratuity; and if there be a State in the Union which has not done it, it will neglect the fund and allow it to be depredated upon, and to rust away.

I am very much concerned at the necessity which requires of me, against the sensibilities of my own nature, to oppose such a bill. I have been strongly and importunately addressed from other quarters, in reference to this bill; and if I could yield what I consider a public duty, to indulge the emotions of my own heart, I should not be here to oppose it. But when I know that there is not one argument addressed to us to pass the bill, except such as would constitute the Government a great almoner for the States, for one I am not at liberty to vote for it.

Sir, it would be a dangerous precedent; an exceedingly dangerous one. If the Constitution authorizes that disposition of the public property, I defy the wit of man to say in what form it may not be taken.

You may throw it as a largess among the people; you may place it under the control of an aspirant for political power, through his party or his friends, to use it to make a gratuity; until you bring the American people into the condition of the Romans when they looked to their Government only for two things—for bread, and for the games of the circus; a state demoralizing to the public morals.

While the question presents in the attractive guise of a charity—a charity for a class of people, who, unfortunately, most need it—you are setting a precedent which will unsettle and unhinge every condition or feature of the trust in reference to the public domain. I desire only to express my opinion on the bill, so that if it passes, they may go upon the record with the bill. I desire that whatever name I may leave behind me as a statesman, may not be in any way coupled or connected with a bill which constitutes the Government the almoner of the States, in the disposal of a charity. I trust—though I hardly think it—that it will be the pleasure of the Senate to reject the bill.

Mr. WALKER. When this bill was before the Senate at a former period, I voted against it. I shall vote for it now, and for the reason that the objections which I heretofore entertained to the bill, have been obviated by the changed form given to it by the Committee on Public Lands. When this bill first made its appearance, as I understood it, and I believe it was conceded that it was properly so understood, it would have given the right to one State to be the proprietor of the soil in another State. To that I could not give my assent. When that objection was obviated, the rule by which the distribution was to be made I could not assent to. I think now that that objection has been obviated, and I cannot make any distinction between the bill as it stands, proposing an appropriation of land for these purposes, and that which has been done by this Government from its foundation to the present moment. If there be any difference, I should be pleased if the Senator from Virginia would point it out. I cannot discover any difference in principle between this grant and those which have been made from the foundation of the Government for school purposes. Now, we know that contemporaneously with the formation of the Constitution, the policy of granting

lands absolutely to the States for educational purposes obtained—

A SENATOR. Individually, to the land States. Mr. WALKER. I will come to that presently. That policy has been continued to the admission of the last State into the Union; and I venture to say that no State will be admitted, in which there is public lands, but where the same policy will be observed and pursued.

It is said, however, that these grants for educational purposes, were not to the States generally, but to the States individually, in which public lands were found. Why, sir, that is more objectionable than that to which the Senator from Virginia now seems to object. That was a partial gratuity. Those lands for educational purposes were given to the individual States; and yet it is claimed that the public lands are the patrimony of all the States; and now, when this bill—the first bill, I believe, which has ever been before Congress proposing to make an equitable and equal distribution of this patrimony among the whole of the States—is before us, it is objected to, while individual appropriations of lands to the States, for agricultural purposes, have been passed silently, and acquiesced in, by the gentlemen who now make this objection.

I think the argument, in the sense in which the Senator from Virginia makes it, would obtain much more strongly to the policy which the Government has pursued of granting these lands to States for agricultural purposes than it would obtain as against the bill for this grant.

Believing, then, that there is nothing in the bill which will allow or permit an infraction by one State, of the sovereignty over the soil of another State, and believing that the ratio of distribution is an equitable and just one, I can vote for the bill as it stands at present, whereas I could not do so before.

Mr. HUNTER. Mr. President, if we can distribute the proceeds of the public lands, or the public lands themselves, generally, among the States, for the benefit of the insane, I cannot see for my life why we may not distribute them for every other purpose. I had supposed that one of the great principles on which the Democratic party rested; one of the issues upon which it had been accustomed heretofore to do battle, was, that it was improper, and, as many believed, unconstitutional, for this Government to distribute the proceeds of the public lands among the States. Now, how can you deny that power, or that propriety, if you pass such a bill as this? For myself, I would rather vote for a bill which would distribute, upon some equitable proportion, among the States generally, the proceeds of the sales of the public lands, than pass a bill like this, which admits the power and the propriety; and, in addition to that, pursues the fund into the hands of the States, and undertakes to say how far they shall administer their municipal affairs; how they shall apply the fund to the matter of taking care of the insane.

But the Senator from Wisconsin says that we have heretofore granted school sections—to whom? Why, sir, to the new States, to States which agreed, when admitted into the Union, that, for a certain length of time, they would not tax the land sold by the United States, nor the land of the United States itself. There was some consideration for that; it was founded upon a different principle. If this rests upon any principle whatever, it goes to the entire length of there being a just demand on the part of the States for the distribution of the proceeds of the lands among them. It would do a great deal more good to the States, and be a much better measure than this, to distribute it in that way. Sir, I deny that we ought to be bound by precedents which gentlemen may quote here in regard to particular cases—such precedents as that quoted by the Senator from Vermont, [Mr. Foor,] when the two Houses, probably under some sudden impulse of humanity, some eloquent appeals to their benevolence, may have been induced to depart, in my opinion, from the true spheres of their duties, and sometimes from that of their constitutional powers.

I admit that he did refer to precedents, in regard to which there was as little propriety in interfering, as there will be in this case. But it is to be recollected that in every case, they came up under just such a specious appeal as does this bill—an appeal to our humanity and our benevo-

lent feelings; and allow me to say, that there is always danger when we resort to this sort of sentimental legislation, and agree to bury all considerations of our obvious and long-settled policy, and banish reason and the Constitution from the view, in order to gratify some such feeling as this. The feeling itself, sir, I admit, is highly commendable; but if, by indulging it, it should lead to a departure from just principles of legislation, it will be found that we injure more than we benefit. For one, I am against it.

Mr. STUART. I have been listening with some little attention to the Senators from Virginia, to see what arguments were to be brought to bear against this proposition. Something has been said, sir, in respect to its unconstitutionality; but I believe neither of those gentlemen has undertaken to point out wherein it is unconstitutional. The Senator from Virginia, who first addressed the Senate, [Mr. MASON,] seemed to think that it might do, under peculiar circumstances—although I understood him to say it never would be very satisfactory to him—to make a distribution of the public lands which involved political considerations, but that it would not do to make a disposition of them which involved moral considerations only.

Now, sir, I can very readily discover the distinction which is sought to be got up, but I confess my entire inability to understand what particular practicability there is in that distinction.

Mr. HUNTER. Will the Senator allow me to put him a question?

Mr. STUART. Certainly.

Mr. HUNTER. Does he believe that there is a constitutional power in this Government to distribute the proceeds of the sales of the public lands among the States?

Mr. STUART. Yes, sir—I do, I do; and inasmuch as the Senator has put that question to me, I will answer it in its details now. The Democratic party heretofore has asserted that it was not proper to distribute the proceeds of the public lands; and they have contended against it. That party, however, has asserted, time and again, that it was proper to graduate the price of the public lands; and, sir, these same principles, advocated, perhaps, by the same Senators, if not by others entertaining them, have been interposed to prevent it.

Mr. HUNTER. I have never done so.

Mr. STUART. Doubtless the Senator speaks his own sentiments. I speak of all those who oppose these questions. They have refused to graduate the price of the public lands. They have steadily refused to permit the States in which they lie to tax them. They will hold them at a dollar and a quarter an acre, whether they are worth that, or whether they are worth twenty-five cents; and the States in which they lie have no power over them, not even to tax them. What is the consequence? It is, that the new States remain, in these respects, unsettled. The old States, in the other House of Congress, hold the power, and they execute that power with a spirit of despotism. Here, in this body, where the States are equal, the new States have their proper respect in this regard, as well as their proper representation; but reach the other House, where the old States hold the balance of power, and you cannot pass one measure which looks like justice towards the new States.

The Senator from Virginia [Mr. MASON] throws out an intimation against the bill giving away lands, he says, to actual settlers. Sir, I am for that bill; I am for that principle; and if there be a man in this country who can show any good reasons against it, I will hear him by the fortnight with the utmost pleasure. What does this Government wish? What are its true interests? What are the true interests of the States in which the lands lie? To have settlement, people—moral, upright, Christian citizens of the United States. It is men that give strength to a country, and not land.

Sir, I am for that bill, and it cannot be made too liberal in its provisions to suit me. I am for this bill; and if the Senator had answered the distinction drawn by the Senator from Wisconsin, he would have done what I conceive it to be impossible for any Senator upon this floor to do. There was a time, I concede to the Senator from Virginia, when the States agreed, upon coming into the Union, not to tax the lands sold within a given time—five years; but we have sat here for the last

six weeks and heard arguments—and none more able than that made by the Senator himself—seeking to show that Congress has no power to put any such limitation upon a State.

Sir, I think myself that there are some opinions that have been put forth that will come back to plague the inventors; but the Senator did argue that when a State was admitted into this Union, it must be admitted in all respects upon an equal footing with every other State. Now, can South Carolina and Virginia tax the lands which belong to individuals in those States? Has Congress, then, the power to fix upon a new State an inhibition, as a fundamental condition on her coming into the Union, that she shall not tax the lands of individuals for five years? If it can, it can affix it for fifty years; it can affix it for ninety-nine years; it can fix it forever. I belong to another school of opinion. I think it can. I think that the Constitution and laws of the United States are the supreme law of the land. I think that when a State is admitted into the Union, whatever fundamental constitution you affix upon her admission, is the supreme law of the land. Why? Because it is a condition affixed respecting a right that Congress alone possesses—a right to admit new States into the Union. They are admitted by a law of Congress. It passes both Houses; it is approved by the President like any other law. It is a clear exercise of an authority which you alone can possess. And, sir, you are your own judges of what that law should be. Then I would say to the Senator that it is many years since any such consideration existed. Indiana, if I recollect right, was the last State admitted into this Union upon any such condition. There may have been others. Michigan came in with no such limitation; Wisconsin came in with none such; Iowa with none such. We in Michigan had a right to tax the lands of individuals from the moment we were admitted into the Union.

Mr. HUNTER. Have you the right to tax the land of the United States?

Mr. STUART. No, sir; but we have the right to tax the land of individuals. The condition fixed upon the States prior to that time was, that they could not tax public lands sold to individuals for five years after they were sold. That was the condition, and that is the condition which we lived up to; but now it is no such thing. Congress grants the sixteenth section, and to the States that have been admitted lately they grant the thirty-sixth section also—two sections in every township—for the purpose of common schools. They give not less than seventy-two sections to a State for the purposes of a university. I would like to know the distinction, upon constitutional principles, between that case and this. If there is any, I am unable to see it.

But, Mr. President, I subscribe to the reason that is assigned for the passage of this bill. It appeals to my sympathies; it appeals to my heart as well as my head; and while I intend that my head shall, to a proper extent, regulate my heart, I never do intend that my head shall act much without my heart.

In conclusion, Mr. President, I will say, without going into any lengthy remarks upon the subject, that the bill has been carefully drawn in all respects, as I think. It underwent, certainly, a most rigid investigation in the Committee on Public Lands. Several suggestions which emanated from me were adopted by the committee; so that in no event can this fund be diverted; so that the States in which no public lands lie cannot become owners of public lands in the State where they do lie. They cannot divert the fund. And if there is any fraud practiced in disposing of the scrip, there is an express provision in the bill that no patent shall issue for the land on which that scrip shall be located. Everything has been done by this bill which, it seems to me, can be done to secure the funds for the objects intended. Is that new? The Senator from Virginia [Mr. HUNTER] complains of this part of the bill. He says that he prefers a distribution of the proceeds of the public lands rather than such a bill as this, because it follows the fund into the hands of the State and controls its disposition. The same thing is true of school lands and university lands. Will Congress make a donation and institute a fund for a State, and not secure the proper appropriation of that fund? Will they leave it to the whim of anybody? Never. It is secured in every bill that I know anything

about. Congress institutes a fund, and they say that no power which holds the fund in suberviency to its own power shall have an opportunity of diverting it.

A single word in reply to the suggestion as to the distribution of the proceeds of the public lands, and I have done. I never understood that to be denied from a want of constitutional power, but from its being one of the most impolitic things that could be done. You have myriads of officers, and in every man's hand some of this money is to stand to pay him for his services. You collect a fund and you distribute it, and the whole cost of collecting and distributing it is deducted from the concern. It had the effect to keep up the price of the public lands, which was against the interest of the new States. Undoubtedly the true interest of the new States is a disposition of those lands upon some terms. I was ever in favor of the graduation principle, and I am in favor of that principle to-day. But I have seen it again and again put down in committee and in Congress. I am, therefore, for the earliest disposition of these lands that can be made, without any infringement upon the Constitution, that shall induce their settlement and occupancy by people who constitute the strength, as they will the permanency, of this Government. These are briefly some of the reasons why I support this bill.

Mr. BADGER. I desire to say a few words in reply to the Senator from Virginia. If I believed, with the Senator from that State, who first addressed the Senate, [Mr. MASON,] that this bill was the first step in interfering with the municipal administration of the States, I should certainly be as strongly opposed to it as he is. But permit me to say to him, that there is nothing coercive or compulsory upon the States in the bill. It does not undertake to control any one of the States of the Union, and require that that State shall receive the lands which the bill tenders to it. It is an offer to each of the States of so much public lands to be applied to certain purposes, without any intent to control the States in the acceptance of the fund. It seems to me that the honorable Senator might as well say that he would have cause to complain, if some man of vast possessions in the country tendered to him \$100,000, to be invested in stocks as an income to be applied to the portioning of his daughter, that it was an attempt on the part of that man to invade the domestic management of his family.

Mr. MASON. Does not the honorable Senator think I would have some cause to complain, if the person who held the \$100,000 in trust applied it to some purpose, other than the trust for which it was committed to him?

Mr. BADGER. If the Senator had waited patiently, I intended to say a word on that subject in a moment. I am taking the Senator's objection as he urged it. I am taking it upon the ground that it would be an invasion of his domestic arrangements, of the police management of his concerns. I say, in answer to the question he put to me, that it would involve no such an invasion of the regulation of his family whether the party held it as a trust for other purposes or not. If he held it as a trust for other purposes, it would be a violation of duty to apply it to any other than the purpose specified in the trust; but it would involve no attempt to control the conduct, or invade the privileges, or rule the family, or direct the administration of the concerns of the individual to whom he offered it, if he was at perfect liberty to refuse it.

My honorable friend from Virginia, who spoke last, [Mr. HUNTER,] undertook to make consistent, with the proposition he lays down, as to the power of giving those lands for purposes of charity, the uniform and established course of the Government to give them to new States for purposes of education, by this reason, that the new States are prohibited from taxing the property of the Government of the United States, the lands belonging to the Government, situated within their bounds. Suppose they do; if the Government has not a constitutional power to apply the land to purposes of education or charity, can that power be conferred or acquired, because she prohibits the State from taxing her lands?

Mr. HUNTER. Will the Senator allow me a single word to explain my views in regard to that matter? My idea is, that the United States contributes the school sections as a land-owner. The Government stands in two relations to the new

States. One is, as the General Government, under which it has no such power, the other is as a land-holder, in which it is morally bound to contribute its quota and proportion to the general interests of the State.

Mr. BADGER. Suppose it be so. If she so contribute them as a land-owner, what right has she to tie them up to the purpose of education? If she owes them to a State as a consideration for her proprietary interest, which is untaxed, how does she gain the right to apply them to a college, to a common school, or to anything else? Upon that principle she stands in the attitude of a debtor, and should pay the money to the creditor, to be applied as the creditor thinks proper. Where does she get the constitutional power in the one case more than the other? I admit the honorable Senator assigns very good reasons why the power should be exercised, if she possesses it; but, undoubtedly, the fact which he states confers no power that does not exist independent of it.

Now, Mr. President, another word. It is said that these are donations of public lands, and that we cannot make a donation of them. How do the gentlemen reconcile that proposition with the donations which we every day make to the new States? We make them for the purpose of enabling them to construct canals and railroads, and to prosecute other purposes of internal improvement. Sir, I have heard it said twenty times in the Senate that these were not donations; that the United States, by giving the alternate sections, doubled the value of the sections which remained to the United States. I admit that; I admit that is a good reason for making the donations; but does it alter the character of the transaction? Is it not a donation, if a man, having two adjoining lots, makes a present of one of them to me, from the calculation that my improving it will make the remaining one twice as valuable to him? That may be the fact which influences him as a prudent man in making it; but I put it to you, am I not still the donee of the lot which he gives me? I pay nothing for it. I take it, and use it for my own purposes. Whatever the lot is worth, it is a free gift to me. The motive which induces the proprietor of both to give one is a very sensible motive, that, by making the present of one, the donee will apply it for his own purpose in such a way as to increase the value of the residuary lot; but it is a donation. Whatever I receive from another man, to apply to my own purposes, and for which I pay him nothing in money or in money's worth, is a donation, else it is impossible for me to understand what a donation is. So that if the reason upon which this bill is objected to is sustained, we must reverse our course with regard to all grants. We must maintain that we have no power to give lands to the new States for railroad purposes; that we have no right to give the alternate sections for the purpose of promoting the improvement of the States in which they lie; and, so far as I see, we must surrender the power to make donations to actual settlers; we must inexorably, and in every instance, require money to be paid when we dispose of the lands.

I agree with the honorable Senator from Michigan, [Mr. STUART,] I consider that the appeal that this measure makes to the heart of every Senator is entitled to every worthy and high consideration. It is the motive to me to vote for the bill. It gives no power in itself. The motive to give the alternate sections confers no constitutional power to grant lands for railroads; nor does the motive to give preemption rights to actual settlers confer any constitutional power; nor does the motive to give lands for the purposes of education confer any constitutional power.

But the constitutional power exists; and the several motives of a measure constitute the reason for exercising it. It is strange, when we have heard, time and again here, that these lands are held by the General Government as the trustee for the States; when we have been told so often, in very glowing terms, that they have been procured by shedding the common blood, or they have been purchased by applying the common treasure; that we are then also told that it is utterly unconstitutional in the trustee to use a portion of the lands which he holds for the benefit of those for whom he holds them.

I really think that the honorable Senator from Virginia must review the ground upon which he makes opposition to the bill. It may be wrong;

but I feel a strong conviction upon my mind, that if it be wrong, he has not assigned the proper reason for it.

Mr. BROWN. I desire, before the vote is taken upon the question, to say a few words; to occupy five or ten minutes of the time of the Senate. Not having an opportunity to do so now without obstructing the regular order of business, I move the postponement of the bill until to-morrow.

Mr. GWIN. I should like to move an amendment, that the bill, as it has been amended, be printed, so that we can understand what it is.

The PRESIDENT. The Chair does not regard that as a proper amendment to the motion. By unanimous consent, it will be ordered to be printed.

The motion to postpone was agreed to.

TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. CLAYTON spoke for two hours and a quarter without concluding.

Mr. EVERETT. The Senator from Delaware is evidently very much exhausted; and I therefore move that the further consideration of the subject be postponed until to-morrow.

Mr. DOUGLAS. I desire to say that—

Mr. CLAYTON. If there is the slightest opposition to the motion, I will endeavor to go on.

Mr. DOUGLAS. I should be glad to yield, if—

Mr. CLAYTON. I will go on at once, it being understood that the Senator objects.

The PRESIDENT. Does the Senator from Massachusetts withdraw the motion to postpone?

Mr. EVERETT. I do, at the instance of the Senator from Delaware.

Mr. CLAYTON. Mr. President—

Mr. BAYARD. I hope my colleague will not persist in speaking to-day. I think it but an act of justice that he should be accommodated. I therefore renew the motion to postpone.

The motion was agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 1, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICKER.

The Journal of yesterday was read and approved.

WISCONSIN RAILROAD GRANT.

The SPEAKER. The business first in order is the motion to refer to the Committee of the Whole on the state of the Union the bill making a grant of land to the State of Wisconsin, to aid in the construction of a railroad and branch road in said State, upon which the gentleman from Ohio [Mr. DISNEY] is entitled to the floor.

Mr. RUSSELL. I rise to a question of privilege. I desire to make a report from the Committee on Printing.

The SPEAKER. The gentleman from Ohio is entitled to the floor.

Mr. RUSSELL. Is it not in order for the Committee on Printing to report at any time?

The SPEAKER. That is the rule of the House. The gentleman may make his report from the Committee on Printing at any time when he can get the floor for that purpose, but he cannot take the floor from a member for that purpose.

Mr. DISNEY. When I took the floor on yesterday it was my intention to have gone into an extended argument upon the constitutional power of Congress to make grants of the character of those contained in this bill, and also to vindicate the policy upon the part of Congress in making such grants. But I am importuned too much by gentlemen around me, on every hand, to bring this debate to a close at a very early hour, and advised as I am, that the Committee of Ways and Means are anxious to proceed to the consideration of the deficiency bill in committee, I am disposed to yield, so far as my own wishes are concerned.

I was disposed to give the House an opportunity for a general examination and discussion of the merits of the bill, so far as gentlemen might wish to enter into such a discussion. I should like to have it, with regard to this bill, in every possible shape in which the question of the general policy of Congress in granting lands to the States to aid

in the construction of railroads can be presented. But I repeat that, importuned as I am on every hand to close this debate, I shall yield to it, and shall confine my remarks to one or two brief observations.

First, I desire to say a word or two with regard to an objection which has been raised, that the road for which this grant is made will come in competition with one or two other roads. Now, in order to do away with all excuse for making such an objection, I propose to modify the pending amendment by substituting the proposition which I send to the Chair.

The amendment was read, as follows:

Provided, That the grant herein provided for shall not be construed to extend to any land upon the line of said road between the town of Madison and the southern boundary of the State of Wisconsin.

Mr. DISNEY proceeded: The effect of the amendment, as now modified, would be to make a direct and specific provision in the bill excluding the State from the benefit of granted land upon the line of the road south and east of the town of Madison; and obviates, by direct provision, the objection made by the gentleman from New York [Mr. CUTTING] yesterday.

The objection, as I said yesterday, from the circumstance that no public land exists south and east of the town of Madison, has no existence, in point of fact. But the friends of the bill are willing that this modification of the amendment shall be made, and I therefore move it.

Mr. Speaker, the whole question—the whole matter to be examined with regard to the character of these railroad grants—resolves itself into these two points, and they are the only questions that can arise out of them: one is as to the competency of Congress to make such grants; and the other, and the only other before the House, is the policy or expediency of making such grants.

The other day, when this matter was under consideration, I called the attention of the House to the opinions of Mr. Calhoun, who is universally regarded as good authority by members of this House upon questions of this kind, at least by those who hold to a rigid construction of the Constitution.

The SPEAKER. The Chair must arrest the gentleman from Ohio in his remarks for a moment, for the purpose of calling his attention to the amendment he proposes. The motion pending is to commit the bill; no amendment is therefore in order except by the unanimous consent of the House. The Chair desires to have the understanding of the House upon it.

Several MEMBERS objected.

Mr. DISNEY. I merely suggested the modification. I am not at all strenuous upon its adoption.

Mr. JONES, of Tennessee. I have no objection to the modification going with the original amendment to the Committee of the Whole on the state of the Union.

Mr. DISNEY. I suppose the gentleman would not have any objection to such a course.

Mr. JONES. None at all.

Mr. DISNEY. But I have.

The SPEAKER. Objection has been made, and the amendment cannot be received.

Mr. DISNEY. Very well; I do not desire to press the amendment; I merely offered it to gratify the friends of the bill.

But, sir, to proceed. When last up, I called the attention of the House to the opinions of Mr. Calhoun in regard to the competency of Congress to make grants such as are proposed in the pending bill. With the permission of the House, I will read some further extracts from his report in 1846 upon this subject. He says:

"Your committee will next proceed to consider that portion of the memorial which relates to the communication by railroads between the valley of the Mississippi and the southern Atlantic States. They regard works of the kind as belonging to internal improvements, (that is, improvements within the body of the States,) and as such, are, in their opinion, not embraced in the power to regulate commerce. But they are, nevertheless, of the opinion that where such roads, or other works of internal improvements, may pass through public lands, the United States may contribute their construction, in their character of proprietors, to the extent that they may be enhanced in price thereby. This has usually been done by ceding alternate sections on the projected line of such works; and it is believed that no mode of contributing more fair or better calculated to guard against abuses can be devised. That Congress has a right to make such contributions, where there is reasonable ground to believe that the public lands will be enhanced in

proportion, under its right to dispose of the 'territory and other public property of the United States,' your committee cannot doubt. In making this assertion, they hold to the rule of strict construction, and that this power, like all the other powers of the Government, is a trust power, and, as such, is strictly limited by the nature and object of the trust. In this case the rule requires that the lands, and other public property of the United States, should be disposed of to the best advantage; and where that can be done by contributing a portion to works which would make the residue equally or more valuable than the whole would be without it, as is supposed, they hold it would be strictly within the rule. Your committee go further. They are of the opinion, not only that Congress has the right to contribute to the extent stated in such cases, but that it is in duty bound to do so, as the representative of a part of the proprietors of the land to be benefited. It would be neither just nor fair for it to stand by and realize the advantage they would derive from the work, without contributing a due proportion towards its construction. It would be still less justifiable to refuse to contribute, if its effects should be to defeat a work, the construction of which, while it would enhance the value of the land belonging to the public, and that of individual proprietors, would promote the prosperity of the country generally."

Thus emphatic, clear, and distinct is Mr. Calhoun with regard to the competency of Congress to make grants of the sort now proposed, holding that it is not only competent for Congress to make such grants, but that it is their *bounden duty* to do it in every case where a grant of the kind would enhance the value of the residue of the public domain in the vicinity of such donations. His reasoning is sound, but we need not invoke the authority of Mr. Calhoun in support of a proposition so clear and well-established as this proposition is, for it has been coeval with the history of our public domain. A right of this kind upon the part of Congress has ever been asserted. The very first act that provided for the survey of the public domain made grants of sections sixteen for school purposes, and of sections twenty-nine for ministerial purposes, making specific grants of those sections for the purposes indicated, in order to induce purchasers to buy the surrounding and adjacent lands.

In the same class are all the grants in regard to saline lands; and it has ever been held, and truly held, that in making those grants the Government was compensated by the sale of the adjacent lands for the lands given and donated—a most comprehensive principle, which is recognized in private life, and acted upon by every man who lays out a tract of land as a town or city; he lays it off into streets, lanes, and alleys, dedicating a lot here for a market-house, and a lot there for a court-house, and the doctrine of the law is, that though he may have dedicated those lots for public purposes, yet he has been paid for them in the sales made to the purchasers of the adjacent and surrounding ground. So in the case of the man who lays off a street, and sells the lands abutting on it on either side, the donation of the street itself is no loss to the party, because he receives compensation for it in the enhanced price of the adjacent lots.

This doctrine is recognized by your courts of law. It is the doctrine acted on, as I have said, by individuals in their own private transactions. I repeat it, that the power of making grants, and donating portions of the public domain, in order to induce purchasers to buy the adjacent land has been acted upon by this Government ever since it had public land.

One word in regard to the policy of it, and I shall have done. The policy of this sort of grants is evident in its effect not only on the interests of the country where the land is located, but also on the Treasury of the United States. The peculiar benefit of it is shown by the report of your Commissioner of the General Land Office in regard to the grants heretofore made by Congress. As a matter of policy, it is recommended to you and indorsed by the Commissioner of the General Land Office. It is indorsed to you by the recommendation of the Secretary of the Interior. It is recommended to you by the President himself, in his message to Congress at the commencement of the present session. It is indorsed by the Administration generally; and, independent of that, I repeat that an examination of the facts themselves must induce every man to believe that the Treasury of the Union will be benefited by the grant, while the immediate neighborhood of the land granted will also be peculiarly interested and benefited. In this case, as I said before, these roads run through vast tracts of the public domain, as yet uninhabited by citizens of the country. By their construction, the land will be cultivated and settled. The resources of the country will be de-

veloped, and at once add to the general strength and power of the Government.

I have but one single consideration further. The western road, if constructed, will make a direct route from the northern and eastern States to the Territory of Minnesota. It makes that vast and fertile Territory easy of access to all the emigrants from the northern and eastern portions of the Union. The other road connected with the head of Lake Superior opens up communication with the rich resources of that region and the Atlantic coast. With these general remarks I call for the previous question.

Mr. EASTMAN. I ask the gentleman from Ohio to withdraw the call for the previous question for a moment. If he will do so I will pledge myself to renew it.

Mr. DISNEY. On that condition I withdraw the call for the previous question.

Mr. EASTMAN. I had hoped, Mr. Speaker, that this question would have been decided without the necessity on my part of saying a single word. I live at a remote distance from the lines of these conflicting railroads. My immediate constituents have no more interest in the one than they have in the other. Residing in the extreme southwest corner county of Wisconsin, I am not interested, directly or indirectly, in either of these projects; and I think if any person can speak disinterestedly upon this question, can look on the question of railroads and their conflicting interests throughout the State with impartiality, I am that person. I have foreborne making any remarks on this question, have not interfered, being willing that the interests of both of the roads should be heard. I shall acquiesce in the decision of the House, whatever it may be.

The Milwaukee and Mississippi Railroad Company have been here, and have procured the passage of a bill donating a part of the public domain for the purpose of completing their road from Madison to Prairie du Chien, a distance of seventy or eighty miles. That bill came into the House from the Senate yesterday and was referred to the Committee on Public Lands. With these remarks I will proceed to state, as I understand the conflicting interests involved, the question between them.

Mr. SIMMONS. Will the gentleman from Wisconsin permit me to make a remark?

Mr. EASTMAN. I cannot consent; I beg not to be interrupted.

Mr. SIMMONS. What I desire to make an observation on is a question of fact.

Mr. EASTMAN. Well; I hope I will be able to satisfy the gentleman from New York [Mr. SIMMONS] about all the question of facts. And if not, then, when I have concluded, it will not be too late for him to make his statement.

Several years ago, Mr. Speaker, the Legislature of the State of Wisconsin chartered the Milwaukee and Mississippi Railroad Company. I believe, however, that the Rock River and Union Valley Railroad Company was chartered a short time before the chartering of the Milwaukee and Mississippi company. The town of Janesville, and the people of the county of Rock, being in the interior of the State, had, as was supposed, some rights as well as the people of the city of Milwaukee.

Milwaukee, it will be borne in mind, is the large commercial emporium of the State of Wisconsin. We of the interior—the people of the western and of the northern portions of the State—had paid tribute to that great city. It sprung up, as it were, in a day, as if by magic. We sent to it our lead, our wheat, our corn, to be exported. They had the advantage from our trade of commission and storage, and everything of that kind. We gave them the whole benefit of our trade. We then asked the Milwaukee and Mississippi company that the road should be run in such a direction that the line would accommodate the people of the lower part of the State. We applied to them to that intent. But, having waxed fat, the company kicked. They said they would not run the road through Janesville, or the county of Rock, or give the people of that part of the State any advantage from it; but that it should run to a point near White Water, to a town north of the Lake Koshkanong; and from that point west to Madison. The effect of this was to cut off the county of Rock and the south part of the State almost entirely. The county of Rock was at that time the garden of the State. It produced as much wheat and corn, and other products of the soil, as

any other county in the State, according to its population.

However, when the people of Rock county saw that they could not expect to derive any benefit or favor from the Milwaukee and Mississippi railroad, they went to work to build a railroad for themselves. A company was organized, stock was taken, and some progress was made to carry on the work. At that time the people of Milwaukee, and those who were interested in the Milwaukee and Mississippi railroad, saw that they were going against their own interests, and they then consented that the road should run south to the town of Milton, about nine miles from the city of Janesville. I hold in my hand a map of the Milwaukee and Mississippi railroad, from which I take these distances. After E. H. Brodhead, the chief engineer, was elected superintendent of that road, they consented to build a branch to Janesville. That branch has been completed. They cannot, however, go direct from Janesville to Madison, and thus on to Prairie du Chien, without going back to Milton, a distance of nine miles, and thus through Stoughton to Madison.

The Rock River Union Valley Railroad Company contemplated running their road from Chicago to Janesville, and from Janesville to Madison. The gentleman from New York [Mr. CUTTING] told us yesterday that, from certain information which he had received—there is a good deal of this sort of information without the walls of Congress, from some people who come to oppose this grant—he believed the roads run parallel for a considerable distance, as he thought, from forty to sixty miles.

I am happy, Mr. Speaker, to have an opportunity to correct the gentleman from New York, [Mr. CUTTING.] He is in error. He states his high authority to be the president of the Milwaukee and Mississippi railroad, the mayor of the city of Milwaukee, and divers other individuals, and also quotes a Senator in the other end of the Capitol, as saying that he was in error "in regard to the route which was proposed by this bill." Now it seems to me that it would have been highly proper to have inquired of the Senator upon that point, and not undertake in this House to say what the Senator had said upon hearsay.

I know the gentleman from New York does not wish to injure this scheme wantonly; that he does not wish, in this indefinite way, to wrong us; but I think he ought to have inquired of the Senator in reference to this matter, and thereby make himself sure in his statement of facts. And, furthermore, it seems to me that if that Senator had come to that conclusion, he would at least have spoken to me about it, for I am on the best terms with him; but I have not heard one single word in relation to the error alluded to by the gentleman from New York [Mr. CUTTING] yesterday.

But I can understand why this opposition comes from the city of Milwaukee. It desires to continue, as heretofore, to be the great commercial point of the State; and that all the interests of the State should be centered in that city. But I hold in my hand a resolution which has been sent to me by the Common Council of the city of Milwaukee showing—what? Not that the city does not desire a grant of land for the construction of railroads; but it asks its Senators in Congress, and the members of the House of Representatives from that State to procure, if possible, a grant of land to construct a road from Lake Superior, by the lake shore, through Milwaukee, to the city of Chicago; thus compelling us who live in the interior, the western, and the northern parts of the State to pay tribute, not exactly to Cæsar, but to the city of Milwaukee.

I have also a series of resolutions which passed the Board of Trade of that city, asking more donations of land; and are men to come here, with high-sounding names of presidents of railroads and mayors of cities, and all that sort of thing, and intimate that the people of the State are averse to any donation of lands for these purposes?

But these roads do not run parallel to the extent which the gentleman from New York supposes they do. They run no nearer than five miles at any one point, and at that distance only for about eighteen miles from the village of Stoughton to the city of Madison. There the roads diverge again, and one goes in one direction to Lake Superior, and the other to the northwest, penetrating the pineries of the North, and into the vast

mineral regions of Lake Superior. And because it does not happen to go through the city of Milwaukee this road has met all this opposition. I state, as I before remarked, that the object of it is not against land grants, but it is to make all such grants tributary to the city of Milwaukee.

Sir, I have some interest in Milwaukee myself, but I have no interest in the grant asked for here. But I cannot see, with the eyes of gentleman from Milwaukee, that it is to militate against their prosperity at all. I say, if Milwaukee is not to be benefited by this road it is not the fault of the road, but because they have built the city in the wrong place. We cannot make roads to benefit every town, and we cannot afford to let our produce lay in Milwaukee five or six months every year ice bound, and pay storage and commissions thereon merely for the benefit of that city.

With these remarks I will redeem my pledge to the gentleman from Ohio, [Mr. DISNEY,] and I ask for the previous question.

Mr. CUTTING. I rise to a privileged question. When the gentleman from Wisconsin [Mr. EASTMAN] undertakes to charge members with the duty of dogging Senators, instead of allowing them to ask a question of the chairman of the committee who reported the bill, and seems to suppose that I have been guilty of some offense in propounding a single question for the information of this House, I think he ought not to spring the previous question in such a way as to prevent an answer to his remarks.

Mr. EASTMAN. I made a pledge to the gentleman from Ohio [Mr. DISNEY] that I would renew the previous question. I would be happy to gratify the gentleman from New York [Mr. CUTTING] under any other circumstances.

Mr. HUNT. I ask the unanimous consent of the House to allow the gentleman from New York [Mr. CUTTING] to make an explanation.

Objection was made.

Mr. LETCHER. I hope this motion for the previous question will be withdrawn, in order that the chairman of the Committee on Public Lands may redeem the solemn pledge made to the House the other day.

Mr. CAMPBELL. I call the gentleman to order.

Mr. LETCHER. It is proper that he should be heard.

Mr. SMITH, of Virginia. I presume that the gentleman from Wisconsin is only redeeming the pledge he has made to the chairman of the committee. If the chairman will consent to the withdrawal of the previous question, of course the gentleman from Wisconsin will consent to it, and I do hope that the gentleman from Ohio [Mr. DISNEY] will accord with the request.

Mr. DISNEY. All I have to say is, that I think no gentleman upon this floor will find any fault as to any illiberality shown by myself in the discussion of this question. In making my remarks, yesterday, I yielded and yielded the floor to gentlemen who were continually interrupting me, so that I was deprived of all opportunity of discussing the question.

Upon the demand for the previous question, a division being had, there were—ayes 59, noes 86.

So the previous question was not seconded.

Mr. LETCHER obtained the floor.

Mr. JONES, of Tennessee. If the gentleman from Virginia [Mr. LETCHER] will yield the floor, I will move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. LETCHER. If I yield the floor to enable the gentleman from Tennessee to make that motion, will I be entitled to the floor in the morning?

The SPEAKER. The gentleman from Virginia would be entitled to the floor.

Mr. JONES. I then make the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. SEWARD. I rise to a question of order. The House having refused to sustain the demand for the previous question, the subject must lie over one day. It is absurd, after the House has refused to second the demand for the previous question, to go on with the consideration and discussion of the bill.

The SPEAKER. The practice of the House is, that if the House refuse to order the main question, the subject must go over one day; but,

failing to second the demand for the previous question, leaves the subject under consideration where it was before the demand was made. The question is upon the motion to go into the Committee of the Whole on the state of the Union.

Mr. HAMILTON. I rise to a question of order. I want to know how the floor has been taken from the gentleman from Virginia, [Mr. LETCHER?]

The SPEAKER. The gentleman from Virginia yielded the floor to another gentleman for the purpose of making the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken; and, upon a division, there were—ayes 52, a further count not being demanded.

So the House refused to go into the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Virginia [Mr. LETCHER] is now entitled to the floor.

Mr. DISNEY. I rise to a question of order. I desire to know if the gentleman from Virginia did not speak upon this question on Thursday last, when he objected to my occupying the floor?

Mr. LETCHER. I do not reckon he did.

Mr. DISNEY. Well, sir, I do reckon he did. [Laughter.]

Mr. LETCHER. Then I appeal to the Chair to decide between us. There was another question under consideration the other day in relation to which a motion had been made to refer it to the Committee of the Whole on the state of the Union. I then made some reference to this railroad bill, and the gentleman from Ohio called me to order. Does the gentleman recollect that?

Mr. DISNEY. I do.

Mr. LETCHER. And the gentleman told me that I should have a fair chance to discuss this bill before the vote was taken.

Mr. DISNEY. I ask that the Chair shall decide the question whether the gentleman from Virginia is entitled to the floor? My recollection, and that of other members of the House is, that the gentleman has spoken once upon this subject, and is, therefore, not entitled to the floor. So far as I am concerned, I have no objection to his going on, but I ask the Chair to decide the question.

The SPEAKER. If the gentleman from Virginia had spoken once upon the question pending he would be entitled to the floor if no other gentleman desired to speak. The gentleman from Ohio cannot claim it for himself because he has certainly spoken once upon the question.

Mr. JONES, of Tennessee. I would inquire if the gentleman from Ohio [Mr. DISNEY] has not already spoken twice upon this question?

The SPEAKER. Not on the motion to commit.

Mr. JONES. Then he is still entitled to another hour?

The SPEAKER. The gentleman from Ohio is entitled, under the rule, to close debate upon the bill.

Mr. LETCHER. Mr. Speaker, it seems to me that the policy which has been adopted with regard to this bill, indicates very clearly to the House the necessity for a thorough examination of all the measures of this character which are presented for our consideration. It seems to me that this policy proves conclusively the propriety of referring all such measures to a Committee of the Whole House, where an opportunity may be given for discussion and investigation in regard to their merits.

Now, sir, here is a proposition which has been brought into this House, and without giving any member an opportunity of examining into its details, or the principles involved, a motion to stop debate is made by the chairman of the Committee on Public Lands, [Mr. DISNEY,] after a speech from himself, and after another speech from a member who is interested in this road. After two speeches upon one side, and none upon the other, an attempt is made to gag everybody who is opposed to it, and rush it through the House under the operation of the previous question.

Sir, if this proposition had merits; if its various provisions could bear the test of careful examination; if the considerations which were alluded to by the gentleman from Wisconsin [Mr. WELLS] on yesterday, could bear the light for a single moment, would such a course as this have been adopted? I was struck with the avowal made upon this floor yesterday, by the gentleman from Wisconsin

sin. I do not know what part of the State he comes from—

A MEMBER. From Milwaukee.

Mr. LETCHER. Yes, from Milwaukee. He told us that he was opposed to this bill; that he had opposed it in committee, but that he intended to wait, under an understanding with his colleagues here, to see whether a contract was to be executed. What contract? What contract has been made between these parties? What is the understanding alluded to, by which the vote of a member upon a proposition he disapproves of, is so influenced that it may be cast in favor of it, provided other parties will do something as an equivalent?

Mr. EASTMAN. I feel it my duty to interrupt the gentleman.

The SPEAKER. Does the gentleman from Virginia yield the floor?

Mr. LETCHER. Oh, certainly. I shall not practice on him what he wanted to practice on me.

Mr. EASTMAN. I desire to correct a statement of fact, and to set the gentleman right as he goes along. I did not understand my colleague as saying what the gentleman has put into his mouth; and with the leave of the House, I will read what he did say. Mr. WELLS said:

"The gentleman from Illinois [Mr. WENTWORTH] has called upon me to say whether I acquiesce in this measure. I would reply that I have been opposed to it. I opposed it before the committee. I have no hesitation in saying that it is generally considered as unfavorable to the Milwaukee and Lake Shore interests. The bill, having passed the Senate, came to the House. The majority of the committee were in favor of it. The rest of the delegation from Wisconsin were known to advocate its passage; and I had concluded not to make open opposition to it on this floor, with the understanding that my colleague would also remain silent, and that we should leave the House to pass upon its merits, after both sides had been fairly presented by those not immediately interested. I have adopted this course, too, in the hope that it would secure a favorable consideration to other bills, which would directly benefit the interests which I more immediately represent.

That is what he did say.

A MEMBER. Ah! but there was something more after that.

Mr. LETCHER. Wait a moment, and I will read it for the gentleman.

Mr. EASTMAN. Yes, he went on further to say, in answer to a question whether he would vote for the bill:

"I suppose I have the right to answer affirmatively, or negatively, or neither. In the present condition of things, I prefer not to answer at all, but to wait the further action of the House."

Now, where is the contract that the gentleman alluded to? As for me, I know of no contract. I have made no contract. I state, as I stated before, that I live in a remote part of the State. I am as favorable to one railroad as I am to another; to the Milwaukee and Mississippi road as I am to this, and to this as I am to that; but what I say is, that one should not be passed at the expense of the other. I have made no contract. I am above contracts. I am not to be bought.

Mr. LETCHER. Here is what the gentleman omitted to read:

"Mr. DISNEY. I desire to ask the gentleman from Wisconsin whether he intends to vote for the bill now under consideration?"

"Mr. WELLS. I have some question about it."

Why had Mr. WELLS "some question" about it? Had not he already acknowledged that he was opposed to the bill? So great was his opposition to it, that he even went before the committee and manifested his opposition to it by seeking to defeat its introduction into this House by its passage through that committee. What, then, is it that induces him to announce to this House that he has "some question about it?" Is it the mere fact that he and the other gentleman from Wisconsin had agreed that neither should say anything? And, by the way, with that agreement, how comes it that he [Mr. EASTMAN] makes a speech to-day in favor of the bill, and then moves the previous question? How can that be explained?

Mr. EASTMAN. I apprehend that there is more than one gentleman from Wisconsin. Does he allude to me?

Mr. LETCHER. There are three here. I take it the gentleman on the other side of the House is in for it rather deeper than you are, from all I can see. [Laughter.]

But, sir, the gentleman over the way tells us that there is nothing in this bill which is calculated to conflict with the interests already created by

legislative acts in the State of Wisconsin in the establishment of other roads. Now, I shall endeavor to satisfy the House, from a map which I have before me, that there is a direct and positive conflict; and that if Congress shall step in and pass this bill in the shape in which it has been introduced into this House, it will lend itself to the accomplishment of a destruction of the private rights and the pecuniary interests of various individuals on the line of the Milwaukee and Madison road, which have been embarked in that scheme. What is it they propose to do? Under this bill they propose to grant lands to a railroad which is called the Rock River and Union Valley railroad, that commences at Chicago and runs northwest to the town of Janesville. Then, sir, it runs northeast to Fond du Lac. Then it runs nearly in a north direction for some twenty miles. Then it runs in rather a northwesterly direction, somewhat zigzag, to the point on Lake Superior.

Why is it, I ask, when a road is projected, (the Mississippi and Lake Shore Railroad,) from the town of Chicago direct to Fond du Lac, a distance of one hundred and forty or one hundred and fifty miles, that they are seeking by this road to establish another between the same points by running around through the interior so as to avoid the harbors and the cities located on the lake shore? In our country, and I imagine even in the State of Ohio, in which the chairman of the Committee on Public Lands lives, there is a feeling of State pride. There is an anxious desire on the part even of the gentleman himself to build up Cincinnati as the great commercial, the great business point, the chief city for the State of Ohio. You would never find him here making a war on a city within the limits of his own State for the purpose of carrying the trade out of it over to Louisville, in the State of my friend who sits near me, [Mr. PRESTON.] Yet we have this anomaly here. Here are two representatives of Wisconsin on this floor warring on Milwaukee and the other cities of their own State, situated on the lake shore, for the purpose of building up Chicago, in the State of Illinois.

What is the interest of this Government? Is it not to make connections between the harbors on the lakes and the back country? Should not that be the great object it should have in view? Is it not the great interest with the Government itself, in the event of difficulty or foreign troubles, to have its connections with its own harbors, so that it can transport whatever is to be sent to those points into the interior of the country? But the Government here is asked not to adopt that policy, but to disregard it, and to go for the establishment of another road, which runs some sixty miles at one point from the lake shore, and thirty miles at another point from the same lake shore. Now, will any gentleman tell me that it is the interest of this Government to make appropriations of that sort?

But let me test these gentlemen still further. They say that there is no conflict by this scheme with the private interests of those who have embarked their means in the construction of this Milwaukee and Madison railroad on the farms of those living along the line of it. Mortgages, as I understand, are now subsisting. The only hope for the redemption of these mortgages, and the relief of the land-holders, is by the profits which they anticipate upon the completion of the Milwaukee and Madison road. From Janesville to Madison is about fifty or sixty miles, and the proposed road runs nearly parallel with the line of the Milwaukee and Madison railroad. Twelve miles is the furthest point that those lines are apart; so that there will be an average distance between them of something like six miles.

Mr. EASTMAN. The distance to Madison from the point indicated is not fifty or sixty miles. It is not above thirty.

Mr. LETCHER. Then the scale of the map must be wrong.

Mr. EASTMAN. At most it is not over forty miles from Janesville to Madison. If the gentleman will deduct twelve from forty, how will he make the distance fifty or sixty? If he wants to make it that distance, he must lengthen the route.

Mr. LETCHER. Here then is a conflict of interests. Here is the Government asked to furnish lands to this Rock River Union Valley Railroad Company for the purpose of enabling them to make a parallel line from Janesville to the town of Madison; and yet gentlemen say that it can-

not produce any conflict of interest; that it will do no harm to the Madison and Milwaukee railroad. I put it to the common sense of every gentleman in this House, if there is even a show of plausibility in such a statement?

Mr. DISNEY. Has not the gentleman from Virginia [Mr. LETCHER] yet learned that I have this morning offered an amendment to the bill, which specially and specifically provides that this road shall not obtain one acre of land from the Government on the line of the road between the town of Madison and the southern boundary of the State of Wisconsin?

Mr. LETCHER. One thing at a time. If the gentleman [Mr. DISNEY] will have patience, I will soon get to that amendment, and show that, as the gentleman himself says, it is no great affair after all.

Now, sir, I think I have shown that there is a conflict of interest. Then there is another consideration. There is not a foot of public land, as I am informed, in the city of Chicago, in Illinois, where this road commences, until you get beyond Madison, a distance of perhaps one hundred and fifty or sixty miles.

Then take the other line of the proposed road. There are no public lands till you get twenty miles above Fond du Lac. So, here they are running a road for one hundred and ninety miles in one direction to that point, and one hundred and fifty or one hundred and sixty miles in another direction, through a country where there is not a foot of public lands; and yet the gentleman over the way offers an amendment which he thinks meets exactly that state of the case.

[A message was here received from the President of the United States, by the hands of SYDNEY WEBSTER, Esq., his Private Secretary, informing the House that he had signed certain bills and joint resolutions.]

Mr. LETCHER. I understand that this Rock River Union Valley Railroad Company, like a great many other railroad companies scattered throughout the country, is in a dilapidated condition. It is thought by most people to be approaching a state of insolvency; and I have heard it intimated that even the iron which had been bought for this Rock River Union Valley Railroad was actually sold to raise the means to help those gentlemen who are employed to manage the matter and secure the passage of the bill through this House. What is the meaning of this proposition, offered under these circumstances, by the chairman of the Committee on Public Lands? Here it is:

"Provided that the road herein provided for shall not be construed to extend to any land on the line of the said road between the town of Madison and the southern boundary of the State of Wisconsin."

Or, in other words, between the town of Madison and the city of Chicago. That is the beginning point.

Now, suppose you give them the land above Madison on one line, and above Fond du Lac on the other line. Could they not, if the concern is insolvent, as it is said, raise the wind by a pledge of the lands as security, and apply the money to make the road? Does the amendment provide against anything of that sort? Not at all. But if the gentleman [Mr. DISNEY] had said here that he proposed to amend the bill by requiring that the road should start at Fond du Lac, or twenty miles above it, where the public lands begin, and that land should be donated for six miles on either side of the road, or for fifteen miles in the contingency stated, and should be applied to the construction of the road from that point to its terminus at Lake Superior, and that the lands so granted should not be pledged in any way, nor any of the proceeds arising therefrom used to aid in constructing the line between Madison and Janesville, or the line between Fond du Lac and Chicago. But, sir, the object of this bill is to revive the credit of this company, and thus enable it to break down private interests, and subject those interested in the Madison and Milwaukee railroad to serious pecuniary loss.

Mr. DISNEY, (interrupting.) I wish to inquire of the gentleman if he ever read a very celebrated chapter in one of Fielding's novels, in which the author undertakes to show that a man can write the better for knowing something of the subject upon which he attempts to write? It is very interesting.

Apropos, has the gentleman from Virginia read

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, MARCH 2, 1854.

NEW SERIES.....No. 33.

the bill upon which he is commenting? I am sure he has not; for let me say to him, that under the provisions of that bill, and by the construction given by the Land Office to similar provisions in other bills, the road can obtain no land except such as lie alongside of the road proposed to be constructed; or, to use the language of the Land Office, they cannot go to one point of the State and select lands with which to construct and build a road between other points.

Now, under these facts, what becomes of all the talk of the gentleman in reference to raising the wind to build a road below the town of Madison?

Mr. LETCHER. I like to see this restlessness on the part of the friends of this bill. It seems to me to indicate that there is a "good time coming," [laughter,] and that we shall find them hereafter, at least, advocating a little more consideration for bills of this sort than they have hitherto been willing to allow to them.

It seems quite unfortunate that the gentleman from Ohio [Mr. DISNEY] either did not hear me, or did not understand my point. It therefore occurs to me that he might have read the essay to which he alludes with advantage. It might be of some service to him to listen to my remarks before he undertakes to reply. Now, did I say anything about the Governor, or the President, or the Commissioner of the Land Office, or anybody else, deciding how these lands were to be assigned? Not at all. But I take the ground that the public lands, beginning at Fond du Lac, and extending to Lake Superior, are the lands out of which the company must procure their alternate sections. And cannot the company pledge that land as security for loans, and apply the money so raised to the building of the road below? What is to prohibit them from doing so under this law? Suppose they do it. Cannot the twenty miles begin at Chicago as well as anywhere else; and cannot they make the twenty miles anywhere they please along the line? Certainly they may.

Well, Mr. Speaker, there is one thing which will settle the matter. I put the question to the gentleman from Ohio, [Mr. DISNEY,] whether the company is not upon its last legs? [Laughter.] The gentleman's answer will, I have no doubt, settle the question.

Mr. DISNEY. I respond again, that this grant is to the State of Wisconsin, and not to that or any other company. The State of Wisconsin will have the control of this grant for the purposes indicated by the bill—for the construction of a road between the points indicated; and whether that company be upon its last or its first legs, is a matter of no sort of importance to this Congress, because the grant is made for a specific purpose—the construction of that road—and the State of Wisconsin becomes the trustee for that object.

By the provisions of that bill, as I remarked before, the proceeds of this land are to be applied to the building of the road in sections of twenty continuous miles, through the portion of country from which the lands are selected; the sales to be made as the consecutive sections are built.

Mr. LETCHER. The gentleman from Ohio does not answer me directly, and I take it that he dodges the question, because he does not want to say anything about the dead. [Laughter.] He does not want to acknowledge the fact that this concern is really insolvent, because if he did he might lose votes for the measure. But, says the gentleman, you do not vote money to this company, you give the land to the State by this bill. But who gets the land after it is turned over by the State to the railroad company? A few years ago we voted some land to Illinois for railroad purposes. Who got it? The Wall street brokers got it, if I have read the history of that road aright. Do they not hold it now, and have they not absolute control of it?

Mr. BISSELL. Will the gentleman allow me to answer his question? The Wall street brokers do not hold this land.

Mr. LETCHER. I have a pamphlet here, which will show the history of this matter. We

gave land to the State of Illinois for the purpose of building the Central Road to Chicago, and a branch running to Galena. Who comprised the members of this company? We are aware of the fact, that Mr. Rantoul, a member of this House of the last Congress, was one of the parties concerned in this road. How did this gentleman, living in the State of Massachusetts, become interested in it? Who are the other parties mentioned in the act incorporating this company? Their names, in the first section of "An act to incorporate the Illinois Central Railroad Company," are recorded as follows:

Robert Schuyler, George Griswold, Gouverneur Morris, Franklin Haven, David A. Neal, Robert Rantoul, junior, Jonathan Sturgis, George W. Ludlow, John P. A. Sanford, Henry Grinnel, William H. Aspinwall, Leroy Wiley, and Joseph W. Alsop, and all such persons as shall hereafter become stockholders in the company hereby incorporated," &c.

Where do all these gentleman live? Do they live in Illinois?

Mr. BISSELL. I will answer the gentleman. They do not live in the State of Illinois—

Mr. LETCHER. Then you are sold out? [Laughter.]

Mr. BISSELL. The gentleman from Virginia seems very unwilling to hear answers to his own questions. These gentlemen do not live in the State of Illinois, nor have they got control of these lands at all. Is the gentleman answered now? The lands are in the hands of, and are solely in the charge of, trustees.

Mr. LETCHER. Trustees! Who get the proceeds of these lands? Who compose the company that furnish the means to make the road? Whose property is exempt from taxation for six years?

Mr. BISSELL. The company will furnish \$17,000,000 to build the road. The State receives what is equivalent to fourteen per cent. of the net proceeds from the time the road is completed. When all the terms and conditions are complied with, then these lands are to be sold for the benefit of the company, and to the payment of the money which they borrowed to build the road with. The lands are in charge of trustees, and under the control of a company, one of them being the Governor of the State of Illinois.

Mr. LETCHER. I have shown you who comprise the company organized for the construction of this road. The gentleman from Illinois says that trustees are the parties who are to manage it. Who are they to manage it for, but these New Yorkers? The State of Illinois is to receive seven per cent. of the gross proceeds when the work is done, which is equal to fourteen per cent. of the net proceeds. I stated that \$17,000,000 are to be furnished to build the road. If the gentleman does not acknowledge that, I can prove it by documents which I have here. The company say that they can build the road for that amount. They value the lands at \$21,000,000. Who pockets the difference? What becomes of the trustees then?

Mr. BISSELL. The prospective value which they may put upon their lands may be more or less. I do not think they expect to realize a dollar from them until they have expended four or five years' labor, and \$17,000,000 of their own money upon the road. When all that is done—when all this money has been expended, they will make something handsome out of it, provided they realize—which I have no idea they will—\$20,000,000 out of the sales of the land, and provided the entire cost of constructing the road does not exceed \$17,000,000. If this turns out to be a correct statement of the amount of receipts and expenditures, they will, in the end, make some three or four millions out of the operation.

Mr. LETCHER. Then the gentleman's explanation amounts exactly to this: These stockholders have the control of a road, according to their own showing, that will yield them a clear annual profit, after paying seven per cent. to the State, and all other expenses, of \$1,774,252, and give them three or four millions besides, from the sales of the lands, beyond the whole cost of con-

structing the road—quite a handsome speculation for the stockholders!

Mr. DISNEY. Well, what of it?

Mr. LETCHER. I will tell the gentleman what of it. It shows exactly this: that you are asking the Federal Government not only to give land enough to make the roads, but to make a fortune for these Wall street brokers besides. That is "what of it."

Mr. YATES. I wish to say one word in reference to this proposition of donating lands to the State of Illinois to aid in the construction of the Illinois Central railroad. I can give the gentleman an answer that ought to be satisfactory to him and to the House.

Mr. LETCHER. I hope the gentleman will come to the point as soon as possible.

Mr. YATES. The gentleman asks what has been done? Why, sir, we have a road seven hundred and four miles in length, of great importance to the State of Illinois, of great advantage to the people of that State, and of great national advantage; and all this without the loss of one cent to the General Government. And not only has the General Government not lost anything by it, but it has sold lands which had been for twenty-five years in the market and still remained unsold, so that it has actually placed money in the Treasury by the operation. Sir, is it nothing that we have built the longest and most magnificent railroad in the world, without the loss of a cent upon the part of the General Government?

Mr. LETCHER. Let us look for a moment at the past financial history of the State of Illinois. If I am not mistaken, before that State received the benefit of this land from the Federal Government, her financial condition was exceedingly embarrassed. She was not able to prosecute her great works of internal improvement because of the immense debt which was then resting upon her. Her bonds had depreciated to an alarming extent. But no sooner had this land been donated by the Federal Government—no sooner had the arrangements for the construction of the Central road gone into operation, than the credit of that State rose as if by magic to par, showing that it is something more than a donation for the construction of a railroad—that it is a strong support, an effectual means of restoring the credit of the State of Illinois.

But, in addition to all this, I hold that we have a written Constitution, and that it is our business to protect that written Constitution, and to carry it out fairly, according to the provisions contained within it. But nearly every member who is in favor of these railroad grants, has contended that the Federal Government ought not to be the owner of lands at all; that it ought not to be in the market selling these lands, but that they should belong to the States in which they lie. That is the argument, and that is the conclusion derived from it. Well, sir, in carrying out this system of internal improvements, which is a general system, a thorough system, so far as the new States are concerned, they accomplish all their purposes by the use of these public lands.

Sir, what are the public lands belonging to the Government but the property of the Government? What is the money of the Government but the property of the Government, occupying the same relation towards it as do the public lands? The nation's wealth consists, in part, in the money it receives from the sale of these public lands. Then can the Government give away its property in money for the construction of railroads? If not, what right has it to give away its property in these public lands, which bear the same relation to it as money itself? The Constitution now reads, "that Congress shall have power to dispose of," and so forth; but, according to the new reading approved by these gentlemen, it ought to run "that Congress shall have power to give away, and to make all needful rules and regulations respecting the territory and other property of the United States." That is the result of it, according to their construction, when reduced to practice. It means nothing more, and it means nothing less.

Now look at all these projected railroads to which gentlemen are urging Congress to accord lands to aid in their construction. If the railroads are of any advantage to these States, they ought to be willing at least to pay the price of the lands to the Government, and not establish a precedent here to be plead, as it has been plead by the gentleman from Ohio, [Mr. DISNEY,] that Congress has done so and so heretofore, and must go on and do it hereafter.

But let me return to this Milwaukie railroad. The gentleman from Ohio tells us that the policy of the Committee on Public Lands is to equalize the grants to all these States, and to give them as much as has been granted to the State of Illinois. Now Illinois received for her Central railroad 2,593,000 acres, if my recollection is correct.

The State of Wisconsin has already received for internal improvements 949,000 and odd acres. One million six hundred thousand acres are embraced in this bill, as I understand the gentleman from Ohio. Then he tells us that the committee have agreed upon another bill making a donation of land for a road from Madison to Prairie du Chien, and that bill embraces 300,000 acres. That makes 1,900,000 acres, and with the 949,000 already received, gives 2,900,000 and odd acres; so that if this bill passes they will have received 400,000 acres more than Illinois has received. I like to be accurate about these things, and I will therefore refer to the book. I see it is set down here that the lands sold in the State of Wisconsin up to June 30, 1853, amounted to 5,045,242 acres; lands donated for schools, universities, and so forth, 1,400,728 acres; and that the lands donated for internal improvements amounted to 929,736 acres. Now, add to that the 1,900,000 acres embraced in this bill, and you then have very nearly three million acres granted to the State of Wisconsin.

Well, sir, by way of justifying this mode of disposing of the lands, the gentleman tells us that the President of the United States is for it; that the Secretary of the Interior is for it; that the Commissioner of the General Land Office is for it; and that, inasmuch as all these parties are for it, it must be conclusive of the propriety of the policy. Now, I do not hold to any such doctrine, that because a President or Secretary entertain particular opinions, that everybody else is to hold the same opinions on the same subject. I come to represent a State that entertains opinions altogether different on this question—that maintains that Congress has no right, either directly or indirectly, to appropriate the lands or money of the Federal Government to internal improvements. Here is the platform as adopted by the Democratic State Convention held in Richmond in March, 1852:

"Resolved, That Congress has no power to appropriate, directly or indirectly, the proceeds of the sales of the public lands, or to grant, directly or indirectly, the public lands to the purpose of internal improvement."

I stand on that platform. I hold to that doctrine in common with the Democratic party of my State. I believe it to be sound doctrine; and so believing, I do not come here to surrender my convictions because a President of the United States, or a Secretary of the Interior, or anybody else occupying a high official position, entertains a different opinion. As to the Secretary of the Interior, I can account for this opinion to some extent. He is a man who has been living in a land State which has profited largely by this mode of disposing of the public lands. In his service in Congress he was committed to all these grants. I can ascertain very well how association, how political interest controls the opinions of men; and these influences may control his in this matter. But, by the way of satisfying the House that this policy is proper and constitutional, the gentleman from Ohio says that under the influence of it public lands have been sold, and that they are now selling, with more rapidity than public lands have been sold at any time heretofore in our history for several years past.

Mr. DISNEY. In the vicinity of these roads.

Mr. LETCHER. Very well; then, in the vicinity of these roads. How many lands have been sold? I have a statement here of the sales, to which I ask attention:

Lands sold in.....	1835.....	\$15,999,804 11
	1836.....	25,167,833 06
	1837.....	7,007,523 04
	1838.....	4,305,564 64
	1839.....	6,464,556 79

Lands sold in.....	1840.....	2,789,637 53
	1841.....	1,463,364 06
	1842.....	1,417,972 06
	1843.....	2,016,044 30
	1844.....	2,207,678 04
	1845.....	2,470,303 17
	1846.....	2,904,637 27
	1847.....	3,296,404 08
	1848.....	2,621,615 26
	1849.....	1,756,890 42
From January to June 30.....	1850.....	998,841 26
From June 30, 1850, to June 30, 1851.....		2,390,947 45
From June 30, 1851, to June 30, 1852.....		1,975,658 54
From June 30, 1852, to June 30, 1853.....		1,792,369 92

Thus we see that in 1835 and 1836 the sales were very large—amounting, in 1836, to more than \$25,000,000.

Now, the gentleman says that this is owing to the policy of allowing these grants to railroads, and that the land would not have sold at all if it had not been for the grants. It is attributable to no such thing. It is attributable to the state of things which existed in the country at the time these sales were made. The whole country was then wild with the spirit of speculation. Banks were multiplying. Everything in which a speculation could be made was sought for, greedily taken up, and earnestly prosecuted; and, under the influence of that speculating spirit, these extraordinary sales of the public lands were made. Look at the state of things now. Within the last two years, I venture to say that the banking capital of the country has been doubled, or, perhaps, more than doubled, taking one State with another. I know that it has been so in my own State; and these are strong and conclusive indications of the speculating spirit which is abroad in the country at the present time. And if speculation brought about this result in 1835, 1836, and 1837, why cannot speculation bring it about in 1854. Will not the same result follow from the same cause? Then I say that it is not attributable to this policy at all. These lands would have been sold from this spirit of speculation. Do you not see, in proof of this position, that the gentlemen from these new States are warring against speculators here by amendments to the homestead bill, and in all other conceivable modes? They tell you that they do not want men to come into their country and buy up their public lands. What takes them there? Is it not the belief that they can make more money by investing in these lands than can be made by investments in other speculations? Nothing has carried them into the new States but the hope of gain.

Let me tell the gentlemen from the West one thing that will grow out of the policy pursued by them in reference to these land grants. You grant them to the State to be sure, but when so granted, the land immediately passes out of their hands into the grasp of soulless corporations. What will be the result? These corporations, invested with their great powers, are to have the benefit of all these lands and the control of all these improvements. They are to have the entire disposing of them; and the result will be, that we shall hear against them the same complaint in regard to withholding the public lands from market which has been made against the Government by gentlemen upon this floor. What restriction do they impose in regard to the sale of the lands? Do they say that they shall sell them to actual settlers, or sell them within a given time? Nothing of that sort. The result will be, then, that these corporations will become oppressive. They will war upon everything that crosses their path, in order to make the most money by the heartless abuse of the power placed in their hands, indiscreetly, as I think, by these legislative acts. And I shall be surprised if, in the course of a very few years, we do not find some of these gentlemen proclaiming a doctrine which they regarded many years ago as remarkably odious—the doctrine of charter-breaking, started by Mr. Dallas, of Pennsylvania. The burden will grow intolerable, and they will desire to get rid of it. And in order to get rid of it, they will ask a repeal of the charter, and it will have to be repealed if they get the desired relief. I shall be surprised if such is not the result. I confidently expect it; and if the burden were upon any people other than those who made the bargain, I do not know but I should clap them on the back, and applaud them for attempting to relieve themselves from it. But they have made their bed, and so let them lie.

Now, sir, in regard to this Illinois charter: I refer to it again for the purpose of showing that it is

a somewhat different charter from the one which is proposed in this act; the Illinois railroad charter is for "a grant of lands to the State of Illinois for the construction of a railroad from the southern terminus of the Illinois and Michigan canal to a point at or near the junction of the Ohio and Mississippi rivers, with a branch of the same to Chicago, on Lake Michigan," &c.

Well, now, what does this bill propose? "That there be and is hereby granted to the State of Wisconsin, for the purpose of aiding in the construction of a railroad from near the southern boundary of said State, east of range thirteen, by way of Janesville, in Rock county, and Fond du Lac, on Lake Winnebago, to such point on Lake Superior as may be designated under the authority of said State, and for the construction of a branch railroad from Janesville, by way of Madison," &c.

Now, why does not this road run from Chicago to its terminus on Lake Superior by the most direct line? Is it necessary to run northwest for eighty or ninety miles, and then northeast for about the same distance, and then zig-zag, and then northwest again to Lake Superior? If the road were run straight from Chicago to Lake Superior, the distance would probably be one hundred and fifty or two hundred miles less than by the proposed route.

Mr. COBB, (interrupting.) Yes; but that route is perhaps impracticable.

Mr. LETCHER. Oh, no doubt; of course it is impracticable, when the company want to make war on these lake shore towns for the benefit of Chicago. It was that which made it impracticable. There cannot be any other reason for their running the road in the manner they propose. But if that is impracticable, how do they expect to get up to the Falls of St. Croix river by the Ohio line?

Mr. COBB. To run round it.

Mr. LETCHER. Yet they propose to run one line of the Rock River Union Valley railroad to the Falls of St. Croix, and the other to the point on Lake Superior; but neither of these roads can be run in a direct line for the greater part of the distance. They can run an air-line from Janesville to Chicago, or from Janesville to Fond du Lac, where there are no public lands; but whenever they come to the public lands, they run to the best advantage for the interests of the company.

Then it is a matter which is to profit them. Then they begin to see what is to be had when they get to that point. There is nothing to be had below it; why then run by this circuitous route below Fond du Lac? They run the road in the manner pointed out from their desire to withdraw trade from the lake shore towns, that they may take it to Chicago and reap the profits of its transportation. If it comes down by the Lake Shore railroad, it passes these towns. Trade would most probably stop at some one of them. The Lake Shore railroad is now in progress, and a portion of it has been graded. Other portions have been contracted for. And yet these gentlemen tell us that this road, almost straight, and which is forty or fifty miles shorter than the road proposed, and which runs from Chicago to Fond du Lac, is of no consequence, and gravely insist upon it that Congress must make this road for their accommodation, although in so doing they seriously injured the interests of those who have invested their money in the Lake Shore road, and as seriously injure the trade of Milwaukee and the other lake shore cities and towns. Is it not asking too much?

Now, sir, I cannot understand these things. It strikes me that any man who will reflect, and who will look at the causes which regulate the conduct of men and control their actions, must come to the conclusion that there is something in this matter which demands and requires some more satisfactory explanation than has yet been given.

The gentleman from Ohio [Mr. DISNEY] yesterday referred to the acts of the General Assembly of Wisconsin. Will the gentleman [Mr. DISNEY] be kind enough to lend me the book now in his possession, and I think I can show that there is something not exactly right in regard to the act referred to. I understand that some two or three memorials passed the Legislature of Wisconsin in regard to railroads, and that under the constitution of the State of Wisconsin, the Governor of that State is required to approve the acts, resolutions, &c., of the General Assembly before they are laws, or have the force of laws. But it is

somewhat remarkable that the memorial in regard to this particular road is not approved by the Governor. The memorial which appears above it—the one asking a grant of lands for the education of the deaf, dumb, and blind—is signed by the Speakers of both Houses and approved by the Governor. The one immediately below the memorial referred to as justifying this bill, is signed by the Speaker, &c., but has no approval by the Governor! How does this happen; why this difference? I will send to the Clerk's table a letter of ex-Governor Farwell, which the Clerk will read to the House.

The letter was read, as follows:

WASHINGTON, February 28, 1854.

To the Senators and Representatives in Congress from the State of Wisconsin:

GENTLEMEN: On my arrival in this city on Saturday evening, the 25th instant, my attention was called to the memorial of the Legislature of the State of Wisconsin, passed April 16, 1852, asking of Congress the grant of public lands to aid in the construction of Railroads in that State, upon which memorial I understand the action of the delegation in Congress has been based; and I find, on examination of the said memorial, that it is not in the form in which it passed the Legislature of the said State.

I would state for your information that an important amendment was attached to the said memorial, as it finally passed, setting forth the terms upon which the State of Wisconsin desired land grants in aid of the railroads within its borders, which amendment does not now appear in the memorial. You will find a memorial, passed April 14, of the same year, and approved by the Governor, which embodies the principles of the amendment referred to. I would also state, that the memorial first mentioned was never presented to me for Executive approval, but was sent in, contrary to usage, and without my knowledge, through the office of the Secretary of State. A reference to the acts passed by the Legislature of the State of Wisconsin, for the year 1852, a copy of which will be found in the Congressional Library, will show that this memorial alone, of all passed during that session, did not receive the approval, and does not bear the signature of the Governor of the State.

I have deemed it my imperative duty, as the late Governor of the said State, to call your attention to these facts, leaving you to take such action upon them as you may deem due to yourselves, and to the interests and honor of the State which you represent.

I remain, gentlemen, very respectfully, your obedient servant,
LEONARD J. FARWELL.

That is a letter from the late Governor of that State; and in looking through this book you will find the facts to be as he has represented them—that everything save this single memorial, so far as I have examined it, has the sanction of the Governor, in the way of approval, appended to it. How does it happen?

Mr. EASTMAN, (interrupting.) Will the gentleman allow me a moment for explanation?

Mr. LETCHER. Yes; but be brief.

Mr. EASTMAN. I deem it my duty to make a few remarks in relation to the matter just alluded to by the gentleman from Virginia. I will be very brief.

Mr. LETCHER. Be very short. I have but a few minutes left.

Mr. EASTMAN. This memorial is published by, and under the authority of, the State of Wisconsin, by the State printer.

Mr. LETCHER. I stated that myself.

Mr. EASTMAN. And a copy is sent here under the great seal of the State, certified to by the Secretary of State. Now, it must have passed the two Houses of the Legislature. It received the signature of the Speaker of the House of Representatives and of the President of the Senate, was signed by the clerks of both the House of Representatives and the Senate, examined by the enrolling and engrossing committee, and then sent to the printer, at the city of Madison, within thirty days after it was passed; and now, at this late day, when the Governor has gone out of office, he comes here, some two thousand miles from home, and, in a letter, states, from recollection only, that which will impeach the acts of the Legislature which have been published to the world as a part of the laws of the State of Wisconsin.

Mr. LETCHER. And that is the explanation of the gentleman! The Governor of the State of Wisconsin says that his attention was called to this matter at the time. He informed me in conversation, after examining the records, that the proviso was there; and I shall show you what sort of a proviso it was from another law. Then, in addition to that, the gentleman over the way says that it is not usual for Governors to sign such things. How came he to sign all the acts, resolutions, and memorials except this one. The gentleman near me [Mr. DISNEY] says that he was stupid in signing any of them. What, sir! stupid

in conforming his action to a requirement of the constitution of the State of Wisconsin! What sort of a proviso was it?

"Provided, The terms of the grant so made shall in no wise prevent the sale of such lands at the minimum price, and in the same quantities, at which lands are now sold by the United States Government."

With all due deference to the opinions of other gentlemen, I think that it is a very sensible proviso, and I think that it would be calculated to prevent the public lands, donated to that State for the purposes of internal improvements, from going into the hands of corporations and speculators, who would keep them out of market, and so manage them as to make out of them the largest amount of profit. I have the book here with these memorials, and, as far as I have observed, this is the only one—standing out isolated from all the rest—not having the approval of the Executive of the State. If everything was fair in regard to this road, how did this happen? I will tell you how I understand it came about. The Secretary of State of Wisconsin was in favor of unlimited grants, and was opposed to the proviso which has been appended by the General Assembly. I understood the Governor to say that he took it upon himself to cut off the proviso, and withhold it from publication.

Is there not enough in this case to excite the suspicions of this House? Is there not enough in it to demand at our hands that the bill under consideration should go to the Committee of the Whole House on the state of the Union, and that the people of Wisconsin should have an opportunity of being heard? Let the people of that State decide whether they are for or against it. Let us have time to send to the State of Wisconsin and get a certified copy of the memorial, as it passed the Legislature, from the office of the Secretary of State. Give the people of the State an opportunity to speak out, and see how far they sustain the Governor in the course which he has taken in regard to this railroad bill. I hope, then, that the House, taking lesson from what has already occurred in the history of this case, will refer this bill to the Committee of the Whole. I hope that the House, when the friends of particular schemes have been heard to their own entire satisfaction, will not allow the gag to be applied when any other member desires to raise his voice against a scheme which he believes to be of doubtful character, to say the least of it; that they will teach this Committee on Public Lands that they must take their chances with the other committees in the House for the consideration and examination of their bills. There is nothing in this bill, it strikes me, that should commend it to the favorable action of this House. I hope, sir, this is the last time the Committee on Public Lands will attempt to gag the opponents of their bills, and force them through the House under the operation of the previous question.

But, sir, I design, at a proper time, to offer a substitute for this bill. I send it to the Clerk's desk, and ask that it may be read for information, in the few minutes of my time that are yet left. It was prepared some years ago by my distinguished colleague in the other end of the Capitol, [Mr. HUNTER.] I think its provisions are just and wise, and I hope it will receive fair consideration from those who are interested in the land question. I shall offer it, and see how far it will receive the approbation of our friends from the land States.

The Clerk then read the bill, as follows:

A bill to provide for the sale of certain portions of the public lands to the States within which they lie, for the purpose of constructing railroads and canals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a State proposes to charter a railroad or canal to run through the lands of the United States, and to accept the benefit of the provisions of this act, upon due notice of the fact being given to the Secretary of the Interior, it shall be his duty to set apart, of the lands subject to private entry, seven thousand six hundred and eighty acres per mile of railroad or canal, within six miles on each side of said railroad; or if that quantity of such lands cannot be found within those limits, then that amount of lands, subject to private entry, within twelve miles of each side of said public work, shall be set apart by the designation of legally authorized State officers, with the consent of said Secretary, as near as may be in one body; and the same shall be withdrawn from private entry, by public advertisement of the Secretary of the Interior, except in the manner and form hereinafter prescribed. The minimum price per acre of these lands shall be one dollar and twenty-five cents, for those which have been subject to private entry not more than ten years; one dollar for those which have been so

subject for not less than ten nor more than twenty years; and seventy-five cents for those which have been so subject for more than twenty years: *Provided, however*, That mineral lands, salines, and lands reserved by law for other purposes, shall not be considered as coming within the provisions of this act.

Sec. 2. *And be it further enacted*, That whenever a State through which the said railroad or canal passes, and in which the said lands may lie, shall desire to do so, it may select all, or such part as it chooses, of the lands so reserved, as preemption, at the minimum prices herebefore established, which the lands would bear when set apart by the Secretary of the Interior. But the State must take up and pay in cash for said lands, or otherwise its right to them shall be forfeited, either within six years from the time when set apart by the Secretary of the Interior, or by the time the railroad or canal is finished, if it should be completed before the expiration of the said six years. But during this period the State may sell the lands thus reserved to individuals or corporations: *Provided*, That no title shall be given to the purchaser until he presents to the receiver of the proper land office a certificate of purchase, duly authenticated, according to the law of the State from which it issues, and obtains the receipt from the said receiver, for the use of the United States, the price herein fixed as the minimum per acre for which the lands shall be sold. Upon the issue of the receipt for the money and certificate as aforesaid, the title shall be given in the manner now prescribed by law: *Provided, however*, That, with the exception of the certificate as aforesaid, the land shall be entered, and the title given, according to the same forms, and in the same quantities, now prescribed by the laws of the United States: *And provided further*, That if, at the expiration of the period beyond which the State is prohibited from entering the said lands, it shall expose them all for sale, in the manner and upon the terms herein prescribed for sales by it to individuals and corporations, that the further time of two years shall be given to it to complete the sales of said lands as aforesaid, through the land offices of the United States.

Sec. 3. *And be it further enacted*, That the right of way for any railroad or canal, chartered by a State to run through the lands of the United States, shall be given to the State for the use of said railroad or canal; and that in the event of a difference between the Postmaster General and the railroad company as to the compensation for carrying the mails of the United States, the matter shall be settled by mutual agreement between the Postmaster General and the Governor of the State in which such railroad lies; and that the benefit of this act can only be claimed when the charter provides, by sufficient forfeitures and penalties, (in the opinion of the Postmaster General,) for forcing the railroad company or companies to perform the said award; or when, in the case of companies already chartered, the end can be effected by contracts and stipulations satisfactory to the Postmaster General.

Sec. 4. *And be it further enacted*, That the lands purchased by the State under this act are to be applied by said State for the construction of the railroad or canal for which they were reserved; but the time and manner of selling them, and the mode of appropriating them, shall be determined by the State itself to whom the proceeds of this fund belongs after its application to the construction of the said public works: *Provided, however*, That the acceptance by the State of the benefits of the provisions of this act shall be considered as implying no objection on its part to appropriate the said lands as prescribed in this act.

Sec. 5. *And be it further enacted*, That this act shall take effect from its passage.

[I add an extract from the speech of the late Judge Woodbury, of New Hampshire, delivered in the United States Senate, February 23, 1830, on the subject of the disposition of the public lands, which is worthy of attention:

PUBLIC LANDS, SENATE, February 23, 1830.

Mr. WOODBURY. Not examining the particular kind of sales the Government can make for the common benefit, such as grants to the new States for such schools, receiving virtual compensation therefor, by having the rest of the land freed from taxation, I merely lay down what I suppose to be the general principle.

On that principle, no reasoning has been offered which convinces me that lands can be legally appropriated to any object for which we might not legally appropriate money. The lands are as much the property of the Union as its money in the Treasury. The cessions and purchases of them were as much for the benefit of all as the collection of the money. The Constitution, as well as common sense, seems to be to recognize no difference; and if the money can only be appropriated to specified objects, it follows that the land can only be so appropriated. Within those specified objects, I have ever been, and ever shall be, as ready to give lands or money to the West as to the East; but beyond them, I never have been ready to give either to either. Towards certain enumerated objects Congress have authority to devote the common funds, the land, or the money, because those objects were supposed to be better managed under their control than under that of the State; but the care of the other objects is reserved to the States themselves, and can only be promoted by the common funds, in a return or division of these funds to proprietors, to be expended as they may deem judicious.

The whole debate on these points goes to satisfy my mind of the correctness of that construction of the Constitution which holds no grants of money or lands valid, unless to advance some of the enumerated objects intrusted to Congress. When we once depart from that great landmark, in the appropriation of lands or money, and wander into indefinite notions of "common good," or of the "general welfare," we are, in my opinion, at sea without compass or rudder; and in a Government of acknowledged limitations, we put everything at the caprice of a fluctuating majority here, pronouncing that to be for the general welfare to-day, which to-morrow may be denounced as a general curse. Were the Government not limited, this broad discretion would, of course, be necessary and right.

But here every grant of power is defined. Many powers not ceded to the General Government are expressly withheld to the States and people; and right is, in my opinion, given to promote the "general welfare" by granting money or lands, but in the exercise of specific powers not granted and in the modes prescribed by the Constitution.

In fine, if the Government, on the principles of strict construction of the Constitution, cannot be prosperously administered, it requires no spirit of prophecy to foresee, that, in a few brief years, in a new crisis approaching, and before indicated, it must, as a Confederation, probably cease to be administered at all. It will, in my judgment, become a Government of usurped, alarming, undefined powers; and the sacred rights of the States will become overshadowed in total eclipse. When that catastrophe more nearly approaches, unless the great parties to the Government shall arouse, and in some way interfere and rescue it from consolidation, it will follow, as darkness does the day, that the Government ends like all Republics of olden times, either in anarchy or despotism.]

Mr. EASTMAN. In the few remarks I made some time since, relative to the action of Governor Farwell, I wish it to be distinctly understood that I did not at all impugn his motives. I am happy to have it in my power to say that he would not state anything which he did not believe to be correct. He is as honorable and high-minded a gentleman as there is in the State of Wisconsin. His honor and integrity are unimpeachable. I did not mean to be understood as impugning his motives at all, but merely to call the attention of the House to the folly of placing the mere recollection of an individual against the acts of the Legislature, placed upon the records of the State.

With reference to the Secretary of the State of Wisconsin, I have also to say that he is a highly honorable gentleman, and is above anything of the kind charged by the gentleman from Virginia. I know him well, and I know that he would scorn any act of that kind; and that although all the wealth of the State was offered him for that purpose, he would reject the offer with indignation.

In what I have said in relation to this whole matter, I have attempted merely to call the attention of the House to the question as presented between the different parties. The opposition of the gentleman from Virginia is to the whole scheme. It is not that he is opposed to this particular grant, but that he is opposed to all such grants. It is not that he dislikes to vote for a grant of land to the Rock River Union Valley railroad; because I presume that he would vote as readily for a grant to this road, as for one to the lake shore road.

Mr. LETCHER. Not by a long shot. [Laughter.] I know nothing at all of Governor Farwell, or of the Secretary of State, or any of these gentlemen, except from what little I have seen of them within the last day or two in this city. I have been introduced to them, and found them agreeable gentlemen. I know nothing of their characters, except so far as one may judge from their deportment. Their deportment impressed me favorably, and inclined me to repose confidence in them. The remarks which the gentleman from Wisconsin has made, disclaiming any reflection on Governor Farwell, show that the letter of that gentleman is entitled to very great respect. That is all I have to say.

Mr. DISNEY. I do not rise to make a speech. I desire merely to make a single remark. The motion that I submitted this morning for the previous question was made, as I stated at the time, upon the importunity of many gentlemen around me, contrary to my own wishes and judgment. My desire with regard to this bill has been to bring it up and present it for full and free discussion in every aspect in which the case can possibly be considered. I am satisfied that the decision on this bill will present a fair test of the sense of the House as to the propriety of grants of this kind. I desire to test the sense of the House upon it. Inasmuch as so much time has been consumed already in the discussion of this bill, I am opposed to its reference to the Committee of the Whole on the state of the Union. But I want a fair examination of it, and before the debate closes I intend to avail myself of my privilege and reply, as far as I am able, to all the objections to the bill which have been presented, and especially to the speech which has been delivered this morning by the gentleman from Virginia.

Mr. DEAN. The gentleman from Virginia has now been heard in opposition to the bill, and several gentlemen have been heard in its favor. I think the debate has gone on long enough, and I ask the previous question.

Mr. JONES, of Tennessee. I move to lay the

bill upon the table; and upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. We cannot get through with the vote before the time arrives which has been fixed upon for the election of a printer. I therefore move that the further consideration of the bill be postponed till to-morrow.

The SPEAKER. That can only be done by unanimous consent.

Mr. JONES. Well, I will withdraw the motion to postpone, and let the vote go on.

The question was then taken on the motion to lay the bill upon the table; and it was decided in the negative—yeas 76, nays 101.

So the bill was not laid upon the table. Previous to the announcement by the Speaker of the vote, Messrs. GROW, INGERSOLL, and ELLIOTT, not having been within the bar when their names were called, asked the unanimous consent of the House to vote, but objection was made. Mr. INGERSOLL stated that if allowed he would have voted in the affirmative.

ELECTION OF A PUBLIC PRINTER.

The SPEAKER. The moment has arrived for the election of a public printer for the House of Representatives under its order. Nominations are in order.

Mr. ORR. I respectfully nominate Judge A. O. P. Nicholson.

Mr. CHANDLER. I nominate Mr. Joseph Gales.

Mr. EWING. I merely wish to inquire whether it would not save time, as I understand that some fifty-six members were kind enough to elect a printer for us last night—

[Cries of "Order!" all over the Hall.]

Mr. EWING. And I was about to propose that we pass a resolution—

[Renewed cries of "Order!"]

Mr. EWING. Do you call that order?

Mr. ORR. I call the gentleman from Kentucky to order.

The SPEAKER. The gentleman from Kentucky is not in order.

Mr. BAYLY, of Virginia. At his request, and not because he is any especial candidate of mine, I nominate W. W. Curran.

Mr. HAVEN. I nominate John T. Towers, who is wholly disconnected with any public press.

[Cries of "Order!"]

Mr. WALSH. I nominate J. W. Johnson, now Postmaster of this House.

Mr. CORWIN. I nominate an old friend of mine, Mr. Gales.

The SPEAKER. He has already been nominated.

Mr. HENN. At the request of Mr. Curran, who has been nominated, I wish to state that I voted for him last night in caucus, without his knowledge.

[Cries of "Order!"]

The House then proceeded to vote *viva voce* for the several candidates. The following was the result:

A. O. P. Nicholson.....	122
Joseph Gales.....	48
J. M. Johnson.....	8
W. W. Curran.....	7
John T. Towers.....	3
Gamaliel Bailey.....	3
Joseph Justice, senior.....	2
Edwin Crosswell.....	2
A. D. Banks.....	2
Charles M. Hall.....	1
James M. Bethune.....	1
J. Richard Lewellen.....	1
William C. Bryant.....	1
Cornelius Wendell.....	1
J. Coyle.....	1

Whole number of votes polled.....203
Necessary to a choice.....102

Major A. O. P. Nicholson, having received one hundred and twenty-two votes, was declared to be duly elected.

The following is the vote in detail:

For A. O. P. Nicholson—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Banks, Barksdale, Barry, Belcher, Bell, Bocock, Breckinridge, Bridges, Brooks, Bugg, Boyd, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Craig, Cumming, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, Dent, Disney, Dowdell, Drus, Dunbar, Edmundson, Elliot, Ellison, English, Etheridge,

Faulkner, Fenton, Florence, Fuller, Gamble, Green, Greenwood, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Hendricks, Henn, Hibbard, Houston, Hughes, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kidwell, Kittredge, Kurtz, Lamb, Lane, Latham, Macdonald, McDougal, McMullin, McNair, Macy, Maxwell, May, Mayall, Smith Miller, Milston, Morrison, Nichols, Noble, Olds, Orr, Packer, Bishop Perkins, John Perkins, Phelps, Phillips, Pratt, Richardson, Riddle, Thomas Ritchey, Robbins, Rowe, Ruffin, Seward, Seymour, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Snodgrass, Hester L. Stevens, Stratton, John J. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Warren, Wells, John Wentworth, Westbrook, Daniel B. Wright, and Hendrick B. Wright.

For Joseph Gales—Messrs. Appleton, Ball, Bennett, Benson, Campbell, Carpenter, Caruthers, Chandler, Cook, Corwin, Cox, Crocker, Cullom, De Witt, Dick, Edmunds, Farley, Flagler, Goodrich, Harrison, Hicster, Hill, Hunt, Knox, McCulloch, Matteson, Meacham, Middlesworth, John G. Miller, Morgan, Norton, Mordecai Oliver, Pringle, Puryear, Ready, David Ritchie, Russell, Sabin, Sage, Sapp, Simmons, Sollers, Tracy, Upham, Ellihu B. Washburne, Israel Washburn, Tappan Wentworth, and Zollicoffer.

For J. M. Johnson—Messrs. Edgerton, Kerr, Lindsley, Peck, F. P. Stanton, R. H. Stanton, Walsh, and Witte.

For W. W. Curran—Messrs. Thomas H. Bayly, Benton, Cutting, Eastman, Grey, Lindsley, and Yates.

For John T. Towers—Messrs. Haven, Preston, and Reese.

For Gamaliel Bailey—Messrs. Giddings, Gerrit Smith, and Wade.

For Joseph Justice, senior—Messrs. Lilly and Skelton.

For Edwin Crosswell—Messrs. Andrew Oliver and Peckham.

For A. D. Banks—Messrs. Leitcher and Powell.

For C. M. Hall—Mr. Straub.

For J. M. Bethune—Mr. McQueen.

For J. Richard Lewellen—Mr. Caskie.

For William C. Bryant—Mr. D. T. Jones.

For C. Wendell—Mr. Wheeler.

For J. Coyle—Mr. Ewing.

Mr. MACDONALD. I move that the House do now adjourn.

Mr. ORR. Will the gentleman from Maine withdraw that motion for a moment, to allow me to present a memorial?

Mr. MACDONALD. I withdraw it.

Mr. ORR. I ask the unanimous consent of the House to allow me to present a memorial, and move to have it printed.

Mr. WALSH. I object.

Mr. ORR. I desire to have it printed. It is a very important document.

The SPEAKER. It is objected to.

Mr. ORR. Then I renew the motion to adjourn.

The question was taken, and the motion was agreed to.

The House accordingly (at three o'clock) adjourned until to-morrow, at twelve o'clock, m.

IN SENATE.

THURSDAY, March 2, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

CANAL AROUND NIAGARA FALLS.

Mr. STUART. The Committee on Public Lands have instructed me to report back a memorial, and ask to be discharged from its further consideration. It is a memorial for the construction of a canal around Niagara Falls.

Mr. WALKER. I was not present this morning when that memorial was under the consideration of the Committee on Public Lands. I find myself either already instructed, or about to be instructed, as usual, by the Legislature of Wisconsin, to go for this improvement. I very certainly expect the resolutions of instructions. The report of the committee recommending the instructions I have received, and I had expected, therefore, to take some individual part in urging this work. Not knowing, however, whether the Legislature of Wisconsin has any power to direct its Senators to meddle with public lands in other States, I did not know but that it might become my duty to introduce a bill granting lands to the State of Wisconsin, for the purpose of forwarding the construction of this work. I feel extremely desirous to comply with the instructions of the Legislature, and I would therefore ask that this memorial may simply lie on the table, and that the committee may not at present be discharged; so that if it shall become my duty hereafter to introduce a bill to grant lands to the State of Wisconsin for this improvement, I can move to take it up and refer it again to the committee.

Mr. STUART. I will suggest to the Senator from Wisconsin, that it certainly can make no

difference in his action, if the committee are discharged. The proposition which is put forth in this memorial can never, I think, meet with any favor in the Committee on Public Lands; and I am equally confident that it cannot in the Senate.

There is a company authorized, under the authority of the State of New York, to construct a canal around the Falls of Niagara; and it is now asked that Congress shall make a donation of public lands for the same object. The case of the St. Mary's canal is referred to as a precedent, but it will be seen at a glance that the two are entirely unlike. The bill, in that case, authorized the selection of lands in the State of Michigan, to be selected by that State, which could control them, for the purposes of the construction of the canal; and by legislative action it has carried out the object of the grant, and provided for that canal being made a public thoroughfare upon certain terms.

There is not a foot of public lands in the State of New York. There is no indication to whom we shall make the grant; and if you should grant lands to the State of New York, you would give that State the right, as a trustee, to select the lands in any land State of the Union. I am perfectly certain, that however the Senator may be instructed by his Legislature; whatever apprehensions he may have on that subject, he will never undertake to give his heart to a proposition which shall make the State of New York a landholder in his State.

I did not rise to discuss the question, but simply to suggest to the Senator to allow the committee to be discharged from the further consideration of this memorial. It will not embarrass his action. He can introduce his bill whenever he chooses, on his own motion, and can have it referred to any committee; or take such other action as may carry out the suggestions or instructions of the Legislature; and it will have as much potency as if the committee were not discharged from this.

Mr. WALKER. All that I want to do is not to preclude my action hereafter.

The motion to discharge the committee was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report from the Treasury Department, transmitting, in answer to a resolution of the Senate of the 4th of April, 1853, certain information in regard to the amount of Federal, State, city, county, railroad, canal, and bank stocks of the United States held by foreigners; which was ordered to lie on the table, and be printed.

Also, a report from the Director of the United States Mint, in relation to the fineness and value of foreign gold and silver coin; which was ordered to lie on the table, and be printed.

Also, a communication from the Treasury Department, communicating further information in answer to a resolution of the Senate of the 31st of January, as to the sums paid to the owners of vessels sunk in the defense of the port of Baltimore; which was ordered to lie on the table, and be printed.

The PRESIDENT laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate, a report from the Secretary of State, and accompanying documents, in relation to the seizure of Martin Koszta, at Smyrna; which was referred to the Committee on Foreign Relations, and ordered to be printed.

The PRESIDENT laid before the Senate a message from the President of the United States, in answer to a resolution of December 7, which requested him to present a plan, referred to in his annual message, for a modification of the present judicial system of the United States, communicating a report of the Attorney General on the subject; which was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS, ETC.

Mr. SMITH presented a remonstrance of the Rev. Jeremiah Day, D. D., and others, officers and ex-officers of Yale College, against the passage of the Nebraska bill; which was ordered to lie on the table.

Also, a remonstrance of Albert Edgcomb and twenty-five other citizens of Groton, Connecticut, against the passage of the Nebraska bill; which was ordered to lie on the table.

Mr. FISH presented the petition of Mrs. Anne

W. Angus, widow of Samuel Angus, late a captain in the United States Army, praying the continuance of her pension; which was referred to the Committee on Pensions.

Mr. HUNTER presented the petition of Henry A. Wise, of Virginia, praying compensation for a negro taken by the British in 1814, out of the fund provided by the treaty of Ghent for the compensation of such losses; which was referred to the Committee on Foreign Relations.

Mr. SEWARD presented the petition of Mary White, legal representative of Laurent Olive, an officer during the revolutionary war, praying to be allowed commutation pay with interest; which was ordered to lie on the table.

Also, a petition of citizens of Cayuga county, State of New York, praying that one hundred and sixty acres of land may be granted to those soldiers who served in the war of 1812; which was referred to the Committee on Public Lands.

Also, a remonstrance of citizens of Albany, State of New York; a remonstrance of citizens of the city of New York; and seven remonstrances of citizens of Orleans county, State of New York, against the passage of the Nebraska and Kansas bill in its present form; which were ordered to lie on the table.

Mr. FESSENDEN presented two petitions of citizens of Maine, remonstrating against any infringement of the Missouri compromise; which were ordered to lie on the table.

Also, a petition of Jonathan Morgan, praying an appropriation to test a new and cheap plan for a railroad of which he is the inventor; which was referred to the select committee appointed on the subject.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. THOMSON, of New Jersey, it was

Ordered, That the petition of John McAvoy be withdrawn from the files of the Senate, and referred to the Committee of Claims.

On motion by Mr. SHIELDS, it was

Ordered, That Daniel Hay have leave to withdraw his petition and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. JOHNSON, from the Committee on Public Lands, to whom was referred a bill granting the right of way and making a grant of land to the States of Arkansas, Louisiana, and Missouri, to aid in the construction of a railroad from Shreveport, in Louisiana, through Arkansas, to St. Joseph's, Missouri, reported it back, with sundry amendments.

He also, from the Committee on Military Affairs, to whom was referred the memorial of William Claude Jones, praying compensation for services as an officer during the Florida war, in 1837 and 1838, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred a bill to recompense the discoverer of practical anæsthesia, reported it back with an amendment.

Mr. THOMPSON, of Kentucky, from the Committee on Private Land Claims, to whom was referred the memorial of J. Epes Cowan, praying the passage of an act to authorize him to locate the Vasquez and Colligan claims, submitted a report, accompanied by a bill authorizing the legal representatives of Antoine Vasquez, Hypolite Vasquez, Joseph Vasquez, and John Calligan, to enter certain lands in Missouri; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BENJAMIN, from the Committee on Commerce, to whom was referred the memorial of Alexander Lea, praying remuneration for losses sustained by the destruction of the light-house on Chandeaur Island, of which he was keeper, reported a bill for his relief; which was read, and passed to a second reading.

Mr. WELLER, from the same committee, to whom was referred the memorial of Frances Ann McCaulay, praying remuneration for losses and expenses incurred by her late husband while United States Consul at Tripoli, submitted an adverse report thereon; which was ordered to be printed.

He also, from the Committee on Foreign Relations, to whom was referred the memorial of the

administratrix of William A. Slacum, praying compensation for his services in obtaining information in relation to the settlement on the Oregon river, submitted a report, accompanied by a bill for the relief of the personal representative of William A. Slacum, deceased; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WADE, from the Committee of Claims, to whom were referred the memorial and accompanying documents of Franklin Chase, praying to be paid his proportion of the proceeds of the sale of the schooner Oregon, sold at Tampico for an infringement of the revenue laws, submitted an adverse report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. JOHNSON asked and obtained the unanimous consent of the Senate to introduce a bill for the relief of Mrs. Arnold, widow of the late Major Ripley A. Arnold; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. JONES, of Tennessee, asked and obtained the unanimous consent of the Senate to introduce a bill to do justice to all the States of this Union; which was read a first and second time by its title, and referred to the Committee on Public Lands.

ZADOCK C. INGRAM.

Mr. RUSK. I am instructed by the Committee on Public Lands, to whom was referred the petition of Zadock C. Ingram, to report a bill for his relief, and to ask the unanimous consent of the Senate to consider the bill new. When the facts are stated I think there can be no objection to it.

The bill was read a first and second time, and considered as in Committee of the Whole.

It proposes to direct the Postmaster General to cause Z. C. Ingram, late postmaster at Wapello, Iowa, to be released from a judgment obtained against him in 1849 by the United States for the sum of \$318 87, and all interest and costs.

Mr. RUSK. Mr. Ingram was appointed postmaster to a special office in 1838. The law in relation to special offices is, that the officers shall take them for the proceeds of the offices—that the mail shall be supplied, and the postmasters discharge the duties for the proceeds. This is a uniform rule of the Department. In granting applications for special offices, it is always provided that no expense to the Department shall be thereafter incurred. Application was made for a special office at this point; Mr. Ingram was made postmaster, and a gentleman by the name of Toole became the contractor, and furnished the mails from 1838 to 1841. Mr. Ingram took the receipts of the contractor in duplicate, and sent on the originals to the Post Office Department.

In 1841 the route was advertised and let out, and this arrangement ceased. But the Department, in 1843, wrote to Mr. Ingram that there was an unsettled balance existing against him on the books of the Department, and that he had better send on his receipts. He had before sent on the original receipts, and then he sent on the duplicates, and supposed the account was settled. He heard nothing more about it till 1849, when suit was brought against him. In the mean time the contractor had died. After the judgment was obtained against him, Mr. Ingram made affidavit to the facts, and he proved, by the brother of the deceased contractor, that the payments had been regularly made and the receipts given to him. He swore that he sent on both the original and the duplicate receipts to the Post Office Department. Under these circumstances, I think there can be no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

INDIGENT INSANE.

On motion by Mr. FOOT, the Senate resumed the consideration of the bill making a grant of public lands to the several States and Territories of the Union for the benefit of indigent insane persons, the question being on the passage of the bill.

Mr. BROWN. Mr. President, I voted for the principles embodied in this bill when I was a member of the House of Representatives, and I feel inclined to do the same thing here; but as, in giving such a vote, I shall differ with friends with

whom I usually act, I feel desirous to assign the reasons why I shall do so.

I will not attempt a defense of the motive which prompts me to vote for this bill. A proposition which looks to the relief of the insane—of a class of our fellow-mortals who are shut out, intellectually, from all the world—ought to receive, and I am sure would receive, the vote of every Senator on this floor, if he felt that he was justified, by his obligations to the Constitution and his obligations of justice to his own constituents, in giving such a vote. I shall certainly not stop to defend my motives for giving a vote like this.

The considerations which stand in the way of a unanimous vote in favor of this bill seem to be twofold: First, as to whether we have the power to pass it under the limitations of the Constitution; and secondly, as to whether the bill does justice to all the States of the Union, and to all our constituents? These questions are not altogether free from embarrassment. After having investigated this subject in the House of Representatives some years ago, I brought my mind to the conclusion that we had the constitutional right to pass a bill similar to this.

I hold, Mr. President, that our authority over the public lands is more unlimited than is our power over the Treasury of the nation. We hold our authority over the lands under a different clause of the Constitution from those clauses which authorize us to use the public money. Congress has power "to dispose of" the public lands. This power, I apprehend, is only limited by this: That they shall not be disposed of for purposes which are in themselves unconstitutional.

You have no right to increase or diminish the President's salary, or the salary of some other officers during their term of office. You could not, therefore, under the general power to dispose of the public lands, give them to the President, or give them to any other officer whose salary is fixed by law, and which must neither be increased nor diminished during his continuance in office. But unless there be some limitation like this, imposed by some other provision of the Constitution than the one to which I have referred as giving us power to dispose of the public lands, I hold that you may use them for whatever purpose you may select; and upon this principle the Government has uniformly acted from its organization down to the present hour.

What, sir, have we done in reference to the public lands heretofore? We have given them away to erect public buildings in the States; we have given them away to establish common schools in the States; we have given them away to endow colleges in the States; we have sold them at every conceivable price, from twelve and a half cents an acre up to fifty and sixty dollars an acre. We have given them for works of internal improvement in the States; we have given them as bounties to soldiers, to whom we owed nothing but debts of gratitude—soldiers who had been paid off and discharged forty years before we made the gift.

Under the act of 1841 you absolutely gave to each of the new States of the Union 500,000 acres of these lands, for a purpose which my southern friends insist is one not to be patronized from the general Treasury; to wit, for purposes of internal improvement. Only two or three years ago you made a relinquishment of millions upon millions of acres of lands to the new States, by what is commonly called the swamp land bill. If we examine all these schemes, I apprehend it will be found, taking them all together, that they have been passed by a unanimous vote in this body. In other words, I think it will be found that there is not a member of the Senate who has not, at some time, voted for some one of these propositions. And why? Because Senators have been in the habit of regarding our powers as unlimited over the public lands, except in the instances which I have pointed out, and those which are similar.

The Senator from Virginia [Mr. HUNTER] yesterday said that he could not draw the distinction between dividing the public lands for this object, and in the way proposed by the bill, and distributing the net proceeds of the sales of the public lands among the States. I hold that the two cases are different in this: That over the lands you have the unlimited control of which I have spoken, but when they have been sold, and the money has gone into the Treasury, it becomes part and parcel of that treasury, and you have no more control

there over moneys derived from the sales of lands than you have over moneys derived from imposts or from any other quarter. It becomes one common treasury; and your control over one part of it is precisely the same as your control over every other part of it.

I would ask the Senator from Virginia whether he conceives that Congress has a right to appropriate the net proceeds of the sale of one section of land in a particular township for school purposes in that township? Or, in these words, suppose that, instead of giving the land for school purposes, as Congress has done, and as the Senator intimated yesterday Congress has a right to do, we should sell the lands and put the money in the Treasury, and then there should be a proposition to appropriate the money back again to the same object. Suppose the section had been sold for \$1,000; could you take \$1,000 from the Treasury, and appropriate it back again to establish common schools there? I apprehend not. And why? Because you cannot pursue the land after it is converted into money. When you have converted it into money, you lose that control over it, which you have and may rightfully exercise so long as it is land. This is so, because when you put it into the Treasury, as I remarked before, it becomes part and parcel of one common fund. There is no line which divides the land money from the money received from customs, or from any other source of revenue. It is not so, however, so long as it retains its distinctive character as land. The Senator from Virginia, yesterday, justified the granting of lands to railroad companies. While it seemed to be unfair towards some of the States, yet he thought it might be justified upon the ground, that by giving one section of land for a railroad, the alternate section was improved in value.

Mr. HUNTER. If the Senator will allow me, I said nothing about giving lands to railroad companies.

Mr. BROWN. I understood the Senator to say that the grants which we had made heretofore for internal improvements—

Mr. HUNTER. I spoke of the grants of the school sections.

Mr. BROWN. I, perhaps, attributed the argument to the wrong quarter. I heard it from some source, and was about to reply to it. If it be the fact that the giving of the alternate sections to railroads makes the remaining sections worth twice as much as before, that does not affect the question of power—as to whether you have the right to do it. That fact may furnish a very good reason why you should exercise a power already existing, but certainly it cannot confer a power which did not exist before. I would put the question of power to grant lands, as proposed in this bill, upon the same ground as the question of power to grant land to railroads. You derive it from that clause in the Constitution which gives you authority to dispose of the public lands. You get it there. The purpose for which you dispose of them does not and cannot, by any possibility, affect the question of power. If you do not have the power to appropriate the lands, no use to which you can apply them, however beneficial to yourselves or to others, can confer the power. The fact that one section of land is doubled in value by giving an adjoining section to insure the construction of a canal or railroad can only prove that such disposition of the land is wise or prudent. But it cannot confer a power not already existing under the Constitution. If you have no authority under the Constitution to grant land to railroads, you cannot assume it and justify the act solely on the ground that nothing is lost thereby to the Government, or that it may prove a speculation. If the advantages resulting to the Treasury is to furnish the rule that governs us in our use of the public lands or money, I know not why the Government should not become a stockholder in every profitable railroad or other successful scheme for speculation in the United States.

I hold this to be true, that Congress has no authority over the public money that can justify its use for any purpose other than the common benefit. The public—general, I may say universal—interests of the whole country must be subserved in the use of the public money. You have no authority to use it for local, partial, neighborhood purposes. Your authority over the public lands is less limited. With them, as I have said, you have

endowed colleges, established common schools, cleaned out rivers, erected levees, constructed railroads, sold them for almost nothing, and given them to individuals without price. Could you thus have treated the public Treasury?

If Congress could endow more than twenty colleges by grants of public lands, I know of no reason why it may not endow a lunatic asylum. The same clause that authorized you to give Missouri, Indiana, Ohio, Mississippi, Alabama, and other States lands for college purposes, will justify you in giving these and other States lands for the indigent insane. If, having the power, it was a wise and judicious use of it to give lands to the sane, how much more wise and humane must it be to give it to the insane?

I do not question the power. I think the bill proposes a wise, judicious, benevolent, and humane exercise of it; and if justice is done to my own, and all the other States, I know not why I may not vote for it.

I do not desire to pursue this branch of the subject. My right being clear in my own judgment, to give the vote, my only purpose was to justify it in the judgment of others.

The next question is, whether it will be just not only towards my own State but towards all the States of the Union, to pass such a bill as this? In the outset I yield the claim which has been so often set up and insisted on that the old States have an interest in these lands; though I think they have sometimes made more fuss about it than there was any occasion for. I think I have heard the Senator from Virginia occasionally speak of the interest which his State has, in common with the other old States, in the public lands.

Now, when we propose to recognize the existence of this claim, and to some extent discharge it, the gentleman from Virginia comes in and opposes it. The distribution of the land provided for in this bill, is perhaps as near right as it can well be made.

Mr. BADGER. They cannot be perfectly right.

Mr. BROWN. As the Senator suggests, absolute right cannot be reached; no human ingenuity can devise a bill which would be absolutely and perfectly just towards all parties. There must be some little injustice somewhere; it is so in all our legislation; but this bill gives to the old States and to the new, an appropriation of public lands, and it divides them among them according to their population and territorial extent.

Now, sir, if we pass this bill, it will relieve the State of North Carolina, the State of Virginia, and all the other States from that which is a burden upon their own treasury and upon the purses of their people; for the insane must be taken care of, everywhere, in all civilized communities. Almost all of the States have made provision for this purpose, and those who have not, ought to do it, and doubtless will do it very soon; and how is this to be done but by levying taxes upon their people? Pass this bill, and you relieve them to some extent, from this taxation. I believe the State of North Carolina gets from 300,000 to 400,000 acres, and to that extent the bill creates a fund to relieve her people from taxation for the particular objects specified in the bill. It will have the same effect in all the other States. To this extent, it is just to one State as it is just to the others. Its operations will be equal, or as near so as we can make them, with a single exception which I will point out.

There is in this bill a provision, which was introduced two or three mornings ago, and which caused me to hesitate as to whether I could vote for it. It was the amendment introduced by the Senator from California, excepting that State out of the general operations of the bill. It struck me at the time that it was hardly fair to give any one State of the Union an advantage over the others, by excepting her out of the general provisions of a law like this. That there are reasons now existing why California should be thus favored may be true, but those reasons must pass away after a few years. The amendment authorizes California to locate her land upon any unoccupied and unsurveyed territory within her limits. There are unsurveyed and unoccupied lands within the limits of other States—Iowa, Wisconsin, Arkansas, and perhaps others. But these States have no right to appropriate them under this bill. They must take their land, and my State must take hers, from that which has been surveyed, offered for sale,

and is now subject to entry at \$1 25 per acre; and the same is true of all the States, save California alone, she being specially excepted out of the general provisions of the bill.

Every one who knows anything about the public lands, knows that there is a vast deal of difference between being confined to land subject to entry at private sale, and being allowed to go upon land which has never been brought into the market, and where you can get better land, and that of infinitely more value. I say I did not think this provision just at first, and I thought I would not vote for the bill upon that ground; but upon reflection, as it does not affect the interest of my State, and as I have the opportunity of saying that, in giving my vote, I do not mean to approve of the principle involved in the amendment, I will still vote for the bill. It does not interpose an insuperable barrier. It gives an undue advantage to California, but it works no special injury to Mississippi. My State gets the same with this provision in the bill as if it was out, and she gets it in the same way; and being able, in this form, to put upon the record that, in giving my vote, I do not desire to be understood as approving any principle which draws a distinction between the States of the Union, I can still vote for the bill.

If California cannot get her lands this year or next year, she will be able to get them much before she is as old as the youngest of her sisters—long before she will be a State as old as Mississippi. In a few years she will be enabled to realize the benefits of this bill in precisely the same way that Mississippi and other States realize them now. Still I do not interpose this as an insuperable barrier to my vote. Without detaining the Senate further, I have only to say, in conclusion, that having given to the bill all the reflection which my time and opportunities have allowed me, I feel prepared to vote for it.

Mr. BUTLER. Consistently with the opinions which I have always entertained and expressed, and the votes which I have given on this very bill, I must be allowed to state the reasons why I am opposed to it. I am more particularly led to do so since hearing the remarks of my honorable friend from Mississippi.

I believe the intentions of this bill to be good. I think it looks to justice, and has in it the spirit of equality, of which I approve; and as far as I could subserve the commands of benevolence, if I could substitute my discretion for constitutional authority, I might vote for it. But I cannot compromise my principles; and I think that this will be the most dangerous bill, so far as regards the disposition of the public lands, ever passed; because it will be referred to as a precedent, although dictated under auspices and influences which it is very difficult to resist; but when once the precedent is made, I think others will follow it. Now, sir, I cannot see how Congress can disregard the limitations of the Constitution, and say that, in disposing of the public lands, you can give them away for this purpose or that purpose, according to our judgment. I do not know how many grounds have been taken to justify the disposition of the public lands. At one time, public lands were asked to cut a canal around the Falls of St. Mary's, and it was put upon the war power. Public treasure was required for the Collins steamers, and it was put upon the war power. This bill proposes to distribute the lands to the States, and it is put upon the ground of benevolence. Another one was introduced to give alternate sections within fifteen miles of the road, and that was put upon the ground of regulating commerce. Another has been introduced upon a still separate ground; and at last the whole thing resolves itself into this, that the congressional discretion of the day shall supersede the limitation and the intentment of the Constitution.

Now, I take this broad ground, that Congress had delegated to it the authority to dispose of the public lands as a trustee; and having taken upon it the responsibility of a trustee, it cannot divest itself of that responsibility by throwing it back upon the State. There is so much money in the Treasury, lands and assets, committed to this trustee, to be administered according to the obligation of the Constitution. Suppose Congress were to undertake to divest itself of all responsibility, and to throw back the assets and the lands committed to its judgment, exclusively upon the States, still I deny, as a State-Rights man—a proud

man, not choosing to accept charity upon the terms which Congress may dictate—that Congress has the right to give to South Carolina any money, and to tell her what she shall do with it. It has no right to do so. If I were to accept it at all, it would be as a fair distribution of the public funds or land; but if you can give it to South Carolina, to Indiana, or to Michigan; and say to South Carolina, Indiana, or Michigan, you may appropriate it for the purpose of the poor and insane, is there any limit upon it? Will you not have the right to dispose of the public money for the purpose of relieving the poor, for establishing military academies, or for establishing colleges? There is no discretion except the discretion within the sphere of our judgment; and our judgment may prescribe a pretty broad sphere for its operation.

My friend from North Carolina, I recollect once, when some one was opposing an appropriation, asked how much it was. Some one said \$5,000. "That is little enough for the purpose," said he. Another said it is \$50,000. "Is that all," he replied. With regard to this latitudinal proposition, that you can prescribe to a State what she can do with the funds which you give her, I regard it as one of the most dangerous and mischievous that could be adopted. If I were to introduce an amendment to say that it should be for military academies, under the power of declaring war, I could very well say that we should have these academies for preparing officers and soldiers as the best point. There would be some semblance of propriety in that; but I know no jurisdiction of Congress over the insane. Is that a national object? Nor over the poor. Is that a national object? Is a local charity to be controlled by legislative benevolence? and is the Constitution to have no limitations but such limitations as, I again repeat, the benevolence of this body may dictate?

I heard the honorable Senator from Michigan [Mr. STUART] yesterday make a remark that these lands ought to be settled by men who have hearts and hands; and while I felt fully the force of that, I knew that he could not, consistently with himself, take the position without being in conflict with many propositions for which he and many others have been voting. Are corporations, and steam-engines, and railroads such tenants as have hearts and hands? I have always understood that a corporation had no soul; and yet they will vote for grants of lands for corporations to make railroads. They will vote for railroads at one time; for money at another; for the insane at another; and, taking it all in all, I know no limit to the administration of the public funds and lands except, I repeat, the limit of legislative discretion; and I am not going to trust to the discretion of any man. I say, if you adopt this, there is no limitation at all. I am sorry to say that I shall vote against it more reluctantly than against any measure which has been brought before Congress; for it is equal, it is just, and it is benevolent.

Mr. BROWN. Will the Senator allow me to ask him a question?

Mr. BUTLER. Yes, sir.

Mr. BROWN. I will ask him whether he did not vote for the bounty land bill?

Mr. BUTLER. What bounty land bill?

Mr. BROWN. The bill making grant of land to soldiers in the war of 1812.

Mr. BUTLER. I have never heard of the bill. It has not come up so far as I know. [Laughter.]

Mr. BROWN. Many of the Senator's constituents have got land under it, whether he has heard of it or not. I refer to the bill of 1847, granting bounty land to the soldiers in the war of 1812, and the Indian wars.

My object in asking the Senator the question was this: When we passed that bill we certainly did not propose to pay a debt that the Government owed. The soldiers who had performed the services had been fully paid off and discharged long before. Thirty years after they had performed the services, Congress paid what the Senators and Representatives chose to regard as a debt of gratitude, simply, by voting them a bounty in land. It was scarcely a bounty, for it was not as an inducement to the soldier to go to war; it was not given to him in consideration of anything he had done, but as a mere naked gratuity on the part of the Government, in the discharge of what is regarded as a sort of debt of gratitude. Now, if we could appropriate lands to pay a debt of gratitude,

why can we not appropriate them to purposes of benevolence as this bill proposes to do? If you can give to a soldier one hundred and sixty acres of land, when you owed him nothing, when you had paid him and discharged him, and he had been pursuing his own business thirty years, why can you not give a little land for the benefit of the insane? In other words, if you can appropriate land without a consideration to people capable of taking care of themselves, and having all the senses with which God has endowed them, why can you not appropriate a little in the same way to people who have not their natural senses, whose minds are perfect blanks?

Mr. BUTLER. I understand the hour has arrived for the consideration of the special order, but I will reply to my honorable friend now. I did not expect to have this episode, but I will reply.

Mr. HUNTER. I hope the Senator will permit the special order to be called up, and he can go on to-morrow morning.

Mr. BUTLER. I always like to reply to an interrogatory right off. I have always understood that the soldiers employed by the United States, as those connected with the Government of the United States, as the agents of the United States, should be rewarded by the Government, as all nations do in relation to their own officers. The militia of each State are not the soldiers of the United States. All Governments have a pension list. This was but a pension list in a new form; it is a pension list bestowing upon the soldier who encountered the perils of battle and left his home to fight for the rights of his country, a pension. And it is one of those things which enter into the system of every country which employs soldiers to conduct its operations of war. The soldiers of 1812 were not the officers of South Carolina, of North Carolina, or of Virginia. Their services were referable to a different authority—the authority of the United States. And allow me to say upon that subject, though I might have originally had doubts, I am one of those who, instead of erecting monuments, piling up stones of marble, and writing upon them splendid inscriptions of the nation's gratitude, prefer, when soldiers and sailors encounter dangers and perform duties upon the battle-field, to make them living monuments of my gratitude and magnanimity.

Mr. BROWN. That is all well enough.

Mr. DOUGLAS. I move to postpone the further consideration of the bill until to-morrow, so that the Senate may proceed to the consideration of the special order.

Mr. FOOT. I hope the Senate will take a vote on the bill.

Mr. HUNTER. I hope the special order will be taken up, because I have a word or two further to say upon this bill.

Mr. JONES, of Iowa. As the hour has arrived for the consideration of the special order, is not this bill postponed as a matter of course?

The PRESIDENT. As it is under consideration, it must be disposed of by a vote of the Senate. The motion to postpone was agreed to.

TERRITORY OF NEBRASKA.

The Senate resumed the consideration of the bill to organize the Territory of Nebraska.

Mr. CLAYTON continued and concluded the speech which he commenced yesterday.

Mr. CHASE next addressed the Senate.

Mr. BADGER interposed some remarks respecting a petition which had been presented by the Senator from Ohio, in which Senators were severely animadverted upon.

Mr. CHASE responded at some length.

Mr. DIXON addressed the Senate in relation to the position of the Senator from Ohio.

Mr. DOUGLAS obtained the floor, but he remarked that, being desirous to take the vote this evening, he should not consume the time of the Senate by making an argument. He, however, yielded the floor to permit a discussion to continue, in which Mr. Dixon and Mr. CHASE took part.

Mr. CASS also addressed the Senate.

Mr. STUART, Mr. BADGER, Mr. DOUGLAS, Mr. WALKER, Mr. BUTLER, Mr. CASS, Mr. WELLER, Mr. DODGE, of Iowa, and others continued the debate until half-past six o'clock, when Mr. CHASE's amendment was rejected—yeas 10, nays 36; as follows:

YEAS—Messrs. Chase, Dodge of Wisconsin, Fessen-

den, Fish, Foot, Hamlin, Seward, Smith, Sumner, and Wade—10.

YAYS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pettit, Pratt, Rusk, Sebastian, Shields, Slidell, Stuart, Toucey, Walker, Weller, and Williams—36.

Mr. BADGER moved to amend by inserting—

Provided, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protective, establishing, prohibiting, or abolishing slavery.

Mr. WELLER called for the yeas and nays; and they were ordered, and taken, and resulted—yeas 35, nays 6; as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benjamin, Brodhead, Butler, Clay, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fish, Fitzpatrick, Foot, Gwin, Hamlin, Houston, Hunter, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pettit, Pratt, Seward, Shields, Slidell, Smith, Stuart, Toucey, Walker, Weller, and Williams—35.

NAYS—Messrs. Adams, Brown, Dodge of Wisconsin, Johnson, Rusk, and Sebastian—6.

So the amendment was adopted.

Mr. DOUGLAS moved to amend by striking out the provisions giving to the Governor of each of the proposed Territories an absolute veto power; and also, the provision requiring that the laws passed by the Territorial Legislatures should be submitted to Congress, and if disapproved, should be null and void, and to insert in lieu of them the following:

Every bill which shall have passed the Council and House of Representatives of the said Territory, shall, before it become a law, be presented to the Governor of the Territory. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it shall have originated; who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and, if approved by two thirds of that House, it shall become a law; but in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the Assembly, by adjournment, prevent its return, in which case it shall not be a law.

The amendment was agreed to.

Mr. CLAYTON moved to amend by striking out, in the provision conferring the right of suffrage and holding office, these words:

"And those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act."

So that it shall read:

"*Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States."

Mr. SEWARD called for the yeas and nays, and they were ordered.

After debate, in which Messrs. WALKER, PETTIT, ADAMS, and CHASE took part, the question was taken by yeas and nays on the amendment, with the following result:

YEAS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Dixon, Evans, Fitzpatrick, Houston, Hunter, Johnson, Jones of Tennessee, Mason, Morton, Pratt, Sebastian, and Slidell—23.

NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Fish, Foot, Gwin, Hamlin, Jones of Iowa, Norris, Pettit, Seward, Shields, Smith, Stuart, Sumner, Toucey, Wade, Walker, and Williams—21.

So it was agreed to.

Mr. CHASE. I move to amend the substitute by striking out the second section, and inserting the following:

SEC. 2. *And be it further enacted*, That, as soon as may be, after the passage of this act, there shall be appointed by the President, with the advice and consent of the Senate, three commissioners, resident in said Territory, who, or a majority of them, shall proceed to divide the said Territory into suitable election precincts, and shall appoint places for holding elections therein; and by proclamation published in two or more newspapers circulating in said Territory, and by such other means as they may deem most effectual for the purpose, shall, during four weeks preceding the first Monday of September, 1854, notify the people of said Territory of such division and appointment, and that there will be held on the second Tuesday of October, 1854, an election for Governor, secretary, judges, members of the Council, members of the House of Representatives, and Delegate in Congress, of said Territory, as hereinafter provided; and the voters of said Territory, in pursuance of said proclamation, are hereby authorized to assemble at their respective places of election, within their several election precincts, and appoint one person to act as judge and another person to act as clerk of the election, and

then to vote by ballot for one person to be Governor, one person to be secretary, three persons to be judges, thirteen persons to be members of the Council, twenty-six persons to be members of the House of Representatives, and one person to be Delegate in Congress, of said Territory; and the judges and clerks of election in the several precincts shall forthwith make out and transmit to the commissioners aforesaid a correct statement of the names and number of electors, and of the votes cast for each candidate for the several offices aforesaid, and the said commissioners, or a majority of them, shall, within ten days after the first Monday of December, 1854, issue their proclamation announcing the result of said election, and shall notify the several persons having respectively the highest number of votes for the several offices aforesaid, of their election to fill the same, and shall also, in said proclamation, designate a place for the temporary seat of government of said Territory, and a time not later than the first day of May, 1855, for the assembling of the Legislature thereof; and the Governor so elected shall hold his office for two years from the first Monday of December, 1854, and shall reside therein; shall be commander-in-chief of the militia thereof; may grant pardons and respites for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President in respect thereof can be made known; shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed therein.

The question was taken by yeas and nays on the amendment, with the following result:

YEAS—Messrs. Chase, Fessenden, Foot, Hamlin, Norris, Seward, Shields, Smith, Sumner, and Wade—10.

NAYS—Messrs. Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, Pettit, Pratt, Rusk, Sebastian, Slidell, Stuart, and Williams—30.

So the amendment was rejected.

Mr. CHASE. I move to amend the substitute by striking out all of the first section after the word "Nebraska," and inserting:

That all that part of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operation of this act, to wit: beginning at the southwest corner of the State of Missouri, thence running west on the line of 36° 30' of north latitude, until it intersects the one hundred and third meridian of longitude west from Greenwich; thence north on that meridian until it intersects the thirty-eighth parallel of north latitude; thence west on said parallel of latitude to the summit of the Rocky Mountains; thence northward, and along upon the summit of said Rocky Mountains, to the western boundary of the Territory of Minnesota; thence southward on and with said boundary to the Missouri river; thence down the said river to the State of Missouri; thence south on and with the western boundary of said State to the place of beginning, be, and the same is hereby, created a temporary government, by the name of the Territory of Nebraska.

After debate, which was participated in by Messrs. CHASE, WADE, and MASON,

Mr. SUMNER called for the yeas and nays, and they were ordered and taken, with the following result:

YEAS—Messrs. Chase, Fessenden, Foot, Hamlin, Seward, Smith, Sumner, and Wade—8.

NAYS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pettit, Pratt, Rusk, Sebastian, Shields, Slidell, Stuart, Walker, and Williams—34.

Mr. DODGE, of Iowa, moved to amend the provisions in regard to the boundary of the proposed Territories, so that they should not interfere with the present limits of Utah Territory.

The amendment was agreed to.

The substitute, as amended, was agreed to, and the bill was reported to the Senate as amended.

The question being on concurring in the amendments made by the Senate, as in Committee of the Whole, at the request of Mr. WALKER the amendment adopted on the motion of Mr. CLAYTON, prohibiting foreigners from voting or holding office, was excepted.

Mr. ADAMS, at twenty-five minutes after eight o'clock, p. m., moved that the Senate adjourn; but the motion was not agreed to, there being, on a division—ayes 15, noes 22.

The question being on concurring in that amendment,

Mr. SEWARD called for the yeas and nays; and they were ordered.

After a debate, in which Messrs. PETTIT, WALKER, ATCHISON, and DOUGLAS participated, the question was taken by yeas and nays on concurring in the amendment, and resulted as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Dawson, Dixon, Evans, Fitzpatrick, Houston, Hunter, Johnson, Jones of Tennessee, Mason, Morton, Pratt, Sebastian, and Slidell—22.

NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of

Iowa, Douglas, Fessenden, Fish, Foot, Hamlin, James, Jones of Iowa, Norris, Pettit, Seward, Shields, Smith, Stuart, Sumner, Wade, Walker, and Williams—20.

So it was concurred in.

The question recurring on ordering the bill to be engrossed for a third reading,

Mr. SEWARD called for the yeas and nays; and they were ordered; and being taken, resulted:

YEAS—Messrs. Adams, Atchison, Badger, Benjamin, Brodhead, Brown, Butler, Clay, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Gwin, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pettit, Pratt, Sebastian, Shields, Slidell, Stuart, and Williams—29.

NAYS—Messrs. Chase, Dodge of Wisconsin, Fessenden, Fish, Foot, Hamlin, James, Seward, Smith, Sumner, Wade, and Walker—12.

So the bill was ordered to be engrossed for a third reading.

Mr. BADGER. I desire now to give notice that I shall introduce a resolution to suspend the rule which sets apart to-morrow for the consideration of private bills, in order that the Nebraska bill may be considered. The resolution setting apart Fridays for private business being in the nature of a rule, it requires a previous day's notice to suspend it.

Mr. DOUGLAS. Let the resolution be offered now.

Mr. PRATT. It can be considered as written. The resolution is considered as having been written, and I therefore move that the Senate adjourn.

The motion was agreed to, and

The Senate adjourned.

[The debate above referred to will be found in the Appendix.]

HOUSE OF REPRESENTATIVES.

THURSDAY, March 2, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. LETCHER. I ask the unanimous consent of the House to make a personal explanation, in regard to the statement which I made yesterday in reference to the Secretary of State of Wisconsin.

No objection being made, leave was granted.

Mr. LETCHER. In my conversation with Governor Farwell, in regard to the proviso attached to the memorial which has been the subject of so much discussion in this body, I understood him to say that the proviso was taken from the memorial by the Secretary of State. In this, he informs me, I misunderstood him, and that he did not mean, nor does he now wish to be understood, as saying that the Secretary of State made the alteration; but that it was made in his office.

He assures me that the Secretary of State is a gentleman of high respectability and character. He has furnished me, this morning, a telegraphic dispatch, dated Madison, Wisconsin, March 1. It is as follows:

"The amendment, which was left off by the enrolling clerk, was as follows:

"*Provided*, That such lands so granted shall be constantly in market until sold, at the price of one dollar and twenty five cents per acre, or less, as the case may be: *And provided further*, That no such lands shall be sold except to actual settlers."

"I will send you the journals by next mail."

This is all I have to say.

PUBLIC LANDS FOR PACIFIC RAILROAD.

Mr. CHAMBERLAIN. I rise for the purpose of asking the unanimous consent of the House for leave to introduce a bill, of which previous notice has been given, with a view to have it referred to the Select Committee on the Pacific Railroad.

The SPEAKER. If not objected to, the gentleman will be allowed to present it.

Mr. DAWSON. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole on the special order.

The SPEAKER. The gentleman from Indiana asks the unanimous consent of the House to present a bill, for the purpose of reference.

No objection being made, the bill was introduced, read a first and second time by its title, as follows, and referred to the Special Committee on the Pacific Railroad:

A bill to grant the right of way for one or more railroads, not however to exceed the number of three, across the public lands, from commercial

points on the Gulf of Mexico, on the Mississippi river, to commercial points in California and Oregon; and, also, to grant, by donation, to actual settlers, on the condition of occupancy and cultivation for the length of time therein named, every alternate third quarter section of the public land, for forty miles in width on each side of said railroads, throughout the whole length thereof; and, also, to grant every alternate third quarter section of the public land, within the aforesaid limits, to aid in the construction of said railroads.

COMMUNICATIONS FROM DEPARTMENTS.

The SPEAKER presented a communication from the Secretary of the Treasury, in compliance with a resolution of the House of Representatives of the 13th ultimo, transmitting a letter from the Fifth Auditor of the Treasury, accompanied by a statement prepared by him, containing "the names of all persons who, since the 4th of March, 1853, have drawn funds from the Treasury of the United States, any compensation, either as outfit or salary, for services as ministers plenipotentiary, chargé d'affaires, or secretaries of legation at any foreign courts, specifying particularly the amounts paid to each respectively, with the date of payment thereof, the duration of their residences at the courts to which they were commissioned;" which was ordered to lie upon the table, and printed.

Also, a communication from the Treasury Department, transmitting the report of the director of the United States Mint, of the fineness and value of certain foreign gold and silver coins, as required by the acts of Congress of January 25, 1834, and March 3, 1843; which was ordered to lie upon the table, and be printed.

Also, a communication from the Treasury Department, transmitting for the consideration of Congress the copy of a letter from the collector of the customs at New Orleans, recommending the purchase of the ground and buildings constituting the Boarding Station, at the Southwest Pass of the Mississippi river, and submitting the proposition of the owner to sell the same to the Government for the sum of \$3,500; which was ordered to lie upon the table, and be printed.

Mr. DAWSON. I move that the rules be suspended, and that the House now resolve itself into the Committee of the Whole on the special order. [Cries of "No!" "No!"]

CHINCHA ISLANDS.

Mr. SOLLERS. I hope the gentleman will withdraw that for a moment, to allow me to ask the unanimous consent of the House to introduce a resolution. It will take but a single moment.

The SPEAKER. The resolution will be read for information.

The resolution was read, as follows:

Resolved, That the President of the United States be requested to inform the House if any negotiations have been had between this Government and the Government of Peru, in regard to the reduction of the price of guano imported into the United States; and, if any, what is the state of the said negotiations.

Resolved, That, if it has not already been done, the President of the United States be requested to cause negotiations to be opened with the Peruvian Government, either for the purchase, by the Government of the United States, of one or more of the Chincha Islands; or for the abolition of the Anglo-Peruvian monopoly, by which guano is sold in this country at the present high prices.

Mr. SOLLERS. I ask that the resolution be considered now.

Objection was made.

The question was then taken upon Mr. Dawson's motion, and agreed to—ayes 74, noes 51.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Olds in the chair.)

HOMESTEAD BILL.

The CHAIRMAN. When the committee last rose, they had under consideration special order of the House, being House bill (No. 37) "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family and a citizen of the United States a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified."

The pending question is upon the motion made by the gentleman from Illinois, [Mr. YATES,] to strike out the words "quarter section," and insert in lieu thereof "320 acres."

The question was taken, and the amendment was not agreed to.

Mr. GREENWOOD. I offer the following amendment: to insert after the word "land," in the sixth line of the first section, the following:

And no location shall be made upon any quarter section of land upon which there is an improvement.

Mr. Chairman, in moving the amendment which I send to the Clerk's table I do not desire to be understood as entertaining any unfriendly feelings to the bill. On the contrary, I am in favor of it. But while I am disposed to favor its passage, I am unwilling that the bill shall pass without securing the actual settler in his improvement. Many persons now residing in Arkansas, and I suppose in all of the new States, have settled upon the public lands, and, by industry and economy, have been enabled to secure a part of the lands upon which they may reside; and I believe in almost every instance have a *bona fide* intention of securing such additional lands as may be necessary for the support of themselves and families. I am in hopes that the chairman of the committee who reported this bill will offer no objection to this amendment. It is only intended to protect the actual settler.

What, sir, would be the effect of the amendment which I offer? It is this: No person who would be entitled to the bounty which this bill proposes to give, would have a right to make his location upon any quarter section of the public lands upon which there is an improvement. It may be said that the actual settler is entitled to the benefits of the preemption laws. In answer to this, I would say, that in many instances the settler would be protected by the preemption laws; but there are a great many settlements where the settler's right to preemption has been forfeited, and the land offered for sale. All these lands are now subject to entry by any person. The actual settler failed to avail himself of the benefit of existing preemption laws, not because he was unwilling to purchase his home, but because he was unable to do so previous to the day of sale. My object is to secure to him the right to extend his farming operations, by preventing any other person from locating upon any quarter section upon which there is an improvement; and to enable the settler to locate it to the exclusion of every other person, if he desires to do so. And the amendment offered will not secure him this right. I shall offer a further amendment.

Mr. JONES, of Tennessee, obtained the floor.

Mr. WASHBURN, of Illinois. I ask the gentleman from Tennessee to yield for the amendment again to be read. We in this part of the Hall do not understand it.

The Clerk again reported the amendment.

Mr. JONES. The object of the mover in proposing this amendment, I think, is to secure the right, or rather, to prevent an interference with the right of those who have already settled upon the public lands, and who are entitled to the privileges of preemption. If that is the object, the mover and the committee, I think, will see that it is wholly unnecessary, and that the proviso to the last section of the bill fully secures to those who are entitled to preemption rights, all the benefits of the general law.

Mr. GREENWOOD (interrupting) was understood to say, although very imperfectly heard, that there were a great many settlers who had made improvements on lands, who had forfeited their rights to preemption, not because they were unwilling to enter the lands, but because they were unable to comply with the requirements of the preemption laws.

Mr. JONES. Well, if that is the fact, they will have the right, as soon as this bill is will have passed, to go to the land office and make their entries under this bill, and it certainly will not be the policy of this House to continue the preemption right to make entries under this bill for an indefinite period, which will be the case if the gentleman's amendment should be adopted and incorporated into the bill. The lands which he says these persons are now upon are subject to entry by any person at a dollar and a quarter an acre. If you pass this bill any person may go and make a location upon them, I suppose; but the person who is already upon the land can make the first entry under this bill, and secure to himself the benefits of it. It cannot be said that he will not be able to do this, because he is not now able to enter his land by paying two hundred dollars. I think the amendment wholly unnecessary, and fully provided for in the last section of the bill.

Mr. SIMMONS. I move to amend the amendment by inserting after the word "improvement," the words "and settlement."

I confess, Mr. Chairman, I have not been very familiar for some years past with the details of the action of this House or with its legislation; although, I have, like other citizens, looked into the newspapers, from time to time, to see what was being done here. But I was taken by surprise when I came here and found that one half of the time was taken up in efforts, in one form or another, to get into the public Treasury, and the other half in putting upon the country some new-fangled and unprecedented policy—some rash and highly-dangerous experiment.

Now this subject of giving away the public lands was discussed and repudiated thirty years ago. The great difficulty of this country is its rapid expansion and settlement. When this world was made and finished for man, he was charged with the duty of subduing as well as replenishing it, and it is because he took the liberty to divorce the two duties, and to go on replenishing the world without making any improvements in arts, sciences, or anything else, that three quarters of the world have been in a state of barbarism for six thousand years. Sir, I know no good reason why this committee should go to work and stimulate an unnatural emigration from the older States into the new ones.

Sir Robert Peel, a few years before his death, was invited by the inhabitants of the old manufacturing district where he was born to visit them, during a recess of the Parliament. He did so, and made a short speech to them. He told them that all Americans, and many Englishmen, imputed our great prosperity in population and wealth to our institutions, but that the experiment of self-government had not been fully tried—

Mr. DAWSON. I rise to a question of order.

Mr. MILLSON. The gentleman is making a strong speech; and he is, I suppose, for that reason, out of order.

Mr. SIMMONS. He ascribed our prosperity and success to our country, rather than to our institutions. He said that we, unlike England and other old countries, which had but little land compared with the population, had a fine western country for the emigration of our annually-increasing population, and that in that way we had become a great and intelligent people.

Now would it be of any great use to this country to have our population spread all over North America? Civilization has a moral as well as a material element; and you must have your schools and churches. Why, it is an old maxim that a man stands more in need of intelligence in a republic than in a monarchy. The Spaniards spread themselves all over the country, mix up with the Indians, or become amalgamated with them; but we stay at home, build school-houses and churches, and everything of that sort, and get so that we know something. That is the difference between our countrymen and the Spaniards in America. [Laughter.] The President, in his annual message, advises that it is proper to enlarge the preemption right, and I am willing to extend it to all the unfortunate and poor without money and without price. If a system of that sort is established, let us go on and provide means for lessening the price, or exempting the land entirely from payment. The throwing open of the public lands to speculation is to make the rich richer and the poor poorer; and for that reason I am opposed to the amendment.

Mr. JONES, of Tennessee. I am opposed to the amendment, and during my five minutes I ask for the reading of the 34th rule. I ask the Chair to enforce it:

"34. No member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate; provided, that where debate is closed, by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege in debate shall be allowed in favor of and against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee."

Mr. JONES. The Chair will see the importance of enforcing that rule.

The CHAIRMAN. The Chair has already decided that gentlemen must confine themselves strictly to argument for or against the particular amendment under consideration.

The question was taken on the amendment to the amendment, and it was disagreed to.

The question then recurring on the amendment, it was rejected.

Mr. COBB. I desire, Mr. Chairman, to offer an amendment here, and I know that the chairman of the committee who reported the bill [Mr. Dawson] will have no objection to it. My amendment is to insert in the sixth line, after the word "unappropriated" the word "agricultural." The object of this is to confine the settlers in making locations to agricultural lands; and I know there can be no objection to the introduction of that provision.

The CHAIRMAN. Does the gentleman from Pennsylvania accept the amendment offered by the gentleman from Alabama?

Mr. DAWSON. Not at all. I do not accept it. Mr. COBB. Well then, sir, if the gentleman from Pennsylvania is not disposed to accept of anything which would improve the bill, I propose to show to the committee the propriety of the adoption of the amendment that I have suggested.

The gentleman's bill as it now stands authorizes citizens to locate on any of the unappropriated public lands of the United States, mineral as well as agricultural lands. Is it the object of this House that citizens shall have the privilege of locating on quarter sections of mineral lands? If so then do not vote for my amendment. But, if it be the object of the House to confine settlers to quarter sections of agricultural land, you will vote for it. This is all I have to say in support of it.

Mr. JONES, of Tennessee. I wish to ask the gentleman from Alabama one question. It is, whether mineral lands are subject to private entry now?

Mr. COBB. You have not the words "private entry" in the bill.

Mr. JONES. If the gentleman from Alabama will look at the last page of the bill, he will find that these words are used:

"Provided, however, That all persons entering land under the provisions of this act shall, as near as may be practicable in making such entries, be confined to each alternate quarter section, and to land subject to private entry: And provided further, That nothing in this act shall be so construed as to impair, or interfere in any manner whatever, with existing preemption rights."

Mr. COBB. I will state, so far as that question is concerned, that it was referred to the Commissioner of Public Lands when we had the question under consideration in our committee, and he suggested the importance of such an amendment. If the House think that the amendment is unnecessary, and that the bill is explicit enough in its present condition, why let them so determine by voting for the bill as it stands. If this provision, on the contrary, be deemed requisite, and that settlers shall not be authorized to enter on any mineral land, then the amendment does no harm. So the House can vote just as it pleases.

Mr. JONES, of Tennessee. I will ask the gentleman from Alabama another question. Are there any lands in the United States which are designated, by the laws concerning them, as agricultural lands?

Mr. COBB. Some of these lands to be thus open to private entry may yet be discovered to be mineral lands. And when they are located on by persons claiming under the provisions of this act, and when the settler gets title under these provisions, of course he will then hold the land, although it may afterwards be discovered to be mineral. For my part I am satisfied that the amendment which I have proposed ought to be adopted.

Mr. WASHBURNE, of Illinois. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois propose to offer an amendment to the amendment of the gentleman from Alabama?

Mr. WASHBURNE. No, sir; I do not propose that.

The CHAIRMAN. Then the question is on the amendment of the gentleman from Alabama.

The question was taken, a division was called for, and the Chair announced 48 votes in the affirmative.

Tellers were called for, and ordered.

Mr. COBB. My five minutes have not been exhausted. I wish to satisfy the House—

The CHAIRMAN, (interrupting.) The gentleman from Alabama yielded the floor, and is not entitled to it again.

Mr. PRATT. Will the Chair state the question to be voted on.

The CHAIRMAN. The gentleman from Alabama proposes to amend the bill by adding in the sixth line, after the word "unappropriated" the word "agricultural," so that the bill will read "be entitled to enter free of cost one quarter-section of vacant and unappropriated agricultural public lands, or a quantity equal thereto," and so forth. On that question tellers are ordered.

Messrs. HILL and DEAN were appointed tellers.

Mr. WASHBURNE, of Illinois. Is the question open to debate still?

The CHAIRMAN. It is open to an amendment to the amendment, but is not open to debate.

Mr. WASHBURNE. I do not understand the object of the amendment.

The CHAIRMAN. Does the gentleman wish to oppose it?

Mr. WASHBURNE. Yes; I desire to say a word. Mr. Chairman, I desire to inquire of the gentleman from Alabama [Mr. Cobb] the meaning of his amendment. Was the word "agricultural" introduced simply in contradistinction to the word "mineral?" Will the gentleman from Alabama be kind enough to answer?

Mr. COBB. I mean that they shall be permitted to locate upon such lands as they can cultivate for agricultural purposes. I use the term in contradistinction to mineral lands.

As the gentleman has asked me the question, I will take the occasion to explain myself; and it is so clear of objection that I think any man who will consider the subject for one moment will come to the same conclusion that I have arrived at. If lands are discovered, even a day after this bill passes, to be mineral lands, although individuals have located upon them, they cannot be reserved from sale.

Mr. WASHBURNE. I can perceive, from the gentleman's explanation, that if the bill be amended in the manner which he proposes, very great objections will arise to it. He says he uses the word "agricultural" in contradistinction to the word "mineral." Other gentlemen may take the ground first suggested—that it means land susceptible of cultivation or improvement, and not timber land, or land of some other character.

As regards the object of the gentleman's amendment, it is to prevent mineral lands from being taken up under this law. But, as I understand the matter, there are no mineral lands, known under that term, which are subject to private entry. I live in a mineral country, in an old mining country, and those mineral lands were never subject to private entry until after Congress had passed a special act, making them liable to private entry at double the minimum price. There are none of those lands which are now subject to private entry at the minimum price, and very few at any price. Those that have not been entered are tracts in the mining region upon which no mineral has been struck, and which is worthless for agricultural purposes.

Hence I can see, very plainly, the embarrassment which the adoption of this amendment would lead to. It would not affect anything, as there are no mineral lands which can be entered under the existing laws; and, besides, other questions might arise upon the meaning of the term "agricultural," which the gentleman proposes.

Mr. SMITH, of Virginia. I propose to amend the amendment of the gentleman from Alabama, by inserting after the word "agricultural" the words "except mineral lands."

I am not disposed to leave any confusion in reference to the meaning of our action here. If it be not the purpose of the House to allow mineral land to be occupied, I ask why the objection to this amendment? Will any gentleman tell me? Suppose my proposed amendment is surplusage and unnecessary, no harm can result by having it inserted. Surely it must be the purpose of this House not to allow an act of this sort to be open to question and litigation hereafter. Now we know that one hundred and sixty acres of mineral land may be a princely fortune, and far beyond the benefits which are proposed to be conferred by this bill.

But, sir, that is not all. It is necessary that this amendment should be adopted because of the language of the bill. What is it? Look at the

bill. I see that, according to all established principles of interpretation, it repeals, as far as all the previous legislation of this country goes in reference to mineral lands, all previous provisions upon this subject. It says:

"They shall enter, free of cost, one quarter section of vacant and unappropriated public lands."

I do not care whether they are agricultural or mineral. And yet, under the terms of this bill, if mineral and yet agricultural, persons may have a right to locate upon them. Why not adopt an amendment which leaves no room for controversy? And in order to effect that object I submit my amendment, thinking that it ought to be adopted.

Mr. BISSELL. I think there is much in what the gentleman from Alabama has said, as also in what has fallen from the gentleman from Virginia. We certainly do not design or desire to embrace any other lands in this bill than what are called agricultural; yet there is the difficulty, so far as the amendment of the gentleman from Alabama [Mr. Cobb] is concerned, that "agricultural" is not a legal term as applied to lands. It does not designate any character of lands very distinctly, because it will occur to any gentleman that upon a tract of land of one hundred and sixty acres there may be one hundred acres properly susceptible of cultivation, and at the same time there may be valuable mineral lands upon it.

There is another thing to which I wish to allude. Although, as gentlemen have said, there may be no mineral lands now subject to private entry, no lands recognized as mineral lands by the General Government; yet suppose that the next day after the passage of this act valuable mineral lands are discovered. Under its provisions, the Commissioner of the General Land Office, having no power to withdraw those lands from sale to persons embraced in this bill, could at once locate and secure them. I do not think that would be accordance with the intent of those who support the bill. Although there may be no lands denominated as mineral lands subject to entry, yet there may be next week, and there would be no power, except in Congress, to prevent persons from taking them up at once.

Mr. JONES, of Tennessee. Is there any description of lands excepted from the grants to railroads under the alternate section bill?

Mr. BISSELL. I am not prepared to answer that question. I know in some cases that exception of a certain description of land has been made, and in others no exception may have been made. I do not concede that it alters the case one way or the other. There is another point to which I wish to allude. There is a description of lands which I am sure gentlemen do not mean to embrace in this bill, and they are the reserved sections upon the various railroads to which we have made grants. Is it the intention of this committee, by this bill, to allow any man who may choose to move upon the reserved sections, which are held at \$2 50 an acre, to appropriate them to his own use? Most certainly not. I am sure I am not mistaken in saying, that it is not the idea of a single member of this committee that any such result would follow from the enactment of this bill.

These lands, then, the reserved sections upon these lines of railroad; these lands which may be mineral ought to be reserved; and I propose, if the amendment now pending be voted down, to offer the following amendment, which, I think, will obviate all difficulty in regard to this matter: I propose to insert, after the words "unappropriated lands," the following: "Which may at the time of the application be subject to private entry at the minimum price;" that is, at a dollar and a quarter per acre. That implies reserved sections, and it will permit the Commissioner of the General Land Office to withdraw lands from sale, or from being taken up, under this bill, whenever it shall be discovered that they contain valuable minerals. I think, therefore, that if this little amendment be adopted, should the others be voted down, it will accomplish both objects.

Mr. SMITH, of Virginia. With the consent of the committee I will withdraw my amendment, and allow that of the gentleman from Illinois to come in.

There was no objection; and Mr. SMITH's amendment to the amendment was accordingly withdrawn.

Mr. COBB. If there be no objection, as the amendment of the gentleman from Illinois pro-

poses to accomplish that for which mine was offered, I will withdraw my amendment.

A MEMBER objected.

The CHAIRMAN. The question then recurs upon the amendment of the gentleman from Alabama, [Mr. Cobb,] upon which tellers have been ordered.

Mr. DAWSON. I hope the demand for tellers will be withdrawn.

The CHAIRMAN. Tellers having been ordered, the demand cannot be withdrawn except by unanimous consent.

There was no objection; and the committee agreed not to take the question by tellers.

The question was then taken, and the amendment was not agreed to.

Mr. COLQUITT. I have an amendment which I desire to offer.

Mr. SMITH, of Virginia. What becomes of the amendment of the gentleman from Illinois, [Mr. Bissell?]

The CHAIRMAN. It has not been offered.

Mr. SMITH. I withdraw my amendment for the purpose of giving him an opportunity of offering his.

The CHAIRMAN. The Chair so understood the gentleman; but the gentleman from Georgia first rose, and was recognized by the Chair.

Mr. COLQUITT. I move to strike out the words "to enter," in the fifth line of the first section of the bill, and so to transpose the language of the section as to make it read:

"That any person who is the head of a family and a citizen of the United States, from and after the passage of this act, be entitled, free of cost, to one quarter section of vacant, unappropriated lands," &c.

Mr. Chairman, the object of this amendment is to give every man who is the head of a family and a citizen of the United States one hundred and sixty acres of land whether he enters it or not. If it be adopted, I think we shall be able to get rid of one of the most objectionable features of this bill—its injustice and inequality.

I am opposed to this bill as it now stands in principle because I do not believe it is the duty, nor do I believe it lies within the province, of this Government to provide farms for these citizens. But if that is to be done, if the Government is to become a charitable institution, assuming the proper functions of the Christian church, and of the benevolent societies of the country, let it at least possess the merit of dispensing its charities with an equal hand. There are laborers, shopkeepers, shopkeepers' clerks, mechanics, and working men in the various departments of labor, whose tastes do not lead them into agricultural pursuits, and whose avocations necessarily confine them in densely populated communities. These men are as much in need of our assistance, and are as properly and legitimately the objects of the care of this Government, as the class of persons for whose benefit the provisions are intended.

Besides, this bill goes out to the world with the imposing assumption that it is for the benefit of the poor. Here is a poor man living in a shanty, with a dozen children—for poor men are proverbially rich in that respect—destitute of means that will enable him to avail himself of the munificence of this Government, while his neighbor, who is better to do in the world, and who has no need of the bounty of this Government, packs up his luggage and moves over into the promised land.

Now, sir, I say, give the poor man one hundred and sixty acres of land. If he is able to go over and possess himself of your bounty in this new country, let him go there; but if he is not able, give him the ability to dispose of a land warrant; let him pocket the \$200, provide himself with a good shelter for his family, and have the means of providing food for his children.

The system proposed by the bill is unjust. Its benefits will be enjoyed by men living in the States where the lands lie, who now possess thousands of acres, or by men of moderate means. The most needy portion of the population of this country never will realize one cent of benefit from it; and yet the bill is to go out to the country with the popular idea that it is for the benefit of the poor.

Sir, I regret, I deeply regret, that we have departed from the old Democratic Republican rule that used to be pursued by our fathers in the disposition of these public lands. Human ingenuity never devised a wiser policy. But we have de-

parted from it. The lands are on our hands. We are uneasy till we get rid of them. We never rest contented and satisfied until we have devised some stupendous scheme by which they can be disposed of; and the more stupendous, the more friends it commands here.

Mr. GROW. I do not understand this policy to be based upon the principles upon which the gentleman from Georgia [Mr. Colquitt] has placed it—that it is an alms-house bounty, and that the Government is to be converted into a bounty-dispensing machine, to relieve the wants and distresses of the citizens of the country. I understand the object of this policy to be to secure the settlement of our public domain, and to secure it in that way that will most effectually promote the great and prominent interests of the country. I understand that it is a policy which will furnish the best facilities for cultivating the wilderness and making it answer the purposes for which it was designed by its Creator—the support, happiness, and welfare of the race. I do not understand that the great idea of this policy is to relieve the distresses of the poor and the wants of the needy, any more than that is accomplished by the other object, which is to secure the settlement and cultivation of our public lands.

The gentleman from Georgia moves to strike out the word "enter," because a large number of mechanics, who do not desire lands for the purpose of cultivation, cannot avail themselves of this provision. Sir, whatever advantage you secure to the great and controlling interest of the country, which makes that interest prosperous, secures vast benefits to every minor interest. In this country, the controlling interest is now, and must ever be, that of agriculture; and whatever promotes that, by giving it permanency and security, also promotes, either directly or incidentally, the welfare of every other branch of industry. It is agriculture that is the permanent and lasting interest; but you have been legislating in this Hall since the Government was founded, to build up and force into existence those of a local character—to which the climate and soil are not congenial—on the ground that you benefit all the great interests of the country. That is a mistaken policy; such legislation is productive of artificial interests from which no good can result.

I oppose the gentleman's amendment on the ground that the object of this bill, and its policy, is to secure the settlement of the land by the men who were intended by God Almighty to enjoy it—men who desire to cultivate it; to secure it to them free from the exactions and extortions of the capital of the country which has, under your legislation here, been permitted to take from their hard earnings too large an amount.

Mr. CHAMBERLAIN. I move to amend the amendment which proposes to strike out the words "to enter," by inserting, after they are stricken out, the words "by entry," so that it shall read, "That the person shall be entitled by entry free of cost," &c.

Now, Mr. Chairman, I am happy that this amendment has been proposed. It affords an opportunity for the friends of the bill to speak to its merits. I am astonished when I hear fall from the lips of the gentleman from Georgia [Mr. Colquitt] that this bill proposes to do injustice to the poor. And an appeal is made against its merits on the score that it proposes to transform your Government into a charitable institution, and thereby supersede the proper duties of the church in this respect. In God's name, unless your churches are less charitable than the Government, let the two act in concert in relation to this very measure. We propose to give to the poor a home; and if they are so poor that they cannot get to it, then I say again, if your churches are not less charitable than your Government, they will come to their aid; they will furnish them with the means to get upon this land with their helpless families of children, though they may not have an old horse and an old cart. Is not this an answer, and is not here disclosed the very foundation merit of this proposition.

Mr. MILLSON. The two gentlemen who have risen to oppose the amendment of the gentleman from Georgia do not seem to agree very well in the reasons for their opposition. My friend from Pennsylvania [Mr. Grow] denies that this bill is designed to benefit the poor; or, at least, that that is its primary object. The gentleman from Indiana,

[Mr. Chamberlain,] on the other hand, defends it, because of its tendency to benefit the poor.

The gentleman from Pennsylvania [Mr. Grow] seems to be enamored of this homestead bill in whatever aspect it may be presented. Like Sir Hudibras, he can

"Confute, change hands, and still confute."

Last year he and I had the opportunity of discussing the subject in more elaborate speeches than we are now making. I opposed the bill then before the House. In debating the constitutional objections to it, one of the points that I presented was that it discriminated between particular classes of men. It was exclusively for the benefit of those heads of families who were worth less than \$500. But the gentleman answered me, and said it was no objection to a bill that there were persons in the country who were not in a condition to avail themselves of its advantages.

Sir, I am disposed to agree with the gentleman that this bill cannot be designed exclusively, and perhaps scarcely at all, for the benefit of the poor man. The poor man will derive but little benefit from it. It is the rich man who will most profit by it. It is the rich man who will take his quarter section and purchase other land besides, in neighborhoods that are well filled up by settlers. A very poor man cannot avail himself of the benefit of the law. He cannot cultivate his land without aid. He cannot hire laborers to cultivate it; he must hire himself to labor for others. He would have to leave his quarter section to be appropriated by those who were richer than himself, because he would be unable to conform to the conditions of the law, which require continued occupancy and settlement for five years. Sir, I can readily believe that it is not the primary object of this bill to benefit the poor man. It is designed to add to the strength and power of the land States; it is designed to do that which the spirit of the Constitution prohibits; it is designed not indeed to give a preference to the ports of one State over those of another, but to give immense advantages to the people of certain States over those of all the rest. It destroys the very spirit of the Constitution, by trampling on that equality which was of the very essence of the Constitution.

Mr. Chairman, if this bill should pass, all the public lands remaining in the State of Illinois would not suffice to satisfy the claims of her own population. There are now only about four millions of acres left; and her white male population over twenty-one years of age exceeds one hundred and ninety-three thousand. Each of these would be entitled to enter his quarter section. It would require more than thirty million of acres to meet their claims, to say nothing of the demands of the citizens of other States. How long would the United States continue to own lands in Illinois? There are only public lands enough there now to supply about twenty-five thousand of her population—only a little more than one eighth of the whole number that would be entitled to enter and settle on these lands. In the State of Indiana the public lands amount to only about two hundred and forty-six thousand acres, while her adult white male population exceeds two hundred and nine thousand; and their claims to public lands, under the provisions of this bill, would require more than thirty-three millions of acres. So of nearly all the other land States—

[Here the hammer fell.]

Mr. GROW. Mr. Chairman—

The CHAIRMAN. No further debate on the amendment is in order. The question is on agreeing to the amendment offered by the gentleman from Indiana, [Mr. Chamberlain.]

The question was taken, and the amendment was not agreed to.

Mr. GROW. I move to amend the amendment by striking out the word "one," in the fifth line, and inserting "half."

The CHAIRMAN. That is not admissible as an amendment to the amendment offered by the gentleman from Georgia, [Mr. Colquitt.] The question will be on agreeing to the amendment of the gentleman from Georgia.

Mr. GROW. Then I move to insert the word "two," in the fifth line of the bill, instead of the word "one." That will be an amendment.

The CHAIRMAN. The word "two" is now in. The motion of the gentleman from Georgia

is to strike out the word "enter." The amendment of the gentleman from Pennsylvania [Mr. Grow] is therefore not strictly in order.

Mr. GROW. How will the clause read as amended by the gentleman from Georgia?

The CHAIRMAN. It will read: "be entitled, free of cost, to a quarter section of the vacant lands," and so forth. The question now occurs on the motion of the gentleman from Georgia—

Mr. DRUM. Which is not now amendable.

The CHAIRMAN. It is amendable if the amendment be in order. The amendment submitted by the gentleman from Pennsylvania to the amendment of the gentleman from Georgia was not in order.

The question was then taken on the amendment offered by the gentleman from Georgia.

Tellers were demanded and ordered; and Messrs. JONES of Tennessee, and HARRIS were appointed.

Mr. PRATT. I ask that the amendment may be stated.

The CHAIRMAN again stated the question.

The question was then taken; and the tellers reported—ayes 51, noes 67.

So the amendment was not agreed to.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a bill, entitled an act to establish a port of delivery at Lake Port, Pontchartrain, and for other purposes; in which he was directed to ask the concurrence of the House.]

Mr. BISSELL. I wish to inquire of the Chairman, what is the condition of my little amendment? I fear lest it may get swamped in this confusion.

The CHAIRMAN. The Chair understands that it is not before the committee. Does the gentleman propose to offer it now?

Mr. BISSELL. I do; and that it shall come in after the word "land," in the sixth line, in the following words:

"Which may, at the time the application is made, be subject to private entry."

I have but a word more to say in reference to this matter. Under this amendment, if any mineral lands are discovered hereafter, the Secretary of the Interior, or the Commissioner of the General Land Office, can withdraw them, so that they will not be subject to entry under this bill. That amendment then secures those mineral lands which may be hereafter discovered, and they will not be subject to entry as other lands.

Mr. GREENWOOD. I would state to the gentleman from Illinois that since the survey of the public lands in Arkansas has been made, a large quantity of mineral lands has been discovered.

Mr. BISSELL. I want the locations which are to be made under the provisions of this bill to be selected out of the lands which you, Mr. Chairman, and I may go and purchase with money at any time hereafter. I want those who avail themselves of the provisions of this act to be placed upon the same footing precisely as those who purchase with money. I want them confined to lands which are subject to private entry at \$1 25 per acre at the time they make application.

Mr. COBB. I would suggest to the gentleman from Illinois that he put the minimum price at \$1 25 per acre. According to his present amendment he makes two minimum prices.

Mr. BISSELL. I do not know how there can be two minimum prices. When one price is \$2 50 per acre and the other \$1 25, I take it that the less price is the minimum price.

Mr. COBB. I would suggest to the gentleman that he insert the words "\$1 25 per acre."

Mr. BISSELL. I modify my amendment by striking out the words "minimum price," and inserting in lieu thereof "\$1 25 per acre."

All I have to say is, that so far as any lands which may be declared mineral lands at the time the application is made, my amendment secures the reserved lands upon railroads.

Mr. JONES, of Tennessee. I cannot see the necessity of encumbering this bill with this provision. The bill, as it now stands, certainly secures to those settlers the right of entering a quarter section of vacant, unappropriated land subject to private entry.

Mr. BISSELL. Will the gentleman allow me to ask him one question? Does he suppose that, under this bill, the lands, the price of which has

been raised to \$2 50 per acre, may be entered and taken up by the applicant?

Mr. JONES. I presume that will not be the effect of the bill; but whether it is or not, I am opposed to doubling the price of these public lands for any object.

Mr. BISSELL. I hope the gentleman from Tennessee will answer my question directly, whether this bill will entitle the settler to go on and take up land, the price of which has been raised to \$2 50 per acre?

Mr. JONES. I will state again, that I do not suppose the lands the gentleman refers to will come within the operations of this bill.

Mr. BISSELL. I think the gentleman will find that the provisions of the bill as it now stands will cover all these lands.

Mr. JONES. I will ask the gentleman a question. Have the mineral lands in the State of Illinois ever been settled upon? Are not the mineral lands in Jo Daviess county, in his own State, still in the possession of the Government?

Mr. WASHBURN, of Illinois. I have the honor to represent that county, and I will answer the gentleman. The mineral lands in that county have been taken up and settled upon.

Mr. JONES. How long since have they been taken up?

Mr. WASHBURN. They were entered under the law passed, I think, in 1847.

Mr. JONES. Well, sir, prior to that time, while there were two thousand or two thousand five hundred voters in that county, I was informed by the gentleman then representing that portion of the State that there were not, perhaps, a thousand acres of land in the whole county owned by citizens of the county. It was all held, under the name of "mineral reserve," by the Government. Permits were given, I believe, to persons to go on and work the lands, but it cost the Government more to pay the agent for giving out the permits than all that was ever received from them.

Mr. WASHBURN. That was the reason for making the law to which I have referred.

Mr. JONES. I never saw or heard any good reason why the Government should withhold from sale its mineral any more than its agricultural lands. Why, sir, the agricultural lands of the country are worth tenfold—yes, sir, ten thousandfold—more than the mineral lands.

Mr. BISSELL. I dislike to interrupt the gentleman, but I desire to ask him, in a different form, the question which I asked a moment ago. I want to know if it is his purpose that this bill shall give to any man who chooses to go and locate upon the reserved sections to which I have alluded the privilege of doing so?

Mr. JONES. I will say to the gentleman that, so far as my vote is concerned, I would give them that privilege.

Mr. BISSELL. Now one word more—

Mr. JONES. I cannot yield further. If I could have my way, I would reduce the price of all these reserved lands to \$1 25 an acre.

Mr. BISSELL. A single word, if the gentleman will permit me. If we reduce the price of these reserved sections to \$1 25 per acre, that would furnish a still stronger reason why they should be exempted from the donations proposed in this bill. But, if I understand the gentleman, they are exempted. I think he labors, however, under a mistake in this respect. The bill provides that these entries may be made upon any vacant, unappropriated lands. Now, sir, these lands are neither sold nor appropriated.

Mr. DISNEY. They are subject to private entry.

Mr. JONES. And so they should be.

Mr. BISSELL. I have nothing to say upon that subject; but the provisions of this bill certainly do not exempt these lands from its operation. That is the only point to which I desire to call the attention of the committee.

Mr. JONES. I repeat, sir, that all these lands should be subject to private entry at the rate of \$1 25 per acre.

Mr. BISSELL. Oh, if the House will make that provision I shall not object to it.

Mr. JONES. Well, sir, I want to know if it is not as just and fair for the Government to give a quarter section of these lands to an actual settler, as it is to give millions away to moneyed corporations?

Mr. BISSELL. I am certainly the last man to object to that proposition.

[Here the hammer fell.]

Mr. TAYLOR, of Ohio. Is an amendment in order?

The CHAIRMAN. It is in order to offer an amendment to the amendment.

Mr. TAYLOR. Then I ask that the amendment may be read.

It was read by the Clerk.

Mr. TAYLOR. I move to insert the words "except the mineral lands reserved by the Government."

Mr. BISSELL. They are not subject to private entry.

Mr. TAYLOR. I merely wish to say that, from listening to the debate upon this proposition, I gather that it is the object of gentlemen to reserve the mineral lands from appropriation, by those persons who choose to avail themselves of the benefits of this bill. Now, I can see no reason why, when a man has been cultivating the land granted to him by this bill for three or four years, he should be ousted from the possession of it by the Government, because copper, or iron, or any other mineral, may be discovered on it. In my judgment, when a man takes possession of land under the provisions of this bill, with the permission of the Government, he ought to be equally entitled to retain it, whether it be mineral land or "agricultural land," to use the designation of the gentleman from Alabama, [Mr. COBB.] It would be a very difficult thing to draw the line.

In a vast section of the western country you can scarcely go on a foot of the public lands, for hundreds of miles, that has not more or less mineral in it, and yet that land is not withdrawn from appropriation by persons who choose to buy it; and it seems to me that there should be no such restriction on those who are to profit by the provisions of this bill. If the land is now open to private entry by citizens at \$1 25 an acre, and, by this bill, you hold out inducements to the settler to go on it and cultivate it for five years that he may get a title to a quarter section—the labor of five years being the consideration—it seems to me that it would be exceedingly unjust, after he has worked the land for four years, to turn him adrift on the world because some lead, iron, or other mineral, may be found upon his land.

Mr. BISSELL. If the land referred to by the gentleman is now subject to private entry, why, under my amendment, the applicants under this bill may take it; for my amendment provides that all land subject to private entry at a \$1 25 an acre may be taken under this bill.

Mr. TAYLOR. Yes, sir; I am aware that the amendment seems to provide for that, and yet the argument of the gentleman has been that the mineral lands might be appropriated under the provisions of the bill.

I desire that if this bill passes, the individuals to be benefited by it may go upon any public land subject to private entry at \$1 25 an acre, and enter it according to the provisions of the bill, whether it be agricultural or mineral land. That is exactly what my amendment provides for; but I will now withdraw it, with the consent of the committee.

There being no objection, the amendment to the amendment was withdrawn.

The question recurred on Mr. BISSELL's amendment.

Mr. JONES, of Tennessee. I move to amend the amendment by striking out "\$1 25 per acre."

I offer that amendment merely for the purpose of asking the gentleman from Illinois if that provision should be incorporated in the bill, and the bill passed, and then all the bills now before the two Houses of Congress, or the committees, granting alternate sections to railroads, should be passed, what portion of the public lands would be left for the settlers under the provisions of this bill?

Mr. BISSELL. I will answer that question with very great pleasure. I suppose that for fifty years to come there will be lands enough, at the rate we go on now making appropriations to railroads, to answer all the purposes contemplated by this bill.

The gentleman from Tennessee does not seem properly to appreciate the magnitude of our vast domain, and because we have two, or three, or four railroads of from three to seven hundred miles in length, he seems to think that the whole

country from here to the Pacific ocean is checkered over with railroads. Why, not at all. These reserved sections extend only to a distance of six miles on each side of the road—a very insignificant tract, indeed, compared with the immense amount of the public land to be found in all western States and Territories.

Mr. JONES, of Tennessee. I will say, with the gentleman's permission, that, of the immense extent of this territory, perhaps nine tenths of it will remain unsurveyed for the next fifty years. A great proportion of the land in the States and Territories on the Pacific ocean—a great deal of the land in California, in Oregon, in Washington, and in the proposed Nebraska and Kansas—will remain unsurveyed for one hundred years; and until it shall be surveyed and offered to public sale, it will not be subject to the provisions of this bill. The gentleman may recollect that there are more than three or four, or, perhaps, a dozen propositions for railroads within the State where the public land lies—within the Territory of Minnesota, but not touching any of the land on the Pacific, or between Arkansas, Missouri, and Minnesota and that ocean.

Mr. BISSELL. If our Government understands its duty, and continues to perform it as it has done heretofore, it will survey the lands and bring them into the market as fast, and faster too, than the public exigencies require it. There never has been a time when the surveys did not keep ahead of the settlers, and there never will be, if we have a Government that is fit to be called such. There is no danger on that score at all. Lands will always be surveyed far in advance of the wants of settlers.

Mr. JONES. I suppose, as soon as they are settled, if this alternate section system be adopted, it will be extended throughout the new and unsurveyed lands.

Mr. TAYLOR, of Ohio. I wish to say a few words in opposition to the amendment of the gentleman from Tennessee. I think that we should confine the lands proposed to be donated by this bill to those which are subject to private entry at \$1 25 per acre. The principle which has governed me in voting lands to the several States for railroad purposes has been that we thereby put up the price of the alternate sections and render them more salable; so that, in fact, the Government does not lose by a donation of land for railroad purposes to the States, as in the case of Illinois. It was with pleasure that I voted for that great grant of land to the State of Illinois. I opposed many of my political friends in so doing, but when I voted for it I believe that I was rendering thereby a great public service by connecting the southern with the northern portions of this Confederacy, without detracting one dollar from the value of the public land in the United States. The result has shown the benefit of the policy.

According to the intelligent statement of the gentleman from Illinois, [Mr. BISSELL,] for which I am greatly indebted to him—under the Illinois grant, lands which were proffered for sale for thirty years without a purchaser have found ready purchasers at \$2 50 per acre, and a country which was without inhabitants, has been peopled at that price. Then the United States are the great gainers by having a vast railroad of seven hundred miles in length, constructed for the use of all the citizens, without the loss of a single dollar to the Government. I say that I have voted on that principle; and I wish to withhold the privilege of entry to all persons to be benefited by this bill, on the alternate sections of land, on the lines of railroads which we have established.

I think, sir, that I am extending my generosity quite far enough when I agree to authorize every citizen of the United States, who wishes to cultivate land for five years, to enter a quarter section, worth \$1 25 per acre, and labor on it five years for himself and family; and I oppose the gentleman's amendment for that reason.

I would not throw open these lands, which we have reserved, and which are worth \$2 50 per acre, to the Government. I would give the people intended to be benefited by the bill the privilege—and it is a great privilege, one which no Government in the world, to my knowledge, extends to its citizens, except the Government of the United States—to go upon these lands, and cultivate them for five years, receive a patent, and thereby become owner in fee simple. And I say

here—and I rejoice to believe it—that the man who cultivates his land for five years richly earns the \$200 which he would buy it for if he had the money in his pocket.

Sir, it is the labor of the country that is its true wealth. It is the labor of those of your citizens who go upon the western frontier and settle on these lands, and become useful members of society, that is the great source of our wealth. I differ, also, with the gentleman from Tennessee, [Mr. JONES,] in the notion which he entertains, that it will be fifty years before this country is surveyed. I have no doubt that before fifty years all the vast domain of this country will be surveyed and occupied. The population of these States now amounts to twenty-five millions. In fifty years hence there will probably be a hundred millions of inhabitants in the United States, thus showing a condition of prosperity, wealth, and power never known in the world as belonging to any Republic.

It is with a view of promoting the settlement of the new country that has induced me to change, in some degree, my views in regard to this bill. As I stated a day or two since, I opposed it because I thought that the bill introduced during the last session of Congress made invidious discrimination against those who, by their industry, had realized money enough to buy lands. I am opposed to the provision that settlers, to be entitled to their quarter sections of public land, must not be the owners of real estate. That provision is hostile to my judgment. It was omitted by my friend from Pennsylvania, [Mr. Dawson,] who reported this bill; and it is with pleasure, therefore, that I advocate the principle of this bill, and that I shall continue to advocate it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee to the amendment of the gentleman from Illinois, which is to strike out the words "\$1 25 per acre."

The question was taken, and the amendment to the amendment was not agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

Mr. HENN. Mr. Chairman, I propose to amend that amendment by striking out the words "private entry." I understand the object of this bill, or at least one of the main objects of this bill, to be to encourage the settlement of the public lands, and thereby—

Mr. PHILLIPS, (interrupting.) I rise to a question of order. There are no such words as "private entry" in the bill.

The CHAIRMAN. Does the gentleman propose to strike out the words "private entry" in the bill?

Mr. HENN. No, sir; but to strike it out of the amendment offered by the gentleman from Illinois.

I was saying, Mr. Chairman, that I understand one of the main objects of this bill, and of the friends of this bill, to be, to encourage the settlement of the public lands. If we confine the provisions of it to those lands which are subject only to private entry, we give the speculating class of the community the privilege over the actual settlers. We allow them to go in first and buy the public lands, which are worth \$1 25 per acre, and nothing but the refuse lands will go to the recipients under this bill. I think, Mr. Chairman, that we should endeavor to encourage those persons who wish to go on the extreme frontiers and to settle there. It is those persons who thus settle on the extreme frontiers who undergo all the hardships and dangers incident to the settlement of a new country, and it is to them that we should extend the benefit of this preemptive right, which, after all, is merely a preemptive right; because a man earns a great deal more by his labor than the cost of his land at \$1 50 per acre.

Mr. JONES. Yes; they pay higher for it than anybody else.

Mr. HENN. I hope, therefore, that no restriction will be retained in the bill, and that all the lands which have been surveyed, or which shall be surveyed at the time of the application, may be granted under it, and subject to location.

Mr. BISSELL. In making this munificent gift to the citizens of this country, it is to be regarded as a hardship that they are required to select their lands from those already surveyed, or which may

be surveyed, and in market, at the time when they make their application? Is that to be regarded as a hardship, at the very moment when we are consummating a gift, which, as has been before said, is unparalleled in the history of nations? A hardship to require that a man, who is already the owner of a thousand broad acres, shall, in taking this additional one hundred and sixty acres, take it from among those lands which you might go and buy with gold!

But what will be the effect of this amendment? Of course the settlers who are now located upon the frontiers of our Territories would rush over into them. Every man in the vicinity of the Territory of Nebraska, before this bill passes both Houses of Congress, would have their selection made; and then comes what? Conflicts with the Indian tribes, struggles hereafter, contests and suits and memorials to Congress, difficulties in the Departments, and all to adjust these conflicts which will arise out of the location of lands which have not been surveyed, or to which even the title has not been acquired.

Mr. HENN. I would remind the gentleman that he is not speaking against my amendment. I did not propose by that amendment to extend the provisions of this bill to lands which are unsurveyed.

Mr. BISSELL. Then I was mistaken as to the import of the amendment, and so far I stand corrected. But it extends to those lands which are not yet in market. I protest, sir, against giving by this bill, to those who avail themselves of its benefits, that which cannot be bought by other citizens with gold.

Mr. HENN. Have not citizens now the right, or the privilege, to buy, at the price of \$1 25 an acre, lands before they are thrown into market?

Mr. BISSELL. They have not.

Mr. HENN. Have they not that right under the provisions of the law of 1841?

Mr. BISSELL. The man who proposes to avail himself of the advantages of this bill cannot do that. He cannot squat upon a piece of land, and, after this act is passed, avail himself of privileges which a man who has the gold to pay does not enjoy.

Mr. HENN. If an individual should enter upon lands, and make improvements, would the gentleman allow speculators to come forward and purchase those lands over his head, and thereby cut him off from all the privileges of this bill?

Mr. BISSELL. Not at all. I would give him the advantages of preemption rights just as I would give to a man—and he certainly has it under this bill—who proposes to purchase with money. I see no propriety in giving exclusive privileges and advantages in that respect to a class of men to whom we propose to donate lands.

Mr. HENN. Is it not the frontier man who desires to be benefited by the provision of this bill more than any one else? and would the gentleman allow them to settle upon unsurveyed land, and then deprive them of the privilege of securing the title to the same, by letting the speculator come in at the sale and pay his money for those lands?

Mr. BISSELL. I say no; but what I object to is the allowing them to own land before they are brought into market.

Mr. HENN. Why?

Mr. BISSELL. Because that would be contrary to the whole policy of the Government. It would be unjust to those who propose to purchase with money; it would be unjust to those who do not avail themselves of the benefits of this act; it would be unjust to those who propose to purchase a whole section.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

Mr. GROW. I offer the following amendment: to strike out all after "which," and insert in lieu thereof "surveyed or unsurveyed."

I am opposed to any restrictions of birth or property in this bill. At the last session of Congress a homestead bill was introduced in this House. It went to the Committee on Public Lands, and the \$500 restriction was inserted. The gentleman from Virginia, [Mr. MILLSON,] in speaking upon that bill, presented that as one of the objections he had to the bill. I was opposed to it, and voted against all amendments of that kind. I have always been opposed to such restrictions, and voted against them all, from that time to this.

Mr. COBB. I desire to say to the gentleman from Pennsylvania, that the Committee on Public Lands did not support the bill reported last year; it came from the Committee on Agriculture.

Mr. GROW. I beg to correct the gentleman. It was in a bill reported from the Committee on Public Lands by the gentleman from Virginia, [Mr. McMULLIN.]

Mr. ORR. The gentleman is mistaken. There was no such bill reported from the Committee on Public Lands.

Mr. GROW. Well, sir, I stand corrected, though I was under the impression it came from the Committee on Public Lands; but it is immaterial. It came back from the Committee on Agriculture, then, with this restriction imposed upon it, against which I voted. I voted against all restrictions attempted to be imposed upon it in the House, or in the Committee of the Whole.

Mr. WASHBURN, of Illinois. I desire to ask the gentleman from Pennsylvania a question. I wish to know how he proposes to have this unsurveyed land described if a man goes to settle upon it under the other provisions of this bill?

Mr. GROW. I had an object in offering the amendment. The gentleman from Virginia [Mr. MILLSON] was attempting to put me in a false position with reference to my action at the last Congress. I offered the amendment for the purpose of correcting the gentleman, and to say that for one I would leave the whole public lands open to settlement upon the policy of this measure. The objection of the gentleman from Virginia [Mr. MILLSON] and others, is that it will draw off the population of the old States. Is there any man upon this floor, or in this country, who desires to retain in his own district or State a population whose happiness and interests would be promoted by a change of location? Why confine a man to misery and want beside your own doors and in your own State when he can find a happy home for himself and children in a far distant land? Is there a man here who desires to foster a policy of that kind in order to gratify his State pride?

If there was a man in my district, or that section of the State, when there is so large a quantity of unoccupied lands, who desires to seek a home in the wilderness of the West, or any part of the earth where he can better his condition, I would bid him God speed. Let him find his home where it is best for him, best for his children, best for his future prospects, and that would be best for his country.

Gentlemen from the old States have made the objection, that the effect of this bill would be to depopulate their States. I apprehend no such result. The man who leaves a farm in the old States will leave a settler in his place; for a farm that is already tilled will not be abandoned without some one to occupy it.

If you have a class of floating population that have no homes and fixed abiding place, this offer will, it is true, be an inducement to them to leave; and let them go and find such, where they can make themselves respected members of society, and can rear their children in comfort, and make them valuable members of society, instead of being, as now, crushed by the evils growing out of a dense population.

Mr. MILLSON. From what the gentleman from Pennsylvania [Mr. GROW] has just said, I am inclined to think that he placed himself, or allowed himself to be placed, in a false position at the last Congress; for if he was opposed to that feature in the bill which confined its benefits to those who had no lands, he certainly did not make his true position manifest to the House.

I made an argument in the last Congress upon the constitutional question—a folly I shall not be likely to commit again. I asked, if Congress could constitutionally confine their favors to those who owned less than \$500 of property, why they had not an equal constitutional right to confine the benefits of the bill to those who were worth \$1,000,000? If they could constitutionally discriminate in favor of the poor man, why could they not as constitutionally discriminate in favor of the rich man? It was at this point that the gentleman from Pennsylvania [Mr. GROW] interrupted me, and said it was no objection to a law that certain persons could not avail themselves of its advantages. He did not then state that he had any objection to the discrimination made in the bill; nor did I suspect that he had; though, from what

he now says, I do not for a moment doubt that he preferred the bill without the discrimination.

The gentleman asks if I would deny to the poor men in my State the opportunity of bettering their condition; if I would deprive the paupers in my neighborhood of the privilege of leaving the State and of mending their fortunes. Sir, we have few persons amongst us who can be called paupers, and these could not avail themselves of this law if they would. Our slaves are our agricultural laborers for the most part. You will not allow either to them, or to their owners for them, the benefits of this bill.

Again, the gentleman denies that the effect of the bill will be to depopulate the old States. Sir, I think I shall involve him in something of a dilemma. If the old States do not lose their population, then of course our people can get no benefit from the bill at all. If no man would leave the old States for the purpose of availing himself of the opportunity of locating the quarter section of land which the bill allows him, then the benefit of its provisions is confined exclusively to the new States. But, on the other hand, if our citizens do leave us to avail themselves of these privileges, then we are sufferers, both in the loss of our people and in the loss of the land, which is the common property of all the States.

Mr. GROW. I have not interrupted the gentleman before, because I know such interruptions are anything but agreeable, but I think the gentleman has misapprehended my remarks. I said that no man who had a permanent home in the old States would leave it in consequence of the passage of this bill; but that a class of laboring men who have no such permanent homes, would be drawn off, and would avail themselves of its benefits.

Mr. MILLSON. I am showing that, as a matter of necessity, we shall either lose our population, or none of our citizens can derive any benefit from the bill itself. If this bill should pass, thousands of the citizens of the old States will emigrate to the West, and enter upon the land which is offered to them free of cost. We must be sufferers both in the loss of our population and of our land.

I would infinitely rather the new States should take all the lands at once. But they do not want to take the land. They much prefer that the Government of the United States should keep it in its own name, and have it surveyed and managed at its own cost. We are to be at the expense of maintaining the present land system, and they are to reap the benefits.

But I have already shown what will be the operation of this law in the land States. I have already shown that there are not enough quarter sections of surveyed lands in any State in the Union, with the exception of Iowa, Florida, and perhaps one other State, to supply the males over twenty-one years residing in those States who would be entitled to avail themselves of the privilege this bill would accord them. And, more than this, I believe the committee have already adopted an amendment giving this privilege to females also.

Mr. DAWSON. No, sir; no such provision has been made.

Mr. MILLSON. The language of the amendment which has been adopted is, "every white person over twenty-one years of age;" and this includes females as well as males.

Mr. JONES, of Tennessee. Certainly it does; and they ought to be included.

Mr. MILLSON. Then the computation I made a moment ago ought to be doubled; and I do not hesitate to say that there is scarcely one of the land States in which the number of residents entitled to land under this bill will not exceed the number of quarter sections of surveyed lands in the State. The gentleman from Tennessee, [Mr. JONES], and the gentleman from Illinois, [Mr. BISSELL], told the committee that there was so much land in these States that it could not be exhausted under the operation of this bill in fifty years. Well, Mr. President, I do not know how long it may be before these lands will be exhausted; but I do know that, according to the latest census of those States, there are not now enough surveyed land in them, with perhaps one or two exceptions, to satisfy the claims of the persons now there, who would be entitled to enter upon them if this bill should pass with the amendments already adopted. However that may be, the old States are expected to pay all

the expenses of this land system; they are expected to pay the surveyor, the register, and receiver, in order that the people of the new States, and such others as may choose, may come and take up the lands whenever it may be convenient for them to settle upon them.

Mr. GROW. I will withdraw my amendment, with the consent of the committee.

No objection being made, the amendment was withdrawn.

Mr. DAWSON. I hope the friends of the bill will be content with voting upon the amendments that may be offered, without consuming time in discussing them.

The CHAIRMAN. Debate is not in order. The question is upon the amendment of the gentleman from Illinois, [Mr. BISSELL.]

The amendment was again read.

Mr. SMITH, of Virginia. I call for tellers on that amendment.

Tellers were ordered; and Messrs. WALKER and CAMPBELL were appointed.

The question was then put, and the tellers reported—ayes 77; noes not counted.

So the amendment was agreed to.

Mr. JONES, of Tennessee. Well, we will take the question by yeas and nays when we get into the House.

Mr. WASHBURN, of Illinois. I move to strike out the first section of the bill, and insert in lieu thereof what I send to the Clerk's desk.

Mr. JONES, of Tennessee. That is not in order. The proposition of the gentleman from Alabama [Mr. COBB] to strike out a portion of the section and insert is still pending.

Mr. WASHBURN. Let my amendment be read.

The CHAIRMAN. The gentleman from Alabama does not propose to strike out the whole of the section. The Chair understands that this is a proposition to strike out the whole section.

Mr. JONES. It is not in order to strike out the whole section and substitute something for it whilst a proposition is pending to strike out a part.

The CHAIRMAN. The Chair understands that the motion of the gentleman from Alabama is to strike out a part of the section.

Mr. COBB. Yes, sir, only a part of it.

The CHAIRMAN. The proposition of the gentleman from Illinois is to strike out the whole section.

Mr. JONES. Then it does not take precedence of the motion of the gentleman from Alabama.

The CHAIRMAN. It does not.

Mr. JONES. Then it is not in order till that is disposed of.

The CHAIRMAN. The question must first be put on the motion to strike out part, before it is put on the motion to strike out the whole section.

Mr. DOWDELL. Will the first section be subject to amendment after the amendment of the gentleman from Illinois is submitted to a vote?

The CHAIRMAN. If the amendment of the gentleman from Illinois prevails, it will not.

Mr. WASHBURN. I understand that the amendment of the gentleman from Alabama [Mr. COBB] has precedence of mine.

The CHAIRMAN. It has.

Mr. DOWDELL. Wishing to avoid a constitutional difficulty, I offer the following amendment:

Strike from the fifth line the words "free of cost," and insert in their stead "fifty cents per acre."

I was sorry to hear my friend from Virginia say that he would not again be guilty of the folly of making constitutional points in this committee on this subject. It is clear, if this bill passes without this amendment, that not only the principles of the Constitution will be violated, but the deeds of cession from Georgia and Virginia, and other States, will also be palpably violated. Of the lands in the State of Alabama half are unoccupied, and are subject to the deed of cession from Georgia to Alabama. What does that say? That they shall be disposed of for the common benefit of the United States *bona fide*, for no other purpose, and shall enter into the general charge and expenditure. Now, this bill has not the plausible pretext that the railroad bills have. They go on the presumption that the Treasury is not injured, and that the remaining lands are enhanced. This has no such pretext.

Mr. DAWSON. Let me turn the gentleman's attention to the last clause in the 7th section, which is as follows:

"That all persons entering land under the provisions of this act, shall, as near as may be practicable, in making such entries, be confined to each alternate quarter section, and to land subject to private entry."

Mr. DOWDELL. But it does not say that the remaining quarter sections shall be sold for \$2 50 per acre. Of all the dashes at the public domain, this is the most magnificent which has ever been projected. It sweeps away the whole of it; and who gets the benefit of it? Why, sir, it is a public invitation to unlock the poor-houses of Europe, to pour upon us a population, unskilled and untutored in the spirit of our institutions. I am willing, when they come here, to allow them all the privileges which they now enjoy. Many make good citizens. I have no objection to the present naturalization laws; but I am unwilling to give my support to any measure which will stimulate already overgrown immigration.

Sir, I want to bring this bill within gun-shot of the Constitution. [Laughter.] How do gentlemen propose to get over the difficulty? How give away the public lands? How count them into the general charge and expenditure? Fifty cents per acre will cover the costs of survey and all the other expenses. Is it not just, and will it not carry out the general objects of the bill? Is it not fair to make a discrimination of one hundred and fifty per cent.? My amendment goes to that extent. It makes a discrimination in favor of the actual settlers of one hundred and fifty per cent., and I am willing to go that far.

I think that discrimination should be made in favor of the man who leaves his home in the haunts of civilized men, and goes into the wilderness, subjects it to cultivation, and to some extent improves the surrounding territory.

If you will adopt this amendment, your bill will stand a chance of being passed by this House. There is much land in my State that is not worth fifty cents per acre; nay, not twenty-five cents per acre. And I believe we would not violate the conditions of these compacts with the States of Georgia and of Indiana to relinquish, after a sufficient time, the waste lands which cannot be sold at twenty-five cents per acre. Sir, as the gentleman from Georgia [Mr. COLQUITT] well remarked, this bill will not benefit the poor classes; it will not benefit the old States; it will benefit the new States but little. It will benefit Europe most, and the population which will come thence upon us. They are the men who will settle upon these lands.

I hope the amendment will be adopted, so that, if the bill pass, we shall not be charged with the expense of surveying these lands and then giving them away.

Mr. DAWSON. I do not rise at this time to enter into any discussion as to the merits of this bill. These I endeavored to make plain to the understanding of this committee in the opening of the debate. The remarks of the gentleman from Alabama [Mr. DOWDELL] are nothing more than a reiteration of the objections which have been urged against this bill over and over and over again. It is the objection which comes from every southern member in this House who undertakes to defeat the passage of the bill. He holds up the Constitution before us as an argument against it. Why, sir, the Constitution is a shield which may be held up to affect every scheme against which gentlemen may oppose their objections, or which they may take ground in favor of. What provision of the Constitution has been violated in this bill? I would thank the gentleman if, instead of dealing in generalities, he would place his finger on the clause of the Constitution which has been violated.

Mr. SMITH, of Virginia. Will the gentleman from Pennsylvania permit me to interrupt him?

Mr. DAWSON. I cannot, for the present, give way to the gentleman from Virginia.

Mr. DOWDELL. Will the gentleman permit me to interrupt him? I ask him to show the clause in the Constitution which authorizes Congress to give away the land.

Mr. DAWSON. I referred to the clause contained in the third section of the fourth article of the Constitution in my opening speech, and which I read a few days since in my reply to the constitutional objection then urged by the gentleman from Virginia, [Mr. SMITH.] There the power is

clearly, and fully, and explicitly given to Congress to dispose of the public domain. This constitutional right to grant and donate the public lands to actual settlers has been exercised by Congress over and over again. Even Mr. Calhoun himself, the great champion of southern rights and of strict construction, advocated the policy and constitutional right of granting alternate sections for the construction of railroads. So far the constitutional right in either case has not been questioned. The gentleman from Alabama, [Mr. DOWDELL,] in his sweeping denunciation of the measure, has said that the bill is intended to benefit the interests of the people of Europe. Sir, I am tired of hearing that objection. It is not warranted by the terms of the bill; but, on the contrary, the language of the bill confines the benefits of its provisions to those who are now citizens, and are now residents of the States and Territories. Beyond this it does not go. It does not discriminate against those emigrants who are now here, no matter whether they come from the Emerald Isle, the Grampian hills, the fens of England, the mountains of Switzerland, or the plains and forests of Germany. It strikes me then, sir, that if the gentlemen who oppose this objection to the bill would look critically and carefully at the language employed, they would save themselves from being placed in the position which devolves upon me the duty of correcting them.

Now, Mr. Chairman, I think I have got through answering and refuting the objections of my friend from Alabama. I have only again to refer to the fact that this bill does not encourage any foreign emigration. I have referred already to the charge which has been reiterated, and which first fell from the lips of the honorable gentleman from Virginia, [Mr. SMITH,] that the bill is of no service to the laboring classes of the country. I do not know what may be the characteristics of the laboring classes of Virginia and Alabama; but I can tell the gentleman that in the North, where the laboring classes provide their own homes and build up their own fortunes, and in their successful career illustrate the force, equality, and beauty of our republican system, this bill will be of incalculable advantage. Who is it, sir, that settle the forests and prairies of the great West? They are not gentlemen from Virginia or from Alabama. No, sir; it is the free States that have poured into these new countries a tide of emigration, which was not checked by the barrier of the Alleghanies, which has swept onward and built up States and Territories, until it has passed far beyond the waters of the Mississippi, and is rolling on rapidly towards the base of the Rocky Mountains.

Where, sir, is Ohio, a State which came into the Union in 1802, and which at this very time surpasses Virginia herself, in numerical representation upon this floor? Where is Indiana? She, too, in the course of another decade will be here in equal power. Where is Illinois, Michigan, Missouri, Iowa, and Wisconsin, peopled with the laboring classes of this country, who have subdued the wilderness, reclaimed the waste and wet lands, built up cities and towns, and covering the Mississippi and its tributaries with a steam marine, such as no other portion of the globe can present? Sir, it is the energy of the North that cheers the star of empire in its western march. I trust that the true friends of the bill will cease to offer objections and amendments, and, with a united effort, will carry it through.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

The CHAIRMAN. The pending question is upon the motion of the gentleman from Alabama [Mr. COBB] to strike out a portion of the first section. The gentleman from Ohio proposes an amendment to that section.

Mr. CAMPBELL. I propose to amend the amendment by striking out "one quarter section," and inserting "one half section."

The CHAIRMAN. The Chair would inform the gentleman that that proposition has already been acted upon by the committee.

Mr. CAMPBELL. Then I move to insert, in the place of what I propose to strike out, "one section."

I make this motion for the purpose of responding, very briefly, to this constitutional question, which gentlemen from Virginia are so constantly springing upon this House.

The CHAIRMAN. The Chair must remind the gentleman from Ohio that he should confine

his remarks to the consideration of the difference between a "one quarter section" and a "whole section." [Laughter.] That is not a constitutional question at all. [Laughter.]

Mr. CAMPBELL. If it is unconstitutional to give a quarter section, it is more unconstitutional to give a whole section, [laughter,] as a matter of course.

Now, sir, this public domain belongs to the Federal Government. The Constitution provides that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States." I think this is a proper disposition of the public domain.

The gentleman from New York [Mr. SAGE] said that there would be great danger that foreigners would come in and take possession of some of these unoccupied lands. I have no doubt that upon every fourth of July that gentleman is called upon to deliver an address before his constituents, and that on such occasions he is eloquent in discoursing upon the fact that we have said to all the world that this is "the land of free and the home of the oppressed."

A VOICE. The "brave."

Mr. CAMPBELL. Yes, sir; "the land of the free and the home of the oppressed." I would welcome those brave and gallant men of foreign lands who struggled for liberty. I would welcome the down-trodden Hungarians who fought so nobly for freedom. I would throw open the doors and welcome them all to this land. The gentleman from Virginia, [Mr. MILLSON] says that he shall not raise another constitutional question. We had the question of constitutionality raised yesterday by his colleague, [Mr. LETCHER,] when the Wisconsin railroad bill was under consideration, when it was proposed that a young sister State in the far West should be assisted in making her roads, as we had assisted other States. It was but two years ago, I find, that a measure passed this House by which twenty-seven million acres of the public domain were voted away by honorable members from Virginia to the States in which the lands were located. I would like to understand from these gentlemen who now raise this constitutional question, where they found the authority, under the Constitution, to vote away twenty-seven million acres of the public domain?

Mr. LETCHER. Do you mean to say that I voted so?

Mr. CAMPBELL. Your predecessor did so vote. The honorable gentleman from Virginia [Mr. LETCHER] said yesterday that Virginia was against the policy of voting away the public lands; and I now refer to the vote to show that every Virginian upon this floor, with a single exception, voted to give away twenty-seven million acres of the public domain.

Mr. LETCHER. To what does the gentleman refer?

Mr. CAMPBELL. I refer to the bill granting the swamp lands; and if the Constitution is to be measured by any weather square in Virginia I should like to know it. If you have the power, under the Constitution, to give away to the States wet swamp lands, why cannot you give away dry lands to actual occupants? I call upon the honorable gentleman from Virginia, [Mr. MILLSON,] who voted for the bill, to point me to the clause in the Constitution which authorizes him to vote for wet lands. Every man of the Virginia delegation, with one single exception—that of Mr. EDMUNDSON—voted for this bill.

Mr. MILLSON. The gentleman from Ohio [Mr. CAMPBELL] commenced his remarks by alluding to the frequency with which constitutional objections had been urged against this bill by gentlemen from Virginia. I have not argued the constitutional question. The committee will surely recollect that I referred to my having done so at the last Congress, and said it was a folly I should not be likely to repeat—at least upon this bill. I am not surprised, however, that such arguments should prove unwelcome. Perhaps they trouble gentlemen. Like conscience, the Constitution will not always speak pleasant things; and perhaps they would rather dream on, and give their votes in sweet forgetfulness that we ever had such a thing as the Constitution. For my own part, I am sometimes disposed to imitate the example of other gentlemen from the South, and remain passive and silent while these preparations are making for our

execution. Yet I confess I have something of the spirit of the old countess who protested against the justice of the sentence by which she was condemned to death, and ran around the scaffold telling the executioner if he would have her head, he must take it as he best might. The gentleman from Ohio [Mr. CAMPBELL] adverts to the vote given by my colleagues and myself, in the Thirty-First Congress, for the swamp land bill. I voted for that bill. I voted for it most cheerfully, never dreaming that it could be objected to as unconstitutional. I am glad that the gentleman has referred to that vote, because he will see in it the evidence that we are not so niggard of the public domain, and so tenacious of our rights in it, as to be insensible to the claims of justice.

Sir, I never for a moment had a doubt in reference to the constitutionality of giving away those swamp lands. We gave our votes for that measure with full confidence in the representations made by honorable gentlemen from the West. The official reports, which I examined, confirmed their statements. If it was true, as it was then stated, that these lands were of no present value to the Government, and were of such a character as endangered the health and safety of those living in that neighborhood, it was right that we should relinquish our title to them, and allow them to be improved and reclaimed by the States in which they were situated. Sir, there is not a shadow of a doubt that we not only have the right, under the Constitution, but that it is even our duty to give up such portions of the public domain as, possessing no value in themselves, endanger the health and safety of the people of the States in which they lie. Is the gentleman answered?

I would vote to give away, to throw away, to destroy, if possible, those public lands which are worthless, and which are only productive of disease and danger, as readily as I would vote to authorize the destruction of counterfeit notes or spurious coin, which had been received by the agents of the Government supposing it to be genuine. Would there be any fault in the destruction of such money? Surely not; nor is there any breach of the Constitution or violation of our trust in surrendering to the States in which they lie the swamp and overflowed lands which have no value as property, and are only sources of danger and disease to the inhabitants who dwell in their neighborhood.

If, as I am unwilling to suppose, we were deceived as to the real character of these lands, by the representations which were made to us at the time by gentlemen upon this floor from the western States—if, as my colleague [Mr. LERCHER] said yesterday, many of these lands have never had any water upon them, except what fell from the heavens, then I can only say, that while it would not prove we were wrong, it would only show that in future we should, perhaps, be justified in scrutinizing the statements of honorable gentlemen rather more than we have heretofore deemed necessary.

Mr. JONES, of Tennessee. I desire to ask the gentleman from Virginia one constitutional question. I want to know if it is not as constitutional—

[Here the hammer fell.]

The question was taken, and the amendment was not agreed to.

Mr. SMITH, of Virginia. I suppose it would be in order to move to strike out the first section of the bill?

The CHAIRMAN. That motion will not be in order until the amendment of the gentleman from Alabama, [Mr. COBB], which is to strike out and insert, shall have been disposed of.

Mr. SMITH. Then I will wait until that is done.

Mr. HAMILTON. I move to amend the section of the bill under consideration by striking out in the fifth line the words "free of cost," and inserting "at twenty-five cents per acre."

This amendment, Mr. Chairman, I offer in good faith. It is my earnest desire that the actual settlers upon our public domain shall have the public lands at such a price as will do justice to all parts of the Confederacy, and which at the same time will be liberal to them. In order to do justice to that extent, it is necessary that the expenses of maintaining the land system should be paid by those receiving the benefits of it. By reference to the statements of the Commissioner of the General Land Office,

this committee will see that the cost of the surveyed and unsurveyed lands in the United States, excluding the lands in Utah and New Mexico, and California, is fourteen and a half cents per acre; the cost of surveying, managing, and selling those lands is seven cents an acre—making altogether about twenty-two cents an acre. I have put it at twenty-five cents for contingencies. The cost of issuing the patents is already provided for in the bill.

Mr. ORR. How much for Indian titles and Indian wars?

Mr. HAMILTON. Those are incidental expenses. We must provide for them anyway.

Mr. ORR. We have not bought any of the Indian lands in Utah yet.

Mr. HAMILTON. No, sir; and I do not include Utah, New Mexico, and California.

I have thus given you the estimated expense of an acre of our public domain. Is there a man in any part of the Union who can object to receiving the public domain at that cost, especially when it is considered that we of the East, the consumers of the old States and of the new, who are not disposed to participate in the benefits of this bill, must contribute to the revenue to support the expense of the system? I desire to see this stupendous and magnificent land system maintained. I desire to see the General Government maintain the control it has hitherto had over it. I desire to see this great system—a monument to the wisdom of our fathers—maintained in good faith; but whilst doing that, I am indisposed to throw the expense of it upon those who cannot derive any benefit from this bill. Let us all share in the general expenditure. But no one can expect that the system is to be maintained at our expense whilst others enjoy the exclusive benefits of our public domain.

I offer this amendment in good faith. If it is adopted, I will support the bill. It is liberal to the emigrant; it is liberal to the settler, and it is doing equal and exact justice to all. The honest settler, the pioneer, cannot complain at being required to pay this small price for the land; and then the people of the old States will not be solicitous to relieve themselves from the charge upon the Treasury for the public land system; but otherwise you will find a disposition on the part of the people of the old States to relieve themselves from the care of these public lands. I desire to maintain the system as established by our fathers. I desire to maintain it as long as the public lands remain under the steady and unswerving control of the General Government. I desire that the public lands shall not fall into the hands of speculators, who will impose upon the people of the old States when they go to the far West to settle and find new homes. I have nothing more to say.

Mr. CHANDLER. I agree so much with the gentleman who has just taken his seat in his general views that I almost regret the necessity that I feel under of opposing the measure which he has propounded to the House. I think when we are making a distribution of lands that we ought to make it for the good of the whole community, and that we ought to study carefully the means by which we shall equalize it, at least equalize the benefit of the lands. If we give—and I shall vote for giving millions of acres to corporations, that the corporators may thereby profit as well as the land owners in the vicinity; I therefore think that it will be something like equalizing our action and the benefit of our action, if we distribute portions of these lands for the benefit of those who cannot hold railroad scrip, or cannot have anything to invest in that mode of profit.

I go for this bill because it benefits the old States; not because it will depopulate them, as some say. I go for it, not because it is to invite to our shores millions of the paupers of the Old World, but because thousands and millions of those paupers will annually come here, not because invited by us so much as for the cause that they are driven away by those with whom they have lived, and by whom they have been impoverished. I ask some means of outlet by which our Atlantic cities may be freed from this class of citizens, and that their powers to labor and willingness to labor may have something upon which they may be exercised—that the country may benefit by that class of emigration, by their industrious habits, and the returns which the soil shall make for their labor—for the sweat of their brow which will be poured upon it. And therefore I desire, because

I seek equality, to see this democratic element put into the mode of our distribution of the public land, that the country too may share with those who cannot profit by the value of railroad stock, in a part of the profits which it derives from giving away land to corporations; that those who cannot profit there may profit by this mode, while we profit, also, by giving efficacy to their numbers, and make them valuable citizens in our great Commonwealth. We need something by which they can be drawn from our sea-coast—some mode by which they can find encouragement to labor in the West—to be scattered over the country instead of being congregated in masses, and retaining in our cities their national peculiarities—coming across the ocean, changing the heavens, but not changing one grain of their mode of thought, their habit of speech, or the language in which their thoughts are uttered. We need something to Americanize these men, to separate them from the great masses where they are putrifying as they are in our city, bringing a moral evil upon us when they possess within themselves the elements of good. They might be able to promote the benefit of our country by laboring on that unoccupied soil, and reducing it to a state of production for their benefit and for the moral benefit of our own country. Therefore I make this land not an eleemosynary favor—nothing of that kind, sir—but a mode for equalizing our land system by which all parts and all parties may share in its benefits. I will not occupy the attention of the committee further.

Mr. DEAN. I move to strike out one cent.

The CHAIRMAN. The gentleman must confine his remarks to the difference between twenty-four and twenty-five cents.

Mr. DEAN. That is a great difference. I am opposed to charging twenty-five cents; and as the Chairman has ruled that I cannot speak except on the difference between twenty-four and twenty-five cents—one cent—I shall reserve the remarks I intended to submit, for some other time. I hope, however, Mr. Chairman, that other gentlemen may be held to the same strictness. I hope that all the constitutional difficulties which gentlemen feel will not be allowed to be stated hereafter on this floor.

[Cries of "Order!"]

Mr. DEAN. If there be no objection, I withdraw my amendment.

There being no objection, the amendment was withdrawn.

The CHAIRMAN. Then the question is on the amendment proposed by the gentleman from Maryland, [Mr. HAMILTON].

Mr. CAMPBELL. I desire to propose an amendment.

The CHAIRMAN. Does the gentleman from Ohio propose to amend that?

Mr. CAMPBELL. No, sir.

The CHAIRMAN. Then the question is upon the amendment of the gentleman from Maryland, which is to strike out the words "free of cost," and insert "at twenty-five cents per acre."

The question was taken, and the amendment was not agreed to.

Mr. CAMPBELL. I move to amend by adding to the words "free of cost," the words "and that they be provided with one rifle gun each."

The CHAIRMAN. The Chair rules that the amendment is out of order, it not being germane to the subject.

Mr. CAMPBELL. Then I move to add, "that they be furnished with one copy of the Constitution of the United States."

The CHAIRMAN. The Chair rules still that the amendment of the gentleman from Ohio is out of order. It is not germane to the subject. The question, is on the amendment proposed by the gentleman from Alabama.

Mr. PECKHAM. I propose to amend by inserting, in the fourth line, after the word "shall" the words "after one year;" which will make the section read, "the citizen of the United States shall, after one year from the passage of this act, be entitled," &c.

I have no great faith, Mr. Chairman, in this bill; but if it be opening a rich vein to the whole country. It seems to me that it would be well enough that the eastern States—the States on the Atlantic—should have opportunities equal to those of the western States for enjoying its benefits. If it be the land of promise, we ought to start fair,

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, MARCH 6, 1854.

NEW SERIES...No. 34.

so that we may arrive there at an equal time. There must be a great deal of difference in the value of the different lands in the western country. There undoubtedly is. And it seems to me to be quite rational and proper—and so I offer this amendment in good faith—that in going there the citizen of the Eastern States, on the borders of the Atlantic, shall have equal rights and advantages with those of the West. I trust this will commend itself to the favorable consideration of the gentleman from Pennsylvania, [Mr. Dawson,] and to the justice of those of the West.

Mr. CAMPBELL. What is the amendment? Mr. PECKHAM. The amendment is that this bill shall not take effect until after one year from its passage. I have no doubt, nor is it to be doubted, that if the bill is passed as it now stands there are many people at the West who, being right of the spot, will make entries of land at once, within three days after the act is passed—making selections of the best lands, in respect to which they ought to have no advantage.

Mr. DAWSON. And suppose they do? Suppose every man in Illinois, and Indiana, and Wisconsin, and Iowa, and Missouri enters a quarter section, they abstract not a tithe from the aggregate of the public domain.

Mr. PECKHAM. With great respect to the gentleman from Pennsylvania, I apprehend that there are people enough in the State of Illinois, who are now ready to enjoy the provisions of the bill, to absorb all the vacant lands in Illinois before the citizens of Pennsylvania or of New York could get fairly under way, and who would thus be compelled to go far beyond that State to get unappropriated lands to settle on.

Mr. DAWSON. There were upwards of four millions of acres of public lands within the limits of the State of Illinois undisposed of on the 30th day of June, 1853.

Mr. PECKHAM. And how many people will go upon the lands there? I am satisfied that there is nothing wrong in this provision; and it seems to me that in all respects it commends itself to the justice of the western people, and gives equality and justice to the people of the East. I hope it will be adopted.

Mr. GREY. I am opposed to the amendment offered by the gentleman from New York, [Mr. Peckham,] and am in favor of this bill, and of its taking effect immediately after its passage. I cannot admit that while we have about fifteen hundred millions acres of unoccupied lands that there is any danger that the people of New York will not get out West in time to get their share. The gentleman proceeds upon the idea suggested by some of the Virginia members on this floor, who suppose that this bill will depopulate all the old States immediately. That cannot be so. Those men who are comfortably situated in the old States will not go to the West for the privilege of obtaining one hundred and sixty acres of land provided they reside upon and cultivate it for five years. But the men in the old States who have no homes—no prospects of a home—and nothing with which to support their families, will accept the offers of the Government held out to them by this bill, and will thereby become tax-paying and independent freeholders. But he who has a home and means of support will not break up the ties which bind him to that home, and all the associations of his life, for the purpose of getting the small amount of one hundred and sixty acres of unimproved lands in the western wilds.

Sir, the gentlemen are mistaken. It will not depopulate Virginia, nor will the western States fill up all the lands now surveyed, and in market, before the pioneers from New York can get out there.

I hope the committee will not adopt the amendment; and also, that all such amendments as that of the gentleman from Alabama [Mr. Dowdell,] will be voted down by the friends of the bill. I contend that the very best and most valuable consideration which the Government can obtain for the public lands will be the *actual settler*—the occupant and cultivator of those now wild lands, with

his happy and prosperous family located upon them.

The gentleman from Alabama wants to charge the actual settler—the pioneers in the wilderness—fifty cents per acre for those lands. Who has paid for the lands, and who donated them to the Government? The old States. And, sir, the old States paid a larger proportion for those we bought than the land States did. The old States furnished more troops and munitions of war for those acquired by conquest than the land States; and unless you give them, and their citizens, an opportunity, by the provisions of this bill, to obtain their proportion of them, how are they ever to get it?

We find in this House a proposition to give all these lands to the new States for railroad purposes; and we are told that by making that disposition of them, the revenues of the General Government, from the sales of public lands, will be greatly increased.

Now, we have already made donations, amounting to about 140,000,000 acres, to the new States for railroad and other purposes; and how much revenue have we derived from the sale of the public lands during the last fiscal year?

Twenty-five millions of acres have been taken up or located with land warrants. How much of that did the Government sell?—only 1,083,495 acres. The "military bounty land warrants" took up 6,142,360 acres. Other certificates consumed 9,427 acres; while the "swamp land" donations and those for railroads took up 18,111,710 acres. What comes of the argument, then, that by giving the lands to railroads we have increased the revenue of the General Government from the sale of our public lands, when, during the last year, only 1,083,495 acres were sold by the Government out of all this 25,000,000 of acres which were located?

Now, I appeal to the members of this House from the old States, that unless they adopt this bill, which by its provisions secures an opportunity for equal privileges and equal benefits to all, how else can we of the old States obtain any share in those lands, which are the common property of each and all the States of the Union?

The question was then taken upon the amendment proposed by Mr. Peckham, and it was not agreed to.

Mr. LANE, of Indiana. I rise to a question of order. I understand the gentleman from Alabama [Mr. Cobb] proposes to strike out that which we have already inserted.

The CHAIRMAN. The gentleman from Alabama proposes to strike out the first portion of the bill before the question is taken upon it. The committee have been engaged in perfecting the bill, and in perfecting it have made insertions. When the question is taken upon the motion made by the gentleman from Alabama, if they agree to strike out, they will strike out the first section of the bill as perfected by the committee. The motion of the gentleman from Alabama is in order.

Mr. COBB. I am willing to withdraw my amendment with the consent of the committee, and I hope that it will be voted down, because the committee have already amended the original section so as to cover everything contained in my own amendment. In addition to that, they have provided for the females. I am anxious that they should be provided for; and I am willing, therefore, that the amendment I have offered should be voted down.

The question was then taken upon Mr. Cobb's amendment, and it was not agreed to.

Mr. WASHBURN, of Illinois, offered the following amendment:

To insert after the enacting clause the following:

That any person who is the head of a family, and a citizen of the United States, and any person who is the head of a family, and has, prior to the time of his making application for the benefit of this act, filed his declaration of intention to become a citizen of the United States, in accordance with the law, shall be entitled to settle upon and locate one hundred and sixty acres, to be located in a body, on

such public lands as have been surveyed, and which are subject to private entry, at the rate of \$1 25 per acre.

Mr. TAYLOR, of Ohio. If I understand the gentleman from Illinois, he proposes to strike out the first section of the bill?

The CHAIRMAN. The gentleman from Illinois proposes to strike out the whole section, and insert what has been already read.

Mr. WASHBURN. Mr. Chairman, I desire to say that I am in favor of the principle of this homestead bill. I think it the true policy of the Government to open its unoccupied lands to actual settlement and cultivation upon the terms as substantially proposed by the bill we are now considering. In perfecting the bill, I hope the committee will take good care not to permit amendments to be made here in the committee of such an unreasonable character that it will fall of its weight in the House, when we come to vote on it there. I hope the friends of the bill will not be drawn off from the object in view by extravagant or irrelevant amendments, but that they will go forward and perfect this bill in the committee, so as to make it as strong as possible. In this view, I have offered the substitute to the first section of the bill, which, I think, will meet the approbation of all who favor the principle of the bill. I will endeavor to state some of the particulars in which my substitute differs from the section in the bill as it has been amended by the committee.

In the first place, I propose to leave it as the honorable chairman of the committee that reported it [Mr. Dawson] left it, so far as it regards its benefits being extended to citizens of the United States. I want every citizen to have the benefit of this act, without regard to the color of his skin. I want no discrimination made against any class of persons; and I think the amendment already made, confining the benefits of the act to *free white male citizens*, must weaken it, as, to my mind, it is most clearly wrong and unjust. Then, again, I propose that every unnaturalized citizen who has filed his declaration of intention to become a citizen, in accordance to law, before he makes application for the benefit of this act, shall be permitted to avail himself of the provisions of this law. I want a few restrictions as possible; and I would cordially invite the foreigner, as soon as he has landed upon our shores, to make himself a home in our western prairies. Hold out to him the encouraging prospects of this law, and you will soon find him a good citizen, who is turning your profitless and unappropriated lands into a source of national wealth, and adding to the general prosperity of the country.

There is another part of this section which I would call the attention of the committee to, and particularly the gentleman who reported the bill, and I think the propriety of a change of phraseology will be seen. It is now provided that the party who is entitled to the provisions of this act may "*enter free of cost*" a quarter section of land, &c. Now, sir, that strikes me as a contradiction. What is it to *enter* a piece of land at a government land office? Why, it is to *purchase*, to *buy*, of the Government. That is the meaning of the language, both in law and in the parlance of the land offices, when applied to acquiring land from the United States. All who live in the new States, where Government lands are for sale, know this. You, therefore, by the section as it now stands, propose to let the party who comes within the meaning of this act *buy* his quarter section of land "*free of cost*," which is an absurdity and a contradiction. I wish to change that phraseology to something which is appropriate, and which has some fitness; my substitute, therefore, provides for the permission to "*locate and settle upon*" these unoccupied lands; and then I would further provide, in another part of the bill, that he should be protected by law in his location and settlement until he shall obtain his patent. I think the section which I have offered as a substitute embraces everything which is necessary to make the bill perfect, as far as it can be made perfect. I hope, therefore, that it will be adopted.

Mr. CLINGMAN. I am opposed to the amendment, for a reason which I will state to the

committee. I presume this bill has been put by the Committee on Agriculture in such a shape as to meet the views of its friends as nearly as it can be made to do so. I do not know that I shall vote for the bill. I expect to vote against it, as I have done against a similar bill at former sessions. But, nevertheless, it has been made the special order, and the committee cannot get it out of the way except by reporting it to the House. I would therefore suggest to gentlemen, as these attempts to amend it will probably not end in much, as we have consumed a great deal of time on the bill already, and as there is important business pressing, that, by general consent, we let it be reported to the House in the form which its friends desire, and vote upon it there without further delay. While I expect to vote against the bill, I think it useless to be throwing in its way these little obstacles, thus consuming a great deal of time when the deficiency bill and other important measures are pressing upon us for action. I trust that, by common consent, we shall let the bill be read through and reported to the House as it now stands, and then we shall all have an opportunity to record our votes as we like.

Mr. LILLY. I move to amend the amendment by adding thereto the following:

Provided, That no patent shall issue to any person who is not a citizen of the United States.

My object is to prevent any person coming here—

Mr. DAWSON. That amendment is not all necessary.

Mr. JONES, of Tennessee. I will say to the gentleman from New Jersey, that what he proposes is provided in another section of the bill.

Mr. SMITH, of Virginia. No, it is not.

Mr. JONES. Yes, sir, it is. The sixth section of the bill provides that the foreigners enjoying the benefits of the bill shall have become citizens before the issuance of the patents.

Mr. PHILLIPS. Read the sixth section.

Mr. JONES. I hope gentlemen will not throw everything into the first section of the bill. There are other sections, if gentlemen will only read them before they offer amendments, which are not necessary.

Mr. LILLY. I insist on the amendment being made to this section. The object of it is, to prevent persons coming here, declaring an intention to become citizens, taking the land under this bill, and then not completing their naturalization at all. I know a great many foreigners in my part of the country who would be perfectly willing to declare an intention to become citizens for the purpose of obtaining the lands, but who would never become citizens of the United States; and not being citizens, they could never be called on to defend their country, to act as jurors, or to perform any of the other duties of citizenship. I hope the amendment will be adopted.

Mr. SMITH, of Virginia. I desire only to say, that the gentleman from Tennessee [Mr. JONES] is wrong in supposing this amendment to be unnecessary.

Mr. HENN. I call the gentleman to order.

Mr. JONES. The gentleman is not opposing the amendment. I want to speak in opposition to it.

Mr. DEAN. So do I.

The CHAIRMAN. The gentleman from Virginia is not in order in speaking in favor of the amendment.

Mr. SMITH. Well, I certainly do not want to speak in opposition to it.

Mr. WENTWORTH, of Illinois. I want to speak against it.

Mr. JONES. I wish the gentleman from Illinois would just read the sixth section of the bill, which relates entirely to this very point.

Mr. WENTWORTH. I am opposed to the amendment, first, and above all, because I want the bill to pass, and because, having been for a long time a member of this House, I have seen the bill introduced here and killed by its own friends. If the enemies of this bill will keep their seats and say nothing, its friends will kill it themselves. They always have done it; and if they did not do it, they would have no Buncombe measure to run to Congress upon. [A laugh.] Sir, I have heard this cry of "Land for the Landless" and "Homes for the Homeless." Though I have never raised it myself, yet I have been prepared to act on the measure. I am now prepared to act, and I shall

manifest my love for "homes for the homeless" and "land for the landless" by going without my dinner this day and sitting here and holding my tongue until the bill passes. Who can make a better Buncombe speech than that? [Laughter.]

The question was taken on the amendment to the amendment, and it was disagreed to.

The question then recurring on the amendment, it was also disagreed to.

Mr. PERKINS, of New York. I move to insert in the fourth line, after the words "United States," "not being the owner of land." It is claimed that this is a bill for the relief of the landless.

Mr. DAWSON. Not at all.

Mr. PERKINS. If it be not designed for the benefit of the poor, and those who are not possessed of land, but to add to the wealth of those who are already landholders, I am opposed to the bill. As it stands, it allows every person who owns a farm, or lot of land, in the States where the public lands lie, to take one hundred and sixty acres. If the provisions of the bill had only for their purpose the donating to the poor the land indicated, and affording them an opportunity to become their own employers, I would support them; but if, on the contrary, they are to enable persons of the western States, who have land, to come in and take another portion adjacent, to the exclusion of the eastern States, I would not.

The men in the eastern States do not want to take this land, except for speculation. If the man at the East be a property holder he cannot leave it and settle in the West; but the western man can go and live on the land adjoining to that which he owns, or put one of his sons upon it, thus making an occupancy of it. This is no equality at all. If the provisions of the bill be confined to those who are poor, and cannot be their own employers, they will be very different from what they are now.

Mr. HENN. I am opposed to the amendment, and ask for a vote on it.

Mr. BISSELL. Is it in order to offer a substitute? I have one which I desire to submit.

The CHAIRMAN. It is not in order to do so.

Mr. BISSELL. I propose, then, to amend the amendment by inserting before the word "land" the words "one hundred and sixty acres of," so that it will read "not being the owner of one hundred and sixty acres of land."

The amendment which I originally intended requires the applicant for the land to file an affidavit that he is not the owner of one hundred and sixty acres of land.

The CHAIRMAN. The gentleman from New York [Mr. PERKINS] proposes to insert the words "not being an owner of land," and the gentleman from Illinois proposes to amend by inserting the words "not being an owner of one hundred and sixty acres of land."

Mr. BISSELL. It takes a hundred and sixty acres, according to our notion in the West, to make a good farm; in other words, it takes that quantity of land to make a homestead, and that is the great idea conveyed by this bill. Now, I think there is a great deal of reason and good sense in what the gentleman from New York [Mr. PERKINS] says; and there is but one thing which leads me to doubt of its propriety, and that is the opinion expressed by gentlemen on this floor, in whom I have great confidence, adverse to this proposition.

Sir, this bill has been heralded to the country, or, at least, one similar to it, for two, three, four, and five years, as a bill to provide the homeless with homes, to secure land to the landless; and the arguments used in favor of it, and which attach the country so strongly to the measure, were, that it would attach men to the country; that it would create a sense of independence—a desire in men to be the owners of their own homes; that it would attach them to the Government, and make them feel themselves really a part of the Government. Do any of these arguments apply to the man who has already his finely-cultivated farm of a hundred and sixty acres? Most assuredly not? You do not provide homesteads in the proper sense of the word for such men. They have already their homesteads. The title of the bill ought to be changed so as to read "land for those who have plenty of land already; a farm for him who has a dozen of farms now; another home for him who has a home."

I am in favor, most sincerely, of the principles of this bill. I would not do anything to defeat or impede its passage. It is a bill which will benefit the people among whom I live greatly indeed. But I think its effects are extended too far in that respect. I know that gentlemen say "you cannot make that discrimination." Why, you do make that discrimination by this bill now just as effectually as if you had done it by positive words in the act itself. You would necessarily exclude from its provisions all those who are not agriculturists, or who are not prepared to become agriculturists. Therefore the bill, at best, is partial. It must be so. But then I go upon the principle that in this matter, as is so often the case in other matters,

"All partial evil's universal good."

But, sir, the idea of bamboozling the country with the assurance that the bill provides homes for those who have none—and which principle is in conformity with the suggestions of nature, and according to the law of God, as interpreted very correctly, I think, by the gentleman from New York, over the way, [Mr. SMITH]—is utterly absurd. With such arguments, and under the pretensions of accomplishing such objects—to provide for the unfortunate homes, and so forth—under such pretenses, I say, to provide land for him who has already twenty thousand acres in Illinois, and who has not yet determined on what tract to make his house—to provide an additional hundred and sixty acres for him who has another hundred and sixty—seems in controversy to the principles on which I have supported and admired bills of this sort.

At the last session of Congress a bill with similar objects as this passed the House. It excluded from the participation of its benefits those who had a hundred and sixty acres of land. Who ever heard a voice raised in the country against this bill? What newspaper, or what part of the people, made any complaint that it excluded those who are already landowners? In what part of the country was dissatisfaction with the provision of the bill, or with the bill itself, manifested? Nowhere. And the people are now expecting and prepared to receive a bill of a similar kind. Yet without any manifestation from the people that this bill should be changed, without receiving a memorial on the subject from any part of the country, a bill has been introduced, embracing—as well as the poor, the homeless, the houseless, the landless—the richest landowner in the whole country.

Mr. JONES, of Tennessee. I am opposed to the amendment to the amendment, because, sir, it is in direct conflict with one of my chief political tenets. It proposes to make a discrimination between citizens of this country. I am not one of those who come here to advocate, nor do I elsewhere advocate, the peculiar rights of the poor by giving them bounties. But, sir, I do here and elsewhere oppose all propositions which seem to me to be calculated or intended to make distinctions or to legislate for a class. I am not an advocate for poor man's laws other than to prevent cormorant wealth from devouring them; but I am an advocate for equal laws, such as will inure to the benefit of the poor man and the rich man alike.

I do not support this bill upon the ground that it will give homes and houses to the houseless and the landless; but I support it as a sheer act of justice to the pioneer who penetrates the wilderness, and settles the wild lands of our country. I am convinced, sir, from the little experience I have upon the subject, that the earlier and the first settlers of a new country, though you give them a quarter section of land, pay dearer for it, in the hardships, privations, and toils incident to such settlements, than those who come afterwards with pockets full of gold, and take up these lands and pay fifty or a hundred dollars for them. I vote for it because it is equal to American citizens who think proper to avail themselves of its privileges.

A word as to the constitutional question. Your \$1.25 per acre fixed by Congress is as arbitrary a price as if you had said only one mill; and I ask my particular friend from Virginia, [Mr. MILLSON], who is so opposed to this bill for want of conformity to the Constitution—nay, I appeal to all my friends from Virginia—to tell me what became of their constitutional scruples when they voted for the act of September 28, 1850, to give

bounty lands to soldiers who had rendered services forty and sixty years before, and had been settled with and paid off, and who had not one iota of claim against the Government? You gave them a gratuity under the act of September, 1850, and I find, upon consulting the records, that twelve members from Virginia recorded their votes in favor of that bill. They also voted in favor of the swamp land bill. That was as much a gratuity, as purely a gratuity, as is proposed by this bill. And, sir, there has been more land appropriated under that bounty land bill than there will be under this bill, if you pass it, for the next ten or fifteen years.

Mr. WASHBURNE, of Illinois. I move that the committee do now rise.

Mr. DAWSON. I hope the friends of the bill will not vote for the motion.

The question was then taken; and, a division being had, there were—ayes 62, noes 59.

Mr. DEAN demanded tellers, which were ordered; and Messrs. DAWSON and WESTBROOK were appointed.

The question was then taken; and the tellers reported—ayes 83, noes not counted.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and, by special order, House bill No. 37, commonly known as the homestead bill, but had come to no resolution thereon.

On motion by Mr. LETCHER, the House then adjourned till to-morrow, at twelve o'clock, m.

IN SENATE.

FRIDAY, March 3, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. I ask the unanimous consent of the Senate to present a report of the Secretary of the Interior, in answer to a resolution of the Senate of the 5th January last, requesting a statement of the amount of money received and expended by Luther Blake, late agent for the removal of the Indians from Florida, as such agent, with the objects for which it was expended, and the number of Indians removed by him.

The report was ordered to lie on the table, and be printed.

PETER PONCIN.

Mr. PETTIT. This being private bill day, I have a number of little bills that hang on me and their friends like an incubus, which I would like to have taken up and considered. They are plain matters, which will lead to no debate. I suppose we shall go on with private business until one o'clock. I hope that we may have an hour, if necessary, to pass private bills before we take up the Nebraska bill. I therefore move that the Senate proceed to the consideration of the bill authorizing a patent to be issued to Peter Poncin for certain lands therein named. Its passage is recommended in the strongest and most positive terms by the Commissioner of the General Land Office, and no objection can be made to it. It relates to a small tract of land in Minnesota.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to direct the entry by Peter Poncin of the north half of the southeast quarter, and the south half of the northeast quarter, of section thirty-six, in township twenty-nine, range twenty-three, in the Stillwater land district, Minnesota, and canceled by the Commissioner of the General Land Office, to be allowed and reinstated, so that the title may inure to the benefit of his grantees, as far as he may have conveyed it, with the proviso, however, that the money paid shall not be withdrawn, or if withdrawn, shall be again paid to the Land Office, and that thereupon a patent shall issue in his name. It also authorizes the Superintendent of Public Schools in Minnesota to select other lands, in lieu of those in section thirty-six, as far as they may have been granted or sold.

Mr. PETTIT. There is a printed report accompanying the bill, but there can be no necessity for reading it.

No amendment being proposed, the bill was reported to the Senate, and was ordered to be engrossed for a third reading, and was read a third time, and passed.

CONRAD WHEAT, JR.

Mr. PETTIT. Mr. President, there is one more bill which I ask the Senate to consider, and which will take no longer time than the other did. If it be passed, I shall be rid of a good deal of trouble. I move that the Senate take up the bill "for the relief of Conrad Wheat, jr., or his legal representatives." It is recommended by the Commissioner of the General Land Office, and is accompanied by a printed report, which any gentleman can have read, if he desires.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to confirm to Conrad Wheat, jr., the location of six hundred and forty acres of land described as survey No. 2453, in township forty-four north, of ranges five and six east of the principal meridian in the State of Missouri, made by him on the 22d of October, 1816, under a certificate of location No. 113, issued on the 12th of August, 1816, by the recorder of land titles.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

SAMUEL PRIOLEAU.

Mr. EVANS. Mr. President, as there seems to be a little leisure in the Senate this morning, I ask them to take up the bill "for the relief of the legal representatives of Samuel Prioleau," which was reported from the Committee on Revolutionary Claims. I think it will not meet with any objection.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers to pay to Mr. Prioleau's legal representatives the sum of \$6,928 60, being in full compensation for property taken from him at Charleston for the use of the United States, during the revolutionary war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

SUSPENSION OF RULE.

On the motion of Mr. BADGER, the Senate proceeded to the consideration of the following resolution, of which he gave notice yesterday:

Resolved, That the resolution assigning every Friday for the consideration of private bills be suspended for this day.

Mr. STUART. Mr. President, I do not intend to ask the sense of the Senate upon this resolution; but inasmuch as I said something a short time ago respecting it, I beg leave merely to say now, that I do not wish to be understood as giving my assent to this proposition. The only reason which I desire to assign for this course, is, that so long as the Government of the United States refuses to establish any other tribunal, or to pass any law by which private claims can be adjusted otherwise than by Congress, I cannot, with my views of propriety, refuse to appropriate one day in a week to adjust and settle them; and but for the fact that the Senator from Tennessee [Mr. BELL] desires to address the Senate to-day, he having the floor awarded to him upon the Nebraska bill, I should feel constrained, for the reason which I have assigned, to ask for the sense of the Senate upon it; as it is, I only wished to express my views against the proposition.

The resolution was agreed to.

PETITIONS.

Mr. FESSENDEN presented a memorial of citizens of New Sharon, Maine, protesting against the admission of slavery into the Territories now or at any future time; which was ordered to lie on the table.

Mr. FOOT presented a remonstrance of one hundred and twenty citizens of Stowe, Vermont, against the passage of the Nebraska bill in its present form; which was ordered to lie on the table.

Also, the proceedings of a public meeting held at Burlington, Vermont, in opposition to the passage of the Nebraska bill in its present form; which were ordered to lie on the table.

Mr. SEWARD presented the petition of Andrew Boileau, one of the relatives and legal repre-

sentatives of Lieutenant Pierre Boileau, a revolutionary officer, praying for commutation under the resolves of Congress of October 21, 1780, and March 22, 1783; which was ordered to lie upon the table.

Mr. HAMLIN presented a petition of citizens of Sandwich, Massachusetts, praying that buoys may be placed at certain places in the New Bedford collection district; which was referred to the Committee on Commerce.

Mr. FESSENDEN presented a petition of the Bowdoin Quarterly Meeting of Free-will Baptists, held at Topsham, Maine, remonstrating against the passage of the bill to organize the Territories of Nebraska and Kansas without a prohibition of slavery therein; which was ordered to lie on the table.

Mr. DODGE, of Iowa, presented the memorial of A. W. Bowman, an officer of the Army, praying compensation for performing duties of an extraordinary character, and out of the line of his duty; which was referred to the Committee on Military Affairs.

Mr. SEWARD presented the petition of A. J. M. Smith and others, remonstrating against the extension of the area of slavery; which was ordered to lie on the table.

Also, four petitions of citizens of Ontario county, New York, remonstrating against an infringement of the Missouri compromise; which were ordered to lie on the table.

Also, four petitions of citizens of Orleans county, New York, remonstrating against the repeal of the Missouri compromise, and against the extension of slavery into the Territories of the United States; which were ordered to lie on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred a bill granting to the States of Indiana and Illinois a portion of the public lands to aid in the construction of the Indiana and Illinois Central railway, reported it back without amendment.

Mr. CLAYTON, from the Committee on Foreign Relations, to whom was referred the petition of J. K. Cooke, praying remuneration for loss of time and expenses incurred under an appointment of the President as Consul of the United States at Xebara, in the Island of Cuba, the Governor General of that island having refused to recognize him as such, asked to be discharged from the further consideration thereof; which was agreed to.

TERRITORY OF NEBRASKA.

The bill to organize the Territory of Nebraska was read a third time.

The PRESIDENT. The question is, "Shall the bill pass?"

Mr. CASS. The honorable Senator from Tennessee has been kind enough to allow me to occupy the floor for a moment. I was not here last night when the vote was taken upon the engrossment of the bill. I desire to record my vote in favor of its final passage; and therefore I will ask the Senate to indulge me in ordering the yeas and nays upon the passage of the bill.

Mr. DOUGLAS. I deem it due to Senators to state that I announced last night, before we proceeded to the vote, that several of our friends, from indisposition, had been compelled to leave the Senate, under the impression that the vote would not be taken, and consequently that I should regard the test question as being on the passage of the bill, rather than on the engrossment.

Mr. CASS. The honorable Senator mentioned to me last night that he had no idea that the vote would then be taken on the engrossment.

Mr. DOUGLAS. For that reason I thought it proper to make the statement which I have mentioned.

Mr. CASS. I wish to express my gratification at the adoption of the amendment proposed by the honorable Senator from North Carolina, [Mr. BADGER,] and my thanks to him for it. Although it is an act of justice which I believe almost every Senator from the South who had touched upon the subject agreed to, it is no less an act of conciliation which will be very acceptable to the North, and remove many objections to the bill, and I trust it will be an example to be followed hereafter. I believe myself that the passage of this bill with that provision will close the fountain of the bitter waters of agitation. Having said this,

I ask for the yeas and nays upon the question of the final passage of the bill.

The yeas and nays were ordered.

Mr. BELL addressed the Senate at some length on the general subject connected with this bill.

The debate was continued by Messrs. DAWSON, NORRIS, WADE, PETTIT, TOUCHEY, FESSENDEN, WELLER, DOUGLAS, and HOUSTON.

Mr. HOUSTON concluded at ten minutes to five o'clock, a. m.

[This debate will be found in the Appendix.]

The PRESIDING OFFICER, (Mr. DODGE, of Iowa, in the chair.) The question is on the passage of the bill, and on that question the yeas and nays have been ordered.

Mr. DOUGLAS. I have been requested to make a statement to the Senate, which, perhaps, should be made now. The Senator from Indiana, [Mr. BRIGHT,] as is well known, has been very sick and confined to his lodgings for some weeks. He came here to-day and remained some hours, with the desire to vote upon this bill. He was, however, unable to remain longer, and was taken back to his house, with the intention to return if possible when the vote was taken; but he was compelled to take to his bed seriously ill. He sent a request to me that I would state these circumstances to the Senate, and add, that if he could have been here, he would have voted for the bill.

Mr. CASS. That will not go on the Journal.

Mr. DOUGLAS. No, but it will go into the report of the proceedings. I have further to state, that the Senator from Florida, [Mr. MALLORY,] also, was anxious to vote for the bill, but he had to leave the city on account of sickness in his family.

Mr. JAMES. My colleague, [Mr. ALLEN,] as is known to most of the Senators, has been called home on account of the sickness of his son. Before leaving, he requested me to state to the Senate, in case the vote should be taken while he was away, that under the circumstances of the case he should feel compelled to vote against the bill.

Mr. DAWSON. I desire to state that my colleague [Mr. TOOMBS] is unable, from indisposition, to be here. If he had been here, he would have voted for the bill.

The question was taken by yeas and nays, and resulted—yeas 37, nays 14.

YEAS—Messrs. Adams, Atchison, Badger, Bayard, Benjamin, Brodhead, Brown, Butler, Cass, Clay, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pettit, Pratt, Rusk, Sebastian, Shields, Slidell, Stuart, Thompson of Kentucky, Thomson of New Jersey, Toucey, Weller, and Williams—37.

NAYS—Messrs. Bell, Chase, Dodge of Wisconsin, Fessenden, Fish, Foot, Hamlin, Houston, James, Seward, Smith, Sumner, Wade, and Walker—14.

So the bill was passed.

On the motion of Mr. DOUGLAS, its title was amended, so as to read: "A bill to organize the Territories of Nebraska and Kansas."

ADJOURNMENT.

Mr. BADGER. I think that the Senate, after this protracted sitting, is entitled to a rest of three days. I therefore move that when the Senate adjourn, it be to meet on Tuesday next.

Several SENATORS. Agreed.

The motion was agreed to.

The Senate, then, at five minutes to five o'clock on Saturday morning, after a continuous session of seventeen hours, adjourned to Tuesday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 3, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the President of the United States, transmitting, in compliance with the resolution of the House of the 22d December, a plan, by the Attorney General, for the modification and enlargement of the judicial system of the United States, in accordance with the recommendations in his late annual message; which was read, referred to the Committee on the Judiciary, and ordered to be printed.

Also, a communication from the President, in reply to a resolution of the House, of the 13th ultimo, asking information in respect to the nego-

tiations with the Government of Peru, with reference to the exportation of guano, transmitting a communication from the Secretary of State, with the correspondence referred to; which was laid upon the table, and ordered to be printed.

OLD SOLDIERS.

Mr. CHANDLER. I ask the unanimous consent of the House to present a communication from the Governor of Pennsylvania, containing resolutions relative to the old soldiers, with a view of having it referred.

There was no objection, and the letter and resolutions were read by the Clerk, referred to the Committee on Public Lands, and ordered to be printed.

The resolutions adopted by the Legislature of the State of Pennsylvania provide:

First, that the Senators from that State be instructed, and their Representatives requested, to use their influence and vote for the passage of an act granting to each soldier one hundred and sixty acres of public lands, in accordance with the request as published at the convention of soldiers lately held in the city of Philadelphia.

Second, that, in their opinion, the Government of the United States should extend to the soldiers, and widows of soldiers, that remain of those who served in the last war with Great Britain, the benefits of the pension system that was created for, and enjoyed by, the soldiers and widows of the Revolution.

Third, that the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and members of Congress, and to each of the Governors of the several States.

Mr. DAWSON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union upon the special order.

Mr. STANTON, of Tennessee. I desire to know what became of the communication from the President of the United States with reference to modifications of our judicial system?

The SPEAKER. It was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. EDGERTON. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. DEAN. Before the question is put upon the motion of the gentleman from Ohio, [Mr. EDGERTON,] I desire to ask if this is not objection Friday?

The SPEAKER. It is.

Mr. DEAN. Now, I want to know if any bills have been added to the Private Calendar since it was gone through with on last Friday?

The SPEAKER. The Chair understands that all the bills now upon the Private Calendar were objected to on the last objection day. This is objection day, and the Chair merely states the fact as a matter of information.

Mr. FLORENCE. I ask that the motion to go into a Committee of the Whole House may be withdrawn for a moment, to allow me to present a communication from the Governor of Pennsylvania, transmitting certain resolutions from that State in regard to an extension of the bounty land system.

Mr. JONES, of Tennessee. That communication has just been presented by the gentleman's colleague, [Mr. CHANDLER,] and read at the Clerk's desk.

Mr. FLORENCE. It has not been presented by me. I ask the consent of the House to present it, have it referred to the Committee on Military Affairs, and ordered to be printed.

Mr. JONES. There is surely no necessity of having it printed twice.

Mr. FLORENCE. Well, sir, I have special charge of this subject, and I hope the gentleman will indulge me in my request. [Laughter.]

Mr. JONES. The communication has already been presented, read, and ordered to be printed. I object to its being printed again.

The SPEAKER. Objection being made, the communication cannot be disposed of as indicated.

Mr. ORR, by unanimous consent, presented a memorial from Lieutenant Maury, in behalf of the Memphis convention, in favor of the free navigation of the Amazon river; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. EDGERTON. At the request of gentle-

men around me, I withdraw my motion to go into the Committee of the Whole House.

The question recurring upon the motion to go into Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

HOMESTEAD BILL.

The CHAIRMAN. When the committee last rose, they had under consideration special order of the House, being House bill (No. 37) "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified."

The gentleman from New York [Mr. PECKHAM] offered an amendment, to insert in the fourth line of the first section, after the words "United States," the words "not being the owner of lands." The gentleman from Illinois [Mr. BRISSELL] proposed to amend the amendment by inserting before the word "lands" the words "one hundred and sixty acres;" and the question pending is upon the latter amendment.

The question was put; and the amendment to the amendment was not agreed to.

The CHAIRMAN. The question recurs upon the amendment of the gentleman from New York.

Mr. MILLSON. I move to amend the amendment, by inserting at the end thereof the words "and who shall have received, or who may hereafter receive, bounty lands under any act of Congress."

The committee will perceive that I have only moved that amendment for the purpose of replying, in order, to the remarks of the gentleman from Tennessee, [Mr. JONES,] and with a view of responding to the inquiry which has been addressed to me by him. As I was not then in my seat, I had no opportunity to reply to it.

The gentleman asked me what became of my constitutional objections when I voted for the bounty land bill of 1850? Why, sir, if the gentleman imputes that vote to me as a fault, I can only say that the gentleman from Tennessee himself was one of a very large number who voted to suspend the rules for the purpose of introducing that very bill; the gentleman from Tennessee himself was one of a very large number who voted to suspend the rules for the purpose of making the bounty land bill a special order, and I was one of a very small number who voted against suspending the rules for that purpose; and the gentleman from Tennessee and myself had the pleasure to unite in the vote that was afterwards given in favor of the passage of that bill. Why then, all I have to say is, that if my friend from Tennessee—and I am very happy to hail him as my particular friend—censures the vote which I then gave, I think I can shelter myself under the authority of so able a constitutional lawyer as he is. I take particular pleasure in defending the vote which I then gave, because in defending myself I defend him, and I should be exceedingly sorry if his reputation should suffer any disparagement here from his own attack upon himself. Regarding him, as I do, as a most experienced, able, and valuable member of this House, I should regret almost as much as he could do, anything that would throw any imputation upon the character he has so well earned.

Mr. JONES, of Tennessee. It certainly was not my intention, in the reference which I made to the vote on the bounty land bill of 1850, to arraign the gentleman from Virginia, who, I am most happy to say, I esteem as one of my most particular personal and political friends. But, sir, it was to elicit from that gentleman, who has clear and correct conceptions, I think, of the Constitution, what is the difference, upon the constitutional question, between voting for this homestead bill and voting for the bounty land bill of 1850? The object of that bill was to give lands to soldiers who had served in the war of 1812, and the Indian wars since 1790; this bill was not originated, nor has it been advocated.

Mr. ORR. The gentleman from Tennessee adheres to the rules very closely generally; but I think he is departing from them now, and I call him to order.

Mr. JONES. If the gentleman will wait a little he will find that I am not out of order now.

The CHAIRMAN. Although the gentleman from Virginia [Mr. MILLSON] offered an amendment for the purpose of making a speech in order, the remarks which he made were really not in order, and the remarks which the gentleman from Tennessee is now making are not in order.

Mr. JONES. I am speaking on the constitutionality of the gentleman's amendment, and the bill to which it is offered.

The CHAIRMAN. The gentleman has a right to speak on the constitutionality of the amendment. That is in order.

Mr. MILLSON. And that is precisely what I was doing.

Mr. JONES. The bounty land bill of 1850 was as much a gratuity as this is. The Government had settled with every soldier provided for by that bill, and had paid him to the last cent that it owed him, and it was purely and solely a gratuity; and this is fixed on a consideration of settlement and cultivation; and, sir, I cannot for my life see the difference between the two as to constitutionality. My friend did not touch that question.

Mr. PERKINS, of New York, obtained the floor.

The CHAIRMAN. Debate is exhausted on the amendment to the amendment. When it has been voted on amendments will then be in order.

Mr. MILLSON. With the unanimous consent of the committee I shall withdraw my amendment.

There was no objection, and the amendment was withdrawn.

The question was then taken on the amendment of Mr. PERKINS, of New York, submitted yesterday, and it was disagreed to.

The CHAIRMAN. If there be no further amendment to the first section the Clerk will read the second one.

Mr. PHILLIPS. Will it be in order to move to strike out the first section?

The CHAIRMAN. The Chair will entertain that motion, although the Clerk was about to read the second section, the committee having proceeded from the first.

Mr. JONES, of Tennessee. I suggest that it is not in order to move to strike out the first section. To strike out the first section would be to reject the bill.

The CHAIRMAN. The Chair understands that the striking out of the enacting clause would be equivalent to a rejection of a bill. To move to strike out the first section after the enacting clause to the bill is in order.

Mr. JONES. That, I hold, would be a rejection of the bill. The remaining sections regulate only the details of the manner in which the first section is to be carried into effect. That would be a rejection of the bill, and the committee has not the right to do so.

The CHAIRMAN. The Chair does not understand that to strike out the first section of the bill, after the enacting clause, is equivalent to a rejection of the bill. The motion of the gentleman from Alabama is in order.

Mr. PHILLIPS. I move to strike out the first section, Mr. Chairman, because I am opposed to the principle on which the bill is founded; and in the beginning I state that I fully admit the constitutional power of Government over these lands as property. I know of no wider and larger term than the word "dispose," which is used in the Constitution; and that word, "dispose," equally applies to the donation of lands as to their sale. I admit, therefore, the full constitutional power of the Government over the disposition of the public land as the property of the country.

At the same time, sir, I am opposed to the principle of the bill. I am opposed to it because it works a complete revolution in the legislation of this country heretofore had on the subject of our public land. I am opposed to it because it destroys all the past action of this Government in regard to those lands. It destroys, in a great measure, the value of the grants of the public land to the States. It depreciates to a great degree the value of those very bounties of land which have been given for military services rendered to the country, millions of acres of which are yet uncultivated. It goes further, and depreciates the value of those very lands which you have sold to actual

purchasers, and who have paid their money into your coffers. It does all this. It reverses your legislation on the subject of the public lands.

I am opposed to it, sir, on another principle. It is said that this bill is to give homes to the homeless and land to the landless. I deny that that is any part or parcel of the powers that have been intrusted to the Federal Government. We have no right to constitute ourselves the great almoners of this country, and to give homes to the homeless and lands to the landless. That is no part of our system, that is no part of our duty.

Sir, it is said, on the other hand, that this is not the object of the bill, but that the object is to settle up your western country. I admit, Mr. Chairman, that it is our duty to afford facilities to those who choose to settle up that country. But I deny that it is any part of the power or policy of this Government to give bounties or afford stimulants to the settlement of that country. What is the great evil under which many of these States are now laboring? The great evil exists in the unsettled and migratory character of our population.

What are we doing at the present moment in many of our States, especially in the southwestern States? We are making railroads; we are instituting systems of internal improvement, so as to hold out inducements to our people to remain at home. The great evil that now exists is this, that it is easier to purchase new lands than to manure and protect old lands. That is the evil under which we are now suffering. At their present prices the cheapness of the public lands has already made it a part of the history of the country, and of the practice of the country, that it is cheaper to purchase new lands, and to give up worn out lands, than it is to remain at home and manure and protect them.

Mr. CLINGMAN. I am opposed, Mr. Chairman, to the amendment of the gentleman from Alabama, and to all other amendments, and I hope it will not be adopted.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the second section of the bill.

The second section of the bill was accordingly read.

Mr. HENDRICKS. The first proviso of the second section is as follows:

"Provided, however, That no certificate shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisees, or, in case of a widow making such entry, her heirs or devisees, in case of her death, shall prove by two credible witnesses that he, she, or they, have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same, or any part thereof; then, in such case, he, she, or they shall be entitled to a patent, as in other cases provided for by law."

I propose to amend the same by adding the following further proviso:

"Provided, further, That at any time after the expiration of one year from the date of such entry the person who would be entitled to a patent if said term of five years were then expired, may pay the United States the sum of twenty-five cents per acre, and thereupon shall be entitled to a patent for said land."

Mr. JONES, of Tennessee. I ask the gentleman from Indiana, before he presses his amendment, to allow me to offer an amendment which should properly precede his.

Mr. HENDRICKS. I yield for that purpose.

Mr. JONES. My amendment is designed to make this section conform to the first section of the bill, as amended by the House. It is to insert, after the word "family," in the fifth line, the words "or over the age of twenty-one years," so that it shall read:

"That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family, or over the age of twenty-one years; and upon making the affidavit as above required, and filing the affidavit with the register, he or she shall thereupon be permitted to enter the quantity of land already specified."

The question was taken, and the amendment was agreed to.

Mr. HENDRICKS. I now ask that my amendment may be read again.

The amendment was accordingly read, as above inserted.

Mr. HENDRICKS. I am in favor of giving lands upon easy terms to actual settlers. But I do not think the plan proposed in the bill is the best that could be adopted. It is not the most favorable to the settler, or to the Government. Under the provisions of the bill, the settler must make his location, and continue to reside upon and cultivate the land for five years, without a title; the title, in the mean time, remaining in the Government. During these five years he is but the tenant of the Government. Without being the owner, he is required to spend his labor and money in the improvement of the land. And it matters not what changes in his fortune and circumstances may make him dissatisfied with his location, or render it impossible for him to continue it for the five years, if he abandons his location he loses all; the land, with the improvements, returns to the Government. During this term of five years he has no estate in the lands, or in the fields he may have cleared, or the houses he may have built, which he can sell to another. He cannot labor with the same confidence and earnestness that he would if he had the patent in his pocket.

I cannot present the objections to any system that would make the people tenants of the land under the Government with the power and elegance displayed by the gentleman from Pennsylvania, [Mr. DAWSON,] in his very able speech in favor of this bill. I will support the bill, but I feel that the objections to which I have referred are weighty, and to obviate them, as far as possible, I offer the amendment. This amendment is based upon the principle that the lands should be given by the Government to the people, in limited quantities, for homes, at the cost price, and that the title should be secured at once. In his report of 1850, and also in his report made during the present session of Congress, the Commissioner of the General Land Office shows, that the lands in the States of Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Florida, Tennessee, and the Territory of Minnesota, cost the Government, including the cost of selling and managing, not quite twenty-two cents per acre. In his report of 1850, the Commissioner says:

"The average cost to the Government of acquiring title to the public lands, including the extinguishment of the Indian title, is.....	cents 14.41, per acre.
Cost of survey.....	2.07
Cost of selling and managing.....	5.32
Total average cost.....	21.80

While for each acre sold the Government gets \$1 25, or a net profit, over and above every cost and expense, \$1 03 1-5 per acre."

Sir, the land does not cost the Government twenty-five cents per acre, but I propose that the settler pay at that rate. The quarter section will cost him forty dollars. The amendment requires that he shall establish that he is a settler in good faith, by a residence of one year upon the land. He may then pay the forty dollars, and receive his patent at once. He is no longer a tenant of the Government, but a freeholder. He is then secure in the money and labor expended, and will work with a good will.

In most cases, sir, the settler will prefer paying this small sum, and taking his title at once. The Government will be reimbursed. No wrong will be done to any section of the Union.

With this amendment, this bill, in my judgment, will be one of the great and beneficent measures of this day. Under its provisions the men of the country who wish to secure homes may make their location, maintain it for one year, pay to the Government forty dollars, and become freeholders; and those who cannot pay that amount may continue their residence upon and cultivation of the land for the five years, and then receive their title. Then all may have homes.

Mr. DAWSON. I do not intend to answer all the objections, or to consume time in discussing all the amendments that may be offered to this bill. I would merely suggest that this amendment, if adopted, will practically result in the graduation of the public lands. It will defeat, in a great measure, the main object of the bill, which is the settlement and cultivation of the public domain. It will, in fact, open up a new field for specula-

tion, destroy settlements by holding out inducements to the settler to dispose of his title, which he can do by paying one quarter of a dollar per acre at the land office. A new settlement would then follow, thus delaying valuable and permanent improvements, the result of which will be practically to defeat the great object which this bill has in view.

The question was then taken upon Mr. HENDRICK's amendment, and it was not agreed to.

Mr. MATTESON. I offer the following amendment:

Insert after the word "affidavit" in the fourth line of the second section the words "and procure the affidavit of two disinterested freeholders to be made."

By this bill, all that any white man—or woman, perhaps, I ought to say—has to do to get one hundred and sixty acres of land is simply to make his affidavit. That is not enough, in my opinion, and is altogether too cheap. It is not such a form as I think ought to be prescribed in case a man desires to secure a farm. We all know the facility with which men often make affidavits for a much smaller consideration than that of obtaining a farm.

We all know, under the laws of all the States, the formality required in recording and transmitting title to real estate. I insist, that if one hundred and sixty acres of land are worth having at all, that something more than the simple affidavit of any one man who desires such a farm should be required. Gentlemen who have had any experience in the courts know very well the facility with which affidavits are sometimes made. It is no hardship, it strikes me, if any one desires to avail himself of the benefits of this act, that in addition to making his own affidavit he should procure the affidavit of two freeholders, his neighbors, that he is the person described in his own affidavit. I think this requirement would prove no hardship at all, but it would be a guard thrown around this bill, and highly necessary to protect the interests of the Government.

Mr. CHAMBERLAIN. I propose to answer the objection just made by the gentleman from Mississippi, [Mr. MATTESON], to the provision in the bill now under consideration. It seems to me that the gentleman has entirely misapprehended the express terms of this bill. He starts out with the objection, that it is quite too cheap to get a quarter section by filing an affidavit.

I grant that these lands may be too cheap, but sir, the person proposing to enter them does not get his quarter section upon these terms; on the contrary, before he can obtain his title to the land from the Government, the section already requires that he shall do precisely what the gentleman proposes. It renders it tautological, at any rate, and therefore objectionable, to insert this amendment. And not only this, but it is utterly useless, from the fact that the section already provides for the self-same thing. In the latter part of this section is the following clause:

"And if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee, or, in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses that he, she, or they, have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same, or any part thereof; then, in such case, he, she, or they, shall be entitled to a patent, as in other cases provided for by law."

Now, if I do not entirely misapprehend the language of this clause of the bill, there is therein contained a provision precisely the same as that contemplated by the amendment proposed. That is the meaning of the section, it seems to me, if it means anything. I desire, however, to be corrected if I have misapprehended it.

Mr. BISSELL. It strikes me that the affidavit provided for in the second section should be made to conform with that already inserted in the first. If I recollect rightly, we have adopted such an amendment to the first section, and, if so, the second should be made to correspond.

The CHAIRMAN. No further discussion is in order. Does the gentleman from Illinois propose an amendment?

Mr. BISSELL. No, sir; upon further consideration I will not propose any amendment.

The question was then taken upon Mr. MATTESON's amendment, and it was not agreed to.

Mr. CHAMBERLAIN. I now propose an amendment to this section of the bill. I do it in order to make it as perfect as possible. I move to insert after the word "lands," in the sixteenth

line, the following words: "and have made lasting and valuable improvements thereon, and have not committed waste upon the adjoining lands."

This provision should be also embraced in the affidavit and subject to proof, and I have offered it for this reason. One of the prominent features of this bill which recommends it to the majority of this House and the country, is found, I believe, in the last section, which proposes to make these donations in alternate quarter sections. I have resided in the West for twenty-one years; I have seen a new country settled, and I know very well the benefit which this bill will secure to the poor laboring population of the country. The nation cannot better dispose of her public domain than, by the provisions of this bill, to secure its settlement by an industrious yeomanry.

But, sir, while such are the beneficial results of this bill, there are objections to it in its present form. It needs this additional guard. Living as long as I have done in the West, and having seen a new country settled, I have also seen the disposition, on the part of a large portion of those who go upon the frontier, to squat themselves down, and simply to subsist, from day to day, and from year to year, and perhaps for the length of time contemplated in this bill, by plundering upon the adjoining lands, more especially in those portions of the country where timber is scarce, and hence valuable. It is indispensably necessary to guard this bill by an amendment, such as I have offered, in order to obviate that radical objection to it.

Mr. DAWSON. The laws of the country give ample protection against such trespasses, and it is unnecessary to incorporate them into this bill.

Mr. CHAMBERLAIN. I have been a resident in the West—

[Cries of "Order."]

The CHAIRMAN. The gentleman from Indiana having addressed the committee once and resigned the floor cannot speak again upon his amendment.

The question was then taken on Mr. CHAMBERLAIN's amendment, and it was rejected.

Mr. LINDLEY. I offer the following amendment:

Add at the end of the second section this proviso:

And provided further, That any person, being a citizen of the United States, and the head of a family, who shall be the owner of a tract of less than one hundred and sixty acres of land in any district of public lands shall be entitled to enter, free of cost, so much of the public lands adjoining, or as near thereto as may be, as will, when added to the same, amount to one hundred and sixty acres; and at the expiration of five years from the date of said entry, if the person making the same, his widow, heirs, or devisees, as the case may be, shall prove that he, she, or they have continued to reside upon and cultivate said tract of land so previously owned, or so entered, or any part thereof, then, in such case, he, she, or they shall be entitled to a patent, as in other cases provided for by law.

I desire to make a few remarks in explanation of that amendment.

Mr. DAVIS, of Indiana. I rise to a question of order. Has not that same proposition already been voted down?

The CHAIRMAN. Not in the same words; it was a different proposition.

Mr. DAVIS. It was the same horse, only of a different color.

Mr. LINDLEY. The gentleman is mistaken; there has been nothing of this kind offered as an amendment, nor anything like it. The object of my amendment is to extend the benefits of this bill to a large and meritorious class of the citizens of the West, without, at the same time, requiring them to sacrifice more than would counterbalance the benefits proposed to be conferred by the bill. There are a great many people in the western country who removed there at an early day, and have succeeded, by hard labor and toil, in securing the title to forty or eighty acres, and the cultivation of that land, the fencing, breaking, and putting upon it the improvements usual in the western country, will amount to more than the value of the land.

The object of this amendment is to enable those persons to enter, under the provisions of this bill, as much land adjoining their own, or as near thereto as may be, as will make them equal with the settler from the old States who may locate immediately beside them. When an individual has forty acres, for instance, which he has raised money to enter, and has placed improvements upon it, I desire that he may be permitted to enter, free of cost, other three forties adjoining, or as near as

may be, without being compelled to sell or remove from his improvements.

The cost of his improvements is more than the value of the land; and the improvements of which I speak are generally so small that persons coming to the West at this time to purchase improved farms will not buy them; consequently the owner of that land has no market, and cannot sell the little forty acres in order to take advantage of the provisions of this bill; and if you require him to remove from his forty acres to go on the public land, it would be to demand of him a great sacrifice. He cannot sell or remove from it without sacrificing more than is proposed to be given him by the provisions of the bill.

The bill requires that the person shall reside on the one hundred and sixty acres which he enters under its provisions. My amendment proposes that he may reside on the tract of land which he has previously entered, and enter, free of cost, as much more as will amount in all to one hundred and sixty acres. It is nothing but fair and right to those men who emigrated to the West years ago, when the country was very wild, and endured all the privations of poverty, and the hardships of frontier life, to place them thus within the provisions of the bill. Being actual settlers, they should not be deprived of the right which you propose to extend to individuals who have never been in the West, and who are now living in the East, or may come from a foreign land.

Adopt this amendment, and you will then carry out fully the object of the bill, and do justice to the actual settler.

Mr. CLINGMAN. I think the gentleman's amendment makes the bill more objectionable to me, and therefore I am opposed to it.

The question was taken on the amendment, and it was disagreed to.

Mr. ETHERIDGE. Is it in order to offer an additional section to the bill at this time?

The CHAIRMAN. That is only in order when all the sections of the bill have been gone through with.

Mr. ETHERIDGE. I have been confined to my room for several days past. I have only been able to get here to-day, and would like to have the indulgence of the committee to offer my amendment to the bill as soon as may be.

[Cries of "Offer it now!"]

The unanimous consent of the committee was given to the submission of the amendment.

Mr. HENN. Has the second section been disposed of?

The CHAIRMAN. It has not. Indulgence has been extended to the gentleman from Tennessee, in consequence of his indisposition, to offer his amendment at this time.

Mr. ETHERIDGE. I move the following as an additional section to the bill:

SEC.—And be it further enacted, That the provisions of this act shall never be held or deemed to apply to any person or persons, except native-born citizens of the United States, and such other persons as are now naturalized, and to such other person or persons as, at the time of the passage of this act, shall have filed their declaration of intention to become naturalized citizens according to existing laws regulating the mode and manner of naturalizing foreigners, and to no other person or persons whomsoever.

Mr. Chairman, the committee will doubtless indulge me but one moment, while I explain the object of my amendment. I am willing to provide for the natural-born American citizens; I am willing to provide for those who have come here, and show their devotion to our country and its institutions by becoming naturalized; but I am unwilling to offer that which may be construed into a bribe to invite from all parts of the world every variety of population, and that, too, by offering them a bounty which has never been offered to you or me, or those who have preceded us. We must stop somewhere.

It is well known that in Europe a man having a hundred and sixty acres of land is regarded as a large proprietor; and if the news goes forth to Europe, and to Asia, and to all parts of the world, that in this country we give a hundred and sixty acres of the public domain to American citizens, to naturalized foreigners, and to those who may come here and become naturalized, they will instantly bridge the Atlantic and the Pacific, and in ten years your public domain will be swallowed up. Swallowed up, sir, and by whom? By those who, I fear, may some day change our laws, our institutions, and even, perhaps, our religion.

Already you have a colony here—I mean the Territory of Utah—in which you have what we denounce as a spurious religion. You have there polygamy in all its forms, in all its consequences. And that colony is made up, as we all know, by the immigration from Europe of those who there embrace the peculiar doctrines of the Latter Day Saints.

Now, sir, I have no objection that the benefits of the bill should extend to every native-born American citizen, to those who have been naturalized, and to those who have already declared their intention of becoming American citizens, without the offer of this bounty. I do not know that patriotism, or duty, or interest require us to go further than that, and to offer this inducement to every variety of persons, without reference almost to color. I say we ought not to do it. Let us confine the benefits of this bill to those who are American citizens, who have been naturalized, or who have declared their intention to become so. The bill in its present form gives land to American and to naturalized citizens. It is idle to say that the foreigner who comes here and settles on the public domain and becomes naturalized is not an American citizen within the meaning of this bill, and is not entitled to the benefits of this act.

I have felt it my duty, Mr. Chairman, to offer this amendment, but I am told by a friend on my right that it is unnecessary, as the bill applies only to American citizens, and to those who are now naturalized, and now residents of the United States. If that be so, my amendment can do no harm. I differ with the gentleman as to the legal construction of the bill. Let my amendment go forth with the bill, as a sort of warning and admonition to all the world that they need not come here expecting these privileges from the Government of the United States. Such an amendment, at all events, can do no harm.

[Here the hammer fell.]

Mr. WALBRIDGE. Mr. Chairman, I desire to have the amendment offered by the gentleman from Tennessee [Mr. ETHERIDGE] read.

The Clerk reported the amendment again.

Mr. WALBRIDGE. I do not concur, Mr. Chairman, in the amendment, and therefore I shall oppose it. I do not apprehend the evils which are anticipated by the gentleman who submitted it. I think it is obviously unjust to cut off from the benefits of this bill that large class who, immediately on coming here, become naturalized citizens—assimilate with our institutions, constitute, in every element, the good citizen; not subordinate in usefulness, not subordinate in fidelity, not subordinate in any respect to American born citizens. It is to be understood and borne in mind that one fifth of the population of this country are foreigners or are immediately descended from foreigners. And I submit the question, whether, in any exigency, the naturalized foreigner, or the descendant of the foreigner, has not been equal, in all emergencies, to the American born citizen?

Therefore I resist the amendment, as the bill would be doing injustice, if this amendment prevail. I understand the provisions of this bill to be to promote the very purposes to which the gentleman objects; that is, to invite immigration, to people our western frontiers, to cultivate the waste lands, and to bring into use those vast acres in the west. For that reason, I shall resist the amendment.

Mr. DAWSON. I hope the amendment will be voted down.

The CHAIRMAN. The question recurs upon the amendment of the gentleman from Tennessee, [Mr. ETHERIDGE.]

Mr. NORTON. I am opposed to that amendment.

Mr. ORR, (interrupting.) I would suggest to the gentleman whether it would not be better to consider and perfect the second section, which is now under consideration, before we proceed to the further consideration of the amendment of the gentleman from Tennessee?

The CHAIRMAN. That can be done by unanimous consent.

Mr. ORR. I suggest to the committee that it would be better to postpone that amendment until after we have perfected the second section of the bill. The gentleman from Tennessee [Mr. ETHERIDGE] has made his remarks, and I can see no objection to the postponement of its consideration until the time I have suggested.

A VOICE. I object.

The CHAIRMAN. Objection is made, and the gentleman from Illinois [Mr. NORTON] will proceed.

Mr. NORTON. I offer the following amendment:

That the provisions of this bill shall also apply to all persons who shall have, at the time of making application for the benefits thereof, made their declaration of intention to become citizens of the United States, according to the laws of the United States.

I offer this amendment as a substitute for that offered by the gentleman from Tennessee, [Mr. ETHERIDGE.] Now, sir, I am in favor of the provisions of this bill, and I shall vote for it. I am in favor of the provisions of this bill, because I believe that is a good manner of disposing of a portion of the public lands. It will add new inducements to emigration from the old States to the new States and Territories. It will offer an inducement to large numbers of the poorer classes, now dragging out a miserable existence in the large towns and cities of the old States, to emigrate to and settle upon our western prairies, for the purpose of bettering their own condition, and furnishing to their children facilities for education and improvement which they are now denied. They will thus be enabled to present their country with a generation of men and women far better fitted for the high duties of American citizens. It will promote the cause of general education; it will facilitate the settlement and improvement of the country; it will develop its resources, and increase its wealth. It will raise the standard of respectability amongst a large portion of the toiling millions of our fellow-men, now laboring under grievous disabilities and disadvantages; it will hold out new incentives to morality, industry, and economy. It will tend, at least in some degree, to the establishment of that equality amongst men which is the pride and boast of our institutions, and the foundation of our Government. I believe, sir, that every acre of land, and every dollar of money, that this Government can devote to the elevation of those in the humbler walks of life in the scale of being are well expended. I believe that the passage of this bill will be conducive to the highest interests of the country—moral, educational, and pecuniary.

Now, sir, I am opposed to the amendment of the gentleman from Tennessee, for this reason, that it makes unnecessary and invidious distinctions. Why, sir, I ask, should we hold out inducements by our Constitution and our laws to the oppressed and down-trodden of other lands in Europe, Asia, and the whole wide world, to emigrate to this land, and propose to make them citizens of the United States by naturalization, and then attempt, in our legislation, to draw invidious distinctions between them and the native-born citizens of the country? And besides, sir, the amendment of the gentleman seeks to make a distinction not merely between native and naturalized citizens, but between the naturalized citizens themselves. He would confine the benefits of this bill to those alone who are now in the country. Sir, I cannot consent to such a proposition. If the position of the gentleman from Tennessee be good and tenable, if it be right to make a distinction between citizens naturalized five years hence and those already naturalized, then, to be consistent, the gentleman should say, that persons born in the country hereafter shall not have the benefits of this bill. I believe that when men come here from foreign lands, and are naturalized according to the laws of the country, there should be no distinction. I would regard one and all, native and naturalized, as American citizens, standing upon the same great platform of equality; nothing more and nothing less.

One word now as to the proposition which I have offered in lieu of that of the gentleman from Tennessee. I would extend the privileges of this bill to those emigrants who have come to our shores with the intention of becoming citizens, and have declared their intentions to that effect. And I think this is right; I can see no danger to arise from it. Surely their coming to this country, and swearing allegiance to our Government, taking the initiatory steps for becoming citizens, and settling down and making improvements upon the public domain, are sufficient guarantee that their intentions are good. And they get no title to the land under five years, and then they will be entitled fully to the rights of citizenship.

Mr. CLINGMAN. I hope that this amendment will be adopted.

Mr. ETHERIDGE. I believe the rules entitle me to five minutes in closing upon the amendment I offered?

The CHAIRMAN. The Chair would inform the gentleman that he is not entitled to the floor upon his amendment, but he is entitled to the privilege of replying to the gentleman from Illinois.

Mr. ETHERIDGE. The gentleman from Illinois speaks of "invidious distinctions" between our own citizens and foreigners. I would ask the gentleman if our naturalization laws do not create invidious distinctions? Why do we impose upon the foreigner five years' residence here before he is allowed the right of suffrage, and before he is entitled to the privileges of citizenship? Pass the bill with the amendment which I have proposed, and what will be the result? Emigration may still come from abroad upon the very same terms that it has come to this country for the last ten years. We welcome the foreigner here to our free institutions, our free religion, and our free country. We welcome him to a land where industry meets with its reward, where energy is appreciated, and where he finds a home, liberty, and freedom from oppression—all this he gets, and it is all our ancestors ever had. You nor I, Mr. Chairman, can get the benefit of this bill unless we expatriate ourselves, unless we leave the land of our residence or our nativity, and go abroad to seek it.

The bill gives land to no persons except those who settle upon the public domain. How can you get the benefits of its provisions unless you go to the Territories and States where these public lands lie? Our legislation frequently makes distinctions, which are often alleged to be invidious. The objection which I have to the amendment of the gentleman from Illinois [Mr. NORTON] is this: It is nothing more nor less than a bribe to Europe, Asia, and the rest of the world, to come here in pursuit of land, not freedom, only; for we know many of them are not prepared to appreciate or enjoy the blessings of civil liberty.

There are already many thousands of the disciples of Confucius in California. You must invite more of them to come here, and set up their religion in opposition to that of Christ. You must invite all the Latter Day Saints, now scattered throughout Europe, to congregate in the valley of the Salt Lake. Where will this thing stop? You have offered, I say again, a bribe to the lazzaroni of Europe, and the paupers of the whole world, to come here, mingle with us in a free Government, and partake of free institutions, which nothing but a long residence among us could enable them to appreciate and understand. The amendment I have offered proposes to give the benefits of this bill to native-born citizens, and to those who have already shown their devotion to the country by becoming naturalized, and to those who have shown their desire to do so by filing their declaration of intention to become citizens, in the mode and manner prescribed by law. To these, and their posterity, am I willing to extend this bounty; but to these only.

[Here the hammer fell.]

The question was then put; and the amendment to the amendment was not agreed to.

The question then recurred upon the amendment offered by the gentleman from Tennessee, [Mr. ETHERIDGE:] and, having been taken, the amendment was disagreed to—ayes 32, noes not counted.

Mr. JONES, of Tennessee. I now move to amend in the twenty-first line of the pending section, by striking out the word "fourteen," and inserting the word "twenty-one," so that the clause would read:

And provided further, In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and the fee shall inure to the benefit of said infant child or children.

This bill, Mr. Chairman, as it now stands, provides that if persons who settle upon the land shall die before the expiration of the five years, and leave children under fourteen years of age, the land shall be sold for their benefit. I propose to strike out the word "fourteen," and insert "twenty-one," so that if the settler upon the land shall die before his right to it shall become perfected, under the provisions of this bill, it shall inure to his minor children.

The question was put; and the amendment agreed to by the committee.

Mr. BOYCE. I move to amend, in the eighth line of the section pending, by adding after the following clause,

"And upon making the affidavit, as above required, and filing the affidavit with the register, he or she shall thereupon be permitted to enter the quantity of land already specified."

the words:

—"upon paying one dollar per acre for the same."

Mr. Chairman, I look upon our public domain as valuable, not merely on account of the money for which we may sell it, but upon an entirely different ground. It is really valuable to us because it is the safety-valve for the passions of the nation. Not that I mean to say that the Republic needs such a safety-valve at this moment, or that it will be needed to-morrow or the next day. But the time is coming when we will need this, and every other safety-valve.

Constituted as modern society now is, with its intense wants, its intelligence, and its desires, men who are in the humbler walks of life, upon whom fortune has frowned, but who have, nevertheless, a large share of intelligence, constitute a considerable portion of the social fabric, and they are not satisfied to remain in their humble condition. They will burst through the barriers of humble birth and poverty—those twin-jailors of the aspiring mind; and if they cannot have competency—if they cannot have comfort in the midst of society, they will have revolution. Why, look through the civilized world. What do we see in Europe? There is not a country there where peace can be preserved without standing armies. In France, where imagination most predominates, and where this feeling of a desire to rise is most vivid, they cannot preserve peace without having Algiers as a safety-valve upon which the warlike passion of the nation can expend itself. With us, in this country, our public domain, this vast wilderness of the West, is the safety-valve of the nation; and while I would not interpose any obstacles to that wilderness being settled up, I by no means sympathize with the policy that seeks to settle it up too quickly by inviting emigration. I look with no pleasure, I look with no hope, but rather flat despair, upon the day when that vast wilderness shall be settled up, when this teeming population, which some gentlemen speak of with so much delight, shall fill up all the gorges of the Rocky Mountains, and stretch a sympathetic chain from one ocean to the other; for, depend upon it, that with that day comes the end of the Republic, and anarchy and chaos.

While, therefore, I will not do anything to prevent the settlement of the western country, I cannot go for such a measure as this, which invites emigration from all quarters of the world to settle up this vast wilderness—too soon to bring upon us all the evils of a vast population.

Mr. GREY. Mr. Chairman, I am opposed to the amendment offered by the gentleman from South Carolina, for this reason: I hold that the Government will be fully and valuably paid for the lands by having an occupant with his family on alternate sections of it for five years. Would any man from the old States go to these lands in the West, reside on, and cultivate them for five years without a title, and without the means of getting a title before the expiration of that time, unless he was unable to obtain a home and independent competency in the country where he was raised, and to which he was attached by the ties of kindred and earliest associations?

Now, sir, I, for one, am not afraid that this bill, giving the pitiful amount of one hundred and sixty acres of western lands upon such terms, will bring all Europe to this country. The sixth section of the bill has been overlooked, for it amply guards against all reason for such apprehensions. It provides that no man shall enjoy the benefits of this bill who is not *now* a resident in this country, and who shall not be a citizen of the United States when he applies for a patent. It may, and I hope will, induce many foreigners now resident, many of them paupers, in our crowded cities and commercial ports, to go West, build their cabins, clear up the forests, and cultivate those productive lands for five years, and, before the patent is issued, they will, from so long an agricultural life, have become thoroughly Americanized, and good citizens of the Republic—identified

in interest with, and attached to, our Government and its institutions.

Why, sir, does the gentleman from Tennessee [Mr. ETHERIDGE] wish to pass an alien law, and say that foreigners shall not come here, or does he wish to compel them, when here, to remain in the large cities as paupers and vagabonds, instead of letting them go to the West, there to unite with our hardy pioneers in settling up the wilderness, and thus become Americanized, by adding to the products, the exports and imports, and to the commerce, wealth, and power of the nation? I ask gentlemen from the old States who are opposed to this measure, what they want to do with the public lands? How do they wish to dispose of them? I ask my friend from Virginia in what manner or how they desire to dispose of those lands?

All admit that the public domain belongs equally and alike to every State in the Union, and that Congress has the power, under the Constitution, to dispose of them; but the new States claim that they shall be donated *exclusively* to them for railroad and other purposes. Sir, can such an unequal and unjust demand be agreed to by members in this House from the old States? Will you sell the lands and divide the proceeds equally among all the States? or will you divide the lands themselves equally between all? or will you give them for railroads or education equally to each State according to the ratio of Federal population? Oh, no; neither of these propositions will be agreed to. Sir, we cannot stand still and let them be sold and thus settled up; because the new States will, in a very few years, have the strength to pass through Congress a bill granting all Government lands to the States in which they lie, and in that way the old States will soon be robbed of all of their share.

It is difficult, yea, impossible, to shape any bill on this subject free from all objections. But, by the one now before us, an opportunity is afforded to citizens of the old States to obtain some small portion of those lands, to acquire which they have paid largely of their blood and treasure, and have, also, paid proportionately for surveying and bringing them into market. But, now, when it is proposed, that in consideration of those expenditures, any citizen of the old States shall, in like manner with citizens of the new States, have one hundred and sixty acres, if they will cultivate it for five years, it is objected to, unless they will pay one dollar per acre. Why, sir, the old States have already paid for them, and for their surveying, and never have shared in their distribution. Sir, with the fact staring us in the face that the new States will, in a very few years, vote through Congress a bill giving to them all these lands, shall we of the old States agree to *stand still*—to sit here, sir, and vote down every proposition which will tend to benefit our constituents, because those propositions are not perfect and free from all objections?

Sir, I regard this homestead bill as antagonistic to the claim from the new States that they ought to, and will have all the lands donated exclusively to them; and, for one, I will freely give the alternate quarter sections to build up independent freeholders in the shape of *actual settlers* upon, and cultivators of the soil, for the consideration of a five years' residence, greatly in preference to giving them, without price, to railroad companies, mammoth corporations, and monopolists in the new States, or to donating them without consideration to the new States to the exclusion of the old.

The amendment was again read.

The question was then taken, and the amendment was disagreed to.

Mr. HENN. I wish to call the attention of the chairman of the Committee on Agriculture to the following amendment, which I now present:

Strike from the following proviso the words "and have not alienated the same, or any part thereof:"

"Provided, *however*, That no certificate shall be given or patent issued therefor, until the expiration of five years from the date of such entry; and if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee, or, in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses that he, she, or they have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same, or any part thereof, then, in such case, he, she, or they shall be entitled to a patent, as in other cases provided for by law."

And in lieu thereof insert the following:

And shall make affidavit that he or she has not sold, or,

in any manner, directly or indirectly, disposed of said land, or any interest he or she may or might have in the same.

Mr. HENN said: By the provisions of the bill it is made the duty of the applicant to prove by two disinterested witnesses that he has not alienated the land entered by him. The question whether he has alienated the same or not, is one which lies within his own bosom, and which he cannot prove. I am in favor of perfecting all the details necessary to bring him within the provisions of the bill. He cannot prove a negative. It is a matter, as I said before, which lies within his own bosom, and is left to his own affidavit. I trust that the amendment may be adopted.

The amendment was again reported.

Mr. READY. I propose to amend that amendment. Insert in the seventeenth line, second section after the word "alienated," the words "contracted to alienate or mortgage," and insert in the seventeenth line, after the word "thereof," "and that the same was entered for his or her own settlement, occupancy and cultivation, and not for the use or benefit of any other person."

The CHAIRMAN. The Chair suggests to the gentleman from Tennessee that he had better withhold his amendment until the vote is taken on the amendment offered by the gentleman from Iowa, as the amendment of the gentleman from Tennessee does not propose to be inserted in the same place in the bill.

Mr. READY. It is in the same line.

The CHAIRMAN. It is in the same line, but does not affect the same place in the bill. The question is now on the amendment of the gentleman from Iowa, [Mr. HENN.]

The question was taken, and the amendment was not agreed to.

Mr. READY. I now renew my amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee.

The amendment was again read.

Mr. READY. The section, if amended as I propose, will read that he or she "has not alienated or contracted to alienate, or mortgage the same or any part thereof, and that he enters the same for his own use, occupation, and possession."

The object which I have in view in presenting that amendment, is to protect this bill against the dangers of speculation, as speculation will undoubtedly be attempted on a large scale if there are not sufficient guards thrown around the bill. Suppose this case—and it is certainly one which is very likely to occur, if it be not guarded against: The capitalist who is not entitled to enter lands, or who can only enter one hundred and sixty acres of land by occupying and settling on it, is desirous to secure a large amount of the public domain. All that he would have to do, as this section now stands, would be to procure fifty, or a hundred, or, if you choose, a thousand men, and say to them, "I will pay your expenses of transportation to the public domain. I will build a cabin for you, in which you can live for five years, all of which you will have free of charge, and I only ask of you to give me your obligation that, at the end of five years, when the ground is yours, you convey it to me."

Is there anything in this bill, as it now stands, which would prevent such a practice as that? If there is not, then the amendment I propose will remedy the difficulty; for the settler must swear, or prove that he has not alienated, or contracted to alienate or mortgage the land, and that he has entered for his own use, benefit, and occupation alone.

Now, sir, to illustrate this thing. I have been informed by gentlemen of intelligence and veracity, that under the preemption laws of this country, immense speculations have been practiced by this very system to which I have alluded. The capitalist procures a hundred men, without capital, to settle upon portions of the public domain. They take possession of it, and claim the benefits to which occupants are entitled in virtue of their possession, when they intended, at the very time of making the occupation, that the profits thereof should inure to the benefit of the capitalists who employed them to make such settlements. The same practice, it is apprehended, will obtain under this bill, unless the provision which I propose, or some similar one, is made. I think the amendment I have proposed will carry out the intention of

the friends of the bill more effectually than any other which has been offered.

Mr. JONES, of Tennessee. I do not agree with my colleague in his reasoning upon this amendment. I think, sir, upon a little reflection, he will come to the conclusion that capital is too sagacious to take that means of investment. Why, the capitalist had better go and enter the land at one dollar and twenty-five cents per acre, than to attempt to hire settlers to go upon it and live, and cultivate it for five years, and then get the patent of the land transferred to him. He will find it to his advantage to do otherwise, and I think it will be found, in practice, that no capitalist will be so blind to his own interest as to adopt that policy.

The question was then taken on the amendment of the gentleman from Tennessee, and it was not agreed to.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed bills of the following titles:

S. No. 185. An act for the relief of the legal representatives of Samuel Prioleau, deceased.

S. No. 199. An act to authorize a patent to be granted to Peter Poncin for certain lands therein described.

S. No. 234. An act for the relief of Conrad Wheat, junior, or his legal representatives.

S. No. 249. An act for the relief of Zadoc C. Ingraham.]

Mr. SMITH, of Virginia. I will follow up the general features of the amendment of the gentleman from Tennessee, [Mr. ETHERIDGE,] because it manifestly is right. I propose to insert in the fifth line, after the word "family," the words "and with his or her family actually intends to occupy the same." So that it will read "that the person applying for the benefit of this act shall, upon application to the register of the land office, in which he or she is about to make such entry, make affidavit before said register, that he or she is the head of a family, and, with his or her family actually intends to occupy the same."

The committee will readily perceive that my purpose is to provide guards against the speculative features of this bill, as far as it is practicable to do so. I desire that the persons who avail themselves of its benefits shall do so with the *bona fide* intention of occupying the land they shall settle upon with their families. It certainly seems to me that such ought to be the policy of this committee, and also of the friends of the bill.

But it is manifest that the friends of this bill are determined, if possible, to prevent any amendments being made to it. I am more surprised at it because the gentleman from Tennessee, [Mr. JONES,] who is distinguished as the Cerberus of the Treasury, fighting against every little claim that is presented to the consideration of Congress, is here going for this bill, and against all amendments; which bill involves an expenditure of millions of the public property.

The theory of the gentleman from Tennessee who last spoke [Mr. JONES] is without foundation. The idea entertained by that gentleman, that capitalists will not find any benefit accruing to them by getting poor men to go and settle upon these lands will be found to have no foundation.

I beg leave to call the attention of that gentleman to this matter, as I desire to ask him a question. Suppose a capitalist were to engage one hundred persons to go into the wilderness and get one hundred quarter sections under this Government? Why the very settlement itself would make a heavy and important increase in the value of that property. I am surprised that the gentleman from Tennessee, is now exerting all his active powers for the purpose of bestowing millions of the public property upon persons of whom he knows nothing. I have made these remarks with the hope that the amendment I have offered will be adopted.

Mr. JONES, of Tennessee. If the gentleman from Virginia will look at the course I have pursued with regard to the smaller bills, he will find that I have not opposed a solitary one of them, unless I believed I had good and valid objections to its passage, and unless I thought that it conflicted with some principle which I could not violate in order to pass it. I disagree with the gentleman entirely about the value of the lands in a new country. That gentleman has lived where the lands have acquired a value from the settlement of the country.

Mr. SMITH. I desire to ask the gentleman a single question, and that is this: When amendments are offered which simply propose to guard against the speculative features of this bill, why is it that he opposes them?

Mr. JONES. I think that they will not have the effect of guarding against the speculator. I said a few moments ago, that the speculator who had capital would be blind to his own interests, in my opinion, who would undertake to hire settlers to go out and live upon the land for five years, when they might acquire the title for nothing, without paying \$1 25 per acre. It would be better and far cheaper for him to pay \$1 25 an acre, and get his title, than to hire settlers to go there—

Mr. SMITH. The gentleman does not reply directly to the question I asked. I ask him why it is that he opposes all amendments, in the shape of precautions, against the speculative features of this bill? It may be true that no speculator will undertake this thing, but why not guard against it?

Mr. JONES. I do not see the necessity for these amendments. The gentleman has avowed his opposition to the bill, and I do not wish to consume time in weighing and loading down the bill with amendments. I wish that the friends of the bill would not vote for the amendments, but pass the bill through the committee and get it immediately into the House.

Mr. HENN. Does the gentleman from Tennessee wish us to vote down all amendments?

Mr. JONES. I am willing to vote them all down.

Mr. BRIDGES. I propose the following amendment to the amendment:

That such application is made for his or her exclusive use and benefit, and those especially mentioned in this act; and not either directly or indirectly for the use and benefit of any other person or persons whomsoever.

I am a friend to this bill, and I intend to vote for it. But I wish to have such a bill passed as will carry out the intentions which this bill has in view. It is to encourage emigration to the West—the emigration of those persons who would become actual settlers there. Now, for one, I feel disposed to encourage the emigration of those persons who desire to become settlers upon and cultivators of the soil; to do so, and not to have the land exposed, to be taken up by capitalists who may send a hundred or a thousand persons into the West to take up the land, and then to become the beneficiaries of such settlements.

Sir, I am opposed to the capitalists of the country raking out of the sinks and purlieus of our cities the off-scouring of all creation, and sending them West to accomplish their own avaricious designs. I desire that a guard shall be placed against the prostitution of those lands for any such purposes. I want every person who goes there to avail himself of the benefits of this bill, to declare, under oath, what is his intention in going there; I want him to place it upon the records of the office that he goes there as an honest settler, and that he is not to be a tool in the hands of a millionaire, for the purpose of making him still richer.

Mr. Chairman, I do not see what possible objection the friends of the bill can have to the insertion therein of such a provision as I have offered. If it be the object of the bill and its friends to benefit the poor man, I ask that this body should make such provisions as will secure to him that benefit for his own enjoyment. Let the land be settled by him, and not by the capitalist—not by the millionaire. I ask that you should not encourage such persons as will never prove an honor or an ornament to society to emigrate to the West; but I ask that you encourage such persons as will feel an interest in the institutions of the country to which they go, and who will become, by moving there, good, useful, and valuable citizens.

That I understand to be the object of the bill, and if so there can be no reasonable objection by members of the House who are its friends to inserting a provision guarding these lands against the ultimate grasp of the millionaires of the country for their own uses and purposes. I repeat, that I believe that these are the objects of the bill; and if it be the object of the committee to carry them out in good faith, they will concur in this amendment, which makes it obligatory upon every person who emigrates to the West, for the purpose of availing himself of the benefits of this bill, to spread it upon the records, whenever he makes

his application, that he enters the land for his own use, and for the benefit of his wife and children, who are intended to be provided for in the bill. Hoping that my amendment may be adopted, I will close my remarks.

Mr. WRIGHT, of Pennsylvania. It seems to me that the amendment of my colleague ought to be adopted. I see no impropriety in requiring that any man who locates upon a quarter section of land should take an oath that it is for his own benefit.

Mr. HENDRICKS, (interrupting.) I rise to a question of order. I desire to know if the gentleman from Pennsylvania is speaking in opposition to the amendment? If he is not, I ask that the rule may be strictly enforced. One speech has already been made in favor of the amendment.

Mr. WRIGHT. I am certainly speaking in favor of the amendment. I have no desire to speak in opposition to it.

The CHAIRMAN. Then the gentleman is not in order, and cannot proceed with his remarks.

Mr. PRESTON. I believe the House is ready to vote upon this bill, and I therefore move that the committee rise, with a view of terminating the five minutes' debate, so as to have action on the bill and on the amendments which have been adopted.

Mr. JONES, of Tennessee. I will say to the gentleman from Kentucky that that motion cannot be made in the House. You cannot move to suspend the rules to-day; and there is no rule authorizing you to terminate the five minutes' debate.

Mr. PRESTON. Does the gentleman mean to say that the House has no power to give an order to the committee?

Mr. JONES. No, sir, none; you could not get the motion before the House. It would not be in order.

Mr. PRESTON. I move, then, that the Committee rise, and report the bill and the amendments to the House.

The CHAIRMAN. That motion is not in order, inasmuch as there are amendments pending which must be disposed of.

Mr. HENN. As the amendment of the gentleman from Pennsylvania [Mr. BRIDGES] is a very important one, I call for tellers upon it.

Tellers were not ordered.

Mr. PHILLIPS. Is the amendment before the committee an amendment to an amendment, or a mere amendment?

The CHAIRMAN. It is an amendment to an amendment, and no further amendment is in order.

The question was then taken on Mr. BRIDGES's amendment to the amendment; and it was not adopted—ayes 58, noes not counted.

The question recurred on the amendment of Mr. SMITH, of Virginia, as amended.

Mr. PHILLIPS. Is that open to amendment?

The CHAIRMAN. It is in order to submit an amendment, but not to amend what the committee has inserted.

Mr. PHILLIPS. I offer the following amendment:

And all contracts and agreements entered into for the purpose of conveying the lands acquired under this bill prior to the issuance of the patents shall be wholly void.

It seems to me that that amendment accomplishes everything which can be accomplished by this committee. It merely proposes to make void all contracts or agreements made in reference to the conveyance of the land prior to the issuance of the patent, and conforms to our prior legislation and rights heretofore granted. Now you cannot prevent an individual, if he chooses to carry out an agreement, from doing it. If he chooses, under agreement, to go upon land and settle, and for a consideration to convey those lands afterwards to another, you cannot prevent him; and he can very well make his affidavit that he makes his settlement for himself, as required by the law, because he makes it for a consideration, which is equal to the land itself. You cannot prevent that. All this committee can do, it seems to me, is to adopt that amendment, which is in strict conformity to our past legislation on that subject, and which declares that the Government that has the title to the land, before it parts with it, shall prevent its beneficiary, so far as it can help, from transferring those lands; in other words, that the Government shall exert its whole power for his protection—that it shall declare that all contracts and agreements made for the conveyance of the land prior to the time when the Government parts

with its full title shall be null and void; so that capitalists and speculators, if they enter into these agreements, shall have to enter into them wholly relying on the good faith of the party owning the land, at the same time that the law arms him with the means of defending himself, if he chooses to avail himself of it. It seems that that is the full extent to which this committee can go; and, in my opinion, that is an extent to which the friends of the bill ought to be willing to go.

Mr. LANE, of Indiana. I do not propose to occupy the time of the committee; but in answer to the gentleman from Alabama, I shall ask the Clerk to read the fifth section of the bill. It is a complete answer to the gentleman's argument.

The Clerk read the section, as follows:

"Sec. 5. And be it further enacted, That if, at any time after filing the affidavit as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said entry for more than six months at any one time, then, and in that event, the land so entered shall revert back to the Government, and be disposed of as other public lands are now by law, subject to an appeal to the General Land Office."

The question was then taken on the amendment to the amendment, and it was disagreed to.

The question recurred on the amendment.

Mr. SMITH called for tellers.

Tellers were ordered and Messrs. HAVEN and LULLY were appointed.

The question was taken; and the tellers reported—ayes 56, noes 55.

The CHAIRMAN. The committee is without a quorum.

Mr. WHEELER. I move that the committee do now rise.

The CHAIRMAN. No quorum voting, the Clerk will call the roll.

Mr. DEAN. Let there be another count by tellers.

The Clerk then proceeded to call the roll, and, the same having been finished, the committee rose, and Mr. ORR taking the chair, as Speaker *pro tempore*, the Chairman of the committee [Mr. OLDS] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and, especially House bill No. 37; and having found itself without a quorum, had ordered the roll to be called, and directed him to report the facts to the House, with the names of the absentees; which were as follows:

Messrs. Abercrombie, James C. Allen, David J. Bailey, Thomas H. Bayly, Bell, Bliss, Boyce, Breckinridge, Bugg, Campbell, Caruthers, Chase, Christian, Churchwell, Culom, Curtis, Dent, Dunham, Eddy, Edgerton, Etheridge, Fenton, Flagler, Goode, Aaron Harlan, Sampson W. Harris, Hillyer, Houston, Howe, Daniel T. Jones, Kittredge, Latham, Letcher, Lindsey, Lyon, McDougall, McMullin, McNair, McQueen, Maurice, Maxwell, Meacham, Morgan, Murray, Packer, Parker, Peck, Pennington, Bishop Perkins, Reese, Richardson, Thomas Ritchey, Robbins, Scudder, Skelton, William R. Smith, Snodgrass, Alexander H. Stephens, Straub, Walbridge, Walker, Walley, Walsh, Warren, Wells, Witte, and Daniel B. Wright.

The SPEAKER *pro tempore*. A quorum now being present the Chairman will resume his seat.

The CHAIRMAN. The pending question is upon the amendment offered by the gentleman from Virginia, [Mr. SMITH.]

Mr. HENDRICKS. I propose the following amendment to the amendment—

Mr. CLINGMAN. I rise to a question of order. When the committee found itself without a quorum they were dividing upon the amendment offered by the gentleman from Virginia, [Mr. SMITH.] I submit to the Chair, as a point of order, that when the committee is in the act of dividing no member has a right to stop the division and offer an amendment. He has no right to interrupt the vote at this time.

The CHAIRMAN. The Chair overrules the point of order, and holds that a vote without a quorum is no vote. The parliamentary practice has been such, that even upon a call of the yeas and nays, after one side only had voted, it is in order to interrupt the call and offer an amendment. After that the vote is taken over again.

Mr. CLINGMAN. That has not been the practice here.

The CHAIRMAN. No quorum having voted, the question stands as though no vote had been taken, and the amendment of the gentleman from Indiana [Mr. HENDRICKS] is in order.

Mr. HENDRICKS. I am a friend of this bill,

and therefore desire to see it consistent with itself. The last amendment proposed by the gentleman from Pennsylvania has been adopted, and I think very properly—

The CHAIRMAN, (interrupting.) Will the gentleman send up the amendment he proposes?

Mr. HENDRICKS. My amendment is to strike out the words "and with his or her family."

The CHAIRMAN. The words which the gentleman proposes to strike out have been adopted as an amendment.

Mr. HENDRICKS. Then my amendment is not in order.

The CHAIRMAN. The question recurs upon the amendment of the gentleman from Virginia, [Mr. SMITH,] and upon that the committee, upon voting, found itself without a quorum.

Mr. HENDRICKS. It is to that amendment to which I offer my amendment.

The CHAIRMAN. Does the gentleman propose to strike out words from the amendment offered by the gentleman from Virginia, or out of the amendment offered by the gentleman from Pennsylvania, [Mr. BRIDGES?]

Mr. HENDRICKS. From the amendment of the gentleman from Virginia.

The CHAIRMAN. The amendment is then in order.

Mr. HENDRICKS. I was in favor of the amendment of the gentleman from Pennsylvania, [Mr. BRIDGES.] I think it was right. The committee have decided to extend the benefits of the provisions of this bill to two classes of persons. First, to those who are the heads of families; and second, to all persons over the age of twenty-one years. The first section of the bill was amended to that effect, and the second section was made to conform to it, so as to make a party swear either that he is the head of a family, or is over the age of twenty-one years.

Now the amendment of the gentleman from Virginia proposes that the party shall swear that he intends to reside upon the land, *with his or her family*. If that is so, sir, then persons who have no families, and yet are over twenty-one years of age, cannot have the benefits of this bill. The effect of the amendment, as I understand it, is, that the party shall make oath that he intends to reside upon the land with his or her family. Now a person over twenty-one years of age, and without a family—and such persons the amendments heretofore adopted propose to embrace—cannot avail themselves of the provisions of this bill if the gentleman's proposition be adopted. The effect of that amendment will be to restrict the application of the bill to persons who are heads of families. Now that is directly in opposition to the tenor and intent of the amendments already adopted. If I am mistaken as to the amendment, the gentleman from Virginia will correct me.

Mr. SMITH. The gentleman misapprehends my amendment.

Mr. HENDRICKS. Let it be read.

The amendment was then read, as follows:

"And with his or her family intends actually to occupy the same."

Mr. SMITH. The gentleman will perceive that my amendment has direct reference to the part of the section which precedes it, and with which it has immediate connection. If adopted, the section will read:

"That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family, and with his or her family intends actually to occupy the same."

Mr. HENDRICKS. That is what I object to. The gentleman overlooks the fact that the committee have already amended that part of the section, by inserting after the word "family" the words "or twenty-one years of age." The gentleman's amendment, if adopted, will come in after that, and create an inconsistency. I would have voted for his amendment before the committee made the amendment to extend the provisions to persons over twenty years of age. I did not support that amendment. But it has been adopted; and the gentleman's proposition now proposes to restrict the provisions of the bill, and make it, by inference, what it was before that amendment was adopted. That would create an inconsistency, and therefore I am opposed to it.

Mr. SMITH. I will say, Mr. Chairman, that this section reads as follows:

"That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family."

Mr. JONES, of Tennessee. On my motion this morning, that was amended by adding thereto the words "or twenty-one years of age."

Mr. SMITH. Then, if necessary, my amendment may be modified, so as to apply it only to those who are the heads of families; though I do not think it necessary to alter it, as evidently, from the context, it would only apply to that class of persons, to be benefited by the provisions of the bill, included in the words "head of a family."

The idea of my amendment is, that a person who is the head of a family, and intends to avail himself of the provisions of this bill, shall make an affidavit that he is such, and intends, with his or her family, actually to occupy the land which he shall locate under this bill. For I would not allow a man, who has a wife and children, to go and locate lands and leave them at home, to the destruction of all social relations and the domestic happiness of the parties—instances of which we have seen too often in relation to those who have gone to California.

My purpose is to carry out the provisions of this bill in good faith. I you want the western country settled by the operation of this bill, you will provide that the man who has a wife and family, and wishes to avail himself of the advantages of it, must take his wife and children with him. That is the object of my amendment, and the purpose I seek to secure. I think it ought to be secured. The amendment may require some modification, in consequence of the amendment of the gentleman from Tennessee, [Mr. JONES;] but undoubtedly the principle of the amendment which I offer is sound and correct in itself. I cannot say, without examination, that it needs modification; but still it is a question of mere verbiage, and the modification can be made so as to make the matter all harmonious and proper.

The question was then taken upon the amendment of Mr. HENDRICKS to the amendment, and it was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Virginia, [Mr. SMITH,] upon which tellers have been ordered.

Mr. DAWSON. The amendment offered by the gentleman from Virginia will conflict with the amendment adopted in the first section of the bill, which extends its privileges to individuals over twenty-one years of age.

Mr. SMITH. It seems to me that it does not conflict with it in the slightest degree.

Mr. DAWSON. I think it does.

Messrs. MATTESON and CHAMBERLAIN were appointed tellers.

The question was then taken; and the tellers reported—ayes 33, noes 65; no quorum voting.

The CHAIRMAN. No quorum has voted, and the roll will be called.

The roll was then called. The committee rose; and the Speaker having resumed the chair, the Chairman [Mr. OLDS] reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and especially House bill No. 37, and having found itself without a quorum, had caused the roll to be called, and had directed him to report the facts, with the names of the absentees, to the House. The absentees were as follows:

Messrs. Abercrombie, Aiken, James C. Allen, Ashe, David J. Bailey, Ball, Bell, Benson, Bliss, Boyce, Brooks, Carpenter, Chase, Churchwell, Crocker, Culom, Curtis, Dent, Disney, Dunham, Eddy, Edmundson, Elliott, English, Etheridge, Fenton, Flagler, Franklin, Fuller, Giddings, Goode, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Hillyer, Houston, Howe, Hughes, Keitt, Kittredge, Latham, Letcher, Lindsey, Lyon, McDougall, McMullin, McNair, Maurice, Meacham, Morgan, Morrison, Murray, Packer, Parker, Peck, Pennington, Bishop Perkins, John Perkins, Richardson, Thomas Ritchey, Simmons, Skelton, Snodgrass, Richard H. Stanton, Alexander H. Stephens, Straub, Andrew Stuart, Upham, Vail, Wade, Walker, Walley, Walsh, Warren, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Witte, and Zoll-coffer.

A quorum having answered to their names, the committee again resumed its session.

Mr. GREENWOOD. My object in rising is to make an inquiry of the Chair. The committee having found itself without a quorum, the roll was called, and as soon as the Chairman of the com-

mittee had reported to the House, the committee again resumed its session. Now, I desire to know what steps are necessary in order to have the list of absentees called?

The CHAIRMAN. That is a matter entirely within the province of the House to determine. The committee having found itself without a quorum, the rules of the House required that the roll should be called. That was done, and a quorum having answered to their names, nothing further can be done in committee.

The question is now upon the amendment of the gentleman from Virginia, upon which tellers have been ordered.

Mr. SAGE. Is it in order to move that the committee do now rise?

The CHAIRMAN. That motion is in order.

Mr. SAGE. I submit it.

The question was put; and, upon a division, there were—ayes 32, noes 62; no quorum voting.

Mr. HENN. I demand tellers upon the motion.

Tellers were ordered; and Messrs. WESTBROOK and CAMPBELL were appointed.

The question was again put, and the tellers reported—ayes 42, noes 80.

So the committee refused to rise.

The question again recurred upon the adoption of Mr. SMITH's amendment, upon which tellers had been ordered.

Messrs. WESTBROOK and CAMPBELL were again appointed as tellers.

The question was then taken, and the tellers reported—ayes 54, noes 68.

So the amendment, as amended, was rejected.

Mr. BRIDGES. I now offer my amendment as an independent proposition. It is as follows: after the word "family," in the fifth line, add:

And that such application is made for his or her exclusive use and benefit, and those specially mentioned in this act, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever.

Mr. DAWSON. I have no objection to that.

The question was taken, and the amendment was agreed to.

Mr. WRIGHT, of Pennsylvania. Is there any amendment pending?

The CHAIRMAN. There is not.

Mr. WRIGHT. Then I move that the committee rise and report the bill to the House.

Mr. DAWSON. It must be read through first.

The CHAIRMAN. The motion is not in order.

Mr. SMITH, of Virginia. I suppose that it would be in order to move to strike out all the sections of the bill except the last.

Mr. DAWSON. That is not in order.

Mr. SMITH. Why not?

The CHAIRMAN. No section of the bill is now under consideration except the second section.

Mr. SMITH. Well, then I will submit an amendment. Would it be in order to discuss the constitutional question on a motion to strike out the second section?

Mr. CLINGMAN. Oh, no.

The CHAIRMAN. The Chair supposes that the gentleman would have a right to show reasons why the second section should be stricken out; and if there are constitutional objections to that section, he would have a right to urge them, but his remarks would have to be confined strictly to the provisions of that section.

Mr. JONES, of Tennessee. And it does not give any land.

Mr. SMITH. I move to strike out the second section of the bill.

Mr. HENN. Is that in order before the section has been perfected?

The CHAIRMAN. A motion to perfect the section would take precedence of the motion to strike it out.

Mr. HENN. I have an amendment to offer with a view of perfecting the section.

Mr. SMITH. There was no amendment pending when I made my motion.

The CHAIRMAN. Before the question is taken on the motion to strike out, it is in order to amend the section.

Mr. HENN. I renew the amendment, which I offered a short time since, to strike from the second section the words "and have not alienated the same, or any part thereof." I do not propose to insert anything in their stead.

I wish to state, that the bill, as it now stands, requires two witnesses to swear to the fact that the applicant has not alienated the land. In other words, it requires them to do what they cannot do—what no man in the world can do—to swear to a fact that they have no knowledge of in the world. I wish to do away with a legislative absurdity, if I may so call it.

The question was then taken, and the amendment was rejected.

Mr. SMITH, of Virginia. I move to insert in the second section, after the word "witnesses," the following:

In the district court of the United States for the district in which such land shall be, upon ten days' notice to the United States district attorney, whose duty it shall be to attend and cross-examine said witnesses.

I shall be glad to obtain the attention of the committee on this subject for five minutes, at any rate. The proviso to the second section is as follows:

"Provided, however, That no certificate shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee, or, in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses, that he, she, or they have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same, or any part thereof, then, in such case, he, she, or they shall be entitled to a patent, as in other cases provided for by law."

The committee will observe that the purpose is to perfect the title on conditions here stated. The applicants are to prove, by two credible witnesses, the fact that they have come within the requirements of the bill. How are they to prove it? Why, sir, by introducing these witnesses before—whom? Into the land office before a person not accustomed to the solemn form of judicial proceeding. Now I propose to provide for this; and as the United States have a very great interest in the question, I propose that when the person comes to demand his patent it shall be on certificate of the court of record that the two witnesses, on notice to the district attorney, went into that court—the district court where the land is—and, on cross-examination, proved the possession of the property in accordance with the requirements of this bill. The question is, shall this precaution—I believe the only one introduced to protect this great measure—be introduced into this bill, and thus secure, under the supervision of the officer, with proper jurisdiction, the granting of the title? The certificate of the court would give all credit to such proof at the land office, and the officer there would be exempted from all trouble of examination. The patent is to issue, as a matter of course, upon the seal which shall be presented to him. I think the amendment ought to be adopted, and I trust that it will.

The question was taken, and the amendment was disagreed to.

Mr. SMITH, of Virginia. Mr. Chairman, if there be no other proposition to amend the second section, I propose to strike out that second section of the bill.

Mr. READY. I offer the following amendment. Add the following proviso to the second section:

And provided further, That in case of the death of the enterer before the completion of five years' continuous possession of his quarter section of land by him or her, and leaving no wife or husband, and no child or children, said land shall be subject to be disposed of by the Government of the United States as other public land.

Several MEMBERS. "Question!" "Question!"

Mr. READY. Mr. Chairman, as a friend of this bill, I desire that it be made as perfect as possible. I should not have troubled this committee with any amendment if I did not really believe it to be promotive of the objects which the friends of the measure have in view. Under the first provision of the second section, if the person, if he be a male, who enters this land die before five years have expired, leaving a widow the land goes to her. If she die then it goes to the children of the husband, if he shall have left children, and if he shall have left none, then it goes to the children of the widow, if she shall have left any. If, however, neither of them have left children then the benefit of the possession shall go to their heirs or devisees.

Now, under that provision it is obvious, that in case of the death of the husband and his wife without leaving children, then collateral relations come in. All these persons who stand in a degree near

enough to be regarded as heirs will, under this law, be entitled to the benefit of the possession—nephews and nieces, for instance. Nor is it the intention, is it the desire, of this committee, to provide that the collateral relations of the enterer shall have the benefit of this law. It seems to me that that would be extending the provisions of the bill further than is proper. I think it would be carrying out the principles of this bill quite enough to secure the benefits of the bill to the enterer, or his widow, or, in case of the death of both of them, to their children. If they both die without children then those who have no claim upon them, except that they are related in the second or third degree to the enterer, should not come in and have the benefit of the land. In that case I think it right that the lands should revert to the Government or, in other words, that the Government should still continue to hold the title, from which it had never parted, and dispose of the land as of other public lands.

Several MEMBERS. "Question!" "Question!"

The question was taken, and the amendment of Mr. READY was not agreed to.

Mr. SAGE. Mr. Chairman, I offer the following amendment. After the word "law," in the nineteenth line, add,

And provided further, That at any time after the expiration of six months from the date of such entry, the person who would be entitled to a patent, if the said term of five years were then expired, may pay to the United States the sum of \$1 25 per acre, and thereupon shall be entitled to a patent for said lands.

The spirit of this amendment is similar to that of one introduced this morning by the gentleman from Indiana. I deem it a very important amendment to this bill.

Mr. JONES, of Tennessee. The amendment is unnecessary. He can do it now under the general law. An individual now has the right to go and enter land and pay the money, and this bill does not prevent his doing it.

Mr. SAGE. If the suggestion of the gentleman from Tennessee is right, of course my amendment is unnecessary. The object I had in view was to protect families who might locate upon the public lands, under the provisions of this bill, and make improvements thereon; and when, from the death of the head of the family, or for some other cause, the family might desire to go back to their former home, I desired to make a provision whereby they might not lose, in such cases, the whole of their improvements. If the preemption law already covers this case, I cheerfully withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

The question now recurs upon the amendment of the gentleman from Virginia, [Mr. SMITH,] to strike out the second section of the bill.

Mr. MATTESON. I move to amend the second section by inserting after the word "have," in the sixteenth line, the words "or has;" and in the seventeenth line strike out the word "alienated," and insert in lieu thereof the words "contracted to sell or dispose of," so that the section shall read:

"Shall prove by two credible witnesses that he, she, or they have continued to reside upon and cultivate said land, and still reside upon the same, and have or has not contracted to sell or dispose of the same, or any part thereof; then in such case he, she, or they shall be entitled to a patent, as in other cases provided for by law."

The object of the amendment is to make the section more correct in phraseology. The words "or has" conforms the language to that which precedes it. The term "alienated" strictly applies only to cases where the individuals have the title. In these cases they have not, but are to have the title only upon certain specified conditions. There is no such thing as alienating land which one does not own.

The question was taken upon the amendment, and it was not agreed to.

The CHAIRMAN. The question recurs upon the motion of the gentleman from Virginia.

Mr. SMITH, of Virginia. This whole bill, as I learned the other day, to my surprise, turns upon the construction to be given to a particular provision of the Constitution, to which I will call the attention of the honorable chairman of the committee who reported this bill, and the attention of this committee.

Mr. DAWSON. Does the gentleman submit an amendment?

The CHAIRMAN. The gentleman's amendment to strike out the second section is already pending.

Mr. SMITH. The clause of the Constitution to which I refer, is this:

"Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States."

The gentleman insists that, under the proper construction of the word "dispose," Congress has power to give. Well, sir, if this word has not already a constitutional construction, there might be something in the view which the gentleman has presented. But let me direct the attention of the committee to this subject. It is known to this House that the old Congress, under the Confederation, in 1780, asked that there should be a liberal cession of the public land, for various considerations set forth in its resolution. It is known that that cession was made but upon the express conditions which are to be found in the proceedings of that day, and to which I will call the attention of this committee.

Among other provisions stipulated by the Congress of 1783 was the following:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, should be considered as a common fund for the use and benefit of such of the United American States as have become, or shall become, members of the Confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and should be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever."

The committee will observe, that the lands were to be disposed of; and how? They were to be considered as a common fund, for the benefit of all the members of the Confederation, Virginia included.

But let us go a little further, and look to the terms and conditions upon which Virginia made this cession. We find, in the compact which she signed, and which was accepted by Congress, the following provision:

"That all the lands within the Territory so ceded to the United States, and not reserved for, or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund, for the use and benefit of such of the United American States as have become, or shall become members of the Confederation, or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever: *Provided*, That the trust hereby reposed in the delegates of this State shall not be executed unless three of them, at least, are present in Congress."

Again, in the celebrated ordinance which refers to this subject, I find the following:

"The Legislatures of those districts or new States shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers."

Here, then, I have given you the language used by Congress of that day. The words "to dispose of" are to be found in many of the important public papers of that day in reference made directly to this subject. How was the land to be disposed of? It was to be disposed of by sale, and the proceeds of the sale were to go into the Treasury, in order to be distributed for the common use and benefit of all the States. That language thus expounded is introduced into the Constitution. It is here written, that

"Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

How is this property to be disposed of?

[Here the hammer fell.]

Mr. BRECKINRIDGE. I am opposed to the amendment.

The question was then taken upon the amendment; and it was decided in the negative.

So the committee refused to strike out the second section.

The third section was then read:

"And be it further enacted, That all land acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing the patent therefor."

Mr. PHILLIPS. I move to strike out that section.

I differ with my friend from Virginia, [Mr. MILLSON,] as I said this morning, in reference to

the constitutional power of Congress over the public domain. The Constitution, in as full and comprehensive a term as can be found in the English language, invests the Government with the power to sell, donate, or convey away these lands. But, sir, when Congress has disposed of the public lands I want to know where the power is to be found in the Constitution which authorizes Congress to impose upon them any law or any conditions it may choose? When five years have elapsed the patent is issued, and Congress has parted with its title; it has fulfilled its power under the Constitution. It has disposed of the public lands. And by what right, I ask, by what authority, constitutional or otherwise, upon what principle of policy or expediency, can Congress be justified in fixing to these lands any conditions which may and will interfere with the rights and jurisdiction of the States over the land?

Why, sir, when we have parted with these lands we lose all authority over them. It is not like the power which Congress has to provide against the alienation of lands, the title of which the Government has not yet parted with. It is not like the proposition which I myself made this morning, the effect of which was that any condition or agreement on the part of the settler conveying away the land granted by this bill before the issuance of the patent, should be considered void. But when the patent, does issue, the Government ceases all rightful connection, under the Constitution, with these lands. And I say to the friends of this bill, that if they pass it with this section in it, without being authorized to say so, I shall be much mistaken in the legal knowledge possessed at the other end of the avenue, if this bill does not come back to the House vetoed. That officer will be derelict to his duty if he suffers a bill to pass which provides for the exercise of a power upon the part of Congress not warranted by the Constitution of the country, in direct violation of every principle which distinguishes the jurisdiction of the States from the jurisdiction of the Federal Government. Sir, when we part with these lands, they go to the citizens of some States, and are regulated by the laws of those States. When laws are made by those States respecting the lands within their jurisdiction, we have no right to ask that separate and distinct parcels of land shall be subject to separate and distinct laws. No, sir, they must all come under the laws and jurisdiction of the States in which they lie, and the effect of those laws cannot in any degree be influenced by any tenure the Federal Government may have to lands, the title to which it has parted with. The Federal Government has no right to hold the lands by one tenure and the State government by another. They must all come within the jurisdiction of the State; and it would be in violation of every principle of policy and expediency to maintain these different tenures, even if we had the right. It would be in violation of every principle of policy for the Government to fix upon lands we have parted with, any condition which was not fixed by the laws of the State, if we had the power to do it.

Mr. DAWSON. I must confess a little surprise at the manner in which the gentleman from Alabama has discussed this question. He commences his argument by holding up the presidential veto in advance. I desire to ask him by what authority he announces to this committee in advance that the President will veto this bill?

Mr. PHILLIPS. I said that I had no authority for making such an announcement, and the gentleman's question is therefore uncalled for.

Mr. DAWSON. Then what am I understand by the gentleman's remark?

Mr. PHILLIPS. I said expressly that I had no authority for making the assertion, but that if I was not mistaken in the legal knowledge there is at the other end of the avenue, this bill would come back to this House with a veto upon it. The gentleman's question is, therefore, entirely uncalled for.

Mr. DAWSON. Then the reference to even an anticipated veto was useless and unnecessary. I fear no such Executive interposition. The President is the friend of the pioneer, and in his message he shadows forth a lively interest in behalf of the actual settler. The question which arises here is simply this, whether Congress can make a conditional fee. For my part, I can see no difficulty in the matter. The right to annex conditions to

absolute grants has been claimed and exercised by the States, as well as by the General Government. The deeds of cession contained conditions, and yet they conveyed the fee. I refer the gentleman to the eighth section of the treaty of 1817, by which a large tract of country in his own State was purchased from the Cherokee Indians. In that section a provision is made securing a lifetime estate to those settling upon the lands, with a reservation in fee-simple to the children, reserving to the widow her dower. That is still the law of the land, and I want to know whether the sovereign power of Alabama contested the legality of these conditions, or claimed the right to annul them? There has been no clash, then, between the relative rights, or jurisdiction of the General Government and that of the State government. The condition seems to have been acquiesced in by the gentleman's own State as legal and proper. I will read the section:

"And to each and every head of any Indian family residing on the east side of the Mississippi river, on the lands that are now, or may hereafter be, surrendered to the United States, who may wish to become citizens of the United States, the United States do agree to give a reservation of six hundred and forty acres of land, in a square, to include their improvements, which are to be as near the center thereof as may be practicable, in which they will have a life estate, with a reversion, in fee simple, to their children, reserving to the widow her dower, the register of whose names is to be filed in the office of the Cherokee agent; which shall be kept open until the census is taken, as stipulated in the third article of this treaty."—Art. 8, Treaty between Cherokee Indians and General Jackson Statutes at Large, vol. 7, page 159.

I will also refer the gentleman to the act of April 19th, 1816, which is styled "An act to enable the people of Indiana Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States." It will appear, by reference to the sixth section of that act, that Congress made a direct reservation of the salt springs lying within that Territory. Whilst they conveyed to the State the absolute fee of the lands, they explicitly declared that there should be no lease of them for a longer period at any one time than ten years. A provision of similar import was made in the fifth section of the act admitting Missouri into the Union. I will read the sections referred to:

"That all salt springs within the said Territory, and the land reserved for the use of the same, together with such other lands as may, by the President of the United States, be deemed necessary and proper for working the said salt springs, not exceeding, in the whole, the quantity contained in thirty-six quarter sections, shall be granted to the said State for the use of the people of the said State, the same to be used under such terms, conditions, and regulations as the Legislature of the said State shall direct: *Provided*, That the said Legislature shall never sell nor lease the same for a longer period than ten years at any one time."—Sec. 6, art. 2d. vol. 3, Statutes at Large, page 290.

Sec. 2. That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said State for the use of said State, the same to be selected by the Legislature of the said State, on or before the first day of January, in the year one thousand eight hundred and twenty-five; and the same, when so selected, to be used under such terms, conditions, and regulations as the Legislature of said State shall direct: *Provided*, That no salt spring, the right whereof now is, or hereafter shall be, confirmed or adjudged to any individual or individuals, shall by this section be granted to the said State: *And provided*, also, That the Legislature shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress.—Statutes at Large, vol. 3, page 547.

I might also refer the gentleman to the act of the 4th of June, 1832, granting pensions to the soldiers who served in the war of 1812, (United States Statutes at Large, vol. 4, page 530,) in which Congress, after granting the pensions, protects them against any liability to attachment, levy, or seizure by any legal process whatever, by State and national authority. Here is the provision of the act referred to:

"That the pay allowed by this act shall, under the direction of the Secretary of the Treasury, be paid to the officer, non-commissioned officer, musician, or private entitled thereto, or his or their authorized attorney, at such places and times as the Secretary of the Treasury may direct; and that no foreign officer shall be entitled to said pay, nor shall any officer, non-commissioned officer, musician, or private receive the same until he is furnished the said Secretary satisfactory evidence that he is entitled to the same, in conformity to the provisions of this act; and the pay hereby allowed shall not be in any way transferable or liable to attachment, levy, or seizure by any legal process whatever; but shall inure wholly to the personal benefit of the officer, non-commissioned officer, musician, or soldier entitled to the same."

The power has been exercised, not only as to chattels, but as to real estate. I think, therefore,

there can be no difficulty as to the constitutionality of this provision. It is, next to the grant, the most important provision in the bill. Strike it out, and it ceases to be a bill to secure a homestead, and becomes a measure for the benefit of creditors.

Mr. WRIGHT, of Pennsylvania. I move to amend the section proposed to be stricken out, by striking out the words "the issuing of the patent," and inserting in lieu thereof the words "entry and settlement."

Mr. Chairman, I have no doubt myself but that the United States may part with its title to the land, as contemplated in this bill, and make a condition that it shall not be sold for debts previously contracted. I think there is no doubt with regard to that position; but, while I am willing to concede this, I doubt very much the policy of permitting a settler to enter upon land, and thereby acquire a credit in the community in which he lives, and preventing whatever interest he may have in the land from being taken under execution and sold for the payment of his debts.

Mr. LILLY. Is there is not a law in the gentleman's own State exempting land to a certain amount from debt?

Mr. WRIGHT. In answer to my friend from New Jersey, I will state that there is such a law on the statute-book of Pennsylvania; but that does not conflict with the position I hold here. That is an exemption law; and it does not apply to debts previously contracted. The mischief of this bill, as it now stands, consists in this: You send a man there to make a settlement, and the fact of sending him, and his making improvements there, gives him a credit in the community in which he lives. Well, are the different individuals who give him credit, from the fact of his being a settler on the land, to be defrauded from the collection of their debts? That is the position. If the bill passes in the shape in which it has been reported by the Committee on Agriculture, you will permit the individual to make his entry, and remain there for a period of five years, to contract debts from all persons who are willing to trust him for any amount; and then you prevent the collection of those debts by those who have given the credit.

Now, sir, that is a wrong principle of legislation. I am perfectly willing that the man who makes his entry and settlement upon the land should begin the world anew; that, at the time he shall enter upon it he shall go, to all intents and purposes, untrammelled from the debts previously contracted; but you extend to him a greater privilege, for you say that for the five years he is living upon the land none of his improvements, nor the land itself, shall be subject to sale for the payment of debts that he shall contract during that period. There is no charity in carrying out that principle; but it is one which conflicts with and impairs contracts—not contracts at the inception, but those he has been enabled to make while in possession of the land with persons who were willing to trust him.

Now suppose a settler enters upon the land and remains there for a period of four years; that land may have increased in value from \$1 25 per acre to perhaps \$20 or \$25 per acre. The individual, after he has made the improvements, and the value of the land has increased, may have contracted debts to a large amount, and very properly, but yet you put it into his power to defraud every man who shall have trusted him. Now, sir, I cannot agree to the carrying out of any such principle as that. Let him go there, as I say, untrammelled. Let no debts follow him up to the time he makes his entry; but do not protect him in the enjoyment of his property and the bounty of the Government for five years, so that he shall have the power to commit great frauds on the community in which he lives.

Mr. PRATT. I move that the committee do now rise.

The question was taken; and the motion was disagreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was not agreed to.

Mr. LETCHER. I propose to amend that section by adding thereto, "unless the Legislature of the States in which such lands lie shall otherwise direct."

Several MEMBERS. "Question!" "Question!" Mr. DISNEY. Or unless the law of the State in which the lands lie shall otherwise direct.

Mr. LETCHER. Yes; unless the law of the State in which such lands lie shall otherwise direct.

It strikes me, Mr. Chairman, as a very extraordinary provision in this bill any way. If a man has \$200, and goes to the State of Illinois and lays out his money in the purchase of a hundred and sixty acres of land, that land is to be made subject to all sorts of debts that can be mustered up against an individual. But if you get a man to go to the State of Illinois and to take land without paying anything for it to the Government, in that case, by way of inducing him to go, you propose to exempt him from all debts which he may have contracted prior to the time at which he is entitled to his patent.

It may so happen, Mr. Chairman, that in putting up the necessary buildings to shelter his family, and to protect them from the storm, he may have contracted debts in procuring means to do so. These debts, so contracted, may probably have given to this land double the value that it had at the time he took possession of it as Government land; and although it has been thus enhanced in value from the labor of other persons, yet you provide in this act that it shall not be responsible for any debts which may have been contracted in giving to it this enhanced value.

Now, sir, I propose to add to this amendment, that that shall be the law unless the Legislatures of the States or of the Territories in which these lands may lie shall otherwise direct. And I do it for this reason: as was remarked by the gentleman from Alabama: if you permit this provision to be carried out you sanction the doctrine here that the Congress of the United States can go into the States and undertake to regulate the laws of debtor and creditor in defiance of all laws that the States themselves may have enacted on this subject. You have there, under this provision, made the beneficence of the Government extend to the exemption of these public land from all liabilities for debt, while the hard-working man who has purchased his land, who has paid for the permission to take possession of it, who pays the debts that he has contracted for the improvement of it, when he, I say, is afterwards overtaken by misfortune, he is made to pay every debt he owes; and his family is turned out of house and home to accomplish this purpose under the State law.

It seems to me that if gentlemen swallow this, there is no aggression on the rights of the States which may not be perpetrated by Congress. If they can go to that extent they can also regulate the laws in reference to the manner in which property can descend. They can regulate the laws in regard to marriage; they can regulate the laws in regard to any particular local relations, or any particular local law which may exist in these States. Would it not be a monstrous power to assert on the part of Congress? and would it not be such a power as, if sanctioned, would necessarily lead to the most serious abuses?

Mr. DEAN. I am opposed to the amendment of the gentleman, because I suppose it to be unnecessary. That will be the law without it.

The question recurring upon the amendment offered by the gentleman from Virginia, [Mr. LETCHER]—

Mr. LETCHER called for tellers; which were ordered.

Mr. STANTON, of Tennessee. I think there is not a quorum present, and therefore I move that the committee do now rise.

[Cries of "Oh, no!" "No!"]

The question was put; and, upon a division, there were—ayes 46, noes 35.

Mr. LANE, of Indiana. Can the committee rise without a quorum?

The CHAIRMAN. It can.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and, by special order, House bill No. 37, commonly known as the homestead bill, but had come to no resolution thereon.

ADJOURNMENT OVER.

Mr. LILLY. I move that when the House adjourn it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and decided in the affirmative—yeas 90, nays 65; as follows:

YEAS—Messrs. Willis Allen, Thomas H. Bayly, Barry, Belcher, Bennett, Benson, Benton, Bissell, Boyce, Bridges, Chastain, Cook, Corwin, Craig, Cumming, Cutting, John G. Davis, Thomas Davis, De Witt, Disney, Dowdell, Drum, Dunbar, Edgerton, Edmunds, Edmondson, Everhart, Farley, Florence, Franklin, Gamble, Giddings, Green, Greenwood, Wiley P. Harris, Harrison, Hill, Hughes, Hunt, Johnson, Keitt, Kerr, Kittredge, Knox, Lamb, Letcher, Lilly, Lindley, McCulloch, McQueen, Matteson, John G. Miller, Morgan, Morrison, Noble, Norton, Andrew Oliver, Mordecai Oliver, Peckham, Bishop Perkins, John Perkins, Phillips, Pratt, Preston, Pringle, Ready, David Ritchie, Rogers, Sage, Shannon, Shaw, Simmons, Singleton, Gerrit Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, David Stuart, John L. Taylor, Thurston, Tweed, Upham, Walbridge, Israel Washburn, Tappan Wentworth, Westbrook, Daniel B. Wright, Yates, and Zollicoffer—90.

NAYS—Messrs. Appling, Breckinridge, Campbell, Carpenter, Caskie, Chamberlain, Chandler, Clark, Clingman, Cobb, Colquitt, Cox, Dawson, Dean, Eastman, Ellison, English, Ewing, Faulkner, Fuller, Grow, Hamilton, Hastings, Haven, Hendricks, Hiett, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Lane, Lindley, McNair, Macy, Maxwell, May, Middlesworth, Millson, Nichols, Olds, Orr, Phelps, Powell, Puryear, Robbins, Rowe, Rufin, Russell, Sabine, Sapp, Seward, Showers, William R. Smith, George W. Smyth, Solters, Stratton, Andrew Stuart, Trout, Vail, Vansant, Wade, Elihu B. Washburne, Wheeler, and Hendrick B. Wright—65.

So the motion was agreed to.

COMMUNICATIONS FROM THE PRESIDENT.

The SPEAKER laid before the House communications from the President of the United States, transmitting a letter from the Secretary of War, inclosing a report from the Colonel of Topographical Engineers, in compliance with a resolution of the House of Representatives, of the 23d of January last, showing all contracts made by, and correspondence subsequently, with the Chief of the Bureau of Topographical Engineers, for furnishing materials of wood and stone for improving the harbors and rivers on Lake Michigan, under the act "making appropriations for the improvement of certain harbors and rivers," approved August 13, 1852.

On motion by Mr. FULLER, it was referred to the Committee on Commerce, and ordered to be printed.

Also, a communication, transmitting a letter from the Secretary of the Interior, accompanied by the annual report of the Board of Inspectors of the Penitentiary of the United States for the District of Columbia, for the year ending the 31st of December, 1853.

On motion by Mr. JONES, it was referred to the Committee on the District of Columbia, and ordered to be printed.

On motion by Mr. WALBRIDGE, the House, then, at fifty minutes past three o'clock, adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

MONDAY, March 6, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

Mr. RUSSELL. I am instructed by the Committee on Printing to offer a joint resolution for settling the accounts of A. Boyd Hamilton, and I ask that it be put upon its passage.

The resolution was then read through by the Clerk.

The SPEAKER. The question now is upon ordering the resolution to be engrossed and read the third time.

Mr. HAMILTON. Is there an appropriation in the bill?

The SPEAKER. The Chair thinks that there is an appropriation provided for in the resolution, and it must therefore go to the Committee of the Whole on the state of the Union.

Mr. RUSSELL. The appropriation for settling the accounts of Mr. Hamilton is provided for in the act of 1852.

The SPEAKER. The Chair is informed by the gentleman that there is a fund already set apart for the payment of A. Boyd Hamilton, and the resolution now offered only directs the mode by which his accounts shall be ascertained and settled, and it need not therefore go to the Committee of the Whole on the state of the Union.

The resolution was then ordered to be engrossed,

and read a third time; and having been engrossed, it was read a third time, and passed.

Mr. DAWSON. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. APPLETON. I ask the unanimous consent of the House to introduce joint resolutions from the Legislature of the State of Massachusetts in relation to cheap ocean postage.

Mr. RICHARDSON. I demand the regular order of business.

Mr. TAYLOR, of Ohio. Let the resolutions be read for information.

Mr. CLINGMAN. The usual course is to lay these resolutions upon the table, and order them to be printed. I hope there will be no objection to this course at present.

Mr. RICHARDSON. I have no objection to the gentleman from Massachusetts sending up his resolutions to the Clerk's desk.

The resolutions were then received, read by the Clerk, and ordered to lie upon the table, and be printed.

Mr. FULLER. I beg leave of the House to introduce resolutions from the State of Maine.

Mr. CLINGMAN. What disposition does the gentleman wish to make of them?

Mr. FULLER. That they lie upon the table, and be printed. I hope that they will be read.

Mr. CLINGMAN. I object to reading any more of these papers. I do not know what these resolutions are. I am willing that the usual course be taken with them, that they lie upon the table, and be printed.

Mr. FULLER. They are very short, and I hope that the House will consent to hear them.

The resolutions were then read. They protest against the passage of any bill for the organization of the Territories of Nebraska and Kansas which shall contain any provision repealing the act of 1820, known as the Missouri compromise.

The resolutions were then ordered to lie on the table, and ordered to be printed.

The question then recurred upon the motion to go into the Committee of the Whole on the state of the Union, and, having been put, was carried in the affirmative.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORIN in the chair.)

HOMESTEAD BILL.

The CHAIRMAN. When the committee last rose, they had under consideration special order of the House, being House bill (No 37) "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified."

The fourth section being under consideration, the gentleman from Alabama [Mr. PHILLIPS] moved to strike out the section. The gentleman from Virginia moved to amend by adding at the end of the section, for the purpose of perfecting it, the following words: "Unless the legislative authority of the State or Territory in which such lands lie shall otherwise direct." The question pending is, therefore, upon the amendment of the gentleman from Virginia, upon which tellers have been ordered.

Mr. LETCHER. If it will meet with the approbation of the committee, I will withdraw the amendment which I offered, and allow the question to be taken unembarrassed upon the motion to strike out the entire section.

There was no objection, and the amendment was withdrawn.

The question then recurred upon the motion of Mr. PHILLIPS to strike out the fourth section.

Mr. DISNEY. I renew the amendment withdrawn by the gentleman from Virginia to add at the end of the section the following words: "Unless the legislative authority of the State or Territory in which such lands lie shall otherwise direct."

I propose this amendment because it changes the entire character of the provisions of the section which the gentleman from Alabama [Mr. PHILLIPS] proposes to strike out. That section, in my opinion, contains the humbug of the bill. So great is

its absurdity, that to pass a bill containing such a section would be an imputation upon the intelligence of the House. It attempts an exercise of power which it is not in the competency of Congress to exercise.

Sir, I desire to say a word or two in reference to the character of this section; and I am sure a word or two is all that will be necessary to convince the House of its absurdity. The gentleman from Pennsylvania [Mr. DAWSON] talks about its being a conditional grant. Well, sir, if it is a conditional grant, and the conditions are in default, there is a reversionary interest, and the title of the land will revert back to the United States; and in that event the settler loses his homestead. But if it be a perfect and unlimited grant it must be subject to the authority of the State in which the land lies, and in that event the General Government could have no power over the subject. So that, construe the section as you will, it is null and void. If it is to have any effect at all it will be to delude the settler himself. It will lead him to believe that his land will not be liable to be taken for debt. Sir, every lawyer in the House knows that Congress has no power to make such a limitation upon the land, after the title has gone out of the possession of the Government. It is simply delusive to the honest settler himself.

But, I repeat, without going into any extended argument in relation to this matter, that if the gentleman from Pennsylvania [Mr. DAWSON] intends a conditional grant, then if the condition be in default, the title reverts to the United States, and the settler loses his homestead. If it be not a conditional grant, but an absolute one, why then, the title being in the parties, the land must be subject to the laws of the States. And yet, with a full knowledge of a fact of this sort, can it be that an intelligent body like this Congress will pass an act which every lawyer in it knows well would be inoperative? That is all I desire to say.

Mr. DAWSON. The honorable gentleman from Ohio argues against this provision as if it was not only in violation of the principles of law, but as if it was a new question, presented for the consideration of this body. Now, I will merely refer the honorable gentleman to the fourth section of "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, which contains the very principle involved in the fourth section of this bill.

Mr. DISNEY. Read it.

Mr. DAWSON. It is as follows:

"SEC. 4. And be it further enacted, That all sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant or certificate issued, or to be issued, or any land granted, or to be granted, under the provisions of this act, made or executed prior to the issue, shall be null and void to all intents and purposes whatsoever; nor shall such certificate or warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by such officer or soldier prior to the issuing of the patent."

The honorable gentleman from Ohio was a member of this House at the time that law was passed. Where then was his vigilance? Where were then his constitutional objections to the principle which it is now proposed to make applicable to the laboring classes?

Mr. DISNEY. Will the gentleman yield me the floor for a moment?

Mr. DAWSON. No, sir; I do not yield. It seems to me that the discovery comes rather late. It comes at a time when it is proposed to extend the benefits of the principle to a large class of the laborers of this country. The distinguished gentleman sat still in his seat and permitted that law to pass without uttering one word of complaint, yea, he even voted for it, and yet now a new light dawns upon him.

The question was then taken on Mr. DISNEY's amendment, and it was rejected.

Mr. EASTMAN. I offer the following amendment:

But the said land shall be subject to taxation the same as other land sold by the United States, from the date of the entry thereof, as specified in the first clause of the second section of this act; and if the person who enters the same shall neglect or refuse to pay all legal taxes thereon within — days after they shall be demanded he shall forfeit all his rights under this act.

I am not certain that the amendment which I have offered will effect the object which I desire, but I have offered it for the purpose of calling the

attention of the committee, and of the friends of the bill, to the particular point to which it alludes.

It seems to me, if it be good policy on the part of this Government to give lands to actual settlers, that, at the same time, it should compel those settlers to pay the same amount of taxes, according to the value of the land that other people pay who paid for their land at the time they acquired possession of it. But there is no provision in this bill to compel the recipients of this land to pay tax upon it at all. They come into the possession of it; they have the benefit of the laws; they have the protection of the courts, and everything of that sort, and yet they do not contribute one single cent toward the support of the Government affording them all these advantages. Now, it seems to me that the effect will be, if some provision of the kind I have suggested is not enacted in this bill, that you will compel the person who pays for his land to support those persons who occupy this land without any pay, which should not be countenanced by this committee.

Just look at this matter. Here is a farmer with a farm of three or four hundred acres, and wild land all around him. A, B, and C come under the provisions of this bill, and acquire their land. They are voters, and have it within their power to compel the man who has paid for his land to build all the school-houses, all the bridges, make all the roads, and, in short, pay for the entire government of the whole town, and yet not pay one single dollar themselves. I think that the system is wrong; and if my means of getting at the remedy are not the proper ones, I would suggest to the friends of the measure to propose the proper ones to avoid the difficulty at which I have aimed. There may be some fault in the amendment which I have proposed. If any gentleman sees any better remedy I am willing to submit to it. I am tenacious of this point; but I suggest to the friends of the bill to let something of the kind be engrafted upon it.

I know it will be contended by the gentlemen upon the other side that you cannot tax Government land. If you cannot tax Government land you ought to adopt some measure by which you shall compel the persons who occupy this land to pay for the support of the Government of which they have the benefit, and by which you shall not force the person who has paid for his land to pay all the taxes.

The amendment was again read.

Mr. JONES, of Tennessee. That is an extraordinary amendment. The principle involved is not incorporated in any tax law of which I have any knowledge. You propose to levy a tax upon the Government land because we pass a law that individuals may locate upon it. These individuals may not perfect their right to a patent under this law. The gentleman knows that we cannot now tax the land of the Government. If these people do not settle upon that land under this law you cannot get any tax. Consequently, I cannot see any great hardship in permitting this land to remain free of taxation until the settler shall have acquired a full title. We cannot provide for the selling of this land for taxes. Nobody will ask that; but, sir, because the man shall not pay the taxes which the State levies the gentleman proposes that his right to the land shall be forfeited. Why, sir, it is but a short time—only five years—that these lands are proposed to be excepted from taxation; and it has only been two, three, or four years, I believe, since a law excepting all the Government lands from taxation for five years after they were sold was repealed. And the gentleman himself, [Mr. EASTMAN,] I think, must see that it is no very great hardship to the State in which the lands are situated for them to refrain from taxing such lands until after the term limited by the Government.

Mr. EASTMAN. I withdraw the amendment.

The CHAIRMAN. The gentleman from Wisconsin proposes, with the unanimous consent of the House, to withdraw his amendment. Is there any objection to his doing so?

Mr. CLINGMAN. Yes, sir, I object. Let us vote down all these amendments.

The question was then taken on the amendment, and it was not agreed to.

Mr. FAULKNER. I ask to present the following proviso, to be added at the end of the fourth section to the bill.

The Clerk read the proviso, as follows:

Provided however, That no entry, authorized by virtue of this act, shall be construed to extend to the lands ceded to the United States by Virginia, and other States, prior to the adoption of the Constitution.

Mr. FAULKNER. Mr. Chairman, if the gratuity intended by this bill was restricted to those lands which have been acquired by purchase under the present Government it would remove one difficulty which I have in yielding it my support. But, surrendering as it does for gratuitous settlement the lands which were acquired by cession from Virginia and other States, prior to the adoption of the Constitution, I do not see how we can dispose of them in the manner here contemplated without a palpable violation of the trust upon which those cessions were made and accepted. We have been told, by the gentleman from Pennsylvania, [Mr. DAWSON,] that the Constitution in giving to Congress the power to dispose of the territory belonging to the United States has invested it with a plenary and unlimited discretion in the disposition of the public lands. This might be so if the Confederation had not accepted the cession from Virginia, subject to certain conditions annexed to the grant. Is there anything in the Constitution which abrogates these conditions?

General Jackson, in his message in 1833, communicating to Congress the reasons of his veto of Mr. Clay's land bill, with great truth, says:

"The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it 'shall be so construed as to prejudice any claims of the United States, or of any particular State,' it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only make all 'needful rules and regulations' for carrying them into effect." All beyond this would seem to be an assumption of delegated power."

Now, sir, I ask the gentleman from Pennsylvania, who reported this bill, and who so warmly advocates it, to examine the condition which Virginia has annexed to her cession of that immense northwestern territory, and then let him vindicate, if he can, his bill from the charge which I now make against it, of a palpable violation of the trust created by that grant. This cession was not made to the United States as a nation; it was made before the present Constitution was adopted or even thought of. It was made to the States, as States, in their State capacity, Virginia inclusive. Here is the condition:

"That all the lands within the Territory so ceded, &c., shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever."

It is scarcely necessary to say, that under the terms of this cession a great public and national trust was created and assumed by this Government. Such has been the decision of the Supreme Court of the United States in the case of Jackson vs. Clark, (1 Peters, 635.)

Mr. Clay's celebrated land bill, which proposed a distribution of the proceeds of the public lands amongst the States according to their Federal representation, was vetoed by General Jackson, and denounced by the whole Democratic party, because, as it was said, regardless of this binding compact, it assumed that the United States was the unconditional owner of these lands. If this was a correct position as to Mr. Clay's bill, with how much greater force does it apply to a bill that is confessedly and avowedly based upon that assumption, and which makes a sweeping and absolute gift of the public domain without the slightest regard to the rights so jealously guarded in the deed of cession? We heard something the other day about an Executive veto. I know nothing of the views of the President in regard to this bill. But it would seem to me—

[Here the hammer fell.]

Mr. CLINGMAN. I think we had better get along with this bill in its present shape, and I hope no amendment will be adopted. Therefore I am opposed to it.

The question was taken upon Mr. FAULKNER's amendment; and it was not agreed to.

The question then recurring upon the motion to strike out the fourth section, it was put, and decided in the negative.

Mr. ELLISON. I propose to amend the fourth section of the bill by striking out, after the word "the," in the fourth line, the words "issuing the

patent," and insert in lieu thereof the words, "time at which a patent may issue," so that the section will read:

"That all land acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt, or debts, contracted prior to the time at which a patent may issue therefor."

The object of my amendment is to make this section harmonious with the second section. It is provided in the second section, that at the end of five years, upon proof of residence and cultivation, that a patent may issue for the one hundred and sixty acres of land. Now, if a person shall go and reside upon these lands, and cultivate them, and yet chooses not to take out a patent therefor for ten or fifteen years, that land will, during all that period, not be liable for any debts contracted prior to the issuing of the patent therefor. As I said before, my object is to make the land liable at the end of five years—the time at which a patent may issue therefor—for all debts contracted subsequent thereto. That amendment will make the section harmonious with the second section, and make the land subject to subsequent debts.

Mr. LANE, of Indiana. I think the amendment unnecessary, and therefore I oppose it.

The question was then taken upon the amendment; and it was not agreed to.

No further amendment being offered to the fourth section, the Clerk read the fifth section, as follows:

And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but, at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, he shall be placed upon an equal footing with the native-born citizen of the United States.

Mr. DEAN. I move to strike out the word "now" in the second line.

I do not propose to debate this matter, but I think we are making an unnecessary discrimination here.

Mr. LANE, of Indiana. Will the gentleman from New York state the effect of his amendment?

Mr. DEAN. The effect of this amendment will be to allow persons who emigrate and declare their intentions after the passage of this act to receive the benefits of this bill the same as if they had declared their intentions before the passage of the act. I am not in favor of the restriction contained in this section. I think that a man who declares his intention to become a citizen the next week or the next year after it is passed ought to receive the benefits of this bill upon every principle of justice, as the man who has declared his intentions before the act goes into effect. I am utterly opposed to making a discrimination between any class of persons, no matter where they were born, or from what country they emigrated.

The principle upon which the bill is founded, and on which only it can be defended, is occupancy and settlement; and I see no reason for making the time when a declaration of intention to become a citizen is filed a ground for discrimination.

Mr. DAWSON. I insist that the provisions of the bill shall be confined to those persons who are now residents and citizens of the United States. I therefore object to the amendment of the gentleman from New York, [Mr. DEAN.]

Mr. WADE. I propose to amend the section in line two, by striking out the words "individual now" and to insert in the third line the word "who" between the words "but" and "at."

The CHAIRMAN. The question must be first taken upon the amendment of the gentleman from New York, [Mr. DEAN.] That will not preclude the gentleman from Ohio from offering his amendment afterwards.

The question was then taken upon Mr. DEAN's amendment; and it was not agreed to.

Mr. WADE. I now offer the amendment already sent to the Clerk's table.

I do not wish to trouble the committee with remarks upon this matter, but it does seem to me that it is perfectly idle for us to make any prohibition here with regard to foreigners, for it will not be three years before this whole subject will again be revived for the benefit of those who hereafter arrive in the country and apply for citizenship; and who will become, upon the principle of citizenship, entitled to receive the same benefits from the Government that those who are now residents are entitled to.

The evil of the legislation now asked for is that

in a few years the same thing will be repeated over and over again. There is no use in talking about confining it to the present time. These foreigners, if they are to be encouraged at all, should be encouraged not to stop in the purlieus of the cities, where they will drag out a miserable existence in vice and intemperance, in every conceivable form, but they should be encouraged to emigrate into the country, where they can enjoy pure and fresh air, and where they can become agricultural laborers, rejoicing in an increased health of body, mind, and morals.

My favor for this amendment is predicated upon the fact that we shall have to do the same thing for many years, if we refuse it now, and thus time and money will be wasted. We shall certainly have to do it in less than two years, and we might just as well do it now and save time by it.

Mr. DAWSON. In reply to the gentleman who has just taken his seat, I will merely say, that it is not the province nor duty of this Congress to legislate for all the nations of the world and the rest of mankind. [Laughter.]

Mr. COBB. I desire to offer an amendment to the sixth section, which I will read presently; but before doing so, I desire to say that I am as good a friend of the homestead bill as there is in this House. The sixth section of the bill makes provision for a class of persons who may be now in the United States, who have not filed their declaration to become American citizens, but who may hereafter file such a declaration at any future time to obtain the benefit of the bill:

Mr. DEAN. I rise to a question of order. I want to know what is the question before the committee?

Mr. COBB. I will read my amendment presently.

Mr. CLINGMAN. I object to the gentleman's going on with his remarks, unless his amendment is first presented to the committee; and I insist that the time he has already occupied shall come out of the five minutes to which he may be entitled upon his amendment.

Mr. COBB. I move to strike out of the sixth section the following clause:

"at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act,"

and to insert the following:

—who may have filed his or her declaration to become such prior to the passage of this act.

So that the section will then read:

"Sec. 6. *And be it further enacted, That if any individual, now a resident of any one of the States or Territories, and not a citizen of the United States, but who may have filed his or her declaration to become such prior to the passage of this act, shall be placed upon an equal footing with the native born citizen of the United States.*"

I suppose I have a minute or two of my time still left. I desire to say that my object in offering this amendment is to confine the provisions of this bill to such persons as have filed their declarations to become citizens of the United States, or who may do so previous to the passage of this act. That provision will shut out from the benefits of the bill such foreigners as are now in the country, and who have not filed their declaration to become citizens of the United States before the passage of this act. If the foreigners who are now in the country have not the intelligence to know upon what their chances under this bill are to depend, should this provision be adopted, their friends will certainly tell them, and they will have time to file their intention to become citizens before the passage of this act. If they do not, I desire that they shall not become entitled to the benefits for which this bill provides.

I do not want the provisions of this bill to be extended to that floating foreign population who would never become citizens of the United States at all, unless you induce them to become such by the passage of this act. They may be induced to file their declaration, and live upon the land for five years, if you will give them the land then for their trouble; but they would never have done so if you had not held out the bid to them for that purpose. If any person will file his or her declaration prior to the passage of this act, I am perfectly willing that he or she shall be included within its provisions. But I think it is right to exclude such as have not filed their intentions be-

fore that time. I have felt it my duty to offer this amendment, and I hope it will be the pleasure of the committee to accept it; but if not, of course I shall not be found murmuring against the will of the majority. I offer it, however, in good faith, and leave it in the hands of the committee.

Mr. DEAN. I am opposed to that amendment, because I think the section is a good deal better as it stands than it would be if so amended.

The question was taken; and the amendment was disagreed to.

The Clerk then read the seventh section of the bill.

Mr. LANE, of Indiana. I desire to ask a question of the chairman of the Committee on Agriculture. I propose, if it is in order, to amend this bill by the addition of a section to suspend the sales of the public lands and the granting of them to railroad companies. I understood the Chair to make a suggestion the other day that such an amendment would be in order.

The CHAIRMAN. It is in order to offer an additional section to the bill.

Mr. JONES, of Tennessee. I would submit to the Chair whether the amendment proposed by the gentleman from Indiana is germane to the bill, or has any connection with the granting of homesteads? If we open up the subject of railroad grants, where shall we end?

The CHAIRMAN. The Chair merely understands the gentleman from Indiana as desiring to offer an additional section to the bill. Until the Chair hears the amendment read, he cannot decide whether it is in order or not.

Mr. LANE. I will state to the Chair, that I propose to add a section to the bill, suspending the sales of the public lands hereafter, and refusing to give to railroad companies one inch of the public domain, reserving it for actual settlers.

The CHAIRMAN. The Chair supposes that it would be germane to offer an amendment to suspend the sale of the public lands until after the settlers shall have entered their lands. It will be a question for the committee whether they will adopt or reject an amendment of that sort.

Mr. JONES. Then we may as well give up the bill.

Mr. KERR. Well, give it up.

Mr. LANE. Understanding from the friends of the bill that the amendment which I offer may endanger the passage of the bill, I will withdraw it.

The CHAIRMAN. The question then is on the substitute of the gentleman from Alabama, [Mr. Cobb.]

Mr. COBB. Before that comes up, I desire to offer an amendment to come in at the end of the last section of the bill, which is as follows:

Provided further, That the provisions of this act shall be so construed as to authorize the class of persons provided for in the foregoing parts of this act who may not own one hundred and sixty acres of land, to enter, free of cost, of the public lands adjoining his or her farm, subject to private entry at \$1 25 an acre, a quantity, when added to what they may now own, equal to one hundred and sixty acres: Provided, That he or she shall cultivate the whole, or part thereof.

That amendment is so obviously right, that I am sure the friends of the bill will not offer any opposition to it. If gentlemen will investigate the terms of the amendment, they will see that while it will do justice to a large and meritorious class of individuals, it may result greatly to the benefit of the General Government. For instance, here is an individual, perhaps an old and worn-out soldier, who has fought bravely the battles of his country; he has toiled until, having obtained fifty dollars, he has entered forty acres of land. He has made valuable improvements upon the land, built a domicile, and made himself a home. Whether poor or rich land, as it may be, he would rather, if he owned forty acres, take from the General Government the other one hundred and twenty acres adjoining, and be obligated to cultivate it all, or only a portion of it, as cultivation seems to be the principle on which the bill is founded. Then the Government saves forty acres. If he owns one hundred and twenty acres, he only takes forty, and the Government saves one hundred and twenty acres. The Government will always save the difference between what the man owns and one hundred and sixty acres. I see no injury to result to the Government, but I see much good to result to that poor class of settlers who have toiled to get forty acres, and on getting it, have

labored on in the expectation of one day entering the adjoining land to the extent of one hundred and sixty acres in all. If you do not provide in this bill as I have suggested, you will compel the class of persons named to leave their homes to go upon the land of the Government, and obtain the one hundred and sixty acres provided for. Some person may sit down beside him and deprive him of that home which he may have expected to make him competent to support his family of eight or ten perhaps helpless children.

I call upon the chairman of the Committee on Agriculture to express whether, on investigation, he is not satisfied that it is right? If he is not, I am. I trust that this committee will give such a unanimous response as will make the poor way-worn heart throb with gratitude.

Mr. DAWSON. I think that the amendment of my friend from Alabama is a good one, and I hope it may be adopted.

Mr. COBB. Will the gentleman allow me one word in his five minutes?

Mr. DAWSON. I have closed my speech, and cannot do so.

Mr. COBB. I shall only add to what I have already said—

[Cries of "Order!"]

The CHAIRMAN. Further discussion is not in order on the amendment.

The amendment was again read.

Mr. JONES, of Tennessee. I move to amend the amendment by allowing the settler to enter one hundred and sixty acres besides what he already owns; and I do so for the purpose of saying that I believe the amendment of the gentleman from Alabama is right. It is to permit the man who now owns a tract of forty, eighty, or one hundred and twenty acres, being less than one hundred and sixty acres, to enter so much of the public land adjoining as will make the entire tract one hundred and sixty acres, without removing out of the cabin which he may be occupying to live on the public land, but on condition that he shall cultivate for five years the whole, or a portion of the public land thus entered. I hope that the amendment may be adopted, believing it to be right. Having said thus much, with the permission of the committee I shall withdraw my amendment.

The CHAIRMAN. The gentleman from Tennessee asks the unanimous consent of the House to withdraw his amendment to the amendment. Is there any objection?

There being no objection, the amendment to the amendment was withdrawn.

The question was then taken on the amendment offered by the gentleman from Alabama, [Mr. Cobb,] and the Chair announced that it was agreed to.

Mr. MILLSON. I call for a division.

Mr. PERKINS, of Louisiana. I should like to hear the amendment of the gentleman from Alabama read again.

The CHAIRMAN. The amendment has been adopted.

Mr. MILLSON. I called for a division before the decision was announced.

The CHAIRMAN. The Chair thought that he heard a division called for, but was not positive. Shall the amendment be again read, so as that the gentleman from Louisiana [Mr. Perkins] may propose an amendment?

Mr. CLINGMAN. I object to its being read again.

The Clerk again reported the amendment.

Mr. PERKINS. I should move, Mr. Chairman, to amend that amendment by striking out the words "paying \$1 25 an acre," and leaving it as a grant.

Mr. COBB. I accept that amendment.

The CHAIRMAN. The Chair understands that the amendment as to the \$1 25 per acre has no reference to buying the land, but that it merely refers to it as land subject to entry at that price.

Mr. PERKINS. I suggested merely that this bill should be altered so as say, "subject to entry at the minimum price." It would remove much difficulty.

Mr. HAMILTON. The land is proposed to be free of cost.

Mr. COBB. I have no objection to that; I accept the amendment.

Mr. PERKINS. Then upon that amendment I have a few words to say, if it be in order for me to do so.

The CHAIRMAN. If the amendment is accepted, then it is not in order to speak on it.

Mr. PERKINS. I offered the amendment, and presumed I had a right to speak upon it. Do I understand the Chair to rule that it is not in order?

The CHAIRMAN. If the mover of the original amendment accepts the amendment to it, then it becomes a part of his amendment, and upon that debate is not in order.

Mr. SEYMOUR. The original amendment has not been opposed, and I think it is therefore in order to speak on the amendment to it.

The CHAIRMAN. But the gentleman himself, who offered the original amendment, has accepted the amendment of the gentleman from Louisiana. It is, therefore, not in order to speak upon it.

Mr. STANTON, of Tennessee. I rise to a question of order. It is this: that although the amendment to the amendment may have been accepted by the gentleman who made the original proposition, yet it is, under the rule, a fair subject for debate; because the amendment, although accepted by the gentleman who offers the proposition, has not been accepted by the House, nor voted upon, and the object of these five-minute speeches is to allow gentlemen to explain propositions.

The CHAIRMAN. The question of order raised by the gentleman from Tennessee is not necessary, inasmuch as there is now opposition made to the original amendment, and it is in order to speak upon it. The gentleman from Louisiana [Mr. Perkins] is therefore entitled to oppose the whole amendment as it now stands, and to explain his proposition.

Mr. PERKINS. I embrace the opportunity afforded by the amendment of expressing my views on the bill before the House. Representing a constituency to be deeply affected by its provisions, I regret that I cannot vote for it. I am in favor of this particular amendment, but opposed to the bill. It seems to me directly at war with constitutional principles I have been accustomed to hold sacred. I had supposed that the regulation of the social relations of the citizen were left by the Federal Constitution to the States, and that of commerce and foreign affairs to the General Government. I had supposed that, for the protection of the family hearth, the regulation of the household duties, and the descent and transfer of property, we were to look to the States, and not to the Federal Government. If I am mistaken in this I have strangely read the Constitution.

By the terms of this bill it is proposed to give, conditionally, to certain individuals, one hundred and sixty acres of land. These conditions are limited by no principle. If you can give it only to those who are married, you can give it only to those who have children. If you can give it only to those who are of the age of fourteen, as the original bill proposed, or eighteen, or twenty-one, as is now proposed, you may assign the limit at fifty or eighty years of age. In fact, there is no limit but the charitable discretion of Congress. If you can make this land exempt from taxes for five years, and protect it from mortgage for the payment of just debts for the same time, why not for twenty or fifty years? If the General Government has power thus to exempt capital and its increment from the operation of State law within the limits of a State, what confines the exemption to this species of property?

The effect of the bill will be to bring the General Government to bear directly upon the people of the States, making itself deeply and sensibly felt in all the relations of life, while the State law, in its peculiar province, will be inoperative. Against such an annihilation of State influence I earnestly protest. For the poor man who goes out into the woods and creates for himself a home I have great respect. Let him have his eighty acres free of expense, but burden it with no conditions of serfdom. He will have more than paid for his eighty acres by the labor of one year. Let him dispose of it as he pleases.

By this bill you propose to give one hundred and sixty acres of land, provided it is occupied and cultivated. Now, if that provision is designed for the benefit of the poor man, I ask, if it is possible for such a person to cultivate one hundred and sixty acres? If not, then, instead of peopling the West, over which is rolling the great tide of civilization, bearing along with it court-houses, schools, and churches, at the rate of sixteen miles

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, MARCH 7, 1854.

NEW SERIES.....No. 35.

a year, you are providing against its settlement. You dot it over with individuals, one to every one hundred and sixty acres; and what becomes of the excess of land that he cannot cultivate? The really poor man will stand upon this domain without the means of cultivating it. You will have stripped him of credit to procure even a spade to dig the soil. He cannot mortgage the land, for it is exempted from seizure. He cannot get personal credit, for his person is already in some sort mortgaged to the Government. The law requires him to occupy and cultivate, and he must remain stationary upon the land for five years. Under other circumstances he might, if a mechanic, pursue his trade or hire out his services, and by labor get that which would make profitable the one hundred and sixty acres.

These are some, but by no means all, of my objections to this bill; and as I cannot discuss them in the five minutes allowed me, I only intimate what I would desire to say had I more time.

The question then recurred upon the amendment offered by the gentleman from Alabama.

A VOICE. Let the amendment be read.

Mr. CLINGMAN. I object to the reading of the amendment again. It has already been read two or three times.

The CHAIRMAN. The Chair would state, that, since the amendment was last read it has been modified; the Clerk will therefore read the amendment again.

Mr. COBB. I accepted an amendment to my amendment; and that is the modification to which the Chair refers. I now propose to withdraw my acceptance.

A VOICE. I object.

The CHAIRMAN. Objection is made, and the Clerk will report the amendment as modified.

The amendment, as modified, was then read, as follows:

Provided, That the provisions of this act shall be so construed as to authorize the class of persons provided for in the foregoing part of this act, who may not own one hundred and sixty acres of land, to enter, free of cost, any of the public lands adjoining his or her farm, subject to entry at the minimum price per acre, a quantity, when added to what they may now own, be equal to one hundred and sixty acres, provided he or she shall cultivate the whole or a part thereof.

The question was then taken on the amendment; and it was agreed to.

Mr. JONES, of Tennessee. If there is no further amendment I propose that the committee rise.

Mr. CHAMBERLAIN. I rise now for the purpose of inquiring, as I have not had much experience in the business of legislation, what becomes of the amendment which I proposed, and which has been printed?

The CHAIRMAN. The Chair would inform the gentleman from Indiana, that one substitute for the bill has been already offered by the gentleman from Alabama, [Mr. COBB.] That has not been acted upon, and another substitute cannot now be offered.

Mr. CHAMBERLAIN. The amendment I offered is not a substitute, but was offered as an amendment to the original bill.

The CHAIRMAN. It was merely presented in the House by unanimous consent, and ordered to be printed. What is the amendment of the gentleman?

Mr. CHAMBERLAIN. It proposes to strike out the proviso of the last section, which reads as follows:

"Provided, however, That all persons entering land under the provisions of this act, shall, as near as may be practicable in making such entries, be confined to each alternate quarter section, and to land subject to private entry: And provided further, That nothing in this act shall be so construed as to impair or interfere in any manner whatever with existing preemption rights."

and insert the amendment which I proposed, and which has already been printed.

The CHAIRMAN. The gentleman from Indiana proposes to strike out the proviso of the last section, and insert in lieu thereof, what will now be read by the Clerk.

Mr. JONES, of Tennessee. I will submit to

the Chair this question of order, whether it is not too late to offer the amendment now?

The CHAIRMAN. The Chair supposes that it would be in order. If an additional section had been offered and adopted, then it would not have been in order.

Mr. CHAMBERLAIN. I simply propose to devote a few minutes of my time—

The CHAIRMAN. The amendment must be first reported by the Clerk.

The amendment was then read by the Clerk, as follows:

Strike out the proviso from the seventh section, and insert the following:

Sec. 8. *And be it further enacted*, That all persons entering land under the provisions of this act, shall, in making such entries, be confined to the lands hereinbefore designated and set apart for that purpose in the — sections of this bill.

Sec. 9. *And be it further enacted*, That a board of commissioners shall be appointed by the President of the United States, whose duty it shall be, under the direction of the Secretary of the Interior, to employ the necessary engineers, and provide for all other necessary means to prosecute the surveys already commenced, or cause to be made other and all necessary surveys, for the establishment and permanent location of one or more—not, however, to exceed the number of three—railroad routes, from commercial points on the Gulf of Mexico or the Mississippi river to commercial points in California and Oregon, on the most practicable, suitable, and direct routes between such points; having due regard, in the location of such routes, to the prospective as well as present commercial interests of the country; such survey to be prosecuted to completion as soon as practicable after the passage of this act.

Sec. 10. *And be it further enacted*, That such commissioners shall be appointed with due regard to the survey and permanent location of three lines of railroad, as aforesaid, if found practicable. They shall, in each corps of engineers in this act provided for, appoint one to be designated the chief engineer. And when, in the judgment of said commissioners, and each one, or either, of said chief engineers, respectively, a practicable route shall have been found and designated, and the necessary surveys to determine its permanent location shall have been completed, all the necessary maps and profiles shall be deposited in the office of the Secretary of the Interior, and by him becaused to be recorded; and when so recorded, such bill shall be deemed the permanent location of such road or roads, and shall not thereafter be changed in such manner as materially to alter the location of such road or roads, except by act of Congress.

Sec. 11. *And be it further enacted*, That when such routes are surveyed in manner aforesaid, and permanently located and recorded, the office of said commissioners shall be abolished. Said commissioners shall be allowed the sum of — dollars per day, besides their necessary expenses, while actually employed in the discharge of their duties.

Sec. 12. *And be it further enacted*, That there shall be, and hereby is, granted the right of way for such railroad or roads throughout the whole extent thereof over the public domain, of sufficient width for a double-track railroad; not, however, to exceed two hundred feet in width. And there shall be reserved from all the other uses contemplated by this bill, sufficient width of land along such railroad or roads for a free common wagon road, of such construction as Congress may at any time hereafter provide for; such wagon road not to exceed one hundred feet in width.

Sec. 13. *And be it further enacted*, That so soon as either one or more of the said railroad lines is or are permanently established and located, in manner aforesaid, the President of the United States shall cause the public land to be surveyed into townships, sections, and quarter sections, in strict conformity with the manner in which the public lands are now surveyed, to the distance of at least forty miles on each side of said railroads; every sixteenth section of which shall be reserved for school purposes, as under existing laws.

Sec. 14. *And be it further enacted*, That the said lands, within forty miles on each side of said railroads, shall be disposed of in the manner following: First, one third part thereof shall be set apart for donation to actual settlers, under the provisions of this bill. Second, one third part thereof shall be set apart, to be appropriated in aid of the construction of said railroads, as hereinafter provided. Third, one third part thereof shall be reserved by the General Government, to be disposed of as other public lands.

Sec. 15. *And be it further enacted*, That the Secretary of the Interior shall cause said land to be so designated, for the several purposes specified in the thirteenth section of this act, as that one third part thereof shall be appropriated to each of said designated purposes in alternate quarter sections, as nearly as may be found practicable, so that that portion thereof hereby set apart for donation to actual settlers under the provisions of this bill may be selected by them in quarter sections equal to four quarter sections out of each three sections thereof.

Sec. 16. *And be it further enacted*, That railroad companies may hereafter be incorporated upon such conditions as shall enable them to avail themselves of the provisions of this act, one or more on each of said lines of railroad; no one company, however, to be incorporated for the construction of less than one hundred miles of road. And the whole extent of such lines of railroad or railroads shall be laid off into divisions of one hundred miles each, as nearly as may be found practicable.

Sec. 17. *And be it further enacted*, That the shares of stock in each of said companies shall be two hundred dollars each; that when any holder of a share of said stock shall produce the proper certificates necessary to show that he has paid, in cash or its *bona fide* equivalent, the full amount thereof—that the same has been applied by such company to the actual construction and equipment of such railroad, and that such railroad is finished and in actual operation throughout an entire division of one hundred miles—such holder of stock, upon the production of such certificates to the proper Department of the Government, shall, for each such share of stock, be entitled to a land warrant for one hundred and sixty acres of land, upon any of the unoccupied land herein appropriated to that purpose, and in the manner and subject to the restrictions herein provided.

Sec. 18. *And be it further enacted*, That the existing preemption laws shall be extended and applied to that portion of the said lands forty miles each side of said railroad or roads which shall not have been designated in manner aforesaid for donation to actual settlers, as hereinabove provided, for the protection of the rights of such of the stockholders in each of said companies as shall, by actual settlement and improvement thereon, entitle themselves to a preemption claim, as also the rights of such preceptors as may have settled upon the residue, or every third quarter section thereof, herein reserved by the United States.

Sec. 19. *And be it further enacted*, That any *bona fide* holder of any such land warrant may locate the same upon one hundred and sixty acres of said land so surveyed, forty miles on each side of said railroad or roads, to be selected in quarter sections, equal to four quarter sections, out of each three sections, as above provided, in such manner as the Secretary of the Interior may direct, with the proper provisions for the protection of the interests and rights of those who may entitle themselves to preference in such location by virtue of their preemption claims as above provided; each holder of such land warrants being authorized to locate the same upon any of the unoccupied portion of said lands set apart for this purpose, only within the limits of the length of that division of said railroad or roads within which the certificates of stock shall have issued upon which such warrants shall have been granted; and preference in such location shall be given in the order of the date of the payment as aforesaid of each of such shares of stock.

Sec. 20. *And be it further enacted*, That the United States Government reserves the perpetual right to transport the United States mails upon such railroads free of charge; and also reserves the power in the General Government, from time to time, to establish a maximum tariff of rates of toll within which said companies shall be limited.

Mr. JONES, of Tennessee. I rise to a question of order. I submit that the amendment is not germane to the bill.

The CHAIRMAN. The Chair thinks the amendment is not germane, and therefore rules it out of order.

Mr. CHAMBERLAIN. I think if the Chair will examine the amendment he will not so decide.

The CHAIRMAN. The Chair will state the ruling that was had when the homestead bill was under consideration during the last Congress. An amendment was offered, proposing to reduce and graduate the price of the public lands; and I recollect very well that I, myself, being then upon the floor, raised the question of order, that the amendment was not germane to the subject under consideration. The Chair sustained the point of order, and no appeal was taken from his decision. Under that decision the Chair now decides that an amendment proposing to add to this bill a provision granting the right of way to various railroads to the Pacific ocean, is not germane to the bill under consideration, and therefore not in order. Does the gentleman from Indiana appeal from the decision of the Chair?

Mr. CHAMBERLAIN. If I can state the grounds of my appeal I will.

The CHAIRMAN. The appeal will not be debatable. The gentleman can, however, make a brief statement of the grounds of his appeal.

Mr. CHAMBERLAIN. I desire to call the attention of the Chair to the proviso at the end of the original bill. It is—

"That all persons entering land under the provisions of this act, shall, as near as may be practicable in making such entries, be confined to each alternate quarter section, and to land subject to private entry: And provided further, That nothing in this act shall be so construed as to impair or interfere in any manner whatever with existing preemption rights."

This proviso is intended to designate the manner in which the entries shall be made, and the grounds upon which they are to be made. Now, if the amendment which I have offered be examined, it will be discovered that it proposes to make the applications of the provisions of this bill to a specific district of the public domain. It points out,

as the basis upon which these locations are to be made, certain lines of railroad from the Atlantic to the Pacific. After making this application of the provisions of the bill to the section of country designated, it prescribes the limits of the application to within four miles on either side of these surveys. Now, I ask if there can be any question of order as to the pertinency of the proposed amendment to the bill?

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Mr. CHAMBERLAIN. I do.

The question was then put, "Shall the decision of the Chair stand as the judgment of the House?" and decided in the affirmative.

So the decision of the Chair was sustained; and the amendment ruled to be out of order.

Mr. BENNETT. I move to strike out the first proviso in the last section, and to insert the following:

Provided, That all persons entering lands under the provisions of this act shall be confined in making such entries, to lands which now are, or may hereafter be surveyed, and which are, at the time of such entry, surveyed for sale, and subject to private entry; and not more than one half of any section shall be selected, or entered, under this act.

Mr. JONES, of Tennessee. I desire to know whether the gentleman means the last section in the printed bill, or in that which the committee have inserted at the end of the bill?

Mr. BENNETT. I offer this amendment in good faith. The object of it is to make the language of the bill more definite. The bill now provides that the locations under this act shall be, as far as may be practicable, in alternate quarter sections. Now that language is very indefinite, and never can be carried into effect. My amendment makes it more definite, still carrying out the object of the friends of the bill. My amendment also confines the entries to lands that have been surveyed. I do not know whether that provision is already in the bill, but I think it ought to be adopted.

The question was then taken on Mr. BENNETT's amendment; and it was rejected.

Mr. JONES, of Tennessee. I move that the committee rise, and report the bill and the amendments to the House.

The CHAIRMAN. The substitute of the gentleman from Alabama is still pending.

Mr. GROW. I desire to offer a substitute for the bill, and I will state the points in which it differs from the bill as amended.

The CHAIRMAN. The Chair will inform the gentleman from Pennsylvania that the substitute of the gentleman from Alabama must first be considered.

Mr. GROW. I thought it had been disposed of.

Mr. COBB. I am willing that the gentleman's substitute shall be considered before mine.

Mr. HENN. I would suggest to those gentlemen who have offered substitutes—and I am one of the number—that we should all withdraw them, and pass the bill in its present shape. I am willing to withdraw mine.

Mr. GROW. I cannot agree to that.

Mr. WENTWORTH, of Illinois. I rise to a question of order. I ask the Chair if it is in order for any member, after he has offered amendment after amendment to the original bill, to introduce a substitute, and go through the same formalities with that, and then to offer another substitute and go through the same formalities with that, and so on to the end of time, merely for the sake of making Buncombe speeches here?

Mr. HAMILTON. I call the gentleman to order. He is clearly out of order.

Mr. JONES, of Tennessee. I presume that the gentleman from Pennsylvania [Mr. GROW] can offer his substitute in lieu of the substitute of the gentleman from Alabama, [Mr. COBB?]

The CHAIRMAN. The substitute of the gentleman from Alabama must be read.

Mr. WENTWORTH. I wish to ask a question of the Chair: Is not every substitute amendable line by line?

The CHAIRMAN. Each substitute is amendable section by section.

Mr. WENTWORTH. Just as the original bill has been?

The CHAIRMAN. Certainly; the same.

Mr. WENTWORTH. Well, I want the House to understand what is being done.

The Clerk read the substitute, as follows:

Strike out all after the title of the bill, and insert—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any free white person, or any single white person citizen of the United States, or any single white person of the age of twenty-one and upwards, a citizen of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one hundred and sixty acres, either in the States or Territories, of any vacant surveyed agricultural lands not reserved or appropriated, and which shall not interfere with any existing rights, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of the public lands.

Sec. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, be permitted to enter the quantity of land already specified: *Provided however*, That no certificate shall be given or patent issue therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee, or in case of the widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses that he, she, or they, have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same, or any part thereof; then, in such case, he, she, or they, shall be entitled to a patent, as in other cases provided for by law: *And provided further*, That in case of the death of both father and mother before the issuing of the patent, leaving a child or children under twenty-one years of age, the right and the fee shall inure to the benefit of said child or children, and the executor, administrator, or guardian, may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State or Territories where the land lies, sell said lands for the benefit of said children, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States.

Sec. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Sec. 4. *And be it further enacted*, That if, at any time after filing application, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after sixty days' notice in writing served upon the person, and to the satisfaction of the register of the land office, that the person having filed such application shall have actually changed his or her residence, or abandoned said entry for more than six months at any one time, then, and in that event, the land so entered shall revert back to the Government, and be disposed of as other public lands now are by law, subject to an appeal to the General Land Office.

Sec. 5. *And be it further enacted*, That no individual shall be permitted to make more than one entry under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands patented under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money; one half to be paid by the person making the application at the time of so doing, and the other half on the issuing of the certificate by the person to whom it may be issued: *Provided*, That nothing in this act shall be so construed as to interfere with any valid claim to a preemption right, nor with the perfection of title to any suspended entry or location made under and by virtue of any previous act of Congress: *And provided further*, That in all cases, under the provisions of this act, there shall be a right of appeal to the Commissioner of the General Land Office, and thence, as in other cases, to the Secretary of the Interior.

Sec. 6. *And be it further enacted*, That the lands of the United States which shall have been in market for ten years or upwards, prior to the time of application to enter the same, and still remaining unsold, shall be subject to sale at the price of one dollar per acre; and all of the lands of the United States that shall have been in market for fifteen years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at seventy-five cents per acre; and all of the lands of the United States that shall have been in market for twenty years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre; and all of the lands of the United States that shall have been in market for twenty-five years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all of the lands of the United States that shall have been in market for thirty years and more, shall be subject to sale at twelve and a half cents per acre: *Provided*, That the provisions of this section shall not extend to lands reserved to the United States in acts granting lands to States for railroads or other internal improvements, or for any other purposes.

Sec. 7. *And be it further enacted*, That upon every reduction in price under the provisions of this act, the occupant and settler upon the lands shall have the right of preemption at such graduated price, upon the same terms, conditions, restrictions, and limitations, to which the next public lands of the United States are now subject, until the next graduation or reduction shall take place; and if not so purchased, shall again be subject to the right of preemption for twelve months, as before, and so on from time to time, as reductions shall take place: *Provided*, That nothing in this act shall be so construed as to interfere with any right which has or may accrue by virtue of any act granting preemption to actual settlers upon public lands.

Sec. 8. *And be it further enacted*, That any person applying to enter any of the aforesaid lands under the provisions

of this act, shall be required to make affidavit before the register or receiver of the proper land office that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjacent farm or plantation owned or occupied by him or herself, and, together with said entry, he or she has not acquired from the United States under the provisions of this act more than three hundred and twenty acres, according to the established surveys; and if any person or persons taking such oath or affidavit shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury.

Mr. COBB. I desire to make a few remarks in explanation of my substitute for the bill; first, the provisions of my amendment or substitute are incorporated in the bill which has been pretty well acted upon. True, there are a few sections in the bill which I oppose—particularly that authorizing foreigners, after the passage of the act, to become citizens, by filing their declaration. But, take the bill on the whole, it is a better bill than mine as now amended. I like it best because it provides for females, and for all persons having already forty acres of land, or less than a hundred and sixty; and I shall go for the bill just acted upon heart and soul. The provisions that have been attached to this bill—

Mr. CLINGMAN. I rise to a question of order. The gentleman is bound to speak in favor of his own amendment or substitute, and has no right to go off into eulogy of the bill itself.

Mr. COBB. I am that much in favor of my own amendment, that if it shall so turn out that we shall not get the graduation clause attached to this measure passed now, I shall then go for my own. But, knowing that we have a special order coming up immediately on the heels of the passage of this measure, which does absolutely provide for the graduation and reduction of the prices of the public lands, and therefore covering the latter part of my bill; and the first part of mine being more perfect as presented in the gentleman's bill, I shall support the bill as ordered by the committee; and I withdraw for the present my substitute, relying on the next bill which is to come up as a special order as the one in which to provide for the graduation and reduction of the prices of the public lands.

Mr. WENTWORTH, of Illinois. I object to the withdrawal of the gentleman's substitute, because in that case another can be offered; and I want to have this nailed.

The CHAIRMAN. The Chair informs the gentleman from Illinois, that even after this substitute should be rejected by the committee it would be in order to offer another.

A MEMBER. Is it in order to speak against it?

The CHAIRMAN. It is. The gentleman from Illinois has a right to speak against it if he desires to do so.

Mr. WENTWORTH. I hope that when the reporter makes up the proceedings of to-day for the Globe to-morrow, he will set me down as opposed to the custom of introducing bills in this House, and then killing them dead by speaking.

The CHAIRMAN. The gentleman from Alabama proposes to withdraw his substitute. Is it the unanimous consent of the committee that he be permitted to do so?

Mr. JONES, of Tennessee. I now move to strike out the first section of the bill, and I do so merely for the purpose of saying to the committee, that if there be any substitute adopted, every amendment that was made to the original bill will be lost, and not one of them will be reported to the House.

Mr. KEITT. I move to strike out the enacting clause.

The CHAIRMAN. That motion is not in order in committee.

Mr. KEITT. Then I move to strike out the first section.

Mr. STEPHENS, of Georgia. What has become of the substitute?

The CHAIRMAN. The gentleman from Alabama [Mr. COBB] has asked permission to withdraw it.

Mr. STEPHENS. I object to his doing so.

The CHAIRMAN. Objection has been made to the gentleman withdrawing his substitute. The gentleman from South Carolina [Mr. KEITT] proposes to strike out the first section.

Mr. KEITT. I have not, Mr. Chairman, engaged in this contest, to embarrass this bill by mere parliamentary tactics, nor do I intend to do so. But I desire to express to this committee

my general repugnance to the entire character of the measure. I would do nothing in this House to violate those principles which are the basis of our Federal structure. The object of this bill is intrusively to thrust the Federal Government between the States and their citizens. All other Governments rest upon the idea that the people are the means, and the Government the end; ours, upon the idea that the Government is the means, and the people the end; and the object is to develop individuality. The tendency of this bill is to destroy that, and to make the people of the United States look, not only to Government as the author of all their blessings, but to look to the Federal Government almost exclusively. I maintain that the Government does not create property, but only protects it. If this Government uses the common property as an *elemosynary* fund, out of which to distribute favors, it does not do it by its power of creating property, but by a departure from the principle that its duty is simply to protect. It gives away unfairly to some that which belongs to all. I oppose the bill upon those two simple grounds.

Now, having briefly stated my views, I am willing to withdraw my amendment.

Mr. STEPHENS. I object. If the House expects to get to a vote upon this bill, the best way is to permit the withdrawal of no amendment, but to vote upon them, and in that way get through the bill.

The question was then put upon the motion to strike out the first section of the substitute; and it was decided in the negative.

The question then recurring upon the substitute proposed by Mr. COSS, it was put, and decided in the negative.

So the substitute was rejected.

Mr. GROW. I propose the following substitute for the bill.

Mr. STEPHENS. I rise to a question of order. It is not competent, in the present stage of this bill, to offer any further amendment to it. The substitute just voted upon was to strike out the entire bill. The House having so voted, it is equivalent to an agreement that the bill shall stand as it is, and therefore it is not in order to amend it further.

The CHAIRMAN. The rule which governs the matter will be reported to the committee.

The 53d rule was then read, as follows:

"Any member may call for the division of the question, which shall be divided if it comprehend propositions in substance so distinct, that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert."

The CHAIRMAN. The Chair is aware that, under parliamentary law, a motion to strike out being once lost is equivalent to agreeing to that portion which the body had refused to strike out. But, under the special provisions of this rule, which says that "a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert," it is in order to offer an additional substitute for the bill.

Mr. STEPHENS. In my opinion, it was founded upon parliamentary law.

The CHAIRMAN. As a question of parliamentary law, the gentleman from Georgia would be correct; but a special exception is made in this case by the rules of the House. The gentleman from Pennsylvania offers the following amendment to the bill.

The amendment was then read, as follows, by the Clerk:

A BILL to encourage agriculture, and provide a homestead, out of the public domain, of one hundred and sixty acres of land for every head of a family, on condition of occupancy and cultivation of the same for the period herein specified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family and a citizen of the United States, or who shall have filed a declaration of intention to become such, as required by the naturalization laws of the same, shall, from and after the passage of this act, be entitled to enter, free of cost, one-quarter section of vacant and unappropriated public land, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of the public lands, and after the same shall have been surveyed.

Sec. 2. And be it further enacted, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family, and a citizen of the United States; or, if not a citizen, that he has filed a dec-

laration of intention to become such, as required by the naturalization laws of the same, and that the land so entered is to be made his or her place of abode, and the means, in whole or in part, of supporting a family; and upon making the affidavit as above specified, and filing the same with the register, he or she shall thereupon be permitted to enter the quantity of land already specified: *Provided, however,* That no certificate shall be given, or patent issued therefor, until the expiration of six years from the date of such entry; and if, at the expiration of such time, or at any time thereafter, the person making such entry, or, if he or she be dead, then his widow, or, in case of her death, then his or her heirs or devisees shall prove to the satisfaction of the register of said land office that he is a citizen of the United States, and that he, she, or they have continued to reside upon and cultivate said land from the time of entering the same, and still reside thereon, and have not alienated the same, or any part thereof, nor entered into any contract, bargain, or agreement, verbal or written, to dispose of the same, or any part thereof, then in such case he, she, or they, on payment of the sum of five dollars into the Treasury of the United States, shall be entitled to a patent, as in other cases provided for by law: *Provided further,* That in case of the death of both father and mother, leaving an infant child or children under the age of twenty-one years, the right and the fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian, may at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which said land may be situated, sell the same for the benefit of said infant or infants, but for no other purpose whatever; and the purchaser at such sale shall acquire the absolute title, and be entitled to a patent from the United States, on proof of the foregoing facts, and the payment into the Treasury of the United States of the sum herein specified.

Sec. 3. And be it further enacted, That if at any time after filing the affidavit, as required in the second section of this act, and before the expiration of the six years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office in which said land shall be situated, that the person having filed such affidavit has changed his or her actual residence, or that the said entry is or has been at any time abandoned, except in case of hostile invasion, or of actual service by the occupant in the Army or Navy of the country, in time of war, then in that case the land so entered shall revert to the Government, and be disposed of as other public lands are now disposed of by law.

Sec. 4. And be it further enacted, That all land acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

Sec. 5. And be it further enacted, That in all cases of the death of both father and mother, leaving minor children, one of whom takes upon him or herself the supervision and maintenance of the younger children, such person shall be considered as the head of a family, and entitled to all the rights, privileges, and benefits provided by this act.

Sec. 6. And be it further enacted, That the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, to be paid by the person making the application, at the time of so doing.

Sec. 7. And be it further enacted, That the register of the several land offices shall note all such applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Sec. 8. And be it further enacted, That all persons entering land under the provisions of this act shall be confined to land subject to private entry; and that nothing in this act shall be so construed as to impair or in any way interfere with existing preemption rights.

Sec. 9. And be it further enacted, That no individual shall be permitted to make more than one entry under the provisions of this act, and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations consistent with this act as shall be necessary and proper to carry its provisions into effect.

Sec. 10. And be it further enacted, That no land hereafter surveyed by authority of the Government, except mineral lands, and such reservations as have been or may be at any time made by the Government for its own use, shall be exposed, by proclamation or in any other way, to public sale, but shall be subject to private entry only, by actual settlers alone who make such entry for the purpose of cultivation.

Mr. GROW. Having the same object in view as the chairman of the committee [Mr. DAWSON] who reported the homestead bill, I offer this substitute, with no disposition to embarrass the measure, or in any way to retard its progress. I do it simply for this reason: I believe the substitute which I have offered covers all the amendments which have been adopted by the committee, with some other provisions that are better calculated, in my judgment, to guard the Government against fraud and imposition, as well as protect the settler. The first point of difference between the substitute and the original bill is as to the kind of citizens who are to receive the benefit of it. I simply propose that a man shall declare his intention to become a citizen of the United States before he can make an entry under this bill, and that he shall become naturalized before he can receive his patent. That is all the restriction, so far as the native-born or naturalized citizen is concerned. Why should we make any other distinc-

tion? Why will you grant to a man who comes to your shores to-day privileges that you deny to one who comes to-morrow? What matters it when the emigrant lands, if he takes upon himself the burdens and duties of citizenship? Should he not be entitled to all its benefits.

Another point of difference is, the original bill provides, if at any time after filing the affidavit required in the second section, and before the expiration of the five years, the settler shall have abandoned his entry for more than six months at any one time, that then the land shall revert back to the Government. I provide that it shall not be abandoned at all, except in case of hostile invasion, or of service by the occupant in the Army or Navy of the United States in time of war.

Another point of difference which covers the amendment offered by my colleague [Mr. BRIDGES] is, that the person applying for the benefit of this act is required to prove that the land so entered is to be made his or her place of abode, and the means in whole or part of supporting a family. I also require before the patent is issued, that the person so applying shall prove to the satisfaction of the register of the land office that he or she is a citizen of the United States, and that they have not entered into any contract, bargain, or agreement, verbal or written, to dispose of the same or any part thereof; and that then, in such case, he, she, or they, on payment of five dollars into the Treasury of the United States, shall be entitled to a patent, as in other cases provided for by law.

I propose to make these lands pay the expense of their transfer and survey. While the settler should not be required to pay anything for the land itself, he should pay the expense of survey and cost of transferring the titles. That has been my position from the first; and in my remarks on this subject at the last Congress, I said:

"To prevent conflicts as to what portions are appropriated to each individual's use, it is necessary that his claim should be defined; and this is best done by a survey. Therefore it is proper that the settler should pay the Government the cost of survey; for the survey, as conducted by the land office, is the best and most convenient mode of laying off lands."

That makes the system self-sustaining. It is, therefore, just to all the interests of the country. By it you do justice to the men who cannot and wish not to leave their present homes for a settlement under this bill; and you do no injustice to the settler, for you take from him nothing but what he would have to pay some other citizen if he did not pay the Government: that is, for the survey of his lands. I propose to add a new section to the bill—

That in all cases of the death of both father and mother, leaving minor children, one of whom takes upon him or herself the supervision and maintenance of the younger children, such person shall be considered as the head of a family, and entitled to all the rights, privileges, and benefits provided by this act.

And another additional section confining all sales of the public lands hereafter to actual settlers.

[Here the hammer fell.]

Mr. STEPHENS, of Georgia. The gentleman from Pennsylvania proposes to strike out the entire bill, and insert the substitute offered by him. I am opposed to his amendment.

The question was then taken upon the amendment, and it was not agreed to.

The CHAIRMAN. The question now is upon the motion made by the gentleman from Tennessee, [Mr. JONES,] that the committee rise and report the bill.

Mr. GROW. I move, as an additional section of the original bill, the following:

Sec. — And be it further enacted, That in all cases of the death of both father and mother, leaving minor children, one of whom takes upon him or herself the supervision and maintenance of the younger children, such person shall be considered as the head of a family, and entitled to all the rights, privileges, and benefits provided by this act.

I have but a word to say upon the subject of this amendment, for I presume it will strike the good sense of every member of this committee as equally meritorious with any provision of the bill. I will simply state, that it provides that, in case of the death of both father and mother, and one of the brothers or sisters takes upon himself, or herself, the duty of providing for the maintenance of the minor children, that brother or sister shall be entitled to make an entry under this bill, and to all the rights and privileges provided by it for heads of families.

Mr. JONES, of Tennessee. The bill now provides that in case of the death of father and mother, the lands shall be sold for the benefit of the minor children.

Mr. GROW. Will the gentleman allow me to ask him one question?

The CHAIRMAN. The gentleman from Tennessee having yielded the floor altogether no further debate is in order.

The question was taken; and the amendment was not agreed to.

Mr. McMULLIN. I desire to propose an amendment. I have no copy of the bill before me, but I call attention to that provision of the bill which—

The CHAIRMAN. The bill having been read through by sections no amendment is in order, except as an additional section. Does the gentleman propose an additional section?

Mr. McMULLIN. Will it be in order to renew the amendment offered by the gentleman from Pennsylvania, [Mr. GROW?]

The CHAIRMAN. The amendment of the gentleman from Pennsylvania has been rejected by the committee, and cannot again be offered.

Mr. McMULLIN. Will it be in order to move to strike out the last section of the bill?

The CHAIRMAN. That section has been agreed to by the committee, and no motion to strike it out can be entertained.

Mr. McMULLIN. Will it be in order to move the substitute offered by the gentleman, all except the last section?

The CHAIRMAN. That amendment will be in order.

Mr. McMULLIN. Well, sir, I submit that as an amendment to the original bill, and upon it I desire to offer a few remarks. I regret that the original bill, as reported by the committee, contains a provision which gives this land to all the citizens of the United States over twenty-one years of age. I should have greatly preferred it if it had been modified to correspond with the original bill reported to the Thirty-Second Congress, and that its benefits should have been confined to those who own no land. But, inasmuch as this committee have thought proper to agree to this bill with this provision, objectionable as it is, I expect to give it my support. I regret that I was not present to hear the argument of my distinguished colleague against this bill. I expect to stand solitary and alone from the great State of Virginia in its support.

Mr. HENDRICKS, (interrupting.) Are these remarks in order?

The CHAIRMAN. The gentleman from Virginia must confine himself to the explanation of his amendment.

Mr. McMULLIN. The amendment covers the whole subject of the bill, and my remarks were, therefore, strictly in order. I think the gentleman from Indiana was a little out of order himself in interrupting me to make such a point of order.

I hold, in the first place, that it is perfectly competent for Congress to pass such a bill as this. The Constitution says that Congress shall have power to dispose of and make all needful rules and regulations concerning the territory and other property of the United States. The constitutional objection raised by gentlemen to this bill does not, therefore, weigh one feather with me. I hold that Congress has clearly the constitutional power to pass this bill.

I hold, further, that it is not only constitutional, but expedient, and called for by the best interests of the old States. I regret to differ upon this point from such a large number of gentlemen representing the old States of the Union.

Congress has given lands time and again to soulless corporations, and if we have the power to give lands to soulless corporations, have we not also the power to give lands to the honest and industrious citizens of the country? Clearly we have. If I had time, I think I could show the committee that, as a financial question, it is the interest of the Government to make this disposition of the public lands. By this bill, you invite all the citizens of the country to take possession of a part of the lands, and in that way the old States will come in for their share of them.

But one of the objections made by my colleague and others to the bill is that it would depopulate the old States and build up the new States. Now if, under the operation of this bill, Vir-

ginia loses some of her industrious, hard-working citizens, who will they be? Sir, they will be those industrious, hard-working men who now contribute one third of their labor to the land-owners of the country. Let them go to the new States and have homes of their own on which they can devote all their time and labor instead of paying one third of it to the landed aristocracy of the country.

If I had time, I could show that this bill will also enable that class of the population to pay into the National Treasury a larger amount of money than they now pay. Why? Because they will be enabled to purchase more fine goods and manufactures than they can now purchase, and in that way they will add to the revenue of the country.

[Here the hammer fell.]

Mr. CLINGMAN. I think that the bill has been amended enough, and I hope that this amendment will not prevail.

The question was then taken on Mr. McMULLIN's amendment; and it was rejected.

Mr. FLORENCE. I desire to offer an amendment. I have written it hastily, and it may not, perhaps, be considered germane to the bill; but in order that the Chair may be able to decide that question, I will read it. It is as follows:

Add as an additional section to the bill:
SEC. —. And be it further enacted, That the alternate sections of land for which distribution is not provided in this bill, shall be set apart, so as to provide for the grant of one hundred and sixty acres of land to all the soldiers of the war of 1812, or their surviving widows and children; and also to any of those who were engaged in any of the Indian wars since 1790.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. FLORENCE. I supposed the Chair would do so.

Mr. JONES, of Tennessee. I now move that the committee rise, and report the bill and the amendments to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill No. 37, known as the homestead bill, and had directed him to report the same back with sundry amendments, and ask the concurrence of the House therein.

Mr. DAWSON. I call for the previous question on the bill and amendments.

The call for the previous question was seconded; there being, on a division—ayes 87, noes not counted.

Mr. STEPHENS, of Georgia. I would submit to the gentleman from Pennsylvania the propriety of letting the bill lie over until to-morrow, that the amendments may be printed.

Mr. DAWSON. There are very few amendments, and we can act on them now as well as to-morrow.

The SPEAKER. The gentleman from Georgia moves, by unanimous consent, that the bill and amendments lie over till to-morrow, that the latter may be printed.

[Cries of "I object!"]

Mr. DEAN. Territorial business has precedence to-morrow.

The main question was then ordered to be put. The SPEAKER. The question now is upon the amendments made in committee.

Mr. JONES, of Tennessee. I propose that the Clerk read the amendments, and that those which are not asked to be separately voted on, be voted on *en masse*.

The SPEAKER. As a matter of convenience, it is proposed that the various amendments by the committee shall be read over, that if any one desires a separate vote upon any one of the amendments he shall rise in his place and say so, and a separate vote shall be had, and that the remaining ones on which no separate vote is asked shall be voted on *en masse*. Is it the pleasure of the House to take that course?

There was no objection.

Mr. ASHE. I wish to inquire of the Chair whether, after the House has passed through the different amendments, we have not a right to demand a separate vote upon the different sections of the bill?

The SPEAKER. It is not in order to amend

the bill when the House is brought to vote upon it under the operation of the previous question.

Mr. ASHE. I do not want to amend the bill. I want the question divided.

The SPEAKER. The effect of the previous question, if ordered, would be to cut off all division of the question.

Mr. ASHE. Do I understand the Chair to decide that the previous question cuts off all division of the question?

The SPEAKER. It cuts off the right to amend the original bill, and brings the House to vote directly upon the amendments proposed by the committee, and then upon the engrossment of the bill as a whole.

A MEMBER. Not by sections?

The SPEAKER. Not by sections.

Mr. ASHE. Then, Mr. Speaker, in justice to myself, I give notice that I shall be compelled to demand a separate vote on all the amendments.

The SPEAKER. The Clerk will report the first amendment.

The amendment was read, as follows:

"In the first section, after the word 'any,' insert words 'free white.'"

Mr. WASHBURN, of Illinois. On that amendment I demand a separate vote, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOODE. Is it in order now to make a motion that this bill be laid on the table?

The SPEAKER. Such a motion is in order.

Mr. GOODE. Then, Mr. Speaker, I am disposed to test the sense of the House, whether they are determined to pass the bill at all. I wish to know whether there be a majority in its favor.

Mr. DAWSON. I call the gentleman from Virginia to order.

The SPEAKER. The gentleman from Virginia must remember that debate under the operation of the previous question is not in order.

Mr. GOODE. I am not very familiar with the rules of the House, but I should like to be allowed to make a statement.

The SPEAKER. The gentleman can only be permitted to do so by the unanimous consent of the House.

There was objection.

Mr. GOODE. Then I move to lay the bill on the table; and on that proposition I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 60, nays 124; as follows:

YEAS—Messrs. Aiken, Ashe, Thomas H. Bayly, Barksdale, Belcher, Bennett, Boccock, Boyce, Brooks, Caskie, Chastain, Clingan, Colquitt, Craig, Crocker, Cumming, Dent, Dickinson, Dowdell, Edmonds, Edmundson, Faulkner, Franklin, Fuller, Goode, Hamilton, Wiley P. Harris, Haven, Hibbard, Hill, Hunt, J. Glancy Jones, Kerr, Kidwell, Kittredge, Kurtz, Letcher, McNair, McQueen, May, Smith Miller, Milson, Morrison, John Perkins, Phillips, Pratt, Puryear, Reese, Rogers, Rowe, Ruffin, Seward, Seymour, Shaw, William Smith, George W. Smyth, Snodgrass, Alexander H. Stephens, Tracy, and Daniel B. Wright—60.

NAYS—Messrs. Abernethy, James C. Allen, Willis Allen, Appleton, Banks, Benson, Benton, Breckinridge, Bridges, Buzz, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chase, Chrisman, Churchwell, Clark, Cobb, Corwin, Cox, Culloh, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, De Witt, Dick, Disney, Drum, Dunbar, Eastman, Edgerton, Elliott, Ellison, English, Ewing, Farley, Florence, Gamble, Giddings, Goodrich, Green, Greenwood, Grey, Grow, Andrew J. Harlan, Harrison, Hastings, Hendricks, Heun, Houston, Howe, Hughes, Ingersoll, Johnson, Daniel T. Jones, Lindsley, McCulloch, Roland Jones, Knox, Lane, Lindsey, Matteson, Maxwell, McDougall, McMullin, Mancy, Mullins, Maxwell, Mayall, Meacham, Middewartha, John G. Miller, Morgan, Nichols, Noble, Norton, Oids, Andrew Oliver, Mordecai Oliver, Peckham, Pennington, Phelps, Preston, Pringle, Ready, Richardson, Thomas Ritchey, Robbins, Russell, Sabin, Sapp, Shannon, Shower, Singleton, Gerrit Smith, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Anton, drew Stuart, John L. Taylor, Thurston, Trout, Tweed, Upham, Vail, Vansant, Wade, Wallbridge, Warren, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Hendrick B. Wright, Yates, and Zollcoffer—124.

So the motion to lay the bill on the table was not agreed to.

The SPEAKER. The question recurs on the amendment which has been reported.

Mr. ASHE. A few minutes ago I demanded a separate vote on each amendment. I now withdraw that demand, seeing that there is a decided majority in the House in favor of the bill.

The SPEAKER. There has been, however, a separate vote demanded on the first amendment, and the yeas and nays have been ordered.

The amendment reported above was again read. The question was then taken and there were—yeas 101, nays 78; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Barksdale, Benton, Bocoek, Breckinridge, Bridges, Brooks, Buzz, Caruthers, Caskey, Chastain, Chrisman, Clingman, Cobb, Colquitt, Cook, Cox, Craig, Cullum, Cunningham, John G. Davis, Dent, Disney, Dowdell, Dunbar, Edmundson, English, Ewing, Faulkner, Florence, Franklin, Fuller, Green, Greenwood, Grey, Hamilton, Sampson W. Harris, Wiley P. Harris, Harrison, Haven, Hendricks, Henn, Hill, Houston, Hunt, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kidwell, Kurtz, Letcher, Lindsey, Lindley, McDougall, McMullin, McNair, McQueen, Maxwell, May, Middlesworth, John G. Miller, Smith Miller, Millson, Mordecai Oliver, Bishop Perkins, John Perkins, Phelps, Phillips, Preston, Ready, Richardson, Thomas Ritchey, Robbins, Rogers, Rowe, Ruffin, Seward, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, Snodgrass, Solters, Frederick P. Stanton, Richard R. Stanton, Vail, Vansant, Walbridge, Warren, Daniel B. Wright, Hendrick B. Wright, and Zollcofer—101.

NAYS—Messrs. Appleton, Banks, Belcher, Bennett, Benson, Campbell, Carpenter, Chamberlain, Chandler, Chase, Clark, Corwin, Crocker, Cutting, Thomas Davis, Dawson, Dean, De Witt, Dick, Dickinson, Drum, Eastman, Edgerton, Edmunds, Ellison, Everhart, Farley, Gamble, Giddings, Goodrich, Grow, Hastings, Howe, Hughes, Daniel T. Jones, Kittredge, Knox, Lane, McCulloch, Macy, Matteson, Mayall, Meacham, Morgan, Morrison, Nichols, Noble, Norton, Oids, Andrew Oliver, Peckham, Pennington, Pratt, Pringle, Puryear, Russell, Sabin, Sage, Sapp, Seymour, Gerrit Smith, George W. Smyth, Stratton, Andrew Stuart, John L. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Wade, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, and Yates—78.

So the amendment was adopted.

The SPEAKER. If it be the pleasure of the House, the remaining amendments will be read; and any gentleman desiring a separate vote on any one of them will rise and announce his desire. The Clerk will report the second amendment.

The Clerk then continued to read the amendments; and the question being put upon those on which no separate vote was asked, they were agreed to.

The third amendment, upon which Mr. LANE, of Indiana, asked a separate vote, was then reported, as follows:

"Insert after the word 'lands,' in the sixth line of the first section, the words 'which may at the time the application is made, be subject to private entry at one dollar and twenty-five cents per acre,' so that the clause will read:

"That any person who is the head of a family, or who has arrived at twenty-one years of age, and a citizen of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one quarter section of vacant and unappropriated public lands, which may, at the time the application is made, be subject to private entry at one dollar and twenty-five cents per acre," &c.

The question was put, and the amendment was agreed to.

The fourth amendment, upon which Mr. MILLSON had requested a separate vote, was then reported, as follows:

"Insert after the word 'family,' in the fifth line of the second section, the words 'or is twenty-one years of age,' so that the clause shall read:

"That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family, or is twenty-one years of age," &c.

Mr. MILLSON. I ask for the yeas and nays upon that amendment.

The yeas and nays were not ordered.

The question was then taken, and decided in the affirmative—ayes 97, noes not counted.

So the amendment was agreed to.

The fifth and last amendment was then read, as follows—at the end of the bill to insert the following:

"Provided further, That the provisions of this act shall be so construed as to authorize the class of persons provided for in the foregoing part of this act, who may not own one hundred and sixty acres of land, to enter free of cost any public lands adjoining his or her farm subject to entry at the minimum price, a quantity which, when added to what they may now own, shall be equal to one hundred and sixty acres; provided that he or she shall cultivate the whole or part thereof."

Mr. LETCHER. I call for the yeas and nays upon that amendment.

The yeas and nays were not ordered.

The question was then taken, and the amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and having been engrossed, it was read the third time.

Mr. DAWSON moved to reconsider the vote by which the bill was ordered to be engrossed and read the third time, and to lay the motion to re-

consider upon the table; which latter motion was agreed to.

Mr. DAWSON. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. CLINGMAN demanded the yeas and nays upon the passage of the bill; which were ordered.

The question was then taken; and there were—yeas 107, nays 72; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Banks, Bennett, Benton, Breckinridge, Bridges, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chase, Chrisman, Churchwell, Clark, Cobb, Cook, Corwin, Cox, John G. Davis, Dawson, Dean, Dick, Disney, Drum, Dunbar, Eastman, Edgerton, Elliott, Ellison, English, Ewing, Farley, Florence, Gamble, Goodrich, Green, Greenwood, Grey, Grow, Andrew J. Harlan, Harrison, Hendricks, Henn, Houston, Howe, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Knox, Lane, Lindsey, Lindley, McCulloch, McMullin, Macy, Maxwell, Mayall, Middlesworth, John G. Miller, Morgan, Nichols, Norton, Oids, Andrew Oliver, Mordecai Oliver, Peckham, Pennington, Phelps, Preston, Pringle, Ready, Richardson, Thomas Ritchey, Robbins, Russell, Sapp, Shannon, Singleton, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Walbridge, Warren, Elihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Hendrick B. Wright, Yates, and Zollcofer—107.

NAYS—Messrs. Aiken, Appleton, Ashe, Thomas H. Bayly, Barksdale, Belcher, Benson, Bocoek, Boyce, Brooks, Caskey, Chastain, Clingman, Colquitt, Craig, Crocker, Cunningham, Cutting, Thomas Davis, Dent, De Witt, Dickinson, Dowdell, Edmunds, Edmundson, Faulkner, Franklin, Fuller, Goode, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hibbard, Hill, Hunt, J. Glancy Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Letcher, McDougall, McQueen, Matteson, May, Meacham, Smith Miller, Millson, Morrison, Bishop Perkins, John Perkins, Phillips, Pratt, Puryear, Rogers, Rowe, Ruffin, Sabin, Seward, Seymour, Shaw, Gerrit Smith, William Smith, George W. Smyth, Snodgrass, Tracy, Upham, Israel Washburn, and Daniel B. Wright—72.

So the bill was passed.

Pending the call of the roll,

Mr. DAWSON said: I wish to state that Mr. LATHAM, one of the members from California, who is not present on account of indisposition in his family, has requested me to state that if he had been here, he would have voted for the passage of this bill. I take great pleasure in stating that there was no man in this House a more devoted friend of the bill, and who was more anxious for its passage than the distinguished gentleman from California.

Mr. ORR also said: I was accidentally out of the House at the time the roll was called. Had I been present, I should have voted against the passage of this bill.

Mr. DAWSON moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The title to the bill was then read, as follows:

A bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified.

Mr. HAMILTON. I move to amend the title of the bill as follows:

An act to dispose of the public lands in limited quantities, upon the condition of actual settlement and cultivation for five years.

Mr. JONES, of Tennessee. Does the gentleman from Maryland move his amendment in lieu of the present title?

Mr. HAMILTON. I offer it in lieu of the present title.

Mr. JONES. I offer the following as an amendment in lieu of that offered by the gentleman from Maryland, and the present title, and upon it I call the previous question:

A bill to grant a homestead of one hundred and sixty acres of the public lands to actual settlers.

The previous question was seconded, and the main question ordered to be put.

The question was then taken upon Mr. JONES's amendment, and it was decided in the affirmative.

So the amendment was agreed to.

The question was then taken upon the title, as amended, and it was agreed to.

Mr. JONES moved to reconsider the vote by which the title, as amended, was agreed to, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. BRECKINRIDGE. I move that the House adjourn.

THE NEXT SPECIAL ORDER.

Mr. COBB. I want to call the attention of the House for a moment to the fact, that by their order the bill of the House (No. 1) in relation to the reduction and graduation of the price of the public lands was made the special order, to immediately follow the one which we have had for some time under consideration. I would suggest to the House, inasmuch as we have many bills of importance upon our Calendar; inasmuch as the consideration of the deficiency bill and the general appropriation bills is pressed upon us, to say nothing of the territorial bills which we shall be called upon to consider, that we postpone, and, with the consent of the House, I will move to postpone the consideration of the special order for three weeks. That will give us time to dispose of other measures, perhaps equally important, which are pressing upon our consideration. So far as I am individually concerned, I should prefer that the bill to which I have referred should have immediate consideration; but I am aware that the House have been much fatigued with the consideration of one homestead bill, and I am not disposed to press them immediately to consider the other one, unless it be their wish. With a view, therefore, of accomplishing that object, I ask the unanimous consent of the House to postpone the consideration of the special order for three weeks.

Mr. CAMPBELL. I object.

Mr. LETCHER. I move that the House do now adjourn.

THE GARDINER CASE.

Mr. PERKINS, of Louisiana. I ask the gentleman from Virginia to withdraw the motion to adjourn, for the purpose of enabling me to ask the consent of the House to offer a resolution, to which I am quite sure there will be no objection.

Mr. LETCHER. I withdraw the motion, with the understanding that the gentleman will renew it as soon as his matter has been disposed of.

Mr. PERKINS. I will renew it. I now ask the unanimous consent of the House to offer the following resolution, which I ask may be read for information.

The resolution was read for information, as follows:

Resolved, That the Judiciary Committee be instructed to inquire into the propriety of directing legal proceedings to be instituted to recover any sum of money which may have been paid to any person out of the Treasury on the claim of Gardiner and Mears, under the Commission which adjudicated the claims on Mexico under the treaty of Guadalupe Hidalgo.

There being no objection, the resolution was accordingly presented.

Mr. CUTTING. I hope the gentleman will take into consideration the propriety of adding a provision authorizing that committee to send for persons and papers. Unless they have this authority, it will be impossible for them to determine against whom to commence judicial proceedings.

Mr. PERKINS. I have no objection to that amendment, if the gentleman will move it.

Mr. CUTTING. I ask the gentleman to accept it as a part of his resolution. With that we shall be able to arrive at the object of the resolution.

Mr. PERKINS. I will accept the modification.

The resolution, as modified, was then reported to the House.

The question was taken; and the resolution, as modified, was agreed to.

Mr. PERKINS. In fulfillment of my promise to the gentleman from Virginia, I now move that the House adjourn.

Mr. HIBBARD. I ask the gentleman from Virginia to withdraw his motion for a moment, to enable me to introduce a single resolution of inquiry, to which, I apprehend, nobody will object.

Mr. LETCHER. I will withdraw it.

The SPEAKER. The motion to adjourn was submitted by the gentleman from Louisiana, [Mr. PERKINS.] Does the gentleman withdraw it?

Mr. PERKINS. It is not in my power to withdraw it without the consent of the gentleman from Virginia.

Mr. LETCHER. I am willing that it shall be withdrawn.

Mr. PERKINS. Then I withdraw it.

AMENDMENT OF THE BOUNTY LAND LAW.

Mr. HIBBARD. I offer the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of so amending the laws in relation to bounty lands that whenever an applicant for bounty land under any act shall die or may have died after filing in the office of the Commissioner of Pensions his application and evidence sufficient to substantiate the same, before the issue of any warrant thereon, the heirs of such applicant shall be entitled to receive a warrant for the same amount of land that the deceased would have been entitled to if living.

Mr. NOBLE. I desire to say that I was without the bar at the moment the vote was taken on the passage of the homestead bill, or I should have recorded my vote in favor of it.

Mr. WHEELER. I object to that.

Mr. HIBBARD. I move to suspend the rules.

Mr. CAMPBELL. I move that the House do now adjourn.

The question was taken on Mr. CAMPBELL's motion, and it was agreed to; and, thereupon, the House, at twenty minutes past three o'clock, adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

TUESDAY, March 7, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT laid before the Senate a message from the President of the United States, transmitting the report of the Board of Inspectors of the Penitentiary of the District of Columbia for the year ending December 31, 1853; which was referred to the Committee for the District of Columbia.

VOTE ON THE NEBRASKA BILL.

Mr. EVERETT. Mr. President, I am desirous of making a brief explanation to the Senate in regard to myself. I was absent from my place, necessarily, when the vote on the passage of the Nebraska bill was taken on Saturday morning. I was severely indisposed at the time; and, as is well known to my friends, my general state of health for the last two or three weeks has not been good. I was over fatigued by the lateness of the hour, and having remained in the Senate till half past three o'clock, was utterly unable to remain any longer. I suppose it cannot be a matter of doubt with any of my brother Senators how I should have voted. Having non-concurred in the Committee on Territories, before the bill was brought into the Senate, on the question of reporting it; having expressed my opinions in full in opposition to the policy of the bill in the remarks which I had submitted to the Senate, and having voted in the negative on the test amendment of the Senator from Illinois, [Mr. DOUGLAS,] proposing to declare the Missouri restriction "inoperative and void," it is hardly necessary to say, that if I had been here, my vote would have been recorded in the negative on the passage of the bill. Nevertheless, sir, as it is a matter of very great consequence and interest, I am desirous, with the permission of the Senate, which the Presiding Officer informs me can be given by unanimous consent, having my vote entered on the Journal against the bill. I will, therefore, venture to ask the favor of Senators to allow my vote to be thus recorded.

The PRESIDENT. Does the Senator make a motion?

Mr. EVERETT. I do. It requires, however, I suppose, unanimous consent.

Mr. CLAYTON. It was my design to record my vote in favor of the repeal of the eighth section of the act, which is called the Missouri compromise act, of 1820, and I voted for the amendment proposed by the Senator from Illinois, [Mr. DOUGLAS.] When I heard the speech of the gentleman over the way, [Mr. NORRIS,] who regarded this bill as a triumph of the doctrines of squatter sovereignty over the true principles of non-intervention, contained in the bill of 1848, I determined to record my vote against the passage of the bill. I remained here for that purpose until a very late hour; but I was sick, and was not able to remain until five o'clock in the morning. If the Senator from Massachusetts has leave to record his vote, I ask leave to record mine also.

The PRESIDENT. Does the Senator make any proposition?

Mr. EVERETT. The unanimous consent is asked to have the names recorded.

The PRESIDENT. The Chair will read the 17th rule on the subject.

Mr. WELLER. I desire to know what has been the practice of the Senate heretofore? I shall not interpose any objection, if it has been usually accorded to Senators who are absent when important votes have been taken. I desire to know, therefore, whether it has been the custom to agree to such a proposition?

The PRESIDENT. The 17th rule is:

"When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair."

The Chair presumes that unanimous consent can do away with the operation and effect of this rule. It requires unanimous consent. The Chair does not understand the Senator from California [Mr. WELLER] to object.

Mr. WELLER. I interpose no objection.

The PRESIDENT. Then the votes will be recorded against the passage of the bill.

Mr. WELLER. I desire to ask the Presiding Officer, however, whether this has been generally done?

The PRESIDENT. I have been told that there has never been but one case, and that was the case of the Senator from Michigan the other day.

Mr. DAWSON. That was not allowed.

The PRESIDENT. I am informed that there is but one solitary precedent. If there be no objection, the Senator's names will be recorded.

Mr. DAWSON. I merely wish to make one objection as to the consequences growing out of the adoption of such a course. If we establish a precedent, the rule will be violated whenever we are constrained to force a measure through this body by sitting late at night. Gentlemen all know that on such occasions it will be much more pleasant to be at their lodgings than here, if they will have a right to record their votes by motion on the next day, or some subsequent day. Adopt such a practice, and we shall find ourselves without that attendance in the Senate which we ought to have when the Senate sits late at night; and very often we shall be found without a quorum. That was one of the difficulties to prevent which the rule was adopted. It is not in my nature, nor in my disposition, to oppose the wishes of any gentleman, and I will not do so now, as I shall find myself alone in it. But if I were to adhere to principle, and discharge my duty to the country and to the body, I should oppose it. But as these friends of mine were sick, and could not be here, perhaps it is better to suffer it to be done. But the occasion will have to be very extraordinary when I shall consent to it again.

Mr. CLAYTON. It will not affect the result.

Mr. ADAMS. There are other Senators who were not present on Saturday morning when the vote was taken, and are not present now, who I know would be very glad to have their names recorded on the other side. If we record one, of course it would be expected that the same right would be allowed to them. But I submit to the consideration of the Presiding Officer that the language of the rule which he has read is not like all other rules where unanimous consent will authorize a departure from them. Bills must be read upon three several days, unless by unanimous consent it is dispensed with. But the rule just read by the Chair declares, that under no circumstances whatever shall a person be permitted to vote after the result has been announced. Do not the words "by unanimous consent" come under "whatever?" It does seem to me unanimous consent cannot confer the power here. It was certainly intended by the language that under no circumstances whatever, by unanimous consent or by a majority, a departure from the rule should be authorized. I am not disposed to throw difficulties in the way. Still it has occurred to me that a proper construction of the rule would exclude the unanimous consent authorizing it.

The PRESIDENT. Is there any objection?

Mr. DODGE, of Iowa. I object for the reasons stated by the Senator from Georgia, [Mr. DAWSON,] and because there will be no end to the thing. There are the Senator from Indiana, [Mr. BRIGHT,] the Senator from Georgia, [Mr. TOOMBS,] and others, who will come day after day and ask to record their votes for and against the measure. Suppose it had passed by one majority, according to this process the whole thing would be reversed

the next day. The Senator from California [Mr. WELLER] reminds me that he lost a vote on Thursday night which would have changed the result, one of much importance. This shows the necessity of adhering to the rule. It is with great respect to the two Senators that I object.

Mr. EVERETT and Mr. CLAYTON. I waive the request.

COMMITTEE SERVICE.

Mr. FOOT. I rise to ask to be discharged from further service upon the Committee on Pensions. By the favor of the Senate and of the Presiding Officer, I have been placed upon four committees of this body, three of its standing committees and one special committee. I have made it a point of duty and obligation to attend all the meetings of all the committees upon which I have been placed, both the regular meetings and special meetings, and to perform, according to my best abilities, whatever duty or labor has been assigned to me by those committees.

I find my hands more than full of business from these several committees. I therefore move to be discharged from further service upon the Committee on Pensions, knowing that the business of the committee will not suffer from my absence, and that the committee can be filled by appointment from gentlemen who have taken their seats in this body since the organization of the standing committees.

The motion to excuse the Senator was agreed to.

Mr. SEWARD. Mr. President, the Senate did me the honor, at the commencement of the session, to appoint me a member of the Committee on Patents and the Patent Office. I have reluctantly served on that committee until now. Before I came to the Senate of the United States I had been very extensively engaged in the practice of law in connection with patents, and I have found, as I anticipated, that in the proceedings of the Committee on Patents I am continually encountering the cases of persons who have interests relating to patents with which I have heretofore been connected. I am willing to serve the Senate in any other capacity which they shall assign to me. I therefore ask the Senate to relieve me from further service on that committee, and that my place may be filled by some other gentleman; and they may, if they see fit, assign me to some other place.

The motion was agreed to.

On motion by Mr. ADAMS, it was

Ordered, That the President *pro tempore* fill the vacancies in the Committees on Pensions and Patents.

And Mr. FESSENDEN was appointed to the Committee on Patents, and Mr. SEWARD to the Committee on Pensions.

PETITIONS, ETC.

Mr. SEWARD presented the petition of J. Burrows Hyde, praying that the patent laws may be so amended as to make the fees chargeable for a patent the same to inventors from all foreign countries; which was referred to the Committee on Patents and the Patent Office.

Mr. HAMLIN presented a resolution of the Legislature of Maine, instructing the Senators and requesting the Representatives of that State to oppose the passage of the Nebraska bill so long as it shall contain any provision repealing, abrogating, rescinding, or in any way invalidating the Missouri compromise; which was ordered to lie on the table, and be printed.

Mr. MORTON presented a petition of lieutenants in the United States revenue marine service, who were attached to the United States naval squadron in the West Indies during the Florida war in 1836, 1837, 1838, and 1839, praying to be allowed the same compensation as officers of like grade in the Navy; which was referred to the Committee on Naval Affairs.

Mr. PETTIT presented the memorial of the Mayor and Common Council of the city of Evansville and State of Indiana, in reference to the site for the location of a western armory; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SUMNER. As the Nebraska bill, should it ever pass the House, may be returned to this body with amendments, which may again present this question for consideration, I ask the acceptance of these memorials, and that they may lie on the table:

A petition of citizens of Indiana, remonstrating against the passage of any bill for the organization of the Territory of Nebraska without a prohibition of slavery therein.

Also, a petition of citizens of Massachusetts, remonstrating against the passage of any bill for the organization of the Territory of Nebraska which will permit slavery in the territory from which it was excluded by the Missouri compromise.

Also, a petition of citizens of Pennsylvania, remonstrating against any infringement of the Missouri compromise.

Also, a petition of the legal voters of Marlborough, Massachusetts, praying Congress to preserve inviolate the Missouri compromise; which was ordered to lie on the table.

The motion was agreed to, and the petitions were ordered to lie on the table.

Mr. WELLER presented the memorial of Douglas Ottinger, a captain in the United States revenue marine, praying compensation for an invention for saving life and property from shipwrecked vessels; which was referred to the Committee on Commerce.

Mr. SEWARD presented resolutions passed at a meeting of the people of Sing Sing, New York, held on the 27th of February, 1854, opposed to the repeal of the Missouri compromise; which were ordered to lie on the table.

Also, the petition of H. N. Holt and his family, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a memorial of 62 citizens of the county of Orleans, in the State of New York, in favor of Congress granting aid to the construction of the Niagara ship canal; which was referred to the Committee on Commerce.

Also, a petition of citizens of Tonawanda, New York, praying Congress not to pass the Nebraska bill in its present form, nor in any way impair the Missouri compromise; which was ordered to lie on the table.

Mr. JONES, of Iowa, presented a memorial of citizens of Iowa, praying that a grant of land may be made to aid in the construction of the Iowa Central Air-Line railroad; which was referred to the Committee on Public Lands.

Mr. SLIDELL presented the memorial of Sarah D. Brigham, praying permission to locate land within the limits of the Bastrop claim; which was referred to the Committee on Private Land Claims.

Mr. DODGE, of Iowa, presented the proceedings of a meeting of the Freeman's Association, held at Ossian, Iowa, opposed to the extension of slavery into Nebraska; which were ordered to lie on the table.

Also, a petition of citizens of Iowa, remonstrating against the passage of any bill which will permit slavery in Nebraska, or otherwise infringe the Missouri compromise; which was ordered to lie on the table.

Mr. FISH presented the petition of Jane Beccannon, widow of Philip Beccannon, praying for a pension on account of his services during the revolutionary war; which was referred to the Committee on Pensions.

Also, documents in support of the claim of Ornon Randall to pay and bounty land for services in the last war with Great Britain; which were referred to the Committee on Public Lands.

Also, a petition of the Chancellor and Faculty of the University of the city of New York, praying a grant of a township of land to each chartered college or university in the United States; which was referred to the Committee on Public Lands.

Mr. MASON presented the petition of J. H. Taliaferro and others, sureties of D. F. M. Thornton, a purser in the Navy, praying to be released from their liability; which was referred to the Committee on the Judiciary.

Mr. CASS presented three petitions of citizens of New York, praying that measures may be taken to secure religious liberty to American citizens while resident abroad; which were referred to the Committee on Foreign Relations.

Also, a petition of citizens of Monroe, Michigan, praying that measures may be taken to secure religious liberty to American citizens while in foreign countries; which was referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SEBASTIAN, it was

Ordered, That leave be granted to withdraw the memorial and papers of Henry C. Miller, Philip W. Thompson, and Jesse B. Turley, for the purpose of referring them to the proper Department.

REPORTS FROM STANDING COMMITTEES.

Mr. JONES, of Iowa, to whom was referred the petition of Peter A. Myers, praying an increase of pension, submitted a report, accompanied by a bill, to authorize the Commissioner of Pensions to increase invalid pensions in certain cases; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WALKER, from the Committee on Public Lands, to whom was referred the memorial of the Fox and Wisconsin Improvement Company, praying an additional grant of land, submitted a report, accompanied by a bill, to authorize the State of Wisconsin to select the residue of the lands to which she is entitled, under the act of the 8th of August, 1846, for the improvement of the Fox and Wisconsin rivers; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. CHASE, from the Committee on Patents and the Patent Office, to whom was referred the petition of Gideon Hotchkiss, praying the extension of a patent for improvements in reacting water-wheels and their appendages, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. FOOT, from the Committee on Pensions, to whom were referred the following petitions, submitted an adverse report on them collectively; which was ordered to be printed:

Petition of John F. Webb;
Petition of Robert Steele; and
Petition of Lucretia W. Hubbard.

He also, from the same committee, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

Petition of Jerathmiel Doty; and
Petition of David Felker.

BILL INTRODUCED.

Mr. PETTIT asked and obtained the unanimous consent of the Senate to introduce a bill to confirm the claim of Dusan de la Croix to a tract of land therein described; which was read a first and second time by its title, and, together with the petition and papers relating to the bill, referred to the Committee on Private Land Claims.

ADDITIONAL POST ROADS.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of creating, by law, the following post roads, to wit: from Jacksonport, on the east side of White river, to Pocahontas; also, from Rockport, via Robert Gray's and Abner H. Henson's, to Montroy, in Dallas county, all in Arkansas; also, from Washburn's Prairie, in Barry county, Missouri, via M. D. Tilford's, to Huntsville, in Arkansas, and report by bill or otherwise.

TRANSPORTATION OF MAILS.

Mr. RUSK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be directed to report to the Senate what amount has been paid annually to the several railroads in the United States for the transportation of mails for the last three years up to the 1st of January last, with the rates of charges on the different roads.

GLENWOOD CEMETERY.

Mr. NORRIS. I am instructed by the Committee for the District of Columbia to report back the bill to incorporate the proprietors of the Washington Cemetery, with two amendments. I hope the bill will be taken up at the present time. It is in the usual form, and I think there can be no objection to it.

By unanimous consent, the Senate proceeded to consider the bill as in Committee of the Whole.

The first amendment was to strike out of the first section the words "Washington Cemetery Company," and insert "proprietors of the Glenwood Cemetery in the District of Columbia."

The amendment was agreed to.

The next amendment was to add the following additional section:

SEC. 8. And be it further enacted, That the said corporation shall provide for the return, from time to time, to the

Corporation of Washington, of reports of all interments made in said cemetery, of persons who have died within the limits of the said Corporation of Washington, in such manner and according to such forms as may be prescribed, from time to time, by the Corporation of Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed; and its title was amended by striking out the word "Washington" and inserting "Glenwood."

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the House had passed a bill to grant a homestead of one hundred and sixty acres of the public land to actual settlers.

Also, a joint resolution for settling the accounts of A. Boyd Hamilton.

REMISSION OF DUTIES ON RAILROAD IRON.

Mr. DAWSON. I am directed by the committee, to whom was referred the memorial of the West Feliciana Railroad Company, and the Georgia Railroad and Banking Company, to submit a report, accompanied by a bill for their relief.

The bill was read, and passed to a second reading.

Mr. DAWSON. I ask the Senate to be kind enough to consider the bill now. It has already been passed by this body three or four times, and I do not think there can be any objection to it. As I shall be compelled to leave the city in the course of a day or two, and may not be back again for two or three weeks, I ask the Senate as a favor to me to take up the bill now.

The motion was agreed to, and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to refund to the West Feliciana Railroad Company the amount paid by them on judgments obtained against them by suits instituted for duties on the bonds given by them for the importation of certain bars of railroad iron, imported at New Orleans and New York, in the month of July, 1836; provided, it shall appear to the satisfaction of the Secretary of the Treasury, that the bars have been permanently laid down upon the railroad, except such part as may be proved to have been lost by the sinking of the steamboat Choctaw, in attempting to transport the same from New Orleans to Bayou Sara; and also, to refund the duties collected on railroad iron imported by the Georgia Railroad and Banking Company, at or about the time when the rails of the Red River Company, and the Central Railroad and Banking Company of Georgia, and the Monroe Railroad Company were imported, upon which Congress had remitted the duties.

Mr. BAYARD. Mr. President, it seems to me that one amendment ought to be made to this bill. I never heard of it until the moment when it was read; and it struck me, from hearing it read, that the portion of it which provides that the duties should not be paid on so much of the iron as was lost by the sinking of a steamboat should be stricken out. I do not see on what principle the Government is to be made the insurer of losses of railroad companies or of individuals in the importation of goods. It seems to me that that part of the bill requires amendment; and therefore I move to strike out the words "except such part thereof as may be proved to the satisfaction of said Secretary to have been lost by the sinking of the steamboat Choctaw, in an attempt to transport the same from New Orleans to Bayou Sara." The parties either insured or did not insure. If they did not insure, it was their own neglect; and they have no right to make the Government an insurer on their risks.

Mr. DAWSON. I cannot say that I understand the Senator's objection, because I did not hear him perfectly.

Mr. BAYARD. I stated that my objection to that portion of the bill was, that it exempted from duty a portion of the goods which were lost in consequence of non-insurance, if they were lost at all; and I cannot see the principle on which the Government of the United States, in cases where goods of any kind have been imported, should act as insurers, or suspend the collection of duties, founded on the want of insurance on the part of the party importing.

Mr. DAWSON. I will state to the Senator, that the clause to which he objects is in relation to iron imported by the West Feliciana Railroad Company. It is immaterial whether the iron was lost or not. It was imported at a time when railroad iron was free from duty, provided the conditions of the law were complied with. But on account of the iron being lost, those conditions could not be fulfilled. This, therefore, is an additional argument why Congress should allow the remission of the duties.

Mr. BAYARD. The explanation will be quite sufficient if the Senator can satisfy me that the Government would have been entitled to no duties on the iron at the time of importation.

Mr. DAWSON. That is the only point in the case, and it is the one which the Secretary of the Treasury is to investigate. This is a bill which was reported by the late Senator from New Jersey, [Mr. MILLER,] from the Committee on Finance, three or four times; and it always passed the Senate without any serious objection. This is the same bill which has passed heretofore.

Mr. BAYARD. I cannot see how there is any discretion allowed to the Secretary on the subject by this bill. I admit that if the iron, at the time of its importation, was not subject to duty, this bill is all proper, and my amendment ought to be withdrawn. But if the iron was subject to duty, I cannot see the propriety of retaining that portion of the bill to which I object. If the clause left it to the discretion of the Secretary of the Treasury to determine that fact, it would be another matter; but I do not so read it.

Mr. BROWN. I think I can explain this matter to the satisfaction of my friend from Delaware in a few moments. The case comes up from my own State; and, as I understand it, it is this: Under a former act of Congress, railroad companies were allowed to bring in railroad iron free of duty, provided they laid it down on their railroads within a given time. This company did not undertake to pay duties at New Orleans, the port at which the iron was entered, because they calculated that they would certainly lay it down within the time prescribed by law, which they would have done, but for the loss of the iron in its transit from New Orleans to Bayou Sara—the place of landing for the road. The loss of the iron on the steamer Choctaw made it necessary for them to import a second lot of iron, which they laid down upon the road, but not within the time prescribed by law. They executed a bond to the Government for the duties on the first lot of iron; but the time having elapsed, the collector at New Orleans insisted on payment, and the parties, rather than be annoyed about the matter, paid the amount, but appealed to Congress to have it refunded. That is all there is of the case. But for the loss of the steamer, the first lot of iron would have been laid down within the time prescribed by law, and no duties would have been required. The insurance of the iron did not cover the duties, because the company never expected to be called upon to pay them, and of course they did not want to pay insurance upon a larger sum of money than was involved.

Mr. BAYARD. With the explanation of the Senator from Mississippi, I would cheerfully abandon the amendment which I have proposed, if it did not seem to me to be inconsistent with the apparent facts as stated in the bill. There could have been no recovery for the duties, if the iron was entitled to come in duty free.

Mr. BROWN. But it was not entitled to come in duty free, unless it was laid upon the road in a given time. It could not be so laid, because the iron was lost.

Mr. BAYARD. The Senator will allow me to get through. He will see what my meaning is. This bill provides for an exemption from duties upon certain railroad iron which was lost. The iron which was lost, was iron on which, according to the allegation, there was no duty required. But there was a subsequent importation, which was not lost, and which was subject to duty under the existing laws, not having been laid down within the given time. This bill, however, applies to railroad iron which was lost. If that iron which was lost was not subject to duty, what would be the necessity of asking to have the duty refunded? If it was subject to duty at the time of its importation, and the loss afterwards attached to it, the ground of exception taken by the Senator from

Mississippi falls; because the parties ought to have been insured against the duties to which they were liable, just as much as in any other case.

Mr. BROWN. I thought I had explained, that unless the iron was laid down within a given time, it was, according to law, to be subject to duty.

Mr. DAWSON. That was the condition of things.

Mr. BROWN. It was not so laid within the time required, because it was lost. If it had been laid on the road within the time prescribed, the bond which the company gave for the duty would have been canceled, and they would not have been required to pay the amount. The failure to lay down the iron within the time made the bond obligatory. It would have been laid down in time but for the loss of the steamer. The parties, as I remarked before, did not cover the whole by insurance, because they never expected to be compelled to pay the duty, and they did not want to pay insurance on a larger sum than the iron was worth. They did not wish to pay insurance upon the duty on the iron, which was, I believe, twenty-five dollars per ton, or perhaps a larger sum at that time.

Mr. BAYARD. I am satisfied with the explanation; I think the amendment ought not to be made, and therefore I withdraw it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

Mr. DODGE, of Iowa. I wish to call upon the Senator from Georgia to explain the principle upon which this bill rested, and especially to inform the Senate how many like bills may be behind it. I suppose that perhaps it might be considered on the other side as a subject connected in some indirect manner with grants of alternate sections of the public lands for railroad purposes. I know that Senator has devoted his mind very much to that subject, and generally and almost invariably acts upon principle in all matters of that kind, and, as he thinks, upon correct principle. I wish him, therefore, to inform the Senate of the exact principle upon which this bill rests, and how much money we are giving to these railroad companies.

Mr. DAWSON. I will answer the Senator.

Mr. FOOT. I would inquire whether it is in order to discuss the question on a bill after it has passed?

The PRESIDENT. It is not in order.

Mr. FOOT. Then I desire the floor for the purpose of asking the Senator to take up another bill.

Mr. DAWSON. I hope the Senator will allow me a moment to answer the Senator from Iowa. The same question was propounded to me three years ago, when this bill was under consideration; and I have before me the debate which then occurred between the Senator from Iowa and myself in regard to it. I stated to him then that these were the only two companies coming within the principle, and that they had been applying for twelve years. On this state of facts he answered, "I am satisfied; let the bill pass."

Mr. DODGE, of Iowa. My friend from Georgia will oblige me by stating the principles of this bill, and the facts upon which he rests those principles.

Mr. DAWSON. I am obliged to my friend. I will do so, and more at length in my remarks when published.

The Georgia Railroad Company was chartered and commenced in 1835, when railroad iron was exempt from duty, and when the policy of the Government had been strongly expressed by returning all the duties paid on such iron. Having commenced, it was under the moral necessity of completing. The company was crippled by the revulsion of 1837 and 1840, but moved on as best it could. The iron was not needed until 1843, and was ordered in that year, but none of it arrived till after the 3d of March.

The company had graded the road, however, and made every preparation for the rails, and was obliged to import the rails, as they could not be made in this country at that time. There were other companies slowly progressing, with the one I am advocating; they, too, very seriously felt the revulsion I have just referred to. In this list I would name the Central Georgia Railroad Company, the Red River Railroad Company, Monroe Railroad Company, and the West Feliciana Rail-

road Company. Being all embarrassed by the times, and not being able to comply with the provisions of the act of 1832, they all applied to Congress for relief. Among the embarrassed companies was the West Feliciana railroad. That company presented its memorial for relief. The Georgia Railroad Company also presented a petition, which was referred to the Committee on Finance in 1844—mark, as early as 1844!

By pressing this subject further, it is seen that a bill was reported by that committee, which will be found in the bill-book of the Senate of the Twenty-Ninth Congress, (S. 184,) entitled "An act to remit duties which have accrued or been paid upon the importation of railroad iron in certain cases." That bill returns the duties upon all rails within three years after they have been imported for any road which was surveyed and established prior to the 30th of August, 1843. This bill was passed by the Senate, and was sent to the House, but was not acted upon. Immediately thereafter, the several companies made individual application for relief, and from time to time they have been relieved. The West Feliciana and Georgia railroad, among the first to start in their works of improvement, remain yet to be acted upon.

I have been thus particular in my statement in relation to the claims of the Georgia company, that it may be seen that it has been acted upon before, and that if the bill had been passed by the House, it would long since have had its duties returned. It is also worthy of observation here, that the Senate did not refer to the time when the iron came in, but when the railroad was surveyed and commenced, which is the true criterion. The act of 1832, it will be perceived, does not, under its provisions, refer to when the rails were imported, but when they were permanently laid down for use. The moment the work was commenced, the Government—during the act of 1832—stood pledged to return the duties for every road began under its provisions. The main reason for commencing the enterprise grew out of the inducement held out by Congress to companies that their rails, when laid down permanently for use, should be freed from duties.

The company says, and with propriety, "that when they projected and commenced their improvement, they had no reason to apprehend a change of policy, a policy manifested not only by exempting rails from duty, but by refunding large sums already paid by those who had no reason to expect such a bounty by previous encouragement."

Such were the provisions of the act of 1832, under which the Georgia Railroad Company were invited by the Government to embark in making their road.

The attempt to draw a distinction between the Georgia Railroad Company and the Feliciana company, if we wish our laws to rest upon equal and exact justice, cannot be sustained.

They both entered together in their respective enterprises; both were invited to do so by the promises of Congress, and they both laid down their rails at the same time. It is alleged, however, that the Feliciana company imported their iron first, but it is not pretended they wanted it first. It was just as necessary to the one as the other road that the rails should be imported.

The act of Congress of 1832, under which these companies started, did not consider the importation important. All that the Government was concerned about, was that the rails should be permanently laid down for use; and when a certificate of that fact was made out to the satisfaction of the Secretary of the Treasury, the duties were to be returned. Indeed it may well be questioned whether the law under which the duties were claimed could in justice be made to apply to roads in progress, as Congress impliedly stood pledged to all who embarked under the act of 1832 to protect them by its provisions till completed. Its repeal could only operate upon new companies commenced after its repeal.

The company further represents "that the only principle necessary to their relief has already been recognized by Congress, the rigid requisitions of the act having been relaxed in favor of companies which had imported, but failed to lay down their iron before March of 1843. In principle a trifling difference in the time of importation can make no difference, when the necessity for the importation had been created previously to the pas-

sage of the act. As the article could not be obtained of American manufacture, it was purely a question of *revenue*, and the legal right to *revenue* had accrued as clearly in the one case as in the other; and the claims to the indulgence of the Government are in both cases equally strong.

Upon a full review of the facts in this case, it is seen that this company was greatly embarrassed by the revulsion of 1837 to 1840, but that they nevertheless went on with their crippled means, which prevented them from importing by a few months, and laying down the rails within the limit said to be required by the new law. Perhaps, however, it may not be out of the way to show, before I conclude, that the first act passed to suspend the provisions of the act of 1832 was enacted for the benefit of a Pennsylvania company, and seemed to have gone through without any difficulty. This was passed the very day that the act imposing duty on railroad iron was to go into effect—March 3, 1843. It runs thus:

"An act for the relief of Thomas Weaver and Jacob Hyberger, securities of the Norristown and Valley Railroad Company.

"*Be it enacted*, That the time for actually and permanently laying upon any said road iron imported into the port of Philadelphia by the Norristown and Valley Railroad Company to entitle the same to a drawback of duties, is hereby extended for one year, &c. And if, during the said term of one year, the sureties prove to the satisfaction of the Secretary of the Treasury that the whole or any part of the said railroad iron has been actually and permanently laid upon any railroad of the United States, then he is to order and direct the whole, or a proportionate part of the judgment to be marked satisfied, upon the defendant's paying cost."

It will be seen that the rails had probably been disposed of, and yet they give the sureties a year to satisfy the Secretary of the Treasury that the rails were *laid down for permanent use*. All that the Government insisted upon was proof that the rails had been laid down and used as rails upon a railroad, and had not been used *for any other purpose*; for, if used for any other purpose, the rails would be liable to duties. This, as I have stated, was the first relief act, and was for Pennsylvania; and since that time other sections of the Union have been asking for relief, where the works had been commenced under the invitation and promises of the act of 1832; and the very fact of Congress giving one year from 1843 (making it March, 1844,) to the sureties referred to, proves *legislatively* that it was never intended to apply the law to *roads commenced*. And as the two Houses have been thus liberal to a company of Pennsylvania, it is but just that Georgia, Mississippi, and other States should be treated with like kindness.

It will require more logic than I am master of to go home to my constituents and try to satisfy them that the Georgia company, that commenced with the Central Georgia and Red River and Monroe Railroad Companies, and the West Feliciana Company, are not entitled to a return of duties on their rails, while all the other companies just named are.

Because one company, forsooth, sent for their rails a few months in advance of the other, that one is to have their rails duty free, and that, too, when both had started together, under the promises of the act of 1832, and under a full promise of the duty being returned. The two companies in this bill are alike as two peas; indeed they may be justly said to resemble the Siamese twins, both brought into existence under the same act, both applicants for relief occasioned by the same misfortunes. To separate them would be as unjust as to cut the ligament that has bound the Siamese twins together from the day of their birth up to the present hour. They must stand or fall together.

I conclude here by quoting the report of the Committee on Finance in relation to the West Feliciana Railroad Company, as wholly applicable to the case of the Georgia company, that I am asking justice for. The report is as follows:

"Under the circumstances, the committee finding that the company has acted in good faith, that all the iron has been scrupulously and faithfully applied as designed by the law of 1832, think this case clearly falls within the spirit of the act just referred to; that the delay in laying down the iron was not *voluntary*, nor in any manner the result of negligence on their part, but from obstacles which they could not control."

This is a just description of the circumstances of the Georgia company. Nor is anything required, unless the Secretary of the Treasury should be satisfied that the rails were laid down as represented in the section added to this bill.

By the provisions of the act of 1843, for the relief of the sureties of the Norristown and Valley Railroad Company, the parties were allowed till the year 1844 to lay down the rails of said company. Now, during the years 1843 and 1844 the rails of the Georgia company were also laid down. So that, upon this principle, if no other could be advanced, the Georgia company are entitled to all the privileges extended to the Norristown and Valley company. But since that time Congress has remitted the duties to the companies that began their roads at the same time the Georgia did. Again, if the duties be returned to companies that commenced their works with the Georgia company, and under the same promises from the act of 1832, does not Congress give a *high premium* to one, while it imposes a duty on the other, in utter disregard of the act of 1832, which notified them, when they began their work, that they should *not pay any duties* on their rails if they certified to the Secretary of the Treasury that they had *actually laid down their rails for use*. It hardly seems necessary to discuss this subject at any greater length. For it cannot be possible that Congress will invite different parties to embark in a great enterprise, and when they are about to complete their undertakings, that they will *select a number* of the companies and return to them their duties, and compel the others to pay them. Such flagrant injustice can never receive the sanction of our National Legislature. I leave the subject with the Senate, not doubting that it will extend its justice to all the companies that began under the inviting promises of the act of 1832.

The bill was then passed unanimously.

ORDER OF BUSINESS.

Mr. FOOT. I ask the Senate now to proceed to the consideration of the bill making a grant of lands to the several States of the Union for the benefit of indigent insane persons. The bill has been read a third time, and the question is upon its passage, and on that question the yeas and nays have been ordered.

Mr. BAYARD. I hope the Senator will withdraw that motion for the present, for I am desirous that the Senate should take up, during the morning hour this morning, the bill to provide for the extension and completion of the Treasury building, and for the construction of a building for the War, Navy, and Interior Departments. It is so essential that the bill to which I refer, if it is to be passed at all, should be passed at once, that I hope the Senator will yield. I do not think it will provoke debate, and it is important that it should be passed early. If it occasions debate, I will suffer it to be postponed.

Mr. FOOT. The Senator is aware that the bill for the consideration of which I call now stands on the question of its passage, and on that question the yeas and nays were ordered several days ago. I am willing, however, under the circumstances, to give way to the Senator from Delaware.

Mr. BAYARD. Then I ask the Senate now to take up the bill to which I have referred.

Mr. WALKER. I do not wish to object to the consideration of that bill; but it will probably give rise to debate.

Mr. BAYARD. I think not. If it does, I will consent that it may be postponed.

Mr. WALKER. I ask the Senator to waive his motion for the present, in order to allow the homestead bill, which has been received from the House of Representatives, to be read twice, and referred.

THE HOMESTEAD BILL.

The bill from the House of Representatives, to grant a homestead of one hundred and sixty acres of the public lands to actual settlers, was read a first and second time by its title.

Mr. WALKER. I move that it be referred to the Committee on Public Lands.

Mr. CASS. Before this bill is referred, I desire to express my full concurrence in the great measure it proposes, and my hope that the Committee on Public Lands will report upon it speedily and favorably, and that it will pass the Senate with as little delay as possible. The time has arrived when the public domain has ceased to be necessary as a source of revenue, and we are now enabled to offer one of the noblest tributes to the value of free institutions which the world has seen by furnishing the first example of an equal and

safe system, by which every citizen may become a land owner, and by which a Government exhibits itself in the character, not of a tax collector, its old and established attribute, but of a medium on the part of the people of giving to all who desire it homes, permanent homes, for themselves and their families. It is a new and noble function in the operations of government, this power of distribution without the necessity to exercise taxation, this granting to each a part of what belongs to all, this attention to the wants and wishes of a vast portion of the country; and the measure itself, as well as the feeling it manifests, will do more to strengthen the cause of free government through the world than any event in our day.

Twice has this measure passed the House of Representatives, who, from their immediate relation to their constituents, may well be supposed to express their sentiments, and I trust the Senate will not now withhold its cordial coöperation; and, for one, I desire to return my acknowledgments to the member from Pennsylvania, [Mr. JOHN L. DAWSON,] whose earnest and able devotion to this bill conducted so much to its passage through the House. He deserves the gratitude of every friend of this great measure.

I can conceive nothing in the progress of human society better calculated to add to the strength, the resources, and the moral power of this country, than this plan of justice and policy. In times of danger it will give us a physical force ready for any emergency, and at the same time a happy, contented population, adding by its industry to the wealth of the nation, and bound, no less by gratitude than by patriotism, to a Government thus proving by its deeds its desire to promote the happiness of all.

Mr. JOHNSON. I rise, Mr. President, merely for the purpose of calling the particular attention of the Senate to a declaration which has been made by the distinguished Senator from Michigan. It is a declaration in which I most heartily concur, and which I rejoice to hear on this floor from such a quarter. It is a declaration, the clear, practical good sense of which will, I trust, impress it upon this body, as the standing of the distinguished gentleman who made it will impress it upon the minds of the people of the country: I refer to the declaration, that the time has come when the Government should look no longer to the public lands as a source of revenue. It is to those words, emphatically, that I wish to call the attention of the Senate. I know that in our own western States, where we have felt the burdens of the system of land ownership by the General Government, those words will be hailed proudly, and we shall be happy to see them carried into effect by the Senate and House of Representatives, and become the law of the land.

Sir, there is not a new State which has not labored under great disadvantages in consequence of the burden of the system of ownership by the General Government. It has always been the policy of every independent State in the world, by its legislation, to endeavor to keep within its limits all the circulating medium which its people, by their industry and exportations, may acquire. But the effect of this system of ownership is to draw away the means of the people of the new States. The State which I have the honor to represent here, small as she is in point of population—having now only about two hundred and ten thousand people within her borders, according to the last census—has paid into the Treasury of the United States millions of dollars. The same is true in reference to the other land States. When a man comes to settle among us, he is compelled to pay his money into the Treasury in order to get a spot on which to live; and the money which is thus paid by the settlers is carried out of the State and expended everywhere else. There is no industrious man in the State who makes anything to export but is compelled to pay this Government for land to cultivate. Thus it is that our means are paid over to the land offices, and the money which we contribute leaves our State, and is expended in the vast and various schemes which are got up for the protection of your commerce, and the advancement of your local interests along the sea-board.

These are facts which cannot be denied, though gentlemen who wish to receive revenue from the public lands will hardly be willing to acknowledge them. I have stated the burdens, oppressions,

and, I may say, tyrannies under which we have suffered for years, yet we have never protested against them. But the declaration made by the distinguished Senator from Michigan this morning, comes with peculiar pleasure to us, who have labored so long under a crying exhaustion of this description, which has been forced upon us by the peculiar policy of the Government of the United States, the owner of our soil. I rose simply for the purpose of calling attention to that declaration, so that it may attract our consideration at once, and may attract the consideration of the country.

Sir, the people of the new States have contributed more, in proportion to their population, to the support of this Government, than any other people in the United States. This is eminently so of my own State. If you go to the Land Office and examine your public records, you will find that that State, small as is its population, has paid millions of dollars into the public Treasury. In return for this, how much have you expended for her? Why, sir, if we come here and ask for a small appropriation of public lands for any specific object within the limits of our State, a great outcry is raised, and we are regarded as plunderers. The means which those who come into our State bring with them is taken from us, and thus we are impoverished; and when we incur a State debt which we happen to be unable to pay, we are reproached by those who have impoverished us. They forget that it was occasioned by their legislation, and that we are willing to tax ourselves to meet our obligations.

Sir, I hope that every man from the new States will unite and struggle together, until the day shall cease when this Government shall make the public lands a source of national revenue, and thus tax us longer, and that they will mark those who wish to retain such a source of revenue.

Mr. GWIN. I wish to make an inquiry of the Senator from Wisconsin [Mr. WALKER] before this bill is referred. The Committee on Public Lands have had a precisely similar bill before them for the last three months, and they have not yet reported it back to the Senate. I want to know, therefore, whether this bill is going there to be buried? If so, I prefer that it should remain on the President's table, so that we may call it up and consider it at any time. If it will be reported back, I have no objection to its going to the committee. If, however, it is to remain, as the bill which was referred to that committee three months ago has remained up to the present time, I prefer that it should not be referred, but should be kept here under our own control.

Mr. WALKER. That is a most unjust charge against the committee. The committee reported some time since the bill which they agreed upon.

Mr. GWIN. The homestead bill?

Mr. WALKER. Yes, sir, the homestead bill?

Mr. GWIN. Then I ask pardon; for I was not aware of it.

Mr. WALKER. The pardon is granted.

Mr. GWIN. Why, then, should the bill go to the committee?

Mr. WALKER. I have moved that the bill be referred to the Committee on Public Lands for consideration in that committee. This bill has passed the House of Representatives; it has not yet passed the Senate. I propose that we shall take this bill into consideration. If we agree upon this, we can consider it in place of the bill which we have reported. Sir, some years ago I pressed upon the Senate the propriety of this measure, but I then got nothing but sneers for my pains. Sir, perhaps it is more gratifying to my heart this morning than to any other man in America, to hear men as distinguished as the Senator from Michigan, and the Senator from Arkansas, rise in their places, and almost with avidity claim the privilege at the first moment when they have an opportunity of doing so, of adding their great weight in favor of this policy. I rejoice at it. I hail it as one of the best omens for our country which I have seen for a long time. I hope the bill will be committed; and I now give my assurance to the Senator from California that it shall come back from the committee very speedily.

Mr. DODGE, of Iowa. Mr. President, I suppose that upon the parliamentary rule, which requires a bantling to be sent to fathers friendly to it, this measure may safely be committed to the Committee on Public Lands. I presume that nobody who has ever looked at the catalogue of

members constituting that committee need waste time here in debating a proposition as to whether they will report back or vote for the homestead bill. I thank my friend from Michigan for his speech this morning, and I can say to him and to my friend from California, that the committee meets to-morrow morning, and that I believe a majority of them will agree to report it back to-morrow with any amendments which they may think necessary to be made, if they think it proper to adopt any. For myself, I think we had better make no amendments, but pass the bill as it is.

Mr. MASON. Mr. President, the friends of this bill are those who have arrested its progress to the committee, so far as the debate has that effect; they must excuse me, therefore, for mingling in it by the expression of a very few words. Sir, when the honorable Senator from Michigan says the day has come when this Government should cease to derive revenue from its public lands, I should expect the honorable Senator to connect with it the expression of opinion that the day has arrived when this Government should cease to become the purchaser of public lands, for I can hardly suppose that it would be part of the policy of the Senator from Michigan to expend the public treasure in the purchase of public lands in order to give them away to any who will come and take them.

But, sir, I have been impressed with the remarks which fell from the Senator from Arkansas. It may be, and doubtless is, that these new States, where there is a large body of public lands, are repressed both in their population and their resources by the Federal Government being a large landholder. It may be that it would be wise on the part of the Government to modify its former policy in relation to the public lands under which they were treated as a subject of revenue only; but I trust the time has not yet come when this Government is to be the recipient of property purchased by the whole Union in order to distribute it as a largess throughout the Union, far less that the Government shall hold up the public domain, as I understand this bill proposes to do, to individuals who may come here from every quarter, totally unconnected with our institutions, and become the owners of it. I cannot imagine upon what foundation any policy could rest which would leave this Government, from year to year, to purchase, with millions and tens of millions of dollars, large domains of public lands, in order that it may then give them away to those who come here to take them. I see the time has arrived when, from the condition of our country, it may be necessary to modify the policy in relation to the public land; but I would not modify it by purchasing it to give away. I have not matured any views on the subject, but it is more than probable that when this bill comes up for consideration I shall offer some substitute for it, which shall take away, or mitigate at least to a large extent, the evils complained of by the new States; and not take the money for the public domain to be given as a largess; a policy that I would deprecate as the most injurious and demoralizing this Government could embark in.

Mr. BROWN. I am desirous, at this point in the debate, to mention a fact, which I trust will attract the attention of the Senate, and that it may not wholly escape the notice of the country. Some weeks ago I introduced a proposition in reference to the subject of homesteads, and had it referred to the Committee on Public Lands. The committee considered it along with other propositions, and reported it back with some modifications, not materially altering or changing the object which I had in view in drawing up the bill. I will mention the principles embodied in that bill, that Senators may look to it, and be prepared to give some consideration to it when it shall come up in its order.

The proposition which I introduced, and which has already received the favorable consideration of the Senate committee, does not propose, at any time, to give the absolute title in the land to the settler, but to give him the right of occupancy; not as at present ordered by law, for twelve months, but for an unlimited period of time; giving him the right to remain until he conceives himself prepared and ready to pay for it, allowing him the privilege at all times to pay the \$1 25 which the Government demands, if that remain the minimum; but never passing to him the title until he does pay it; and also refusing to take that

price, or any other price, from any other purchaser.

In case the occupant dies, leaving a wife, his rights survive to his widow, under the proposition which I introduce; and if the husband and wife both die, leaving infant children, it is then provided that the land may be sold for the benefit of the children, and the fee at that time passes to the children. What I expect to gain by this proposition is, that the settler shall be guaranteed in that which you propose to give him—a home—from which he could not be turned by the General Government or by any other agency, not even by his own want of good management. You give him a home, and guarantee to him the possession of it against yourself and all the world, and even against his own improvidence. I had no doubt, in drafting the bill, that the effect of it would ultimately be to bring a larger amount of money from the sales of public lands into the Treasury of the United States than you derive now. Having been raised and lived all my life in a land State, and having seen the effects of this system on settlers, I am prepared to say, from absolute observation, that what the settler wants, most of all things, is quiet, repose, and security in his new home. When you give him all this, you give full scope and verge to his energy, mental and physical. Without this he is crippled in mind and body, and wholly incapable of effecting any good or valuable purpose. If you will give him this, the time cannot be distant when he will be prepared to pay you the price you demand for the land; and then, for the sake of owning it, he will step in and pay for it.

I do not intend this morning, in this irregular way, to discuss the principles of that bill fully; but I wish to impress it upon the minds of Senators, and that the country may take a note of it, that I have from the beginning resisted the principle of giving the land absolutely to the settler; because, in my opinion, it will defeat the great object you have in view. I know enough of this people to be able to say, from absolute observation, that at the end of five years, or very soon thereafter, when you propose to pass the title to the settler, he will be as landless as he is now. If you want a homestead bill, a law which shall secure the settler in the possession of his home, and give him peace, and quiet, and security there, give him the right of occupancy, secure him in that right; extend the protection of your law over him; there let him remain in peace and quiet until, in his own sober, discreet judgment, he is prepared to own the land. Do not thrust the ownership upon him at a time when, perhaps, he is unable to receive it, and when it can be of no benefit to him.

Another advantage I expect to derive from the adoption of the proposition which I introduced is this: It allows the settler to change his location as often as he pleases. If he makes a bad location, as those who go into the Territories very often do, and finds that he can better himself by removing to some other place, you allow him to remove. He has occupied the land, and has not damaged it. He surrenders it to the Government and goes to another place; and this he can do until he finds himself well located, in a condition where he can spend his labor profitably. Under the proposition which is now before us, if he makes a bad location, you make him abide by it. If he happens to settle upon bad lands, lands subject to overflow, such as will not yield in obedience to his labor, or such as are in a sickly neighborhood, or under other unfavorable circumstances, so that he cannot inhabit it with safety and profit to himself, it compels him either to abandon the whole or to remain there and incur all the risks and disadvantages of being in a place of that sort.

I trust that Senators will take up that proposition and examine it, because I give notice now that I do not mean to abandon it. I shall urge it before the Senate when this subject comes up for consideration. While I do not say I shall vote against the bill if the proposition of which I have spoken is not adopted, yet I greatly prefer the one reported by the committee, and shall insist upon its adoption. If the Senate vote it down, whether I shall vote for this bill or not, will remain for future consideration.

Mr. BAYARD. When I yielded the floor on the motion to take up bill No. 227, it was merely as a courtesy to permit this bill to be introduced and

referred; but, like the principles of this bill, abusing the Constitution of the United States, that courtesy is abused. I do not mean now to enter into the discussion of this bill in an irregular manner, for it is entirely contrary to any rule or order that ought to prevail in a deliberative body. The bill is introduced for the purpose of reference, and here we have a full discussion upon its merits; and not only a discussion upon its merits, but the Senator from Arkansas appealed to the sectional feeling of the country upon it. Sir, I am opposed to sectional appeals, whether on the subject of slavery or of the public lands. The honorable Senator remarked that he hoped the people of the new States would put a mark upon the men who opposed the principles which he advocated. Be it so, Mr. President, although as to myself I cannot say that I have any higher aspirations than the honorable position which I occupy; yet, whether I had or not, no fear of any sentiment, or any opinion existing in any part of this country, or of any individual man, will ever make me yield to what I believe to be an unconstitutional principle. I will endeavor to consider this bill fairly and calmly. I hope, and I know, I shall be willing to do full justice to the western or land States. But I am very sure that if, in my view of the Constitution, they seek to take that which is common property of the Union, and assume a ground that we are now to give up our property, and cease to look to it as a source of revenue; if they do that in violation of the Constitution, no public opinion of the West, no public opinion or private censure here or elsewhere, will ever drive me from voting against the bill, and expressing my opinions upon the principles of justice which it violates. I do not say that it does violate these principles, for I have not examined the bill; but I speak of the enunciation of the sentiment which the honorable Senator has disclaimed, not as a personality, but in its effect calculated to deter a fair examination of the principles of the bill before it has actually been reported upon by a committee, or come before the Senate for proper discussion.

What view I may take of it when it comes up I cannot say. I will only state thus far, as at present advised. There is one section in the bill which I have seen, and one section which, with my present impressions, I believe, if it be not a violation of the letter of the Constitution, is beyond all question a violation of the intent, spirit, and purpose of the Federal Constitution. I will state the objection now, though it will be a subject of reflection and for retraction hereafter on my part, if I find it unfounded. The objection to which I allude is this: that that, or any other bill which attempts to establish the principle of the homestead on the ground of the alienability or inalienability of the lands within the States, whether it is done indirectly by means of retaining the title in the Government or not, is a violation of the Federal Constitution, inasmuch as it perverts the Federal power, in the disposition of the lands for the purpose of affecting what is a matter of municipal discretion alone, the subjecting of lands to the demands of a creditor.

Mr. SEWARD. I rise to express the hope that this debate may stop here. A question prematurely discussed is badly discussed. I wish also to say, notwithstanding what has been said by friends and opponents of the bill, that I hope it will not be understood that this bill is favored alone by representatives of the new States. On the contrary, I am sure it will find other supporters and advocates. It will be very pleasant for me, as a friend of the bill, to speak and to vote for it now, as I have done more than once heretofore. It would be unkind and discourteous to withhold it from the consideration of the standing committee, since we know the sincerity and the zeal of this committee in the support of the principle of the homestead policy. Especially is it due that it should be submitted to the revision of the honorable Senator from Wisconsin, [Mr. WALKER,] who is a member of that committee. I remember when that Senator introduced and proposed a homestead bill here, at times not long past, when the proposition won almost no favor here, and very little popularity anywhere. I congratulate that honorable Senator on the prospect of the speedy adoption of a policy identified with his character and his fame.

Mr. JOHNSON. I will not detain the Senate by discussing the bill at this time. I did not say

in the beginning that it was supported only by delegates from western States. On the contrary, I know that some of its warmest and most ardent supporters are to be found in the old States. I rejoice that such is the case. I favor the bill myself. I shall favor it throughout, so long as it is kept within reasonable bounds. I do not wish to prolong the debate. I wish merely to say that the expression which I used in the former part of the debate was not intended to be personal, certainly not to the Senator from Delaware. Perhaps my phraseology was not sufficiently guarded. I trust, nevertheless, that we shall be permitted gratefully to recollect those gentlemen whose enlarged and liberal spirit prompts them so to legislate upon interests which are vital to us, that we shall no more be oppressed by the attempt to derive a revenue from the lands that lie within the limits of our State. I may urge upon all, though in doing so I may be guilty of iteration, that we are entitled to great consideration from this Government. The fact should be prominently presented that we have already paid into the public Treasury more than the public lands ever cost; nay, sir, we have paid millions into the public Treasury over and above all the expense of the original purchase and of the subsequent management of the public lands. And the Senator from Delaware should not forget the very striking fact that the General Government is still possessed of an immense domain, although it has derived from the public lands \$60,000,000 more than the cost of the whole, including the expense of survey and sale.

Mr. PETTIT. I do not design to discuss this question at this time, though I shall at the proper time ask to be heard at length upon it. I rise simply to express my hope that the vote will be taken, and the bill referred to the Committee on Public Lands. I then shall propose to proceed to the consideration of the question of the right of the Senator from Vermont [Mr. PHELPS] to his seat. That question has been delayed for the consideration of the Nebraska bill, and I shall ask to-day to have it taken up. I hope the vote will be taken on this question.

Mr. WALKER. Let the bill be read a second time.

Mr. CASS. I desire to say a word in reply to the Senator from Virginia. What I said was, that the time had arrived when the public lands were not necessary as a source of revenue. I never meant to convey the idea that you should buy lands for the purposes which the Senator has expressed. I merely said that the time has arrived when they ceased to be necessary as a source of revenue. Any man who goes back to the history of the country will know that the land was looked upon as a great source of revenue. That time has passed. Circumstances and events have changed. I merely want to put the honorable Senator right on that point.

The bill was then ordered to be read a second time; and it was read a second time, and referred to the Committee on Public Lands.

A. BOYD HAMILTON.

The joint resolution from the House of Representatives, for settling the accounts of A. Boyd Hamilton, was read, and passed to a second reading.

Mr. HAMLIN. I ask that that joint resolution may be put on its passage. It simply proposes to take from the Secretary of the Senate, the Clerk of the House, and the Clerk of the Printing Committee, the adjudication and settlement of certain printing accounts and to confer the power upon the Comptroller of the Treasury. I presume there will be no objection to it.

Objection being made, the bill was passed over.

PUBLIC BUILDINGS.

Mr. BAYARD. I hope the Senate will now proceed with the consideration of the bill to authorize the extension and completion of the Treasury Building, and also the construction of a building for the War, Navy, and Interior Departments.

Mr. PETTIT. Mr. President, I believe the Senator from Delaware will assent to the postponement of this bill, that we may proceed to the consideration of the case of the gentleman who is here claiming a seat from Vermont.

Mr. BAYARD. If the bill should give rise to discussion I have intimated that I would give way to the consideration of the case of the Senator from Vermont. The bill was taken up under

peculiar circumstances; but if there is anything in it which requires discussion, or if the honorable Senator from Indiana is opposed to it, and desires to discuss it, I, of course, will yield.

Mr. PETTIT. It is due to the honorable Senator from Vermont, and to the Senate alike, that the case of that Senator should be taken up and disposed of. It is a question of privilege. It only gave way under urgent necessity, as it seemed to me, on the demand of the friends of the Nebraska bill. Of all questions, it should be considered at an early day, and in all other deliberative bodies it would have had the precedence. It ought to have it here; and I hope other business will be made to give way for its consideration. The honorable gentleman who is interested in the case is present and is ready to proceed with his remarks. I hope, therefore, the bill proposed by the Senator from Delaware will be postponed.

Mr. MASON. I do not suppose there is any great urgency for taking up the case of the Senator from Vermont to-day. I should prefer that it should lie over until to-morrow. I desire to say something upon it which I am not now prepared to say.

Mr. PETTIT. The Senator from Virginia need not proceed to-day. The Senator from Vermont himself is ready to go on.

Mr. MASON. I understood that that Senator desired to close the debate. My object was not to interfere with him.

Mr. PETTIT. No, sir. On the contrary, he wishes to go on now.

Mr. BAYARD. I cannot see that there can be any objection to proceeding with the consideration of the bill at the present time. It is one which will give rise to no debate. If, in the judgment of the Senate, these buildings ought to be constructed, the bill should be passed at an early day. There is no doubt that it will take but very little time to pass it, if no opposition is made to it. It is not my desire to preclude the honorable Senator from Vermont from proceeding with the discussion in his own case. It is with no fault of mine that this bill has been delayed to so late an hour in the day. I yielded its consideration to have the other bill referred which has just been disposed of. It is a bill which relates to a question which is undoubtedly a matter of public interest; and if there is no objection made to it, I do not see why a motion should be made to postpone it.

Mr. PETTIT. The State of Vermont is either entitled to two votes or to one only. She has sent two men here; the seat and the right to vote of one is not contested—the other is. A delicacy on the part of that other forbids him to take any part in the general discussion of subjects before the Senate, or in any vote whatever; she is, therefore, disfranchised, and for her I claim the early consideration of this question. It is her right to be heard here if she has properly sent two Senators, and this, over all other questions, should be taken up for consideration.

Mr. BAYARD. I think that is perfectly correct; the only misfortune is that the honorable Senator could not recollect anything of all this when this discussion took place in the Senate on the subject of the mere reference of another bill.

The PRESIDENT. The question is on postponing the further consideration of the bill until to-morrow.

Mr. DODGE, of Iowa. I understand the Senator from Delaware to say, that if objection is made to the bill, or it leads to discussion, he will agree to let it go over. It can be determined, in a moment whether there is to be any such objection or discussion. I am most anxious to proceed with the case of the Senator from Vermont; but if this bill is not objected to, let us pass it, and then proceed to the consideration of that case. If it is to be objected to, or discussed, let us ascertain that fact, and then postpone it. I make this suggestion to the Senator from Indiana.

Mr. PETTIT. I do not know what the bill is.

Mr. DODGE. Let us hear it read.

The PRESIDENT. It is a bill to authorize the extension and completion of the Treasury building; also the construction of a building for the War, and Navy, and Interior Departments.

Mr. PETTIT. I am very anxious to proceed to the consideration of the Vermont case. I may have objections to the bill, and I may have to discuss it. Under these circumstances, I should prefer that it should not be taken up.

The PRESIDENT. The bill will be read.

Mr. ADAMS. I understand the Senator from Indiana to say that he desired to debate the bill. With that understanding I move that it be postponed until to-morrow.

Mr. BAYARD. Let it be read first; and then, if the Senator says he means to object, of course I shall agree to let it go over.

The bill was accordingly read.

It proposes to authorize the President of the United States to cause the Treasury Building to be completed, so as also to include and provide within it suitable rooms and accommodations for the State Department. The whole to constitute one building, with a front on Fifteenth street not exceeding four hundred and seventy feet, a front of similar extent facing west, a front not exceeding two hundred and seventy feet facing north, and a similar front facing south; but no alterations are to be made in the exterior of the present Treasury Building, except what may be required to unite it to the additions. The present line of columns on Fifteenth street are to be finished by constructing a recessed portico with a pediment at each end. The north and south fronts are each to have a portico in the center of eight columns in width, and the west front to have a projecting portico of eight columns, flanked by receding recessed porticos of two columns each, and to be finished at the ends by recessed porticos similar to those on Fifteenth street, the remaining portions of the exterior to be ornamented with ante similar to those of the present Treasury Building. There are to be two court yards for light and air, each of which is not to be less than one hundred and twenty by one hundred and forty feet. The architectural order of the present Treasury Building is to be preserved in the additions. The basement is to be faced with dressed granite, and the superstructure with marble; but the entire building is to be made thoroughly fire-proof. The details of the plan of the building are to be subject to the approval and direction of the President of the United States.

It proposes further to authorize the President to cause to be erected a building for the War and Navy and Interior Departments, at or near the sites of the present buildings, to conform in outside dimensions to the buildings authorized to be erected for the Treasury and State Departments, with such modifications in architectural details as the President may approve. The basements of the building to be faced with dressed granite or marble, and the superstructure with marble. And the sum of \$600,000 is appropriated to commence their construction, which money may be applied to either or both of the buildings, which are to be erected consecutively or simultaneously, as the President may determine. If only one be constructed at a time, the building designed for the State and Treasury Departments is to be first completed.

Mr. PHELPS. I beg leave to make a remark, if the Senate will indulge me; and I am induced to do so by the remarks which have been made by other Senators. So far as I am concerned, I am certainly anxious that the question of my right to a seat here should be speedily determined. The Senate will recollect that I was interrupted in the remarks which I commenced on a previous occasion; and they will permit me to say that I do desire, as speedily as possible, to resume and conclude those remarks. But at this late period of the day, I do not expect that I shall be able to conclude by the time at which the Senate would desire to adjourn. Under these circumstances, permit me to suggest that the arrangement be made to postpone the consideration of the resolution reported from the Committee on the Judiciary until to-morrow at one o'clock.

Mr. STUART. In accordance with the suggestion of the Senator from Vermont, I move that the further consideration of that subject be postponed until to-morrow.

Mr. PETTIT. It is not before the Senate at present, and therefore cannot be postponed.

Mr. STUART. I desire to make it the order of the day for to-morrow at one o'clock.

Mr. ADAMS. There is a bill under consideration that must be disposed of before any such motion can be made.

Mr. STUART. I suppose unanimous consent will be given to take it up for that purpose.

The PRESIDENT. The bill under consideration must be disposed of first.

Mr. ADAMS. I move to postpone its further consideration until to-morrow.

The motion was agreed to.

VERMONT SENATORSHIP.

Mr. FOOT. I now move that the resolution in relation to the case of my colleague be taken up, for the purpose of making it the special order of the day for to-morrow at one o'clock.

The motion was agreed to; and its further consideration was postponed to, and made the special order for, one o'clock to-morrow.

INDIGENT INSANE.

Mr. FOOT. I now renew the motion to proceed to the consideration of the bill making a grant of lands to the several States of the Union for the benefit of indigent insane persons. I yielded the floor for the consideration of the other bill. I hope it will now be taken up and voted upon. I will merely remark that it stands upon the question of its passage, and upon that question the yeas and nays have been ordered.

The motion to proceed to the consideration of the bill was agreed to.

Mr. ADAMS. Before the vote is taken upon the passage of the bill, I desire to call attention to its provisions. Ten millions of acres of public lands are to be distributed among the States according to the ratio fixed by the bill. When a State has not lands, in the opinion of the Governor of that State, worth \$1 25 an acre, its proportion may be located in any other of the States or Territories, on lands subject to private entry. Ten millions of acres are to be located, not by the States, according to the bill, but by the assignees of the States; or, in other words, by speculators, who may purchase from the States, at a sum not less than \$1 25 an acre, the amount to which each is entitled under the bill. What is to be the effect? Your State, sir, and the States of Iowa, Illinois, and Arkansas, will then have in the hands of speculators ten millions of acres of the public land remaining unsold. We have been talking about giving settlers their homesteads. Pass this bill, and in those States—and those are the only States I know of where lands are desirable—you will have no homesteads. The lands will be kept at \$5 to \$10 an acre in the hands of speculators; for when they get all the good lands, they will hold them up until they get that amount for them. The homestead bill will not be worth a button if you pass this bill. No, sir. In your State, if there should be any lands left there worth \$1 25 an acre, they will be taken.

Sir, I have no special interest in this matter. The State which I have the honor in part to represent has none, for we have not a quarter section of land in that State worth \$1 25 an acre. Therefore, for the portion to which Mississippi is entitled, she must go over into Arkansas and take it there. As far as I personally and my constituents are concerned, I feel no interest in it; but if I resided in one of those States where the lands will be thus subject to speculators, I would importune every member of the Senate to send any other disaster, any other evil upon the country, rather than to place ten millions of acres of public lands in the hands of speculators, to be held and disposed of by the assignees of the different States. My State has no interest in the question; but I cannot consent, however benevolent the object may be, to impose such an evil on the States that have lands yet remaining unsold subject to private entry.

But this is not my only objection to the bill, though that is sufficient, for I would not impose upon any State an injury which I would be unwilling to impose upon my own. But, as has already been remarked by the Senator from Virginia, if the Federal Government can go into the different States, and there examine the condition of the poor, and provide by law for their relief, I should like to know where we are to stop? We all know, Mr. President, that this, as well as all other Governments, is disposed to exercise, not only the power conferred upon it, but to encroach upon the powers reserved to others. There is, in other words, a constant tendency towards the consolidation of power in the hands of this Federal Government. The facility with which it can step beyond the legitimate purposes of its creation, has

a tendency to induce the exercise of powers not expressly given.

It is contended, I know, in regard to the public lands, that the Federal Government being a trustee, and having the right to dispose of them in such a way as to promote the best interests of the whole, you may dispose of the lands in this way, although you cannot collect the money and dispose of the proceeds. I must acknowledge that I cannot draw the distinction. The difference which there is between appropriating the lands by the Federal Government to the poor of the different States, and selling it by the officers of the Government, and then distributing the proceeds, is a distinction, in my mind, without a difference. I am not able to see it.

I before remarked, when I first objected to the bill, that this mode of disposing of the lands is much more objectionable than the other. It is a proposition to dispose of the public lands to provide for the poor; mark you, the provision of this bill is, that not a dollar is to be given to the erection of an asylum, not one dollar to be given to a person who is able to pay his own expenses, but it is for the indigent, who are unable to pay those expenses. It is, in a word, a provision out of the public Treasury for the poor of the different States and counties. Certainly the framers of our Constitution never contemplated that they were conferring such powers. These are unfortunate persons. My colleague [Mr. Brown] spoke correctly when he stated that every member of this body would take pleasure in voting for this bill, if he could do so consistently with his obligations to the country and his obligations to the Constitution. But, sir, however benevolent the object may be, it seems to me that we should look to the consequences. We should look to the power. These unfortunate individuals are the objects of the care, the anxiety, and the provision of the State, and not of the Federal Government. It is said, however, that we have been in the habit of making appropriations of public lands for soldiers, not as a compensation, but as a gratuity on account of the gratitude of the country. I have not so understood any appropriation that has ever been made. My understanding is, that in the estimation of Congress, the amount of compensation awarded to the soldiers of the late war, and of the Revolution, did not remunerate them for the services they had rendered to the country; and although tardy, when this bounty has been granted it has been as pay, and not as a gratuity. So in regard to the different States. It is said that we have been in the habit of appropriating these lands for schools and for colleges. That is true, but not as a gratuity. So far as I recollect, not a solitary appropriation of the public lands has ever been made, except to the States in which the lands lie; and for what? As a gratuity to provide for the education of the citizens of the different States? No, sir; but in consideration that those who went there to develop the resources of the country reclaimed lands which were valueless, made them valuable, and rendered a service to the country. For that consideration—that "good and valuable consideration"—the lands have been appropriated to the different States for colleges and schools. But I have no knowledge of a single instance heretofore of appropriating lands out of a State as a general distribution. If I am wrong in that, I am wrong in my conclusions in reference to this question.

I have no disposition to consume the time of the Senate, or to prevent its action. If it is the will of the majority to pass the bill, let it be so. I have only thought it due to myself, as I was the first to make objection to the bill, to state more explicitly the objections which I have to it, inasmuch as I differ from several Senators with whom I am in the habit of acting.

Mr. BAYARD. As it will be impossible for me, with my views of the Federal Constitution, to give my vote for the bill before the Senate, and as the object is one which appeals strongly to our benevolent feelings, I cannot give, in justice to myself, a silent vote against the bill.

Sir, I have the profoundest respect and the highest admiration (without the pleasure of a personal acquaintance) for the lady to whose exertions it is understood this bill owes its origin; but I must, in reference to this measure, for the very reason that it is a beneficent measure, and calculated to appeal to our best feelings, look to its object, to

ascertain whether it comes within the powers conferred by the people of the country to the Federal Government. No matter how just it may be; no matter how beneficial; if it does not fall within the powers delegated to the Federal Government, it is impossible that with my views I can support it; because I believe that if there be any one thing more than another which is to render permanent the union of these States it is a rigid adherence to the principle of the limited powers in the Federal Government. The example of to-day, though the object may be a beneficent one, may be followed as a precedent to-morrow, in some other case where personal or political advancement, or sectional interest, will override the principles or even the letter of the Constitution. With these views I shall be compelled to oppose the bill; and I desire, therefore, to state, as briefly as I can, the ground on which I suppose that the appropriation asked for does not fall within the limits of the Federal authority.

Mr. President, we all admit that the principle of republican governments, the principle upon which our State governments are founded, is what is commonly called the social compact; that is, the consent of the governed. Not that where a people exist in sufficient numbers, and have sufficient power to make and maintain their laws, which alone authorizes a political organization, there is any positive agreement by which every man assents to the laws which are made; but that as a necessary result of the organization, the theory is, that the power resting in the people at large, the political axiom must be assumed—that the will of the majority is the evidence of the consent of the whole. It is assumed, I suppose, upon this basis, that every man is presumed, whatever his own individual opinions may be, to assent that the determination of the majority shall be held to be the will of the whole political community, as organized. This implied consent is the foundation, at all events, of republican Governments, trace it to what principle you may, and is, I believe, what is usually called the social compact, upon which all our different State governments rest. It is, in part, also, the foundation of the Federal Government, but its application there is modified. The Federal Government is formed by the express compact of separate nations, existing as separate States at the time when they formed it; and the Constitution of the United States is the evidence of the terms upon which that Government was established. It delegates specially the powers to which that Government is entitled, so far as language can define them. And it restricts and prohibits the exercise of any power which is not necessary to carry the delegated powers into execution. The Federal Government, then, Mr. President, is not a pure democracy; it is a mixed republic. In its operation it is national, because it acts directly upon the individual citizen, and not through the political organization of the State of which he is a member; but in the extent of its powers it is federal. Its powers are limited by a written instrument—the Constitution of the United States—and the language of that Constitution is, that “all legislative powers herein granted shall be vested in a Congress of the United States;” not the general powers of legislation.

With this view of the Federal Constitution, let us look to the principles by which, or the objects to which, it was the intention of those who framed the National Government to confine the powers which were delegated. I could not, by any possibility, give a better classification than is given by Mr. Madison in the forty-second number of the *Federalist*. There he divides them into six classes: First, the powers giving security against foreign danger; second, the powers relating to the regulation of intercourse with foreign nations; third, the powers of the Government which were necessary for the maintenance of harmony and proper intercourse among the States; fourth, certain miscellaneous objects of general utility; fifth, the restraining of the States in certain injurious acts; and sixth, the provisions for giving efficacy to all these powers.

Now, Mr. President, the object of this bill is to provide for the establishment of municipal institutions in the several States of this Union, by means of a donation through the Government of money arising from the sales of the public lands, or, if you please, a donation of the lands themselves; I do not care which. Is that object within the in-

tent of the Federal Constitution? Does it come within any of the classes of powers which I have mentioned? Sir, the word “constitution,” or constitutional, may be used in two senses. An act may be unconstitutional as violating the spirit and intent of the Federal Constitution, though it may not be such a violation of its letter as would enable the judiciary to avoid the act, or pronounce it merely void. Take an illustration of the two cases in which the act would be equally unconstitutional, though it might be that it would not fall within the remedy of judicial restraint in the one, and yet would in the other: The President is authorized, under the Constitution, to convene the two Houses of Congress on extraordinary occasions. Suppose the President so lost to a sense of duty as to issue a proclamation requiring Congress to be convened, grounded on extraordinary circumstances, you cannot question his authority to do that. He is not obliged to specify the particular facts which constitute the extraordinary occasion on which his proclamation is founded. The discretion is vested in him generally. Suppose when you met under such a proclamation it was found that the “extraordinary occasion” of the President was merely to pass a private bill for the relief of some private claimant; would any man doubt that it would be a gross violation of the Federal Constitution? It would not be such as the judiciary could reach, I admit; it would not avoid the legality or constitutionality; in that sense the session of Congress would be well convened, because the matter is left in the discretion of the President. The act would be legal and binding on the people of the country, and the laws passed at such a session would be valid; but the abuse of power on the part of the President, in calling that an extraordinary occasion which referred merely to the relief of an individual claimant, without interest to the nation at large, would certainly be a gross violation of the Federal Constitution.

Let us take another instance in which it would clearly be within the power of restraint: The Constitution gives to the President of the United States the power, when Congress disagree as to their time of adjournment, to adjourn them to any day he pleases. Suppose one House of Congress passed a resolution for the adjournment on a particular day, and it is taken up in the other House, and a motion is made and carried to alter that day and fix a subsequent one; there is a disagreement beyond all question. One House has amended and not agreed to the proposition of the other as to the day of adjournment; but the disagreement is not a disagreement within the meaning of the Constitution, which would authorize the President to adjourn both Houses of Congress; and if he attempted to do it under such circumstances his act would be merely void; the disagreement contemplated by the Constitution being a final disagreement, in which each House adheres to its day, and refuses to adopt any other. In that event alone the Executive has authority to act. The act of the President in adjourning Congress before a final disagreement would be merely void, and would not be simply an abuse of discretion, but the exercise of an authority not within the terms of its grant; but in either case there would be a violation of the Constitution.

I hold, then, that in a deliberative body, (though in a court of justice it would not be so)—in Congress—the words “constitutional” and “unconstitutional” have quite as much application to the abuse of a power delegated in general terms, as to the assumption of ungranted powers, though the effect would be, when you pass the law in the one case the judiciary have no power to revise your actions; but if you pass it in defiance of the objects of the Constitution, though you may have the absolute power to do so, beyond judicial restraint, yet you are violating that Constitution which you have sworn to protect. It is in this sense that the words “unconstitutional” is always used in Great Britain. They have what they call their constitution, and I may be permitted to say, that I think they adhere to their constitution and constitutional principles rather more rigidly than the Congress of the United States does to ours. They have no constitution, within the meaning of the term as used by us, which restricts the power of Parliament, for Parliament is really omnipotent; but you hear the language constantly used, where the organic laws at the foundation of the form of government there will be violated by the principle of a bill

which is introduced. In such cases it is denounced as an unconstitutional exercise of power. It is in that sense that I mean to say that the proposed bill is unconstitutional, and I shall be compelled to vote against it.

I can find, in the classification of powers given by Mr. Madison, no authority to Congress to establish poor-houses in the States; no authority to Congress to establish poor-houses for insane persons in the States any more than for those who are not insane. It seems to me that if you once adopt this measure, you will be opening the door to the exercise, on the part of Congress, of a species of interference indirectly with those subjects which are exclusively meant to be matters of State legislation, according to the provisions of the Federal Constitution. That will be an abuse of your power.

I think some Senator, perhaps the Senator from Mississippi, [Mr. Brown,] contended in reference to the public lands, that you had the absolute power of their disposal, and therefore it would not be unconstitutional to appropriate them to this object. I hold it to be not so. You have the absolute power of raising money; you have the absolute power of the appropriation of money. It is in your discretion, if you choose to appropriate out of the Treasury twenty thousand dollars for any object; but the Constitution would be violated, unless the object was within the scope of your powers; and I cannot possibly distinguish between the appropriation of money out of the Treasury, and the appropriation of land or other property of the United States. The phrase used in the Constitution is “territory or other property” of the United States—territory which has been purchased with the money of the public Treasury. Where is the distinction? If Congress can override the Constitution by appropriating to an object not within the intent or purpose of that Constitution, is there not an end of your federative form of Government, as regards the power of appropriation? If the Government is federal in the extent of its powers; if it has no right to exercise powers not within the scope and object of the Constitution, surely no Senator will deny that it was not intended that the municipal regulations of a State, under the pretext of providing for the welfare of the inhabitants of this Union, should be interfered with by Congress. Certainly it would not be contended that you had a right to build jails for the purpose of confining the criminals of a State, or make an appropriation out of the Treasury for that purpose; and under what distinction is it, that when you have no right to do that, you can build poor-houses for the occupancy of the poor of the States, or build hospitals for the insane poor? I can see no difference between the exercise of the one power and the other. In short, it seems to me that if you can make an appropriation of money or lands for the purpose which this bill contemplates, and you can restrict the State by your bill to the application of the land or money so granted to that purpose, and that purpose alone, it is a direct and palpable interference with the State sovereignty in relation to a subject-matter over which the State has exclusive jurisdiction, and over which the Constitution has vested no jurisdiction in Congress.

I hold, therefore, that though it may be, and was, absolutely necessary that, in confiding the powers of legislation delegated in the Federal Constitution to the General Government to use general terms, and to confide general powers, such as to make peace, to make war, to raise money on imports without any express limitation, to appropriate money without any express restriction other than the discretion of Congress—these powers must be exercised for the purposes to which the jurisdiction of the General Government applies; and if you do not exercise the power of appropriation for a purpose to which the jurisdiction applies, you are violating the Constitution in your appropriation. Why, sir, would any honorable Senator contend here that it is within the power of the Congress of the United States to provide by law for the erection of hospitals for the indigent insane within the States? Put it in that form. Suppose you authorize the erection of a hospital for the indigent insane directly in a State. I ask, would that not be the assumption of a power not delegated, and inevitably void? If you have no right to do it directly, on what principle is it that those moneys which are confided to your hands, as collected from imports, or those lands which

you bought with moneys collected on imports, and which became the common property of the people of the country, can be appropriated for a purpose which Congress have no authority to perform, in the national and proper operation of its laws, upon the citizen directly, instead of through the political medium of the States?

Mr. President, independent of this question connected with the constitutional provision, I could not, with my view of what is necessary for the permanence of this Government, ever agree to make the States the mere pensioners of the General Government for any purpose whatever which is within their jurisdiction, and not within the jurisdiction of the Federal Government. I know, sir, that this bill might be beneficial to my State. There may be, there are, other measures which would be beneficial to my State, and to other States, which Congress has no authority to pass; and it is, however, of far deeper ultimate interest to the people of my State, and of far deeper interest to the people of every State of this Union, in my judgment, that Congress shall be held to the powers intended to be confided by the Constitution, unless the people will, in a proper manner, agree to amend that Constitution, of far more abiding interest than if they got thousands, ay millions of dollars for any purpose whatever, by an invasion of the Constitution.

Sir, you may commence this system, founded upon a beneficent project, which may meet the approval of every man's judgment; but make the first inroad upon the Constitution, and it will be followed certainly by projects of every kind in which the rights of the States will be overridden, and the Federal Government will concentrate in itself all power; and not only this, but it will lead to dangerous projects of sectional advancement. State combinations, through the means of that power of Congress will be entered into; and the moment you trample upon the restrictive principles of the Constitution, they will be brought into exercise for sectional purposes. When that time comes, the spirit of resistance will arise in those States which are denied the common benefits of the common property of the Union. The effect will be corruptive also. Power always tends to corruption. The great support which is hereafter to maintain the Federal Government must arise from its abstinence in the exercise of even doubtful powers, and that abstinence must be confirmed by a settled, persistent determination to abide by that rule of the Constitution which requires the application of granted powers to objects within the jurisdiction of Congress, and none other; leaving other matters of beneficial legislation where the Constitution meant them to be left—to the States, and to the people of the States respectively.

Mr. President, the principles which I have advocated originate not with me. There is not one principle I have enunciated which you cannot find in the discussions on the Federal Constitution, which were had before the people of America, before the adoption of the Constitution, and understood and known to be the most pregnant arguments which induced the States and the people to adopt that Constitution. This discussion, too, took place long before that article was inserted which subsequently, in express terms, restricts the powers of the Federal Government to delegated powers, and reserves to the States and people all others. I will read (for it is well to recur at times to the opinions expressed in that day)—I will read one or two passages from the Federalist, as illustrative of the opinions which I have advanced; and I think they will fully sustain me. On page 241 of the Federalist, No. 39, in a number written by Mr. Madison, speaking of the relation and extent of powers, he uses this language:

"In this relation, then, the proposed Government cannot be deemed a national one, since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

I ask you, where is this object of providing for the indigent insane, or any similar object, enumerated in the Constitution? Does it come within the classification of powers? It has no connection clearly with the security against foreign danger. It has no connection with the intercourse with foreign States. It has no connection with the third class of powers, for the maintenance of proper harmony and intercourse between the States. It

has no connection with the miscellaneous objects, because they are specified, such as copyright, patent laws, the jurisdiction over the District of Columbia, and the power over the public lands. The last power was confided for no such purpose as legislation for beneficial municipal objects. All control and regulation of such matters are reserved for the exclusive jurisdiction of the State governments. According to the language of Mr. Madison, there is left in them in this respect a residuary and inviolable sovereignty. Sir, I am unwilling to violate that sovereignty.

Again, on page 292, in the 45th number of the Federalist, he holds this language:

"The powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce, with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people; and the internal order, improvement, and prosperity of the State."

Is not a provision for the indigent insane an object which, in the ordinary course of affairs, relates solely "to the internal order, improvement, and prosperity of a State?"

I ask, then, within which of these classes does the provision of building hospitals for the indigent insane come? It appears to me, sir, that we had far better trust for the exposition of the intent and object of the Federal Constitution, if there be any doubt about its objects in this case, to those who explained it to the American people, and who confessedly led to its adoption by the force of their arguments, than to trust now to a loose and dangerous construction, which will lead us to an indefinite exercise of power, simply because the object proposed is of an unquestionably benevolent character.

The argument comes to this: That though the power may be confided, in general terms, as was absolutely necessary in reference to the general power, that is, the power either to collect moneys into the Treasury, through the means of imposts, or the power of the appropriation of money in the Treasury, though there is no limitation expressed in terms, both powers are necessarily confined, by implication, arising from the structure of the instrument, to objects within the Federal Constitution, to objects which the General Government was organized to carry out. If this be not the construction of the Constitution, this Government ceases to be a Government of limited powers.

I have read enough to indicate the coherence of my views with those expressed by one of the authors of the Federalist, at the time when the Constitution of the United States was before the people of the several States for adoption or rejection, on objections made to it as to the abuses to which it would be liable. These reasons were spread broadcast throughout the country. These letters, which, by general acknowledgment, are regarded as of surpassing ability, and as splendid specimens of profound reasoning, explained the provisions of the Constitution, the object of the Federal Government, its nature, and the extent to which its powers were to be applied; and these explanations undoubtedly had a powerful effect. Ultimately, the States of this Union adopted this as a National Government. It is a National Government, but established by free and independent States, by an express compact, delegating special powers of government, and subjecting it to all the restrictions upon its powers which are expressly imposed by the terms of the grant, or which arise, by implication, from the mode in which it was organized.

Mr. President, I have now expressed, as briefly as I could, the views which I entertain in reference to the true construction of the Federal Constitution. I say, then, that if a bill is proposed which appropriates either land or money—and I cannot see that the land of the Government is not the same as the money of the Government—for a purpose which is strictly a municipal purpose, for a purpose which is exclusively within the jurisdiction of the States, I must consider it as transcending the powers of the Federal Government. Though the effect of the appropriation proposed by the bill under consideration may, in this case, be beneficial to my own State; though it may be agreeable to my own feelings; though I may earnestly desire

to see institutions such as are proposed to be established by the bill, established throughout every State of the Union, yet I cannot consent, for the reasons which I have stated, to violate what I believe to be the true and only safe construction of the Federal Constitution.

Sir, I had intended to pursue the application of these remarks in reference to an amendment which I contemplated offering to some of the railroad bills, as they are called, which passed the Senate on an occasion when I was not present. I do not know that it is strictly in order to do so, but I believe that under the course which debate usually takes in the Senate, I may apply now the principles which I have laid down. Perhaps I am the more justified in doing so, from the fact that, owing to misapprehension on the part of the honorable Senator from Texas, [Mr. Rusk,] a bill to which I had intended to propose an amendment, which amendment was submitted as one to be proposed, and ordered to be printed, was taken up on the first morning when I was absent from the Senate Chamber, and passed without my having an opportunity to explain the principle on which my amendment rested. In addition to that, not only was the particular bill to which the amendment was submitted passed, but the amendment, which was general in its design, looking to all railroad bills, was entirely disregarded, not even considered, and some eight or nine bills, granting away millions of acres, were hurried through the Senate without my having an opportunity to explain my amendment, or state my objections to those bills as reported. I will do so now; it will take but a very short time, and the matter is very plain and simple.

I presume that almost all the members of the Senate who belong to the political party to which I am and have been attached, will agree with me that the General Government has no power directly to appropriate lands or money for the purposes contemplated in those railroad bills generally. I presume, in other words, that it is considered now (I admit there have been great fluctuations) a settled doctrine of the Democratic party that the General Government cannot make appropriations out of the Treasury for a general system of internal improvements. I am perfectly aware that, many years ago, the Democratic party passed bills making such appropriations to corporations, which would be voted down now; and there have been fluctuations of opinion on this question at different times. I hold myself bound, therefore, by no precedents in that respect, but bound to adhere to what I believe to be the proper construction of the Federal Constitution. I have stated that it is now settled Democratic doctrine that the General Government cannot appropriate land or money for a general system of internal improvements in the States. Honorable Senators from the land States, however, say that there is a distinction in regard to the public lands. They say that, though you have no right to appropriate the public lands to all the States, you may justify their appropriation to the States in which they lie for the purpose of making roads and canals, on the ground that the particular improvement enhances the value of the residue of the property which the Government holds as a great landholder; and that, as the Government holds large quantities of land in the States, it would be both unjust and inequitable for it to take advantage of the improvement in the value of its lands resulting from the expenditure of the capital of a State, or the capital and enterprise of the citizens of a State, without contributing in some way to this increased valuation.

Sir, there is a great deal of equity in that distinction; and the only question which arises in my mind is, as to the adoption of the mode in which they expect to get at that equity. They deny the right of the General Government to make appropriations of land or money for purposes of general improvement in the States. They claim the right to appropriations of land for railroads or canals, to the individual States in which the lands lie, on the ground that it is the duty and interest of the Government, not as a Government, but as a great landholder, to contribute its proportion to the increased value of the lands which it owns. There is great force in the equity of this principle. Now for its application.

The bills which have been introduced as model bills, all resembling each other, provide that altern-

ate sections of land on the line of a railroad, for a distance of six miles on each side, shall be granted to the State which is to make the road, and that the even sections shall be reserved for the benefit of the United States, and the minimum price of them doubled; but this is to take effect only after the road is definitely located. There is a further provision, however, that if, within the distance of six miles on each side of the road, the lands have been previously taken up by preëmptioners, or by any other persons under the authority of the United States, the State shall be entitled to go nine miles further back, on each side, for the purpose of making up the deficiency. That is intended to secure her, so that she shall receive the full benefit of the grant which is made. Now, what is the correlative advantage secured to the United States as the landholder? for it is upon the principle that it will be an advantage to the Government, as a landholder, that these appropriations are claimed. Why, the United States are to have their remuneration in the increased price of what remains of the even sections within six miles on each side of the road. Take the case of the bill which was passed the other day for the State of Louisiana, and the effect is striking. In that State nearly all the public lands have been offered for sale, and in the interim between the time at which you pass the bill making the grant, and the period of time when the location of the route is definitely fixed, speculators have the right to enter upon these lands at the rate of \$1 25 an acre, and take them up; and, as the route is known, the managers of the affair will take up all those lands which you nominally reserve to the Government at \$2 50 an acre. The result, therefore, is, that the State gets the benefit of the grant, and the landholder actually makes only a nominal reservation, and will never receive any benefit, because all the reserved lands will be gone before the route is definitely located. That will and must be the practical effect. The provision, as it exists in the bills which have passed, neither benefits the settler nor the Government; but it enables the speculator in public lands to acquire fortune without labor. It stimulates and increases the spirit of speculation in the public lands, already a serious evil, and requiring restraint instead of encouragement.

What, then, was my offer, as contained in my proposed amendment? We have been told by Senators on this floor, in answer to objections such as I have mentioned, that experience has indicated that the Government sales have been increased by this course, and that the United States have received a greater amount from the reserved sections, in some cases, than they would have received from the whole, if the alternate sections had not been granted to the States for the purpose of aiding in the construction of railroads. I do not deny the truth of these allegations. No specific statements have been made; but it has been generally and broadly asserted that the interests of the Government, as a landholder, have been benefited, because the value of the reserved lands has been greatly increased, and the sales by the Government have been exalted in consequence of the construction of these roads. Admitting all this to be so, what was the amendment which I intended to submit? Now I beg to call the attention of Senators to it, and to ask them to look at it calmly, and without prejudice.

Admit the equity which arises from the fact that State capital, and the enterprise and capital of the citizens of a State, improve the value of the lands through which such an improvement may be made; and suppose that enhanced value of the lands extends to fifteen miles on each side of the road; my amendment proposed that the entire benefit of the improvement should go to the State. It proposes that there shall be a reservation from sale of the public lands along the route on which a road is located by a State, and that the State shall have the right to sell all the lands, both odd and even sections, for fifteen miles on each side of that road, for what price she pleases; and then all we ask of her is, that semi-annually she shall account for the land which she sells, and pay into the Treasury the minimum price of our public lands. The State may sell the lands for \$2 50, \$5, \$10, or \$20 an acre; but all we ask is, that she will pay us \$1 25.

Now, I ask, if the principle on which these appropriations are claimed is correct, whether it can be denied that the basis which I propose is a true

and liberal basis for a landholder to act upon? He says, "Here are my lands, in a wild state; I hold them at \$1 25 an acre, as their minimum price; I do not want to get the advantage of your enterprise or capital in increasing their price without a contribution on my part; and, therefore, you shall have the whole benefit for ten years of the sales of the lands within fifteen miles of the road; and you may sell them for the highest price you can obtain; and when you sell them, you need only pay the minimum price of the lands in their unimproved state, and I will issue patents to the persons to whom you chose to sell them." Is not that a fair and liberal proposition? Is not that the utmost extent to which, on any principle of equity, the land States have a right to ask the General Government to go? This allows a State which makes a road to receive the entire increase of value resulting to all the lands on both sides of the road from its construction; and the Government, under any circumstances, gets nothing more than the minimum price of her land. If the lands should happen to be worthless, the State could sell the valuable portion, but need not take the worthless part. The State is under no obligation to pay until she sells; and the title does not vest until she pays.

That is the principle of my amendment; that is what it provides for. I should like to hear some gentleman show me how, on the ground of any distinction as to the duty of the General Government as a landholder, not to take advantage of State capital and State enterprise without remuneration, the new States can object to the principle of my amendment, which provides that they shall receive the entire benefit of their own internal improvements. If it be true that those improvements have the effect which has been stated here—and I do not doubt it—the grant to the State which I propose is far more valuable than the grant which the bills, as passed by the Senate, contemplate. Let me illustrate the difference by a reference to the bill which the Senate passed the other day, granting lands to the State of Louisiana for a railroad.

By that bill, according to a statement which has been prepared for me by the clerk of the Committee on Public Lands, there are 231,000 acres of the reserved lands within six miles on each side of the road which would belong to the United States. I take it for granted there would not be much, if any, difference in the average result as to the quantity in the odd and even sections respectively, and hence we may presume that the State would receive 231,000 acres. The United States reserve that amount, whether they ever get it or not. The State will certainly get it, because she has a right to go back nine miles further if she cannot get the land within six miles of the road; and hence she can always obtain the full amount of the appropriation. The value of the lands appropriated by that bill, at \$1 25 an acre, would be \$288,750; or doubled in value at \$2 50 per acre, \$577,500. Now take the grant which I propose to make by my amendment. I propose to grant the entire lands to the State, to be subject to her unrestricted control for a period of ten years. That is surely long enough; but if gentlemen wish a longer time, I shall be willing to agree to it. Suppose you were to reserve the whole, without reference to alternate sections, there would necessarily be 462,000 acres within six miles of the road, and according to my amendment, the State would have the control of this quantity for ten years, could sell it for whatever she pleased, only paying to the Government the minimum price of \$1 25 per acre. If, however, you run nine miles further back, so as to include the land within fifteen miles of the road, you find that, according to my amendment, the State would have a right to control for ten years the sale of 1,155,000 acres. The State would have the right to sell that whole quantity for what sum she chose within ten years.

Gentlemen have stated on this floor that where roads have been made through the public lands, there is no difficulty in selling them at \$2 50 an acre on the average; and they have assumed that the average increase of the value of the lands within fifteen miles of the road will be equal to that. Then, according to my amendment, the State would receive \$1 25 an acre for one million one hundred and fifty-five thousand acres, and would thus get more than twice as much as she

receives from the grant of two hundred and thirty-one thousand acres at the increased value of \$2 50 per acre. Then the value of the grant, under the terms which I propose for settling this question, would be at least twice, if not three times, as great to the States as the value of the grants which have been made to the States by the bills which the Senate have passed.

The difference between the two propositions is simply this: Under the provision which I have submitted for the consideration of gentlemen, the Government of the United States retains her public lands, and gives nothing; but she merely says to all the land States, "make your own improvements; we will not interfere with them; we will make the interest of the State concurrent with that of the Government; we will authorize you, and you alone, to sell the lands within fifteen miles on each side of the road, for the next ten years; if that road improves the value of the land, as you say, and we believe it does, then you will be amply remunerated for the expenditure which you make in the construction of the road." If, on the other hand, the principle incorporated into the bills which have passed the Senate be adopted what is it but an illusion from beginning to end? You admit that you cannot give lands, or money arising from them, to the States generally. Gentlemen say that is unconstitutional, and they draw a distinction between the power to appropriate in that way, and the duty of the Government, as a landholder, holding the lands in the individual States; and they insist upon an equity which I recognize. In the mode in which they propose to apply it, if an individual were the owner and grantor, it supposes him to be so great a fool as to make the grant without any benefit to himself, and that removes the whole equity, and leaves in the case of the Government a mere grant for general internal improvements, confined to particular States. Do gentlemen suppose that an individual landholder would make such a grant, unless he could, in some way, derive benefit from it? If you grant away two hundred and thirty-one thousand acres for one road, it is a clear donation of that amount. On the principle of increasing the price, so as to justify this donation, you authorize the doubling of the minimum price of reserved sections, and you withhold them from private entry or preemption, for sale. Yet, in point of fact, this is entirely illusory; for, before the lands are reserved for the Government, by the definite location of the road, they are taken up by private entry, and thus the Government actually gives away the land, without the slightest benefit to the nation, as a landholder, though as an internal improvement, made, in part, by her assistance, it advances, through the increased wealth and prosperity of the State, the prosperity of the Union; but this mode of advancing the prosperity of the Union, by Government donations, is held to be unconstitutional when applied to States in which no public lands are held.

Then, Mr. President, admitting, as I do, the distinction which gentlemen draw as to the right to appropriate the public lands in the land States for purposes of internal improvement, and admitting the equity of the principle, as applied to those States, my proposition carries out that equity to the full extent of the improvement, and gives the whole value of it to the States which make the improvement. It effects what any great landholder might do. It gives the whole benefit of the improvement to those who make it, and retains the value of the lands as unimproved lands. The proposition in the bills reported from the Committee on Public Lands, and passed by the Senate, is illusory, and is, in fact, nothing more than making an appropriation of public lands for general purposes of internal improvement to the States in which they lie, under a nominal distinction which is abandoned in the manner in which it is carried out by those bills. Sir, I cannot distinguish any such power in this Government, as between the States in which the lands lie and States in which they do not lie. You might as well tell me that because, in the State of New York you actually receive into your Treasury two thirds of your revenues from imposts, therefore that State has a right to claim disbursements from the National Government commensurate with the receipts from imposts, as to tell me that, because other property of the United States is situated in particular States, therefore those States have a right to claim that

that property shall be disposed of for their peculiar benefit.

The language of the Constitution as to land or territory is, that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or other property belonging to the United States." Thus, the power of Congress over land is placed in the same position as their power over other property. Originally the land of the Government was acquired by cessions from the States. For whose benefit were those cessions made? For the benefit of the National Government, and to be applicable to the general purpose to which the jurisdiction of the National Government attached. Mr. Madison, in the course of his letters in the *Federalist*, states it so, decidedly, and explains the object and intent of the provision. He says that at that time they looked to the lands as a source of revenue to the country at large, and that the individual States had yielded and ceded their claims with liberality to the General Government, for the general purposes of the whole country; but to be used—how? Like any other property, with the restriction that the lands ceded should be used so as to carry out the objects and purposes for which the Federal Government was constituted—for such objects and purposes as fell within the jurisdiction of the Federal Government as constituted under the Constitution, and internal improvements within the States is not one of them. When, in the application of the lands, you do not make the donation on the principle of which I have spoken, of contributing part of the lands for the improvement of the residue, and reserving section for section, or of giving to the State the entire benefit of the improvement which she pleases to make, and reserving to the Government the value of the land as it existed, without reference to the improvement, it seems to me plain that you violate the Federal Constitution, whether you appropriate the land to the land States, or the States at large. You violate it just as much as if you appropriated money out of the Treasury for the same purpose of internal improvement; and it is to me a matter of astonishment that any distinction should either be pretended, or contended for, as having a real existence.

I know, sir, that from individual desire for wealth; I know, still more, that from the desire for the increase of a State in wealth and in population, the barriers of the Constitution are too often broken down, or its provisions disregarded; but I will still hope, until finally convinced by sad experience, that the wisdom of our forefathers has not gone for nothing, that there will be, after discussion, sufficient adherence to the great principles of the Constitution, sufficient desire to maintain this Government as it was organized, as a limited Government, as to induce the members of this body to refuse appropriations which are partial and sectional in their character, and which are made for an object not within the intent of the Federal Constitution.

Sir, sectional distinctions may arise from other causes than the existence of slavery. Any improper exercise of the powers of the General Government for the benefit of one section alone, whilst the same exercise of power is refused for the benefit of the country at large, generates sectional feelings and sectional jealousies; and I shall always be found opposed to the exercise of any power which has such a tendency.

I think I give strong evidence that it is my desire to adhere in good faith to what I regard as the proper construction of the Federal Constitution, when I state that I shall vote against the bill which is now before the Senate. It is one which I am sure it would gratify me, as an individual, if I could vote for. It is one, as I have stated before, which would be a benefit to my constituents in the immediate act, not in the ultimate result, involving, as it does, a violation of the Constitution. Sir, mine is a small State. It is a State of limited means; but, thank God, there is sufficient providence in its people to have kept them out of debt. I thank God, further, that there has been sufficient wisdom on the part of its rulers to have prevented them—for the sake of power and wealth, as the sole objects of human life, or the sole measure of human prosperity—from embarking their State government in a system of internal improvements, which, however it may aid rapidly to a population, and however you may count up the cities to which it may give rise, or the millions of

wealth which it may aggregate together, by developing the resources of the people, yet will ultimately tell, as in some of the States of this Union it has already told, most fearfully, in the corruption of the political morals of the people—those political morals which lie at the foundation of the State as well as the General Governments. Mr. President, whatever may be my confidence in the powers of men for self-government—and they are great as regards the people of this country—I hold it to be certain that the establishment and maintenance of a republican Government, presupposes a general diffusion of morals, and intelligence, and habits of self-government among the people at large, which, until our existence as a nation, has been rarely, if ever, found in the history of the world. It is for the preservation of those habits, it is for the freedom from the corruptions incident to the use of the power of the Government, for purposes better intrusted to individual enterprise, perverted, as it but too often is for personal ends and personal aggrandizement, at the expense of the community at large, that I contend. I believe those States, who have so employed the powers of Government, may have grown rich under its operation, and may have increased in aggregate wealth and population by this hot-house system, but the ultimate effect will, I fear, be anything but beneficial, either to the purity of their own form of government, the real happiness and prosperity of their people, or to the permanency of our republican institutions.

Mr. BROWN. I do not intend, Mr. President, to protract this discussion. It is not my purpose at all to reply to the speech of the Senator from Delaware; I have, however, a few words to say in reply to the remarks which my colleague made this morning, and, as he will understand, certainly in no spirit of controversy; but as we differ about this measure, I wish that my views may go upon the record with his own. I shall not repeat what I said the other day when I gave my views upon the bill.

I do not understand my colleague as calling in question the power of the Government to make such grants of the public land as have been made heretofore for school purposes, for internal improvement purposes, and for the various objects to which Congress has appropriated public lands. He is not understood by me as calling in question the power of the Government to appropriate land, as it has appropriated it in our own State, for example, for public buildings, nor the power to appropriate land, not only to endow colleges, but to establish common schools. He has not questioned the power of the Government to make us a grant of more than a million of acres of land for internal improvement purposes, to erect levees on the banks of the Mississippi, and various other streams in our own State, and in other new States which have had the same sort of grants. My colleague at this very session has introduced one or two bills making grants of alternate sections of land for railroad purposes. In doing this I had supposed that the whole question of power was conceded.

I know that my colleague and myself agree upon one thing—that this Government has no power to make appropriations from the National Treasury for works of internal improvement. He will not pretend to insist that Congress may sell the alternate sections of land which he himself proposes to grant, and then vote back from the Treasury of the United States the precise sum which it had received from the sale of these lands, for the purpose of aiding in the construction of the roads. My colleague will not pretend that Congress has power to sell the millions of acres of swamp lands which have been granted to our own State, even at one cent an acre, and then appropriate that money back from the Treasury to erect a levee on the Mississippi river, or on the bank of any other stream. He, therefore, like myself, draws a clear distinction between the power which the Federal Government exercises over the public lands and the power which it exercises over money in the Treasury. My colleague will not pretend for a moment—for I know he is a Democrat, and a strict constructionist—that Congress has power to sell a township of land in our own State, and then take the money for which it has sold that township, and appropriate it to the endowment of a college in that State. Yet all such grants in the form of land, have not only received our sanction, but have received the approval of our votes, upon

the ground that the Federal Government administers the public lands upon one principle, and the money in the Treasury upon another principle; that you hold your power over the lands by a tenure very different and more ample than that by which you hold your power over the Treasury of the nation.

Now, I do not understand my colleague as having objected to the exercise of these powers heretofore; and he admits the distinction which I have drawn. He says, however, that heretofore the grants have been made to States within which the lands lay; that land has been given to Mississippi, for example, to Alabama, Louisiana, and other States, but always taken from the public domain lying within the limits of those States. I cannot conceive that this affects the question of power. The land either belongs to the new States, or it belongs to all the States. If it belongs to the new States, to the States within which it lies, then we have no business to come here to Congress and ask you, Mr. President, and your associates here, to dole it out to us. If it is our land, if it belongs to the land States, why should we ask Congress to give it to us? Why not assert our authority over it, take it into possession, and administer it in our own way? If it be, as I suppose it is, the property of all the States, the old as well as the new, then I know not by what sort of reasoning my honorable colleague and other gentlemen will justify themselves in voting to give land to the new States, and refusing to give it to the old States. I say, sir, that if Virginia, and Massachusetts, and other old States have an interest in these lands, like the land States themselves, the same authority which authorizes you to give land to the new States; and authorizes you to give it to the old States; and the same authority which authorizes you to give land for school purposes, and endow a school, will authorize you to give it to endow an insane asylum. I want to see the astute gentleman from Delaware, who has exercised his ingenuity on this subject, draw the distinction between endowing a college for sane children and a college for insane children.

Mr. BAYARD. I will state the difference to the gentleman in a moment. I cannot account for the reason under which Congress may have acted when they adopted the acts to which he refers; but I can state the reason why I suppose, from the circumstances, they did so act. I know the fact, that the general land system authorizes the reservation of every sixteenth section in a township for school purposes. I know the fact, that the swamp lands, as they are called, have been granted to the States in which they lay. I suppose that was upon the principle which was stated by the honorable Senator from Louisiana, of the right of the Government as a landholder. When Congress were devising a general system for the disposition of the public lands, they organized a land system on the basis of securing every sixteenth section for school purposes, so that it would be an inducement to settlers to go on the lands and purchase them.

So in regard to the swamp lands. They supposed them to have been impracticable and useless as to any benefit to the General Government; and, as they had no authority to enter into improvements on them, in order to drain them, for the purposes of sale, they gave them to the States in which they lay, under the idea that if they were drained by those States, the draining would tend to improve the residue of the lands within the limits of those States. This is what I suppose to be the basis on which the distinction is drawn between making an application of the public lands to the States at large and the States in which they lie. It is a part of the general system conducive to the sale of the lands, but that would not apply to the present bill.

Mr. BROWN. I understand the gentleman's argument perfectly; but he has failed to draw the distinction between the arguments which justify the exercise of power and those which establish its existence. When you gave away the swamp lands for the purposes indicated by the Senator from Delaware, and when you gave alternate sections of land to aid in the construction of a railroad, you gave it because the grant enhanced the value of the remaining lands. That is the reason which in such a case moves you to action. It is the argument by which you undertake to justify the giving away of the public lands; but it certainly does not confer the power on you to give them

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, MARCH 8, 1854.

NEW SERIES....No. 36.

away. The existence of the power must be there in the beginning, and then you resort to this argument to justify you in the exercise of the power which exists.

Sir, if you have no power to give to the State of Mississippi alternate sections of land for railroad purposes, can you assume the power, simply because by granting alternate sections you enhance the value of the adjoining sections? If there is that in the Constitution which forbids the giving of the land, how can you get the power simply because by its exercise you may make the adjoining sections worth twice as much as they were before? This may be a very good argument and a very good reason why you should exercise the power if it exists, but it cannot be the basis of a constitutional right.

Now, if you have no power under the Constitution to give land for school purposes in a township, can you assume and exercise the power, simply because by giving it you may induce settlement there? The fact that the grant will induce settlements may furnish a very good reason why you should exercise the power if it exists; but that fact cannot give the power, if there is an absence of it in the Constitution. If you have power to grant lands for school purposes, for internal improvement purposes, in order to erect public buildings, to give bounties to soldiers, and for the thousand and one other purposes for which you have used them, it is clear to my mind that you have power to grant them to the States to enable the States to erect insane asylums. Then the power to grant land for this purpose existing, I shall have no difficulty in showing that the purpose aimed at in this bill can be justified upon the soundest principles of reason, philanthropy, and everything which is honorable to our common nature. It is a simple question of power, and I derive it from the same source from which you derive power to give land to railroads, to give it for school purposes, and give it to soldiers, and to give it for the thousand and one other purposes for which you have given it from the time you first exercised authority over the public lands down to the present hour.

My colleague talked about this being the first instance in which land was to be given to any other than in the States in which it lay. What did you do when you gave away fifteen or twenty millions of acres—perhaps more, certainly not less—to soldiers, of whom seven or eight thousand, perhaps more, perhaps twenty thousand, were in the State of New York, and went to the land States and located their lands there? Was that giving lands to the States in which they lay? No more than this is giving lands to the States in which they lay. In that case you issued scrip to the twenty thousand discharged soldiers in New York, and they sold the scrip, or located it in the new States. Here you propose to give the State of New York seven or eight hundred thousand, or a million acres of land in scrip, she cannot locate it in her own name, but must sell it to individuals, and in the end it will be located just as bounty warrants are. Then I want to know where is the distinction between the two cases? You issued, say fifteen millions of acres in scrip to the soldiers in New York and Pennsylvania, and they have gone and located their scrip in Wisconsin, Iowa, Minnesota, and the other new States and Territories. Now you propose to issue to those States, say two millions of scrip, under this bill, to be located in the same way. What is the distinction between the two cases? I ask my honorable colleague how can he draw a distinction? It is true, in one case the scrip was issued to individuals living out of the land States; but those individuals sold it to some other individuals who went and located it; and here you issue scrip directly to the States, but the States sell it to individuals, and the individuals at last locate it in the new States, and settle on the lands; so that the effect on the land is precisely the same in both cases, and the principle involved, so far as I can see, is precisely the same.

Having turned this question over in my mind,

and having viewed it in every aspect in which it can be looked upon, I have come to the conclusion that no reasonable obstacle can stand in the way of passing this bill on the ground of a want of power. And now I will state a reason suggested by the argument of my colleague why I may vote for the bill.

I hold that the old States have an interest in this land, an interest which we recognize, and which we are bound to recognize, which we practically recognize in the very act of coming here and asking them to vote to give us land for our railroads. I will not ask the old States to yield their interest to me for railroad purposes, and for the purpose of fencing out the floods of the Mississippi river, and other western and southwestern streams. I will not ask them to give up their interest in the swamp lands. I will not ask them to give up their interest to educate the children in my State, as they have done by granting her the sixteenth section of public land in every township for school purposes. I will not ask of them to surrender their interest to promote the interest of my State, and then turn upon them and say, "I will not vote you one solitary acre of this land for any purpose within the limits of your States." While I will be generous to myself, generous even to a fault to my own constituency, I will at least be just to those who have an interest in these lands like that of the people whom I represent.

I do not, however, rise to discuss this question again. My colleague will certainly understand me as not presenting my views, in reply to him, in any spirit of controversy; but I wish to justify the vote which I shall give; and more especially since my honorable colleague will vote on the other side.

Mr. BAYARD. I do not desire to make an argument, but only to answer a few points which have been made by the honorable Senator from Mississippi. I will state the distinction which I take, and which I think he has misapprehended. It is not for me to account for the previous legislation of Congress. I admitted, in the commencement of my argument, that I believed the general power to dispose of the public lands of the nation was precisely equivalent to the power to lay duties without express limitation, or the power to make appropriations out of the Treasury without express limitation, and that the limitations on either power must arise by necessary implication, from the fact that the Constitution founded a Government of limited powers and for limited purposes, and that you cannot make an appropriation either of land or of money for a purpose not within the intent and jurisdiction of that Constitution.

Now, sir, I said I supposed the distinction as to the appropriation of lands in favor of the States in which they lie, by reserving every sixteenth section for school purposes, and in other respects, was on the principle of a landholder. A man owning a large quantity of land, and desiring to sell it, lays it off with those public conveniences, and with those arrangements in detail, which he thinks calculated to produce a sale of the residue of the lands. He lays out public streets. He reserves every sixteenth section for school purposes. His object is to induce the community to buy the residue of his land, and that, I suppose, is the foundation on which the Government did this.

It is not a gift, therefore, but it is an exercise of the absolute power of disposal which rests in the Government, with a view to the interests of the Government, because it promotes the sale of the lands.

The same thing is true as regards the swamp lands. If we were to make a contract with an individual in this way: "If you will drain a certain quantity of land, we will give you a certain quantity; or if you will drain the swamp lands, you can have them," we should have a right to do so, for the effect would be to induce the individual to drain the land, and so benefit the residue of the land of the landholder.

Clearly that is not a gift. There is a consideration in the duty performed, and the object is the

benefit of the landholder; and that, in my judgment, justifies the purpose for which it is done, as well as the exercise of the power. The power I do not doubt for a moment. I do not question your power to dispose of the public lands unlimitedly. I only say that you violate the Constitution when you dispose of them and apply the proceeds to a purpose not within the jurisdiction of the Federal Government.

Mr. ADAMS. Mr. President—

Mr. SEBASTIAN. It is very desirable that there should be an Executive session, and I hope the Senator will yield for that purpose.

Mr. WELLER. With the Senator's permission, I move that the further consideration of the bill be postponed until to-morrow, so that we may proceed to the consideration of Executive business.

Mr. FOOT, and others. Oh no; let us have a vote on the bill.

Mr. DODGE, of Iowa. I would suggest to my friend from Vermont that there is no purpose to delay the passage of the bill by this postponement. I shall vote now for an Executive session; but I pledge myself to him to agree to take up the bill to-morrow in the morning hour.

Mr. DAWSON. Then I will vote with the Senator for an Executive session at this time.

The motion to postpone was agreed to.

EXECUTIVE SESSION.

On motion by Mr. SEBASTIAN, the Senate proceeded to the consideration of Executive business; and, after some time spent in the consideration thereof, the doors were reopened, and The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 7, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

INTERCHANGE OF DOCUMENTS.

The SPEAKER laid before the House a communication from the Chargé d'Affaires of Spain near this Government inclosing, in pursuance of the interchange of parliamentary documents between the Congress of Spain and that of the United States, a printed copy of the official Journal of the Spanish Congress for the year 1853.

The communication was referred to the Joint Committee on the Library, and ordered to be printed.

Mr. WALBRIDGE. I ask leave to withdraw from the files of the House the petition and accompanying papers of Jere N. Sewall, upon which an adverse report has been made.

The SPEAKER. For what purpose are they to be withdrawn? Are they to be taken from the files entirely, or to be re-referred?

Mr. WALBRIDGE. The memorandum furnished me is not very full, but I presume the subject is to return the papers to the petitioner.

The SPEAKER. The gentleman from New York asks leave to withdraw from the files of the House certain papers, to return them to the owner.

Mr. LETCHER. What are the papers?

Mr. WALBRIDGE. The petition and papers of Jere N. Sewall, upon which an adverse report was made by the Committee on Indian Affairs, at the last Congress.

Mr. LETCHER. What is to be done with them?

The SPEAKER. They are to be returned to Mr. Sewall.

Mr. LETCHER. I object to their withdrawal. Let us keep them on record, in case Mr. Sewall should come here again with his claim. We would then have evidence of what the claim was.

Mr. RICHARDSON. This is one of the three days set apart this week for territorial business, by resolution of the House, and I desire that it shall be devoted to that business.

Mr. WALBRIDGE. I learn, since I was last up, that Mr. Sewall wants to have his papers

withdrawn that they may be referred to the Department. I was not aware of that fact when I made the application before, and I hope there will now be no objection to the withdrawal.

The SPEAKER. Does the gentleman from Virginia [Mr. LETCHER] withdraw his objection to the withdrawal of the papers for the purpose of reference to the Department?

Mr. LETCHER. I did not understand that was the purpose for which the gentleman asked the withdrawal.

The SPEAKER. The gentleman from New York states that he was not aware of the fact when first he made the application. He has since inquired of the claimant, and learns that such is the fact.

Mr. LETCHER. Then I withdraw my objection.

Mr. FLORENCE. I renew the objection, and suggest that copies be taken instead of the originals. Recent examples, I think, justify me in the objection.

Mr. WALBRIDGE. The course suggested is equally agreeable to the claimant, I suppose.

The order was made accordingly.

The SPEAKER. There is nothing on the Speaker's table in reference to the territories.

Mr. RICHARDSON. The Committee on Territories have sundry bills to report. They have not had an opportunity to report them heretofore.

The SPEAKER. The gentleman can make his reports now. The gentleman from Indiana, however, rises to a question of privilege.

Mr. CHAMBERLAIN. I am requested on the part of my colleague, [Mr. MACE], who was confined to his room yesterday by ill health, to express his exceeding regret that he was not able to be here to place his name on the Journal in favor of the homestead bill.

Mr. FLORENCE. I rise to a personal explanation. It appears that the papers which the gentleman from New York [Mr. WALBRIDGE] desires to withdraw from the files of the House are to be used at the Pension Department. I modify my previous suggestion so that the papers may be permitted to be withdrawn provided copies of the originals be left on the files of the House, as I understand that the Pension Office will not act upon copies but require originals.

The SPEAKER. Unless objection be made, the order will be that the originals may be taken away, if copies are left on file.

There was no objection, and it was ordered accordingly.

TERRITORIAL BILLS REPORTED.

Mr. PHILLIPS, from the Committee on Territories, reported back a bill, to be entitled "An act for the construction of certain roads in the Territory of New Mexico," with the recommendation that it do pass; which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union.

Mr. HIENN. I have a bill creating additional land offices in the Territory of Minnesota, which I wish to report from the Committee on Public Lands, as a substitute for the bill referred to them, with a view that it may be acted upon during the three days set apart for the consideration of territorial business.

The bill was reported back with an amendment, read a first and second time by its title, as follows, and referred to the Committee of the Whole on the State of the Union:

A bill to establish additional land districts in the Territory of Minnesota.

Mr. RICHARDSON, from the Committee on Territories, reported back without amendment, and with a recommendation that it do pass, a bill to aid the Territory of Minnesota in constructing a railroad for military, postal, and other purposes.

It was referred to the Committee of the Whole on the state of the Union.

Mr. FARLEY, from the Committee on Territories, reported back House bill No. 164, making further appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with estimates made by the War Department, without amendment, and with a recommendation that it do pass.

The bill was referred to the Committee of the Whole on the state of the Union.

POSTPONEMENT OF THE GRADUATION BILL.

Mr. COBB. This being the day set apart for the consideration of territorial business, I desire not to interpose any obstacle in the way of such consideration. But a special order necessarily comes up so soon as the House resolves itself into Committee of the Whole, in reference to a matter which I alluded to yesterday—the graduation bill. I would prefer this matter being considered now; but, for the sake of furthering the territorial business, and the other business which ought to be considered by the House, I now propose to postpone the further consideration of that special order for three weeks from this day, in order to give the House an opportunity of looking into the matter deliberately, and of getting territorial business out of the way. I trust there will be no objection to the adoption of this course.

A MEMBER. It is better to postpone it for four weeks.

Mr. COBB. It is suggested that we put off the special order to which I allude for four weeks. Let us say, therefore, four weeks from this day.

A MEMBER. What is the order in question?

The SPEAKER. It is the consideration of the bill proposing to graduate and reduce the price of the public lands. It is a special order, and would take precedence of territorial business. In order to get out of the way the territorial business fixed for this and the two succeeding days, the gentleman from Alabama proposes that the consideration of this bill be postponed for four weeks from this day.

There being no objection, it was so ordered.

Mr. COBB. I desire to ask the unanimous consent of the House now, that a substitute, which I intend to offer for that bill, may be printed, in order that the House may have it before them, and investigate the bearings of it minutely. I trust there will be no objection to this, and the House will allow my substitute to be printed.

There being no objection, it was so ordered.

Mr. HARRIS, of Mississippi. Mr. Speaker, I now make a precisely similar proposition. I have a substitute for this graduation bill, and I ask the same order—that it be printed.

There being no objection, it was so ordered.

INDIAN AGENTS.

Mr. ORR. I ask leave to report a bill from the Committee on Indian Affairs. I desire to have it referred to the Committee of the Whole on the state of the Union, in order that it may be considered as territorial business. It is "A bill authorizing the appointment of an additional number of Indian agents."

The bill was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

INDIAN TITLES TO MINERAL LANDS.

Mr. ORR. The Committee on Indian Affairs, to whom was referred the resolution directing them to inquire into the expediency of extinguishing Indian titles to mineral lands lying east of the Mississippi river, and west of Lake Superior, have instructed me to report a bill.

The bill was read a first and second time by its title, as follows:

A bill to provide for the extinguishment of the titles of the Chippewa Indians in the lands owned and claimed by them in the Territory of Minnesota, and in the State of Wisconsin, and for their domestication and civilization.

Mr. ORR. I move its reference to the Committee of the Whole on the state of the Union, and that it be printed.

It was so ordered.

Mr. RICHARDSON. Let it go with the territorial business. That will answer.

The SPEAKER. Does the gentleman from South Carolina withdraw his proposition to print the latter bill?

Mr. ORR. The latter bill had better be printed. It is a bill of some importance, and if we cannot have it printed in time to consider it, the committee will have to consider it at some future time.

Mr. STEVENS, of Michigan. I gave notice some time since that I should, upon leave, introduce a bill to regulate the proceedings and process of the United States courts. I now ask leave to introduce the bill, and that it may be referred to the Committee on the Judiciary.

Mr. LETCHER. That does not belong to territorial business.

The SPEAKER. If there is no objection the bill will be received.

Mr. LETCHER. I object.

TERRITORIAL BUSINESS.

Mr. RICHARDSON. Some members of the Committee on Territories are absent who have reports to make; they can make those reports tomorrow, and I move that this House resolve itself into the Committee of the Whole on territorial business.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and proceeded to the consideration of the special order, being business in reference to the organized Territories.

The CHAIRMAN. The Clerk will report the first bill.

The first bill for consideration was read by its title, as follows:

A bill for the construction of roads in the Territory of New Mexico.

It provides for the appropriation of \$20,000 for the construction of a road from Taos to Santa Fé; and \$12,000 for the construction of a road from Santa Fé to Dona Ana.

The CHAIRMAN. The bill is open to amendment or discussion. If no amendment is proposed the bill will be laid aside, to be reported to the House.

Mr. RICHARDSON. The gentleman from Alabama [Mr. PHILLIPS] who reported this bill this morning is not now in his seat. I will state to the House that it appropriates \$32,000 for the construction of two roads—one from Taos to Santa Fé, and the other from the latter place to Dona Ana. To the first it appropriates \$20,000, and to the latter \$12,000. The bill is recommended by the officers who have been in command of the military forces in that country, and by the Secretary of War.

The CHAIRMAN. If there is no amendment, the bill will be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. FAULKNER. I would ask the gentleman from Illinois, [Mr. RICHARDSON], the chairman of the Committee on Territories, if it is within his own personal knowledge that the Secretary of War has recommended the construction of this road from Taos to Santa Fé? I recollect that this subject was before the Committee on Roads and Canals, of which I was a member, at the last Congress; and my impression is, that upon the subject being referred to the then Secretary of War that he thought the road was altogether unnecessary for military purposes, and that his recommendation was not to make an appropriation for that purpose. I should be gratified, before the question is taken, to have some information as to the opinion of the present Secretary of War upon this subject.

Mr. RICHARDSON. I would say to the gentleman from Virginia, [Mr. FAULKNER], that the gentleman from Alabama, [Mr. PHILLIPS], who had the matter in charge, and who has all the correspondence in relation to this subject, is not now in his seat, but he will doubtless be here very soon. I can only state to the gentleman from Virginia, that I do not know whether the Secretary of War recommended the road from Taos to Santa Fé or not. There are recommendations in regard to it from officers who have been in command in New Mexico, and they come to us through the War Department. Whether they come with the recommendation of the War Department based upon them or not, I am not able to answer. The recommendations surely come through the War Department, and they recommend the appropriation asked for here for the purpose of constructing this road. Of course, the recommendation of the Secretary of War, having no knowledge, I presume, in relation to the matter except what he derives from others, would be of very little importance, and the recommendations of others would be of greater importance, and it was to their recommendations that the committee gave more consideration than to anything else. I am inclined to the opinion that the Secretary of War did not recommend any more than was recommended by his officers.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Sec-

retary, informing the House that the Senate had passed a bill, entitled "An act to organize the Territories of Nebraska and Kansas," and asking the concurrence of the House therein.]

Mr. FAULKNER. I should be gratified to have the views of the War Department upon this subject, because I have a very distinct recollection, when this subject was before the Committee on Roads and Canals at the last session of Congress, that it was referred to me, and that I opened a correspondence with the War Department upon the subject. My conclusion from the correspondence, and from the papers laid before me, embracing all the information within the reach of that Department, was, that the road was wholly unnecessary for military purposes, and an appropriation for its construction would be an improper expenditure if made.

These are my impressions, and being such, I would be gratified to have more accurate information as to the necessity and propriety of the construction of this road before the question is taken.

Mr. RICHARDSON. I am very anxious that the gentleman from Virginia should have all the information he desires. I do not, however, wish that the bill should lie over.

Mr. SEYMOUR. Let it be passed over informally.

Mr. RICHARDSON. The gentleman from Alabama [Mr. PHILLIPS] who reported the bill, has correspondence in his possession in relation to this matter. I supposed he was in the House when the bill was called up.

Mr. JONES, of Tennessee. This was a bill reported this morning. Are there no bills which have heretofore been reported?

Mr. RICHARDSON. None at all.

Mr. JONES. It seems to me, then, that we are in a very bad condition to act upon these territorial bills, as none of them are printed.

Mr. TAYLOR, of Ohio. I would suggest that the bill be laid over informally until the gentleman from Alabama comes in.

The CHAIRMAN. There being no objection, the bill will be accordingly laid over. The next bill in order is a bill to establish additional land districts in the Territory of Minnesota.

Mr. JONES. It seems to me that we are in a very bad condition for legislating upon these bills. None of them are printed, and I think, if the chairman of the committee would agree to it, that we had better postpone this special order until next Tuesday. Let the bills be printed, and then let the committee make their reports.

Mr. WASHBURN, of Illinois. Does the gentleman from Tennessee make objection to these bills?

Mr. JONES. I am not making objection to any of them. I think that we could act more intelligently upon these bills if we had them printed.

Mr. RICHARDSON. In reply to the gentleman from Tennessee, I have this to say, that since I have been a member of the Committee on Territories it has been the uniform practice to report bills on the day set apart for territorial business, and on going into the Committee of the Whole to consider them upon those days. What I propose to the gentleman from Tennessee is this: That if he has any opposition to make to our bills, to make it to the bills themselves. Let us have a fair, square, and manly fight; no indirect fight. And if these bills will not stand upon their own merits, let them go down.

Mr. JONES. All that I desire is an opportunity to understand them. I am not now proposing to pass them over, and if it is proper to go on with them I have no objection to do so. I would ask the gentleman from Illinois if any of the members of the House who have not been upon the committee can understand these bills by merely hearing them read through at the Clerk's desk?

The CHAIRMAN. The Chair felt disposed to indulge this debate, but it is not in order until the bills are read, unless some motion is made that the committee rise.

Mr. TAYLOR, of Ohio. As the gentleman from Alabama [Mr. PHILLIPS] is now in his seat, I trust that the committee will take up the bill which was laid by a few minutes since.

Mr. LANE, of Oregon. I desire to inquire whether it would be in order to postpone the consideration of all the bills relating to Oregon to some future day; say to this day two weeks?

Mr. RICHARDSON. I will state to the Delegate from Oregon, as I have stated to the House, that there are bills relating to some of the Territories that require immediate action. I desire that this time shall be set apart for the consideration of those bills. I intend to ask for a week or two weeks in the month of May for the consideration of such territorial measures as are not now ready, and I trust that as other gentlemen from the Territories want their bills passed, he will throw no obstacles in their way. He will have a fair opportunity to present all his bills hereafter.

Mr. LANE. I have not the slightest desire to interfere with the business of any Territory. I desire to see the business of all the Territories taken up, considered, and acted upon. But I hope that the Oregon business will be postponed for four weeks.

The CHAIRMAN. A motion of that kind cannot be entertained by the committee. It rests with the House entirely to postpone this business. If there be no objection the consideration of the bill laid aside informally a few minutes since will be resumed, as the gentleman from Alabama [Mr. PHILLIPS] is now in his seat.

No objection being made, the committee resumed the consideration of a bill to aid the construction of certain roads in the Territory of New Mexico.

The bill was again read through.

Mr. PHILLIPS. I reported that bill by the instruction of the Committee on Territories. Application was made for these appropriations by the Delegate from New Mexico. The Committee on Territories resorted to the source of information which they thought most appropriate, to wit: to the War Department; and it was in accordance with the information which we received from the War Department that the committee determined on reporting the bill which is now under consideration.

The first section of the bill appropriates \$20,000 for the construction of a road from Taos to Santa Fé, and the second section appropriates \$12,000 for the continuation of that road southward from Santa Fé to Dona Ana.

In reference to the propriety of making these appropriations, we received from the War Department, in reply to an application made there, the following letter from Colonel Sumner, who has been in command in that country, and who is probably as competent to give information upon this subject as any officer in the country. His letter is as follows:

WASHINGTON, D. C., February 3, 1854.

I have received your letter dated yesterday, in reference to appropriations asked for New Mexico.

I think the road between Santa Fé and Taos should be repaired, or rather made, for there never has been a practicable wagon road between those two towns, and it is very important that there should be one for military purposes, as well as for the good of the country.

I do not think the \$20,000 asked for is too much; but it is enough, if properly expended.

I have some doubt about the propriety of the appropriation of \$12,000 for the road from Santa Fé to Dona Ana, unless the design is to use this money in sinking wells and building cabins on the "Jornado del Muerto." If the money is to be used in this way, it would be well applied and of great service to the public. The road is generally level, and very good, with the exception of parts of it that are sandy, and I do not think the business of the country would justify the expense of overcoming this difficulty, either by plank roads or otherwise.

It would seem that between Santa Fé and Dona Ana the road passes through a desert called "Jornado del Muerto," which is entirely without water; which makes it almost impracticable to pass over it.

The second section of the bill which appropriates the \$12,000, provides that any portion of that sum may be used for the purpose of sinking these wells in order to make that route practicable and passable. And the recommendation of Colonel Sumner, in reference to that matter, is, that although he would not expend the \$12,000 in endeavoring to overcome the sandiness of the road, yet the \$12,000 should be appropriated for the sinking of these wells, a work of the highest importance.

Now, sir, the committee, it seems to me, are entirely supported by the very best and highest authority of the country. They have recommended for New Mexico in all \$32,000 for making these roads. In casting my eye over the past legislation of the country, to know how far we would be justified in making this amount of appro-

priation; I find that the following appropriations were made for the purpose of making territorial roads:

For Florida.	July 7, 1838.	\$37,300	
For Wisconsin.	July 7, 1838.	\$40,000	
" "	Mar. 3, 1845.	10,000	
		50,000	
For Iowa.	Mar. 3, 1839.	\$27,500	
" "	" "	3, 1845.	25,000
		52,500	
For Minnesota.	July 18, 1850.	\$35,000	
For Oregon.	Jan. 7, 1853.	40,000	

The amount therefore asked in this bill for New Mexican territorial roads is less than any amount heretofore appropriated by Congress for similar purposes to the other Territories. It seems to me, therefore, Mr. Chairman, whether we regard the amount involved in the bill, or the propriety of appropriations, it should receive the favorable consideration and action of this body.

Mr. LETCHER. I rise to inquire whether there has been any survey, or any estimate of the cost?

Mr. PHILLIPS. There was no necessity for surveying. They are the roads of the country now used; and the estimates are to be found in the letter read from Colonel Sumner, who was there in command, traveled the roads, and is, of course, competent to give information as to the amount necessary for the purpose. He says that \$20,000 is the proper amount for the first purpose, to wit, the roads from Taos to Santa Fé; and \$12,000 is the proper amount for making a road from Santa Fé to Dona Ana.

Mr. LETCHER. The gentleman has had experience enough in legislation to know that when appropriations are asked for, even with estimates to back them, that the appropriations, although the whole amount given may be equal to the estimates, very rarely are sufficient to make the road complete. And I understand that the estimates formed here are formed by a gentleman who rode over the road, who never put an instrument upon it, who does not even describe the character of the ground over which this road is to be made, who does not furnish one single fact of information to this body as to the feasibility of the plan, or as to the cost of the road when it is undertaken. Now, sir, it seems to me that we ought to have something to go by here; that we ought to have an estimate, or a survey, or something of the kind, that would give us some information about it.

And then I take it, besides, that if this road is really so important as it is represented to be, the Secretary of War would have some information on the subject, which he would have laid before the House as a guide for legislation.

Mr. PHILLIPS. It really seems to me that my friend from Virginia is requiring too much under the circumstances. This is not a railroad. Why is it that he wants instrumental surveys of a wagon road, in order to form an estimate of the cost of repairing it? I never heard that a road running through a county, or two counties, or three counties, used by wagons, would have to be surveyed instrumentally before the cost of repairing it was ascertained.

Mr. LETCHER. I imagine when Congress is asked to appropriate money to build a road it ought to have something to base that appropriation upon, just exactly as a State Legislature, to authorize the construction of a road either through one county, two counties, or three counties, should have a survey to ascertain the cost, or something near it.

Mr. PHILLIPS. I agree fully with the gentleman [Mr. LETCHER] in the position he takes, that we ought to have something to base our action upon. But the question I asked of the gentleman was, whether it was necessary to have an instrumental survey of the wagon road made before we could form an estimate? We have the estimate. Why has not the Secretary of War furnished information? This is the very information which the Secretary of War has furnished in answer to the application of this committee.

The response of that officer covered the information communicated to that Department by a gentleman who for months was located there, as an officer of high character and of the completest intelligence in reference to this matter. Why, sir, was it necessary for the man who merely traveled over the road with his wagons, with his military tents

and paraphernalia—was it necessary for him, I say, to carry instruments and to survey the road? For what purpose? Was it necessary for him to survey it before he could tell what it would cost to make it passable for wagons? Certainly not, sir. It was not requisite to make an instrumental survey of such a road. And we have an estimate which, it seems to me, ought to be regarded by this House as the very highest source of information.

Mr. FLAGLER. There appears to be some difference of opinion on the part of gentlemen in regard to the matters relating to this somewhat remote Territory. I should be glad, therefore, to hear from the gentleman representing the district concerned as to the facts of the case. Other gentlemen besides myself would regard with great respect his opinion on the question.

Mr. PHILLIPS. Will the gentleman over the way [Mr. FLAGLER] permit me, in reply, on behalf of the Delegate from New Mexico. It is well known that he does not possess the use of our language, but if the gentleman desires it I will read a letter from him.

Mr. PHILLIPS then read the following letter from M. GALLEGOS, Delegate from the Territory of New Mexico:

WASHINGTON, February 20, 1854.

SIR: Among the communications sent you by the Secretary of War in relation to roads in New Mexico, I wish to call your attention to the letter from Colonel Sumner. He has traveled over the roads of which he speaks, and is, therefore, well qualified to judge of the necessity of the appropriations asked for.

To repair and make the roads proposed by Colonel Mansfield, and in the manner proposed by him, would not cost less than \$50,000, much of which does not now need to be expended.

The appropriation of \$20,000 is to repair the road between Santa Fé and Taos, via Sierra Guilla and La Joya, which is the shortest and best of the three roads running between Santa Fé and Taos.

The \$12,000 required for the road from Dona Ana to Santa Fé is proposed to be expended in sinking wells. The road is a very good one, and a want of water the only objection to traveling over it, excepting two or three ravines that can be made passable at a very small expense.

Very respectfully, your obedient servant,

J. M. GALLEGOS.

The CHAIRMAN. There being no motion to commit the bill, it will be laid aside, to be reported to the House.

It was so ordered.

LAND DISTRICTS.

The CHAIRMAN. The next bill in order is the bill to establish additional land districts in the Territory of Minnesota.

Mr. RICHARDSON. That is not the bill in order. The next bill is the railroad bill.

The CHAIRMAN. The Clerk is informed by the Clerk that the bill, the title of which has been stated, is the next bill that was reported.

Mr. HENN. Read the substitute.

The original bill was then read.

It proposes that four additional land districts be created, and that the President, by and with the advice and consent of the Senate, appoint a register and receiver for each of said districts. Also, that the lands within the district shall be brought into market and exposed to sale, upon the same terms and conditions of other public lands of the United States.

The substitute, which was reported by the Committee on Public Lands, was then read. It proposes the accomplishment of the same object, but varies the phraseology and terms thereof.

Mr. RICE. I will state to the committee that there are about twenty millions of acres of land in the Territory of Minnesota, either surveyed or subject to survey. There are between three and four hundred townships already surveyed, and upon those townships there are some two or three thousand inhabitants, but there has been no provision made to enter their lands. The matter was laid before the Commissioner of the General Land Office, and he prescribed the boundaries of the districts. They run from the Mississippi to the Missouri rivers, about three hundred miles. The bill is so worded, that as fast as the lands are entered upon the Mississippi, the President of the United States can remove the land offices back, and thereby save the necessity hereafter of creating new land districts and new offices.

It is important that the bill should be passed at once; and if it be not so passed, the time limited by the preemption law will expire, and persons who have located upon these lands will lose their improvements.

The question was then taken upon the substitute, and it was agreed to.

The bill was then laid aside to be reported to the House.

Mr. DAVIS, of Indiana. Is it in order, at this time, to make a motion that the committee rise?

The CHAIRMAN. Such a motion would be in order.

Mr. DAVIS. I then make that motion; and, if the House will allow me, I will give my reasons. These are important bills—more so than many which are upon your table. We cannot act understandingly upon them without having them printed. I make the motion for the purpose of testing the sense of the committee. Should the Committee rise, I will then move, or suggest to the chairman of the Committee on Territories to move, to fix Tuesday, Wednesday, and Thursday of next week, for the further consideration of these territorial matters.

The CHAIRMAN, (interrupting.) The Chair would state to the gentleman from Indiana, that debate is not in order upon a motion that the committee rise.

Mr. DAVIS. I am aware of that fact.

Mr. RICHARDSON. There is no necessity for the committee rising. The bills which have been reported are short; and if gentlemen will pay attention when they are read, they can understand them. If they are opposed to the bills, and a majority of the committee are against them, let them vote them down; but if that majority is in favor of them, let them pass them. The same difficulty will arise next week that now presents itself. Gentlemen will then say they have not time to consider the bills.

The CHAIRMAN. The Chair must also remind the gentleman from Illinois that debate is not in order upon this motion.

Mr. FAULKNER. I desire to inquire whether it will be in order to ask that a letter from the Secretary of War, sent to me as a member of the committee, in regard to this road between Taos and Santa Fé, may be read?

The CHAIRMAN. It would not be in order. The question was then taken upon the motion of Mr. DAVIS, and decided in the negative.

So the committee refused to rise.

The bill under consideration was then laid aside to be reported to the House.

GRANT TO MINNESOTA FOR A RAILROAD.

The committee next proceeded to take up and consider Senate bill (No. 138) to aid the Territory of Minnesota in constructing a railroad for military, postal, and for other purposes.

The CHAIRMAN. The Clerk will read the bill.

Mr. JONES, of Tennessee. I desire to know whether the bill is to be read through for information or for amendment?

The CHAIRMAN. It will not be open to amendment until it is read by sections.

The Clerk then read the bill.

Mr. RICHARDSON. This bill proposes to grant land, exclusively under the charge of the Territory, to the Territory, for the purpose of constructing a road. The length of the road is about two hundred miles. The amount of land that the Territory will obtain by the grant is between five and six hundred thousand acres. A portion of the road runs from the head of navigation on Lake Superior to St. Paul, on the Mississippi river. The Government is interested in that road, and the Secretary of War, in a letter to the chairman of the Committee on Military Affairs, recommends this donation.

I will state to the committee that a portion of the road between St. Paul and Lake Superior, and a most important portion of it, runs through a section of country where it will cost but little more to build a railroad than it would to make a common road. The road runs through what are called in that country "tamarac swamps;" and a common road, such a one as the Government could transport its troops, munitions, and mails upon, would have to be thrown up to such a height, that the only difference in cost between it and a railroad would be the mere expense of laying down the rails.

These swamps prevail, I understand, in a large portion of the interior country through which the road would have to pass. I know nothing about it myself, and my information is of course derived

from others. In view of this fact, the Secretary of War recommends the donation proposed in this bill, for the purpose of making this road, to the Territory.

I have nothing to say about the policy of grants of this description. That has been sufficiently vindicated by other measures that have passed Congress. That the Government will lose nothing under it is too clear a proposition for discussion. There is no doubt that it will be advantageous to the Government, because the Government will have to construct a road there of some description, and must do it very speedily. The distance between the head of navigation of Lake Superior and St. Paul, on the Mississippi river, is one hundred and twenty miles. When your troops at St. Paul have to be taken to the point on Lake Superior from which this road starts now, instead of going across the country a distance of one hundred and twenty miles, they must travel some fifteen hundred miles from one point to the other.

There is, then, every reason why the Government should make this donation, in order that this road may be speedily built; and while you are building a road—and I apprehend it is absolutely necessary that one should be built—it will be a great saving to the Government to build one of this description instead of any other. That is all I desire to say upon this subject.

Mr. FULLER. I should like to ask the chairman of the Committee on Territories whether he regards a territorial government as of that permanent character, and as possessing powers that make it proper for this Government to donate to it public lands for the purposes of improvements? Whether that territorial government can contract loans, and enter upon works of internal improvement of a permanent character, and which must necessarily involve time and great expense to consummate? Whether the design of the formation of a territorial government for a mere infant State, until the Territory shall have become sufficiently populous that it may organize and form itself into a State assuming the responsibilities incident thereto—whether this minor, if I may use a figurative expression, is competent to enter into such permanent works of internal improvement? I merely throw this out as a matter of inquiry upon which I should like to hear the gentleman's remarks, for I have not examined the organic law forming that Territory. And I should like to inquire whether there is an instance in our legislation where there has been a grant of lands by the General Government to a territorial government, to enable that territorial government to enter into works of internal improvements?

Mr. RICHARDSON. I will answer the gentleman with a great deal of frankness and readiness. I am able to do so. The Government has granted land as the gentleman suggests. If the gentleman will look into the legislative history of this country, he will find that the Government made a donation of the public land, in alternate sections, to Wisconsin, when it was a Territory, for the improvement of Fox and Rock rivers; and also to Iowa, while it was a Territory, for the improvement of the Des Moines river.

Mr. FULLER. I desire to ask the chairman of the Committee on Territories whether these grants which were made to the territorial governments—constituting them the donees—were for the purpose of making these improvements, or whether certain lands were not reserved for educational purposes, as part and parcel of the public domain?

Mr. RICHARDSON. I have already stated to the gentleman that the land was granted to the Territories in alternate sections for the improvement of the rivers which I have named. The propositions then passed by Congress were precisely similar to the one under consideration. I am not at all speaking about what was given for educational purposes. I am talking about the improvement of Fox and Rock rivers, in Wisconsin, and the Des Moines river, in Iowa. I hope the gentleman is answered.

Mr. WADE. I wish to inquire of the chairman of the Committee on Territories about the location of this road. I want to know the distance from the commencement of it to the south line of the Territory of Minnesota?

Mr. RICHARDSON. About two hundred miles.

Mr. WADE. How far is it from the south

line of the Territory of Minnesota to the northern terminus of the Central Illinois railroad?

Mr. RICHARDSON. Seventy miles, as I am informed.

Mr. EASTMAN. It is a degree of latitude precisely.

Mr. WADE. Then the whole length will be two hundred and seventy miles. The bill gives the privilege of extending from the south line of the Territory of Minnesota to the northern terminus of the Illinois Central railroad.

Mr. RICHARDSON. This bill makes a donation inside of the Territory of Minnesota. The other gives merely the direction in which the road is to run.

Mr. WADE. Another thing: How far is the commencement of this railroad at the mouth of the Left Hand river to the Mississippi river?

Mr. RICHARDSON. About one hundred and twenty miles. It may be, however, that the distance is a few miles more or less.

Mr. FULLER. I wish to propound one or more inquiries to the chairman of the Committee on Territories. I confess that this subject has been sprung suddenly upon me. I desire to inquire of him whether the Territory of Minnesota has incorporated any railroad company for the purpose of building this road? and I desire, in that connection, to make another interrogatory; whether by the organic law forming that Territory, that territorial government has the right to charter any company whatever, either for banking purposes, or for railroad purposes, for any indefinite length of time?

Mr. RICHARDSON. I will answer the gentleman's question, and then I want to ask him one. If I am to be cross-examined by him, I want to cross-examine him in my turn. I think that is fair. Now, to answer his question—"If there be any incorporation," I have to say that I do not know it. I assume there is none, otherwise the gentleman would know it; and I therefore take upon me to state there is none.

Now I want to ask the gentleman a question. Who told him that there was any incorporation in the Territory?

Mr. FULLER. I have not asserted anything, Mr. Chairman; I simply asked the chairman of the Committee on Territories for information on this subject. I know this, however: that at a certain time the Territory of Florida undertook to incorporate a bank; and I know, if my law reading is correct, that that territorial law was pronounced unconstitutional. I do not know, nor have I examined, the organic law creating the Territory of Minnesota; nor do I know what power it has got. I am not informed on this subject. But it strikes me that we are assuming here in this donation of the public domain that that Territory has all the power necessarily incident to a State to carry out these works of internal improvement, when it shall have, two years hence, shuffled off that peculiar condition of infancy in which it now is. If it now assumes bonds, or enters into a contract in this territorial state, what is to be the condition of that contract after it gets into the position of a State? It strikes me that it is a grave question, which requires to be considered; and I suppose the honorable gentleman, the chairman of the Committee on Territories—being a lawyer, and having given the subject deep and careful investigation, not only as to the policy of granting lands generally, but particularly as to these new-born interests of the Territory of Minnesota—is prepared to answer it.

Mr. BISSELL. Will the gentleman from Maine permit me to propound a question to him?

Mr. FULLER. Certainly.

Mr. BISSELL. I want to know if the gentleman from Maine denies to the Territory the power to make roads?

Mr. FULLER. There are various kinds of roads.

Mr. BISSELL. I desire to know whether the gentleman denies to the Territory the power to make a common turnpike road?

Mr. FULLER. I do not. I am not prepared to answer. I think, however, that the Territory may to some extent make roads.

Mr. BISSELL. Then if a Territory has a right to make turnpike roads, can it not also make macadamized roads? And if it can make both turnpike and macadamized roads, I would like to

know why it might not, on the same principle, make railroads?

Mr. FULLER. I have great doubts as to whether a Territory has authority to charter a turnpike company.

Mr. HENN. I desire to ask the gentleman from Maine one question.

Mr. FULLER yielded the floor.

Mr. HENN. I desire to know whether the gentleman denies the right of the Territory to charter a ferry?

Mr. FULLER. Why, Mr. Chairman, to respond to the gentleman from Iowa, as at present advised, I regard the territorial government as I do one of the New England town municipalities—a quasi corporation, that has such powers as the State confers upon it, and nothing more. That is my idea of a territorial government.

Mr. HENN. I asked the gentleman from Maine whether the Legislature of the Territory has a right to charter a ferry?

Mr. RICE. The act establishing the Territory of Minnesota gives her the right to charter any company that States have, excepting banks. But there is a law of Congress which prohibits the chartering of any bank in any Territory. All laws passed by this Legislature of the Territory of Minnesota, under the organic act, are to be binding, unless objected to by Congress. After the passage of all new charters, they are to be submitted to the consideration of Congress.

Mr. FULLER. That suggests to my mind a question, which I will put to the gentleman from Minnesota, and that is, whether there has been any legislation by that Territory upon the subject of these railroads, which has been returned here for the supervision of Congress?

Mr. RICE. The Territory of Minnesota has chartered some three or four railroad companies. Those charters, by the consent of Congress, have become the law of the country. But there is no charter which covers this grant. There is one charter extending from Lake Superior to the western line of the Territory; and another from St. Paul to the southwestern part of the Territory.

The reason why the proviso is put into this bill—that we might have the privilege of connecting with the Illinois Central railroad—was to indicate the direction which the road should take. The bill was worded so as to guard against these very charters.

We are three hundred miles from any settlements south, and in the winter season we are shut out from connection with the settled portions of the States until the ice forms in the Mississippi river.

Mr. LANE, of Indiana. I desire to propound a question to the gentleman from Minnesota. Who owns the land around the terminus of this road on Lake Superior? I have heard, I may say to the Delegate, that there is a large amount of land, say six thousand acres, held by persons now here, perhaps upon this floor, pressing the passage of this bill.

Mr. RICE. I will answer the gentleman as far as it is in my power. There is not a foot of land upon Lake Superior that is now in market near this point, or that has ever been advertised for sale. There is some subject to preemption rights. I have not been upon the ground for several years, and I do not know that any gentleman in this House has. If they own it they own it contrary to law.

Mr. LANE. Has not one quarter of six thousand acres of land around the terminus of this road on Lake Superior been sold in this city?

Mr. RICE. I am very happy to be able to answer that question. There are not six thousand acres in the Territory of Minnesota upon Lake Superior subject to preemption. The surveys were going on, but in consequence of some difficulties with the Indians the surveyors have abandoned the work. You will find, by reference to the Land Office, that there is nothing like that quantity.

Mr. LANE. I have been informed that there were gentlemen in this city who claim, through Indian or some other title, six thousand acres at the terminus of this road.

Mr. RICE. Other gentlemen in this city, pretending to be heirs of Jonathan Carver, claim fifteen millions of acres. I do not know but there are gentlemen upon this floor that have pre-empted all Minnesota. What I have stated here

you will find upon the records of the Land Office. I am willing to answer any question touching this subject.

Mr. WASHBURN, of Illinois. I wish the honorable member from Indiana would state what facts he has within his own knowledge in regard to the matter which he suggests. I certainly do not want this bill prejudiced by suggestions of this kind unless they are founded upon facts within his knowledge.

Mr. LANE. In answer to the gentleman from Illinois, I will state that I have understood, from gentlemen of respectability and character, that there are six thousand acres of land in and around the terminus of this road held by gentlemen in this city, and that one fourth of these six thousand acres has been sold since the meeting of this Congress.

Mr. TAYLOR, of Ohio. How many hold this land?

Mr. LANE. I propounded to the Delegate from Minnesota that question. I was anxious to know how they sold it, and when they sold it; and now, with the permission of the gentleman from Illinois, I will ask the Delegate from Minnesota another question: who sold or claims the land in and around the terminus of this road on Lake Superior?

Mr. RICE. I am unable to answer the question propounded by the gentleman from Indiana, [Mr. LANE.] I can only say that I own none there; that I claim none of it, and that I know of no gentleman upon this floor that has claimed any. I say, that those lands are not in the market, and that they have never been advertised. There are only about two thousand acres which have been surveyed. I went some time ago to the Land Office to see why a proclamation for selling land on the line of the Mississippi river had not been issued. An examination of the map showed me that the survey of those lands was incomplete. If there is any gentleman claiming these lands, I should like the honorable gentleman from Indiana [Mr. LANE] to name him. Let us know if there is anything in the dark here. If gentlemen in this city, or any other city, claim six thousand acres in Minnesota, is that any reason why the citizens of that Territory should be deprived of their rights? We are minors, helpless, and now is the time we require aid.

Mr. LANE. With the permission of the gentleman from Illinois, I desire to state another proposition. Being opposed entirely and *in toto* to giving a single foot of land to any railroad companies—believing that the principle is at war with the homestead bill, which we passed yesterday—I am willing to take any honorable means to defeat every bill of that character. I said here, a little while ago, and I repeat it again, that I have been credibly informed by respectable gentlemen that six thousand acres of this land, at and around the terminus of this road, were held by gentlemen in this city.

Mr. WASHBURN, of Illinois. Will my honorable friend from Indiana permit me to ask him how this land can be held, under the law, by those persons?

Mr. LANE. I am going on to state what I have heard. I do not propose to give the names of gentlemen in this House or in this city, but I will say to my friend from Minnesota and to my friend from Illinois, that if they will call upon me in a proper way I will give them the names of persons holding six thousand acres of this land. I tell these gentlemen that that amount of land is held by gentlemen in this city, and that one fourth of this claim has been sold, since the commencement of this session, for \$2,800.

Mr. WASHBURN. I think we should have the names now. Let us know who they are.

Mr. LANE. I have said all I have to say upon the subject. I am prepared, however, to respond to the question whenever it is presented in a proper manner.

Mr. BISSELL. I ask the question most respectfully now.

Several MEMBERS. Let us know who they are.

Mr. BISSELL. I believe I have the floor; but I yield it to the gentleman from Indiana, if he proposes to answer the question put to him by my colleague.

Mr. LANE. I have said, and I say again, to the honorable gentleman from Illinois, that I do not propose upon this floor to give those names, but

that I am prepared, when called upon in a becoming manner, to respond to the question. I do not vouch for the truth of the statement; I only vouch for the fact that the statement was made to me by a highly respectable gentleman.

Mr. BISSELL. What a mode is this of opposing propositions which are made here to aid in the construction of railroads in that helpless Territory! Is it statesmanlike? Does the man who adopts it act upon very enlarged and liberal principles when he opposes such propositions with—what? With an insinuation that there is something very dark, very suspicious, very fatal to the bill in “my” bosom, if it could be known. What is it? “I shall not tell.” Why? “Because I am not called upon in a proper manner.”

Why, sir, the gentleman from Indiana has chosen his own time and place to let it out, and therefore, I take it, this is the proper time and the proper place to answer the very pertinent question which I put to the gentleman. I suspect that the time the gentleman would desire to give this information would be after the defeat of this bill. I suspect he knows that if the answer were to be given it would not weigh a feather against this bill. That is the construction I put upon it. But what, I pray you, does it amount to, if a particular man does own a thousand acres of land, or ten thousand acres of land, near the line of this road? Of what consequence is it in carrying out this great national scheme, or this great territorial scheme, whichever you may please to call it, intended, as it is, for the benefit of the whole country, and especially for the benefit of the Government itself, as I shall presently show—I say, of what consequence is it who owns the land upon any particular point of the road? Are we going to take these things into consideration in determining what our course shall be in reference to this bill? Are we going to say, that because Mr. A or Mr. B owns a thousand acres here or there upon the line of the road, and has sold out his interest for \$1,000 advance since the commencement of the session, that we shall therefore resist the passage of the bill? Are these the principles upon which we are to legislate? I trust not.

Here, sir, is a helpless Territory asking for our assistance. Never has there been a Territory organized by this Government which has not received the public lands belonging to the General Government in the same form, to aid in the construction of internal improvements in that Territory.

Mr. Chairman, when I first heard of the introduction of this bill into the other end of this Capitol—knowing that much importance was attached to the measure; knowing that it was an important military road, and that it would become of very great consequence to the Government of the United States in certain contingencies, as the means of the transportation of troops and munitions of war; and thinking that in that view of the subject I might perhaps be called to act upon it as a member of the Committee on Military Affairs in the House when the bill reached here, in order that I might be prepared to act upon it when it came up, I addressed a letter to the Secretary of War, inclosing an exact copy of the bill—telling him that I understood it was urged in part upon the ground of its necessity as a military road, and asking him, in view of the possibility that the bill would come before the Committee on Military Affairs, that he would favor me with his views upon that subject. Here is his answer. I ask that it may be read by the Clerk, and then I have nothing more to say upon the subject. I ask the attention of the committee to it.

The Clerk read the communication, as follows:

WAR DEPARTMENT,
WASHINGTON, February 14, 1854.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, accompanying Senate bill No. 138, “to aid the Territory of Minnesota in constructing a railroad for military, postal, and other purposes.”

In reply to your inquiry as to my opinion of the probable utility of the proposed road for military purposes, I will state, that to a people and Government like our own one of the most efficient elements of military power must be railroads leading from the seat of population and supply to assailable points on our frontier. The patriotism of the people will render these interior roads secure for the use of their own Government, and would equally prevent them from being made available by the enemy. The celerity with which, by such means, men and munitions of war may be concentrated at any point so connected with the interior of the country, would render it unnecessary in such cases to call the militia from their homes before the danger was immediate, and would reduce the period during which it would

be necessary to maintain large garrisons to the time when an attack might be actually threatened. To these considerations of general application there are others which bear especially on the case presented by you. And without attempting to enter minutely into the discussion of the question, I will offer some of the more prominent views which seem to me to sustain the argument for the military value of the proposed road to which you invite my attention.

Its terminus on Lake Superior is a part of that frontier where we are confronted with our most powerful neighbor. The approach to it by land from the Mississippi river is long and difficult. The other mode of reaching it, that is to say, through the lakes and by the St. Mary's river, would, in the event of war with Great Britain, be too liable to interruption to constitute a safe dependence. Until, then, the country between Lake Superior and the Mississippi river shall be peopled and cultivated, the land route from that stream to the lake must be looked to for the transportation of troops, munitions, and supplies, and in this view the proposed railroad has much importance as an element of military strength. The numerous and warlike savages and half-breeds who inhabit that portion of the country will be probably under the influence of the Government which is brought nearest to them by its intercourse and means of approach, and therefore the communication which you propose would tend, in my opinion, to give to the United States the control of the Indians who would, if arrayed against us, be a serious embarrassment to the settlement of the country, and a formidable ally to an enemy, in the event of hostilities on that frontier. I herewith return the bill.

I have the honor to be, very respectfully, your obedient servant,
JEFF. DAVIS, Secretary of War.

Hon. W. H. BISSELL, House of Representatives.

Mr. TAYLOR, of Ohio, obtained the floor.

Mr. LANE, of Indiana. I hope the gentleman will yield me the floor for a few moments.

Mr. TAYLOR. I will yield the floor for a moment, but I wish to say a few words about this bill.

Mr. LANE. I am not in the habit of troubling the House or the committee, but the first objection that I understand the gentleman from Illinois [Mr. BISSELL] to urge is, that the course I have pursued is illiberal legislation. Now if I understood the other gentleman from Illinois, [Mr. RICHARDSON,] the chairman of the Committee on Territories, one point he made was, that the construction of this road would cost the General Government nothing. Why not cost the General Government anything? Why, because it would increase the value of the land. Now, from my knowledge of the effects of the construction of railroads, the land lying at the termini of the road is most benefited by the construction of it. The land in and around the termini of the road is more benefited by the grant than the land lying along the line. Therefore is it not an interesting question as to whom this land belongs? I put it to each gentleman here; I put it to the honorable gentleman from Illinois, [Mr. BISSELL,] whether it is not an interesting question? If it be true that the six thousand acres of the land upon the terminus at Lake Superior belongs to an individual, the Government is not to be so much benefited by the construction of this road as if it owned the land.

I made the statement here, and I repeat it, that I have been credibly informed by respectable gentlemen from the Territory of Minnesota, that this land is owned by individuals, or claimed by them, and that it has been sold or bartered in this city since the commencement of this session. I asked, and I think, courteously, of the Delegate from Minnesota [Mr. RICE] as to the facts: Have I been correctly informed? Does this land belong to individuals? Does it belong to the Indians, or does it belong to the General Government? It is a legitimate inquiry, if it would have the influence suggested upon this floor. Does that six thousand acres of land belong to the General Government? And I presume that the contrary would have its influence, that we ought not to legislate here to make wealthy men more wealthy.

But, again: The distinguished gentleman from Illinois [Mr. BISSELL] complains of me for the course which I have pursued in reference to this subject. All I have to say to him is this: I shall pursue my own course, without reference to the opinions of any man upon this floor. I am here representing as intelligent a constituency as any other member. I feel that I know their wants. I feel that I am much more able to represent them than a gentleman from any other portion of the country. I pursue my own course, responsible to them, and not to the distinguished gentleman from Illinois. If he is dissatisfied with my course, I regret it; but he cannot undertake to dictate to me here the course which I shall pursue.

I have stated these facts plainly, and said to those interested that I have these names, and am

ready to give them at the proper time, in my own opinion. I select the time and place, and no gentleman here can dictate to me the adoption of any other course.

I have said here, and I repeat it again, that I will resort to all honorable means to defeat every bill of this character—and why? Because I believe that in so doing I shall faithfully represent my constituents. No one here has the right, then, I think, to complain of the course which I have pursued. If I lacked courtesy to the honorable Delegate from Minnesota, he alone was interested. I submit it to the members of this body whether I did not courteously propound the questions which I did? I regret to say that they were not answered to my entire satisfaction.

Mr. TAYLOR, of Ohio. I have a very few words to say upon this bill, Mr. Chairman. I have listened, with some attention, to the gentleman from Indiana, supposing that he would respond, and give the committee some information, if he had any, in regard to the rumor which he thinks should prejudice this measure.

I concur entirely with what was said by the gentleman from Illinois, [Mr. BISSELL.] If this bill is to be prejudiced on mere rumor, I put it to this committee whether the gentleman from Minnesota [Mr. RICE] did not respond, as far as he could, and give every information in his power. If he did not, then I must have misunderstood him; and I will give way now for any other information that is to be given. But I understood that gentleman to say, that the United States had not parted with its title to the lands at and around the terminus of this road. Is the gentleman from Indiana [Mr. LANE] prepared to say that it has, or that any man owns that land at the terminus, or along the route?

Mr. LANE. I say that that question has not been answered to my satisfaction.

Mr. TAYLOR. Then may I ask the gentleman from Indiana whether he can say that the United States has parted with its title to the terminus of that road, or that any man owns it? and who told him so?

Mr. LANE. I will answer that question by asking the gentleman from Ohio whether he can state, from information derived on this floor, that the land at and around this terminus now belongs to the United States Government?

Mr. TAYLOR. I am bound to believe that it does, from the statement made by the gentleman from Minnesota, notwithstanding the rumors mentioned by the gentleman from Indiana.

Mr. LANE. I did not so understand it.

Mr. TAYLOR. And if the gentleman from Indiana knows anything to the contrary, I desire him to rise in his seat and state it; and I say to this committee, that whether there are five hundred, or a thousand, or fifteen hundred acres of land about the terminus of this road, owned by private gentlemen, that would not influence me to oppose this project.

Sir, I vote upon higher grounds. This bill stands upon the great principle which I advocated the other day—the principle of aiding the Western and the new States in the construction of railroads for great national, as well as for State and territorial purposes. I belong to that class of politicians who believe that the General Government has the power to construct works of internal improvement of a national character; and I look upon this project as one eminently of that character.

What is it, Mr. Chairman? If I understand it aright, it is proposed by this bill, which has passed the Senate, and which has undergone the supervision of the Military Committee of this House, and is now before us, to connect the great Lake Superior, the most beautiful inland sea on our continent, with the Mississippi river, “the Father of Waters,” by a line of railroad about two hundred and fifty miles long. It is a proposition to construct a railroad for military, postal, and other purposes. It is a great national project. Shall this great national object, which we are about to clothe the Territory of Minnesota with power to carry out, be disconcerted and destroyed on a mere rumor suggested by a gentleman in this House, the aim, or the object, or the substance of which he is unable to give us? I should say not, sir. If there be anything fraudulent in it, anything wrong; if there be fraud, speculations by private individuals connected with it, and if there be a gentleman on this floor who knows anything of them,

I trust he will state his knowledge, and state it here. Here is the place for publication. Let us have every rumor and statement prejudicial to this bill made here, on the floor of the House of Representatives, where they can be met. And if no gentleman has any information, such as should prejudice this bill before the House of Representatives, I trust this committee is too independent to have their minds swayed for a moment by an idle rumor of the day, no matter by whom it may have been originated.

I think this a very important bill. It is one to aid the infant Territory of Minnesota in constructing a railroad for the benefit of its citizens. It is of vast importance to the citizens of the whole country that Lake Superior should be connected by some means of communication with the Mississippi river.

The amount of land proposed by this bill is similar to that which we have granted by many other acts of Congress. The State of Missouri, which you, Mr. Chairman, in part so ably represent, had two grants of land for similar purposes; and grants of lands for railroads have been made to other sections of the Union. And shall I be asked by this committee to withhold my vote from a grant to Minnesota which would give to that Territory five hundred thousand out of the thirty millions of acres of public land which, as I understood the gentleman [Mr. Rice] to say, lie within her limits, and are owned by the United States within her borders? I look upon it as a great benefit to the United States to grant these alternate sections of land for such a purpose. How will that benefit the United States? In my judgment it will facilitate the settlement of that country—of that vast unsettled region—which is only waiting the action of Congress upon this bill to have its resources developed, and to induce an extensive and rapid settlement of the country, and to promote its cultivation. That is the great object which we should have in view in the disposition of all our public lands—to promote the settlement of the lands, and to encourage the labor of the country.

I have heard nothing against this bill, as yet, that can induce me to withhold my vote from it upon its passage. If I should hear anything further, either from the gentleman from Indiana, [Mr. LANE], or from any one else, showing that a great fraud was being practiced upon the Government, I should feel authorized to withhold my vote. As yet I have heard nothing against the bill, but everything which recommends it to my favorable consideration.

Mr. HENN. I have just been informed, by a gentleman from Minnesota, that there is no land at the terminus of this road even surveyed. But an order has gone out for the survey of a portion of that country, but none of it is yet surveyed.

Mr. TAYLOR. I would ask the gentleman from Iowa whether he has any knowledge of any conflicting claim against the Government of the United States in reference to these lands?

Mr. HENN. The first I ever heard of the matter was this morning, when it was brought forward by the gentleman from Indiana, [Mr. LANE].

Mr. SMITH, of New York. Mr. Chairman, as I have but just now come into the Hall, and as I have lost the former part of the discussion, and as I have never until this moment seen a copy of this bill, I may not know, with the necessary precision, what are the subject-matters of the discussion. But, with my present impressions, I am opposed to the bill. I am opposed to this bill, not because I am opposed to any existing railroad company that may be interested in the bill, nor because I doubt the worthiness of any company that may be organized to build it. I have no reason to apprehend that such a company would be composed of any other than honorable men. I have no reason to apprehend that such a company would not be moved to build the road by as pure and as generous a regard for the public welfare as ever prompted any, even the best railroad company. Nor am I opposed to this bill because of the possible fact that a company of gentlemen may be interested in a tract of land at one of the termini of the proposed road. Nor am I opposed to this bill because the proposed road may have the effect to concentrate trade and travel at this point, or to direct trade and travel from that point.

I am opposed to this bill because it calls for Government to do with the public lands what I hold Government has no right to do with them. I hold that they do not belong to Government, and that Government has nothing to do with them but to regulate and protect the occupations which shall be made upon them. I hold that the lands belong to the landless; and that both reason and religion, policy and principle, require that they shall be surrendered to the landless. But, as I had the opportunity, a week or two since, to discuss this point somewhat extensively on this floor, I will not consume the time of the committee with it any further, than to say, that when I claim the public lands for the landless, I mean not only the landless of a certain complexion, but all the landless. Believing, as I do, that all the varieties of the human family are equally dear to the great heart of their common maker, I trust that they will ever be equally dear to my little heart. So do I aim to bear myself toward all descriptions of my fellow-men—toward all my equal brothers—for every man is my equal brother—that, at the last day, I shall be able to look into the faces of them all, unabashed by the consciousness that I have pursued any of them in this life with unrelenting prejudice and merciless hatred.

But to the argument. And, now, for the sake of the argument, I will admit that the public lands are property in the hands of the Government—as much so as is money. Nevertheless, I still deny that Government may use them in the way contemplated by this bill. I insist that Government shall use its property for none other than strictly governmental purposes. It may use its property in defraying the expenses of Government; it may use it in affording protection to the persons and property of its subjects; but there is nothing else for which Government may use it.

In point of principle this bill is all the same, as would be a bill for the Federal Government to build with money, and nothing but money, the whole of a railroad in Minnesota. The principle cannot be affected by the fact that the road in this case is to be built with land instead of money; nor by the fact that the appropriation of land asked for is insufficient to pay the whole cost of the road. If the Government may build with land it may build with money. If it may furnish one half or one fourth of the means necessary to build the road, then it may furnish all. But would not Congress be startled by the grave proposition for the Federal Government to build the whole of a long railroad in Minnesota, and that, too, with money? It should not be, however, if it is reconciled to the passing of this bill.

What is the argument most relied on to influence Government to help build this road? It is that the road will accelerate the settlement of Minnesota and the development of her resources; and greatly enhance the value of the public lands in that Territory. I admit that this would be the effect, and I should rejoice in it; for I regard the welfare of that Territory with great interest. But this same effect, to a greater or less extent, could be produced by Government building canals in that Territory. May Government, therefore, build canals in it? Again, Government might promote these good objects by building churches and school-houses in the Territory. But nearly or quite all of us would condemn it as a gross perversion of its true office for Government to help Minnesota to school-houses and churches. And yet, so far as its right is concerned, Government can as well do these things for Minnesota as to build railroads for her; ay, and so far as its right is concerned, it can as well sprinkle Minnesota over with stores and blacksmith shops.

I intimated that I am not opposed to the building of the road in question, because of its possible rivalry with some other road. And yet, one reason why I am opposed to the granting of land in aid of the building of this and other railroads is, that Government may, in this wise, be throwing its great weight into the scale of one road against another; of one town against another; or of some other interest of one part of the people against the like interest of another part of the people. Government should avoid partiality, not only in the purpose of its acts, but, as far as possible, in the effect of its acts also. Government is bound to be strictly and sternly impartial. But such impartiality it will best maintain, and can only main-

tain, by refusing to extend special help to any classes or portions of its subjects; and by simply and equally protecting all.

I rejoice in the free and extended discussion of this bill, if it is only because I hope that we may come out of it with juster views of the nature of the office, and juster views of the limits of the province of civil government. It is high time that the American Congress had settled, with more distinctness and more certainty than it seems to have done, the legitimate boundaries and the legitimate objects of civil government. These boundaries and these objects thus settled, we should not hesitate as to the true disposition to make of this bill, and of all kindred bills. We should reject them all promptly.

But it is said that we have abundant precedents for such disposition of the public lands as is proposed in this bill. Arguments drawn from precedence are of doubtful value. An age of progress should rise above precedents—should make precedents for itself. Were we to rely on precedents, it might be urged against us that, inasmuch as there are more precedents for monarchies than for republics, we ought to supplant our Republic with a monarchy. In this disordered and misgoverned world there are far more precedents for the wrong and the false than for the right and the true. Shall we, therefore, give up the right and the true?

The Governments of the earth have ever proved great curses to the people, by meddling with the concerns of the people. It is time that we had ceased from following such precedents; and that we had left the people to do their own work; and, therefore, to build their own railroads without help from Government on the one hand, and without hindrance from it on the other. Such hindrance there may be in the case of one road, where Government helps build another, which may prove its rival.

This usurpation by Government of the work of the people, and its consequent neglect and bad performance of its own work, has everywhere, and in every age, been the sorest evil that the people have suffered. I would that we might teach, in the most emphatic and unmistakable language, that, so far as the influence of this body extends, the American Government shall henceforth confine itself to its only and one work of protecting the persons and property of its subjects, and shall leave the people to do their own work of building churches, and schools, and railroads, and canals.

Mr. BAYLY, of Virginia. And forming their own governments.

Mr. SMITH, of New York. Yes; and forming their own governments. That is right. The people should be allowed to form their own government.

To return. We have precedents for land monopoly, also. Poor Ireland, and, indeed, almost every other part of the world, furnishes us with numberless such precedents. But I hold that we should turn our backs upon such precedents, and throw open the public lands, without price, to the landless to whom they belong. I say that they belong to the landless. The bare fact that a man is without land is title enough to his needed share of the vacant land. No clearer, stronger title to it can he possibly have. Is there a spare home in the great common inheritance of the human family, who should have it if not the homeless? I repeat it, we should make the public lands free to the poor. If, on the contrary, we shall do with them as is proposed in this and similar bills, we shall make much of them cost to the poor double, and much of them even quadruple, the price that Government puts upon them.

Mr. RICHARDSON. I dislike to interrupt the gentleman; but I feel it to be my duty to raise a question of order. Three days are set apart for the consideration of territorial business, and I submit that it is not in order for the gentleman from New York to discuss the homestead bill under the proposition now before us.

Mr. SMITH. I would say a word in reply to the gentleman, did I believe that there is any force or pertinence in what he has said.

The CHAIRMAN. The gentleman from Illinois raises the question of order that the gentleman from New York is not confining his remarks to the discussion of the bill now under consideration. The Chair perceives that the gentleman is arguing that this grant of land shall not be made,

and he believes that the gentleman from New York is in order.

Mr. SMITH. I ask no latitude, sir. I am willing you should hold me as strictly to the subject-matter as if I were discussing it in the House, and not in this committee. I have yet to learn (and I think I may add that they who know me have yet to learn) that I am addicted to wandering from the subject under discussion. From having long trained myself to the most careful confinement of myself to the subject in hand, I hope not to be found guilty of offending against my habit, and against confessed propriety in this respect. But, sir, I am aware that many gentlemen appear eager to speak on this occasion; and that there is not an hour, nor a half hour, for each of us. I will therefore bring my remarks to a close; I would be just and generous in my use of our common time.

It is said that railroads are necessary to enable the poor to get to the public lands. Admit it. Nevertheless, there will be railroads enough for this purpose without Government giving to the rich the lands that belong to the poor. The poor ask no such left-handed help as this from Government. The poor have no faith in the maxim, that if Government will take care of the rich, the rich will take care of the poor. In demanding the public lands of Government the poor demand only what belongs to the poor; and if Government will yield to this demand, the poor will either provide themselves with railroads, or they will make it the interest of others to provide them.

Mr. CAMPBELL addressed the committee in remarks maintaining the constitutionality and good policy of making such grants as provided in the bill. [His remarks, withheld for revision, will be published in the Appendix.]

Mr. BAYLY, of Virginia, obtained the floor.

Mr. RICHARDSON. Will the gentleman from Virginia yield me the floor for a single moment?

Mr. BAYLY. Certainly, if I do not lose the floor.

Mr. RICHARDSON. I desire to say but one or two words to the committee. We have but three days set apart for this territorial business; and while I do not desire to stop the debate upon this bill until every gentleman who is opposed to it, and who may wish to do so, can be heard, if it were possible to do so, I think that it is important we should stop the debate so that we may either adopt or reject this bill, and then go to the consideration of the others. Some are important, and we desire to pass them. It is important, too, that we should pass them now. I desire to give notice at this time, that when the committee rises I shall move to limit the debate to some period to-morrow, so as to afford an opportunity for the discussion of the measure under consideration during the day.

Mr. BAYLY. I beg leave to say to my friend from Illinois that I had not the slightest expectation of speaking in this committee for the consideration of territorial business. I am impelled to do it only by the course of remark of the gentleman from Ohio, [Mr. CAMPBELL.] I am free to say, in entire candor to this committee, that although I can go on now, I would prefer to delay my remarks until the morning. I have not the material with me now.

Mr. BRIDGES. I move, then, that the committee do now rise.

Mr. ORR. I desire to submit a few remarks on this bill. I can do so this evening, if it be agreeable to the committee.

Mr. BAYLY. If it be understood that I do not lose the floor, I should be glad to yield to the gentleman. I have been taken by surprise.

Mr. BRIDGES, by unanimous consent, withheld his motion that the committee do rise.

Mr. ORR. I do not propose to occupy more than five or ten minutes.

The CHAIRMAN. The gentleman can occupy the floor, and in the time of the gentleman from Virginia.

Mr. BAYLY. I have no objection to that.

Mr. ORR. Mr. Chairman, while I am in favor of the general principle of donating alternate sections of the public land for the purpose of constructing railroads, I am opposed to this bill. In the first place, I object to it because in the first lines of the first section it states the grounds and principles upon which the donation is made dif-

ferent from the true grounds upon which it has heretofore been and now ought to be placed. It is declared in the first section of the bill that for the purpose of facilitating the transportation of mails, men, and munitions of war there be and is hereby granted, &c. Now, sir, while I will not go into the argument as to the power of Congress to make the grant for such a purpose, I think the true ground to place the donation of lands for railroads in alternate sections upon is that of the proprietorship of this Government over the land, and that the donation as made is proper, as it will increase the value of the reserved sections.

If it be necessary that a road shall be constructed from these two points for military purposes, then, sir, I desire that a road may be constructed such as has been constructed in other Territories, and for similar purposes. I am not in favor of changing the practice of the Government by building railroads for military purposes now, when we have pursued the practice of building a common highway for such purposes for the last fifty years.

I do not believe, then, looking at this question in a military point of view, that a railroad is necessary to connect the two points indicated in the bill. There is only a remote probability that such a road, if built, would ever be used to transport a single soldier or munition of war. Neither troops, provisions, or munitions, are ever likely to be used by the Government along the line of this road. What is there in all this region of country which would invite the construction of such a road? There is a very sparse population along the line of the road, and in some localities there is no population to use a road or enjoy its facilities. There is very little commerce there, and I do not perceive the slightest necessity for its construction, for either military or commercial purposes. If it be desired to throw troops on Lake Superior, we have the facilities of navigation on Lake Superior.

At the last session of Congress we passed a bill granting to the State of Michigan five hundred thousand acres of land for the purpose of constructing a canal around the falls of Sault Ste. Marie, in order that the navigation between Lake Superior and Lake Michigan might be opened. This navigation between the lakes will be opened in a very short time, as that canal is in progress and approaches its completion; and if it be desired to throw troops or transport provisions or munitions of war in any direction in that region, you will have that means of communication.

Mr. RICHARDSON, (interrupting.) I stated, when I was up before, that the distance between St. Paul, on the Mississippi, and Lake Superior was a hundred and twenty miles. Now, in order to go by the route which the gentleman from South Carolina proposes, you would have to make a circuit of fifteen hundred miles to avail yourself of the benefit of the improvement which the Government has aided to construct. The route would be down the Mississippi river to Galena, then across to Chicago, and then by the lakes—which would be a very circuitous route.

Mr. ORR. I should like to inquire of the gentleman from Illinois whether there is any necessity for the communication between Saint Paul on the Mississippi and Lake Superior? How many troops will pass over that route? How many barrels of pork and flour will be transported between these two points? What exigency can arise, that will make it necessary to concentrate troops at the head of Lake Michigan, and if it should arise; where is there any probability that the troops would have to come from the direction of St. Paul? Is not the whole of the Lake Superior and Lake Michigan shores a fine grain-growing region? Is not the country on the Mississippi all along down by St. Paul also a grain-growing region? If it is desired to supply the troops at St. Paul, you can supply them from the Mississippi farms. If it is desired to supply the troops at Lake Superior, you can furnish them from the productions along the two lake shores. Why, then, is it necessary to provide this means of transportation? And is the remotely contingent necessity such as to justify the Government in donating alternate sections to build a railroad merely to accommodate troops and transmit mails?

Mr. RICHARDSON. I will state to the gentleman from South Carolina why the construction of this road is necessary. I understand that the land along the lake shore, Lake Superior, is valu-

able for its minerals. And I will state to him now that my understanding is, that at that point flour is now worth \$40 a barrel. They cannot get a barrel of flour there at all at this season of the year; and the only means by which they could get there at all would be by connecting this road with the Illinois road.

Mr. ORR. What do you want to make the connection for? What is the necessity of the connection in a military point of view?

Mr. RICHARDSON. We want to make it for the purpose of transporting troops there, and for transporting provisions for them. The Indians have possession of the country in the Territory of Minnesota immediately on the lake. You have to keep a military station there. You have not extinguished the Indian title there. It is true, the Indian title over in Wisconsin has been extinguished. You have kept a station there for furnishing supplies to these Indians, under the stipulations of the contract made with them; and there is a constant necessity of passing from St. Paul to the Mississippi and the lakes.

Mr. ORR. I do not see that the answer of my friend from Illinois varies the question at all. I cannot conceive the necessity of having troops upon Lake Superior, because there are trading houses and Indian agencies there; nor do I perceive the connection between troops and mineral lands. If you want to supply the miners with provisions over a railroad from St. Paul, say so in the bill; but do not represent that the construction of the road is needed for military purposes, if that is the use it is to be appropriated to. If troops are stationed there, they have already all necessary facilities furnished by that broad sheet of water, Lake Superior, washing fertile shores, and connected through Sault Ste. Marie with all the agricultural West. But whether that is so or not, I am not in favor of building railroads for the purpose of providing for the transportation of men and munitions of war. It is far enough for this Government to go to construct common roads.

Mr. BISSELL. Will the gentleman allow me a word?

Mr. ORR. I am myself occupying the floor by the courtesy of the gentleman from Virginia, [Mr. BAYLY.]

Mr. BISSELL. I merely wish to say that the propriety of granting aid to the building of these roads is not solely or principally on account of their necessity in a military point of view.

Mr. ORR. Then the bill does not describe truly the purposes for which it is designed.

Mr. BISSELL. What the framers of the bill may have thrown in by way of preamble, or by way of recital, does not, I think, become a substantial part of the bill. I do not think they weigh anything against the bill. The framers may have thought it strengthened it, but I do not. I do regard the road as likely to become, in the future, very important in a military point of view. But it is not solely or principally on account of its military necessity that I favor it. If there is no use for the road, then, of course, it will never be built; for men will not expend time and money in building a road, when there is as little necessity for it as the gentleman seems to think.

Mr. ORR. The gentleman says if there is no necessity for the road it will not be built. True; but when the bill passes, the Legislature makes its selections; the remaining sections are increased in value to \$250—some of the land may be sold at that price; and when the road is abandoned, what confusion will not ensue? Ought we not, upon the principle of granting lands to enhance the value of the balance, to be satisfied that the road is practicable and necessary, and that it will be built, avoiding the loss to the citizen and confusion to the Government which would ensue?

Under the provisions of this bill, alternate sections on both sides of the road, for twenty miles, may be disposed of by the Legislature of Minnesota. But what provision is there for the accounting for that money? Suppose they take the money and do not appropriate it to this purpose, what recourse have you?

But another objection to this bill is this: I believe a portion of this road runs through the Indian territory, the title to which is not yet extinguished. The upper terminus of this road, I think, is in the Indian country. But of one thing I am confident, and that is, whether the Indian title is extinguished or not, the larger portion of

this land has not been even surveyed by the Government; and your action would render a survey imperative, in anticipation of the wants of the people, and before the President shall deem it expedient, for the sole purpose of enabling the Minnesota Legislature to select the land you donate. But you propose to grant alternate sections along the whole length of the road, a distance of three hundred miles.

Mr. RICHARDSON. Two hundred miles.

Mr. ORR. I think if my friend from Illinois, will make an admeasurement upon the map from the starting point on Lake Superior, by the way of St. Paul, to the southern boundary of Minnesota, and from thence to the terminus of the Illinois Central road, he will find that the distance is more than two hundred miles.

Mr. RICHARDSON. It is two hundred and sixty or seventy miles. But the grant is only to the southern boundary of Minnesota.

Mr. ORR. The grant, Mr. Chairman, goes further than that, if I read the bill correctly. The bill provides that this road shall be extended down to the southern boundary of Minnesota, "with the privilege of extending the road to the northern terminus of the Illinois Central railroad upon the Mississippi." If any gentleman will just refer to the map, he will find that the point first indicated as the stopping point is a distance of eighty miles, more or less, short of the terminus of the Illinois Central road. They have the power, under the provisions of this bill, to extend the road from Lake Superior to the terminus of the Illinois road.

In every aspect of the case, I do not think that this bill should pass, although I favor the principle. I oppose it upon the ground of expediency. I do not believe that it is politic to make these donations to Territories at all. I think that when donations are made, that they should be made to the States themselves. There is more of stability, and conservatism, and responsibility in State governments than in mere territorial governments. If the principle set forth in the first section of this bill be true, then this Government should build this road in the Territory of Minnesota. If it is for national purposes exclusively—if it is for the convenience, safety, and accommodation of this Government that such a road should be constructed, let this Government do it. The Government has no just right to ask the people of Minnesota to aid in its construction, or to require the territorial government to supervise it, if it is for military purposes. But if it is for the purpose of giving to the people of Minnesota alternate sections of the public lands to build a railroad for their convenience, then in no shape ought it to be passed from such considerations of expediency as I have suggested. I did intend to extend my remarks upon this subject further; but I have trespassed too long already upon the time of the gentleman from Virginia, [Mr. BAYLY.] With his permission, I move that the committee rise.

The question was then upon Mr. ORR's motion; and it was decided in the affirmative.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly sundry territorial bills.

The SPEAKER, (Mr. ORR temporarily occupying the chair.) The question first is upon ordering to be engrossed and read the third time the bill "for the construction of certain roads in the Territory of New Mexico."

The bill was then ordered to be engrossed, and read the third time; and having been engrossed, was read the third time; and

The question being, "Shall the bill pass?"

Mr. JONES, of Tennessee, demanded the yeas and nays; which were ordered.

Mr. MEACHAM. I move that the House adjourn.

A. BOYD HAMILTON.

Mr. HAVEN. I appeal to the gentleman from Vermont [Mr. MEACHAM] to withdraw his motion for a moment, to enable me to make a motion to reconsider a vote that was taken yesterday, that may be of some consequence to the House. I wish to make the motion now, so that it may be entered upon the Journal.

I move to reconsider the vote taken yesterday, by which the resolution offered by the gentleman

from Pennsylvania [Mr. RUSSELL] in behalf of the Committee on Printing, in reference to auditing and settling the accounts of A. Boyd Hamilton, was adopted. I believe that some question has been raised as to the propriety of some of the provisions of that resolution. It has been suggested that it ought, at least, to be considered by the House; and I therefore make the motion, and ask that it may go upon the Journal. I now yield the floor, in accordance with my promise to the gentleman from Vermont, [Mr. MEACHAM.]

Mr. MEACHAM. I renew the motion that the House do now adjourn.

Mr. HENN. I hope the gentleman will withdraw that motion, to enable us to adopt a resolution closing debate upon the bill now under consideration in Committee of the Whole on the state of the Union.

Several MEMBERS. That can be done to-morrow morning.

The question was put, and the motion agreed to; and

At half-past three o'clock, the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

WEDNESDAY, March 8, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. FISH presented two memorials of citizens of New York, praying the construction of a ship canal around the Falls of Niagara; which were ordered to lie on the table.

Also, a petition of the Faculty of Columbia College, New York, praying that a township of land may be granted to each chartered college and university in the United States; which was referred to the Committee on Public Lands.

Mr. THOMSON, of New Jersey, presented a memorial of citizens of Newark, New Jersey, praying that measures may be taken to secure religious liberty to American citizens residing or traveling in foreign countries; which was ordered to lie on the table.

Also, certain joint resolutions of the Legislature of New Jersey, instructing their Senators, and requesting their Representatives in Congress, to use their efforts to procure an appropriation of \$200,000 for the improvement of the navigation and the protection of the harbors along the seaboard of that State, from the point of Sandy Hook to Cape May; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. CASS presented a memorial of citizens of New York, praying that measures may be taken to secure religious liberty to American citizens residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. DODGE, of Wisconsin, presented two petitions of citizens of Wisconsin, praying the establishment of a tri-weekly mail from Fort Atkinson to Stoughton, in that State; which were referred to the Committee on the Post Office and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SLIDELL, it was

Ordered, That the memorial of John Ervin be withdrawn from the files of the Senate, for the purpose of being presented in the House of Representatives.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That Orson Young have leave to withdraw his petition and papers.

On motion by Mr. WELLER, it was

Ordered, That John A. Bryan have leave to withdraw his petition and papers, for the purpose of presentation in the House of Representatives.

REPORTS FROM STANDING COMMITTEES.

Mr. WILLIAMS, from the Committee on the Judiciary, to whom was referred a bill to authorize the issuance of patents to lands in Louisiana in certain cases, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred resolutions passed at a meeting of the soldiers of the last war with Great Britain, held at Baltimore the 17th of February, 1854, in relation to their pay, pensions, and bounty land asked to be discharged from their further consideration, and that they be referred

to the Committee on Public Lands; which was agreed to.

BILLS INTRODUCED.

Mr. SHIELDS asked and obtained the unanimous consent of the Senate to introduce a bill granting a portion of the public lands to the State of Iowa, to aid in the construction of a railroad in said State; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. CLAY asked and obtained the unanimous consent of the Senate to introduce a bill granting to the State of Alabama public lands in alternate sections to aid in the construction of a central railroad from some point on the boundary line of the States of Alabama and Tennessee to a point on the boundary line of the States of Alabama and Florida; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. SLIDELL asked and obtained the unanimous consent of the Senate to introduce a bill to confirm the claim of John Ervin to a certain tract of land in the Bastrop grant; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

THE SAN FRANCISCO.

Mr. SHIELDS, from the Committee of Conference on the disagreeing votes of the two Houses on the bill for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco, submitted a report, recommending the Senate to recede from its amendment which was disagreed to by the House, and to strike out the word "four," in the tenth line of the first section, and insert "eight."

The amendment of the Senate disagreed to by the House, which the Committee of Conference recommend the Senate to recede from, is:

"Provided, That the amount of pay and allowances advanced the officers and men by the authority of the President, previous to their embarkation, shall be passed to their credit, and their receipts for the same be canceled."

The effect of striking out "four" and inserting "eight," as recommended by the committee, is to allow to each officer, non-commissioned officer, musician, and private, who embarked on the steamship San Francisco, a sum equal in amount to his pay and allowance for eight months.

The report was concurred in.

ARMY RETIRED LIST.

On motion by Mr. SHIELDS, the Senate resumed, as in Committee of the Whole, the consideration of the bill to promote the efficiency of the Army by retiring disabled officers.

Mr. SHIELDS. The Committee on Military Affairs and the Department have agreed to some verbal corrections of the bill, which are embodied in the copy which I now hold in my hand. I therefore move to amend the bill by striking out all after the enacting clause, and inserting the following:

That if any commissioned officer of the Army shall have become incapable of performing the duties of his office, he shall, as provided in the second section of this act, be placed upon a retired list, and withdrawn from active service and command, with the pay proper of the highest rank held by him at the time, whether by staff or regimental commission, and the service rations to which he may then be entitled, but without any other allowances; and the officer next in rank shall be promoted to the place of the retired officer, according to the heretofore established rule of the service. And the same rule of promotion shall be applied successively to the vacancies consequent on the retirement of an officer, as herein provided: *Provided*, That if the disability result from wounds received in action, the pay proper of the retired officer shall be that of his highest rank by brevet or otherwise.

Sec. 2. And he further enacted, That, to carry out the provisions of this act, whenever any officer of the Army may, who may be incapacitated, as heretofore recited, shall voluntarily apply to be retired from active service, or on being ordered to perform the duties appropriate to his commission shall report himself unable to comply with such order, or, whenever, in the judgment of the President of the United States, an officer of the Army shall have become in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of War to refer the case of such officer to an Army Board, to be composed of not more than nine nor less than five commissioned officers, to be detailed from those of superior rank to him whose case is under consideration, as far as his grade and the interest of the service will permit. And the said board shall determine upon the case referred to them, and their opinion thereon, with a record of the proceedings, shall be transmitted to the Secretary of War, to be laid before the President for his approval or disapproval. If, in the judgment of the board, the officer be considered incapacitated for active service, the board will report whether, in their opinion, the disability is to be

traced to vicious habits. If otherwise, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act; but if the board are of opinion that the disability was the result of vicious habits, and the President concur in that opinion, then the disabled officer shall not be placed on the retired list, but shall be dropped from the rolls of the Army.

Sec. 3. *And be it further enacted*, That whenever the President shall deem it advisable to cause an officer, who has been withdrawn from active service, and retired from the line of promotion, as herein provided, to be placed on any duty not incompatible with his condition, such officer shall, for the time he may be so employed, be entitled to all the pay and allowances of the grade with which he was retired from service.

The amendment was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

A. BOYD HAMILTON.

Mr. HAMLIN. The Committee on Printing, to whom was referred the joint resolution from the House for settling the accounts of A. Boyd Hamilton, have directed me to report it back without amendment, and recommend its passage. I ask for its consideration at this time.

Mr. ADAMS. I would suggest to the Senator that a motion has been made in the House to reconsider the vote on the passage of that resolution.

Mr. HAMLIN. I will state to my friend from Mississippi what the resolution proposes. In 1852 there was an arrangement made in relation to the settlement of printing accounts, and the mode of printing was changed. There were then certain claims of A. Boyd Hamilton for printing, which he asked to have allowed. It was provided that the Secretary of the Senate, the Clerk of the House of Representatives, and the Clerk of the Committee on Printing, should adjudicate those claims and pay them. They never have yet been adjudicated upon, and there is now no clerk of the Committee on Printing. Although the committee have authority to appoint a clerk, not needing one, no appointment has been made; and therefore the board, which, by the original law, was authorized to settle these claims, has no existence. This joint resolution proposes simply to transfer the duty required by law of the Secretary of the Senate, the Clerk of the House, and the clerk of the Printing Committee, to the First Comptroller of the Treasury.

Mr. WALKER. I wish to ask the Senator from Maine if this resolution proposes to establish any rule than that by which they were to be governed?

Mr. HAMLIN. None at all.

Mr. WALKER. They are to be governed by his contract?

Mr. HAMLIN. They are governed by the law as it passed. The claims are to be adjudicated upon in precisely the same way that they would have been settled by the board if it was now in existence.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

It proposes to direct that in place of the party named for settling the accounts of A. Boyd Hamilton, in the seventeenth section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes, there be substituted the First Comptroller of the Treasury, and to charge him with their duties as specified in the act; and further, that the accounts of Mr. Hamilton be settled as prescribed in that section, and that the amount which may be found due to him shall be paid upon the certificate of the Comptroller.

The joint resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading, and was read a third time, and passed.

SOLAR COMPASS.

Mr. STUART. There has been here pending for some days a bill which was called up formerly at my suggestion, and which I should like to have acted upon now. It is a bill to authorize the United States to use the solar compass in the public surveys.

Mr. FOOT. If I mistake not, that bill is upon the Private Calendar.

Mr. STUART. That is a question. I called it up on a former day, and the Senator from Dela-

ware [Mr. BAYARD] objected to it because it was not a private bill.

Mr. FOOT. Is it not on the Private Calendar?

Mr. STUART. There is no separate Calendar printed of private bills. On private bill day the Senator from Delaware objected to it, because it was not a private bill. It has been called up since, and the Senate adjourned while it was under consideration. I should like to have it disposed of.

Mr. FOOT. I will make one more appeal to the Senator from Michigan to allow me to call up the indigent insane bill, which is upon its passage. I desire to make one more effort to get a vote upon it.

Mr. STUART. I do not wish to interpose any objection to the consideration of the bill to which the Senator alludes; but he will recollect that it has been, for several days, in court here, and has not been finished. But I will yield to him.

Mr. FOOT. They have been very short days only parts of days, and the bill has given way for other business.

INDIGENT INSANE.

The Senate resumed the consideration of the bill making a grant of land to the several States and Territories of the Union for the benefit of indigent insane persons, the question being, "Shall the bill pass?"

Mr. ADAMS. Before the vote is taken on the passage of the bill, I propose very briefly to answer the questions propounded by my colleague [Mr. Brown] yesterday. I shall consume as little time as possible, for I know it is desired that the question should be taken.

My colleague, in the remarks which he made upon the subject, inquired of me upon what principle could the Federal Government give lands to a State in which the lands lie, and refuse to give them for similar purposes to the States in which they do not lie. The difference between my colleague and myself is this: What he calls gifts or gratuities I consider as the payment of debts, granted for a consideration. My colleague says that I introduced a bill, at the present session, to grant alternate sections of the public lands to aid in the construction of railroads in our State. True, sir, I did so, and upon his motion the bill passed this body; but not as a gratuity, rather as an act of justice to that State for the improved value of the reserved sections.

In regard to the lands granted to the State of Mississippi, I agree with him that all the States of the Union have a common and equal interest in the public lands; but while they have that equal interest in those lands, and an equal claim to have the Treasury restored to the entire expense of their acquisition, yet, when that is done, and you come to dispose of the surplus or profits, I do not consider that the old States have an equal claim with the new States, for reasons which have been given time and again here, and the considerations which have controlled the action of Congress in the very cases referred to.

First, in reference to the granting of school lands to the State of Mississippi: When she presented her constitution, and asked for admission into the Union, a compact was made between her and the Federal Government, by which it was agreed that not only should the public lands belonging to the latter be exempt from taxation while it retained the title to them, but that the purchasers under it should be free from taxation for five years after their purchases—for what purpose? As an inducement to individuals to purchase lands. They were to have their land free from taxation for that time, which they would not have if they bought land from other individuals.

In consideration of this, it was agreed that five per cent. of the proceeds of the land should be given to the State, three per cent. of which should be appropriated for improvements on roads and canals, making valuable the remaining and unsold land. And every sixteenth section was appropriated for common school purposes. Was that a grant? It was a grant, it is true; but was it a gift? No, sir, it was a grant for a consideration, as an inducement for persons to purchase the land surrounding these sixteenth sections, and to pay their money for them. Just as well might you say that an owner of town lots, who lays off streets and common as an easement for purchasers of lots to induce them

to pay for the lots, makes a gift. It was for a consideration.

Again: my colleague says that five hundred thousand acres of land were given for purposes of internal improvement. This comes in the same category, and under the same rule. These five hundred thousand acres were to be appropriated to internal improvements in the State; but for what purpose? For the benefit of the State alone? No, sir. The public lands had been offered for sale, and all which were worth the price which the Government was willing to take for them had been sold, and the money had been paid for them into the Treasury. But, as an inducement for the sale of the balance of the lands that were not worth anything without the labor and effort of citizens of the States, these new States were granted these five hundred thousand acres. They were to be appropriated to purposes of internal improvement, just as a prudent landholder would have done with his own lands. If they had belonged to an individual he would have done the same thing. Therefore that grant was not only for a good consideration, but a valuable consideration, to be appropriated for internal improvements within the State in order to make the unsalable lands salable, and as some compensation to citizens who had gone into the wilderness and reclaimed valueless lands, and being compelled, by your refusing to put the lands at their intrinsic value, to pay, when the lands adjoined those of an individual, two or three times their value; and millions have been paid in this way over and above the intrinsic value of the lands. This was another portion of the consideration. It was not a gratuity. It was founded upon a good and valuable consideration.

Then my colleague says that a million of acres of swamp lands were given to the State of Mississippi. Those lands were mere overflowed lands; they belonged to the Federal Government. They were not worth one cent a thousand acres, and never would have been while they belonged to the Federal Government. Then, as a prudent landholder, the Government said to Arkansas and Mississippi, and other States, these lands are valueless; we have no right to reclaim them; make them valuable, and you may have them. Was there no consideration here? The Government looked forward to the consideration, I admit, that when the State should reclaim these lands, and they should be cultivated, they would bring in, by their vast productions, immense amounts into the Treasury. Therefore it was a valuable consideration.

But in the grant of the five hundred thousand acres, I wish to call attention to the view taken of it by the State which we have the honor to represent on this floor. That State consented to receive that five hundred thousand acres of land, and yet, when you proposed to give her her distributive portion of the public revenue in the Treasury, she refused, and has to this day refused, to receive one dollar of it. She received the five hundred thousand acres because she considered herself entitled to it, not as a gratuity, but on account of the benefit which the Federal Government derived from the money paid into the Treasury for the lands which were sold, and for the improving of the remaining lands.

But my colleague says I am mistaken in supposing that the Federal Government has not, on any occasion, distributed the lands within the States to the citizens of the other States, or to other States, for the reason that bounty lands have been given to soldiers of the late war, and that many of those soldiers resided in New York and other States which contain no public lands. I do not consider this a gift. I consider it the payment of a debt; and there is the distinction, the difference between my colleague and myself. I consider that it was the payment, not of a legal, binding debt, according to a contract, but of an equitable and just demand which was owing by the people of the United States, or by the Federal Government to the soldiers; and this fund, being a fund belonging to the United States, was the legitimate fund out of which to pay it. I recollect very well—I happened to be a member of the House—that at the time war was declared with Mexico, a proposition was made in that House to increase the pay of the volunteers from seven to eight dollars a month, if I recollect correctly. It was refused. Why? Not because seven dollars a month was a fair compensation for the services to be rendered. By no means. It was admitted and agreed upon all hands

that the Government never could make full compensation for the sacrifices of its soldiers. It was not known how long the war would last, but there was a common understanding, as those who were members of the House at the time can bear testimony, although nothing formal was done to that effect, that if the war lasted any considerable length of time, in addition to the seven dollars per month, bounty land would be granted, not as a gratuity, but as compensation for the services of the soldiers. Do you consider, when a man leaves his home and business, and served in Mexico six, twelve, or eighteen months, at seven dollars a month, and you make him a grant of one hundred and sixty acres in addition to the seven dollars a month, that you are making him a gratuity? No, sir; you are paying a debt of high moral obligation; an obligation which, although not strictly legal, is entirely equitable. When you grant the widow and orphan children, whose husband and father fell upon the battle-field, and shed his blood in defense of the rights of his country, one hundred and sixty acres for the loss of their husband and father, do you call that a gratuity? No, sir, it is the payment of a debt; and so in every solitary instance, according to my humble judgment, the Federal Government never has granted, nor has it any right to grant, by way of a mere gratuity for the citizens of any State, any amount of money out of the Federal Treasury.

It is said, however, if this be done, why not provide for the destitute and insane of the different States? The cases are altogether different. One is the case where individuals have rendered service to the Federal Government, and all are equally bound to pay them; the other is where the Federal Government has no jurisdiction whatever, and there is no connection between them and the Federal Government. That is the distinction I draw, and it is one of the reasons, among others, why I cannot vote for the bill. I have other reasons, but I will not consume the time of the Senate further by giving them.

Mr. STUART. I am not disposed to enter into any discussion of this bill. I submitted a few remarks on the subject the other day. I wish, however, to propose an amendment.

Mr. BROWN. Will the Senator permit me to say a few words in reply to my colleague?

Mr. STUART. That can be done when the amendment has been proposed. This bill, in all its substantial provisions, was very carefully considered by the Committee on Public Lands. There is language in it, however, which was contained in what may be called the old bill, which is not proper. The attention of the members of the committee has been called to it again, and also the attention of the Senator from Vermont, [Mr. Foot,] one of the members of the committee; and it is agreed that it may be amended, which can be done by unanimous consent, in the second section, 4th, 5th, and 6th lines.

The bill, as it now stands, is:

"And whenever there are public lands in a State worth \$1 25 per acre, the value of said lands to be determined by the Governor of said State, the quantity to which said State shall be entitled shall be selected from such lands," &c.

The intention of the committee was to allow the States in which lands lie, subject to entry at \$1 25 per acre, to select the lands within that State. I propose, therefore, to ask the unanimous consent of the Senate to make an amendment, by striking out the word "worth," and the words "the value of said lands to be determined by the Governor of said State," and inserting in place of the word "worth" the words "subject to sale;" so that the clause will read:

"And whenever there are public lands in a State, subject to sale at \$1 25 per acre, the quantity to which said State shall be entitled shall be selected from such lands," &c.

That will give uniformity. The language, as it now stands, might allow the Governor of one State to determine one standard, and the Governor of another State another standard. I think there will be no objection to the amendment; it is precisely what the committee intended.

Mr. FOOT. I hope the amendment will be agreed to by unanimous consent. It is proper. It makes it what was intended.

Mr. ADAMS. I object to it. I would rather have the bill as it is.

The PRESIDING OFFICER, (Mr. WALKER in the chair.) The Senator from Mississippi objects; the amendment, therefore, cannot be made.

Mr. BROWN. I wish to say, before the debate progresses further, for the purpose of avoiding any mistake or misapprehension, that I have not meant, as the drift of my colleague's remarks this morning would seem to indicate him to understand me as meaning, that I object, in any degree, to the grants of lands which have been made to States heretofore for school purposes, internal improvements, or as bounty lands. I think they are all right and proper.

Mr. ADAMS. If my colleague will allow me, I will state that I did not misunderstand him. I was only showing the difference between those grants and this one. I understood him to say that he thought them all right.

Mr. BROWN. I introduced them simply for the purpose of showing that the Government has heretofore exercised the power of giving away the lands.

Mr. STUART. I am very sorry, sir, that the Senator from Mississippi [Mr. Adams] makes objection to this amendment. I hope he will review his decision. It is a matter in which I believe the Senate very generally concur; and it seems to me that difficulties, practical difficulties, will occur unless it is made. I do not wish to resort to a motion to recommit the bill, but I certainly, with my views of propriety, shall be obliged to do so for this purpose, unless the amendment can be made by unanimous consent. I suggest, if the Senator's objection arises from his opposition to the amendment itself, that he should give his consent that the amendment may be offered, and the sense of the Senate taken upon it.

Mr. ADAMS. I am willing to consent to that. I will not object to having the question taken upon the amendment, so as to let the majority of the Senate determine upon it.

Mr. STUART. The Senator will then consent to let the amendment be proposed, and have the sense of the Senate taken upon it. By unanimous consent that can be done.

The PRESIDING OFFICER. If there is no objection, that will be done; the question will be put upon the amendment.

Mr. BADGER. That certainly, under the rules of the Senate, cannot be done, if objection is made to the amendment.

Mr. STUART. Unanimous consent is given to take the sense of the Senate upon it.

Mr. BADGER. But that is not unanimous consent to the amendment. If the honorable Senator from Mississippi wishes to embarrass the bill on account of a technical amendment, he can do so.

Mr. ADAMS. I do not wish to do that. I do not object to having the sense of the Senate taken upon it. I prefer the bill as it stands, and I am not willing to give my individual consent to it; but I am willing to give my consent to have a vote upon it.

Mr. FOOT. If I understand the rule, it is this: An amendment is offered which requires the unanimous consent of the Senate. The question being stated to the Senate, if no one interposes an objection, the amendment is considered to be incorporated into the bill and adopted; and no objection being made, I suppose the amendment is adopted.

Mr. RUSK. It seems to me very clear that we cannot amend the bill on the third reading. That is the rule. But unanimous consent of the Senate can dispense with it.

The PRESIDING OFFICER. Does the Senator from Mississippi adhere to his objection?

Mr. ADAMS. I will not object to the reception of the amendment on account of its not being in order. I will give my consent to have it brought into the Senate, and then I shall ask a vote upon it, because I am not in favor of the amendment itself.

Mr. STUART. That is all that is necessary.

The PRESIDING OFFICER. If there is no objection, the Chair will put the question upon the amendment.

The amendment was agreed to.

Mr. DODGE, of Iowa. Mr. President, I do not rise to delay a vote upon this bill, or to interpose any obstacle to its passage. It is due to its dignified and courteous author [Mr. Foot] that I, at least, should afford him every opportunity to bring the Senate to a decision upon a measure in which he feels so much interest. He is a member of the Committee on Public Lands, and

has extended to the business of my State every consideration and favor which I have asked for it. I was in a minority in the committee which reported this bill, the only member of that committee who was not in favor of it. The details of the bill have been well considered, and I think are in quite as good a shape as those of any similar measure which has been presented to the Senate. My objections go to the principles upon which it rests. I dissent from all the reasons which have been urged by the Senators who have spoken in advocacy of this measure. I regard it as "distribution" in a worse shape than any that was ever devised or presented to the nation. I would greatly prefer the proposition of the Senator from Tennessee, [Mr. Jones,] which looks directly to the distribution of the proceeds of the sales of the public lands among the States of the Union, and directly from its National Treasury. That has, what is a very great recommendation to me, the merit at least of boldness. It neither disguises nor covers up anything, nor does it attempt to dictate to sovereign States what they shall do with the means which are placed at their disposal.

Being unwilling to take up the time of the Senate, and as I know my friend from Vermont is exceedingly anxious to obtain a vote upon his bill, I will content myself with saying that I sympathize most cordially with the views expressed by the two Senators from Virginia, in opposition to this measure, and those so ably and zealously enforced against it by the Senator from Mississippi, [Mr. Adams,] who sits on this side of the Chamber. With these Senators I concur in thinking that it is highly inexpedient to distribute the lands or their proceeds among the States. When once begun I cannot see where it is to end. Objects calculated to excite our sympathy will be constantly presented, and will be enforced as this has been, by strong appeals to all the more humane and generous feelings of our nature. When once the States, and societies and communities within their borders, begin to taste of this Treasury pap, I fear that their appetites will be whetted and increased by that upon which they will have fed. The great evil in all of our legislation, and it is the evil of the times, is excess. This National Government of ours was made to conduct the foreign affairs of the confederated States, and to perform certain other general functions looking to peace and war, commerce, and other great matters which could not be managed by the States in their separate capacity. Let it not then depart from the purposes for which it was formed, and commence the work of establishing eleemosynary institutions within the borders of sovereign States, if it even be for the praiseworthy object of benefiting the indigent insane.

It is not within the legitimate sphere for which this Government was formed; and having no power to enforce or carry out the objects which it is indirectly undertaking by this bill, its purposes and wishes will be disregarded and set at naught. Funds going as these will, to be scrambled for in the State Legislatures, rarely accomplish much good. They are dealt with very differently from those which are raised by a direct tax upon the people, for whose benefit the expenditure is to be made. Sir, the times are most inauspicious to a wise, proper, and economical administration of our public affairs; and one of the unfavorable symptoms which meet us on every side, in my humble judgment, is the large majority by which I know this measure is destined to pass. To get rid of the insuperable objection to one sovereign State, as such, holding large bodies of land within another, the bill provides that the distributive share of each shall be received in land scrip, so called; which she is allowed to peddle in the market, but not locate in her own name, and, in my opinion, is a giant stride toward what is termed land monopoly, than which nothing could entail upon the people among whom it exists a greater curse. Ten millions of scrip, or bank paper in another form, is to be thrown into the market as soon as it can be issued under the provisions of this bill. This scrip will be bought up by speculators, who will go with it by the cord or bale to the new States and Territories, and enter the lands along the lines of our contemplated railroads, and in all desirable localities. Its practical operation will be seriously to diminish to the struggling poor the benefits of a homestead, which, I trust in God,

Congress will grant them at its present session. There is no aspect in which I can view its operation which does not appear to me most prejudicial to the best interests of the Government and people.

I differ entirely from those who think that this measure rests upon the principles which govern Congress in making certain grants of land to the new States, or that members from those States are called upon in the exercise of a fair liberality towards the old States to vote for this measure. The sixteenth section, and other grants made to the new States, were offered as inducements to your citizens to encounter the hardships, privations, and dangers incident to the settlement of your distant, valueless and savage territory. Some of the grants to the new States slightly squint towards compensating them for a forced surrender, at the time of their admission, of the almost unalienable right to tax the property of the great landlord, who has thus far done little more than to receive and carry off the last dollar of our citizens for land priced at \$1 25 per acre, which, but for the labor and toil of those citizens who settled upon and improved it, would never have been sold for six and a quarter cents the acre.

But, sir, I know that a majority of the Senate are favorable to the bill, and I will not delay its passage. I know what I have said is unwelcome to its friends, and especially to the worthy Senator from Vermont, whose patience and urbanity all have witnessed during the somewhat protracted discussion upon this bill.

The question was taken by yeas and nays, and resulted—yeas 25, nays 12; as follows:

YEAS—Messrs. Badger, Bell, Brown, Chase, Clayton, Dawson, Dodge of Wisconsin, Everett, Fessenden, Fish, Foot, Geyer, Gwin, Hamlin, Houston, Jones of Tennessee, Morton, Rusk, Seward, Shields, Stuart, Sumner, Thompson of Kentucky, Wade, and Walker—25.

NAYS—Messrs. Adams, Atchison, Butler, Cass, Clay, Dodge of Iowa, Douglas, Fitzpatrick, Mason, Pettit, Welles, and Williams—12.

So the bill was passed.

On the motion of Mr. FOOT, the title of the bill was amended by striking out the words "and Territories."

VERMONT SENATORSHIP.

The Senate, on motion by Mr. PETTIT, resumed the consideration of the resolution reported from the Committee on the Judiciary, affirming the right of the Hon. SAMUEL S. PHELPS to a seat in the Senate.

Mr. PHELPS addressed the Senate at length in continuation of his remarks of 3d February, in defense of his right to hold his seat. [His speech will be found in the Appendix.]

Mr. FOOT. I move to postpone the further consideration of this subject until to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. FOOT, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 8, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. STRATTON obtained the floor.

The SPEAKER laid before the House a communication from the Treasury Department, in compliance with a resolution of the House of the 13th ultimo, transmitting a copy of the circular addressed by the Secretary of the Treasury to persons engaged in manufacturing and commercial pursuits, soliciting their views upon the best mode of adjusting the tariff, so as to bring it within the revenue standard, together with the replies received from all such persons, with various letters and documents thereby elicited, numbered from one to fifty inclusive; which was referred to the Committee of Ways and Means, and ordered to be printed.

Mr. STRATTON, by unanimous consent, presented the joint resolutions of the Legislature of New Jersey, instructing their Senators and requesting their Representatives to use their efforts to procure an appropriation by Congress of \$200,000 for the improvement of the navigation

and the protection of the harbors along the seaboard from Sandy Hook to Cape May; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. STANTON, of Tennessee. I have a report to make of a territorial bill, which I presume is in order at this time.

The SPEAKER. The report will be received.

CLERKS FOR COMMITTEES.

Mr. STANTON. Before the bill is read I ask the permission of the House to enable me to offer a resolution, which is rendered necessary by the investigation required to be made by the Committee on the Judiciary, by resolution of the day before yesterday.

The resolution I desire to offer is as follows:

Resolved, That the Committee on the Judiciary be authorized to employ a clerk, whose compensation shall be the same as that of the clerks employed by other standing committees.

I will merely say that, in the judgment of the committee, the investigation which was ordered the day before yesterday, with reference to the Gardiner claim, renders it absolutely necessary that we should have the services of a clerk. That is all I have to say.

Mr. STANTON, of Kentucky. The Select Committee, of which I have the honor to be chairman, on the subject of military superintendence of civil works, have instructed one of their members to make the same request on behalf of that committee.

Mr. FAULKNER. I was instructed to make that request, and this is the resolution which I desire to offer:

Resolved, That the Select Committee appointed to inquire into the propriety of military superintendence over civil works be authorized to employ a clerk, at a compensation not to exceed four dollars per day.

I would simply remark to the House, that it will be utterly impossible for the select committee to make the investigation with which they have been charged—to send for persons and papers, and examine witnesses—without this assistance. I therefore offer my resolution as an amendment to the resolution of the chairman of the Committee on the Judiciary.

Mr. LETCHER. I should like to have the first resolution read over again.

The resolution was again read.

Mr. LETCHER. I understand that that resolution is offered in consequence of the duty imposed on the committee for investigating the Gardiner fraud. I hope, therefore, that a proviso will be annexed to the resolution, that when that investigation is concluded, the clerk shall be dismissed.

Mr. STANTON, of Tennessee. I have no objection to that modification.

The SPEAKER. Then the modification will be made.

The question was then taken on Mr. FAULKNER's amendment; and it was agreed to.

The question recurred on the resolution as amended.

Mr. LANE, of Indiana. Is it in order now to amend the original resolution?

The SPEAKER. It is.

Mr. LANE. At the request of the chairman of the Committee on Private Land Claims, I move so to amend the resolution as to authorize that committee to employ a clerk.

Mr. RICHARDSON. I demand the regular order of business.

The SPEAKER. This resolution was introduced by the unanimous consent of the House, and must be disposed of. The objection to it comes too late.

Mr. RICHARDSON. Then I move the previous question.

The previous question received a second, and the main question was ordered to be put.

The SPEAKER. The question is now upon the amendment of the gentleman from Indiana, [Mr. LANE.]

The question was put, and the amendment was rejected.

Mr. COBB. I endeavored to get the floor to object to the introduction of the resolution in the first place. The Gardiner proposition has not as yet been fairly acted upon. I now move to lay the resolution upon the table.

The question was taken, and the House refused

to lay the resolution upon the table; there being, on a division, only nine votes in the affirmative.

The resolution, as amended, was then adopted.

SALARIES IN OREGON.

Mr. STANTON, of Tennessee. I have been instructed by the Committee on the Judiciary to report and recommend the passage of "A bill to increase the salaries of executive and judiciary officers in Oregon and New Mexico," with two amendments. I am not disposed to make any motion in reference to it. If the Delegates from those Territories who are interested in its passage choose to let it go to the Committee of the Whole on the state of the Union, I shall not make the slightest objection. If it go to that committee it will be taken up and considered within the three territorial days, I presume.

The bill was read a first and second time by its title.

Mr. FAULKNER. I move to refer the bill to the Committee of the Whole on the state of the Union.

The question was taken; and the motion was agreed to.

INDIAN HOSTILITIES IN OREGON.

Mr. SMYTH, of Texas, from the Committee on Territories, to which was referred "A bill to amend an act entitled 'An act to settle and adjust the expenses of the people of Oregon in defending themselves from attacks and hostilities of the Cayuse Indians, in 1847 and 1848,' approved August 21, 1852," reported the same back with a substitute therefor; which, with the bill, was referred to the Committee of the Whole on the state of the Union.

PAYMENTS IN NEW MEXICO.

Mr. FAULKNER, from the Committee on Military Affairs, reported back a bill without amendment, and with the recommendation that it do pass, for the payment of the civil officers employed in the Territory of New Mexico while under military government; which was referred to the Committee of the Whole on the state of the Union.

THE MINNESOTA LAND BILL.

Mr. RICHARDSON. I move to terminate all debate in the Committee of the Whole on the state of the Union on the Minnesota land bill within one hour after the committee shall have resumed the consideration of the subject.

Mr. KERR. I hope that motion will not prevail. Let the gentleman from Illinois make it two hours.

Mr. RICHARDSON. Very well; let it be so. Then I move that the debate close within two hours after it has been resumed.

Mr. LANE, of Oregon. It appears to me, Mr. Speaker, that the motion made by the chairman of the Committee on Territories ought to prevail. Three days have been set apart for the consideration of territorial business. One day has been already consumed in the discussion of this bill; and if debate be not stopped, the question will be discussed for the next two days, and not a bill relating to any other Territory will be touched.

I ask the House, therefore, that debate on the Minnesota land bill be stopped within two hours after its consideration shall have been resumed, so that the committee may have an opportunity of considering other bills; or else that the House may set apart some other day for their consideration.

Mr. HENN. I move to amend the motion made by the gentleman from Illinois, [Mr. RICHARDSON,] by striking out the words "two hours," and inserting "one hour;" and on that I ask the previous question.

The previous question was seconded—75 members rising—and the main question was ordered to be put.

The question was then taken on the amendment; and, on a division, there were—53 in the affirmative.

Tellers were demanded, but were not ordered.

The amendment was not agreed to.

The question was then put upon the adoption of the resolution; and it was decided in the affirmative.

The SPEAKER. The question now recurs upon the passage of the following bill, upon which the yeas and nays have been ordered:

Mr. RICHARDSON. I am very desirous to get along with the business before the committee,

and I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of the special order, being business relating to the organized Territories.

The CHAIRMAN. When the committee last rose, they had under consideration Senate bill No. 38, entitled "An act to aid the Territory of Minnesota in the construction of a railroad for military, postal, and other purposes;" and upon that subject the gentleman from Virginia [Mr. BAYLY] is entitled to the floor.

Mr. BAYLY, of Virginia, said he should not have opened his lips but for the position taken by the gentleman from Ohio, [Mr. CAMPBELL,] who had taken to task the Virginia delegation generally and himself particularly, and had charged on them, that in voting to cede to certain States the swamp and overflowed lands within their limits, and in voting to give lands to the soldiers who served in our different wars, they have conceded to the Congress of the United States the full authority to dispose of the public lands in any manner which their unrestrained discretion may seem to point out.

The Constitution confers on Congress authority to make all needful rules and regulations in respect to the territory and other property of the United States. However, he utterly denied that the Constitution confers on Congress, under that clause, the unlimited control of the subject, for the Federal Government is but the trustee in regard to the disposition of those lands. The public lands of the United States, whether acquired by cession, by purchase, or by conquest, are held by the General Government in trust. In the case of cession, the trust is given in the deeds of cession; in the case of purchase or conquest, the trust results from the character of the transaction; and in the latter two cases, no less certain than in the first; in each case, whether by grant, where the trust is defined in the deed, by conquest, or by purchase, where the trust is a resulting one, it redounds to the common benefit of the whole. Therefore, while he admitted the power of the General Government to make all needful rules and regulations concerning the public lands, they are bound to do it in subordination of the trust. They have no right to make them in disregard of the disposition of the trust.

Gentlemen, therefore, when they come here and show that Congress has power to make all needful rules and regulations concerning the public lands, do not advance one inch unless they show the grant to the Territories and States for railroads is in pursuance of the trust.

But why was it that he and his colleagues voted to give away the swamp lands, and also bounties to soldiers? On the first point he said, among other things, the swamp lands were utterly useless and unfit for cultivation; and, worse than this, they were a nuisance, impairing the value of other public lands in the vicinity. In this condition of affairs, the question presented was this: Will we undertake to make those swamp lands valuable, reclaiming them by ditching and other means; or will we allow others to do so, and thus, in the latter case, benefiting the Government, which is the trustee of all the public lands?

As to giving bounty lands to soldiers, he claimed that this was done under the war power, not under the constitutional clause giving Congress power to make all needful rules and regulations concerning the territory of the United States. He maintained that Congress has the right to reward soldiers for faithful service in defending the soil which we own; and that to encourage them in this way, by giving them something substantial—land—was better than voting them money.

He made further remarks on these and kindred subjects until the expiration of his hour, replying to Mr. CAMPBELL's views relative to grants of land for railroad purposes. [His speech will be found in the Appendix.]

Mr. KERR did not agree either with the gentleman from Ohio, [Mr. CAMPBELL,] who addressed the committee yesterday afternoon, or with the honorable member from Virginia, [Mr. BAYLY,] who had just concluded his remarks.

He differed, *in toto calo*, from the gentleman from Virginia, if he correctly understood the position he had assumed. He [Mr. K.] believed in the power of the Government to make appropriations, either of money or of lands, for works of internal improvement. He believed that the Government had the right, if it chose to exercise it, to appropriate the revenue collected from any and all quarters for such works of internal improvement as it might deem calculated to develop the resources of the country, and strengthen the bonds of our Union, or promote the general prosperity. In his opinion, the Government has the right to donate these lands to railroad companies, to States, literary institutions, or to any other parties, when, in the judgment of Congress, such grants would be the means of promoting the general prosperity of the country. All this power on the part of Congress, he at once conceded. He had always maintained it; he belonged to a party in this country that had ever insisted upon it. Moreover, they had not only insisted on this power, but had maintained the right of Congress to exercise it; and many years ago their great leader, the illustrious statesman of Kentucky, whose genius was manifested by many of the best and noblest works of internal improvements that had ever been established in the country, proposed a plan for the management and disposition of the public domain, which, had it been acquiesced in, would have prevented the wasteful disposition which had since been made of them.

Mr. Clay proposed to distribute these lands among the various States of the Confederacy, according to their Federal population, giving to the new States in which they were situated fifteen per centum upon the amounts derived from their sale. The party to which he belonged insisted upon this system years ago; but they were met by statesmen from Virginia with the constitutional objection that Congress had no right so to dispose of the public lands. His party predicted then that unless these lands should be thus disposed of they would not be retained by the Government for the purpose of raising revenue therefrom, as it was insisted they should be by the Democratic party; and the prediction then made—that the West would at some day have the power in Congress to take these lands—has been verified. The West now possess this power, and the country witnessed the spectacle of a gross abuse of the trust reposed in Congress, as he conceived it; not, however, a violation of the Constitution, for he did not maintain that position, believing Congress had the power to give these lands away.

He [Mr. K.] contended that there was a gross violation of trust involved in the policy for some time past pursued on this question. Whence did they derive these lands? Had they not been told, here and elsewhere, again and again, that a large portion of them was given by the States of Virginia, North Carolina, New York, and others—a common offering for a common good—the payment of the debt incurred in that struggle which resulted in establishing the liberty we now enjoy. These lands were acquired by the common treasure, and it was, therefore, the common property.

The Government was but the trustee for the benefit of all the States; and if, in distributing these lands, discriminations were made, manifest injustice, gross wrong, would be done those States to whose prejudice such discriminations were made. They who lived in the South, or in any other portion of the Union in which public lands did not exist, were as much entitled to a fair share of this common property as those who resided in those States in which such lands were situated.

While he maintained this doctrine, he was by no means disposed to take the position that no grants of land should, under any circumstances, be made to the new States for railroads, education, and other purposes. On the contrary, whenever he could see manifested here a purpose to do justice to his section of the country, to do justice to the old States, he would go with the most ardent advocate of these schemes for internal improvement in the West, if they should be sustained by sound reasons.

Mr. K. then opposed the bill before the committee, believing it was based upon the petition of a single individual, and that there was no company organized to build the road therein provided for.

Mr. K. concluded by giving notice that he would

at the proper time move to amend the second section of the bill, by adding the following:

Provided however, That the money received from the sales of the reserved sections shall be paid over to those States who have received no grants of public lands for internal improvements, according to their Federal representation in Congress.

[Mr. KERR's speech will be found in the Appendix.]

Mr. SIMMONS. Mr. Chairman, I have reflected considerably on this bill, more, perhaps, than I have on any which has been before us, with the exception perhaps of one, I mean the great absorbing one of the day, and I have come to the conclusion that I ought to vote for it. I have listened to the argument presented here by the very learned and respected gentleman from Virginia, [Mr. BAYLY,] as I always do when he speaks, with respectful attention, but it has failed to convince me.

I wish to bring the attention of the committee to this subject under two points of view. In the first place, the question of constitutionality, which is so common here; and secondly, the expediency of it. If I recollect correctly, and if not, the gentleman from Virginia can correct me; the very first report which was made in this body years ago, in favor of the power of this Government constitutionally to construct internal improvements, came from a chairman of the committee, who was a Virginian.

Let us look at the constitutional question a moment. There are three grounds upon which different speakers have placed the subject of the constitutionality of these grants. Inasmuch as the power of Congress is deemed so very important a question, and continually pressing upon us, and involving, as it does, the entire policy of our Government in respect to the settlement of the great western domain, it seems to me proper that we should have some distinct ideas on the subject, and, if possible, to have something clear and decided, and not be disputing about first principles continually year after year. The first position taken by gentlemen on the other side of the question, that it is constitutional for this Government to make internal improvements; is derived from the power expressly given in the Constitution authorizing this Government to regulate commerce among the States.

It was said by our great advocates of the system of internal improvement by the National Government, that the power to regulate commerce included something more than passing revenue laws. It implies power over the instruments of commerce, that is to say, it includes the power to construct and improve harbors, canals, and even railroads. Provided, however, that such constructions or improvements have two essential requisites. They must first be strictly national in their objects; or they must at least concern more than one State; or, in other words, as Chief Justice Marshall expresses it, "they must be instruments of commerce" intermingled with "the States."

Then there must be another requisite to constitutionally vest this power in the Government; and that is, the work provided for must be an improvement which individuals or private companies cannot accomplish, such a work as must be done by the Government, or not done at all; otherwise it is not properly a governmental measure anywhere, but a mere private enterprise, such as no Government, with or without our Constitution, would have a right to perform. It must be some channel or instrument of commerce; and more; it must be, besides that, a national work, and one which individuals cannot well do. It must concern more States than one. Then the constitutional power of the National Government is very clear, if the Supreme Court is right in ruling that this power to regulate commerce includes the power to regulate the instruments of commerce, even to the running of railroad cars, and to steamboats, and other things of that nature.

But, Mr. Chairman, the case presented by the bill before us is not one of those cases. I need not go any further than to say that in regard to that doctrine I espouse it to some extent, where the case is made out to be clearly national in its object, and where the work cannot be done by individuals within a reasonable possibility. In this case the nation ought to make the improvement; and if it would not do it, it is not fit to be a nation.

Then, sir, the next power is one which I see

the President of the United States has pretty successfully stated in his message. That is: This Government, as a proprietor of land, may make improvements, or may assist in making improvements by making grants of land, provided they come within the true policy of a proprietor of a large tract of land, seeking for the best price. Edward Livingston, who owned a large tract of land in my county, gave away certain lots for the sake of the improvements upon them, which made the other land so much more valuable. We may do the same; but in regard to this, we must be sure of two things in order to make that measure constitutional; we must be certain that this increased value of the remaining lands will be fully equal to the value of the land given away; and not only equal to their value when they come to be raised or enhanced in price by time and the general growth of the country, but equal to them before their advancement in that way, and irrespective of the general growth of the country. We must be certain that the enhanced value of the other lands reserved arises from such improvements, and not from the general growth of the country. A widow is entitled to her dower in land which her husband has alienated in his lifetime. She takes it at the value it was when he alienated it, exclusive of subsequent improvements; but she has a right also to the enhanced value arising from the general progress and settlement of the country around, and not put on by the alienee.

And so it should be with us. I think, therefore, that some of the arguments offered here, to show that the country has grown greatly in such cases, and that, on the whole, the remaining lands are equal in value to that granted away, are not precisely to the purpose; because the whole nation is entitled to that gradual growth in the value of land arising from the growing immigration and settlement of the country; and because the enhanced value of the remaining land must be a value which closely and necessarily grows out of these very improvements, and would not, in any state of the case, arise without them. But, sir, under this power, given in the Constitution, founded on proprietorship, it is not necessary that the improvements which we aid should be national ones—they may be merely local; and probably for this reason, among others, it will be found that this power, suggested by the President in his message, is the most laudatory in degree, and most dangerous to be exercised of any heretofore claimed.

But, sir, there is another constitutional ground upon which I choose to place the case before us. The idea is not original with me, but I took it from a learned speech in the Senate the other day, made by a Senator from Virginia, where he quoted the decision of the Supreme Court, and argued very learnedly to prove the reverse of my construction of the views of Judge Marshall. The position is this: that the Legislature, when it legislates for a Territory, acts in a double capacity. It acts as a Federal Legislature, with the authority of trusteeship over the public domain, if you please, bound in equity to give to each State its just Federal proportion of its avails. Then it acts, in this case before us, as a Territorial Legislature. In exercising its powers as a Territorial Legislature, Congress has, in addition to its Federal powers, the general legislative power of a State. In fact it is the mere guardian of a State in its minority. It is the guardian of Minnesota, now about sixteen years old.

But Congress, in its character of guardian, has not absolute, despotic power. All the restrictions on States in the Constitution apply to us when acting as a State. In doing anything for Minnesota now we are restricted by just exactly the restrictions as those by which the Minnesota Legislature would be if she were a sovereign State, admitted into the Union, and we, sitting in Congress, were to give her her proportion of the public domain, or some of it. We are not now giving to Minnesota her full portion. We keep an account current with her, as we do with all the States. We propose to give her a proper proportion at a proper time, reserving to all the States their fair proportions. We give to her Legislature the right to make these roads, and to dispose of these lands now, only as *part* of her share in the inheritance. If, then, this bill is so framed as to give to the Legislature of Minnesota only a fair proportion of the public domain, we ought at least so to secure

and guard it that she will not return upon us when she becomes of age, and say that we, as her guardian, permitted her to fool them away; as Indiana has complained for the loss of a township given her for a college.

Now, sir, I come to the question of expediency, for I am sure that this doctrine is the one which will ultimately prevail with the people in respect to our constitutional powers. The gentleman on my left [Mr. KERR] admits that the practice of the Government is such that he does not expect to get it back again. Then why whistle against the wind? Why not take things as they are? It is better to have a future than a past, and go with the operations of nature and laws of Providence, that by any unreal or fanciful doctrines of our own, however perfect we may prove them in theory. We have, sir, exclusive legislative power over the Territories; but not so exclusive as to justify us in exercising a despotic Government over them; we are to impose constitutional restrictions, and no other, and to grant them their rights, and nothing more.

We should apply Minnesota's portion of the public domain to her own use in just such a way as a guardian would apply money for the benefit of his ward under his charge. It does not follow, I admit, that because we have the power we should squander these lands. It does seem to me that, viewing the subject as a question of expediency, it is not unwise policy to make the grant of lands asked for in this case. The proposition is to make a railroad from Lake Superior—the great American Mediterranean—to connect with the waters of the Mississippi. The location of this road cannot be mistaken; and the Legislature of Minnesota, I have no doubt, if admitted as a State, would make the same location. I think the location is a very judicious and proper one, and that there will be no trouble about it whatever. But will the road ever be worth anything? It connects the great Lake Superior with the Mississippi river, and the interior with the Atlantic. We know that in the neighborhood of Lake Superior the mineral resources are very great, and are now beginning to be developed.

I cannot avoid saying one thing to my friends from Virginia. They go for the South and southern interests, and they are right; I should pursue the same course probably if I were a southern man. They do not object to drawing upon the Treasury for means wherewith to buy more southern territory from Mexico and Texas, where they find everything congenial with their institutions, and sympathies, and habits. Why not let us of the North do the same thing? The Territory of Minnesota is to be settled chiefly by Yankees. Although I do not mean to make war upon my friends from the South, yet I cannot help remembering, the very first day I took my seat upon this floor, the remarks made by a gentleman from South Carolina, in reference to the Erie difficulties. He said that we of the North must expect such trouble—intimating that we had a great middling interest always disagreeing and disunited, but that they of the South were easily agreed and united. But such evils are overbalanced by vastly greater advantages, and that is true. But let that pass. All I desire is, that these western lands of Minnesota should be occupied by our hardy yeomanry of the North, who can cultivate and improve them. It is not enough only to cultivate the land; they must cultivate and be cultivated themselves. We read that man was made to cultivate the earth, but we know the earth was made to cultivate him. A people can only be made intelligent, virtuous, free, and independent where the country is such as to require the exercise of all our faculties, and to demand all the various operations of industry. I have submitted, sir, all the remarks I intended to make.

Mr. LANE, of Indiana. I propose to detain the committee for a few moments only upon the bill under consideration. Personal explanations are always painful and hateful to me, and I would not detain the committee for any such purpose, did I not feel it incumbent upon me as a duty. In the explanation I have to make, I desire to call the attention of the committee to the following paragraph contained in the speech made by the gentleman from Illinois on yesterday:

"I suspect the time the gentleman would desire to give this information would be after the defeat of this bill."

Now, sir, my friendship for that gentleman is

of no ordinary character. It was cemented by encountering the same hardships and meeting the same dangers; and I cannot be induced to say anything offensive to that gentleman; but I must be permitted to remark, without intending it unkindly, that I envy not the man who entertains, much less expresses, such a suspicion of any gentleman in this House, and particularly when that gentleman is a friend.

My object yesterday in refusing to give the name of my informant, was an object which every gentleman would have in view; a principle of courtesy by which every gentleman would be controlled. And what was it? That I might see my informant, intending, the moment I did see him, to give to the gentleman from Illinois, and to the committee, his name. I repeat, and submit it to every gentleman upon this floor, if it was not due from me to my informant that I should see him and acquaint him that I proposed to give his name? When he made his communication to me, as recited by me yesterday, I presumed, and he presumed, that the fact would never be mentioned in this House. And let me say, that I courteously inquired of the Delegate from Minnesota, merely to ascertain the situation of the lands at the terminus and along the line of this road. I had no other object in view than to ascertain whether this rumor which I had heard was true. Certainly there was nothing improper in that; and certainly, because I chose not to make the name of this gentleman public, until I had his authority for so doing, the gentleman from Illinois [Mr. BISSELL] does me great injustice in entertaining or expressing such a suspicion. I send to the Clerk's desk the following communications, which I ask to be read.

The following letters were then read by the Clerk:

WASHINGTON CITY, March 8, 1854.

SIR: In a conversation had with you several days since, you informed me that a gentleman in this city held a claim upon six thousand acres of land, at the Lake Superior terminus of the proposed railroad from St. Paul to Lake Superior, and that he had disposed of one fourth of said claim in this city. Please state upon what authority you made that communication to me.

Respectfully, J. H. LANE.

Captain JAMES TILTON, Civil Engineer, United States Survey, Washington City.

WASHINGTON, D. C., March 8, 1854.

DEAR SIR: I discover I was mistaken in regard to the location of the claim for land. It is situated twenty miles from the terminus of the proposed road.

Also, in regard to the sale of one fourth of the claim, or other purchases to be made by a gentleman now in this city. These are entirely prospective, and contingent upon future events, as the lands in the vicinity of the proposed terminus at Lake Superior are held now by miner's titles or *flats*, which will be either confirmed or annulled when the land surveys extend over that region.

Very respectfully, yours, J. TILTON.

To Colonel J. H. LANE, M. C., Washington.

Mr. LANE, (resuming.) I gave notice here that I would oppose this and all kindred measures; not that I was opposed to granting lands to aid in the construction of a railroad in Minnesota in particular, but that I was opposed to all measures of the sort, except the proposed grant for the construction of the great Pacific road, which is to connect the Atlantic with the Pacific.

This question was made an issue in the canvass that resulted in sending me here. The homestead policy and the antagonistical policy of granting lands to incorporate companies, were in issue before the people during that canvass, and the people, in sustaining me for a seat upon this floor, voted in favor of the former and against the latter. I voted, on the day before yesterday, with great pleasure, for the homestead bill; and now, in opposing this and all similar bills, I am discharging my duty to those who sent me here, and faithfully representing their opinions, as I understand them. Why do they entertain that opinion? Why is it that these grants to railroad companies are antagonistical to the homestead policy? By such grants you say to the homeless and the landless, "you shall not come upon the line of these roads." Now, my first lesson in Democracy was, that we should legislate for the whole people, and not exclusively for the rich and well born. The doctrine of legislating for the rich, and trusting to them to take care of the poor, has always been opposed by me, and by the party to which I belong.

Entertaining, as I do, the opinion that the homestead bill, if passed, will result more beneficially to this country than any measure that has ever been adopted, I would not restrict its operation in

the slightest degree. That bill will settle up the new States; its effect will be to increase the price of the cultivated lands in the new States by removing from competition the neighboring lands now for sale at \$1 25 per acre; and it will result in relieving the public Treasury from the expense of governing and maintaining the Territories, as they will at an early day be settled by the laboring men of the country, and, under the operations of that bill, come into the Union as States. That bill will settle the country; and railroads will follow that settlement, where they are needed by the people.

But there is another objection which I have, and which my constituents have, to these bills. We in Indiana know something about the danger incident to combinations of this sort. I do not charge gentlemen with acting in concert by agreement; but I do say that community of interests makes combinations here that are dangerous to the country. We in Indiana, by combinations of this sort, passing bill after bill for the construction of railroads, canals, and turnpikes, and the friends of each proposition rallying to the support of all, were bankrupt, and were left without one single work completed, in debt thirteen millions of dollars. Under the operations of this log-rolling system our people were induced to commence simultaneously works of internal improvement that would have cost fifty millions of dollars to complete. The system failed; the bubble burst, and the people of Indiana are now, in the shape of taxes, paying for the folly of their legislators who adopted this log-rolling policy. If I had no other objection to this policy I should object to the combination incident to the introduction of so many propositions of a similar character.

I am made to say, in the report of yesterday's proceedings, as follows:

"I may say to the Delegate that there is a large amount of lands, say six thousand acres, held by persons now here, perhaps upon this floor."

I did not intend to say, nor did I say, "perhaps upon this floor." I have been requested by gentlemen upon this floor—the gentleman from Wisconsin [Mr. EASTMAN] among the number—to state where I derived this information. I have stated it; and I desire to say that I know Captain Tilton, and a more gallant and courteous gentleman is not to be found. He is a friend of this bill. In conversing with him on the subject of this projected road, I asked him the situation of the lands lying along the route. He made the communication recited by me yesterday. He ascertained that he was mistaken; and although I am opposed to this bill, yet I would not withhold one single iota of testimony or information that would tend to remove prejudice from the mind of any member of this body, or elsewhere. I have had the notes read, first, in justice to myself, and secondly, that the projectors, or the friends of this bill, may have the advantage of the correction made by Captain Tilton.

Mr. BISSELL. To whatever extent I may have wronged the gentleman from Indiana, to that extent I am most willing to make honorable amends, not only on account of the pleasant and friendly relations of the past, but because it would be right. In our discussion yesterday on a bill in which a great many members of this body took great interest, and upon which it was thought quite possible that a vote might be taken before the adjournment, the gentleman from Indiana declared that an individual, or individuals were owners of a large tract of land at one of the termini of the proposed road.

Mr. LANE. That I had been so informed.

Mr. BISSELL. I meant to say that. He said that he had been so informed by a person of such credibility as to give it, in his mind, the impress of truth, or words to that effect. It evidently produced what I think it ought not to have done if strictly correct, an impression upon the committee adverse to the bill. What had the friends of the bill to do under such circumstances, except to ask for that information which would enable them, if there were any error in it, to expose that error, and thus do away with any unfair and unjust prejudice raised against the bill in consequence of the statement? Was it not right to ask for that? The gentleman from Indiana was asked if he had the information in his power. He said he had. We said, "Give it to us." Of course my meaning being, so far as I had anything to do with it, that

we might treat of it, and that we might, if it were true, let it go before the House for what it was worth; if it were not true, then let us come here and show it, so that the bill might not be damaged by an unjust suspicion—the gentleman admitting that he had it in his power to give the information on the spot.

So while there was a probability—as I said before—or, at least, a possibility that a vote would be taken on the bill within two hours' time, I ask was it very unreasonable in me to say—and I put it to the gentleman from Indiana himself, and perhaps it was, though I do not see it—was it very unreasonable in me to say that I suspected the gentleman would prefer to give the name of his informant after the bill would have passed? That is what I said; and that is what the gentleman complains of. Now, Mr. Chairman, I repeat, that, to my own mind, it does not appear that in saying so I was out of the way. Nevertheless, if it seems so to my honorable friend, I am sorry that I made the remarks, for I would not, needlessly or wantonly, wound the feelings of any gentleman here; and I would be as far from suspecting the gentleman from Indiana of anything unfair as any other gentleman in the House. But in time of debate, and while a little excitement exists, everybody knows how things go in this House.

Allow me to say another word on this subject. May I not claim a little credit, at least, for what I said? for that itself has brought out the gentleman [Mr. LANE] on the floor this morning in a considerable refutation of the facts which were previously mentioned here by himself. If I had not said that which he now complains of there might be many members of this House laboring under the impression that what the gentleman had stated was correct, and thus the bill might have been unfairly injured. But the remark which I made to him—that of which he complains—had the effect of inducing him to do just what I intended he should do; that is, come here this morning, finding his statement incorrect, and make a correct statement of the fact, and thus do away with the erroneous impression his remarks yesterday might have caused.

Mr. LANE. Will the gentleman from Illinois permit me to interrupt him with an explanation?

Mr. BISSELL. Of course; with great pleasure.

Mr. LANE. I expected, if the gentleman from Illinois will permit me, that after the adjournment of the House some gentleman interested in the bill would drop me a line, asking me for the name of my informant. I intended, on the receipt of that note, to go to my informant—my friend—a gentleman of standing and respectability—a man of gallantry—and submit this note to him, and say to him, "I want your permission to give you as the author of this information."

Mr. BISSELL. (interrupting.) Well, Mr. Chairman, it is a mere difference of opinion between us as to the proper manner of doing particular kinds of business. I thought that if he could make so free, from the conversation he had with his friend, as to come here and publish it as a fact, with a view to make weight against an important bill about to be voted upon in the House, he ought to have no hesitation in giving his informant's name; or, at least, in furnishing us with some other clue to ascertain the correctness of the statement.

Mr. LANE. Will the gentleman permit me to interrupt him again? It seems to me but just to say, that in the outset I merely inquired of the Delegate from Minnesota as to these facts; and that the other remarks were drawn from me by other observations made in the House. Mr. Chairman, I have no doubt of the will, of the intentions, of the honorable gentleman from Illinois. I am not disposed to complain of him, and so there need not be a word more said on the subject.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a joint resolution of the House (No. 17) for settling the account of A. Boyd Hamilton, without amendment.]

Also, that the Senate had passed bills of the following titles:

S. No. 44. An act making a grant of public lands to the several States of the Union, for the benefit of indigent insane persons.

S. No. 137. An act to incorporate the proprietors of the Glenwood cemetery.

S. No. 256. An act for the relief of the West Feliciana railroad, and the Georgia Railroad and Banking Company.

In which he was directed to ask the concurrence of the House.

Also, that the Senate had agreed to the report of the committee of conference on the bill of the House (No. 135) for the relief of the United States troops which were sufferers by the recent disaster to the steamship San Francisco.]

Mr. LANE, of Oregon. I desire, Mr. Chairman, to say a word or two, but not anything in regard to the merits of this bill. That has been pretty fully discussed. I wish to leave that matter to the good sense of this committee; but I desire to notice some remarks which fell from the gentleman from Indiana [Mr. LANE] in relation to the history of Indiana. I entertain for her some feelings of pride; and I make my remarks in vindication of the truth of history. I know the gentleman would not misrepresent her history, if his recollection was right; but he is not quite as old as I am, and does not recollect all the incidents of her history as well as myself.

He has notified us that he is opposed to the bill, and all others having in view the appropriation of lands for railroads. That is all right, as far as he is concerned. He has a right to vote against this and all other like bills; but if he will look back to the history of that State, he will find that when she was plunged into debt this Government stepped forward and relieved her by the most liberal donation of land ever made to any State of this Union. When she had undertaken a system of internal improvement upon her own credit, and had crippled herself, and was upon the point of repudiating her debts, she was enabled to place herself right by a liberal grant of land from the General Government to enable her to complete her works.

The gentleman from Indiana [Mr. LANE] is right in voting against this bill, if, as he tells us, his constituents are opposed to this kind of legislation; and whenever the constituents of any gentleman upon this floor are opposed to any measure he ought to vote against it. But these Territories, which are very remote from you, are dependent. They have a thin population, and no vote upon this floor. Their interests are in the hands of the Congress of the United States. They can ask for what is right, and it is for you to consider what is due them, and to do for them accordingly. I have no doubt of the justness and propriety of this bill, and believe that you will do much towards promoting the interests of that country, and in settling it, and enable her thereby a year or two sooner to come into the Union to take her stand among the States, not only to have a voice, and the right of talking upon this floor, but a vote also. There is room enough off of the railroad lines to enable everybody who desires to avail himself of the provisions of the homestead bill; and when they do so their interest will be greatly promoted by the establishment of railways through the country, as a means of enabling them to obtain access to a market for their produce.

In reference to the necessity of these roads for military purposes, about which the gentleman from Virginia has been speaking to-day, I would say that military posts are necessary in that country, although there is no danger of any foreign power invading the country. But it is not only necessary for military purposes—as posts must be kept up for the protection of the frontiers—but it is necessary for the conveniences of the country. Large grants of land have been made to the States, but none larger than to the State which the gentleman himself in part represents.

Mr. LANE, of Indiana. I desire to propound one question to the gentleman. I stated that combinations, under a log-rolling system, had bankrupted Indiana. I understood the gentleman from Oregon [Mr. LANE] to say that the grant of land from the General Government had relieved Indiana from bankruptcy. I desire to ask the Delegate from Oregon whether the grant to which he refers was not made to the State of Indiana long before that time, for the construction of the longest canal in the United States, and whether we were not compelled, by the great bankruptcy thus produced, to part with that entire work? Was not the gentleman himself a distinguished actor in the

deed of cession? And would that cession have been made had prudence and wisdom controlled our legislators?

Mr. LANE, of Oregon, (resuming.) It is very true that, many years ago, I think it was in 1827, Congress granted to the State of Indiana, a large tract of land for making a canal from Lake Erie to the Wabash. That canal was made by means of this grant. After that was done we entered upon a general system of internal improvements, pledging the faith of the State for that purpose; and it was proposed to extend that canal the whole length of the State to the Ohio river. We went into all manner of railroad projects; and pledging the faith of the State, we borrowed a large sum of money, and expended it without making any works, and then fell back upon this Government for aid to carry them through. By means of a liberal grant of land from the Government, the State was finally enabled to make arrangements with her bond-holders and her creditors, by which she has completed a portion of her works; and she is now in as prosperous a condition as any State in the Union. The day is not far distant, I think, when she will have more facilities in the way of communication, more roads, and stand in a better condition, than almost any other State.

I only desired to say that the grant now under consideration ought to be made, and I think that my friend from Indiana, in my judgment—although I would not persuade him from his own course—ought to come up and vote for this Minnesota bill, and be willing to extend to that Territory the blessings which the Government extended to Indiana when I was a resident of that State.

Mr. LANE, of Indiana. I have a warm heart for Minnesota.

Mr. RICHARDSON. It is not my purpose to undertake to reply to the various remarks that have been submitted by gentlemen in relation to this bill. The debate has taken a very wide range, and gentlemen have discussed not only the propriety of the particular bill under consideration, but a great many other things irrelevant thereto. I do not propose to pursue them in all their wanderings, but to consider at once the question practically before the committee.

I stated in the outset that the proposition under consideration was to grant lands to Minnesota inside of the Territory alone. The gentleman from South Carolina [Mr. ORR] thinks if we make the terminus upon the lake that we will have to go into the Indian country. The whole distance which this road will have to pass in Wisconsin, as I am informed by gentlemen who live in that State, is probably fifteen or twenty miles. I have prepared amendments to the bill, which I intend to submit without going into the discussion of the merits of the bill at all, for I desire to get a vote upon it immediately, that we may pass upon it, and be ready to consider the other territorial bills, which ought to be considered and passed. I have no doubt that every gentleman upon the floor has made up his mind how he will vote upon this bill.

The first amendment I propose is to strike from the first section in the bill the words: "for facilitating the transportation of the mails, men, munitions, and for other purposes;" so as to make it read "that there be, and hereby is, granted to the Territory of Minnesota," &c.

The next amendment which I shall propose is one of much importance, because it relieves the bill from the quibble which may be raised in reference to it. It is to add in the tenth line, after the word "lands," the words "in the said Territory of Minnesota," so as to confine the donation exclusively to the lands inside the Territory.

These are the amendments which I propose to offer to the bill; and I think I may call upon every gentleman of the House, whether he is opposed to the bill or in favor of it, to cast his vote without further discussion. If gentlemen cannot approve the provisions of the bill let them vote against it. All I ask is, that they shall not delay the time of the House by the discussion of questions that are not pertinent to the bill. Let us dispose of it in some way or other, so that we may proceed to the consideration of other business. I think I have the right to ask it. It is not unreasonable to do so. I do ask gentlemen to take the vote upon the bill without further discussion.

Mr. WASHBURN, of Illinois. Will my

colleague permit me to say one word before he yields the floor?

Mr. RICHARDSON. Certainly; I will yield to the gentleman.

Mr. WASHBURN. I feel an exceedingly great interest in the measure which the committee is now considering. It is a bill of vast importance to the section of country which I have the honor to represent on this floor, and my constituents look to its passage with very great solicitude.

There was one thing in the bill that has attracted my attention. I refer to that provision which refers to the privilege of extending the road through the State of Iowa to a given point on the Mississippi river. But I understand from the chairman of the Committee on Territories in the House, [Mr. RICHARDSON], who I know to be a good lawyer; and I understood from the chairman of the Territorial Committee in the Senate, [Mr. DOUGLAS], who is a distinguished lawyer and judge, that this extension was not intended to, and does not carry, any land with it, but was only inserted to show the direction that it was to take; that it was not intended to grant any land whatever outside of the territorial limits of Minnesota. However, whatever may have been the true construction of the language granting the privilege to extend the road outside the boundary of the Territory, the amendment just proposed by my colleague, the chairman of the committee, [Mr. RICHARDSON], settles the matter, if, indeed, there had been any doubt on the subject before.

If the bill had provided expressly for a grant of land in Iowa, I should have desired to offer an amendment, if I could have done so without endangering the passage of the bill. But as any amendment by a friend of the bill might tend to embarrass it, and as it was the road I wanted, I determined not to move any minor amendments, even though I might consider such amendments important.

I will suggest the reasons why I should have desired the amendment to which I have alluded, if my friend and colleague [Mr. RICHARDSON] had not proposed the alteration of the bill, and if the construction which I have just stated had been offered as the true legal one. There are two great lines of railroad which will run across the State of Illinois from Chicago to Galena and the Mississippi river. If a road be built under this grant, it will be a feeder to one or both of these roads. These two roads run through my district; and my amendment (had I offered it) would have been so to have changed the bill that there should be two termini, one connecting with the Illinois Central, at Dunleith, Illinois, and the other at the mouth of the valley of the Ute de Mort, connecting with the Chicago and St. Charles Air-Line railroad. Thus giving two outlets; doing justice to all interests, and injuring none. But the amendment proposed by the chairman, and even the bill without any amendment, according to the construction given to it, makes no grant of land to Iowa. The road will now terminate at the southern boundary of Minnesota. Private enterprise will build roads to connect with it; and the company which first builds a road to that point will get the benefit which its enterprise deserves.

Being, Mr. Chairman, in favor of the principle of these railroad grants, and particularly in the application of the principle to the construction of this particular road, opening up an intercourse with the enterprising and hardy pioneers of that magnificent Territory, I hope to see the bill reported to the House with a recommendation that it do pass. We have had an able and temperate discussion upon its merits, and I trust the committee is satisfied of the justice of the measure.

Mr. RICHARDSON. I do not propose to submit any further remarks upon this subject. I do not desire to consume the time of the committee. I think the bill is as well understood now as it would be after two or three days of further discussion. The propositions involved in it are all plain and simple.

I will say to my colleague [Mr. WASHBURN] that I do not desire to cheat anybody, or to be cheated myself. I have said all along that this grant is to be confined to the Territory of Minnesota. That is what I mean; and the amendment which I have proposed will remove all possible doubt.

Mr. WASHBURN. As I said to my colleague, I am satisfied with his suggestion, and do

not intend to move any amendment to the bill, if it is left precisely as it now stands.

The CHAIRMAN. The question is first on the adoption of the amendment which has been submitted by the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. ORR. Will the gentleman from Illinois yield me a portion of his time?

Mr. RICHARDSON. Oh, certainly.

Mr. ORR. I desire to say that if the amendment suggested by the chairman of the Committee on Territories should be agreed to by the committee, it will remove the greatest objection that I urged yesterday evening to the passage of the bill.

I still, myself, doubt the propriety of making donations to a Territory; but if the principle is correct, I shall not feel myself called upon to make any serious opposition to it. It was in consequence of a new feature being introduced here that I felt called upon, yesterday evening, to make the remarks that I did in opposition to the bill.

Mr. HARRIS, of Mississippi. I wish to ask the gentleman from Illinois a question, with his permission.

Mr. RICHARDSON. I will hear the gentleman's question.

Mr. HARRIS. Has any company been chartered for the construction of this road?

Mr. RICHARDSON. There has not been.

Mr. HARRIS. Then it is a mere blind grant to the Territory.

Mr. RICHARDSON. Having nothing further to say, I now submit the first of the amendments I have indicated, and I will submit the other as soon as we reach that part of the bill.

Mr. CUTTING. With the permission of the chairman of the Committee on Territories, I will make a suggestion in reference to this bill, which will apply to all others of the same character. I throw it out for reflection, and I submit it to the candid judgment of the gentleman from Illinois, and of the members of this committee.

It is very evident to me that there is a strong inclination on the part, probably, of a large majority of the committee, to adopt the course of policy of transferring the public lands upon a consideration in the nature of a contract. As I understand the theory of this and analogous bills, it is, that in order to open up the country, in the first place, and in the next, in order to obtain facilities for carrying the mails and munitions of war, the General Government undertakes to give, by patent, to the States, a bounty of land, upon a contract on the part of the States that they will apply it to a particular purpose, and that for all future time the mails and munitions of war shall be carried for the use of the Government upon such terms as the bill prescribes.

It is, therefore, in the nature of a contract or compact between the General Government and the State. Now I will beg to suggest what, I suppose, will result, in substance, to the same beneficial end as regards the State as this bill does; that there should be guarantees or safeguards, if possible, thrown around it. Under the terms of this bill, when the road is commenced and twenty miles of it are finished, they have the disposition of the lands on each side. And, as I understand it, the title to this property passes the very moment it becomes a complete bill. I understand that the moment this House concurs with the Senate, and the bill is approved by the Executive, *eo instanti*, the whole title of the United States to these lands passes to the Territory. And in this instance the quantity is somewhat considerable, say a million of acres; but that does not touch the principle, whether it be more or less. According to the terms of this bill, the very moment that it becomes a perfect law, that moment the title to these lands, or the right to locate them, at once is vested in the Territory.

Mr. ORR. For twenty miles.

Mr. CUTTING. Of course within the limits provided. Now I would suggest whether it would not be a wise precaution for this Congress to adopt in all these bills the provision which I shall read? I have sketched it hastily this morning in the shape of an amendment, rather for the purpose of drawing attention to it; and if gentlemen do not think that it contained the principles of safe legislation, why I am not in the least degree tenacious about it. The amendment which I have drawn will, perhaps, explain itself as well

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, MARCH 9, 1854.

NEW SERIES.....No. 37.

as I could verbally; but I will add to it a few observations still more explanatory of it. The title, as I observed, as provided under this bill, passes before the road is even surveyed, and before the spade is put into the ground. I propose that the Government shall retain its title, and shall issue patents as fast as the road is complete, and the terms of the amendment, I think, carry out the idea. I propose to add as a separate section, or at the end of the first section, the following:

SEC. 6. *And be it further enacted,* That no patent shall be issued for any part of the lands hereinbefore mentioned until a continuous length of twenty miles of said road shall be completed; and when the Secretary of the Interior shall be satisfied that any twenty continuous miles of said road are completed, then a patent shall issue for a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of said road; and so, from time to time, patents shall be issued, in like manner, upon the completion of each additional twenty miles of the said road until it shall be completed, when patents shall be issued for all of the said lands not already conveyed; and until patents shall be issued therefor the title to the said lands shall not vest in the said Territory. No patent shall issue for any part of the said lands until the said Territory shall in due form assent to the provisions of this act, and shall agree to fulfill the same.

Mr. RICHARDSON. If the gentleman had read the fourth section of the bill he would have found that he proposes but a very slight change of the bill.

Mr. CUTTING. I respectfully submit to the chairman of the committee that there can be no doubt upon the construction of this whole bill that the title passes the moment the bill is completed. I propose, instead of the Government in making this contract parting with its whole land before the spade is put into the ground, that the title shall remain in the Government as security for the prosecution and completion of the work; so that as soon as twenty miles are completed then the patent shall issue for the amount of land to be granted along those twenty miles. Then when twenty more miles are completed the title should issue. I ask whether it does not come to the same thing as far as Minnesota is concerned, assuming that the Territory of Minnesota will—as I have no doubt she will do—appropriate these lands according to the purpose of the act.

Now, I ask, is it not a good precaution? Is it not more secure for the Government, if they really desire that this road shall be built, and that the Government shall have the benefit of that part of the act which results to it? Is it not safer, I say, for the Government to retain the title to the lands and transfer it from time to time as the road is completed?

In other words, Mr. Chairman, if the land did not belong to the Government, if it were the case of an individual land-owner, if, instead of this public land belonging to a political community it belonged to any one of you gentlemen, personally and individually, I ask whether you would not begin, when you made a contract, by protecting well your title to the land in question?

Mr. WENTWORTH, of Illinois, (interrupting.) Will the gentleman from New York permit me for a moment?

Mr. CUTTING. Certainly.

Mr. WENTWORTH. I ask the gentleman from New York this question with the more anxiety because he in part represents the commercial metropolis of New York: whether or not, in undertaking to build this road, the first thing to be done is to get the money? We must go to New York for it, and perhaps go from New York to England. Now what effect will this amendment have on the capitalists of the country? For that is, after all, the main thing to look to. The road cannot be built without money. Will not this amendment then so frighten capitalists that money for it cannot be raised?

Mr. CUTTING. Mr. Chairman, whether the amendment that I have had the honor to introduce would or would not, if incorporated into this bill, alarm capitalists I cannot take upon me to decide. In the first place, I have never had any very great experience in such matters, and I am not a very good judge of them. In the first place, I never was in an operation of that kind myself, nor have

I had any agency whatever in borrowing money, or raising money, or pledging public property for the purpose. And perhaps my friend from Illinois could not apply to a gentleman in this House who could enlighten him so little as I feel myself capable of doing in this respect.

We are acting here, Mr. Chairman, not for these individuals. We are acting for the benefit and for the security of the Government. And it seems to me that in our anxiety as to what capitalists will do in favor of those who undertake to borrow money, we should look a little, at the same time, to the Government, and see whether or not we are securing them.

Mr. WENTWORTH, (interrupting.) Then how is the road to be built? We want to build the road, and must have the money to do so.

Mr. CUTTING. If this land and road are to fall into the hands of men so feeble that, with a legislative enactment which gives them in equity the whole of the land in question—if, I say, they are so feeble, and have such little means, that with this bill passed and signed by the President, and making a transfer of all the right, title, and interest under that bill, they cannot raise the money, then it seems to me we are dealing with a very uncertain set of men.

Mr. ORR. Will the gentleman from New York yield me the floor for a moment?

Mr. CUTTING. With pleasure.

Mr. ORR. If I understand the amendment offered by the gentleman from New York I think it is entitled to the grave consideration of this committee. We have been in the habit of granting these alternate sections of public land to secure the construction of a road, and our policy has been to make the grant in such a way as that the land should not be sacrificed.

Now, if this amendment proposed by the gentleman from New York will furnish an additional security, I do not see why the friends of the measure—myself among the number—should not accept of it. The effect of the gentleman's amendment, and what he desires, is, if I understand it, simply to require that the company shall be able to raise sufficient funds to build twenty miles of the road before the title of any of the lands vests; and I think, with him, that if this be the effect of it, the company would be weak and feeble indeed if it could not raise a sufficient sum of money to build twenty miles of the road.

Mr. CUTTING resumed the floor.

Mr. WENTWORTH. Will the gentleman from New York allow me a word?

Mr. CUTTING. Not just now. I would simply remark that when I rose for the purpose of submitting that amendment, it was with no intention whatever of taking a gladiatorial part in the matter; for really, I am not tenacious about it. I simply think, and thought, that it was a wise and prudent precaution, such as an ordinary man of common prudence would resort to if he were only dealing with his own property.

I know no better rule of legislation than for public men to act in regard to public matters in the same way that they would individually with their own private means.

Mr. WENTWORTH, of Illinois. I desire to ask the gentleman from New York a question as to the effect of his amendment. It is well known that when railroads are built, they issue bonds upon the pledge of the road, but where the road is not a sufficient security for the capitalists, or where they think it is not, they give security upon the land besides the road. Now I ask whether he supposes a mortgage upon these roads, with a contingent security upon the land, would be a good bond?

Mr. CUTTING. I have no doubt about it. I have no doubt but an assignment by the parties to whom the States or Territories shall give the lands, of all their rights and interests, subject to the requirements of this act, would vest the equitable title of these parties to the extent that the grantees of the State or Territory held.

Although, as I said before, I am sorry that I undertook to meddle with this matter at all, yet

there is another suggestion I will make. This bill, if I understand it, proceeds upon a doctrine which seeks to avoid and steer clear of all constitutional objections anywhere. And, I must say, that I am at a loss to perceive why it does not do so successfully—even assuming that there otherwise would be, from the mere donation, from the mere voluntary gift, any difficulty in that matter. This bill proceeds upon the ground that the Government in disposing of land, may dispose of it upon, and for a consideration. And it is for the legislative branch of the Government to judge whether or not the consideration is one which ought to be accepted for the property. Now, the consideration upon the face of this bill appears to be this. In the first place, they are to transport the mails, not at such a rate of compensation as either the Territory of Minnesota or its grantees shall fix, but at a price to be named by Congress, or until Congress acts thereon through the proper department of the Government. That is one consideration for the grant of this land.

Another is this: If in the future the Government desires to transport men and munitions of war to the frontiers, or anywhere over this road, they shall have the right so to do, free of all charge on the part of the railroad.

Now, as I understand it, this is a disposition of the lands for a consideration. But whenever this Government enters into a contract with individuals, or when it enters into contract with States, as with Missouri in 1821, and with the State of Texas at a more recent period, what was the course of legislation? Was it not to require the consent of both the contracting parties to carry out the stipulations to be fulfilled on their part? I submit to the chairman of the committee that in this, and all other bills of this kind, you should add a clause to the effect that no patent shall issue for any part until the said territory shall, in due form, assent to the provisions of this act, and shall agree to fulfill the same.

Mr. PHILLIPS. I desire to ask the gentleman from New York [Mr. CUTTING] this question: If Congress makes a grant of land to a State, with a certain condition annexed, is not the acceptance of the grant by the State an agreement to fulfill the condition? Another question which I propose to ask is this: The gentleman desires to keep the patent, which is the highest element of title in the hands of the Government, until the road proceeds *pari passu* fifteen to twenty miles; but for what consideration, and to secure what object, is this requisite? He says the consideration in this bill is, that the mails and troops of the United States are to be transported; and in order to secure that consideration, he desires to keep the evidence of the title in the Government until the road proceeds fifteen or twenty miles. Does not the gentleman know that the States which receive these grants never do make the roads themselves, and therefore that we have to rely, not upon our grants to the States, but upon the other conditions and agreements which the States make with the companies who do construct the roads, for the fulfillment of the conditions which Congress imposes upon them.

Mr. CUTTING. If that be so, then I submit to the candid consideration of the House that there is a greater necessity for the amendment I offered. I submit to the candid consideration of gentlemen, when the Territory of Minnesota parts with this land to individuals, and parts with it in such a manner that these individuals control it, whether it does not show the necessity of having an amendment of the kind I suggest?

Mr. McNAIR. I rise to a question of order. It appears to me that the time for debate has expired. Two hours have passed, and no person has a right to speak except the chairman of the committee [Mr. RICHARDSON] who reported the bill. He was entitled to one hour at the commencement of the debate, and, under the rules, is entitled to the privilege of another hour at the close.

The CHAIRMAN. The gentleman from Pennsylvania has the right to make his point of order, but he cannot argue the question.

Mr. McNAIR. My question of order is, that the two hours, the time allotted for the discussion, having expired, whether any person, except the chairman of the committee who reported the bill, has the right to continue the discussion?

The CHAIRMAN. The Chair would state to the gentleman from Pennsylvania that the gentleman from Illinois, who reported the bill yielded the floor to the gentleman from New York [Mr. Cutting] for the purpose of explanation.

Mr. McNAIR. Can this debate be considered as an explanation?

The CHAIRMAN. Perhaps it has trespassed beyond the bounds of an explanation.

Mr. CUTTING. I am satisfied that my friend from Alabama [Mr. Phillips] will not dine well if I do not answer this question. In the first place, the gentleman misunderstood me most grievously when he supposes that I offered this amendment for no other purpose than to secure the transportation of the mail, troops, and munitions of war. I offered the amendment for the purpose of securing the building of the road. That was the purpose, and not the other, which the gentleman attributes to me. So much for question number one. The gentleman asks me again, as a lawyer, that if this bill is passed in the shape in which it is now presented, and upon what he chooses to call a condition, whether or not the land will rest, if that condition is not complied with? That is the question which the gentleman put to me, as I understand it. I say, in reply, that if there is any horn-book in law, which does not lay down the proposition that a condition subsequent never voids the grant, then I have not had the good fortune to meet with it. The condition precedent must be performed; and the effect of my amendment is to make the building of the road a condition precedent. It is to meet that identical thing.

Mr. DISNEY. I am desired by gentlemen around me to be brief. I will be so, for I am too unwell to occupy the attention of the committee for any considerable period of time, even if I felt disposed to do so. I cannot speak without much pain—

The CHAIRMAN, (interrupting.) The Chair will remark to the gentleman from Ohio that the general debate upon the bill under consideration having closed by order of the House, he can only proceed with his remarks with the consent of the gentleman from Illinois, [Mr. Richardson,] who, having reported the bill, is entitled to close the debate.

Mr. DISNEY. I desire to speak in opposition to the amendment of the gentleman from New York, [Mr. Cutting.]

The CHAIRMAN. No amendment offered by the gentleman from New York is pending.

Mr. DISNEY. I understood him to offer an amendment.

The CHAIRMAN. He did not. The first amendment pending is that offered by the gentleman from Illinois, to strike out a portion of the two first lines of the bill. The gentleman from New York has only indicated his intention of offering an amendment.

Mr. DISNEY. Then I will reserve what I intended to say until the gentleman does offer it.

Mr. BISSELL. With the consent of my colleague, I should like to say a few words upon the subject of the bill.

Mr. RICHARDSON. I will yield to my colleague.

Mr. BISSELL. I have only a few remarks to offer. As to the matter of securing to the Government the right to transport the mails over this road I look upon it as something of very little importance. We know that if these railroads are built they will allow the mails to be transported over them for a reasonable compensation; and I regard the provisions in all these railroad bills making such a condition as of the smallest possible consequence. If we could have no provision for transporting the mails except under the authority here provided I should think it would be but small security.

The provision for the transportation of troops, too, I do not consider a matter of any appreciable importance. Why, sir, when the time comes, and the directors of these roads refuse to transport the United States troops over them, what has the Government to do but to take their cars and their locomotives and transport the troops? The Government is not at their mercy, whether we make

these provisions in this bill, and in other railroad bills, or not. They will transport their troops and munitions of war without the consent of these railroad companies if they cannot with their consent.

Mr. FULLER. I desire to make a suggestion to the gentleman from Illinois. I ask him whether it would not be well enough to incorporate into this bill a provision requiring the territorial government of Minnesota, whenever they shall incorporate a company to build this road, to set forth the terms affixed to this grant in their charter? Otherwise, how shall we know that they will charter the company without imposing any of these conditions? I would suggest an amendment requiring these conditions to be incorporated in the charter of the company which is to build the road.

Mr. BISSELL. The bill as it now stands embraces everything to which the gentleman alludes. There is no power in the Territorial Legislature to act in violation of the provisions of an act of Congress. I have no special objection to the modification the gentleman from Maine suggests, but I regard it as wholly unnecessary and superfluous. I do not think the matter of sufficient importance to make it worth while to spend much time upon it; but if the gentleman chooses to move an amendment requiring the Legislature of the Territory to make such arrangements as to carry out the conditions of this bill I shall not object to it.

Mr. HENN. I desire to ask the gentleman from Illinois if Congress have not the power at any time to annul any act improperly passed by the Territorial Legislature?

Mr. BISSELL. Why, of course; and to take the railroad for military purposes at any time when they need it.

I was going to suggest to the gentleman from New York whether the greater portion of what he proposes to effect by his amendment might not be better effected by a simple provision saying that these lands shall revert to the General Government, if the road is not completed and in operation within a certain specified time?

Mr. CUTTING. There is a provision of that description in the bill already.

Mr. BISSELL. I have not examined that part of the bill; but I think that if it contains a provision that unless the road is completed within a certain number of years the lands shall revert to the Government we have all the security for the building of the road that we ought to ask.

Mr. CUTTING. I would submit this difficulty to the gentleman: Suppose this bill passes; no persons can differ about the fact that the whole title of the United States will be thereby vested in absolute fee simple in the Territory of Minnesota; and no man will deny that the patent that is issued under this bill will be a clean patent, without any condition whatever upon the face of it.

Now, it is said that the lands thus granted will be taken by the grantee, the Territory of Minnesota, into Wall street and money will be raised upon them, on the security of the lands. Now, I ask, when these lands are thus transferred to the moneyed men of Wall street, upon this advance of money, whether their title will not be paramount to that of all others, and whether it would be in the least degree affected by the fact that the men who had got the money had gambled it away or had wasted it, or by the fact that the road was not built? Would not their title to the land in either of those cases be quite as good, and would not the General Government be remedyless? Would not the Territory of Minnesota be without relief? I submit, therefore, that it is better for all parties that this security should be put in the bill, and I would like gentlemen to take it into serious consideration.

Mr. BISSELL. I am happy to have an opportunity of answering the gentleman most satisfactorily to myself, at least. In the case of the Illinois Central railroad grant this very question came up, and it was one of very great importance to the State, to the company, and especially to those who had loaned the company seventeen millions of dollars. It was investigated by some of the most eminent lawyers in New York, and also in Illinois, and the conclusion arrived at was, that the title still remained conditionally in the United States, and that those who advanced their money did it with their eyes open, and with a knowledge of the fact that, unless the road was completed

within ten years, the lands would revert to the General Government. So that there is nothing, in my judgment, in the objection of the gentleman from New York.

Mr. RICHARDSON. I desire to call the attention of the committee—

Mr. LETCHER. Will my friend allow me to put a question to his colleague over the way, who has just taken his seat?

Mr. RICHARDSON. Oh, I think this discussion has gone quite far enough.

Mr. LETCHER. I merely wish to ask one question.

Mr. RICHARDSON. Well, I will yield for that purpose—for one question only.

Mr. LETCHER. I understand the gentleman from Illinois [Mr. Bissell] to say that it was the opinion of lawyers in Illinois, and the opinion of lawyers in New York, that the lands donated to the Illinois Central railroad did not become the property of that company, or of those to whom they were transferred, until the road was completed.

Mr. DISNEY. Let me call the attention of the gentleman from Virginia to the language of the bill itself.

Mr. LETCHER. I want to understand this matter, and I will therefore propound my question to the gentleman from Illinois.

Mr. DISNEY. I am about to explain it. I do not believe the gentleman from Virginia has ever read the bill.

Mr. LETCHER. Oh, yes, I have read it.

Mr. RICHARDSON. I really cannot yield any longer. I must claim the floor.

Mr. LETCHER. One moment longer. If the proper construction of the law be that intimated by the gentleman from Illinois, what is the meaning of the provision in this bill exempting the lands from taxation by the State?

Mr. DISNEY. There seems to be so much confusion of ideas as to this matter, that I feel compelled to say a word or two. Now, this bill provides that the lands unsold shall revert to the United States, and that to those sold by the States under its provisions the title shall be vested in the party. There is no room for misconception. The bill is express; and if gentlemen will read it, they will find that the land remaining unsold shall revert to the United States. Then why all this discussion about the legal effect of it?

But again: This bill provides that the State may sell the land for twenty continuous miles, the effect of which is to aid the company in the construction of the first twenty miles of the road, the time when this aid is the most important. After they have constructed this twenty miles of the road, then, and not till then, can the State sell another twenty continuous miles of land; and so on, applying successively the proceeds of each range of twenty miles to the construction of the corresponding length of the road. Hence, the suggestion of the gentleman from New York [Mr. Cutting] has no effect by way of security beyond this. It affects only the first twenty miles of the land, because, I repeat, a further sale cannot be had until that twenty miles of the road is actually completed. There is no question beyond that.

Mr. DAVIS, of Indiana. I rise to a question of order. Is not this the rule: Any gentleman may propose an amendment to the bill, and speak five minutes in its favor; and any other gentleman may reply for five minutes. If that be the rule, I want to see it enforced.

The CHAIRMAN. The gentleman from Illinois is occupying the floor, and has yielded to the gentleman from Ohio.

Mr. KERR. I thought that the gentleman's hour had expired.

The CHAIRMAN. It has not yet expired.

Mr. RICHARDSON. The gentleman from Ohio will have an opportunity to discuss this question when the amendment is offered. I have indulged gentlemen as far as I possibly could.

I will say, in reply to the gentleman from New York, [Mr. Cutting,] that when his amendment comes up properly for consideration before the committee, I shall give my views in regard to it. The only question is, whether they shall have twenty miles before they complete the road, or afterwards?

Mr. CUTTING. Or rather, shall have it from time to time, as they do the work.

Mr. RICHARDSON. Exactly. The question

is, shall they have twenty miles on the road before they commence or not?

Mr. CUTTING. The question is, shall they have the whole grant at once, or get it twenty miles at a time?

Mr. RICHARDSON. The fourth section of the bill provides that they are only to have the land for twenty miles, as the road progresses. However, we shall discuss that question with the gentleman when his amendment comes up. I have no objection to his proposition at all.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois, [Mr. RICHARDSON,] to strike out of the first section of the bill the following words:

—“for facilitating the transportation of the mails, men, and munitions of war, and other purposes.”

The question was taken, and the amendment was agreed to.

Mr. WASHBURN, of Maine. I move to strike from the first section the following words:

—“with the privilege of extending the same to the northern terminus of the Illinois Central railroad on the Mississippi river.”

Mr. HENN. I hope the gentleman from Maine will withdraw his amendment.

Mr. WASHBURN. I withdraw the amendment.

Mr. RICHARDSON. I move to amend the bill in the tenth line, by adding the words “inside the Territory of Minnesota,” so as to confine the operation of the bill to lands inside the Territory.

The question was taken on the amendment, and it was agreed to.

Mr. CUTTING. Now that we have got to the end of this section, I move to amend by inserting what I have already suggested.

Mr. RICHARDSON, (interrupting.) Will the gentleman from New York permit me to interrupt him?

Mr. CUTTING. Certainly.

Mr. RICHARDSON. I would suggest to the gentleman from New York that his amendment would come in more appropriately in the fourth section.

Mr. CUTTING. Yes, in a great measure it would. Then I withdraw my motion to amend.

Mr. PRINGLE. I move to amend the bill by striking out the word “alienate,” in the tenth line. It would read then “every section of land,” &c.

Mr. TAYLOR, of Ohio. I oppose that amendment, for the purpose of asking a question from the chairman of the Committee on Territories.

Mr. RICHARDSON. What is the gentleman's question?

Mr. TAYLOR. I want some little information as to the propriety of the first amendment which was adopted, and which seems to me of no importance.

The CHAIRMAN. The Chair would remark to the gentleman from Ohio, that in opposing the amendment just submitted by the gentleman from New York, [Mr. PRINGLE,] inquiries cannot be made as to a different amendment.

Mr. TAYLOR. I am aware, Mr. Chairman, that by the rules of the House I must speak strictly to the point, but as no other member of the committee kept up to the rule, I thought I might be permitted to ask my friend from Illinois a simple question.

Mr. RICHARDSON. Let the gentleman from Ohio be favored for the purpose.

Mr. TAYLOR. What I want to know is this, whether this bill, after the adoption of the amendment, suggested in the first instance, secures to the United States the privilege of transporting the mails and munitions of war?

Mr. RICHARDSON. Certainly; that is provided for in the fifth section. If the gentleman will read the fifth, the last, section of the bill he will find that the privilege is assured.

Mr. TAYLOR. If I understand the fifth section it relates simply to the transportation of the mails of the United States.

Mr. RICHARDSON. Well, the gentleman will find the balance in the third section. We have not struck out anything.

Mr. TAYLOR. Then I have a few words to say against the amendment of the gentleman from New York, to strike out the word “alternate,” if it be in order for me to do so.

The CHAIRMAN. The gentleman from Ohio will be in order in doing so.

Mr. TAYLOR. I will explain to the committee the principle on which I have voted with respect to these railroad grants, as I wish to be understood in the matter. I voted for these grants on the belief that the alternate sections of land which were retained by the Government of the United States are made by the construction of the railroads which we authorize equal in value to the whole of the sections along the line. And so far that is the result of our experience in the State of Illinois, and the other parts of the country to which grants were made for the building of railroads. I had occasion this morning, while this discussion was going on, to refer to the communication of the Commissioner of the General Land Office, and examine the annual report of the Secretary of the Interior for the past year. And if my friend from North Carolina, [Mr. KERR,] who addressed us this morning so ably in opposition to these grants, and particularly in opposition to the railroad grant which we are about to make to the Territory of Minnesota, had referred that annual communication of the Secretary of the Interior, and especially to the communication of the Commissioner of the General Land Office, I feel assured that he would not have asserted here, as he did, that these grants had a tendency to diminish the sales and the revenues from the public lands.

Sir, the report of the Secretary of the Interior, and the communication of the Commissioner of the General Land Office, show directly the opposite, and that vast amounts of sales have been made beyond those of former years, in consequence of the adoption of this policy by Congress. I have these documents before me, and I will read a few paragraphs from them, in order to bring this subject properly before the committee and the country, because I think the remark of the gentleman from North Carolina [Mr. KERR] a most important one. The Secretary of the Interior, on the 5th December, 1853, said:

“The land system is founded in correct principles, and needs but little modification or change. The preemption feature might possibly be advantageously enlarged and made more liberal. Sound policy requires that every encouragement should be held out for actual settlement and cultivation.

Nothing retards the growth and prosperity of the country more, nor inflicts greater injury upon the resident, than the possession, by individuals or companies, of extensive uncultivated tracts of the public lands. To correct this evil, facilities should be liberally extended to the actual settler, and withheld from the mere speculator.

During the last fiscal year 9,819,411 acres have been surveyed, and 10,363,891 acres brought into the market. In the same period there were—

Sold.....	1,083,495 acres
Located with military bounty land warrants.....	6,142,360 “
Located with other certificates.....	9,427 “
Selected for the States, as swamp lands.....	16,684,253 “
Donated for railroads, &c.....	1,427,457 “
Making a total of.....	25,346,992 “

Showing an increase in quantity sold and located with land warrants, and under grants, of 12,231,818 acres over the previous fiscal year.

The quantity of land sold during the second and third quarters of 1852 was 334,451 acres; amount received therefor \$623,687 59.

Quantity sold during the second and third quarters of 1853, 1,609,919 acres; amount received therefor \$2,226,278 36.

The whole number of land warrants issued, under existing laws, up to the 30th September last, was 266,042; of which there were then outstanding 66,947. The quantity of land required to satisfy the latter is 4,778,120 acres.

Warrants have been issued to the 30th September last, under the act of 11th February, 1847, calling for.....12,879,280 acres.

Under the acts of September 28, 1850, and

March 22, 1852, for.....12,505,360 “

Making a total of.....25,384,640 “

There have been issued, under the act of the 31st August, 1852, for the satisfaction of Virginia land warrants, 1,657 pieces of land scrip, embracing 129,669 acres. It is supposed the scrip yet to be issued under this act will require 870,000 acres.

It may be several years before the land warrants and scrip will be exhausted, and, until then, the amount of land sold for cash will be comparatively small.

The entire area of the public domain is estimated at about 1,584,000,000 acres. That within the States (exclusive of California) is 471,892,439 acres.

Its purchase was effected at the rate of 14.41 cents per acre, amounting to.....\$67,999,700

To this should be added the Indian reservations, which enter into the original cost, amounting to 3,400,725 acres, which, valued at \$1 25 per acre; would make.....4,250,906

Up to the 30th June, 1853, 334,256,810 acres had been sold, at an expense of 2.07 cents

per acre, making.....6,919,116

And 184,667,135 acres sold at an additional

expense for selling, at 5.32 cents per acre, making.....9,824,291

The entire cost (including surveying and selling) being.....\$88,994,013

The whole amount accruing from sales up to 30th June, 1853, was.....\$142,283,478
Being \$53,289,465 more than the cost of the whole, thus far, inclusive of survey and sale.

Of the surveyed lands there have been granted—
For educational purposes.....11,199,973 acres.
For military bounties.....34,841,980 “
And for internal improvements.....16,007,013 “

Making.....52,648,966 “

There yet remain of the surveyed lands 95,940,700 acres, worth, after deducting the cost of selling yet to be borne.....\$116,018,641
And 137,635,629 acres, worth, after deducting the expense of surveying and selling.....161,873,263

Making.....\$277,891,904
To which add the net profits received for lands actually sold.....53,289,465

And we find that, while the purchase, survey, and sale of the public land will, in the end, have cost \$88,994,013, the net amount which will have been realized therefor is the enormous sum of.....\$331,181,369

It is thus shown that the General Government, instead of being a loser, as many have supposed, by its connection with the public lands, has found them not only a source of revenue, but a ready means of promoting the cause of general education, and of bestowing well-earned rewards for military service.”

And the Commissioner of the General Land Office, in his report of the 5th of December, 1853, said:

“The great increase in sales and locations of land for the last fiscal year, and in the third quarter of the current calendar year, mentioned in a former part of this report, has occurred in those States where railroads have been projected and grants made for them, or where such works are in contemplation, or by the proposed construction of the Sault Ste. Marie canal. As evidence of this fact, I would state that the lands withdrawn from sale in Illinois, to enable that State to select those granted to her by the act of 20th September, 1850, were again brought into market in July, August, and September, 1852, deducting, of course, the 2,595,053 14-100 acres selected by her under that grant. During the fiscal year ending June 30, 1853, in that State there were sold for cash.....298,861 acres.
Located with land warrants.....2,509,120 “

Total.....2,807,981 acres.
Being about one and a quarter million more than all the lands sold (excluding the locations of warrants) during the preceding fiscal year, in all the land States and Territory.”

“To grants of this character for railroads, canals, &c., not one tangible or substantial objection can be presented. The increased value given to the lands enables the Government to get double price, and a ready sale for those retained, and hence the grant costs them nothing. The same reason removes all difficulty in relation to the pledge given by the United States, at the cession of these lands, that they should be considered a common fund, for the use and benefit of all the States, and renders them more available towards meeting the obligation imposed on them by the act of 28th January, 1847, that the proceeds should be set apart for the payment of the public debt created by that act. Let these railroads and canals be completed, and the husbandman will no longer have reason to complain that his grain remains ungathered from year to year because there is no mode of sending it to market; it will all be eagerly sought after, and, with his surplus stock, will be sent abroad over the land, to feed thousands of his less fortunate fellow-beings, while he will thus be made to rejoice in the prosperity secured by his honest toil and industry, saying nothing of the advantages to the business and finance of the country.

“Moreover, these means of intercommunication, like iron bands, will unite the whole country together by a community of interest and feeling, and, like the arteries of the human system, will disseminate to every part the benefits of home production, and of the Eastern, Pacific, and Atlantic trade, when the great California railroad shall have been completed.”

So it appears that it does not diminish the amount of land disposed of by the General Government. Though the amount of revenue to the National Treasury may be diminished, it is because of the donations heretofore made in the form of military grants, which have been the occasion of the issuing of a vast number of military warrants. But the great object of a settlement and occupation of the public lands, and the facilities offered for travel and commercial intercourse, are at once promoted by this policy, without the loss of one dollar to the General Government. What if some persons do make money by these great railroad enterprises? Energetic men, of talent and industry, cannot be expected to engage in such enterprises without a prospect of reward. And if we can cause them to be carried out without loss to the Government there our duty ends, and the success

of those who construct them only adds to the general prosperity.

[Here the hammer fell.]

Mr. HIESTER. I move that the committee do now rise.

The House was being divided upon the motion, when—

Mr. HIESTER said: I am informed that the gentleman from New York, [Mr. CUTTING,] who has introduced the amendment, intends to leave the city in the morning, and I therefore withdraw my motion.

Mr. SOLLERS. I renew it.

Mr. FLORENCE. I ask for tellers.

Tellers were ordered; and Messrs. WASHBURN, of Illinois, and FAULKNER, were appointed.

The question was then taken; and the tellers reported—ayes 79, noes 59.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly Senate bill No. 138, being a bill entitled "An act to aid the Territory of Minnesota in the construction of a railroad for military, postal, and for other purposes," but had come to no resolution thereon.

Mr. WALBRIDGE. I move that the House adjourn.

The question was then taken; and it was decided in the affirmative.

So the House adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, March 9, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. HAMLIN. I have two memorials signed by citizens of Maine, who set forth that they were seamen on board the John Adams during the war of 1812 with Great Britain; that said vessel was destroyed by order of its commanding officer, Commodore Morris, and that in consequence of that destruction they lost all their effects, and suffered great privations and hardships. They therefore ask that such remuneration may be made to them as justice and equity require. I move that the memorials be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. SEWARD. I present the proceedings of a meeting of the students of Hamilton college, in the State of New York, protesting against the passage of the Nebraska and Kansas bill.

Also, the proceedings and resolutions of the Philadelphia Female Anti-Slavery Society, remonstrating against the passage of the same bill.

Also, a remonstrance of one hundred citizens of the city of New York, protesting against the same bill.

I have also a remonstrance, which is filled to the extent of one hundred feet with signatures of the citizens of Brooklyn, in the State of New York, protesting against the passage of the same bill. In this, and the remonstrance coming from New York city, the residence of each subscriber is given, and the whole number of subscribers to the last is three thousand. I move that they lie on the table.

The motion was agreed to.

Mr. CASS presented a petition of citizens of Trenton, New Jersey, praying the enactment of such laws as will best secure the protection of American citizens in the enjoyment of their rights of conscience and of religious worship while residing in foreign countries; which was referred to the Committee on Foreign Relations.

Also, a petition of inhabitants of Cass county, Michigan, remonstrating against the passage of the Nebraska and Kansas bill in its present form; which was ordered to lie on the table.

Mr. THOMSON, of New Jersey, presented resolutions of the State of New Jersey, requesting their representatives in Congress to use their best efforts to procure the passage of a law granting to the officers and soldiers who were in the service of the United States in the war of 1812 the same privileges and grants of land as have been granted

to the soldiers in the more recent wars of the United States; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RUSK presented the memorial of Seth Ingram, praying an increase of pension, in consequence of wounds received in the war of 1812; which was referred to the Committee on Pensions.

Mr. FITZPATRICK presented a memorial of the General Assembly of the State of Alabama, praying Congress to reduce the price of certain pine lands in said State; which was referred to the Committee on Public Lands.

Mr. SUMNER presented three petitions of citizens of Massachusetts, remonstrating against any bill for the organization of the Territory of Nebraska which will permit slavery within the territory from which it was excluded by the Missouri compromise; which were ordered to lie on the table.

Mr. GWIN presented the memorial of Harriet A. Wilcox, widow of an officer in the Revenue Cutter Service, praying a pension; which was referred to the Committee on Pensions.

Mr. JOHNSON presented a petition of G. Wilcox and other officers of the Army, praying an increase of pay; which was referred to the Committee on Military Affairs.

Mr. DAWSON submitted an additional document in relation to the claim of the heirs of John Hudry for compensation for services rendered and advances made to the United States in 1814 and 1815; which was referred to the Committee on Military Affairs.

Mr. JONES, of Tennessee, presented a memorial of citizens of Memphis, Tennessee, praying that measures may be taken to secure the right of religious liberty to American citizens while residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee of Claims, to whom was referred the memorial of James M. Crane, praying compensation for publishing orders, resolutions, laws, and treaties of the United States, in the California Courier, submitted an adverse report thereon; which was ordered to be printed.

Mr. WELLER, from the Committee on Foreign Relations, to whom was referred the petition of Francisco Lope Urziza, a citizen of California, praying remuneration for losses sustained during the late war with Mexico, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred a bill to confirm the claim of Dusan de la Croix to a tract of land therein described, reported it back without amendment.

He also submitted a report on the subject; which was ordered to be printed.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Almanzon Huston, praying compensation for carrying the mail, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred a report of the Postmaster General, communicating the papers in relation to the services of Jemison and Williamson, called for by a resolution of the Senate of the 30th December, 1847, submitted a report, accompanied by a bill for the relief of Robert Jemison and Benjamin Williamson; which was read, and passed to a second reading. The report was ordered to be printed.

ADDITIONAL POST ROUTE.

Mr. WALKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Appleton to Waupaka, in Wisconsin.

BILL INTRODUCED.

Mr. GWIN asked and obtained the unanimous consent of the Senate to introduce a bill to establish a post road in the State of California; which was read a first and second time by its title, and

referred to the Committee on the Post Office and Post Roads.

HOMESTEAD BILL.

Mr. WALKER. Mr. President, the Committee on Public Lands, to whom was referred the bill granting a homestead of one hundred and sixty acres of the public lands to actual settlers, have done me the honor, unanimously, to direct me to report it back to the Senate without amendment, and to recommend its passage. They have further directed me to move that the consideration of the bill be postponed to next Monday week, the twentieth instant, and that it be made the special order for that day.

Mr. DAWSON. I desire the Senator from Wisconsin to oblige me by extending the time which he has designated for the consideration of this bill to a more distant day. Circumstances make it necessary for both the Senators from Georgia to be absent for a short time, and I desire to be here when the bill comes up for action.

Mr. WALKER. Permit me to say to the Senator that if the bill be taken up on the day which I have named, by direction of the Committee on Public Lands, I have no idea that final action will be had upon it before the Senator returns. He will have ample time to participate in the discussion and disposition of this bill.

Mr. DAWSON. The honorable Senator's explanation is perfectly satisfactory.

The motion was agreed to.

JAMES ROBERTSON.

Mr. EVANS. Mr. President, some days ago one of the Senators from Mississippi presented a petition of one James Robertson, who alleges that he has large claims upon this body, by way of compensation for injuries which he sustained by reason of an imprisonment of him by order of the Senate, as he says. The imprisonment was by the officers of the Senate, but it does not appear that it was by order of the Senate. The Committee to Audit and Control the Contingent Expenses of the Senate have had that matter under consideration, and have directed me to present an adverse report. This is a subject which has twice before been considered by the committees of the Senate, and the previous reports are appended to and constitute a part of the report now made. I move that the report which I now present be printed; but I do not think it is necessary to print the former reports, as they are probably within the knowledge of most members, and are to be found in the books containing the proceedings of the Senate. I have myself a printed copy of them. I present the report, and move that it be printed.

The motion was agreed to.

WILLIAM MAYO.

Mr. JONES, of Iowa. I am instructed by the Committee on Pensions to report back without amendment, and recommend the passage of, the bill from the House of Representatives for the relief of William Mayo, of Belfast, Maine.

I wish also to ask the unanimous consent of the Senate to have the bill considered now.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to increase William Mayo's pension three dollars per month, so as to make it eight dollars per month, during his natural life, from the 1st of January, 1854.

Mr. JONES, of Iowa. Let the report of the committee be read.

Mr. HAMLIN. I can state the facts of the case sooner than the Clerk can read the report.

Several SENATORS. There is no objection to the bill.

Mr. HAMLIN. Then it is not necessary to make any explanation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

ARKANSAS JUDICIAL DISTRICTS.

On the motion of Mr. SEBASTIAN, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives to amend an act entitled "An act to divide the State of Arkansas into two judicial districts," approved March 3, 1851, which had been reported from the Committee on Indian Affairs with an amendment.

The bill, as it came from the House, proposed to direct, that, upon conviction of offenders in the western judicial district of the State of Arkansas, for offenses to which punishment by confinement in the penitentiary is annexed, it shall be lawful for the court before whom convictions have or may be had, to sentence convicts to undergo imprisonment in the penitentiary house of the State situated in the eastern judicial district in the same manner as though the penitentiary house was situated in the western judicial district of the State of Arkansas, and to add the counties of Sevier and Sebastian to the western judicial district.

The amendment of the Committee on Indian Affairs was to add the following:

SEC. 2. *And be it further enacted*, That when any person shall be convicted, in the district court for the western district of Arkansas, of any offense, committed after the passage of this act, the punishment or part of the punishment whereof is imprisonment by the laws now existing, the said punishment or part of the punishment shall be confinement and imprisonment, with hard labor, for the same length of time, and shall be carried into effect as provided in the preceding section.

SEC. 3. *And be it further enacted*, That nothing contained in the twenty-fifth section of an act entitled "An act to regulate intercourse with the Indian tribes, and preserve peace on the frontiers," approved 30th of June, 1834, shall be construed to extend or apply to said Indian country any of the laws enacted for the District of Columbia, and that nothing contained in the twentieth section of the said act, which provides for the punishment of offenses therein specified, shall be construed to extend to any Indian committing said offenses in the Indian country, or to any Indian committing any offense who has been punished by the local law of the tribe, or in any case where, by treaty stipulations, the exclusive jurisdiction over such offenses may now or hereafter be secured to said Indian tribes, respectively, and anything in said act inconsistent with this act be, and the same is hereby, repealed.

SEC. 4. *And be it further enacted*, That any white person who shall hereafter set fire, or attempt to set fire, to any house, out house, cabin, stable, or other building, in said Indian country, to whomsoever belonging; and any Indian who shall set fire to any house, out-house, cabin, stable, or other building, in said Indian country, belonging to or in lawful possession of a white person, in whole or in part, and whether the same be consumed or not, shall be deemed guilty of a felony, and shall be punished by confinement and imprisonment, with hard labor, for not more than twenty-one nor less than two years.

SEC. 5. *And be it further enacted*, That any white person who shall make an assault upon an Indian, or other person, or any Indian who shall make an assault upon a white person, within said Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be deemed guilty of a felony, and shall, on conviction, be punished with confinement and imprisonment, with hard labor, for not more than five years nor less than one year.

SEC. 6. *And be it further enacted*, That in all criminal cases, upon indictment, for offenses committed in said Indian country, prior to the creation of said western district of Arkansas, now pending in the circuit court of the United States for the eastern district of Arkansas, process for witnesses residing or to be found in said western district may issue to the marshal of said eastern district, and be executed by him in any part of said western district; and that the fees of all witnesses so summoned shall be paid by the United States.

On the motion of Mr. SEBASTIAN, a verbal amendment was made to the amendment of the committee in the third section, which does not alter the sense of the section.

The amendment as amended was agreed to; the bill was reported to the Senate as amended; the amendment was concurred in, and was ordered to be engrossed; and the bill was ordered to be read a third time, and was read a third time, and passed.

SOLAR COMPASS.

On the motion of Mr. STUART, the Senate, as in Committee of the Whole, resumed the consideration of the bill to enable the United States to make use of the solar compass in the public surveys.

No amendment being proposed, the bill was reported to the Senate; and the question was stated to be on ordering it to be engrossed for a third reading.

Mr. EVANS. I should desire to know something more about this bill before the question is taken. I have not even heard the report read; but I heard a partial discussion upon it the other day. Its object is to compensate the individual named in the bill for improvements made upon the compass which has been used by the United States in the surveys. The United States have used that compass, and have, as I understand, paid for the use; and now it is asked that he should have \$15,000 to enable the Government still to use it. I do not see upon what principle we are asked to do this. I do not see any great public benefit which is to result from it.

Mr. STUART. I think I can satisfy the Sen-

ator from South Carolina in a moment by a reference to a statement of the Commissioner of the General Land Office. The Commissioner states that already there has been saved to the United States \$622,080 on lands that could not have been surveyed without this compass. The proposition that the inventor himself made, was only to give him one mill on every acre of land that could not be surveyed without it. The Senator will see that the lands to be afterwards surveyed, and which could not be done without this compass, would make the amount not thousands only, but would run it into millions.

I remarked the other day that I considered it the very strongest case that could be presented to the consideration of Congress, upon the facts here stated. There are several extracts in the report of the Commissioner, going to show that it is indispensable. For instance, in Arkansas there was a tract of country which was not surveyed, and the Commissioner certifies that, without this compass, it could not have been surveyed, on account of the local attraction. There is a place there called the magnetic pole, I think, that never was surveyed, and could not have been with the ordinary compass. So that the Senate will see that the amount which is proposed to be paid this man is a mere trivial sum in comparison with the great benefit derived by the Government of the United States.

The question was taken on ordering the bill to be engrossed for a third reading, and the President decided that the yeas appeared to have it.

Mr. CASS called for the yeas and nays, and they were ordered.

Mr. CASS. I desire to say a word upon this subject. I have some knowledge myself of surveying. Nothing is more uncertain than the old compass. The needle is forever, even under the most favorable circumstances, liable to err; and it has occasioned a vast loss to the country by trusting to it. Here is an invention which literally, in the mineral regions, obviates the necessity of relying upon the other. You cannot survey without it unless you run a line by putting up stakes, which would be a most tedious and everlasting operation.

This invention we have used; our officers have used it in the surveys; they could not have done their work properly without it. It is a beneficial and most useful invention; we have used it, and saved thousand and thousands of dollars, as well as disputes with regard to lines; and now the recommendation is to pay him the small sum of \$15,000. I cannot see upon what principle you can refuse it.

Mr. HAMLIN. I listened to the discussion on this subject the other day, and it led me to an investigation of the matter. I confess I was impressed with the belief that the principle of the bill was all wrong. The investigation of it, however, has satisfied me that it is all right; and I can give it my vote with cheerfulness.

Mr. STUART. I will not detain the Senate long; but I will add a remark or two to what I have already said. It was said the other day that this man had a patent, which was true. He spent, however, the whole fourteen years during which that patent existed in perfecting it; and the compass now used is not called the compass which was patented, but it is "Burt's improved solar compass." He received, under that patent, eighty dollars. The question to him was, whether he would ask the Government to renew the patent, which would put the Government and its surveyors at his mercy entirely, or whether he would not ask that, but would ask the Government to make him some compensation for the some twenty odd years of his life which had been spent in making this valuable invention. He resolved to adopt the latter course; and I will repeat, if Senators were not giving attention to what I said before, the Commissioner of the General Land Office states that in the upper peninsula of Michigan, in Wisconsin, in Arkansas, and, he also stated, in Oregon, California, New Mexico, and Utah, there are large districts of country that, without this, could not be surveyed. The thing could not be done. Here are certificates to that effect from surveyors in the Lake Superior region. There is one from Professor John Locke, of Boston, in which he says that not only did the ordinary compass vary as usual, but it absolutely pointed south. As I said, this man asked the Commissioner of the General Land Office whether he would recommend Congress to pay him one mill on an acre for

the land that could not be surveyed without his invention. The Commissioner says that that would give him over \$9,000 for what has already been done, and it is but a commencement. He therefore recommends that Congress pay some sum, not only for the use which has been had, but for the use in all time to come, and withhold from him a patent. I have no hesitation in saying that this will be a saving to the Government.

Mr. EVANS. I understand the Senator to say that a patent has been issued to this man for this invention.

Mr. STUART. The Senator misunderstands me. His first patent, which was for the old compass, expired. Under that he received \$80 for his instruments. He has not received a patent for his improved invention. Instead of proposing to renew his patent, which would place the Government at his mercy, he proposes to take a small compensation for the use, by the Government, of his instrument. The Senate will see in a moment that nobody but the Government is benefited by this.

Mr. ADAMS. I desire to ask the Senator a question. I understood him to say that the Government has been using this invention in the surveys. Has it been in violation of the patent, or has it been by the consent of the individual? The Senator states that a patent would place the Government entirely subject to the mercy of the inventor. Has he consented to the use of it heretofore? If he has had a patent all this time, and the Government was at his mercy, how has he realized but eighty dollars?

Mr. STUART. I understand these to be the facts. His patent expired in 1850. Most of the surveys of the lands to which I have alluded have been made since that time. The question to determine in his own mind was, whether he would ask a renewal of that patent from Congress, or a compensation in money. He has determined—and the chief use has been since that time. It is stated very distinctly, by the manufacturer, that under his original patent, he got but eighty dollars.

Mr. DAWSON. It is only the principle involved in this case that induces me to say anything upon the subject. This solar compass has been patented under the laws authorizing patents to be issued, and it belongs to the individual.

Mr. STUART. Not this compass. I will say to the Senator that he patented a compass which involved the original principle, the patent for which expired in 1850. The improved compass now in use, and which does this work for the Government, is not patented.

Mr. DAWSON. Which he has a right to have patented, I suppose.

Mr. STUART. He would have had, Mr. DAWSON. And will have, if this bill passes.

Mr. STUART. No, sir. I will state to the Senator, he cannot. The Senator must know the patent laws in that respect. He has permitted the use of the compass for so long a time by the public, that he cannot have it patented under the general laws. He would be obliged to apply to Congress for a patent.

Mr. DAWSON. That is what I understand; but we are in the habit of granting patents in all similar cases. All patents are useful to some purpose, and if they are useful exclusively to a few individuals, those persons will have to pay a high price for them, as there will not be a great demand for them. But it is said that this patent is valuable to the United States in the survey of lands. So was the old compass; so are all the instruments connected with surveying valuable; and many of them are patented, and they go into the hands of surveyors on the ground of their usefulness. Every instrument necessary to carry on the machinery of Government must be purchased by this Government, and now it is said that this individual will not apply for a patent, if a payment of \$15,000 is made to him by the Government.

I know it is needless to suggest the Constitution of the United States, and ask where it is that we get the power to purchase these various inventions; when the Constitution prescribes precisely how the inventors are to be protected. I do think, myself, that we had better pursue the old course. If our surveyors need this kind of compass, let them pay the market price. If the Government desire to purchase any one of these compasses, let them pay the price for them, and not become the common

purchaser of the particular or special right of the individual. It is opening a gate so that we cannot tell how extensive and wide may be the consequences that will follow. The reaper may be a most important and useful invention in some sections of the country. It comes back to this question, one of constitutional authority. We have surveyed all the lands within the limits of the United States, subject to our control; and, so far, we have done it without any difficulty that I have heard of before, save the variation of the compass, which has existed always from the period of its discovery; and I think we had better adhere to its use. One step in this way leads to many more.

We are giving more outlets for appropriations, and making the Government the purchaser of more articles than the Constitution ever contemplated, and, in my judgment, more than ever ought to be. I have no doubt, from what Senators say in relation to this compass, that it is exceedingly valuable; but at the same time, I maintain that the better policy is to pay the price of the instrument; and if the individual who is the inventor has lost the patent by his own negligence, we will give him a law to renew his patent. He has placed himself in this condition; we are not responsible, nor the surveyors. For one, I can never vote for this principle.

Mr. EVANS. I understood the Senator from Michigan that the inventor had renewed his patent.

Mr. STUART. The honorable Senator from South Carolina misunderstood me. His patent expired in 1850, and he never renewed it. I stated that the question with him was, whether he would ask and obtain the renewal of his patent, and a patent for the improvement upon it—the effect of which would be to place the Government of the United States, in surveying all these mineral lands, at his mercy; because, that without his instrument the Commissioner of the General Land Office says the lands cannot be surveyed—or whether he would allow the compass to become public, and ask the Government to give him some small compensation for this very great benefit to the Government, stated, as I said, by the Commissioner, to have already exceeded \$600,000. I should be very glad, if the thing were left to me, to take a law of Congress authorizing a new patent, rather than to take this sum, or ten times the sum.

The question was taken by yeas and nays; and resulted—yeas 17, nays 15; as follows:

YEAS—Messrs. Atchison, Brown, Cass, Chase, Dodge of Wisconsin, Everett, Foot, Geyer, Hamlin, Jones of Iowa, Seward, Stuart, Sumner, Thomson of New Jersey, Wade, Walker, and Weller—17.

NAYS—Messrs. Adams, Dawson, Evans, Fish, Gwin, Jones of Tennessee, Mason, Norris, Pettit, Rusk, Sebastian, Shields, Silldell, Thompson of Kentucky, and Williams—15.

So the bill was ordered to be engrossed for a third reading.

Mr. NORRIS objected to its third reading today.

ARMY RETIRED LIST.

The bill to promote the efficiency of the Army by retiring disabled officers, was read a third time; and the question was stated to be, "Shall the bill pass?"

On a division, there were—ayes 21, noes 3—no quorum voting.

Mr. ADAMS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 26, nays 5; as follows:

YEAS—Messrs. Atchison, Brown, Cass, Dodge of Wisconsin, Evans, Everett, Fish, Fitzpatrick, Foot, Geyer, Houston, Jones of Tennessee, Mason, Rusk, Sebastian, Seward, Shields, Silldell, Stuart, Thompson of Kentucky, Thomson of New Jersey, Wade, Walker, Weller, and Williams—26.

NAYS—Messrs. Adams, Chase, Hamlin, Pettit, and Sumner—5.

The PRESIDENT. There is no quorum voting.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 9, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. KITTREDGE. I received a remonstrance yesterday, purporting to be signed by about three thousand legal voters of New Hampshire, and the

day before yesterday another signed by ninety citizens of Londonderry, Rockingham county, New Hampshire, both respectfully and earnestly protesting against any repeal of the prohibition of slavery upon the addition of slave territory to the Union, immediate or prospective, such as is proposed in the Nebraska bill of Senator Douglas.

I ask the unanimous consent of the House that they be received, and laid upon the table.

Mr. RICHARDSON. I object; they can be referred, under the rules.

Mr. DEAN. I ask the unanimous consent of the House to introduce a resolution for the purpose of having it referred to the Committee on Foreign Affairs. It is a resolution upon which there should be immediate action, and to which, I am quite sure, no one will object.

Mr. HENN. I think we had better go into the Committee of the Whole on the state of the Union; and if that motion be in order I will make it. This is the last day we shall have for the consideration of territorial business, and I am anxious that we should progress as far as possible with that business. If we allow one resolution to be introduced by unanimous consent others will be presented, and a long time will be thus consumed. I object to its introduction.

Mr. DEAN. I ask the gentleman at least to allow the resolution to be read. It relates to a matter of a good deal of importance, and I think the House will concur with me in the opinion that prompt action should be taken upon it.

Mr. WHEELER. I object to the reading, and call for the regular order of business.

Mr. DEAN. I appeal to the gentleman to withdraw his objection and merely allow the resolution to be read; then if gentleman object to it, I will not press the matter further.

Mr. WHEELER. It is not in order to offer resolutions in this manner, and I think the rule had better be adhered to.

Mr. DEAN. I am quite sure if the gentleman knew the object of the resolution, he would not object to its introduction. I again appeal to him to withdraw his objection.

Mr. WHEELER. I cannot.

Mr. RICHARDSON. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. VANSANT. I do not often trouble the House, and I hope the gentleman from Illinois will now indulge me in the request I make, that he will withdraw his motion to go into the Committee of the Whole on the state of the Union, to enable me to present a memorial from the city of Baltimore, and have it referred.

Mr. RICHARDSON. I should like very much to accommodate my friend from Maryland; but I would remark to him that he can accomplish his purpose by having his memorial presented under the rule.

Mr. VANSANT. I am aware that I can present the memorial through that channel, but it has been customary to present petitions and memorials coming from the cities and States, and have them referred in open House. I do not often ask favors of the House, and I hope they will indulge me in this. The reasons for having memorials presented in open House coming from such sources is obvious. I hope the gentleman will withdraw the motion.

The SPEAKER. If no objection be made the memorial will be received and referred.

Mr. SAGE. I object. I have my desk full of similar remonstrances, which I cannot get an opportunity to present.

Mr. VANSANT. It is not a remonstrance. It is a memorial from the city of Baltimore. They are resolutions of the Board of Trade of the city of Baltimore, and of citizens of Baltimore, asking for an appropriation of \$300,000 for deepening and improving the ship channel of the Patapsco river and the Chesapeake Bay.

The SPEAKER. Objection having been made, the memorial cannot be received. The question is upon the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. DEAN. I rise to a question of order. I submit that when I am upon this floor, asking the unanimous consent of the House for a certain purpose, no gentleman has the right to take the floor from me until I have stated that purpose to the House. My resolution is in relation to the rights

of citizens of the United States at Havana. The Black Warrior having been seized—

[Cries of "Order!"]

The SPEAKER. The Chair overrules the question of order. The gentleman merely asked the unanimous consent of the House for a certain purpose. He did not present a question of privilege at all; and, in the opinion of the Chair, any member had the right to object, even before he had stated what his purpose was.

Mr. RICHARDSON. I now insist upon my motion.

The question was put, and the motion agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of the special order, being business relating to the organized Territories.

MINNESOTA LAND BILL.

The CHAIRMAN. When the committee last rose, they had under consideration Senate bill, (No. 38,) entitled "An act to aid the Territory of Minnesota in the construction of a railroad for military, postal, and other purposes."

The gentleman from New York [Mr. FRINGLE] had moved to amend by striking out of the tenth line in the first section the word "alternate."

Debate having been exhausted upon the amendment, the question now is upon its adoption.

Mr. PRINGLE. I offered the amendment now pending; and I should like, with the consent of the committee, to make a brief explanation of the reasons which induced me to offer it.

The CHAIRMAN. Debate upon the amendment has closed, and the gentleman cannot be allowed to proceed.

The question was then put; and the amendment was not agreed to.

Mr. LETCHER. I move to strike out in the seventh line the words "the privilege of extending the same to the northern terminus of the Illinois Central railroad on the Mississippi river."

Mr. HENN. I rise to a point of order. I understand that we had passed through the bill yesterday as far as the third section, and were considering the fourth section when the committee rose?

The CHAIRMAN. The gentleman from Iowa is mistaken. The committee has not yet passed from the consideration of the first section of the bill, although gentlemen have indicated their intention to offer amendments at other points.

Mr. HENN. I did not so understand it. I will say to the gentleman from Virginia, before he offers his amendment, that the gentleman from Illinois [Mr. RICHARDSON] yesterday offered an amendment which covered the point at which the gentleman aims, and that amendment was adopted.

Mr. LETCHER. What was that amendment?

The CHAIRMAN. The amendment of the gentleman from Illinois, which was adopted yesterday, was to insert in the tenth line the words "in said Territory of Minnesota."

Mr. LETCHER. That does not meet the point at all, as it strikes me. This bill proposes to grant lands to the Territory of Minnesota for a railroad from the mouth of Left Hand river, at the head of Lake Superior, via St. Paul, to the southern line of said Territory, with the privilege of extending the same to the northern terminus of the Illinois Central railroad, on the Mississippi river. With the privilege to whom? Does it not clearly mean with the privilege to the Territory of Minnesota of extending the line to the State of Illinois to the Central railroad? It grants no privilege to the State of Illinois to extend that road through its own territory from the line of Minnesota to the Central railroad. If I understand the language, it grants the privilege to the Territory of Minnesota to extend this line through the territory of an adjacent State. I do not wish to occupy the time of the committee further.

Mr. RICHARDSON. I will state to the gentleman from Virginia, and to the committee, that the object of the provision to which he refers, and which he wishes to strike out, is to grant the right of way only. I think the bill as it stands secures that right of way. But I am willing that it shall be made to conform explicitly to the statement I have made.

Mr. HENDRICKS. I desire to ask the gentleman from Illinois a question, with his permission.

Mr. RICHARDSON. Certainly.

Mr. HENDRICKS. Do I understand the gentleman to state that the object of this bill is to give lands between Lake Superior and the Mississippi river, and not beyond St. Paul?

Mr. RICHARDSON. No, sir. I will state to the gentleman that the object of the bill is to grant lands from Lake Superior to St. Paul, and from St. Paul to the southern boundary of Minnesota.

Mr. HENDRICKS. Very well, sir.

Mr. RICHARDSON. It is also intended to grant the right of way down to the other point—the terminus of the Illinois Central railroad.

Mr. LETCHER. To whom do you propose to grant the right of way through the State of Illinois?

Mr. RICHARDSON. It is not through the State of Illinois at all, but through the State of Iowa; and the intention is to give the right of way to the Territory of Minnesota, if she builds this road, so that she may connect it with the Illinois Central railroad.

Mr. LETCHER. Do you mean to give the Territory of Minnesota the right of way through the public lands in an adjacent State?

Mr. RICHARDSON. We do.

Mr. LETCHER. What, through the public lands in the State of Illinois?

Mr. RICHARDSON. Why certainly.

Mr. LETCHER. If you proposed to give the right of way to the State of Iowa through the public lands within her own borders I could see the force of it; but to give to a Territory the right of way through the public lands in a neighboring State seems to me to be an anomaly.

Mr. RICHARDSON. Mr. Chairman, I do not know that it is a matter of importance enough to be discussed here. I say to the gentleman that the bill proposes to give nothing except what is had under the law now existing.

Mr. LETCHER. Then strike it out.

Mr. RICHARDSON. It was in the bill as it came from the Senate, and the Representatives from Iowa, as I understand, desire that it shall be retained.

Mr. COOK. As I understand, the object is to give to Minnesota a grant of land within her territorial boundaries, and to give to that Territory, or to any company which may be established under and by virtue of her laws, the right to run to the northern terminus of the Illinois Central railroad. The proposition which is contained in the first section of this bill, and which authorizes them to go through the public lands for that purpose, does not give to the Territory of Minnesota or any company to be chartered by it, the first acre of land to aid in the construction of the road. It is wished that the bill shall be so shaped that there shall be a terminus at either end of the proposed road in Minnesota; and it is proposed to commence on Lake Superior to run to St. Paul, and thence to the southern boundary of the Territory of Minnesota, or the northern boundary of Iowa; and in order that they may have a connection with another railroad, to give them such privileges as can be granted by the Congress of the United States, to extend their road to the northern terminus of the Illinois Central railroad.

The question was taken, and the amendment was rejected.

Mr. PRINGLE. I move to insert before the word "designated" the words "that is to say those," so that the section will read—

"Every alternate section of land in said Territory of Minnesota, that is to say, those designated by odd numbers," &c.

Mr. RICHARDSON. I have no objection to the amendment.

The question was taken; and the amendment was agreed to.

Mr. STUART, of Ohio. I move the following to come in at the end of the first section:

Provided further, That the alternate sections reserved to the United States shall not be open to entry until the railroad herein provided for shall have been located and designated by good and sufficient landmarks, and the route it is to pursue shall have been particularly described in an advertisement to be published three months in all the newspapers selected by the Secretary of the Interior to publish the advertisements of sales of public lands, the cost of such publications to be defrayed by the railroad company.

The object of this amendment is to protect actual settlers. It is known that these corporations have it in their power to run their road by a great many different lines. Two or three different points have

been laid over for its route, but they have the privilege of running between these points in any direction through the country. Of course there must be a great many different routes by which these points can be reached. These corporations send out their engineers and surveyors to make their reconnaissance. When the notes are received, the corporations sit down in their offices, compare notes, and determine by themselves which is the best and most eligible route. Do these corporations then publish that route? No such thing. The several corporations have particular friends; to them they confide the knowledge of the route selected, and they and their friends go out and buy up the lands along the line of the proposed railroad. And afterwards, when the route becomes publicly known, all the best land is located.

The amendment which I have offered is designed to protect the interests of actual settlers from such schemes. It is designed to give those persons who desire to purchase land in these regions equal chances with the corporations and their friends. I think, therefore, that the amendment is a proper one; and it is one which I purpose to offer to each one of these bills. I hope it will be adopted.

Mr. RICHARDSON. I am opposed to the amendment offered by the gentleman from Ohio, and I desire to have a vote taken upon it. I implore the committee that, as we have other bills which it is important to have passed, they will vote at once upon this bill, and get it out of the way of the others. Let it be either defeated or passed.

Mr. GREENWOOD. I desire to make a remark upon the amendment offered by the gentleman from Ohio, [Mr. STUART.]

The CHAIRMAN. Further debate is not in order upon it.

Mr. GREENWOOD. I simply wish to state to the committee that the amendment offered by the gentleman from Ohio is not necessary. I desire to state to the gentleman from Ohio that the Senate bill, which has been reported to the House some days ago, had for its object the protection of the actual settlers within the line of the section of these railroads. And if the object of the gentleman's amendment was simply to secure to the actual settler the right to make his location, I would say to him that that right will be protected by the Senate bill, when it shall have been acted upon by this House. That bill is of a general, not special, character. It applies to all locations of railroads to which grants have been or may be made. Being of this general character, it would be better to pass it, and thus to establish the principle of it than to be at the trouble of making an amendment of the same character for every bill of that kind which may come up for our consideration.

The question was then taken on the amendment of the gentleman from Ohio, [Mr. STUART,] and the Chairman announced that the vote appeared to be in the negative.

Several MEMBERS. Divide, divide.

Mr. ORR. I propose to amend that amendment by striking out the last clause of it. The effect, Mr. Chairman, if I understand the amendment offered by the gentleman from Ohio, would be this: It would have the effect of preventing any of the lands being brought into market—it may be, for an unlimited period of time. This bill, if passed, allows the Territory of Minnesota a period of ten years to construct a railroad. Now, suppose that the Territory of Minnesota do not incorporate a railroad company, or suppose that a railroad company, if incorporated, do not locate the road for the period of seven years; are you by the adoption of this amendment—for such would be the effect of it—to prevent any location of lands within the Territory for that length of time? I repeat, this would be the effect of the proposition. I therefore oppose that amendment; and I now ask the unanimous consent of the committee to withdraw my amendment to it.

There being no objection, the amendment to the amendment was withdrawn.

The question then recurred on the amendment offered by the gentleman from Ohio, [Mr. STUART,] and, on a division, it was not agreed to.

The CHAIRMAN. The Clerk will proceed to report the second section of the bill.

The second section was accordingly read:

Sec. 2. *And be it further enacted,* That the sections and

parts of sections of land which, by such grant, shall remain to the United States, within six miles on each side of said road, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of such lands become subject to private entry until the same have been first offered at public sale at the increased price.

Mr. JONES, of Tennessee. I move to strike out that section. The effect of it will be, if adopted, to leave the remaining sections in the possession of the Government at the minimum price of \$1 25 per acre, which I think is nothing but right.

If the Government is to give away this land, let her look for remuneration to the transportation of her property, her troops, and her mails, and not get an equivalent for the land she gives in the enhanced price of the land retained, and then require this service in addition.

Again, sir, this section proposes to double the price upon all the land reserved within six miles of the road. I suppose it is fair to infer, that if the land along the route of the road will be enhanced in value by the construction of the road, the land also within six and a half, seven, eight, and perhaps ten miles from the road, will also be increased in value; and where the odd sections within the six miles have been sold by the Government, or have been disposed of by preemption rights, then they are to take an equivalent amount of land beyond the six miles from the road, but not to exceed fifteen miles, I believe. Now, I think it will be nothing but right to strike that section out, and leave the remaining lands at the minimum price.

Mr. WASHBURN, of Illinois. I am opposed to the amendment of the gentleman from Tennessee, and desire a vote upon it.

The question was then taken; and the amendment was not agreed to.

The Clerk then read the third section, as follows:

"Sec. 3. *And be it further enacted,* That the said lands, hereby granted to the said Territory shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid and no other; and the said railroad shall be and remain a public highway, for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States."

Mr. DEAN. I send to the Clerk an amendment to that section, and I ask the committee to listen to its reading, as it is designed to carry out the object of the bill, as set forth by its friends.

The amendment was read, as follows:

Add at the end of the third section the words:

—forever. And in case of neglect or refusal on the part of said railroad, or the persons having charge thereof, to transport said troops and property free of charge, the locomotives, cars, machinery, and persons employed in operating the same, shall at all times be subject to the order of the Secretary of War, or person in command of any troops or property of the United States, which said Secretary or person in command may deem necessary to be transported on said road: *Provided,* That as soon as said troops and property shall have been transported, said road, locomotives, cars, machinery, and persons shall be immediately surrendered by the person taking possession thereof.

Mr. DEAN. It is said that the object of this third section is to secure the transportation of the Government troops, munitions of war, and whatever may be necessary therefor, free of cost. Now, if I understand that section, it does not give the Government that privilege. It merely makes the railroad a highway, and when the troops and property of the Government reaches that point for the purpose of transportation, suppose the company should say to the Government officers: "There is the railroad, but we will not let you have the cars or the locomotives—"

Mr. BISSELL, (interrupting.) We will then impress them.

Mr. DEAN. The gentleman says we will impress them. What would be the result of such a course? You will have, for years and years, agents here swarming around the Capitol, pressing claims upon Congress for damages from impressing them.

I do not want to consume the time of the committee in discussing this matter; but I ask, that the gentlemen who favor this bill should so frame it as to secure to the Government the right of having their troops and property transported, and make the company or the State responsible for not doing it by pecuniary penalties, or else put it into the hands of the officers of the Government, so that no claim can be brought against the Government for taking possession of the road. This amendment effects the object by giving to the person in command of the troops the power to take possession of the locomotives and other property of the road, for the purpose of transporting the same;

and provides that as soon as they are transported over the road, everything which has been thus taken shall be surrendered to the company.

Mr. BISSELL. How shall we have the power and authority to do it?

Mr. DEAN. We now own the land, and if we give it to them we have a right to annex a condition to the grant.

Mr. BISSELL. I am opposed to the amendment of the gentleman from New York, but I do not wish to occupy the time of the committee in discussing it. I do not think that either the Secretary of War or the Secretary of the Interior desires to be constituted a superintendent of the road. Besides that, I think, when the time comes that we shall want to transport the mails, troops, and munitions of the United States over the road, that we shall do it in spite of the company. I see that there is a provision in the bill which will exempt us from all liability to pay for it too. I think it would be worse than useless to regulate in this general bill the details of these matters.

The question was then taken upon Mr. DEAN's amendment; and it was not agreed to.

Mr. JONES, of Tennessee. I offer the following amendment, to insert after the word "any," at the end of the sixth line, in the third section, the word "mails," so that it will then read:

"Free from all toll or other charge upon the transportation of any mails, property, or troops of the United States."

I think if we furnish the means to build the road, that we certainly ought to have the mails as well as property and troops of the United States carried upon this road free of charge for all time to come, at least so long as the road shall exist. I think it would be but a small remuneration upon the part of those who own the road to carry the mails as well as the troops and other property of the country for this donation of land.

Mr. RICHARDSON. There is the usual provision as to the transportation of the mails in the fifth section of the bill. The gentleman from Tennessee insists that they shall carry the mails free of charge. We leave it to the Government of the United States to determine what they shall pay for such transportation. It is in their power to do as they please in regard to this matter. I oppose the amendment.

The question was then put upon Mr. JONES's amendment.

Mr. JONES demanded tellers; which were ordered; and Messrs. KERR, and HARRIS of Alabama, were appointed.

The question was then put; and the tellers reported—ayes 68, noes 68; no quorum voting.

[Cries of "Recount!"]

Mr. OLDS. I insist upon a call of the roll.

The CHAIRMAN. The rules of the House require that the roll shall be called whenever the committee finds itself without a quorum. The Clerk will call the roll.

The roll was then called. The committee rose, and the Speaker having resumed the chair, the Chairman [Mr. PHELPS] reported that the Committee of the Whole on the state of the Union had had according to order the Union generally under consideration, and particularly House bill (No. 138) proposing a grant of land to Minnesota to aid in the construction of a railroad therein; and having found itself without a quorum had caused the roll to be called, and had directed him to report the facts to the House, with the names of the absentees.

The following is the list of absentees:

Messrs. Abercrombie, Willis Allen, David J. Bailey, Thomas H. Bayly, Banks, Barry, Belcher, Bell, Bennett, Benton, Bliss, Brooks, Chamberlain, Churchill, Colquitt, Cumming, Curtis, Cutting, John G. Davis, Thomas Davis, Drum, Dunham, Elliott, Etheridge, Fenton, Flagler, Franklin, Gamble, Aaron Harlan, Hillyer, Hunt, Lamb, Latham, Lilly, Lyon, McNair, McQueen, Mace, Maxwell, May, Noble, Packer, Parker, Peck, Pennington, Powell, Preston, Rowe, Ruffin, Sapp, Scudder, William Smith, George W. Smyth, Solters, Frederick P. Stanton, Alexander H. Stephens, Straub, David Stuart, John J. Taylor, Walker, Walsh, John Wentworth, Witte, and Yates.

A quorum having answered to their names, the committee again resumed its session.

The CHAIRMAN. When the committee found itself without a quorum, the pending amendment was that offered by the gentleman from Tennessee, [Mr. JONES], upon which tellers were ordered.

Mr. MILLER, of Missouri. I move to amend that amendment by inserting after the word "mail" the words "including letters only." I am sure the committee cannot have understood the ques-

tion presented by the amendment of the gentleman from Tennessee; or they would promptly have voted it down; and I offer this amendment for the purpose of calling the attention of the committee to the section under consideration. By that section it is declared that the railroad shall remain a public highway for the use of the United States, free from toll or charge upon the transportation of any property or troops of the United States. The fifth section of the bill provides that the United States mails shall be transported over said railroad, under the direction of the Post Office Department, at such price as Congress may by law direct.

Now, sir, the provisions of this bill are just such as have been incorporated in all bills granting lands to States for railroad purposes, and it would truly be onerous on any railroad company to require them to transport the United States mail free of cost, in addition to the transportation of the troops, munitions of war, and other property belonging to the Government. We think that the Government is amply remunerated when its property is transported, and the reserved sections are so much enhanced in value, I think the friends of the bill must at once see that no railroad company would undertake the transportation of the mails free of cost, in addition to the other duties imposed on them by this bill, and I hope, therefore, that the committee will vote down the amendment of the gentleman from Tennessee.

Mr. BISSELL. I am opposed to the amendment of the gentleman from Missouri, and also to the amendment of the gentleman from Tennessee. I know no reason why we may not trust to future Congresses to decide how much this railroad shall receive, or whether it shall receive anything, for transporting the mails; and I think that it is requiring entirely too much to impose upon them, in advance, the duty, without limitation, without regard to circumstances, and without pay or remuneration, of transporting the mails of the Government over this road.

I am fully impressed with the belief that no gentleman will, on reflection, vote for the amendment, who is not opposed out and out to grants of this nature. It does seem to me that only those who are opposed upon general grounds to the making of such grants can favor this amendment. I ask again if we cannot trust to future Congresses to fix the compensation which this road shall receive for carrying the mails? We cannot tell how much or how little the service may be worth ten, fifteen, thirty, or a hundred years hence. It would, therefore, be better to leave these little matters of detail to future Congresses, as has been done in former acts of this kind. This is a new feature in bills of this description. It has been sprung suddenly upon us here, and I apprehend that few gentlemen have bestowed much reflection upon it, because they have not had time to do so. I am very sure that it will detract greatly from, if it does not entirely destroy, the advantages anticipated from this bill.

It is no small matter, but a very grave one, when you consider that it is without limit as to time, without limit as to circumstances, conditions, or any matters which may influence the transportation upon that road for centuries to come.

Now, it seems to me, that the proposer of that amendment has gone on the principle that we are making a gift to a company here without indemnification, without any consideration, and have a right to impose just such conditions as we please. That right we have unquestionably, but are we receiving nothing in return? Is this a transaction the advantages of which are altogether on one side? Why, have not the individuals who build this road to expend days and nights of toil, to risk their means, their credit, all that they have for many years, before they can derive any advantages whatever from the land that you propose to donate to them?

[Here the hammer fell.]

The question was then taken on Mr. MILLER's amendment, and it was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Tennessee, [Mr. JONES.] When the committee was in the act of dividing on it by tellers, it found itself without a quorum. The tellers will again resume their places.

Messrs. HARRIS, of Alabama, and KERR resumed their places as tellers.

The question was again taken, and the amend-

ment was rejected; the tellers having reported—ayes 63, noes 71.

The CHAIRMAN. The Clerk will proceed to report the fourth section of the bill.

Mr. HASTINGS. I have an amendment to the third section, which I now wish to offer.

Mr. RICHARDSON. I object to it. An amendment to that section is not now in order.

The CHAIRMAN. In the opinion of the Chair the amendment proposed to be offered by the gentleman from New York is in time, as the committee has not yet commenced the consideration of the fourth section of the bill.

The amendment was then reported, as follows: In section third, in the third line, after the word "thereof," insert the words "to actual settlers only, and at a price not exceeding one dollar and twenty-five cents per acre."

Mr. HASTINGS. Mr. Chairman, the object of this amendment is to obviate one of the greatest difficulties which I have to these railroad schemes. I am opposed to the principle of placing in the hands of railroad companies so large a part of our public domain, to be held by them as a monopoly; and the object of this amendment is to secure the settlement and sale of these lands, which are donated to actual settlers only.

The question was then put on the amendment; which was not agreed to.

Mr. KERR. I beg to offer the following amendment, to come in at the end of the third section:

Provided, however, That the money arising from the sales of the reserved sections shall be paid over to those States which have received no grant of the public lands for internal improvements, according to their Federal representation in Congress.

Mr. RICHARDSON. I rise to a question of order.

The CHAIRMAN. The gentleman from Illinois will state his question of order.

Mr. RICHARDSON. My point of order is this: that the amendment offered by the gentleman from North Carolina [Mr. KERR] is not germane to the question under consideration, and therefore is out of order.

The CHAIRMAN. In the opinion of the Chair, the amendment of the gentleman from North Carolina is not germane to the matter under consideration; nor is it in accordance with the order of the House that this committee do proceed to the consideration of local territorial business in the organized Territories.

Mr. KERR. I appeal from the decision of the Chair.

The CHAIRMAN. To the decision of the Chair, that the amendment is not in order, the gentleman from North Carolina [Mr. KERR] appeals.

Mr. LETCHER. I wish to make an inquiry of the Chair, for the purpose of obtaining information.

The CHAIRMAN. The question is not debatable.

Mr. LETCHER. I do not intend to debate it, but only to put an interrogatory to the Chair. This bill, as I understand it, makes a donation of alternate sections for—

[Cries of "Order!" "Order!"]

Mr. RICHARDSON. I call the gentleman to order.

The CHAIRMAN. The Chair must inform the gentleman that he is out of order. But one point of order can be under debate at a time. The gentleman from North Carolina [Mr. KERR] submitted the amendment which has just been read. The Chair decided that it was not in order, as being not germane to the business under consideration, and as not being within the special order of the House, which confined the committee to the consideration of business for the organized Territories. From that decision the gentleman from North Carolina [Mr. KERR] takes an appeal, and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. CLINGMAN. I ask for tellers. Tellers were ordered; and Messrs. KERR and OLDS appointed.

Mr. SEWARD. I desire to know what the question is under consideration?

The CHAIRMAN. It is upon the appeal from the decision of the Chair.

Mr. SEWARD. Certainly; but I desire to know upon what that appeal was taken?

The CHAIRMAN. It was taken upon a de-

cision of the Chair that an amendment, which will be read, was not in order.

The amendment was again reported by the Clerk. Mr. SEWARD. That is the amendment, but I wish to inquire what the main question is?

The CHAIRMAN. It is the bill which the committee have under consideration, being Senate bill (No. 138) to aid the Territory of Minnesota in constructing a railroad for military, postal, and other purposes. The question is upon the appeal.

The question was then taken; and the tellers reported—yes 59, noes 84.

So the appeal was sustained; and the decision of the Chair overruled.

The CHAIRMAN. The gentleman from North Carolina [Mr. KERR] is entitled to the floor.

Mr. KERR. I have no disposition to detain the committee with any remarks. I have only this to say, that if gentlemen have any disposition whatever to extend justice to the old States of this Union they will now have an opportunity of manifesting it. Gentlemen have told us again and again that this system of granting alternate sections of land was beneficial to the whole country, and that it was not at all partial in its operation. This is the first opportunity which has presented itself of testing the question. If, in fact, it be a system by which alternate sections of lands are doubled in value, then just satisfy the country of that, and give to that portion of the country which is not interested in these local plans of improvement the benefit of these alternate sections, and we will have no controversy in Congress about this matter; but shall have all sections of the country united in voting to appropriate lands for any such works as the one we now have before us, and for other works which are intended to benefit the country generally.

Mr. DEAN. I am opposed to the amendment of the gentleman from North Carolina, [Mr. KERR,] for he reason that it is a scheme for the distribution of the proceeds of the public lands, which has been held by the Democratic party, and by the country generally, to be a violation of the Constitution. I am opposed to the bill upon another ground. The gentleman from North Carolina has stated as his ground for offering his amendment that the old States need something. The old States of this Confederacy are not here asking alms from the General Government. They do not need it. If they cannot support themselves by their own resources, let them go into bankruptcy. The State of New York asks for nothing of this kind. Nor ought any of the old States to ask for anything, as a gift, from this Government. I was born in one of the old States, and I expect always to live there, and I sincerely hope that the day will never come when she shall come here and ask the General Government that the proceeds of the public lands shall be divided among all the States. I am opposed to the amendment, and I hope it will not be adopted.

Mr. WHEELER. I deny that the gentleman has the right to speak for the State of New York. I desire to know by what authority my colleague from the Kinderhook district speaks for the State of New York? I am aware that the gentleman has the Administration in his charge, as well as the interests of the Kinderhook district, but the State of New York has thirty-two representatives besides himself to speak for her. When she desires the gentleman from Kinderhook district to speak for her alone she will probably notify him of the fact.

Mr. TAYLOR, of Ohio. I wish to offer the following amendment: Strike out the words "over to those States which have received no grant of of the public lands for internal improvements," and insert in lieu thereof the following:

"To all the States respectively for the purposes of internal improvements and education, according to their Federal representation in Congress."

Mr. KERR. I ask that the amendment may be reported at the Clerk's desk.

The Clerk read the amendment.

Mr. TAYLOR. The only objection, Mr. Chairman, I have to the amendment of my friend from North Carolina is, that it seems to provide for a somewhat partial distribution of this common fund of the nation. The amount received from the sale of these alternate sections of land reserved by the Government along the lines of railroad in Missouri, in Illinois, in Minnesota, in Wisconsin, or wherever reserved, goes into the

General Treasury, and should redound to the benefit of all the States alike, in proportion to their Federal representation; and, for one, I have no objection to making it operate for the benefit of all. It is but carrying out a portion of the creed of the Whig party of the country, advocated with so much zeal and ability by the distinguished statesman from Kentucky [Mr. Clay] several years since, to distribute the proceeds of the sales of the public lands among the several States, in proportion to their Federal representation, for the great purposes of education and internal improvements, which was partially carried into effect for the benefit of the country.

Now, sir, if the amendment of my friend from North Carolina be adopted without modification, it will provide for partial legislation; it will be dividing among a portion of the States of the Union the common fund of the nation raised by the sales of these alternate sections, and received into the general Treasury. I desire, if this fund is to be distributed among the States, that it shall be distributed among them all in proportion to their Federal representation in this Capitol, for the great purposes of internal improvement and education. Such policy was in former times advocated by the Whig party of the country, and I am proud to have advocated it.

In my opinion, this plan for the equitable distribution of the proceeds of the sales of the public lands was one most beneficial in its effects, so far as it was carried out. It would have been, if fully carried into effect, one of the most beneficial measures ever presented for the consideration of the American people. And as a majority of the representatives in Congress saw fit to abandon the policy, it was no fault of the Whig party of the country.

The amendment of the gentleman from North Carolina is good, so far as it goes; but as I have no desire to do injustice to any State in the Union, I would much prefer that it should be so modified or extended as to embrace all the States in the policy of distributing the proceeds of the sales of these alternate sections, and that the proceeds of those reserved alternate sections should be applied to promote objects of internal improvement and education, under the direction of the Legislatures of the several States.

Mr. CLINGMAN. Will the gentleman allow me to interrupt him?

Mr. TAYLOR. Not now. I am aware that I am probably calling up old reminiscences in the mind of the gentleman from North Carolina of the time when, upon this floor, and upon the stump, we advocated this policy. I am very free to admit that I have made many speeches in support of it. It went partially into effect, and, as I think, with great benefit to the country. It was advocated by Mr. Clay with distinguished ability, and was partially advocated, or at least suggested, by General Jackson to the country. And I repeat, that so far as it went into operation, it proved beneficial to the whole country. I know it did in the section of country which I have the honor to represent. If the amendment of my friend from North Carolina be adopted, I hope it will be in such a manner as to make the distribution equitable among all portions of the Confederacy.

Mr. CLINGMAN. I like the amendment to the amendment offered by the gentleman from Ohio very well; but there is one portion of it that does not meet my approbation, and which I think will probably weaken the proposition. I am perfectly willing that this money shall be distributed among all the States in proportion to their Federal representation.

I object, however, to the limitation that the proceeds of these lands shall be expended for the purposes of education and internal improvement. I have very great doubts about the right of the General Government to control the States, or to make use of the States as agents for education or internal improvement. I have difficulties upon that point. I have no doubt the donation would be used for those purposes, and I desire that it should be used in that way; but I hope that my friend from Ohio will modify his amendment so as simply to make this money divisible among all the States according to their Federal population. I will vote for it, in that event, but I object to designating how they shall spend the money. If any States wish to apply the money to the payment of their honest debts, let them do it. My

object is that the Government shall not seem to control the States in local matters.

My colleague on my left [Mr. KERR] tells me that if the gentleman from Ohio will modify his amendment in the way I have suggested, he will accept it. I think this is a much better way to dispose of the public lands than to vote them away, as the homestead bill does. I would much rather see some important public works, that will really be beneficial to the public, carried out, than to have the public lands donated away so as to reduce the value of the lands to almost nothing, without, I think, really benefiting the paupers of the country for whom they are mainly intended. I would much rather that the proceeds of the public lands should remain in the public Treasury for the support of the Government, so as to enable us to reduce the taxes. But if the question arises between the two policies, I prefer this one—the proceeds of the reserved alternate sections being divided among the States—to having the public domain squandered away by homestead bills to enable gentlemen to make a little Buncombe here, and perhaps to get sent back to Congress on the idea that they are very benevolent with other people's property.

I hope, therefore, that my friend from Ohio will consent to the modification I have suggested. I am willing that the old and the new States shall come in together as a compromise.

[Here the hammer fell.]

Mr. TAYLOR. I have no objection to modify my amendment, by inserting after the words "internal improvement," the words "and for such other purposes as the States may desire."

Mr. CLINGMAN. Oh, no; that will not meet my views.

Mr. TAYLOR. Then I will let my amendment stand as it is.

Mr. WASHBURN, of Maine. I call for a division of the amendment of the gentleman from Ohio.

Mr. RICHARDSON. You cannot divide it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TAYLOR] to the amendment of the gentleman from North Carolina, [Mr. KERR.]

Mr. WASHBURN. The gentleman from Ohio offers an amendment which contains two propositions, and I want a division of them.

The CHAIRMAN. What division does the gentleman desire?

Mr. WASHBURN. The first proposition embraces a distribution of the proceeds of these lands among all the States.

Mr. RICHARDSON. You cannot divide the amendment.

Mr. WASHBURN. That is one distinct proposition, but there is another which limits the manner in which those proceeds shall be applied by the States.

Mr. DISNEY. Suppose you vote down the first proposition, what is left?

Mr. TAYLOR. It is certainly only one amendment.

Mr. RICHARDSON. And it cannot be divided.

The CHAIRMAN. The Chair does not understand what division the gentleman from Maine proposes. The amendment of the gentleman from Ohio is to strike out a portion of the amendment of the gentleman from North Carolina, and to insert certain words. Does the gentleman wish for a division on striking out?

Mr. WASHBURN. No, sir. I will withdraw my call for a division of the question.

The CHAIRMAN. The question, then, is on the amendment of the gentleman from Ohio.

Mr. PERKINS, of New York. Let it be read.

The Clerk again reported the amendment.

The question was taken on the amendment of Mr. TAYLOR, and it was disagreed to.

The question then recurred on Mr. KERR's amendment.

Mr. OLDS. I propose to add, as an addition to the amendment, the following:

"To be divided, *per capita*, among the inhabitants of said States."

I am opposed, Mr. Chairman, to the system of my colleague [Mr. TAYLOR] to divide the proceeds of the sales of the public land among the States for the purpose of internal improvement. If they are to be divided among the States at all, they should be divided among the people, the inhabitants. I hold that every man, or one man as much

as another, is entitled to the proceeds of the sales of the public lands, if they are to be divided. If they are to be appropriated to pay the interest on the debts of the States, or for works of internal improvement, they are not then divided to every man *per capita*, but to the men of the State in proportion to their wealth, and in proportion to the taxes they pay. The very system of my colleague [Mr. TAYLOR] proposes, that every man shall receive the proceeds of the sales of the public lands in proportion to his wealth. Now, we did not acquire them in that way. Those acquired by purchase were paid for under the operation of a tariff, by which every man pays in proportion to the consumption and the number of his family, and not in proportion to his wealth. And if you are to divide the proceeds of their sale, they should be divided *per capita*, and not in proportion to the wealth of the inhabitants of the States.

I am opposed to this whole system of a division of the lands, or the proceeds of the sales of the public lands among the States; but if they are to be divided at all, let each inhabitant of the States receive his due portion—the rich as well as the poor; and then you will do something which has the appearance, at least, of justice.

Mr. SMITH, of Virginia. I would ask the gentleman from Ohio whether he did not vote for the homestead bill the other day?

Mr. OLDS. I am very glad to inform the gentleman from Virginia that I did vote for it.

Mr. SMITH. And you voted to give the wealthy man the same rights under it as the poor man?

Mr. OLDS. And so I propose here. I move a division *per capita*, to the rich man equally with the poor man. [Laughter.]

Mr. SMITH. As it is well known, Mr. Chairman, the understanding was originally that the proceeds of the sales of the public lands should go into the Federal Treasury for the purpose of defraying the common charge and expenditure. This committee have seen how they have been wasted. The gentleman submits a scheme to hang a speech upon, which is utterly impracticable, as we know.

I understand that the proposition of the gentleman from North Carolina is this, and nothing more: To give to the States which have none a portion of the lands. If you give to the State in which a road is to be built one half of the public land, why, the balance certainly can very properly be divided, under this principle, among the different States. And those States, certainly, will know how to dispose of them as well as any person here. Yes, sir, this gentleman is destroying the interposition of the Government. He is running the thing literally into the ground. I hope those who are in favor of fair play will give the gentleman from North Carolina the opportunity of carrying out his proposition. Let us vote down the amendments to his amendment, and see whether the committee is prepared to sustain it. I trust that those who are disposed to see this principle tested will throw aside all these amendments, and take the naked proposition of the gentleman from North Carolina.

Mr. STANTON, of Kentucky. I rise to a question of order. I ask for the reading of the 40th rule, with a view of determining who has a right to vote on this question.

The Clerk then read the 40th rule, as follows:

"No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case when he was not within the bar of the House when the question was put."

Mr. STANTON. Allow me to make a remark or two in reference to this matter.

Mr. JONES, of Tennessee. Will the gentleman from Kentucky permit me to ask a question?

Mr. STANTON yielded the floor.

Mr. JONES. I wish to make one inquiry; which is, whether this 40th rule was read or announced when the vote was taken on the passage of the Senate resolution to distribute books to members?

The CHAIRMAN. It is not for the Chair to decide what member is or is not interested in the matter. That is a question which every member of the committee must decide for himself.

The question was then taken on the amendment of the gentleman from Ohio, which was not agreed to.

The question then recurred on the amendment

offered by the gentleman from North Carolina, [Mr. KERR.]

Mr. MATTESON. I move to amend that amendment by inserting the words "one half," which would make the amendment read that one half of the money arising from the sales of the reserved sections shall be paid over to those States which have received no grant of the public lands, according to their Federal representation in Congress. I move this amendment, for the purpose only of asking a question.

Mr. Chairman, I withdraw the amendment offered, and send to the Clerk the following amendment to the amendment of the gentleman from North Carolina, in the nature of a substitute.

The Clerk reported the following amendment:

Insert at the end of the third section as follows: *Provided, however,* That the money arising from the sales of the reserved sections shall be paid over to the States according to their representation in Congress.

Mr. MATTESON. I rise, Mr. Chairman, as well for the purpose of offering that amendment to the amendment, as for the purpose of asking my honorable colleague [Mr. DEAN] by what authority he informs this House and the country that the State of New York will not ask, nor will she receive, her portion of the public domain?

Mr. DEAN. I will answer that question—

The CHAIRMAN. Does the gentleman from New York yield the floor to his colleague?

Mr. MATTESON. With great pleasure; as I want my question answered.

Mr. DEAN. I am very glad, Mr. Chairman, of the opportunity that I have of replying to the question of my colleague. I say that the State of New York does not want any of the proceeds of the public lands; and I say so on the authority of the people of New York, as expressed at the ballot-box. For, when General Jackson announced his doctrine—

[Cries of "Oh!" "Oh!" and laughter over the House.]

Mr. DEAN. The State of New York supported that doctrine.

[Renewed laughter and interruption.]

Mr. COBB. Let the gentleman from New York continue his remarks; he has got another point, perhaps.

Mr. DEAN. I say on another point, that the State of New York does not want any of the proceeds of the public lands. The people of the State of New York mean to abide by the Constitution. The Constitution gives Congress no power to distribute the public lands in this way; and the people of the State of New York are resolved not to violate the Constitution.

Mr. MATTESON. And that is all? General Jackson, eh! That will do. [Laughter.]

And so General Jackson's fame is to be raked up here to sustain the position of the gentleman. Now, I tell my colleague that he may represent a portion of the State of New York at the other end of this avenue, but he does not represent all of it on this floor on this question, and has no right to speak for the whole State. I refer to the political character of the Legislature of the State of New York at this time, to learn what the position of the people of that State is on this question.

Mr. DEAN. They are no authority upon it.

Mr. MATTESON. I ask my colleague whether he does not know that the Canal Board of the State of New York, within a short time, has resolved to apply to Congress for a portion of the proceeds of the public lands?

Mr. RICHARDSON. I rise to a question of order.

The CHAIRMAN. The gentleman from Illinois will state his question of order.

Mr. RICHARDSON. My point of order is, that this discussion is not pertinent to the question before the committee.

Mr. MATTESON. Well, I know it is not strictly pertinent. [Laughter.] I understand that, but many impertinent things are said in this Hall.

The CHAIRMAN. The gentleman from New York must confine his remarks to the amendment he has offered.

Mr. MATTESON. Mr. Chairman—

Mr. DEAN. Will my colleague permit me—

Mr. MATTESON. My colleague will excuse me. I cannot be interrupted any more.

I wish, Mr. Chairman, to say that at this time the State of New York has two great works in contemplation, and for which she would like to

receive what honestly and fairly belongs to her of the public lands. I speak of the ship canal around the Falls of Niagara, a national work in its character, although the whole of its construction will be within the limits of the State of New York; and of the enlargement of the Erie canal, in its character also a national work, in which the West as well as the East has, if possible, a deeper interest than the State of New York. I say to this House and the country, without the fear of contradiction, that New York does want, and does ask, for her fair share of the public domain.

I wish also to say that I am not opposed to railroad grants, when fairly made and properly guarded. I voted for the Illinois grant, and have never seen cause to regret it; and I am also in favor of giving the proceeds of the remaining alternate sections not granted to the railroads to the States for the purposes indicated, to whom I think they fairly belong.

Mr. PERKINS, of New York. I rise to state that New York does desire her share of the proceeds of the public lands; that she has evinced it during a Democratic Administration, when the deposit fund was tendered to the country, and a portion of it, which was to go to the State of New York, was suspended, and that State came forward and borrowed the money to carry out the original appropriation for—

Mr. DEAN, (interrupting.) And lost the whole of it.

Mr. PERKINS. Not one dollar or one cent. The gentleman, if he knows anything of the history of the State of New York—

The CHAIRMAN. The Chair must inform the gentleman that he is entitled to speak only in opposition to the amendment.

Mr. PERKINS. I ask the unanimous consent of the House to be permitted to proceed with what I have to say.

Mr. RICHARDSON. I have a duty to perform, and I mean to perform it. I ask that the gentleman from New York shall be confined to the question in debate before the House. And while I am upon the floor, I appeal to the committee to proceed with the business legitimately before them. We have this territorial business to dispose of, and if the latitude which has been taken in this debate is to be allowed, this business, so much needed to be passed, must go over.

The CHAIRMAN. The gentleman from New York must confine himself to speaking in opposition to the amendment.

Mr. PERKINS. I am nearly through. All I have to say is, not in advocacy of this bill particularly, but in reference to the State of New York; that by her acceptance of that deposit fund she has shown her disposition to take her share of the public money, and to retain it. When there was a difficulty in getting her share of the deposit fund, by its payment being suspended—and which she hoped to appropriate to school purposes—she borrowed the amount to carry on her school system.

Mr. WASHBURN, of Maine. Did I understand the gentleman from North Carolina [Mr. KERR] as accepting the amendment of the gentleman from New York, [Mr. MATTESON?]

The CHAIRMAN. It was not accepted; and the question now recurs upon the adoption of the amendment offered by the gentleman from New York.

Mr. MATTESON. I ask for tellers. Tellers were ordered; and Messrs. MATTESON and FAULKNER appointed.

The question was then put; and there being a disagreement in the count of the tellers—

Mr. BOCOCK demanded another count.

The CHAIRMAN. As there seems to be some discrepancy in the count, the tellers will again resume their places.

Mr. WENTWORTH, of Illinois. I want to know whether the tellers both voted upon the same side of the question? If they did, I ask that one of them may be changed, and one in favor of the opposite side be appointed in his place.

The CHAIRMAN. The Chair does not know how the tellers themselves voted. He only knows the fact that they did not agree in their report, and he therefore decides that the question must be again taken.

The question was again put; and the tellers reported—ayes 70, noes 86.

So the amendment to the amendment was disagreed to.

The question recurred on Mr. KERR's amendment.

Mr. ENGLISH. I offer the following as an amendment to the amendment:

But no portion of the proceeds of such reserved sections shall be distributed to any State which has heretofore had the benefit of appropriations of money out of the United States Treasury for the improvement of rivers or harbors, or the support of light-houses, or other Government improvements, within or on the borders of said State.

All I have to say in support of this amendment is, that if accounts are to be opened by the General Government with the States of this Union, I want those States which have been benefited by appropriations of money to be charged with the amount. Why should not the States benefited by appropriations of money be excluded as well as those in whose favor grants of land have been made? The amendment of the gentleman from North Carolina [Mr. KERR] I consider makes an unjust discrimination between the States. It excludes Indiana, and most of the western States, from enjoying any portion of the proceeds of these reserved sections, giving the entire proceeds to the old States, where millions are annually appropriated from the United States Treasury to support light-houses, improve harbors, &c. If any such proposition is to pass, I want the books posted, and the balance struck to each State. Let us have justice and equality.

Mr. LETCHER. The gentleman talks about opening up accounts among the States. Why, the chairman of the Committee on Public Lands [Mr. DISNEY] announced the other day that accounts were already opened, and that among all these new States the accounts were to be balanced by giving to those that had not already received as much enough to make them equal with the State of Illinois. Now, whenever it is proposed here to do anything calculated to equalize the use of these public lands gentlemen talk about opening up accounts; but when a question comes up between two of these land States with regard to their internal improvement schemes, and it is openly avowed on this floor that accounts have been opened and that they have even determined on the manner of balancing those accounts, why it is passed by without a word from any of these gentlemen who are after the lands.

The question was then taken on Mr. ENGLISH's amendment; and it was rejected.

Mr. TAYLOR, of Ohio. I move to amend the amendment of the gentleman from North Carolina by striking out all after the word "sales," and inserting in lieu thereof the words:

—of the public lands shall be distributed among the States respectively, according to their Federal representation.

So as to make it read:

"Provided, however, That the money received from the sales of the public lands shall be distributed among the States respectively, according to their Federal representation."

Several MEMBERS. That is the same thing.

Mr. TAYLOR. The proposition of the gentleman from North Carolina only refers, as I understand it, to the alternate sections of the public lands reserved along the lines of the railroads to which grants are made, and the amendments proposed by the gentleman from New York [Mr. MATTESON] and myself only looked to those reserved sections.

Now, it seems to me that when we are legislating on a matter of so much importance as this, we ought to extend this principle to the whole of the public lands, and do justice to the old States. I wish to do the old States of this Union ample justice, and if you carry out this great principle of a distribution of the proceeds of the public lands among the States in proportion to their Federal numbers, you will do most exact justice to those States; and if that had been done long since they would have no reason now to complain of any injustice at our hands. I do not think it would be fair to pay over the proceeds of the reserved sections along all these lines of railroad to such States only as have heretofore received no grants for internal improvements. Where would you draw the line?

In looking over the distribution of the lands donated to the various land States, under the name of swamp lands, I find that the State which I have the honor in part to represent received the small quantity of twenty-five thousand acres, which,

after paying for the reclamation of the swamp lands within its limits, have now become the most valuable of the land there; whereas, Louisiana, Illinois, Missouri, and Michigan have received some four, five, six, or even nine millions of acres.

Mr. LETCHER. Will the gentleman allow me to state how that was?

Mr. TAYLOR. I cannot yield to the gentleman; my time is so limited. I propose to carry out the principle which I advocated two years ago. I wish to propose it in a plain, frank, and manly way, and say to the States of the Union: after we have made donations for military services—after we have given the States certain lands under the operation of the swamp land act—after we have made grants for certain lines of railroads—that the proceeds of the sales of the public lands may be distributed among the States of this Union equitably, and in proportion to their Federal representation. Is not that fair? Is it not honest? Is it not the most equitable distribution of the proceeds of the sales of the public lands that can be devised? If not, I should be glad to be informed how you could make a better distribution? I wish to do justice to the old States; and I wish I had time now to express my opinion of the bill introduced by the honorable gentleman from New York [Mr. BENNETT], at the last Congress, and which passed this body. It is one of the most important, and equitable, and grand schemes ever presented to the country. It was lost no doubt in the Senate for want of time.

Mr. RICHARDSON. I am opposed to the amendment as well as the original proposition. I do not desire to consume time in its discussion. It is important that we should act upon this matter in one way or the other. I am disposed to urge the committee to a vote.

Mr. WASHBURN, of Illinois. Permit me to say that the Delegate from Minnesota [Mr. RICE] is here. There are other measures of vast importance to that Territory before the committee; and, unless we pass this bill to-night, he will not have an opportunity to bring them to our consideration.

[Cries of "Order!"]

The question was then taken on the amendment to the amendment; and it was rejected.

Mr. COBB. If the committee had been disposed to strike out the words "internal improvements," I should not have offered my amendment. If gentlemen are in good earnest I want them to act fairly. I move the following as addition.

"Provided further, That the provisions of this section shall be so construed as not to embrace Alabama as one of the States receiving grants for internal improvements."

Mr. Chairman, if the committee intend to pass the amendment of the gentleman from North Carolina I desire to have that exception made. Alabama, it is true, asks something, as appears by the various bills she has presented to this body; but she has not yet obtained it. And suppose the amendment of the gentleman passes, does he pretend to exclude Alabama from a fair participation in the proceeds of the sales of the reserved sections?

Mr. DENT. I desire to ask the gentleman from Alabama a simple question. Did not the State of Alabama receive five or six hundred thousand acres of public lands under a grant to her?

Mr. COBB. I shall answer, before I conclude, the inquiry of the gentleman from Georgia. The State of Alabama did receive, when she was admitted into the Union, five hundred thousand acres of public lands. But for what purpose? For the purpose of internal improvement. What did she do with these five hundred thousand acres of land? Did she apply it exclusively to promote the interests of the State of Alabama? Or did she expend four hundred thousand out of the grant in improving the Muscle Shoals on the Tennessee river, where five, six, or seven States were directly interested in the improvement? The State of Alabama thus disposed of the land which she received. True, she has received a little land on the line of the Mobile and Ohio railroad. But how much? is the question. She received two hundred and nineteen thousand acres. Are you, then, in earnest about this amendment? Will you say that the State of Alabama shall be excluded, because she has received this small participation of land? If so, go on with the deed of injustice which has been perpetrated on that State

since the distribution of the public lands has been commenced.

Sir, we have been knocking at the door of Congress. We have now the second railroad bill that was ever offered in the Congress of the United States, and which is now pending in the House. Has she been heard in response to her demand or her application? She has not. And if you are determined to refuse her the grants which she is now asking, I ask you at least to do justice to the State of Alabama, and put my amendment—designed to protect her interests—on the same footing with the General Government on which you propose to put your own beloved and always protected States.

Mr. HAMILTON. I know the gentleman from Alabama is not in earnest.

Mr. COBB. I am in earnest.

Mr. HAMILTON. The gentleman never desires to exclude the State of Alabama from the participation in any appropriation.

The question was taken on the amendment offered by the gentleman from Alabama; and it was not agreed to.

The question recurring on the amendment offered by the gentleman from North Carolina, [Mr. KERR], tellers were demanded, and ordered, and Messrs. WRIGHT and RICHARDSON were appointed.

The question was then taken; and the tellers reported—ayes 87, noes 61.

So the amendment was agreed to.

Mr. OLIVER, of New York. I offer the following amendment, to come in at the end of the third section:

And said railroad shall carry and transport free from toll, or other charge, any property or troops of the United States at any time when required so to do.

The third section provides that this road shall remain a public highway for the use of the Government of the United States, free from toll or charge. Now, for all practical purposes that right is useless to the Government. To carry out what I suppose to be one of the inducements held out for the purpose of securing the passage of this bill, I propose the amendment which I have offered.

The question was then taken upon the adoption of the amendment; and it was decided in the affirmative.

No further amendments being offered to the third section, the Clerk proceeded to read the fourth section, as follows:

"And be it further enacted, That the lands hereby granted to said Territory shall be disposed of by said Territory only in manner following, that is to say: that a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of said road may be sold; and when the Governor of said Territory shall certify to the Secretary of the Interior that any continuous twenty miles of said road is completed, then another like quantity of land hereby granted may be sold; and so from time to time until said road is completed; and if said road is not completed within ten years, no further sales shall be made, and the land unsold shall revert to the United States."

Mr. ORR. I desire to offer the following as a substitute for the fourth section of the bill.

Mr. WASHBURN, of Maine. I desire to offer an amendment.

Mr. ORR. If the gentleman from Maine will listen to the reading of the amendment I offer, I think he will find that it embraces the object which he has in view.

The amendment was then read, as follows:

"And be it further enacted, That the lands hereby granted to said Territory shall be disposed of only in manner following, that is to say, no title shall vest in the said Territory of Minnesota, nor shall any patent issue for any part of the lands herein before mentioned, until a continuous length of twenty miles of said road shall be completed through the lands hereby granted, and when the Secretary of the Interior shall be satisfied that any twenty continuous miles of said road are completed, then a patent shall issue for a quantity of land not exceeding one hundred and twenty sections, included within a continuous length of twenty miles of said road, and from time to time patents shall be issued in like manner upon the completion of each additional twenty miles of said road until it shall be completed, when patents shall issue for the remaining lands not already conveyed; and if said road is not completed within ten years, no further sales shall be made, and the lands so remaining shall revert to the United States."

Mr. WASHBURN. The amendment of the gentleman embraces a portion of my amendment, but not the whole of it. I desire, therefore, to have the amendment which I hold in my hands considered by the committee before the substitute is adopted. I wish to offer it as an additional section, to come in after the fourth section.

The CHAIRMAN. It would not be in order at present.

Mr. ORR. The amendment which I have suggested is the amendment that was proposed by the gentleman from New York [Mr. CURTIS] yesterday.

Mr. WASHBURN. I would ask the gentleman from South Carolina if it embraces the whole amendment? I understand that it does not, and that it leaves out a material portion of the amendment. I ask the gentleman if he will include the portion left out?

Mr. ORR. Will the gentleman suggest what portion?

Mr. WASHBURN. It is this:

"Until patents shall be issued therefor, the title to said lands shall not vest in said Territory; no patent shall issue for any part of said lands until said Territory shall in due form assent to the provisions of this act, and shall agree to fulfill the same."

Mr. ORR. If the gentleman will examine the amendment I have offered, he will find that I have changed the phraseology used by the gentleman from New York, [Mr. CURTIS,] so as to provide in the first line of my amendment, that the title shall not vest in the Territory of Minnesota until the conditions named in it are complied with. The phraseology I have used is better, and on that account I introduced it at the commencement rather than at the end of the amendment. The effect of this amendment will be to secure the Government against loss in any contingency whatever. The amendment requires that twenty miles of the road shall actually be finished, and that that fact shall be certified to by the Secretary of the Interior before he shall execute patents for a single acre of land. When he is advertised of that fact, then he issues patents for twenty miles. The company then proceed to build another twenty miles of the railroad; and when it is finished, then the Secretary of the Interior issues patents for twenty other miles.

The effect of the amendment I have offered is to save the Government from any possible contingent loss. As the section now stands, this difficulty might occur under it, and it is an objection which I suggested the other day. They might dispose of these sections along the first twenty miles, as they would have a right to do, and the title would be good in the purchasers; but yet, after making that disposition, they might fail to make the road, so that the State government will get the land along twenty miles of the road, and the Government will have security that whenever the land is taken the road will be built. I hope the amendment will be adopted.

Mr. DISNEY. The gentleman from South Carolina has explained the precise effect of his amendment. By the construction given to the bill as it now stands, or to just such bills, by the Commissioner of the General Land Office, and which construction is sustained by the courts of the country, no title can be given to the States in which the railroad is to be constructed to more than twenty miles of continuous lands at a time. That is a condition precedent in the grant. The only question, then, which is presented by the amendment of the gentleman from South Carolina is, whether we shall trust the State or Territory with the execution of its trust to the extent of building the railroad, for which the title to twenty miles of land along the line of the road, amounting to about seventy-six thousand acres of land, is made. Well, sir, the Committee on Public Lands, after mature consideration, came to the conclusion that it was entirely safe to trust one of the sovereign States with the execution of a trust where no larger tract of land than seventy-six thousand acres was involved; and they have, therefore, reported all these railroad bills with a provision precisely similar to that contained in this bill as originally reported to the House.

But, sir, if gentlemen will read the amendment of the gentleman from South Carolina, they will see that it is inconsistent with itself. The gentleman provides, in the first place, that no patent shall issue until the road shall be completed to a certain extent, and then he subsequently provides that the unsold lands shall revert to the Government. Why, there can be no unsold lands under these conditions. The Committee on Public Lands thought, in view of the fact that while strong, powerful companies would be able to build the first twenty miles of road without the assistance of

any grant of land to aid them, weak companies, in sparsely populated sections of country, would find a provision that no lands should be granted until a certain portion of the road had been completed, a serious obstacle to the progress of their work; it would be making a discrimination in favor of the strong companies in the densely populated States, and against the weak companies in sparsely populated States to make such a provision, and therefore they reported the provision in this bill by which, before a company shall have completed the first twenty miles of its road, some part of the revenue from the sale of the lands along the line of the road, for the first twenty miles, may be realized. They thought that it would be safe to leave in the hands of the State or Territory, as a trustee, the execution of the trust of applying the proceeds of the sales of such lands to the construction of the first twenty miles of the road. After the road shall have been constructed thus far, the lands shall be given for another twenty miles, and so on. Not to have made such a provision, I repeat, would be to discriminate in favor of the strong against the weak companies.

Mr. ORR. If the gentleman from Ohio thinks the last paragraph of my amendment inconsistent with the former paragraph, I have no objection to its being stricken out.

Mr. DISNEY. It is most clearly inconsistent.

Mr. ORR. I will then withdraw the last provision in the amendment.

The amendment, as modified, was then reported by the Clerk.

Mr. RICHARDSON. The amendment does not need any modification. They ought to complete the road in ten years.

Mr. WASHBURN, of Maine. I desire to offer an amendment, by way of perfecting the substitute of the gentleman from South Carolina. I move to add thereto the following:

And until patents shall be issued therefor the title to the said lands shall not vest in said Territory; no patent shall issue for any part of said lands until said Territory shall, in due form, assent to the provisions of this act, and shall agree to fulfill the same.

I do not perceive, sir, that the substitute of the gentleman from South Carolina contains that provision, and I think it is important. It was a portion of the provision as included in the amendment suggested yesterday by the gentleman from New York, [Mr. CURTIS,] and I believe it is important that it should be retained. I am in favor of the substitute of the gentleman from South Carolina, as far as it goes. I believe that it is necessary—necessary for the protection of Minnesota, as well as of the General Government. I believe that the bill, as it originally stood, would at once vest the title to all the land in the Territory of Minnesota, and there would be danger that it might be lost or squandered. I believe that this limitation can work no sort of danger or inconvenience to the Territory, or to the company that may be employed to construct this railroad. I believe further, that if we are to secure any portion of the advantages held out by the bill, we must also adopt the amendment I have suggested.

One section of the bill provides for the transportation of the troops and property of the United States Government; it declares also that the railroad shall be a public highway. But what security have we that it shall be so? None at all. The moment Minnesota becomes one of the States of the Union we shall certainly have no control over her highways or her corporations, and there is no security whatever which will compel or obligate, in any form whatever, that Territory, or any incorporation in that Territory, to perform any of the conditions which may seem to have been implied in the bill as originally proposed. Now I desire that we shall keep the promise to the hope as well as to the ear. If we mean fairly and honestly that the Territory, or the incorporation that may be established in the Territory, shall perform these conditions, let us see that they do. If they are willing to be bound by such conditions they cannot object to such a provision. I only propose to provide that the patents shall be issued where there is an affirmative acceptance by the Territory of this bill and the conditions in it. With this amendment I shall be ready to vote for the bill, for I can bring myself more readily and easily to support this measure, than many of the same kind.

Mr. RICHARDSON. I desire to suggest to

the gentleman from Maine that his amendment is provided for in the amendment of the gentleman from South Carolina.

Mr. WASHBURN. It did not seem so to me.

Mr. RICHARDSON. The Government holds the land until the road is built twenty miles. When twenty miles of the road is completed then a patent issues, and the company is entitled to the land granted for the twenty miles. When they go on and build the next twenty miles of the road then they get the land granted for that distance; and so on until the entire road is constructed. Now, what is there to which the Legislature of Minnesota is to accede? Has not the Government the patent until the road is completed? The object at which the gentleman aims, it strikes me, is already attained.

Mr. WASHBURN, of Illinois. Let me ask the gentleman what provision there is in the bill binding the Territory, or the corporation to be chartered by the Territory, to carry the troops and property of the Government without charge?

Mr. RICHARDSON. The grant does that. When the Territory accepts the grant she does it with all the conditions annexed, and if she is prudent when she lets the road out to be constructed by a corporation she annexes the conditions with it. The State of Illinois did so when she passed her road over to a company. I presume the Legislature of Minnesota will do the same. Now we are not to suppose that that Territory will turn around and repudiate the conditions upon which she receives this grant of the public land. I have a better opinion of her than that.

Mr. DISNEY. Let me ask the gentleman one question. The gentleman from Illinois is contending, with great propriety and force, that the States or Territories should be trusted as the trustees to see that the various franchises of privileges and conditions set forth in the act are secured to the Government, and yet, from his remarks heretofore, he is not willing to trust the Territory with the seventy-six thousand acres of land provided for in the bill.

Mr. BISSELL. Of what value, I should like to know, would the land be, lying along that twenty miles of the line of road, unless the road were built? They might take the land, if you please, and not build the road; but what would they profit by it? They could not sell it in thirty years for \$1 25 per acre. And it is not until the road is constructed that the land is of one cent's worth to those to whom it is granted.

Mr. WASHBURN, of Maine. I do not perceive but that the substitute of the gentleman from South Carolina sufficiently secures the Government, so far as the title to the land is concerned; but what I desire is, and it is what I have not perceived to be sufficiently and clearly stated in his substitute, that the Territory shall be held to the performance of the condition to transport the troops of the Government. I have stated that to the gentleman from Illinois once before. I will now say to him, that if he is disposed that the Territory shall be held—

Mr. RICHARDSON. I am willing to yield that gentlemen may propound questions, but not for a speech.

Mr. WASHBURN, of Illinois. The amendment I have submitted can do no harm, at any event.

Mr. RICHARDSON. The gentleman from New York proposed an amendment, making every provision that was deemed sufficient on the subject.

In reply to the gentleman from Ohio, [Mr. DISNEY,] I have to say, that because I declare the State shall not be trusted thus and so I do not mean she shall not be trusted for anything. I am not willing to trust her for everything. I am willing to trust her for something, small it is true.

Mr. BRIDGES. Mr. Chairman—

The CHAIRMAN. Further debate and amendment is not in order at this time.

The question was then taken on the amendment to the amendment; and it was rejected.

Mr. EDGERTON. I move to insert in the first part of the amendment the words "through the lands hereby granted," so that it will read, "through the lands hereby granted to said Territory shall be disposed of," &c.

Mr. ORR. If the gentleman desires, I accept his amendment as a modification of mine.

Mr. RICHARDSON. I ask that the amendment be reported.

Mr. ORR. Upon looking closely at the modification suggested by the gentleman from Ohio, I do not think that it ought to be made. It should be retained in the bill, that if the road is not constructed within ten years the land shall revert to the Government; and it is therefore necessary in that point of view.

The CHAIRMAN. The gentleman wishes to retain the amendment as originally introduced, excepting the amendment proposed by the gentleman from Ohio, [Mr. EDGERTON.]

The question being on the substitute of Mr. ORR, as modified, for the fourth section of the bill, it was put, and the amendment was agreed to.

The fifth section of the bill was read.

Mr. WADE. I move to amend that section by adding at the end of it the following proviso:

Provided, also, That before title to the land mentioned in the first section of this act shall vest in the said Territory, the Legislative Council of said Territory shall provide by law for submitting the acceptance or non-acceptance of the said grant of land to the people of the said Territory by a vote, to be taken at the usual places of holding elections in said Territory, and at such time as may be provided by law; and that if a majority of the qualified electors of the said Territory shall vote in favor of such acceptance, then the said land shall vest in said Territory; otherwise said grant shall be null and void.

Mr. WADE. I desire to state here, but under the five minutes' rule have not time to say, all that ought to be said in relation to this and the numerous other like bills which it is evident are to be brought forward for the action of the House. In my judgment they are wrong in principle, and cannot but prove injurious to the very interests they are ostensibly designed to subserve. It is claimed that the interests of the West are involved in the passage of these railroad bills. It would be morally impossible for me to do any act adverse to the interests of the West. All my interests and sympathies are with and for the West; and nothing in which western interests are involved, when justice is not violated, can meet my opposition.

Now, I do not believe that the passage of these bills promote western interests. They constitute monopolies of the most odious character. Who here can tell the House under what charters these roads will be constructed? And I appeal to the Democracy to give us light on this subject before we add to these monopolies the most extensive and odious land monopoly ever attempted to be imposed on the country. I do not know the number of these roads in charge of the different committees of this House, but it will not be extravagant to call them legion. The road in question calls for seven hundred and sixty-eight thousand acres—enough to furnish homesteads for four thousand eight hundred heads of families, and it withdraws from sale an equal quantity reserved to the Government at double the minimum price, thus excluding from this portion of the Territory nine thousand six hundred families. This effect, in case the homestead bill should pass the Senate, as it has passed the House, will do greater injury to the Territory than this railroad would do good, passing, as it is said to do, through an unsettled part of the country.

Now, sir, I believe this is altogether running before we are called. It is said here that before the stock of these roads becomes of any value the land must be settled. Why not wait, then, before building this road until the country is so far settled as to render the stock valuable? Why reverse the entire order of the settlement of the western country, and make railroads in advance of that settlement? Why not rather wait, and let things take their natural course, and let the people go in to these Territories and occupy the lands, and settle there, and so demonstrate the necessity—make it plain to the people of the country—that a railroad is needed, and thus invite capitalists in to construct a railroad?

By this bill the road need not be built under ten years; but the land is to be donated now. This is taking time by the forelock. Settling rapidly as the West now is, if the road passes through a district where a railroad is really needed, before the road need be made under this bill the country generally will have been already settled, and yet this land will belong to the Territory, or some corporation created by its authority. How, then, do we by this donation secure, *make certain*, any benefit to the West?

But it is said we must trust the territorial au-

thorities to make the right use of this property. Why, then, not donate the land outright to the Territory, and give it a confidence coextensive with our generosity? Why confine this gift to this railroad, with its commencement, terminus, and general course, all absolutely defined? Could we not as well trust the Territory in these most important matters as in any other? I am strongly impressed, Mr. Chairman, with the belief that if our confidence in the Territory was as ample as this, and we should make this bill so utter our confidence, that there might not improbably be a forthwith stamped among the multitudinous lobby members who are so anxious for the passage of this bill.

No, sir, I am persuaded that there is "speculation in their eyes;" that this great anxiety for the people of the West is based upon mere private interests; that though we cannot see, yet we can most probably feel.

It is further said that the State of Illinois, which received so great a bounty from the Government, has derived the greatest benefit from that donation. It may be, sir; but I am skeptical as to the fact whether that great central railroad is a cause of the prosperity of that State. In my humble judgment that railroad itself, and the whole railroad system of the West, are rather the effect than the cause of the great prosperity of the West. Railroads cannot create; they can only develop. They do not go before, but only accompany prosperity.

But, sir, the great objection to this, and all the other railroads on which, I suppose, we shall be called upon to act, is, that we make them enormous land monopolies, which will be easier, we shall find, and so will the people, to create than to destroy.

[Here the hammer fell.]

Mr. RICHARDSON. If the gentleman from Ohio will look at his proposition for a moment, he will see in what contradictions it involves him; and it is this: that we ought to wait until the country is settled before we give the land; but when the country is settled, we shall have no land to give. That is all there is of it.

Mr. WADE. I would ask the gentleman whether he does not believe that the people of the Territory are better judges of the matter than we can be?

Mr. RICHARDSON. I have no doubt of it; not the least. If I had, I would not be pressing this bill.

Mr. LANE, of Oregon. I would inquire of the gentleman from Ohio if he has not made a mistake in the phraseology of his amendment? If he will look at his amendment, he will see that he has referred to only one branch of the Legislature, instead of saying the Legislative Assembly.

Mr. WADE. It may be so; but that can easily be corrected.

The question was then taken on the motion offered by Mr. WADE; and it was not agreed to.

Mr. BRIDGES. I offer the following amendment:

Strike out all of the fifth section after the word "Department," in the third line, and insert as follows:

—free of any charge or expense whatsoever to the said Department, for a period of fifteen years from the time the said railroad shall be put in operation.

So that the section shall read:

"That the United States mail shall be transported over said railroad, under the direction of the Post Office Department, free of any charge or expense whatsoever to the said Department, for a period of fifteen years from the time the said railroad shall be put in operation."

Mr. BRIDGES. My object in offering the amendment is to change an important feature of this bill, if possible, from a donation of land to a bill of sale.

Mr. HENN. I would ask the gentleman from Pennsylvania if there is any donation in it? I desire him to point out the place in it where one acre of land is given.

Mr. BRIDGES. That was one object for which I rose. When I first took up this bill and read it, I was amused at the fascinating language used in the first two lines; and it struck me very forcibly, that whenever there is an attempt made to get property from the United States, the idea is held out that the Government is to be benefited by it in some way or other. This is for the purpose of fascinating, charming, and alluring members into the support of a measure, which they would not do, if it were not couched in language

of that description. May I not call it a species of sympathy for the Government, or the desire to exercise a guardian care over it? Let me say to those who use such language for the purpose of operating upon this House, that it reminds me of the sympathy which vultures show to the lambs when devouring them—such sympathy as the crocodile exhibits when he mingles his tears with the blood of his expiring victim. Let me say to this committee, that the contingency upon which this bill hangs, and which its friends hang upon it, is too far distant in the future to demand any consideration at the hands of this committee. If the idea is held out that this road may be wanted for the purpose of transporting troops and munitions of war over it, such an event may not happen for a century to come.

I wish to call the attention of the committee to one fact, and that is this: That we come up from the bosom of the people here, and as their representatives, we are legislating in reference to their property, and not our own property. We are the agents of the people; and am I, as the agent of a small constituency, to give away the property of the people without an ample remuneration for it? The Constitution does not allow it. That portion of the Constitution under which this is asked, to wit: the third section of the fourth article, never intended that the property of the people should be given away without a valuable consideration. I have heard it said upon this floor that the word "dispose" may be variously construed. It never can be construed to mean as giving away the property of the people. The word "dispose" means to sell, and no other meaning can be given to it—certainly not according to the general acceptance of the term, and the definition of any lexicographer. I ask, then, why there should not be some remuneration made by this vast company that will be incorporated in consequence of making this grant? I call the attention of the committee to this scheme, which is only second in importance and magnitude to the great scheme of a certain gentleman who for years was boring members of Congress for the purpose of getting a grant of a strip of land sixty miles wide, to extend from Lake Michigan to the Pacific ocean.

[Here the hammer fell.]

Mr. OLDS. I dislike to oppose any amendment offered by my friend from Pennsylvania, [Mr. BRIDGES]; but it appears to me that his amendment makes an invidious distinction against this railroad, that the postal arrangements of the country do not really demand. Sir, the committee originally reported precisely the same provision in this bill, in respect to carrying the mail, which is contained in all the other railroad bills. It is that Congress itself shall fix the price at which the mail shall be transported over the road; and it is precisely what you want in respect to the railroads of the country. Why do you want this railroad to carry the mail free of cost, when you have determined to pay the Central railroad in Illinois, and all the other roads to which you have made grants of land? Congress has the right, and that is what the wants of the country demand, to fix a uniform rate of compensation to be paid to the various railroad companies for the transportation of the mails.

Between this city and New York you are now paying \$3 75 per mile per annum. That is wrong, and it demands a remedy at the hands of Congress. But because some of the railroads in the country have imposed upon the Post Office Department, by charging enormous prices for the transportation of the mail, is that any reason why we should go to this new Territory of Minnesota and demand that this railroad should carry your mails for nothing?

[A message was here received from the Senate, by ASBURY DICKINS, its Secretary—the Speaker having temporarily resumed the chair for that purpose—informing the House that the Senate had passed—

House bill (No. 14) to amend an act entitled "An act to divide the State of Arkansas into two judicial districts," approved March, 1851: and House bill (No. 276) for the relief of William Mayo.

The former, with an amendment, in which he asked the concurrence of the House; and the latter without amendment.]

Mr. OLDS, continued. I was proceeding to say, that because a portion of the railroads in the

country have charged the Post Office Department an enormous price for transporting the mail, is it just that in order to equalize the matter, and balance these impositions, you should go to this infant Territory and provide that its railroads shall carry the mail for nothing? Sir, I repeat that this section in this bill places in the hands of the Government just such a power as Congress ought to exercise over every railroad in the country. It is that Congress shall cause the railroads to carry the mail at such a rate of compensation as it may fix. I maintain that that is a wholesome provision, and it is all that is necessary. It will effectually prevent the exaction of extravagant rates of charges, and we certainly do not want these roads to do our work for nothing. There is no reason why the same provisions should not be applied to the grants for railroads in the States. I repeat, that it is a wholesome provision, and that I hope we shall not go to the infant Territory of Minnesota to make the first condition such as is now proposed.

The question was put; and the amendment was not agreed to.

Mr. GREY. Is it in order to offer an amendment to the fifth section of the bill?

The CHAIRMAN. It is in order to offer an additional section to the bill.

Mr. GREY. I move the following, to come in at the end of the fifth section of the bill:

Sec. —. *And be it further enacted*, That there shall be, and is hereby, severally granted to each of the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, and Virginia, public lands, at the rate of one hundred and fifty thousand acres for each Senator and Representative to which said States are respectively entitled. And to each of the States of Ohio and Indiana all the public lands remaining unsold in said States respectively, not reserved for any public purpose. And a further grant, at the rate of fifty thousand acres for each Senator and Representative, is hereby made to each of the States of Ohio and Indiana respectively; said lands to be taken in the manner, and applied to the purposes hereinafter mentioned.

Sec. —. *And be it further enacted*, That the Commissioner of Public Lands shall issue to each of the States named in the preceding section land warrants to the amount, in all, to which each of the said States are respectively entitled under said section, (exclusive of the lands granted to Ohio and Indiana, within the limits of those States.) And the said States are severally authorized to sell said land warrants, and apply the proceeds thereof to aid in the construction of railroads. Said warrants shall be for not less than eighty or more than one hundred and sixty acres each; and the same shall be valid in the hands of the owners or holders thereof, and may be located upon any of the surveyed public lands which shall be at the time for sale, and subject to private entry. And the title to the land so located under said warrants, shall be perfected to the owner or holders thereof, in the same manner as under other land warrants issued by the United States; and the same fees to be paid therefor. Said land warrants to be properly printed and engraved, and signed by or under the direction of the Commissioner of Public Lands, and countersigned, as they are sold, by or under the direction of the Governors of each of said States respectively: *Provided*, That no State shall locate any of said land warrants in its own name, or for its own benefit. And no land warrants shall be located upon any lands to which there shall be a preemption right, or upon which there shall be an actual settlement and cultivation, except by the person holding such preemption right, or by such settler and cultivator. And not more than one half of any section of land shall be located under said land warrants.

Sec. —. *And be it further enacted*, That the remaining half sections, or parts of sections of land remaining, upon which said land warrants shall have, in part, been located, are hereby reserved to the United States, and shall not be sold for less than double the minimum price of the public lands when sold. Nor shall the remaining parts of said sections become subject to private entry until the same have been first offered at public sale at the increased price.

Sec. —. *And be it further enacted*, That the United States mail, and the troops and property of the United States, shall be at all times transported on all railroads, made either wholly or in part from the proceeds of the lands granted by this act, under the direction of the proper Departments, free of charge, or for such compensation only as Congress may by law determine. And until so fixed by law, for such compensation as the Postmaster General shall direct.

Mr. RICHARDSON. I rise to a question of order. I submit the question of order, that that amendment is not germane to the bill, and is, therefore, out of order. This is a bill for the construction of a railroad in Minnesota, and the amendment proposes to distribute the lands among the States for purposes of internal improvement.

The CHAIRMAN. The Chair adheres to a decision made on a previous occasion, during the consideration of this bill, and rules the amendment out of order.

Mr. GREY. Do I understand the Chairman to rule my amendment out of order?

The CHAIRMAN. The Chair does so.

Mr. GREY. Well, I ask the Chair, for the sake of obtaining information—

The CHAIRMAN. Debate is not in order. Does the gentleman take an appeal from the decision of the Chair?

Mr. GREY. I wish first to ask a question of the Chair. Is not the original bill, to which this is offered as an amendment, a bill proposing to grant lands to a Territory, and to a portion of the States, for railroad purposes?

Mr. RICHARDSON. No, sir; it makes no grant to any State.

Mr. GREY. Well, to a Territory?

The CHAIRMAN. Debate of this kind, by way of interrogatory, is not in order. Does the gentleman appeal from the decision of the Chair?

Mr. GREY. Yes, sir; I appeal.

The CHAIRMAN. The Chair has decided that the amendment, submitted by the gentleman from Kentucky, is not in order, because it is not germane to the bill, and because it is in violation of the order of the House, directing the kind of business which the committee shall consider on this day. From that decision the gentleman from Kentucky appeals, and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. GREY. Have I a right to say anything?

The CHAIRMAN. No, sir; debate is not in order.

Mr. DEAN. I desire to know whether the provisions of the amendment apply to lands in the Territories only?

The CHAIRMAN. No; to lands generally.

Mr. KERR. I call for tellers on the appeal.

Tellers were ordered; and Messrs. CLINGMAN and RICHARDSON were appointed.

The question was taken, and the decision of the Chair was sustained; the tellers having reported—ayes 88, noes 37.

Mr. GREY. I move the following as an additional section to the bill:

Sec. —. *And be it further enacted*, That there be, and is hereby, granted to the State of Kentucky, thirteen hundred thousand acres of the public lands, for the purpose of aiding in constructing a railroad from Cincinnati by Louisville and along the most advantageous and practicable route to some point on the Mississippi river in said State. And fourteen hundred thousand acres for the purpose of aiding in constructing a railroad from Hopkinsville by Danville, &c., to the mouth of the Big Sandy river, with a branch from some point on said road east of Bowling Green to or near Cumberland Gap, to be located by the Legislature of said State. And five hundred thousand acres for the purpose of aiding in constructing a railroad from Henderson toward Nashville, Tennessee, and for the purpose of aiding in constructing that part of the Chicago, Cairo and Mobile road, crossing the States of Kentucky and Tennessee, from the mouth of the Ohio to the Mississippi State line, an equal number of acres per mile, as was granted to aid in constructing those portions of said road from Chicago through the State of Illinois, to Cairo, and from the south boundary of the State of Tennessee through the States of Mississippi and Alabama to Mobile.

Sec. —. *And be it further enacted*, That the State of Kentucky shall apply the proceeds of said lands hereby granted exclusively to aid in the construction of said railroads specified in the foregoing section, and for no other purposes. And the Commissioner of Public Lands, under the direction of the Secretary of the Interior, shall issue to the State of Kentucky land warrants to the amount of said three millions seven hundred thousand acres of public lands. And said State is authorized to sell and dispose of said land warrants, and the same are to be valid and effectual in the hands of any owner or holder thereof, and may be located by such owner or holder upon any public lands subject to private entry in the same manner as land warrants for military services are authorized by law to be located. And the title of the land so located by any owner or holder of said land warrants shall be secured and perfected to such owner or holder in the same manner as other land warrants issued by the United States. Said land warrants shall be so engraved and printed as to prevent deception and counterfeiting; shall be signed by the Secretary of the Interior, or the Commissioner of the Public Lands, or for them by such other person or persons as the Secretary may direct, and countersigned by the Governor of the State of Kentucky, or by such other officer as the Legislature of said State may designate for that purpose, and said land warrants shall not be for less than eighty nor over one hundred and sixty acres each: *Provided*, That said State shall not be authorized to locate any warrants in its own name or for its own benefit; and that no warrant issued under the provisions of this act shall be located upon any lands which have been specially reserved to the United States or to which there shall be a preemption right, or on which there shall be an actual settlement and cultivation, except by the person holding such preemption right, or by such settler and cultivator.

Sec. —. *And be it further enacted*, That each and all of the roads mentioned in the first section, if made either wholly or in part from the proceeds of the public lands granted by this act, are hereby made and declared post-roads and shall at all times transport the mails, military stores, troops, and property of the United States, under the direction of the proper officers thereof, at such compensation as Congress may by law direct.

Mr. RICHARDSON. I rise to a point of order.

The CHAIRMAN. The Chair has already made the decision as to the question of order.

Mr. GREY. May I refer the Chair to a decision on this precise bill, made at the last session, where this same question was made and decided in an opposite way?

The CHAIRMAN. The Chair recollects the decision, but he does not believe that the House correctly decided then.

Mr. GREY. Then I appeal from the decision of the Chair.

The CHAIRMAN. Then the question is: "Shall the decision of the Chair stand as the judgment of the Committee?"

The question was taken; and the decision was affirmed.

Mr. RICHARDSON. I move that the committee do now rise, and report the bill to the House.

The question was taken; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee (Mr. PHELPS) reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly Senate bill (No. 38) "To aid the Territory of Minnesota in constructing a railroad for military, postal, and other purpose," and had directed him to report the same to the House with sundry amendments.

Mr. RICHARDSON. I move the previous question upon the passage of the bill.

Mr. HAMILTON. I move to lay the bill and amendments upon the table.

Mr. DENT. I move that the House do now adjourn.

Mr. RICHARDSON. I hope the gentleman will withdraw that motion. I want to go back into committee in order to pass two or three bills. This is the last of the days set aside for the consideration of local territorial business, and I hope the gentleman will withdraw the motion.

Mr. DENT. I withdraw it.

Mr. McCULLOCH. I renew it.

The question was put, and decided in the negative.

So the House refused to adjourn.

The question recurring upon the motion to lay the bill upon the table,

Mr. HAMILTON called for the yeas and nays, which were ordered.

Mr. FLORENCE. I move the House do now adjourn.

Mr. CLINGMAN. I rise to a point of order. Is it in order, after having just voted upon a motion to adjourn, to make that motion again?

The SPEAKER. It is in order, as there has been action since the motion to lay the bill upon the table.

The question was then taken upon the motion to adjourn, and decided in the negative.

The question was then put upon the motion to lay the bill upon the table, and it was decided in the negative—ayes 68, nays 101; as follows:

YEAS—Messrs. Bennett, Bocoek, Boyce, Bridges, Carpenter, Chaistain, Chrisman, Craig, Thomas Davis, Dean, Dent, Drum, Edmundson, Elliott, Everhart, Ewing, Faulkner, Fuller, Gamble, Giddings, Goode, Grey, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hendricks, Hiester, Hill, Houston, Johnson, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kittredge, Kuriz, Lane, Letcher, McCulloch, McMullin, McNair, McQueen, Maurice, May, Middlesworth, Milson, Morrison, Murray, Nichols, Peckham, Preston, Puryear, Seward, Seymour, Shaw, Shower, Gerrit Smith, Samuel A. Smith, Snodgrass, Stratton, Andrew Stuart, Trout, Vail, Vansant, and Wade—68.

NAYS—Messrs. James C. Allen, Willis Allen, Appleton, Ball, Banks, Barksdale, Benson, Bissell, Breckinridge, Brooks, Bugg, Campbell, Caruthers, Clark, Clingman, Cobb, Cook, Corwin, Cox, Crocker, Cullon, John G. Davis, DeWitt, Dick, Dickinson, Disney, Dunbar, Eastman, Eddy, Edgerton, Edmunds, English, Farley, Florence, Franklin, Goodrich, Greenwood, Andrew J. Harlan, Harrison, Henn, Howe, Hughes, Hunt, Rowland Jones, Kerr, Knox, Lindsley, McDougall, Macy, Matteson, Mayall, Meacham, John G. Miller, Smith Miller, Morgan, Noble, Norton, Olds, John Perkins, Phelps, Phillips, Pratt, Pringle, Ready, Reese, Richardson, Riddle, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Shannon, Simmons, Singleton, George W. Smyth, Hester L. Stevens, John L. Taylor, Thurston, Tracy, Upham, Watbridge, Wailley, Warren, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler,

Daniel B. Wright, Hendrick B. Wright, Yates, and Zollicoffer—101.

So the House refused to lay the bill upon the table.

The SPEAKER. The question recurs upon the demand for the previous question.

Mr. SAGE. I move that the House do now adjourn.

Mr. GREY. I desire to ask the Chair a question before we vote upon this subject. I ask for information.

The SPEAKER. The gentleman will propound his question.

Mr. GREY. My question is this: As the Committee on Public Lands will not report any bill giving to the old States any share of the public lands, I desire to know if there is any way by which a bill of that kind can be brought before the House?

The SPEAKER. That is a question which the Chair cannot decide now, at any rate.

The previous question then received a second.

Mr. McMULLIN. I move the House do now adjourn.

The question was taken; and there were, on a division, ayes 74, noes 83.

So the House refused to adjourn.

The question recurring on seconding the main question—

Mr. SAGE demanded tellers; which were ordered; and Messrs. CAMPBELL and PHELPS were appointed.

The question was then taken; and the tellers reported—ayes 67, noes 81.

The main question was then ordered to be put.

Mr. ORR. There are several amendments to the bill; and it being desirable that some other territorial bills should be disposed of in Committee of the Whole, I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of disposing of them.

The SPEAKER. It can only be done by unanimous consent, as the House has ordered the main question to be put, and it must now be put.

Mr. RICHARDSON. I desire to know if the amendments cannot be acted on *en masse*?

The SPEAKER. That course will be taken, unless objection be made.

Mr. JONES, of Tennessee. I suppose no one will desire a separate vote upon any except the amendment offered by the gentleman from North Carolina, [Mr. KERR.]

The SPEAKER. The usual course will be taken. The amendments will be read by the Clerk in their order; and any gentleman wishing a separate vote upon one will indicate it.

The Clerk then read the amendments.

Mr. DEAN demanded a separate vote upon the fourth amendment, and demanded the yeas and nays upon its adoption.

Mr. LETCHER demanded a separate vote upon the sixth amendment.

Mr. KERR. I move that the House do now adjourn.

The question was taken, and decided in the negative.

So the House refused to adjourn.

The amendments upon which a separate vote had not been asked were then agreed to without division.

The SPEAKER. The question now is upon the adoption of the fourth amendment, upon which the gentleman from New York demanded a separate vote.

The amendment was reported, as follows:

Insert at the end of the third section, the following: *Provided, however, That the money arising from the sales of the reserved sections, shall be paid over to those States which have received no grant of the public lands for internal improvements, according to their representation in Congress.*

Mr. DEAN. I demand the yeas and nays upon its adoption.

The yeas and nays were ordered.

The question was then taken upon the adoption of the amendment, and decided in the affirmative—ayes 85, nays 84; as follows:

YEAS—Messrs. Aiken, Appleton, Ball, Bennett, Benson, Boyce, Bridges, Brooks, Bugg, Carpenter, Caskie, Chandler, Chase, Chastain, Chrisman, Clingman, Cox, Crocker, Cullum, Thomas Davis, Dent, Dick, Dickinson, Edmonds, Edmundson, Everhart, Ewing, Farley, Faulkner, Franklin, Fuller, Gamble, Goode, Goodrich, Grey, Grow, Hamilton, Hiestler, Hill, Howe, Daniel T. Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lane, Letcher,

McCulloch, McMullin, McQueen, Matteson, Maurice, Meacham, Middleswarth, Millson, Morgan, Morrison, Murray, Andrew Oliver, Bishop Perkins, Pratt, Pringle, Puryear, Reese, David Ritchie, Rogers, Russell, Sabin, Sage, Seward, Shaw, Simmons, William Smith, Snodgrass, Stratton, Thurston, Tracy, Upham, Vail, Vansant, Wade, Walbridge, Walley, Israel Washburn, Tappan Wentworth, Wheeler, and Zollicoffer—85.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Banks, Barksdale, Bissell, Breckinridge, Campbell, Caruthers, Clark, Cobb, Cook, Craige, John G. Davis, Dawson, Dean, Disney, Drum, Dunbar, Eastman, Eddy, Edgerton, Ellison, English, Gamble, Greenwood, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Hendricks, Henn, Houston, Hughes, Hunt, Johnson, George W. Jones, Roland Jones, Knox, Lane, Lindsay, Macdonald, McDougall, McNair, Macy, Maxwell, May, Mayall, John G. Miller, Smith Miller, Nichols, Noble, Norton, Olds, Mordecai Oliver, Orr, John Perkins, Phelps, Phillips, Richardson, Thomas Ritchey, Sapp, Seymour, Shannon, Shower, Singleton, Gerrit Smith, Samuel A. Smith, George W. Smyth, Frederick P. Stanton, Hestor L. Stevens, Andrew Stuart, John L. Taylor, Trout, Warren, Elihu B. Washburne, Wells, John Wentworth, Daniel B. Wright, Hendrick B. Wright, and Yates—84.

So the amendment was agreed to.

Mr. KERR. I move to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider upon the table.

Mr. RICHARDSON. I move that the House do now adjourn.

The question was put; and, upon a division, there were—ayes 69, noes 100.

Mr. RICHARDSON. I demand the yeas and nays upon the motion.

Mr. HENN. I demand tellers upon the yeas and nays.

Upon seconding the demand for tellers, 24 gentlemen voted in the affirmative; and the Speaker decided that tellers were ordered.

Mr. JONES, of Tennessee. I submit that 24 is not a sufficient number to order tellers.

The SPEAKER. The usual practice of the House has been to consider 24 a sufficient number.

Mr. JONES. The rules of the House require one fifth of a quorum to order tellers. Twenty-four is a fifth of a quorum, but there may be more than a quorum present.

The SPEAKER. The Chair decides that tellers are ordered, and appoints Messrs. VAIL and FAULKNER as such.

The House was divided, and the tellers reported 36 in the affirmative—a sufficient number.

So the yeas and nays were ordered.

The question was then taken, and decided in the negative—ayes 64, nays 104; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Banks, Bissell, Breckinridge, Campbell, Caruthers, Clark, Cobb, Cook, John G. Davis, Thomas Davis, Dawson, Dean, Disney, Dunbar, Eastman, Eddy, Edgerton, Ellison, English, Greenwood, Andrew J. Harlan, Sampson W. Harris, Harrison, Hendricks, Henn, Johnson, George W. Jones, Roland Jones, Kerr, Knox, Lindsay, McDougall, Macy, Matteson, Maxwell, John G. Miller, Nichols, Noble, Norton, Olds, Mordecai Oliver, John Perkins, Richardson, Thomas Ritchey, Sapp, Seymour, Shannon, Shaw, Singleton, Gerrit Smith, Samuel A. Smith, George W. Smyth, Frederick P. Stanton, Hestor L. Stevens, John L. Taylor, Walbridge, Warren, Elihu B. Washburne, Wells, John Wentworth, Daniel B. Wright, Hendrick B. Wright, and Yates—64.

NAYS—Messrs. Abercrombie, Aiken, Appleton, Ball, Barksdale, Bennett, Benson, Boyce, Bridges, Brooks, Bugg, Carpenter, Caskie, Chandler, Chase, Chastain, Chrisman, Clingman, Cox, Craige, Crocker, Cullum, Dent, Dick, Dickinson, Drum, Edmonds, Elliott, Everhart, Ewing, Farley, Faulkner, Franklin, Fuller, Gamble, Goode, Goodrich, Grey, Grow, Hamilton, Wiley P. Harris, Hastings, Haven, Hiestler, Hill, Houston, Howe, Hughes, Hunt, Daniel T. Jones, Keitt, Kidwell, Kittredge, Kurtz, Lane, Letcher, McCulloch, Macdonald, McMullin, McNair, McQueen, Maurice, May, Meacham, Middleswarth, Millson, Morgan, Morrison, Murray, Andrew Oliver, Orr, Bishop Perkins, Phelps, Phillips, Pratt, Pringle, Puryear, Reese, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Seward, Shower, Simmons, William Smith, Snodgrass, Richard H. Stanton, Stratton, Andrew Stuart, Thurston, Tracy, Trout, Upham, Vail, Vansant, Wade, Walley, Israel Washburn, Tappan Wentworth, Wheeler, and Zollicoffer—104.

So the House refused to adjourn.

The question recurred on Mr. KERR's motion to lay upon the table the motion to reconsider the vote by which the amendment was adopted.

Mr. PHILLIPS. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Tennessee. I move to lay the bill and all the amendments on the table.

Mr. HENN. I move that the House do now adjourn.

The question was put, and it was decided in the negative.

So the House refused to adjourn.

The question recurred upon the motion of Mr. JONES, of Tennessee.

Mr. JAMES C. ALLEN. Upon that motion I demand the yeas and nays.

Mr. JONES. I withdraw my motion until the question has been taken on the motion of the gentleman from North Carolina.

[Loud cries of "No, no!" "Hold on!" and great confusion.]

The SPEAKER. The question recurs on the motion of the gentleman from North Carolina.

Mr. DEAN. I move to lay the bill upon the table, and on that motion I demand the yeas and nays.

Mr. OLDS. I move that the House do now adjourn, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was then put, and it was decided in the negative—ayes 69, nays 98; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Banks, Barksdale, Bissell, Breckinridge, Campbell, Caruthers, Clark, Cobb, Cook, John G. Davis, Thomas Davis, Dawson, Dean, Disney, Drum, Dunbar, Eastman, Eddy, Edgerton, Ellison, English, Gamble, Greenwood, Hamilton, Andrew J. Harlan, Sampson W. Harris, Harrison, Hendricks, Henn, Hunt, Johnson, Geo. W. Jones, Roland Jones, Knox, Lindsay, McDougall, Macy, Matteson, Maxwell, John G. Miller, Smith Miller, Nichols, Noble, Norton, Olds, Mordecai Oliver, John Perkins, Phelps, Richardson, Thomas Ritchey, Sapp, Shannon, Singleton, Gerrit Smith, George W. Smyth, Frederick P. Stanton, Hestor L. Stevens, John L. Taylor, Thurston, Walbridge, Warren, Elihu B. Washburne, Wells, John Wentworth, Daniel B. Wright, Hendrick B. Wright, and Yates—69.

NAYS—Messrs. Abercrombie, Aiken, Appleton, Ball, Bennett, Benson, Boyce, Bridges, Brooks, Bugg, Carpenter, Caskie, Chandler, Chase, Chastain, Chrisman, Clingman, Cox, Craige, Crocker, Cullum, Dent, Dick, Dickinson, Edmonds, Edmundson, Elliott, Everhart, Ewing, Farley, Faulkner, Franklin, Fuller, Goode, Goodrich, Grey, Grow, Wiley P. Harris, Hastings, Haven, Hiestler, Hill, Houston, Howe, Hughes, Daniel T. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lane, Letcher, McCulloch, McMullin, McNair, McQueen, Maurice, May, Meacham, Middleswarth, Millson, Morgan, Morrison, Murray, Andrew Oliver, Orr, Bishop Perkins, Pratt, Pringle, Puryear, Reese, David Ritchie, Rogers, Russell, Sabin, Sage, Seward, Shaw, Shower, Simmons, William Smith, Snodgrass, Richard H. Stanton, Stratton, Andrew Stuart, Tracy, Trout, Upham, Vail, Vansant, Wade, Walley, Israel Washburn, Tappan Wentworth, Wheeler, and Zollicoffer—98.

So the House refused to adjourn.

The SPEAKER. The question now recurs on the motion of the gentleman from New York [Mr. DEAN] to lay the bill upon the table, and on that motion the yeas and nays have been demanded.

Mr. HENN. I rise to what I suppose to be a privileged question. I move that when this House adjourns to-day, it be to meet on Monday next; and on that motion I now demand the yeas and nays.

Mr. SMITH, of Virginia. That motion is not privileged in its character. I would inquire of the Chair whether it is in order? There is already a motion pending upon which the yeas and nays have been demanded.

The SPEAKER. The Chair will state to the gentleman from Virginia that it would have been in order for the gentleman from Iowa [Mr. HENN] to have submitted his motion even after the yeas and nays had been ordered on the motion of the gentleman from New York, [Mr. DEAN.]

Mr. HENN. The motion to adjourn over, though not a privileged one, is always in order.

Mr. SMITH. If the Chair will allow me: the gentleman from Iowa got the floor by rising to a privileged question.

Mr. HENN. I will make an explanation to the gentleman from Virginia. I rose to what I supposed to be a privileged question. I got the floor—that was enough—and made the motion.

Mr. SMITH. I hold that the gentleman from Iowa has no right, under such an allegation as that, to make his motion.

The SPEAKER. The Chair entertains the motion of the gentleman from Iowa. He could have made it, as I have said, even though the yeas and nays had been ordered on the motion of the gentleman from New York.

Mr. SMITH. A motion to adjourn could be made then; but I suppose a motion to adjourn for a specified time would not take precedence.

The SPEAKER. The Chair is of the opinion that it would.

Mr. LETCHER. Are there not more than three days between this and Monday?

Mr. HENN. Sunday is no day.

Mr. LETCHER. Does not the gentleman draw his pay for Sunday? If he does not, then Sunday is no day.

[Cries of "Order!"]

Mr. KERR. I move to lay the motion to adjourn over until Monday on the table.

The SPEAKER. That motion is not in order.

The yeas and nays were then ordered on the motion to adjourn. The question was then put; and decided in the negative—yeas 3, nays 130.

So the motion to adjourn till Monday was not agreed to.

The SPEAKER *pro tempore*, (Mr. ORR.) The question now recurs on the motion of the gentleman from New York to lay on the table.

Mr. ENGLISH. Mr. Speaker, it is now five o'clock, and I therefore move that the House do now adjourn.

The question on the motion to adjourn was then put; and 62 voted in the affirmative.

Mr. CHRISMAN. I demand the yeas and nays.

The yeas and nays were not ordered; only 23 members voting for them.

Mr. OLDS. Count the other side.

The SPEAKER. It is not necessary to count the other side, for twenty-three is not one fifth of a quorum.

Mr. CLINGMAN. I call for tellers upon the motion to adjourn.

Mr. OLDS. I rise to a question of order. I called for a count of the other side on the demand for the yeas and nays. The Chair decided that one fifth of a quorum had not voted. My point of order is, that it is not necessary to have a quorum to adjourn. That is one of the things which, under the Constitution, you can do without a quorum; and that being so, one fifth of those present can demand the yeas and nays, though there is not a quorum present.

The SPEAKER *pro tempore*. The ground upon which the Chair placed his decision was that the demand of the gentleman was not made in time. The Chair stated that only twenty-three voted in the affirmative, and that he did not think that was a sufficient number, and then announced that the yeas and nays were not ordered. Then the gentleman from Ohio demanded to have the other side counted.

Mr. OLDS. But the reason which the Chair gave was, that one-fifth of a quorum had not voted.

Tellers were then ordered on the motion to adjourn; and Messrs. VAIL and PHILLIPS were appointed.

The question was then taken; and the tellers reported—ayes 60, noes 78.

So the motion was not agreed to.

Mr. EDGERTON. I move that when this House adjourn it adjourn to meet on Monday next, and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 8, nays 103.

No quorum voting.

Mr. OLDS. I move that the House do now adjourn.

Mr. LANE, of Indiana. I move a call of the House.

Mr. OLDS. The previous question has been seconded, and the main question ordered to be put; and a call of the House is therefore not now in order.

The SPEAKER *pro tempore*. The Chair cannot entertain a motion for a call of the House. The last paragraph of the 50th rule reads as follows:

"On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question."

Mr. CRAIGE. I appeal from the decision of the Chair.

Mr. DEAN. I move to lay the appeal upon the table.

Mr. JONES, of Tennessee. I would ask the gentleman from North Carolina [Mr. CRAIGE] to withdraw his appeal. Certainly, no gentleman who has listened to the reading of the rule will vote to overrule the decision of the Chair.

Mr. WHEELER. I demand the yeas and nays on the motion to lay the appeal upon the table.

Mr. LANE, of Indiana. I withdraw my motion for a call of the House.

The SPEAKER *pro tempore*. The question now is upon the motion made by the gentleman from Ohio, [Mr. OLDS,] that the House adjourn.

Mr. LETCHER. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered, twenty-one gentlemen only rising.

Mr. JONES, of Tennessee. It does not require one fifth of a quorum to order the yeas and nays upon a motion to adjourn; but one fifth of those present can order them.

The SPEAKER *pro tempore*. There was not one fifth of those present who desired the yeas and nays.

The question was then taken; and, upon a division, there were—ayes 50, noes 70.

So the House refused to adjourn.

Mr. CRAIGE. I understand the question now to be upon the motion of my colleague, [Mr. KERR,] to lay upon the table the motion to reconsider the vote by which his amendment was adopted; and I ask that the Chair put the question upon that motion before entertaining any other.

The SPEAKER. There are other questions pending which must first be taken. The question now is upon the motion that the bill and amendments be laid upon the table.

Mr. RICHARDSON. I rise to a question of order.

The SPEAKER. The Chair is stating a question of order. The question first in order is upon the motion to lay on the table; which motion the Chair will put to the House.

Mr. RICHARDSON. It is to that point I rise. A motion was before the House to adjourn over until Saturday. Upon that motion, the yeas and nays having been taken, there appeared no quorum voting. The motion was not, therefore, disposed of, and I submit that nothing else is in order until it has been disposed of.

The SPEAKER. A majority of the members voting upon the motion to which the gentleman from Illinois alludes were in the negative. The subsequent action of the House shows that a quorum is present, and the motion is therefore lost.

Mr. OLDS. No quorum voted upon the motion to adjourn over, and the question, therefore, certainly could not have been decided. I submit that a quorum having appeared, the question must first be taken upon that motion again.

Mr. GREY. I rise to a question of order. My question of order is that the gentleman from Illinois [Mr. RICHARDSON] had no right to address the Chair when he was dividing the House.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from Kentucky. The gentleman from Illinois had the right to raise his question of order.

Mr. BISSELL. I wish to say that the House has no information, officially, that a quorum is present. That fact has not been officially announced.

The SPEAKER. The Chair decides, that there is a quorum present, as indicated by a count of the House upon the motion to adjourn.

Mr. RICHARDSON. I only want to state my question of order so as to have it understood by the Chair, and have it decided. I submit that the proposition upon which the yeas and nays showed that there was no quorum voting has not yet been disposed of. That is now before the House, and is the question pending.

Mr. CRAIGE. I call the gentleman from Illinois to order. The Chair has decided that a quorum is here, and therefore the gentleman is out of order.

The SPEAKER. The gentleman from Illinois rose to a question of order, as he had the right to do, and is now stating it. The Chair decides that a quorum is present, and if that is the gentleman's point he overrules it.

Mr. RICHARDSON. Let me ask the Chair upon what question it appeared that no quorum voted?

Mr. LETCHER. I rise to a question of order.

The SPEAKER. The gentleman from Illinois is upon the floor, stating a question of order, which must first be disposed of.

Mr. LETCHER. But my question of order has reference to the gentleman from Illinois. The Chair has already decided the question raised by him, and if he is not satisfied with the decision let him take an appeal.

The SPEAKER. The gentleman from Illinois

has not been allowed to go on long enough yet to state what his question is. That is what the Chair is trying to understand.

Mr. RICHARDSON. The point I make is this: A motion was made that when this House adjourn it adjourn to meet on Saturday next. The question was taken upon that proposition, and no quorum voted. Less than a quorum cannot adjourn over. That proposition, therefore, has not been decided by the House; it is the question now before the House, and must be taken by yeas and nays.

The SPEAKER. The Chair is of opinion, that inasmuch as the motion to adjourn over until Saturday has not been decided by a majority of the House, it is still pending, and must first be taken. Upon which question the yeas and nays have been ordered.

Mr. CRAIGE. I rise to a question of order. That question has once been taken by yeas and nays, and cannot again be taken in that manner, unless the yeas and nays are again ordered.

The SPEAKER. The Chair was under a misapprehension. The yeas and nays had not been ordered. They were ordered on a previous vote, but that order had been exhausted.

Mr. RICHARDSON. Will the Speaker hear me? The question upon the motion to adjourn over until Saturday was taken by yeas and nays, and on that vote there were—yeas 6, nays 103. It requires 118 to make a quorum. There was no quorum voting, and that is the question now before the House.

The SPEAKER. No vote upon it having been taken, the Chair was right in the first instance, and the Clerk will call the roll.

Mr. SAGE. I wish to inquire of the chairman of the Committee of Claims [Mr. EDGERTON] if he really desires the House to adjourn over till Saturday? Because, if so, I hope the House will gratify him by agreeing to the motion.

Mr. MEACHAM. I move that the House do now adjourn.

The SPEAKER. That motion is not in order until the pending question is disposed of as it has priority of a motion to adjourn.

The Clerk then commenced the call of the roll, and proceeded as far as the name of JAMES C. ALLEN, without any response being made.

Mr. HENN. I rise to a question of order.

The SPEAKER. The call of the roll has commenced; but as no member has answered to his name, the gentleman from Iowa can state his point of order.

Mr. HENN. I desire to inquire of the Chair if the roll has not already been once called under this order of the yeas and nays?

The SPEAKER. Yes; it has.

Mr. HENN. Can it be called immediately after that, no business having intervened?

The SPEAKER. The former vote was inoperative, from the fact that there was not a majority of the House voting.

Mr. HENN. Then is any motion in order but a motion to adjourn, or any business in order but to adjourn?

The SPEAKER. The Chair overrules the point of order.

Mr. WASHBURN, of Maine. I take an appeal from the decision of the Chair.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from Iowa.

Mr. PHILLIPS. Will the Chair state what that question of order is?

The SPEAKER. The gentleman from Iowa makes this question: That the yeas and nays were ordered upon the previous vote, and the House proceeded to take that vote. He insists now that the yeas and nays must be ordered again before the Clerk can proceed to call the roll. The Chair decides that the former vote was inoperative. Inasmuch as no quorum voted, of course that vote could be of no effect.

Mr. RICHARDSON. I hope the gentleman from Iowa will withdraw that point; there is another which I desire to submit.

[Cries of "No!" "No!"]

Mr. HENN. I cannot withdraw it.

The SPEAKER. The gentleman from Maine [Mr. WASHBURN] appeals from the decision of the Chair.

Mr. WASHBURN. I appeal from the decision of the Chair upon the ground that inasmuch

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, MARCH 13, 1854.

NEW SERIES....No. 38.

as there was not a quorum voting on the last question, no other motion can be entertained but a motion to adjourn.

Mr. RICHARDSON. That is true. No other motion can be entertained.

The SPEAKER. The question now is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. McMULLIN. I move to lay the appeal upon the table.

Mr. HENN. I withdraw my point of order.

Mr. DEAN. I rise to a question of order, and it is this: that business having intervened between the last motion to adjourn and the motion now made by the gentleman from Vermont, [Mr. MEACHAM,] his motion is in order.

The SPEAKER. The Chair overrules that question of order, upon the ground that a motion to fix the day to which the House shall adjourn takes precedence of a motion to adjourn.

Mr. RICHARDSON. I desire to ask the Chair—

[Loud cries of "Order!" and "Question!"]

Mr. RICHARDSON. Will the Speaker hear me for a moment?

The SPEAKER. The Chair desires to understand if an appeal is taken from his decision?

Mr. RICHARDSON. I desire only to ask a question.

Mr. DEAN. I appeal from the decision of the Chair.

Mr. RICHARDSON. I desire to ask the Chair a question. If I understand the decision of the Chair, it is, that after it is ascertained that there is no quorum present, no motion can be entertained but the motion which preceded. Is that the decision of the Chair?

The SPEAKER. The Chair does not understand the gentleman.

Mr. RICHARDSON. Well, I will try and make the Chair understand me. I understand the Chair to decide that a motion to adjourn cannot be made.

The SPEAKER. No; the Chair decides no such thing.

Mr. RICHARDSON. The Chair decides that a motion to adjourn till Saturday takes precedence of a motion to adjourn.

Several MEMBERS. Yes; that is right.

The SPEAKER. That is the decision of the Chair.

Mr. RICHARDSON. Suppose the House is again found without a quorum; can you ever get a vote to adjourn? You cannot have a call of the House.

The SPEAKER. That question will be determined when it arises.

Mr. JONES, of Tennessee. It seems to me that the gentleman from Illinois does not recollect the last vote. The House was voting by yeas and nays on the question to adjourn over until Saturday next. When the call was through, there was no quorum. Then the Chair entertained a motion to adjourn; and, on a division of the House, there were yeas 50, noes 70, which made a quorum. The Chair then decided, and I think correctly, that a quorum being present, the question recurred on the motion to adjourn over until Saturday. I think that is the way the question stands before the House.

The SPEAKER. The gentleman from New York appeals from the decision of the Chair.

Mr. DEAN. I withdraw the appeal.

Mr. MIDDLESWORTH. I hope the Chair will read the rule to the gentleman over the way. [Great laughter.]

Mr. RICHARDSON. The gentleman from Pennsylvania is a good reader, and I trust that he will read the rule. [Renewed laughter.]

The SPEAKER. The rule provides that a motion to fix the day to which the House shall adjourn shall always be in order. It has been decided and acted on under the rule that a motion to fix the day to which the House shall adjourn shall take precedence of a motion to adjourn.

[Cries of "Question."] The question was then put on the motion to ad-

journ over until Saturday next; and the roll being called, there were—yeas 2, nays 92—no quorum—as follows:

YEAS—Messrs. Ball and Haven—2.

NAVS—Messrs. Abercrombie, James C. Allen, Appleton, Banks, Barksdale, Bennett, Benson, Bockock, Boyce, Bridges, Brooks, Bugg, Carpenter, Caskie, Chase, Chastain, Chrisman, Cobb, Cox, Craige, Cullom, John G. Davis, Thomas Davis, Dawson, Dickinson, Drum, Edmunds, Edmundson, Everhart, Ewing, Farley, Faulkner, Franklin, Fuller, Grey, Grow, Harrison, Hendricks, Hibbard, Hiestler, Hill, Houston, Hughes, Johnson, George W. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kittredge, Lane, Letcher, McCulloch, McMullin, McNair, McQueen, Maurice, May, Middleswarth, Smith Miller, Millson, Morgan, Morrison, Murray, Nichols, Andrew Oliver, Orr, Bishop Perkins, Phillips, Pratt, Puryear, Ready, Rogers, Russell, Sage, Sapp, Seward, Seymour, Shaw, Shower, Simmons, Skelton, William Smith, George W. Smyth, Snodgrass, Stratton, Andrew Stuart, Vail, Vansant, Wade, Israel Washburn, Tappan Wentworth, Wheeler, and Hendrick B. Wright—92.

At the conclusion of the call of the roll, and previous to the announcement of the result by the Speaker,

Mr. CAMPBELL said: Mr. Speaker, I ask to be excused from voting on the proposition to adjourn until Saturday next.

The SPEAKER. The Chair holds that the gentleman ought to have asked to be excused from voting before the roll-call. He cannot ask to be excused now.

Mr. CAMPBELL. I take an appeal from the decision of the Chair.

The SPEAKER. The gentleman from Ohio rises in his place and asks to be excused from voting, the roll-call having been completed. The Chair declines to direct the Clerk to call his name, on the ground that he should have made his application before the call of the roll commenced. The gentleman appeals from the decision of the Chair. The question now is, "Shall the decision of the Chair stand as the judgment of the House?"

The question was taken; and the decision of the Chair was sustained.

Mr. CRAIGE. I desire to know of the Chair whether there is no mode of compelling members to vote when they are present?

The SPEAKER. In reply to the gentleman, the Chair will read the following rule:

"42. Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reason, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without further debate."

The Chair sees no other power, unless the House deems it fit to exercise that power to compel members to vote. He has never yet seen a member compelled to vote, though he presumes the House has authority to compel members to vote.

Mr. PERKINS, of New York. The House can commit members for contempt.

Mr. CRAIGE. The minority ought not to have the right to defeat the law of the majority.

[Cries of "Order!"]

The SPEAKER here announced that there was no quorum voting on the motion to adjourn until Saturday next.

Mr. WASHBURN, of Illinois. I move that the House do now adjourn.

Mr. STUART, of Ohio. I demand the yeas and nays on the proposition.

The yeas and nays were not ordered, only fifteen voting in the affirmative.

Mr. KURTZ. I demand tellers on the yeas and nays.

Mr. SMITH, of Virginia. Is it in order to move that there be a call of the House?

The SPEAKER. It is not.

Tellers were not ordered.

Mr. SMITH, of Virginia, asked a question which was utterly inaudible to the reporter.

[Cries of "Order!" "Question!"]

Mr. SEWARD. I move, Mr. Speaker, to reconsider the vote by which the last question was adopted.

The question was taken on the motion to adjourn; which was carried.

Thereupon the House, at six o'clock, p. m., adjourned till to-morrow at twelve, m.

IN SENATE.

FRIDAY, March 10, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. TOUCEY. I wish to present a petition.

The PRESIDENT. That cannot be done unless by unanimous consent. This is private bill day, and it requires unanimous consent to proceed with any other business.

Mr. PETTIT and others objected.

The PRESIDENT. Objection being made, the Senate must proceed to the consideration of private bills.

Mr. SHIELDS. I rise to ask the unanimous consent of the Senate to allow the vote to be taken upon the passage of the bill to promote the efficiency of the Army by retiring disabled officers. It was read a third time yesterday, but its passage was arrested for want of a quorum. I presume no honorable Senator will object to it, when he knows that there is a great necessity for its passage at as early a period as possible. It is a bill which has been introduced session after session for a great many years, but has fallen between the two Houses, in consequence of passing one House at too late a period to be acted upon in the other. I hope, therefore, that my friend from Indiana will not insist on our enforcing the rule to-day. I acknowledge that he has a right to insist, and it is proper that we should proceed with private bills.

But at the same time I can state to him that there is a necessity—a present, urgent necessity for the passage of this bill. I have been urged by the Department to appeal to the Senate to take it up and pass it as promptly as possible; and that is the reason why I ask the Senate now to proceed to its consideration. I consented that it should not be pressed during the pendency of the Nebraska bill, because that was pressing upon us urgently; but I hope the Senate will permit the bill to pass now.

Mr. PETTIT. Mr. President, so far from my believing that there is a present necessity for passing this bill, I do not believe there is, or will be a necessity for passing it at all. I believe it to be all wrong from beginning to end, and I will always vote against it, and to-day I object to taking it up.

HODGES AND LANSDALE, AND JOHNSON.

The PRESIDENT. Then the Senate must proceed to the consideration of the private bills upon the Calendar. The first is a bill for the relief of Hodges & Lansdale, and the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased.

Mr. BAYARD. Mr. President, that bill and the two succeeding bills on the Calendar belong to a class of cases which I feel it my duty to oppose. I do not think them sustainable under the laws of the United States, or on any principles connected with former laws. The honorable Senator from Maryland, [Mr. PRATT,] who is not now present, entertains a contrary opinion. I told him, when he mentioned to me, some few days ago, that he would not be present to-day, that I would move the postponement of the bills, in order that he might be fairly and fully heard before the Senate whenever the question to be discussed should arise. I therefore move that this bill and the two succeeding bills, one for the relief of the legal representatives of John G. Mackall, deceased, and the other for the relief of William G. Ridgely, be postponed until Friday next.

The PRESIDENT. If there be no objection, they will be postponed.

There was no objection.

BISHOP AND ARNOLD'S PATENT.

The bill for the relief of George G. Bishop and the legal representatives of John Arnold, deceased, was read a second time, and considered as in Committee of the Whole.

It proposes to enact that the letters patent granted to John Arnold, (a citizen of the United States,) dated the 15th of July, 1829, and the let-

ters patent granted to him, and to George G. Bishop, (also a citizen of the United States,) dated the 20th of October, 1836, for a new and useful improvement in the machine for forming a web of cloth of wool, hair, or other suitable substance, without spinning or weaving, be renewed, revived, and extended for the term of fourteen years.

The application is for the extension of two patents, having for their object the manufacture of cloths from wool, hair, and similar materials, without spinning or weaving. Specimens of the fabrics thus made show the rapid improvements which have been made, and which render it highly probable that, in the course of time, cloth may in this way be made of equal durability and texture, and at a cheaper cost of production; but the invention is new, and requires time and numerous experiments to develop it perfectly. The first patent was granted to John Arnold, of Norwalk, in the State of Connecticut, on the 15th of July, 1829. But the machine did not prove successful, until certain improvements or additions were made, for which a new patent was taken out on the 20th of October, 1836, in the name of Arnold and John G. Bishop. This patent was renewed by the Commissioner of Patents in 1850 for the term of seven years; but the original patent of 1829 was never renewed, except so far as its principles were involved in the subsequent one of 1836.

It appears that, in the first attempt to apply the principles of these patents to practicable purposes, heavy losses were incurred; and that the additional patent of 1836 could not be employed in the production of any merchantable commodity, until after many experiments and an outlay of large sums of money, for which the inventors allege they have never been fully remunerated. In consequence of these failures, they have been unable to vend the right to use their patent heretofore, and the short period which it has now to run presents no sufficient inducement to purchase it. Under these circumstances, the renewal of the patent was thought to be but an act of justice, without being in any way prejudicial to the public.

Mr. BAYARD. I shall be necessarily compelled to vote against this bill, not from any particular objection to the patent which is intended to be renewed by it, but on principle. I think that the Congress of the United States is a body unfit and utterly incapacitated to decide these questions of the renewal of patents. The Constitution of the United States grants to Congress the rights to pass laws for the purpose of "securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." That is the basis on which patent laws ought to be passed. Those laws should be general. You have passed general laws on the subject, and have determined that your rule shall be to grant a patent for fourteen years; and if, within that period of time, the party cannot make, without his own fault or neglect, a sufficient remuneration for the benefit of the discovery to the public, he is entitled, on application to judicial authority, to have an examination into the facts. That examination is not an *ex parte* hearing such as you have before a committee, but an examination, after previous public notice, by an authority competent to hear both the objections and the allegations in favor of and against the party asking the extension. After a fair judicial inquiry, from which there is a right of appeal, if the inventor establishes the main fact material to the extension of this patent, that, without his fault or neglect the discovery has been, from unavoidable causes, rendered useless to him, though one of great benefit to the public, his patent is to be extended for seven years more.

Now, sir, if it be true that this period of time is not sufficient to cover the cases of patents, you should alter your general laws, reform them, remodel them; and, if they are wrong, place them right. I am willing to go as far as any man to secure to inventors, as well as authors, the enjoyment of the exclusive use of their inventions and writings, to such an extent as will not trench upon the counter rights of the public. I am willing to secure to them the full and ample benefit which they ought to derive, by way of monopoly, for their inventions. I do not object to the exclusive use; but what the Constitution contemplates is, the exclusive use for limited periods of time, because it looked to this great principle, that the reason why you give the exclusive use is, that the party has

conferred a benefit on the public by his discovery. Then, after you grant the exclusive use for a period of time, fourteen years, which you suppose to be the average period in which benefit may be derived by an inventor, you supply the further period of seven years, for all excepted cases; and for the purpose of ascertaining whether a particular case is an excepted one, you send the party to a judicial tribunal, in order to establish his right to the exception. When the general laws are so ample, why should you introduce special legislation? Why undertake to examine, by means of committees here, on one-sided and *ex parte* affidavits, into matters in which individual interest stands arrayed on the one side, and the unprotected public interest on the other?

Sir, in political bodies, constituted as Congress is, it is impossible, in the nature of things, that either Congress itself, or the members of a committee, should go into these judicial inquiries with the prospect of doing justice as between the public and the inventor or discoverer. Your committees meet at ten or eleven o'clock in the morning. They sit for an hour or two hours. Is that sufficient time to decide such important questions? Why, very important and delicate questions may arise in reference to the rights of the public. It is necessary to have a full and fair inquiry into the fact whether the party is entitled to a renewal of his patent, and it may be proper to ascertain whether that patent interferes with previous discoveries of others. All these matters should be inquired into. They would be inquired into, after full notice under your laws, if the question went before the proper tribunal appointed by those laws. Yet you supersede all that by special legislation; you suffer a party to come here without giving notice to adverse claimants; and if no one happens to observe that such an application has been made, it goes through Congress unopposed, on the mere *ex parte* statements of the applicant.

For my own part, I will never sanction a course of legislation of that kind. I believe that special legislation is the curse and bane of this country. Of course there are exceptions to all rules, but as a general rule, I wish it to be understood that I shall oppose all special legislation as to matters which are clearly subjects for judicial inquiry. Mr. President, what is the great principle which pervades not only the Federal Constitution, but the constitution of every State in the Union? It is a great, leading, and most important principle, that the exercise of legislative and judicial functions shall be kept separate. There is not a State in the Union whose constitution does not contain such a provision. It exists in reference to the organization of the powers of the Federal Constitution; and yet you are trampling upon that principle when you undertake here to examine into the particular case of any individual patentee, with a view to the renewal of his patent.

I cannot sanction action of this kind. Without making the slightest objection to this particular case, without going into any inquiry as to its merits, I must say that it seems to me, if the party had a right to the renewal of his patent, he could have gone, and should have gone, before the proper tribunal for the purpose of obtaining that renewal. If he failed to obtain that renewal, I am not willing to revise, by act of Congress, the judicial action of a tribunal appointed for purposes of judicial inquiry. If from any circumstances, for which we cannot account—and it must almost invariably be his own neglect—the party has chosen to place himself in a position in which he cannot avail himself of the judicial application, it is his fault, and the public have their rights against him.

I had intended, Mr. President, to cite some authorities which would probably have their influence upon the Senate upon the question of the extension of patents; but I was not aware that the question would come up to-day, and therefore I cannot go further into the subject. I shall, however, take occasion hereafter to show more distinctly and clearly to what extreme abuses the system of legislation which involves the consideration by a committee of the applications of particular patentees must give rise. I intend to attempt to show that it is a clear violation of the principles of the Federal Constitution, because it is an assumption by the legislative branch of the Government of duties which belong clearly and unquestionably to the judicial department.

In saying this, sir, I do not mean to say that the patent laws do not require revision. I think they do. I have entertained that opinion for some time. I think there are some remedies which patentees have not now to which they ought to be entitled. I will mention one. I think a patentee ought to have a right to have a final decision at once by some sort of proceeding *in rem* wherever his rights are infringed by any individual whatever, in proceeding against that individual by a bill in equity, or by any other proceeding which you may devise. He might be allowed to give notice in all the great cities of the Union, for a sufficient period of time, so that all other persons who chose to do so should come in and be made parties defendant for the purpose of objecting to that patent; but if none did so on the final hearing of that cause, there should be an authority on the part of the court to establish the validity of the patent as against the world. This would leave the inventor, as the result of his single suit, entitled in all future cases of infringement to do nothing but prove the damage which he incurred from the infringement. But the evil, and the great evil, under which every patentee labors now, that the proceedings of one suit *res inter alios acta* in every other suit except as between parties and privies; and he is obliged to fight his whole battle over again in every new suit, and men may thus be exhausted in the struggle, and their earnings from their inventions reduced to nothing from continued litigation.

I should, therefore, be willing to facilitate the rights of inventors by general laws, so far as I could. Nay, sir, I go further. I believe that the purposes of justice, the benefit to the inventor and to the public, would be greatly increased if you would prescribe a longer period of time for the original duration of the patent; that is to say, twenty-one years, and never permit a renewal in any case. The only basis of renewal must be that there are very extraordinary circumstances which justify it. The great principle in all patent laws ought to be that you grant to the patentee exclusive rights to the profits to be made from his discovery, for a limited period of time, within which, as applied to any discovery, a man of moderate, ordinary business capacity, with a careful use of the right which is given to him, would be able to obtain all the advantages to himself which consists with the correlative benefit of the public. That should be the principle of all patent laws. If you were to abandon the whole system of allowing even an extension of patents founded on a judicial inquiry, and to extend the original period of time to the utmost extent to which it may now be extended by judicial inquiry, I think it would be better for the public, and better for the individual patentee, than the provisions of the law as they now stand.

I am aware, Mr. President, that these remarks are somewhat irrelevant to the particular case before the Senate; but the bill connects itself with my general views of the whole system. The policy of legislation should be to shut the door against litigation, as far as it can. The policy of legislation, in order to prevent corruption, should be never to assume judicial powers in reference to an inquiry as to the facts of a particular case, where you have the rights of the public on the one hand, and the claims of individual inventors on the other.

I am sorry that I did not know this question was to arise, or I should have endeavored to give my views in a clearer form, and to sustain them by a reference to the opinions of some of the older and abler statesmen of the country, on the workings of the Government from its earliest origin. For the reasons which I have assigned, I shall be compelled to vote against this, or any other bill authorizing, or purporting to authorize, the action of Congress for special purposes, founded on a legislative inquiry into a matter which can alone be ascertained by judicial investigation.

Mr. THOMPSON, of Kentucky. Mr. President, I am not disposed to go into an argument in reference to the Senator's notions of general legislation; nor am I disposed now to examine the question whether this is a matter of judicial inquiry which ought never to have been brought here. All I desire to say is, that being a member of the Committee on Patents and the Patent Office, and having examined the specimens of felt cloth presented by this man, in the various stages of improvement as to its texture and durability, I am satisfied that his patent should be extended, and that the bill ought to pass. I believe that, after hearing the

evidence, the committee were unanimously in favor of the bill. If anybody dissented, I do not recollect who it was. We all agreed that the individual ought to have that description of relief which has been granted for years and years past to all inventors who have not been able within the time limited by law to procure a suitable reward for their inventions.

Whether fourteen or twenty-one years is a sufficient time for a duration of a patent, or whether any other number of years should be adhered to, as an inflexible rule, is a matter which I do not intend now to pass upon. In regard to the merits of this case, however, and of the propriety of the passage of the bill as reported, I think there can be no difficulty. The report which has been made by the Senator from South Carolina, [Mr. EVANS,] very clearly sets forth the facts of the case.

All I have to say in reply to the Senator from Delaware is, that I do not think it fair to pick out this individual and say, "we will now pass no special act, whatever is the merit of his claim; he must submit to the rules of general legislation which have not been applied to all other individuals." There have been almost innumerable acts of this nature passed by every Congress for years gone by. I do not think, then, that it is right to rein up this gentleman, and put to him a hard, iron rule in reference to special acts and special legislation, and apply to him a general principle which clips him off, when every day we are acting differently in regard to other individuals; and I think the fact that the committee were unanimous in reference to the merits of the bill, and the propriety of the measure itself, should be sufficient. In reference to the general principles suggested by the Senator from Delaware, I will not now discuss them. Upon a general bill they ought to be discussed, and perhaps I might then have something to say about them.

Mr. BAYARD. Mr. President, there are two general principles for which I contended. I did not state the alterations in the patent laws, which I supposed would attain the purposes of justice, as an objection to this bill; but I did say, and I adhere to it, that the principle which lies at the foundation of your institutions is violated by the passage of such a bill as this; because by it you are trampling upon the exercise of judicial power, and substituting, contrary to the intent of the Constitution, a legislative inquiry into special facts; and whenever that arises I shall oppose it.

Now, the honorable Senator from Kentucky asks why I should select this particular bill when other cases have heretofore been allowed to pass? I am not aware how many cases have been passed heretofore. I have not seen any debate in which the question has been decided by Congress, whether or not this was an appropriate exercise of legislative power. These abuses creep in, step by step, one after another, until they are arrested. But if you are not to commence at some time, when the very next bill comes up, the same objection will apply. It will be said: Why should you commence now? But how are you ever to alter the principle unless you commence in some case? If we yield now, when every other case of special application for renewal of patents comes up, it will be said, Why Congress have done this for other patentees heretofore, and why not for this? You do not prevent that by general law. You prevent it by determining to abandon, if it has existed, a practice which is irregular in itself—a practice in the face of the intent of your own Constitution.

That is my objection to the bill. I do not object to the merits of the particular case. I do not doubt, as the Senator from Kentucky says, the committee were unanimous; but might I not ask the committee, "gentlemen, did you give public notice to the world that you were about to investigate the allegations in the petition of these claimants? Did you give any reasonable notice to the public that, at that hearing, any man might come forward and oppose it?" May not individuals say to us, "we have heard of no such notice; we have seen none?" Who, then, is the defendant—because it comes to that—on this application? The great public of the United States are on the one side, and the petitioner, on his statement of the facts, on the other. And what is the evidence? The evidence is *ex parte*. There can be no cross-examination. There are no parties in interest acquainted with the subject-matter, to enter into the inquiry. No counter-witnesses can be examined.

There is an individual interest to bring them here; and no notice has been given. Is this the mode in which a judicial inquiry, for the purpose of establishing an exclusive right of property for a period of seven or fourteen years, is to be passed upon by the Congress of the United States, when it refers, on one side, to the great interests of the public, and on the other, merely to the individual interests of the particular patentee? Sir, I cannot reconcile to my mind that this is an appropriate course of legislation. I cannot reconcile to my mind that it does not violate every principle of justice, and every principle of propriety; and therefore it is, be this the first or the last case, that I must object to it. I must object to it, because it represents the system of special legislation for the extension of a patent, which, I am satisfied, no matter how plausible a case may be made on an *ex parte* statement, can never do justice as between the party and the public.

Mr. President, I have, I admit, great want of confidence in *ex parte* statements. My life has been passed, with the exception of the two last years, entirely in forensic exertion, and I have, therefore, had some opportunity of studying the nature and character of human testimony and its biases. I have seen something, too, of the modes in which truth is to be elicited. I presume no one in this body pretends that if you want to get at the truth of particular facts, the mode in which an intelligent man would desire to do it would be to take the statement of a party alone, or to take that statement, supported by his own affidavits or the affidavits of those whom he chose to procure, when there was no one having a counter interest, either to bring counter testimony or to present the other view of the case; yet every man knows that a simple statement, and it may be a fair one, if made one-sided, may cover up, obscure, and leave out of view a great many material facts, which, if known, might change the whole view of it, and would establish the case on the other side.

For these reasons, I do not consider that my objection has been answered to my satisfaction, and I shall be compelled to vote against this bill. As I desire to know the sense of the Senate, I shall ask for the yeas and nays on the question of ordering it to be engrossed for a third reading; and I wish to know whether this system of legislation, which is said to exist, on judicial subjects, is to continue or not?

Mr. SEWARD. Mr. President, there is great force in what the Senator from Delaware says in regard to the abuses which may be made, and which I suppose it is possible have sometimes been made, of the power exercised by Congress for the extension of patents. I wish that it were not true; but it seems to me, we must take this as a practical question, and dispose of it in a practical way. Now, sir, the Constitution of the United States empowers Congress to advance the cause of science, philosophy, and learning, by extending to authors for a limited period the benefit of their inventions, discoveries, and writings. Congress has adopted a uniform system for that purpose; and in regard to inventions, has established a Patent Office, with a code of jurisprudence on the subject, by which it is intended and expected that, in the administration of that department, each inventor will, by obtaining a patent, secure the exclusive enjoyment of the property of his own invention for the term of fourteen years. If that system is perfect, so that the inventor does secure the enjoyment of the property for fourteen years, then it is altogether wrong for an inventor, having so obtained a patent, to come back to Congress for an extension of it, and equally wrong for Congress to entertain the question. But we have had experience upon that subject which has convinced us, and convinced the whole country, that that system does sometimes fail to secure to an inventor the property to which he is entitled by virtue of the Constitution. More than that, I think we are all satisfied that it fails very often. I do not know whether it would be safe to say that it fails in half or in a third of the cases, but I do know this, that a patent for an invention which is worthless is never assailed; whereas a patent for an invention which is good and valuable almost never escapes being assailed in the courts. The infringers constitute a large number of persons who can combine, and do often combine against the single person who is the inventor.

Now, sir, my mind runs through at once a catalogue of the most useful inventions which this country or the world has witnessed for the last half century, for which the patentee has received no adequate reward during the term of fourteen years secured to him by the patent, for the reason that the present patent law has been inadequate for that purpose. Take all the greatest inventions, those which stand out in the history of the country, and are identified with its progress, and I might say that there is scarcely one of them which effected the purpose of the letters patent within the term of fourteen years originally limited. I remember the patent of Jethro Wood, for the cast-iron plow, one of the greatest and most useful inventions of this age. It was extended to twenty-eight years, but Jethro Wood never, during all that time, even received an adequate reward. Without mentioning others, which might be invidious, this is the actual state of the case.

Now then because we have not been able either in this country or in Europe, owing to the intrinsic difficulties of the case, to establish a perfect and successful system of jurisprudence in regard to patents, meritorious inventors have come to Congress from an early period and have submitted their claims to Congress, and they have been investigated and meritorious patents have been extended for a period of seven or fourteen years. So general has been the acknowledgment of the soundness of that principle that Congress has heretofore amended the patent laws so as to provide for a system of retention at the Patent Office for a period of seven years.

Well now if the system, as thus amended, extending the patent seven years after the expiration of the original fourteen, always avoided, or, in a great majority of cases, avoided injustice, then it might be safe to reject a special application to Congress for the further extension of seven years, making the whole period twenty-eight years, because, being an individual case, it might be laid aside and overruled for the consideration that justice was effectually secured as far as possible by the general system; but our experience again shows us that this system of extension for the period of seven years beyond the original fourteen, has sometimes failed, and that it fails oftenest in those most meritorious cases where it is most important to the inventor, and most important to the cause of science and philosophy that the patent should be sufficient to cover a reward.

I regret as much as any one these defects in the patent law. I agree, in regard to that matter, with the honorable Senator from Delaware, with whom I am most happy to agree very often, especially upon questions of a judicial character; and if ever I differ from him, it is with profound deference to his opinions and judgment; but we must take the fact as it is. Our patent law is inadequate. There are cases of oppression which are the result of the patent law. We have a habit, a custom, of correcting occasionally instances of injustice by legislation here, where the regular administration of the law at the Patent Office has been insufficient. I am willing to go with the honorable Senator from Delaware, and I will go with him, in endeavoring to revise the patent law, so as to render it entirely unnecessary hereafter for inventors to come back to Congress after having exhausted the remedies given at the Patent Office; but until that can be done, how can we, with justice, select an individual case, and reject that, when that individual case is manifestly meritorious, and leave the system of special legislation to stand for the benefit of other cases which may be no more meritorious?

That is precisely this case. We have heretofore granted extensions to patentees, because of the defects in the administration of the Patent Office—defects arising from our present patent laws. We have established this practice. This application comes legitimately before us under it. No one raises a voice—no one whispers that this is not a useful and meritorious invention, or that the patentee was not the original and first inventor; and no one raises an issue with the committee upon the fact that he has not received that reward which the Constitution of his country declares shall be his for having made and perfected such an invention.

I hope, therefore, that, while we shall all believe, and while the strong argument of the Senator from Delaware will tend to convince us, that we should make a general amendment of the patent

law, to provide against the necessity of a resort to special legislation, we shall still, in this instance, and in such others as come before us, pursue that system of special legislation wisely, carefully, and justly, until, by a general law, we have a revision of the whole system.

Mr. EVANS. As I reported this bill, it is perhaps proper for me to say something in relation to it. I perfectly agree with the Senator from Delaware, [Mr. BAYARD,] that a committee of the Senate is as unfitted to decide these matters as any tribunal of any kind that I know of, sitting, as they do, with evidence before them entirely *ex parte*. I have seen enough already in the committee to know, that in four cases out of five there is a deliberate and preconceived design to practice imposition. There is a concealment of profits; there is an exaggeration of benefits. In those cases I am prepared to go against the application. But in this particular case—although, if I had seen as much at the time as I have seen since, perhaps I might have looked upon it with more suspicion; I heard nothing but the statement of the parties—I was satisfied that it was one of those inventions in which the public were not likely to be injured, because it does not stand as a monopoly, but it comes in competition with every other manufacture of the same articles. The granting of this exclusive right will not enable these men to put up the articles which they manufacture at whatever price they please, and compel the public to pay it; but it will come in competition with every other specific manufacture. The invention is for making cloth by a new process. It is no better than the old process. It may be as good; if it is as good, and the people choose to buy it, very well; there is no danger that these men can extort too high a price for it, because the old process of manufacturing cloth by weaving comes in fair competition, and competition will keep down the price, and the public therefore cannot be prejudiced by it. As to the other matter of receipts and profits. I suppose from the specimens submitted to me—I had no other proof except their statements—and from the improvements which have been made within a few years in it, that the parties could not have derived much benefit from the patent until within a few years past. I should suppose that the fabrics manufactured before that were of a texture and appearance which rendered them not very salable in the market. I therefore—although I look upon these *ex parte* statements with a great deal of suspicion—thought it likely they had received no remuneration; and I am satisfied no injury can result from this to the public interest, because it will come in competition with other manufactures, which will keep down the price to the proper market value.

Mr. BAYARD. After the remarks of the honorable Senator from South Carolina, I will withdraw my call for the yeas and nays on this bill. I have entire confidence in his statement as to this particular case. It does not, however, alter my objection to the principle. I do not see why you should remedy a defect in your patent laws by such special legislation as this. But I desire to defeat this system of applications to Congress for renewals. The honorable Senator has shown us very well what it leads to. He is satisfied that, as a member of the committee, in four out of five of these cases which come before the committee, they are founded in attempted imposition. I desire to do away with it; but I will make the attempt upon some other bill on which I can get the Senate to go with me. I will therefore withdraw the call for the yeas and nays on this bill, though I cannot vote for it myself.

No amendment being proposed, the bill was reported to the Senate; was ordered to be engrossed for a third reading, and was read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House had passed a joint resolution authorizing the Secretary of the Treasury and Light-House Board to determine upon the site, plan, and mode of constructing the light-house on Cohasset Rocks, and for other purposes.

Also, that the House had agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill for the relief

of the troops who were sufferers by the recent disaster to the steamship San Francisco.

ASBURY DICKINS.

On the motion of Mr. DAWSON, the bill for the relief of Asbury Dickins was read a second time, and considered as in Committee of the Whole.

It proposes to require the proper accounting officers of the Treasury to allow him the compensation of the Secretary of the Treasury, and the Secretary of State, during the time while he was Chief Clerk in those Departments, that he performed the duties of those officers under appointment from President Jackson, deducting from the amount the compensation which he received as Chief Clerk.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

DAVID MYERLE.

The PRESIDING OFFICER. The next bill on the Calendar is that for the relief of David Myerle.

Mr. GWIN. The member of the Committee on Naval Affairs, [Mr. Thomson, of New Jersey,] who reported that bill, is absent. He requested that it might be laid over until he should be present.

The PRESIDING OFFICER. The bill will be passed over, if there be no objection.

THEODORE E. ELLIOTT.

The bill for the relief of Theodore E. Elliott was read a second time, and considered as in Committee of the Whole.

It proposes to appropriate \$300 to pay him in satisfaction of his claim for a keel-boat furnished to P. M. Butler, late agent for the Cherokees, and used in transporting supplies, under treaty, to the Indian territory, to be paid as other moneys disbursed by the Commissioner of Indians Affairs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

MOORE AND HASCALL'S PATENT.

The bill for the relief of Hiram Moore and John E. Hascall was read a second time, and considered as in Committee of the Whole.

The bill proposes to renew the patent of Moore and Hascall's harvesting machine, together with improvements, for fourteen years from June 27, 1850. The original patent was secured in 1836 but from the complex character of the invention much time was required to perfect it. And as it could only be tried once in each year, during the harvesting season, the whole period of the first patent was necessarily consumed in bringing it to the degree of perfection which it now possesses, and which gives it the capacity to cut, thresh, clean, and put into bags, wheat and other small grain, at the rate of three acres per hour. So that the said inventors have never sold a right, nor a single machine, nor from any other source received any remuneration whatever for an expenditure of time and money which they state, and which the committee believe, to be at least thirty thousand dollars.

Mr. DAWSON. I ask that the consideration of that bill be postponed on account of the absence of the Senator from Virginia, [Mr. HUNTER,] who desires to debate it.

Mr. STUART. I only wish to state to the Senate a few considerations on this subject, and then, if they are disposed to postpone the bill, they can do so. This bill has passed the House of Representatives twice. It first passed the House during the long session of 1850, but it lay in the Senate, and was not taken up in consequence of the discussions on the slavery question, which involved pretty much the whole time of the Senate during that year. At the last Congress it passed the House of Representatives again, as early, I think, as the 4th of February in the first session. It remained in the Senate until the very last days of the second session of that Congress, when it was taken up and partially discussed; but in consequence of the extreme pressure of the public business, and the urgency of the appropriation bills, it was recommitted to the Committee on Patents and the Patent office. It has been reported again in both Houses at this session; but this is the first moment that it has been reached in either. Although I do not intend now to go into the discussion of the merits of the bill at all, I must say

that I think it is one of the strongest cases which can be presented to the consideration of Congress, in every respect; and, inasmuch as the bill has been twice lost before, merely on account of postponements, I submit to the Senate whether it ought to be postponed now.

I do not wish to be misunderstood in respect to the courtesy due to the Senator from Virginia. If I believed that it was within his power to throw any light upon this question which cannot be done by many other Senators here present, I should not object for one instant to its postponement; but the question has been thoroughly investigated by several committees of both Houses of Congress. The Senator from Georgia [Mr. Dawson] himself, has investigated this question fully, and there are other gentlemen here who have examined it. There is, I submit, not a fact which can be presented by the Senator from Virginia, if he were here, that cannot also be presented by the Senator from Georgia. Now, sir, I think, and I mean to speak it with very great confidence, that the question does not involve those obligations of courtesy which, in this case, ought to require this bill to be postponed; because the circumstances under which it has been hitherto postponed and lost, seem to me to give it a claim on the consideration of the Senate. I barely wished to make this statement on the history of the bill; and now, if the Senate think it should be postponed, under the circumstances, why, as a matter of course, I must submit to it.

Mr. BAYARD Mr. President, if it is the desire of the Senator from Virginia, who is now absent, to discuss or to make any remarks upon this bill, such is my esteem and regard for, and my entire confidence in, the judgment of that Senator, that I am very well satisfied he would not have made the request unless he believed he could throw some light upon the matter which we have to decide; and I shall therefore vote for this postponement from the confidence I have that he would never make a frivolous objection, and that he never would ask for the postponement of a bill affecting the rights of a party, unless he believed it was one on which he could throw some light. Under these circumstances, I shall vote for the motion to postpone.

Mr. WALKER. I am well aware that the Senator from Virginia is very anxious to be heard on this bill. I sit next to him, and there have been conversations between us in regard to it. I feel perfectly confident that it is the desire of the Senator from Virginia to address himself to this bill; and I am certain that it will be in his power to do so in a manner which will be interesting and instructive to the Senate. When the bill shall be up for final consideration I design to be heard upon it myself, if I can obtain that courtesy from the Senate; and I think that, humble as my capacity may be, I can satisfy the Senate again, as I believe they were satisfied at the last session, that this bill ought not to be passed in the shape in which it now is.

The Senator from Michigan says it passed the House early in the session of 1850, and was defeated then by the discussion of the compromise measures. I do not know what then caused its postponement; I do not remember what then defeated its consideration; but this much I can say to him, that I have in my hand now a copy of the bill which passed the House of Representatives at that time, and it is a very different affair from the bill which we are now called upon to pass. It passed, as he says also, at the last Congress, and was defeated here at the very last hours of the session, in consequence, as he thinks, of discussion upon the appropriation bills. I differ with the honorable Senator that such was the case; and I think I can recall to the mind of the Senator the circumstances under which this bill was disposed of then.

It will be remembered that at that time I addressed myself to the peculiar provisions of this bill, and that I pointed out what, in my estimation, consisted the impropriety of its provisions; and then, upon my own motion, the bill was recommitted. The reason was not that we had not time to consider it; for at first the great difficulty seemed to be to prevent its passage. Its recommitment, therefore, was not in consequence of the discussion on the appropriation bills. The bill was up for consideration, and its passage seemed inevitable; but on my motion, and after discussion, so improper was the form of the bill deemed, that

it was not only sent back to the Committee on Patents and the Patent Office, but it was sent there with instructions to report it as a bill simply to extend the patent. Considering this vote, I must express my surprise that the bill is here, after that expression of opinion by the Senate, in the form in which we now see it. I supposed that the opinion then expressed by the Senate would be to some extent followed by the Committee on Patents and the Patent Office; but it seems they have disregarded the intimation given by the Senate at that time, and have deemed it best to bring the bill before the Senate in the form in which it was under consideration at the last session. I then said, and I say now, that I have no objection to voting at once, without a single word of explanation, for the mere extension of the patent of these gentlemen; and I had hoped the bill would come up and be passed without objection, in that form. We have just passed a bill to which the Senator from Delaware made objection, providing for a simple extension of a patent; but here is a bill of most extraordinary provisions, which it is now said, at the first time when it comes up at this session, may not be postponed for one week.

I desire it to be postponed for another reason. As I have said, I wish to address the Senate upon this bill; and when I do so, I wish to have before me a copy of the original patent of Moore and Hascall, in order that I may comment upon it, and upon the provisions of the bill in connection with it. I ask the Senator from Michigan that he will so favor me, or, if not me, the Senate, as to have in his possession when this bill shall come up again, the patent of Moore and Hascall, that we may have an opportunity to refer to it; and I hope he will not insist on the consideration of the bill at this time, when the patent is not here, and cannot be obtained readily, and when the provisions of the bill are most extraordinary, and the Senate has once before expressed its opinion upon those provisions so far as to recommit the bill for reconsideration to the Committee on Patents and the Patent Office, with instructions, if not express, at least implied, that it should be reported back as a bill simply extending the patent.

Mr. BADGER. Mr. President, I was in favor of the bill which was under the consideration of the Senate for the relief of Moore and Hascall at the last session of Congress, and have seen no reason to change the opinion which I then entertained. But I hope there will be no difficulty, as I think there ought to be no difficulty, in agreeing to the postponement of the bill until next Friday, to allow the Senator from Virginia to be heard upon it. If the bill is right, it can stand the test of investigation. But if it is wrong, and if it can be shown to be wrong, those of us who have been in favor of it ought to have an opportunity of hearing the argument against it, so that we may retract our course if we have been in error. I hope there will be no difficulty about the postponement.

Mr. SEWARD. I have something to say upon the question of this bill now, as I have had heretofore; but it is within my knowledge that the Senator from Virginia has expected and designed to discuss this question, and, therefore, pursuing that courtesy which has always been extended, I believe, in such cases to any member of the Senate, and was this morning in regard to another case, I shall concur in the postponement.

Mr. STUART. I shall acquiesce in the disposition of the Senate in respect to the postponement of this bill; but, in doing that, I beg leave to ask the attention of the Senate for a moment while I correct a very great error into which the Senator from Wisconsin has fallen, and while I relieve the Committee on Patents and the Patent Office, of which I am a member, from the inference at least, if not the direct charge, which is to be drawn from his remarks. I spoke what I said in the outset, not from what I had heard from others, but of what I saw and heard myself. I did not allude, and do not intend to allude, to the argument made by the Senator from Wisconsin. I stood here in the Senate and listened to it, and I was surprised that any Senator of his known intelligence should be so deeply in error as he was at that time in respect to this bill and its merits. What I said was strictly true. It was with difficulty that the chairman of the Committee on Finance could be prevailed on to allow this bill to come up when it did at that late period of the session; and it was only by strong im-

portunities that he did consent. His reason for objecting was, that he considered the whole time of the session necessary for the consideration of the appropriation bills. He finally, however, did consent; and then the bill provoked, I think I may say, an angry discussion. The Senator from Wisconsin, I recollect, was peculiarly agitated, and said some strong things very strongly—much stronger, I thought, than the circumstances warranted. But the bill was recommitted without instructions. When the papers relating to it were at this session withdrawn from the files, on my motion, and referred to the Committee on Patents and the Patent Office, they were sent there with the mere indorsement on them that the case was "recommitted to the Committee on Patents and the Patent Office." The Senator is mistaken in supposing that there was a single instruction. What might have been his inference, is quite another thing; but I assure him that the committee received it at the present session without any instructions from the former Senate at all.

I did not desire to say as much as I have said. All I wish, however, is simply that in the postponement of the question, it shall not be done with any prejudice upon the minds of Senators. I think the Senator from North Carolina is eminently correct when he says that this bill will bear the test of examination anywhere. All I ask for it is such a consideration as every such measure is entitled to in the Senate of the United States. Now, I am perfectly willing to consult the wishes of the Senate, and let the bill be postponed until next Friday. At that time I hope the Senator from Virginia will be here.

The motion to postpone was agreed to.

ADJOURNMENT TO MONDAY.

On motion, it was

Ordered, That when the Senate adjourns to-day, it adjourn to meet on Monday next.

A. J. WILLIAMSON.

The bill for the relief of Lieutenant A. J. Williamson was read a second time, and considered as in Committee of the Whole.

It directs the proper accounting officers of the Treasury to ascertain, from such competent evidence as may be submitted to them, the amount of property lost by Lieutenant A. J. Williamson, by the burning of the steamer South America, on the Mississippi river, in December, 1851, and the payment of the amount so ascertained, not exceeding \$1,000.

Mr. Williamson, then a lieutenant in the United States Army, was ordered, in December, 1851, to conduct a detachment of one hundred recruits from Newport barracks, Kentucky, to San Antonio. On the 8th December they embarked on board the steamer South America for New Orleans. On the passage the vessel took fire, and was consumed, by which disaster fifteen of the recruits were drowned, and nearly all the clothing and baggage was consumed. Assistant Adjutant General Cooper, who was at that time in New Orleans, certifies to the truth of the facts stated, and says that "the Secretary of War directed, in April, 1851, that the lost articles should be replaced without cost" to the recruits. It seems, therefore, but just that Lieutenant Williamson should also be remunerated.

An adverse report has been previously made in the case, but aside from the additional evidence now produced, the report of the Committee on Naval Affairs, made at the first session of the last Congress, in the case of the petty officers and seamen on board of the United States steamer Missouri, at the time of her destruction by fire at Gibraltar, which was sustained by the action of the Senate, seems to have settled the rule for such cases in favor of the petitioner—the Senate having passed the bill for the remuneration of the officers and seamen of the Missouri, for losses occurring under analogous circumstances.

No amendment being proposed, the bill was reported to the Senate, ordered to be engrossed for a third reading, and was read a third time, and passed.

DEMPSEY PITTMAN.

The bill for the relief of Dempsey Pittman was read a second time, and considered as in Committee of the Whole.

It proposes to require the proper accounting officers of the Treasury, under the direction of the Secretary of War, to audit and settle his account

against the United States, for his military services in Florida, in the year 1838, and pay him such compensation and allowances as may be found to be justly due him, with the provision, however, that the amount shall in no case exceed the pay of a colonel of infantry for five months.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

WILLIAM P. S. SANGER.

The bill for the relief of William P. S. Sanger was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury Department to pay him the same rate of compensation for the time he was employed as engineer at the Norfolk navy-yard as was allowed by the act of Congress, approved the 28th of September, 1850, to James Heron, for services which he had rendered at the Pensacola navy-yard.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read a third time, and passed.

LIEUTENANT COLONEL AENEAS MACKAY.

The bill for the relief of Mrs. Helen Mackay, administratrix of Lieutenant Colonel Aeneas Mackay, late a deputy quartermaster in the United States Army, was read a second time, and considered as in Committee of the Whole.

The bill provides that the proper accounting officers of the Treasury, in settling the accounts of Lieutenant Colonel Aeneas Mackay, deceased, deputy quartermaster general in the United States Army, shall allow, as a credit for \$25,000, the receipt of Captain William D. McKissack for that amount, dated the 1st of May, 1847, as well as the receipt of Captain McKissack for a similar amount, dated the 14th of August, 1847; and that the Secretary of the Treasury pay to Mrs. Helen Mackay, administratrix of Colonel Aeneas Mackay, deceased, whatever balance may be found to be due to her late husband, upon a final settlement of his accounts.

Colonel Mackay was deputy quartermaster general in the United States Army, stationed at St. Louis, Missouri, in 1847, where he disbursed large sums of money on account of the Mexican war. In the settlement of his accounts at the Treasury Department, in 1847, he was credited in his second quarterly account by \$25,000 paid by him to Captain McKissack, as per receipt dated May 1, 1847—and in his third quarterly account of the same year he was credited by \$25,000, also paid to Captain McKissack, as per receipt dated August 14, 1847, and upon a final statement of his account he is shown to have a balance to his credit, on the books of the Treasury Department, of about \$7,000.

Colonel Mackay was in the city of Washington, from February to September, 1848, engaged in the settlement of his accounts, and claiming payment of the balance due him, which however was not paid him up to the time of his death in 1850. Since his death, his widow has repeatedly applied to the Department for a final settlement of his accounts; when, much to her surprise, she was informed that, upon a reexamination of Colonel Mackay's accounts, the receipt dated May 1, 1847, had been rejected, and that her husband was a defaulter about \$18,000. The reason advanced by the Department for rejecting this voucher is, that Captain McKissack makes no return of it in his accounts, and it is alleged that these two receipts, each for \$25,000, are for the identical sum of money.

The existence of the receipts in the hands of Colonel Mackay are *prima facie* evidence that both amounts were paid over by Colonel Mackay, and both received by Captain McKissack, and their possession would entitle Captain McKissack to a verdict in any court of justice. The committee also find the most abundant and satisfactory proof that the \$25,000, for which Captain McKissack gave the receipt of May 1, 1847, was paid to him, and do not think that Colonel Mackay should be made to suffer for the neglect of another officer.

The bill was reported to the Senate without amendment.

Mr. WALKER. I would inquire of the Senator who reported the bill whether there was any proof which tended to satisfy the committee that, in point of fact, the two receipts were not for the same sum of money? If there is no proof that

they were for different sums, we may find ourselves in this difficulty: by directing the accounting officers to settle with Colonel Mackay, and to allow him for both the sums, Captain McKissack, not having made any return, of course will have them charged to him; and we may find that he will come forward and ask us to relieve him against the defalcation which will be found standing against him for the \$25,000.

It occurs to me that we ought to be pretty well satisfied that these were really for different sums of money, and that the charge will result justly against Captain McKissack. Unless we take care of that matter, I cannot see why it will not be inevitable that we shall have to settle the matter with Captain McKissack hereafter. I am in hopes that there was proof to satisfy the minds of the committee that they were for different sums of money.

Mr. BADGER. I suggest to my friend from Wisconsin, that from the report it appears that they were for different sums. One of them was paid and receipted for on May 1, 1847, and the other on August 14, 1847. That, I suppose, is *prima facie* evidence that they were different sums.

Mr. WALKER. Suppose that hereafter Captain McKissack is charged with these sums—for he must be charged with them; it is alleged in the report that he made no return of them—and he shall then come forward and show, that in point of fact the two receipts were for the same sum of money, notwithstanding they were given on different days? When he shows that, of course we must relieve him, having already relieved Mackay. It is true it will be for Captain McKissack to show that they were for the same sum; but if he does show that, we shall certainly have to relieve him, as we have already relieved Mackay, and the consequence will be that the Government will be the loser.

Mr. BADGER. The difficulty with my friend from Wisconsin seems to be this: he fears to do justice to Colonel Mackay, because we may hereafter have to settle with Captain McKissack. May we not leave that matter for the future? They must have a rule at the Department—

Mr. JOHNSON. Will the Senator allow me to interrupt him? As a member of the Committee on Military Affairs, I recollect very distinctly when this case was called up and discussed. It was discussed and examined at very considerable length by the committee, and they were unanimous in their report, and became thoroughly and entirely satisfied of the correctness of the matter. I was present at the time; but as I cannot go on now to explain it, because the facts and circumstances have escaped my attention since it was before the committee; and as there is not time to go into the study of it so as to be able to explain it now, and as the chairman of the committee, who is more familiar with it, and the Senator who reported the bill are not present, I propose that it should go over until next Friday.

Mr. BADGER. I do not believe that my friend from Wisconsin objects to the passage of the bill. I therefore suggest to the Senator from Arkansas that the postponement is not necessary.

Mr. JOHNSON. There was no question in the committee whatever as to the justice of the claim, after a full discussion of the subject. The amount is not properly chargeable to Mackay at all.

Mr. WALKER. I make no opposition to the bill. I only called the attention of the Senate to the difficulty that might arise.

The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

WILLIAM R. NEVINS.

The bill for the relief of W. R. Nevins was read a second time, and considered as in Committee of the Whole.

It proposes to suspend so much of the eighteenth section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," passed the 4th of July, 1836, as prohibits the extension of a patent after the expiration of the term for which it was originally issued, so far as shall be necessary to authorize the renewal of a patent to William R. Nevins, of the city of New York, for his invention of what is denominated in his former letters patent a certain machine for "rolling and cutting crackers and bis-

cuit," dated March 2, 1836, and reissued May 9, 1848.

Mr. BADGER. Mr. President, I am totally opposed to this bill, which is for the purpose of allowing a renewal of this patent of Mr. Nevins. It seems that he has made some invention about rolling biscuits, and the purpose of this bill is to repeal some clause of a law which, in its general operation, prevents him from getting a renewal of that patent. I am not for continuing any obstruction in the mode on which biscuits are made. They are very good, useful, and wholesome things, and I do not want the housekeepers of this Union, and particularly the housekeepers in my country, sued in the Federal courts for the purpose of recovering damages because they have made biscuit upon a plan invented by Mr. Nevins or anybody else. If he has had a patent, and has had the use of it for the time the law allows, let him avail himself of his rights. If, under the existing law he has the right to a renewal, let him get a renewal; but I have no idea of cumbering all the operations of domestic cookery in the country by passing special acts of Congress to enable men who have invented some machine for making biscuit or bread in a particular way, to hold persons responsible who use it in the ordinary process of domestic cookery.

Mr. SEWARD. Let the report of the Committee on Patents and the Patent Office be read.

The report was read, from which it appears that letters patent for the invention were granted on the 2d of March, 1836, and would have expired on the 2d of March, 1850; their validity was disputed, as is so often the case; and in the course of the litigation it was decided by the circuit court of the United States for the southern district of New York that they were void, by reason of defects in the specification and claim. This discovery was made in 1847. The petitioner applied to the Commissioner of Patents, according to law, for a reissue upon an amended specification and claim, and they were, upon a full examination at the Patent Office of the merits of the question, reissued on the 9th of May, 1848, to continue in effect only till the day limited in the original letters patent, viz: the 2d of March, 1850. On the 17th of March, 1850, the patentee applied to Congress for an extension of his patent for fourteen years. The original disputants of his invention remonstrated, and the question was then in litigation. The Committee on Patents and the Patent Office reported adversely on the petition. But on the 6th day of November, 1851, the question thus litigated was brought to a trial in the same circuit court, which resulted in a verdict and judgment, establishing the petitioner's title to the invention, the validity of the patent, and the usefulness of the invention also; since that time all these points have remained unquestioned.

The case submitted also shows, that while the petitioner has expended in and about perfecting and establishing his invention \$4,616 84, he has received from it only \$2,055; so that he has actually suffered a loss, from causes involving no fault or misconduct on his part, of \$2,561 84, instead of having received an adequate remuneration for the time and labor and money expended in perfecting his invention.

The bill was reported to the Senate without amendment.

The PRESIDENT. The question is, "Shall the bill be engrossed for a third reading."

Mr. BAYARD. On that question I ask for the yeas and nays.

Mr. BADGER. Let us have the yeas and nays by all means, and see who is for incumbering the making of biscuit.

The yeas and nays were ordered.

Mr. DAWSON. Two years ago I made a report in this case similar to the one which has been read. As a general proposition, I am against the extension of patents, and I believe I have voted but for two cases of extension. This, I think, is a very meritorious case, and should form an exception to that general rule. This man, on his way to New Orleans, was injured very severely. He expected to return here within the proper time to procure an extension of his patent according to law; but his misfortune delayed him so that he could not reach here in time; a letter from him preceded him, stating the facts. He could not make the necessary statement at the office in consequence of this accident, until the time acquired by law had passed by; and when he reached here

he found that he was deprived of his right by the loss of a few days. He had presented his petition to this body. I happened at the time to be a member of the Committee on Patents and the Patent Office; and, seeing the facts, I thought the case should be an exception to the general rule which I had pursued; and therefore I made a favorable report upon the claim.

Mr. SEWARD. Mr. President, I will say but a few words in addition to what the Senator from Georgia has stated. This patent does not interfere with any domestic institution whatever anywhere. The manufacture of this article is a large operation in great cities for all the purposes of society. It interferes with nobody in his private affairs. It benefits everybody in domestic life, because it is an invention which has cheapened the use of a very important article. The report shows that this man, after making a useful invention, by no loss of his own, through the mere defect of the patent laws, in a period of fourteen years, has failed to receive an indemnity; that he has expended \$4,616 84 in perfecting his invention, and has received but \$2,055 in return; that he was prevented from appearing at the Patent Office within the time necessary to make the application by an accident. The extent of this bill is to take away, in this particular case, the rule which required him to apply within a certain time, and refers the whole subject to the Patent Office. There is no question about his title or the validity of his patent, and none as to the utility of the invention.

One word more, and I hope that will soften the heart of my friend from North Carolina; and if it does not, I know it will soften the hearts of other Senators. This worthy man came here in the year 1850, and laid his case before the honorable Senator from Kentucky, [Mr. Clay,] who presented it to the Senate in speech, and who urged the committee of the Senate to a favorable examination of it. Last year the bill was unanimously reported by the Committee on Patents and the Patent Office, and unanimously passed this House, but was lost in the other House, for want of being reached in time, I presume. This year the applicant came here at the beginning of the session to present his claim. He brought it to me; it was submitted to the Committee on Patents and the Patent Office, and they have unanimously reported in favor of it. When I next saw him, I found him recovering from a severe accident which had befallen him. Though a perfectly temperate and sober man, he had fallen into one of the cellar-ways in this city, and broken his jaw bone; and he has gone home a cripple. I hope, under these circumstances, that my honorable friend will withdraw his opposition to the bill.

Mr. BADGER. If the Senator from New York can show me that the allowance to this man of an opportunity to get an extension of his patent will not interfere with our people of the South making biscuit, and will not involve us in litigation in the courts of the United States, I will withdraw the objection, and leave the several manufacturers of biscuit at the North to fight the matter out among themselves. But, sir, that Senator has been to the South himself, and he knows that biscuit is a food used by us there. Everybody uses biscuit in all the walks of life, rich and poor, black and white. Now, I will never give my consent to extending a patent, in virtue of which any man may come to our country, and harass our people, because they make biscuit to eat, alleging that they have got some idea, or notion, or fancy of making them in a manner for which he has a patent right; but if he can assure me that it does not affect any of the operations of domestic cookery at all, in any shape or form, I will withdraw my objection.

Mr. SEWARD. I can so assure the honorable Senator. It applies to the manufacture only on a large scale, for commerce. Everybody, North and South, East and West, throughout the whole extent of the country, will have an unquestionable right to make biscuit for their own use, and eat them, too, without being at all interfered with by this patentee. Now, will the honorable Senator withdraw his objection?

Mr. BADGER. I am satisfied.

Mr. ADAMS. Before the vote is taken, I wish to say that I agree with the remarks of my friend from North Carolina most fully. It is said this is a discovery of the patentee for making the best

biscuits. Now, if it be so, he must have got his invention from Mrs. Bobo, of Alabama, for she certainly made better biscuit than anybody in the world. I do not conceive that we should extend this privilege to this individual; for I can prove by my friend from Alabama, [Mr. CLAY,] who sits beside me, and by any man who ever stayed at Mrs. Bobo's house, that she makes better biscuit than anybody else in the world; and if this man has the best plan for making biscuit, he must have got it from her. [Laughter.]

Mr. SEWARD. I can remove the honorable Senator's objection. The bill does not propose to extend the patent. It only removes a difficulty which stands in the way in the examination of the question at the Patent Office, whether he is entitled to an extension or not, he having been disabled from coming in time; and the gentleman from Mississippi and the gentleman from Alabama can go and taste his biscuit, if they choose.

The question being taken by yeas and nays, resulted—yeas 21, nays 11; as follows:—

YEAS—Messrs. Atchison, Badger, Chase, Dawson, Evans, Everett, Fessenden, Fish, Foot, Hamlin, Jones of Iowa, Mason, Morton, Pettit, Sebastian, Seward, Stuart, Sumner, Wade, Walker, and Williams—21.

NAYS—Messrs. Adams, Bayard, Clay, Fitzpatrick, Geyer, Gwin, Johnson, Pearce, Rusk, Sill, and Thomson of New Jersey—11.

So the bill was ordered to be engrossed for a third reading; and was read a third time, and passed.

JOHN BRONSON.

The bill for the relief of John Bronson was read a second time, and considered as in Committee of the Whole.

It appropriates \$2,915 18 to indemnify John Bronson, of the city of Detroit, for the loss of merchandise which fell into the hands of the enemy in consequence of the impressment, by order of an officer in command of a detachment of United States troops, of the wagons and teams with which that merchandise was being removed to a place of safety, at the time of the evacuation of Fort George, in the year 1813.

Mr. BAYARD called for the reading of the report of the Committee of Claims, and it was read.

It appears that in 1834 Mr. Whittlesey, from the Committee of Claims of the House of Representatives, made an adverse report on the same claim, on the ground that the testimony then before the committee did not fix the day on which the loss occurred; and that the testimony of the officer making the impressment was not adduced, nor that of other officers cognizant of the facts. The committee, therefore, came to the conclusion that "as far as the circumstances in the case are disclosed," they did not bring the case within the principles previously recognized. At the next session of Congress, the affidavit of Joseph G. Odale, deputy quartermaster in the service of the United States, and personally cognizant of all the material facts, was produced, in which he says: "Being on a retreat from Fort George, in Upper Canada, and at a place called Salt Battery, at Youngstown, on the Niagara river, in the State of New York, the American troops, at that place, overtook a number of loaded teams, among which were two wagons and horses, loaded with merchandise, belonging to John Bronson. All of said teams were impressed into the service of the United States, by order of Colonel C. Hopkins, then in command of the United States troops, and the goods of said Bronson were taken from the wagons and left in the public road, and said wagons immediately loaded with the baggage of the United States troops and moved on; the enemy being near, in pursuit of said United States troops, the property of said Bronson must have fallen into their possession." The deponent adds that Colonel Hopkins is dead. He estimates Mr. Bronson's loss at \$2,000 or more.

In full view of the circumstances, as set forth and established by this and other competent testimony, it appears that property to a considerable amount belonging to the claimant, who was at the time a sutler in the service of the United States, was placed by his direction in wagons, for the purpose of conveying it to a place of security at the time when Fort George was evacuated by the American troops.

It further appears that whilst the wagons so employed were on their route, they were overtaken by a military force commanded by an officer

of the United States, and pressed into the public service; and that the property of the claimant was left on the road, with the enemy approaching, and was lost to him.

The claimant submits a detailed schedule of the goods lost, specifying the quantity or weight of each item, with the market value, which he verifies by oath, amounting to \$2,915 18; and that sum, without interest, the bill proposes to pay.

Mr. BAYARD. Mr. President, I have had no opportunity to examine the particulars of this bill; but I am aware of the general fact that there is a disposition to bring up all these old claims, which, since the year 1817, were either acted upon, or might have been acted upon, under the general laws of Congress, if the parties had chosen to produce them when there were living witnesses for their full investigation. There is a disposition now to bring them up on testimony obtained after the lapse of twenty-five or thirty years.

Sir, in my examination of that class of cases arising out of injuries during the war of 1812-'14, I find that under general laws Congress authorized a commissioner to examine into all classes of injuries, specifying them in the law where it was thought proper relief should be granted. They further provided that the President of the United States might make such rules and regulations as were proper for the purpose of taking testimony in relation to the claims which were presented before the commissioner. Great numbers of claims were made. The then President of the United States, Mr. Madison, and the then Secretary of War, Mr. Crawford, were the authors of those rules and regulations. Amongst others they established one rule which I believe to have been of the highest importance, and one which, if this bill be now passed, it was nugatory to have established then. That rule required, in reference to the action of the troops of the United States, that the testimony of the commanding officer under whose authority the act was done should be given, or not being given should be accounted for.

Now, it is very evident that this rule was necessary, essentially necessary, because the Government is not responsible for the illicit destruction of property by soldiers, even of the United States, without orders—wanton trespasses of soldiers. That principle was conceded then, and I presume it will hardly be denied now, but if the act was done under the authority of the commanding officer, under an emergency of war, the Government held and holds itself responsible. Hence his testimony, if he was living, was requisite, because he was the proper person to give such an order; but if the party can lay by for twenty, or thirty, or fifteen, or ten years, until that officer be dead, and then come forward and tell you, by secondary evidence, that that officer's testimony cannot be procured now, the result is, that it was folly to establish such a rule, because the more remote the transaction the less probability there is of getting at the truth of the facts. If this course be permitted, a party has only to lay by, so that some time may elapse, and the testimony of the commanding officer cannot be obtained. I am not willing, therefore, to admit this case on the ground of delay, or defective application, unless the claimant can show me that this testimony could not be obtained at the time when the original petition was presented, because I regard the testimony as materially and absolutely essential. If Senators will take the trouble to examine they will find that there are cases in which testimony has been presented to a committee tending to show that the commanding officer was dead when he was actually alive. I recollect one case distinctly, relating to a claim which may possibly hereafter come before the Senate, in which a bill had actually been reported by the committee to the Senate; but the commanding officer, who was alleged to have given the order, having heard of the grounds upon which the bill was put, wrote a letter to the committee, stating that he had never given such an order as was contended, and that no such acts had taken place under any direction of his, as was alleged in the petition. That letter appears on the public records. In consequence of it the bill was rejected.

It follows of necessity that if you can dispense with that evidence which was necessary at the time, by the party laying by until the death of the officer takes place, you are rendering that rule which was then established entirely nugatory.

Again, Mr. President, when that law was passed, as a general law, it provided a proper mode of adjudicating upon these claims of all kinds. There was no want of notice. The regulations and the modes of proof were all published for six weeks, under the orders of the President, in every newspaper which published the laws of the United States. The public records show that if this party had just claims he was bound to come in before the commissioner. There was a period of two years allowed to the commissioner; but he transcended his authority, as to some branches of relief, and reported so loosely that the President became alarmed at the extent to which he would involve the interests of the Government, from what he supposed to be an improper construction of the law, and hence he suspended the execution of the commission until Congress could act further upon the subject. Congress did then reform the law of 1816, and ultimately transferred from the commissioner the performance of the duties under the law to the Treasury Department. The cases were heard there. All those who chose to make claims came before the Department and made them. They were reported upon and acted upon—either rejected or admitted. The pressure, however, was so great that, subsequently, Congress again passed a general law, in which they authorized an extension of time.

The first law was limited in its operation to March, 1818 or 1819—I do not recollect which. Congress then extended the provisions of the laws of 1816 and 1817 to cases which had been previously presented, and undetermined and undisposed of for a period of nine months, and referred them to the Treasury Department for decision, and they were all acted upon under that second law. From that time there is no doubt that there have been, here and there, private cases which have crept through, founded upon what is called additional testimony, which means nothing more than cumulative testimony, or that species of testimony which arises in *ex parte* representations from the lapse of time, dispensing with testimony which would have been essential under the original law, and essential not as a technical requisite, but in order to ascertain the true state of the facts.

Under these circumstances, Mr. President, I cannot, as at present advised, vote for this bill. Possibly, if I were to examine the case minutely I might alter my opinion in relation to it; but from the mere cursory reading of the report a Senator is not able to give to it the examination which he would desire. I am opposed to it on these general grounds. When the bill was before Congress years ago it was rejected. From my own experience, in the examination of these cases, I have found that what is called additional testimony is, in ninety-nine cases out of a hundred, nothing more than cumulative testimony; and that, too, when the facts of the case, by lapse of time, have passed from the memory of man, or when the still greater change occurs, that lapse of time has ripened into fact that which originally was mere impression or hearsay. The lapse of time sometimes, by constant impression on the mind of the witness, ripens into fact what before was but hearsay, and swears positively to that which he would probably have stated at first only hearsay information. This is necessarily incident to the defects of humanity, arising from the ravages which time will make in the human memory and the human intellect, no matter how bright may be either the one or the other.

Under the circumstances I cannot vote for this bill. It was rejected formerly by Congress, and I am not prepared to overturn that decision on any statement which I see of additional testimony, or any proof, that the testimony which the law required, and required in the soundest principles of justice, could not be obtained at the time when the claim was originally presented. If it was not obtained in consequence of the defect of the party, that is his own fault; and it would be an entire delusion to permit him now, when years have gone by, to waive testimony which was considered essential then, when it has arisen from his own neglect that it was not procured.

Mr. WADE. Mr. President, I reported this bill from the Committee of Claims, but I do not know that I can say anything which will more satisfactorily explain the case to the Senate than the report explains it, for the report was made

deliberately, in full view of the testimony in the case. But, sir, the Senator from Delaware makes a general argument against a class of cases. He does not look to the evidence in this case. He does not touch other than general principles. He does not examine the particular case, but he strikes at the class. Now this case grows out of the war of 1812. There were laws passed from time to time, whereby, no doubt, such cases might have been adjusted if the parties had been vigilant. Those laws continued, expired, and were revived again; but finally there were a great many cases where, undoubtedly, when the parties had not obtained redress under existing laws, they had constantly to seek special redress whenever they were able to make out satisfactory cases.

I remember very well a somewhat similar case—I do not remember the name of it, perhaps the Senator from Delaware does—arising in this District. I do not remember the names of the persons, but I know a bill was reported and passed both branches of Congress. It was a case where a man had his property on wagons for the purpose of taking it beyond the reach of the enemy at the time this city was invaded by the British. The officers in command of the United States troops pressed the wagons into the service, unloaded the man's goods, and put those of the United States' on board, and the man's goods were entirely lost. In that case we gave redress. It was precisely such a case as this, with this difference only, that that claimant lived here, then, at the seat of Government, where he might have availed himself easily of all the laws then in force. This case arose on the frontier, at that time an utter wilderness, remote from the place where the claimant could seek redress, and where he was very likely not to prosecute his claim with great diligence. The testimony here was entirely satisfactory to the committee, at least to show that this man, being a sutler in the Army, having a warrant for that purpose, had provided teams for transporting his property out of the reach of the enemy, which he undoubtedly could have done if the officers had not interrupted him. The proof is that the teams were pressed into the service, under the order of the United States commanding officer, to carry United States military stores, &c. They unloaded his goods by the side of the road, where they were lost, in consequence of that order undoubtedly.

When the case first came up it was thought that the evidence was not entirely satisfactory, and the claimant finally obtained the testimony of the officer who executed the order. I think no one can read the testimony and doubt that the loss did accrue in consequence of the order of the United States officer; that it was to the injury of the claimant; and that the Government is justly responsible for it. I can see a very good reason, to which I have already alluded, why it was not prosecuted with that vigor that it might have been and ought to have been. Persons living on the extreme frontier, in a remote wilderness, before the means of traveling were such as they are now, could not very well prosecute a claim with the same facility that they can now.

All that I wish to say now is that the evidence in this case was entirely satisfactory to the whole committee. It is analogous to the case where we have given relief before; and, in our judgment, it proceeds upon the same principle. We ought not to take one man's claim and grant it, and refuse another which is founded on the same principle. If the evidence does not prove the claim that is one thing; but if it does prove it, and we gave redress to another man on a similar claim, we ought to give it to him. The former case to which I have alluded was under consideration, and discussed a long time, before we established the rule. Having established it, I should be very sorry to give one mead of justice to one man and another to another man.

Mr. BAYARD. I am not aware of any rule established by the Senate. It is very true that the committee may be unanimous in this case; but who does not understand—not the people, but Congress; the people know nothing about it—that all the investigation in each private claim is referred to some individual member, who looks into the testimony. He may be a man who chooses to examine it with care, or he may be one who gives it a very slight examination. He may be a man who will take the trouble to examine the facts and

affidavits, and scan them in his mind, and detect the deficiency of the testimony; or he may be a rather careless man, who is disposed, from kindness of heart if you please, or any other cause, to take for granted the statements made; and it may be, as is constantly the case, for it is not a judicial inquiry, that he will suffer himself to be assailed outside, and take the representations of agents and other interested actors for the parties. But there is not a man around me who does not know, that in all these private claims, unless there is some great objection to them, they are literally acted on on the recommendation of a single member of a committee, so far as the examination of the testimony goes. They come before you with the apparent weight of the recommendation of the whole committee; but every one knows that in point of fact the whole committee probably did not even look at the testimony. I admit that I think the system a vicious one. I hope Congress will remedy it by the appointment of a proper tribunal for the investigation of these claims. I am as anxious as any man that justice shall be done to the individual claimant, who has a just claim against the United States; but, at the same time, I think, under the present system, there is anything but justice done.

As regards the rule of which I spoke, which was established under the general laws of 1816 and 1817, the last passed in 1817, I consider it essential. As I heard the report read in this case, it certainly does not remove the necessity for the application of that rule—that is, it does not give the testimony of the officer who gave the order. That was the rule published throughout the whole country for the benefit of the persons who claimed compensation for injuries by order of a United States officer. The report here neither gives that testimony, nor does it show the fact that that testimony could not have been procured at the time when the laws were in force. If the party does neither the one nor the other, in my view of these things, justice to the United States requires us to say, "You have chosen to abandon your rights, and we will not now, after the lapse of forty years from the occurrence of the transaction, take the memory of a person who did not give the order." I should like very well to have time to examine the evidence in this case. I would like it on this account: It is admitted that it was formerly reported upon adversely, when the facts and transaction were more recent, by a committee quite as capable of investigating its real merits as we are now. I shall therefore move the postponement of the bill. If I find, on examination, that I do not think I can resist successfully the evidence and statement of facts as they existed in the former petition and the former report, when the transaction was more recent, I shall, of course, have to abandon my objection. I therefore move that the further consideration of the bill be postponed until Friday next, to give me an opportunity of looking into it.

Mr. WADE. The honorable Senator says that the applicants and their agents often crowd around us, and make representations to the member having the cases in charge, which representations are relied upon. I do not know that they do. In this case, however, I know that no such thing occurred.

Mr. BAYARD. I did not mean the remark to apply to this individual case for one moment. I never indulge in anything of the kind. If I thought so I would speak directly so as to be understood; for I never mean, by indirection, to make a remark to reflect upon the action of a particular Senator.

Mr. WADE. I do not know the claimant in this case. I never saw him. I know nothing but what appears from the evidence. The papers were referred to me; I examined them; and being convinced that the teams were pressed into the service by order of the United States officer I thought the compensation justly due. Under the instructions of the committee I reported the bill. Having done my duty to the case, I will leave it in the hands of the Senate. I will not object to the postponement.

The motion to postpone was agreed to.

PETITION.

Mr. DAWSON, by unanimous consent, presented the petition of Jane Irwin, praying to be allowed additional pay and bounty land, on ac-

count of the services of her father, the late Colonel Jared Irwin, during the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

REPORT FROM STANDING COMMITTEE.

Mr. SLIDELL, by unanimous consent, from the Committee on Foreign Relations, to whom was referred a message of the President in relation to the subject, submitted a report, accompanied by a bill for the relief of the claimants of the private armed brig General Armstrong; which was read, and passed to a second reading. The report was ordered to be printed.

THOMAS H. SUMNER.

The bill for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea, was read a second time, and considered as in Committee of the Whole.

It provides that, in consideration of the transfer to the United States of the copyright of a work wherein Thomas H. Sumner fully describes his new method of ascertaining a ship's position at sea, when a meridian observation of the sun cannot be obtained, there be paid the sum of \$10,000, for which the copyright shall be deemed extinct, and the book may hereafter be published, as if no such right had existed.

At the request of Mr. EVANS the report of the Committee on Commerce was read. Thomas H. Sumner is a master mariner. He is now insane; and, in consequence, his wife and children have failed to realize from such an important discovery as the one which he made the reward which it merits. Sumner, some years ago, published a work, giving an account of the discovery, and inviting the scrutiny of ship-masters and ship-owners. The committee present the testimony of many well known ship-owners and masters, naval officers, and distinguished mercantile and seafaring men, all attesting the value of the discovery; and, in the opinion of the committee, it is proved: 1st, that Sumner discovered the method; 2d, that it was before unknown; and 3d, that it is useful.

Mr. BAYARD. There is very pretty reading in that report, but it strikes me that it is very little calculated to strengthen our minds as to the real merits of the case. The discovery, if it is of the value which it is stated in the report to be, must be embodied, I suppose, in some mode which, without the publication of this book, which is copyrighted, could not be used by the master or officers of any ship. If that be so, I presume, with the extended commerce of the United States, the purchase of a copyrighted book on so invaluable a discovery would necessarily afford a compensation to the party; and it looks to me very much as if this was an attempt to substitute congressional compensation to a large amount for a discovery of limited and doubtful value. I cannot, with my impressions, vote for the bill.

The bill was reported to the Senate without amendment; and, on a division, on the question of its engrossment for a third reading, no quorum voted.

Mr. HAMLIN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 25, nays 8; as follows:

YEAS—Messrs. Badger, Brown, Chase, Dodge of Wisconsin, Dodge of Iowa, Everett, Fessenden, Fish, Foot, Geyer, Gwin, Hamlin, Houston, Johnson, Jones of Iowa, Pearce, Rusk, Sebastian, Seward, Shields, Stuart, Sumner, Wade, Walker, and Williams—25.

NAYS—Messrs. Adams, Atchison, Bayard, Clay, Dawson, Evans, Fitzpatrick, and Mason—8.

So it was ordered to be engrossed and read a third time. It was read a third time, and passed.

A. C. W. FANNING.

On the motion of Mr. BADGER, the bill for the relief of the executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay Mrs. Harriet O. Read \$7,230, the amount claimed by her to be due to the estate of Colonel Fanning as commission for disbursements made by him in 1827 and 1828 at the United States arsenal in Augusta, Georgia, and as balance of his accounts against the United States, for services rendered in 1818 and 1824, as United States commissioner in receiving and restoring St. Marks, and as Indian Agent at Forts Gadsden and St. Marks, from April 1818 to December 1821.

The bill was reported to the Senate without amendments, ordered to be engrossed for a third reading, and was read a third time and passed.

KEOKUK AND DUBUQUE, IOWA.

On motion of Mr. DODGE, of Iowa, and by unanimous consent, the bill to constitute Keokuk, in the State of Iowa, a port of delivery, was read a second time, and considered as in Committee of the Whole.

It proposes to make Keokuk a port of delivery in the collection district of New Orleans, and makes the usual provisions for the appointment of a surveyor of customs.

Mr. JONES, of Iowa. If my colleague has no objection, I move to amend the bill by adding to it Senate bill (No. 207) to constitute Dubuque a port of delivery, as an additional section.

Mr. DODGE, of Iowa. I have no objection. Both have been reported from the Committee on Commerce unanimously, and both have the sanction of the Secretary of the Treasury. The two points are a hundred miles apart.

Mr. JONES, of Iowa. Then I move to amend the bill by adding the following:

Sec. 2. And be it further enacted, That Dubuque, in the State of Iowa, shall be, and is hereby, constituted a port of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of customs, to reside at said port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments of surveyor, prescribed by the act of Congress, approved on the 2d of March, 1831, providing for the payment of duties on imported goods at certain ports therein mentioned, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places," and the said city of Dubuque, and the said port of delivery be, and is hereby, annexed to, and made part of, the port of New Orleans, and all the facilities and privileges afforded by said act of Congress of the 2d of March, 1831, be, and are hereby, extended to the said port of Dubuque.

The amendment was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

On motion by Mr. JONES, of Iowa, its title was amended, so as to read, "A bill to constitute Keokuk and Dubuque, in the State of Iowa, ports of delivery."

SOLAR COMPASS.

The engrossed bill to enable the United States to make use of the solar compass in the public surveys was read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 10, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

THE SEIZURE OF THE BLACK WARRIOR.

Mr. PHILLIPS. I desire the unanimous consent of the House to introduce a resolution of inquiry. The property of a portion of my constituents has been confiscated by virtue of a foreign Power, under circumstances, as they now appear, of great aggravation. This is a question which concerns not only my own constituents but involves the interest and honor of this Government. I ask that the resolution be read, and I trust that its character will at once secure for it the consideration its importance demands, and that it be at once adopted.

The resolution was read, as follows:

Resolved, That the President be requested, if not inconsistent with the public interest, to communicate to this House any information he may have received relative to the detention of the steamer Black Warrior, the seizure of her cargo, or the imprisonment of her officers. Also, any information in reference to any other violation of our rights by the Spanish authorities.

Mr. HAVEN. I hope that resolution will be allowed to pass.

No objection being made to its introduction, the question was taken upon its adoption, and decided in the affirmative.

So the resolution was agreed to.

PENSIONS TO SOLDIERS.

Mr. WENTWORTH, of Illinois, asked and obtained leave, and introduced joint resolutions of the Legislature of Illinois, instructing the Senators, and requesting the Representatives from that State, to procure the passage of a bill extending to the surviving officers and soldiers of the war of 1812 the same pensions which have been granted to others who have served their country in other wars.

The resolutions were read, and ordered to lie on the table, and be printed.

LIGHT-HOUSE ON COHASSET ROCKS.

Mr. FULLER. Before we proceed to the regular order of business, I ask the indulgence of the House to allow me to introduce, from the Committee on Commerce, a joint resolution, and to have it considered at this time, to enable the Secretary of the Treasury to act upon a very important matter. It requires immediate action. I have the letter of the Secretary in my hand, which I will read, if any gentleman doubts the propriety of the resolution.

The joint resolution was then read a first and second time by its title, as follows:

Joint resolution authorizing the Secretary of the Treasury, and the Light-House Board to determine upon the site, plan, and mode of constructing the light-house upon Cohasset rocks, and for other purposes.

Mr. FULLER. The resolution has been considered very carefully by the committee, and I ask that the letter of the Secretary may be read.

A MEMBER. No need of that.

The resolution was then ordered to be engrossed, and read a third time; and having been engrossed, it was subsequently read a third time, and passed.

Mr. CHANDLER. I ask leave to introduce a memorial from the Smithsonian Institution, with a view of having it referred to the special committee appointed early in January. It is a memorial asking Congress to authorize the Treasury Department to receive \$150,000, saved from the accrued interest, on the same terms as those on which the original bequest was received.

The SPEAKER. There being no objection, it will be so ordered.

Mr. BISSELL. I rise to a privileged question. I desire to make a report from the Committee of Conference on the bill relating to the compensation of the San Francisco sufferers.

The SPEAKER. The previous question having been ordered to be put upon the bill under consideration yesterday, it will require the consent of the House to allow the gentleman from Illinois to make his report.

Mr. CLINGMAN. I hope there will be no objection.

The SPEAKER. There being no objection, the gentleman from Illinois has the floor to make his report.

The report of the Committee of Conference was then read, as follows:

The Committee of Conference upon the two disagreeing votes of the two Houses upon the bill for the relief of United States troops who were sufferers by the recent disaster to the steamship San Francisco met, and, after a full and free consultation, agree to recommend that the Senate recede from their second amendment, disagreed to by the House of Representatives, to this bill, (H. R. No. 135,) and that the bill be further amended in section one, line nine, by striking out the word "four," and inserting in lieu thereof the word "eight."

JAS. SHIELDS,
JAMES C. JONES,
R. W. JOHNSON,

Committee on the part of the Senate.

W. H. BISSELL,
J. R. CHANDLER,

Committee on the part of the House of Representatives.

The question was then put; and the report of the committee was agreed to.

Mr. HARRIS, of Alabama. I ask the unanimous consent to present resolutions from the General Assembly of the State of Alabama, with a view to have them referred to the Committee on Public Lands.

The resolutions set forth that there are large tracts of fine lands in the State of Alabama remaining unsold, which are now considered poor, and which at present bring in but little revenue to the General Government; and if the price of those were materially reduced, that the revenue arising from the sale of the same to the Government and to the State would be greatly increased. Congress

is invoked to give the subject its earliest attention, and materially reduce the price of the same.

The SPEAKER. There being no objection, the resolutions will be received, and referred to the Committee on Public Lands.

Mr. EDGERTON. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

MINNESOTA RAILROAD BILL.

The SPEAKER. There is a question already pending under the operation of the previous question, which is on laying the following bill upon the table:

An act to aid the Territory of Minnesota in constructing a railroad in said Territory for military, postal, and for other purposes.

Mr. DEAN. As I made the motion to lay the bill upon the table, and asked the yeas and nays, I withdraw the call for the yeas and nays, and will also, with the consent of the House, withdraw the motion to lay the bill upon the table; but I shall renew it at the proper time.

Mr. AIKEN. I ask the unanimous consent of the House to withdraw the memorial and papers of Susannah Wayne Pinckney from the files of House, for the purpose of presenting them to the Senate.

The SPEAKER. There being no objection, it will be so ordered.

Mr. MILLSON. I want to test the bill in its present consideration, therefore I move to lay the bill and amendments on the table; and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TAYLOR, of Ohio. I wish to inquire of the Chair whether this is the regular order of business, and whether it must necessarily take precedence of all other business?

The SPEAKER. It is the regular order of business, and the main question having been ordered to be now put, no other business is in order until it is disposed of.

The question was then put; and decided in the negative—yeas 72, nays 107; as follows:

YEAS—Messrs. Aiken, Thomas H. Bayly, Belcher, Bennett, Boccock, Boyce, Carpenter, Cackie, Chastain, Christman, Colquitt, Craig, Dean, Dent, Drum, Ewing, Faulkner, Fuller, Gamble, Giddings, Goode, Gray, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Wiley F. Harris, Hastings, Haven, Hendricks, Hibbard, Hiester, Ingersoll, Daniel Jones, George W. Jones, J. Glancy Jones, Kittredge, Kurtz, Lane, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Maurice, Millson, Morrison, Murray, Andrew Oliver, Peckham, Bishop Perkins, Powell, Pratt, Preston, Puryear, Seward, Seymour, Shaw, Shower, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, Snodgrass, Stratton, Straub, Andrew Stuart, Vail, Vansant, Wade, and Hendrick B. Wright—72.

NAYS—Messrs. Abercrombie, James C. Allen, Barksdale, Benson, Bissell, Breckinridge, Bugg, Campbell, Canuthers, Chamberlain, Chandler, Chase, Clark, Clingman, Cobb, Cook, Corwin, Cox, Crocker, Cullom, John G. Davis, Thomas Davis, Dawson, De Witt, Dick, Dickinson, Disney, Dunbar, Eastman, Eddy, Edgerton, Edmands, Ellison, English, Farley, Franklin, Goodrich, Green, Greenwood, Harrison, Henn, Hill, Howe, Hughes, Hunt, Johnson, Roland Jones, Kerr, Knox, Lamb, Lindsey, Macdonald, McDougall, Mace, Macy, Matteson, Maxwell, Middeworth, John G. Miller, Smith Miller, Morgan, Nichols, Noble, Norton, Olds, Mordecai Oliver, Orr, Pennington, Phelps, Phillips, Pringle, Ready, Reese, Richardson, Tiddle, David Ritchie, Thomas Ritchie, Robbins, Rogers, Russell, Sage, Sapp, Shannon, Simmons, Singleton, William E. Smith, George W. Smyth, Frederick F. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, John L. Taylor, Thurston, Tracy, Upham, Walbridge, Walley, Warren, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Zollicoffer—107.

So the House refused to lay the bill and amendments upon the table.

Pending the call of the roll—

Mr. DOWDELL (who was not within the bar when his name was called) asked the unanimous consent of the House to vote.

Mr. REESE objected.

The SPEAKER. On yesterday, the motion was submitted to reconsider the vote by which the fourth amendment reported from the Committee of the Whole on the state of the Union was adopted, and a further motion was made to lay the motion to reconsider upon the table. The question now pending before the House is upon this latter motion, upon which the yeas and nays have been ordered.

Mr. LILLY. I ask that the amendment may be reported to the House before we are called to vote upon it.

The amendment was read by the Clerk, and is as follows:

"Insert at the end of the third section, the following: 'Provided, however, That the money arising from the sales of the reserved sections shall be paid over to those States which have received no grant of the public lands for internal improvements, according to their representation in Congress.'"

The question was put; and decided in the affirmative—yeas 95, nays 90; as follows:

YEAS—Messrs. Aiken, Ashe, Belcher, Bennett, Benson, Boyce, Bridges, Bugge, Carpenter, Caskey, Chandler, Chastain, Chisman, Colquitt, Cox, Craige, Crocker, Thomas Davis, Dent, Dick, Dickinson, Edmunds, Edmundson, Etheridge, Everhart, Ewing, Farley, Faulkner, Franklin, Fuller, Giddings, Goode, Goodrich, Grey, Aaron Harlan, Haven, Hibbard, Hiestler, Hill, Howe, Daniel T. Jones, J. Glancy Jones, Kerr, Kittredge, Kurtz, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Matteson, Maurice, May, Meacham, Middlesworth, Millson, Morgan, Morrison, Murray, Andrew Oliver, Peckham, Bishop Perkins, Pratt, Preston, Pringle, Puryear, Ready, Reese, Riddle, David Ritchie, Rogers, Russell, Sabin, Sage, Seward, Shaw, Shower, Simmons, Skelton, William Smith, Snodgrass, Stratton, Straub, Thurston, Tracy, Upham, Vail, Vansant, Wade, Walley, Israel Washburn, Tappan Wentworth, Wheeler, and Zollicoffer—95.

NAYS—Messrs. Abercrombie, James C. Allen, Thomas H. Bayly, Ball, Banks, Barksdale, Benton, Bissell, Bocoock, Breckinridge, Campbell, Caruthers, Chamberlain, Clark, Clingman, Cobb, Cook, Corwin, John G. Davis, Dawson, Deau, De Witt, Disney, Dowdell, Dunbar, Eastman, Eddy, Edger-ton, Ellison, English, Gamble, Green, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Hendricks, Henn, Hughes, Hunt, Ingersoll, Johnson, George W. Jones, Roland Jones, Keitt, Kittredge, Knox, Lamb, Lindsey, Lindsay, Macdonald, McDougall, Macy, Maxwell, John G. Miller, Smith Miller, Nichols, Noble, Norton, Olds, Mordecai Oliver, Orr, Pennington, Phelps, Phillips, Powell, Richardson, Thomas Ritchey, Robbins, Sapp, Seymour, Shannon, Singleton, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Alexander H. Stephens, Hester L. Stevens, John L. Taylor, Walbridge, Warren, Elihu B. Washburne, Wells, John Wentworth, Westbrook, Daniel B. Wright, Hendrick B. Wright, and Yates—90.

So the motion to reconsider was laid on the table.

After the roll had been called, and before the result was announced—

Mr. HARLAN, of Indiana, who was without the bar when his name was called, asked the unanimous consent of the House to have his name recorded.

Several MEMBERS objected.

Mr. HARLAN then stated that had he been within the bar he should have voted "No."

Mr. LANE, of Indiana, who was also without the bar, stated that he should have voted "No."

Mr. DEAN. I now move to lay the bill upon the table.

Mr. WENTWORTH, of Illinois. I hope the gentleman from New York will not press that motion, but will allow the vote to be taken on the passage of the bill. Let its friends take care of it now. I hope the gentleman from New York will withdraw his motion to lay the bill upon the table. [Cries of "No!" "No!" and "Order!"]

Mr. DEAN. I cannot withdraw it.

Mr. LANE, of Indiana. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PERKINS, of New York. I rise to a question of order. As I understood the proceedings of the House this morning, a vote was taken on the motion to lay this bill upon the table immediately before the last vote. The question of order that I raise is, whether that motion can be again made now?

The SPEAKER. As there has been action on the subject of the bill since that motion was voted on, the motion of the gentleman from New York is in order, according to the practice and the rules of the House.

Mr. WRIGHT. I rise to a question of order.

The SPEAKER. The Chair cannot entertain any motion until order is restored.

Mr. WRIGHT. That is the very point which I wish to make, that order be enforced.

Mr. McCULLOCH. I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER. The question now is on the motion to lay the bill on the table, on which motion the yeas and nays are ordered.

The roll was called, and the question was decided in the affirmative, there being—yeas 120, nays 66, as follows:

YEAS—Messrs. Aiken, James C. Allen, Thomas H. Bayly, Barksdale, Belcher, Bennett, Benton, Bissell, Bocoock, Boyce, Breckinridge, Bridges, Campbell, Carpenter, Caskey, Chamberlain, Chastain, Chisman, Clark, Cobb, Colquitt, Craige, John G. Davis, Dawson, Deau, Dent, Disney, Dowdell, Drum, Dunbar, Eastman, Eddy, Edger-ton, Edmundson, Elliot, Ellison, English, Etheridge, Ew-

ing, Faulkner, Fuller, Gamble, Giddings, Goode, Green, Grow, Hamilton, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Hendricks, Henn, Hibbard, Hiestler, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kittredge, Knox, Kurtz, Lamb, Lane, Letcher, Lilly, Lindsey, McDougall, McMullin, McNair, McQueen, Maurice, Maxwell, May, Smith Miller, Millson, Morrison, Murray, Nichols, Noble, Norton, Olds, Andrew Oliver, Orr, Peckham, John Perkins, Phelps, Phillips, Powell, Pratt, Preston, Puryear, Thomas Ritchey, Sapp, Seward, Seymour, Shannon, Shaw, Shower, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Stratton, Straub, Andrew Stuart, Vail, Vansant, Wade, Westbrook, Wright, and Yates—120.

NAYS—Messrs. Abercrombie, Appleton, Ball, Benson, Bugg, Caruthers, Chandler, Chase, Clingman, Cook, Corwin, Cox, Crocker, Cullom, Thomas Davis, De Witt, Dick, Dickinson, Edmunds, Everhart, Farley, Franklin, Goodrich, Greenwood, Grey, Harrison, Hill, Howe, Hunt, Kerr, Lindsey, McCulloch, Matteson, Meacham, Middlesworth, John G. Miller, Morgan, Pennington, Bishop Perkins, Pringle, Ready, Reese, Riddle, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Simmons, William R. Smith, Alexander H. Stephens, John L. Taylor, Thurston, Tracy, Upham, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Zollicoffer—66.

So the bill was laid on the table.

Mr. WENTWORTH, of Illinois, when his name was called on the above vote, said: When a bill is upon the table, it is dead. While it is off the table, it is alive; and while there is life there is hope; and this is my reason for voting "no" now.

Mr. LANE, of Indiana. I rise to a privileged question.

The SPEAKER. The gentleman from Indiana will state his privileged question.

Mr. LANE. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The question was taken; and the latter motion was agreed to.

Mr. RICHARDSON. I rise to a privileged question.

The SPEAKER. The gentleman from Illinois will state his privileged question.

Mr. RICHARDSON. The Committee of the Whole has reported two or three little bills, and if there is no provision in them to appropriate part of the money to the old States I trust the House will pass them. One of these bills is for the construction of a road in New Mexico—not a railroad, but a common wagon road. I ask that that bill be now taken up and considered.

ORDER OF BUSINESS.

Mr. SKELTON. I ask for the regular order of business.

The SPEAKER. The regular order of business is, first, the consideration of certain Senate bills.

The following Senate bills were then read a first and second time by their titles, and referred as indicated below:

An act to incorporate the proprietors of the Glenwood Cemetery—to the Committee for the District of Columbia.

An act for the relief of Conrad Wheat, jr., or his legal representatives—to the Committee on Private Land Claims.

An act for the relief of the legal representatives of Samuel Prioleau, deceased—to the Committee on Revolutionary Claims.

An act authorizing a patent to be issued to Peter Ponsin, for certain lands therein described—to the Committee on Private Land Claims.

An act for the relief of Zadoc C. Ingram—to the Committee on the Post Office and Post Roads.

Mr. EDGERTON. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. BAYLY. I move that when this House adjourns, it adjourn to meet on Monday next.

Mr. SOLLERS. I ask for tellers upon that motion.

Tellers were not ordered.

Mr. HENDRICKS. I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then taken on the motion of Mr. BAYLY, and it was agreed to.

Mr. JONES, of Tennessee. As it appears evident that we shall not go into committee to-day, I think if the gentleman [Mr. EDGERTON] will permit the few bills in reference to Territories which have come from the Committee of the Whole to the House to be disposed of, we could then adjourn.

But if that is not done, I move that the House do adjourn now.

Mr. EDGERTON. I would state to the House, that during this whole session, but one solitary day has been devoted to the consideration of private claims. But one single day on which they could be discussed.

Mr. JONES, of Tennessee. I would ask one question.

The SPEAKER. The gentleman can do so by leave of the House.

Mr. JONES. I would say Saturdays are private bill days; and they have been considered on those days.

The SPEAKER. Debate is not in order.

Mr. JONES. I move that the House do now adjourn.

The question was put; and the motion was not agreed to.

The question then recurring upon the motion that the House resolve itself into the Committee of the Whole upon the Private Calendar, it was put, and decided in the affirmative.

PRIVATE CALENDAR.

The House then resolved itself into a Committee of the Whole House upon the Private Calendar, (Mr. CAMPBELL in the chair.)

The CHAIRMAN. The bill first in order for consideration is No. 51, being a bill for the relief of the widow and heirs of Elijah Beebe.

The bill provides that the sum of \$3,016, adjudged to be due and owing to the widow and heirs of Elijah Beebe from the Sac and Fox tribe of Indians, by the Hon. Henry Dodge, when Governor of Wisconsin Territory, shall be deducted from the first annuities that may become due to the said tribe of Indians.

Mr. PERKINS, of New York. I call for the reading of the report in the case.

Mr. ORR. The report in this case embraces seventeen pages; and I think I can so state the question so that the House can understand it in a much shorter time than by the reading of the report.

This is an application, Mr. Chairman, by the legal representatives of Elijah Beebe, for indemnity for depredations committed upon his property by the Sac and Fox tribe of Indians, in the year 1821, west of the Mississippi river, in what is now called the State of Iowa. The questions for the committee to determine in this case are, first, as to the destruction of the property; and second, as to the liability of the Government to pay for this property. The Committee on Indian Affairs, who examined the matter, were satisfied that the case was made out. One of the witnesses, who was with him at the time, testified to it. He was driving a stock of cattle and hogs to a fort upon the Upper Mississippi—Fort Snelling, I believe—from Charaton, frontier point in the State of Missouri, for the purpose of supplying that fort. While Mr. Beebe and his men were on the way, the Sacs and Foxes came upon them, and drove off their stock, of upwards of twenty head of cattle, which they succeeded in reclaiming. The next day the Indians again assailed them, drove off some twenty-eight head, and destroyed them. They also drove off, and they were lost to those parties, some four hundred and fifty head of hogs. A witness, whose credibility is certified to by the honorable gentleman from Missouri, in the report which I hold in my hand, testifies that he was with Beebe when the property was destroyed. The objection which has been started to the bill, and the only report, so far as I know, is in the question whether this Government is liable in a case of this sort where property belonging to citizens of the United States was destroyed by the Indians? Now, by the act of Congress passed 1802, regulating intercourse with the Indians, it is provided that if any Indians belonging to any tribe in amity shall steal, take, or destroy any property belonging to any citizens of the United States, the party, on making complaint to the Indian agent, shall be reimbursed from the next annuity paid to the Indians so taking or destroying his property, in case annuities are due to such Indians. But if the Indians receive no annuities, then the act gives a full guarantee that the parties suffering shall be fully reimbursed out of the Treasury.

Now, sir, at the time when these depredations were committed the Sacs and Foxes received no annuities. They were committed in 1821. Beebe

died in the latter part of 1822. But it seems from the memorandum which has been found in the book of the Indian agent at St. Louis that Beebe made known this claim to the agent; and upon the third page of the report in this case will be found the following certificate to that effect. I will read it to the committee:

SUPERINTENDENCY OF INDIAN AFFAIRS, }
St. Louis, June 27, 1837.

This will certify, that it appears from the records of this office that a claim of E. Beebe against the Sacs and Foxes was filed in it for the following:

1822.—For 22 head of cattle, at \$28.....\$616
For 150 head breeding sows, at \$8.....1,200
For 300 head young sows, at \$4.....1,200

\$3,016

GEORGE MAGUIRE,

Clerk Office Superintendent Indian Affairs.

As I remarked, Beebe died soon after these depredations were committed. The affidavit of Mr. Wells, the witness more materially relied upon than any other, was filed on the 10th of January, 1823, showing that the provisions of the "intercourse act" were being carried out when Beebe died; but in consequence of the inability of any one to prosecute the claim for him, the case was permitted to slumber from that time till 1836, when it was again brought to the attention of the Indian agent at St. Louis. The Sacs and Foxes at that time refused to make compensation for the losses which had been sustained, upon the ground, as they alleged, that it was not their tribe, but some other, which committed the depredations—an excuse which Indians always make under similar circumstances.

In 1837, General Dodge, of Wisconsin, at present one of the Senators from that State, was directed to ascertain certain accounts due by these Sacs and Fox Indians which were to be paid out of the annuities paid those Indians under a treaty for certain lands which they had ceded to the United States. Pursuant to this authority, General Dodge at the time made this certificate:

I certify that, in conformity with the amendment made by the Senate of the United States to the second article of the treaty with the Sacs and Foxes, of September 28, 1836, and in accordance with the instructions of the Commissioner of Indian Affairs, of March 22, 1837, an investigation of the claim of the widow and heirs of Elijah Beebe, late of St. Louis, deceased, was had, and the amount of \$5,770 40 (principal and interest) was adjudged to be justly due and owing to the widow and heirs of Elijah Beebe, late of St. Louis, deceased, from the confederated tribes of Sacs and Fox Indians.

HENRY DODGE,

Superintendent of Indian Affairs.

When this certificate or ascertainment of General Dodge was filed at the office of the Commissioner of Indian Affairs, it was objected to by the Commissioner, on the ground that General Dodge had no right, in the capacity in which he went to this territory, to ascertain spoiliations that had been committed, but that he was simply to ascertain accounts due; and the claim was rejected by the Commissioner upon various grounds, the principal of which was, the length of time which had elapsed since the alleged spoliation was committed. Now, I think that is not a sufficient ground upon which to reject the claim. These parties made application, as the law directs, within eighteen months or less, after the spoliation was committed. Beebe died, leaving a wife and children. There was nobody to look after his interests, and the matter continued in that condition until his children grew up, some fifteen or sixteen years afterwards, when they renewed the application to the Superintendent of Indian Affairs, in 1837. It is the *laches* of the Government itself which has occasioned the delay. They filed their application; they made the proof; and they were entitled to the money. Justice would seem to require that they should be paid interest; but the Committee on Indian Affairs, pursuant to the usual practice of the House, have not recommended the payment of interest, although General Dodge recommended that it should be paid.

This, Mr. Chairman, is, I believe, a succinct statement of the facts of the case. I have tried to be as brief as possible, and it may be, that in my efforts at brevity, I have not been quite as clear in my statement as I ought to have been. I think the claim is a just one, and that it ought to be paid to this widow and these orphans.

Mr. SOLLERS. I desire to say a few words upon this subject. I certainly have no particular or personal objection to the claim now under con-

sideration. But there has been, from the foundation of the Government of the United States up to the present time, a distinction drawn between particular classes of claims, which I think very unjust.

Sir, I represent upon this floor men who have lost an immense amount of property in the war of 1812; and yet, although that property was appropriated to the use of the Government of the United States by the orders of their commanding officers; although troops were quartered on these men, and their houses and barns were made depôts for military munitions, there has not been a single claim for compensation before this Congress that has been passed upon favorably. All have been rejected. Now, if a man in the South or West loses a mule, or a cow, or a horse, he comes to this Government and claims compensation for it, and he gets it. Why is this? why this unjust distinction? Why should these people come here and claim compensation for one hundred and fifty "breeding sows," when we have lost our farms and the houses that protected us and our wives and children from the winds and waters of heaven, and lost them at the command of the officers of the Government of the United States? I repeat, that I have no objection to this claim.

I differ *in toto*, Mr. Chairman, from Mr. Nathaniel Macon, of North Carolina, who voted always in the negative. I, on the contrary, generally, if not always, vote in the affirmative. I prefer to vote in the affirmative; but gentlemen undertake to tell me that these are claims which should not be allowed. There have been claims pressed upon you, time after time, sent in to you with the indorsement of the Senate of the United States. These should have been passed. In three or four of these I am interested on account of my constituents. These claims have been received here from the Senate, and referred to the Committee of Claims. And what has been the result? They have either refused to pass them, or have not acted upon them at all. These claims are for property destroyed by the British in 1812 and '13—when the army under the command of William Brown, a captain of the English Navy—came up the Chesapeake and invaded and destroyed your Capitol. All along the line by which they passed these miscreants committed every kind of depredation and outrage. They seized upon our property, and burned our houses. One of the houses—for which compensation is claimed—was occupied by the commanding officer of the American Army, and yet Congress refuses to grant one single cent of indemnity. And yet if thousands of dollars of compensation are claimed on other grounds, the Congress of the United States is perfectly willing to grant it. And notwithstanding, as in one of these cases, the claimant's house was made the depôt of munitions of war, you refuse to pay him, and refuse it from the great generosity of your heart. [Laughter.]

Gentlemen of the committee, I will appeal to you to be just. Do act honestly in regard to all proper claims against the Government. The people of the United States expect us to act honestly and justly, and pray let us do so. I do assure you that they appreciate the virtues of honesty and justice. For my constituents, at least, I can say that a more honest and just set of people never existed in the world. [Laughter.] But from the action of the Government it would seem as if they did not care whether they were honest or not. For my part, I will vote for this claim now before the committee with great pleasure; but if I do vote for it, I hope the committee will also vote for the claims in which some of my constituents are interested, which are equally just and meritorious. Will you not vote indemnity for the houses which were destroyed over the heads of their wives and children; for the loss which they sustained in consequence of Government officers converting their houses into depôts for muskets and cannon, from which they fired at Brown's army?

[A message was here received from the Senate, by the hands of Mr. MACHEN, its Chief Clerk, stating that the Senate had passed sundry bills, (all which were private bills,) in which it asked the concurrence of the House.]

Mr. SOLLERS, (resuming.) I was about to remark, Mr. Chairman, that if you refuse this compensation, you do a gross piece of injustice. It is unjust that the Government of the United States should pay some particular claimants and refuse to pay others equally meritorious. And why is

it so? Do you imagine the country is unobservant of such inconsistent action? Beware! We have a very shrewd set of people to represent—a people who could, if they deemed it right, bring more influence to bear here by the employment of lobby members—a very important element in the Government of the United States, it seems to me—a people who could employ an army of agents for the purpose of conducting their claims, and pay them, too—and I take it for granted the agents demand pay in advance; for they would stand little chance, if dependent upon the favorable action of Congress upon the claims—and it seems that the men who employ the most agents and influence have the greater certainty of the passage of their claims. What is the cause of this system of claim agency? It is your neglect of action. For years and years there have been just claimants before the Congress of the United States; but they have gone away with hopes deferred, and it may be, with hearts sick—men who have as just claims upon the Government of the United States as ever a claimant had against a defendant; and yet you turn your backs upon them, and tell them you have not time to attend to their matters.

In the particular part of the country which I represent, I know cases of hardship I could present to the mind of honorable gentlemen which, could they set aside their political feelings and forego their ambitious desires, would bring tears in their eyes. There are widows, too, among the claimants of which I speak—for there were patriots in those days among the women—who had their houses burned over their heads, and they have made application, year after year, to the Government of the United States, for damages, and not a single cent can they get. But let a new case arise, and there is no difficulty. Such cases are not laid aside because they are ancient, not a bit of that, though that is the excuse of some gentleman for not attending to some cases. They interpose the statute of limitation, even in many just cases. An admirable set of lawyers!

But what is government instituted for, if not for the purpose of doing justice to every human being upon the face of God's earth? What is the object of all human government, if not to establish equity and secure justice to all parties, high and low? That is the object of all good government. I say, in conclusion, that I have no objection to this claim. I vote in the affirmative for all these things, where there is a shadow of justice to sustain them. Let any man present to the Government of the United States anything like a plausible claim, and I will go for it. I do not mean to examine the questions critically. [Laughter.] I vote for anything which any man presents to the Congress of the United States against the Government, if it is fair.

Mr. LANE, of Indiana, (interrupting.) Would the gentleman go for these claims indiscriminately, without reference to the number of claim agents pressing them?

Mr. SOLLERS. Surely that is a question am not called upon to answer. [Laughter.]

Mr. LANE. I understand the gentleman from Maryland to state—I may have misunderstood him—that claimants were successful in proportion to the number of claim agents employed. My understanding of the feeling of this House is, that they are universally prejudiced against claim agents; and so far has that prejudice extended, that an effort has been made here, and successfully, to exclude them from the Halls of the House, without reference to the number employed.

Mr. SOLLERS. The gentleman from Indiana has interrupted me by making a point upon me as a means of getting his name in print in connection with my own. [Laughter.] I shall vote for this bill for the sake of saving the credit of the Government. I take it for granted that no man presents a claim upon the Government of the United States unless it has some validity in it. That frauds have been committed, I readily acknowledge, but my own impression is that they have not been committed in the presentation, but in the exaggeration of such claims. Were I a member of the Committee of Claims, I would do what I considered was right and proper. In my own judgment and experience, I believe that no man has ever presented against the Government of the United States claims which had not in themselves some validity, some justice, and some equity; and for that reason I go for them all. [Laughter.]

would assume the privilege of controlling my constituents, and not be controlled by them. I would mould public opinion, that public opinion might not mould me. I am not one of those who hang upon, or wait for the expression of public opinion, in order that their acts might be controlled by it. I, as a Representative of an honest and intelligent constituency, will do what I believe to be right; and if my constituents do not choose to indorse my action, they doubtless will let it alone.

Let me give a lesson of wisdom to my friend from Indiana, [Mr. LANE.] He had better undertake to control the sentiments of his constituents, than to be controlled by them; and he will find that out after a little while. It is true, that a man may be successful now and then by falling in with what is considered the public opinion of his constituents; but in Maryland, he who endeavors to elevate popular sentiment is the man who, after all, is the most successful.

In conclusion, let me say, that I shall vote for all appropriations to satisfy private claims, if they have the slightest semblance of justice, because the vigilance of the members of this House on the committees will detect those which are not valid.

Mr. LETCHER. I listened, Mr. Chairman, with the closest attention to the remarks submitted by my friend over the way, [Mr. ORR,] in presenting this bill for the consideration of the committee, and I cannot agree with him at all, either in his statement of the merits of the bill, or in the conclusions at which he has arrived in regard to its justice. This is a claim which is alleged to have originated in the year 1821, for the loss of various hogs and twenty-two head of cattle.

The claim is predicated upon a provision in the intercourse act of 1802, to which I desire now to call the attention of the committee, and then I shall endeavor to show that the claim does not come within the provisions of that law. I will read the provision I have alluded to:

"It is provided by the 14th section of what is called the 'intercourse act,' approved April 2, 1802, 'that if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, or either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose, who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, then it shall be the duty of the superintendent, or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification.'"

Now, sir, this claim originated in 1821, as is alleged by the claimants. It is also stated that in 1822 the claimant applied for relief, by filing his claim before the Superintendent of Indian Affairs, giving a list of these hogs and cattle, with the prices, and furnishing him with the evidence, proving his loss satisfactory upon all these points. This is what the claimants allege, as I understand from the report.

Now, sir, I shall endeavor to show from this report, and from the evidence of Mr. Wells, the witness most relied upon to support this claim, that there was no documentary proof, nor evidence of any sort whatever, presented to the Superintendent of Indian Affairs at the time the memorandum of this claim was filed at the office of the St. Louis agency, showing that any loss had been sustained; nor is there any documentary or other evidence, in respect to these Indians, by which we can ascertain to how great an extent they were guilty of wrong in bringing about the loss of this property.

The witness relied upon is Solomon Wells, and the affidavit bears date 10th January, 1823. It purports to have been sworn to before Moses Scott. But there is no evidence that Moses Scott was a justice of the peace; there is nothing to show that he was authorized to administer oaths or to take affidavits until the 20th day of June, 1837, when John Ruland, clerk of the court for

the county of St. Louis, certified as to his official character and qualifications.

Now, sir, I think the inference is entirely a fair one—and, I take it, it is the only inference which can be drawn—that this evidence could not have been filed in the office of the Superintendent of Indian Affairs before it was placed in a legal shape, so as to be made available in support of the claim. If filed, it could not have been filed before the 20th June, 1837. Then in 1821 this loss is represented to have accrued. But not until the 20th day of June, 1837, is the deposition of Solomon Wells perfected and placed in legal shape by being certified to by the clerk of the court for the county of St. Louis, a period of nearly sixteen years.

But, sir, this view is confirmed by looking at the date of the testimony of the other witnesses relied upon in this case. Another witness relied upon is D. G. Bates, whose statement bears date on the 24th day of September, in the year 1836, within some eight or nine months of the date of the other statement. Then, again, the deposition of a man of the name of J. W. Shull, living in the State of Illinois, is introduced, and that bears date July 1, 1837. Now, is it not very clear, from the dates of these depositions, that the necessary steps required by the provision of the intercourse law, which is referred to authorizing the allowance of this claim, were not taken, and that the claim was not prosecuted in such a way as to furnish evidence of the liability on the part of these Indians for this amount, which would authorize it to be deducted from the allowance to be paid over to them by the Government of the United States.

Then there is accumulated evidence on this subject in the report, which evidence shows when this claim was first brought to the attention of the Sac and Fox Indians. I read from the report:

ROCK ISLAND, September 28, 1836.
I certify that I laid the within claim before the Sac and Fox Indians at the treaty at Rock Island, September, 1836, and after it was read to them by the interpreter of the Government, they denied any knowledge of the claim, and refused to pay it.
JOSEPH M. STREET,
United States Indian Agent.

Now, so far as we can judge from the papers exhibited here by the applicants themselves in behalf of this claim, the necessary steps in order to establish the liability on the part of these Indians were not taken until an interval of fifteen years had elapsed between the occurrence for which they claim compensation and the application to the Indians to fix the liability upon them.

Mr. ORR. Read the next letter.

Mr. LETCHER. Here it is:

GALENA, August 11, 1838.
DEAR SIR: Inclosed you will find the documents of the claim of the widow and heirs of the late Elijah Beebe, deceased, against the Sac and Fox Indians, for depredations committed by them, and which has been so often presented in some shape or other since the year 1823;

—Was it presented in 1823, when the proofs relied upon to sustain it, bear date in 1836 and 1837? and which was allowed by Governor Dodge, as you will see by the certificate inclosed. It is directed by the War Department that the claim be proceeded with according to the intercourse act of 1802, section 14.

That is the section of the intercourse act to which I have called the attention of the committee: I beg that you will, therefore, at the next annuity payment to the said Indians, present the claim to them for payment, and make return of the proceedings as the regulation requires.

Will you have the goodness, likewise, to inform me what shall be done in relation thereto; and in case of refusal to pay, to forward the documents of your report to the War Department immediately, in order that no further delay may take place.

I am, respectfully, yours, &c.,
CHAS. S. HEMPSTEAD,
Att'y for Beebe's rep's.
General JOSEPH M. STREET,
Agent for the Sac and Fox Indians.

P. S. Please observe that the above claim was originally presented under, and is to be governed by, the intercourse act of 1802, and not under subsequent acts.

Now, here follows the report of the Indian agent, Mr. Street, upon the second application made to the Sac and Fox Indians in 1838:

SAC AND FOX AGENCY, September 8, 1838.
The accompanying claim of Elijah Beebe was presented to the Sac and Fox Indians, at the time of the payment of their annuities for the year 1838, and explained to them. They replied, in substance, that the same claim had before been presented to them, and they had refused to pay it, because the depredations were committed by other Indians than the Sacs and Foxes. They now repeated their refusal to pay, after a full explanation of the nature and amount of their claim.
JOS. M. STREET,
United States Indian Agent.

Then, sir, I take it that the evidence in regard to this case, if it established anything, established clearly and incontestably the fact that the first steps which were taken to bring this case to the attention of the Sac and Fox Indians, were taken at their council in the year 1836. Now, sir, I submit that this committee—where there has been this intermission of fifteen years, in which there has been no attempt to couple these parties as the guilty parties with this loss, and where there has been no proof to show that they are the guilty parties, filed in due time and according to the provisions of the law—I submit, I say, that it would be improper for us now to undertake to say that by the law we should deduct from the annuities which we are now paying to these tribes of Indians the amount of compensation claimed by the heirs of Beebe.

Let me, however, before I notice the second section of the bill, look at another fact connected with this matter. Mr. Wells, who is the chief witness relied upon, states that they set out from Chariton, on the Missouri, with these cattle and hogs, to go to the military posts on the Upper Mississippi.

Mr. ORR, (interrupting.) For the purpose of fulfilling a contract at Saint Peters.

Mr. LETCHER. Very well. They are going to fulfill a contract. Mr. Shull, whose testimony is also given here, states that he was informed by Mr. Beebe that they started "from St. Louis for Lord Selkirk's settlements on the Red river of the North." Mr. Wells states what he believes the number of cattle to have been, and what he believes to have been the number of hogs; and he states, also, the evidence of their loss by the Indians. He saw evidence that one hog had been killed—as well as I recollect his statement.

Well, sir, what has been done with this claim since? After it was refused to be paid by the Indians, in 1836, it was again brought forward in the year 1838, as stated, and the Indians having again failed to pay it, the claim was then laid before the Commissioner of Indian Affairs, [Mr. T. Hartley Crawford,] who examined it, and filed his decision on the 1st of January, 1839.

Mr. LETCHER read from the decision the following extracts:

"The first thing that strikes the mind is the length of time that has elapsed since this claim originated, without any steps, so far as we know, being taken between 1821 and 1836, that were required for its settlement. It is an alleged depredation, for which, if properly established and supported, provision is made by the fourteenth section of the intercourse law of 1802. That law requires that in such cases the party injured shall apply, by himself, attorney, agent, or representative, to the Indian superintendent or agent, who, upon being furnished with the necessary documents and proofs, shall apply to the proper Indian nation or tribe for satisfaction; and if they refuse it for a reasonable time, not exceeding twelve months, the said superintendent or agent shall make return of his proceedings and the proofs to the President, that such further steps can be taken as may be proper to obtain satisfaction for the injury; and in the mean time the United States guarantee to the party an eventual indemnification. It appears that Joseph M. Street, Indian Agent, on the 28th September, 1836, at the treaty of Rock Island, laid the claim before the Indians, who, after it was read to them, denied any knowledge of it, and refused to pay it. It is probable the deposition of Wells alone was read to them at that time, as Mr. Street's certificate is on it, and that of Bates was taken but four days before, at some distance, but both may have been submitted. The claim was again presented, by the same agent, at the payment of the annuities for 1838, and explained, with all the proofs now before me, and again rejected, with the allegation that it was before presented, and that the depredations were committed by other Indians than the Sacs and Foxes. It was laid before the late commissioner for adjusting the debts of these Indians, under the treaty of 21st October, 1837, who correctly decided that it was not within the treaty provision under which he acted, and it is now presented at this office for allowance.

"What is the evidence? The only witness who testifies, and was with Mr. Beebe when this property is alleged to have been destroyed, is S. Wells. He says the Indians took twenty-eight head of cattle, which they afterwards abandoned and left with the whites. He then states that twenty-two head were lost, as he verily believes, and at least four hundred and fifty hogs; and that he saw evidence of the killing of one hog. It is manifest that this witness has no distinct knowledge of the loss: he states not a positive fact, but his belief, and talks of at least so many hogs, and the large number of four hundred and fifty. The affidavit of Mr. Shull details conversations with Mr. Beebe, and says, further: that the Indians admitted one band had dispersed a drove of cattle and hogs, belonging to a white man, and had killed some of them; and that another band offered beef hides for sale, saying they had killed the cattle on the waters of the Des Moines. To say nothing of the inconsistency involved in the admission of the Indians' charging one band, and the fact of offering hides for sale by another, the deposition establishes no one fact against these Indians. The testimony of Mr. Bates is still more lame; it is, with one or two exceptions, hearsay, but proves that one other

drove, at least, besides Mr. Beebe's, traveled along the same track in the fall of 1831, and removes any impression Mr. Shall might make, by stating that Beebe's was the only drove that passed through the Indian country in that year; and he makes Mr. Beebe's loss one hundred and thirty-two head of cattle, instead of twenty-two, as Wells believes them to be. The loss itself is not established with any certainty; nor its amount; nor by whom committed. The Indian admissions detailed establish nothing. These conversations with detached parts of tribes may lead to acknowledgments by one individual, or many, against others. The only recognition of liability by the Indians, entitled to weight, is one made in council, when the chief of all the subdivisions of a nation or tribe are present, and cognizant of the doings of those over whom they rule. That is not only wanting here, but an express negation is twice given to it in council by the tribes."

Here is the chief testimony brought forward to support this claim. Here are the facts in regard to its origin and progress, up to the time of the presentation of this claim to the United States, and the facts subsequently in regard to the action of the Commissioner of Indian Affairs in this city, after the examination of it in 1839. The result of that examination of the evidence is adverse to the claim itself, and for reasons which cannot fail to satisfy the members of this House, if they will examine it. I am satisfied, entirely satisfied, that the claim ought not to be allowed.

Mr. LANE, of Indiana. I expect to vote for this claim. I expect to vote for it because I believe it is just. I desire to say, for the benefit of the gentleman from Maryland, [Mr. SOLLERS,] that since I have had the honor of a seat upon this floor, I have objected but to one single claim which has been reported to the House by any of its standing committees. That case was the bill reported by the gentleman from Illinois for the relief of General Wool. I objected to that, because I desired to examine the claim. I think that those who have watched my course here will bear me witness that I have shown as much liberality in sustaining claims brought by the committees before this House as any man upon this floor.

I desire to call the attention of the gentleman from Maryland to a remark or two made by him—that I interrupted him for the purpose of gaining notoriety. I certainly had no such object in view. My object was, Mr. Chairman, to give the gentleman from Maryland an opportunity to correct his remarks. I called his attention to the remarks made by him, because I thought they imputed improper motives to members upon this floor.

The CHAIRMAN, (interrupting.) The Chair would remind the gentleman that he must, under the rules, confine his remarks to the subject under discussion.

Mr. LANE. I will do so, and in doing so answer the gentleman from Maryland. I repeat, I understood the gentleman from Maryland to say that a man who had a claim here, upon which claim agents were employed, was the most likely to succeed. I deny the correctness of the imputation. And I say here, that if the gentleman from Maryland, intended to charge that I had any object in view in interrupting him, in the way of gaining notoriety, it exists wholly in his own imagination, and that there is not the slightest foundation for it in truth. I had no such object.

Again, I understood the gentleman from Maryland to say that he moulded the opinions of his constituents.

Mr. SOLLERS. I did not say so.

The CHAIRMAN. I must again remind the gentleman from Indiana that he must confine his remarks to the discussion of the matter before the committee.

Mr. LANE. I am in favor of this bill, and expect to aid in pressing it through this committee. But I will take the liberty of responding to the remarks made by gentlemen upon this floor. Mould the opinions of his constituents! I suppose he means he can mould the opinions of that portion of his constituents, five of whom, under the provisions of the Constitution, can only count as three.

Mr. SOLLERS. The gentleman is mistaken.

Mr. LANE. What did the gentleman say?

Mr. SOLLERS. I said it was the duty of Representatives to endeavor to mould, but not to be the servant of public sentiment.

Mr. LANE. I submit to this committee whether I did not understand the gentleman rightly, as saying that he moulded the opinions of his constituents. I do not doubt that the gentleman from Maryland has the ability to mould the opinions of that portion of his constituency that requires five

men to count as three. I am thankful that I represent no such constituency. I am here representing an independent constituency whose opinions cannot be moulded by any influences.

Mr. HUNT. I rise to inquire whether the gentleman from Indiana is in order in reflecting upon gentlemen representing a slaveholding constituency?

Mr. LANE. I say to the gentleman from Louisiana that I did not intend to reflect upon any gentleman upon this floor, and that I only desired to respond to the gentleman from Maryland. There is no gentleman present, I conceive, but what is here as constitutionally as I am, with the same rights upon this floor; but when a gentleman advances the doctrine that he moulds the opinion of his constituents, I have a right to investigate it, and to oppose my utter hostility to the sentiment.

Mr. SOLLERS. I have a right to say so. I did not say, however, that I moulded the opinions of my constituents.

Mr. LANE. The gentleman said, then, that he endeavored to mould the opinions of his constituency. I say that I represent a constituency that have opinions of their own. I came here to represent their opinions as their servant; and I do not envy any man who comes here to dictate to his constituents, or to mould, or endeavor to mould their opinions. I say to the gentleman from Maryland, that by the close of this session he will admit that I adhere as strictly and strongly to my own opinions as the gentleman himself, or any other gentleman upon this floor; and I not only will adhere to them, but I will press them upon this House with as much energy as any other member upon this floor. I think I have already shown this in my action here. I have as strong a conviction as any one, that it is the duty of Congress to get rid, as soon as possible, of these old claims that have been presented here year after year. Either reject them finally, and say that they can never come up again, or act upon them affirmatively at once. If the gentleman from Maryland will bring forward a just claim of the character to which he alluded, no one upon this floor will go further in support of it than I will. I acted with a minority, a very small minority, in advocating the passage of the bill placing soldiers of the war of 1812 upon the same footing as the soldiers in the Mexican war.

The gentleman from Maryland says that my object in interrupting him was to get my name into the newspapers. I would like to know how such a statement must seem to others, when he gets up and occupies the attention of the committee for half an hour against a proposition, and then closes by saying that he will support it.

Mr. SOLLERS. I did not say anything against it.

Mr. LANE. I understood the gentleman in the first part of the speech as speaking against the proposition, and that he closed his speech by saying that he would support this claim.

It seems to me that if any one has desired to get into the newspapers it was the gentleman from Maryland, and not myself. But I impute no such unworthy motives to him. That is all I have to say.

Mr. ORR obtained the floor.

Mr. SOLLERS. I ask the gentleman from South Carolina to yield me the floor for a moment.

Mr. ORR. I desire to arrest the personalities which are likely to grow out of this discussion between the gentlemen from Maryland and Indiana, and it was, in part, for that purpose that I took the floor.

Mr. SOLLERS. I have no wish to indulge in personality; but I appeal to the gentleman to yield me the floor for a moment, to allow me to set myself right.

Mr. ORR. If I thought good would grow out of it, I certainly should not decline. I will yield to the gentleman.

Mr. SOLLERS. I did not say, nor did I intend to be understood as saying, that I could or would endeavor to mould the sentiments of my constituents. But, sir, I intended to rescue the character for independence of a member of this House from the imputation of being under the direct control of a portion of his constituents. Sir, this is the representative form of government, if I understand it.

The CHAIRMAN. The Chair must interrupt the gentleman from Maryland. The gentleman

must confine himself to the discussion of the merits of the proposition under consideration.

Mr. SOLLERS. I am only answering an imputation made by the gentleman from Indiana.

The CHAIRMAN. The gentleman can only pursue the train of remarks indicated by him, with the unanimous consent of the committee.

[Loud cries of "Go on!" "go on!"]

Mr. ORR. I desire to say that I think the gentleman from Indiana misunderstood the remark made by the gentleman from Maryland.

Mr. SOLLERS. I was going on to say that this is a representative form of Government, and that a man who undertakes to represent any particular constituency upon this floor, ought, in some degree, to reflect the opinions of that constituency; but whatever may be the opinions of his constituency, he must be a miserable, pitiful specimen of humanity if he cannot be allowed to entertain and hold his own opinions. That is what I say. And I will remark further, that any man who is of sufficient importance to represent a congressional district in this House, ought to be of sufficient importance, if he is not, to mould, to some extent, the opinions of his constituents, in reference to matters connected with the administration of the Government, upon which he is called to act in Congress. I say this to the gentleman from Indiana, and I will not take it back.

Sir, I would not come to this House—I would not pretend to take a chair, or occupy a place in this House, if I was not of sufficient importance, if I had not sufficient intelligence—to mould, or give direction to the opinions of some people in my district, instead of being moulded by others. That is what I meant to say, and what I do say.

But the gentleman says, I want to get into the newspapers. Sir, from the commencement of the session up to the present time, have I shown any disposition to get into the newspapers? Have I made a motion, except in one single instance? I did, on one occasion, ask the consent of the House to offer a resolution directing an inquiry into the propriety of arresting the present unjust monopoly in the article of guano, which was objected to by my friend from Pennsylvania, [Mr. Dawson.] The subject was one of much importance to the whole farming and planting interests of the country; and the resolution should have been received and adopted.

Mr. DAWSON. So far from objecting to the resolution the gentleman desired to introduce, I yielded him the floor for that purpose; and I only took it again when I saw the matter was likely to give rise to debate.

Mr. SOLLERS. It was not likely to give rise to debate. There was not another man in the House who objected. But I repeat, this is the only favor I have asked of the House since I have occupied a seat upon this floor.

But the gentleman says I want to get into the newspapers. I do not want to get into the newspapers. And then he talks about my representing woolly-heads, if I did not misunderstand.

The CHAIRMAN. This discussion must be stopped, unless it is the unanimous consent of the committee that it shall go on.

Mr. SOLLERS. Well, sir, I had supposed that there was such an instrument known in this House, and recognized all over the world, as the Constitution of the United States, and that—

Mr. ORR. I rise to a question of order. I have none but the very kindest feelings towards my friend from Maryland; but I know there is no good likely to grow out of this, and I must therefore ask that the Chair will arrest this discussion before it proceeds any further.

Mr. LANE. I hope the gentleman from South Carolina will allow the gentleman from Maryland to go on with what he has to say.

The CHAIRMAN. The Chair cannot permit it unless by unanimous consent.

[Cries of "Agreed!" and "Go on!"]

Mr. SOLLERS. If nobody objects, I suppose I can proceed with my remarks.

Mr. ORR. I say again to the gentleman from Maryland—I have not the pleasure of his personal acquaintance, but I have the greatest respect for him—that I would extend any courtesy to him, but I am sure that matters are taking a direction which will not result very pleasantly.

Mr. SOLLERS. Well, what matters that to the gentleman?

Mr. ORR. If I can prevent any gentleman upon

this floor from getting into difficulties, I shall have accomplished a good work.

Mr. SOLLERS. Then just sit down, and let me go on.

Mr. ORR. Very well.

Mr. SOLLERS. If any imputation is to be cast on me because I represent what the gentleman from Indiana chooses to call "curly-heads"—

Mr. EDGERTON. I rise to a question of order. I insist that the discussion shall be confined to the bill now under consideration. This is private bill day, and must be devoted, under the rules, to the consideration of private bills. I therefore insist that the discussion shall proceed in order.

Mr. SOLLERS. I have a single word to say before the Chair decides the point of order.

The CHAIRMAN. The Chair sustains the point of order, and decides that the remarks of the gentleman from Maryland are out of order.

Mr. ORR. There has certainly been more spice introduced into the discussion of this little three thousand dollar claim than I had anticipated.

Mr. SOLLERS, (interrupting.) I desire to say one word, if the gentleman from South Carolina will allow me. I have been most grossly assailed. [Sensation.] My motives have been impugned. My object in supporting this bill has been impugned. I have been accused of inconsistency; and I really think that if this House has a particle of honor—and I take it for granted it has—it ought to allow me at least to make a speech in my own defense. I appeal to the House to do me this act of justice. I repeat, that I have been grossly charged—

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Several MEMBERS. Appeal! Appeal!

Mr. SOLLERS. No, sir; I will not appeal; but it is the hardest case I ever heard of.

Mr. EDGERTON. I insist on my point of order. The gentleman from Maryland commenced this controversy himself; and if he is the victim, it is not the fault of the House.

Mr. ORR. I am very apprehensive that the committee is not in a very proper frame of mind to listen to an explanation about this little claim for \$3,016, for that is the whole amount of it. We have already consumed an hour and a quarter upon it.

I will read to the committee a brief of the testimony of Wells:

"Mr. Wells, who was with Beebe at the time, testifies that they were met at the forks of the Des Moines river by a party of the Sac and Fox Indians, who commenced driving and scattering their cattle and hogs; that they followed the said Indians two days before overtaking them; and when they came up with them, they found twenty-eight head of cattle in their possession. Mr. Wells further states that, after recovering possession of these cattle from the said Indians, they were still harassed by them; and that they continued to harass and drive away their cattle and hogs until they had stolen and driven away twenty-two head of cattle and four hundred and fifty head of hogs. The deponent further states the value of the property destroyed by the said Indians, the time expended, and the trouble had in pursuing said Indians, and the actual damage of the interruption to Mr. Beebe."

Mr. SOLLERS. I rise to a question of order. Is the gentleman from South Carolina in order in addressing the committee? He has made one speech upon this bill already.

Mr. ORR. So has the gentleman from Maryland.

Mr. SOLLERS. Two wrongs never made a right. The gentleman is clearly out of order.

The CHAIRMAN. Does the gentleman from Maryland insist on his point of order?

Mr. SOLLERS. I do, sir, most emphatically. Mr. ORR. I believe no other gentleman is claiming the floor who is entitled to it.

The CHAIRMAN. That is true; there is no gentleman claiming it but the gentleman from Maryland, who has also addressed the committee on this bill.

Mr. SOLLERS. I do insist on my point of order.

Mr. ORR. The point is not well taken, unless there is some other gentleman claiming the floor who has a higher privilege than I have.

The CHAIRMAN. The Chair so decides.

Mr. SOLLERS. The gentleman has made one speech on this subject, and according to the rules, he has no right to make a second.

The CHAIRMAN. He has the right, unless some other gentleman wishes to address the committee who has not already done so.

Mr. HUNT. I will say a word or two. The

gentleman from Indiana [Mr. LANE] chose, in his remarks, to reflect upon gentlemen of this House who represent slaveholders here.

Mr. EDGERTON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman from Ohio will state his question of order.

Mr. EDGERTON. My point of order is, that the gentleman from Louisiana [Mr. HUNT] is not confining his observations to the subject-matter before the committee.

The CHAIRMAN. The gentleman from Louisiana must confine himself to the merits of the bill now under consideration.

Mr. HUNT. I have a right, Mr. Chairman, not only to speak of the merits of the bill before the committee, but I submit that I have also a perfect right, when any false sentiment comes from the mouth of another gentleman on this floor, to correct that false sentiment, and to maintain the Constitution of my country as it was understood by its framers. Am I not in order, Mr. Chairman, in that position?

Mr. EDGERTON. I again rise to a question of order.

Mr. HUNT. Am I not in order, Mr. Chairman?

The CHAIRMAN. Let the gentleman from Ohio [Mr. EDGERTON] state his question of order.

Mr. EDGERTON. My question of order is this: That the gentleman from Louisiana is not discussing the question before the committee.

The CHAIRMAN. The Chair is compelled to sustain the point of order that has been so raised.

Mr. SOLLERS. Will I be permitted to ask a single question?

The CHAIRMAN. The gentleman from Maryland is out of order.

Mr. STANTON, of Kentucky. I appeal from the decision of the Chair ruling the gentleman from Louisiana out of order.

The CHAIRMAN. The gentleman from Kentucky takes appeal from the decision of the Chair.

Mr. HUNT, (interrupting.) I was standing on the floor, Mr. Chairman, when I was called to order by the gentleman from Ohio. I have not given way. I stand upon my constitutional rights—on my rights as a member of this House—and I appeal respectfully to the committee from the decision of the Chair.

Mr. LETCHER. Is it in order, Mr. Chairman, to move that the committee do now rise?

Mr. HUNT. I hope that motion will not be made, but that this matter will be permitted to be decided, as a matter of courtesy due to the South.

Mr. COBB. Oh, never mind the question of the South. We will have enough of that when the Nebraska bill comes up next week. [Laughter.]

The CHAIRMAN. The gentleman from Ohio has raised a point of order, that the gentleman from Louisiana was not in order, inasmuch as he was not discussing the merits of the bill before the committee. The Chair has sustained the point raised, and from such decision the gentleman from Louisiana now takes an appeal. The question is, "Shall the decision of the Chair stand as the judgment of this committee?"

Mr. EDGERTON. I ask for the reading of the 35th rule.

Mr. HUNT. The gentleman from Ohio has no right to the floor now.

The 35th rule of the House was read by the Clerk, as follows:

"If any member in speaking or otherwise transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise he shall not be permitted to proceed in case any member object, without leave of the House; and if the case require it he shall be liable to the censure of the House."

The question now being on the appeal—

Mr. KERR demanded tellers.

Mr. HUNT. If I am to be gagged and choked off from debate, I desire to say—

The CHAIRMAN, (interrupting.) The gentleman from Louisiana will suspend until the question is decided.

Several MEMBERS. Question! Question!

Tellers were ordered; and Messrs. HARRIS and SHANNON were appointed as such.

The question now being, "Shall the decision of the Chair stand as the judgment of the committee?" it was put, and the tellers reported—ayes 52, noes 57; no quorum voting.

Mr. HUNT. I am now satisfied with this expression of the House. I consider the Constitution vindicated, and that this action is a rebuke of the gentleman who has used expressions in the way of disparagement of members upon this floor representing slaveholding territory.

[Cries of "Order!" "Order!"]

Mr. LANE. I will say to the gentleman from Louisiana, that if he intends to apply the term rebuked to me for any sentiment I have uttered, I laugh it to scorn! Yes, Mr. Chairman, to scorn! I have uttered no expression intended to disparage members upon this floor representing bond or free territory.

[Loud cries of "Order!" "Order!"]

Mr. McNAIR. I move that the committee rise.

The question was then taken, and upon division there were—ayes 72, noes not counted.

Mr. WHEELER demanded tellers; which were ordered; and Messrs. JONES, of Tennessee, and WHEELER were appointed.

The question was then taken, and the tellers reported—ayes 71, noes 47.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole House, to whom was referred the Private Calendar, had had under consideration House bill No. 51, being a bill for the relief of the widow and heirs of Elijah Beebe, but had come to no conclusion thereon.

THE GARDINER CLAIM, ETC.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House to introduce a resolution, which I send to the Clerk's desk, and ask to have read for information.

It was read, as follows:

Resolved, That the Committee on the Judiciary heretofore charged with the duty of inquiring into the awards made by the commissioners sitting under the treaty of Guadalupe Hidalgo, to George A. Gardiner and John K. Mears, be instructed to extend that inquiry to every other award made by said commissioners, which may be supposed or alleged to have been founded in fraud, or supported by perjury or forgery; and that for this purpose they have power to send for persons and papers; and that they report the result of their investigations, with such recommendations as they deem to be proper, in the premises.

Mr. STANTON. I desire simply to say that I have been informed, from a respectable source, that testimony can be obtained, in reference to other claims awarded by the Commission appointed under the treaty of Guadalupe Hidalgo, showing that they were supported by frauds as gross as those connected with the claims our committee were the other day instructed to investigate. I desire to offer this resolution, therefore, in order to give us the power to make further investigations. Of course, I know nothing about them.

There was no objection, and the resolution was received, considered, and adopted.

Mr. SOLLERS. I ask the unanimous consent of the House to withdraw from the files of the House the papers in the case of Thomas C. Lyles.

Mr. EDGERTON. For what purpose does the gentleman wish to withdraw the papers?

Mr. SOLLERS. I will tell the gentleman. It is for the purpose of obtaining additional testimony.

Mr. LETCHER. I have no objection, provided copies of the papers shall be retained in the Clerk's office.

Mr. SOLLERS. Of course I have no objection to that.

There being no objection, leave was accordingly granted.

CHEROKEE MONEYS.

Mr. GREENWOOD. I ask the unanimous consent of the House to offer a resolution which I send to the Clerk's desk to have read for information.

It was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform this House what amount of moneys have been appropriated, from time to time, for the benefit of the Cherokee Indians east of the Mississippi river, and for the Cherokee Indians west of the Mississippi river, and carried to the surplus fund from the year 1815, to January, 1854, stating under what treaty or law such

appropriation was made, and when carried to the surplus fund.

There was no objection, and the resolution was received, considered, and agreed to.

CORRECTION OF THE JOURNAL.

Mr. DEAN. I rise to a privileged question. I find that my vote upon the motion to adjourn over, yesterday, is incorrectly recorded upon the Journal. I am recorded in the affirmative. I voted against the motion. I ask that the Journal may be corrected, so as to accord with the fact.

There was no objection, and the correction was ordered to be made.

Mr. ORR offered the following resolution; which was read, considered, and agreed to:

Resolved, That all debate in Committee of the Whole House, on the bill of the House (No. 51) "for the relief of the widow and heirs of Elijah Beche," shall cease in five minutes after its consideration shall next be resumed in committee, (if the committee shall not sooner come to a conclusion thereon,) and the committee shall then proceed to vote upon such amendments as are pending or may be offered, and report the same to the House with such amendments as have been agreed to by the committee.

Mr. BRIDGES. I move that the House do now adjourn.

The question was put; and the motion agreed to, and—

At three o'clock the House adjourned until Monday, at twelve o'clock, m.

IN SENATE.

MONDAY, March 13, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a report from the Secretary of State, in answer to a resolution of the Senate of March 26, 1853, calling for the correspondence between the Hon. Robert C. Schenck, Minister to Brazil, and the Secretary of State, in relation to the slave trade; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Also, a communication from the Secretary of the Interior, made in compliance with a resolution of the 23d of February, calling for the report of the examination and measurement made of the work and materials furnished by contract for the construction of the wing of the Patent Office Building; which was referred to the Committee on Public Buildings, and ordered to be printed.

Also, a message from the President of the United States, transmitting, in reply to a resolution of the Senate, certain correspondence relative to the arrest and imprisonment of James H. West, by the authorities at Sangua la Grand, in the Island of Cuba, in 1850; which was referred to the Committee on Foreign Relations.

PETITIONS, ETC.

Mr. STUART presented a petition of residents of Salem township, in the county of Wastenaw, in the State of Michigan, praying remuneration for losses sustained in consequence of the erroneous or fraudulent survey of lands purchased by him; which was referred to the Committee on Public Lands.

Also, a petition of inhabitants of Montgomery county, Pennsylvania, praying that a donation of land may be made to aid in the construction of the railroad from Cincinnati to Mackinaw; which was referred to the Committee on Public Lands.

Mr. FOOT presented resolutions passed at a meeting of inhabitants of Irasburg, Vermont, protesting against the passage of any bill by which slavery will be admitted into the territory north of 36° 30'; which were ordered to lie on the table.

Mr. RUSK presented the petition of Llewellyn Washington, praying compensation for services as clerk in the General Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

Also, additional documents in the case of Seth Ingram; which were referred to the Committee on Pensions.

Mr. SEWARD presented a petition of citizens of Onondaga county, New York, remonstrating against the ratification of any treaty by which it is proposed to establish an international copyright between the United States and Great Britain;

which was referred to the Committee on Foreign Relations.

Also, a petition of citizens of Syracuse, New York, praying that measures may be taken to secure the rights of religious liberty to American citizens traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Also, a petition of citizens of New York, praying that a contract may be entered into with Christian Hanson, for the transportation of the mails between Brooklyn and certain ports in Europe; which was referred to the Committee on the Post Office and Post Roads.

Also, the memorial of William Rees, in behalf of the Pacific Air-Line Compromise Railroad Company, relative to the construction of a railroad to connect the waters of the Atlantic with those of the Pacific ocean; which was ordered to lie on the table.

Also, a petition of citizens of Little Rock, Illinois, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a petition of tobaccoists, residents of Auburn, New York, praying an increase of the duty on all cigars imported into the United States; which was referred to the Committee on Finance.

Also, a petition of the heirs of John Robinson, praying indemnity for property destroyed by the enemy during the last war with Great Britain; which was referred to the Committee of Claims.

Also, a petition of citizens of New York, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, the petition of B. Behrend and others, German citizens resident in the State of New York, praying that slavery may be abolished in the United States; which was ordered to lie on the table.

Mr. EVERETT presented the petition of Charles Fletcher, of Kalorama, D. C., praying that Congress would adopt measures for the formation of a good harbor for the port of Washington city; which was referred to the Committee for the District of Columbia.

Also, resolutions passed at a town meeting in Westborough, Massachusetts, protesting against the passage of the Nebraska bill; which were ordered to lie on the table.

Also, the memorial of Lieutenant M. F. Maury, on behalf of the convention which assembled at Memphis in June, 1853, praying that proper measures may be adopted to procure the opening of the river Amazon to the free navigation of the world; which was referred to the Committee on Foreign Relations.

Mr. DODGE, of Iowa, presented the petition of Arthur Washburn, judge of Muscatine county, Iowa, praying an appropriation to reimburse that county for judicial expenses prior to the admission of the State of Iowa into the Union; which was referred to the Committee on Finance.

Also, the petition of William Y. Lovell, judge of Dubuque county, Iowa, praying an appropriation to be made to reimburse that county for judicial expenses prior to the admission of the State of Iowa into the Union; which was referred to the Committee on Finance.

Mr. HOUSTON presented resolutions of the Legislature of Texas, in favor of changing the port of entry for the collection district of Brazos de Santiago from Point Isabel to Brownsville; which were referred to the Committee on Commerce, and ordered to be printed.

Also, the memorial of Denton Offutt, in which he offers to Congress to make public his system of treatment of domestic animals, and his mode of improving their breeds, for the general good, for an equivalent; which was referred to the Committee on Agriculture.

Also, resolutions of the Legislature of Texas, in favor of an appropriation to pay Messrs. Cooke and Lockwood for damages sustained by the destruction of their property by United States troops in 1850; which were referred to the Committee of Claims, and ordered to be printed.

Also, resolutions of the Legislature of Texas, in favor of an increase of compensation to the contractor for carrying the mail from Austin to Waco Village, in the State of Texas; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a resolution of the Legislature of Texas, relative to a tri-weekly mail between the mouth of

the Red river and Huntsville; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. TOUCEY presented a petition of the legal voters of Middlefield, Connecticut, remonstrating against the passage of the bill to organize the Territory of Nebraska in its present form; which was ordered to lie on the table.

Mr. SHIELDS presented the memorial of Urban Stoll, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. FESSENDEN presented the petition of legal voters of Hartford, Maine, protesting against the passage of the Nebraska bill; which was ordered to lie on the table.

Mr. SUMNER presented a memorial of citizens of Massachusetts, remonstrating against the ratification of a treaty for a reciprocal international copyright between the United States and Great Britain; which was ordered to lie on the table.

Mr. THOMPSON, of Kentucky, presented a petition of members of the General Assembly of the Commonwealth of Kentucky, recommending the county of Hancock, Kentucky, as being a most appropriate and desirable location for the western armory; which was referred to the Committee on Military Affairs.

Mr. FISH presented a memorial of citizens of West Troy and vicinity, New York, protesting against the organization of Nebraska and Kansas under the law now proposed; which was ordered to lie on the table.

Mr. PEARCE presented the memorial of the rector and professors of St. James's college, praying a grant of land to every chartered college or university in the United States; which was referred to the Committee on Public Lands.

Mr. CLAY presented joint resolutions of the General Assembly of the State of Alabama relative to the repeal or suspension of all duties and restrictions upon the importation of foreign rails; which was referred to the Committee on Finance.

Mr. FISH presented a petition signed by clergymen of various denominations in New York and its vicinity, remonstrating against the passage of the bill for the organization of Nebraska and Kansas as Territories; which was ordered to lie on the table.

Also, resolutions passed at a convention of citizens of Orange county, New York, protesting against the passage of the Nebraska bill; which was ordered to lie on the table.

Mr. SEBASTIAN presented the petition of Lewis Ralston, praying remuneration for the loss of his improvements contrary to the provisions of the Cherokee treaty of 1835; which was referred to the Committee on Indian Affairs.

Mr. BRODHEAD presented resolutions of the Legislature of Pennsylvania in favor of the donation of one hundred and sixty acres of land to the soldiers of the war of 1812, and the extension of the pension system to them and their widows; which was referred to the Committee on Public Lands, and ordered to be printed.

Also, additional documents in relation to the claim of H. Gold Rogers, late Chargé d'Affaires to Sardinia, praying compensation; which was referred to the Committee on Foreign Relations.

Also, a petition of members of the bar of Pittsburgh, Pennsylvania, praying an increase of the salary of the United States district judge for the western district of Pennsylvania; which was referred to the Committee on the Judiciary.

Mr. SHIELDS presented resolutions of the Legislature of Illinois in favor of the granting of pensions to the surviving officers and soldiers of the war of 1812, and bounty lands to those of the war of the Revolution; which was ordered to lie on the table, and be printed.

Mr. SLIDELL presented the memorial of W. S. Parrott, praying compensation for losses sustained in the city of Mexico, arising out of the seizure of his property by the Government of Mexico, in the year 1839; which was referred to the Committee on Foreign Relations.

Mr. TOUCEY presented a petition of citizens of Connecticut remonstrating against the ratification of any treaty by which it is proposed to establish an international copyright between the United States and Great Britain; which was ordered to lie on the table.

Mr. JOHNSON presented the proceedings and a memorial of a convention held at Washington,

Arkansas, in relation to the removal of the Red river raft; which was referred to the Committee on Commerce.

Mr. HAMLIN presented the petition of Margaret Johnstone, widow of a soldier of the Army, who was accidentally shot by another soldier on duty, praying a pension; which was referred to the Committee on Pensions.

Mr. WELLER presented a petition of inhabitants of Erie county, Pennsylvania, praying that the pension allowed Wyman Badger may be increased; which was referred to the Committee on Pensions.

Mr. MASON presented a petition of citizens of Alexandria, Virginia, in favor of the adoption of measures to secure to American citizens abroad the rights of religious liberty; which was referred to the Committee on Foreign Relations.

Mr. SUMNER presented the following petitions and resolutions, &c., protesting against the passage of the bill to organize the Territory of Nebraska; which were ordered to lie on the table:

Resolutions passed at a meeting of the citizens of Lawrence, Massachusetts;

Resolutions passed at a meeting of the citizens of Westborough, Massachusetts;

Remonstrance of the inhabitants of Wrentham, Massachusetts;

Petition of citizens of Fall River, Massachusetts;

Petition of citizens of Bedford, Massachusetts;

Petition of legal voters of Methuen, Massachusetts;

Petition of citizens of Watertown, Massachusetts;

Petition of legal voters of Marlborough, Massachusetts;

Resolutions passed at a meeting of legal voters of Concord, Massachusetts;

Petition of citizens of Petersham, Massachusetts;

Resolutions passed at a meeting of the citizens of Sheffield, Massachusetts;

Resolutions passed at a meeting of the citizens of Westminster, Massachusetts;

Resolutions passed at a meeting of the inhabitants of Fitchburg, Massachusetts;

Petition of the inhabitants of the town of Southwick, Massachusetts; and

Petition of ladies of Shelburne Falls, Massachusetts.

Mr. FESSENDEN presented a petition of citizens of Augusta, Maine, praying an immediate and unconditional repeal of the compromise acts of 1850; which was ordered to lie on the table.

CANAL AROUND NIAGARA FALLS.

Mr. FISH. I desire to present two petitions of merchants of the city of New York, asking for an appropriation for the construction of a canal around Niagara Falls, which I ask may be referred to the Committee on Commerce.

The PRESIDENT. They will be so referred, if there be no objection.

Mr. FISH. Two similar petitions, which were heretofore presented, have been ordered to lie upon the table. I ask that they may be referred to the same committee.

The PRESIDENT. If there be no objection, they will be taken from the table and so referred.

Mr. STUART. I would inquire whether these petitions are like the one which was reported back from the Committee on Public Lands asking a grant of public lands for the purpose?

Mr. FISH. Yes, sir.

Mr. STUART. Then I do not think it right that they should go the Committee on Commerce. It does not seem to me that that committee has anything to do with the question of granting public lands.

Mr. FISH. The petitions ask for a grant to aid in the construction of a work of internal improvements. The Committee on Commerce has invariably had subjects of that nature referred to them. Whether the grant is asked for in the shape of public lands or money for this purpose, it seems to me it is not necessary now to inquire, as the Committee on Commerce have invariably had subjects of internal improvements under their consideration. For that reason I think it the appropriate committee to which the memorials should be referred.

Mr. STUART. I do not know, sir, whether it may be important to settle this question now,

but it seems to me that there is some importance in referring to the appropriate committees the subjects which belong to them. Now, sir, I cannot conceive any propriety in sending to the Committee on Commerce petitions which ask for a grant of public lands to aid in the construction of a ship canal around the Falls of Niagara, or any other work of internal improvement. It is conceded that the subject belongs to the Committee on Commerce if the appropriation asked for be that of money; but in the petitions which were sent to the Committee on Public Lands, the aid asked for was a grant of the public lands. I learned from the Senator from New York that this is the character of these petitions, and I do think that to send that subject to the Committee on Commerce is certainly in direct contravention of the rules of the Senate; and such being the case, I feel myself bound to make at least a protest against it. As far as I am concerned individually, it makes no difference as to my views, for I am on both those committees; but I think there is a practical importance in keeping these subjects before the committees to which they respectively belong.

In this instance the Committee on Public Lands determined that a grant of land ought not to be made, and therefore instructed me to report back the petitions, and ask to be discharged from their consideration. I did so, and the committee were discharged. Now it is sought to review the same question before another committee of the Senate, and before a committee to which the subject does not properly belong. I cannot agree with the Senator from New York that it is proper to send these petitions to the Committee on Commerce, because they may propose or recommend an appropriation of money for this object. Sir, I think it would be right to leave that committee to consider petitions and memorials which ask for a grant of money, but not those which ask for a grant of land. Such seems to me to be the proper view of the question.

Mr. FISH. Mr. President, it is true that these petitions ask for lands, but it by no means follows that Congress is to grant lands. Congress may grant the aid in such form as to it seems proper. The Committee on Public Lands have reported adversely to a grant of lands. The object sought is one of internal improvement, similar to those works which Congress has aided in various ways, sometimes by grants of land, and sometimes by grants of money. The Committee on Public Lands having decided that, in their judgment, aid in land is not appropriate, does not by any means preclude the whole question. The Senate may think differently from that committee, and the Committee on Commerce may very properly think that, although it would not be proper to grant lands, still a grant of money should be made. The object sought in these petitions is an important one, and surely it should not be precluded an opportunity of being presented to the Senate on a mere technical question. Because an inappropriate committee has reported adversely, it is no reason that the committee to which the subject legitimately pertains should not have an opportunity of passing upon it, and recommending a money appropriation, if they think proper. I hope the Senate will allow the reference which I have proposed. The subject is already before the Committee on Commerce; and I only propose to send to that committee further petitions on a subject which they are now considering.

Mr. SEWARD. Mr. President, this subject was brought before the Senate at the last session. A number of memorials were presented to the Senate and referred to the Committee on Commerce, but it was too late in that session for the committee to take them up, and the subject, therefore, fell through. Early in this session a large number of memorials—I do not know how many, I should think a hundred—were presented here, and all of them, with only two or three exceptions that I know of, were referred to the Committee on Commerce. This being so, the subject is under the consideration of that committee. Representing, as I do, constituents who are deeply interested in the subject, and being a member of that committee, I desire that no conclusion may be drawn adverse to the consideration of the subject by the Committee on Commerce, who have it in charge. I hope, therefore, that these petitions will go to that committee.

The question is, what is the principle, and what

is the incident? The principle is the construction of the canal around the Falls of Niagara for the benefit of commerce. The incident is the means or funds which shall be used for that purpose. This is a fair subject for the action of the Committee on Commerce; and, for one, as a member of that committee, I desire that we may be allowed to prosecute our inquiry in regard to it, and bring the subject before the Senate.

Mr. STUART. Mr. President, if I did not think there was more importance in this question than the mere reference of these memorials, I certainly should not have said a word upon the subject. Now, sir, let us look at this question practically. Any Senator may introduce a resolution and have it referred to the Committee on Commerce, asking them to consider the propriety of making a grant to construct a canal around the Falls of Niagara. That can be done on any morning, and that would bring the subject legitimately and properly before that committee. It is one over which they have cognizance by the rules of the Senate; but the question presented here is, whether you will refer to the Committee on Commerce a subject over which they have no jurisdiction whatever by the rules of the Senate? If the Senate will do it in this instance, they will do it in any other, and the consequences can be conceived at a glance by any Senator present.

I think there is a manifest importance in confining the business of the Senate to the committees respectively to which that business belongs, keeping each committee strictly within its own sphere, and not permitting any conflict of jurisdiction at all. It is for that reason that I made the suggestion which I did in the outset; and I wish to take the sense of the Senate on that question, and that alone. I do not wish to embarrass this proposition in any way; for I trust no man would be more gratified to see a canal constructed around the Falls of Niagara than I would. That question is not involved now, but the simple question is, whether you will keep the business of the Senate before the committees to which it properly belongs; and for the purpose of testing that question, I move that these petitions lie on the table.

The PRESIDENT. The Senator from New York has moved that the petitions be referred to the Committee on Commerce.

Mr. STUART. I move that they lie on the table.

Mr. FISH. The petitions which I presented this morning, I understand, have already been referred to the Committee on Commerce. I then moved to take up two petitions on the same subject, which had heretofore been ordered to lie on the table.

The PRESIDENT. The Senator from New York is right.

Mr. STUART. I do not know how, then, the matter is to be reached; but it was stated, as I understood, that those petitions would be referred to that committee unless there was objection. I rose and made objection.

The PRESIDENT. Perhaps the Senator from Michigan is right. The chair will put the motion to lay the petitions on the table.

Mr. STUART called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 16, nays 20; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Brown, Butler, Clay, Dodge of Iowa, Evans, Geyer, Houston, Johnson, Pratt, Sebastian, Slidell, Stuart, and Walker—16.

NAYS—Messrs. Reil, Brodhead, Chase, Everett, Fessenden, Fish, Fitzpatrick, Foot, Gwin, Jones of Iowa, Norris, Pearce, Rusk, Seward, Shields, Sumner, Thompson of Kentucky, Wade, Weller, and Williams—20.

So the motion to lay on the table was not agreed to.

The PRESIDENT. The question is now on referring the petitions to the Committee on Commerce.

Mr. WALKER. I agree with my colleague on the Committee on Public Lands, [Mr. STUART], that these petitions, if they relate to a grant of public lands, and should be referred to any committee, ought to go to the Committee on Public Lands. What difference is there between this proposition and any one of those which have been sent to that committee, without objection, during the present session? Every proposition to grant lands for railroads has gone to it without a dissenting voice. This subject also went to the same committee, which reported against the proposition. Now, if I can understand this proposition to mean

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

TUESDAY, MARCH 14, 1854.

NEW SERIES...No. 39.

anything, it means that this shall go to the Committee on Commerce, with the expectation that it will overrule the decision of a committee equal with itself, and the committee to which the subject-matter of these petitions properly belongs.

Mr. SHIELDS. If the Senator will permit me, I will state that I voted against ordering the petitions to lie on the table, not for the purpose of overruling the decision of the Committee on Public Lands, but to give the Committee on Commerce an opportunity, if it brings in any general bill, to introduce this subject into it. It was my design not to have the decision of the Committee on Public Lands as to an appropriation of public lands overruled by another committee, but to let a proposition be made to appropriate money, if necessary.

Mr. WALKER. I doubt not that there were many who voted against ordering the petitions to lie on the table with no personal design to get at or overrule the former decision of the Committee on Public Lands; but it looks like it. The action of the Senate looks very much like it. It will be so thought. It will be deemed that the Senate, dissatisfied with the report of the Committee on Public Lands, are disposed to give this proposition into the control of another committee.

Mr. SEWARD. I think if the Senator from Wisconsin will allow me to make a remark, he will withdraw his objection. Petitions in relation to this subject were referred to the Committee on Commerce early in the session, and that committee have had them under consideration. Some of those memorials do incidentally ask for a grant of public lands. The Committee on Commerce have had, and now have, this subject under consideration. It is not now designed that the Committee on Commerce shall overrule the decision made by the Committee on Public Lands. We do not know what the Committee on Commerce will do; but that committee had the subject under consideration before the Committee on Public Lands. Now the proposition presented to us is to construct a ship canal around the Falls of Niagara. That subject is under the consideration of the Committee on Commerce. It is true that these petitions ask for a grant of public lands to aid in the work, but that is a mere incident, which can be dispensed with in reference to the work. I think that the honorable Senator from Wisconsin has this subject as deeply at heart as any man; but I think the Committee on Commerce is a very appropriate committee to which it should be referred, because the distinct proposition relates to the construction of a ship canal around the Falls of Niagara.

Mr. WALKER. I was not aware that this subject, in the form in which it is now before the Senate, had gone, either at an early or late day, to the Committee on Commerce. If petitions praying grants of public lands to aid in the construction of this work were sent to that committee, I think that I am not going too far when I say that the reference was an improper one. The Committee on Public Lands has had all kindred subjects before it; and so far from sending these petitions to the Committee on Commerce on the ground that others of a similar character have gone there, it seems to me that that committee ought to be discharged from the consideration of those petitions, and they should now be referred to the Committee on Public Lands. I have no objection to the question of the construction of the work being sent to the Committee on Commerce, but when it is presented in the form of a proposition to give public lands for it, I think the Committee on Public Lands is entitled to have the matter under its consideration.

When the Committee on Public Lands proposed to be discharged from the consideration of this subject, I made some objection to it. I saw that the Legislature of Wisconsin had under consideration the subject of instructing the Senators and Representatives from that State to vote for granting public lands for the construction of the work. However, the majority of the committee asked to be discharged. If these instructions shall come—and

a committee of the Wisconsin Legislature has already reported in favor of them—I shall obey them, and I shall obey them to a very extreme extent; for if the subject is not considered in any other shape by Congress, I shall propose a bill to grant lands to the State of Wisconsin to construct the work; for I cannot see that the Legislature of that State has any business to step out of the State and instruct me to ask public lands in any other State to aid in the construction of the work.

I shall, therefore, if it cannot be adopted as a general measure, propose to appropriate lands in Wisconsin to construct the work; and I want the Committee on Public Lands to have the subject-matter before it. I regret that that committee was so hastily discharged from the consideration of the subject, and I should be pleased to see it again go back to the committee, so that I may have some time to await the instructions from my Legislature. That Legislature, sir, is very prolific in instructions. I presume it will reach this subject. It did go so far from home as to instruct us in regard to the canal around the Falls of St. Mary; it has gone so far as to instruct us in regard to appointments to office out of the State; and it has now gone as far as Niagara Falls. I intend to obey its instructions, if they shall come; and I therefore wish very much that the subject should be before the Committee on Public Lands.

Mr. DODGE, of Iowa. I trust that, under these circumstances, after the remarks of the honorable Senator from Wisconsin, there will be no objection to the referring of these memorials to the Committee on Public Lands, even with instructions, if the Senator from New York desires them.

Mr. FISH. I hope they will not go to that committee. It has already expressed an opinion upon the subject; and by all parliamentary usage, I believe, a proposition is not to be sent to a committee whose opinion is known to be adverse to the object. The question now before us is on the reference to the Committee on Commerce. The subject-matter of the petitions pertains to that committee; and if, in asking for aid to carry out the general design, they ask something which, in the opinion of gentlemen, might send it to the Committee on Public Lands, will you give it a reference according to that prayer, instead of according to the subject-matter? I understand, further, that there are already, and have been for some weeks past, before the Committee on Commerce, petitions in precisely the same form with those which I now ask the Senate to send there.

Mr. GWIN. I hope this subject will go over until to-morrow. We have other important business before us which I should like to have transacted now.

Mr. FISH. Let the question be taken.

Mr. GWIN. I hope, then, it will be taken without further debate.

Mr. DOUGLAS. I understood the Senator from New York to say that other petitions of the same kind have been already sent to the Committee on Commerce. If that be so, I suppose there can be no objection to sending these there also; but if petitions asking for land have gone to the Committee on Public Lands, these ought to go to that committee. If the same subject is before the Committee on Commerce—if petitions have gone there asking for land—I see no reason why these should not go there. I presume there can be no objection to it.

Mr. STUART. I do not wish to continue this discussion, but I desire the true question not to be departed from. The ground upon which I placed my objection in the first place, was, that the rules of the Senate sent this business to the Committee on Public Lands; and I asked the sense of the Senate whether, that committee having reported upon the subject, they would send it to the Committee on Commerce to review that action? The Senate have decided that they would. As a member of the committee, I understand the vote to be neither more nor less than to say that the Senate are dissatisfied with the action of the committee to which this subject properly belongs, and they choose not to recommit it to that

committee with instructions—which, in my humble judgment, would be the proper parliamentary course—but to send it to another committee.

You might just as well send it to the Committee on Foreign Relations, or the Committee on Military Affairs, or the Committee on Naval Affairs; because, so far as the action of this Government is concerned, a canal around the Falls of Niagara is much more important to the naval interests of the country than any other. The vote therefore determines—if they will override the action of the Committee on Public Lands—this: that the Senate—instead of taking a parliamentary way of recommitting the question to the Committee on Public Lands, with instructions to report a bill, if such is the sense of the Senate—see fit to transfer a subject which belongs to that committee to another committee, which has no jurisdiction whatever over it. The thing may receive any construction Senators choose; but the parliamentary construction is a direct censure upon the committee to which the subject belongs.

The motion to refer the petitions to the Committee on Commerce was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. GEYER, it was

Ordered, That the petition of the legal representatives of Jacques Clamorgan be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. GEYER, it was

Ordered, That the memorial of George Shoenberger and others be withdrawn from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by Mr. PEARCE, it was

Ordered, That the memorial of Thomas Crown be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. PRATT, it was

Ordered, That the petition of the heirs of Robert Sewell be withdrawn from the files of the Senate, and referred to the Committee on Claims.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of Thomas Dyer and others be withdrawn from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. STUART, it was

Ordered, That the heirs of Henry Waller have leave to withdraw their memorials and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. JOHNSON, from the Committee on Public Lands, to whom were referred documents in relation to the claim of Mark Bean and Richard H. Bean, of Arkansas, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. CLAY, from the Committee on Pensions, to whom was referred a bill from the House of Representatives for the relief of Thomas Frazer, asked to be discharged from its further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. SLIDELL, in accordance with previous notice, asked and obtained leave to introduce a bill for the relief of John Boyd; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. PETTIT asked, and by unanimous consent obtained, leave to introduce a bill to regulate the fees and compensation of the district attorneys in the courts of the United States, for the Territories of Minnesota, New Mexico, and Utah; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STUART asked and obtained the unanimous consent of the Senate to introduce a bill granting the right of way over, and depot grounds on, the military reserve at Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company; which was referred to the Committee on Military Affairs.

BURLINGTON UNIVERSITY.

Mr. DODGE, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting the reversionary interest of the United States in the lot known formerly as "the city burial ground," in Burlington, Iowa, to the trustees of the Burlington University.

A paper on the subject, submitted by Mr. DODGE, was also referred to the Committee on Public Lands.

RAILROAD TO THE PACIFIC.

Mr. GWIN. The Select Committee to whom was referred the subject of a railroad from the Valley of the Mississippi to the Pacific ocean, have instructed me to report "A bill for the construction of a railroad from the valley of the Mississippi to the Pacific ocean." I will state, Mr. President, that there are other matters connected with this subject which the committee have not yet disposed of; and I am instructed by the committee to say, that they do not yet make a final report.

The bill was read a first time, and ordered to a second reading.

Mr. GWIN. I am instructed by the committee to move that the consideration of the bill be postponed to, and made the special order of the day for, this day two weeks. This subject is of great importance, and we desire that day fixed for its consideration.

The motion was agreed to.

VERMONT SENATORSHIP.

The Senate resumed the consideration of the resolution respecting the right of the Hon. S. S. PHELPS to a seat in the Senate.

Mr. PHELPS continued the speech in advocacy of his right, which was left unfinished on Wednesday last, when he addressed the Senate on the same subject. The speech will be found in the Appendix.

Having concluded,

Mr. BADGER next addressed the Senate in reply to a portion of the argument of the gentleman from Vermont. [See Appendix.]

Mr. FOOT. Mr. President, I desire, and deem it due to myself and to the State which I in part represent, to submit some remarks to the Senate upon the question now before us.

Mr. SEWARD. If the honorable Senator will give way I will move to postpone the further consideration of the subject, with a view to proceed to the consideration of Executive business.

Mr. FOOT. I will yield to the disposition of the Senate.

Mr. SEWARD. Then I make that motion.

Mr. PHELPS. Will the honorable Senator from New York withdraw that motion for a moment, to allow me to make an explanation?

Mr. SEWARD. Certainly.

Mr. PHELPS. Mr. President, it is due to the honorable Senator from North Carolina, and it is due to myself, that I should disclaim the slightest disposition or consciousness of anything in my remarks, or in my manner, which should be offensive to the honorable Senator. It is due to myself, because, after a service of something more than twelve years in this body, although I have never mixed much in the ordinary current debates of the body, I believe I have never before been subjected to the imputation of uttering anything offensive to any gentleman in this body.

Mr. BADGER. Why, Mr. President, I thought my friend from Vermont understood me to say expressly that I had not the remotest idea that he intended any such thing. I thought I explained that. But I assure him I do not feel the smallest degree of offense—not the slightest—quite the contrary.

Mr. PHELPS. Well, sir, if there was no intention it must have been my misfortune, for which I am no more answerable than any gentleman is for the want of personal beauty. But one word more. The honorable Senator seemed to think that there was something, I suppose, in the remarks with reference to the significance of the word "then." I used that expression.

I have insisted from the beginning that the word "meeting," as used in the Constitution, meant the commencement of the legislative session. The honorable Senator took the ground that the word "meeting" was equivalent to the word session, and embraced the whole period of the session. I understood him to argue, in support of his interpretation of the word "meeting," that the word "then," which meant "at that period," settled the question that the word meeting must mean the whole session. That I understood to be the Sen-

ator's argument. My reply to it was this, in substance: you give the word "meeting" my interpretation to mean the commencement of the session, and then give the word "then" the ordinary signification to mean "afterwards;" that was my understanding.

Mr. SLIDELL. I renew the motion to postpone the further consideration of this subject, for the purpose of proceeding to the consideration of Executive business.

The motion to postpone was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 13, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Navy Department, in compliance with a resolution of the House of the 27th ultimo, requesting the Secretary of the Navy to communicate to the House whether, in his opinion, the steamships employed in the ocean mail service are of a proper construction to be converted into vessels-of-war, in the event of their being required for such a service. The communication states:

The ocean mail steamers accepted by the Navy Department under contract are—

1st. Those running between New York and Liverpool, viz:

Atlantic, accepted April 30, 1850; built 1849.

Pacific, accepted May 15, 1850; built 1849.

Arctic, accepted October 10, 1850; built 1850.

Baltic, accepted November 7, 1850; built 1850.

2d. Those running between New York and New Orleans, Havana, and Chagres, viz:

Georgia, accepted January 26, 1852; built 1849.

Ohio, accepted January 24, 1851; built 1849.

Illinois, accepted September 30, 1851; built 1851.

George Law, accepted February 13, 1854; built 1853.

3d. Those running between San Francisco and Panama, viz:

California, accepted October 5, 1848; built 1848.

Panama, accepted November 28, 1848; built 1848.

Oregon, accepted December 9, 1848; built 1848.

Columbia, accepted October 1, 1850; built 1850.

Tennessee, accepted October 1, 1850; built 1848.

Golden Gate, accepted July 31, 1851, built 1851.

That the Tennessee was stranded on the coast, in the summer of 1853; and that the San Francisco recently lost at sea, was intended to supply her place.

That, from communications upon the subject from experienced naval constructors, and from the report submitted to the House in March, 1852, the Secretary of the Navy thinks, that while it is demonstrated conclusively that these steamers are admirably adapted for performing the service in which they are now engaged, he was of the opinion that the demonstration was also clear that the general principles of construction on which they are built are such that it is impracticable to convert them into vessels of war, to be relied upon for efficient service as men-of-war. They might, however, be made available in the transportation of men and munitions, and might be strengthened and rendered capable of bearing a small armament, such as would enable them to annoy the enemy's commerce, and do good service as privateers.

Before the reading of the communication was completed,

Mr. HAVEN said: As this seems to be a lengthy communication, without being read further, I move that it be referred to the Committee on Naval Affairs.

Mr. BOCOCK. I hope the gentleman will include in his motion that to print. It is necessary that it should be before the House in a printed form.

Mr. HAVEN. I will include the motion in that to refer.

The communication was then referred to the Committee on Naval Affairs, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. HUNT. I ask the unanimous consent of the House to make a personal explanation.

[Cries of "Go on!" "Go on!"]

There was no objection, and Mr. HUNT proceeded to say:

Mr. Speaker, a debate of a personal character, in which I participated, took place in the Committee of the Whole, when we were last assembled. I have risen, sir, to correct, in substance, the report of it published in the Globe of Saturday last. The report abounds in errors; and is, I trust unintentionally on the part of the reporters, partial and unjust towards me, and attributes to me a style of expression entirely foreign to my character. But I shall look only to what I deem material in it. It omits an offensive part of the language used by the honorable member from Indiana, and presents his remarks so modified and softened as almost to give an air of captiousness to the just exception I felt it my duty to make on the occasion. In conformity with a determination not to submit to any misrepresentations of my conduct, I will now make the necessary corrections.

The honorable member from Maryland charged the honorable member from Maryland with having declared that he would mould the sentiments of his constituents, and not be moulded by their sentiments. The honorable member from Maryland endeavored to turn aside animadversion, by saying, "Not exactly." But the honorable member persisted in holding him to the expression—and continued, "The gentleman may mould the sentiments of his curly-heads; but thank God I represent a constituency that does not require five men to count as three;" and eulogized his constituents, and spoke these words with bitterness and scorn. I felt the language so uttered offensive to me, and to every Representative on this floor of a slaveholding constituency, and I excepted to it as out of order; and, in the course of the remarks I made to the Chair, I stated what it was. The honorable member from Indiana then declared that he did not cast any aspersions on members from slaveholding communities; but that he was replying only to the member from Maryland. Excited and dissatisfied, in common with, I believe, a majority of the House, at the bearing and language of the member, I claimed a right to reply to him. My friend from Ohio, [Mr. CAMPBELL,] who was in the chair, anxious to prevent strife, and mistaking, I think, the application of the technical rule, in the case where the remark of the honorable member from Indiana had been allowed to pass without check, decided that I had no right to address the House. I respectfully took an appeal, which was sustained by a majority of the House present. Seeing the House in a state of ferment and confusion, I contented myself with remarking that I would pursue the matter no further, considering the action of the House as a sufficient rebuke of the honorable member from Indiana. To this the honorable member made a reply, which I did not hear, but which, on inquiry from my place, I was told, by the gentleman from Pennsylvania, [Mr. DAWSON,] did not reflect personally on me.

On Saturday, sir, I read the report I have spoken of. I desire to call the attention of the honorable member from Indiana to the concluding remark in it, imputed to him:

"I will say to the gentleman from Louisiana, that if he intends to apply the term 'rebuked' to me for any sentiment I have uttered I laugh it to scorn! Yes, Mr. Chairman, to scorn! I have uttered no expression intended to disparage members upon this floor representing bond or free territory."

I now call upon the honorable member from Indiana to state whether he used the language of scorn and defiance personally and to me.

Mr. LANE, of Indiana. Mr. Speaker, I ask the unanimous consent of the House to make a personal explanation.

Mr. HUNT. I beg that the gentleman will direct his voice this way, for I lost what he said on a former occasion.

Mr. LANE. I will endeavor to do so.

The SPEAKER. Is it the pleasure of the House that the gentleman shall make his explanation?

[Cries of "Yes!" "Yes!"]

Mr. LANE. I had hoped that this personal explanation would have taken place when the gentleman from Maryland [Mr. SOLLERS] was present; but as the gentleman from Louisiana has chosen to bring it forward now, I will, of course,

respond. I have understood, I will say to the gentleman from Louisiana, [Mr. HUNT,] that the gentleman from Maryland [Mr. SOLLERS] is quite sick; and I had hoped that this personal explanation would have been postponed until we had heard further in reference to his condition.

I desire, in the first place, Mr. Speaker, to make a general statement to this House. I am no advocate of slavery. I am no slavery propagandist; and yet my history will prove that I have gone as far, and will go as far, judging from that history, to maintain the constitutional rights of gentlemen representing slave States upon this floor, and maintaining the constitutional rights of their constituents. I will go as far in doing them justice in sustaining their constitutional rights as any man. I hail from a State that occupies the summit of the conservative position—the State of Indiana, the State of my birth, has said again and again that it knows no East, no West, no North, no South—that knows nothing but the Union, and the rights of the people of each and every State under the Constitution. I say that my history will prove that I have gone as far, and am willing to go as far, in sustaining the rights of the South, the rights of every State of this Union, as any man upon this floor, or elsewhere. I know no difference between northern and southern States. I shall know no difference. Brethren all—all interested in perpetuating the harmony and integrity of this Union. I shall go as far as any of you in tramping out agitation in the North, and as far as any of you in tramping out agitation in the South, which is calculated to disturb the harmony of the Union.

So much for generalities. Now, as to this discussion. I do not see how I can refer to this discussion without the presence of the gentleman from Maryland. I do not see how I can do it, and yet I am compelled to, as the House will discover. The gentleman from Maryland, as the members will remember, was speaking of the influence of claims agents upon members of this House. When I heard him I stepped across the area, and called the attention of the gentleman from South Carolina [Mr. ORR] to the sentiment expressed by the gentleman, and desired that he would respond. I kindly and courteously, as I thought, interrupted the gentleman from Maryland, and asked him to correct his remarks, that is, I called his attention to them. His response to me was, that I wanted to gain notoriety with him, and that he would teach me a lesson of wisdom. And what was that lesson? Why, that he would teach me to mould the opinion of my constituents, and not to be moulded by them. That was the retort to me of the gentleman from Maryland, [Mr. SOLLERS.] He said that playfully. The remark was a playful one; and I so considered it. My retort was likewise a playful one. If the gentleman from Louisiana [Mr. HUNT] understood it otherwise he misunderstood it, and was mistaken. It was a playful remark. What was the retort? The gentleman from Maryland tried to teach me a lesson from wisdom; and what was my retort? That the gentleman from Maryland must be mistaken about moulding the opinion of his constituents; and referred playfully to the presumption that he must have intended to allude to that portion of his constituency which required five to count three. It was a playful remark; and it was neither intended to be offensive to the gentleman from Maryland nor to any other gentleman on this floor.

The gentleman from Louisiana arose in his seat and complained of my remarks. Now, I ask every member of this House to look at my explanation in answer to his [Mr. HUNT's] complaint. Is it not full, perfect, complete, ample? My response was, that I did not intend to disparage Representatives on this floor of either bond or free territory. Could I go further? Was it not as ample as I could possibly have made it? The gentleman from Louisiana will bear in mind that I pressed as hard as any gentleman on this floor that the gentleman from Maryland as well as himself—the gentleman from Louisiana—should be heard. It was then in the confusion that I heard the word "rebuke" applied to me from the mouth of the gentleman from Louisiana. What was my response when I heard that word "rebuke"? It was that I laughed it to scorn.

Sir, I do not admit that the gentleman from Louisiana, or any other gentleman on this floor, has the right to "rebuke" me—the power, the au-

thority, to "rebuke" me. No, sir, I deny the existence of such right. And let me say here, in all kindness, to the gentleman from Louisiana, that his reported remark is, I think, as unjust to me as my remark to him. There is no difference between us in that respect. His remark was that the House had, by their vote, vindicated the Constitution and rebuked me. Now what are the facts? I was as loud as any member of that committee in the expression of my desire to hear these gentlemen, [Messrs. HUNT and SOLLERS,] and my colleagues voted with the majority on that occasion—I myself did not vote on either side. It seemed to me that if any gentleman was rebuked by that vote it was the gentleman from Ohio, [Mr. CAMPBELL,] who was chairman of the committee; and I know that it was not intended as a rebuke to him, nor was it intended as a rebuke to any one. I repeat, sir, that I think that this very remark, as reported of the gentleman from Louisiana, is as unjust to me, as it is untrue in fact.

And now, Mr. Speaker, I reiterate that the entire discussion, on my part, was a playful one. It was not intended to be offensive to the gentleman from Maryland; and if the gentleman from Louisiana did not intend to apply the term "rebuke" to me, then my response to him is not offensive, because what I said was this:

"I will say to the gentleman from Louisiana that if he intends to apply the term 'rebuke' to me for any sentiment I have uttered, I laugh it to scorn; yes, Mr. Chairman, to scorn. I have uttered no expression intended to disparage members upon this floor representing bond or free territory."

That is the report, and I can only repeat, in conclusion, that I do not acknowledge the right of any gentleman upon this floor to rebuke me. It cannot be that he has any such power or authority. If the gentleman from Louisiana did not intend to apply that term to me I did not intend to apply to him the terms which I used. If he did, if he chose to assume that authority, I deny his authority, as my language plainly indicates. If, on the contrary, he presumed to utter such a term, I now state in reply to his question, that I did intend the language used by me on Friday last, to apply in response to the remark made by him on that occasion. He is to be the judge as to the application.

Before I take my seat, I will say, in conformity with a request which has just been handed me, that although Mr. SOLLERS is quite sick, he is better than he has been.

Mr. HUNT. I am sorry for the sickness of Mr. SOLLERS, but cannot, for the life of me, see how that circumstance can affect a question between the gentleman from Indiana [Mr. LANE] and myself, as to his intention to use the language of defiance and scorn towards me—

Mr. STANTON, of Kentucky, (interrupting.) I was not present when the gentleman from Indiana made his remark in reference to the health of Mr. SOLLERS, and being fearful that this rumor might reach his family, causing unnecessary apprehension, I think it proper to say that there is no ground for such a rumor as has reached the gentleman from Indiana.

I saw Mr. SOLLERS yesterday. He boards at the same house with me. Although he was quite sick yesterday morning he is much better, and at no time has he been in such a condition as to excite apprehension.

Mr. LANE. I am very glad to hear the explanation of the gentleman. I was informed, after I came into the House this morning, of the rumor which I stated.

Mr. HUNT. The gentleman commenced his remarks with some generalities, as he called them, and took occasion to laud the State of Indiana for her honor and patriotism, and for her respect for the Constitution of the United States. Sir, this vindication, if it is to be called such, was not brought forth by any remarks I had made. I said nothing of Indiana, or of any other State in this Union. The course I pursued was strictly in defense of southern States from the remarks of the gentleman from Indiana, reflecting on the constituency of those States, and wounding my sensibilities, and the sensibilities of every gentleman representing a slaveholding constituency.

The gentleman now says that his retort was a playful one. Sir, upon my word, I never was more astounded since I was born. It was considered in quite a contrary light by every gentleman around me. The offense was general, and

there was a general indignation. Every one near me, and, indeed, throughout the whole House, resented it as I did; and I believe I but spoke the feeling of every gentleman of sensibility both North and South who heard his remarks, and witnessed the manner of them. His manner was biting and scornful, his brow was knitted, and there was a sardonic play of his features, which indicated plainly and broadly that the sentiment he uttered did not proceed from a playful heart.

He says now that the remarks were uttered playfully. Really, sir, we live in such a strange world, and men play such fantastic tricks, that it is within the range of possibility that the gentleman intended to be playful. I hope, however, in consideration of the feelings of those with whom he is associated upon this floor, that he will hereafter abstain from the indulgence of this extraordinary species of play, which carries pain to the bosom of his fellow-members.

This is a matter which does not involve the character of Indiana, which no one has assailed, but the particular conduct of the gentleman from Indiana himself on a particular occasion. He has removed what was understood to be the *gravamen* of the offense. He stated that he had said nothing to call forth my remarks, and having said nothing to call them forth, he considered my comment as entirely unjustifiable, and that he, therefore, only replied to a remark of rebuke from me which had no foundation for its justification and support. Am I to sit silent, and hear sentiments expressed on this floor which every one felt as aspersing the character and the honor of the constituency I represent, and not respond in appropriate language of indignation and censure? But the gentleman now declares solemnly, after deliberation, that his remarks were made entirely in a playful mood. The rule of honor is, in these cases, to receive as true the assertions of an adversary. I must, therefore, receive what the gentleman says now as in earnest, hoping that hereafter he will be careful not to indulge in that kind of playfulness which resembles very much that of the cat when it pounces upon the mouse.

Sir, I am not captious. I am a man of honor, that would rather die than wound, without just cause, the feelings of another; but I am a man of sensibility, and so long as I have a voice to speak or an arm to raise, I will never submit to an affront in this place or any other.

"I'll right my wrong where it is given,
Were it even in the court of Heaven."

I now dismiss this matter, satisfied that I have been borne out in my whole course, from the commencement to the end of this discussion, with the approbation of every man of honor on this floor from the North and the South.

WILLIAM CARR LANE.

The SPEAKER stated the first business in order to be upon the motion of the gentleman from Indiana, [Mr. MILLER,] lying over from last Monday, to suspend the rules for the purpose of introducing a resolution in reference to paying the contestant from New Mexico per diem and mileage.

It was read by the Clerk, as follows:

Resolved, That the Sergeant-at-Arms be directed to pay to William Carr Lane, who has contested the seat of José Emanuel Gallegos, the Delegate from New Mexico, the per diem and mileage allowed the Delegate from said Territory from the commencement of this session up to this day.

Mr. EDGERTON. Is the resolution before the House?

The SPEAKER. It is not. The motion is to suspend the rules.

Mr. MILLER. I desire, with the consent of the House, that the yeas and nays may be withdrawn upon this motion, and that the matter may be referred to the Committee on Elections.

Mr. JONES, of Tennessee. I object. We are just as well prepared to decide this question now as after the Committee on Elections have reported upon it.

The resolution was again reported.

The question was then taken upon the motion to suspend the rules, and the result was—yeas 70, nays 110; as follows:

YEAS—Messrs. Willis Allen, Appleton, Benson, Benton, Campbell, Cruthers, Chandler, Chase, Cook, Corwin, Crocker, John G. Davis, Dawson, Dick, Dickinson, Disney, Dunbar, Eastman, Eddy, Edgerton, Edmunds, Ewing, Farley, Franklin, Giddings, Goodrich, Greenwood, Grey, Aaron Harlan, Harrison, Haven, Hendricks, Henn, Howe, Hunt, Kerr, Knox, Lindley, McCulloch, McDougall, Mace, Matteson, Middleswarth, John G. Miller, Morgan, Mordecai Oliver, Orr, Pennington, Pringle, Puryear,

Ready, Richardson, David Ritchie, Rogers, Sage, Sapp, Seward, Singleton, Frederick P. Stanton, Richard H. Stanton, Stratton, John L. Taylor, Upham, Walley, Warren, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Yates, and Zollicoffer—70.

YAYS—Messrs. Aikin, James C. Allen, Thomas H. Bayly, Banks, Barksdale, Belcher, Bissell, Biscoe, Breckinridge, Bridges, Bugg, Carpenter, Caskie, Chamberlain, Chastain, Chrisman, Churchwell, Clingman, Cobb, Cox, Craige, Culom, Thomas Davis, Dean, Dent, De Witt, Dowdell, Drum, Edmundson, Eliot, Ellison, English, Faulkner, Florence, Fuller, Goode, Green, Grow, Hamilton, Sampson W. Harris, Hastings, Hibbard, Hiestler, Houston, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Kidwell, Kurtz, Leitcher, Lilly, Lindsley, Lyon, McMullin, McNair, McQueen, Macy, Maurice, Maxwell, May, Mayall, Smith Miller, Millson, Morrison, Murray, Nichols, Noble, Olds, Andrew Oliver, Bishop Perkins, John Perkins, Phillips, Powell, Pratt, Reese, Riddle, Thomas Ritchey, Robbins, Russell, Sablin, Seymour, Shannon, Shaw, Shower, Simmons, Skelton, Gerrit Smith, Samuel A. Smith, George W. Smyth, Snodgrass, Alexander H. Stephens, Hester L. Stevens, Straub, Andrew Stuart, Thurston, Tracy, Trout, Tweed, Vail, Vansant, Wade, Walbridge, Westbrook, Wheeler, and Daniel B. Wright—110.

So (two thirds not having voted in the affirmative) the rules were not suspended.

[A message from the Senate was received by the hands of ASBURY DICKINS, its Secretary, informing the House that it had passed bills of the Senate of the following titles, in which he was instructed to ask the concurrence of the House:

An act (No. 247) to constitute Keokuk and Dubuque, in the State of Iowa, ports of delivery.

An act (No 157) to enable the United States to make use of the solar compass in the public surveys.

Also, informing the House of the passage of sundry private bills.]

BOUNTY LAND LAWS.

The **SPEAKER** stated the business next in order to be a motion of the gentleman from New Hampshire, [Mr. HIBBARD,] lying over from last Monday, to suspend the rules for the purpose of introducing a resolution relative to changes in the bounty land laws.

The resolution was read, and is as follows:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of so amending the laws in relation to bounty lands, that whenever an applicant for bounty land under any act shall die, or may have died, after filing in the office of the Commissioner of Pensions his application, and evidence sufficient to substantiate the same, before the issue of any warrant thereon, the heirs of such applicant shall be entitled to receive a warrant for the same amount of land that the deceased would have been entitled to if living.

The question was put, and (two-thirds having voted in the affirmative) the rules were suspended.

The resolution was then introduced, and the question having been taken, it was adopted.

Mr. **WENTWORTH**. I desire to ask if this is not the day for calling the States for resolutions?

The **SPEAKER**. It is the day for calling the States for resolutions, and they are in order from the Territory of New Mexico.

Mr. **WENTWORTH**. I call for the regular order of business, and I hope the rules will be adhered to.

RELIEF FOR SAN FRANCISCO RESCUERS.

Mr. **CHANDLER**. I rise for the purpose of asking the unanimous consent of the House to submit a motion that the Committee of the Whole on the state of the Union be discharged from the further consideration of the joint resolution which I had the honor to submit, and which was referred there some two months since, for the relief of the San Francisco rescuers. I make the request with a view of considering the joint resolution now. I think for our credit it is time that we should take up the matter and dispose of it in some way.

Mr. **WENTWORTH**. I hope we shall proceed with the call of the States for resolutions. If I understand it, the gentleman will have the right to make that motion when the State of Pennsylvania shall be called.

The **SPEAKER**. Does the gentleman from Illinois object to the motion?

Mr. **RICHARDSON**. I object.

Mr. **CHANDLER**. I move to suspend the rules, for the purpose of enabling me to submit the motion.

The question was put; and, upon a division, there were—ayes 103, noes 30.

Mr. **McMULLIN**. Is it in order to call for the yeas and nays?

The **SPEAKER**. It is in order.

Mr. **McMULLIN**. I wish to state to the House that I am sure they would not discharge the Committee of the Whole on the state of the Union if—

The **SPEAKER**. Discussion is not in order. Does the gentleman from Virginia demand the yeas and nays?

Mr. **McMULLIN**. I do.

The yeas and nays were not ordered, only twenty-two members having voted therefor.

So (two thirds having voted in the affirmative) the rules were suspended.

The question recurred upon the motion to discharge the Committee of the Whole on the state of the Union from the consideration of the joint resolution referred to.

Mr. **JONES**, of Tennessee. Can a majority discharge the committee? The joint resolution makes an appropriation, I believe; and it must, therefore, under the rules, have its first consideration in Committee of the Whole on the state of the Union. The motion just made was to suspend the rules to enable a motion to discharge to be made. Now, will it not require a vote of two thirds to discharge the committee?

The **SPEAKER**. If the joint resolution contains an appropriation, it will require a vote of two thirds to have it considered in the House.

Mr. **RICHARDSON**. The effect of this vote would be to bring the bill before the House for consideration.

The **SPEAKER**. A majority can discharge the committee, but it will require a vote of two thirds to consider and pass the joint resolution in the House.

Mr. **EWING**. I would ask the Chair if a vote of two thirds has not already been obtained?

The **SPEAKER**. To submit the motion to discharge. The rule requiring the joint resolution to be considered in committee has not been suspended.

Mr. **McMULLIN**. Is it in order to discuss the question now?

The **SPEAKER**. The question of discharging?

Mr. **McMULLIN**. Yes, sir.

The **SPEAKER**. The Chair doubts whether it is in order.

Mr. **McMULLIN**. I am perfectly satisfied that the House is acting under a misunderstanding in reference to this matter.

Mr. **JONES**, of Tennessee. I would ask the Chair if all questions are not debatable upon which debate is not prohibited by some rule of the House?

The **SPEAKER**. The Chair does not remember any rule having a bearing upon that particular point, and is of the opinion that a proposition to discharge the committee is debatable, just as a proposition to commit a bill is debatable.

Mr. **McMULLIN**. I regret that this question has been sprung upon the House at this time.

Mr. **CAMPBELL**. I rise to a question of order. If debate arises upon this motion does it not go over?

The **SPEAKER**. It does not. The rules have been suspended that would have required it to go over.

Mr. **CAMPBELL**. The rules were suspended for the introduction of the proposition.

The **SPEAKER**. The rules were suspended for the purpose of presenting the proposition to discharge the committee, and of considering the propriety of that discharge.

Mr. **TAYLOR**, of Ohio. I wish to inquire if there is anything before the House after the motion of the gentleman from Pennsylvania to suspend the rules has prevailed?

The **SPEAKER**. The motion before the House is to discharge the Committee of the Whole on the state of the Union from the further consideration of the joint resolution.

Mr. **TAYLOR**. From the joint resolution, and to put it upon its passage?

The **SPEAKER**. The proposition is merely to discharge the committee from the further consideration of the joint resolution; and the Chair decides that the propriety of so discharging the committee may be discussed.

Mr. **TAYLOR**. I thought the gentleman from Pennsylvania [Mr. **CHANDLER**] was entitled to the floor upon that proposition.

The **SPEAKER**. The gentleman from Pennsylvania did not claim the floor at all, or he would have been entitled to it.

Mr. **CHANDLER**. Have I a right to discuss the question?

The **SPEAKER**. The gentleman from Pennsylvania waived his right.

Mr. **CHANDLER**. I do not waive the right, if the question is open to discussion.

The **SPEAKER**. The Chair must state that the gentleman did waive his right, because he did not even claim the floor until the gentleman from Virginia had commenced his speech.

Mr. **CHANDLER**. The Chair will understand that I did not mean to contradict him. If I have lost my right to the floor I yield with pleasure.

The **SPEAKER**. The Chair only means to say that the gentleman lost his right by not claiming it in season.

Mr. **CHANDLER**. I yield to the decision of the Chair with great pleasure.

Mr. **McMULLIN**. It is not my purpose now, or at any other time, to trespass upon the time of the House or to transgress its rules. I desire, therefore, at the outset to know if it is competent for me to discuss the merits of the proposition from the consideration of which it is proposed to discharge the committee?

The **SPEAKER**. The gentleman from Virginia may refer to the character of the bill for the purpose of showing that it should be considered in the Committee of the Whole on the state of the Union.

Mr. **McMULLIN**. It will be remembered, Mr. Speaker, that some time since a joint committee of the two Houses was raised, for the purpose of taking into consideration the meritorious conduct of the officers and crew of those vessels who rescued our suffering citizens who were aboard the San Francisco. I had the honor of being appointed one of its members. After various sessions, it made a report to this body which, I flatter myself, whenever it comes to be understood by gentlemen, will be most certainly voted down.

The committee has recommended that medals shall be voted to the officers and crews of the three vessels who rescued our citizens as stated, and to that I make no objection. I think that it is due from this Government to those distinguished and brave officers and crews that they should not only receive gold medals, but also a vote of thanks from this National Legislature.

But, Mr. Speaker, the committee has not stopped there. It has gone further. It has recommended the appropriation of \$100,000, and it is to that portion of the report to which I particularly invite the attention of the House. It has recommended, I repeat, that \$100,000 shall be placed in the hands of the President of the United States to be distributed between the officers and crews of the vessels which have been referred to. I ask members to take notice of this important fact. Those officers and crews have been already amply rewarded for their services, not by this Government, but by its citizens. They have received a vast amount of money. I have a memorandum of the amount in my desk, but I have not the time now to refer to it.

My purpose now is to ask the House not to discharge the Committee of the Whole on the state of the Union from the further consideration of the subject, so that when it shall be proper to go into a discussion of the merits of the question I may have time to satisfy the House, which I flatter myself I can do, that the report of this joint committee ought not to be adopted. If Congress adopt the report of that committee what will be the effect? As to the \$100,000, it does not amount to a drop in the bucket compared with what is to be the result hereafter. The effect will be to throw the entire commercial marine upon the Government of the United States in the way of paying for all patriotic and praiseworthy acts in rescuing citizens from wrecks. It is a dangerous precedent that is proposed to be set. Has it been the policy of this Government heretofore, is it the policy of this Government now, to make the entire commercial marine depend upon it, or upon the bounty, charity, and liberality of the commercial districts of the country? I repeat, that these officers and crews have already, as I shall be prepared to show at the proper time, received ample remuneration for their acts of patriotism and humanity, which, I admit, deserve the grateful thanks of the American Government and the American people. I would beg the gentleman from Pennsylvania [Mr. **CHANDLER**] not to press the

consideration of this question. I had not expected that the House would have, by a vote of two thirds, agreed to discharge the committee from the further consideration of the subject. This subject was referred to the Committee of the Whole on the state of the Union, where I supposed it would have been fully and amply discussed. The question having been sprung upon me thus unexpectedly, I beg the House now not to discharge the committee from the further consideration of the subject, and at the proper time I shall endeavor to satisfy the House that the report of the committee ought not to be adopted by this House.

Mr. CHANDLER. I wish to reply, Mr. Speaker, in a very few words, to the remarks of the honorable gentleman from Virginia, [Mr. McMULLIN,] who was a co-laborer with me on that committee; and I cannot forbear expressing my regret that he should have used the term of "springing" this motion on the House. Why, sir, as early as about the 12th of January last this committee was appointed, and in two weeks afterwards it reported to this House. Awaiting with all respect for the feelings of gentlemen opposed to it to be manifested, I proceeded, two weeks after this report was presented to the House, to move its consideration, and the honorable gentleman from Virginia requested that I would grant him another week to prepare himself for opposition to it, as he was about leaving the city, with which request I at once complied. Well, Mr. Speaker, this, like many other good intentions which we make, has grown old without fulfillment on our hands; and now, after two months' waiting, we are charged with "springing" this motion on the House, and we are told that at a proper time we shall have a discussion of this important question.

Sir, what is the proper time for the Congress of the United States to consider of its duties to others? What is the proper time for any man, or any congregation of men, to consider and discuss what they owe, and how they will discharge their debt of gratitude to their benefactors? There is no time like the present. And as the gentleman from Virginia proceeded in his remarks to consider the question which he should have asked to be brought before the House, I presume that I have a right to follow him in the discussion of this question; and that I am the more willing to do because I was the chairman of the committee to which this subject, on the part of the House, was referred; and it therefore becomes me, if I should not be able to justify the act which we ask this Congress to perform, at least to excuse and explain the motives through which that act is recommended to the House. And, Mr. Speaker, I shall take care that in this matter my feelings shall not get the better of my judgment, though I confess that my judgment in relation to it has been formed from the feeling which the heroism of those persons whom we ask Congress to reward has excited, and my hopes rest upon the conviction which I entertain of the proper feeling and judgment of this House in this matter.

Sir, it has been said, disparagingly, that \$100,000 are to be appropriated as a reward to the rescuers of our shipwrecked citizens on the San Francisco, if this report be adopted. The honorable gentleman [Mr. McMULLIN] knows perfectly well—though this House may have forgotten—that that sum is the maximum which the President of the United States is empowered to give for this or a like purpose, if, on inquiry, he should find any person peculiarly worthy of his consideration. The committee to whom this matter was referred, although it did possess some means of obtaining information in regard to the services of those who assisted on that perilous occasion, did not feel that it could enter properly into all those particulars which beset such a question, and the performance of such an important service; and the committee has therefore—with great propriety, I think—referred the settlement of such a matter to the President of the United States. They have thus referred it, because, as the Executive officer, he might claim a part of the pleasure of discharging the duty which we are undertaking; and in so referring it to the President of the United States, we give a larger nationality to the expression of our gratitude.

For my own part, I confess that I have been induced to vote for that in the committee for other reasons. He possesses the means of bringing together the information which could be acquired

in no other way, and thus be enabled to form a correct judgment upon it.

But there is another motion, peculiar, I think, which should be quoted upon this occasion. The President of the United States is himself a man of sorrow and acquainted with this kind of grief. He can comprehend well what would be the feelings of those whose hearts have been crushed by such a calamity, and how others have been benefited, though he could not be, by the interposition of benevolence and heroism upon such an occasion. Therefore it is that I think it meet and appropriate that the President should be made the organ of our action.

The gentleman [Mr. McMULLIN] suggests that the sum is large. I say again, sir, that I suppose it is large, and will be large, but the maximum only is presented. If we consider the services performed, I, for one, should be ashamed if the sum were not large. Sir, the sufferings were great, the risks were great, and the deliverance of our friends and fellow-citizens was truly great. Therefore I think, whatever form of expression we use in regard to it, should bear something of greatness upon it. I cannot tell what would be the estimate which the gentleman from Virginia would make.

Mr. RICHARDSON. (interrupting.) I would inquire of the gentleman from Pennsylvania, what the particular necessity is of urging this bill out of its usual course, and putting it upon its passage now?

Mr. CHANDLER. If the gentleman does not see it, I am afraid I shall not be able to enlighten him.

Mr. RICHARDSON. I am afraid the gentleman himself does not see it.

Mr. CHANDLER. If the gentleman does not perceive that the expression of gratitude looses its force by the lapse of time, I shall not be able to make him understand the necessity of urging this matter. Yet if the House will name a day this week, or next week, for its consideration, I will cheerfully consent to such an arrangement. But still I think on the whole we had better dispose of the matter now. I have but a few more remarks to make.

Mr. BISSELL. I wish to say that I hope the House will dispose of this subject to-day. It will consume more and more time the longer it is delayed.

Mr. TAYLOR, of Ohio. The gentleman from Pennsylvania will allow me to say that we ought to have had his resolution, for which he moved a suspension of the rules, read. It seems to me that we have now nothing tangible before us.

The SPEAKER. The gentleman from Pennsylvania moved to suspend the rules to enable him to introduce a resolution to discharge the Committee of the Whole from the further consideration of the joint resolution relative to the relief of sufferers by the disaster of the steamship San Francisco.

Mr. TAYLOR. I would ask that the resolution be read.

The resolution was read as follows:

Resolved, That the Committee of the Whole on the state of the Union be, and the same is hereby, discharged from the further consideration of joint resolution of the House, (No 16,) and that the same be now put upon its passage.

The SPEAKER. The Chair must say to the gentleman from Pennsylvania [Mr. CHANDLER] that that is not the motion upon which the House was called to act. To prevent any misunderstanding, it is necessary that we understand each other and each step that is taken in this matter. The Chair, in recognizing the motion made by the gentleman from Pennsylvania, understood that he moved a suspension of the rules, in order to enable him to submit a motion, that the committee be discharged from the further consideration of the resolution, and that it did not embrace its consideration before the House.

Mr. CHANDLER. Should I not be entitled to make the motion for its consideration after the vote which has been taken?

The SPEAKER. The gentleman would be entitled to make that motion after the resolution has come into the House. The Chair thinks it his duty to notify the gentleman and the House as to any misunderstanding which is likely to occur.

Mr. CHANDLER. Is not the resolution now before the House?

The SPEAKER. It is not before the House. The Chair again states as he understood the gen-

tleman from Pennsylvania, that the motion made by him did not embrace the proposition to consider the resolution in the House. It is competent for the House to discharge the Committee of the Whole on the state of the Union from the further consideration of a joint resolution for the purpose of recommitting to a committee, or with the intention, on the part of the mover, when the committee are discharged from its further consideration, to move a suspension of the rules, which require all bills and resolutions that contain appropriations of money to be considered in the Committee of the Whole on the state of the Union. It is not for the Chair to determine what the purpose of the gentleman from Pennsylvania was, except as expressed by the motion which he made, that the committee be discharged from the further consideration of the resolution. The Chair holds that it is competent to discharge the committee from the further consideration of the resolution; but embracing, as it does, an appropriation of money, he decides, under another rule—the resolution being before the House—that unless the rules be suspended it would have to go to the committee. Still the Chair holds that it would be competent to recommit it.

Mr. WENTWORTH, of Illinois. I would suggest to the gentleman from Pennsylvania that he move the previous question, and so get rid of this matter.

Mr. TAYLOR, of Ohio. I wish simply to say, that I think we should progress in our business very pleasantly if we could dispose of this subject now. I presume every gentleman here has made up his mind in regard to it. I therefore move the previous question.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER. The question now is, "Shall the Committee of the Whole on the state of the Union be discharged from the further consideration of the resolution now under consideration?"

The question was then taken; and, a division being had, there were—ayes 79; noes not counted.

So the committee was discharged from the further consideration of the resolution.

Mr. WENTWORTH, of Illinois. I desire to move the previous question upon the passage of the resolution.

Mr. CHANDLER. I would inquire of the Chair if the rules must be suspended to enable the House to consider the resolution now?

The SPEAKER. The joint resolution, containing as it does an appropriation, cannot be first considered in the House without a suspension of the rules.

Mr. CHANDLER. I move then to suspend the rule requiring measures containing appropriations to be first considered in the Committee of the Whole on the state of the Union so far as this joint resolution is concerned.

The question was put; and 76 rose in the affirmative.

Mr. DEAN. I demand the yeas and nays upon the motion.

The yeas and nays were not ordered.

Mr. CAMPBELL. I demand tellers upon the motion.

Tellers were ordered; and Messrs. VAIL and CAMPBELL were appointed.

Mr. OLDS. I should like to ask the Chair a question. I understand that the Committee of the Whole on the state of the Union has been discharged from the consideration of this resolution. Now, suppose the House does not suspend the rule requiring it to be considered in committee, what will become of the resolution?

The SPEAKER. It will then be competent for the House to recommit it, to refer it to another committee, or if they fail to dispose of it in any such way it must be returned to the Committee of the Whole on the state of the Union.

The question was then put; and the tellers reported—ayes 72; noes not counted.

So (two thirds not voting in favor thereof) the rules were not suspended.

Mr. WENTWORTH, of Illinois. I call for the regular order of the day.

Mr. CHANDLER. I move that the joint resolution be recommitted to the select committee.

The motion was agreed to.

RAILROAD TO THE PACIFIC.

Mr. McDUGALL. I ask the unanimous con-

sent of the House to enable me to report, from the select committee upon that subject, "A bill to provide for the establishment of railroad and telegraphic communication between the Atlantic States and the Pacific ocean, and for other purposes."

Mr. BOCKOCK. I object.

Mr. JONES, of Tennessee. I wish to inquire of the gentleman from California if he merely proposes to have the bill referred to the Committee of the Whole on the state of the Union, and printed?

Mr. McDOUGALL. That is my purpose.

Mr. JONES. If that is the gentleman's purpose I do not object.

Mr. WENTWORTH, of Illinois. I call for the regular order of business. That will bring up all these bills and resolutions.

The SPEAKER. Is the objection withdrawn?

Mr. BOCKOCK. I do not withdraw it.

Mr. McDOUGALL. I move to suspend the rules so as to enable me to introduce the bill.

The question was put; and, two thirds voting in favor thereof, the rules were suspended.

The bill was then introduced, and read a first and second time by its title.

Mr. McDOUGALL. I move that the rules be suspended, to enable me to move that the bill be referred to the Committee of the Whole on the state of the Union, made the special order for the second Tuesday in May next, and printed.

Mr. HAYEN. I hope the House will not make this bill the special order.

Mr. McDOUGALL. I call for the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

Mr. McDOUGALL. The second Tuesday in May has been named as the day for the consideration of this measure by the general consent of its friends.

The Clerk proceeded to call the roll, and several members answered to their names.

Mr. HOUSTON. I rise, Mr. Speaker, to suggest to the gentleman from California—

The SPEAKER. The gentleman from Alabama is too late. Discussion is not in order.

Mr. STEPHENS, of Georgia. I wish, with the unanimous consent of the House, to make an inquiry of the gentleman from California.

The SPEAKER. Is it the unanimous consent of the House that the gentleman from Georgia be permitted to submit an interrogatory to the gentleman from California?

There was no objection.

Mr. STEPHENS. I would inquire of the gentleman from California what time he proposes to make his bill the special order?

Mr. McDOUGALL. The second Tuesday of May next, which will afford two months' time for examination by members of the House into the provisions of the bill previous to its consideration here.

Mr. STEPHENS. I hope there will be no objection to making the measure proposed by the gentleman the special order for the time specified.

Mr. CLINGMAN. I object to special orders.

The question was then taken on the motion to make the bill a special order as indicated; and it was disagreed to, two thirds not voting in the affirmative—yeas 116, nays 50; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Bolcher, Bennett, Benson, Bouton, Bissell, Breckinridge, Bridges, Buzg, Campbell, Caruthers, Chamberlain, Chase, Chrisman, Churchwell, Cobb, Cook, Cox, Cutting, John G. Davis, Dawson, Dean, De Witt, Dickinson, Disney, Dowdell, Drum, Dunbar, Eddy, Edmunds, Elliott, Ellison, English, Ewing, Florence, Goodrich, Green, Greenwood, Grey, Andrew J. Harlan, Wiley P. Harris, Harrison, Hastings, Hendricks, Henn, Hester, Hill, Howe, Hughes, Hunt, Johnson, Roland Jones, Kerr, Knox, Lamb, Lane, Lindley, Lindsey, McDougall, McMullin, Mace, Macy, Matteson, John G. Miller, Smith Miller, Nichols, Noble, Norton, Olds, Mordcair Oliver, Pennington, John Perkins, Phelps, Phillips, Preston, Ready, Reese, Riddle, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Sapp, Shannon, Simmons, Singleton, Gerrit Smith, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Thurston, Trout, Tweed, Upham, Vail, Walbridge, Walley, Warren, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Yates, and Zollicoffer—116.

NAYS—Messrs. Abernethy, Aiken, Thomas H. Bayly, Bockock, Brooks, Caskie, Chandler, Chastain, Clingman, Craige, Culbert, Cumming, Dent, Edmundson, Farley, Faulkner, Fuller, Giddings, Gode, Grow, Aaron Harlan, Sargison W. Harris, Haven, Hibbard, Houston, Ingersoll, Daniel T. Jones, George W. Jones, J. Clancy Jones, Keitt, Kurtz, Lotcher, Lilly, McCulloch, McNaair, McQueen, Maurice, Mayall, Mecham, Middewartha, Millson, Morgan, Murray, Andrew Oliver, Orr, Bishop Perkins, Powell,

Pratt, Pringle, Puryear, Seward, Seymour, Shaw, Skelton, George W. Smyth, Snodgrass, Tracy, Vansant, Wade, and Wheeler—60.

So the House refused to make the bill a special order.

The SPEAKER. The question now recurs on committing the bill to the Committee of the Whole on the state of the Union, and ordering it to be printed. If there be no objection that order will be made.

There was no objection; and the order was accordingly made.

Mr. JONES, of Tennessee. I rise to a privileged question. I move to reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed; and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

HIRAM POWERS—STATUARY.

Mr. HARRISON. I ask the unanimous consent of the House to introduce the following resolution, which is one merely of inquiry:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of purchasing from Hiram Powers, the great American sculptor, now residing in Florence, Italy, some work of art, commemorative of American genius and history, and of such kind and character as will be an appropriate embellishment of the Capitol of the United States.

Mr. DAVIS, of Indiana. I object to the introduction of the resolution, and call for the regular order of business.

Mr. HARRISON. I move to suspend the rules of the House, that the resolution may be introduced.

The question was taken; and the rules were suspended.

The resolution was then adopted.

CUBAN AGGRESSIONS.

Mr. PERKINS, of Louisiana. After consultation with the other members of the Committee on Foreign Affairs, I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Foreign Affairs be instructed to inquire and report such action as may be necessary and proper for Congress to enable the President of the United States to redress the outrages recently committed on the flag of the United States, and the persons and property of its citizens, by the Spanish Government, or its officers, in Cuba, and to secure the United States from future danger or annoyance resulting from the action of the Spanish authorities.

Mr. BRECKINRIDGE. I would have no objection to that resolution being adopted but for the adoption of a resolution the other day, on motion by the gentleman from Alabama, [Mr. PHILLIPS,] calling on the President for information in reference to this subject. I think the resolution is somewhat objectionable. It assumes that an outrage has been committed, of which we have at present no certain information; and therefore it is that I make objection to its consideration.

Mr. BAYLY, of Virginia. Why, sir, it is a mere resolution of inquiry, and I do not see any point whatever in the objection offered to it by my friend from Kentucky.

The SPEAKER. The resolution of the gentleman from Louisiana is objected to.

Mr. PERKINS. Then I move to suspend the rules of the House to admit it.

Mr. TAYLOR, of Ohio. Will the Speaker direct the Clerk to report the resolution again, so that we may see whether it is debatable?

The resolution was accordingly read a second time.

Mr. HAVEN. Mr. Speaker, we in this part of the House could not hear what was said by the chairman of the Committee on Foreign Affairs, [Mr. BAYLY,] but, from the tenor of the remarks which we heard, we supposed that that committee had had perhaps some action on this subject. We are willing to do what may be deemed reasonable if the committee will only inform us what it is they desire.

The SPEAKER. Is it the pleasure of the House that the gentleman from Virginia [Mr. BAYLY] explain?

There was no objection.

Mr. BAYLY. Mr. Speaker, I desire to say on that point that my friend from Louisiana [Mr. PERKINS] has offered a resolution of inquiry solely. That is all. He consulted the Committee on Foreign Affairs as to that point before he

offered his resolution. I see no objection that can apply to it. It is purely a motion of inquiry.

Mr. BRECKINRIDGE. Then I desire to withdraw my objection to the resolution; and have merely to say, that my only motive in objecting to it was, that the gentleman from Alabama introduced a resolution making a call on the President of the United States for information on the subject, which information I suppose the House will receive in a day or two; and that this resolution of the gentleman from Louisiana assumed—in advance of the response of the President to the resolution of the gentleman from Alabama—that an outrage had been committed. I consider this assumption premature; but if the Committee on Foreign Affairs desire that the resolution now before the House be offered I withdraw my objection to it.

The SPEAKER. Is it the unanimous consent of the House to permit the gentleman from Kentucky to withdraw his objections to the resolution offered by the gentleman from Louisiana?

Mr. WHEELER. I object.

The SPEAKER. Then the question recurs on the motion of the gentleman from Louisiana to suspend the rules.

Mr. DEAN. On that I ask for the yeas and nays.

Mr. BAYLY, of Virginia. I ask for tellers on the motion to suspend the rules; and I beg leave to say again to the House that this is merely a resolution of inquiry.

The SPEAKER. The Chair would remark to the gentleman from Virginia that the yeas and nays have already been demanded on that question, by the gentleman from New York, [Mr. DEAN.]

Mr. DEAN. I demand tellers on the yeas and nays.

Tellers were not ordered.

Mr. DEAN. Then I withdraw my call for the yeas and nays.

The SPEAKER. The question then recurs on the demand for tellers, made by the gentleman from Virginia, on the motion to suspend the rule.

Tellers were ordered; and Messrs. HARRIS and VAIL were appointed.

The question was then taken; and the tellers reported—ayes 45, noes were not counted.

So the rules were not suspended, two thirds not voting in favor thereof.

Mr. BRECKINRIDGE here obtained the floor.

Mr. LANE, of Oregon. Will the gentleman yield me the floor for a moment?

Mr. BRECKINRIDGE. I will yield for a single moment, if I do not thereby lose my right to the floor.

The SPEAKER. The Chair cannot recognize any bargain between members.

Mr. LANE. I will not ask the floor if the House refuses to grant the motion I wish to make, and that is, that the third week in April be set apart for the consideration of territorial business.

Mr. HAVEN. I object. I would do as much as any one to help the gentleman from Oregon, but I object to making special orders at all.

The SPEAKER. The Chair would inquire whether the gentleman from Kentucky has yielded the floor?

Mr. BRECKINRIDGE. I have not.

Mr. LANE. The gentleman will allow me to make an inquiry of the gentleman from New York? [Mr. HAVEN.]

The SPEAKER. Both gentlemen cannot occupy the floor at the same time.

Mr. BRECKINRIDGE. I have not yielded the floor, and I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, with a view to take up the deficiency appropriation bill.

The question was put; and there were, upon a division, ayes 90, noes not counted.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair.)

The CHAIRMAN. The first business in order before the committee is a Senate joint resolution, authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws.

Mr. BRECKINRIDGE. If it be in order, I

move that that bill be laid aside, and that the House take up the deficiency appropriation bill.

Mr. GROW. I wish simply to call the attention of the committee to this bill. These codifiers have been at work ten months, and have not received a cent of pay. It is no more than just that this House should make appropriations to pay for work which they have ordered by law.

Mr. BRECKINRIDGE. I would be very happy to yield to the gentleman; but I am under instructions, and I feel bound to make my motion that we lay aside the bill which has been read, and that we take up the deficiency bill.

Mr. JONES, of Pennsylvania. I will remark, in relation to the bill first in order upon the Calendar, and which has already been read, that it will not occupy over ten minutes.

Mr. JONES, of Tennessee. The question is not upon passing over the bill in question, but it is upon the motion of the gentleman from Kentucky, that the committee will now proceed to the consideration of the deficiency bill.

The question was then taken upon Mr. BRECKINRIDGE's motion; and it was decided in the affirmative.

So the committee agreed to take up the

DEFICIENCY BILL.

Mr. HOUSTON. I move that the first reading of the bill be dispensed with, and that it be taken up and considered by sections.

The CHAIRMAN. There being no objection, that course will be pursued.

The first section of the bill was then read, as follows:

"Be it enacted, &c., That the following sums be, and the same are hereby appropriated, to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854, out of any money in the Treasury not otherwise appropriated, namely,"

Mr. WENTWORTH. I move to amend by striking out the first section of the bill.

Before the usual course of debate is commenced upon everything, I wish to say a few words in relation to the bill now under consideration. After I have said a few words, I propose to yield the floor to gentlemen, who will take up other subjects, as usual, that have no reference to the bill now before the committee.

A few days ago I submitted to this House a resolution, that when the Committee of Ways and Means wished to change, in any respect, the estimates of the Government, that they should report to the House the reasons therefor in writing. Objection was made to the introduction of the resolution, which was a fair, reasonable request, as I thought, on my part. The six free States of the Northwest, it is well known, are entirely disfranchised upon the Committee of Ways and Means. We have no voice there, and we cannot be heard in that committee. The Administration sent in estimates, from the different Departments, to this House, and those estimates, so far as I examined them, were perfectly satisfactory. The Administration were anxious to have those estimates of the Departments carried out by this House. Among these estimates there were some of vital importance to the northwestern States. I do not know the reasons which have actuated the Committee of Ways and Means in striking out those estimates. They may have very good reasons for doing so. The majority of that committee belong to the same party to which I profess to belong.

I would like to sustain a Democratic Administration; but when a Democratic Committee of Ways and Means are at war with a Democratic Administration upon matters of such importance to my section of the country, am I asking too much when I ask that the Committee of Ways and Means shall submit in writing their reasons for differing from the Administration? I have these estimates placed upon my desk—estimates of much importance to my constituents. I cannot be heard before that committee in reference to the necessity or propriety of these estimates; but in looking over the bill before the House I find these estimates have been stricken out. Stricken out for what reason? I understand—for I was not present myself at the time—that the main reason for defeating the first deficiency bill was that the House had voted in these estimates.

I do not know what may have been the reasons causing that defeat, but I will say, as a matter of compromise to the Committee of Ways and Means—for I shall only trouble the committee but

a few moments longer—that if they will agree to put into the bill the estimates as they come from the Departments, I will go with them in voting out of the bill everything that does not come recommended by some one of the Departments.

Sir, I desire to stand by the Administration, and I desire that the Committee of Ways and Means shall aid me in doing so. But, sir, the estimates are here, and the Committee of Ways and Means have never told us why they have stricken them out of this bill. I think it is the right of the House—it would, in my opinion, add much to the peace and harmony of the country, it would add much to the confidence of the country in the Committee of Ways and Means—if that Committee, whenever they strike out estimates presented by the Departments, will give their reasons therefor in writing. Let them, when they report an appropriation bill, have the estimates printed along with their reasons for striking them out.

Now, Mr. Chairman, I am anxious to pass this deficiency bill, and I will sustain the chairman of the Committee of Ways and Means in pressing it to a vote at as early an hour as possible. I will sit with him here as long as he chooses to finish the bill, if he will adopt this course and put in it the estimates coming from the Departments. But I must say that I shall go with those who will aid me in getting these estimates inserted in the bill.

Now, sir, I will tell the House what I think is due to the Democratic party: If we, as a party, intend to stop the construction of certain public works—if we, as a party, undertake to say that such and such custom-houses shall not be completed, or that such and such a marine hospital shall not be completed, is it not due to us that the Committee of Ways and Means shall bring in a bill providing for the sale of the sites and of the custom-houses themselves? What are we to do with them? What can we do with them? They remain as a monument of—what? Are they a monument of the policy of the Democratic party that they begin and will not finish? Is it not a monument of the cowardice of the Democratic party, that they begin and will not finish, but are afraid to sell?

Now, sir, I know it was used very strongly against Mr. Van Buren when he was President, that he ordered the sale of certain public works—that he ordered the timber and materials to be sold, thereby showing unmistakably that he did not intend to finish these public works. But in this case we are entirely ignorant as to what is to be done with these custom-houses and marine hospitals. You will not complete them, and you will not bring forward any measure for their sale, and I certainly hope that if these buildings are not to be completed a bill will be brought into this House showing to the country what our true policy is. Our policy must be either to complete these works or to sell them.

I do not intend to say anything about the particular merits of these several custom-houses. I know nothing about any of them, except a very few. But if there are any of them that ought not to be completed I think our friends on the Committee of Ways and Means ought to point out which they are, and if there are any that ought to be completed they should say so. But let us know the ground upon which we stand.

Now, Mr. Chairman, I will avow this much in relation to the public works in the West. I will go with the Committee of Ways and Means in inserting in their deficiency bill all the works for which the Department have put in estimates, and which they wish to have completed; and I will go with them, also, to keep out of the bill all those works which have not been heretofore provided for or authorized by law. I now yield the floor to those who have speeches to make for home consumption.

Mr. BAYLY, of Virginia. I do not wish to detain the committee at this time upon this bill, but I feel it due to myself to say something in reference to these appropriations which have been made for custom-houses, and especially in reference to the proposition to make a long lease at a high price, with an alternative proposition to purchase the property for which the lease has been made, in the city of New York. I happen to know something of the history of most of these appropriations for custom-houses; and I beg leave to say here, in my own vindication, that I have never

known laws more recklessly violated than all of those laws have been.

Many of these appropriations for the erection of custom-houses originated at the time that I was chairman of the Committee of Ways and Means, and in every one of them we put a provision requiring that such a plan should be adopted as that in no event would more money be expended than was then appropriated. If there is an exception to that rule I am not aware of it. We appropriated so much money, and we required in each of those cases that no more money should be expended than was appropriated. If anybody will look at the terms of those laws they will find that we left a margin for architects. As sensible men we knew very well that we could not define precisely what many of those buildings would cost. We left a margin, therefore, for architects, and in those bills we invariably provided that the expenditures should in no event exceed the appropriations made.

I think that in that matter there has been a gross disregard of the will of the Congress by the power that administers the distribution of this fund. I make no exception in any case. We made specific appropriations. We made a condition in those appropriations, which has been utterly disregarded in every case.

But, sir, I think the most palpable disregard of the will of the Congress which has been made at all has been in respect to this question, which precisely arises in the case now before the committee. I have not read the bill; but, if I understand it correctly, there is an appropriation to purchase the lots in Wall street, New York city, adjoining the custom-house there, for which upwards of \$500,000 are to be given. It was not the meaning of Congress, as I undertake to say from a pretty accurate knowledge of the views of the House on the subject, it was never the meaning of Congress that \$500,000 were to be expended for the establishment of an assay office in New York city. We all know—you know, Mr. Chairman—the contest that was had upon this floor on that point. We never designed that a Mint, with all its appliances, was to be built up in New York. The judgment of the House was against it. There was not a reason on the face of the earth which could address itself to a disinterested man in this body to bring him to the conclusion for the establishment of a Mint there. You could, with one tithe of the interest on this very investment of \$500,000, have sent every man's gold from the city of New York to Philadelphia for coinage. I think that all the gold which ever arrived in New York could have been sent to Philadelphia to be coined for \$15,000. I speak after some little examination of this matter. I do not think that I am mistaken; and I say that the interest on the very money that is proposed to be given for those banking houses in New York, adjoining the custom-house, would pay for carrying every man's gold to Philadelphia, and insure its transmission there and back. I am quite sure that I am not mistaken in these facts. We were pressed on here, as all will recollect, to remove the Mint from Philadelphia to New York.

My own opinion is now, as it always has been, that there should be but one Mint in this country, as I believe there is but one Mint in any other country. I do not believe that in Russia, or in France, or in England, or anywhere else, there is more than one mint; and I would willingly vote this morning to abolish every one of your Mints, in Georgia and elsewhere, and would also vote to take the Mint from Philadelphia, and to locate it in the District of Columbia.

I would do that upon principle, and not because I entertain any jealousy of the city of Philadelphia. I think there ought to be but one Mint in each nation, and that that Mint ought to be at the seat of Government.

Sir, I am opposed, as I always have been, to the removal of the Mint from Philadelphia to New York; and I did suspect—as I now see that I truly and reasonably suspected—that even in the establishment of that assay office in the city of New York, a nucleus was to be made by which the coinage of money in the United States—its legal coinage—was to be carried to Wall street.

Mr. FLORENCE, (interrupting.) Will the gentleman from Virginia allow me to call his attention to a fact which very forcibly applies to the subject he is discussing? I mean the expense at-

tending the establishment of the assay office in the city of New York?

Mr. BAYLY. Oh, I understand all that.

Mr. FLORENCE. But let me say that I find here in lines 104-'5-6-'7-'8-'9 of the 5th page of the deficiency bill, that \$46,400 is required to be appropriated to pay for the service of officers' clerks and workmen in the assay office of New York. Forty-six thousand four hundred dollars! This large appropriation of money may have been overlooked by the gentleman from Virginia, [Mr. BAYLY:] hence my desire to call his attention particularly to it. That, in connection with the fact that all the bullion arriving in New York, to be either assayed or refined in that office, can be carried to Philadelphia at the cost of transportation of only \$15,000 a year is, in my judgment, a very important item for consideration at this time; and I desire to have the consent of the gentleman from Virginia to refer to this subject just at this point in his remarks, because I consider it of great importance in support of his argument.

Mr. BAYLY. Well, Mr. Chairman, that is perhaps a very pertinent point—as I have no doubt you will recognize it to be—for the gentleman from Philadelphia to make—

Mr. FLORENCE, (resuming.) Well, now, that fact, taken in connection with this, that \$53,000 is also to be paid—

Mr. BAYLY, (interrupting.) But I have nothing to do with the interests of Philadelphia or New York on this point. [Laughter.] Nothing at all. I am looking at the matter in the light in which it concerns us all, all the citizens of the United States.

Mr. FLORENCE. I only want to show that this assay office is an immense burden upon the Treasury; costing, as it does, \$100,000 a year, or perhaps more, when less than one fifth the sum is sufficient for the purpose—

Mr. BAYLY, (interrupting.) The gentleman from Pennsylvania has shown that remarkably well; and I am very much obliged to him for the assistance he has rendered me in the argument. But it does not happen to touch the point of my argument at all. [Laughter.]

Sir, the whole question of these Mints is a question of Government patronage, and it has been so from the beginning. It has never been anything else than a question of Government patronage. There ought to be, I argue, but one Mint. There is no hardship in requiring the people of the country to carry their gold to the Mint. I admit here to-day—as I admitted some years ago—that so far as California is concerned, there was an exception in the predicament in which that State found herself. There was the locality where most of the gold to be coined was collected. There was great propriety, therefore, in allowing, at least, an assay office there. I had no difficulty whatever in voting to do so. But there is no use for all these Mints. Whenever we have had propositions here to remove the Mint from Philadelphia to New York, they have been defeated. This proposition to purchase these houses adjoining the custom-house is nothing on the face of the earth but to consummate purposes which Congress did not contemplate; that is, to have two Mints, one in New York and one in Philadelphia, within ninety-five miles of each other, or, so far as insurance is concerned, within a quarter of one per cent. of each other, and in fact less than that. Is this Government to give five hundred thousand dollars for an assay office in New York when it has already a Mint in Philadelphia, which is within a quarter of one per cent., or less, of the Mint itself, so far as carriage and insurance is concerned? My opinion is, that it would be a most unjustifiable and reckless expenditure of the public money. I do not think that the Congress of the United States, when they appropriated money to establish an assay office in New York, contemplated any such thing.

Well, I know that the Committee of Ways and Means come before us—for every member of which I have the greatest respect—and tell us it is economy to do it; that they have agreed for such a lease, but that they can save money by buying these lots. Why were they leased? I understand, from authority upon which I place great reliance, that for five thousand dollars—I will not say for fifty, or seventy-five, or a hundred thousand dollars—but for five thousand dollars spaces in New York could be bought which would be

quite as convenient as this lot. But gentlemen come here and say it is a convenient thing to have an assay office near the custom-house. Why have it near the custom-house? Why not have it a mile off, upon any avenue upon which an omnibus runs? Is there any difficulty in that? The man who has gold enough to have it refined can have no difficulty in going a mile or two to have it assayed at the public expense, when it is to be for his benefit? None at all.

Suppose he has to go a mile or two, has he any right to complain of that? Suppose he has to go further, and make a journey of ninety miles to Philadelphia to have his gold coined, has he any right to complain of that? I do not think he has. I do not think that by buying a lot immediately adjoining the custom-house you thereby promote the convenience of men who have gold to assay. Five hundred thousand dollars for two lots in Wall street! The Committee of Ways and Means come here and ask us to buy the old sites of two banks in Wall street. They tell us, that it is a matter of economy to purchase these sites; and how do they make out their case? How do they attempt to prove that it is a matter of economy to make such a purchase. They pile Pelion upon Ossa. They show first that they have given \$50,000 or more for a lease of buildings to use as an assay and refining office, and then, after giving this enormous price, they come to the conclusion that it would be better to buy the building.

The only justification whatever that they give for the proposition to purchase is the enormous price that they have given for the lease of the property. I do not speak without having made inquiries into this matter, and I know the facts of which I speak. I know that a site just as convenient and as well suited for all the purposes for which an assay office is wanted, and for which it is now proposed to appropriate \$500,000, can be purchased for \$5,000. I know how this thing will result. I predicted years ago that it would end in this way, and that you would have Mints established in New York and in Philadelphia—about ninety miles distant from each other. It was ignored at the time. It was denied that there was any such purpose in contemplation; but that is what it is coming to, and I desire now to wash my hands of it. I do not mean to vote for any \$500,000 to buy this Wall street assay office.

Paris, it is said, is France. I do not want New York to become the United States, and I do not want especially that Wall street shall become New York. There is no reason on the face of the earth—and I desire any gentleman to reply to me if he can—I say there is no reason upon the face of the earth why this assay office should be put into Wall street rather than in any other street in the city of New York. I think—and I desire to express the opinion before the committee—that the lease of that Wall street property was in direct contravention of the intention of Congress, and that it was improper in every respect.

Mr. CHAMBERLAIN obtained the floor and said: I believe, Mr. Chairman, that as the House is now in Committee of the Whole on the state of the Union, general discussion is in order?

The CHAIRMAN. It is in order.

Mr. CUTTING. Is the gentleman from Indiana entitled to go on with his speech? I thought either the gentleman from Tennessee [Mr. STANTON] or myself was entitled to the floor.

Mr. STANTON, of Tennessee. I thought I was properly entitled to the floor, but I do not claim it, because I did not understand it to have been awarded to me.

Mr. CHAMBERLAIN. I do not wish to trespass upon any man's right to the floor. I ask the Chair to decide who is entitled to it.

The CHAIRMAN. The gentleman from Indiana is entitled; it having been awarded to him by the Chair.

Mr. BRECKINRIDGE. I would inquire of the gentleman from Indiana whether he desires to address the committee at this time?

Mr. CHAMBERLAIN. It is for that purpose that I have risen.

Mr. BRECKINRIDGE. I have only to remark, that at a proper time I desire to make a brief explanation of the bill. If the gentleman will yield the floor for that purpose I will do so now; if not I shall do it when a proper opportunity occurs.

The CHAIRMAN. The Chair will remark

that it is customary to award the floor to the gentleman reporting a bill to open the discussion upon it; and, in accordance with the custom, it would have been proper to have recognized the gentleman from Kentucky in preference to the gentleman from Indiana. The Chair, however, did award the floor to the gentleman from Indiana, and if he desires it he may proceed.

Mr. CHAMBERLAIN obtained the floor, and addressed the committee in opposition to the repeal of the Missouri compromise, as contained in the Nebraska bill. His speech will be published in the Appendix.

Mr. BRECKINRIDGE obtained the floor.

Mr. HENN. Will the gentleman give way to allow me to move that the committee do now rise?

Mr. BRECKINRIDGE. I was about to make that motion myself. Before doing so, however, I will say to the committee that I shall improve the first occasion in making a brief explanation of the bill now under consideration. It is immaterial to me whether I proceed to do it now or wait till to-morrow.

Several MEMBERS. It is too late now. Make it to-morrow.

Mr. BRECKINRIDGE. Then I will yield to the gentleman from Iowa.

Mr. HENN. I move that the committee do now rise.

The question was put, and the motion agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. CHANDLER] reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly bill of the House (No. 271) to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1854, and had come to no resolution thereon.

Mr. LETCHER. I move that the House do now adjourn.

Mr. BOCOCK. I appeal to my colleague to withdraw that motion to allow me to introduce a resolution which it is very important should be adopted. It will occupy but a short time.

Mr. LETCHER. I withdraw the motion.

APPOINTMENT OF CADETS AT WEST POINT.

Mr. BOCOCK. I wish to state to the House that a difficulty has arisen in relation to the apportionment of cadets among the vacant congressional districts, growing out of the fact that there has been a rearrangement of congressional districts in some of the States, by which two cadets in some instances are thrown into one district. After consultation with the Secretary of War and with many gentlemen of this House, I have prepared a joint resolution, for the introduction of which I ask the unanimous consent of the House, and to which I hope there will be no objection. It is

A joint resolution explanatory of the law regulating the number of military cadets to be appointed to the Military Academy at West Point.

[Cries of "Read for information!"]

It was then read through by the Clerk. It provides, that nothing in any act of Congress now contained shall be construed to deprive any congressional district in the United States of its right to a cadet at the Military Academy at West Point; but that whenever, by a rearrangement of the congressional districts in any State, more than one cadet shall be thrown into the same congressional district, notwithstanding said fact, there shall be appointed, in the manner now prescribed by law, one cadet for every other district from which there may be no cadet at said institution, to be entered at the commencement of its next regular session.

There was no objection, and the resolution was received, and read a first time by its title.

Mr. BOCOCK. I hope there will be no objection to the resolution, but that it will be passed at once.

Mr. PRESTON. I would ask the gentleman from Virginia, as I did not hear the language of the resolution very distinctly, whether or not it increases the number of cadets by leaving one for each of the old districts, and awarding one to each of the new also; or whether it provides that the number shall be the same, and merely declares that one shall come from each congressional district in the Union?

Mr. BOCOCK. If the gentleman will allow

me to make a statement I can in two minutes give him and the House the information he desires.

Mr. PRESTON. I yield the floor to the gentleman for that purpose.

Mr. BOCOCK. The law now existing on this subject has two provisions. The first is, that there shall be appointed to the Military Academy at West Point as many cadets as there are representatives in the Congress of the United States. That is the first provision. Then there is another provision that there shall be one appointed from each congressional district.

Now the question arises with the Secretary of War, when there is a conflict between those provisions, which shall be the ruling requirement? He holds himself bound by the first, that is, that there shall be no more cadets at the Military Academy than there are congressional districts. A difficulty has arisen from the rearrangement of the congressional districts. Take my own State, for example. We had fifteen districts before; we have thirteen now, and in the rearrangement, counties from which cadets had been appointed for one district have been thrown with counties from which cadets had been appointed for another district. At the present time, there is one district in the State of Virginia from which there are two cadets. They are both in the Academy and have been there for two years. The Secretary of War has no power to get rid of them. If those two cadets are left in, of course, if the Secretary holds himself bound by the requirement that there shall be no more cadets from that State than there are congressional districts, some other congressional district must be left vacant. The Secretary has written to inform us that there are six vacancies for the State of Virginia, and seven districts from which the cadets to fill them are to be appointed. Now, how is it to be determined which of the seven districts shall be left vacant, and which not?

Mr. CLINGMAN. I desire to ask the gentleman how many cadets this joint resolution would add to the present number?

Mr. SKELTON. I rise to a question of order.

Mr. BOCOCK. Let me get through with my statement.

Mr. SKELTON. I want to know if this resolution is before the House?

The SPEAKER. It is.

Mr. SKELTON. I did not hear the Speaker ask if there was any objection to its consideration.

The SPEAKER. The Chair so asked.

Mr. SKELTON. I intended to have objected, but no opportunity was given me.

The SPEAKER. The Chair certainly asked if there was any objection to the consideration of the resolution.

Mr. PRESTON. I yield the floor to the gentleman from Virginia, to enable him to conclude his statement.

The SPEAKER. The gentleman from Virginia will suspend until the joint resolution has been read a second time. It will then be open for amendment.

The joint resolution was then read a second time by its title.

Mr. BOCOCK, (resuming.) I have the floor by the consent of the gentleman from Kentucky, and I desire to answer the question propounded to me by the gentleman from North Carolina, [Mr. CLINGMAN.] The Secretary of War informed me on Saturday that the total increase for the whole United States would be eight cadets, and at the first examination, in the ordinary course of things, by the rejection of those who do not come up to the requirements, by dismissal for bad conduct, and other causes, the excess will probably be reduced; at any rate at the end of one year there would be only three excess, and at the end of two years there would be only an excess of one; a contingency which, he informs me, would in no way affect the efficiency of the institution to accommodate cadets, and would not be in any way unacceptable to him, the institution, or the country.

Mr. PRESTON. I understand the gentleman from Virginia to only ask temporarily eight cadets?

Mr. BOCOCK. That is all.

Mr. PRESTON. I do not desire to embarrass the gentleman. I understand him to say that the difficulty now existing will begin to rectify itself at the expiration of the present cadetship?

Mr. BOCOCK. At the expiration of this academic year, even if there be no dismissals, which

is never the case. At the end of two years there will be only an excess of one, and at the end of three years there will be none.

Mr. PRESTON. I am willing to pass the resolution, without throwing any embarrassment in the way. I knew it increased the number of cadets, but not to what extent. I assumed the floor to obtain an explanation from the gentleman from Virginia. Having obtained it, and, inasmuch as I think the resolution ought to be passed at once, and I do not desire to debate it, I call for the previous question.

The question was then put on seconding the call for the previous question; and, on a division, there were—ayes 68, noes 23; no quorum.

Mr. JONES, of Tennessee. I would suggest to the gentleman from Kentucky to withdraw his call for the previous question, and move to refer the resolution to some of the committees, that it may be kept before the House.

Mr. PRESTON. I am of opinion that it is best to pass the resolution now. I, therefore, adhere to my call for the previous question. I demand tellers on seconding the call.

Mr. SKELTON. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn; there being, on a division—ayes 35, noes 63; no quorum.

The SPEAKER. The Chair will ascertain whether there is a quorum present or not.

Mr. SKELTON. I move that there be a call of the House.

Mr. PRESTON. With the permission of the House I shall withdraw my call for the previous question.

Mr. BOCOCK. Oh, no! There is a quorum present; and we can vote down the motion that there be a call of the House.

Mr. JONES, of Tennessee. I ask for tellers on the motion that there be a call of the House.

Tellers were not ordered. The question was then put; and the motion was not agreed to.

Mr. WENTWORTH, of Illinois. I wish to ask the Speaker whether the gentleman from Kentucky [Mr. PRESTON] could not let this matter be referred to the Committee on Military Affairs now, and then in the morning move to reconsider the vote by which it was so referred, and thus make it all right?

The SPEAKER. The gentleman from Kentucky might do so if he thought proper. The pending motion before the House is a demand for the previous question.

Mr. WHEELER. Mr. Speaker, there is not a quorum of members present in the House.

The SPEAKER. The Chair will ascertain whether there is a quorum present.

After a count, the Speaker announced that there was no quorum in the House—there being only 103 members present.

Mr. WHEELER. I move that the House do now adjourn.

Mr. PRESTON. I believe, Mr. Speaker, I had the floor, and I now desire to shift the question. I therefore withdraw the motion for the previous question, and move to refer the joint resolution offered by the gentleman from Virginia to the Committee on Military Affairs.

Mr. WHEELER. Mr. Speaker, there is no quorum present, and therefore the motion of the gentleman from Kentucky cannot be regularly acted on.

The SPEAKER. It cannot. A motion to adjourn has been made by the gentleman from New York, and that is the motion now before the House.

Mr. WASHBURN, of Maine. I would ask the Chair whether, if the motion for adjournment is carried now, the joint resolution would go as No. 11 on the list of business on the Speaker's table?

The SPEAKER. It would.

Mr. ORR. And would it be in order to consider it in that order?

Mr. SPEAKER. Such is the universal practice.

The question was then put on the motion to adjourn; and it was not agreed to.

Mr. PRESTON. I claim the floor for the purpose of pressing the motion which I made before. I withdraw the call for the previous question, and

I move to refer the joint resolution to the Committee on Military Affairs.

Mr. SKELTON. I rise to a question of order. Is it in order to make any such motion when there is no quorum present?

The SPEAKER. The motion can be made and entered, but cannot be acted on while there is no quorum present.

Mr. CLINGMAN. I move that the House do now adjourn.

The question was put and agreed to.

The House thereupon (at four, p. m.) adjourned till to-morrow, at twelve, m.

IN SENATE.

TUESDAY, March 14, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. WALKER presented the petition of James Lawrence and others, praying the establishment of a weekly mail from Richland Centre to Newport, Wisconsin; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAY presented a memorial of the Legislature of Alabama, praying that a grant of land may be made to complete the geological survey of that State; which was referred to the Committee on Public Lands.

Also, a memorial of the Legislature of Alabama, praying that the right of way may be granted, and a donation of land made, to aid in the construction of such railroads as have been chartered by the State; which was referred to the Committee on Public Lands.

Mr. PEARCE presented the memorial of William D. Merrick and Benjamin C. Howard, special agents of the State of Maryland, asking for the passage of an act to explain and correct the erroneous construction of a law of Congress, approved 13th May, 1826, authorizing the payment of interest due the State of Maryland; which was referred to the Committee on Finance.

CLERICAL PROTEST.

Mr. EVERETT. I have been requested to present a memorial, remonstrating against the passage of the Nebraska bill. It is signed, as I am informed, by three thousand and fifty clergymen of all denominations and sects in the different States of New England—perhaps a very large majority of the members of the clerical profession in those States. There are, I am informed, three thousand eight hundred clergymen of all sects and denominations, and this is signed by over three thousand. I have been requested to present it for the consideration of the Senate, and I hope that it will receive the attention due to the large number of clergymen by whom it is signed, and the great weight of opinion displayed in it on the part of the members of that profession. I move that it lie upon the table.

The motion was agreed to.

Mr. DOUGLAS subsequently rose and said: A memorial has been ordered to lie on the table, which was presented a few minutes ago by the honorable Senator from Massachusetts, [Mr. EVERETT.] I desire to submit a word or two of comment upon it, and therefore I wish to have it read. I think it is not respectful to the Senate.

The PRESIDENT. The Senator from Illinois moves to take up the memorial which was ordered to lie on the table.

The motion was agreed to.

Mr. DOUGLAS. I would now like to have the memorial read.

It was read, as follows:

To the Honorable the Senate and House of Representatives in Congress assembled:

The undersigned, clergymen of different religious denominations in New England, hereby, in the name of Almighty God, and in his presence, do solemnly protest against the passage of what is known as the Nebraska bill, or any repeal or modification of the existing legal prohibitions of slavery in that part of our national domain which it is proposed to organize into the Territories of Nebraska and Kansas. We protest against it as a great moral wrong, as a breach of faith eminently unjust to the moral principles of the community, and subversive of all confidence in national engagements; as a measure full of danger to the peace and even the existence of our beloved Union, and exposing us to the righteous judgments of the Almighty; and your protestants, as in duty bound, will ever pray.

BOSTON, MASSACHUSETTS, March 1 1854.

Mr. DOUGLAS. My only object is to call the

attention of the Senate to the memorial. It is presented, after the final vote of the Senate, as a protest against our action—against the action in which largely more than two thirds of this body concurred. It protests against our action as being a breach of faith, as involving a moral wrong, as destructive of all confidence, and as subjecting us to the righteous judgment of the Almighty. It is presented, too, by a denomination of men calling themselves preachers of the Gospel. Sir, it has been demonstrated in debate that there is not a particle of truth in the allegation of a breach of faith or breach of confidence. It has been demonstrated so clearly, that there is no excuse for any man in the community for believing it any longer. Yet, here we find that a large body of preachers, perhaps three thousand, following the lead of a circular, which was issued by the Abolition confederates in this body, calculated to deceive and mislead the public, have here come forward, with an atrocious falsehood and an atrocious calumny against this Senate, desecrated the pulpit, and prostituted the sacred desk to the miserable and corrupting influence of party politics. It matters not whether the description is confined to narrow limits, or whether it extends to all the clergymen of New England. It matters not whether the misrepresentation has taken a broad scope, or been confined to a few; I hold it as our duty to expose the conduct of men, who, under the cloak of religion, either from ignorance or willful misrepresentation, will avail themselves of their sacred calling to arraign the conduct of Senators here in the discharge of our duties. Sir, I hold that this Senate is as capable of judging whether our action involves moral turpitude, whether it involves the subversion of morals, whether it subjects us to the judgment of the Almighty, as are these political preachers, whose protest proves them to be without any reliable information upon the subject. It is evident, sir, that these men know not what they are talking about. It is evident that they ought to be rebuked, and required to confine themselves to their vocation, instead of neglecting their flocks, and bringing our holy religion into disrepute by violating its sacred principles, and disregarding the obligations of truth and honor, by presenting here a document which is so offensive that no gentleman can indorse it without violating all the rules of courtesy, of propriety, and of honor.

Sir, there seems to be an attempt to pile upon our table offensive document after offensive document, slander after slander, libel after libel, in order that the Abolition press may copy it as coming from the records of the Senate, and go back and give it credit in the country. They are smuggled in here, the offensive matter concealed from our knowledge until we happen to look into them and see what they are, and then these gentlemen expect to carry on a political campaign by quoting from our own records that we are traitors to our country, traitors to God, and traitors to humanity. I think it is time that this miserable system of electioneering by violating the rules and courtesies of the Senate, to get an indorsement of libels, which men ought to be ashamed to adopt, should be exposed and rebuked. I am not willing that they should be permitted to pile up slander of that kind, insult of that kind, upon our table, and let it then be used for such a purpose. You know, sir, that that memorial is not intended to affect the action of the Senate. We have no such bill before us. Our action is passed. It is not for the purpose of influencing our official conduct. Why is it brought here? There can be no other object in presenting it here now than simply to furnish capital for organizing a great sectional party, and trying to draw the whole religious community into their schemes of political aggrandizement. I think that men ought to be able to rely upon argument, and upon truth, and upon reason, instead of resorting to these things for the purpose of stimulating excitement for political ends. I have no motion to submit, but I felt it to be my duty to call the attention of the Senate to the memorial.

Mr. HOUSTON. I think that a petition of this kind ought to be received, and that it is not subject to the charge brought against it by the Senator from Illinois. It does not arraign our action by being drawn up after that action was had. The Nebraska bill passed this body on the night of the 3d, or rather on the morning of the 4th instant. The memorial appears to be dated

on the 1st of March. I cannot think that it meant any indignity to the Senate. There is nothing expressive of any such feeling in it. It is a right that all individuals in the community have, if their terms are respectful, to memorialize the Senate of the United States upon any subject. Whether there is any ulterior object in this I know not; but from the date of the memorial, and from the number of signers, I am induced to believe that the memorialists thought there was something wrong in that bill; and if they believed that its passage would be a breach of faith on the part of the Government, they had a right to say so. I took the liberty of making the same charge here. There were more questions than that of non-intervention involved in that bill. It involved an infraction of faith with the Indians, of pledges given to them under all the solemn forms, yet mockery, of treaties. That was one point involved; and I charged that the passage of the bill would be a violation of plighted faith in that particular. Was it a violation of faith to disregard the Missouri compromise, which was of so much antiquity and utility to the country? That is a matter of discussion. I have not arraigned the action of any gentleman since the passage of the bill, but anterior to it I gave my opinions in relation to its character, as a disregard of treaties, and as a flagrant violation of the plighted faith of the nation towards the Indians. With respect to the Missouri compromise I believe its repeal to be as flagrant a breach of faith as the violation of treaties made with the Indians.

I have not charged Senators with corrupt motives, nor have I charged them with anything selfish; but I certainly can see no more impropriety in ministers of the Gospel, in their vocation, memorializing Congress than politicians, or other individuals. I do not believe that these ministers have sent this memorial here to manufacture political capital, to have it entered on the records of the Senate, so that it might be taken back, and disseminated through the country. Sir, it comes from the country. I told you that there would be agitation; but it was denied upon this floor. Is not this agitation? Three thousand ministers of the living God upon earth—his vicegerents—send a memorial here upon this subject; and yet, you tell me, that there is no excitement in the country! Sir, you realize what I anticipated. The country has to bear the infliction.

Sir, the *coup d'état* was not successful. The bill did not pass before the community was awakened to it. The community was awakened to it not alone in New England, for I have seen letters from the South and West stating that it was there regarded as a breach of faith; and I can see no wrong in ministers expressing their opinion in regard to it. This protest does not attack the reputation of Senators. It does not displace them from their positions here. It does not impair their capabilities for the discharge of the high functions which the Constitution has devolved upon them. I see nothing wrong in all this. Ministers have a right to remonstrate. They are like other men. Because they are ministers of the Gospel they are not disfranchised of political rights and privileges; and, if their language is respectful to the Senate, in anticipation of the passage of a bill which was obnoxious to them, they have a right to spread their opinions on the records of the nation. The great national heart throbs under this measure; its pulse beats high; and is it surprising that we should observe the effects of it? I trust, sir, that the nation may yet again see the blessed tranquillity that prevailed over the whole country when this "healing measure" was introduced into the Senate. The nation's position was enviable. It was unagitated. There was not, in my recollection, a time so tranquil, and a community more happy. A nation more prosperous existed not upon the earth. Sir, I trust that there will be no continuance of agitation; but the way to end it is not to make war upon memorialists. Let them memorialize if they think it necessary. If they state what is incorrect, let the subject be referred to committees, and let the committees give an exposition of the truth, and lay it, in reports, before the public, and then the intelligence of the nation will determine as to what is right, and what consideration ought to be given to it. I would not take away the liberty to indulge in the freest expression of opinion, or the exercise of the rights and privileges which belong to any portion of this country;

yet I would discourage agitation. I may hold the contents of this protest, to some extent, heretical; yet they are not expressed in such offensive language as would justify a denial of their right to memorialize. If it had been intended to impugn our motives or our actions, either as corrupt or immoral, we could bear it. The people surely have a right to think and speak upon our action. We are not placed in a position so high that we are elevated above the questioning power of the people. They have the right to look into our action, and investigate our conduct; and, if they do not approve of it, to express their opinions in relation to it. I shall never make war upon them on that account; yet, I trust, that, whatever disposition may be made of the bill which we have passed, the agitation has already reached its acme; and that, from this point it may decline, until the country is again restored to peace and happiness.

Mr. MASON. That it is the right of the citizens of the United States to petition Congress, or either House of it, upon any subject that may be presented to them, is never denied, never should be denied; and such petition upon any subject of public interest should be received and treated with the respect which is due to citizens. I trust I shall never see the day when the Senate of the United States will treat the authors of such petitions, upon any subject proper for legislation pending before the body, coming from the people of the United States with aught but respect. But I understand this petition to come from a class who have put aside their character of citizens. It comes from a class who style themselves in the petition ministers of the Gospel, and not citizens. They come before us—I have not understood the petition wrong, I believe—as ministers of the Gospel, not citizens, and denounce prospectively the action of the Senate, in their language, as a moral wrong; and they have the temerity, in the presence of the citizens of the United States, to invoke the vengeance of the Almighty, whom they profess to serve, against us. Sir, ministers of the Gospel are unknown to this Government, and God forbid the day should ever come when they shall be known to it. The great effort of the American people has been, by every form of defensive measures, to keep that class away from the Government; to deny to them any access to it as a class, or any interference in its proceedings. The best illustration of the wisdom of that policy is to be found in the character of this petition. Ministers of the Gospel, I repeat, are unknown to the Government. Their mission upon earth is unknown to the Government. Of all others, they are the most encroaching, and, as a body, arrogant class of men. What do these ministers say? Do they as citizens enter into a statement of the facts of which they complain? Do they recite what will be the political effects of the measure which they complain? No; they inform us that they come here, through their petition, in the presence of the Almighty, and invoke His vengeance upon the Senate of the United States as about to commit, in their judgment, a great moral wrong.

Now, sir, I am perfectly willing to let any number of citizens protest against the measure which has recently passed the Senate. They have a right to do so, in respectful language, such as becomes gentlemen in addressing each other. If thirty thousand, or three hundred thousand citizens come from New England, let them be heard. It is a respect due to them; but when they come here, not as citizens, but declaring that they come as ministers of the Gospel, and, as the honorable Senator from Texas declared them to be, vicegerents of the Almighty—so I understood him to declare, possibly he meant vice-regents to supervise and control the legislation of the country—I say, when they come here as a class unknown to the Government, a class that the Government does not mean to know in any form or shape, not to recommend or to remonstrate, but to denounce our action as a great moral wrong, because they claim to be the "vicegerents" of the Almighty, we are bound—not from disrespect to them as citizens, not from disrespect to the cloth which they do not grace, but from respect to the Government, from respect to that sacred public trust which has been committed to us—to carry out the policy of the Government and refuse to recognize them. Sir, their object, as was well said by the Senator from Illinois, has been agitation—agitation; and I presume that their cloth and their ministry will

enable them to agitate with some success. I say, then, Mr. President, in my judgment it is due to the Government, to the public trust which we are here to administer, that we should carry out the policy of the Government and refuse to recognize these ministers of the Gospel in coming here. I move, therefore, that the petition be not received, as the best evidence of the sense of the Senate of its character.

Mr. BUTLER. It has been received, I believe, and all that is left is to protest against the protestants. I have great respect, Mr. President, for the pulpit. I have such a respect for it that I would almost submit to a rebuke from a minister of the Gospel, even in my official capacity; but they lose a portion of my respect when I see an organization, for, I believe, the first time in the history of this Government, of clergymen within a local precinct, within the limits of New England, assuming to be, as the Senator from Texas said, the vicegerents of Heaven, coming to the Senate of the United States, not as citizens, as my friend from Virginia has said, but as the organs of God—for they do not come here petitioning or presenting their views under the sanction of the obligations and responsibilities of citizens under the Constitution of the United States, but they have dared to quit the pulpit, and step into the political arena, and speak as the organs of Almighty God. Sir, they assume to be the foremen of the jury which is to pronounce the verdict and judgment of God upon earth. They do not protest as ordinary citizens do; but they mingle in their protest what they would have us believe is the judgment of the Almighty. When the clergy quit the province which is assigned to them, in which they can dispense the Gospel—that Gospel which is represented as the lamb, not as the tiger or the lion—when they would convert the lamb into the lion, going about in the form of agitators, seeking whom they may devour, instead of the meek and lowly representatives of Christ, they divest themselves of all respect which I can give them. Sir, the ministers of the Gospel are the representatives of the lowly and poor lamb—of Christ; but when the men who have signed that paper—I do not know with what ends; I do not say a word against them as individuals, for I have no doubt they are good and respectable, and many of them Christians—assume to organize themselves as clergymen to come before the country and protest against the deliberations of the Senate of the United States, they deserve, at least, the grave censure of the body.

Mr. ADAMS. During the discussion of the Nebraska bill before the Senate I did not open my mouth; nor should I now but for the remarks which have fallen from the distinguished Senator from Texas, my old and familiar friend. He says there is agitation, and that the display upon your table is evidence of it. Suppose there is agitation; at whose door ought the fault to lie, if there be fault? Was the action of this body right or wrong? If we did what was right and proper, according to the republican institutions of this country, and agitation arises out of it, the responsibility neither rests upon the distinguished Senator who introduced the bill nor those who voted for it. What was that action? This body, by its vote, removed a legislative censure upon the institutions of the South—a censure which has existed for more than thirty years, and under which we had lived submissively until now for the sake of peace. For the first time in thirty years when that censure could be repealed, when the southern States place themselves as the Constitution places them, upon an equality with the northern States, we are committing a very great outrage when we simply say that the people of every portion of this country within the limits of our constitutional authority shall be governed by their own laws in their own way. That is the whole of it.

I concur with my friend from South Carolina in regard to the petition which has been presented and ordered to lie on the table. It is addressed to the Senate and House of Representatives by a body of individuals as ministers of the Gospel. I trust I have as high a regard for their vocation as any other individual, and as much respect for the ministers of peace and good will on earth as any other individual; but when they depart from their high vocation, and come down to mingle in the turbid pools of politics, I would treat them just as I would all other citizens, I would treat their

memorials and remonstrances precisely as I would those of other citizens. It is so unlike the apostles and the ministers of Christ at an early day, that it loses the potency which they suppose the styling themselves ministers of the Gospel would give to their memorials. The early ministers of Christ attended to their mission, one which was given to them by their Master; and under all circumstances, even when the Saviour himself was upon earth, and attempts were made to induce him to give opinions with reference to the municipal affairs of the Government, he refused. These men have descended from their high estate to assail the action of this body. The Senator from Massachusetts, in presenting the petition, has done what he considered to be his duty; but I would remark, however, that with all the respect which belongs to the high character of those individuals as ministers of the Gospel, their petition should, under the circumstances, receive no more respect from us than if it came from any other private citizens.

Mr. HOUSTON. Mr. President, I have the misfortune again to differ from my friends in relation to this measure, but that difference is not sufficient to induce me to enter anew into the discussion of it. I will, however, discuss the propriety of this memorial. The gentlemen misapprehend its character entirely. I understood the honorable Senator from Virginia—but I may have been mistaken—to say that it invoked the vengeance of the Almighty God upon the Senate.

Mr. MASON. In substance it does, as I understand.

Mr. HOUSTON. There is no invocation contained in the memorial. It is a respectful protest, stating their appreciation of the measure then pending before the Senate of the United States, and not one word is contained in it derogatory to the Senate at the time it was drawn, and there is no invocation of wrath or vengeance upon the members of this body. It is a respectful protest, in the name of the Almighty God.

By the expression which I used when I was up before, that they were the vicegerents of the Almighty, I merely intended to say that they were harbingers of peace to their fellow-men; and if it was a *lapsus lingue*, or improper expression, it does not change the intention that I then entertained in my mind, of expressing a belief, that it was nothing else than an extraordinary emergency that diverted men from their ordinary pursuits in the ministry of the Gospel to engage at all in, or to step even to the verge of, the political arena.

We are told, Mr. President, that this was intended for the purpose of agitation. It is certainly a manifestation of agitation; but it could not have been intended to create agitation, for the thing was done, and here is one of its developments and consequences. Yet, sir, I can see nothing wrong in the memorial, so far as I am concerned. If ministers of the Gospel are not recognized by the Constitution of the United States, they are recognized by the moral and social constitution of society. They are recognized in the constitution of man's salvation. The great Redeemer of the world enjoined duties upon mankind; and there is the moral constitution from which we have derived all the excellent principles of our political Constitution—the great principles upon which our Government, morally, socially, and religiously, is founded.

Then, sir, I do not think there is anything very derogatory to our institutions in the ministers of the Gospel expressing their opinions. They have a right to do it. No man can be a minister without first being a man. He has political rights; he has also the rights of a missionary of the Saviour, and he is not disfranchised by his vocation. Certain political restrictions may be laid upon him; he may be disqualified from serving in the Legislatures of the States, but that does not discharge him from political and civil obligations to his country. He has a right to contribute, as far as he thinks necessary, to the sustentation of its institutions. He has a right to interpose his voice as one of its citizens against the adoption of any measure which he believes will injure the nation. These individuals have done no more. They have not denounced the Senate, but they have protested, in the capacity of ministers, against what I and other Senators on this floor protested. They have the right to do it, and we cannot take that right from

them. They will exercise it. The people have the right to think, and they will exercise that right. They have the right of memorializing, and they will exercise that right. They have the right to express their opinions, and they will exercise that right. They will exercise their rights in reprobation or commendation at the ballot-box, too; and preachers, I believe, vote. They have the right to do so. They are not very formidable numerically, but they have the right to do this as ministers of the Gospel, as well as we Senators have a right to vote for the adoption of a measure; and if it is not in accordance with their opinions they have a right to condemn it. They have the right to think it is morally wrong, politically wrong, civilly wrong, and socially wrong, if they do not interfere with the vested rights of others in the entertainment of those opinions.

I understood my honorable friend from Mississippi to say, that the South had been groaning for a long time under this oppressive measure. The South, sir, are a spirited people, and how they could have submitted for more than a third of a century to this indignity, this wrong, this act of oppression, which has ground them down in their prosperity and development, and never have said a word about it until this auspicious moment arrived, and that, too, when political subjects have been agitated at the North and South, that it should have been reserved for the action of the present Congress, after all others had glided by without complaint, rebuke, remonstrance, or suggestion of appeal, is a most extraordinary thing. My friend does not apprehend it; but there was no excitement out of this Capitol, or out of the city of Washington. It originated here. This was the grand laboratory of political action and political machinery. The object was to mature the measure here, and inflict it, by a *coup d'état*, upon the nation, and then radiate it to every point of the country. The potion does not react pleasantly. There is a response, but how does it go down? Not well. The physic works; it works badly; it works upward.

I am willing to receive any memorials that are presented to this body which are respectable in terms, whether they come from preachers, politicians, civilians, or from the beggars that congregate about your cities, and I will treat them with respect and kindness. As long as they are respectful in terms to this body, though they express their apprehension of a calamity about to fall on the country, it brands no man; and if they denounce a measure in advance, it is what they have a right to do. We have a more eligible position here to advocate our opinions than individuals have in social life to maintain their positions. We have all the panoply of power and State sovereignty thrown around the members of this body to guard and shield them against attacks; but they are thrown in the midst of the community without any shield, except it is the shield of morality and propriety of conduct which gives protection to their person. While they express themselves respectfully I shall never treat with disrespect preachers or any other individuals who come before this body to give us their opinions upon political subjects.

Mr. EVERETT. Mr. President, as this memorial was presented by me, I think it my duty to say a few words to the Senate by way of explaining my relations to it. Just after the Senate came to order this morning, I was called from my seat to the door of the Senate Chamber, and there requested to take charge of it—this memorial. The gentleman in whose hands it was, with whom I had not the pleasure of a previous personal acquaintance, was introduced to me, as I have no doubt he is, as a most respectable member of the clerical profession; and I was requested by him to take charge of the memorial, and present it to the Senate. Seeing that it was a very voluminous document, and one which I could not carry with me to my seat, and there hand it, in the usual manner, to the attendants of the Senate, I directed one of them near me at the door to take it immediately to the table of the Secretary, so that I have had no opportunity whatever of inspecting it. I presented it to the Senate but a moment or two after it was placed in my charge, and, in point of fact, I had not read a word of it before I cast my eye over it and a few of the signatures at the head of it, in conjunction with the Senator from Illinois, the chairman of the Committee on the Territories, as we were standing together at the Secretary's

table. I think it due to myself, as a matter of fact, that these circumstances should be stated, because the Senator from Illinois has objected to the language of the memorial, as disrespectful to the Senate, and as personally offensive to him, in common with the other members of the body who supported the bill. I am aware of the reserve which is imposed by the rules of the Senate on the presentation of memorials; and I deem it, therefore, no more than justice to myself that the Senate should understand precisely the circumstances under which this memorial was offered by me.

I think, however, sir, that I ought to go further, and, inasmuch as the time of its presentation is objected to, express, in justice to the memorialists, the opinion that this memorial was signed by probably every individual whose name is subscribed to it before the final action of the Senate on the Nebraska bill. It is probable, in collecting together the separated papers which had been circulated for signatures, and in preparing the memorial to be transmitted, in the copy of the caption which was made for that purpose, the date of the first of March was appended to it, without considering that many of the memorialists, probably all, must have signed it before that day. It ought not, therefore, to be considered, as has been complained of, as a protest directed against a measure which so large a majority of the Senate had previously sanctioned, but as the expression of the opinion entertained by those who signed it of a measure still pending before the Senate.

I do not undertake to vouch that this is the fact; but I presume that Senators will themselves, on reflection, consider that it must be so; and that the memorial must have been signed by a majority, if not by every individual whose name is there, while the measure was in its progress, and not after it had received the approbation of a great majority of this body.

My own opinion in relation to presenting memorials to the Senate in reference to measures that have passed from our control would be, that it is, generally speaking, not expedient. In a single instance of a memorial against the Nebraska bill, sent to me since the measure left this body, I have, at the suggestion of the person who sent it, instead of presenting it here, put it into the hands of the member of the other House who represents the district where the memorialists live. That was done at the request of the person who forwarded the memorial. Observing, however, that other Senators around me, in many cases, did present memorials which had reached them since the bill passed through the Senate, and contemplating the possibility that it might again come before us, after having undergone amendment in the other House, and that there was therefore still a propriety in its being considered, to a qualified extent, in our possession, I have thought there was no irregularity in that point of view, in presenting any memorial to which there was no objection on other grounds. On this principle I have acted in reference to several memorials against the Nebraska bill which have been sent to me during the past week.

In reference to the objections taken to the language of the memorial, and the concerted movement in which it has originated, I must say to the Senator from Illinois, that I do not believe there is anything in it intended for political effect. I have no belief that these three thousand clergymen from all parts of New England, in preparing and signing this memorial, have intended, in the smallest degree, to step from their sacred profession into the arena of party politics. I am confident it would be found, if it were possible to make the inquiry, that the memorial is signed by individuals of all political parties; that those who differ on every political question, in the common acceptance of the term, will be found to have united on this occasion; that this paper really expresses the sincere conviction of men who look at this subject strictly in a moral and religious aspect, and that, so far from desiring to take any part in the agitations that trouble the land, they have regarded the question solely in the other point of view in which it is natural it should present itself to their minds.

This has, from time immemorial, been the custom of the members of that profession, in that part of the country, although not confined to it. They have been in the habit, in reference to pub-

lic questions which have strongly appealed to the sensibilities of the community, and which they regarded as having momentous moral and religious bearings, of expressing their opinions in this way; and I am quite sure, as I said before, that on this occasion, they have not intended to lay aside—they have not thought they were laying aside—their sacred character for the sake of joining in political agitation, or affecting the result of any political controversy. And, sir, I think I need not say, that a body of over three thousand clergymen, comprehending more than three fourths of the clerical profession of New England, of all denominations, is a very respectable body; that it must faithfully represent the public opinion of a very large and most intelligent portion of the community, and that it is entitled to the most respectful consideration on the part of this body. I do not wish, as a citizen myself of that part of the Union, to say anything that would be thought extravagant, or dictated by local partiality on that point, but I must say that I do not think it would be possible to find any body of men of the same number embracing a greater amount of personal and moral worth than these three thousand and fifty individuals. The greater portion of them are necessarily men of education. They are persons whose lives are consecrated, with very little reward in what are called this world's goods, to the highest objects to which the life and labors of a man can be devoted. Of course, in such a large number of men, there may be individual exceptions, but I do think that, in general, it may be very fairly said they are as exemplary, as intelligent, and as respectable a body of men as any other in the country, not to say in the world; and I must repeat my conviction, that on this occasion they were animated by no desire to embark in the strife and agitation of the world of politics; but that feeling they were performing a duty that devolved upon them, they have expressed their honest and sincere conviction of the character of the measure in question contemplated, in a moral and religious point of view.

I regret that the presentation of this memorial, which, under the circumstances, I could regard in no other light than as a duty to a large number of my own immediate constituents, should have awakened any feeling on the part of any member of the Senate. It is but three or four days since my friend from New York [Mr. Fish] presented a similar memorial—I mean similar in its object, for I have had no opportunity of comparing the terms in which it is couched—subscribed by almost every clergyman in the city of New York. It was headed by the distinguished bishop of the eastern diocese of that State; and it was represented to be signed by a large majority of the clergy of that city. No exception was taken in the Senate to that memorial; none to its terms; none to the facts of the presentation. It was received in the usual form, and ordered to lie upon the table in the usual manner. That, if I recollect right, was since the passage of the bill; and it took the course which other numerous memorials have taken which have also been presented since its passage. I think it would be wise and expedient that this memorial also should be received and disposed of in the usual way. I am quite sure that it would be doing injustice to the individuals who have signed it, many of whom are personally known to me, as men venerable for years, distinguished for learning, and of the utmost purity of life and character, to reject their memorial as having been prompted by any desire to kindle angry passions, or to engage in political controversy; but that we ought to give them the credit for having expressed honestly and sincerely the feelings and opinions which they entertained of this measure as a moral and religious question.

I do not know, sir, that I have anything more to say on this subject. I felt that it was due to the relation in which, without any previous intimation, I have been placed to the memorialists that I should say this much.

Mr. PETTIT. Mr. President, I am for the greatest liberty to the greatest number, and I will not deny to any class of my fellow-citizens, under whatever name or denomination they may appear, the right to petition; and under the general term "petition," provided for in the Constitution, I am willing to regard memorials and remonstrances, of whatever name, kind, or description, provided always they are respectful to the Senate. But

they should be viewed in another light, and that is as to the propriety of time.

Then the first objection which I make to this remonstrance is not to its terms, not to it of itself, but to the time of its presentation. All memorializing and all petitioning is upon the basis or hypothesis that some good is to come of it; that there is something pending, or likely to be pending, to which it may refer. In that view, it is certainly too late now to present this memorial, though, as for that, I care but little. The bill has passed from us, never to return to us, in all probability. We have done our deed, for good or for evil, for weal or for woe. We are to have, I suppose, the righteous judgments of the country and of the Almighty upon us for the doing of that deed. I presume this memorial intends to convey the idea, although it does not say so distinctly, that we subject ourselves to the righteous judgments of the Almighty, to judgments which are terrible and fearful, judgments of torment, of pain, and of misery. I will not, however, so construe it, for my own gratification at least. I am willing to say that the righteous judgments of the Almighty held in reserve for us are those of approval and reward. I doubt not that we shall receive, through the country, through our fellow-citizens, that judgment of reward and approval. The bill, however, to which this remonstrance relates, has passed from us, not to return. It has gone entirely to the other House, and I can see no propriety in piling upon our table remonstrances against the passage of a measure which we have already passed.

But, sir, the Senator from Mississippi [Mr. Adams] says he has great respect and great reverence for the clergy, for the ministers of the Gospel, as such, while they keep their robes pure and unspotted; but when they descend to the turbid pools of politics, and bedabble their garments all over with the mud, and slime, and filth which he would make you believe is to be found there, he loses all respect for them. So should I, if I could be led to believe that the waters of the pool of politics were any more turbid or filthy than the waters which flow through their contradictory streams of theology. I do not believe it, sir. I hold, on the contrary, that the waters of the pools of politics are infinitely more pellucid, and pure, and cheering, and refreshing, than the pool which surrounds their stagnant waters of theology—no two of them agreeing on any proposition which can be presented.

I am, however, totally incompetent to judge of this matter. These men, as has been well said by the Senator from Virginia, have not come to you as fellow-citizens. The Constitution has secured to the citizens of the United States the right at all times to petition, and they shall never be denied that right by me, whether they choose to use the name of citizens or any other. But they have not remonstrated in their own name as citizens, nor in behalf of their fellow-citizens; but they have come, as they tell you, as the ambassadors of a higher and an omnipotent power. They use the language of an ambassador who says, "in the name of my Government I declare to you this, that, or the other." In the name of God, and in the name of his violated law, they declare this. They say that to them alone is given the power to divulge or to divine that law on earth. Sir, being totally incompetent, avowing here my total incapacity and inability to expound, divine, and illustrate that law, I shall leave it to a different forum and a different place.

These memorialists do not tell us that the measure against which they protest, will injure the country, or that it is a wrong to their fellow-citizens; but that it is a violation of the law of Him, their master, who, they claim, has sent them. The propriety of such a remonstrance may well be questioned; yet I will not undertake to question it.

Sir, this, then, is an ecclesiastical, not a political question. They have withdrawn it from the political arena. They have said that they are sent by the Divine Creator, the Maker and enforcer of divine law, commissioned to put forth and to thunder on our devoted heads his anathemas and his judgments in advance. As a secular body, we are entirely incompetent to judge of what that law is, or whether we have offended against it or not. These men say they are commissioned to expound it on earth to us. We have, however, provided ourselves for all these contingencies. When the

people, in their political capacity, send their petitions or memorials here, they know we are competent to understand them, and to provide for their interests. But, sir, I suppose we have taken a step with a view of meeting the present condition of affairs. We have provided ourselves with a law officer of this law—an expounder of the divine law; a “brother” of the same class with those who now remonstrate; an officer of this body, who, from his age, his high standing, and many indorsements here, must be supposed to be as capable of expounding that law as any of these remonstrants. I think the fact that he has been selected by a body of such intelligence as the Senate, shows that he ought to be superior to any of them as an officer of that law which these men say we have violated and outraged. I will therefore suggest, at any rate, and I believe I shall propose, that this remonstrance be referred to the Rev. Henry Slicer, Chaplain of this Senate, for examination and report. [Laughter.]

Now, sir, I want to know whether the officer of the Senate whom we have elected and appointed to expound the divine law and the divine will to us, will, not upon any oath of office, but upon his responsibility as an officer of this body, after calmly and deliberately weighing our actions here with the whole tendency, bearing, and spirit of the revealed will of God, say to us that we have so violated it. If he will, I believe I shall be ready to retract my vote on the bill, and agree to adopt his report, and go to my colleagues in the other House, and ask them for God's sake to send back the bill here, in order that we may retract our steps.

This, I repeat, is an ecclesiastical question. We are threatened with the anathemas, the thunders of the Almighty against us for violating his law. As a secular body here, we are no judges of that law; but we have provided ourselves with one who is a judge of it; and to him I think this whole matter ought to be referred. I think it will be no disrespect to the memorialists or the petitioners if we do so. They claim that they are gentlemen of the cloth, preachers of the Gospel. Now, we have elected one, and he is here, who is a gentleman of the cloth, and a minister of the Gospel of long experience; and I should be exceedingly glad to have his official report on this question, as to whether we are in danger, whether we have invoked the just and righteous judgments of God upon us. Therefore, if it is in order, I will move to refer the memorial to the Rev. Henry Slicer, the Chaplain of the Senate. [Laughter.]

Mr. DOUGLAS. So far as I am concerned, I am willing that the memorial shall be allowed to lie upon the table. The reason why I called attention to it at all was this: I have seen a deliberate attempt to organize the clergy of this country into a great political sectional party for Abolition schemes. That project was put forth clearly in the Abolition manifesto which I had to expose in my opening speech upon the Nebraska bill. This is a response to that Abolition manifesto. It is an attempt to give in the adhesion of the religious societies of this country through the clergy to the Abolition and political schemes of that organization. If these preachers choose to go into that political organization it is not for me to object, provided they confine their operations to the country, and do not send their insults here. I have no idea that these men would ever have dreamt of bringing forward such an objectionable document as this, but in response to that call which emanated from the Senate. It was by Senators in their official capacity as Senators, and these remonstrances have been sent back in response to the call.

Now, sir, what is this remonstrance? These men do not protest as citizens. They do not protest in the name either of themselves or of their fellow-citizens. They do not even protest in their own names as clergymen against this act, but they say that ‘WE PROTEST IN THE NAME OF ALMIGHTY GOD;’ and in order to make it more emphatic that they claim to speak by authority in their remonstrance, they underscore in broad black lines the words ‘IN THE NAME OF ALMIGHTY GOD.’ It is true they describe themselves as ministers of the Gospel, but they claim to speak in the name of the Almighty upon a political question pending in the Congress of the United States. It is an attempt to establish in this country the doctrine that a body of men organized and known among the people as clergymen have a peculiar

right to determine the will of God in relation to legislative action. It is an attempt to establish a theocracy to take charge of our politics and our legislation. It is an attempt to make the legislative power of this country subordinate to the church. It is not only to unite church and State, but it is to put the State in subordination to the dictates of the church. Sir, you cannot find in the most despotic countries, in the darkest ages, a bolder attempt on the part of the ministers of the Gospel to usurp the power of Government, and to say to the people: “You must not think for yourselves; you must not dare to act for yourselves; you must in all matters pertaining to the affairs of this life, as well as the next, receive instructions from us; and that, too, in the performance of your civil and official, as well as your religious duties.”

Sir, I called attention to this matter for the purpose of showing that it involved a great principle subversive of our free institutions. If we recognize three thousand clergymen as having a higher right to interpret the will of God than we have, we destroy the right of self-action, of self-government, of self-thought, and we are merely to refer each of our political questions to this body of clergymen to inquire of them whether it is in conformity with the law of God and the will of the Almighty or not. This document, I repeat, purports to speak in the name of Almighty God, and then enters a protest in that name. We are put under the ban, we are excommunicated, the gates of Heaven are closed unless we obey this behest and stop in our course and carry out these Abolition views.

The Senator from Texas says the people have a right to petition. I do not question it. I do not wish to deprive ministers of the Gospel of that right. I do not acknowledge that there is any member of this body who has a higher respect and veneration either for a minister of the Gospel or for his holy calling than I have; but my respect is for him in his calling. I will not controvert what the Senator from Massachusetts has said as to there being, perhaps, no body of men in this country, three thousand in number, who combine more respectability than these clergymen. Probably they combine all the respectability which he claims for them; but I will add, that I doubt whether there is a body of men in America who combine so much profound ignorance on the question upon which they attempt to enlighten the Senate as this same body of preachers. How many of them, do you suppose, sir, have ever taken up and read the act of 1820 to which I allude? Do you think there is one of them who has done so? How many of them ever read the votes by which the North repudiated that act of 1820? Do you think one of them ever did? How many of them ever read the various votes which I quoted on that act and the Arkansas act? Do you think one of them knew anything about them? How many of them have ever traced the course of the compromise measures of 1850 on the record? One of them? Yet they assume, in the name of the Almighty, to judge of facts, and laws, and votes, of which they know nothing, and which they have no time to understand, if they perform their duties as clergymen to their respective flocks.

They do not pretend to judge from the knowledge of this world, from the records of the Senate, or from the statute-book, or from any of the sources of information on which Senators and citizens predicate their action; but by the will and the law of God, and in His name, and in consequence of their divine mission, they overrule all these and prescribe a new test, and, in that name, they tell us that by the passage of the bill which we have passed, we have committed a moral wrong. They tell us that it is subversive of all confidence in national engagements.

Now, let me ask, are these men particularly tenacious of national engagements? Did they in their pulpits, in 1850 and 1851, tell their followers that they were bound by their oaths, and by their religious duty, to surrender fugitive slaves in obedience to the Constitution? Did they then tell their people that they must perform national engagements? Did they then tell their flocks that the Senate was right in carrying out the provisions of the Constitution? Have they been particularly in the habit of enjoining in the pulpit and from the sacred desk, as a matter of conscience, that the people should perform the national engagements contained in the Constitution of our coun-

try, and which we are all sworn to support? Sir, I do not remember that any one of these three thousand preachers, at the time when in Boston and other points of this country there were attempts to resist the fugitive slave law by force, came forward and said it was a divine duty to perform national engagements. If they did, I have not seen the evidence of it. If they felt it was a matter of conscience and of duty on the part of the clergy to supervise the fulfillment of national engagements, to preserve the public faith, and the public honor, where were they then, when your Constitution was trampled upon, when oaths of office could not bind men to perform their constitutional duty, when public honor was being outraged? Where then, were these three thousand clergymen? We did not hear from them on that occasion. There was a national engagement which no man can deny; yet they did not raise their voices against its violation. But, in this case, merely because some Abolitionists from this body have said that an act of Congress constituted a national engagement, although the statement is contradicted by the record, they come forward at the bidding of an Abolition junta, to arraign the Senate of the United States in the name of the Almighty!

Sir, I deny their authority. I deny that they have any such commission from the Almighty to decide this question. I deny that our Constitution confers any such right upon them. I deny that the Bible confers any such right upon them. They can perform their duties within their sphere without my censure or my interference, and they are responsible to the Almighty for the manner in which they perform those duties; and I must be left to perform my duties within the sphere of my functions, with no other responsibility than to my constituents and to the Almighty, without the interference of those men. I do not acknowledge them as an intermediate tribunal. I do not acknowledge that they are, as the gentleman from Texas has called them, the vicegerents of the Almighty, and that they are to perform the duty of overlooking our conduct. I repudiate the whole doctrine as at war with the pure principles of Christianity, at war with the spirit of our institutions, at war with our Constitution, at war with every principle upon which a free Government can rest.

Then, sir, assuming this character, they come forward and tell us that the action of the Senate exposes us to the “righteous judgments of the Almighty.” Their leaders here try to avoid the force of the objection that this is offensive, upon the ground that the Senate had not voted upon the question at the time when the memorial was signed. However the fact may be as to the time of signing the protest, it cannot be denied that they sent it here for presentation by their own agent more than one week after the vote of the Senate had been published to the world. This excuse does not avail them, nor exculpate their conduct. It only furnishes evidence that their apologists here have become ashamed of their conduct. I wish it distinctly understood that I attach no blame to the Senator from Massachusetts, [Mr. EVERETT,] who presented this document, for his uniform conduct has proven him incapable of performing an improper act here knowingly. His explanation has set him right. But the fact still remains that this offensive protest has been sent here and presented to the Senate as an impeachment of our conduct in passing a bill which received the sanction of this body by a vote of 37 yeas to 14 nays.

But, passing that by, if it is not offensive to the Senate, because the Senate had not voted on the bill at the time, it was offensive to the Committee on Territories, who had reported it, and it is as much a violation of the rules of the Senate, of courtesy, and of decency, to bring in a document which is offensive to one of your committees, as to bring in one which is offensive to the body itself. Then that excuse will not avail.

Individually, I care nothing about this matter. To me it is a very small affair, compared with the sort of treatment which I am receiving every day. I submit to it with great composure. I wait for the coming of the day when the people will understand the real principle involved in the Nebraska bill. Sir, I hope to see the day arrive—surely it will arrive—when you will not be able to find a man in the United States who will acknowledge that he was ever opposed to that great principle of self-

government, unless you can pin him by the record, and then he will have some excuse on some immaterial point. These confederates can have their triumph now, by heaping on our heads insult and calumny, and by deceiving even ministers of the Gospel and members of churches into acts of excess which are disgraceful to them, and of which they will be ashamed when the question comes to be fairly understood.

And, sir, when that revolution comes, when that revulsion of feeling, from an indignant people who have been misled under holy pretenses for base partisan purposes, returns upon them, I then will be able to say, "Now you get the reward of your own conduct." I bide my time; I take no exception to what is going on now; but I wish to enter my protest against the Senate giving its sanction to the recognition of the clergy of this country as a body of men authorized to judge upon political and legislative questions in the name of the Almighty, and without any responsibility to the people. It reverses the whole principle of our Government, and it was only to enter my protest against that reversal that I called the attention of the Senate to this protest.

Mr. HOUSTON. Mr. President, as the honorable Senator from Illinois, the chairman of the Committee on Territories, seemed in a most emphatic manner to address his remarks to me, I think him fully entitled to the respect of my attention. He has dwelt upon the Abolition character of this document. So far as any such character may be embodied in it, I have nothing to say. There are various opinions entertained here and elsewhere upon various subjects with which I have nothing to do, and with which I have no affiliation; but with this subject, as it is presented to the Senate now, I have some connection. With the controversy which exists between the honorable chairman of the Committee on Territories and the gentleman from Ohio, [Mr. CHASE,] and the gentleman from Massachusetts, [Mr. SUMNER,] I have nothing to do. I was not here when the controversy originated, nor when it was first introduced into the Senate. I have not participated in it since; and however unpleasant such altercations or controversies may be, and however I may regard them as impeding the transaction of business in this body, I have forbore either public or private expressions of opinion upon that matter.

Mr. DOUGLAS. Mr. President, I will say to the Senator that the only allusion which I had to him was the simple quotation which I made from his remarks when he spoke of these ministers being the vicegerents of the Almighty. My other remarks were intended for another quarter, so far as they had an application anywhere. If he is under the misapprehension of supposing that they referred to him, I wish to correct him; that is all. I do not want to interrupt him.

Mr. HOUSTON. I am very glad to hear the disclaimer, for the gentleman's remarks appeared to be directed so unequivocally toward me, that I was led into the misapprehension of supposing that they were intended perhaps to apply to me, in a manner in which it was not the purpose of the gentleman to apply them. But, sir, I explained when I was up before the misapplication of the term "vicegerent," and I expressed my opinion to be that the ministers of the Gospel were the heralds of the Almighty God, or his ministers of peace upon earth. I thought the gentleman would not have carped upon that expression, unless with reference to some particular influence which my views might have upon the auditory. It was a mere misapplication of a term, and I so explained it.

But, Mr. President, I think the object of this memorial is misapprehended. I find no fault with its introduction either before or after the passage of the bill to which it refers, for that bill may be returned to the Senate with amendments. Such things very frequently occur. At all events, as the memorial has been prepared with great care, and as the gentlemen who have signed it have been anxious that their views should be laid before the Senate of the United States, lest other measures embracing similar principles should be introduced, I can see nothing improper in allowing them to lay their views respectfully before the Senate. I do not think there is any evidence that the gentlemen who have signed the memorial have any disposition to establish theocracy in our country, or that they wish to take the Government into their

own hands, and exercise a controlling influence over it. We find that those who have signed this document are of different sects and of various denominations. I think there is no danger that such an amalgamation of interests and opinions will take place as to embody a force sufficient to make any great impression on the institutions of this country, or to endanger our liberties.

Mr. President, this memorial is regarded as a substantive and independent matter, as intended to produce agitation, and to insult the Senate; but it is really the effect of a measure which I predicted would have this influence upon the community. The cause exists in the Senate. It exists in the amendment inserted into the Nebraska bill proposing the repeal of the Missouri compromise, and this is but responsive action to that. The cause is not in the clergymen who have signed this memorial. The memorial is the effect of a cause brought forward and presented in the Senate. The memorial impugns the action of no one. It is true the memorialists speak of the measure as immoral. Surely that ought not to insult Senators. They are not such paragons of morality that they cannot bear to have their moral character questioned, if they should happen to do anything which would not be strictly moral, according to some standards, but which I should not think to be very immoral. But is their morality of such a delicate texture as to be affected by a memorial coming from "the land of steady habits?"

We are told that there is a great principle involved in the bill to which this memorial refers. This is a very formidable and very visible response to that great principle which it is said has lain dormant. Sir, I need not name the number of years that it has lain dormant. No bright genius ever elicited it; no brilliant conception ever discovered it until this session had progressed for some time, when the great principle of non-intervention at once sprang up to illumine the world, to be regarded as one which, at some future day, would be a universally-recognized principle. Sir, I recognize the principles of self-government, but I do it in sovereignty. A people in tutelage cannot exercise sovereignty, but States can. A people who are in a territorial existence, which is fitting them to become States, exercise what may be called a *quasi* sovereignty. They are never really sovereign until they are recognized by Congress as such, and are received into the Union as sovereign States. Then is the time for the operation of self-government, but it grows out of sovereignty. Is it to be in five squatters? They may pass a law to-day and repeal it to-morrow, and the next day they may pass another law, and so on successively from day to day, and from year to year they may pass and repeal laws. The Territories have no power to pass organic laws until the attributes of sovereignty are about to attach, or have actually attached to them. That is what I call non-intervention. That is what I call sovereignty and self-government.

This is the great principle which it is said is involved in the bill which we have passed; and now we are receiving the response to it. I hope we may never have any more responses of this description. I pray Heaven that we may never have another such protest in this body. I pray that there may never exist any necessity for it. But for the necessity or cause, which originated in this body, this memorial would never have been laid upon your table. This is but the effect; the cause was anterior to it. If we wish to avert calamitous effects, we should prevent pernicious causes.

Mr. SEWARD. Mr. President, I do not intend to be drawn, by any remarks which have been made, into a discussion of the question which was so elaborately discussed and finally disposed of, so far as this House is concerned, the week before last; but I have a few words to say upon the mere incident, the circumstance which, happening here this morning, is the subject of discussion.

I understand that the honorable Senator from Virginia, [Mr. MASON,] who moved that this petition should not be received, submitted that motion after the petition, in fact, had been received; and therefore I suppose that motion is not in order, and will not be insisted upon. I do not understand the honorable Senator from Indiana [Mr. PETTIT] seriously to propose to refer to the Chaplain of the Senate a paper addressed to the Senate for its consideration.

Mr. PETTIT. If our rules allow it I shall insist on that reference.

Mr. SEWARD. I understand the honorable Senator to assume that the rules do not allow it, and that it therefore cannot be done. Hence I will address no remarks to the Senate on that point. I understand the honorable Senator from Illinois, [Mr. DOUGLAS,] who objected to this memorial, to say that, after having delivered his sentiments on the subject of the measure to which it referred, he, for one, would consent that the memorial should lie on the table. That is precisely what is desired by the petitioners themselves, or those who represent them here on this occasion. I understand, therefore, that there is no legislative question before the Senate at all in regard to this matter; but that practically we are all agreed that this memorial or petition, respectful or otherwise, right or wrong, shall lie on the table. Then I understand the design of the honorable Senator from Illinois, and of those who have addressed the Senate upon this occasion, has been to reply to the remarks which are contained in the memorial upon the subject of the Nebraska bill, and the abrogation of the Missouri compromise. Though I do not think this is a customary or a right way to meet memorials or remonstrances from the people, yet, inasmuch as several Senators from different parts of the country have thought it proper to reply, by the expression of their opinions and sentiments, upon the propriety of this memorial, and the propriety of those who have sent it here, I barely wish to state for myself what I think on the subject.

Now, Mr. President, I have to say, in the first place, that, if the presentation of this memorial here is wrong at all, it is wrong either in regard to the time, or the place, or the circumstance, or the character of the memorialists, or the argument which the memorial makes.

Well, sir, I think those who will reflect on the subject will see that there is no censure justly to be cast upon the memorialists in regard to the time. It has been the habitual practice of the Senate to receive memorials and petitions upon subjects which were not yet before the body for action, and might never be; as, for instance, memorials upon the subject of securing the liberty of conscience to American citizens in foreign countries, have been received without question. So in regard to this matter. It is a subject which is one of legitimate consideration for the Senate. Although the Senate have acted on it, their action is as yet inchoate; it is liable to be reviewed directly. When the bill shall pass the other House, if ever, it may and probably will come back to us with amendments. Even if this were not so, still the Senate might be convinced, by the arguments of the memorialists or otherwise, that they had acted unwisely and injuriously to the country. If so, it is not too late to rescind our action. We can take measures to repeal the act if it shall ever pass.

Then, sir, in regard to the character of the persons who have presented this memorial; is there anything wrong in that? It is said they are clergymen, but they are nevertheless American citizens, and the broader qualification of citizenship covers over the lesser and inferior character and description of clergymen. Every man who is a citizen of the United States, and, according to my theory, every man who, although he may not be a citizen yet is a subject of the Government of the United States, has a right to petition the Congress of the United States upon any subject of national interest, or which can be legitimately the subject of legislation. Then, is there any well-grounded objection to the fact that they describe themselves as clergymen? Certainly not; because it is the right and the privilege of a citizen, if he can petition at all, to present his petition in his own way. If he thinks there is anything in his character or position which entitles his opinions to higher consideration, or which leadsto the belief that he understands the subject more thoroughly than others, it is his right to describe himself by the appellation which designates his profession, his character, or his office. It is only on this principle that the Legislatures of the States make their voices known to Congress, by describing themselves as the Legislatures of the States. After all, they come here with their resolutions in the character of petitioners or remonstrants, under that provision of the Constitution which guaranties the right

of petition, and upon no other ground of constitutional right whatever.

Is there, then, any well-grounded objection to the language or tone of this memorial? I think not. While, on the other hand, it is such a memorial as a secular person like myself would not be apt to dictate or sign, because there is a solemnity of tone, a seriousness, and religious consideration which secular men do not indulge or affect; yet, on the other hand, it is professional, and natural on the part of the memorialists; it is in the character of those who make it. It is said, indeed, that they assume to speak the will, and judgment, and pleasure of the Creator, and judge of men and nations. I do not understand them as assuming to speak any such thing. I understand them as saying simply, in substance, "We, citizens of the United States, subscribing ourselves as clergymen in the presence of Almighty God, and in His name address the Congress of the United States." Sir, what is unusual or wrong in this? You do not commence your proceedings here on any day of your whole session without acknowledging and declaring that they are begun in the presence, and in the name, and with an invocation of the blessing of Almighty God.

Mr. MASON. Will the Senator allow me to interrupt him for a moment?

Mr. SEWARD. Certainly.

Mr. MASON. If the Senator will look at the memorial, he will find that the signers carefully exclude their character of citizens. They speak of themselves as clergymen of the United States in the name of Almighty God, and in his presence making this protest before the Senate.

Mr. SEWARD. I may agree with the honorable Senator as to the fact that they do not state their citizenship, or their character as citizens; but I believe there is no dispute of the fact that they are citizens of the United States.

Mr. MASON. *Non constat.*

Mr. SEWARD. I say that is so. It is practically known to us that the clergy of this country are persons who are invested with the rights of citizens. I have said, sir, that they come here declaring that they come in the presence of Almighty God. It is that universal and eternal presence in which we all are every day and hour of our lives, and from which we can never for even a moment escape.

Again, sir, it is objected that they say they address us in the name of Almighty God. What is that but a mode of arresting or calling attention to their solemn prayer and earnest remonstrance? Sir, while there are occasions on which we never forget, never suffer ourselves to forget that we are responsible to Almighty God, it is equally true that all our action is, or ought to be, in the name of the Supreme Being. Sir, we may put off, we may lay aside the thoughts of that awful presence during our secular labors and during our life of confusion and toil and turmoil and care; but when we come to close our eyes upon this world, we cannot shut them without the reflection that we are ever here in the sight of the Judge of all men. Every man of us, when he comes to write his opinion, or his will, or his instructions for those who are to come after him, recites that it is done in the name of God. Sir, as I have said, I should not adopt this mode of addressing the Senate or Congress. It is not my habit to do so; but I know that it is the habit, that it is in the character, in the way of those who have signed this memorial. I see no ground of objection to it. Is it disrespectful to the Senate of the United States, or to Congress, that men should say they speak to them in the name of God, and in his presence? If it be so, it must be because we claim to be here exempt from the superintending government and providence of that Being, in whom and by whom we live and walk, and through whom we exist upon the earth.

But, sir, it is said that at the close of this remonstrance, there is another remark which is offensive, and that is, that the memorialists think the measure against which they protest is immoral in its nature, and that among its consequences it will draw down upon us—not upon this Senate, but upon the nation, upon this people—the judgments of Almighty God. Sir, the question in the great measure proposed is either moral or immoral. There is no neutrality between morality and immorality. It may be that we may conscientiously differ in ascertaining which is the moral side, but nevertheless it is of one character or

the other—either moral or immoral. These persons tell us they think it is of one character, others think it is of another character. It is our right to act. Let them think what they will, it is their right to tell us that, in their opinion, it is either one thing or the other, just as they understand and believe.

Then, again, it is said that the memorialists allege that the act will draw after it the judgments of Almighty God. Sir, by the judgments of Almighty God, I understand simply this: that every human act of any importance or magnitude is connected with preceding causes, and with subsequent effects; that there is connected with a right act the consequence of usefulness, of beneficence, of happiness, and all the blessings of a just Ruler; and that, on the other hand, to those acts which, whether we deem them moral or immoral, whether intentionally wrong or not, are unwise, there are connected consequences of error, danger, peril, unhappiness, wretchedness, ruin. This, in my judgment, is all that that expression means.

Mr. BUTLER. I wish to bring one thing to the view of the honorable Senator, if he will allow me. I wish to ask whether it is his opinion, from an inspection of the paper, that the clergymen who signed it had the memorial before them at the time when they signed it? It purports to have been signed on the first of March, and the bill passed the Senate on the third of March. Will he tell me whether they did or did not sign their names blindly, without seeing the memorial?

Mr. SEWARD. The honorable Senator will excuse me from answering his question; for I have not gone nearer to the paper to look at it than I am now when I stand at my desk.

Mr. BUTLER. I venture to say they never saw the memorial. They could not have done it.

Mr. SEWARD. I was simply saying that these persons, being clergymen, being devoted to the worship of God and the cure of souls, have a language of their own, and that in this language they have expressed and embodied their opinions on a secular question, and that in it there is nothing which, by just construction, ought to give offense.

And now, sir, I come to the close of what I have to say on this whole matter; and that is, that I regard this as a question of no idle importance. The right of petition is a constitutional right, and a useful and invaluable one, and I shall never be found criticising the language of petitioners or remonstrants to see whether I cannot find cause for cavil or for rejection. The petitioners and remonstrants may say precisely what they please, and precisely what they think, in whatever tone or language they think proper. They may use, for me, any epithet which they please. They may invoke on my head any judgment they please. Still, sir, with a conscience void of offense against God and man, I can go on here performing my duties, leaving them in the enjoyment of their rights, and listening to all that they say, precisely as if it had been rendered into the language of courtesy, or compliment, or of praise, which would be acceptable under other circumstances. It is because I wish that this right of petition may take no injury from the debate of this morning that I have risen to vindicate the memorial, and to do justice to those from whom it has come.

Mr. BADGER. Mr. President, I think we have given rather more importance to the memorial than its intrinsic merits entitle it to. I have no doubt at all that what is said by my honorable friend from Massachusetts [Mr. EVERETT] is strictly true, that the gentlemen who have signed this paper belong to a class of highly respectable and excellent men. I would say, probably, with regard to each of them, what Sir Walter Scott, in one of his novels, makes Cromwell say in regard to the Reverend Mr. Oldenough: "Lack-a-day, lack-a-day, a learned man, but intemperate; overzeal hath eaten him up."

These gentlemen do not come here in the character of petitioners. These gentlemen do not come here in the character of remonstrants. They do not come here in the character of memorialists; but they come as protestors, not in their own name, not with the individual weight and authority which might be attributed to their protest on the ground of their own intelligence or worth, not merely with the weight and authority which might be superadded to this and other considerations from the fact of their being ministers of the Gospel.

It is impossible to look at this paper without seeing that the honorable Senator from New York has specially pleaded upon the subject, and that the reverend gentlemen who signed it will not thank him for assigning them in this paper the low position in which he wishes to place them. What is it?

"The undersigned clergymen of different religious denominations in New England, hereby, in the name of Almighty God, solemnly protest."

In their official characters as ministers of Almighty God, and in his name, they protest against the passage of the Nebraska bill.

Now, sir, these are educated gentlemen. They are men of experience in their vocation. They understand the true and solemn import of the words here used; and I have not the shadow of a doubt that they meant to enter a protest, as the language imports, as a protest, through them, of the Almighty God himself speaking to this Senate. It is not an expression preparatory to a solemn act to be done by them; for all that is completed when they declare that they speak in the presence of God—that is to say, with a solemn recollection of His presence, realizing His superintendence over what they are doing. What, then, do they mean, when they add that they speak in His name, unless it is that they speak by His authority? That can admit of no doubt.

Well, then, sir, the whole paper proceeds in the same name and by the same authority; and, among other things, they protest against the measure as a great moral wrong, a breach of faith eminently injurious to the moral principles of the community, subversive of all confidence in national engagements, and as exposing us to the righteous judgments of the Almighty. All that is announced by these gentlemen, as ministers of God, affecting to speak in His name.

The interpretation of the paper, sir, I think it is impossible to mistake; but I have said that I think too much importance, decidedly too much importance, has been attached to it. Whether this is to be understood as a denunciation of the judgments of God, or as a prediction of his judgments, I deny the authority to denounce, and I deny the gift of prophecy, and, therefore, I think we need not have troubled ourselves further on the subject.

Each of these reverend gentlemen being in the habit, in his vocation and in his particular department, of ruling and governing his congregation, gets habitually, of course, the habit of speaking on all occasions with authority. I believe that they meant it as speaking by authority. I believe they thought they had authority for what they said, and that there was nothing improper in extending that authoritative style of speaking, in the name of the Master whose ministers they are, to the Senate, as they are in the habit of doing in their ordinary ministrations to the congregations who acknowledge them as pastors. But why should that disturb us? Who cares for it? Does anybody believe they have power to hurl the thunder bolts of heaven? Does any man believe that they are gifted with the spirit of prophecy, and able to announce to us what, in the future course of things, will come to pass? Not at all. I dare say they are very good men, but, like the Reverend Mr. Oldenough, over zealous; and there, for one, I am willing to leave the subject. I move, then, that the memorial lie upon the table.

The motion was agreed to.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Richard B. Carmichael, in behalf of the estate of Alphonsa J. A. Blake, be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

DEEPENING OF THE PATAPSCO.

Mr. PEARCE. I desire to present resolutions of the City Council of Baltimore, urging an appropriation for deepening the channel of the Patapsco river and Chesapeake Bay. They give various reasons which show the absolute necessity for such an appropriation. The object is one which is demanded by what is due to the present population and business of the city of Baltimore—to its important export and coasting trade. Its necessity is increased by the communications from that city by railroads to the great West, and also by the consideration that Baltimore is the depot of an unlimited amount of bituminous coal, which

can be furnished to our steam and commercial marine. There is, therefore, a necessity for having access to the city for the largest class of vessels. The channel of the river is now so obstructed as to render it impossible for such vessels to enter. Those obstructions might be very readily removed. The subject, I repeat, is one of great importance, and commends itself to the attention of the Committee on Commerce, to which, I suppose, the resolutions should be referred. I move their reference to that committee.

The motion was agreed to.

Mr. PRATT. In connection with the same subject, I beg leave to present the memorial of the Board of Trade of Baltimore, asking an appropriation of a similar amount of money for the improvement of the Patapsco river and Chesapeake Bay.

This memorial, Mr. President, presents some facts which I would like to bring to the special attention of the Senate. In the first place, there is one point which has been suggested by my colleague, that at this time the city of Baltimore is the only port in the Union at which a plentiful and cheap supply of bituminous coal can be furnished to our marine. The memorial also states the fact that between the capes of the Chesapeake and Pensacola there is now no southern port in which, in the event of a war, one of our larger class naval vessels could enter for any purpose. It also refers to the probability of a war in Europe, and the possibility, at least, of our being drawn into that war—a possibility which, I think, is increased by developments since the memorial was signed and sent to me.

It appears to me, Mr. President, that the subject is one of deep interest in every aspect. That there should be ports, southern ports, in which our vessels of war could enter for purposes of repair and supplies, and safety, is manifestly necessary to the interest and welfare of the country, I had hoped that my colleague would have made a motion (instead of referring the resolutions which he presented to the Committee on Commerce) to refer them to a select committee. I believe that the Committee on Commerce are already charged with various applications for appropriations for the improvement of harbors from every section of the country; and that their purpose is to embody in a general bill all the measures that they may think worthy of the consideration of the Senate. Now, however, in the present aspect of affairs, this is an object of interest beyond any which has yet been presented to the consideration of the Senate upon this subject; and I think that it should not be connected with the others, but that we should have the opportunity of having a report from a committee, and a special bill making the appropriation. I will, with the concurrence of my colleague, move that the memorial be referred to a select committee.

One other fact may be referred to, which is a matter in which the whole southwestern part of our country is deeply interested. I find upon my table this morning a memorial asking for some millions of acres of land to aid in the construction of the Marietta and Cincinnati railroad, which is to connect with the Baltimore and Ohio railroad at Wheeling. From your own great city, sir, we have appropriated millions of acres of land for the purpose of making a similar connection; and it is apparent, that unless this harbor of Baltimore is made accessible to the larger class of vessels, all these various appropriations will be comparatively of no use. I hope that the Senate will, if my colleague will consent, allow this memorial to be referred to a select committee, and have a bill reported, so that the sense of the Senate may be had upon this isolated question, whether this southern harbor shall be so improved as to admit vessels of the largest class.

Mr. PEARCE. The resolutions which I presented have been referred to the Committee on Commerce; but I certainly concur with my colleague in his request to refer his memorial to a select committee.

Mr. PRATT. That is what I ask.

The PRESIDENT. The Senator moves that the memorial be referred to a select committee of five.

Mr. WALKER. The Committee on Commerce, as I understand, has the subject now under consideration. That being the case, I should prefer that the same committee should have this me-

morial sent to them. I have no doubt that they can see the necessity for this matter, and give it as careful an attention and consideration as a select committee. I hope, therefore, that the memorial will go to that committee.

Mr. ADAMS. I dislike to object to the wishes of the Senators; but unless some good reason can be shown why the Committee on Commerce, to whom this subject properly belongs, as is admitted, is prejudiced some way, or incompetent to consider this matter; unless some good reason can be given, over and above the fact that that committee have the whole subject of internal improvement under their consideration—which is an argument in favor of the reference of this memorial to them—I concur with the Senator from Wisconsin that a special committee ought not to be raised.

Mr. PRATT. I thought I had stated several reasons why this memorial should go to a select committee. I cannot see for my life why it should go to the Committee on Commerce. The reason why I advocate the appropriation of money for this object by the Federal Government, is, that it is essential to our Navy that we should have access to the city of Baltimore, as the only port at which you can get the necessary supply of bituminous coal for the steam marine. That is the ground on which I put it. If it is to go to any of the standing committees of the Senate, it should go to the Committee on Naval Affairs, and not to the Committee on Commerce.

I stated, further, that this was a question, certainly, in the present aspect of our foreign relations, of deep importance to the country; that there should be some improvement made in this as well as some other southern harbors, so as to enable our vessels of war to have access to them in the event of a conflict with an enemy. I hope that my honorable friend from Mississippi will concur with me that this should go to a select committee. Let a bill be reported, and then let the argument be offered on the policy of making an appropriation. Then we can decide as we think proper on that question.

The motion to refer to a select committee was agreed to.

On the motion of Mr. PRATT, it was

Ordered, That the committee be appointed by the President.

Mr. DODGE, of Iowa, presented a memorial of citizens of Clinton county, Iowa, praying that a donation of land be made to aid in the construction of a ship canal around the Falls of Niagara; which was referred to the Committee on Public Lands.

Also, a petition of citizens of Cedar Rapids, Iowa, praying that a grant of land may be made to aid in the construction of the Iowa Central Air-Line Railroad; which was referred to the Committee on Public Lands.

Mr. MASON presented additional evidence in relation to the claim of Virginia for money advanced the General Government for the erection of public buildings; which, with the papers already on file in relation to the subject, was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FITZPATRICK, it was

Ordered, That John C. Whitsett have leave to withdraw his petition and papers.

On motion by Mr. SEWARD, it was

Ordered, That the messages of the President, and the report of the Secretary of the Interior yesterday communicated to the Senate, be printed.

REPORTS FROM STANDING COMMITTEES.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred the petition of Anne W. Angus, widow of Samuel Angus, late captain in the United States Army, praying a continuance of pension, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Andrew J. Dickert, a soldier during the war with Mexico, praying a pension on account of disease contracted in the service, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mrs. Anne Royal,

praying a pension, asked to be discharged from its further consideration, and that the petition lie on the table; which was agreed to.

He also, from the same committee, to whom were referred the memorial of Mary Baury, widow of Louis Baury, an officer in the revolutionary war, and the memorial of John Boykin, praying pensions, submitted adverse reports thereon; which were ordered to be printed.

Mr. WILLIAMS, from the Committee on Claims, to whom was referred the petition of Henry La Reintrie, praying compensation for services as secretary and interpreter to the United States Legation to Chili, and for services as bearer of dispatches, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. JOHNSON, from the Committee on Public Lands, to whom was referred the petition of Theresa Dardenne, widow of Abraham Dardenne, praying Congress to indemnify her for losses sustained on account of an erroneous sale of land made to Abraham Dardenne by the land officers of Little Rock, Arkansas, submitted a report, accompanied by a bill for her relief; which was read, and passed to second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the memorial of Andrew Hodge, junior, praying the enactment of a law authorizing such an arrangement with him, as one of the sureties of William H. Kerr, late postmaster at New Orleans, as will, while it protects the Government from total loss, save him from ruin, submitted a report, accompanied by a bill for the relief of Levi Pierce and Andrew Hodge, junior; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. PRATT, from the Committee on Claims, to whom were referred the petition and accompanying documents of Hezekiah Miller, of the District of Columbia, praying for arrears of pay due him as a clerk in the War Department for the discharge of certain duties, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BROWN, from the Committee on Indian Affairs, to whom were referred the memorial and accompanying documents of Amos Kendall and John E. Kendall, praying that provision may be made for securing the payment of their claim against the Western Cherokee Indians, out of the money due by the United States to those Indians, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

SENATE DEBATES.

Mr. HAMLIN. The Committee on Printing, to whom was referred a letter of Robert Armstrong, desiring to surrender his contract for publishing the debates of the Senate, a letter from Beverly Tucker proposing to assume that contract, and a letter from A. O. P. Nicholson proposing to continue the contract, have directed me to report that the committee be discharged from the further consideration of the whole matter. I ask, however, that the report may lie on the table, as there is before the Senate a proposition to purchase an additional number of the Congressional Globe and Appendix; and the matter should all be considered at the same time.

The report was ordered to lie on the table.

POST ROAD.

Mr. JOHNSON offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of creating a post route from Searcy, in White county, via Quitman, to Clinton, in Van Buren county, Arkansas.

GULF OF MEXICO.

Mr. SLIDELL offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be requested, to inquire into the expediency of making an appropriation sufficient to mark out and designate, by proper buoys, beacons, &c., the channels through Atchafalaya, Core Blanc, and Vermilion bays, and to place buoys therein wherever needed; also for the erection of a light house on Racoon Point, being the western extremity of Lost Island, or Ship

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, MARCH 16, 1854.

NEW SERIES.....No. 40.

Island, as it is called on the marine chart of the coast in the parish of Terrebonne, Louisiana; also, for the erection of a light-house at or near Proctorville, in the parish of St. Bernard, Louisiana; also, to inquire into the expediency of removing the office of the custom-house of the district of Poche, from the town of Franklin, in the parish of St. Mary's, to the town of Pattersonville, in the same parish.

FORTIFICATION AT PROCTORVILLE.

Mr. SLIDELL offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be requested to inquire into the expediency of making an appropriation for the construction of a fortification at or near Proctorville, in the parish of St. Bernard, Louisiana.

CALIFORNIA LAND TITLES.

Mr. GWIN. I offer the following resolution, and ask for its consideration now:

Resolved, That the Attorney General be directed to have translated the decrees and other acts of the Mexican Government appertaining to land titles in the State of California, now pending before the Supreme Court of the United States.

I will state, in a word, that the Supreme Court will meet on the first Monday in April for the purpose of taking up these cases. These translations are indispensably necessary for the cases to be considered then. I therefore hope the resolution will be acted on now.

The resolution was considered by unanimous consent, and agreed to.

MARTIN KOSZTA.

Mr. BELL. I wish to offer a resolution to which I hope there will be no objection. It is to call for supplementary information upon a subject which has already received the attention of the Senate. The correspondence between the American legation at Constantinople and this Government has already been called for and communicated; and now, in order to complete the information, I offer the following resolution; and ask for its consideration at this time:

Resolved, That the President be requested to communicate to the Senate, if, in his judgment, not incompatible with the public interest, copies of correspondence between the American Consul at Smyrna and the American Legation at Constantinople, and also between the said Consul and this Government, on the subject of the seizure of Martin Koszta by the Austrian authorities.

The resolution was considered by unanimous consent, and agreed to.

DEEPENING OF THE PATAPSCO.

Mr. PEARCE. I present resolutions of the City Councils of Baltimore, urging an appropriation for deepening the channel of the Patapsco river and the Chesapeake Bay. Various considerations have been relied upon to show the propriety of the appropriation asked. It is believed to be demanded by what is due to the present population and business of Baltimore, the importance and extent of its export and coasting, and the large and speedy increase of that trade which is rendered certain by the completion of railroad communications leading from the city to the great rivers of the West. It is also urged by the consideration that Baltimore is the depot of an unlimited supply of the best bituminous coal which can be furnished to our naval and commercial steam marine. This makes it desirable that ships of the largest class should have access to the port. At present the channel is obstructed by knolls which might easily be removed; and when removed, would not form again. In some places the channel has a depth at low water of only sixteen feet, which hinders the access of naval steamers and the largest class of vessels engaged in commerce. The subject is one of importance; the improvement asked for is national in its character, and commends itself to the attention of the Committee on Commerce, to which such subjects are usually referred.

I move the reference to that committee.

The motion was agreed to.

The PRESIDENT *pro tempore* appointed, as the Select Committee, Mr. PRATT, Mr. BRODHEAD, Mr. CHASE, Mr. CLAYTON, and Mr. RUSK.

DISTRIBUTION OF DOCUMENTS.

Mr. EVERETT submitted the following reso-

lution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be directed to inquire into the expediency of revising the laws relative to the distribution of the public documents printed by order of Congress, and of making further provision for their preservation.

PACIFIC RAILROAD SURVEYS.

Mr. WELLER. I offer a resolution, which I ask may now be considered:

Resolved, That the Secretary of War be requested to furnish the Senate with a copy of Lieutenant Williamson's report of his surveys to ascertain a practical route for a railroad to the Pacific ocean, dated January 12, 1854.

Mr. RUSK. I think the resolution had better be so amended as to embrace all the additional information. My own impression is, that perhaps the resolution should lie over for a few days. There are portions of the other surveying parties who will probably complete their work in a very few days, and we shall then be able to get all the information; and I think it would be better to have it in one volume. I have, however, no objection to this resolution, though I think it would be more convenient to have all the information in one document; which could be easily examined. If the Senator desires to have this report, I hope his resolution will be so amended as to call for all the information.

Mr. WELLER. I offered this resolution at the request of my colleague, who has been temporarily called out of the Chamber. I do not know what reports have been made to the Department on this subject; but, as a matter of course, I wish to have all the reports which may now be in the Department printed, as this is becoming a practical subject, and one on which we shall very soon be called upon to pass. If there be any other reports from the engineer corps who have been sent on these surveying expeditions, I desire to obtain them; and I have no objection to such a modification of the resolution as will call for all the information.

The PRESIDING OFFICER, (Mr. ADAMS in the chair.) Does the Chair understand the Senator from Texas as moving to amend the resolution?

Mr. RUSK. The suggestion which I made was, that the resolution, perhaps, had better lie over until the other surveying parties shall report, so that we can have all the information upon the subject in one document.

Mr. GWIN. I can state to the Senator that the report which the resolution calls for is one which is now lying in the Department, and I was requested to introduce a resolution calling for it, in order that it might be printed. All the others have been sent in, and this is the only one left there. As the reports come in, they can be called for, and be printed. There may be some important information in this report; and I believe the Senator would think so if he saw it.

Mr. RUSK. I have no objection to the resolution. My only desire is that we should have all these reports in one document.

The resolution was adopted.

EXECUTIVE SESSION.

The PRESIDING OFFICER, (Mr. ADAMS.) The special order is the resolution of the Committee on the Judiciary in relation to the right of the Hon. S. S. PHELPS to a seat in the Senate.

Mr. HAMLIN. I understand that, at this late hour, the Senator from Vermont, [Mr. FOOT,] who is entitled to the floor on that question, does not desire to proceed, and I think it would be hardly just to that Senator to ask him to proceed to-day. I move, therefore, that the Senate proceed to the consideration of Executive business.

The motion was agreed to; and after some time spent in the consideration of Executive business, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 14, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The business first in order is on the motion to commit the joint resolution explanatory of the law regulating the number of military cadets to be appointed to the Military Academy at West Point.

REPEAL OF THE MISSOURI COMPROMISE.

Mr. APPLETON. I ask the unanimous consent of the House to present a protest of the clergy of different denominations in New England against the repeal of the Missouri compromise in the bill for the organization of the Nebraska and Kansas Territories.

The protest is engrossed on parchment, and bears date, Boston, 1st March, 1854. It contains upwards of three thousand signatures, which occupy two hundred and fifty feet of paper.

Mr. BOYCE. I object.

Mr. DAVIS, of Rhode Island. Is it in order, Mr. Speaker, to move for the reading of the petition or protest, so as to satisfy the gentleman from Massachusetts?

The SPEAKER. That motion is not in order, the presentation of the protest having been objected to. It is a matter which cannot come properly before the House at present.

Mr. DAVIS. Does it require the unanimous consent of the House to receive the protest?

The SPEAKER. It does. Such is the rule of the House; and the Chair is here only to execute it.

Mr. DAVIS. Then I think it is a very unjust rule.

INTRODUCTION OF BILLS.

Mr. HIESTER, in accordance with previous notice, asked and obtained leave to introduce the following bill; which was read a first and second time by its title, and referred to the Committee on Revolutionary Pensions:

Bill to prevent and expose frauds on the Pension Office and on individuals, by providing for the advertisement of the names and residences of pensioners.

Mr. JONES, of Louisiana. I ask the unanimous consent of the House to introduce three several bills of a private character, merely with the view that they may be appropriately referred.

There being no objection, the following bills were read a first and second time by their titles, and severally referred, as indicated below:

Bill for the relief of the Pine Grove Academy in Louisiana. Referred to the Committee on Public Lands.

Bill to authorize the issuance of patents for lands to Louisiana in certain cases. Referred to the Judiciary Committee.

Bill to confirm the claims of William H. Henderson, and the heirs of Robert Henderson, to five hundred acres of land in the De Bastrop grant. Referred to the Committee on Public Lands.

Mr. PHILLIPS. I ask the unanimous consent of the House to introduce joint resolutions from the Legislature of the State of Alabama.

There being no objection, the resolutions were received and read.

The resolutions instruct their Senators, and request their Representatives in Congress, to use all proper means for the repeal or suspension of all duties and restrictions upon the importation of foreign rails, that have been or hereafter may be required for railroads, now in progress of construction, or that may be constructed during the next ten years within the United States.

Mr. PHILLIPS. I ask permission to offer the following resolution, in regard to their reference:

Resolved, That the joint resolutions of the State of Alabama, in reference to the duties on railroad iron, be referred to a select committee of nine, who shall report upon the propriety of modifying the said duties and extending the credit thereon.

Mr. JONES, of New York. I object to the resolution, and am opposed to any select committee.

Mr. PHILLIPS. Then I move to suspend the rules, to enable me to introduce it.

The SPEAKER. The Chair would inform

the gentleman that such motion cannot be made except on Mondays.

Mr. HOUSTON. I move that the resolution be laid upon the table, and printed.

The question was taken, and the motion was agreed to.

APPOINTMENT OF CADETS.

The SPEAKER. The proposition before the body is the motion to commit a joint resolution, explanatory of the law to regulate the number of cadets to be appointed to the Military Academy at West Point.

Mr. HAVEN. As the gentleman from Kentucky, [Mr. PRESTON,] who made the motion to refer, is not in his place, and as the House had a pretty general understanding of the object of that motion, I hope the House will vote it down, and pass the resolution.

Mr. BOCK. Cannot the gentleman from Kentucky withdraw that motion?

Mr. HAVEN. He is not present.

Mr. BISSELL. The Committee on Military Affairs had a meeting this morning, and had the subject under consideration. They came to the conclusion to support this resolution before the House, and to urge upon the House to pass it at once. They did this under the conviction that such a resolution was necessary; and therefore, if it be referred to them, as proposed by the pending motion, made by the gentleman from Kentucky yesterday, they would report it back at the first opportunity.

Mr. HOUSTON. I ask for the reading of the joint resolution.

The joint resolution was read [as published yesterday] by the Clerk.

Mr. HAVEN. The gentleman from Kentucky is now in the House, and, with the consent of the House, he can withdraw his motion, and call the previous question upon the passage of the resolution.

Mr. PRESTON. I concur in the suggestion of the gentleman, and ask leave to withdraw the motion I made yesterday, and to substitute therefor a call for the previous question upon the passage of the resolution.

No objection being made, the motion was withdrawn.

The previous question was then seconded, and the main question ordered to be put.

The main question being, "Shall the bill be engrossed, and read a third time?" it was put, and decided in the affirmative.

The joint resolution having been engrossed, it was then read the third time, and passed.

Mr. BOCK moved to reconsider the vote just taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

SUPERINTENDENCE OF PUBLIC BUILDINGS.

Mr. FLORENCE. I have a petition in my hands that has been submitted to me, relating to a subject which has been already referred to a special committee. Not knowing whether it can be referred under the rules, I desire to offer it in the House, and have it referred to the special committee having charge of the subject relating to military superintendence over the construction of the public buildings. It is a petition signed by two hundred and twenty-two working men, who disapprove of the superintendence, by military men, of the construction of any of the public buildings of the Government, or in any of the workshops or armories of the United States.

The SPEAKER. It is competent for the gentleman from Pennsylvania to refer it under the rules.

Mr. FLORENCE. I was not aware of that fact, and hence I called the attention of the Speaker to the subject. I, therefore, send it to the Clerk's desk that it may be referred, under the rules, to the special committee having charge of the subject to which I have referred.

Mr. JONES, of Tennessee. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. DISNEY. I trust that the House will vote down the motion made by the gentleman from Tennessee. The Wisconsin land bill is in such a condition that the Committee on Public Lands cannot report anything else until that is disposed of.

DEFICIENCY BILL.

Mr. BRECKINRIDGE. I ask the gentleman from Tennessee to withdraw his motion. I desire to offer a resolution to close debate upon the deficiency bill in Committee of the Whole.

The SPEAKER. Such a resolution would be in order.

Mr. BRECKINRIDGE. I offer, then, the following resolution:

Resolved, That all debate in the Committee of the Whole House on the state of the Union, on bill of the House (No. 271) to supply deficiencies in the appropriation for the service of the fiscal year ending the 30th of June, 1854, shall cease in two hours after its consideration is resumed, if the committee shall not sooner come to a conclusion thereon; and the committee shall then proceed to vote upon such amendments as may be pending, or offered to the same, and shall report it to the House with such amendments as may be agreed to by the committee.

The question was then taken on the adoption of the resolution; and, a division being had, there were—ayes 95, noes not counted.

So the resolution was agreed to.

Mr. CLINGMAN moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. HAVEN. Is there a motion now pending before the House?

The SPEAKER. There is a motion pending, made by the gentleman from Tennessee, that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken upon Mr. Jones's motion; and, a division being had, there were—ayes 68, noes 75.

Mr. KERR. I demand tellers upon the motion. Tellers were ordered; and Messrs. CAMPBELL and CHURCHWELL were appointed.

The question was then put; and the tellers reported—ayes 63, noes 86.

Mr. LETCHER. I demand the yeas and nays. The yeas and nays were not ordered.

So the motion was not agreed to.

Mr. WHEELER. I call for the regular order of business.

ACCOUNTS OF A. BOYD HAMILTON.

Mr. HAVEN. I believe it is in order for me to call up the motion I made a few days ago, and have it disposed of. I refer to a motion to reconsider the vote by which the joint resolution passed transferring the auditing of the accounts of A. Boyd Hamilton from the Clerk of the House, the Secretary of the Senate, and the clerk of the Committee on Printing, to the office of the First Comptroller of the Treasury. I understand the resolution has passed the Senate; and, after consultation with those who were interested in making the motion, I am satisfied this is the best disposition than can be made of the business. I therefore call up that motion to reconsider, and move that it be laid upon the table.

The question was put; and it was decided in the affirmative.

So the motion to reconsider was laid upon the table.

Mr. CHASTAIN. Would it be in order now to move again that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. It would be in order.

Mr. CHASTAIN. Then I submit that motion.

Mr. SMITH, of Virginia. I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then put; and the motion was disagreed to.

WISCONSIN RAILROAD BILL.

The SPEAKER. The question is on committing the following bill to the Committee of the Whole on the state of the Union: "An act granting a portion of the public lands to the State of Wisconsin, to aid in the construction of a railroad and branch road in said State." The previous question has been demanded.

Mr. DEAN. I moved the previous question, and I desire to know what will be the effect of it?

The SPEAKER. The effect will be to bring the House first to vote on the motion to commit, and, if the bill is not committed, then upon the amendments, and then upon the engrossment of the bill for a third reading.

Mr. WASHBURN, of Illinois. I desire to inquire if the bill is open to amendment?

The SPEAKER. Not until the demand for the previous question has been disposed of.

Mr. WASHBURN. If the demand for the previous question is sustained, it will not then be open to amendment?

The SPEAKER. It will not be.

Mr. DEAN. There are amendments pending. Mr. SMITH, of Virginia. I should like to have the yeas and nays on the previous question.

The SPEAKER. It is not in order to have the yeas and nays on the second. The gentleman can have the yeas and nays on ordering the main question, but not upon the second.

The previous question received a second.

The question then was on ordering the main question to be now put.

Mr. CUTTING. I ask the friends of the bill if they will, by unanimous consent, adopt the amendment to this bill that was voted by the Committee of the Whole on the state of the Union into the Minnesota bill?

[Cries of "No!" "No!"]

Mr. SMITH, of Virginia. I call for the yeas and nays on ordering the main question.

The yeas and nays were ordered.

Mr. ASHE asked to be excused from voting, as he paired off with the honorable gentleman from Indiana, [Mr. DUNHAM,] on this bill, as well as the Minnesota railroad bill, which was up last week for consideration. It is well known that he is opposed, in principle, to all of these bills; and if he had felt at liberty to vote, he would have voted, on the latter occasion, with his colleague, [Mr. CRAIG,] who opposed the original bill, as also its amendment.

Mr. WASHBURN, of Maine. I would ask the Chair what will be the first question, if the call for the previous question be sustained, and the main question ordered to be now put?

The SPEAKER. The first question will then be on the motion to commit the bill to the Committee of the Whole on the state of the Union.

The question was then taken on ordering the main question to be now put; and it was decided in the affirmative—ayes 107, nays 70; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Bennett, Benson, Bissell, Bock, Boyce, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Chase, Churchwell, Clark, Cobb, Colquitt, Cook, Corwin, Crocker, Cullom, Cumming, John G. Davis, Thomas Davis, Dawson, Dean, De Witt, Disney, Dowdell, Dunbar, Eastman, Edmonds, Ellison, English, Farley, Florence, Gamble, Goodrich, Green, Greenwood, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Hiester, Houston, Hughes, Ingersoll, Roland Jones, Knox, Lamb, Lane, Latham, Lindley, Lindsey, Macdonald, McDougall, McMullin, Macey, John G. Miller, Smith Miller, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Packer, Peck, John Perkins, Phelps, Phillips, Ready, Richardson, Riddle, David Ritchie, Thomas Ritchey, Robbins, Sage, Sapp, Seward, Shannon, Samuel A. Smith, George W. Smyth, Frederick P. Stanton, Hester L. Stevens, Straub, John L. Taylor, Thurston, Trout, Tweed, Upham, Walbridge, Warren, Ellihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Yates—107.

NAYS—Messrs. Aiken, Belcher, Bridges, Brooks, Carpenter, Caskey, Chastain, Cox, Cutting, Dent, Dick, Dickinson, Drum, Eddy, Edgerton, Flagler, Franklin, Fuller, Giddings, Goode, Grey, Aaron Harlan, Hastings, Haven, Hibbard, Hill, Daniel T. Jones, George W. Jones, Kerr, Kurtz, Letcher, Lilly, McCulloch, McNair, McQueen, Matteson, Maurice, May, Mayall, Middlesworth, Millson, Morgan, Morrison, Murray, Bishop Perkins, Powell, Pratt, Preston, Pringle, Puryear, Reese, Rogers, Russell, Sabin, Seymour, Shaw, Shower, Skelton, Gerrit Smith, William Smith, Snodgrass, Richard H. Stanton, Andrew Stuart, Vail, Vansant, Wade, Watley, Israel Washburn, Wells, and Zollcoffer—70.

So the main question was ordered to be now put.

Mr. COBB. I move to reconsider the vote by which the main question was ordered to be put, and to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on the motion to commit the bill to the Committee of the Whole on the state of the Union.

Mr. DISNEY. I desire to say a word or two.

The SPEAKER. The question arises whether the gentleman has the right to address the House at this stage of the proceedings. The question now is on referring the bill.

Mr. DISNEY. So I understand, and I think that my right to address the House under the rule, as chairman of the Committee on Public Lands, is unquestionable.

Mr. JONES, of Tennessee. I think that the practice has been heretofore to first take the vote on the question of commitment.

Mr. DISNEY. If the motion to commit the bill be agreed to, what right have I then?

Mr. JONES. Then you have the right to close the debate in the Committee of the Whole on the state of the Union. In other words, the gentleman's right, as chairman of the committee which reported this bill, to close the debate, is carried from the House to the Committee of the Whole on the state of the Union.

Mr. DISNEY. On the question to commit under a different ruling, I would be entitled to speak. It is important something should be said before the question is taken on the motion to refer.

Mr. JONES. Suppose the gentleman speaks now, and the bill is then sent to the Committee of the Whole on the state of the Union, he would be entitled to close the debate there also. The uniform practice has been, in my recollection, that if the motion to refer is agreed to, the debate closes in the Committee of the Whole on the state of the Union; and if it is voted down, then he speaks on the engrossment of the bill.

Mr. DISNEY. The main question has been ordered to be now put. The main question is the motion to refer the bill to the Committee of the Whole on the state of the Union, which has been argued; and I, of necessity, compelled to wait until argument was offered in favor of that motion. I was compelled to wait until the House had exhausted itself in favor of that motion, before my right to reply can occur. Under a different ruling I am deprived of all right to be heard.

The SPEAKER. The rule of the House in reference to the question is as follows:

"No member shall occupy more than one hour in debate on any question in the House or in Committee; but a member reporting the measure under consideration from a committee, may open and close the debate; provided, that when debate is closed by order of the House, any member shall be allowed in Committee five minutes to explain any amendment he may offer."

The SPEAKER. Whether, in contemplation of this rule, the debate is closed on referring the bill, will be the question for the House to determine. The Chair thinks that under any other construction than that which he has given to it, the gentleman from Ohio would have the right to close the debate some half dozen of times, perchance, on the bill. The gentleman will perceive that he does not lose his right, even if the bill should go to the Committee of the Whole, as he has a right, under the rule, to close the debate there.

Mr. DISNEY. But suppose this bill should not be committed—what then?

The SPEAKER. Should the bill not be committed, then the gentleman's right to close is clear on ordering the bill to be engrossed, or on its passage, just as he may choose.

Mr. DISNEY. Well, I will not insist on the point; but I say this: that if the motion to commit be carried, it will be fatal to the bill; and I therefore trust that the House—

[Cries of "Order!" "Order!" all over the Hall.]

The SPEAKER. The question now is on ordering the bill to be committed to the Committee of the Whole on the state of the Union.

Mr. CUTTING. I submit to the friends of the bill, whether or not, before the question on the motion to commit is taken, they will assent to my submitting this amendment to their bill: That no patent shall issue until twenty continuous miles of this road are completed, and so on? It will be observed, that unless the amendment is accepted now there will be no opportunity whatever to amend this bill except in Committee of the Whole. And if the friends of the bill refuse now to allow it to be perfected, their refusal only drives the House, if they desire this amendment, to vote for the proposition to send the bill to the Committee of the Whole on the state of the Union.

Mr. DISNEY. I am desired to say, by the immediate friends of the bill—I mean by those gentlemen who are most interested in its fate—that they have no sort of objection to the amendment proposed by the gentleman from New York, [Mr. CUTTING.] And I will add, that, in my humble opinion, it is a very small affair. I repeat, that I am desired to say the friends of the bill agree to accept the amendment.

The SPEAKER. Then, if there be no objection to the amendment it will be inserted as part of the bill.

Mr. OLDS. I object. I want the bill to go to the committee.

The SPEAKER. Then the question is on referring the bill to the Committee of the Whole on the state of the Union.

Mr. PERKINS, of New York. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative, there being—yeas 86, nays 95; as follows:

YEAS—Messrs. Aiken, Appleton, Thomas H. Bayly, Belcher, Bennett, Bockock, Bridges, Carpenter, Caskie, Chastain, Colquitt, Cox, Craige, Crocker, Cutting, Dent, Dick, Dickinson, Dowdell, Drum, Edmonds, Elliott, Ellison, Faulkner, Flagler, Franklin, Fuller, Giddings, Goode, Grey, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Hendricks, Hibbard, Howe, Ingersoll, Daniel T. Jones, George W. Jones, Keitt, Kerr, Kurtz, Letcher, Lilly, McCulloch, McMullin, McQueen, Maurice, May, Middlesworth, Milson, Morgan, Morrison, Murray, Olds, Packer, Bishop Perkins, Powell, Pratt, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Seward, Seymour, Shaw, Simmons, Skelton, Gerrit Smith, William Smith, Snodgrass, Andrew Stuart, Trout, Vail, Vansant, Wade, Walley, Israel Washburn, Wells, and Zollicoffer—86.

NAYS—Messrs. Abercrombie, Willis Allen, Banks, Barksdale, Benson, Bissell, Boyce, Breckinridge, Brooks, Bugg, Campbell, Caruthers, Chamberlain, Chandler, Chase, Churchill, Clark, Cobb, Cook, Corwin, Cullom, Cunningham, John G. Davis, Dawson, De Witt, Disney, Dunbar, Eastman, Eddy, Edgerton, English, Everhart, Farley, Florence, Gamble, Goodrich, Green, Greenwood, Sampson W. Harris, Wiley P. Harris, Harrison, Henn, Hill, Hughes, Hunt, Johnson, Roland Jones, Knox, Lamb, Latham, Lindley, Linsley, McDougall, Macy, Matteson, John G. Miller, Smith Miller, Noble, Norton, Andrew Oliver, Mordecai Oliver, Orr, Peck, John Perkins, Phelps, Phillips, Richardson, Riddle, Thomas Ritchey, Robbins, Sage, Sapp, Shannon, Shower, Samuel A. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, John L. Taylor, Thurston, Tweed, Upham, Walbridge, Walker, Warren, Elihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Yates—95.

So the motion to refer the bill to the Committee of the Whole on the state of the Union was not agreed to.

Mr. DISNEY. I am desired now, by the friends of this bill, to request the unanimous consent of the House to the adoption of the amendment suggested and offered a while ago by the gentleman from New York, [Mr. CUTTING.]

Mr. OLDS. I withdraw my objection to it.

The SPEAKER. If there be no objection, the amendment proposed by the gentleman from New York will be incorporated in the bill.

Several MEMBERS. Let it be reported.

Mr. HOWE. I object to its incorporation in the bill, except another amendment which I propose to offer be adopted.

The SPEAKER. The gentleman from Pennsylvania will first hear this proposition read; and then that which he proposes to submit may be also read.

The Clerk then reported the amendment, as follows:

After section 4, insert as the 5th section:

And be it further enacted, That the lands to be appropriated to said State shall be disposed of only in manner following, that is to say: No title shall vest in the said State of Wisconsin, nor shall any patent issue for any portion of the lands hereinbefore mentioned, until a continuous length of twenty miles of said road be completed through the lands hereby granted. And when the Secretary of the Interior shall be satisfied that any twenty continuous miles of said road are completed as aforesaid, then a patent shall issue for a quantity of land not exceeding one hundred and twenty sections, and included within the continuous length of twenty miles of said road. And so, from time to time, patents shall issue in like manner on the completion of every additional twenty continuous miles of said road until it is completed; when patents shall issue for the remaining lands not already conveyed. And if said road be not completed within ten years, no further sales shall be made; and the lands unsold shall revert to the United States.

The SPEAKER. If there be no objection, this amendment will be received to be voted upon in its proper order as a part of the bill. The bill will be so modified.

Mr. HOWE. I wish to ask the friends of this bill if they will accept the following amendment also?

Several MEMBERS. Read it.

The Clerk reported the amendment, as follows:

"That the money arising from the sales of the reserved alternate sections be divided among the several States of the Union in the ratio of their Federal representation."

Several MEMBERS objected.

The SPEAKER. The amendment is objected to. It is therefore out of order.

Mr. SEWARD. Do I understand the Chair to decide that the bill is not amendable now?

The SPEAKER. The Chair so decides. The

bill is not amendable, unless by unanimous consent of the House.

Mr. SEWARD. Then what is the effect of the previous question?

The SPEAKER. By the express rule of the House the previous question operates first on the motion to commit the bill, then on the amendments pending, then on the engrossment and third reading of the bill.

Mr. GREY. I would inquire of the Chair, now that the House has refused to accept the amendment offered by the gentleman from Pennsylvania, [Mr. Howe,] if it is in order for me to object to the amendment offered by the gentleman from New York, [Mr. CUTTING?]

The SPEAKER. It is too late to object, the House having already accepted it without objection.

Mr. DISNEY. I shall not avail myself of the privilege accorded to me by the rules of the House, to occupy an hour in closing this debate. I am too anxious to get the bill out of its present situation, and out of the way; for, as long as it remains where it is, it prevents all reports from committees of this House. Seeing the evident disposition of the House, if I felt so disposed, I would not trespass upon their time.

But there is another and more cogent reason which governs me. I am physically unable to say what I should like under other circumstances to have said. Permit me to say, once for all, to the House, that in relation to this matter of railroads, the most singular confusion of ideas, in reference to facts and principles, seems to have fastened itself—perhaps irremovably—but for the present, at least, upon the minds of some gentlemen upon this floor.

Why, the whole foundation of grants of this sort is to be found in the fact that the reserved sections will be enhanced in value. While in relation to this point, positive figures, dates, and localities have been paraded by the official officers of this Government, yet gentlemen, wise in their own judgment, refuse to believe. With such, words are powerless, and there is no such thing as argument.

I should like to have gone on at some length in reply to the singular speech delivered the other day by the gentleman from Virginia, [Mr. LETCHER,] as illustrating precisely the fact of which I have spoken.

Mr. LETCHER, (interrupting.) Will the gentleman from Ohio allow me a word?

Mr. DISNEY. I do not like these interruptions.

Mr. LETCHER. I think the gentleman should be as civil to me as I was to him the other day, and to all the friends of the bill. I then allowed them all to interrupt me.

I understood the gentleman from Ohio to make a statement upon this floor, that under these railroad grants the Government gets as much land, in quantity, as is given to the railroad companies.

Mr. DISNEY. As much what?

Mr. LETCHER. That the Government reserves under these railroad grants, precisely the same amount of land that the railroad companies get, and that such land is doubled in price. Do I understand the gentleman from Ohio correctly?

Mr. DISNEY. I said that the foundation of the right to make grants of this sort was to be found in the enhanced value given to the residue of the public domain, in consequence of the improvements made by virtue of these grants. And to sustain that proposition, I pledge myself—not now, but hereafter—to prove it to the gentleman's content.

Mr. LETCHER. Will the gentleman answer the question I have presented? I so understood him to say the other day, and I understand him to say so now.

Mr. DISNEY. I said that the whole domain in that particular locality was enhanced.

Mr. LETCHER. That is not the question to which I called the gentleman's attention.

If the gentleman will pardon me, I will read a communication from the Commissioner of the General Land Office. It is as follows:

GENERAL LAND OFFICE, March 1, 1854.

SIR: In compliance with your verbal request of this morning to be furnished with a statement showing the quantity of land donated along the Illinois Central railroad, and the quantity reserved to the United States, subject to the double minimum price, I have the honor to state that the quantity donated, &c., as above, is as follows:

States.	Quantity donated.	Quantity reserved, &c.
Illinois.....	2,595,053 acres.	1,223,921 acres.
Alabama.....	419,528 "	*167,045 "
Mississippi.....	737,130 "	*288,495 "
Total.....	3,751,711	1,679,461

Of the 3,751,711 acres thus donated, 1,651,874 acres are within six miles of the road, and 2,099,837 acres are selected outside of these limits. With great respect,

JOHN WILSON, Commissioner.
*Estimated.

Mr. DISNEY. I am urged upon all sides to allow the vote to be taken immediately, and I therefore move the previous question.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER: The question will first be taken upon the following amendment, reported by the Committee on Public Lands, which comes in at the close of section one, as follows:

"Provided, That no lands on either side of said road south of Janesville shall be granted to the State of Wisconsin by virtue of any provision of this act."

The question was then taken, and the amendment was agreed to.

The SPEAKER. The question now recurs upon ordering the bill to be engrossed, and read a third time.

Mr. JONES, of Tennessee, demanded the yeas and nays; which were ordered.

The question was then taken, and there were—yeas 90, nays 87; as follows:

YEAS—Messrs. Abercrombie, Appleton, Banks, Barksdale, Benson, Bissell, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Chase, Clark, Cobb, Cook, Corwin, Crocker, Cullem, Cumming, John G. Davis, De Witt, Disney, Dunbar, Eastman, Edgerton, Edmonds, Ellison, English, Farley, Florence, Goodrich, Green, Greenwood, Wiley P. Harris, Harrison, Henn, Hiestor, Houston, Hughes, Hunt, Johnson, Roland Jones, Knox, Lamb, Latham, Lindsey, Lindstey, Macy, Matteson, Maxwell, Middleswarth, John G. Miller, Noble, Norton, Oids, Andrew Oliver, Mordecai Oliver, Peck, John Perkins, Phelps, Phillips, Reese, Richardson, Riddle, Thomas Ritchey, Sage, Sapp, Seward, Shannon, Singleton, William R. Smith, George W. Smyth, Frederick P. Stanton, Alexander H. Stephens, Hestor L. Stevens, Straub, John L. Taylor, Thurston, Tweed, Upham, Walbridge, Walker, Walley, Warren, Ellihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Yates—90.

NAYS—Messrs. Aiken, Belcher, Bennett, Benton, Boeck, Bridges, Brooks, Carpenter, Chastain, Churchwell, Colquitt, Cox, Craig, Cutting, Dawson, Dent, Dick, Dickinson, Dowdell, Drum, Eddy, Elliott, Everhart, Faulkner, Flagler, Franklin, Fuller, Gamble, Giddings, Goode, Grey, Grow, Andrew J. Harlan, Hastings, Haven, Hendricks, Hibbard, Hill, Howe, Ingersoll, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kurtz, Lane, Letcher, Lilly, McMullin, McNair, McQueen, Maurice, May, Smith Miller, Millson, Morrison, Murray, Packer, Bishop Perkins, Powell, Pratt, Preston, Pringle, Puryear, Ready, David Ritchie, Robbins, Rogers, Russell, Sabin, Seymour, Shaw, Shawer, Simmons, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, Snodgrass, Andrew Stuart, Tracy, Trout, Vail, Vansant, Israel Washburn, Wells, and Zollicoffer—87.

So the bill was ordered to be engrossed, and read a third time.

Mr. DISNEY. The question now presents itself upon the passage of the bill; and upon that I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER. The bill will now be read the third time, according to the order of the House.

The bill was read a third time by its title.

Mr. CAMPBELL. I rise to a privileged question. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time, and move to lay the motion to reconsider upon the table.

Mr. LETCHER. Upon that motion I demand the yeas and nays.

Several MEMBERS. Withdraw the motion to reconsider.

Mr. SMITH, of Virginia. I object to the withdrawal of the motion to reconsider.

The yeas and nays were ordered, and the Clerk proceeded to call the roll.

When the name of JOHN B. MACY was called—

Mr. LETCHER said: At this point I rise to a question of order. I understand that the gentleman from Wisconsin [Mr. MACY] is a stockholder in this railroad; and if so, by the rules of the House he has no right to vote upon this question.

Mr. MACY. What railroad?

Mr. LETCHER. The Rock River Union Valley railroad.

Mr. BISSELL. There is no rule that will prevent the gentleman from voting if he is a stockholder.

Mr. LETCHER. Let the rule be read.

The Clerk read the 40th rule, which is as follows:

"No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question: 'Were you within the bar when your name was called?'"

Mr. BISSELL. I do not understand that any railroad company is interested in this bill. It provides for giving land to the State of Wisconsin, who will dispose of it as she pleases.

Mr. LETCHER. The object of this bill, as I understand it, is to give land to the State of Wisconsin to be held in trust for the benefit of this railroad company.

Mr. BISSELL. Read the bill, and see what it provides for.

Mr. LETCHER. I hope the bill will be read. A MEMBER. Read the note to the fortieth rule. The Clerk read the note, as follows:

"Of late, differences of opinion have occasionally arisen as to the kind of interest alluded to in this rule. It has been contended to apply to members who were merchants or manufacturers, or engaged in other business, to be effected by tariffs or other bills touching rates of duties, &c. This construction has never been sustained by the House. The original construction, and the only true one, is direct personal or pecuniary interest."

Mr. MACY. Without detaining the House further, I can satisfy the gentleman from Virginia in reference to his question of order. I am no stockholder in the railroad company to which he alludes. I disposed of all my stock in that company before I took my seat in this House.

Mr. LETCHER. I was informed, by a person who seemed to know, that the gentleman from Wisconsin was a stockholder in this company. If he is not, of course I have no question of order to make.

Mr. TAYLOR, of Ohio. Is this discussion in order?

The SPEAKER. Discussion is not in order. The Clerk will proceed to call the roll.

The calling of the roll was finished, and the Speaker announced the result—yeas 92, nays 91; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Benson, Bissell, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Chase, Clark, Cobb, Cook, Corwin, Crocker, Cullem, Cumming, John G. Davis, De Witt, Disney, Dunbar, Eastman, Edgerton, Edmonds, English, Farley, Florence, Goodrich, Green, Greenwood, Sampson W. Harris, Wiley P. Harris, Harrison, Henn, Hiestor, Houston, Hughes, Hunt, Johnson, Roland Jones, Knox, Lamb, Latham, Lindsey, Lindstey, Lyon, Macdonald, McDougall, Macy, Matteson, Maxwell, John G. Miller, Norton, Andrew Oliver, Mordecai Oliver, Peck, John Perkins, Phelps, Phillips, Reese, Richardson, Thomas Ritchey, Sage, Sapp, Seward, Shannon, Singleton, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Straub, John L. Taylor, Thurston, Tweed, Upham, Walbridge, Walker, Warren, Ellihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Yates—92.

NAYS—Messrs. Aiken, Thomas H. Bayly, Belcher, Bennett, Benton, Boeck, Bridges, Brooks, Carpenter, Chastain, Churchwell, Colquitt, Cox, Craig, Cutting, Dawson, Dent, Dick, Dickinson, Dowdell, Drum, Eddy, Ellison, Faulkner, Flagler, Franklin, Fuller, Gamble, Giddings, Goode, Grey, Grow, Aaron Harlan, Andrew J. Harlan, Hastings, Haven, Hendricks, Hibbard, Hill, Howe, Ingersoll, Daniel T. Jones, George W. Jones, Keitt, Kerr, Kidwell, Kurtz, Lane, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Maurice, May, Smith Miller, Millson, Morrison, Murray, Packer, Bishop Perkins, Powell, Pratt, Preston, Pringle, Puryear, Ready, David Ritchie, Robbins, Rogers, Russell, Sabin, Seymour, Shaw, Simmons, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, Snodgrass, Andrew Stuart, Tracy, Trout, Vansant, Wade, Walley, Israel Washburn, Wells, and Zollicoffer—91.

Mr. DISNEY. As the morning hour has expired, or very nearly so, and as the Committee of Ways and Means are anxious to go into the Committee of the Whole on the state of the Union, for the purpose of taking up and disposing of the deficiency bill, I move to reconsider the bill.

Mr. SMITH, of Virginia. I wish to know if the Chair has not the right to vote upon the question just taken? The vote of the Speaker might change the result.

The SPEAKER. The Chair has certainly the right to vote under the rules of the House, but he regards the vote as rather an unimportant one, and he is therefore not disposed to avail himself of it. His right, however, is unquestionable.

Mr. JONES, of Tennessee. I raise the question whether in the present instance the Speaker is not required to vote? I think the rule says that he shall not be required to vote unless there is a

tie vote, or unless his vote if given in the minority would make a tie; and the inference is, that in such cases he shall be required to vote.

Mr. CAMPBELL. I raise the question of order, that the vote has been announced, and that it is too late for the Speaker to vote if he desires it.

Mr. JONES. I ask for the reading of the rule.

Mr. WHEELER. It is too late to raise the question of order. I object.

Mr. JONES. If the rule requires the Speaker to vote it is not too late.

Mr. TWEED. I ask the Chair if he had announced his vote?

The SPEAKER. He announced the result as—92 yeas and 91 nays; but he did not announce the effect of that result. In the mean time the gentleman from Ohio addressed the Chair, and being recognized, moved to recommit the bill. The question raised by the gentleman from Virginia [Mr. SMITH] was made in time, and if the rule requires the Chair to vote he shall conform to the rule.

The twelfth rule was read by the Clerk, and is as follows:

"In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not be required to vote, unless the House be equally divided, or unless his vote, if given in the minority, will make the division equal; and in case of such equal division the question shall be lost."

The SPEAKER. Under the rule which has just been read the Chair is bound to vote. He votes in the negative, and the motion to lay the motion to reconsider upon the table is therefore lost.

The vote being—yeas 92, nays 92, the House refused to lay the motion to reconsider upon the table.

The question then recurred upon the motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. CAMPBELL. I withdraw the motion to reconsider.

Mr. JONES, of Tennessee. The motion cannot be withdrawn without unanimous consent. There has been action upon it.

Mr. CAMPBELL. I understand that I have the right to withdraw my motion.

Mr. DISNEY. I renew the motion which I made some time since, to recommit the bill.

The SPEAKER. The motion will be entered. Mr. BRECKINRIDGE. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CUTTING. I hope we shall go to the business on the Speaker's table.

Mr. TWEED. I demand the yeas and nays upon the motion to go into the Committee of the Whole on the state of the Union.

Mr. SMITH, of Virginia. I desire to know what I am called to act upon? I understood that there was a motion made by the gentleman from Ohio, [Mr. DISNEY], to commit this Wisconsin bill, as it is called.

The SPEAKER. The gentleman from Ohio submitted a motion to recommit the bill to the Committee of the Whole on the state of the Union.

Mr. CUTTING. I move to proceed to the orders of the day, the morning hour having expired.

The SPEAKER. That motion is not in order.

Mr. SMITH. Does the gentleman from Ohio move to recommit the bill to the Committee of the Whole on the state of the Union? Why, it has never been referred to that committee. The motion so to refer it was defeated.

Mr. DISNEY. That was not my motion. I moved to recommit the bill to the Committee on Public Lands.

The SPEAKER. The Chair begs pardon. The Chair misunderstood the gentleman's motion.

Mr. SMITH. Well, what has been done with that motion?

The SPEAKER. Nothing at all. It is still pending. A motion is also pending that the House resolve itself into the Committee of the Whole on the state of the Union, which is in order.

Mr. BAYLY, of Virginia. The effect of the motion to recommit is to keep the bill before the House, and that is the object of the gentleman from Ohio in making it. I hope my colleague understands it.

Mr. DISNEY. Of course I made the motion to recommit with a view of keeping the bill before the House. There is no question about that.

The yeas and nays were not ordered.

Mr. SMITH. If the object of the gentleman is to keep the bill which he has moved to recommit before the House, why not let us go on and finish it now?

The SPEAKER. It is not for the Chair to determine the motives for the action of the House. The motion submitted by the gentleman from Kentucky, [Mr. BRECKINRIDGE] is strictly in order under the rules.

Mr. SMITH. We might just as well dispose of the bill now as postpone it till to-morrow morning. I hope the motion of the gentleman from Kentucky will not prevail.

Mr. BRECKINRIDGE. I must call the gentleman from Virginia to order. I ask the Chair if the question before the House is debatable?

The SPEAKER. It is not debatable.

The question was then taken on Mr. BRECKINRIDGE's motion; and, on a division, there were—ayes 76, noes 90.

So the House refused to go into the Committee of the Whole on the state of the Union.

The question recurred on the motion to recommit the Wisconsin railroad bill to the Committee on Public Lands.

Mr. DISNEY. I withdraw the motion to recommit the bill, and demand the previous question on its passage.

Mr. JONES, of Tennessee. I move to lay the bill upon the table.

Mr. DISNEY. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HENDRICKS. I call for the enforcement of the last part of the 39th rule while the vote is being taken. I ask that it may be read and enforced.

The SPEAKER. The Chair is called upon to enforce the last part of the 39th rule, which will be read.

The CLERK read the rule, as follows:

"No member or other person shall visit or remain by the Clerk's table while the yeas and nays are calling or ballots are counting."

The SPEAKER. The Chair will feel it to be his duty to enforce that rule.

The question was then taken on Mr. JONES's motion, and it was decided in the affirmative—yeas 97, nays 94; as follows:

YEAS—Messrs. Aiken, Thomas H. Bayly, Belcher, Bennett, Benton, Boccock, Boyce, Bridges, Brooks, Carpenter, Caskey, Chandler, Chastain, Churchwell, Colquitt, Cox, Craige, Cutting, Dent, Dick, Dickinson, Dowdell, Drum, Eddy, Elliott, Ellison, Etheridge, Everhart, Faulkner, Flagler, Franklin, Fuller, Gamble, Giddings, Goode, Grey, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Hastings, Haven, Hendricks, Hibbard, Hill, Howe, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kirtledge, Knox, Kurtz, Lane, Latham, Letcher, Lilly, Lyon, McCulloch, McNair, McQueen, Maurice, May, Mayall, Middlesworth, Smith Miller, Millson, Morgan, Morrison, Murray, Packer, Bishop Perkins, Phillips, Powell, Pratt, Preston, Pringle, Puryear, Ready, David Ritchie, Rogers, Russell, Sabin, Seymour, Shaw, Shower, Simmons, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, Snodgrass, Gerrit Stuart, Tracy, Vail, Vansant, Wade, Walley, Israel Washburn, and Zollcoffer—97.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Benson, Bissell, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Chase, Clark, Clingman, Cobb, Cook, Corwin, Crocker, Cullom, Cumming, John G. Davis, De Witt, Disney, Dunbar, Eastman, Edgerton, Edmonds, English, Farley, Florence, Goodrich, Green, Greenwood, Wiley P. Harris, Harrison, Henn, Hiester, Houston, Hughes, Hunt, Roland Jones, Knox, Lamb, Latham, Lindsey, Lindsley, McDougall, Macy, Matteson, Maxwell, John G. Miller, Norton, Andrew Oliver, Mordecai Oliver, Peck, John Perkins, Phelps, Phillips, Reese, Richardson, Riddle, Thomas Ritchey, Robbins, Sage, Sapp, Seward, Shannon, Singleton, William R. Smith, George W. Smyth, Sollers, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, John L. Taylor, Thurston, Tracy, Tweed, Upham, Walbridge, Walker, Warren, Elihu B. Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Yates—94.

So the bill was laid upon the table.

Mr. LETCHER. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

[Cries of "No! no!" and "Withdraw it!"]

Mr. TWEED. I call for the yeas and nays on that motion.

Mr. LETCHER. At the request of some of my friends, I will withdraw the motion.

Mr. CLINGMAN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. FAULKNER. I rise to make a privileged motion.

Mr. CLINGMAN. My motion is privileged, I think.

Mr. FAULKNER. I move to reconsider the vote by which the bill was laid on the table, and to lay the motion to reconsider upon the table.

Mr. CLINGMAN. I do not withdraw my motion.

Mr. CUTTING. The morning hour having expired, I call for the regular order of business.

The SPEAKER. Two privileged questions have already been submitted. The gentleman from North Carolina [Mr. CLINGMAN] moves that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. The gentleman from Virginia [Mr. FAULKNER] moves to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

Mr. CLINGMAN. My motion takes precedence, and I do not withdraw it. The gentleman from Virginia has a right, undoubtedly, to have his motion entered, but not considered until my motion is disposed of.

The SPEAKER. The question is first on the motion of the gentleman from North Carolina.

Mr. JONES, of Tennessee. If the motion to reconsider has been made and entered, has not any member a right to call it up at any time, even to the exclusion of a motion to go into the Committee of the Whole on the state of the Union?

The SPEAKER. The two rules, if the gentleman will refer to them, would seem to conflict one with the other. But the rule is so clear and positive that the House may at any time resolve itself into the Committee of the Whole on the state of the Union, that when that motion is first made, the Chair thinks that it must take precedence even of a motion to lay a motion to reconsider upon the table.

Mr. RICHARDSON. Will the Chair permit me to make a suggestion?

The SPEAKER. With a great deal of pleasure.

Mr. RICHARDSON. There are two privileged motions pending—one that the House resolve itself into the Committee of the Whole on the state of the Union, and the other to lay upon the table the motion to reconsider the vote by which the Wisconsin railroad bill was laid upon the table.

The SPEAKER. The Chair decides, if the gentleman will allow the Chair, that the motion to reconsider will be entertained, but that the question must first be put on the motion of the gentleman from North Carolina, that the House resolve itself into the Committee of the Whole on the state of the Union, as that motion was first submitted.

Mr. RICHARDSON. That is the view I take of the question.

The question was then taken on the motion that the House resolve itself into the Committee of the Whole on the state of the Union; and it was disagreed to; there being, on a division—ayes 75, noes 96.

The SPEAKER. The question now recurs on the motion submitted by the gentleman from Virginia, [Mr. FAULKNER.]

Mr. BISSELL. I move that the House do now adjourn.

Mr. DISNEY. I call for the yeas and nays on the motion.

Mr. STANTON, of Tennessee. The object of gentlemen, I presume, is to pass this matter over until to-morrow; and I would suggest, that instead of moving to adjourn, we go to the consideration of the business upon the Speaker's table.

The SPEAKER. Is the motion to adjourn withdrawn?

Mr. BISSELL. No, sir.

Mr. STEPHENS, of Georgia. I demand tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. CAMPBELL and CHURCHWELL were appointed.

The House was then divided; and the tellers reported—ayes 33.

So the yeas and nays were ordered.

The question was then taken on the motion to adjourn; and it was decided in the negative—yeas 35, nays 138; as follows:

YEAS—Messrs. James C. Allen, Bissell, Brooks, Campbell, Clark, Cobb, Cook, Disney, Eastman, Farley, Florence, Green, Harrison, Henn, Hiester, Hughes, Hunt, Johnson, Lindsley, Macy, Smith Miller, Thomas Ritchey, Sapp,

Shannon, William R. Smith, Sollers, Hester L. Stevens, Straub, John L. Taylor, Thurston, Walbridge, Walker, Tappan Wentworth, Westbrook, and Yates—35.

NAYS—Messrs. Aiken, Willis Allen, Appleton, Ashe, Thomas H. Bayly, Banks, Barksdale, Belcher, Bell, Bennett, Benson, Benton, Boccock, Boyce, Bridges, Bugg, Carpenter, Caruthers, Caskey, Chamberlain, Chastain, Churchwell, Clingman, Colquitt, Cox, Craige, Crocker, Cullom, Cumming, Cutting, John G. Davis, Thomas Davis, Dawson, Dent, De Witt, Dick, Dickinson, Dowdell, Drum, Dunbar, Eddy, Edgerton, Edmonds, Elliott, Ellison, English, Everhart, Ewing, Faulkner, Franklin, Fuller, Gamble, Goode, Goodrich, Greenwood, Grey, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Hendricks, Hibbard, Hill, Houston, Howe, Ingersoll, Daniel T. Jones, George W. Jones, Keitt, Kerr, Kidwell, Kirtledge, Knox, Kurtz, Lane, Latham, Letcher, Lilly, Lyon, McCulloch, McNair, McQueen, Matteson, Maurice, May, Meacham, Middlesworth, John G. Miller, Millson, Morgan, Morrison, Murray, Oids, Packer, Peck, Bishop Perkins, Phillips, Powell, Pratt, Preston, Pringle, Puryear, Ready, Reese, Riddle, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Shaw, Shower, Simmons, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Andrew Stuart, Tracy, Trout, Tweed, Upham, Vail, Vansant, Wade, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Wheeler, Daniel B. Wright, and Zollcoffer—138.

So the House refused to adjourn.

The SPEAKER. The question recurs on the proposition to lay on the table the motion to reconsider.

Mr. TAYLOR, of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HIESTER. I move that the House do now resolve itself into the Committee of the Whole on the state of the Union.

Mr. BOCOCK. Is that motion in order? Is there not another privileged motion pending?

The SPEAKER. It is in order.

Mr. BOCOCK. Does not the question first arise on the privileged motion pending?

The SPEAKER. The motion of the gentleman from Pennsylvania is a privileged one of a higher character than that of the gentleman from Virginia, in the estimation of the Chair.

The question was then taken, and the House refused to go into the Committee of the Whole on the state of the Union.

Mr. DISNEY. I desire to say, once for all, to the House, that I have no disposition to worry it out by repeated motions, merely for the consumption of time. It is a reasonable request when I ask, so far as the Wisconsin railroad bill is concerned, that it be allowed to go over until to-morrow, to give time for members to reflect on it.

The SPEAKER. The gentleman from Ohio is not in order.

Mr. BISSELL: I move that when the House adjourns to-day, it be to meet on Thursday next:

The question was taken, and the motion was disagreed to.

The question was taken on laying upon the table the motion to reconsider; and it was decided in the affirmative—yeas 93, nays 85; as follows:

YEAS—Messrs. Aiken, Thomas H. Bayly, Belcher, Benton, Boccock, Bridges, Brooks, Bugg, Carpenter, Caskey, Chastain, Churchwell, Colquitt, Cox, Craige, Crocker, Cutting, Dent, Dick, Dickinson, Dowdell, Drum, Eddy, Edgerton, Elliott, Etheridge, Ewing, Faulkner, Franklin, Fuller, Gamble, Giddings, Goode, Grey, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Hastings, Haven, Hendricks, Hibbard, Hill, Howe, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Keitt, Kerr, Kidwell, Kurtz, Letcher, Lilly, Lyon, McCulloch, McMullin, McNair, McQueen, Maurice, May, Mayall, Middlesworth, Millson, Morgan, Morrison, Murray, Packer, Bishop Perkins, Powell, Pratt, Preston, Pringle, Puryear, Ready, David Ritchie, Rogers, Russell, Sabin, Seymour, Skelton, Gerrit Smith, Samuel A. Smith, William Smith, Andrew Stuart, Tracy, Trout, Vail, Vansant, Wade, Walley, Israel Washburn, and Zollcoffer—93.

NAYS—Messrs. Abercrombie, Willis Allen, Appleton, Barksdale, Bennett, Benson, Bissell, Breckinridge, Campbell, Caruthers, Chamberlain, Chandler, Chase, Clark, Clingman, Cobb, Cullom, Cumming, John G. Davis, Thomas Davis, De Witt, Disney, Dunbar, Eastman, Ellison, English, Everhart, Farley, Flagler, Florence, Goodrich, Green, Greenwood, Wiley P. Harris, Harrison, Henn, Hiester, Houston, Hughes, Hunt, Johnson, Roland Jones, Knox, Latham, Lindsey, McDougall, Macy, Matteson, John G. Miller, Smith Miller, Norton, Andrew Oliver, Mordecai Oliver, Peck, John Perkins, Phelps, Phillips, Reese, Riddle, Robbins, Sage, Shannon, Singleton, William R. Smith, George W. Smyth, Sollers, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, Taylor, Thurston, Tweed, Upham, Walbridge, Walker, Warren, Elihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Daniel B. Wright, and Yates—85.

So the motion to reconsider was laid upon the table; and the bill was finally lost.

Mr. SAGE. I move that the House do now adjourn.

Mr. COBB. I desire to submit a report from the Committee on Public Lands.

The SPEAKER. The gentleman cannot do so pending the motion to adjourn.

Mr. SMITH, of Virginia. I presume, Mr. Speaker, that every gentleman wants the Nebraska bill taken up for consideration or reference.

The SPEAKER. There is a motion pending that the House adjourn, and discussion is not in order.

The question was taken, and the motion was agreed to.

Whereupon, (at three o'clock and twenty-five minutes, p. m.) the House adjourned until tomorrow, at twelve o'clock, m.

IN SENATE.

WEDNESDAY, March 15, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. SUMNER presented a petition of inhabitants of Lancaster, Massachusetts, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, a remonstrance signed by 1,366 women, resident at Fall River, Massachusetts; a remonstrance from women of Westborough, Massachusetts; a remonstrance from citizens of Lawrence, Massachusetts; and a remonstrance from citizens of Indiana, against the passage of any act for the organization of the Territory of Nebraska without a provision for the prohibition of slavery therein; which were ordered to lie on the table.

Mr. FOOT presented a resolution adopted at the annual March meeting of freemen of Moretown, Vermont, against the repeal of the Missouri compromise; which was ordered to lie on the table.

Mr. SEWARD presented a petition of citizens of Greenpoint, New York, praying that the public lands may be granted, in limited quantities, to actual settlers; which was ordered to lie on the table.

Also, the petition of John J. Harrison and others, remonstrating against the passage of the Nebraska bill in its present form; which was ordered to lie on the table.

Mr. BROWN presented a memorial of the Legislature of Mississippi, praying the establishment of a mail route by land from Jackson direct to the counties on the sea-coast; which was referred to the Committee on the Post Office and Post Roads.

Mr. DODGE, of Wisconsin, presented a petition of citizens of Green Bay, Wisconsin, praying that measures may be taken to secure religious liberty to American citizens residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. MASON presented the memorial of J. Balesier, praying remuneration for certain expenses incurred while special agent of the United States to southeastern Asia; which was referred to the Committee on Foreign Relations.

Mr. CASS presented a memorial of citizens of New York, praying that measures may be taken to secure religious liberty to American citizens residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Also, three petitions of citizens of Virginia, praying that measures may be taken to secure the rights of religious liberty to American citizens residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

REPORTS FROM STANDING COMMITTEES.

Mr. CLAY, from the Committee on Pensions, to whom were referred bills from the House of Representatives for the relief of James F. Green, of Pennsylvania, and for the relief of Lemuel Hudson, reported them back without amendment, and recommended their passage.

He also, from the same committee, to whom was referred the petition of William Miller, praying a pension, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the bill from the House of Repre-

sentatives for the relief of George S. Claffin, reported adversely thereon.

TERRITORIAL DISTRICT ATTORNEYS.

Mr. PETTIT, from the Committee on the Judiciary, to whom was referred the bill to regulate the fees and compensation of the district attorneys in the courts of the United States for the Territories of Minnesota, New Mexico, and Utah, reported the same back without amendment, recommended its passage, and asked for its immediate consideration.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the bill. It proposes to allow the district attorneys named the same fees and compensation as are now allowed by law to the same officers in Oregon.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, and was read a third time, and passed.

COHASSET ROCKS LIGHT-HOUSE.

The joint resolution from the House of Representatives, "authorizing the Secretary of the Treasury and Light-House Board to determine upon the site, plan, and mode of constructing the light-house on Cohasset rocks, and for other purposes," was read a first and second time.

Mr. HAMLIN. Mr. President, that resolution has not been referred to the Committee on Commerce, but still they have investigated the subject; and I am directed by the committee to ask for the consideration of the resolution at this time. I will state, in a very few words, the reasons why it is necessary that it should be passed. By the law of 1852, an appropriation of \$40,000 was made for the erection of a light-house on Minot's Ledge, on such plan as should be approved by the Topographical Bureau. By the act of 1853, an additional survey was directed to be made. The second survey has been made, and an inner and different rock has been recommended. This joint resolution now proposes to submit the whole question to the Light House Board whether the light-house shall be on the inner or the outer rock. It is to take away all restrictions, and leave the Light-House Board to determine on which it shall be erected, there being two conflicting reports.

The Senate proceeded to consider the resolution, as in Committee of the Whole; and no amendment being proposed, it was reported to the Senate without amendment. It was ordered to a third reading, was read a third time, and passed.

PORTS OF ENTRY.

Mr. STUART offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry upon Lake Superior within the State of Michigan.

ARMY RETIRED LIST.

Mr. SHIELDS. The bill to promote the efficiency of the Army by retiring disabled officers, was on its final passage a few days ago, but was not disposed of by the Senate for want of a quorum, and has been lying on the table ever since. I feel anxious to have it passed as soon as possible, and I hope the Senate will take it up now and dispose of it. The yeas and nays were ordered, and were being taken upon it, when it was discovered that there was no quorum; but I hope the call for the yeas and nays may be withdrawn, so as to allow the bill to be passed now. It was ordered to a third reading without objection, I believe, and would have been passed then immediately, but that I wished to have it engrossed before its passage.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) I understand that the yeas and nays have been ordered on the passage of that bill.

Mr. SHIELDS. I apprehend there is not a quorum present, and therefore I should like to have the call withdrawn.

The PRESIDING OFFICER. It cannot be withdrawn if there is not a quorum present.

Mr. SHIELDS. Not by unanimous consent? The PRESIDING OFFICER. No, sir.

Mr. PETTIT. I wish to record my vote against the bill.

Mr. ADAMS. If unanimous consent cannot authorize the passage of a law when a quorum is not present, it certainly cannot authorize the

withdrawal of a call for the yeas and nays, particularly after they have been ordered.

Mr. SHIELDS. Very well, let the question be taken.

The PRESIDING OFFICER. The question is, shall the bill "to promote the efficiency of the Army by retiring disabled officers" pass?

The question being taken by yeas and nays; resulted—yeas 25, nays 10; as follows:

YEAS—Messrs. Bell, Brodhead, Brown, Butler, Cass, Dodge of Wisconsin, Douglas, Evans, Everett, Fish, Fitzpatrick, Foot, Geyer, Gwin, Johnson, Mason, Pearce, Rusk, Sebastian, Seward, Shields, Slidell, Stuart, Toucey, and Williams—25.

NAYS—Messrs. Adams, Chase, Clay, Dodge of Iowa, Hamlin, Norris, Pettit, Sumner, Wade, and Walker—10.

So the bill was passed.

VERMONT SENATORSHIP.

The Senate, at half-past twelve o'clock, proceeded to the consideration of the resolution reported by the Committee on the Judiciary respecting the right of the Hon. S. S. PHELPS to a seat in the Senate.

Mr. FOOT. Mr. President, at this stage of the debate, and especially after the able speech of the honorable Senator from Indiana, [Mr. PETTIT,] who opened this discussion, and after the very able and elaborate speech of my colleague in vindication of his right to a seat here, and in full response to all the points which have thus far been urged against his right, it will hardly be expected of me that I should attempt more than a sort of general summary or recapitulation of the argument, or some portions of it, upon the affirmative side of the proposition before us. Anticipating that this question would come before the Senate, I took occasion, in the early part of the session, to examine the subject with some degree of care. I looked through all the precedents, and read the debates upon the several cases, so far as they have been reported and published. The result of that examination was a confirmed conviction that my colleague was entitled to his seat; that my State was entitled to his services here as one of her Senators. I expressed that opinion to many of my associates of the Senate. Occupying the position I do; representing the State most directly interested in the result of this question, I deem it not out of place, although it may be unavailing, to express to the Senate the general views I entertain upon the question before us, and which have led to the conclusion at which my own judgment has arrived.

I need not say that the question raised in this case, aside from its general bearing and importance, is one of immediate and special interest to the State I represent. An adverse decision leaves the State without its full and equal suffrage in the Senate of the United States, at least during its present session, as a regular session of the Legislature of Vermont does not again convene until the second Thursday of October next. The question is one of construction, not an issue of fact. Its decision is entirely dependent upon the construction of a constitutional provision as applicable to the state of facts existing in the case presented—facts about which there can be no controversy, as they are all of public record and of public notoriety, of which the Senate will take notice, and act upon judicially without proof *abundant*.

The circumstances of the case, and out of which the question arises, are briefly these. The Hon. William Upham a Senator, from Vermont, died in the month of January, at the last session of Congress, and during the recess of the Legislature of that State, leaving vacant the residue of his constitutional term, which runs to the fourth day of March, A. D. 1855. Congress being then in session, the Governor of the State, in the exercise of his constitutional power and duty, immediately made a "temporary appointment" of a Senator to the seat which had been thus providentially vacated. That appointment was conferred upon the eminent citizen whose right to the seat is now in question; who was thereupon sworn and admitted to a seat upon this floor, which he occupied during the remainder of that session, and during the called Executive session of the present Senate which immediately followed. Since that time the regular annual session of the Vermont Legislature has been held, having convened agreeably to the requirement of the State constitution on the second Thursday of October last, and adjourned on the seventh day of the succeeding month of De-

ember, without having made an election of Senator to fill the vacancy which had happened by the decease of Mr. Upham.

These are the facts of the case, and they present this question directly to the Senate, and for the first time. What is the effect of the failure of the intervening session of the Legislature to fill that vacancy by an election of a Senator, upon the subsisting Executive appointment? My answer is embraced in this general proposition, which covers the whole ground, that an Executive appointee holds to the end of the constitutional term, unless superseded by a legislative election. The correctness of this proposition it is my purpose to endeavor to establish.

The constitutional provisions which relate to the Senate of the United States are contained in the third section of the first article of that instrument; and so much as is material to the point now under consideration, is in these words:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote."

This is the first clause of the section. The next clause, after providing for the classification of Senators, concludes in these words, and which have been repeatedly cited:

"If vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

It will be observed, that by the first clause of this section, the sole and exclusive authority to elect Senators, in the first instance, or, in other words, to make an original election, is conferred upon the Legislature. No authority is conferred upon the Executive, in any contingency, to make the original appointment of Senator. In the event, therefore, of the failure of a State Legislature to make an original election at the proper time, a vacancy must ensue, as there is no secondary or provisional authority vested in the Executive or other agent to make appointments of Senators to succeed the expiration of a constitutional term. There have been at the present session three instances of vacancies in this body in consequence of the failure of the State Legislatures to fill them at the appointed time, by original election. These were from Maine, North Carolina, and Mississippi, two of which, we rejoice to say, have recently been filled by legislative elections. There being no secondary authority lodged by the Constitution in the Executive or elsewhere to fill vacancies ensuing the expiration of a term, or even to make temporary appointments to them, it is conceded they must remain unoccupied until, by the exercise of the primary appointing power—the legislative power—elections shall be made to fill them.

But it is the latter clause of the section which more directly applies to the case in hand. The framers of the Constitution, foreseeing that vacancies in the Senate would be likely to happen from incidental causes, as by death, resignation, &c., which could not be provided against nor anticipated by the Legislature, conferred a provisional or secondary authority upon another party, to wit: the Executive, to act in the absence of the primary authority, the Legislature. So they provided, that—

"If vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature."

The manifest object and purpose of this provision is to enable the States, at all times, to keep their senatorial representation full, without incurring the inconvenience, the expense, and delay of convening the Legislature in special session to fill these incidental vacancies.

In the case we are now considering, the vacancy happened during the recess of the Legislature. The Executive, then, had authority to make a temporary appointment. It happened while Congress was in session; there was occasion then for the exercise of that authority. The appointment was made. It was a valid, it was a constitutional appointment. The person appointed was clothed with all the constitutional powers, rights, privileges, and immunities, as fully as though he had received his commission under the authority of a legislative election. Now, the question recurs, what is the constitutional limitation of that appointment? Or, in broader terms, if you please,

what is the tenure of an Executive appointment? It will not be disputed, that if no legislative session intervene, it runs to the end of the constitutional term, as in a recent Georgia case. Mr. Charlton, whose recent death we have been pained to learn, was appointed by the Executive of that State to the vacancy which had happened by the resignation of Mr. Berrien; and no legislative session intervening, he held to the end of the term. The Executive appointment in such cases literally and technically fills the vacancy, or, in different phraseology, fills the broken term, as completely as a legislative election. But if a legislative session intervene—what then? Why, if they make an election, that supersedes and puts an end to the temporary appointment, we all concede. But if the Legislature adjourn without making an election—what then? What effect has it upon the temporary appointment? None whatever, I insist, and the temporary appointee continues to hold the office.

This whole question, I apprehend, turns upon the application of the words of limitation in the clause, "until the next meeting of the Legislature." I am aware that the general impression has been, upon the first glance, that these words applied to the appointments, that they limited the appointments, the tenure of the office, to the "next meeting of the Legislature;" and such is the form of many of the commissions which have been brought here under Executive appointments. And the discussions which have occasionally arisen upon this clause of the Constitution have turned, not so much upon the proper reference of the restrictive words, as upon the import of the word "meeting" in that connection, which I will define presently, according to my view of its true interpretation. But, I apprehend, that upon a more careful and critical examination, no one can fail to be satisfied that these words of limitation in the Constitution apply exclusively to the appointing power, and not to the tenure of the appointment. The Constitution, and not the Executive, controls the tenure of his appointments. "The Executive may make temporary appointments." When? Only when vacancies happen during the recess, most certainly. How often may he make "temporary appointments?" Just so often, clearly, as vacancies may happen during the recess. He may make not only a single appointment, but a succession of appointments, in case of successive vacancies happening during the recess. How long may he continue to make "temporary appointments," in case of vacancies happening in the recess? "Until the next meeting of the Legislature," and no longer, evidently, for you would otherwise bring the two separate and distinct appointing agencies into conflict. Why is the Executive authority limited to vacancies happening in the recess? Because, when they happen during the session, the primary and principal authority is then in a capacity or condition to act, and to fill the vacancy. For the same reason, the Executive has no authority to make appointments to vacancies happening during the recess even, unless he exercise it before the "next meeting of the Legislature." The secondary authority is restricted to the absence of the primary. It is restricted to the period of time between the adjournment of one legislative session and the meeting of the next. While the Legislature is in session, from its "meeting" or commencement to its close, it is in a condition to act; and being the primary authority; it necessarily suspends the secondary authority. Will anybody pretend that the Executive authority extends beyond the "next meeting of the Legislature?" I venture to say not. What, then, is the import of the word "meeting," in that connection? Most clearly it signifies the convening, the coming together, the very commencement or organization of the legislative session. To give it the interpretation which has been often claimed for it as synonymous with session, and comprehending the whole period of the legislative term as a unit, *punctum temporis*, a point of time, you carry the Executive authority along with it through the whole session; for that authority being limited to the "next meeting," if "meeting" means the session, and the whole session, then the Executive authority runs *pari passu* through the whole session—a position which, I presume, nobody is quite prepared to admit, much less to defend.

This interpretation is corroborated by the use of the word *meeting* in two other instances in the

same article. In the third clause of the first section it is used in the following sentence:

"The actual enumeration shall be made within three years after the first meeting of the Congress of the United States."

And in the second clause of the fourth section of this article it is used in this connection:

"The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December," &c.

In both these connections it is most clear that the term *meeting* is used as signifying the assembling, the coming together of the Congress, and not as synonymous with session. It would, indeed, be absurd to say of the Congress, "it shall assemble every year, and such session shall be on the first Monday in December."

On the other hand, the word *session* is employed in three instances in the same article, and clearly as signifying the period of a term of Congress, each term being subdivided into two parts or sessions. In the fourth clause of the fifth section is this provision:

"Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days."

Again, in the first clause of the sixth section it is provided, that

"Senators and Representatives shall, in all cases, except, &c., be privileged from arrest during their attendance at the session of their respective Houses."

And again, in the third clause of the second section, it declares, that

"The President shall have power to fill up all vacancies, &c., by granting commissions, which shall expire at the end of their next session."

In every instance wherein the terms *meeting* and *session* are employed in the Constitution, they are used in entirely distinct and different senses—the one as signifying the assembling or convening together of the legislative body, and the other as signifying and comprehending the duration of its term.

It appears to me to be very clear that the restrictive words in this clause of the Constitution have exclusive reference to, and limit the appointing power, and not the tenure of the appointment. If I am right in this view, then there is no limitation upon an Executive appointment, by any words, expressed or implied, that can be drawn from the Constitution, short of the expiration of the term, unless it be superseded by a legislative election. It is called a "temporary appointment," because of its indefinite and uncertain tenure, from its liability to be terminated by legislative action; and even when it runs to the end of the term, as when no Legislature intervenes, it is still called "temporary." The only limitation imposed upon it short of the expiration of the term is, that it is subject to be terminated by the intervening action of the primary power. It will be conceded that the "temporary appointment" continues to the end of the term, unless the primary power meanwhile comes into a condition or capacity to act. If while in that condition it does act by making an election, it is admitted, on all hands, that it puts an end to the "temporary appointment." But what if the Legislature fail to elect? How does it affect the subsisting "temporary appointment?" Why should it arrest that? The very act which puts an end to a "temporary appointment" is wanting. It requires the positive act of an election to put an end to it; and if there be no election, does that want of action produce the same effect upon the "temporary appointment" as an actual election, by putting an end to it? Does a failure to elect effect the same result in that regard as an actual election? I confess it strikes me very differently. I would rather say that the practical inability of the Legislature, from disagreement or other cause, to make an election while in session, was just as ineffectual to terminate a "temporary appointment" as the practical incapacity of the Legislature to make an election while not in session.

If it be claimed that when the Legislature, with whom is lodged the primary and original power, shall fail to exercise it by electing a Senator, when the duty devolves upon them, the Executive cannot afterwards come in and supply the omission, I agree to that position fully, and for the reason that the Constitution confers no authority upon him to act in such cases. I agree that if vacancies happen during the sitting of the Legislature, and they fail to "fill such vacancies," the

Executive has no authority to make appointments to them. And I agree, further, that if vacancies happen during the recess of the Legislature, and the Executive omits to make appointments to them until the "next meeting of the Legislature," he cannot, thereafter, make appointments to "such vacancies," even though the Legislature should fail to fill them; and the reason is clearly that his authority ceases with the convening of the Legislature. The secondary authority then yields to the primary, and cannot be resumed, even though the antecedent vacancy remain unfilled by the action of the Legislature. When the Legislature have had the opportunity to perform the duty enjoined upon them by the Constitution of electing a Senator, either originally or to fill an existing vacancy, and yet fail to perform that duty, there is no authority conferred upon the Executive to meet the contingency by supplying the omission. And that is the full extent of the decisions in the case of Mr. Johns, of Delaware, in 1794, and in the case of Mr. Lanman, of Connecticut, in 1825, both of whose appointments were overruled by the Senate. And since those decisions, I am not aware that any Executive has attempted to assume the exercise of the authority in such instances. So in this case, if no Executive appointment had been made before the meeting of the Legislature, and the Legislature having failed to fill the vacancy when it had the opportunity, the vacancy must have continued until filled by the subsequent action of the Legislature, or until it expired by its own limitation. But *non constat* that an Executive appointment, previously and constitutionally made, and still subsisting, shall cease, or be in any manner affected by such failure of action or omission of duty on the part of the Legislature. The Legislature, when in a condition to act, we admit, has the exclusive jurisdiction of the election, and consequently suspends the provisional power; but its operation upon an appointment previously and duly made, I respectfully submit, depends upon the *exertion* and not upon the mere *existence* of the superior power. Indeed, strictly speaking, the legislative power is a continually existing power, though its condition for exertion is only occasional. When that power is not exerted, though in a capacity for exertion, it is as inoperative upon the act of the Executive as its passiveness when not in a capacity for exertion.

Let us take another view. Suppose the concluding words of the clause "shall then fill such vacancies" which, for the purposes of this argument, we will regard as mandatory upon the Legislature, had been omitted. That would have left the exclusive power with the Legislature, where it now is; to fill vacancies happening during its sessions; and with the Executive to fill vacancies happening during the recess; and his appointments in that case would unquestionably run to the end of the constitutional term, without regard to an intervening Legislature. How are his appointments any more or otherwise affected, when the mandate is in force, but not obeyed? Or, suppose the direction to the Legislature to "fill such vacancies" had left it discretionary with them to "fill the vacancies" or not, as they should think best; and in the exercise of that discretion, they should deem it best not to fill the vacancy in a particular case? Would that discretionary omission to act arrest a subsisting "temporary appointment?" Or would it still continue? Undoubtedly it would continue. How then, tell me, does the neglect or refusal of the Legislature to execute a mandatory order, any more than would their omission to execute a discretionary order, affect the "temporary appointment?" In either case, the very act is wanting which is necessary to arrest and supersede that appointment.

Again: It has been insisted in argument that the "temporary appointment" ceases with the authority which conferred it. According to this theory, the appointment must cease at the very opening, the commencement of the next legislative session; for, beyond all dispute or cavil, that is the limit of the Executive authority. But this construction is opposed to the uniform usage of the Senate for more than forty years. From the time of the case of Mr. Smith, of Maryland, in 1809, to the case of Mr. Winthrop, of Massachusetts, in 1851, and even to the case of Mr. Cathart, of Indiana, at the last session of Congress, Senators holding under Executive appointments have been allowed, not merely without question of their right, but by

the deliberate and expressed judgment of the Senate, to retain their seats here for weeks and for months after the commencement of the next Legislature, and consequently for weeks and for months after the specific authority which conferred the appointments had ceased. It is enough to say that this theory is inconsistent with the long and settled usage of the Senate. Besides, if it be insisted, as it not unfrequently has been, that the words of limitation apply both to the power and to the appointment, you are then met with this difficulty. The same identical words which apply to the one apply also to the other; and it is clear, beyond all doubt or controversy, that the power ceases at the moment of the meeting of the Legislature; but, by a practical construction too long settled and acquiesced in, established by precedents too often repeated, and too numerous now to treat it as an open question, the appointment runs beyond that period of time, and, consequently, beyond the limit of the appointing power. The same words, in the same connection, cannot be applied in a restricted sense to the power, and in a latitudinous sense to the appointment. The theory furnishes but another exemplification of the *argumentum ad absurdum*.

If the fact of the superior authority, the Legislature, coming into a condition to act and to discharge its constitutional functions and duties, *ipso facto*, suspends or annuls the provisional appointment, as the minority of your committee seem to think, then it must do so at the instant of its organization, for at that moment it has assumed its full capacity to act. By what rule of logic, of reason, or analogy, then, may the provisional appointment hold until the superior authority is itself suspended by adjournment of the Legislature, and no longer? This theory must fail, or your precedents are all wrong. To maintain the one is to overrule the other. I invite to the task the logical powers of any man, of any Senator, to reconcile the settled practice of the Senate with the theory that the tenure of the provisional appointment is limited to, and terminated by, the "next meeting of the Legislature."

Again, Mr. President, if the word "meeting," as used in this connection, signifies the opening or beginning of the session, as it manifestly does, then whenever you have allowed Senators under "temporary appointments" to hold their seats here after the "next meeting of the Legislature," and until they were actually superseded by an election by that Legislature, as you have uniformly done these forty years, you have so far forth given a practical recognition of the construction I contend for, that "temporary appointments" continue until superseded by an actual election; and thus, virtually, if there be no election, that they continue to the end of the constitutional term. One of these events must occur to terminate them. I say, then, that the expiration of the term, or the interposition of a legislative election, is the only limitation upon an Executive appointment constitutionally made; and you have not the authority of an adjudged case upon your Journals adverse to this proposition. These "temporary appointments," by their terms, and from their nature, are not, and cannot be, and were never intended to be, subject to the law of a fixed limitation. They are analogous to the ordinary cases of *pro tempore* appointments which hold until superseded by the possession of the principal, or terminated by the expiration of the term of the office. The very object of a "temporary" or *pro tempore* appointment is to hold the place of a principal, and to hold during the absence or the want of a principal; and while holding it, is invested with the attributes of a principal, and therein differing from a mere *locum tenens*.

It is said by the dissenting members of your committee, that a "Senator, under an Executive appointment, may or may not represent the political views of his State; that he may be the mere personal favorite of the Governor." However this may be, it furnishes no argument against our construction, inasmuch as that construction does not at all interfere with the right and authority of the Legislature to supersede or to reaffirm that appointment. If they do not supersede it, the fair inference is, so far as any may be drawn, that the Executive appointee represents the political sentiment of the Legislature and of the State; and at any rate that they are unable to elect another more acceptable to them.

Looking, then, at the language of this provision of the Constitution, and having regard to its obvious purpose in connection with the rights and interests of the States, I have at least satisfied my own judgment that this is the most reasonable, the most just, and the most natural construction that can be put upon it. I will add, moreover, that this provisional clause, pertaining as it does to the right of representation in the States, its object being to secure to them a full representation in the Senate of the United States against incidental contingencies, like remedial statutes, should be construed liberally; so construed, as far as its language will admit, as most effectually to accomplish the beneficial end in view. If its language were of doubtful import, it should be construed most favorably to the States.

A full and equal representation in this body, at all times, is one of the most important rights, as well as one of the highest privileges, guaranteed to the States by the Constitution. So careful were its framers to guard this right against infringement, that, in the fifth article, defining the mode of making amendments to the Constitution, they add this proviso: "That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

I trust that in no case, and in no manner, will this right and privilege be abridged by artificial or forced construction. We are not asking you to "create a Senator" for us; but we ask you to allow us to be represented by a Senator created by the proper authority under your Constitution, whose appointment has not been superseded, and whose term of service has not run out by the limitation of the office.

The decision of this question affects not the present case alone, but all other cases of a similar kind which may hereafter arise; and they are likely to occur with more frequency with the increasing number of States, and the consequent increasing number of Senators, and, perhaps, I may add, with the increasing number of political organizations. This is not a question for Vermont alone, but for every State in the Union. The present is a most favorable time for the impartial judgment of the Senate upon it. The duplicate preponderance of political strength upon the opposite side of the Chamber, and a corresponding feebleness of numbers upon this side, repel all apprehension, which might perhaps be entertained in a more equal division of parties, that political prejudices or predilections can enter, in the smallest degree, into its consideration and decision.

Mr. President, I have felt it due to the relations in which I stand, and especially due to the State in whose behalf I am authorized to speak and to act here, to express the views I entertain upon the question before the Senate. The case having been brought before us, it calls for the action of the Senate. I claim, in behalf of my State, that my colleague is entitled to retain his seat upon this floor as a Senator from Vermont. He was duly appointed. The vacated term to which he was appointed has not expired. His appointment has not been superseded by a legislative election. It was not terminated by the "meeting" of the Legislature, you have long and oft decided. It was not terminated by the adjournment of the Legislature, by any words or by any theory, you can torture from the Constitution. It has not, in short, been touched by the action, much less by the non-action of the Legislature.

I have said all I intended to say, or deem it necessary to say for the present, on this question. The views I have ventured to express are the convictions of my own judgment. I have expressed them with some degree, I hope not an unbecoming degree, of confidence, yet with the most respectful deference to the dissenting opinion of the learned Senators of the minority of your committee, and of those concurring with them. I have expressed them with the more confidence, however, since I find, that upon the main point in discussion they accord with the views of the majority of your Committee on the Judiciary, and of other learned Senators, whose opinions upon questions of Constitutional construction are entitled to the highest consideration. Without pursuing the argument further, I submit the question to the consideration and judgment of the Senate.

Mr. MASON. It is known to many Senators that it is necessary to have an Executive session to-day. I therefore move that the further consid-

eration of this subject be postponed until to-morrow, for the purpose of proceeding to the consideration of Executive business.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 15, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The business first in order for the consideration of the House is the report from the Committee on Public Lands.

Mr. BRECKINRIDGE. I believe that the chairman of the Committee on Public Lands is willing to give way, in order that the House may, if it desire to do so, take up the deficiency appropriation bill and act upon it. Accordingly, Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole on the state of the Union.

The question was taken, and the motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair,) and resumed the consideration of the deficiency appropriation bill.

The CHAIRMAN. When the committee was last in session, it had under consideration the motion of the gentleman from Illinois, [Mr. BISSSELL,] to strike out the first section of the bill; and on that question the gentleman from Kentucky [Mr. BRECKINRIDGE] had the floor.

Mr. BRECKINRIDGE. Mr. Chairman, I believe that under the rules of the House—I having introduced the bill—I am entitled to an hour, although I now have the floor, to close debate on it. But as I do not desire to occupy too much of the time of the committee, I will not now avail myself of my right to the floor, and will not, therefore, at present, address the committee. By the resolution which has been adopted, the debate on this bill is to close in two hours after it is entered on, and some other gentleman may desire to occupy the attention of the committee on this bill, or upon any other topic, during that time. Afterwards I will make some remarks on the bill itself, and I hope the committee will take action upon it.

Mr. BRIDGES discussed the merits of the Nebraska bill, and noticed some of the objections which have been urged against it. He cited various instances in the legislation of Congress since 1820 to prove that the North was justly chargeable with a direct and palpable violation of the Missouri compromise, while the South had adhered to it with an undeviating and steady purpose. The Abolitionists, he declared, had steadily repudiated the principles they first helped to establish, and for which they now clamored because it suits their selfish purposes. Inconsistency so gross could not be found in the history of legislation. Honorable or dishonorable, they were determined to force upon Congress their disorganizing efforts, and, if necessary, to dissolve the Union of these States.

Mr. B. then examined the effect which the compromise of 1850 has had upon the Missouri compromise of 1820, and contended that the former positively repealed the latter, and was a perfect abandonment of the arbitrary distinction established by the act of 1820, and a resort to the great principle of popular sovereignty upon which our Government is based—to wit: the right of the people to govern themselves.

He then replied to the objection urged against the bill—that if passed it would do gross injustice to the Indians inhabiting the contemplated Territories, and declared that the bill made the most ample provision for their protection.

He then admitted the right of Congress to decide by law whether slavery shall or shall not exist in a Territory; but was of the opinion that such a law could be of very little practical force, inasmuch as the people, when the Territory should be admitted as a State, would have, under

their sovereign capacity, the right to pass entirely different laws, which might supersede the act of Congress on the subject, and be binding upon them. [See Appendix for his speech.]

Mr. BROOKS, in rising to speak on the subject of the Nebraska bill, said it asserted a great constitutional principle, and the inherent right of the people to determine all questions affecting their internal relations. He rejoiced that the West were united with the South in this glorious enterprise; he rejoiced that the stars of the Constitution and of empire bring their rays together; he rejoiced in the coincidence of opinion and common interest which brings the treasures of the West into the lap of the South. Had the Wilmot proviso been inserted in this bill, they would not now hear objections to the measure from certain quarters, and from those who love negroes more than they do white men; and charges of violation of plighted faith.

He then invited attention to the assumption that the original policy of the country was to restrict the extension of slavery, which he denied; and, in continuation of his argument, asserted that the Missouri compromise was not sacred and binding, having been violated by the North one year after its passage, and has been continued to be violated since. The South had lost, and not gained, as it had been asserted, by this division line. He further advocated the bill, speaking, as he proceeded, in favor of the institution of slavery. [See Appendix for his speech.]

The CHAIRMAN. The time appointed for the termination of the debate on this bill has now arrived.

Several MEMBERS rose to address the committee.

The CHAIRMAN. The Chair is unable to assign the floor to any gentleman. The member from Kentucky [Mr. BRECKINRIDGE] has a right, in conclusion, to speak to the bill.

Mr. PRESTON. May I ask, Mr. Chairman, at which point of the bill we now are?

The CHAIRMAN. The committee has been discussing the whole bill.

Mr. PRESTON. Have we come to the point of reading it by sections?

The CHAIRMAN. Not yet. The gentleman from Kentucky has now a right to speak to the bill.

Mr. BRECKINRIDGE. Mr. Chairman, in the very few observations which I propose to address to the committee, I intend to confine myself exclusively to the bill now under consideration.

When the deficiency bill was up before, it was very thoroughly discussed. That fact will obviate the necessity of a protracted discussion of it now; and my object is chiefly to explain the action of the Committee of Ways and Means under, as they consider, the instruction of this House.

The committee have reported two bills, and I will try to explain, presently, that they reported those bills under the instruction of the House, as indicated by its vote. The first bill contains matter which the committee regarded as clear deficiencies, and which they supposed the House regarded as deficiencies, by their action upon the bill when it was under consideration before.

The other bill contains simply appropriations for such custom-houses and marine hospitals as were added to the bill in the Committee of the Whole House, and in the House, not upon the report of any standing committee of this House, but upon the motion of individual members, representing the different sections of the country interested in those appropriations.

The total amount of appropriation in the bill now before this committee is \$2,497,000 32. This aggregate is composed wholly of items reported by the Committee of Ways and Means, and of items added to the bill when up before, upon the recommendation of the standing committees of the House. The other bill which we have reported independently, for the action of the House, in relation to the custom-houses and marine hospitals, embraces appropriations of between four and five hundred thousand dollars.

The bill which is now reported is the bill matured by the House when under its consideration before, and afterward defeated—less the appropriation for the custom-houses and marine hospitals.

Before I say anything in regard to the bill for those appropriations, I have a few observations to make in regard to the items in the bill now under

consideration. The whole of them are unexceptionable, and perhaps no serious objection can be made to any of them, except the item for the purchase of an assay office in the city of New York. There is an appropriation in this bill of \$530,000 to purchase—if the House shall ratify the action of the Secretary of the Treasury—certain property for an assay office in that city. That matter was discussed at considerable length when the bill was formerly before the committee. But my honorable friend from Virginia, [Mr. BAYLY,] in some remarks which he addressed to this House yesterday, or the day before, objected to this feature of the bill. I am sure my friend has not considered it with his usual care, or he would not have objected to it upon the ground which he urged. I understood him to say, that the renting which has been made was for too long a period; that the price given in the lease is too high; and in the third place, that there is no occasion for an assay office in the city of New York, and that we did not want any lot for such an office.

The latter objection would more probably have been made when the act of the last session of Congress was passed, providing for the establishment of that office, and appropriating \$100,000 to assist in carrying out that law. I will call the attention of the committee to the act of the last Congress, under which the Secretary of the Treasury took the measures he has for the establishment of this assay office. By the act of the 3d of March, 1853, and the tenth section of that act, it is provided, that "the Secretary of the Treasury is hereby authorized and required to establish, in the city of New York, an office for the receipt, and the melting, refining, parting, and assaying of gold and silver bullion and foreign coin, and for casting the same into bars, ingots, and disks."

The bill goes on at great length in detail to provide that the Assistant Treasurer of the United States shall be superintendent of the assay office, and also for the manner in which coin shall be received, receipted for, refined, melted, and assayed. This portion of the bill covers four or five sections. The fifteenth section provides that the Secretary of the Treasury "shall be authorized to procure—that is the word—by rent, by lease, or otherwise, a building or apartments in the city of New York, suitable for the operations of said office, unless he shall be of the opinion that suitable apartments in the custom-house in that city can be assigned for that purpose." The Secretary is also directed and authorized to procure the necessary implements and machinery for carrying on the operations and business of said office.

By another section of the same act \$100,000 are appropriated to assist in carrying out the provisions of the law. I call the attention of the committee to the fact that the last Congress intended to establish in that great commercial emporium an office for assaying the coin which comes from San Francisco and elsewhere, and intended obviously to establish it permanently; and for that purpose it authorizes the Secretary to procure, by rent or otherwise, suitable buildings for that purpose, all the necessary implements and machinery, and \$100,000 were appropriated to begin with. Everybody knows that there is no building in the city of New York proper for the purposes of assaying. An assay building had to be erected, and accordingly the Secretary has proceeded to erect an assay building some fifty by seventy feet. It is permanent upon the soil. He had authority, in my judgment, to purchase ground and to erect a building for an assay office. What did he do? Instead of making a purchase, he made a contract of lease with certain parties, for ground and buildings, with a condition in the contract by which he saved the right to the Congress of the United States, if they chose to exercise it, of purchasing the property at a certain sum. Let us look at the conditions of the contract. The lease is for fifteen years, and my friend from Virginia [Mr. BAYLY] objects to it upon that ground. The first observation I have to make in reply to the gentleman, is this: that the Secretary of the Treasury could not have obtained a fair lease upon a short term; and secondly, if he could have obtained a lease upon a short term, it would not have been just to the interests of the United States to have made a short lease, when he had to expend nearly \$100,000 to put up the adequate assay buildings with which to commence operations. It was said by my friend from Virginia that the price was

exorbitantly high. We have no evidence of that fact. On the contrary, your committee are satisfied that the contract was a reasonable one. The gentleman gave it as his opinion that the price was exorbitant, but he supported that opinion by no facts.

Mr. BAYLY. I dislike very much to interrupt my friend from Kentucky; but I hope that he will not object to my doing so. I did not make the point that the Secretary had no right to make a lease, or even a purchase; but the point that, in this respect, a sound discretion had not been exercised.

Mr. BRECKINRIDGE. I thank my friend for the correction.

Mr. BAYLY. Will the gentleman allow me to finish my sentence? I contend that a sound discretion had not been exercised in regard to this matter, because there could have been procured as good a lot in other parts of the city for a tithe of the money paid under the lease; and that it never was in the contemplation of Congress, when they appropriated \$100,000 for that purpose, that \$500,000 should be given for the site alone.

Mr. BRECKINRIDGE. The Secretary has not given \$500,000. It is for Congress to determine in regard to the matter.

Mr. BAYLY. The Secretary has made a lease to that effect.

Mr. BRECKINRIDGE. No, sir; but he has in the lease reserved to Congress the right to purchase the property for \$530,000; and the exercise or not of this right is one of the matters under consideration. In regard to reasonable discretion, I tried to show by the law that it was in the contemplation of Congress to establish a permanent assay office in the city of New York. Then, I say, the necessary buildings for assaying had to be erected; and the Secretary caused such buildings to be erected, at a cost of nearly \$100,000. Now, if he had rented the ground for a short period, I need not say that at the termination of the lease the buildings would go over to the lessors; and therefore it is evident that it was the policy of the United States—that it was a matter of economy—for him to lease the property for a long period.

But my friend from Virginia says that a much better site could have been obtained for a less sum of money. Well, sir, that is also a matter upon which he has adduced no evidence. And even if a naked lot, in a distant part of the city, could have been rented for a less sum, does not the gentleman know that it would have been necessary to erect buildings on it at a heavy cost, the whole of which would pass to the owners of the property at the end of the lease? I will state the reasons which the committee suppose controlled the Secretary in the selection of this site. It is well known that the custom-house in New York is situated in Wall street, a place so abhorred by my friend from Virginia; but there it is in Wall street, and I think he will agree with me that it is a very necessary and valuable building.

It was important that the buildings for the assay office and custom-house shall be contiguous, and the Secretary selected this site because it was the only suitable ground in the vicinity, the lease or purchase of which could be made; and besides, there were already on the lot most of the buildings required. I believe my friend from Virginia is now aware of the fact that the custom-house in New York is full to overflowing; that there is not room enough for the necessary business to be transacted; that the assay buildings had to be altered, and a large number of clerks and other officials removed to them from the custom-house, and that still the accommodations of the latter building are insufficient for the wants of the establishment. I say, therefore, that Congress will be but performing its duty under the circumstances, if it sanctions this act of the Secretary of the Treasury, and makes the buildings and grounds leased by him for the assay office the property of the country. Unless this course is taken, we shall ultimately be compelled to abandon the present custom-house, for there is no other ground which can be obtained on which to enlarge the building.

But I do not deem it necessary to continue the discussion of this branch of the subject at greater length. There is an existing contract of lease of fifteen years, binding this Government to the payment of a certain sum. But there is a provision, as I have remarked, which authorizes Congress to purchase the property; and the question now

is, whether under the circumstance it is proper and economical to do it? Why, sir, the rent of that property for fifteen years, at \$53,000 per annum, the price agreed on, will amount to \$795,000. To that add the \$100,000 for improvements which have necessarily been put upon it in order to have the assay office go into operation, and you have the total amount of \$895,000 which you will have paid at the termination of the lease, while all the improvements, as I have already remarked, must go over to the lessor. On the contrary, if you adopt the proposition of the Committee of Ways and Means, and expend \$530,000 now in the purchase of this property, which, as it adjoins the custom-house grounds, will be necessary for the accommodation of that establishment, the money which has already been expended will not ultimately be lost, but the Government becomes immediately the owner of the whole property.

With this simple statement of the matter, it seems to me that whatever opinion any gentleman may entertain as to the discretion of the Secretary of the Treasury in making this lease, sound policy, as a matter of economy, requires that the House should adopt the suggestion of the Committee of Ways and Means, and ratify the conditional purchase.

But it may be asked why the Committee of Ways and Means placed this item in the bill when the House rejected the other deficiency bill, with this provision among others in it? Our answer is this: It is the duty of a committee of the character of the Committee of Ways and Means, when they report original bills to the House, to exercise their best judgment as to the provisions they recommend; but when the House has indicated its own desires, its own preferences, it is the duty of that committee to carry out those desires and preferences, as far as they can ascertain them. Now, sir, this appropriation was adopted by the House upon a vote by yeas and nays, by a more decisive majority than any other contested item in the bill which was defeated; and if gentlemen will refer to the Journal they will discover that fact.

But it may be asked, why, upon the same ground, did you not also report back in this bill the appropriations for custom-houses and marine hospitals? The answer is this: there was some difficulty in understanding exactly what the House wanted, and why that deficiency bill was defeated. Much was added to it after it was brought in here by the Committee of Ways and Means. This item for the assay office at New York was added to it, and also these items of appropriation for custom-houses and marine hospitals, although by a vote not so decisive.

Now, sir, something defeated that bill. It is not to be presumed—I will not presume that irregular and improper coalitions, or any stampede in the House, produced its defeat, but something defeated it. It was not the appropriation for the assay office, because that was carried in the House by a larger vote than was given for the other contested items. It could not have been the ordinary appropriations for deficiencies, contained in the bill, for they were perfectly unexceptionable, and, as a general rule, no opposition was made to them. What remained? Every gentleman here recollects that the great struggle, both in the committee and in the House, was upon appropriations for custom-houses. They were not reported by any standing committee. True, they were estimated for by the Treasury Department, but they were introduced into the bill upon the motion of individual members on their own responsibility. Gentlemen will bear me out in making this statement. I may be allowed to say that I make the statement as a friend to these appropriations. I voted for them all in committee, and in the House, and I will do it again when they come up after this bill has been disposed of.

What then have the Committee of Ways and Means done in reporting this bill? We have acted according to the sense of the House, as far as we could gather it. We have reported a deficiency bill, which we respectfully ask the House to stand by and pass. We have also reported, for the action of the House, another bill, containing the items for custom-houses and marine hospitals, which were passed in committee, and rejected by the defeat of the bill. It may be that an attempt will be made, and I presume it is proper for me to say, from what I have heard, that an attempt will be made, to add the appropriations for custom-

houses and marine hospitals to this bill, by way of amendment. I hope the attempt will not be made. I say this to the friends of those appropriations, because, as is very well known, I have been all the time the friend of these appropriations. I believe that if those amendments are offered they will fail, or, if adopted, they will imperil the success of the bill. I believe, at the same time, that they have strength enough in the House to bear them through, if they come up as independent propositions. It may be that some gentlemen may consider themselves bound by a sense of public duty, and I question no man's motives, to plant themselves on three or four items, and if those are adopted, sustain the bill; if they fail, war upon the bill. Of course I cannot object to gentlemen pursuing that course if they deem it their duty to do so; but it strikes me that it is an improper mode of legislating, and one which I hope the House will not sanction or adopt. I hope that it is not the case that we cannot get through any bill, even for the ordinary and necessary appropriations to carry on the Government, without arrangements which require members either to vote against the bill, or to vote for numberless items which they object to. There are gentlemen here who are in favor of the custom-houses, and perhaps opposed to some other items of the bill; and there are others who are opposed to the custom-houses, and in favor of other items. If we mature the bill exactly in the form we did before, what reason have we to believe that the House will not kill it exactly as it killed the former bill, by a union of the opponents of the custom-houses with the opponents of other items.

The point that I feel most solicitous about just here is to satisfy this committee that the Committee of Ways and Means have not acted capriciously, or even, I may add, according to their own notions of what ought to be done in the premises. They have acted under the directions and instructions of the House, as far as they could ascertain its wishes and preferences from the action on the former bill.

That there is an urgent necessity for the passage of a bill, Mr. Chairman, nobody will deny. I would respectfully call the attention of the committee to the fact, that since the last deficiency appropriation bill was defeated we have done nothing. We have not made one step in the progress of practical legislation, except to pass the home-stead bill. In the mean time the urgent necessity for the passage of some deficiency appropriation bill is growing every day. Why, sir, no gentleman will dispute that the bill is full of items which ought to be passed. There are your debts due and unpaid. There are the deficiencies in the Post Office Department. There are the deficiencies in the payment of the humble employees of the Government. There are many items. They ought to be paid. The Government is able to pay them; and surely the House of Representatives is able to mature and to pass a bill by which these existing and pressing debts can be paid. It is not anything which appeals to political feeling in this committee.

I know the opinion has been expressed—I have heard it expressed upon this floor—that a majority in Congress is responsible for the carrying on of the Government, and that all the minority has to do is to stand by and look on, or, if you choose, to embarrass the majority. That is no doctrine for this Government. We are all interested in the necessary and proper expenditures of the Government. I do not believe it is the sentiment upon this floor; but if there should be a gentleman who entertains it—if it should prevail to any extent, and I mention this only on that hypothesis—then, I say, an additional responsibility devolves upon those who are in the majority to pass a bill demanded by the exigencies of the public service, and to unite for the purpose of doing it. But I make no appeal of a party or political character, because I believe that the bill is not of that character. I have not, in the last suggestion which I have made, intended to say anything disrespectful to any portion of the committee, or the friends of any of the various provisions in these two bills. I respectfully say to the committee, then, that your Committee of Ways and Means have, according to the basis which they could deduce as to your wishes in the premises, reported two bills. One is before you now, called the deficiency bill. Immediately after, and

reported from the same committee for your action, is the bill for the appropriations to custom-houses and marine hospitals. We ask the committee to take the two bills as they come, to defeat them if they are wrong, and to pass them if they are right, but not to imperil the success of both by welding them together, when they may meet the same fate as they did before.

I appeal respectfully to the committee, sir, to take this bill, to strip it of anything objectionable it contains, if they see proper, and to add to it, if they choose, anything which they desire; but after they have matured it to their own satisfaction, and taken it to the House, then to pass it, and not wreck it again when the great mass of its provisions are demanded by the pressing exigencies of the public service. [To Mr. FLORENCE.] You wished to ask me a question.

Mr. FLORENCE. Mr. Chairman, when the former deficiency bill, containing the appropriation for the purchase of an assay office in the city of New York was under consideration, the committee may recollect that I raised a point of order, which was overruled by the Chair, that it was not, in the general acceptance of the word, a deficiency.

The gentleman from Kentucky [Mr. BRECKINRIDGE] has very eloquently urged the committee to sustain this bill because of the urgent necessity for the immediate passage of some such proposition for the defrayment of the deficiencies in appropriations for the current year. Now, I desire to ask the gentleman most respectfully, whether the urgent necessity existed for putting upon the deficiency bill a burden like the one requiring an appropriation to be voted of \$530,000 for the purchase of an assay office in New York, for the reason, as the gentleman admitted himself, that there has been a lease entered into for fifteen years, at a cost of \$53,000 per annum; and that two years of the period for which the lease was made were reserved as the time within which the property could be purchased. I do not know exactly at what period the lease was entered into, but it was a few months ago.

Mr. BRECKINRIDGE. It was last August.

Mr. FLORENCE. Yes, sir, last August; two years from the date of that lease was given for the consummation of the contract. Now, if there is an urgent necessity for the passage of a deficiency bill, and I admit that there is—indeed I have sustained this position by my votes; I sustained almost every appropriation by my vote when there was a division of the House by yeas and nays, perhaps every one, except that for the assay office in New York, when the last deficiency bill was under consideration. I say, if there is this urgent necessity for the passage of the bill, I submit to the gentleman from Kentucky whether it would not be better that this appropriation should come in in the regular appropriation bill, because I cannot see any urgent necessity for its special consideration at this time. Indeed it seems to me that this appropriation is the millstone around the neck of the bill which sunk it so deep before, and will now prevent its passage in the House.

Mr. BRECKINRIDGE, (interrupting.) I yielded to the gentleman from Pennsylvania because he said he rose merely to ask a question; but he is now making an argument.

Mr. FLORENCE. I do not desire, Mr. Chairman, to make an argument. My remarks seem to me to be appropriate in this connection, for the reasons which I have briefly stated; and perhaps I may have ventured on making an argument, with a view to elaborate the question, so as to obtain a good reason for the appropriation in the answer I may receive. I desire, however, to ask the gentleman from Kentucky whether there is any necessity for urging this appropriation of \$530,000 at this time, and whether he will make a statement which will satisfy me on that point? And now, having asked this question, I will, with his consent, occupy the floor a moment longer, to make a few remarks which I consider pertinent to the subject before the committee.

Sir, at the time when this appropriation was previously under consideration as part of the deficiency bill, the gentleman from Tennessee over the way [Mr. JONES] made a very strong argument why this purchase should be made. I, in the ardent—I might say, without egotism, the honest—impulse of my nature, concluded, at that moment, that his argument was satisfactory. I am

generally satisfied with the position which that gentleman assumes upon most questions involving the expenditure of the public moneys. I do not mean to flatter him on this floor; but I have always felt satisfied that anything which meets his approval is most generally right. And I hastily concluded, at that time, without much thought upon the subject, that perhaps, under all the circumstances, it might be better this appropriation should be passed. Commercially I still think so, regarding it merely as a business transaction; but I do not now, upon reflection and examination of the subject, indeed, I cannot bring my mind to the conclusion that there was any necessity for entering into the contract at all. I consider it, in all its bearings, as an entirely unnecessary and extravagant expenditure.

[A message in writing was here received from the President of the United States, by the hands of his Private Secretary, Mr. SIDNEY WEBSTER.]

Mr. FLORENCE, (resuming.) I was saying, Mr. Chairman, that, at the period I referred to, I thought it was, perhaps, better the appropriation should pass, but that I had now changed my opinion; and I was going further to say that there was, in my judgment, no more propriety in the establishment of an office in New York merely for assaying and refining gold than there is for the establishment of a pork-packing office in Cincinnati, or for a cotton-packing office in Charleston, by authority of and under the patronage of the General Government. That is the reason why I withdraw the remarks which I made on that morning, and in doing so, to say that I intend to oppose this appropriation from a sense of duty. I thank the gentleman from Kentucky for his kindness and courtesy in permitting me to occupy so much of his time.

Mr. BRECKINRIDGE. If, Mr. Chairman, I can, out of the speech made by the gentleman from Pennsylvania, pick his question, it is this: He asks me what necessity there is for introducing this item in the bill, and whether it is a deficiency?

It is true, sir, that this appropriation might be made in the general appropriation bill. It is also true, that if the House chooses to ratify the course which has been taken, it is then a deficiency, and proper in the bill. Instead of asking me why the committee has thought proper to burden the present bill—to use his own language—with this matter, let the gentleman ask the House itself, which, by a decided majority—more decided than upon any other appropriation—put it into the former bill. I consider that the Committee of Ways and Means acted under instructions in reporting it. I will not go into the original arguments as to the propriety of establishing an assay office in the city of New York. It may be added here that by the terms of the contract—if Congress elects to take the property—the purchase money is to bear six per cent. interest from the date of the contract, while it is to be credited by the rent paid in the mean time; and why should the Government continue to pay six per cent. interest, while it is redeeming its five per cent. stocks at a high premium?

I believe there is—I know there is—a sense of justice in this House which will bear this deficiency bill through. If dissatisfied with it in its present form, the House will mould it into a shape satisfactory to itself, and then pass it. If it should not, what are we to do? What step shall we take next? Are we to allow this matter to go on until the general appropriation bill comes up, and then have the same struggle over that?—virtually, the clearest obligations to be repudiated? Are the employees of the Government to be starved when the money is at hand to pay them? What is to be the next movement, if the bill, being matured, the House shall see proper to reject it? I do not believe the House will do it. The committee have done their best to carry out your wishes, as indicated in the very complex action of the House, and the result is these two bills. Whatever course the House may take, the committee reporting them has discharged its duty.

The CHAIRMAN. The time for closing debate upon this bill, under the order of the House, has arrived. There is a motion pending, made by the gentleman from Illinois, [Mr. WENTWORTH], to strike out the first section.

Mr. WENTWORTH. If there be no objection, I will withdraw the motion.

No objection being made, the amendment was withdrawn.

The CHAIRMAN. The Clerk will proceed to read the first section of the bill.

Mr. TAYLOR, of Ohio. May I inquire whether the whole bill is to be read before amendments are offered?

The CHAIRMAN. The Chair, in reply to the gentleman from Ohio, would say that it is the custom to read the bill by sections, pausing at the end of each for amendments to be offered; if none are presented, then to proceed with the reading of the next, and so on to the end of the bill.

Mr. TAYLOR. I wish to offer an amendment at the close of the bill.

The Clerk then proceeded with the reading of the bill.

Mr. TRACY. I move to amend the bill by striking out the words "for the collection of agricultural statistics and purchasing seeds, to be paid out of the patent fund, \$10,000," and to insert in lieu thereof the following:

For the collection of agricultural statistics and the procurement and distribution of seeds and cuttings, to be expended under the direction of the Commissioner of Patents, \$10,000.

I have but a word to say in explanation of this amendment. The item in the bill, as it now stands, makes an appropriation out of the patent fund for the purchase of these seeds. I am informed by the Commissioner of Patents that the patent fund is exhausted, and that the appropriation, if made with the condition that it is to be paid out of that fund, will be entirely unavailing. It will be seen that my amendment has somewhat enlarged the appropriation contained in the bill. It was drawn up by the gentleman having charge of the seed department, and is such as he considered the wants of his department required. I, myself, think the proposition a proper one. I have therefore offered the amendment; and I hope the gentleman who reported the bill will not object to it.

The amendment was again reported by the Clerk.

Mr. BRECKINRIDGE. The original item contained in the bill, providing for the purchase of seeds, made the appropriation payable out of the patent fund. The gentleman from Vermont says he has seen the Commissioner of Patents, who informs him that there is no patent fund out of which it can be paid, and that any such appropriation will be useless. It must, therefore, be a direct appropriation, or it will not be available. It will be for the committee to determine whether such an appropriation shall be made. If they are in favor of the item, they will support the gentleman's amendment.

The question was taken; and the amendment was agreed to.

Mr. PRESTON. I now move my amendment, to come in at the end of the 115th line. I submit it now, because it may as well come in there as at any other place. I ask that it may be read.

The amendment was read by the Clerk; and is as follows:

To complete the custom-house, court-rooms, and sub-treasury at St. Louis, in the State of Missouri, \$100,000.

To complete the custom-house, with suitable offices and rooms, at Mobile, in the State of Alabama, \$65,000.

To complete the custom-house, with suitable offices and rooms, at Cincinnati, in the State of Ohio, \$40,000.

To complete the custom-house and post office, with suitable offices and rooms, at Louisville, Kentucky, \$40,000.

To complete the custom-house, with suitable rooms and offices, at Bangor, in the State of Maine, \$20,000.

To complete the custom-house, with suitable rooms and offices, at Bath, in the State of Maine, \$20,000.

To complete the custom house and court rooms, with suitable offices and rooms, at Wilmington, in the State of Delaware, \$12,000.

To complete the marine hospital at Cleveland, in the State of Ohio, \$25,000.

To complete the marine hospital at St. Louis, in the State of Missouri, \$10,000.

To complete the marine hospital at Chicago, in the State of Illinois, \$8,000.

To complete the marine hospital at Louisville, in the State of Kentucky, \$12,500.

To complete the marine hospital at Paducah, in the said State of Kentucky, \$5,000.

To complete the marine hospital at Evansville, in the State of Indiana, \$2,000.

To complete the marine hospital at San Francisco, and to inclose the site and drain the same, and for the necessary out-buildings \$44,000.

Mr. PRESTON. The amendment which I have offered contains items which were voted by the House into the bill which failed on its passage by a tie vote. The same appropriations are reported

by the Committee of Ways and Means in a separate bill, which has been referred to this committee; but the friends of custom-houses thought it was rather dangerous to wait for action upon that bill, and that we had better try the measure here, and if it should fail as an amendment to this bill, then try it again when the other bill comes up.

I differ with my friend and distinguished colleague from Kentucky, [Mr. BRECKINRIDGE,] in thinking that it was better to report these appropriations in a separate bill; and I also differ with him in the reasons he has assigned to justify the course taken by the Committee of Ways and Means in reference to this subject. If I understand it, the reason why these appropriations have been reported in separate bills was that assigned by a member of the Committee of Ways and Means, the gentleman from New York, [Mr. HAVEN,] that guards might be placed around the Treasury; that a bill might come here with proper checks to be placed upon the discretion of the Secretary of the Treasury, to prevent him from sending recommendations to this House for appropriations for the completion of custom-houses and marine hospitals, when they were in fact original estimates, made under the guise of continuing the public works. It was sent back, and a second bill, providing such a guard, was reported.

But why can we not incorporate this matter into this bill? The House, if the Committee of Ways and Means choose to consider themselves instructed, has expressly pronounced, by the yeas and nays, as well as in committee, by divisions with tellers, in favor of these various amendments; and there is no reason why they may not as well be inserted in the bill as the appropriation of \$530,000 for the New York assay office, which has been applied for, and for which there has been no precedent appropriation. The Committee of Ways and Means ought to have taken the action of this House as their instruction, and not to have fixed upon a certain number of votes as constituting a recommendation. A majority, be it ever so small, is a majority; and they ought not to have assumed that only a majority of a certain number of votes should give validity to the action of the House, and induce them to re-report appropriations.

Sir, I am perfectly willing, for one, to let all these amendments go together. It is simply a question between the Secretary of the Treasury and the Committee of Ways and Means. There is nothing in the amendment which I offer that a Democratic Secretary has not recommended; there is nothing in it that has not emanated from the Administration itself; and it is simply for this House to decide who can form the soundest opinion in relation to these expenditures—the Committee of Ways and Means, or the estimating officers who have transmitted estimates to us.

I believe that recent occurrences may have imperiled somewhat the success of this amendment; but I trust in the justice of the House to reaffirm that which it has heretofore done after discussion, and upon a call of the yeas and nays, and not now to stultify itself by voting down what it has heretofore passed. The gentleman from Kentucky [Mr. BRECKINRIDGE] failed to make a joint report of these bills because of the objection of a brother member. He recollects well the struggle in which he was engaged, and the willingness of this whole House to pass the bills as they then stood. Ingraft the amendment that I offer on to this bill, and it is precisely in the situation in which it fell, and if you adopt a subsequent amendment, which I shall offer to guard the expenditure—

Mr. HOWE, (interrupting.) I wish to ask the gentleman from Kentucky if he will adopt what I hold in my hand as a part of his amendment? It is on a kindred subject.

Mr. PRESTON. I will listen to the amendment in a moment. I have only to say, further, that I have discharged my duty in presenting these amendments. I would not have presented them collectively, but for the fact that they have all been acted on separately heretofore, and it will economize the time of the House to offer them in this way.

[Here the hammer fell.]

Mr. BAYLY, of Virginia, obtained the floor.

The CHAIRMAN. Does the gentleman from Kentucky accept the amendment of the gentleman from Pennsylvania, [Mr. HOWE?]

Mr. PRESTON. I have not heard what it is.

Mr. BAYLY. I decline to accept any amendment, because I have one to offer myself, and I believe I can only offer one amendment at a time.

Mr. CLINGMAN. I rise to a question of order. The gentleman from Virginia on my left [Mr. CASKIE] desires to oppose the amendment of the gentleman from Kentucky, [Mr. PRESTON,] and I presume he has a right to do that before his colleague offers another amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. BAYLY] has the floor, and the Chair does not yet know for what purpose.

Mr. BAYLY. I have the floor to move an amendment.

The CHAIRMAN. Some gentleman can first have the floor to speak in opposition to the amendment of the gentleman from Kentucky, [Mr. PRESTON.]

Mr. BAYLY. Well, I will give way to my colleague for that purpose.

Mr. CASKIE. Mr. Chairman, I take advantage of the present opportunity for the purpose of defining my position in reference to the matter under consideration—a position which, I trust, will be that of a good many members upon this floor. I beg leave to say to the gentleman from Kentucky, [Mr. PRESTON,] and the committee generally, that I voted when the deficiency bill was before us, on a previous occasion, for all expenditures for the completion of custom-houses which are recommended by the Secretary of the Treasury. I did not give that vote on his recommendation alone, though I attached much weight to it, but I gave it not only on that recommendation, but upon my knowledge of the wants of the places where they were located, derived from my previous service in this House, and upon an investigation considered sufficient, by myself, at least, of the whole subject.

But, sir, I am utterly opposed to any amendment providing appropriations for any of those custom-houses, in connection with this bill. In my judgment, the Committee of Ways and Means design a fair and proper thing when they come forward here with two bills—the one involving simply those appropriations to which, as they suppose, there is no objection; and the other embracing all the custom-houses and marine hospitals, and asking the judgment of this committee on them upon their own merits. And allow me to tell the friends of these appropriations that I put the decision of this body on these appropriations—for I have such a one myself to ask—upon their own merits, unconnected with anything else.

I have, sir, risen to make a mere statement of position, and to ask my friend who introduced this bill here to take the New York assay office out of it? That is a matter which gives trouble here—about which there is doubt and difficulty. Let us just pass those appropriations on which all of us agree. Remove from the bill, therefore, the appropriation for the New York assay office, which will give trouble, and let it go along with the custom-houses. Let no man here asking an appropriation from this Government shrink from a test of it upon its own merits, by grafting it upon a deficiency bill.

Mr. BAYLY, of Virginia. I move to strike out the words "to complete," wherever they occur, and to insert the words in their stead "to continue the construction of."

That amendment explains itself. I move it, that this committee and the country, when they read the bill, may really understand what is its meaning. These proposed appropriations are not to complete any of these establishments; they are to continue the construction of them.

Mr. LETCHER. That is a fact.

Mr. BAYLY. Now, when I spoke the other day in reference to some of these appropriations, I find by the remarks of my friend from Kentucky [Mr. BRECKINRIDGE] that I was not entirely understood; but I shall try to be so before this debate is through. I have nothing to say now about the assay office; but I have something to say on that amendment of mine to strike out "to complete" and to insert in lieu thereof "to continue the construction of."

I undertook, sir, the other day to say here, and on a familiar knowledge of the manner in which these things have been managed of late years, that there is a deceptiveness—I am not disposed to use a stronger expression—in these appropri-

tions. When most of these appropriations to commence the construction of custom-houses were made they were made on limitations, on positive and distinct limitations, that they were to cost no more than the sum appropriated. And yet that limitation of Congress was utterly—utterly, and, I might almost say, laughingly—disregarded by the authorities who had to administer these laws.

Sir, if this were an isolated case; if it were merely true in respect to these custom-houses, I should not care so much about it. But I say that it has become a fashion of late to show their utter disregard of the limitations of Congress on the appropriations of money. If I had time to do it, I could go into the recital of a number of instances of the most flagrant disregard of the will of Congress in that respect. I recollect once, very well, we appropriated a hundred thousand dollars for a temporary hospital below New Orleans, for the accommodation of the soldiers returning from Mexico. We put a positive prohibition in the bill that no more than a hundred thousand dollars should be expended on the institution. A letter of instructions was at once written to the officers there, in which the law was quoted, and the observance of the condition was insisted on. They paid no more attention to it than if there had been no letter written at all, and expended a hundred and eighty odd thousand dollars. Demands were made on the paymaster to pay for this extra expenditure, but he said he could not settle these bills. He was compelled to obey the instructions of his superior officer, the law, not only not authorizing but prohibiting him. That was the condition of affairs there. Now I want this House to understand—and, as far as my humble voice can be heard, I mean that it shall be understood—that in these appropriations there is an utter and absolute disregard of the limitations which Congress may put on the expenditure of money.

Mr. WALBRIDGE. Mr. Chairman, as the hour is now getting late, and as an important communication from the Executive is on the Speaker's table, which it is very desirable to have given to the country at as early a moment as possible, I move that the committee do now rise, so as to permit of this document being read.

Mr. TAYLOR, of Ohio. I wish to say something in opposition to this amendment, and then the committee may rise.

Mr. WALBRIDGE. I would comply with the gentleman's suggestion with great pleasure, but this is a very important communication from the Executive in relation to the difficulties with Cuba.

The question was put, on the motion of Mr. WALBRIDGE; which was agreed to.

The committee thereupon rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under their consideration the Union generally, and especially House bill, (No. 271,) entitled "A bill to supply the deficiencies in the appropriation for the service of the fiscal year ending 30th June, 1854," and had come to no resolution thereon.

SEIZURE OF THE BLACK WARRIOR.

The SPEAKER, by the unanimous consent of the House, presented the following communication from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 10th instant, I herewith transmit a report of the Secretary of State containing all the information received at the Department in relation to the seizure of the Black Warrior at Havana, on the 28th ultimo. There have been, in the course of a few years past, many other instances of aggression upon our commerce, violations of rights of American citizens, and insults to our national flag by the Spanish authorities in Cuba, and all attempts to obtain redress have led to protracted and, as yet, fruitless negotiations.

The documents in these cases are voluminous, and when prepared will be sent to Congress. Those now transmitted relate exclusively to the seizure of the Black Warrior, and present so clear a case of wrong that it would be reasonable to expect full indemnity therefor, as soon as this unjustifiable and offensive conduct shall be made known to her Catholic Majesty's Government. But similar expectations, in other cases, have not been realized. The offending party is at our doors, with large powers of aggression, and none, it is alleged, for reparation. The source of redress is in another hemisphere, and the answers to our just complaints, made to the home Government, are but the repetition of excuses, rendered by inferior officials to their superiors, in reply to representations of misconduct. The peculiar situation of the parties has undoubtedly much aggravated the annoyances and injuries which our citizens have suffered from the Cuban authorities, and Spain does

not seem to appreciate, to a full extent, her responsibility for the conduct of these authorities.

In giving very extraordinary powers to them, she owes it to justice, and to her friendly relations to this Government, to guard with great vigilance against an exorbitant exercise of those powers, and, in case of injuries, to provide for prompt redress. I have already taken measures to present to the Government of Spain the wanton injuries of the Cuban authorities, and the detention and seizure of the Black Warrior, and to demand immediate indemnity for the injury which has thereby resulted to our citizens. In view of the position of the Island of Cuba, its proximity to our coast, the relations which it must ever bear to our commerce and other interests, it is in vain to expect that a series of unfriendly acts, infringing our commercial rights, and the adoption of a policy threatening the honor and security of these States, can long consist with peaceful relations.

In case the measures taken for an amicable adjustment of our difficulties with Spain should unfortunately fail, I shall not hesitate to use the authorities and means which Congress may grant to insure an observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag. In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand.

FRANKLIN PIERCE.

WASHINGTON, March 15, 1854.

Mr. BAYLY, of Virginia. I rise to make a motion, and I beg to say that my admiration is excited by the character of that message. I move that the message and accompanying papers be referred to the Committee on Foreign Affairs, and be printed.

The question was put; and the motion was agreed to.

Mr. FLORENCE. I desire to ask whether it would be in order to move that we print an extra number of copies of the document?

The SPEAKER. Such a motion would have to go to the Committee on Printing.

The SPEAKER laid before the House a communication from the War Department, covering a report of the Board of Officers appointed to collect evidence of the claims for funds advanced, subsistence and supplies of all kinds furnished, and taken for the use of the volunteers under the command of John C. Frémont, in California, in 1846, when thus engaged in the public service.

On motion by Mr. JONES, of Tennessee, the communication was laid upon the table, and ordered to be printed.

[A message was here received from the Senate, by the hands of Mr. ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a joint resolution, without amendment, of the following title: (H. R. No. 18.) Joint resolution authorizing the Secretary of the Treasury and the Light-House Board to determine upon the site, plan, and mode, of constructing the light-house on Cohasset rocks, and for other purposes.

Also, that the Senate had passed bills of the following titles:

S. No. 120. An act to promote the efficiency of the Army by retiring disabled officers.

S. No. 271. An act to regulate the fees and compensation of the district attorneys in the courts of the United States for the Territories of Minnesota, New Mexico, and Utah; and asking the concurrence of the House therein.]

DISTRIBUTION OF ARMS TO THE STATES.

Mr. BISSELL. I wish to bring to the attention of the House a bill which requires early and prompt action upon the part of the House. The time for the distribution of arms to the several States and Territories is rapidly approaching, yet, owing to a defect in the law relating to such distribution, it can be but very imperfectly performed. The Department ask, therefore, that the bill which I report from the Committee on Military Affairs, to enable the Secretary of War to make a proper distribution of arms to the several States and Territories, be passed at once.

The bill was then read by its title, as follows:

An act to provide for the distribution of arms to the several States and Territories.

Mr. JONES, of Tennessee. What is the basis of distribution of arms now?

Mr. BISSELL. I will answer the gentleman. Under the law of 1808 the annual distribution of arms provided for is required to be made according to the enrolled militia of the several States and Territories. There is now no way of ascertaining the precise strength of the enrolled militia, for the reason that some of the States make no returns at all, others make very partial ones, and others again make them but once in two or three years.

Mr. JONES. If they do not make returns, they certainly ought not to have any arms.

Mr. BISSELL. The whole difficulty lies in this fact, that heretofore the distribution of arms has been required to be made according to the enrolled militia of the various States, which there was no means of ascertaining, with any degree of accuracy, because the States do not make the proper returns. The bill I have reported from the Committee on Military Affairs provides that the distribution shall be made according to the representation in this House.

Mr. JONES. I will say to the gentleman that I cannot see the necessity for it. I do not think it would be just and equitable to make such a distribution.

Mr. BISSELL. Let me say to the gentleman from Tennessee that, under the present system, some of the States will get no arms at all. They do not make the proper returns of the militia within their limits; hence they cannot, under the existing law, recover their proper quota of arms.

Mr. JONES. They ought not to receive them if they will not make their returns.

Mr. BISSELL. That may be; but the Government desires that the citizens within the States shall have these arms.

Mr. JONES. The States which have the most militia ought to have the most arms; and if they will not make returns, it is not right that arms should be given to them.

The SPEAKER. The Chair will remark that this discussion is somewhat irregular until the bill has had its second reading.

The bill was then read a second time by its title.

Mr. HAVEN. I desire to have the attention of the chairman of the Committee on Military Affairs [Mr. BISSELL] for the purpose of making an inquiry. The distribution proposed by the bill under consideration undoubtedly is proper; but I wish to ask the gentleman whether he has reflected upon, or whether his committee has had under consideration, the question as to the propriety of extending the distribution in the same manner to the Territories?

Mr. BISSELL. The intention was to make the provisions of the bill alike to all the States and Territories. If the Territories have been omitted, I will ask to have an amendment, including them, inserted. I will say, further, that the same provision which is made in this bill was made for the Territory of Iowa at the time of its organization.

Mr. HAVEN. I was under the impression that it did not apply to the Territories.

Mr. LILLY. I would like to inquire of the gentleman what rule will be adopted in making the distribution for States where the States have not made their regular returns?

Mr. BISSELL. I do not know. I suppose where the States have not made their returns of their militia regularly, the last returns made will be taken as a basis on which to make the distribution.

Mr. LILLY. My own impression was, that the last report made would be taken as the basis. I do not know as I have any objection to the passage of the joint resolution. I only rose to make the inquiry of the gentleman.

Mr. CLINGMAN. I am satisfied that this bill is substantially right. It proposes a proper distribution of the arms, and, if adopted, will do substantial justice to all the States. But without trespassing upon the time of the House by any remarks upon the subject, I move the previous question.

Mr. STANTON, of Kentucky. I ask the gentleman from North Carolina to withdraw the motion for the purpose of enabling me to offer an amendment to the bill.

Mr. CLINGMAN. I will hear the gentleman's amendment.

Mr. JONES, of Tennessee. I think it would be much better to repeal the original law, providing for the distribution of arms.

Mr. STANTON. That is precisely what I propose to do. I desire to offer the following amendment:

And that all laws requiring or authorizing the distribution of arms among the several States be, and the same are, hereby repealed.

Mr. STANTON. The States can take care of themselves.

Mr. CLINGMAN. I do not withdraw the

motion for any such purpose. I am not in favor of having a large standing army. I would vote for increasing it considerably beyond its present limits; but twenty or twenty-five thousand is as large a standing army as it would be best for the Government to maintain; and for this reason I think it is wise for us to arm the militia of the country. I move the previous question; and I hope the bill will be adopted as reported by the committee.

The previous question was seconded, and the main question ordered to be put.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, it was accordingly read a third time.

Mr. CLINGMAN. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. JONES, of Tennessee. I demand the yeas and nays upon the passage of the bill.

The yeas and nays were not ordered.

Mr. JONES. Well, sir, then I move to lay the bill upon the table.

The question was taken, and it was decided in the negative.

So the House refused to lay the bill upon the table.

The bill was then passed.

Mr. CLINGMAN. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The question was put on the latter motion, and it was agreed to.

Mr. STANTON, of Tennessee. I move that the House do now adjourn.

The question was put, and the motion was agreed to.

And thereupon (at half past three o'clock, p. m.) the House adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, March 16, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

FREMONT'S BATTALION.

The PRESIDENT. I present to the Senate a communication from the War Department, dated March 14.

Mr. GWIN. That is a communication respecting a very complicated case in California from the claims arising from what is known as the Frémont Battalion. It has been examined by a board of officers with great care, but still it wants a full and very thorough examination by some committee of this body; and though I am entirely opposed to the raising of select committees when it can possibly be avoided, I am of the opinion that this ought to go to a select committee. The papers are very voluminous; and, as I have said, it is a most complicated case, and one which should go to a committee who could give their entire attention to it. I therefore move the reference of the communication and papers to a select committee; and also, that they be printed for the use of the Senate.

Mr. STUART. Let the communication be read.

It was accordingly read. It states that by the sixth section of the Army appropriation act of August 31, 1852, an appropriation was made for the pay and equipment of the volunteers serving under the command of Lieutenant Colonel John C. Frémont, in California, during the year 1846; and the Secretary of War was authorized and empowered to employ three officers of the Army to examine and report to Congress upon all such claims as might be presented for amounts advanced, and subsistence of all kinds taken, for the use of the battalion while thus engaged. In pursuance of that provision, the officers were appointed, and made a partial report on the 29th of December, 1852, respecting the claims which had been presented. Subsequently other claims were presented, and new evidence was offered in regard to claims previously considered; and the officers now make another report, which is transmitted, embracing all the claims heretofore presented, as well those noticed in their partial report as those since presented.

Mr. GWIN. As I stated, this is a very complicated subject, and it has been already examined with a great deal of attention and care. It has been eight years before Congress, and a bill once passed this body appropriating \$700,000 to meet the claims, and providing the manner in which the board of commissioners should be provided for; but that bill was lost in the other House; and it has been a source of the greatest irritation in the State that no disposition has been made of the matter. I therefore move the reference to a select committee, on the ground that it needs a very thorough and attentive examination from a committee which can give their whole attention to it. Under any other circumstances I would not submit such a motion. I move that the committee consist of five persons, and be appointed by the Chair.

Mr. PEARCE. These claims, as I understand, are claims growing out of the war in California. I think their reference properly belongs to the Committee on Military Affairs; and I see no necessity for referring them to a select committee. If they did not appropriately belong to any of the standing committees, they might then go to a select committee; otherwise such a reference is useless. The Committee on Military Affairs, in this case, it seems to me, is the one most properly chargeable with their consideration, and I see no reason for sending them to a select committee. Select committees are generally chosen to investigate a case with a view to a favorable report. I think that these claims should be investigated by an impartial committee, one neither prejudiced against them nor disposed to overlook anything connected with them.

Mr. GWIN. So far as I am personally concerned, I do not want a committee appointed partial to the claims; but I want them settled as soon as possible. They have now been before the various standing committees of Congress for eight years. I know that the Military Committee will do its duty fully and faithfully; but as this is a very complicated case, and an enormous number of papers have been sent in, I was requested and appealed to, as representing the State of California, to ask their reference to a select committee, who would be able to devote their entire time to their consideration, and submit a report upon them. If, however, the chairman of the Committee on Military Affairs thinks his committee can take charge of them, I shall not object; but they will be a pretty heavy burden upon any committee.

Mr. SHIELDS. The Committee on Military Affairs, as the Senator from California has intimated, had this subject under consideration once before, and a commission was appointed, on the recommendation of that committee, to investigate the claims, and this, as I understand, is the report of that commission. It is the report of a commission which was appointed on the recommendation of the Committee on Military Affairs to investigate the claims; and from what I have heard, I believe it is a report that some of the claims were honest, and should be allowed, and that there are others which are still doubtful, and call for further examination. I do not positively know the nature of the report; but I presume it is that a portion of the claims are settled and adjudicated, and that there are portions still left unsettled and undetermined. I agree with the Senator from California that is a complicated case; and I should certainly desire, if I could, with propriety, to get rid of its further consideration.

Mr. GWIN. I merely made the motion because it was suggested to me that, inasmuch as in my State a great deal of irritation had been caused by the long pendency of these claims, which have been eight years before Congress, it would be better to have the subject referred to a select committee, in order that they could examine thoroughly the whole action of the commission, and that some provision should be made in regard to the claims. I know that the Committee on Military Affairs will do its duty in the case; but inasmuch as my constituents are particularly interested, and have been appealed to to have the subject thoroughly examined in as short a time as possible, in order that the Board of Commission may be ordered to California—if sent at all—(probably by an amendment to the deficiency bill, which will be here in a few days,) I have made the motion. I have no doubt that if the Committee on Military Affairs

take charge of it, they will do their duty faithfully.

Mr. SHIELDS. I will suggest to the Senator from California, that, as the subject has been heretofore referred to the Committee on Military Affairs, it perhaps had better be referred, for the present, to that committee, because I desire to give it a little further attention myself; and if then we find that we cannot bring forward a proposition, we can report it back to the Senate, and permit the honorable Senator to move its reference to a select committee.

Mr. GWIN. I agree to that; and I move, also, in addition to it, that the communication and papers be printed. They were ordered to be printed in the House yesterday, and therefore this will incur but little additional expense.

The communication was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS, ETC.

Mr. SLIDELL presented the petition of Francois Cousin, praying the confirmation of his title to a tract of land in Louisiana; which was referred to the Committee on Private Land Claims.

Mr. THOMPSON, of Kentucky, presented the petition of Sarah R. Russell, one of the creditors of the late Republic of Texas, praying the payment of an amount due her by the State of Texas; which was referred to the Committee on Finance.

Mr. BROWN presented the petition of A. G. Bennett, a paymaster in the United States Army, praying to be released from his liability to account for certain Government money lost, while in his possession, by the accidental burning of the steamboat *Volante* in the Yazoo river; which was referred to the Committee on Military Affairs.

Mr. EVANS presented the memorial of Robert Mills, on the subject of the improvement of the pavement of Pennsylvania avenue, in the city of Washington, District of Columbia; which was referred to the Committee for the District of Columbia.

Mr. WADE presented a petition of members of the General Assembly of Ohio, praying a modification of the bill commonly known as the homestead bill, so as to extend its benefits to all foreigners who have filed, or may hereafter file, a declaration of intention to become citizens, which was ordered to lie on the table.

Mr. CHASE presented a petition of citizens of Portage county, Ohio, praying that one hundred and sixty acres of land may be granted to every head of a family being a citizen, and not possessed of other land, upon condition of settlement; which was referred to the Committee on Public Lands.

Also, the petition of R. M. Browne and others, remonstrating against the ratification of any treaty creating an international copyright between the United States and Great Britain; which was ordered to lie on the table.

Mr. SHIELDS presented the petition of John O'Leary, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. BUTLER presented the memorial of Susanah Hayne Pinckney, praying remuneration for the services of her father, Richard Shubrick, in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. GWIN presented a resolution of the Legislative Assembly of the Territory of Oregon, in relation to an increase of the mail service between New York, New Orleans, San Francisco, Umpqua Harbor, Astoria, and the intermediate points of mail delivery which may hereafter be established by future mail contracts; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SLIDELL, it was

Ordered, That the petition and papers in the case of John Gusman be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

OWEN'S GEOLOGICAL REPORT.

Mr. WALKER. I find, Mr. President, that the Legislature of Wisconsin has turned its attention to a very important subject, and addressed to the Congress of the United States the memorial which I hold in my hand. Though it does not, in express terms, instruct the Senators, yet it contains a very urgent request, and one which meets my views so fully that it will afford me the ex-

trement pleasure to bring such a subject to the attention of Congress. Notwithstanding it does not impart instructions to the Senators from that State, and contains only a request, I wish to say that the subject is of that character and of that importance that I shall feel myself under obligations to comply with the request. I introduce the memorial now, and ask that it may be read, ordered to be printed, and referred to the Committee on Printing.

The memorial was read. It requests the Senators from Wisconsin to procure from the Senate of the United States an order to reprint the geological report of D. D. Owen, on the mineral lands of Iowa, Wisconsin, and northern Illinois, with the accompanying illustrations, in the same style as his report of the geological survey of Wisconsin, Iowa, and Minnesota, which was published in 1852, by Lippincott, Grambo & Co., by order of the Senate. The report alluded to was submitted to Congress on the 6th of June, 1840.

Mr. WALKER. I think the subject ought to be committed to the Committee on Printing. I suppose it is not necessary to move any specific instructions for that committee. They can consider and dispose of the subject.

Mr. BADGER. Had my friend not better make a proposition to print before the reference?

The PRESIDENT. The memorial, being from a State Legislature, will be printed as a matter of course, under the rules.

Mr. WALKER. If that were not so, I should make a motion to print it.

Mr. BADGER. I mean a motion to print the matter referred to in the memorial, so as to let the motion go to the committee with the memorial.

The PRESIDENT. The memorial will be printed, and referred to the Committee on Printing.

ACCESSORY TRANSIT COMPANY.

On motion by Mr. HAMLIN, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill to authorize the issue of registers to vessels owned by the Accessory Transit Company.

The bill was reported to the Senate, without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

POST ROAD IN CALIFORNIA.

Mr. RUSK. The Committee on the Post Office and Post Roads, to whom was referred a bill "to establish a post road in the State of California," have instructed me to report it back, and recommend its passage. It is necessary to have the post route to which the bill refers established soon, and there can be no objection to the bill; and, therefore, I ask the Senate, by unanimous consent, to consider it now.

The Senate proceeded to consider the bill, as in Committee of the Whole.

It proposes to declare the road from the Nevada City, by Minnesota and Downieville, to Gibsonville, in California, to be a post road.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

PACIFIC RAILROAD SURVEYS.

Mr. HAMLIN. The Committee on Printing, to whom was referred an order of the Senate directing them to inquire into the expediency of printing five thousand additional copies of the report of the Secretary of War, communicating copies of the reports of engineers and other persons employed in explorations and surveys to ascertain a practicable and eligible route for a railroad from the Mississippi river to the Pacific ocean, have directed me to report against printing. The reports which have already been made have been ordered to be printed, and this resolution asks for the printing of an additional number. I think that all the reports should be printed together.

Mr. GWIN. I prefer that that matter should lie on the table for a few days, until we can look into it.

The PRESIDENT. The report will go on the Calendar.

LAND PATENTS.

Mr. DODGE, of Iowa. I am instructed by the Committee on Public Lands, to whom was referred a bill to authorize the issuance of patents to lands in Louisiana in certain cases, to report it back with an amendment.

Mr. SLIDELL. I presume there can be no possible objection to the bill which has just been reported by the Senator from Iowa. It is merely to provide for a defect in the present law. There are many cases in which the rights of individuals to lands in Louisiana and Arkansas are recognized, but where the present law does not authorize the issuing of a patent. I understand that the Committee on Public Lands were unanimous in regard to the bill, and I ask the Senate now to consider it, and put it upon its passage.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to enact that, in the case of any claim to land in Louisiana which has heretofore been confirmed by law, but in which no provision is made by the confirmatory statute for the issue of patents, it shall be lawful to issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land Office of plats of survey duly approved by the surveyor general of Louisiana, with a proviso that the patents shall operate only as a relinquishment of title on the part of the United States.

The amendment of the Committee on Public Lands was to strike out the word "Louisiana," in each case where it occurred, and insert "in any State or Territory," so as to make the bill general in its operation.

The amendment was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed; and,

On motion by Mr. SLIDELL, its title was amended so as to read, "An act to authorize the issuance of patents to lands in the States and Territories in certain cases."

NOTICES OF BILLS.

Mr. SEBASTIAN gave notice of his intention to ask leave to introduce a bill for the relief of Miles Knowlton.

He also gave notice of his intention to ask leave to introduce a bill to extend the time for the location of certain donation claims in Arkansas.

NEW MAIL ROUTE.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing by law a mail route from Desarc Bluff, on White river, intersecting the military road near the Cadron ferry, in Conway county, by way of Lewisburg, Lemoine's ferry, and Dardanelle, to Fort Smith, all in the State of Arkansas, and report by bill or otherwise.

REPORTS FROM STANDING COMMITTEES.

Mr. EVERETT, from the Committee on Foreign Relations, to whom was referred the memorial of John Bozman Kerr, late chargé d'affaires at Nicaragua, praying compensation for official services under commissions to other Republics in Central America, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of Llewellyn Washington, praying compensation for services performed in the Post Office Department, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred a joint resolution for extending an existing contract for carrying the mail in Alabama, reported it back without amendment.

He also, from the same committee, to whom was referred the memorial of the Broadstreet Bridge Company, of Nashville, Tennessee, praying that the bridge over the Cumberland river may be made a lawful structure and established as a post route, reported a bill to establish a post road; which was read, and passed to a second reading.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the memorial of the heirs of the late Brigadier General Richard B. Mason, praying to be reimbursed certain expenditures made by him while he was civil and military governor of California, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred a bill to authorize the sale of reserved lands, and for other purposes, reported it back, with an amendment.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the petition of Elizabeth Summers, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

VERMONT SENATORSHIP.

On motion by Mr. PETTIT, the Senate resumed the consideration of the resolution of the Committee on the Judiciary affirming the right of the Hon. S. S. PHELPS to a seat in the Senate.

Mr. MASON. Mr. President, I had no idea of taking any part in the debate on the question involved as to the seat of the honorable gentleman from Vermont; and I should not do so but that, on a former occasion, I expressed some views which would seem to reach this case, rendering it, in my opinion, of some consequence to me, more than to others, that I should have the opportunity of restating them.

The question in the case of the gentleman from Vermont is simply this: whether, under an appointment from the Executive of his State, he can retain his seat as a Senator, after the adjournment of the first Legislature following his appointment? On a former occasion, some two or three years ago, I, as did other gentlemen, I believe, expressed some opinions upon that very question in the Senate, but it was on an occasion when the question itself was not before the Senate for decision. It was the case of Mr. Winthrop, of Massachusetts, who was here under an appointment from the Governor of his State to fill a vacancy which had happened in the recess of the Legislature of that State. The Legislature met while Mr. Winthrop was here in his seat; and soon after the Legislature met it elected his successor, in the person of Mr. Rantoul. Information came to Washington through the ordinary channels, that an election had been made by the Legislature of Massachusetts, and that Mr. Rantoul had been elected as the successor of Mr. Webster, and in the place of Mr. Winthrop. A few days after that Mr. Winthrop, whose character was well known and appreciated here, not only as that of an enlightened statesman, but an accomplished gentleman, stated to the Senate that he had received from the Governor of the State the appropriate letters, showing the fact that Mr. Rantoul had been elected the successor of Mr. Webster, and that he felt under some difficulty in knowing whether, being thus advised that an election had been made, he could retain his seat under the Executive appointment. The question was referred to the Committee on the Judiciary, and that Committee reported, as their opinion, that the presence of the credentials here was official information to the Senate that an election had been made by the Legislature, and that Mr. Winthrop's seat was *ipso facto* vacated. But an incidental question arose, which was whether, as the Senator elect was not here, and as the Senate had no information that he would accept the appointment, the election made by the Legislature of Massachusetts had been so far perfected as to vacate the seat; and that was, in truth, the only question. In the course of the debate a collateral inquiry was made, how far the Executive appointment would extend, if it should turn out as the judgment of the Senate that we were not to consider the election made until the Senator elected presented himself and claimed the seat, or gave other evidence of his acceptance of it? and it was during some debate on that question that I expressed the views which the Senator from Vermont did me the honor to read the other day, (as he did the views of other Senators,) expressive of the opinion that there was nothing in the Constitution to limit the duration of the Executive appointment, but an election by the Legislature, and that if no such election was made the Executive appointee would continue until one should be made. That was about the substance, I think, of the views which I then expressed.

Now, sir, it is a very sound and philosophic rule of law, which all lawyers, all jurists admit, that when an opinion is given by a judge upon a question not before the court, it is not entitled to the judicial respect to which an opinion given by a judge upon the question immediately before the

court is entitled; and the reason is a very plain and a very sound one. The judicial mind in throwing out incidental views is not acting under the responsibilities which control it when it is passing a judgment. But, sir, had those views been expressed under more grave responsibilities, I trust I have the candor and frankness of mind to acknowledge my error; and I am now free to admit they were given without a full review of the whole question, and am prepared at once to say so.

Mr. President, the clause of the Constitution, out of which this question more immediately arises, is one which, as I read it, is not free from doubt. It is not clear. It is not determinate. The clause of the Constitution is:

"If vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

The question discussed with so much ability by the honorable gentleman from Vermont was upon the proper grammatical construction of this sentence in the application of the word "until"—whether that word, "until," limited the power of appointment, or whether it affected the duration of the office under the appointment; and he came to the conclusion, by a most clear and logical argument, that, grammatically, the word "until" qualified the power of appointment only, and did not affect the duration of the office.

Sir, as I have said, if we confine our inquiry to this clause of the Constitution, it is not free from doubt. The grammatical construction put upon the sentence by the gentleman from Vermont may be the correct one. By referring the words in the sentence to their proper places, and giving them their proper grammatical significance in construction, it may be that the word, "until," limits only the power of appointment; but yet it does not follow, when we look at the whole text of the Constitution, that that grammatical construction is to control the meaning.

If it was the intention of the Constitution, that the word "until" should limit the power of appointment and limit that alone, it would follow, as the honorable gentleman makes it follow, as a necessary consequence, that the Executive appointment when once made would continue until superseded by election by the Legislature; but if that were the construction of the Constitution, those who framed the sentence would hardly have used the expression, that the Executive appointment was to be "temporary." Far less would they have refrained from giving to that Executive appointment the function of filling the vacancy—a phrase which they carefully abstain from.

Mr. President, in reviewing my former opinions on this subject, I have felt it necessary to look to the structure of the Government under the Constitution. I was strongly and forcibly impressed with the remarks which fell from the honorable gentleman who is the chairman of the Committee on the Judiciary, [Mr. BUTLER.] We must look to the structure of the Government under the Constitution; and what is that structure? Why, sir, the Federal Legislature is composed of two branches—the House of Representatives and the Senate; and the constituencies of each are clearly defined. In the House of Representatives the people of the States are represented numerically. In the Senate they are represented, not numerically, but with an utter disregard to numbers. The popular voice in the Senate is not heard or felt numerically; but the Senate, as it is constituted under the Constitution, is the representative of the States, and of the States alone. The voice—the will of the States, under the constitutional intentment, is to be learned only through the Legislatures of the States. By the structure of the Federal Government, the power of appointing Senators is given to the States through their legislative bodies. But the Constitution provided (and provided only in a single case) that where a vacancy happened when the legislative bodies, the organized representatives of the States, were not in being or not in session, an appointment should be made—of what character? An appointment to fill a vacancy so happening? No, sir; that meaning is clearly excluded from the Constitution. It does not give to the Executive of a State the power to fill a vacancy, even when it happens in the recess of the Legislature. It excludes any such idea by careful

language. Power is given to the Executive only "to make temporary appointments." The very next succeeding words of the clause show the constitutional intentment to be clearly that such an appointment is to be temporary only—the power being lodged in the Legislature only to fill a senatorial term. The Constitution goes on to say that when a vacancy happens during the recess of the Legislature, the Governor "may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

Now, sir, what is the vacancy to which the Constitution refers? Is it the vacancy in the senatorial term, for senatorial terms are carved out by the Constitution and made to endure for six years. When a vacancy happens, the term once begun, and the succeeding Senator is elected by the Legislature, he is elected, not for a term of six years—the Constitution prohibits that—but for the unexpired term, and thus he "fills the vacancy." That power of filling the vacancy is reserved to the legislative body—the only power to fill it. I say, then, that if the Executive appointment can endure beyond the period when the legislative body meets, it may become a power to fill the vacancy. Thus, sir, if we give this restricted meaning to the clause in question, as was strongly illustrated by the honorable and able Senator from North Carolina, [Mr. BAYARD], on a former day, it would enable the Legislatures of the various States; by their action under the Constitution, to make these "temporary appointments" temporary or not, at their pleasure. The Constitution says they shall be "temporary appointments;" not appointments to fill a vacancy, but such as are in their character purely temporary. If, however, you give this restricted meaning to the clause under consideration, it would enable the Legislatures; by failing to elect, to destroy their temporary character, and enable a Senator holding under them to hold during a full term; and as the Legislature might elect or not, at its pleasure, the Executive appointment would be held, not under a limitation of tenure prescribed by the Constitution, but at the will of the State Legislature. I cannot, therefore, place upon the clause such a construction as would lead to these consequences, unless the text clearly requires it.

Now, sir, the concluding words in the clause are: "Until the next meeting of the Legislature, which shall then fill such vacancies." This is not a mandate upon the legislative body. There is no power on earth that can compel the Legislature of a State to fill the vacancy. The Constitution never contemplated a mandate upon the Legislature to fill the vacancy, because there is no sanction to such a mandate. The Legislature may fill the vacancy or not, at their pleasure. What, then, is the meaning of the Constitution, if it is not a mandate under the sanctions of a mandate? Why, the meaning simply is, that the power residing in the Legislature, it is the constitutional intentment that it shall be exercised when the organized constituency of the State is in a condition to do it. If they fail to do it, it results that the temporary appointment is at an end, because the properly organized constituency have declined to act.

Sir, as I understand the Constitution, it is a federation of the States, as well as a Government. If the States determine to put an end to the federation, by refusing to elect Federal Senators, they may do so under high responsibilities to their people; and it is demonstrable, in such a view of the Constitution, that if it could be in the power of the Governors of the States to keep up a representation in the Senate under appointments emanating from themselves, they might, by so doing, defeat the will of the State.

Mr. SEWARD. Will the Senator allow me to ask him a question?

Mr. MASON. Certainly.

Mr. SEWARD. Do I understand the Senator correctly as saying that the Legislature has a right or has the power to leave a State unrepresented in this body?

Mr. MASON. I am not aware that I used the term "right;" but if I did, I meant it of course to be synonymous with power.

Mr. SEWARD. The Senator used the term "right," and it was because I thought it liable to misconception that I interrupted him.

Mr. MASON. Sir, the States are the parties to the Constitution. Under that Constitution they have obligated themselves each to the other to

send representatives to the Senate; but if they fail to send them, I apprehend it is perfectly immaterial whether they fail to send them in the exercise of a right or in the exercise of a power. They may fail to do it, and they are responsible only to their own people for that failure. The honorable Senator from South Carolina, who is the chairman of the Committee on the Judiciary, strongly illustrated this point in the remarks which he made on the subject. If we give it this construction, it will be in the power of the Executives of the States, against the policy, against the will of the Legislature, to keep up a full representation in the Senate, although the legislative body refuse to authorize it, and may be sustained by their people in so doing. That, as I apprehend, would be to overthrow the intention of the instrument, and it is a construction to which we are brought by too close an adherence to its letter in disregard of its spirit.

I should not, Mr. President, have gone even thus far into the subject, but that it seemed due to the gentleman from Vermont, [Mr. PHELPS,] who, I am gratified to say, has shown in this debate, as he has never failed to do in the Senate, an enlightened and gifted mind, governed only by a sincere and patriotic purpose. If there has ever been an insinuation that that honorable gentleman desired to hold his seat only because it was a desirable seat to him, it could come only from a quarter unworthy the least respect. Sir, it has been my good fortune to be associated with him on this floor for several years; and I am sure I speak the opinion of the body when I say, that he has never addressed himself to the Senate upon any subject when his audience did not leave him gratified and instructed. I shall be exceedingly sorry by my vote to be compelled to part with him; but I am perfectly satisfied, upon a thorough examination of the subject, that the Executive appointment under which he claims to sit, terminated with the session of the Legislature of his State which has since intervened.

Suppose that we stick to the mere letter of this clause, to what shall we be brought? According to grammatical construction of the terms employed, the Executive appointment would terminate on the first day that the Legislature assembled; yet we all agree, I presume, that the decision in Mr. Smith's case was a correct decision, that the Executive appointment must last during the session of the Legislature. Nor, I confess, in upholding that decision, do I see that it is at all necessary to resort to the analogy on which the honorable Senator from Delaware [Mr. BAYARD] relied, that it was because the Constitution considered that the whole legislative term or session was but one day, like the term of a court at common-law. Why, sir, "meeting," in its popular sense, is pretty much the same as "session." A meeting of the Legislature is a session of the Legislature; and it is in that sense, I suppose, it was used in the Constitution. Many of the religious societies designate their assemblages for religious purposes as "meetings;" and they speak of the "meeting-house." They do not use "meeting" as meaning the mere coming together of the congregation, but it is the assembling of the congregation and their session for the prescribed period. That is the "meeting," and that is what the Constitution meant by the "meeting of the Legislature." The phrase is not to be understood in a confined and restricted sense, as the mere coming together of the members who meet each other, but as a "meeting" in the popular sense. The "meeting," as used in the Constitution, is, I think, undoubtedly the assemblage and the session of the body. It could never have been intended that the Legislature should make the appointment at the first coming together of the members. I think, therefore, that the decision which was made by the Senate in the case of Mr. Smith, by the adoption of the resolution of Mr. Giles, was the correct and sensible exposition of the meaning of that word in the Constitution. Great difficulties would ensue if we were to give too narrow a construction to the phrase; if, in the effort to give to each word its peculiar and significant meaning, we disregard the larger intentments of the Constitution. Suppose we give the clause a literal construction. It says that the Legislature, at the first meeting after the vacancy, or after the temporary appointment, "shall then fill" the vacancy. Suppose that the Legislature, as in the case from Vermont, does not fill the vacancy; then, according to the strict letter

of the clause, no subsequent Legislature could, because by the Constitution the power of filling the vacancy would seem to be reposed only in the first Legislature which met after the vacancy. The language is: "The Executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies." If they do not fill it then, I think, by strict grammatical construction, the power is gone from them. This is an illustration of the well-known and strictly just rule, that if one sticks to the letter, his arrow will stick in the bark, and not penetrate beyond the surface. I am constrained, therefore, to vote that the gentleman from Vermont is not entitled to his seat.

Mr. TOUCEY. Mr. President—

Mr. RUSK. I propose, if the Senator will allow me, to move to postpone the further consideration of this subject until to-morrow, in order that we may have an Executive session. I understand that others wish to speak, so that we shall not get through to-day, at all events.

Mr. MASON. The Senator will allow me to say that I have learned that there are many Senators who desire yet to be heard, and I do not think there is any probability of having the vote taken to-day; but I am perfectly willing, so far as I am concerned, to have the vote taken, and the question disposed of, if possible.

Mr. TOUCEY. I am willing, personally, to take any course which may be agreeable to the Senate. I shall not occupy much time in submitting my views in regard to this question. Being a member of the Committee on the Judiciary, and not having participated in its deliberations on this subject, I feel as if it were due to myself that I should express my views, which are in opposition to those of a majority of the committee who participated in the report.

I have listened with attention to the debate in favor of the right of the honorable gentleman from Vermont [Mr. PHELPS] to a seat here; but I confess, sir, I have not been able to bring my mind to any doubt—any real, practical doubt—as to the matter of right. I should, personally, be very glad to be able to vote in favor of allowing him to retain his seat; but with the view which I entertain of the provision of the Constitution under which this controversy arises, it is impossible for me to do so. Sir, I think that the particular intent, and the general intent, of the Constitution are both against his retaining the seat; and, although I have attended very strictly to the construction which he has put upon this clause, yet I do not think that it is justified, either by the letter or by the spirit of that instrument.

Now, sir, there is one general provision, to which, I think, in giving a construction to the clause under consideration, particular attention should be drawn. It has already been often alluded to:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years."

This is a general proposition, universal in its terms. It confers upon the Legislature the exclusive power to appoint members of this body. No language could be adopted which would be more general and comprehensive. And in this language the framers of the Constitution, and the people who adopted it, evinced the most entire and unlimited confidence in the Legislatures of the States for the discharge of this duty. I would state it, as a proposition to which there is no exception, that when the legislative body has an opportunity to act upon the subject, the Executive has no right to act upon it. There is no intent to grant to the Executive a power to supervise the action of the Legislature. There is no intent to give to the Executive the power to supply an omission, to remedy a neglect, or to overrule a decision of the Legislature. If the Legislature see fit to postpone the subject, I apprehend they have a right to do so. If they permit the subject to pass by silently, or if they come to a formal resolution to postpone it to a future session, they have a right to do so. And in neither of these cases has the Executive any power to revise their action. The only power to revise it is with the people. I will put the strongest case that can exist. If the members of the Legislature should undertake to subvert this Government, and should refuse from thenceforward to appoint Senators to represent the State here, there is no remedy for it, except with the people, by electing a Legislature that

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

FRIDAY, MARCH 17, 1854.

NEW SERIES...No. 41.

will discharge its constitutional duty. There is no express provision to enforce this duty except that imposing upon the members of the legislative body an oath to support the Constitution of the United States, and that reserving to Congress the power to make or alter regulations in regard to the time and manner of choosing Senators.

Now, sir, if it had been the intention of the framers of the Constitution to provide that if the Legislature fails to appoint, the Executive might, in order to supply the want of representation arising from the omission of the Legislature, there would have been express words to that effect in the Constitution. "Whenever there is a vacancy not filled by the Legislature the Executive may make a temporary appointment" would have been sufficient. But there is nothing of the kind. On the contrary, to the general provision which I have noticed, there is one single exception only, limited to the case of a vacancy that must inevitably happen, and that exception is when an unexpected vacancy arises, which the Legislature could not foresee. In that case there must be a vacancy in the representation until the meeting of the Legislature, unless some further provision is made for a temporary appointment outside of the Legislature, and therefore a power is devolved upon the Executive. With regard to that, the clause of the Constitution is in these words:

"And if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

"If vacancies happen;" that is, if they occur, upon a contingency that could not be foreseen, a power is granted to the Executive; and hence, if the vacancy occurs by the expiration of the senatorial term, no power is given to the Executive to make a temporary appointment, because the preceding Legislature knows that the vacancy will occur, and it is its duty to fill it; and therefore the Executive has no power. Now, in that case, if the Legislature do not make an appointment, it is then equally important, as in all other cases, that there should be a full representation; but no power is given to the Executive, because the Legislature has had no opportunity to act, and either silently or expressly has postponed action. That is according to the uniform course of precedents since the case of Mr. Lanman.

"If vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State." If the Legislature is in session, and a vacancy happens by death, resignation, or otherwise, and the Legislature permits the subject to pass over, or postpones it, it is perfectly clear that the Executive has no power. Because, again, the Legislature has had an opportunity to act, and the exception was not intended to extend to any case of that kind. Here, again, there is the same reason which is urged in behalf of the Senator from Vermont that he should keep his seat, that there was a necessity that the State should be fully represented; and yet it is not a constitutional necessity in the view of the framers of the Constitution. They had confidence in the Legislatures of the States; and if the Legislature has had an opportunity to act upon the subject, they did not think it necessary, for the purposes of the Constitution, to devolve any power upon the Executive.

If, again, the Executive omit to make a temporary appointment until the next meeting of the Legislature, and the Legislature omit to act also, there is the same reason why the Executive should have the power to make temporary appointments as before; but every one admits that he has no power, and for the same reason that the Legislature has had an opportunity to act, and therefore no power is given to the Executive. Or, again, if the person appointed by the Executive should resign, or die, during the next session, or after the session, there is no power in the Executive to make a temporary appointment; and yet the same reason exists which seems to be relied upon in the present case.

In the case that arose in Arkansas, where, by casting lots here in this Senate, after the adjournment of the Legislature of Arkansas, the term of one of the Senators expired before the next meeting of the Legislature, this body held that there the Executive might make an appointment. It was a new appointment. It was to commence a term; but the Legislature, at the next preceding session, could not have foreseen that there was to be any vacancy, and the vacancy that occurred did happen upon a contingency, and therefore the Executive had no power. But there is no case where, according to the settled course of decisions in this body, according to all the precedents except those that were overruled more than thirty years ago, there is no case whatever where the Legislature has had an opportunity to act, and fill a vacancy, and has not done it, in which it has been held that the Executive could then interfere; and the reason is, because the framers of the Constitution, as clearly appears in every part of it, trusted implicitly and exclusively in the Legislatures of the several States to discharge that duty when the subject was before them; and, therefore, in their views, no constitutional necessity for Executive interference existed. The Legislature is the organ of the State as a sovereign State, and, therefore, has the appointment of those who represent it in that capacity; and the whole power of appointment is conferred exclusively upon the Legislature, whenever it can have the opportunity to exercise it.

There is no principle incorporated in the Constitution by which its action or non-action can be supervised or controlled by the Executive.

"Which shall then fill such vacancy." The power of the Legislature does not arise from that expression. It had already been granted. It is much broader, and would exist if that expression were not there. The expression is inserted for the purpose of showing clearly that the temporary appointment shall not extend beyond that meeting of the Legislature; that it shall then terminate; that the Legislature shall then fill the vacancy by exercising then its general power of choosing a Senator; and it was not presumed that that duty would not be performed. If, indeed, in consequence of the State of public affairs, the Legislature resolve to postpone the election until next session, that action of the sovereign State upon the question is conclusive.

The whole argument on the other side is intended to bear upon the true construction of a few words, "the Executive thereof may make temporary appointments until the next meeting of the Legislature." Does the word "until" qualify the next preceding word, "appointments;" or still farther back, the words "may make?" I think that it qualifies the word "appointments," and that it is to be an appointment until the next meeting of the Legislature; and that the temporary appointment is to terminate, at all events, with the next meeting of the Legislature. It is a forced construction to say that the word "until" qualifies the previous words "may make," which confer the power. If that had been the case, the collocation of the words would have been different. The Executive thereof may, until the next meeting of the Legislature, make temporary appointments, &c.; but instead of that, the expression is, "the Executive may make temporary appointments until the next meeting of the Legislature." The grammatical construction, and the plain, obvious meaning, I think, to be as generally, I may say, almost universally, understood, that the appointment was qualified by that word. If it be said that one has an appointment until the next meeting of the Legislature, it would generally be understood that the appointment was limited to that time.

There are three classes of precedents on this subject. I shall refer but briefly to them. One is, that where the Legislature next preceding the vacancy has knowledge that the vacancy will occur, as where it does by the expiration of the term, there that Legislature may and ought to fill it; and, in that case, there is no power conferred

upon the Executive; and for the reason that I have stated, that, in the view of the framers of the Constitution, and of the people who adopted it, there was no constitutional necessity for it, it being deemed a sufficient provision that the Legislature should have the opportunity to act. The second class is where the vacancy happens upon a contingency that cannot be foreseen during the recess of the Legislature. In all those cases, including that from Arkansas, it is held that the Executive may make an appointment until the next meeting of the Legislature, because such necessity exists. The third class is that which has already been alluded to—where it has been decided that the appointee of the Executive can hold beyond the first day of the next meeting of the Legislature, and through its session, unless prevented by an intermediate legislative appointment.

Notwithstanding the doubt which has been cast over the propriety of this class of precedents, they are, I think, to be vindicated. They give, in my judgment, the true construction of the Constitution. I think the decision in this class of cases is entirely right, and I will state my reasons for it.

"The meeting of the Legislature." These words are susceptible of two distinct meanings. One is the act of their first coming together—the moment when they meet. That is the meeting of the Legislature, in a very narrow and limited sense of the term. The other is, that the meeting of the Legislature comprehends the whole period of its being assembled. It meets from day to day, and the aggregate of its meetings from day to day, until the time of its final adjournment, is the meeting of the Legislature. Thus, we say, the Legislature passed such a law at its meeting in January or in May—not at the moment when they met, but at the session in January or in May. In this sense it is precisely equivalent to the word "session." It embraces the whole. If I were to say at the January meeting of the Legislature of Maryland such a thing was done, no one would suppose that I meant the first moment of their coming together, but that the act done by them was during the session of the Legislature; that is, the aggregate of the meetings from day to day. And it is precisely so in regard to the word "session." We have a morning session and an evening session. We adjourn from day to day; and the aggregate of all these sessions is designated by the general term, the session of the Legislature. This is the popular meaning of the term. So in regard to the words "until," "to," "unto," "from," and "after." All these are words which are either exclusive or inclusive, according to the meaning of those who make a contract or enact a law. If there is power to grant leases for three lives, or twenty-one years, and the lease is from the day of the date, it is construed to include the day of the date, in order to give it validity. So if I enter into a contract—to put a very plain case—to keep a horse until the 1st of January, when the owner is to call for it, I am not to turn that horse loose at one minute past twelve o'clock on the morning of the first day of January, but my contract is that I am to keep it unto the first day, and through the first day, of January. I use this familiar illustration because it conveys very clearly the meaning of the term. It evinces it more perfectly, especially when we are considering an instrument which derives its force from the assent of the people; and the inquiry is, What did they mean, and what did the framers of the Constitution mean?

"The Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

To my mind it is very clear that the word "until" there comprehends the whole of the meeting of the Legislature, or until that body can act upon it during its session. And what renders it conclusive, is the expression which has been adverted to by the honorable Senator from North Carolina, [Mr. BADGER,] "until the next meeting of the Legislature, which shall then fill such vacancies." "Then" is precisely commensurate with the words "next meeting of the Legisla-

ture;" and if it was the intention of the framers of the Constitution that the vacancies should be filled during the whole session, they meant precisely the same thing when they spoke of an appointment until the next meeting of the Legislature.

That class of precedents is therefore right in which it is held that the person appointed by the Executive holds during the whole session of the Legislature which follows, unless, in the mean time, the vacancy is filled. But if it is filled, and notice given of it, then the appointment terminates. The other construction is a forced one. It is an unnatural construction. It discloses a recondite meaning—one which the mind, upon the first perusal of this clause, would not detect. It requires the ingenuity and the ability which, I may be permitted to say, have been displayed in a very great degree in this debate, to discover and to enforce the construction which has been urged in behalf of the right of the Senator from Vermont to hold his seat. I say that the framers of the Constitution would not, in my judgment, put that construction upon it. The people adopting it would be equally strangers to it. On the other hand, the construction which is generally looked upon as the true one, is in fact the palpable, obvious construction that strikes the mind upon the first perusal of the words; and then, when you may add that it is precisely in conformity with the theory of the Constitution, that the States are represented in the Senate, that its members are chosen by the State Legislatures, and that an Executive appointment is a mere exception founded upon absolute necessity, and limited by that necessity, it seems to me that the result is inevitable. I am, therefore, constrained to cast my vote against the resolution reported by a majority of the committee, and against the right of the claimant.

Mr. GEYER. As a member of the Committee on the Judiciary, and one of the majority responsible for the report under consideration, I regard it as part of my duty to state the reasons which influenced my vote in committee. I do not intend to discuss at large the questions involved, nor even to present an extended argument in support of my opinions; but I desire to present some considerations which seem to me to have been entirely overlooked by gentlemen who have spoken on the other side in this discussion.

There is but one section of the Constitution that makes any provision for the appointment of Senators or their term of office, and when that is analyzed, it will be seen that, if the letter is adhered to, there are several cases unprovided for.

Provision is first made for the representation of the States in the Senate, and the appointment of Senators for the full term; next for the classification of Senators, and then for supplying vacancies. Thus far no difficulty has arisen in reference to the two first clauses; but at a very early period a question was made upon the latter clause, which provides for appointments to supply vacancies, whether the word "until" qualifies the power of the Executive, or limits the term of the temporary appointment. It was deliberately resolved by the Senate that the appointment extended beyond the first meeting of the Legislature. Since then there have been a great number of cases in which that decision has been affirmed in practice; and, although it has been said that the case now under consideration is entirely new, it is only so in some of its parts; the principle involved has been long since decided, and that decision uniformly recognized in practice, as the true interpretation of the Constitution.

Since the commencement of the present session of Congress I heard it asserted, for the first time, that the temporary appointment is limited by the words "until the next meeting of the Legislature," while it is admitted that it extends beyond the commencement of the session, according to the decision and practice of the Senate. This position is attempted to be maintained by substituting the word "session" for the word "meeting," in the clause in question, so as to embrace the entire period between the meeting and the final adjournment of the Legislature. This interpretation, or, rather, change of the phraseology of the clause in question, is, in my judgment, inadmissible. It rejects the limitation on the power of the Executive altogether, or it extends it through the entire session of the Legislature, or else it assumes that the words in question limit both the appointment

and the power of the Executive; but the word "meeting" means the commencement of the session in reference to the power, and the end of the session in reference to the appointment.

According to my understanding of the clause in question, the only qualification or limitation of the appointment, is the adjective "temporary." The Executive may, until the next meeting (the commencement of the session) make temporary appointments which *ex vi termini* continue until the vacancy is filled by the Legislature or the original term expires.

But let us look at the whole section which provides for the appointment and classification of Senators.

"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote."

This clause provides for the original appointment of Senators, and their successors, for the full term, after the classification according to the next clause, which provides for the classification of the Senators first appointed, and does not in terms include Senators from the States thereafter admitted into the Union. The Senators are to be divided as equally as may be into three classes, and

"The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year."

When a new State is admitted into the Union, you class her Senators by lot, but not in virtue of any authority expressly delegated, but to carry out the intent of the framers of the Constitution, that the Senators should at all times be divided as equally as may be into three classes, and the terms of one third vacated at the expiration of every second year.

It has been repeatedly said by Senators that the primary power of appointment is vested in the Legislature; and it is true that they have not only the primary but the sole power of making an appointment for the full term, but their authority to supply a vacancy is conferred by the same clause which authorizes the Executive to make temporary appointments; and, according to the interpretation put upon that clause by the Senator from North Carolina, [Mr. BADGER,] it confers no power on the Legislature to supply a vacancy happening during the session of that body.

It is in these words:

"And if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill said vacancies."

Of course if we adhere to the letter of the clause, the Legislature can fill a vacancy only when it happens in the recess, not when it occurs during their session; and yet such appointments have been often made and never disputed, not because of any specific grant or recognition, by the Constitution, of the authority of the Legislature to make them. The power is derived by implication to carry out the apparent intent of the framers of the Constitution, that all vacancies should be filled so that, as far as practicable, each State should be fully represented at all times. The Executive is authorized to make temporary appointments only in cases where a vacancy happens in the recess of the Legislature, and he can exercise it only during such recess. Whenever the Legislature is in session, their power to fill the vacancy attaches, by the letter of the clause in question, if it happened in the recess, and, by necessary implication, if it occurred during a session.

The honorable Senator from Connecticut [Mr. TOWCE] has given us the true reading of the Constitution as it is, by supposing that if it had been the intention only to limit the power of the Executive, the precise phraseology of that part of the clause in question would have been, "the Executive may, until the next meeting of the Legislature, make temporary appointments;" and because the collocation of the same words, in the clause under consideration, is somewhat different, and therefore not quite so clear, he supposes that it was intended to limit the appointment to the meeting of the Legislature. The plain answer to this argument is, that the use of the adjective "temporary" qualifies and limits the appointment, and therefore no other limitation could have been intended. The term of each Senator is fixed by the Constitution; and of course when a vacancy

occurs the tenure of an appointment filling such vacancy is also fixed. The "temporary appointment" is of uncertain tenure, it is determined when the vacancy is filled by the Legislature, which may be at any time during a session, and cannot, under any circumstances, extend beyond the end of the original term, though "the next meeting of the Legislature" shall not take place for a year or two thereafter.

I have said, that I understand it to be the general purpose and intentment of the Constitution that each State should be fully represented in the Senate. There are, however, a number of cases in which a vacancy may exist not expressly provided for by the Constitution. There may happen a vacancy during the sitting of the Legislature, but unknown to that body, and they adjourn without making an appointment. In that case, if the rule suggested by the honorable Senator from Connecticut is the proper one, we might, perhaps, recognize an appointment by the Executive, because the Legislature had not an opportunity to act. This he supposes to have been the principle of the decision in the case of a Senator from Arkansas—not from Iowa, which, by mistake, I think, was referred to by the Senator.

But the principle upon which the appointment by the Governor in the Arkansas case was recognized as valid, is, I think, mistaken by the Senator from Connecticut. The Senators from Arkansas were appointed for six years, subject, of course, to be assigned to a class to serve for a shorter period. The term of one of them [Mr. Sevier] was cut short by that process; and his term, so limited, expired during the recess of the Legislature. Thus an unexpected, an accidental vacancy, happened when the Legislature of Arkansas was not in session, and for that reason a temporary appointment by the Governor was recognized as valid.

That case, I think, might be referred to as authority in favor of the interpretation for which I contend. Certainly there was nothing in it, especially after the decision in Lanman's case, to refer the power of appointment by the Executive to any specific grant in the Constitution; the power was deduced by implication, in order to carry out the general intent of the Constitution, to have a full representation of each State in the Senate.

And now, sir, when we are to construe a clause of the Constitution admitted to be doubtful by the honorable Senator from Connecticut, and others, ought we to adopt a construction which will add to the number of cases in which a State must remain for a time unrepresented? On the contrary, is it not our duty, Mr. President, to give to doubtful words that interpretation most favorable to the intent of the framers of the Constitution of which they are susceptible? I have said that originally the controversy was whether the word "until" limited the power of the Executive or the appointment, or both. It was held that the appointment extended beyond the meeting of the Legislature, and consequently the power of the Executive only was limited. That being the established doctrine of the Senate, I maintain that it decides the case under consideration, unless the construction now for the first time contended for, is adopted, by which the words of the Constitution are to be displaced and others substituted.

We are told by the honorable Senator from North Carolina [Mr. BADGER]—and his interpretation is adopted by the Senators from Virginia [Mr. MASON] and Connecticut [Mr. TOWCE]—that the word "meeting" means "session;" that is, the whole space of time between the first meeting and final adjournment of the Legislature. But the Senator from North Carolina informs us that the true rule of construction requires that the language of the Constitution should always be understood in its popular sense, except where technical words are used; and I understand him to assert that "meeting," in its popular sense, means "session."

Now, sir, I recognize the rule of interpretation mentioned by the Senator to be sound, but I cannot agree that "meeting" means session, in a popular sense. I have consulted all the lexicons to which I had access, and in no one of them have I found that signification attached to it. In all of them "meeting" means an assembling, a coming together—sometimes a congregation or collection of people—but it never signifies a legislative body,

or the session of a Legislature. I think I am safe in affirming, that nowhere, in popular or legislative language, does this word "meeting" mean "session." Certainly the framers of the Constitution did not intend it in that sense. On the contrary, if we refer to other clauses in which the word is employed, we find it always used in the sense given by the lexicons—"the coming together."

The Senator from Vermont, [Mr. Foor,] who addressed the Senate on yesterday, read three clauses in which the word session occurs—in all cases comprehending the whole period between the first meeting and the final adjournment. There is, therefore, no warrant for the assumption that "meeting," in the clause under consideration, means session.

But if "meeting" means "session," as contended for by the Senator from North Carolina, one of two consequences must follow: either that it has a signification when applied to the Executive power that it has not when applied to the tenure of the appointment, or else the Executive power of appointment runs *pari passu* with the power of the Legislature, from the first meeting to the close of the session. Let it be remembered that the grant of power to the Executive and to the Legislature, in cases of vacancy, during the recess—and there is no limit of the Executive power but what is found in the words "until the next meeting of the Legislature;" and if that means the end of the next session, then the Executive may make temporary appointments as well after the meeting as before.

The Senator from North Carolina, however, contends, as I understand him, that the power of the Executive is not limited by the clause in question, but from its nature continues only during the recess, because the grant is made from necessity, and the power expires when that necessity no longer exists, that is, at the commencement of the next session of the Legislature. When the gentleman from Vermont, [Mr. Phelps,] whose seat is now in question, replied that the necessity was quite as great after the Legislature adjourned as before the commencement of the session, the Senator from North Carolina said that it was not the necessity for making an appointment, but the necessity for the grant of power to the Executive.

Mr. BADGER. My friend entirely misunderstood me. The application made by the Senator from Vermont of the expression "necessity," as used by me, was, that there was a necessity for keeping the Senate full. I said that was not the necessity of which I spoke. The Constitution thought it proper and right, and reasonable and just, that every State should have a full representation; and consequently it provided, and the necessity of the case required, when a vacancy occurred in the recess of the Legislature, that body, the appointing power of the Senate being not able to act, that the appointing power should devolve elsewhere, to wit, in the Governor. The necessity was not that of having a representation here, but it was the necessity of devolving the power upon the Governor, the Legislature not being in session, in order that what the Constitution deemed to be right, proper, and just towards the States should be carried out.

Mr. GEYER. Precisely so. I did not misunderstand the Senator from North Carolina. But the necessity for conferring the power of appointment on the Executive before the meeting of the Legislature is not greater than it is after the adjournment without filling the vacancy. There is the same necessity that the office should be filled, and the same necessity for a deposit of the power of appointment after the close as before the commencement of the session. So that nothing is gained by the argument of the Senator, so far as the limitation of the power of the Executive is concerned; and we are obliged to return to the phraseology of the Constitution, which authorizes the exercise of the power only until the next meeting of the Legislature.

The honorable Senator [Mr. Badger] relies upon the word "then" as indicating the peculiar signification which he gives to "meeting." Now I suppose that one word may sometimes be of service in determining, in which of several known significations, another word in the same clause is used; but it can never be made available to change the meaning, or authorize the substitution of another word. Another objection to the use attempted to be made of the word "then," upon which

the Senator from North Carolina relies with so much confidence, is, that the vacancy must continue in this case until the fourth of March, 1855; and in every case in which there happens a vacancy not filled at the close of a session of the Legislature, the seat will remain vacant until the original term expires. If the Legislature must then, (during that session,) and at no other time, fill the vacancy, the seat in controversy may be vacated by a vote of the Senate, but Vermont cannot fill the vacancy.

Mr. BADGER. The Constitution has already conferred the power to elect Senators. The language there is imperative, that at the next meeting of the Legislature they shall fill the vacancy. It is not to confer a power, but to require the discharge of a duty.

Mr. GEYER. The appointment of Senators for the full term of six years is provided for by the first clause of the third section, but that clause does not authorize appointments to supply vacancies; such appointments are provided for only in the second clause of the same section, and nowhere else in the Constitution.

Mr. President, I cannot better express my understanding of the true construction of the Constitution than by reading from the speech of the honorable Senator from Virginia, [Mr. Mason,] delivered when the report on the case of Mr. Winthrop was before the Senate. And I will here say, that if I am in error, I must attribute it to the report of the Senator from South Carolina [Mr. Butler] in that case, and the speech of the honorable Senator from Virginia. I will now read a few sentences from that speech, which, I think, has not been answered. The honorable Senator said:

"I submit, then, with perfect confidence, that the word 'until' is intended to limit the period within which the Executive may appoint, and to limit nothing else. The Executive may appoint until the Legislature meets. But when the Legislature meets, the power vested in the Executive ends. The word 'until,' then, limits the time within which this duty shall be discharged by the Executive, and it limits nothing else. It has been construed by some, I believe, to limit the period during which the appointee of the Executive shall continue in the Senate. It does not fix such limit at all. The term of the office is six years; and if a 'vacancy' occurs in that term, that vacancy, in the contemplation of the Constitution, is not filled until somebody is appointed for the whole of the remainder of the term."

"It is asked what would be the case if the Legislature does not fill the vacancy? It is not in the power of the Constitution, by any mandate, to coerce the appointing power. The Legislature may or may not act, as it may seem best. There is no means by which you can compel a Legislature to discharge its duties; but if the Legislature does not fill the vacancy, I apprehend the temporary appointment would continue. There is no limit to that temporary appointment but the filling of the vacancy. Nothing ends the temporary appointment but the filling of the vacancy."

This is precisely the view I take of the question, expressed in better language than I can command.

I now read from the report made by the Senator from South Carolina, [Mr. Butler,] then, as now, chairman of the Committee on the Judiciary:

"Your committee are of the opinion that the sitting member under Executive appointment has a right to occupy his seat until the vacancy shall be filled by the Legislature of the State of which he is a Senator, during the next meeting thereof. To fill such vacancy, it is not only necessary to make an election, but that the person elected shall accept the appointment."

According to this report, the duration of the temporary appointment depends not upon the meeting or the adjournment of the Legislature, but upon other events—an appointment to supply the vacancy, and the acceptance by the person appointed. The appointment and acceptance alone put an end to the temporary appointment. It cannot be that the temporary appointment is terminated by the close of the session, if it is to continue until the acceptance of an appointment by the Legislature. The person appointed may not accept at all, or not until after the adjournment of the Legislature. In fact, he may be dead at the time of the election, and that fact unknown to the Legislature then, or at the time of adjournment; but, according to report, the temporary appointment continues until there is an acceptance.

It appeared to me very clear that the strength of the argument in Mr. Winthrop's case was decidedly against those who contended that the appointment was limited to the meeting of the Legislature, and in favor of the position maintained

by the Senators from South Carolina and Virginia, that the limitation applied only to the power of the Executive, and not to the tenure of the appointment—which I think is the true interpretation of the clause in question. If, as it has often been decided, the "temporary" appointment extends beyond the first day of the session, there is no limit but in the nature of the appointment, unless we substitute "session" for "meeting," or attach to the latter a signification that does not belong to it.

The appointment is qualified only by the adjective "temporary," but the power to fill the vacancy is vested by the same clause in the Legislature, which power may be exercised on the instant of their next meeting, or at any time thereafter. And this, I suppose, to be the meaning of the words "which shall then fill such vacancies."

I trust, Mr. President, that I have made myself understood; and if I have, I am sure I said enough to justify my concurrence in the report of the committee, and to defend the opinions I have expressed on the question under consideration.

Mr. STUART. Mr. President, supposing that whenever the question is taken on the resolution now pending before us, I shall vote upon it, and differing, as I do, in some respects, from the views submitted by Senators on both sides, I shall ask the attention of the Senate for a few minutes, not while I argue the question, but only while I state the grounds upon which my vote will rest. I then, sir, for the purpose of illustrating my own views, submit, that what is termed the primary power to appoint Senators is vested in the Legislatures of the respective States. Having done that, the framers of the Constitution evidently deemed it necessary to provide for the happening of vacancies when there should be no Legislature in session. To provide for such a contingency, therefore, we find the provision in the Constitution, to which reference has been so frequently made in the course of this debate, for the purpose of ascertaining how that vacancy can be filled. It provides, that temporary appointments may be made by the Executive. Now let me ask Senators to suppose that the provision stopped at that point, and, to make myself clearly understood, I will refer to the very language:

"And if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments."

I ask, sir, suppose the language had stopped there? Two questions would have arisen: first, how long can he make those appointments—for what length of time? That question is answered by the words, "until the next meeting of the Legislature," clearly; and it seems to me, and has from the beginning of this discussion, nothing short of a perversion of the English language, to assume that the words "until the next meeting of the Legislature," qualify anything except the power of the Executive to appoint. As I said, the mere interrogatory—how long may he make these temporary appointments?—is answered by the words "until the next meeting of the Legislature," and he may make just as many as shall be necessary. If he appoint an individual who declines, he may appoint another. If his appointee dies or resigns, he may appoint another; and so on successively "until the next meeting of the Legislature."

What is the other question? It is as to the tenure of the appointment after the Executive has made it. And I submit again, that if the language were this: "And if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature"—if that were the only provision in the Constitution, there would be no limit upon the tenure of that appointment except that of the original term, the vacancy in which the appointment was intended to supply. But the very next words which follow, in my judgment, do limit it: "which shall then fill such vacancies." To what does the word "which" refer? To the Legislature. The Constitution, then, having given, in the previous language, the power of the Governor to appoint, by this language terminates the limitation of the office; and why? By providing distinctly how and when another appointment shall be made—not a temporary appointment, as the first, made by the Executive, is designated, but an appointment which shall fill the vacancy; that is, they shall appoint for the whole unexpired

term. Now, the question is asked, supposing the Legislature does not act, what then? Here I think that we might with great propriety have stopped, if we had considered nothing except what the framers of the Constitution evidently had in view, and what the framers of all laws have in view when they enact a statute. They proceed upon the presumption that the power conferred will be used; and this case, or any other similar case, never could have arisen if the evident intention of the framers of the Constitution had been carried out by the Legislature of Vermont.

Now, Mr. President I submit—and I do it certainly with great deference to the source from which the opinion comes—that the chief difficulty which has arisen in this question has been from supposing that the framers of the Constitution intended that the Constitution itself, by its own effect, should keep each State represented in this body. There was no such power; there is none such now; but they did intend so to frame that instrument that every State should have the opportunity, full and complete, to have itself represented in this body. Having received the opportunity, if the State does not see fit to exercise its right, the only answer to the whole thing is, that the State chooses not to be represented here.

The question is asked, suppose the Legislature, at its next session, shall decline to elect, can a succeeding Legislature exercise that authority? Here, I think, we might safely return to the case of the honorable Senator from Virginia, [Mr. MASON] wherein he says, that certain views put forth by him on another occasion were not within the true limits of that case, but were what the courts call *obiter dicta*, and that neither he nor the Senate is bound by them.

Profiting by that experience, I might say that this case does not embrace that question, and for that reason alone might very properly decline an answer. But, sir, I will venture a mere suggestion, and will qualify it by the rule which the Senator has laid down, for I should feel myself at perfect liberty, if that case should ever arise, to disavow this view, if, on a more full examination, I should think it incorrect. But I make the suggestion for the consideration of Senators, that without this provision of the Constitution the fair intendment of the instrument, and of the prior portion of this section, would be that the Legislature, whenever in session, could fill a vacancy if there was one existing; and to strengthen my supposition upon that point, let me call the attention of the Senate to this language:

"If vacancies happen by resignation or otherwise, during the recess of the Legislature of any State—"

Evidently, sir, by intendment, saying, that if they happen while the Legislature is in session there is already a power to fill them without this provision; so that I venture the suggestion, that if the Legislature of Vermont hereafter shall fill this vacancy, the power will be found, not in the clause which we are considering, but in the general clause preceding it, which confers on the Legislatures of the respective States the power to appoint Senators.

The only question, therefore, left in this case is, how long does this office continue? I have said that the language is clear to my mind, that the limitation contained in the words "until the next meeting of the Legislature" refers to the appointing power held by the Executive, and to nothing else; but that the next words, "which shall then fill such vacancies," give the power to the Legislature then in session, and give it during that entire session. Now let me illustrate it for a moment, and I have done. If vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the Legislature shall meet. That is the meaning of the language; and that the Legislature having met shall proceed to fill the vacancy. Now, sir, the intendment of the Constitution evidently is, that they may exercise that legislative discretion on this subject which they do upon any other legislative subject; and at any time during that session, when it shall be convenient to them, they may make the appointment which shall fill the vacancy. But if they follow the direction of this provision in the Constitution, they must fill it at some time during that session. And thus the words "which shall then fill such vacancies" terminate the temporary appointment made by the Executive, by

directing when and how the whole vacancy shall be filled.

As the framers of the Constitution presumed that the Legislature would exercise the power hereby conferred, if they do exercise it, then the intention of the framers of the Constitution is complete; the organization of this body is complete; and there is no necessity for looking further. But I answer the other question by saying that if you go an inch beyond this, you have to conclude that a State may not refuse to send Senators here at all. They may do that. The States may refuse to elect at all. They may refuse to elect at the commencement of a term, and the Constitution does not and could not provide a complete remedy for such a case. If the power in that case were given to the Executive to appoint, he might omit or refuse to exercise it, and the State thus remain without its full representation here. So if they refused to exercise this power the answer to the argument is, the State chooses not to be represented. My view then, it will be seen, is predicated upon a different statement from that made by the honorable Senator from Indiana, [Mr. PETTIT] who opened the argument on this question. He insists that the Constitution intends that the State shall be represented. There, in my judgment, is the error. The Constitution intends that the State shall have an opportunity to be represented. If it will not, when that opportunity is presented, embrace it and be represented, the Constitution contains no power to compel it to do so. The State chooses not to be represented, and having made that choice, the Senate has only to determine that it is to be bound by it.

Mr. WALKER. Mr. President, when the case of Mr. Winthrop was under consideration, I, among others, took occasion to submit some observations to the Senate upon the question then and now involved; and I felt myself then as concurring in opinion with a majority of the Senate. Upon a review of the opinions then expressed, some gentlemen have concluded that they were wrong, and they now retract those opinions. So far from that being the case with myself, I feel only the more confirmed in the views which I then expressed—confirmed, I believe, by the very strong arguments which I have heard on this case.

It would seem that the construction which has been contended for by some, that the word "until" in the clause of the Constitution under which this question arises, limits the tenure of the office, is now almost abandoned. It is true, the Senator from Connecticut [Mr. TOUCER] seems still to adhere to that construction; but I think he will, at some time or other, have to review his speech; and if he adheres to his opinions in regard to the results to which his views lead, he will have to assign other reasons than those which he has assigned at this time. He says that, in order to make the Constitution limit only the power of appointment, or the time within which the appointment may be made by the Executive, a different collocation of language must be used. In order to give the sentence that signification he words it thus: "If vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may, until the next meeting of the Legislature, make temporary appointments." Construct the sentence in that way, and, for my life, I cannot see any difference in its signification. In reality that was the very construction of the language which I proposed to make, in order to show the real meaning of the Constitution, for it only makes more plain what the clause is as it now stands. You do not change in the least the grammatical sense of the sentence by placing the word "until" immediately after the word "may." If the sentence were constructed in that way the Senator from Connecticut concedes that it would be a limitation upon the time within which the Governor might make an appointment; and if so, I do not see how he can avoid conceding that it constitutes just such a limitation reading as it now does.

If the limitation, then, be merely upon the appointing power, if it merely applies to the time within which the Governor may make appointments, let me ask gentlemen where they get a limitation on the tenure of the office. It is conceded by others that the word until limits that time, and that only; and no language could have been more emphatic on this point than that which has been quoted from a speech which was made by the

honorable Senator from Virginia [Mr. MASON] upon the case of Mr. Winthrop. Then where is the limitation upon the office?

If the question should be asked, why cannot the Governor appoint after the next meeting of the Legislature, the answer is a simple one. The Constitution gives him no such power. Then, when gentlemen are asked where they find a limitation upon the tenure of the office, and they answer in the Constitution, I ask them to show it. They cannot do it; and, finally, after conceding that the word until does not limit the tenure of the office, they fall back upon their old position, and say it does. I say, then, that you can find nothing in the Constitution to limit the office, except the happening of an event—an election by the Legislature—which it is clearly inferable from the Constitution does limit it.

But, sir, it is contended that that election is to be at the next session of the Legislature, under the words "which shall then fill such vacancies." Here I will, for an instant, review the argument of the Senator from Michigan on this point, and do it interrogatively. Suppose the Legislature do not exercise the power to fill the vacancy at that next session, what follows? The Senator answers, they can do it afterwards. Is that derived from the Constitution? You say the word "then," in this clause, does not mean "afterwards," but "at that time." Now, we contend that it means afterwards. Let me illustrate this. Suppose I should say to one of the messengers of the Senate, "There are several places to which I wish you to go: I wish you to go to the Treasury Department," and I should stop with that. He would ask, "Where shall I go then?" It would seem nonsensical for me to answer, "Why, go to the Treasury Department then." He would answer, "Well, but I do not mean then in the particular sense of time when I shall go to the Treasury Department, but after I go to the Treasury Department, where shall I go then?" "Why, go to the Treasury Department, and then go to the War Department." This would clearly imply, that after he had gone to the Treasury Department, he should go to the War Department.

Now the Constitution declares, that "if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then," that is, afterwards, "fill such vacancies." If "then" is here used in the sense of "at that time," the power is gone, unless they fill the vacancy at the next meeting. I concede that it is not gone, but I say that it is gone if "then" is used in that sense, and it is gone under the common-law construction in similar cases. We know that the law in regard to corporations is such that where the power of electing officers upon a particular day is given by the charter or by letters patent of the sovereign, and that day is permitted to pass without the exercise of that right, the corporators cannot exercise it afterwards; and the corporation is dissolved. So it will not do to give to the Constitution the construction that the word "then" signifies "at that time;" but the meaning is, that the Governor may exercise his power of appointment until the next meeting of the Legislature, and "then," that is, afterwards, the Legislature shall take up the subject and fill the vacancy. That is the plain signification of the clause.

Well, sir, if we cannot find in the Constitution a limitation in express terms upon the tenure of the office, we have necessarily to infer what will constitute a limitation upon it; and I think the Constitution, with equal plainness, limits the tenure of the office, not by any fixed time, but by the happening of an event. What is that event? It is the filling of the vacancy which the Legislature have power to fill; and when that event occurs, and not till then, the temporary appointment is determined. There is nothing in the Constitution which limits the tenure in point of time. It is limited by an event spoken of in the Constitution, which event is the filling of the vacancy by the Legislature. The Legislature are not to fill the vacancy at the very moment when the Governor ceases to exercise the power of appointment, but afterwards; and the word "then" in this clause clearly means "afterwards."

Then, sir, in this case, has that event mentioned in the Constitution happened? Have the Legis-

lature of Vermont brought about that event? Has the contingency happened which is to determine the right of the Senator from Vermont to occupy his seat? I think not. If then you cannot find in the Constitution a limit to the office except in so far as it is limited by the happening of this event, I ask, is it not a forced construction which the Senator from Connecticut [Mr. Toucey] would put upon the Constitution, when he makes the word "until" limit as well the tenure of the office as the time within which the Governor shall exercise the appointing power. I think that, and not the construction given by those who take the opposite view, is the forced construction. He would evidently do violence to the grammatical construction of the sentence, and I cannot believe the framers of the Constitution were such poor grammarians that they could not construct a sentence as simple as this, so as to express their meaning. I have no doubt that the meaning of the convention was precisely what they have expressed in the Constitution, that, until the next meeting of the Legislature, the Governor may make temporary appointments, and that then, that is afterwards, the Legislature may fill the vacancy; and when it is filled, and not before, the office created or the seat conferred by the temporary appointment shall be ended.

It will not do to say, in answer to this, that the temporary appointment spoken of in the Constitution might run on to the end of the full term. Suppose it should, and suppose the State says she is satisfied with the manner in which the seat is filled; and suppose the Legislature, for successive sessions up to the end of the term, should say, being satisfied with the sitting member, we will not elect, who would have a right to complain? The original power of appointment exercised by the Governor was certainly a constitutional power. The construction which determines the seat of the sitting member with the meeting or session of the Legislature is a forced construction of the Constitution; and why? Because you cannot find any such thing in the Constitution, and the language does not authorize any such construction, and the word "until" does not limit the duration of the office at all. This is a forced construction, because while you find nothing in the Constitution limiting the duration of the office, it speaks of an event which, in this case, has not yet occurred. The State will turn round to you and say: "You cannot turn out our sitting member, because the event on the happening of which his term was to expire has not occurred, and we think we are as good judges as you can be of the time when we shall fill the vacancy, and thus supersede the appointment of the Governor."

Now, sir, where is the great harm, where is the great injury, that will result from the construction for which I contend? Why, it is said party considerations may influence the appointment; and views have been presented which would lead one to suppose that my construction could be reprobated only because of the fact that parties might be differently constituted after the appointment from what they were before. In other words, it is supposed that a Governor making an appointment may not represent the will of the people. What if he does not? The people certainly have it in their power to elect a Legislature who will represent their views; and when they do it, that Legislature can elect a Senator whose political sentiments are in accordance with those of the people of the State. It will not do to complain that the people may do themselves the wrong of perpetuating a Legislature of the same political character as the Governor, and who may therefore sustain the Governor, and continue the appointee in his seat. If they were content with it we should have no right to complain. The State would be represented, and nobody would be injured.

There is really, Mr. President, very little left to be said on the subject, after the many and very able arguments which have been made; and I rose rather for the purpose of glancing at what scraps were left, than for the purpose of presenting any argument; and to throw out these views, that gentlemen may reflect and see whether there is in fact so much objection to the Senator from Vermont occupying his seat as it is contended there is. I cannot see where the great harm lies, and I cannot think that it exists after all. I am of opinion, that, in the mind of the convention that framed the Constitution, more importance was attached

to the fact, that the States should be represented in this body, than to the manner in which their representatives should be chosen. I believed the convention, regarding the States in their sovereign capacity as equal, the smallest with the greatest, having the same amount of representation in the Senate of the United States, felt that it was vitally important that that equality should be maintained. They designed, in my opinion, when this clause of the Constitution was framed, that it should contribute, as far as possible, to keep up the full representation of the States in this body, and therefore, they give to the Governors of the States the right to appoint in the case of an accidental vacancy, and they limit the time within which the right shall be exercised. A Governor may exercise this right until the time of the meeting of the Legislature. If he exercises it, then, they say, there is a certain event which shall supersede his appointment, but there is no time fixed within which or at which it shall expire. It is the happening of the event—the election by the Legislature—which is to terminate the right of the Executive appointee to occupy his seat. That event not having happened in this case, my opinion is, that the gentleman who claims the seat is entitled to occupy it, and that Vermont is entitled to her full representation here.

The PRESIDING OFFICER, (Mr. ADAMS in the chair.) Is the Senate ready for the question?

Mr. BADGER. It is of the highest importance, from the very nature of the question itself, that it should be settled by a full Senate. Many gentlemen are absent now; and if Senators are not disposed to discuss the question further, I would suggest that, if we could agree by the general understanding of the Senate, that this vote should be taken on Monday next, at one o'clock, we should probably have a fuller attendance than we have now. It is a question which should not be decided by a bare quorum, and I think there are not more than thirty-one or thirty-two Senators here now; and therefore I make this suggestion.

Several SENATORS. Why not to-morrow?

Mr. BADGER. To-morrow is private bill day; but, by common consent, we might take the vote then if the Senate desire it.

Mr. MASON. I have no objection in the world to the suggestion of the Senator from North Carolina; but the Senator from Massachusetts told me this morning—and that led me not to interfere with the progress of the debate by a motion to go into Executive session—that he was called away, and would necessarily be absent from the city for a few days, on an occasion of a good deal of interest and concern. I would ask him, therefore, how far the suggestion of the Senator from North Carolina would comport with his convenience?

Mr. EVERETT. It would be a great accommodation to me if the vote could be taken to-day; or, at all events, not later than to-morrow at one o'clock, if it can be done without any sacrifice, in the opinion of those most nearly interested.

Several SENATORS. Take the vote now. Send for absent members.

Mr. BADGER. I have no objection to that, if the Senate agree to it. I imagine that if the Sergeant-at-Arms were sent out, he could find several members. We can wait and see, at all events.

The PRESIDING OFFICER. There is no motion to postpone. The question is on the adoption of the resolution.

Mr. FOOT called for the yeas and nays, and they were ordered.

Mr. CLAYTON. The gentleman from Vermont [Mr. Phelps] claims a seat in the Senate in virtue of the appointment conferred by the letter of the Governor of that State, which is in these terms:

STATE OF VERMONT, EXECUTIVE DEPARTMENT, }
ST. JOHNSBURY, January 17, 1853. }

SIR: I have the honor to inform the Senate that I have this day appointed the Hon. Samuel S. Phelps, a Senator in Congress, to fill the vacancy occasioned by the death of the Hon. William Upham, until said vacancy shall be provided for by the General Assembly of the State of Vermont.

I have the honor to be, sir, with high consideration, your obedient servant,
ERASTUS FAIRBANKS.
To the President of the United States Senate.

This appointment was made to fill the vacancy which happened in the recess of the Legislature of Vermont, by the death of Mr. Upham. Mr. Phelps was, by this authority, admitted to a seat

in the Senate at the last session. Since that, the Legislature met and adjourned without electing a Senator. Mr. Phelps claims the seat according to the terms of the appointment, "until the vacancy shall be provided for by the General Assembly of Vermont." This case depends upon the construction of the clause in the third section of the first article of the Constitution, which, after providing for the election and regular vacation of the seats of Senators in classes, directs that

"If vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

The great object—the general intent of this clause in the Constitution—was to prevent vacancies in the seats of Senators. That, therefore, ought to be the principal guide in the construction of the clause. We ought not so to interpret it as to create a vacancy, or to permit a vacancy to exist in any case, if we are not compelled to do so by express words or necessary implication. And we are bound to suppose that the framers of the instrument have not employed language to defeat their own object, if we can construe their language consistently with that object. If, in the investigation, we discover that where they desired to create vacancies in other offices, under similar circumstances, they have used entirely different words, and such as leave no room for doubt as to their intent, we should, I think, not admit words of doubtful meaning in this clause to have the same effect to create a vacancy.

The limitation in this clause is clearly a limitation on the power of the State Executive to appoint, and is not a restriction on the appointment itself. "He may make temporary appointments until the next meeting of the Legislature," &c. It is not written, and it was not intended, that the tenure of the office should continue only till that event. To apply the limitation to the appointment, it would have been necessary to insert the words "to continue" after the word "appointments," and then the clause would have read thus: "The Executive may make temporary appointments, to continue until the next meeting of the Legislature." This construction has been long settled. Indeed I think it was never doubted that, by force of these words, the Governor of a State could not make a temporary appointment at any moment after the next meeting of the Legislature succeeding the happening of the vacancy. I believe this has been held so clear that no Governor ever ventured to make an appointment while the Legislature was in session; and in the case of Kinsey Johns, who was appointed by the Governor of Delaware on the 19th day of March, 1794, after a legislative session held in January, 1794, to fill a vacancy which happened in the recess by the resignation of Senator George Reed, on the 18th day of September, 1793, the principle was decided that no Executive appointment can be of any validity if made after the next meeting of the Legislature. The whole course of the Senate on this subject has been uniform. It has settled this, if it can settle anything, that the restriction arising out of the words "until the next meeting of the Legislature," is a restriction on the power of the State Executive to make a temporary appointment of a Senator, and not upon the term of the office.

In twenty-two cases enumerated in the report of the Committee on the Judiciary, on the case of Robert Winthrop, the Senate may be considered as having fully sustained the principle that the temporary appointment by the State Executive extended beyond the next meeting of the Legislature, and was terminated by an election of a successor by the Legislature. This is a judicial question; and when deciding such a question, the Senate ought to be as much bound by precedent as any other judicial tribunal. The Senate never held a single case that the Executive power of making these temporary appointments extended beyond the next meeting of the Legislature.

[Mr. C. then entered into an extended argument to show that "meeting" of the Legislature and "session" of the Legislature were different in their meaning—the one applying to the time of assembling of that body, and the other to the whole period from that time to the end of the legislative term; and in reply to Mr. Mason, and others, he fortified his position by referring to the second clause of the fourth section of the first article of

the Constitution, and to the second section of the same article, showing the meaning of the word "meeting," when applied to the assembling of Congress; also, to the fourth clause of the fifth section of the first article, and the sixth section of the same article, and the second section of the second article, showing the meaning of the word "session," as used by the framers of the instrument. He denied the conclusion to which the arguments of gentlemen who, opposed the claim to this seat had driven them, that the meeting and the session were the same in meaning, and that the meeting was identical with the adjournment. He then quoted the words of the second article relative to appointments by the President and Senate: "That the President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."]

This clause is *in pari materia* with the clause relating to temporary appointments of Senators by the State Executive. It is evident that from the former the framers of the Constitution knew well enough how to limit these temporary appointments to the end of a session when they designed to do so; and the very fact that men so skilled in the use of language should have totally omitted to limit the duration of the senatorial appointment by the State Executive to the expiration of the legislative session next after the happening of the vacancy which caused it to be made, was strong evidence that they had no such meaning as is ascribed to them by those who deny the claim of Mr. PHELPS to the seat. No one had attempted to account for this difference of language on any other supposition than that the convention meant a difference in the duration of the terms of office.

The words of the first sentence in the third section of the first article are, that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years." The Senator from Michigan, [Mr. STUART,] whose remarks presented the strongest view of the case made to-day by the opposition to the claimant of the seat, contended that the Legislature in this case would not derive its right to fill this vacancy hereafter, in case the Senate now held the seat vacant, from the clause in the third section, which directs that the State Executive "may make appointments till the next meeting of the Legislature, which shall then fill such vacancy." Will he tell us, then, from what other clause that Legislature will derive the power to fill this vacancy for a broken term? The first sentence of the third section is the only other sentence in the Constitution which provides for a senatorial appointment. Does the Senator contend, under the authority of that section, that the Legislature can extend the term of six years beyond that period? Not he. He is too sound a lawyer for that. Does he contend that, by virtue of that provision, the Legislature can abbreviate the term and elect a Senator for one year instead of six, thus exercising the power to change the term and tenure of the office, and to destroy the permanency of the Senate? If not, how does he derive from this sentence the power of the Senate to elect for a broken term, (of say four or five years,) caused by the happening of a vacancy during the recess of the Legislature? Here, in the third clause of this section, is the power expressly conferred upon the Legislature of Vermont, to elect in case this seat is vacated, notwithstanding the omission of the Legislature to do it at their first session after the happening of the vacancy. For I hold the reasoning conclusive which would teach us that the word "then" in this clause does mean "afterwards," and not "at that time." The Senator from Wisconsin [Mr. WALKER] has explained and illustrated this so well that I will not repeat the grounds of this opinion. By interpreting these words, "the Executive may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies," to confer the power to fill the vacancy at any time after the next meeting, the Legislature, at a subsequent session, may fill it. By interpreting the same words as the opponents of the claimant do, to restrict the Legislature to the filling of the vacancy only at the time of the meeting, or during the session of the next Legislature, after the happening of the vacancy, the seat of Mr. PHELPS, if vacated now, would remain vacant to the end of Mr. Upham's term; for at no subsequent session

could the Legislature fill it; and thus a seat might remain vacant for five years, without any power of the Executive or Legislature to fill it.

Mr. STUART. Will the honorable Senator point out what clause in the Constitution would authorize the Legislature to fill a vacancy happening by resignation or otherwise during its session?

Mr. CLAYTON. There is no clause expressly conferring such a power, but I concur with the honorable Senator from Missouri, [Mr. GEYER,] that it would be and ought to be exercised as a fair implication from the third clause in the third section. The power is expressly given in case of the vacancy happening in the recess; first, to the Executive; second, to the Legislature. But the denial that this power is conferred by this clause on the members of the Legislature at any other than the first session after the vacancy shows to what straights the opponents of the claimant are driven to sustain themselves. "Then," means in this clause "afterwards," and the meaning of the same word is sometimes "at the time," sometimes "therefore," and oftener still "after!" as if I now say to the Senate I will take my seat, then the Senate may vote. The true meaning of the word may always be gathered from the context or the intent of those who use it. In this case any other meaning than "after" leads to palpable absurdities.

Sir, when this case was first presented to my consideration, my inclination was against the claim of the gentleman from Vermont. Subsequent examination has convinced me of my error. I have heard with great interest the speeches on both sides, especially the very able arguments of my colleague, [Mr. BAYARD,] and the chairman of the Committee on the Judiciary, [Mr. BUTLER,] and others. As I know the Senate is impatient to vote, and the hour is late, I shall omit much of what I intended to say to sustain the clear and cogent reasoning of Mr. PHELPS. I am the better reconciled to this omission, because I think a careful examination of that argument will satisfy the country of the justice of his claim without any aid from me. But let me say, in conclusion, that I hold the great intent of the whole third section of the first article to be to prevent or to fill vacancies in the Senate, not to create them. That construction of this section which best answers the wishes and fulfills this great design of the framers of the Constitution (to prevent vacancies) is the construction, and the true construction. I have long since learned, by experience, that vacancies in the seats here are greatly to be regretted. I rejoice when I find a Senator sent to supply a vacancy, viewing him as a friend, sent to aid and assist me in the national councils by his advice and his example. I shall seek to avoid the evil which the convention intended to prevent, and however apparent it is, or may have long been, from the speeches we have heard, that the Senators present will reject the application of the gentleman from Vermont, I shall take both pride and pleasure in recording my vote in favor of the resolution which recognizes his right.

The PRESIDING OFFICER. The question is on agreeing to the resolution reported by the majority of the Committee on the Judiciary, in these words:

"Resolved, That the Hon. SAMUEL S. PHELPS is entitled to retain his seat in the Senate of the United States."

The question being taken by yeas and nays resulted—yeas 12, nays 26; as follows:

YEAS—Messrs. Clayton, Dodge of Iowa, Everett, Fessenden, Foot, Geyer, Morton, Norris, Sebastian, Wade, Walker, and Williams—12.

NAYS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Brodhead, Brown, Butler, Clay, Dodge of Wisconsin, Douglas, Evans, Fish, Fitzpatrick, Hamlin, Hunter, Mason, Pearce, Pratt, Rusk, Seward, Shields, Slidell, Stuart, Sumner, and Toucey—26.

So the resolution was rejected.

Mr. BADGER. I desire now to submit a resolution, which I hope the Senate will immediately consider and adopt:

Resolved, That there be paid out of the contingent fund of the Senate to the Hon. SAMUEL S. PHELPS a sum equal to the amount of mileage and per diem compensation of a Senator, from the day of his attendance at the present session to this day, inclusive.

The resolution was unanimously agreed to.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 16, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER. The Chair begs leave to lay before the House a communication from the Clerk of the House of Representatives.

Mr. MATTESON. I ask the unanimous consent of the House to present the proceedings of certain public meetings held in the county of Oneida, in the State of New York, without distinction of party—one held at Rome in the said county on the 23d of March last, and the other held in the city of Utica on the 10th instant, remonstrating against the passage of the bill organizing territorial governments for Nebraska and Kansas, and protesting against the repeal of the Missouri compromise.

Objection was made.

SEIZURE OF THE BLACK WARRIOR.

Mr. GIDDINGS. I rise to a privileged question. I move to reconsider the vote by which the President's message in relation to the seizure of the Black Warrior was referred to the Committee on Foreign Affairs.

The SPEAKER. The motion will be entered.

Mr. GIDDINGS. I desire to press the motion now. I make it solely for the purpose of addressing the House for a few moments.

COMMUNICATION FROM THE CLERK.

The SPEAKER. Before the gentleman from Ohio proceeds, the Chair asks leave to lay before the House a communication from its Clerk, in order that it may be referred.

The Clerk read the communication, transmitting a corrected estimate for the miscellaneous item in the deficiencies for the Clerk's office; which was referred to the Committee of Ways and Means.

The SPEAKER. A few days since, the House postponed the consideration of a certain special order, being House bill No. 1, I think, in regard to the graduation of the public lands. I propose an amendment to that bill in the shape of a substitute, which I ask the House to have printed and referred to the Committee of the Whole on the state of the Union, where the bill now is.

No objection being made, it was so ordered.

Mr. BRECKINRIDGE. Before the gentleman from Ohio commences his remarks on his privileged motion, I would suggest that the communication from the Clerk, instead of being referred to the Committee of Ways and Means, should be laid upon the table. The deficiency bill is now under consideration, and there will, perhaps, be no meeting of the Committee of Ways and Means before it is disposed of.

The SPEAKER. If there is no objection, the communication will be laid upon the table instead of being referred to the Committee of Ways and Means.

Mr. WHEELER. I object.

The SPEAKER. The communication having been already referred, the gentleman from Kentucky cannot accomplish his purpose except by a motion to reconsider, objection being made to the course suggested.

Mr. PERKINS, of Louisiana. I should like to inquire if the motion of the gentleman from Ohio is of so privileged a character that a motion to lay it on the table would not be in order?

The SPEAKER. That motion would be in order if the gentleman from Louisiana could obtain the floor to make it; but he cannot take the floor from the gentleman from Ohio for that or any other purpose.

Mr. PERKINS. Then the Chair recognizes the gentleman from Ohio as entitled to the floor?

The SPEAKER. The floor was regularly assigned to the gentleman from Ohio.

Mr. GIDDINGS. I believe I have the floor. I am too old a fogey to be caught in that way.

The SPEAKER. The gentleman from Ohio rises in his place to a privileged question. He was recognized by the Chair, and submitted the privileged motion to reconsider the vote of yesterday, by which the President's message was referred to the Committee on Foreign Affairs, and ordered to be printed. He has the right to occupy the floor on his motion if he claims it. The motion referred to by the gentleman from Louisiana, [Mr.

PERKINS.] would be strictly in order if he could obtain the floor for the purpose of submitting it. He cannot take the floor from the gentleman from Ohio for that purpose.

✓ Mr. GIDDINGS. Mr. Speaker, I regret that the gentleman from Louisiana should feel uneasy in reference to the motion which I have just submitted. It is my design to occupy the floor for a few moments only. If I could feel it consistent with the duty which I owe to the people and to this House, the President's message of last evening should remain undisturbed, as it has been already referred. On hearing it read last evening, I hoped that some political friend of the present Administration, some member recognized as such, would have called the attention of the country to its extraordinary character. It was not done. I trusted, if they failed, that some lending gentleman who had opposed the election of the present Executive, would have done what had been neglected by his friends. In that I was also disappointed; and in this extremity I feel constrained myself to detain the House with a few remarks in reference to its character.

✓ The circumstances attending the case, so far as we are informed, are few and simple in their character. An American steamer named the *Black Warrior* (perhaps the name was ominous) cleared from Mobile for New York, via Havana. On her arrival, in violation of truth, as is acknowledged by all the documents which we have received, in violation of the laws of Spain and the laws of fair and honest dealing, she was reported through her accredited officer that she was *in ballast*, when, in fact, she had four hundred or five hundred bales of cotton on board. In this there is nothing extraordinary—nothing unusual. It is frequently the case that steamboats entering foreign as well as our own ports violate our own revenue laws, as well as those of other nations. It appears that the laws of Spain render the commanding officer of a vessel smuggling goods into that country liable to fine, and the goods to confiscation. In this there is nothing in the Spanish laws to distinguish them from our own or those of any commercial nation. The laws are those of self-protection. They are those by which the revenues of the Government are secured. Whenever a ship enters the port of any nation, she voluntarily subjects herself, her crew, and cargo to its laws. On the arrival of the *Black Warrior*, the Spanish officers of the revenue found these cotton bales on board, and they were seized and held for trial; and if condemned, will be confiscated. In this there was nothing unusual.

I would call the attention of the House and the country to the fact that it is precisely the same case in all its bearings which was pursued by our authorities in regard to the British steamers of the Cunard line. They have, on more than one occasion, been seized for having goods on board in violation of our revenue laws. One was seized in New York precisely as the *Black Warrior* was seized. In Boston, since we convened here, another instance occurred. They were seized, and those goods not mentioned in the manifest were confiscated. No voice has come from Old England in remonstrance. She has not called on her Parliament to prepare for war. She expects her citizens who land in our ports to conform to the laws and to the revenue system which we have established. I will here say, however, that it is said in some of the documents on this subject, that the British steamers at Cuba have not been subjected to the Spanish law as the American steamer in question has been. The statement is, however, contradicted in the documents before us, by our consul at Havana. He declares, that on inquiry of the British consul, it has been ascertained that the British steamers had been subjected to the same scrutiny, examination, and laws, to which our steamer was subjected. In this respect we have received just the same treatment as all other nations have received, and are now receiving at the hands of the Spanish Government in Cuba. Sailing vessels of other nations have been seized and their cargoes confiscated on this identical law of Spain enforced in Cuba.

Sir, as I before remarked, there is nothing to distinguish this case, so far as we are informed, from the ten thousand cases that occur from time to time in our own ports, and in the ports of every commercial nation in the civilized world; yet, sir, this case has been regarded by the Executive as

calling for extraordinary attention of Congress and the people. Some gentlemen in this Hall seem to have taken an interest in this case above all others. To that we make no objection. The resolution of the gentleman from Louisiana, across the way, [Mr. PERKINS,] calling for this information to be communicated, was most cheerfully accorded by the unanimous consent of the House. There is no man within the sound of my voice who opposed any objection. It was right and proper that all intelligence on this subject should be communicated to us. The resolution went to the President, and in response to that call for information, we yesterday received a full and complete answer. I will read it, because there should be no mistake in this business. The President says:

"In compliance with the resolution of the House of Representatives of the 10th instant, I hereby transmit the report of the Secretary of State, containing all the information received at the Department in regard to the seizure of the *Black Warrior* at Havana on the 28th ultimo."

That is the first paragraph in the message of the President in response to our resolution. It is full and complete. It is to this extent, in accordance with the universal practice of this Government, from its earliest period down to the present day. And here let me say that this is the first instance in the history of Executive communications to this House, so far as my recollection extends, where a President has traveled out of the record and undertaken to obtrude his opinions on this House, or dictate to this representative body the course which they should pursue under such circumstances.

Sir, I call the attention of my friend, the chairman of the Committee on Foreign Affairs, to this point. (And, by the way, I want to say to my friend, [Mr. BAYLY,] that it is time he gave us that speech of his which he promised to deliver for the purpose of showing my errors in regard to the *Amistad* case. Some young friends in my district want to understand my errors which he promised to show, and have written to me for copies of his speech not yet delivered. I could not furnish them, but am waiting very anxiously for his speech on that subject. This by way of episode.)

As yet we have not heard from the Spanish Government. We know not what justification they will urge. Nor has the President thought proper to wait for any excuse or justification, but he addresses us, urging upon our consideration other matters outside of this seizure of the *Black Warrior*, and undertakes to call up the indignation of this body in reference to a transaction of ordinary character. I will read the next paragraph:

"There have been in the course of a few years past many other instances of aggressions upon our commerce, violations of the rights of American citizens, and insults to our national flag by the Spanish authorities of Cuba."

Gentlemen of the House of Representatives, has this nation pocketed insults? Where—where are the Representatives of this nation; where is the former Executive who has pocketed an insult from Spain—that inert and decayed Government? When and where, sir, has the American flag been insulted by Spain? On what occasion? What officer of this Government has demeaned himself as so unworthy of the name of an American citizen?—and when did this Government sit silent under insult from the feminine majesty of Spain—that weak and powerless kingdom?

Sir, I myself feel that, coming from the people of the United States, and authorized and commissioned by them, we are authorized to act upon our own judgments—our own responsibility; and we are not to sit here and listen to lectures from the Executive upon the maintenance of national honor or our duties. We were not sent here to be dictated to from that or any other quarter; and I would that members in this Hall should feel the dignity of their position, and hurl back from this Hall such efforts to excite our indignation against the powerless Government of Her Most Christian Majesty of Spain. Sir, I would say to the President, consult your own duty, discharge your own obligations, and we will attend to ours. Why, sir, elected as he was by a most triumphant majority, the scepter of his power has already departed. His influence gone, he is now paralyzed, and unable to carry a majority of this body.

Sir, I served with that gentleman in this Hall.

I am an older man than he is, and I have seen more service than he has—I do not say in war, [laughter;] and I feel as competent to examine this subject as he is. Sir, this is a digression. I feel, Mr. Speaker, that this encroachment upon our dignity and rights should be met by gentlemen in this Hall, and promptly rebuked. Other gentlemen may sit quietly under it, but I will not. The friends of the Administration may pocket these lectures; the opponents of the Administration, who have acted with the Whig party, may do it, but I will not do it.

However, I will not detain the House upon that point. The President goes further; he says: "The documents in these cases are voluminous, and when prepared will be sent to Congress."

Who asked the President to send them to us? Why does he attempt to protrude upon us documents uncalled for, which he has no authority or precedent to send us? Sir, let him transmit them, and I would like to see whether this House will order them to be printed. I wish to impress upon this Executive the fact that he is our servant, and not our master. I want to teach him—no, that expression is not, perhaps, courteous—but I desire to let him know that while he executes our laws, and makes suggestions to Congress, under the duty imposed upon him by the Constitution, as to such matters to which he wishes to call our attention, I will respect him. But how stands the matter here? Does he send this information to the other branch of the National Legislature? No, sir.

Mr. Speaker, has this communication been sent to the other branch? No, sir. Why are we called upon to prepare for war? The Senate is proceeding as usual with its ordinary business, just as though there were no war called for, unconscious of the necessity of calling up indignation against her girlish Majesty. The President does not pretend to communicate, under the constitutional provision, of calling the attention of Congress to matters which he may deem important. He says nothing to Congress. He speaks solely to this House.

But I must hasten to a conclusion; I have already detained the House longer than I intended. I ask attention for a moment to what I deem the most important part of this most extraordinary communication. It may be found in the two last paragraphs of the message, which certainly looks ominous. The President says,

"In view of the position of the Island of Cuba and its proximity to our coast, and the relations which she must ever bear to our commercial and other interests—"

I desire my friends upon the Committee on Foreign Affairs to look well to these "other interests," and see that their slaves do not suffer—

"It is vain to expect that a series of unfriendly acts infringing our commercial rights, and the adoption of a policy threatening the honor and security of these States can long exist with peaceful relations."

I need not tell gentlemen what that language means. Every member within the sound of my voice knows its meaning. The policy of Cuba, as it is now known and read of all men, is a "progress towards civilization; it is the emancipation of her slaves, an effort to strike off the shackles of her bondmen, and to allow them to stand forth clothed with the attributes of humanity." That is the policy which the President considers as "threatening the honor and security of these States." He then, in the last paragraph, advises a preparation for war. This, then, is the policy which we are called upon to guard against, and to involve ourselves in war, to prevent which we are to resort to arms, to the last dreadful resort of battle and deadly strife. In order to prevent the progress of civilization and freedom in Cuba we must prepare to send our countrymen to premature graves. Our freemen are therefore to die that Cuban slaves may continue to sigh and groan in chains.

The President calls for authority to resist these encroachments upon the barbarous institution of slavery in Cuba. He no longer holds to non-intervention; that only applies to Nebraska; but in Cuba he will interfere to maintain slavery, at the point of the bayonet, at the expense of our blood, our treasure, and our honor. This course of policy is in precise accordance with the views which the Executive organ has put forth for the last year, speaking the sentiments of the President, as I suppose. Indeed, some of the articles,

it has been said, were written by members of the Cabinet. We have seen the Administration press of the country teeming with appeals to the passions of the people, in order to prepare them for war with Cuba. We have seen it heralded through those presses that her *emancipadoes* were to be set free. We have seen it proclaimed through the same press, that she had limited the price of slaves, that her scheme of colonization would eventually emancipate all her slaves; and those presses have appealed to the people to prevent this sad progress of civilization, lest it should interfere with the slavery of our southern States.

Every member is conscious of our diplomatic efforts, under a slaveholding President, when a hundred millions of dollars were offered to secure the slavery of Cuba from the influences there operating in favor of its then future overthrow.

Now we are officially called on by the President to arrest this advancing improvement in the moral and physical condition of Cuba, by the most decisive action in the power of the nation. Sir, nearly the whole southern press is teeming with articles similar to those put forth in the Union of this city. I have before me an extract from an article published in the *Fairfield, South Carolina, Herald*, of a recent date, which I will read to the House. It is as follows:

"Cuba is overlooked, Nebraska is fought for, and what will be the result of the fight? The future alone can tell. Both of these countries are about being snatched from the South; the loss of the latter would be but a slight restriction to slavery, while the former, in the hands of emancipated blacks, or of foreign Powers determined to emancipate, would be a total loss to the commerce of the world, and a death-blow to the extension of slavery."

I repeat, Mr. Speaker, that is the sentiment of the whole southern press devoted to the support of this Administration; but it is no part of my purpose to stand here and read proofs in support of facts, with which every one must be acquainted, and which no member will doubt or deny.

I must also refer to the inaugural address of the President himself. When he came into power he declared to the people of the nation that he *recognized the institutions of slavery in the southern States as standing upon the same basis as other recognized rights*, and equally entitled to the support and protection of the Federal Government. I speak from recollection, and do not repeat the language, but I am certain I express the precise ideas which the President put forth. He holds that this Government, with all its mighty powers; with all its unlimited energies; with its character, as one of the great Powers of the earth; with all its moral, its political, and physical influence, is to exert its utmost energies and influence to uphold and protect the barbarous institutions of African slavery in the southern States. It is a deliberate attempt to revolutionize the Government of the United States. I pronounce it as such here, and I pronounce it as such everywhere. Sir, it was in vain that our fathers attempted to establish the great and undying truth, that all men are created equal, and that it is the province of Government to exert its power and influence for the security and maintenance of the rights of all the people to life and liberty, if these views of the Executive prevail.

Sir, this Administration is endeavoring to turn the energies of this nation to the overthrow of this great fundamental principle, which lies at the basis of this Republic. It is an effort radically to change its essential elements; to eradicate its life-giving, its vitalizing energies. I feel it my duty to meet and expose this design at its first distinct, unmistakable enunciation. The President now proclaims that *intervention against freedom—against emancipation in Cuba—is to become the watchword of this Executive and his party.*

I will further remark to the House, that I believe, in one of the States of this Union, resolutions are pending, or have been pending, censuring the Executive of the United States for his non-interference to prevent emancipation in Cuba. I repeat, that I am told through the public press, and that is my only source of information, that such is the fact at this time in Louisiana.

Mr. PERKINS, of Louisiana, (interrupting.) I should like to correct the gentleman as to that point.

Mr. GIDDINGS. I will hear the gentleman with pleasure.

Mr. PERKINS. The Legislature of Louisiana is not even in session. Such resolutions were in-

troduced and laid upon the table when it was in session.

Mr. GIDDINGS. Well, such resolutions were offered when it was in session.

Mr. JONES, of Louisiana. Will the gentleman allow me to interrupt him for a moment?

Mr. GIDDINGS. Certainly; I wish gentlemen to understand that when they desire to interrupt me, I yield the floor most cheerfully for any correction.

Mr. JONES. I understand that the gentleman has said that he has been informed through the public press that resolutions are before the Legislature of Louisiana complaining of the President, and denouncing him for not interfering to arrest the progress of civilization in Cuba. I tell that gentleman, sir, that I do not believe, in the first place, that he has seen any such statement in the public prints, and I say, further, that all such statements are false.

Mr. GIDDINGS. I am very happy to hear it. Gentlemen will not disturb my temper or ruffle my feelings when they tell me I am wrong. No, sir, in God's name, set me right. If I have done injustice to Louisiana, I recall it. The member, however, was not quite as polite to me as I would have been to him when he said he did not believe I had seen the statement in the papers. I tell him that I have seen it, and that he has no authority to tell me that I have not seen it.

Mr. JONES sought the floor.

Mr. GIDDINGS. No, I do not yield to the gentleman. When a man tells me that he does not believe what I assert on this floor, I do not listen to him a second time. When a gentleman treats me with propriety I will treat him with forbearance; but when a gentleman says he does not believe my word, I have done with him. I desire no further interchange of civilities with him. For the satisfaction of that member, I can tell him that he will find the statement to which I have referred in one of the papers of this city, in one of the papers of New York, and I think he will find it in many others; but his colleague has admitted all I stated.

Now, let me proceed a little further, and examine the time when this demonstration is attempted to be made. France and England have guaranteed to Spain the integrity of her colonial possessions in both hemispheres; and now, when England is employing all her energies, and France all her power, to protect the national liberty and national independence of Turkey; when a new and sublime spectacle is presented to the civilized world; when the Cross and the Crescent are floating together on the same breeze, intermingling their folds; when the Turk and the Christian stand side by side in favor of freedom; when the backs of France and England are opposing the progress of Russian despotism, and all their energies are employed to maintain the rights of nations and of mankind, we are called upon to strike them like assassins in their backs, to become the allies, the aiders and associates of Russian tyranny, to stay the progress of Christianity, of civilization in this western hemisphere—to meanly and piratically steal Cuba, in order that the chains of slavery may be more securely riveted upon her bondsmen. This does not look like chivalry. I do not know what the opinion of southern members may be; but to me this attempt to strike the back of a foe is not in accordance with the ideas of honor in which I was educated. If we are to set up as a nation of pirates; if we are to go into a war of conquest; if we are to set Great Britain, France, and Spain at defiance, let us do it manfully, in open daylight, and before the world. Let us at least show ourselves men. Let us have a fair fight. I am a man of peace. I go for peace; but if we are to fight, I would have an honorable combat. I would give the enemy notice, and meet as a foe worthy of our steel.

This, sir, is not the most objectionable feature of the message; but it is one which calls for consideration. I hope and trust that the crown of Spain will notice these preparations to wrest from her the Island of Cuba—the fairest jewel that ever graced the diadem of a European Queen—the richest and fairest of her dominions—and I trust that, in accordance with a policy heretofore adopted by her, on the approach of an American army, her slaves shall be emancipated. Then, if we conquer it, we shall conquer an island of *freemen*. The Army of the United States will meet

those men who have been emancipated, and with arms in their hands will prefer liberty or death.

I do not know but that gentlemen will say that I am not patriotic; but if I were a Cuban; if I were one of those emancipated slaves, I would do my best to welcome every invader to a hasty grave.

If I were a native of Cuba, as I am of these States, I would defend it with all the energy that God and nature had bestowed upon me, and would lay my bones in the last ditch, or I would live to breathe the air of freedom. It would not be anything unusual, in the course of that Providence which sets the intelligence and wisdom of men at defiance, if this effort were to result in the promotion of human freedom. I hope and trust that it will. I have no fears of the war.

Now, let me tell gentlemen that I stand here as I did some sixteen months since; and I assure you, Mr. Speaker, and the country, that the Executive never will dare to invade Cuba, for the reason that it will hasten the emancipation of her bondmen; and our forces, if sent there, instead of meeting the Creoles or an army of white men, will have to confront an army of emancipated slaves, who will welcome them to combat. These movements do not discourage me. They do not intimidate me. I never despond. On the contrary, I see the destiny of this nation wielded by that "HIGHER LAW" which will laugh the Executive and his influence to scorn; that higher law which he and his friends have so often ridiculed, while it was silently paralyzing his influence, and stealing from him his political breath, until he has already become a breathing political corpse. Sir, it is that higher law—it is that popular sentiment which is now rolling on in the North—which was manifested in New York the night before last—which was manifested in Philadelphia a day or two ago—which is manifested by the three thousand and fifty signatures of New England clergy to the petition presented at the other end of this Capitol—which is manifested in ten thousand public meetings throughout the land of the free—which is manifested in every log cabin in the West, and in the richer residences of the North—which is manifested in the pulpit and on the stump—which is manifested at the prayer meetings and at the political convocations—which must and will shape the destiny of this nation; before that we must bow, for it is the voice of God uttered by his people. Sir, we are a people who pray before we fight; and when we have said our prayers, and put on our armor, then our enemies had better stand aside than to meet us. [Laughter.]

Sir, I would intimidate no one; but I tell you there is a spirit in the North which will set at defiance all the low and unworthy machinations of this Executive, and of the minions of its power. When the contest shall come; when the thunder shall roll, and the lightning flash; when the slaves shall rise in the South; when, in imitation of the Cuban bondmen, the southern slaves of the South shall feel that they are *men*; when they feel the stirring emotions of immortality, and recognize the stirring truth that they are *men*, and entitled to the rights which God has bestowed upon them; when the slaves shall feel that, and when masters shall turn pale and tremble when their dwellings shall smoke, and dismay sit on each countenance, then, sir, I do not say "we will laugh at your calamity, and mock when your fear cometh," but I do say, when that time shall come, the lovers of our race will stand forth, and exert the legitimate powers of this Government for freedom. We shall then have constitutional power to act for the good of our country, and do justice to the slave. Then will we strike off the shackles from the limbs of the slaves. That will be a period when this Government will have power to act between slavery and freedom, and when it can make peace by giving freedom to the slaves. And let me tell you, Mr. Speaker, that that time hastens. It is rolling forward. The President is exerting a power that will hasten it, though not intended by him. I hail it as I do the approaching dawn of that political and moral millennium which I am well assured will come upon the world.

Sir, no petty shrewdness, no trivial attempts by the Executive or members of this body to outwit or overreach the Almighty, or at outmanaging the order of His Providence; no attempt to avoid the just judgments of God, to evade his wrath, will then be regarded as efficient. Some of us are prepared for the conflict. I would speak a word

of caution to the President, and to the friends who sustain him. They should prepare to have their works examined. The places which now know them will, in all human probability, soon know them no more forever. All the signs of the times must fall, or one year from this day there will be a larger majority in this body opposed to the Administration than there now is in its favor. They should therefore set their house in order, for they must soon pass from these Halls to that bourne from whence no traveler returns.

Mr. Speaker, I am told that my hour is near its close. I have already occupied your time longer than I originally intended. I rose solely from a consciousness that this message of the President ought not to go forth to the people of the United States unexposed. I felt that there should a commentary go with it. I believed that the attention of this House, and of the people, should be called to its consideration, so that the whole North, as well as the South, might see and understand the present ruling policy of this Executive and of his Administration. That policy, sir, is the support of slavery in Cuba, and its extension in the Territories of the United States. It stands forth in this message, over the official signature of the President. It is proclaimed to the country, to the world. With that policy I make no conditions. Against it I wage an unmitigated, unceasing warfare. Here and elsewhere, by the wayside and by the fireside, I assail and hold it up to the condemnation of all good men. Sir, the whole North is now presenting an array of moral and political influence which, in my opinion, will, at no distant day, redeem and regenerate the nation from the influences and the policy which would now pervert its powers, to the destruction of the great objects for which it was established. [See Appendix for a revised report of this speech.]

Mr. BAYLY, of Virginia. Mr. Speaker, I do not mean, this morning, to go into any extended discussion of the questions which the gentleman from Ohio has raised.

The communication which was made to the House yesterday has not yet been printed; and, sir, even the committee to which that communication was referred, has not had the opportunity of satisfying themselves of all the facts connected with the case. Such being the condition of affairs, it is perfectly obvious that this discussion is premature. Still, sir, there are some remarks which have been made by the gentleman from Ohio, which, it occurs to me, I ought to notice at once.

He has attempted to prejudice this case. The gentleman, I undertake to assert here, cannot be entirely informed about the subject upon which he has spoken; for although I know his diligence on most occasions, yet I know also my own on occasions of this sort; and I know I have not, with every facility at command to do it, been able to inform myself thoroughly upon the subject under discussion.

Mr. GIDDINGS, (interrupting.) I did not intend to prejudice the case of the Black Warrior. I only stated the facts so far as I was informed upon them; and stated that we had yet heard no answer from Spain, and knew not what her version of the matter would be. My comments were upon the residue of the message over and above and outside the case of the Black Warrior.

Mr. BAYLY. That is one of those points made by the gentleman, which, it occurs to me, I ought not to delay for a moment to answer. The gentleman says that the President has not, upon this occasion, satisfied himself with merely answering the call which the House made, but has volunteered a message. Well, sir, in this respect, in communicating with the Congress of the United States, there are two classes of cases in which the President is called upon to act. In one where he merely communicates the information, and sees no occasion to make recommendations of his own; and it is a matter of discretion whether he will content himself with that, or go further. The Constitution of the United States expressly requires the President—it goes further than to authorize him—it requires him to communicate to Congress in respect to such public matters as in his opinion may demand their attention. The language of the Constitution is: "He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." And I beg leave to

say, that, in my opinion, that clause of the Constitution refers more particularly to questions relating to our foreign relations than to those appertaining to our domestic affairs; for the simple reason that the Executive, being the Department of the Government more especially placed in charge of our foreign relations, may be supposed to be better informed than any other department of the Government in respect to them; and it is therefore especially in reference to our foreign affairs that the President ought to communicate to us freely his views when he calls upon us for action, and on such occasions to recommend such measures as he shall judge necessary and expedient. And so he ought to do when he may anticipate from an inquiry of ours that we contemplate it. When the transaction is ended, he ought to content himself with furnishing the papers asked for. But when it is not he ought either to withhold the papers, or to accompany them with his views in respect to the case.

Mr. GIDDINGS, (interrupting.) The position I took upon that matter was, distinctly, that he did not communicate it to Congress, but to this House alone, and left the Senate in the dark, and therefore he could not have been acting under the constitutional provision.

Mr. BAYLY. The resolution of inquiry was from this House alone. It was in response to that resolution that he not only sent us the information asked for in relation to this case, but he makes, as he ought to have done, his own suggestions in regard to it—there is no intrusion upon his part—he makes, as was his duty in connection with this matter—one affecting our foreign affairs—such suggestions as occurred to him ought to be made by him. And if he has committed any error in this respect, it is not in his having sent us a message, but that his recommendations are not more specific. I hold, in respect to our foreign affairs, that it is the duty of the House rather to follow than to lead the Executive; not to follow them blindly, but to defer to them in respect to questions where the Constitution implies that they should be more fully informed than we are in giving to them the better means of obtaining information.

The gentleman from Ohio [Mr. GIDDINGS] made another point. He undertook to compare this case with the ordinary seizure in Boston or New York, or anywhere else, of vessels for the violation of some revenue regulation. The gentleman treated this affair lightly. The whole distinction between this case, and that class of cases to which he referred is this: it is not believed—by me at any rate, and I presume from the character of the message of the President of the United States, that he does not believe—that the conduct of the Spanish Government, in this case was in *bona fide* execution of their revenue laws in Cuba, and merely in good faith to punish a fraud upon them. Why do I not believe it? Because the records of the committee over which I have the honor to preside show that there are cases of constant occurrence in which the most irritating and harassing violations of their own laws, according to their own admission in some cases, are made by the Spanish authorities in their West India Islands upon our marine. The case now under consideration is not an isolated one. It is a case of constant occurrence. We have now before that committee several cases of similar character. We believe, to use a common expression, that they are disposed to whip this nation, from some feeling of dislike or jealousy, over the backs of our unoffending citizens. There are cases not to be accounted for on any other supposition.

Mr. GIDDINGS. I wish to know of the gentleman from Virginia how he received information of those other cases? How came they before the committee of which he is chairman?

Mr. BAYLY. The gentleman from Ohio [Mr. GIDDINGS] is one of the most attentive members of this House, and I am surprised that he does not know that there have been several cases of this kind referred, by express order of the House, to the Committee on Foreign Affairs. I shall not undertake, on this occasion, to open the secrets of our prison-house; but I will refer the gentleman to one case, and say to him "ex uno disce omnes." I refer him to the case of Captain Beacher. The communication in that case has already been printed, and is in the gentleman's desk, or in his box, in the document room, I presume. This

was a case in which the most unjustifiable outrages were committed upon our citizens—indignity, insult, outrage of every sort, inflicted.

We have been seeking for redress, and Spain, to some extent, has admitted our right to it; but in consequence of this very system that the Spanish Government has adopted, in my opinion in disregard of good neighborhood, with a view, as I believe, to harass and annoy us, this case has been in negotiation for a long time, and we cannot get any satisfaction for it. When we go to the authorities of the West Indies we are referred to Spain; and when we instruct our Minister in Spain to demand redress, they say that we must refer it back to the local authorities for assistance in the way of information, and thus the case is indefinitely delayed. The records show that there is a constant system of irritating annoyances practiced by the Spanish authorities toward us; and they avail themselves of this very circuitous and indefensible mode of proceeding to avoid all responsibility in respect to these cases.

I do not mean, as I said, to go fully into this matter, but as I know that the view which has been presented to the House by the gentleman from Ohio [Mr. GIDDINGS] may strike others that the present case may be regarded as an ordinary seizure of a commercial vessel for the violation of some revenue regulation, I desire to say that I am entirely satisfied, from a careful investigation of the conduct of Spanish officials in their West India islands, that, in most cases, there has not been a *bona fide* intention of executing their revenue laws in their harassment of our merchants. It has been merely a disposition upon their part to embarrass our commerce. The very fact that such occurrences have so much more frequently taken place in respect to our vessels than in respect to the vessels of England or France, or another nation, shows that there is a disposition upon the part of the authorities of Spain so to embarrass and harass our commerce as to drive us, as far as they can, from all intercourse with the Island of Cuba, without coming out boldly and directly, and thus assuming the responsibility of such a purpose. Sir, it seems to me that if that is the object they are striving to accomplish, if they want to get rid of intercourse with us, they had better exclude us at once, and put an end to the treaty of amity and commerce between the two nations.

Mr. STANTON, of Tennessee. I desire to ask the gentleman from Virginia a question, for the purpose of drawing out a fact, which he might have noticed before the close of his remarks. The gentleman from Ohio [Mr. GIDDINGS] stated that the manifest of the Black Warrior was false—that it made a false representation of facts. Now, I desire to ask the gentleman from Virginia whether it is not true that it is customary for vessels touching at Havana when passing from one port of the United States to another, to make out their manifests precisely as the manifest of the Black Warrior was made out, and whether this was not a sudden enforcement of this rule without any notice of any such intention having been given?

Mr. BAYLY. I meant to have referred to that matter in corroboration of the remarks I made to the gentleman from Ohio, that this whole discussion has been utterly premature. Our information upon this point is not full. But, nevertheless, we have pretty good information, information upon which I rely, showing that the manifest of the Black Warrior was made out precisely as those of other vessels similarly employed. I am told—and I do not get my information from newspapers, but from a source upon which I rely with much confidence, though it is not official—I say I have been told that it has been customary to allow to other vessels to pass without objection; and there is no reason in the world why they should not allow it. These vessels merely stop at Havana in passing, and rarely to discharge. They put cotton in the hold as ballast, just exactly as salt is put into the holds of vessels at Liverpool, more for the purpose of ballast than freight; and although we have a duty upon salt, yet what would be thought if we should seize a Spanish vessel ballasted with salt, which might touch at Charleston, with a knowledge on all hands that she did not mean to discharge, upon the pretext that it was not made manifest that her ballast was salt, and not stone?

But, further than this, we have it from authentic information, that other vessels have been allowed to break bulk and transfer their cargoes from one vessel to another in port, in numerous instances, without any complaint upon the part of the authorities; and this was right, for in such a transaction, unless there was a suspicion of smuggling, there was no cause for interference. These are stronger cases than where it is merely left in the hold of the vessel with the hatches sealed. They have allowed the transfer of the cargo from one vessel to another, when their officers, who were swarming about it, saw that the object was simply to facilitate the transmission of that cargo to the port of its destination, without any intention to enter it at Havana for consumption. That ought to be the case. It has been the case in practice. We know that in respect to the execution of revenue laws there is some difference between those Governments whose officers are allowed a discretion, and those where the duties of the public officers are especially defined by law, which no body but the law-making power can relax. Under absolute Governments, the officials have sometimes authority given them to relax their custom-house regulations.

Mr. SMITH, of Virginia, (interrupting.) Will my colleague allow me to ask a question for information?

Mr. BAYLY. Certainly.

Mr. SMITH. It has been informed—and I desire to know if it is so—that when an objection is made to the manifest of a vessel, the skipper has a right to correct it within twelve hours after the objection is made. Is that the case? and is it not true that permission to make the correction was asked on the occasion, and refused by the Cuban authorities?

Mr. BAYLY. That is true, as I believe, and worse than that, is true, if I am well informed. They undertook, by an order under the authority I am referring to, which, though purporting to be made before the arrival of the *Black Warrior*, was not promulgated till afterwards, so as to make a show of a legal excuse for their conduct. It would seem as if it was the purpose to entrap this vessel into the difficulty in which she has been found. The new regulation was made before her arrival, and, as I believe, though I dislike to be uncharitable, in anticipation of it, and the modification was not promulgated until after this occurrence.

But a point I make is this, that a Government has no right, after relaxing for a good while its revenue regulations, even suppose it has been without authority, suddenly to enforce them according to the strict letter of the law, so as to entrap those who have got into the habit of conforming to them in the way their own officers construe them. Sir, it is robbery. It is like enticing a man into the woods to rob him. A captain of a ship cannot be punished to-day for doing in violation of law what he was permitted, with full knowledge of the transaction, to do yesterday without complaint from those charged with its execution, unless he is properly notified that a change of the law itself or its repeal has been made.

Mr. DEAN, (interrupting.) Will the gentleman allow me one word in reference to the point on which he is now speaking?

Mr. BAYLY. I yield to the gentleman.

Mr. DEAN. This debate is out of time, and of course, no one is prepared, or should be at this time, to give any official information except what is contained in the President's message. But upon this precise point which has been suggested by the gentleman from Virginia, [Mr. SMITH,] and which is a vital point, as to whether the Cuban authorities did not refuse, when an offer was made to correct the manifest of the *Black Warrior*, to allow it to be corrected. I am authorized, I think, to say, from what I have seen officially published, and a letter from Captain Bullock, which has not yet appeared in print, that seven hours after the vessel arrived—the rule is that the manifest may be corrected within twelve hours—he was notified of the intention to confiscate the cargo; he then offered, in pursuance of the regulation, to correct his manifest, but they refused to allow him to do so. After expostulating with them, and using all the arguments he could, he then told the authorities that he should surrender the ship if they said so, and he took the American

flag and went over to the United States ship *Fulton*. Under these circumstances I regard the act at Havana as a clear case of port piracy.

Mr. CUTTING, (interposing.) I desire to make one suggestion to my colleague. Is it right to endeavor to inflame the public mind of the country upon this question, when we have only *ex parte* statements? Have we heard one word yet from the other side? And I respectfully submit to the chairman of the Committee on Foreign Affairs, whether all discussion tending to such inflammatory results ought not to be suspended, and let the country act with dignity, with firmness, and with patience? I respectfully submit that the whole of this proceeding this morning can tend to no good, and is of the most dangerous character.

Mr. BAYLY. I beg leave to say that if I had introduced this debate, if I had sprung it upon the House, if I had taken any other than the most cautious and conservative ground in respect to it, I should have felt myself keenly rebuked by the remarks of my esteemed friend from New York.

Mr. FLORENCE. If the gentleman will permit me to make a single statement, I shall be obliged to him.

Mr. BAYLY. My friend from Pennsylvania will allow me one word. Then, if he renews his request, I will yield him the floor.

Mr. FLORENCE. In this connection with the remark made by the gentleman from New York, I can state a circumstance—

Mr. BAYLY. I do not yield the floor. I know quite as much of these circumstances as my friend.

Mr. FLORENCE. I refer to circumstances of aggression on the part of the Cuban authorities.

[Cries of "Order!"]

Mr. PRESTON. As a member of the Committee on Foreign Affairs, I would like to make a suggestion to the chairman. I know his views, and coincide with them fully. I hope that he will conclude this debate by moving that the privileged motion to reconsider do lie upon the table.

Mr. BAYLY. I felt it to be my duty to yield to my colleagues on the committee, and through courtesy I have yielded to others; but I beg now to say, that nobody may take offense, that I shall not yield the floor again except to the gentleman to whom I am replying. If he desires that I should yield it, I shall not feel at liberty to decline.

I began my remarks by protesting against this discussion as premature. I began it by stating that, though I had taken all the pains which my official position requires me to take, to be well informed, I was not fully informed. I had a right to presume others were not better informed. I agree with my friend from New York, [Mr. CUTTING,] that no remarks ought to be made here to inflame the public mind of the country in respect to this question. But I insist, at the same time, that the mind of the country shall not be prejudiced in the other direction, and that it shall not go out, by remarks of gentlemen here, and others quite as influential elsewhere, that this is a mere ordinary case of a *bona fide* seizure under the revenue laws. I meant to show that there was something in this case more than one of those ordinary seizures. I undertook to show that, by showing it was in keeping with a constant series of annoying embarrassments to our commerce, by Spanish officials.

Mr. GIDDINGS. I would make a single word of explanation. I want the gentleman to understand me. I beg leave to inform the House, and the chairman of the Committee on Foreign Affairs, most explicitly, that I limited my remarks in regard to the *Black Warrior* to the facts so far as we had them, and expressed the *gravamen* of objection to this whole proceeding outside of that, because we had not heard from the Spanish Government. The whole of my remarks, so far as they went to have any effect on the Administration, were outside of the *Black Warrior* case. They were entirely extraneous to that matter, and those which were volunteered upon this House.

Mr. BAYLY. That is one of the points in regard to which I flattered myself I had defended the President. I think I have shown that, under all the circumstances, we had a right to expect, and that the President was in duty bound, he being primarily charged with the conducting of our foreign affairs, to let us know what he had to recommend on this occasion. I repeat, if the President has erred, it has not been in the direction

the gentleman from Ohio [Mr. GIDDINGS] complains of.

This is one of those cases, in my opinion, in which, from the circumstances attending it, we ought not to have shown the quiet patience for information which, in ordinary cases, might be proper; and for the reason that what the Spanish authorities have done in this case is in keeping with what seems to be a settled part of their policy in respect to us. Now, it is one thing for a man, by mistake, to tread upon my toes, and it is quite another thing for him to do so every time I meet him in the street, and to jostle me each time I come near him.

The cases in regard to nations are just as different as the illustration I have been making in regard to individuals. The Spanish Government, in respect to us, has been constantly pursuing a course of annoying irritation, and she has done it under most unjustifiable circumstances. How has this nation acted towards Spain? I shall not go fully into that question now; but I will say it has been one of unrequited friendship on our part. And in this connection I want to refer to a single case only, because it is a very recent one, and one which I happen to know a good deal about.

After the massacre of Crittenden, after the inhuman and uncivilized course of the Cuban authorities with those filibusters—whose conduct I condemn as much as any man—there was a natural feeling of excitement in New Orleans, and a mob—no public authorities abetting it, but a mob—went and pulled down a parcel of tobacco shops, and threw their cigars into the street, and a Spanish consul was maltreated. The Spanish Government came here, by their Minister, to demand reparation. I know personally the views of Spain upon this subject. She said, through her Minister, that if it were a mere case of a mob destroying the property of Spanish subjects—a mere ordinary case of that sort—and if there had been no feeling manifested against the Government of Spain on the subject, the Spanish Government would not so insist on indemnification. But the Spanish Government believed that these outrages were inflicted on innocent individuals to gratify a spite against that Government for things for which those individuals were not responsible; and that that condition of things took the case out of the category of ordinary outrages on the people of other nations; that it was an indignity offered to the Government itself, that those who committed the depredations were undertaking to resent the wrongs which they supposed the Spanish Government had committed by harassing their unoffending citizens resident among us.

Now, sir, I do believe—and I do not care that this remark shall go to the country, though not to excite anybody—I do believe that these annoying regulations and these constant wrongs that have been committed on our commerce, are meant as acts of hostility to this Government as a Government. I do not believe that in this very case of the *Black Warrior* the act would have been committed if that vessel had belonged to one of the nations to which Spain is more friendly than she is to us. Or that it would have been done in case of one of her own steamers; notwithstanding we have a law by which, even in respect to their own steamers and ours perfect reciprocity is provided for.

Sir, in the case to which I have been just referring, we came forward here and promptly responded to the demand of the Spanish Government. As the chairman of the committee over which I have at this time as then the honor to preside, I moved an amendment to the civil and diplomatic bill, for the purpose of compensating these Spanish subjects for the wrong which a portion of our people had committed upon them.

We put that amendment on high national grounds. The Administration were then inclined to the opinion that this being the act of a mob in one of the States, the General Government had nothing to do with it. From mature reflection on that point, I came to a different conclusion. The two Houses of Congress sustained me in it. They believe that as the act was meant—as we were compelled to admit it was meant—as a harassment of Spanish subjects, not in consequence of anything they had done personally, but simply with a view to show irritation towards the Spanish Government, it belonged to us to right the wrong as far as it was practicable. And the Congress of

the United States did so. The ground upon which we acted on that occasion I have not now time to go fully into. I will do it when it is proper that I should.

In the whole of our intercourse with Spain, from the date of our first treaty with her to this hour, our course has been one of forbearance and fidelity to our treaty obligations, and to the obligations of our laws of neutrality. All the return that we have received has been one of unjust suspicion and irritating annoyance, which ought to be, between nations, as it would be between individuals, of that very class of annoyances which would be least likely to be submitted to.

It seems that the gentleman from Ohio knows more about this matter than some of us do; he thinks there is something in the name of that vessel that creates a series of acts of special enmity to her. Well, sir, it so occurs; whether it be the name of that vessel, or the fact that she trades out of a southern port, she does seem to be the object of hatred by the Spanish authorities. This is not the first outrage which has been inflicted upon her. I understand that upon one occasion, without any admonition, and, as far as anybody knows, without any provocation, she was fired into, and the cannon ball passed within a few feet of her main stays. This was done, and other acts of outrage have been committed, as I infer from statements upon which I rely.

To satisfy any business man that it could not *prima facie* have been the purpose of those concerned in that vessel to provoke a difficulty, they very naturally did not want to get into an affray with the authorities there; for they go there to make money, in the way of trade and carrying passengers especially, and want to get through with their business as smoothly as possible. There has been, and there will be, until this Government shall see that fair play is done, special annoyances to our shipping, to as great an extent as they think they can safely do it. I believe that to-morrow Spain would be very glad never to see another American vessel touch at Havana; and I believe there are others who wish that, by domestic strife, or in some other way, we might be made a cypher. But we will see.

Mr. Speaker, observing that course of propriety of demeanor in this House of which I am ambitious, I shall not go into any discussion with the gentleman from Ohio [Mr. GIDDINGS] upon an occasion of this sort, of the slavery question. But it is a remarkable thing in regard to this gentleman, that the only case now on record, in which our Government admit that they have not done Spain full justice, is precisely the case which the gentleman from Ohio opposes. In that only case—the case of the *Amistad*—where we have not done prompt justice to Spain, is the very case in which he wants justice withheld altogether. It is only in those cases in which wrongs have been committed to our white people and our commerce that the gentleman takes side with Spain and against this Government; only where negroes are remotely concerned he takes sides both against us and against Spain. And I beg to say, if I choose to run out the case, that in the instance I am referring to, I could show that there was no pretense even that he was acting from love for the negro, and in direct reference to the case of the *Amistad*; for they are already liberated.

Now, sir, the gentleman from Ohio reminded me of my promise to explain the fallacies of law and fact which he introduced in remarks he made, upon a former occasion upon this floor, in respect to the *Amistad* case. I did not promise to do it in a speech. I promised to make a report from the Committee on Foreign Affairs upon that subject; and the gentleman will see, if he will reflect about it, that there may be reasons of a high public character, notwithstanding my willingness to break a lance with the gentleman from Ohio, which may overrule that anxiety, and he ought not to be too prompt in redressing wrongs we have inflicted, when Spain is so tardy in redressing wrongs of a less doubtful character which she has committed. When the proper occasion arrives, if it shall arrive, I shall redeem my pledge to the gentleman from Ohio, [Mr. GIDDINGS]; but I shall not be beguiled into doing it at the expense of what I regard as my public duty.

Mr. GIDDINGS. I expressly stated when I rose that I merely introduced the motion to give an expression of my sentiments in regard to the

President's message. I do not wish to debate this matter, and am willing to withdraw the motion I made.

Mr. BAYLY. In the hasty, and, I think, unfounded attack which the gentleman from Ohio [Mr. GIDDINGS] has made upon the President of the United States, I do not think he has done himself ordinary justice. I do not think that there is a single point in his complaints of the conduct of the President which has any force in them; and he seems now to concede it. I am about to do what is always disagreeable to me, but I do it under a sense of duty, and as I feel under a sense almost of instructions. I am not formally instructed by the Committee on Foreign Affairs, but I know their views, and I know the committee would say to me, if I could convene them together, from my familiarity with their views, that we ought not to carry this discussion any further. I know they would say that you have gone as far in this debate as, perhaps, you ought to go in meeting such points made by the gentleman from Ohio, as were calculated to mislead the public mind. I shall, therefore, make the motion to lay the motion to reconsider upon the table. But before I do that, I must make a remark. It is said that such of us as entertain the views I have barely hinted at, not fully developed, are inclined to connive at filibustering. Quite the reverse is the case. Let this Government satisfy the people that they will promptly vindicate their legitimate rights, especially in the class of cases I am referring to, and we will be able to enforce, as we have done, our neutrality laws. But I do believe that if this is not done, there will arise a feeling difficult to be restrained.

Mr. PHILLIPS. I hope the gentleman from Virginia will withdraw his motion for a few minutes.

Mr. BAYLY. I will go as far in an act of courtesy to my friend from Alabama [Mr. PHILLIPS] as to any man in this House—not excepting one of my colleagues; but I really feel as if I was acting under instructions from the Committee on Foreign Affairs, and therefore I cannot withdraw my motion.

The question was then taken upon Mr. BAYLY's motion, and it was decided in the affirmative.

So the motion to reconsider was laid upon the table.

Mr. BRECKINRIDGE. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Tellers were demanded and ordered on the question; and Messrs. LETCHER and ETHERIDGE were appointed.

The question was taken; and the tellers reported—ayes 92, noes 52.

DEFICIENCY BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair,) and resumed the consideration of the bill of the House No. 271, entitled "A bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854."

The CHAIRMAN. An amendment had been offered by the gentleman from Kentucky, [Mr. PRESTON], providing for the completion of various custom-houses and marine hospitals, to which the gentleman from Virginia [Mr. BAYLY] had offered an amendment to strike out the word "complete," wherever it occurs, and to insert the words "to continue the construction of."

Mr. TAYLOR, of Ohio. Is it in order to speak against the amendment?

The CHAIRMAN. It is in order to oppose the amendment to the amendment.

Mr. TAYLOR. I am opposed to the amendment of the gentleman from Virginia, and prefer that originally offered by the gentleman from Kentucky [Mr. PRESTON] for several reasons. One is that the language of the amendment offered by the gentleman from Kentucky is precisely that of the Secretary of the Treasury in his annual report to Congress, giving estimates for the additional appropriations necessary for the service of the fiscal year ending the 30th of June, 1854. Upon looking into that report I find that the Secretary of the Treasury uses this language: "To complete the custom-house at St. Louis, \$100,000;" and so of the various custom-houses and marine hospitals for which the amendment makes provision.

Such also, Mr. Chairman, is the language of the original amendment, as I before stated. I have risen chiefly with a view of setting myself right before the committee upon this question.

I wish to say that it seems to me this is one of the most extraordinary proceedings I ever knew in the House of Representatives. The Committee of Ways and Means might have passed this bill six weeks ago if there had been a disposition on the part of the whole of that committee to cooperate with the Democratic Secretary of the Treasury, and to vote the estimates which he had submitted under the head of deficiencies for the current fiscal year. I not only voted for all those appropriations asked for by various gentlemen from the West and Southwest, and recommended by the Secretary of the Treasury, but I voted for the deficiency bill as finally reported to the House, and which was rejected for reasons best known to gentlemen on the other side of the House, whose motives I will not question. The fact, however, is certain, that the Whig party, as a party, are not responsible for the defeat of that bill. My honorable friend from Kentucky [Mr. PRESTON] voted for it. The honorable gentleman from Kentucky on the other side of the House, [Mr. BRECKINRIDGE], who reported this bill, voted for it also, and so did the chairman of the Committee of Ways and Means. But it is a fact, well known to the House and the country, that eminent gentlemen on the Committee of Ways and Means led the way in the opposition to that bill, one of the great bills of the session, and thereby aided, if they did not encourage, gentlemen on the other side in defeating this passage.

Mr. WENTWORTH, of Illinois, (interrupting.) How many members of the Committee of Ways and Means voted against that bill?

Mr. TAYLOR. I cannot yield to the gentleman from Illinois. I trust that every gentleman who advocated an amendment to the original deficiency bill will adhere to his vote, and let us see whether the recommendations of the Secretary of the Treasury of the United States, who ought to be well advised on this subject, shall be disregarded, and whether the labor of five weeks shall be thrown away, and the House put back where it stood three months ago, at the commencement of the session, because there is a discrepancy of opinion among the members of the Committee of Ways and Means. If the recommendations of the Secretary of the Treasury are attended to, and the wishes of the House of Representatives, heretofore expressed, are carried out, there will be no difficulty, and we shall be able to progress with the public business as we ought to do.

This bill stands No. 271 on our Calendar; we postpone all the other business of the session to pass a deficiency bill which may not be required before the 30th of June next. It is not wise legislation, in my humble judgment; and I, for one, would take up the Calendar of the Committee of the Whole on the state of the Union, and I would not appropriate one dollar more to carry on the Government until Congress has been permitted to act on the other great measures of the session. I would not have all our legislation set aside in order that we may vote money to carry on the Government for the next fiscal year commencing in July next. It is time that we legislated upon the great questions before us—on the French spoliation bill, an honest debt, as Congress has frequently decided, which has been demanding payment here for the last fifty years. Why do you not pay that?

The question was then taken on Mr. BAYLY's amendment to the amendment, and it was rejected.

The question recurred on Mr. PRESTON's amendment.

Mr. RIDDLE. I move to amend the amendment by inserting after the words "to complete" wherever they occur, the words "in a fire-proof manner."

I offer this amendment in order that I may, in the brief time allowed me under the rules of the House, answer some charges which have been made upon this floor by the gentleman from Virginia, [Mr. BAYLY], who addressed the committee yesterday, and his colleague [Mr. CASKIE] from the Richmond district.

Now, sir, I commend the Committee of Ways and Means for their dexterity, for the manner in which they have presented these several bills to

this committee. They well knew that after this House had, by a very decided vote, ingrafted these amendments on the deficiency bill which was rejected, if there was one recommendation stronger than another, it was that which came from the Secretary of the Treasury, and was afterwards indorsed by the committee. But they wanted this deficiency bill through. I want it through. I will vote with the committee. In order to get it through without involving these questions of custom-houses and marine hospitals, what do they do? They report a special bill for custom-houses and marine hospitals. Now let me tell the friends of these appropriations upon this floor, that that bill is upon the Calendar in its order, and cannot be brought up as a general appropriation bill. It will sleep there until the month of August, and probably the last night of the session, when the necessity for the appropriations, to a certain extent, will cease to exist.

Mr. BRECKINRIDGE. The committee can take it up at any time. Whenever we go into the Committee of the Whole on the state of the Union I know that the Committee of Ways and Means feels itself bound in good faith to move to lay aside other business to take it up.

Mr. RIDDLE. I know that it is an appropriation bill. If the Committee of Ways and Means so regard it, if they are willing that it shall pass, why not put the appropriations in the deficiency bill? Why not pass them at once?

The appropriation bill for custom-houses involves a very small, trifling, and insignificant amount. The Secretary of the Treasury has contracted for the construction of the buildings. He has contracted according to law, and not as the gentleman from the first district of Virginia remarked, beyond his power; but he has reserved to the Department the right to alter the manner of constructing those buildings, if Congress makes the appropriations. He has not violated in the least degree either the law, the spirit of the law, or the principle involved in the last act of Congress, which restricted him to a given amount. The gentleman has frequently alluded to that fact, and I know that he would be the last man upon this floor to misrepresent the Secretary of the Treasury, if he had read the contracts. He has in my case, and I believe in others, provided in the contract that the building shall be constructed for a specified sum, unless Congress provided for an amount to make it fire-proof.

But what will be the consequence if this bill providing for the completion of custom-houses is not passed? The building which is being constructed in my district has now reached its first story. If the contractor be not allowed to go on and build it in the way specified in the contract, in consequence of delay, he will probably come before Congress and claim damages arising from his outlay. If these appropriations are now passed the General Government will be able to carry out the recommendations of the Secretary, and the buildings will be put up, as every practical man will admit they should be, in a fire-proof manner.

And now, Mr. Chairman, permit me to say, that I think my particular friend from the Richmond district [Mr. CASKIE] yesterday unintentionally fell into an error when he changed his position on these several propositions. In the course of his remarks he admitted that he was governed, on a previous occasion, in the vote which he gave, to a certain extent, by the recommendation of the Secretary of the Treasury; but to use the reported language of the gentleman himself:

"I did not give the votes on the recommendation of the Secretary alone, though I attach much weight to it, but I gave them not only on that recommendation, but upon my knowledge of the wants of the places where they were located, derived from my previous service in this House, and an investigation considered sufficient, by myself, at least, of the whole subject."

Now, sir, I say, that if my friend from Virginia had given this question the examination which he is so well capable of doing, he would see that some of these appropriations would be useless unless obtained immediately, and in the only way they can be, in the deficiency bill. I was glad to hear him admit he was governed, to a certain extent, by the recommendation of the Secretary of the Treasury; for while I declare that no other man can be as well informed as to the wants and necessities of the commercial interests—I say, from my personal knowledge of that distinguished officer of the Government, that he is incapable of

recommending a measure which would not, in his opinion, formed correctly as it is likely to be, from an advantage of the knowledge of facts which we are not always able to collect, conduce to the general interest and economy of the Government.

Mr. CLINGMAN. I rise to ask a question. My object is to get information from my friend on my left, [Mr. RIDDLE.] If this be a real deficiency I will vote for his position. But I now oppose the amendment, to enable me to get the information I desire. I understood, from the gentleman's remarks, that the building which was originally ordered to be constructed has got a certain way up. Now I ask him, was not the whole appropriation necessary for the building made at the time? I mean the amount that it was estimated to cost, and that it was directed by Congress to expend on it. I say, was not the whole appropriation then made?

Mr. RIDDLE. I will answer the gentleman's question briefly. My answer is this: The Secretary of the Treasury being bound up and restricted by act of Congress, contracted for the erection of this building at the amount specified. This amount was not sufficient to make it fire-proof. He put a provision into that contract, that in the event of Congress appropriating an additional sum for it, and requiring to have it made fire-proof, he reserved the right to the Department to make an alteration in the contract.

Mr. CLINGMAN. Then, Mr. Chairman, I understand the point to be this: Congress voted \$25,000 to build a custom-house at Wilmington.

Mr. RIDDLE. That is but one part of it.

Mr. CLINGMAN. I know. Congress voted \$25,000 to make a custom-house, I say, at a point where there is but \$800 a year collected.

Mr. RIDDLE. (interrupting.) Oh, that is a very small matter.

Mr. CLINGMAN. It is a very small matter, [laughter,] but I hope the gentleman will not interrupt me again. Sir, it is not the amount of money which I object to in this case. What I object to is the vicious practice that has grown up, by which—when Congress votes a specific sum and directs any of its officers to execute the law in relation to it—he goes on and contracts to expend a larger sum. I do not indorse that system. If this were a case of very high necessity, if there were an actual necessity for spending more than \$25,000 to collect a very trifling sum, I do not know that I would hesitate in voting for it, on account of the failure of the Secretary of the Treasury to carry out the law. But when I find that this is only in keeping with the course pursued of nullifying legislation; when I find that the officers of the Government have undertaken to neutralize and render of no effect that provision of the Constitution which places the money power here, and which authorizes Congress to make appropriations to accomplish the necessary works of commerce; and when I find that done in a case, not only of no necessity, but against all necessity whatever, I will not lend my vote to support such a system, no man will contend, I think, that \$25,000 was insufficient to provide a fire-proof building sufficiently large to collect this small amount of revenue. You can make a very good house, a fire-proof one, for \$25,000. And yet in this instance the Secretary of the Treasury has gone forward against all necessity, and made contracts for the expenditure of a larger sum. And my friend from Delaware, acting, no doubt, in accordance with the wishes of his constituents, urges you to make another appropriation to complete the building.

Mr. RIDDLE. I must state to the gentleman from North Carolina that though the duties collected at Wilmington are, I know, small, yet that this building is intended for the accommodation of the Government officers there; such as the superintendent of light-houses—in one of the most important districts of our commerce—the post office, and the court-rooms. They are all provided for in this building.

Mr. CLINGMAN. No doubt. And yet I believe that a building large enough to accommodate all these officers might be constructed for \$25,000. My object was to ascertain whether we had failed to appropriate the sum originally agreed to be appropriated. I understand we have not, and I am not disposed to enlarge the building.

The question was then taken upon the amendment to the amendment; and it was not agreed to.

Mr. RITCHIE, of Pennsylvania. I offer an amendment, which I send to the Clerk, as an amendment to the amendment of the gentleman from Kentucky, [Mr. PRESTON.] I do it with the consent of that gentleman.

The amendment was read, as follows:

That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to apply such sum as in his opinion may be necessary to complete the building for the custom-house, post office, and court-house in the city of Pittsburg, Pennsylvania; and to furnish such building in a manner appropriate to its uses, and to improve the grounds attached to said building; and also to pay to the two commissioners who superintend the construction of said building such compensation as the said Secretary shall deem just, not to exceed three dollars a day each: *Provided*, That the sum so, as aforesaid, to be expended by the Secretary of the Treasury shall not exceed the sum now remaining unexpended of appropriations heretofore made for the said building.

Mr. RITCHIE. I will simply state to the committee that this amendment is offered with the consent of the gentleman from Kentucky, [Mr. PRESTON,] and also, so far as I have been able to ascertain, with the consent of the Committee of Ways and Means. It asks for no new appropriation of money; but simply empowers the Secretary of the Treasury to appropriate a balance which has been left from the money which was appropriated for the erection of the building; which balance was saved, by the architect who superintended the construction of the building, for the very purpose asked for in this amendment. The Secretary of the Treasury had technical scruples, and refused to apply the appropriation of that balance to the purposes for which it was saved. Therefore it is that my amendment proposes to authorize that disposition of it.

Mr. PHILLIPS. When the deficiency bill was first presented to the House, I voted to amend it by the insertion of the custom-house appropriations. They were recommended by the Secretary of the Treasury; and no argument or fact had been exhibited to demonstrate the impropriety of the recommendation. The amendment was carried by a decided majority. But the bill, as amended, was lost by an overwhelming vote.

Now, sir, the deficiency bill is again presented to the committee, and again the motion is made to incorporate into it the custom-house and marine hospital appropriations. The question is, Shall we again vote in this amendment, and again subject the bill to a defeat?

For myself, sir, though interested in one of these appropriations, and earnestly desiring its adoption by the House, I am disposed to recede from the position I occupied on the former occasion, and to disembarass the majority, who are responsible to the country for the maintenance of the Government. I cannot recognize the propriety of renewing the same course of action with this bill, when we are fully justified in believing that a persistence in this line of conduct must produce the same effect, and lead to the same conclusion.

Though gentlemen may regard my present determination as hazarding the fate of the custom-house appropriations; yet, sir, I will prefer even this, greatly prefer it, to jeopardizing again the success of a bill necessary to the ordinary wants and demands for the regular operation of the Government.

Mr. PRESTON, (interrupting.) I would state to the gentleman from Alabama that I will ask the unanimous consent of the House to strike out from my amendment the appropriation for the custom-house at Mobile. I move, with the indulgence of the House, to strike it out, so as to leave that appropriation in the second bill, which has been reported by the Committee of Ways and Means.

Mr. PHILLIPS. I am speaking against the whole amendment of the gentleman from Kentucky—and the Mobile appropriation is but part and parcel thereof—and I say again, that I am willing to hazard that local interest for the good of the whole country; as between this local measure, however much it may concern me, or my constituents, personally, I repeat, let it go down, rather than incur a defeat of a general measure so necessary to the full operation of the Government.

I have voted the appropriations for the custom-house, and voted in a majority; that majority can vote them through in the separate bill now before us, and I will aid them in every manner to effect an object which I believe comports with the best

interest of the Government. But being one of the dominant party in this House justly held responsible by the country for the administration of the legislation of this House, I will not, let the consequence be what it may, pursue any mere local design to the detriment of the general interest.

The question was then put on Mr. RITCHIE's amendment; and, upon a division, there were—ayes 71; noes not counted.

Mr. BRECKINRIDGE demanded tellers; which were ordered; and Messrs. PENNINGTON and BUCKOCK were appointed.

The question was taken; and the tellers reported—ayes 75, noes 64.

So the amendment to the amendment was agreed to.

Mr. STANTON, of Tennessee. I move to amend the provision in the amendment of the gentleman from Kentucky proposing an appropriation for the benefit of the custom-house at Louisville, by adding five dollars to the appropriation.

I offer this amendment for the purpose of giving me an opportunity of saying that I shall vote for the amendment of the gentleman from Kentucky, because I conceive that the appropriations there proposed are as legitimately deficiencies as any item contained in the bill reported by the Committee of Ways and Means. I can see no reason why these items which, on former occasions, have been considered as legitimate deficiencies in the general appropriation bills for carrying on the service of the Government as any others, should have been omitted from this bill.

Now, sir, these buildings, as I understand it, have all been commenced. If the sentiment be not a universal one in this House—as it ought to be—that when the Government of the United States is undertaking to put up buildings of a permanent character, they should in all instances be made fire-proof. And the simple question presented between the friends and enemies of these appropriations, is whether you will make these custom-houses and marine hospital buildings fire-proof or not.

I do not understand that any gentleman charges these estimates submitted by the Secretary of the Treasury as being extravagant for carrying out the purposes for which they are designed. If, then, they are not extravagant, and it is desirable to make these buildings fire-proof, what objection can there be to ingrafting this amendment upon this bill? I can see none.

As to the circumstances which brought about the defeat of the deficiency bill, I understand them to be simply these: Some of the leading friends of the Administration, gentlemen who sustain the political policy of Mr. Guthrie, rejected his estimates. They are willing to sustain him in his political policy, but not to rely upon the estimates he makes in reference to the building of custom-houses and marine hospitals, where those buildings have already been commenced. Well, these leading friends of the Administration not only voted against all these amendments, but they voted against the bill when the amendments were put in it, and thus defeated its passage.

When our friends on the opposite side of the House, who had voted honestly for every item in the bill, saw that the leading friends of the Administration were not disposed to sustain the estimates of the Secretary of the Treasury, or to give him an appropriation for deficiencies necessary to carry on the Government to the end of the fiscal year, they said to themselves, as I understand, "We are not responsible for the operations of the present Administration; we are not bound to furnish them the means of carrying on the Government; and since their own friends refuse to furnish them those means, we will do the same."

Now, I do not mean to say that that was right on the part of those gentlemen. On the contrary, I think that it was wrong, because I voted for the amendments, and for the bill when the amendments were put into it, and I think that every gentleman who thought the amendments were right, and who had no objection to any item in the bill, ought to have voted for it under all the circumstances. Nor do I think that the defeat of the bill, under these circumstances, justifies the Committee of Ways and Means in bringing in two bills, separating items which, upon all occasions, have been united, and throwing out items which were admitted on all hands to be veritable defi-

ciencies. I shall, therefore, support the amendment of the gentleman from Kentucky, [Mr. PRESTON,] and, as I did on a former occasion, vote for the bill if that amendment is adopted.

Mr. SMITH, of New York. Mr. Chairman, I am opposed to this amendment to the amendment, because I am opposed to the original amendment offered by the gentleman from Kentucky, [Mr. PRESTON,] I am opposed to the original amendment, not because I am opposed to these appropriations for custom-houses and marine hospitals, for I am in favor of them. I voted for them all. I voted for them all because, having the recommendation of the Secretary, I thought that they were entitled to my vote.

I voted for these appropriations notwithstanding I am an absolute free trade man. I long for the day when there will not be a custom-house left on the face of the earth, and when this obstruction to the free intercourse of the nations of the earth with each other shall have passed away forever. But so long as the tariff policy is among the policies of our nation, we must have custom-houses; and it is better that Government should build them than rent them. If Government builds them, they will be safe and suitable. If it rents them, they will probably be unsafe and unsuitable.

I am opposed to embodying these appropriations in the deficiency bill, because, where it is practicable, it is well to have every measure left to stand on its own merits. But I am still more opposed to it because I fear that the deficiency bill, if loaded down with these appropriations, will fail.

Now, I cannot consent to an attitude which may look at all like unreasonable or factious opposition to the Administration. In all the views and measures of the Administration which are reasonable, I shall gladly concur. To defeat the deficiency bill would be to embarrass the Administration, and would be to block the wheels of Government. Moreover, it would be to dishonor the Government and the nation, by leaving debts unpaid which should be paid, and paid now—for in many cases there is urgent need of their being paid now.

When, a few weeks ago, the deficiency bill was lost, through the mutual jealousies of the Whigs and Democrats, I rejoiced that I stand alone upon this floor; that I am a party by myself, and in myself; that I am in a greatly and gloriously independent minority of one, and that I was therefore unaffected by those jealousies which defeated the bill.

I hope, sir, that the deficiency bill will be passed; and I hope that when it is passed, we shall pass the appropriation bill also. When we have done justice to the deficiency bill, we shall thereby have conciliated the friends of that bill, who are opposed to the appropriation bill. They will then be better able and better disposed to view with candor the claims of these proposed appropriations, and to appreciate their force.

The question was then taken on the amendment to the amendment, and it was rejected.

Mr. STANTON, of Kentucky. Mr. Chairman, I move the following amendment by way of addition:

And it shall not be lawful for the Secretary of the Treasury, or any officer under him, charged with the construction of any of the buildings mentioned in this act, in any manner to enlarge or change the original plans of any of said buildings, or to change the character of the work or materials, so as to exceed the original estimates, without first obtaining the consent of Congress.

Mr. Chairman, I desire to say a single word in reference to that amendment. I am satisfied that one great reason why we are called upon every year to make appropriations for the completion of these custom-house and post office buildings, &c., in the nature of deficiencies, is, that discretion is allowed to the Secretary of the Treasury to construct them according to just such plan as he may adopt. No limitation is put upon his discretion in that respect, so that plans and estimates are submitted to us here, and we make appropriations, under the expectation that they will complete the structures.

The Secretary then permits some military officers, or some incompetent superintendents, to take charge of the construction of these buildings; and to please their fancy in reference to the adornment and the enlargement of them, or any other purpose whatever, they recommend to the Secretary of the Treasury a change of the plan and of the character of the material of which the building is to be constructed, and by that means

the expense is greatly increased. I think the principle of my amendment is the correct one. It ought to be in every bill which provides for the construction of edifices—that plans and estimates should be submitted to Congress before an appropriation is made, and that the Secretary of the Treasury, or whatever other officer has charge of the building, should not be permitted to change those plans without first asking Congress.

I think, sir, that this is a correct principle, and that it should be applied in every bill which provides for the construction of public buildings. You will spend here upon this Capitol alone \$2,700,000 more than it was originally designed to do, as the result simply of allowing certain gentlemen a discretion to change and alter plans and specifications—to change and alter the character of the materials. You last year appropriated \$100,000 to bring water into this city, and, in consequence of the discretion left in the hands of the President and his officers, without limitation, you will, on the faith of this \$100,000, expend seven or ten millions. Now, in view of this fact, I think that there ought to be put in this bill, and in all other bills providing for the erection of edifices for the Government, such a provision.

[Here the hammer fell.]

Mr. HIBBARD. Mr. Chairman, I hope that the amendment will not be adopted. And while I am up I would refer to the objections of the gentleman from Delaware, [Mr. RIDGLE.] He seems to fancy that if these appropriations for marine hospitals and custom-houses are kept in the one bill it will not be practicable to get that bill before the House for consideration. Now I assure the gentleman that it was neither the object of the Committee of Ways and Means, in reporting these bills separately, to prevent this bill—for the building of custom-houses and marine hospitals—from being considered; nor will it be the effect of their action in that regard if we pass this bill by itself, before we take up the other. The gentleman will see that such cannot be the effect, if he refers to the eightieth rule, which directs that the general appropriation bill shall be in order in preference to any other bills of a public nature, except it is otherwise ordered by a majority of the House.

Now, Mr. Chairman, whether there be a general appropriation bill or not, it is competent for the committee, which is governed by rules like those which govern the House, to lay aside, by a majority vote, other bills, and to take up the bill providing for the custom-houses and marine hospitals. The majority can do it whenever they go into committee, if they so please to do.

I understood the gentleman from Delaware, or some other gentleman favorable to his side, to ask if I should so vote. I say in reply, that I deem myself bound, in courtesy and fairness, to vote in committee to take it up and consider it, with a view to action. I do not deem myself bound, however, to vote for the appropriations for marine hospitals and custom-houses. But the Committee of Ways and Means, governed by reasons which were clearly explained yesterday by the gentleman from Kentucky, [Mr. BRECKINRIDGE,] deemed it proper as well as expedient, in deference to the expressed will of the House, as they understood it, and in deference to the interests of all concerned, to separate these bills in this form from each other. They proposed by this means to have a fair and deliberate action in Committee of the House on both of them.

I had hoped that my friend from Delaware would have seen this matter in the light in which it has been regarded by the gentleman from Alabama near me, [Mr. PHILLIPS.] How stands he? He stands as a friend of these appropriations, desiring an appropriation for the city of Mobile—one of the most important points involved; one of the largest appropriations; and I might also add, one of the least objectionable. In my opinion, the appropriation asked for the city of Mobile is the least objectionable of the whole of these appropriations. In it he [Mr. PHILLIPS] is directly interested, as representing that locality; and yet, on looking at the subject from this point of view, he comes up here reasonably and patriotically, as it seems to me, and expresses his willingness, nay his preference, to vote on this bill by itself, and then to take up that, and these other appropriations, on their several merits.

Sir, that is a reasonable and patriotic view of

this matter, and I hope the Committee of the House will concur in the same view of it. If these appropriations are right, why then gentlemen need not lack confidence in the bill which contains them all. All these appropriations stand or fall, as a matter of right and as a matter of policy, upon their own merits. The gentleman from Kentucky [Mr. STANTON] also favors them, and believes that they have sufficient of merit and sufficient of strength to stand on their own bottom. Perhaps, sir, they have; perhaps they are stronger in a separate bill than if they were annexed to this one. I do not know how that fact may be, and I care not; because the question before us—the proper question on voting for or against this amendment—is not whether we are in favor of appropriations for marine hospitals and custom-houses, but whether we are for voting on them here attached to this bill.

That is the question which the committee will decide by their vote upon the amendment which has been offered by the gentleman from Kentucky, [Mr. PRESTON.] Now, that amendment embraces items to a large amount, something upwards of \$270,000, I believe, if it contains all the appropriations for custom-houses which were added to the bill when it was before the House the other day. I believe it does contain them all, since the amendment offered by the gentleman from Pennsylvania, [Mr. RITCHIE,] in reference to the custom-house at Pittsburgh, has been adopted.

A MEMBER. It amounts to more than \$270,000; it is more than \$400,000.

Mr. HIBBARD. The more the better for my argument. The gentlemen says more than \$400,000. My estimate was a very hasty one, but the precise amount is not material. They are a class of items peculiar to themselves. They are the class in which is involved almost all of the controversy which has arisen in regard to this bill; and I submit to the friends of these items, as well as to the friends of the whole bill, whether the right, proper, and parliamentary course to be pursued is not the one which the Committee of Ways and Means have recommended? Let us then vote down the amendment, and vote upon the bill.

[Here the hammer fell.]

The question was then taken upon the amendment to the amendment; and it was not agreed to.

Mr. CULLOM. I offer the amendment which I send to the Clerk, to come in at the end of the amendment offered by the gentleman from Kentucky, [Mr. PRESTON.]

The amendment was read, as follows:

For fitting up and furnishing Federal court-rooms in the cities of Nashville, Jackson, and Knoxville, in the State of Tennessee, to the city of Nashville \$50,000, to the cities of Knoxville and Jackson \$25,000 each.

Mr. CULLOM. I do not, Mr. Chairman, propose this amendment out of any hostility to the amendment offered by the gentleman from Kentucky, [Mr. PRESTON.]

Mr. BRECKINRIDGE, (interrupting.) I rise to a question of order upon the amendment. It is that the amendment does not relate to a deficiency, because there has never been any appropriation for those buildings. It is not therefore in order.

Mr. CULLOM. That is the ground of my complaint, and the very reason why I have offered the amendment. There has never been an appropriation made; if there had been I should not have asked for one now.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed bills of the following titles:

S. No. 180. An act to authorize the issue of registers to vessels owned by the Accessory Transit Company;

S. No. 238. An act to authorize the issue of patents to lands in any State or Territory in certain cases; and

S. No. 267. An act to establish a post road in the State of California.

In which he was directed to ask the concurrence of the House.]

Mr. CULLOM. I have offered this amendment—

Mr. BRECKINRIDGE. I submit again my question of order, that the amendment of the gentleman from Tennessee, is not in relation to a deficiency, as no appropriation has ever been made for the works named in his amendment.

The CHAIRMAN. The Chair decides that

the question of order is well taken, for the reason assigned by the gentleman from Kentucky, and admitted by the gentleman from Tennessee.

Mr. CULLOM. I believe I will not appeal from the decision of the Chair; although I think a great deal of injustice is done to my State. [Laughter.]

The CHAIRMAN. The question now recurs upon the amendment of the gentleman from Kentucky, [Mr. PRESTON.]

Mr. DISNEY. I desire to offer an amendment just here, for the purpose of hanging a remark or two on it, and therefore I have not much care for the form of it. I move to increase the appropriation five dollars.

An unfavorable impression has been made upon the minds of many members upon this floor, in consequence of the fact that in many places these buildings have cost more than the original estimates. But I am very sure that if gentlemen will recur to the fact, which they must know, of the very general increase of prices in relation to everything, they will see that an increased cost of constructing these buildings everywhere must follow; and consequently, though the original appropriations were amply sufficient at the time they were made, yet at this time they are incompetent to effect the object contemplated. So much for the cause of the applications now. So far as I understand them, they have originated most generally with the Secretary of War.

After all the discussions upon the floor in relation to custom-houses, I put the question directly home to every gentleman here whether he has heard the first clear, valid reason given why these appropriations should not be made. There, included in your official documents, are the recommendations of the Secretary of the Treasury, and the reasons given by him, showing the necessity of making such appropriations. Is there a gentleman upon this floor who, after all this debate, can go home and give his constituents a sensible and definite idea of the reasons operating upon this Congress why appropriations in regard to these custom-houses should not be made? Has he heard any such reason upon this floor? Has any such reason been given by the Committee of Ways and Means? They desire to cut down these appropriations. Why is there any necessity for giving half a million of dollars for appropriation for the city of New York, when \$300,000 is denied to the entire valley of the Ohio and Mississippi? Recent developments in this House have shown, upon the part of the older States of this Union, an inveterate hostility towards the new States of the Union, which, for one, I am prepared to encounter, and mete measure for measure.

I pity the gentleman from Delaware, [Mr. RIDGLE,] who, representing one of the older States, is caught in company with the new States on this question, for there are but two of the older States interested in the pending amendment. The estimate of \$300,000 provided for here is intended for the new States of this Union. According to the action which the House has recently exhibited they are not to have that measure of justice which the older States claim for themselves.

The gentleman from Delaware will illustrate the fate of poor Tray. If he had found himself in company with the gentleman from Providence, and had kept himself there, he might have found his custom-house alongside of the custom-house which is already carefully provided for in the existing bill coming from the Committee of Ways and Means. Why is this? Why are these distinctions made? Why is the great valley of the Ohio and Mississippi to be charged with *loading down* the deficiency bill, because they ask \$300,000 for necessary purposes? This appropriation is proposed in accordance with the recommendations of your highest financial officer, and yet an appropriation for a larger amount in one of the older States, unwarranted by law, is carefully provided and cared for by your Committee of Ways and Means in the deficiency bill, which they present to this House. In view of these facts, I again put the question directly to every gentleman upon this floor, when he returns home to his constituents, what satisfactory reason he can give them for such an unjust discrimination as is attempted by appropriating for the Providence custom-house, and excluding appropriations for those in the West?

Mr. BRECKINRIDGE. I have to express my regret at the course of remark the gentleman from Ohio [Mr. DISNEY] has chosen to indulge in

upon this occasion. I had hoped that no gentleman would have undertaken to stimulate still further the sectional feelings which have been manifested during the last two days in the discussion of a general appropriation which belongs to the whole country, and in which the whole country is interested, because it is for the purpose of carrying on a common Government.

I will not follow my friend from Ohio in debating the merits of these custom-house appropriations. Gentlemen of the committee know what my own opinions are, and what my votes have been upon this measure. But, sir, the point is not whether this amendment should receive our sanction as an independent proposition, it is whether we should ingraft it upon this bill, admonished, as we are, by the fate of the former deficiency bill, which was defeated in the House with this amendment ingrafted upon it.

But the gentleman from Ohio draws a distinction between the appropriations made for the benefit of the East and West, and he speaks of the Committee of Ways and Means as having provided for the wants of the East, while those of the West have been neglected. He speaks of the custom-house in Providence, Rhode Island, having been provided for in this bill, while we have left out those in the Mississippi valley. Sir, that appropriation was inserted on the bill upon entirely different grounds from those on which these custom-house appropriations in the amendment of my colleague are placed, as I will show the gentleman, if I have time in my five minutes. At the last Congress \$50,000 were appropriated for the purchase of a site, and the erection of a custom-house at Providence, Rhode Island. It is a part of considerable importance. Some \$60,000 or \$70,000 revenue are yearly collected there, and some eighty or ninety vessels are entered there every year.

Upon examination, it was found that a suitable site could not be purchased for less than \$40,000, and therefore nothing has been done in reference to the purchase. But the whole matter is set forth in the seventh page of the printed report from the Treasury Department, which I hold in my hand, and from which I will read.

“On a full examination of the city of Providence, no suitable site could be obtained for a new custom-house for a less sum than \$40,000; and if a new custom-house is to be erected, it would be bad economy to build on an improper site.”

“The Department being satisfied that a proper site will cost that amount, has asked for \$24,000 in addition to the \$16,000 already appropriated, in order to bring the subject to the attention of Congress, and recommending the appropriation for that purpose and for that amount.”

Nothing has been done with the appropriation made during the last Congress, and nothing can be done unless an additional appropriation be made; and it is, therefore, a clear deficiency. The amount we have inserted in the bill is intended to purchase the site, and has nothing to do with the erection of the buildings.

Mr. DISNEY. Do I understand the gentleman from Kentucky as enforcing before this House the necessity or propriety of making provision for the purchase of sites for custom-houses where the erection of the buildings have not commenced, and as objecting to the completion of those which have already been commenced?

Mr. RIDGLE. To their completion in a fire-proof manner.

Mr. BRECKINRIDGE. The gentleman from Delaware very well remarks that it is to complete them in a fire-proof manner. I think my friend from Ohio had better not draw me into a discussion upon the point he presents, for I am a friend to custom-houses, and in favor of the bill which we have reported, making appropriations for them. I would prefer not to answer the question the gentleman asks at this time; but if he presses me to the wall, I will answer him.

Mr. DISNEY. I hope the gentleman will answer it now.

Mr. BRECKINRIDGE. I will answer the gentleman in this way, and it is also an answer to my friend from Virginia: the custom-houses for which these appropriations are asked in the independent bill which we have reported can be built without one dollar of additional appropriation; and if Congress does not choose to grant these appropriations, the plans on which they are estimated will simply have to be cut down. The buildings can be completed for the amounts already

appropriated, although it is true that they cannot be so well and thoroughly completed as if this appropriation is made.

I repeat, that I am in favor of the appropriations, because I think they are necessary to complete the buildings in the most perfect manner; but if Congress refuses to grant them, it will not stop the work.

The question was then taken on Mr. DISNEY's amendment to the amendment, and it was rejected.

Mr. PERKINS, of Louisiana. I intend to vote against all these appropriations for custom-houses.

The CHAIRMAN. Does the gentleman from Louisiana propose an amendment to the amendment?

Mr. PERKINS. Yes, sir; I move to decrease the appropriation for the custom-house at Cincinnati five dollars.

I intend to vote against all these appropriations for custom-houses, and in favor of all those for marine hospitals; and as I have much more to say than I can express in five minutes, I will speak rapidly, giving only a few figures, and embodying the rest in the report of my remarks.

Mr. TAYLOR, of Ohio, (interrupting.) Before the gentleman from Louisiana proceeds with his remarks, I should like to hear his amendment read.

Mr. PERKINS. I will withdraw the amendment I have offered, and move to amend the amendment by striking out all in relation to custom-houses, so as to leave only the appropriations for marine hospitals. I do this because I intend to vote against all the appropriations for custom-houses, and in favor of all those for marine hospitals which have not been built, on conditions attached to former appropriations, that no more money should be appropriated to them.

I dislike the very idea of a deficiency bill. The name itself suggests a wrong—a want of forecast—an error somewhere. There are instances, and they occur every year, when deficiencies are necessary and should be supplied before the period of the regular annual appropriation. But, as was remarked by the gentleman from Virginia, [Mr. BAYLY,] and as is verified by the legislation of the country, this accidental and casual provision, originally the result of a temporary necessity, has grown into a principle, and from it has resulted that, instead of having one annual general appropriation bill passed at the end of each session, we have in fact two; and amendments offered to one and rejected, after discussion, are frequently tacked on to the other.

I dislike the bill for another reason: The estimates in it are too large. We have now a large surplus in the Treasury. Under ordinary circumstances, there is a care imposed upon us by our necessities. At this time the reverse is the case; and while everything stimulates to extravagance, it is prudent—it is becoming—that the Democratic party, now that we have a Democratic Administration, after having preached economy throughout the country, and assailed the extravagance of the Whigs, should take care that the expenditures of the present do not exceed those of the last Administration. I am in favor of a wise, not a niggardly economy; and I never did indulge in abuse of Mr. Fillmore's administration in this respect. On the contrary, I think its estimates compare favorably with the appropriations proposed in this bill. His last deficiency bill, as passed, was less than the first proposed under this Democratic Administration.

But I have a greater, and, with me, a more influential reason for opposing the provisions of this amendment. It is, that in connection with every one of these works, there are conditions precedent which preclude their supporters from asking any further appropriations.

The gentleman from Ohio [Mr. DISNEY] asks, how could any gentleman living on the banks of the Mississippi, or in the West, go home and give a reason that would bear examination for voting against the amendment. Sir, I find that in 1851 an appropriation of \$75,000 was made for the purchase of the site and construction of the gentleman's custom-house at Cincinnati, with the express condition that the whole cost should not exceed that appropriation. This amendment proposes to exceed that sum \$15,000.

In the case of the custom-house at St. Louis, there are actually, in two different years, condi-

tions precedent to the use of the money then appropriated, that they should not receive another dollar. In 1851, \$50,000 was appropriated, with a proviso that the whole cost should not exceed that sum. In 1852, a further appropriation was made, with the same condition; and yet, in spite of those two conditions precedent to the use of the appropriation, in 1853 there was appropriated \$115,000 for continuing that very work, and the present amendment proposes to add \$100,000 to that!

In the appropriation for the custom-house, treasury, and other offices in Louisville, the case will be found to be exactly similar. We provided for the site and construction of a custom-house, post office, court-room, and other offices, provided the whole should not exceed the amount appropriated. That was in 1852, and yet they now come here in the deficiency bill, alleging that the Government will suffer a loss if a further appropriation for the building is postponed even to the close of the session. In this way, Mr. Chairman, I might proceed through the whole bill.

Where is this thing to stop? The former chairman of the Committee of Ways and Means [Mr. BAYLY] said that within his experience it had been going on and on until it had become an evil which ought to be checked. We have a Democratic House of Representatives, with more new members in it than have been in any House within the last ten years. We have a new Administration; one that came in pledging economy. Now is the time to practice it. The figures that I give to the House are drawn from a careful examination of the acts of Congress, and are, I believe, strictly correct.

St. Louis Custom-House.

1851. For site and construction of fire-proof building—to be used as treasury, and for other offices—the whole not to exceed, \$75,000, \$50,000

1852. For same—no part to be expended unless the appropriation will complete the work..... 25,000

1854. For continuing construction..... 115,000

The amendment of the member from Kentucky [Mr. FARRON] proposes to appropriate in the present deficiency bill the additional sum of.....\$100,000

Mobile, Alabama, Custom-House.

1851. For site and erection of custom-house, in addition to such sum as may be received for old custom-house, the whole cost of plan and building not to exceed the appropriation, or for repairs of old custom-house, \$100,000

The amendment now proposes to give in addition.....\$65,000

Cincinnati Custom-House.

1851. For site and construction of custom-house, treasury, and other offices, not to exceed in cost \$75,000..... \$50,000

The amendment now proposes an additional grant of.....\$40,000

Louisville Custom-House.

1852. For site and commencement of custom-house, post office, court rooms, and other offices: Provided, The whole not to exceed the appropriation made..... \$75,000

The amendment now proposes an additional grant of.....\$40,000

Bangor Custom-House.

1851. For site and erection of custom-house, cost of building not to exceed sum appropriated, \$50,000

1854. For completion of foundation, and to connect with the shore..... 15,000

The amendment now proposes, in addition, a grant of.....\$30,000

Bath, Maine, Custom-House.

1851. For the site and erection of custom-house, the entire cost of site and building, or of repairs to old custom-house, not to exceed \$25,000

1854. To complete custom-house..... 12,000

The amendment now proposes to grant, in addition.....\$30,000

Wilmington, Delaware, Custom-House.

1853. For purchasing a site and constructing a suitable building for custom house, post office, court rooms, and other offices of the United States, provided the Secretary of the Treasury can purchase site, and erect building for sum appropriated..... \$25,000

1854. For construction of custom-house, in addition to sum appropriated August 31, 1852, 3,500

The amendment now proposes, in addition, to grant.....\$12,000

Cleveland, Ohio, Marine Hospital.

1851. To complete marine hospital..... \$8,000

1852. For furnishing marine hospital..... 12,000

1853. For draining site, heating and watering hospital..... 2,000

The amendment now proposes to grant, in addition.....\$25,000

St. Louis, Missouri, Marine Hospital.

1852. To complete hospital..... \$23,806

1853. For draining site, and heating and watering hospital..... 13,000

1854. For continuing construction of hospital.... 20,000

The amendment now proposes, in addition, to grant.....\$10,000

Chicago, Illinois, Marine Hospital.

1851. For completion of marine hospital..... \$15,000

1852. For completion of marine hospital..... 4,713

The amendment now proposes, in addition, to grant.....\$8,000

Louisville, Kentucky, Marine Hospital.

1851. For completion of hospital..... \$5,000

1852. For marine hospital..... 7,000

1853. For draining site, heating and watering hospital..... 2,005

The amendment now proposes, in addition, to grant.....\$12,500

Paducah, Kentucky, Marine Hospital.

1851. For completion of marine hospital..... \$7,625

1852. Do. do. do. 11,000

1853. For draining site, watering and heating hospital..... 2,000

The amendment now proposes, in addition, to grant.....\$5,000

Evansville, Indiana, Marine Hospital.

1851. For construction of marine hospital..... \$10,000

1852. For continuing construction of marine hospital, provided it cost only..... 15,000

1854. For completion of marine hospital..... 20,000

The amendment now proposes, in addition, to grant.....\$2,000

San Francisco, California, Marine Hospital.

1853. For completion, arranging grounds, fences, &c..... \$130,000

The amendment now proposes, in addition, to grant.....\$44,000

In Fillmore's Administration—Deficiency Bill.

Fiscal year ending June 30, 1850.....\$2,574,116 63

" " " " 1851..... 3,237,531 36

" " " " 1852..... 5,431,993 50

" " " " 1853..... 2,354,154 89

Now asked as a deficiency.....\$2,497,000 00

The amendments proposed will increase this..... 400,000 00

\$2,897,000 00

The amount expended on Custom-Houses during the last four years in the general appropriations.

For fiscal year ending June 30, 1851.....\$763,131 71

" " " " 1852..... 893,000 00

" " " " 1853..... 652,000 00

" " " " 1854..... 874,990 00

Total.....\$3,183,121 71

Add amounts proposed to be embraced in present deficiency bill..... 494,379 40

Making the sum total of.....\$3,677,501 11

expended on custom-houses in the United States June 30, 1849—that is, in less than five years.

Amounts appropriated to marine hospitals in—

Fiscal year ending June 30, 1851.....\$174,308 42

" " " " 1852..... 105,427 05

" " " " 1853..... 173,563 48

" " " " 1854..... 48,000 00

For marine hospitals in four years.....\$501,298 95

To this should be added..... 200,000 00

appropriated in 1851 for sick seamen and for finishing five marine hospitals. \$701,298 95

Mr. DISNEY. I desire, Mr. Chairman, to say a word or two by way of reply. The arguments the gentleman has adduced against the particular case which he mentions of the custom-house at Cincinnati, apply with their whole force to every item of the deficiency bill. How came the deficiency bill here at all? Were not all the other appropriations specially limited and provided for in the preceding acts of Congress? Did not these officers specially state in regard to all these cases, that the amounts then estimated for would be sufficient? Did not Congress act upon them, and do they not come here again? Does not the Committee of Ways and Means ask this body to make additional appropriations to the amount of millions? That is your deficiency bill itself. Every fact, every argument, every reason which the gentleman from Louisiana [Mr. PERKINS] has adduced against the practice pursued in reference to

these custom-houses, applies with all their force and power to the deficiency bill.

Mr. PERKINS. I will suggest to the gentleman a difference. If I understand this bill, it contains an appropriation for the Navy, which is founded on the rise in the price of coal.

Mr. DISNEY. I have only five minutes, and I cannot yield further to the gentleman. I remarked that the cost of all building material has been on the rise for the last two or three years. The price has increased immensely. The increase has defeated all estimates in regard to the subject.

There is another view which I wish to impress upon my friend from Louisiana. These appropriations are not asked for by the immediate representatives of the particular districts. They come, as I understand them, and as I know them to be in the case of my own district, unasked for. The first personal knowledge that I had of them, was in reading the report of the Secretary of the Treasury, and that was after this discussion arose. It was the uninfluenced action of the Secretary of the Treasury, in view of the necessities of the public interest.

He announced in the particular case of Cincinnati, that \$45,000 more ought to be appropriated to make a fire-proof building. I did not ask him for it, nor do I know that anybody within my district knew that he would recommend it. The Secretary of the Treasury knew the condition of the building, and the importance of having it fire-proof. All these matters are exceedingly simple. There are some \$350,000 recommended for matters of necessity, and by a man who, I think, of all others in this Republic, is best calculated to judge of them.

The gentleman talks about an economical Administration. Why this is the recommendation of the Administration itself, and we are sustaining the Administration when we are claiming that its estimates should be regarded, and not set at naught; and set at naught, as I remarked before, without any solid and cogent reason except the general idea of reduction.

Now, my friend from Kentucky [Mr. PRESTON] argued in this matter, and undertook to show to the House the propriety of defeating the appropriation for the custom-house at Providence, where no money had been expended, and where there was no necessity to expend any just now, in order to secure the construction of one at another point. That is all he did. In the case of the buildings provided for in the amendment offered by the gentleman from Kentucky, [Mr. STANTON,] it is asked to make these appropriations in such a manner as to secure the construction of those which are authorized at the original estimated cost. Here is a recommendation which applies not only to custom-houses and marine hospitals, but to all public buildings authorized by Congress to be constructed. From the showing of my friend from Kentucky, it would appear that—

[Here the hammer fell.]

The question was put on the amendment to the amendment, and it was not agreed to.

Mr. SMITH, of Virginia. Mr. Chairman, I move to strike out the whole of the amendment offered by the gentleman from Kentucky, [Mr. PRESTON,] except that portion of it which has reference to the marine hospital at San Francisco.

I suppose, sir, there is no necessity to report the amendment. It is understood by the House; and I make it for the purpose of raising a test in this committee. If my motion succeeds, the whole of the present difficulties will be removed from the consideration of this committee.

The question now presented to us is distinct. It is, Does this committee mean to permit this bill for appropriations for custom-houses and light-houses to be embraced in the deficiency appropriation bill or not? That is the question. Will this committee, after the experience they have had on this very subject, allow themselves to be bamboozled and bothered by the movements that are now being made? What is the history of this subject? This same bill, or a bill the same in substance, was up before the committee several weeks ago. It was amended in various forms by the propositions of the gentleman from Kentucky, [Mr. PRESTON,] and others; and after these amendments were adopted, the bill itself was rejected by a vote of nearly two to one. The question now is whether we are to play the same game over again, and whether we shall go on in the same manner. The

Committee of Ways and Means have reported two bills so as to separate these questions, knowing well that one part of them rests upon different principles from the other portion embraced in the original deficiency bill. And the question now is: Will the gentlemen of this House embarrass the Government, and frustrate claims on the Treasury by the adoption of the amendments which are proposed to the bill? I think it is one of those propositions which commends itself to their responsibility as legislators. For it is well known, that on a former occasion a portion of the gentlemen of this House declared that the Democratic party here should be responsible for these bills. And the question now is, whether they will take that responsibility or not. I hope that the Democratic party in this House will not allow themselves to be embarrassed by the proceedings now on hand; but that they will set their faces against it, vote for the proper legitimate appropriations, and leave these other questions presented for their deliberation to the settlement of the committee.

Mr. BENTON. I wish to recall the House to a recollection of the question. I think we have got wide of it. It seems to be taken up as a question of exceeded appropriations—of contracts for more than was allowed—of deficiencies created by disregarding the laws already passed. Not so the fact. All that I believe to be a mistake; and that it is only a question of changing material, and of making durable and indestructible edifices, instead of those which are to burn down or rot down. The former appropriations were for destructible buildings. We think it economy to change that plan, and to have them proof against fire and speedy decay. That is the opinion of the Secretary of the Treasury, who has fairly proposed the change of plan and material, and given his reason for it, and left it to Congress to act upon these reasons. If the change is not sanctioned by Congress, the buildings go on as at first proposed, costing less money, and lasting less time; if sanctioned, then the more valuable buildings will be constructed. Nothing is to be done without the consent of Congress; and its consent to the change of plan and material is now asked, and respectfully asked, and upon reasons rendered; and the only question is, will Congress agree to the change, and give the further sum which the improved plan requires? I think it should, and for the reasons heretofore given, and not necessary to be repeated. There has been no violation of law, no making contracts beyond appropriations. The member from Kentucky [Mr. BRECKINRIDGE] gives, as a reason for the providence which is given to the Providence, Rhode Island, custom-house, in putting it into the bill from which the western custom-houses are dropped, that the port there yields revenue—\$60,000 to \$70,000 of annual revenue. Why, sir, the port of St. Louis nearly yields that much monthly—I am informed \$50,000 a month—and is constantly and rapidly increasing. And now, Mr. Chairman, seeing that this is a question of changing a worse to a better plan, and that there is no censure for exceeding appropriations, it is hoped that the same will be given as on the former day, and these western custom-houses and marine hospitals placed again in the bill from which they have been dropped by the Committee of Ways and Means, after having been placed there by the vote of this House.

The question recurring upon the adoption of the amendment to the amendment—

Mr. SMITH, of Virginia, called for tellers; which were ordered; and Messrs. WASHBURN, of Maine, and CHURCHWELL were appointed.

Mr. SMITH. The committee will see that the object of the amendment is to have a test.

[Cries of "Order!" "Order!"]

The question was then taken; and the tellers reported—ayes 62, noes 64.

So the amendment was not agreed to.

Mr. PERKINS, of Louisiana. I move to strike out of the appropriation for St. Louis the words "five dollars."

I do so, Mr. Chairman, for the purpose of replying to the remarks of the representative from St. Louis, [Mr. BENTON.] I listen with respect to anything that is the result of that gentleman's experience, but I must confess that I cannot understand the question of ethics which he presents to this House.

He tells us that there is no violation of any obligation in further appropriations for particular

custom-houses that have recently received appropriations on the express condition of not asking more, and that they would be completed with the amount appropriated, and yet come here urging their very incompleteness as the reason for another additional appropriation.

We were told, the other day, Mr. Chairman, that this evil, great as it now is, was but small in its inception; and the former chairman of the Committee of Ways and Means, turning to this House, composed of younger members, asked, I thought with much force, how and when the evil was to be stopped? Will there ever be a better time? When I look into the terms of former appropriations for the custom-house at St. Louis, I am astonished to find any gentleman maintaining that there is no moral obligation upon the Government connected with the matter. I had supposed that the same obligation rested upon the Government to fulfill its own declarations as upon the part of individuals, and that it but imperfectly acquitted itself of its duty towards its citizens, if it did not equally insist upon the discharge of obligations assumed towards itself. Especially, sir, is this the case in financial matters.

Now, in the matter of the St. Louis custom-house, I find that in 1851 \$50,000 were appropriated for its construction, on the express condition that the whole cost should not exceed \$75,000, and that, in 1852, as if to make the obligation unusually impressive, Congress gave the remaining \$25,000, to complete the original sum of \$75,000, and repeated the condition, "No part to be expended unless the sum appropriated will complete the work." Could language be clearer, and does it mean nothing?"

Although it was thus explicitly stated that no part of the appropriation should be expended unless it were ascertained that the whole sum appropriated would be sufficient to complete the building, but one year passed before this condition was forgotten; and we find another appropriation, made last summer, of \$115,000, for continuing the construction of this same building.

And now, at the commencement of a new Congress, without even waiting for the regular general appropriation bill, and under the plea of a deficiency, we are asked to make another appropriation of \$100,000 for the completion of this same building. Sir, I regret that I am compelled to see, I wish I did not see, a moral principle involved in this question.

I remarked, when I was up before, that I would vote for the construction of marine hospitals, but that I would not, under the circumstances, for custom-houses. The difference is this: These marine hospitals are for the benefit of the sailor, whom you tax twenty cents each per month out of his wages. No matter where he is, whether on the western waters or on the northern lakes, or in the regions of the north or south pole, you still compel him to pay \$2 40 per annum for the purpose of erecting and maintaining these hospitals; and it is but justice to give him the advantage of them.

Mr. PRESTON. We might just as well make a test question of this amendment now pending as of that which the gentleman from Virginia [Mr. SMITH] submitted some minutes since, which was voted down by the committee. If my amendment be put in the bill, it will place it precisely where the Administration majority were most anxious it should be placed; that is, where it may be passed through the House without difficulty.

If it be necessary that guards shall be thrown around the Treasury, I am prepared to bring forward the guard which has been reported by the Committee of Ways and Means itself, as an additional section to the bill. I seek no unfair advantage here. I am a friend of these custom-house appropriations, and I desire to see them provided for in this bill. I was surprised to find that the gentleman from Alabama [Mr. PHILLIPS] should approve of the course taken by the Committee of Ways and Means, in reference to this matter, in reporting these items in a separate bill. For my own part, I should have no special objection to that course, if we could be sure of securing them there. But we have received no pledge from the Committee of Ways and Means that they will pass the custom-house bill, or that they will give it their support after they have received our assistance to pass this deficiency bill.

Mr. BRECKINRIDGE. I hope my colleague

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

SATURDAY, MARCH 18, 1854.

NEW SERIES.....No. 42.

will allow me to say a word in reference to that point.

Mr. PRESTON yielded the floor.

Mr. BRECKINRIDGE. The Committee of Ways and Means, Mr. Chairman, can make no pledge to pass the custom-house or any other bill, but—

Mr. PRESTON. I understand the point my colleague would make, and I cannot give way further. I desire in this matter nothing more than that the original motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] shall be carried into effect. It will be recollected that my colleague endeavored to have these two bills sent to the committee as a joint report, but that they were separated by the objection of a member of this House; and it seems to me no more than fair that the Committee of Ways and Means should now remedy, as far as they can, the failure made by them when the bills were reported.

Why, then, did not the Committee of Ways and Means move to bring up the custom-house bill first, and pass it, and then proceed with the deficiency bill? Since they made a blunder in the first instance, in not making a joint report of the bills, as they intended, why did they not remedy it in that way? Gentlemen tell us that the other bill will be taken up when this is disposed of. I do not doubt that my colleague [Mr. BRECKINRIDGE] will be for taking it up, for I know that he is true to his word when he gives it. But why are we to wait till that time? Simply to gratify a caprice of the Committee of Ways and Means.

Why, sir, if any instruction was given by the House to that committee, it was to report back these appropriations for custom-houses, which, after being fully discussed *seriatim* in Committee of the Whole, were severally engrafted on the bill, and afterwards confirmed by the House by the yeas and nays when the bill was reported back to the House. Now, we can report this bill before the adjournment this afternoon. The gentleman has the power to pass the bills this afternoon, in my belief, exactly in the shape in which the Democratic majority of this House endeavored to obtain it by reconsiderations, and every other legislative means, after the former bill fell.

There is no substantial reason that has yet been urged upon this floor against the utility of the construction of these custom-houses, or against the appropriation of the sums asked for by the Secretary of the Treasury, and there is no parliamentary impropriety in uniting the two bills, and letting them pass as former deficiency bills have passed.

The question was then taken on Mr. PERKINS's amendment to the amendment, and it was rejected.

Mr. BRECKINRIDGE. I do not intend to consume the time of the committee. I think that the views of the committee which I have the honor to represent, as well as my own views, have been sufficiently explained.

The CHAIRMAN. Does the gentleman from Kentucky propose an amendment?

Mr. BRECKINRIDGE. I move to reduce the appropriation for the custom-house at St. Louis ten dollars.

My colleague [Mr. PRESTON] says that it is in my power, or in the power of the Committee of Ways and Means, to pass this bill before the House adjourns. I suppose he means, by accepting his proposition to put the custom-houses into the deficiency bill as we have reported it. Sir, we take different views of this subject. He is a friend of these appropriations, and so am I; but I take a different view of the subject. I am obliged to do it, because I am admonished by the fate of the former bill, which was matured in the exact form in which he proposes now to mature this one, and which was defeated, not by a tie vote, but by a vote of nearly two to one—

Mr. PRESTON. I would ask the gentleman if there are not guards thrown around the expenditure of the appropriations by this amendment which were not in the former bill, and the absence of which, I think, contributed to its defeat?

Mr. BRECKINRIDGE. There are certainly some additional guards which I hope will be put upon the custom-house bill when it comes up, if it is to be passed; but I do not think those guards would have changed any vote in the House on the former deficiency bill.

If the Committee of Ways and Means were instructed in anything, it was not to bring right back to this House the bill which had been rejected by an overwhelming vote; and they would have justly subjected themselves to the censure of the House if they had thrown back in its face that bill which had just been defeated by a vote so decisive and overwhelming.

Mr. STANTON, of Tennessee. With the gentleman's permission, I will make a suggestion to him. If he will move to lay aside the present bill for a few moments, and to take up the other bill which has been reported, I think that all difficulty will be avoided.

Mr. BRECKINRIDGE. Does anybody suppose that I would have the face to get up before this body and ask it to lay aside the general deficiency appropriation bill to take up an independent bill, containing appropriations for a few places? I say, with great respect for the gentleman, that the committee would laugh at the proposition. They would not think of accepting it.

Mr. STANTON. I think that the committee would accept it without hesitation.

[Cries of "Make the motion!" "Try it!"]

Mr. BRECKINRIDGE. I will not make the motion. The time is past when I could make any change in the line of policy which the Committee of Ways and Means have thought it their duty to adopt. I must adhere to it.

Mr. OLIVER, of Missouri. I will, with the gentleman's permission, ask him a question. I understood him, on yesterday, to remark that he had no doubt that there was a majority of the body in favor of the passage of a bill making appropriations for custom-houses.

Mr. BRECKINRIDGE. I do believe there is a majority in favor of it.

Mr. OLIVER. Then, if the gentleman so believes, let me ask him why he objects to connecting them with the ordinary appropriations?

Mr. BRECKINRIDGE. I will answer the gentleman by referring him to my remarks made to the committee yesterday.

Mr. OLIVER. If there are a majority in favor of the custom-house appropriations, then, by putting them in the deficiency bill, there will still be a majority in their favor.

Mr. BRECKINRIDGE. I understand the gentleman's question. I will briefly answer him, that a majority was indicated in favor of the custom-house appropriations before on a separate vote; but a majority was indicated against the bill which contained those appropriations with others; and I am admonished by the action of the House that a majority will be found against such a bill again, though I believe a majority is in favor of the custom-houses in a separate bill. The gentleman can easily understand how it may be, by the peculiar combinations and coalitions which, unhappily, often take place here, that a majority may be found for a variety of propositions, independent one of another, though they may all fail when in a lump; and this was signally illustrated in the fate of the former deficiency bill. I can make no change, sir.

Mr. CRAIG. I rise, Mr. Chairman, to oppose the amendment offered by the gentleman from Kentucky. My friends from Tennessee and Missouri [Mr. STANTON and Mr. BENTON] desire to narrow this question down to a single point; and that is, whether these buildings are to be built fire-proof or not, and therefore they desire to put those who voted against the custom-house appropriations in the predicament of wanting the Government to have buildings for those important purposes which were not fire-proof. Now I think that I can satisfy these gentlemen themselves that they have done injustice to those who voted against the appropriations for custom-houses; and in order to do it, I need only refer to the speech which was

made by a member of the Committee of Ways and Means [Mr. BRECKINRIDGE] when this question was up before. What was that speech? Why, sir, that there had been appropriations made for the construction of the custom-house at Louisville to the amount of \$174,892; that \$16,000 of it had been laid out for the purchase of a site, and that \$6,000 was used for the purpose of excavation, thus leaving \$155,892 to be employed in finishing a custom-house—for who? Why, for one surveyor, and, according to the statement of the gentleman from Kentucky, [Mr. STANTON,] thirty-two clerks of the post office department.

Now, so far from this being a question whether the buildings shall be fire-proof or not, it is, I apprehend, whether you shall have substantial buildings for the use of the public officers, such as will meet with the wishes of the people of the country, or whether you shall have those merely for the purposes of ornament to the cities in which they are situated. Now, Mr. Chairman, can it be possible that any man in the world, who has the slightest acquaintance with architecture, can believe for a moment, that a house cannot be built perfectly fire-proof for \$155,000, after the site was purchased, and after the excavations were made? I apprehend that no architect would venture on such an opinion as that. But it is said here, that the building was commenced by the directions of the Secretary of the Treasury, and that, therefore, Congress must carry it out. Why, sir, the gentleman who presented the bill from the Committee of Ways and Means made a very different statement. The excavations were made, but the erection of the building was not commenced, and therefore they have a right to go on and erect it with the \$155,000, the amount of the original appropriation, and the building to be constructed at that cost will answer all the purposes for which it was intended.

Sir, I humbly apprehend that such a building can be constructed with the original appropriation, and for that reason I voted against this additional appropriation. And I also apprehend that the same reason will apply to every other appropriation of the same sort. I was a little astonished that my friend from Ohio [Mr. DISNEY] should have indulged in the course of remarks which he pursued. Why is it that upon all occasions we should have these appeals made to the North, or to the South, or to the East, or to the West? Why does any gentleman—particularly one so national in his views as I know the gentleman from Ohio to be—charge other gentlemen on this floor, who may have voted differently from him, with doing so because they entertained hostility to western interests? I assure the gentleman [Mr. DISNEY] that I am actuated by no such feeling. I entertain no such hostility to the western, or any other section of the country. I would have voted against this appropriation had it been for the East, as I did while it was for the West. In matters of that sort—I will not use the words of a most distinguished gentleman who knew no differences in country—I say, I know no difference in the different sections of this Union upon a question of this sort.

Sir, I was struck by two other remarks—one made by the gentleman from Kentucky, [Mr. STANTON,] and the other made by the gentleman from Ohio, [Mr. DISNEY.] Both these gentlemen seemed to think differently, and both ascribed different reasons for increasing the expenditures in the building of these custom-houses and marine hospitals. One of these gentlemen, the gentleman from Ohio, said that the increased expenditure was in consequence of the increased price of provisions; the other, the gentleman from Kentucky, who seems to be laboring under a kind of mania—if he will allow me to say so—on the subject of public buildings, especially those which are under the charge of military officers, charges that the increased expenditure is owing to the change of site and change of materials that was made from the original contract; and for the purpose of illustrating his position more clearly, he reasserted to-day what he has asserted here time and again,

and which I had not before the opportunity of contradicting: he asserted that the changes in respect to the Capitol extension had cost the Government \$2,700,000.

Mr. STANTON, (interrupting.) No; I merely said that it would ultimately cost that additional sum. I desire to correct a statement—

Mr. CRAIGE. The gentleman from Kentucky will have time to do so on another occasion, for he introduced a resolution referring that matter to one of the standing committees at the commencement of the session. The gentleman even raised a select committee on the subject, and when they report he can make a full explanation. I think the gentleman should have waited till then. I think it was but fair he should have waited to see the reports of these committees of investigation before he made this gratuitous assertion. He should have waited either for the report on the subject from the regular Committee on Public Buildings and Grounds, or from the committee which he himself raised. Let them report on the subject, so that the House may have the facts and figures upon which to form their opinions.

[Here the hammer fell.]

The CHAIRMAN. The question now is on the amendment to the amendment.

Mr. HESTER. I move that the committee do now rise.

The motion was put; and was not agreed to.

The question then recurred on the amendment to the amendment; which was not agreed to.

Mr. CAMPBELL. Mr. Chairman, I move to reduce the appropriations to Louisville and St. Louis five dollars; and I do so simply for the purpose of having an opportunity to make a remark or two on this subject.

I voted for these custom-houses when the deficiency bill was before the House on a former occasion. I believe they are necessary for the public good; but, nevertheless, I am not disposed to sustain this class of improvements, which are calculated to promote the commercial interests of this nation, unless we can have some guarantee that the attention of the legislators of the country will be turned to some other great national interest.

Now, sir, I am a Whig, [laughter,] and I believe in sustaining, by legislative acts, all the great and varied national interests of this country, of which I admit commerce to be an important one. I believe in promoting that other great interest, agriculture. I am in favor of legislating a little for the country as well as for the town. It was once said by some author, I do not recollect who—

[A Voice. Cowper.]

Mr. CAMPBELL. That "God made the country, and man made the town."

[A Voice. That was not Cowper. [Laughter.]

Mr. CAMPBELL. And the school-boy, when he was reciting it, made a slight mistake, and said: "God made the country, and the devil made the town."

Now, sir, I do not know but there was some force in that mistake of the school-boy. At all events, I come here representing a rural district—a constituency which has no direct interest in any of these custom-house appropriations—in any of these projects to improve the country. Their interest is all indirect. They have never asked for them at the hands of Congress, and probably never will. Well, I find every year, when I come here, that in this deficiency bill large appropriations are proposed for these city improvements. I do not see that they in any way directly interest the inland States. Not at all; and, in fact, I doubt whether this whole matter of having a deficiency bill is not all wrong. Congress makes an appropriation for a particular purpose, and the Departments go on and make the expenditure of the amount voted, and then come in and ask for more, under a deficiency bill. It is time, I think, that the whole system should be changed, and that the Departments should be given to understand that they have no power to do in these matters only what Congress has authorized them to do.

Now, sir, it has been suggested that this bill might be laid aside for the purpose of taking up the separate bill reported from the Committee of Ways and Means, making appropriations for the completion of these buildings. I should like, before either of the bills are acted upon, to have an expression of the sentiment of this House in relation to the improvement of our rivers and harbors,

and in reference to that great system by which it is proposed to facilitate and promote the agricultural interests of this country. I want to see some test vote taken, by which it will be made to appear that the interests of the farmer are legislated for as well as the interests of the merchant.

It is a very convenient thing, I know, to have an elegant court-room in Cincinnati, and at Mobile. It may be very proper to have elegant and finely-carpeted rooms, where members of the bar can sit at their ease, and try their causes; but, sir, it would also be a very comfortable thing for the farmers of the great Northwest to have railroads upon which they may transport their products to market. It is a very inconvenient thing, very inconvenient indeed, for the farmers out there to be stuck in the mud with their load of potatoes, and when they come here and ask for an appropriation for the purpose of taking the snags out of their rivers; and removing obstructions in their thoroughfares—

[Here the hammer fell.]

Mr. WENTWORTH, of Illinois. I am willing to refrain from speaking, and to stay here and dispose of this bill to-night; but I think I ought to say, nevertheless, that I am opposed to the amendment of the gentleman from Ohio, [Mr. CAMPBELL.] The great trouble with us, that we have too much distrust for each other. One side is afraid that the other will not play fair in the end. I believe that the honorable gentleman from Kentucky [Mr. BRECKINRIDGE] will move, when this bill is disposed of, that the House resolve itself into the Committee of the Whole on the state of the Union, and endeavor to take up and pass the custom-house and marine hospital bill in good faith. But what guarantee have I, when that bill comes before the Committee of the Whole on the state of the Union, that it will not be loaded down with amendments, as the Minnesota bill was the other day. Suppose some good Whig, who believes it his duty to carry out his creed whenever he can, should move to amend the bill by adding some article of the Whig platform upon it; what guarantee have I that some of my Democratic friends, who are anxious to defeat the bill, and thinking that the means will justify the end, will not, for the time being, vote to incorporate into the bill a National bank, or the distribution of the proceeds of the public lands; and then, when the bill comes into the House, our Whig friends will stand true, of course, and our Democratic friends upon this side of the House will desert their new allies, as they did upon the Minnesota bill? But where will be our custom-houses and our hospitals? I think the fairest thing we can do in this matter is to stand side by side in favor of all the estimates, as the Secretary of the Treasury wants us to do. Let there be no division in the Democratic ranks on this amendment! [Laughter.] Let the President of the United States, the Secretary of the Treasury, and the Committee of Ways and Means, all stand together; and then let the Democratic members of the House of Representatives back up the Committee of Ways and Means, when they back up the President and his Secretary of the Treasury. [Laughter.] I hope there will be no division in the party to-day.

I do not want it said that this Administration is a pica-yune concern, and that it dare not complete the custom-houses that Whigs began; that it dare not complete the hospitals to protect our sick sailors, that the Whigs began. Are marine hospitals incomplete, and custom-houses also incomplete, to stand as monuments of the meanness of the Democratic party? No, sir. I do not belong to any such party. I am for aiding them more than the Whigs ever did. I am far from withholding money for appropriations of this kind. I am in favor of voting it out liberally. The people will never ask how much money you have expended, but what have you done with it? If you have used it to a good purpose, they will sustain you; but if you have used it wrongfully, they will condemn you, however small the sum. If our friends will stand by the bill, we will put the appropriations for marine hospitals and custom-houses together, and pass them all; and, before the sun goes down, we will pass the bill if the House will only consent to remain in session.

[Here the hammer fell.]

The question was taken; and the amendment to the amendment was not agreed to.

Mr. TAYLOR, of Ohio. I move to increase

the appropriation for the custom-house at Cincinnati, Ohio, \$5,000.

Mr. Chairman, I have listened very attentively to the explanation made by the honorable gentleman from Kentucky who represents the Committee of Ways and Means upon this measure; and, for the life of me, I was not able to hear a single reason given why, if there is a single deficiency which should be supplied by the provisions of this bill, those for custom-houses and marine hospitals should not also be provided for by the same bill.

Now, sir, the Committee of Ways and Means come here and ask us to support the bill under consideration. Well, sir, I expect to vote for the bill, even if the amendment of the gentleman from Kentucky [Mr. PRESTON] should not prevail. I am for making the proper provisions for carrying on the machinery of Government, whether directed by a Whig or Democratic Administration. But we are asked to place in this bill an appropriation of \$530,000, which, in my humble judgment, is not a deficiency at all, for the purchase of a site for an assay office in New York.

Mr. HIBBARD. I rise to a question of order—

Mr. TAYLOR. I cannot give way. It must certainly be in order to reply to the arguments of a member of the Committee of Ways and Means; to which no objection was made.

Mr. HIBBARD. I insist upon my point of order. It is that the gentleman from Ohio is not confining his remarks to the explanation of his amendment.

The CHAIRMAN. The Chair cannot tell what application the gentleman will make of his remarks until he has been heard further.

Mr. TAYLOR. If the gentleman had waited a little he would have seen that my remarks were applicable to the amendment I have offered.

The CHAIRMAN. The gentleman from Ohio must confine himself strictly to the explanation of his amendment.

Mr. TAYLOR. So I intend to do. If the Democratic members of this House believed their Secretary of the Treasury, as I believe him, when he says that these are deficiencies—

Mr. HIBBARD. Has the Chair decided my question of order? I submit that the gentleman's remarks are irrelevant to the amendment he has submitted. He proposes to increase the appropriation contained in the amendment of the gentleman from Kentucky for the custom-house at Cincinnati \$5,000. I ask that the Chair shall decide the question of order.

Mr. TAYLOR. I am endeavoring to show that the appropriation for which I ask is a deficiency, according to the report of the Secretary of the Treasury.

The CHAIRMAN. The Chair cannot tell what application the gentleman from Ohio will make of his remarks to the amendment he has offered, and therefore cannot decide him to be out of order. The gentleman from Ohio will proceed in order.

Mr. TAYLOR. What I am endeavoring to show is, that these appropriations for the completion of custom-houses and marine hospitals are deficiencies, that they are as such recommended by the Secretary of the Treasury, and as such properly belong to a deficiency bill. And now for the proof.

I have before me a communication sent to the chairman of the Committee of Ways and Means, by the Secretary of the Treasury, dated January 3, 1854, in which the custom-houses at Cincinnati, Mobile, St. Louis, and the others provided for in this amendment, are particularly noted; and the report shows conclusively, not only the fact that deficiencies do exist, but also shows the importance of making these appropriations upon the part of Congress. I will read to the committee what the Secretary of the Treasury says in reference to the custom-house at Mobile:

"The Department considered that true economy required that a further appropriation of \$65,000, to carry out the original design, should be made; and consequently made the estimates therefor, feeling assured that when the facts were brought to the attention of Congress its necessity would be seen, and the appropriation made."

Can words show more palpably the existence of a deficiency in this case, than does this report of the Secretary of the Treasury? No, sir; in my humble judgment, the whole question resolves it-

self into this: Will you believe the Secretary of the Treasury, when he says that the appropriations for which he asks to complete the custom-houses and marine hospitals are deficiencies, or will you believe the majority of the Committee of Ways and Means, who with the same light you yourselves possess come here and tell you they are not? The Secretary of the Treasury says they are; and the majority of this House, as regards every item contained in the amendment of the gentleman from Kentucky, have expressed the deliberate opinion that they are; and yet we are asked to reverse the former position of the House, expressed by repeated votes, and to reject this amendment, because the Committee of Ways and Means think the appropriations are not deficiencies. Now, I say to the members of this committee, that I believe they will never get a dollar for one of these custom-houses and marine hospitals if this bill passes, and does not contain these appropriations. I differ with the gentleman from Kentucky, [Mr. BRECKINRIDGE.] It is not the design ever to give a dollar for any such purpose, if the bill now under consideration passes.

Mr. OLIVER, of Missouri. I think, sir, that I am as sincere a friend to river and harbor improvements as my honorable friend from Ohio, [Mr. CAMPBELL.] I nevertheless favor appropriations for custom-houses.

It does appear to me remarkably strange, that after the Secretary of the Treasury—of a Democratic Administration too; and if the Democrats are distinguished for any one thing above another, it is for an economical administration of the Government—that after a Democratic Secretary of the Treasury, in pursuance of law, and in obedience to his duty, has recommended to this House these appropriations for the completion of custom-houses, gentlemen should rise here and denounce him and charge him with the wildest extravagance. I say to the Democracy in this Hall: if you choose to do so, do it—denounce your Democratic Administration as extravagant. But they have been invested by law with the duty of recommending these estimates and these appropriations, and why should we not adopt them?

Sir, the gentlemen who oppose these appropriations have not furnished the House with one solitary reason, one argument, one fact, one particle of proof, to show that they are extravagant and unnecessary.

What is the history of this matter? Why, sir, a few weeks ago this deficiency bill was under consideration in the House, and amendments making appropriations for every one of these custom-houses were adopted. After those amendments were adopted it was proposed to scuttle the whole bill, and forsake it. It was done. The bill was then referred to the Committee of Ways and Means; and that committee reported back two bills instead of one. The honorable gentleman from Kentucky [Mr. BRECKINRIDGE] opposes the union of the two bills, because he says he thinks that, while they may pass separately, they cannot pass unitedly. I would ask the honorable gentleman what he means by such a statement as that? If these appropriations for custom-houses have friends enough upon this floor to pass them separately, the ordinary appropriations surely have friends enough. If, then, they are united, does it necessarily follow that they will be defeated? I would like the gentleman to answer that question. It cannot be answered in the affirmative consistently with reason and with sound logic. If these appropriations have friends enough to carry them separately, and the ordinary appropriations to carry on the Government have friends enough, surely if they are united they will all pass. Ah, sir, there is a trick in it. I do not say that it is a trick of the gentleman from Kentucky, but it signifies something. Let this bill containing the ordinary appropriations pass, and then, in my opinion, these custom-houses may whistle. [A laugh.] I appeal to the friends of the custom-houses—I appeal to you who represent States which are interested in these custom-houses—not to be caught by any such trick, or in any such trap. For my part, if gentlemen will not allow them to be united, I will vote against the whole of them.

The Secretary of the Treasury has reported these appropriations as deficiencies. It is upon the same responsibility that he has recommended to this body appropriations for other purposes.

[Here the hammer fell.]

Mr. LETCHER. I move that the committee do now rise.

The question was then taken, and the motion was agreed to; there being, on a division—ayes 98, noes 41.

The committee thereupon rose, and the Speaker having resumed the chair, the Chairman [Mr. CHANDLER] reported that the Committee of the Whole on the state of the Union had had under their consideration the Union generally, and especially House bill (No. 271) entitled "A bill to supply the deficiencies in the appropriation for the service of the fiscal year ending 30th June, 1854," and had come to no resolution thereon.

Mr. McMULLIN. I move that the House do now adjourn.

The question was taken; and the motion was agreed to.

Thereupon the House (at forty-five minutes past three o'clock, p. m.) adjourned till to-morrow at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 17, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER. After which the reverend gentleman said:

Gentlemen of the House of Representatives: At the suggestion of members of your own body, and by leave of the honorable Speaker, I have the pleasure to announce that Rev. Dr. Duff, of the Free Church of Scotland, long a missionary at Calcutta, will occupy this desk Sabbath morning next, at eleven o'clock. In the present condition of my health, it is very gratifying to me to be able to have so talented and excellent a substitute as the Reverend Doctor. We shall be happy to see the members of this House present on that occasion.

The Journal of yesterday was then read and approved.

ARRIVALS IN THE UNITED STATES.

The SPEAKER laid before the House a communication from the State Department, transmitting, agreeably to the act of Congress of March, 1819, regulating the passenger ships and vessels, the annual statement of the number and designation of passengers arriving in the United States by sea from foreign countries during the year ending December 31, 1853, compiled from returns made to the Department by the collectors of customs.

On motion by Mr. HAVEN, it was laid upon the table, and ordered to be printed.

MOBILE HARBOR.

Mr. PHILLIPS. I ask leave to present to the House the joint resolutions of the Legislature of the State of Alabama, relating to the improvement of the harbor of Mobile. As they are lengthy, I shall not ask for their reading. I move that they be referred to the Committee on Commerce, and ordered to be printed.

The question was taken; and the motion was agreed to.

The SPEAKER laid before the House Senate bill No. 151, entitled "An act for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased."

Mr. CLINGMAN. How does that bill come before us for consideration? Does it come under the order in relation to private bills?

The SPEAKER. This is private bill day.

Mr. CLINGMAN. I think that we had better finish the deficiency bill to-day. I intended to have made the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. It is in order on Fridays and Saturdays to lay before the House the private bills on the table from the Senate.

Mr. EDGERTON. All the private bills on the table from the Senate had better be laid before us, and referred to the standing committees this morning.

Mr. BRECKINRIDGE. My friend from Ohio [Mr. EDGERTON] feels it to be his duty to submit a motion that the House resolve itself into a Committee of the Whole House on the Private Calendar; but I do not think that he is unwilling that we should go into the Committee of the Whole on the state of the Union, to finish the deficiency bill we took up yesterday. If it be in order, as we

are half through with it, I will move that the House do now resolve itself into the Committee of the Whole on the state of the Union.

Mr. JONES, of Louisiana. Will the gentleman from Kentucky [Mr. BRECKINRIDGE] be kind enough to withdraw his motion for a moment?

Mr. BRECKINRIDGE. Certainly, sir.

Mr. JONES. Then I ask the unanimous consent of the House to make a personal explanation, Mr. EDGERTON. I object.

Mr. JONES. I regret exceedingly that anything should have occurred in this House—

The SPEAKER, (interposing.) Objection has been made. Does the gentleman from Ohio [Mr. EDGERTON] withdraw his objection?

Mr. EDGERTON. If it is a privileged question that the gentleman desires to make I am willing to do so.

The SPEAKER. The gentleman from Louisiana asks the unanimous consent of the House to make a personal explanation. The Chair cannot determine whether that explanation contains privileged matter or not.

Mr. EDGERTON. Well, I withdraw my objection.

The SPEAKER. Objection being withdrawn, the gentleman from Louisiana will proceed.

Mr. JONES. I regret exceedingly, Mr. Speaker, that anything should have occurred in this House to compel me, a new member, and, as the whole House knows, one who has not occupied the attention of the House heretofore, to make a personal explanation. However, certain remarks fell from the lips of the gentleman from Ohio [Mr. GIDDINGS] yesterday, which I felt it my duty to correct at the time, as they contained an attack on the intelligence of the State which I have the honor in part to represent.

I understood the gentleman from Ohio to state yesterday, and I presume it was the understanding of every member of this House, that he had been informed, through all the public prints, that a resolution had been introduced in the Legislature of Louisiana, reflecting on the Executive of the United States, for not interposing to arrest the progress of civilization in Cuba. Mark the words: "to arrest the progress of civilization in Cuba." I got up promptly in my seat, and stated that no such resolutions had been offered in the Legislature of Louisiana.

Now I see, sir, in the morning prints, that it is stated that the gentleman from Ohio made the remark that the Legislature of Louisiana had censured the President of the United States for not interposing to arrest the progress of emancipation. I will read his words, as they appear in the report:

"Resolutions are pending, or have been pending, censuring the Executive of the United States for non-interference to prevent emancipation in Cuba."

Now, Mr. Speaker, I did not understand the gentleman to make any such remark. He certainly said "civilization," not "emancipation." I at least so understood him, and it was on this remark that I based my denial of it. Now, in justice to my honorable colleague, [Mr. PERKINS,] who is not present here, I will say that I have no doubt he understood the gentleman from Ohio, in the hurry of his remarks, to make allusion to a resolution which had been introduced into the Legislature of Louisiana. That was a resolution calling attention to the fact of the treaties which were being made to africanize Cuba, not to prevent the progress of civilization there. And hence it was, I have no doubt, that my honorable colleague stated that such a resolution had been introduced into the Legislature of Louisiana.

Sir, while I am up, I feel it due to myself and to the House to say that the expression which I used yesterday was one which should not have been used even to the gentleman from Ohio. I stated that I believed he had seen no such statement in any paper. I do not yet think that he has seen any statement in the papers to the effect that the Legislature of Louisiana has had before them resolutions censuring the President of the United States for not interposing and arresting the progress of civilization in the Island of Cuba. But I am willing to say, that in all probability the gentleman believes he has seen such a statement, for in all matters connected with the subject of slavery I know he is very much disposed to look at the harshest side of the picture in reference thereto. It may be an honest fanaticism

which he cherishes, and therefore I am willing to say that I do not mean that he stated a falsehood upon this floor, but that he was mistaken in supposing that he had seen any such statement in reference to the matter.

Mr. GIDDINGS. I too ask the unanimous consent of the House to make a personal explanation.

The SPEAKER. Is it the will of the House that the gentleman from Ohio shall have the privilege of making a personal explanation?

No objection was made.

Mr. GIDDINGS. Towards the gentleman from Louisiana, who has just addressed the House, nor towards any other gentleman upon this floor, do I entertain any disrespect. Neither did I intend any disrespect to any State in this Union, in the remarks which I made yesterday, and it is impossible for me to apprehend how any gentleman could have misunderstood those remarks.

I know not how I am reported in the morning papers, for I have not seen one of them. I distinctly set forth, that in reference to Cuba there was a system of emancipation; it results from what is called a system of "freeing the emancipados;" that of limiting the price of slaves; and, thirdly, the colonization scheme, having for its object the bringing to Cuba other persons for labor. These are all regarded as tending to emancipation in that island.

So far as regards the language or words I used upon that occasion I can only say that "emancipation" and "civilization" were used as synonymous, and I believe the whole English language will bear me out in that position.

In regard to the action of the Legislature of Louisiana, I distinctly stated that I had been informed by the public prints that resolutions had been pending in that Legislature censuring or blaming the President of the United States for his inattention to these efforts at emancipation in Cuba. I intended no imputation upon that State, and I say to the gentleman now that I intended to speak nothing more than the truth just exactly as it was impressed upon my mind; and when the gentleman from Louisiana rose in his place, and said he did not believe that I had seen the statement to which I referred, I thought it discourteous. I treated it so at the time. I have now no concessions to make to that gentleman for saying that he believes I am honest, but mistaken. I am not called upon to extend to him that kind of charity. I ask no such charity, and I receive no such charity from any hands. God has given me power to express my own thoughts, and I ask no other than a fair interpretation of my language. I believe the gentleman did not give that construction to the remarks I made yesterday.

Here I take occasion to say to that gentleman, and to all other gentlemen upon this floor, that in all my intercourse with them they must expect me to demand from them the same courtesy which I extend to them. When I speak of the slaveholder, I shall place the same respectful construction on my language which they give to theirs when they speak of the Abolitionists; and I will regard the Abolitionists as standing upon the same level with slaveholders, and a little higher.

Mr. HAVEN. If there is any interruption in the business, I desire to say to the Chair that I now insist upon the regular order of business.

Mr. JONES, of Tennessee. That is to go into the Committee of the Whole on the state of the Union.

Mr. BRECKINRIDGE. I believe that it is now in order to move that the House resolve itself into the Committee of the Whole on the state of the Union, with a view of finishing the bill which we had under discussion yesterday. I therefore make that motion.

Mr. CLINGMAN. I insist upon the regular order of business.

Mr. McMULLIN. I hope that the House will not resolve itself into the Committee of the Whole.

The question was then taken on Mr. BRECKINRIDGE's motion; and, a division being had, there were—ayes 91, noes 31.

Mr. BENTON. By the permission of the gentleman from Kentucky, [Mr. BRECKINRIDGE,] before the House resolves itself into the Committee of the Whole, I would ask the unanimous consent of the House to offer a resolution.

Mr. CLINGMAN. Are we not in the Committee of the Whole?

The SPEAKER. The House having voted to resolve itself into the Committee of the Whole on the state of the Union, and the Chair having announced the fact, it would not be in order to proceed to any other business.

Mr. BENTON. But if unanimous consent is given, would it not be in order?

The SPEAKER. If there be no objection, the resolution will be read for information.

Mr. CLINGMAN. If it is the unanimous consent of the House, and the resolution does not give rise to debate, I certainly shall not object to its introduction.

The resolution was then read, as follows:

Resolved, That the President be requested to communicate to the House of Representatives all the proceedings, if any, which have been had to carry into effect the act of the last session of Congress, whereby he was "authorized, immediately after the passage of the act, to enter into negotiations with the Indian tribes west of the States of Missouri and Iowa, for the purpose of securing the assent of the said tribes to the settlement of the citizens of the United States upon the lands claimed by said Indians, and for the purpose of extinguishing the title of said Indian tribes in whole or in part to said lands;" and also that he inform the House whether any part of the sum of \$50,000 appropriated for the purposes of said act has been expended, and if so, to cause a detailed statement of such expenditure to be communicated to the House, item by item.

The SPEAKER. Is it the unanimous wish of the House that the resolution be adopted? The Chair hears no objection, and it is so ordered.

DEFICIENCY BILL.

The House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. CHANDLER in the chair,) and resumed the consideration of House bill No. 271, to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1854.

The CHAIRMAN. When the committee rose yesterday the debate upon the amendment offered by the gentleman from Ohio had been exhausted. The question now is upon the amendment to the amendment offered by the gentleman from Ohio, [Mr. TAYLOR,] which is to increase the appropriation for the custom-house at Cincinnati, \$5,000.

Mr. TAYLOR. I ask leave of the committee to withdraw the amendment I offered.

The CHAIRMAN. There being no objection, the amendment will be withdrawn.

Mr. STANTON, of Kentucky. I move the following as an amendment to the amendment of my colleague:

Provided, That no officer employed in the United States Army shall be employed to superintend the construction of any building for which appropriation is made in this bill.

Mr. Chairman, I shall not be able to say in a five minutes' speech more than one tenth of what I would like to say in support of that amendment. The honorable gentleman from North Carolina, [Mr. CRAIG,] yesterday, took occasion to charge me with indulging a kind of mania upon the subject of employing military officers to superintend the construction of civil works, and to perform various other kinds of civil service. Well, sir, he may call it what he pleases. If it be a mania, it is one which looks to the correction of a great wrong, and one which I trust I shall cherish so long as the wrong continues to exist.

Sir, if the honorable gentleman from North Carolina had had the same experience which I have had in connection with the public and other buildings in the country; if he knew the extent to which the evil I complain of has gone, he would not charge me with having a mania upon the subject; he would not charge that my assertions on the subject were "gratuitous."

Sir, does the honorable gentleman know that there are three scientific corps belonging to the Army—the Topographical, the Ordnance, and the Engineer Corps? Does he know that these three corps consist of one hundred and twenty-five officers; and does he know that out of these one hundred and twenty-five officers seventy are quartered upon the civil service of the Government? Yes, sir, seventy out of the one hundred and twenty-five. I have here a list of their names, which I shall incorporate into my speech, that the country may see to what extent the military power is superseding the civil in the operations of this republican Government:

LIST OF OFFICERS OF THE ARMY EMPLOYED ON CIVIL WORKS.
Ordnance Corps. Maj. James W. Ripley,
Capt. Benjamin Huger,
Lieut. J. L. Reno—3.

Corps of Top. Engineers.

Lieut. Col. James Kearney,
Capt. E. L. F. Hardcastle,
Maj. H. Bache,
Capt. L. Sitgreaves,
Capt. J. C. Woodruff,
Capt. J. D. Webster,
Lieut. G. G. Meade,
Lieut. W. B. Franklin,
Capt. J. E. Johnston,
Lieut. J. W. Abert,
Capt. J. McClelland,
Major. W. Turnbull,
Capt. A. Canfield,
Lieut. Geo. H. Derby,
Maj. S. H. Long,
Capt. J. H. Simpson,
Lieut. M. S. Smith,
Lieut. F. T. Bryan,
Capt. T. J. Lee,
Capt. Geo. Thom,
Capt. T. J. Cram,
Capt. W. R. Palmer,
Capt. J. N. Macomb,
Capt. E. P. Scammon,
Lieut. W. F. Reynolds,
Lieut. Geo. W. Rose,
Capt. W. H. Emory,
Lieut. N. Michler,
Lieut. A. W. Whipple,
Lieut. R. S. Williamson,
Lieut. John G. Parker,
Lieut. J. C. Ives,
Lieut. G. R. Warren,
Lieut. W. R. Boggs—35.

Corps of Engineers.

Lieut. Col. S. Thayer,
Lieut. Col. R. E. DeKusey,
Maj. J. L. Smith,
Maj. W. H. Chase,
Maj. C. A. Ogden,
Capt. H. Brewerton,
Capt. Geo. Dutton,
Capt. A. H. Bowman,
Capt. J. G. Barnard,
Capt. Geo. W. Cullum,
Capt. W. D. Fraser,
Capt. John Sanders,
Capt. H. W. Benham,
Capt. D. Leadbetter,
Capt. M. C. Meigs,
Capt. P. G. T. Beauregard,
Capt. J. F. Gilmer,
Lieut. John Newton,
Lieut. B. S. Alexander,
Lieut. E. B. Hunt,
Lieut. Geo. B. McClellan,
Lieut. G. E. Blunt,
Lieut. J. G. Foster,
Lieut. W. P. Trowbridge,
Lieut. A. J. Donelson,
Lieut. W. H. Stevens,
Lieut. W. H. C. Whitney,
Lieut. Geo. L. Andrews,
Lieut. Jas. L. C. Morton,
Lieut. Thos. L. Casey,
Lieut. N. F. Alexander,
Lieut. W. P. Craighill—32.
Infantry.
Capt. Seth Eastman.

I repeat, that more than one half of all the officers composing these three corps are employed in various ways in the civil service of the Government, where none but civilians should be engaged. Some of these very men, whose regular Army pay, as will be seen by the Blue Book, does not exceed \$600 per year, out of these and other appropriations which we make from year to year, receive enough to swell their yearly allowances to \$3,000. No wonder civil service is desirable to them, in preference to that for which they are educated.

So far has this system been carried of taking men from the Army for civil employment, that you cannot whitewash the rooms of the White House, tack down the carpets, paper the walls, or hang the tapestry, but an engineer officer must be called from his Army duties to superintend these dignified operations. In England, where titles are more common—and who love titles more than military men?—I suppose a person performing these important duties for her Majesty would have been honored with the title of *Upholsterer to her Majesty*. How would it have looked, when the papers of this city were complimenting Captain Lee, of the Engineer Corps, for his taste and skill displayed in refitting the presidential mansion, to have styled him *Upholsterer to his Excellency the President of the United States*?

Sir, the hook of this Administration is not so firmly fixed in my nose that I am compelled to sanction and justify any wrongs which may be tolerated and sustained by it. I am not bound by any principle of Democracy to stand by and approve a usurpation of power, and a perversion of the very principles of civil liberty itself, because they happen to be committed by a Democratic Secretary of War, and are approved and sustained by all the power of the War Department. I charge, and it cannot be denied, that the War Department has gradually and insidiously engrossed and monopolized as many of the civil places of the Government as it could, and by this means has been able to give snug and comfortable positions to its favorites, until the evil has become wide spread and dangerous. The most inconsiderable structure, post offices, custom-houses, &c., are built now under the charge of Army officers, while in all parts of the Union works, large and small, are under their care, with but little regard to their capacity and fitness for the positions. Such a state of things is not even allowed in Great Britain, under the monarchy of Queen Victoria. In the dominions of that sovereign, I understand, there are no such encroachments of the military upon the civil departments of the Government, so jealous are her subjects of the rights of civil liberty. Military men, with their arbitrary power and habits, are not allowed to superintend there the operations of mechanics and artisans, and English operatives would not submit to it. Why should they be required to submit to it here, where every man is a freeman, and every man has equal rights, and none his superior?

But the gentleman charges that my remarks in

relation to the military superintendence of the Capitol extension were "gratuitous." Now, sir, I tell that gentleman that when he has given the subject the attention I have—when he gets other authority than those interested in keeping up the military system—when he learns from those who are outside of the influence of the War Department, and are able to testify to the folly, waste, and extravagance displayed in the management of the work and the procurement of materials, he will find my assertions not altogether "gratuitous," but amply sustained by the facts. I have here the original report of the architect, communicated to Congress by the President, and upon which all subsequent appropriations for the building have been predicated. It appears from this report, that the whole cost of the work, to complete it thoroughly, was set down at \$2,675,000. Up to the time when military rule was spread over the work, but \$600,000 had been expended, and the expenditures were kept scrupulously within the estimates. If it had gone on in the same manner, under the charge of competent and faithful civilians, the ultimate cost need not have exceeded the original estimates. But we have already appropriated \$1,600,000 for the work, and not one third is yet done. The basement and part of the first story is built, but the work remaining to do is twice as much more. Remember, that the second story will contain as much work as the basement and first story together; and in addition to that, you have to build six large porticos, besides colonades, to connect the wings to the main building, and terraces to finish off the grounds. These porticos will cost not less than \$300,000 each, as each will be not only large and spacious, but highly ornamental.

The statement I made yesterday, and which the honorable gentleman so positively contradicted, I do affirm is true, and time will prove it. The building will cost twice the sum originally estimated; and, what is worse, I verily believe it will be ruined. Yes, sir, completely ruined. The alterations of the plan made necessary new foundations; and these have necessarily cut up and destroyed, for all useful purpose, all the rooms in the basement, which might otherwise have been finished and used for committees, as those in the basement of this House are used. My time will not allow me to point out other serious injuries which the alterations which have been made in the plan will occasion to the House—

[Here the hammer fell.]

Mr. CRAIG. If I had any doubt yesterday that the gentleman from Kentucky labored under a slight mania on this subject, the remarks that he has made this morning have satisfied me beyond all sort of doubt. Why did I make that remark yesterday? Congress was scarcely in session before the gentleman, from some cause or other—I do not say what, for I am not disposed to look into the motives of members; I am charitable enough to believe that every man discharges his public duty according to the dictates of his own conscience, and according to what he thinks right, and for the interest of the country, I might possibly assign a motive, if I were so disposed; but I will not do it upon this occasion, or on any other, unless I am driven to it by the course of remark pursued by the gentleman—I said that Congress had hardly met before the gentleman introduced a resolution into this House, inquiring why the change was made in the superintendence of the work on the Capitol extension. He had that resolution referred to one of the regular standing committees of this House.

Now, after what has taken place between that gentleman and myself, I think it a little extraordinary that he should, upon this occasion, have charged me with getting all the information that I possess upon this subject from the Secretary of War and the engineer who has control over the work. As the gentleman had introduced the resolution, and as he had been for a long time chairman of the committee to which it was referred, and as the \$1,600,000 spoken of by him had probably been expended under his management, I called upon him to give me all the information he possessed upon the subject. He very kindly did so. I called upon the engineer in charge of the work, and obtained all the information I could from him. I called also upon the architect of the building, and from all these sources of information, I made the assertion, and I repeat it to-day, that the

statement that the additional cost in consequence of the change in the direction of the work will be \$2,700,000, is entirely gratuitous. I venture to say that it will not cost one dollar more in the end than it would have done under the former superintendence.

But let me return to the point about which the gentleman seems to complain, and that is the remark that he is laboring under a mania on this subject. Why, sir, the gentleman has let no opportunity pass to have a fling at Captain Meigs, the distinguished officer who has this work in charge, and than whom, I do not believe, a better or more competent man is to be found in this or any other country.

Why, after that resolution had been referred to the committee; after they had gone on with their investigation, aided by the gentleman himself, with all his extraordinary learning and information on this subject, he was not content; but after pledging himself that he would not introduce a resolution disagreeable to the committee, he came into this House on another occasion, without consultation with them, and thereby indirectly casting an imputation upon them, and moved to raise a special committee on the public works of the country, professedly in relation to the armories; in reality, Mr. Chairman, I think it was raised to reach those who had charge of this Capitol extension.

Now, I do not know what the gentleman means by having a ring in one's nose. I do not know whether that is the way they manage people in his part of the country who are under the control of others. If he means to impute by such a remark that I am any more under the control of those in power than he is, if he knew me a little better he would do me more justice. I intend to discharge the duties devolving on me as a member of this body fearlessly, and in such manner as I think will redound to the interest and honor of our common country.

The question was then put on the amendment to the amendment; and, on a division, there were—ayes 72, noes 57.

Mr. PHILLIPS. I demand tellers on the question.

Mr. SMITH, of Virginia. Is it in order to call for tellers after the vote has been announced?

The CHAIRMAN. It is in order to demand tellers before the result is announced. The Chair had only announced the vote.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and WHEELER were appointed.

The question was taken; and the tellers reported—ayes 88, noes 53.

So the amendment to the amendment was agreed to.

The question recurring on the amendment offered by the gentleman from Kentucky, [Mr. PRESTON,] as amended,

Mr. ORR demanded tellers.

Mr. McMULLIN. Is it in order to offer now an amendment to the amendment of the gentleman from Kentucky, [Mr. PRESTON?]

The CHAIRMAN. It is in order to amend by adding to the amendment.

Mr. BRECKINRIDGE. I dislike to raise a question of order upon my friend from Virginia, but I must remind the Chair that a vote was being taken, and the House in the act of dividing; and I make the point, that it is not in order to offer an amendment at such a time.

The CHAIRMAN. The House was being counted, but the result had not been announced when tellers were called for, and consequently there has as yet been no vote.

Mr. BRECKINRIDGE. Both sides of the House were counted, and I believe the result was announced when tellers were demanded.

The CHAIRMAN. The Chair thinks he is right in accepting the amendment.

Mr. McMULLIN. I move to strike out from the amendment of the gentleman from Kentucky \$1,000 of the appropriation for the custom-house at Louisville.

I remember, when this bill was under consideration at a former period, that we were then informed that the sum of \$75,000 was amply sufficient to complete that work. I remember, too, the course pursued by the gentleman who now represents Louisville [Mr. PRESTON] during the last Congress. But my purpose now is more particularly to notice some remarks which fell, some

time since, from the gentleman from Ohio, [Mr. CAMPBELL;] and I call the attention of this committee to the fact that that gentleman notified the House and the country that your former Whig Secretary had recommended that that custom-house be built for the sum of \$75,000, while the present Democratic Secretary must have \$175,000. I ask if gentlemen are prepared to allow the Democratic party thus to be charged by gentlemen upon the other side of the House without proper resentment?

I desire to call the attention of the committee to another fact. The gentleman from Illinois, [Mr. WENTWORTH,] who is a very liberal gentleman, called upon the committee yesterday afternoon to know whether this Democratic Congress would not sustain the recommendations of the Democratic Secretary of the Treasury? In the judgment of that gentleman, if they failed to do it, this Administration would be characterized at the North as a picayune Administration. That member should be disposed to legislate with the people's money as he would with his own—that is, with just economy. He would not then be disposed to characterize the Democratic Administration as a picayune concern. It is my policy, and every member here should feel it to be his duty, to manage the financial affairs of this Government as he would manage with his own. Does the member from Illinois do it? It is for him to answer the question.

But I desire to call the attention of the committee to another fact. In regard to the bargain proposed by the gentleman from Illinois, and the intimation made by him, that by uniting those two bills together you could pass them, I tell gentlemen upon the other side of the House that they can do no such thing, in my opinion. There were enough of us the other day to defeat the deficiency bill, and those same gentlemen are here now. If those gentlemen, so liberal with the people's money choose to load down this bill with these unnecessary and improper appropriations, we will defeat the bill again. I desire to see this deficiency bill pass; but if gentlemen upon the other side of the House choose to clog it with improper amendments, they will defeat it; and the responsibility will fall upon them for its defeat, and not upon me. I should like to see the time arrive when the estimates submitted by your Executive officers to this House for the administration of this Government, shall come up nearly to the point.

It is time that we stop these deficiency bills. I am willing, for one, to meet the responsibility of stopping the wheels of this Government, if thereby you can stop them by the rejection of this bill. If you clog this bill as you did before, and my vote will aid in defeating it, I will meet the responsibility as I did before; and I will do it, too, with great pleasure. I hope that gentlemen here of the Democratic party will not be alarmed by the threats which have been held out over us. I tell gentlemen that I am not to be deterred by any such threats. If those gentlemen who favor the appropriations for your custom-houses, &c., can carry their measures when their bill comes up, why, be it so.

[Here the hammer fell.]

Mr. BRECKINRIDGE. I am opposed to the amendment of my friend from Virginia, [Mr. McMULLIN.] He has thrown down gloves enough to engage us in a struggle of a week, if they should all be taken up; but I hope we shall not enter into the war. For my friend from Ohio, [Mr. CAMPBELL,] I will take the liberty to answer that he does not want a fight now. I have no objection, when a proper occasion arrives, that both these gentlemen should discuss any question of politics which they may think proper to bring forward; but I trust that the invitation which has been extended by the gentleman from Virginia will not now be accepted. I know his gallantry, and the gallantry of the gentlemen to whom he referred, and their willingness to enter into a general discussion; but I call their attention, and the attention of the committee, to the fact, that now for two days we have, in five minute speeches, been discussing, not the merits of the bill itself, but everything else on earth which could enter into the heads of gentlemen. The committee will bear me out in saying, and I think I can say so without any impropriety, as I have been one of the speakers, that, for two days past, no new fact has been elicited, and no new line of argument has been struck out in regard to this bill.

Therefore I appeal to the committee—I know it is not in my power to call the previous question here—but I appeal to them to desist from the discussion of matters entirely irrelevant to the bill. Surely two days are enough of the public time to waste in the discussion of irrelevant matters, when the pressure of the public business is so great. Let us come to a vote. This is the last appeal I shall make to the committee. I do not intend to discuss the question further. I oppose the amendment, and ask for a vote upon it.

The question was taken, and Mr. McMULLIN's amendment was disagreed to.

Mr. WENTWORTH, of Illinois. I move to increase the appropriation \$1,000.

Mr. Chairman, I am anxious to pass this bill. I will do as much, according to my ability, as any other gentleman to pass such a bill as I believe the wants of the country demand, at as early a day as possible.

Now, sir, I am of the opinion that our national affairs should be conducted upon the same principle as our private affairs. I ask, what would be the course of the honorable gentleman from Virginia, [Mr. McMULLIN,] and every other man, in a case like that now presented to us? If that gentleman had commenced the construction of a building, would he not complete it? Why, sir, if a man has a building incomplete, the safe conduct of private affairs would require its completion. I find this state of things to exist in regard to our public buildings. I find that there are certain custom-houses and certain marine hospitals incomplete. I am not responsible for the commencement of these buildings by any means; but I say, that if they were my private property—if I had commenced the construction of any building whatever, I would complete it.

So in this case, were it a question whether these buildings should be commenced or not, I do not say that I would be in favor of them; probably a large majority of the House would not be in favor of them. But it is not a matter as to the propriety of erecting these custom-houses and marine hospitals as an original measure. The question is, whether you will complete the buildings which have been commenced long ago, and which are incomplete? That is the question, and the only one, upon which the committee are called upon to act.

Mr. CAMPBELL. I acknowledge the force of the remarks of my friend from Kentucky [Mr. BRACKINRIDGE] in reference to irrelevant discussion upon this bill, and I would postpone any response to the remarks of the honorable gentleman from Virginia, [Mr. McMULLIN,] but I prefer to settle these little accounts as we go along.

The only remarks which I submitted in reference to this matter, when the subject of custom-houses was before under discussion in this committee, was simply this: That the Secretary of the Treasury had recommended a particular amount as necessary to complete the custom-house at Louisville. I did say that I presumed that officer knew better than any other person what was necessary to complete that building. Now, sir, I take it for granted that the Secretary of the Treasury is an economical officer. The Democratic party have placed him in power. He is the sworn guardian of the public Treasury. I am not responsible for his being placed there. I am not responsible for any errors that may exist—if there be any existing—in his estimates. It is the gentleman from Virginia, and the party to which the honorable gentleman belongs, who are responsible. That party are responsible—they are accountable; and if there be error, let the gentleman show it. If the amounts recommended by the Secretary of the Treasury are not required for the purposes of promoting the public interest, let the gentleman show it, and let him denounce the head of the Treasury Department therefor; but let him not charge us, a feeble minority in this House, with throwing obstacles in the way of the Government.

Sir, I do not wish to prolong this debate. As I said yesterday, I am not much in favor of hurrying legislation for the construction of these custom-houses, for the reason that there are other great interests that are suffering quite as much as the commercial interests of the country.

I adverted to the fact yesterday, and I now call attention to it again, that nothing has been done for the agricultural interest. To be sure, this bill now contains a miserable pittance of a few thou-

sand dollars to buy garden seeds. You legislate away hundreds and thousands of dollars to erect magnificent edifices in your cities, but when the gentleman from Vermont [Mr. TRACY] came here and asked for a few thousand dollars for an interchange of seeds and the collection of agricultural statistics, it was very grudgingly given by the House.

Sir, our constituents will ask us, when we return to them, what we have done for the great national interests—agriculture, commerce, and the mechanic arts. We can respond that we have built elegant custom-houses in the large cities of the Union, for the benefit of the commercial interest. But when they ask us what we have done for the improvement of the rivers and harbors of the country, we shall be compelled to tell them that we have done nothing; for there is no man here, I venture to say, who would undertake to assert that any river and harbor bill will pass this Congress. We have tried to make artificial thoroughfares by railroads, but they are to be stricken down; ay, and that too by the very men who are now claiming these appropriations. All that I can say to the farming interest of my district when I return there, is, that we have voted money enough to give a paper of cabbage seed to every township! That is all that has been done, and all that will be done for the great interest of agriculture; and though I am willing, for the purpose of promoting the commercial interest, to vote for these custom-houses at a proper time, believing them to be necessary and proper, according to the estimates of the Department, yet I am not disposed to be in hot haste about it.

The question was then taken on Mr. WENTWORTH's amendment to the amendment; and it was rejected.

The question recurred on Mr. PRESTON's amendment.

Mr. WADE. Is it in order now to offer an amendment to the amendment?

The CHAIRMAN. It is in order.

Mr. WADE. Then I propose to amend the amendment by adding five dollars to the appropriation for the marine hospital at Cleveland, and I do it merely as the foundation of some remarks in favor of these appropriations, and of introducing them into this bill.

Now, with regard to this particular building which I have in charge—the marine hospital at Cleveland—I speak from my own knowledge of its condition, and I know that this appropriation is needed, and will be granted, unless the Government is not disposed to do with its own property and interests that which, if done by a private individual, would justly subject him to a commission of lunacy. Here is a building designed for seamen who are disabled by sickness and disease, incident to the hardships of their most indispensable and yet much neglected and thankless calling. Your laws compel them to pay you twenty cents per month out of their own hard earnings to the hospital fund. In the city of Cleveland you have levied in this way on these seamen an annual sum of \$1,200 and upwards, and have raised their expectations that, when sick and disabled, they are to have this retreat, where they will be cared for and protected from pauperism and destitution; and yet, under a spasm of economy, you are now to blast these hopes, and leave them to wonder at a fickleness in the Government worse to meet and buffet than the elements which they daily encounter. In my humble judgment, these poor fellows, shipwrecked in the frosts of winter, some with limbs frozen, others with ship fever, or disabled by one or another of the diseases and accidents to which the nature of their calling so peculiarly exposes them, have as much claim on the beneficence of this Government, nay, on its justice, as have the Capitol grounds for appropriation for the mere purpose of ornament, or as the grounds surrounding the President's mansion have for a few ornamental trees and tree-boxes, or as Pennsylvania avenue, in the neighborhood of Seventh street—I believe it is—for gas lights? We need light here; there is no manner of doubt of this; but gas light about Pennsylvania avenue is not all the light we need. And yet the Committee of Ways and Means have reported all these things in this deficiency bill as matters of pressing necessity, which will brook no delay.

Here, too, you have in this deficiency bill an appropriation for each of the heads of Depart-

ments of the sum of \$1,853, for arrearages of salary; and these gentlemen are in great straits for these arrearages; and yet I am of the opinion that these sick mariners at Cleveland, and the various other points where these hospitals are located, are just as necessitous, to say the least, as these high official dignitaries. I think they are as deserving of the care and protection of the Government, for which they have paid, and which is to them a necessity, as are any of those persons for whose benefit the committee have drafted and are now advocating this bill. But, sir, those who are here where the public crib is have many ways of making their wants known, and their cries of distress heard, which the poor sailor has not, and hence the danger that the poor will be neglected, while the great will be heard and heeded.

[Here the hammer fell.]

Mr. MAXWELL. I am opposed, Mr. Chairman, to the amendment offered by the gentleman from Ohio, [Mr. WADE.] It is not my purpose, however, to discuss that amendment. I shall confine the few remarks I have to submit to the general amendment of the gentleman from Kentucky, [Mr. PRESTON.]

The CHAIRMAN. The gentleman must confine his remarks to opposition to the amendment as closely as possible.

Mr. MAXWELL. I shall confine them as closely to it as gentlemen who discuss these amendments usually do; and I think that I may talk about anything under that privilege.

I was one of those, Mr. Chairman, who, when the deficiency bill was before this body some weeks since, acted with the gentleman from Kentucky, [Mr. PRESTON,] and other gentlemen, who inserted into that bill the various items now proposed in this amendment. I did it in good faith. I believed, under the recommendation of the Secretary of the Treasury, and on the merits of the propositions, independently considered, that they were entitled to my vote, and I so gave it. I voted to insert most of these different propositions into that bill, and I voted for the final passage of the bill as a whole. But where did I find myself standing in this House? I observed the fact that many gentlemen who voted as I did on that occasion, who voted to insert these separate items, one by one, from the beginning to the end of the catalogue, when the bill came up to be finally acted upon voted against it. I was brought to consider in what position I had placed myself. I was brought to inquire when I found the friends—the peculiar friends of these measures—themselves withdrawing from the position in which they desired to place, what they called, the majority of this body, whether the expression of distrust of their own measures, was not enough to press me, who had no peculiar interest in them, to change the position which I then occupied.

Sir, as to the bill which was defeated, if the House did wrong in defeating it, the responsibility of that wrong rests on those who acted in the manner which I have indicated, namely, attempting to force upon the Committee of Ways and Means, and upon the House, and upon the majority, if you please, these different items, believing that the majority would not fail to pass the bill with all its objectionable features, even though many of them voted against separate amendments. They believed that the bill would go down, and that though they had placed it there they would not be held responsible before this committee and before the country. Well, sir, this is a sort of legislation which I do not appreciate. But what I purpose to say further on the subject is simply this: that whatever may be my action on these separate items, when they come to be considered and voted on, I think that this bill should be taken separately. Why not? Carry it on as you did before, and insert all these items, and will not the same causes and influences which defeated the first defeat also the second? There is no reason to suppose that they will not. And because I anticipate that result; because I believe that as to this bill separately there is an urgency demanding immediate action, I will vote for it, and against the amendments.

Mr. PRESTON. Mr. Chairman—

The CHAIRMAN. No further debate is in order.

The question was then taken on the amendment to the amendment offered by the gentleman from Ohio; which was not agreed to.

Mr. PRESTON. Mr. Chairman, I move to amend by inserting after the amendment as amended that no salary shall be paid to any Superintendent that shall exceed one thousand dollars per annum.

Mr. HOUSTON. I make a point of order on my friend from Kentucky, [Mr. PRESTON.] I believe that it has been universally ruled that a gentleman is not permitted to amend or propose to amend his own amendment. I do that for the purpose of getting along with the business before us.

Mr. PRESTON. I would simply state that I conceive I understand the rule, and that I do not propose to violate it. This amendment has been twice amended, and in no sense can it be called mine, any more than it can be called that of any other gentleman in the House.

The CHAIRMAN. It is the usual decision of the Chair on this point, that no person is allowed to amend his own amendment.

Mr. ORR. Will it be in order, Mr. Chairman, now to move to reduce the appropriation for the Louisville custom-house to one dollar?

The CHAIRMAN. Yes; that amendment will be in order.

Mr. ORR. Well, then, I propose to amend the amendment by reducing the appropriation for the Louisville custom-house to one dollar, and I do so to allow the gentleman from Kentucky [Mr. PRESTON.] to be also heard in reply to the question propounded to him. When this debate occurred first, a month ago, on the deficiency bill, I understood the gentleman from Kentucky to state on the floor that contracts had been made by the former Secretary of the Treasury to complete the custom-house at Louisville for the sum of money which was originally appropriated for that purpose; and that when the present Secretary of the Treasury was installed into office, this contract was canceled, thereby conveying the impression that, for some cause or other, under the administration of the present Secretary of the Treasury, a sum of forty or fifty thousand dollars was needed to complete the building. Did I understand the gentleman from Kentucky correctly in that respect?

Mr. PRESTON. Mr. Chairman, the gentleman did not understand me correctly; and if he will permit me, I will recapitulate what I stated in my former remarks. I stated last year in this House that the sum of \$75,000 appropriated for the construction of the custom-house at Louisville was not sufficient; and that the Secretary of the Treasury had informed me that he had received a bid amounting to \$162,742, for which the custom-house could be completed. I moved for that amount, and it was granted last year; but the present Secretary did not accept those bids. The subsequent rise in the price of labor and materials, in the interim, had increased the subsequent bids. The amount between the present lettings and the old constitutes the difference which the Secretary now asks.

Mr. ORR, (interrupting.) No contracts were then made?

Mr. PRESTON. None at all. Bids were made, but no contracts by the former Secretary.

Mr. ORR. I misunderstood the gentleman, for I understood him to say that contracts had been made; and sir, if I had understood the gentleman correctly, at least that appropriation for Louisville should not be voted.

I voted against all these custom-house and marine hospital appropriations on a former occasion, when the first bill was under consideration. I was one of those who voted against the passage of that deficiency bill; and if those appropriations are put upon this bill, I shall vote against it a second time, and assist to defeat it. I do not think the deficiency bill should be encumbered with them. I believe they are unnecessarily large and extravagant, in many instances; and I am of opinion furthermore that our Executive officers should begin to learn that the will of Congress should be consulted when they are expending the public money, rather than their own caprices. When Congress makes appropriations, and in making them declares that the sums so appropriated shall complete the buildings, the officers who have charge of the disbursement should make the contracts accordingly.

On that account I shall vote now against all these sums on actual and projected contracts for additional work on the buildings, believing that

the will of Congress, as expressed through the two Houses, should be respected by the Executive officers. I think the gentlemen who usually sit upon this side of the House, ought to vote against putting these appropriations in the deficiency bill. I think they ought to pass the deficiency bill proper, and relieve such persons as are now suffering at the hands of the Shylocks for the want of the money justly due them by the Government, and also to relieve the different branches of the public service from the straightened circumstances in which they find themselves; and then, if the custom-house appropriations have strength enough to go through, let them be put through independently, and apart from this bill.

Eighty gentlemen voted before to put these custom-house appropriations upon the deficiency bill. After loading it down by their votes, did they stand by their bantling and sustain it? No, sir; when they had encumbered it by their votes, they left it to the fate which its enemies visited on it—less than fifty of the eighty who voted for the passage of custom-house appropriations, voted for the bill on its final passage; and hence its defeat. I suggest to the gentlemen upon this side of the House, that if they expect to pass this bill they should keep it unencumbered with custom-house and all other appropriations not belonging legitimately to a deficiency bill. If the friends of such appropriations have strength enough afterwards to pass that bill, let them unite and do it.

I believe, if unfortunately they shall succeed in putting the amendment of the gentleman from Kentucky [Mr. PRESTON.] in this bill, we will not succeed in passing the deficiency bill before the first of July. I trust, therefore, that the amendment will be rejected, if the Democrats here expect to pass the deficiency bill.

Mr. PRESTON. I am opposed to the amendment offered by the gentleman from South Carolina, [Mr. ORR.]

I have not been willing to pursue the course indicated by the gentleman from the Committee of Ways and Means, my colleague from Kentucky, [Mr. BRECKINRIDGE,] who has the peculiar management of this bill. Now, sir, I do not know that there is any reason why members on this side of the House should unite with the Administration and the Secretary, nor do I know why members upon the other side of this House should attack the measures recommended by the Administration or the Secretary. Carolina and Virginia seem to join in opposition; and there may be dissensions in the Democratic party of which I know nothing; but I trust that this cannot constitute a good reason for the attempts of gentlemen to muster the whole Democratic party to crush this bill.

How did the committee report these bills? The first they reported as a deficiency bill, and the second as a custom-house bill, and the gentlemen say all the provisions of each are right. Their Secretary has reported these as deficiencies in the custom-house appropriations. How did we get these appropriations last year? In the deficiency bill. What is there wrong in putting them in it now? And what object is there in putting them into a separate bill this year, unless it be in order to defeat the custom-house appropriations. I want gentlemen upon the other side to promise positively and definitively that they will pass the custom-house bill, yet we can extract none; are they, then, in that situation that they desire to "keep the word of promise to the ear, and break it to the hope?" We claim the right to put in this amendment for these custom-houses, as was done last year, and as has been the custom in former years, and there is no legislative or parliamentary impropriety in doing so, and the Chair cannot declare that it is improper to put it in here as an addition to the deficiency bill.

But, sir, I do not desire to protract debate. If there is not force enough to carry the measure, let it perish. I am ready to come to the test. I am ready to rest the matter with the Democracy of the House. I am as ready as any Democrat to let this House decide between the Administration and the committee; and if they want to stamp as unjust expenditures and unwise recommendations the estimates for deficiencies made by their own President and their own Secretary, it is not for my expunging hand to remove the stain the committee seeks to imprint upon them. Let them make the reckoning with the country. Let them say that

an extravagant President has transmitted extravagant estimates from an extravagant Secretary, in order to erect extravagant and unnecessary works; or let them come up like the gentleman from Illinois, [Mr. WENTWORTH,] who represents Chicago, with more dexterity and more good sense than most have exhibited, and say that they will not raise any such issue, and that they will vote what the Government asks.

But my colleague tells us that the appropriation of \$530,000 was carried by three or four votes more than the custom-houses. I always thought that a majority was a majority; and I conceive that the vote on the custom-houses should have been regarded by the committee to be as expressive of the wishes of the House as the vote on the assay office—

[Here the hammer fell.]

The question was then taken on Mr. ORR's amendment, and it was not agreed to.

Mr. WASHBURN, of Maine. I move to amend the amendment by adding ten dollars to the appropriation at Cincinnati.

I have listened in vain, Mr. Chairman, for any argument or sufficient reason against adopting the amendment of the gentleman from Kentucky, [Mr. PRESTON.] This is a deficiency bill. I would inquire whether the appropriations now asked for are not deficiencies, and are they not in order? Are they not proper to be placed in this bill, if they are to be passed anywhere? This bill, as reported by the Committee of Ways and Means, contained an appropriation for an assay office or building in the city of New York, an appropriation of the same general character as those now asked for. An appropriation for a custom-house in the city of Providence is also provided for in the bill. Inasmuch as there are three appropriations for buildings of this character, why were not other appropriations of a like character, I desire to ask, included in the deficiency bill? Was there any reason why they were not so included?

It has been said that the former deficiency bill was lost because of these appropriations for custom-houses. What authority has any gentleman to say this? After every one of these amendments was discussed and considered in the House *seriatim*, every one of them adopted in Committee of the Whole, and most of them adopted in the House upon the yeas and nays, and after having passed the ordeal twice, I ask by what authority and right gentlemen say that the deficiency bill was defeated because of these amendments?

Sir, the evidence is against it. The evidence goes more strongly to show that there were other matters in that deficiency bill which were objectionable; that there were matters which were reported by the Committee of Ways and Means which were read at the Clerk's desk without attracting the attention of any one, but which, when they came to be maturely considered, were obnoxious to objection; and, on account of these matters, the bill was defeated on its final passage. That is the evidence which stands upon the record. The record shows conclusively that the majority have twice said that each of these ought to be retained in the bill. If this position be correct; if a majority of this House have decided that these custom-house appropriations ought to be made, then why not adopt the amendment of the gentleman from Kentucky, and insert these appropriations in this bill? Why place them in another bill? Why go over with all these discussions again? Do we not understand it now as well as we shall then? Shall we not accomplish a great saving of the public time by providing for these custom-houses and marine hospitals now? What then is the objection? The Secretary of the Treasury has reported in favor of these measures.

And let me say, further, that the deficiency bill which was defeated the other day was the cleanest deficiency bill which was ever passed by the House of Representatives. I venture to say that no bill of that character ever passed the House, or ever passed the Congress of the United States, without containing more than \$10,000 not recommended by any Department of the Government. But what was the fact in reference to the bill which was lost the other day? Not a single item did it contain which had not received the sanction and recommendation of the Secretary of the Treasury,

of the head of some other Department of the Government. And I venture to say that there is not a gentleman in this House who, if he were placed in the position of the Secretary of the Treasury, and were called upon to act upon this subject, without looking at any of the dodges which may be supposed to influence the votes of gentlemen upon this floor, but in consideration of his duty simply as a statesman, would not say that these appropriations contained in the amendment of the gentleman from Kentucky, ought to be made; that the interests of the country require it.

Now I call upon the gentlemen of this committee to allow this measure to stand upon its own merits. Let us act upon it as honest, faithful public servants. No one has attempted to show that the interests of the country do not require these appropriations. And as they are clearly deficiencies, and as every item has been fully discussed, let us adopt the amendment without wasting any more time upon it.

Mr. ORR. I will say, in reply to the gentleman from Kentucky, [Mr. PRESTON,] that I will make no promises as to aiding him in getting up the bill for the completion of certain custom-houses and marine hospitals. I am not in favor of that measure, and I shall use every legitimate legislative expedient in my power, to defeat the passage of that bill, either as a separate measure, or conjoined with the deficiency bill. Now, I hope the gentleman understands my position on that point.

But I desire that my position may be understood a little further by the gentleman from Kentucky, [Mr. PRESTON,] with reference to the action of this House, which he says will reflect upon certain persons at the other end of the avenue. Sir, I speak for myself, not for any other person. I profess to be a very humble member of the Democratic party; but I assume for myself the privilege and the right to scan and scrutinize every estimate that comes to me from any Department of this Government; and if I find that a subordinate official of the President has exceeded what I believe to be the true, just, and economical amounts for which he should estimate—if I find that he is departing from the tenets of Democracy—he need not rely upon me to support his recommendations in this House simply because he is an official of the President. It would be a subserviency unworthy the representative of American freemen. The President, who is himself wedded to economy and correct principle, makes no such demand of his political friends. He does not ask that the Democracy shall yield a blind and indiscriminate support to the estimates or opinions of his subaltern officers. The interests of the party require us to oppose everything which, by its extravagance, or from other causes, alienates the confidence of the people from its principles and support.

But, Mr. Chairman, the gentleman from Kentucky urges his amendment because it is recommended by a Democratic Secretary of the Treasury, and he has reminded us of that fact oftentimes since this debate opened. He evidently contemplates success, because he is indorsed by the Secretary of the Treasury—that is reason sufficient why the Democrats should vote for his amendment.

Now, Mr. Chairman, I have not a great deal of confidence myself in the recommendations of the Secretary of the Treasury; especially since I have heard his position upon the Pacific railroad project, and since he has submitted the details of his very remarkable plan for modifying the tariff—a tariff which every Whig will sustain, and very few Democrats. Sir, I think his Democracy is about as orthodox as was John Tyler's Whiggery. [Laughter.]

Mr. PRESTON. Do I understand the gentleman, in the allusion he makes to the Pacific railroad, to speak of the opinions of the President upon that subject?

Mr. ORR. I referred to the Secretary of the Treasury.

Mr. PRESTON. Was not the President present on that occasion?

Mr. ORR. I do not know. I believe, however, the President was there, but he had the good sense not to express any opinions coinciding with the opinions expressed by the Secretary of the Treasury. [Laughter.]

Now, with reference to the New York assay office, I concur with the gentleman from Kentucky, [Mr. PRESTON,] that the proposition making an appropriation of \$530,000 for the assay office in

New York ought to have been stricken out, and I shall move to strike it out at the proper time, if I can obtain the floor for that purpose.

I voted when the former deficiency bill was under consideration for that proposition, under the supposition that the contract was made and could not be revoked. I am not sure now whether it can be revoked or not; if it can, I am for utterly repudiating it, and I will state my reasons more particularly when I occupy the floor upon that subject.

It is the duty of the Democratic party, in my judgment—if they mean to preserve their ascendancy, if they do not mean to suffer a wreck such as that which the gentleman from Kentucky is now, and has been since the 4th of March, 1853, lamenting—to cut off excrescences, if we chance to meet with them; and we must do it firmly and independently, although it may, perchance, give offense to government officials. I have said all I desire to say upon the subject.

The question was then taken on the amendment to the amendment; and it was rejected.

The question recurred on Mr. PRESTON's amendment.

Mr. PHILLIPS. I move to amend the amendment by increasing the appropriation for the custom-house at Louisville \$1,000.

The CHAIRMAN. The Chair thinks that he has allowed a greater latitude of debate than the rules warrant. He did not, however, feel at liberty to arrest it while any gentleman was upon the floor, deeming that he ought, at least, to give notice of his intention to restrict the debate. He now calls the attention of gentlemen to the fact that he will deem it his duty to confine them, as much as possible, to the amendments they may offer, or in opposition to which they may speak.

Mr. PHILLIPS. I will endeavor so to confine myself.

The CHAIRMAN. What amendment does the gentleman propose?

Mr. PHILLIPS. I move to increase the appropriation for the Louisville custom-house \$1,000.

I stated yesterday, what was known to the House, that I had voted, on a former occasion, to incorporate into the deficiency bill the appropriations recommended by the Secretary of the Treasury for custom-houses and marine hospitals. I was, and I am still in favor of those appropriations. Finding, however, that the bill which contained them was defeated, and that the sense of the House was ascertained to be against them in their conjoint character, I had determined to change my course, and vote for both propositions separately.

Now, sir, I desire to make a few remarks in reply to my friend from South Carolina, [Mr. ORR,] in reference to these appropriations. I must say that I heard with as much surprise as regret the sentiments which fell from that gentleman. He has denounced these appropriations as having come to this House without authority, and, if I understood him, almost against the authority of law and the sense of this body. What are the statements made here in regard to the recommendations of the Secretary of the Treasury? That he has entered into any contract binding on this Government for appropriations which had heretofore been allowed? Has he done anything which implicates the good faith of this Government, and binds it to fulfill any contract which he has made or proposes to make? Not at all. Where is it that he has exceeded his duty in recommending these appropriations.

Mr. ORR. In not finishing the buildings with the appropriations already made.

Mr. PHILLIPS. He comes into office; he finds buildings partially completed; he employs his proper agents to superintend them. They report to him that a proper completion of them will require certain sums of money, which sums exceed the amounts appropriated by Congress. He advertises for contracts; proposals are made. Does he accept them? No, sir; but he makes a report to this Congress, and says thus: Gentlemen, these buildings ought to be completed in such and such a manner. The safety of the Government and its property require that they should be constructed in a certain manner, which will demand additional appropriations at your hands. And I respectfully submit to you whether it is not better for you to increase the amounts, and have these buildings completed in a proper manner, rather

than build them with the present appropriations in an unsafe and improper manner.

Mr. JONES, of Tennessee. Mr. Chairman, I had thought that I would not say a word in reference to these estimates and appropriations; for I had concluded that it was a fruitless business for me to attempt to resist successfully, the recommendations of the Administration, supported as they are by all the local influences which can be brought to bear on the subject, as well as by the united vote of my Whig friends upon this floor. I had intended to content myself with doing what I conceive to be sound Democratic voting on all these questions.

But my friend from Maine [Mr. WASHBURN] has not heard a solitary good reason why the amendment of the gentleman from Kentucky should not be adopted. I will say to him and this committee, that I find cogent and conclusive arguments, satisfactory to my mind, against these appropriations, in the report of the Secretary of the Treasury of January 3d, 1854, to be found in Miscellaneous Document No. 5. The Secretary shows that at that time he had an amount of available appropriations for the construction of a custom-house at St. Louis, of \$126,707 98. I ask the gentlemen from Maine, I ask the friends to the appropriations upon this and the other side of the committee, whether there should not be a custom-house adequate to the wants of all the business of the Government, constructed for that sum of money at that city? He has also reported in the same document that he has an available appropriation for the custom-house at Mobile, of \$184,336. Is not that, in all conscience, a full amount, a sufficient sum, for the construction of the building there? For the one at Louisville he tells us that he has an available appropriation of \$155,892. For the one at Cincinnati he has an available appropriation, he says, of \$138,470 86, and so on. For the one at Bath he has an available appropriation of \$32,628. For that at Wilmington, Delaware, he has an appropriation of \$25,227 98; being in each and every case the full amount as heretofore estimated and asked for for the construction and completion of these edifices. Why is it, that the money appropriated in these cases has not been touched? In my opinion, it is not because they have not money enough to construct buildings of adequate dimensions fire-proof; but it is because they want to change the character of the material of which these buildings are to be constructed. It is that they wish to procure, perhaps, marble, to be transported from one extreme of this Union to the other, for the construction of these buildings; to make them not only useful and fire-proof, but to make them in the highest degree ornamental, magnificent, and splendid. Believing, sir, as I do, that regard to economy requires that we should be careful in voting away the public money; and believing, also, that the Secretary of the Treasury has money enough available and at his command for all practical purposes, to construct these buildings, I shall vote against these appropriations.

The question was then taken on the amendment to the amendment offered by the gentleman from Alabama; which was not agreed to.

Mr. RICHARDSON. Mr. Chairman, is an amendment in order now to the appropriation for the marine hospital at Cleveland, Ohio?

The CHAIRMAN. Yes; to any of them.

Mr. RICHARDSON. Then I send up the following amendment:

The Clerk reported the amendment as follows:

That the appropriation of \$25,000 for the marine hospital at Cleveland, Ohio, shall not take effect, or any part thereof be expended, unless a majority of the people of the collection district in which Cleveland is situated shall determine by a vote in favor of said appropriation.

Mr. RICHARDSON. Mr. Chairman, I like to apply the rules to gentlemen which they lay down for the governance of the conduct of others. The gentleman from Ohio, [Mr. WADE,] in a discussion the other day, thought that, except there were petitions presented in favor of a measure, Congress ought not to act upon it nor pass it. I have sought to ascertain whether there were any petitions here in favor of the completion of the marine hospital at Cleveland. I believe there are none. The case stands precisely in the same situation, and no other, as the case did to which the gentleman applied his amendment the other day, although it had been recommended by the Secretary of the Treasury. This case here stands in

precisely the same situation; and I trust that in the adoption of the principle which is so great a favorite with the gentleman from Ohio, the House will apply it to him, and give him the full benefit of it.

Mr. WADE. I desire to say a word in reply to the remarks of the gentleman from Illinois, [Mr. RICHARDSON.] When the gentleman will show me that railroads, to which the Government has made appropriations of its funds so liberally are all completed, with the exception of a little iron to be laid, or some other trifling labor or material without which it would be nearly or quite useless, and an appropriation to finish it were recommended by the Secretary of the Treasury, I should probably vote for it, though I might by no means be willing to do so as an original proposition. But the gentleman from Illinois asks me if I would leave this matter to a vote of the people of the collection district in which the hospital is located? He puts this question in view of the proposition I submitted the other day in reference to the Minnesota railroad bill. To this I reply, that I would have no objection to that at all, and would not care if, in this proposition, he included the women also—indeed, I would, to this extent, be a woman's rights man, and leave it to the women of that district if the gentleman would desire so extensive an expression of the popular policy on the subject. But I would say to the gentleman over the way, who feels sore upon some matters which took place the other day in reference to certain western railroads, that I voted against those roads because I believed, and still believe, that they would be injurious to the best interests of the western country; and whoever lives fifteen years from this time, I am fully persuaded, will then see that I am right.

I would say one thing further to gentlemen over the way, that when, sometime hence, they know me a little better than they now do, (though I mean to be a very modest man,) they will understand that I give no vote for any measure which my judgment and my conscience condemn, for the sake of getting another vote for a measure which my judgment and conscience approve.

Mr. RICHARDSON. I do not want to trade with the gentleman.

Mr. WADE. No; and if he did he could not do it. There is no analogy between these measures at all. Here is a hospital left unfinished, needed for the seamen upon the northern lakes. The Secretary of the Treasury has recommended an appropriation to complete it. Now, does the gentleman want to punish me for not voting in favor of his railroad appropriations?

Mr. RICHARDSON. Not at all.

Mr. WADE. He will not punish me, but the seamen upon the lakes, in whose welfare his constituents are as much interested as are mine. The gentleman from Illinois, I trust, will pardon me when I say that I desire that he may understand me better than he now seems to; and when he does, he will be satisfied that he has only to convince me that the West needs my vote on any matter, within the range of constitutional power, involving western interests, and it will be at his or any other gentleman's command. Let the gentleman satisfy me that these railroad grants are not odious corporation monopolies, sheer land speculations for the benefit of individuals, and I am with him. I am in the West, of the West, and for the West; but no more, I trust, than I am for the whole country, when I understand what its interests are.

The question was then taken upon the amendment offered by Mr. RICHARDSON; and it was not agreed to.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Kentucky, [Mr. PRESTON.]

Mr. BRECKINRIDGE. I call for tellers upon that amendment.

Mr. DISNEY. Before the question is taken I desire to offer an amendment, and I move to strike out ten dollars from one of the appropriations.

I move the amendment, Mr. Chairman, for the purpose of replying to what I understood to be a statement of fact, made by the gentleman from Tennessee, [Mr. JONES.] I understood that gentleman to state, without qualification and without limit, that these custom-house appropriations were asked for, not for the purpose of making these buildings fire-proof, but to render them ornamental.

Mr. JONES, of Tennessee. I said I believed that would be the true issue.

Mr. DISNEY. I will never undertake to meddle with the belief of the gentleman. I only propose to meddle with what I supposed to be a statement of facts, volunteered by the gentleman. But to illustrate I will speak of the custom-house at Cincinnati. In that instance, the appropriations heretofore made are sufficient to finish the building according to the plan originally adopted; and I state upon this floor, that whether this additional appropriation be granted or not, the building will be finished upon that particular original plan, and of the materials with which it was commenced to be built. He cannot be misunderstood in this statement; but in justice to the Secretary of the Treasury, and the statements which have been made in regard to other cases, I should state that when by the addition and aggregation of the various bids for the completion of that building, it was found that the amount exceeded the amount appropriated for, the Secretary refused to enter into the contracts. Let me refer back to the bids. What was required of the architect was to rearrange the plans of the building as well as to bring the aggregate amount of the bids within the limits of the appropriation made. It was done, and so they stand. The building is now in progress of completion, and will be completed according to that particular plan. In the judgment of the Secretary, the public interests require that that building should be made fire-proof, and to do it an additional sum of \$40,000 will be required. So much by way of vindication of the Secretary of the Treasury, whose whole course with regard to these buildings seems to have been misunderstood by most of the gentleman who have heretofore spoken in relation to this matter.

Let me allude to one other matter, and I will take my seat. Gentlemen have adverted to the fact that appropriations for these custom-houses were incorporated into the bill, but that the bill containing them finally failed. And why? There is no secrecy in the fact. Many gentlemen in this House voted for the bill when it was so amended, but because they saw the whole of the Committee of Ways and Means, with a single exception, that of the gentleman from Kentucky, [Mr. BRECKINRIDGE,] voting against the bill itself, the House then very properly turned tail, and went with that committee against their own bantling. When the Committee of Ways and Means refused to sustain the Administration, the House, seeing it, very properly united to defeat the bill.

Mr. HOUSTON. The gentleman from Ohio certainly has not looked at the record. It is very well known that I voted for the bill upon its final passage, although I did it very reluctantly.

Mr. DISNEY. What other members of the committee voted for the bill?

Mr. HOUSTON. I understand that a majority of the Committee of Ways and Means voted for the bill upon its final passage.

Mr. DISNEY. The records will speak for themselves. The impression was very general throughout the House, and so far as my own ears gave me evidence, on my right and left, I heard it said that the committee voted in the negative.

Mr. JONES, of Tennessee. I desire to hear the statements of the Secretary read.

Mr. BRECKINRIDGE. They have been read again and again. I am opposed to the amendment, and I ask for a vote upon it.

The question was then taken upon Mr. DISNEY's amendment; and it was not agreed to.

Mr. BISSELL. I move to reduce the appropriation for the custom-house at Louisville \$1,000.

I am opposed to the amendment of the gentleman from Kentucky. If the amendment offered by him is adopted, the bill becomes substantially the same as the one which met such an overwhelming defeat in this House a few days ago. I desire to see this bill passed. It is a deficiency bill which the country calls upon us to pass.

These other appropriations, which gentlemen are desiring to incorporate in the bill, are of a very different class, and there is no necessity for haste in regard to them. They stand upon a different footing from most of the appropriations provided for in this bill. These are intended to enable the Government to pay its employees, who are now subject to constant pecuniary sacrifices, because we have not enabled the Government to pay them for their daily labor. Now I do not wish to see

this bill imperiled nor delayed by being loaded down by that class of appropriations which are so well provided for in the bill which is immediately to follow the one now under consideration. This bill has unquestioned merits, as the committee will see. My word for it, if a direct vote could be taken, it would pass as soon as that vote could be counted. Attach the appropriations which you propose to do to this bill, and you endanger the passage of the bill, and leave the employees of the Government waiting, with out-stretched arms, at your doors, for that money which is to pay for their daily bread. Keep the two classes of appropriations separate and distinct, as the committee have very wisely done. Pass this bill, and then bring up the other bill, which is of an entirely different character, and let us do as we think proper in respect to that.

Mr. HOUSTON. I do not desire to occupy the time of the committee, and I will not, but for a minute. I have taken no part in this debate, nor do I so intend, as to the merits of the bill. Inasmuch, however, as the gentleman from Ohio has made allusion to those on the Committee of Ways and Means, who voted against the other deficiency bill, I desire to say that the record shows that there were but two members of that committee who voted against that bill.

Mr. TAYLOR. Who are they?

Mr. HOUSTON. I will tell the gentleman. The gentleman from New Hampshire, [Mr. HIBBARD,] and the gentleman from Tennessee, [Mr. JONES,] are the only members of the Committee of Ways and Means who voted against the bill on its final passage. Four of the members of that committee voted for the passage of the bill, and three were not present. So much for the facts to which the gentleman from Ohio alluded.

I am opposed to the amendment, but I will not detain the committee by any remarks in reference to it. I call for the vote upon its adoption.

The amendment to the amendment was then, by unanimous consent, withdrawn.

Mr. TAYLOR of Ohio. I believe the amendment which has just been withdrawn proposed to reduce the amount of the appropriation \$1,000. I move to increase it \$1,500.

Mr. Chairman, I desire to say that in my humble judgment, this deficiency bill, the bill for the completion of custom-houses and marine hospitals which has been reported by the Committee of Ways and Means, and, in fact, many of the bills reported by that committee, do great injustice to the people of the country. In my opinion all these general appropriation bills ought to be placed at the foot of the Calendar, and I am not sure but I will vote to put them there if any gentleman will make the motion. I believe we might dispose of every bill upon the Calendar—

Mr. CLINGMAN. I rise to a question of order. I dislike exceedingly to interfere with my friend from Ohio, but I do not think this species of discussion is at all proper. The gentleman is not speaking to his amendment, and I make a question of order upon him.

The CHAIRMAN. The Chair cannot tell at what point the gentleman from Ohio would arrive at, or what application of his remarks he would make to his amendment, but his remarks are certainly not germane to the amendment. The gentleman must confine himself to the explanation of his amendment.

Mr. TAYLOR. I am sorry my friend from North Carolina should have thought it his duty to make a question of order upon me. I have no wish to transgress the rules of the House, or of the committee. I will endeavor to confine myself in the remarks which I shall make to what is strictly in order, and I hope my friend from North Carolina will not again interrupt me; and I will say, that I hope also that the gentleman from New Hampshire, who is a member of the Committee of Ways and Means, and who I know is a little tender in respect to attacks made upon the recommendations of that committee, will not call me to order. I am in favor of the amendment I have offered, because I am for increasing the appropriations for the benefit of the western country. It is not my wish ever to give a sectional vote in this House. But when I discover, even among western gentlemen, a disposition to set aside the recommendations of the Secretary of the Treasury, himself a western man—as passing upon the country as deficiencies, appropriations which are not defi-

ciencies, I trust that the courtesy of the committee will permit me to express my opinions upon such a proposition freely—even beyond the bounds which a strict construction of the rules would limit me. And it is to that point that I desire to address my remarks.

Now, sir, the honorable gentleman from Tennessee, [Mr. JONES,] in addressing the committee just now—who was listened to with so much attention, as he always is, by every member of the House, and by none with more pleasure than myself—referred to a document now before us, reported by the Secretary of the Treasury during the present session—Executive Document No. 5, under the head of miscellaneous. It is a letter from the Secretary of the Treasury to the chairman of the Committee of Ways and Means; and the statements of the gentleman from Tennessee, unless the members of the committee refer to that document, are calculated, in my judgment, to mislead them. I have that document now before me. I have examined it thoroughly; and the Secretary of the Treasury says that the amounts of available appropriations are as stated by the gentleman from Tennessee; but he also states, in reference to these custom-houses and marine hospitals—and he states more particularly in reference to these deficiencies than to any deficiencies reported in the bill now under consideration—that every appropriation asked for by the amendment of the gentleman from Kentucky [Mr. PRESTON] is a deficiency to carry on the business of the Government.

Now, the Secretary of the Treasury, if he is a judge of deficiencies anywhere, ought to be a judge of the deficiencies in the city of Louisville. He is a citizen of that city, and well acquainted with it. He knows the condition of this building personally as well as officially, and he recommends this appropriation as a deficiency.

Judging from the spirit manifested by the gentleman from South Carolina [Mr. ORR] to defeat the bill for custom-houses and marine hospitals, it is my opinion that appropriations for the completion of those buildings will never be made, if this bill is allowed to pass without the adoption of the amendment of the gentleman from Kentucky. It is the duty of the committee to stand by that amendment; and I hope it may be discussed here till the first of July, rather than to have it defeated. The opinion of the whole people of this country, as indicated by the votes of their Representatives upon this floor, in reference to these appropriations for western custom-houses and marine hospitals, should be attended to and upheld, rather than the opinion of a majority of the Committee of Ways and Means, in opposition to the recommendation of the Secretary of the Treasury, and in opposition to the repeated decisions of the House.

Mr. BRECKINRIDGE. I am opposed to the amendment, and ask for a vote upon it.

The question was taken on Mr. TAYLOR's amendment to the amendment, and it was rejected.

Mr. LETCHER. I move to amend that portion of the amendment relative to the appropriation for the Louisville custom-house, by inserting after the word "complete" the words "for the fourth time," so as to make it read "to complete for the fourth time," and so forth.

I have been very much struck with the fact that every gentleman on the *Whig* side of the House, who has a dollar embarked in this scheme, thinks that the Secretary of the Treasury is decidedly the finest officer that has ever held that position under this Government. They seem to have come to the conclusion that all his estimates are exactly right; that we ought to have full faith in everything that he has said or proposed; and that all his estimates ought to be taken upon trust.

Mr. CAMPBELL. What about the Bronson platform?

Mr. LETCHER. Well, sir, I do not know exactly how far our *Whig* friends would go upon the Bronson platform, if that question was presented to them. [Laughter.]

Mr. CLINGMAN. I rise to a question of order. I object to this discussion. The gentleman from Virginia must confine his remarks to his amendment.

The CHAIRMAN. The remarks of the gentleman from Virginia are clearly out of order.

Mr. LETCHER. Is it not in order to refer to the estimates of the Secretary of the Treasury?

The CHAIRMAN. It is in order for the gentleman to speak upon his amendment.

Mr. LETCHER. That is exactly what I am going to do.

The CHAIRMAN. The gentleman's amendment is to insert the words "for the fourth time."

Mr. LETCHER. Exactly; to insert the words "for the fourth time;" and now I propose to show that that custom-house at Louisville has been completed (at least *legislatively*) four times.

I recollect when I came here that \$75,000 were appropriated; when they came forward for \$16,000 for a lot, they told us that \$75,000 would build the house. I recollect then, again, that when they asked for \$87,745, they told us that it would complete it, and, as an evidence of the fact, mentioned that bids were received by which it would be completed for that amount. Now they come in and ask for \$40,000 to complete it again. I take it, that if there is not a dollar of \$40,000 now asked for appropriated, that that custom-house will be completed, and be a fire-proof building besides.

But I imagine that there is more in this thing than merely the amount of money to finish the house. There is something in regard to the precise character of the building itself; whether it shall be a brick, a marble, or a granite building; whether it shall be made of one material costly, or of another more costly, the object being to make it as handsome as possible in the shape of a structure to adorn the city of Louisville. Will it be pretended here that \$155,000 will not build a fire-proof house? Can it be pretended that it will not? One hundred and ten thousand dollars has done it elsewhere. Why cannot it do it in Kentucky? Why not in St. Louis? Why cannot it do it in Cincinnati? Why cannot it do it at the other points? I am clearly of the opinion that if we do not appropriate another dollar to this work, it will be found that the sums heretofore appropriated will accomplish it. We shall thereby save \$40,000.

Mr. LILLY. I oppose the amendment, and ask for a vote on it.

The question was then taken on the amendment to the amendment, and it was rejected.

Mr. GOODRICH. I move, Mr. Chairman, to increase the Louisville appropriation \$2,000. I am one of the Whigs on this side of the Hall not interested in this matter; yet I am in favor of the amendment. Now, what are the facts? As I understand, the Secretary of the Treasury recommends these appropriations as deficiencies. I further understand that the gentleman from Kentucky [Mr. BRECKINRIDGE] is in favor of these appropriations. He thinks that a majority of the committee are in favor of them, too; but he proposes to put them in a separate bill, and for what reason? Not, as I understand, because they are not deficiencies, but because they are not proper or in order in this bill. We are, then, according to his view, to have not one deficiency bill, but more than one, and how many? As many as we have items. We ordinarily talk about the deficiency bill as containing all the items of deficiency; but if we pass this bill as proposed, we shall not get through all our deficiencies.

Mr. HIBBARD. I rise to a question of order. Is the debate indulged in by the gentleman in order?

The CHAIRMAN. The Chair is of the opinion that the gentleman is not in order.

Mr. HIBBARD. I wish the Chair to consider the point raised on every other gentleman who may be out of order.

The CHAIRMAN. The gentleman must limit his remarks to the character of his amendment.

Mr. GOODRICH. I shall endeavor to do so.

Mr. HIBBARD. I must, without disrespect to the gentleman, insist on the enforcement of the rules.

The CHAIRMAN. The Chair will enforce them.

Mr. GOODRICH. I will say to the gentleman from New Hampshire—

Mr. HIBBARD. The gentleman cannot go on after he has been ruled out of order. He must take his seat.

Mr. TAYLOR, of Ohio. I appeal from the decision of the Chair. I think that the gentleman from Massachusetts is as much in order in his remarks as any of the gentlemen who have engaged in the discussion.

Mr. HIBBARD. They were all out of order.

Mr. TAYLOR. The gentleman is no more out of order than the gentleman from New Hampshire was on yesterday.

Mr. HIBBARD. Not a bit.

The CHAIRMAN. The gentleman from New Hampshire calls the gentleman from Massachusetts to order. The Chair decides that the gentleman is not in order. From that decision the gentleman from Ohio appeals. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken by division; the Chair announcing that 90 voted in the affirmative.

Mr. TAYLOR demanded tellers.

Tellers were not ordered; but 21 members seconding the demand—

Mr. TAYLOR. Count the other side.

Mr. CLINGMAN. The Chair has no right to count the other side, one fifth of a quorum not voting.

The CHAIRMAN. It is not necessary to count the other side, inasmuch as one fifth of a quorum, has not seconded the demand for tellers.

Mr. TAYLOR. What I meant to ask the Chair was, to count the other side on the question of the appeal.

After a count, the Chair announced that but thirty-five voted against the decision of the Chair being received as the judgment of the committee.

So the decision of the Chair was sustained.

Mr. GOODRICH. I will endeavor, Mr. Chairman, to keep somewhat within the rules of order. What I wanted simply to say—and in this I was not very much out of order—was in reply to something that was said by the gentleman from Kentucky, [Mr. BRECKINRIDGE.] He has made a strong appeal to his political friends here to vote down these amendments.

Mr. HIBBARD, (interrupting.) Mr. Chairman, I must insist upon a decision whether the gentleman is in order or not.

The CHAIRMAN. The gentleman from Massachusetts is in order. He is now proceeding to argue in favor of his own amendment, and is clearly in order.

Mr. GOODRICH, (resuming.) I think, Mr. Chairman, that the Secretary of the Treasury has not recommended enough. I think the appropriation should be increased two thousand dollars. Now, then, it seems to me, that it is in order, in reference to this amendment of mine, to show that the arguments on the other side against the whole thing are invalid. I say, then, if I may be allowed to proceed, that the gentleman from Kentucky has appealed to his political friends to vote down these amendments. What are the facts in the face of which the gentleman makes that appeal? They are, first, that the Secretary of the Treasury recommends the appropriation. They are, next, his admission that a majority of the House, which represents the people of the country, are also in favor of them.

Now, then, Mr. Chairman, the suggestion which I want to make to him is this—and I do so with every kindness—that when the gentleman is appealing to this side of the House to go against these amendments, for these reasons he should also appeal to his political friends to go in favor of that expressed opinion of the majority representing the will of the people, as he admits it does.

He admitted over and over again on this floor, that the majority in this House are in favor of these appropriations, and yet calls upon his political friends, and upon the principles of Democracy, too, to vote down the express will of the people, as expressed through their representatives here. Now, I ask, why is this? I fear that when we come to the other bill—the one for custom-houses and marine hospitals—that an appeal will be then made to his political friends to vote that down too.

But what I desire to say most distinctly was, to present the fact to this House clearly, that here is an admission from the Committee of Ways and Means that a majority of the House is in favor of this amendment, and yet they are striving to bring up their political friends to break it down.

Mr. DEAN. I am opposed to the amendment, as well as to all other amendments, and desire a vote upon it.

The question was taken upon the amendment to the amendment; and it was not agreed to.

The CHAIRMAN. The question recurs upon the original amendment of the gentleman from

Kentucky, [Mr. PRESTON,] upon which tellers have been ordered.

Messrs. CAMPBELL and CHURCHWELL were appointed tellers.

Mr. PRESTON. I would ask the Chair to state to the House—

[Cries of "Order!" "Order!"]

Mr. PRESTON. I know pretty well when I am in order—

[Renewed cries of "Order!"]

Mr. PRESTON. And if the House desire it, I can make a speech, and delay the action of the committee; but that is not my wish. I ask either that the amendment be reported, or that the Chair state to the committee the substance of it, that the committee may know what the question is upon which they are about to vote.

The CHAIRMAN. If there is no objection, the amendment will be reported again.

[Cries of "I object!" "I object!"]

Mr. CLINGMAN. I object, as it has already been read a number of times.

Mr. BRECKINRIDGE. I object to its reading again, because it has already been read twice, and because we all understand that we are to vote upon the custom-house and marine hospital amendment offered by the gentleman from Kentucky, [Mr. PRESTON.]

The question was then taken; and the tellers reported—ayes 68, noes 101.

So the amendment was not agreed to.

The following clause was then read:

To purchase a site for custom-house at Providence, Rhode Island, \$24,000: *Provided*, That the entire cost of such site and building thereon shall in no event exceed the sum of \$74,000.

Mr. SMITH, of Virginia. I desire to offer the following amendment to come in at the end of the clause just read:

Nor shall the site be purchased and the building be commenced until a contract shall be made with some competent and responsible person for the construction and completion of said building within the sum hereby appropriated.

The question was then taken upon the amendment and it was agreed to.

Mr. DISNEY. I move to strike out so much of the bill as provides an appropriation for the custom-house at Providence, Rhode Island.

Mr. DAVIS, of Rhode Island. I am opposed to the amendment offered by the gentleman from Ohio. I hope that the appropriation for the custom-house at Providence will be left to stand upon its own merits, and that it will not be connected with other matters which are entirely extraneous. There have been \$10,000,000 of revenue received at Providence since the year 1800, and there have been not over \$10,000 expended there by way of appropriation from the Government. There is now a large and increasing commerce in that city, which employs something like twenty or twenty-five revenue officers, of all kinds. Providence is now the second city in New England; and the building for which this appropriation is asked is intended to accommodate the post office, the court rooms, and the custom-house together.

I do not claim anything at the hands of the House for Providence which we are not entitled to. We have contributed this great amount to the revenue of the country; and when gentlemen from other places, who are seeking appropriations for custom-houses at the points from which they come, can show that an equal amount of revenue has been raised at those ports, they will be entitled to have their objects considered in the same light. It was in this light, I presume, that the Committee of Ways and Means considered the case of Providence when they inserted this provision in the bill.

The custom house at Providence is totally inadequate to the wants of the business required to be done there. It is a little square, brick building, so limited in its dimensions that they have been obliged to go up into the third story to accommodate the officers employed in it. I hope most sincerely that whatever action is taken upon other matters, this appropriation will be allowed to stand upon its own merits. The wants of the commerce of that city, which is the second in New England, I repeat, imperatively demand that this custom-house should be constructed; and I hope the committee will not strike out this paragraph in the bill.

I will say to the gentleman from Ohio, [Mr. DISNEY,] who seems to have antipathy to this

appropriation because those for his own section of country have not received the favorable action of the committee, that I have not, as an individual, opposed any of these appropriations for custom-houses, nor do I mean to do it. I believe they are designed for a beneficial purpose, and are necessary to carry on the business of the country.

It has been adduced in support of propositions which have been brought as amendments to this bill, that the buildings being erected were for the purpose of furnishing accommodations for court rooms and for post offices. I can say the same with reference to the building it is proposed to erect in Providence, that it is also designed for court rooms and for the accommodation of the post office in that city. I have only to add, that such are the wants of the custom-house business at Providence, that it will be doing great injustice to strike out this provision of the bill; and I trust it will not be done.

Mr. DAVIS. I demand tellers upon the question.

Tellers were ordered; and Messrs. ROBBINS and CHAMBERLAIN were appointed.

The question was taken; and the tellers reported—ayes 83, noes 52.

So that clause of the bill was stricken out.

Mr. PRESTON. I move to strike out from the one hundred and twentieth to the one hundred and thirty-fifth lines of the bill.

The Clerk read the clauses proposed to be stricken out, as follows:

To complete public buildings in New Mexico, \$50,000. For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon, belonging the one thereof to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in two contracts, one with each of said banks, for the leasing and right to purchase, the same bearing date the 19th of August, 1853: *Provided*, That before the said purchase is made, the State of New York shall cede to the United States jurisdiction over said land and property, and shall by law exonerate the same, and the property of the United States thereon, from all taxes, levies and assessments thereon, whilst the same remains the property of the United States, \$530,000.

Mr. BRECKINRIDGE. Does my colleague insist on his motion to strike that out?

Mr. PRESTON. I do.

Mr. BRECKINRIDGE. Well, we must have a division of the question. The portion of the bill which my colleague proposes to strike out embraces two separate and distinct propositions.

The CHAIRMAN. The motion of the gentleman from Kentucky will be divided. The question now is on striking out the first clause which has been read.

Mr. ORR. I hope the question will not be taken until the gentleman from Kentucky [Mr. BRECKINRIDGE] explains why that provision was put into the bill.

Mr. PRESTON. I have moved to strike it out, in order that we may hear the reasons for putting it in.

Mr. SMITH, of Virginia. I hope the gentleman from Kentucky will withdraw his motion, as there is nobody here to represent New Mexico. It is a Territory—

Mr. PRESTON. What do I understand the gentleman to ask?

Mr. SMITH. I appeal to the gentleman from Kentucky to withdraw his motion to strike out this provision, for the reason that there is no one here to represent the Territory of New Mexico.

Mr. PRESTON. I insist on my motion.

Mr. SMITH. Very well, sir.

Mr. PRESTON. It has plenty of representatives on the other side of the House and in the Committee of Ways and Means.

Mr. BRECKINRIDGE. Very well, I will satisfy the gentleman in a moment.

Mr. STANTON, of Tennessee. Before the question is put on the motion of the gentleman from Kentucky, I move to amend that portion of the bill which is proposed to be stricken out, by striking out "\$50,000," and inserting "\$40,000" in lieu thereof; and I will say in reference to this matter, that there is no conceivable reason—

The CHAIRMAN. The gentleman from Tennessee is in error. The amendment of the gentleman from Kentucky is to strike out two lines.

Mr. STANTON. And I have a right to amend the portion proposed to be stricken out. I say there is no conceivable principle upon which gentlemen can claim any consistency in putting an appropriation in this bill for public buildings any-

where that would not justify them in doing the same with regard to those appropriations for public buildings already rejected by the committee.

Mr. PRESTON. That is it.

Mr. STANTON. And I say to the friends of public buildings in the West, that in order to get justice, in order to force—

Mr. CLINGMAN. I make the point of order on my friend that he must speak to the amendment, and not go into general discussion.

Mr. STANTON. I am speaking to my amendment.

The CHAIRMAN. The gentleman must confine his remarks to his amendment.

Mr. CLINGMAN. He must show why \$40,000 should be inserted instead of \$50,000 as the amount to be voted.

Mr. STANTON. Very well. It is true that I am arguing the policy. I am for reducing the appropriation. But I will withdraw my amendment and offer another.

Mr. HOUSTON. I object to its withdrawal.

Mr. STANTON. Well, I think that the tenor of my remarks is in perfect accordance with the proposition I have made.

I say that this appropriation ought not to be in this bill on the principle on which the others were rejected; that we ought to maintain that principle with regard to all appropriations of this class, and let them stand or fall together. There is as much necessity for one as there is for the other. That is all I have to say upon the subject.

Mr. BRECKINRIDGE. I am opposed to the amendment. I hope that we shall be able to get along smoothly with this bill; and that if from any quarter a disposition is manifested, because of the failure of certain provisions, to war upon all others, the House will not sustain any effort of that sort.

Mr. STANTON, of Tennessee. I beg leave to say to the gentleman from Kentucky that I am in favor of all these provisions, and will vote for them all, either in this bill or out of it; and that I will vote for the bill whether they are in it or not.

Mr. BRECKINRIDGE. I will explain to the committee the reason why the Committee of Ways and Means inserted this provision in the bill. The following is taken from the report of the Secretary of the Treasury:

"New Mexico.—The estimate for the completion of the public buildings in the Territory is \$50,000. The former appropriation has been sufficient to complete the foundations of the State-house, and the purchase of some materials for the superstructure. The estimate is in accordance with the recommendation of the commissioners of construction."

"The cost of these works has been much increased beyond the original estimates by the great advance in the prices of labor and material."

That is the report of the Secretary of the Treasury in reference to the Territory of New Mexico, which, as has been remarked, has no representative upon this floor who is entitled to vote; and I hope that if war be made on any item, it will not be on this one.

Mr. STANTON, of Tennessee, withdrew his amendment by unanimous consent.

Mr. TAYLOR, of Ohio. I wish to ask the gentleman from Kentucky, who has just taken his seat, whether the Secretary of the Treasury, or any other person connected with the Executive Department of the Government, has recommended this appropriation?

Mr. BRECKINRIDGE. The Secretary of the Treasury does recommend it by the very report which I read to the committee. In Miscellaneous Document No. 5 the gentleman will find the views of the Department on the subject.

Mr. PRESTON. Mr. Chairman, before the gentleman from Tennessee submitted his amendment, I moved to strike the section out. It was far from my intention to do so in any spirit of hostility to New Mexico; but it seems to me that the committee who, a few moments since, were so careful that they should put all public buildings in a separate bill, have certainly shifted their ground; for here we find appropriations for certain public buildings inserted in this bill. The grounds assumed for the exclusion of the custom-houses is suddenly reversed, and they assert that it is exceedingly inappropriate to postpone this \$50,000 appropriation until the next bill comes up, and that this is the only place in which it can be safely inserted. I do not see by what process of reasoning they arrive at this conclusion; and I want to put all these appropriations for public

buildings exactly on the same footing, and to let them either stand or fall together. I do it in no spirit of hostility to any particular appropriation. One might imagine that there was some reason for inserting this, as well as the next provision in reference to the New York assay office, and that it was possibly for the purpose of securing the thirty-six votes of that State to support the committee so, as, by partial legislation, to pass those two provisions, and thrust the residue of the House amendments aside. It is for that reason that I move to put them all upon the same footing.

I cannot see any reason why an exemption should be claimed for these two items in the general deficiency bill, and why they are not as much the subjects for a separate original bill as any of the custom-houses and marine hospitals now acted on. The \$12,500 in the Louisville appropriation was for warming apparatus and affording proper comforts to the hospitals. Why are the seamen to be excluded from the benefits of this bill? The hospital is as necessary for the mariners of the Ohio river as any court-house can be for New Mexico. I do not see any necessity whatever applicable to one which is not with the same force applicable to the other; and I ask that this committee, in justice, shall put all together in the last bill, and then see whether the Committee of Ways and Means will fulfill the hopes held out to us by advising and securing its passage.

I think that some of our friends have already been misled, and that they will find, when this last bill comes up, there is no chance for it—that "there is no balm in Gilead" [laughter] which will save it from destruction, but that it will sink where the gentleman from South Carolina [Mr. Orr] had the frankness to say he intended to send it, and to that oblivion where the gentleman from Virginia [Mr. Letcher] has intimated, by his approving smile, he intends giving his assistance to consign it.

I fear, if we trust the committee, that the bill will sink forever—that it will be defeated forever—and these buildings will be left an enduring monument of what the gentleman from Illinois [Mr. Wentworth] calls the picayune spirit of the Democracy of the country—

Mr. WENTWORTH, (interrupting.) Picayunian. [Laughter.]

Mr. PRESTON. I am reminded that the term used by the gentleman from Illinois is picayunian. [Laughter.] I did not know there was any such adjective in the language as picayunian. However, I presume it is an originality permissible here—

Mr. WENTWORTH, (interrupting.) I want to set the gentleman from Kentucky right. I desired to save the Whigs from bringing that charge against the Administration. I am with the Administration. [Laughter.]

Mr. LETCHER. I would like to inquire from my friend over the way [Mr. Preston] whether he is with the Administration? [Laughter.]

Mr. PRESTON. My time is not very long, and I cannot spend it in answering such questions. So far, then, as this measure is concerned, I want to acquit myself of any charge of inimicality to the interests of this Territory, in favor of which the gentleman who is conducting this bill for the Committee of Ways and Means invokes the sympathy of the committee. I sympathize as much with the wants of the Territory of New Mexico as he can; and all I ask is that he may sympathize in the same manner with our merchants and mariners on the Ohio. I have said, Mr. Chairman, all that I intended to say.

Mr. WALBRIDGE. Mr. Chairman—

Mr. BRECKINRIDGE. I ask the gentleman from New York to give way to me for a moment. Mr. WALBRIDGE yielded the floor.

Mr. BRECKINRIDGE. Mr. Chairman, I have only a remark or two to make. I have already explained to the committee the grounds on which the Committee of Ways and Means recommended these appropriations. I do not now propose to go again over the subject. I merely wish, on behalf of the Committee of Ways and Means, and on behalf of the House, to make a very brief response to the remarks of my colleague, [Mr. Preston], in regard to the motives which he has supposed must have actuated the committee in putting some of these provisions into the bill.

I am perfectly aware, Mr. Chairman, of the

responsibility which I have personally incurred in attempting to conduct this bill through this committee, and I am also aware that it would be improper for me, having the bill in charge, to engage in irrelevant and heated discussions; and if I were to enter into such discussion with any man, it certainly would not be with my friend and colleague. But I wish to call the attention of the committee to the desperate straits to which my colleague is now reduced since the failure of his attempt to weld the custom-house bill on the deficiency bill. In his extremity he has gone so far, and has so far forgotten himself—for he is not in the habit of doing such things—as to impute to the Committee of Ways and Means the unworthy motive of attempting to conciliate the strong vote of New York, by reporting in favor of the appropriation for the purchase of the assay office in that city. I am sure that it is not necessary for me to repel such insinuation on my own part, as well as on the part of the committee.

Mr. PRESTON. Will the gentleman allow me to ask him to explain the reason why the committee did report that appropriation? Let him go on and give us the reason.

Mr. BRECKINRIDGE. I addressed this committee the day before yesterday for nearly half an hour, in explanation of the reasons which governed the committee in putting in that provision. I have no additional reasons to give. Perhaps my colleague may suppose that the reasons then given are not sufficient. If he does so suppose, ought he not at least to do so much justice to the motives of a committee of this House as to presume that they were governed by proper purposes? Sir, I tell my colleague that coalitions have been formed here lately, but not by the Committee of Ways and Means. I regret the remarks of my colleague, for I consider them unbecoming to himself and indecorous to the committee. Sir, I have nothing more to say.

The question was then taken on the amendment to the amendment offered by the gentleman from Kentucky, [Mr. Preston]; and it was not agreed to.

The Clerk then proceeded to read the remaining sections of the bill. The section providing for the purchase of the site of the assay office in New York having been read—

Mr. PRESTON. I move Mr. Chairman, to strike out the section that has just been read. I desire to make a few remarks for the purpose of stating the reason why I make this motion. The custom-houses which have been rejected as unfit for receiving appropriations in these bills were asked for by preceding acts of Congress, were ordered by preceding Congresses, and appropriations for them were voted in a deficiency bill here last year—

Mr. ORR, [interrupting.] In the deficiency bill?

Mr. PRESTON. In the deficiency bill; I repeat sir, the custom-houses were, after the original appropriations, continued by appropriations in the deficiency bill, to supply the deficiencies in their construction. My colleague, in reply to my question as to the motive of the committee for their course, says he has not an opportunity of replying, and refers me to his speech. Why, sir, all that I have heard in the speech of my colleague was more unsatisfactory, and a stronger reason against separating the measures than anything of the kind I would be able to utter myself.

We all remember the dispute between New York and Philadelphia, whether a Mint should be established in New York. During the last year the Secretary of the Treasury entered into a lease for a building in the city of New York, for which he is to pay \$53,000 a year rent, for the assay office. And then the Committee of Ways and Means come here and ask an appropriation for \$530,000, under the guise of a deficiency.

The vote is, Mr. Chairman, to appropriate \$530,000 in order to buy out the Bank of Commerce in Wall street, in order that the Mint may be ultimately established there; or in order, at least, that the assay office may be established there. I have voted for that Mint and assay office, and I will do it again, as an independent proposition. I tell the gentlemen from New York, and the gentlemen from Pennsylvania, in this House, that, as an independent proposition, I voted for it before, and will vote for it again.

But the Committee of Ways and Means put into the deficiency bill this original appropriation

—for it is nothing else but an original appropriation—and they exclude the deficiencies for unfinished custom-houses, which, by all the legislation of the past in reference to them, are entitled to be considered fair and just items in such a bill. Now, sir, I want to have this appropriation put on no better footing than our custom-houses. I do not admire that new system of economy by which the Committee of Ways and Means are to rebuke the President and the Secretary of the Treasury, or fit them to the Procrustean bed of their own notions. I do not want the custom-houses to be laid down on such a bed of public economy, and chopped off to suit the caprice of the committee; while, on the other hand, it tacks on the appropriation for this New York assay office. Are the dozen custom-houses for which appropriations are asked, calculated to decentralize trade from the great cities, and extend benefits to the people? Are we who advocate these appropriations attempting to establish custom-houses from mere extravagance? If the importers of Cincinnati, Pittsburg, or Louisville seek to save themselves from the cost of commissions and factorages which they are now subject to in the importing cities, by establishing direct trade, it is but a natural and proper desire on their part. It has been seen that the port of St. Louis and other ports have a large direct trade now, when a few years since they had none; and is this to be thrown away by refusing an appropriation for affording proper commercial facilities?

Now, sir, I submit to the committee if the custom-houses out of the bill, and the assay office in the bill, are not on the same footing? The gentleman from South Carolina admitted that they are. I see, by the sanguinary smile of my friend from Virginia, that he thirsts after the blood of both; but I trust, although I desire that neither may have any preference that both may pass, but that both may stand or fall together. I think that no preference should be shown by the committee without some adequate reason, and I have heard none assigned.

Mr. WALBRIDGE. I regret the motion of the accomplished gentleman from Kentucky to strike out the appropriation of the city of New York for an assay office. I have no other knowledge of this measure than as it comes to us from the Committee of Ways and Means. Sir, what are the facts in this connection? By the authority of Congress the Secretary of the Treasury was authorized to procure the necessary building for an assay office in the city of New York. In the exercise of his discretion he has made a contract running fifteen years, with an annual rent of \$53,000, making an aggregate, within a small fraction, of \$800,000. One hundred thousand dollars has already been expended in constructing the proper machinery to enable this office to do the work required of it; certainly another hundred thousand dollars will be expended before the fifteen years have terminated. By the terms of the lease, these improvements and fixtures will revert to the lessors at the expiration of this period. Here, then, by continuing as lessees we have an expenditure of a million of dollars for the rent of the building and the loss of our fixtures. By the terms of the contract, the United States are at liberty to terminate the same for an amount a fraction over half a million of dollars, by which the General Government comes in possession of the property in fee, and it can at any time, whenever deemed advisable for the public interest, be sold to reimburse the original payment, and also give to the Government the benefit of its appreciation in value. Certainly, if we may judge from the experience of the last fifteen years, this advance could not be less than one hundred per cent. in the next fifteen years to come. I take this question just where it already exists. The contract is made; the Government faith is pledged; you can have the whole property in fee for \$530,000, or you can have a lease of it, and the loss of your fixtures at the end of fifteen years, for \$1,000,000. Viewed simply as a commercial transaction, I believe it sound economy to terminate the lease and take the property, and so I believe it would be regarded by all good, practical, business men.

Sir, I deeply regret that, during the discussion of this question, any suggestion should be made that the city or State of New York is hostile to the legislation required by the wants of any section of the country. I shall the more regret it if

this opinion shall gain credence on this floor. Identified with every village or hamlet in the country, by ligaments of trade and interest, the city of New York is interested in whatever develops the growth or industry of any section of the country. Considering our population and growth, the record will demonstrate we have never obtruded our claims on Congress to the injustice of any of the other sections of the Union. The aggregate population of this country is not yet twenty-five millions, one seventh of whom reside in our geographical State limits. The aggregate of personal and real property in the whole United States is eight thousand millions of dollars. The value of the property in the State of New York is estimated at twelve hundred millions of dollars, showing our wealth as well as our population to be more than one seventh of the whole property of the United States. We have a capital invested for educational purposes of six million seven hundred thousand dollars, the best commentary of the estimate we place on the importance of diffusing intelligence and educating our people. The annual revenue from our taxes alone, in the city of New York, may be estimated at eleven millions of dollars—more than one half of the whole revenues of the General Government—a sum exceeding thirty-seven millions of dollars was received at the custom-house during the last year in the city of New York. Fifty millions of dollars of foreign coin will be brought there this year by the four hundred thousand emigrants that will make this country the home of their adoption. A hundred millions of dollars from California and Australia will also be brought there during the next year, the greater portion of which will pass through the assay office, for which you have begun to provide. Through this, and other channels, we hope to regulate the commercial exchanges of the world. Our National Treasury has now in its vaults thirty millions of dollars, more than half of it collected at the city of New York. I therefore respectfully press upon the favorable action of the committee, the sound economy of terminating the lease, taking the property, which hereafter may be sold, without loss, if the public interest should be promoted by such a course.

Mr. PHILLIPS. I would inquire whether it will be in order to amend the section before the question is taken upon the motion to strike out.

The CHAIRMAN. It will be in order.

Mr. PHILLIPS. I move to amend by reducing the appropriation to one dollar.

Mr. Chairman, I desire to say at the outset, to my friend from New York, that it is in no spirit of hostility to that measure that I oppose this appropriation in this bill. I shall vote for that appropriation in its proper place, but, at the same time I say it is due to those of us who have stood by the Committee of Ways and Means upon principle, that the gentleman from Kentucky, who represents the Committee of Ways and Means upon this bill, should join us in voting to strike out this provision of the bill. Sir, I was willing to go, and did go with him, in opposing this custom-house amendment to the hazard of losing the appropriation for an important work in my own section of country. And upon what ground? Upon the ground that we ought not to hazard the passage of a bill which was necessary to carry on the ordinary purposes of Government. Now, sir, I adhere to that principle. If I mistake not, my friend from Kentucky [Mr. BRECKINRIDGE] made a special appeal to the House not to hazard the passage of the bill by voting for appropriations which are not necessary to carry on the ordinary purposes of the Government.

Now, I appeal to that gentleman to stand with me in opposition to this measure, and to advocate with me the striking from the bill this appropriation—which certainly is not necessary for any such purpose—and let us confine this deficiency bill to those appropriations which are necessary for that purpose. I think a proper regard for consistency requires him to do it. I know I am consistent when I take this course. I assure gentlemen that if they would reduce this bill to its proper sphere, they should at once strike out this measure, and place the matter beyond a doubt. Let us pass the bill containing only appropriations for legitimate and proper objects, and then let us consider and pass those other measures in a proper manner in a separate bill.

But, sir, gentlemen can no more stand here and

insist upon retaining this provision of the bill than they could that for the custom-house in Providence, Rhode Island. The committee have stricken out that; they have refused to make provision for any of the custom-houses in the country; and now, in good faith, to be consistent with themselves, they are bound to strike out this appropriation for the benefit of the assay office in the city of New York. That will be consistent with the vote already given rejecting the amendment of my friend from Kentucky, [Mr. PRESTON.] Reduce this bill down to what it ought to be, and make it a bill to provide for the necessities of the Government, and then we can give it an almost united support—both Whigs and Democrats. We can then take up all these outside matters and vote upon them.

Mr. COBB. I am opposed to the amendment offered by my colleague. He complains of the House for having stricken out an appropriation for the custom-house at Providence, Rhode Island.

Mr. PHILLIPS. By no means. I said it was right. I voted in favor of striking out that appropriation.

Mr. COBB. Well, my colleague holds that because that was stricken out it is the duty of the House to strike out this provision also.

Mr. PHILLIPS. I said; that to be consistent, the House must do it.

Mr. COBB. Well, I am never governed in my votes here by what the House may do. I never allow my course to be governed by the action of the House.

I voted against striking out that appropriation for the custom-house at Providence, Rhode Island. I found it in the bill as reported by the Committee of Ways and Means. I intend to sustain that committee in my action upon this bill, and to vote to keep it in the shape in which they have reported it.

As to this appropriation for the assay office in New York, I am opposed to striking it out upon principles of economy. I believe it is right; and I shall vote for it because I find it here, without regard to the question whether it would be more appropriate to have it in another bill. I am always ready to vote upon what is presented to me here for my consideration; and although I may believe that propositions presented here are improperly presented, still, when I am called to act upon them, I will do it according to my best judgment.

I find this appropriation here; I believe it to be right, and I shall support it. I voted for the establishment of the assay office in New York. I fought for it for six years before we succeeded in getting it. I do not say this for the purpose of exciting my Pennsylvania friends, who are particularly interested in opposing that measure. I have supported the Mint in Philadelphia, but, at the same time, I have been in favor of the establishment of the assay office in the city of New York. I believe that it is economy to appropriate this money for the purchase of these buildings, and I hope the committee will sustain the provision.

Mr. BRECKINRIDGE. I desire to amend the amendment.

The CHAIRMAN. No further amendment is in order. There is an amendment to the amendment already pending.

The question was then taken on the amendment to the amendment, and it was rejected.

Mr. CUTTING. I move to amend the provision proposed to be stricken out by striking out the word "thirty," and inserting "forty" in lieu thereof, so as to make the appropriation \$540,000 instead of \$530,000.

It has been objected, Mr. Chairman, by many gentlemen upon this floor, that this appropriation does not partake of the character of a deficiency; and in regard to that I have to observe, that at the last session of Congress the Secretary of the Treasury was authorized to procure, by lease or otherwise, grounds or buildings for the purpose of this assay office. Under that general authority he entered into a contract which, for the present, was a lease, and which also contained in it a stipulation for the benefit of the Government, of a purchase, and he recommends that that purchase shall be made. In order to procure those buildings if he desired, Congress placed at his disposal \$100,000, and no more. In order to carry out the purchase that he has contracted to make, and to make it, would take \$530,000; and consequently the appropriation made for that purpose is altogether deficient, and to make up the deficiency

between the sum before appropriated and the one needed to carry out this contract, the committee recommend this item in the deficiency bill.

One word more. This question is treated, it seems to me, in a point of view different altogether from what it ought to be. The question is, shall we legislate now for the benefit of two banks in the city of New York, or shall we legislate for the benefit of this Government? We get the benefit of a provision in the contract by which we secure to this Government an advantageous purchase, and the result will be just this: If we do not buy from mistaken economy, or other motive not so creditable, we shall have paid out at the end of fifteen years in rent \$795,000, and we shall have lost the whole cost of the building, which amounts to at least \$100,000, making an expenditure in fifteen years of \$895,000, and not a grain of sand left afterwards belonging to the Government to show the avails. On the other hand, take our stipulation, and what is the result? We pay \$530,000 out of any money unappropriated; and at the end of the term, by that single expenditure of little more than half a million, we have building, land, and all, for less cost than the rent. Add interest upon the purchase money for fifteen years, at the rate of five per cent., and the Government does not pay interest on funds not in use, and the whole aggregate is \$925,500—being a difference of \$32,500 only; and for that \$32,500 we own, as I observed before, in fee-simple the whole property; whereas by paying rent, you have not got a brick, or a grain of sand belonging to you. Who will own it? Who but the banks? And it is a bonus to these two institutions, at the end of fifteen years, over and above their rent of the whole land, or of the building. That is just the state of this question.

One word as to Pennsylvania. Philadelphia has grown, Mr. Chairman, to be a magnificent city. The last census, if I remember correctly, gave her some four hundred and fifty thousand or four hundred and sixty thousand people. In my judgment she has grown to be too large, and ought to be far above the small considerations which seem to operate here.

Mr. BRECKINRIDGE. Mr. Chairman, I do not rise for the purpose of discussing the merits of this appropriation. My purpose simply is to show the real position occupied here by the Committee of Ways and Means in relation to it, and to relieve that committee from the position in which my friend [Mr. PRESTON] has so ingeniously placed it.

Mr. TAYLOR, of Ohio. I rise to a point of order. My point of order is, that I do not understand the gentleman from Kentucky [Mr. BRECKINRIDGE] as speaking in opposition to the amendment of the gentleman from New York, [Mr. CUTTING.]

Mr. CUTTING. I withdraw my amendment, so that the gentleman from Kentucky can make another amendment and speak to it.

The CHAIRMAN *pro tempore*. The gentleman from New York asks leave to withdraw his amendment. Has he the unanimous consent of the committee for that purpose?

Objection was made; and the amendment was therefore not withdrawn.

Several MEMBERS. What is the amendment?

The CHAIRMAN *pro tempore*. The amendment is to strike out the word "thirty," in the one hundred and thirty-fifth line, and to insert "forty," which would make it read "five hundred and forty thousand dollars," instead of "five hundred and thirty thousand."

Mr. BRECKINRIDGE. Well, I am opposed to that.

The CHAIRMAN *pro tempore*. To be strictly in order, the gentleman should confine himself to the discussion of the reasons why \$540,000 should not be appropriated instead of \$530,000.

Mr. BRECKINRIDGE. I submit, Mr. Chairman, that it would be very hard, after the latitude that has been allowed to members in this debate, and after the remarks that have been made, not to be allowed to make a brief explanation. I have not troubled the committee much, and I merely wish to explain in behalf of the Committee of Ways and Means.

Mr. TAYLOR. I have no objection to the gentleman from Kentucky being permitted some latitude on the subject of these custom-houses.

The CHAIRMAN *pro tempore*. The present

occupant of the Chair is only temporarily fulfilling that duty; and if the question is made at any time I will endeavor to enforce the rule, and to keep gentlemen strictly to the explanation of, or reply to, the amendment before the committee. With the unanimous consent of the committee, the gentleman from Kentucky may now proceed to make the explanation he desires.

Mr. BRECKINRIDGE. I do not care now, Mr. Chairman, to make the remarks I intended. I shall seek some other time in the discussion of the bill to make the explanation I desired.

Mr. TAYLOR. I hope the gentleman from Kentucky will proceed with his explanation. I have no objection to his deviating from the strict rule. Other gentlemen have been allowed to do so, and of course the same latitude should be extended to him.

The question was then put on the motion of the gentleman from New York, [Mr. CUTTING;] which was not agreed to.

Mr. BISSELL. I move to amend by striking out the words "five hundred and." The position which I have occupied in reference to this matter may be known by the fact that when the former deficiency bill was pending I voted for that provision. In committee, while attached to the bill, I voted for the bill in the House. But, sir, so I also voted for the other provisions while the same bill comprising them was pending. I voted for the bill with these provisions in. Some of these provisions I have now voted against, as I shall vote against this one, for the reason that it is, in my judgment, in the wrong place now.

The only point upon which I differ with the committee in the action which they have taken upon this subject, is the one of inserting this provision in this bill; and if there is anything in the bill which will endanger it, it is this. Has this committee considered that of the \$5,400,000, the aggregate amount of appropriations made in this bill, considerably more than one fifth of the whole is for the purchase of these two banking houses; and yet we are told that it is a deficiency bill, and that there is a great necessity for its passage. A deficiency bill! And how does the gentleman from New York [Mr. CUTTING] make it such? He tells us that the Secretary of the Treasury has made a bargain; that he has rented one or both of these buildings; and now, finding that he can make a better bargain, he proposes to Congress that the bargain be rescinded, and the Secretary be permitted to make another bargain. And that makes this appropriation a deficiency, does it? The deficiency, in my estimation, if it exists anywhere, exists with the Secretary of the Treasury.

Sir, let this deficiency be placed in the other bill, where it properly belongs. There is no haste, and no occasion for haste, in regard to this matter. We have, if I remember aright, one and a half years in which to close with this contingent bargain, which has been entered into by the Secretary of the Treasury, in relation to these two banking houses.

Mr. STANTON, of Tennessee. As I understand the amendment of the gentleman from Illinois, it leaves in the bill a part of this appropriation. I am opposed to that amendment for that reason, because I consider that the whole of the appropriation is wrong, according to the decision of the House heretofore made, in refusing to put the custom-house appropriations into the bill.

I desire, further, simply to say that I shall vote for this assay office appropriation, whenever it shall come up in the other bill. I would have voted for it here, because I consider it right, if the other propositions in reference to custom-houses, equally right, as I believe, had been put into the bill. But, as gentlemen have excluded them upon a point of principle, and as no man can show what principle of right requires that the one proposition should be included in this bill and the other excluded—if they be equally reasonable in themselves—I am obliged, to be consistent, to vote to exclude the proposition under discussion, in order that it may be introduced into the other bill, and form an additional inducement to bring it forward for successful action.

The question was then taken upon the amendment offered by Mr. BISSELL, and it was not agreed to.

Mr. FLORENCE was recognized by the Chair. Mr. BAYLY, of Virginia. I believe I have

the floor. My opinion is, that in respect to the lease—

A Voice. Make an amendment.

Mr. BAYLY. I am going to offer an amendment.

The CHAIRMAN. The gentleman is only in order by offering an amendment.

Mr. BAYLY. I suppose I can tell what my amendment is. I desire to say that the amendment which I intend to offer is one for which we have a precedent, in a case similar to this. I do not desire to reduce my amendment to a precise technical form, until I can see how to frame it, that it may read correctly in connection with the bill; but the substance of it is to authorize the Secretary of the Treasury to get clear of this lease upon such terms as will not be detrimental to the public service.

I beg leave to say here that we have a precedent for such action in a similar case. The Atlantic warehouses were rented injudiciously and improperly, and the Committee of Ways and Means at the time recommended that we should get clear of those leases; and they used upon that occasion the same arguments precisely as are made now. They wished to get rid of the leases, and obtain private warehouses instead of public ones.

In the present matter I think the point is just this: that it is perfectly true, if this lease is to continue, and if Congress does not mean to get rid of it, we had better buy the property. In that respect I perfectly agree with the Committee of Ways and Means, and I fully agree with my friend from New York [Mr. CUTTING] also in that respect. It is wisdom to purchase this property, or make some amendment here with a view to get clear of this injudicious lease. The proposition to my mind, as a practical man, is clearly a proper one. If we mean to maintain the lease, we had better take advantage of the alternative given to us in the contract to purchase the property, for it is demonstrable that such a course will be a saving to the Government in the end. But it occurs to me that the first action of this committee in respect to this matter should be to first ascertain whether we can get rid of the lease. If we can, we had better not buy the property, in my opinion, but wash our hands of the whole transaction.

Mr. McMULLIN. I desire to know if we can get clear of that lease in any way?

Mr. BAYLY. We can negotiate and get clear of it just exactly as we negotiated and got clear of the lease that Walker made for the Atlantic warehouses. But we do not desire to discard this contract. We do not desire to turn our backs upon it, as improper as we thought it was; but we ought to do one of two things, either to take some steps to get clear of the lease, or to buy the property. Prudence and economy dictate that, unless we get rid of it, we should buy the property. I think we may, by negotiation, obtain relief from the contract. At any rate, I do not think that the appropriation is in its proper place here in the deficiency bill.

Mr. HOUSTON. I am opposed to the amendment offered by the gentleman from Virginia. I will state that the warehouse which was rented by Mr. Walker was not the property of the Government. I think, therefore, that my friend from Virginia is mistaken in relation to the power which has been exercised at any time in regard to that matter.

The question was then taken upon Mr. BAYLY's amendment, and it was rejected.

Mr. BRECKINRIDGE. What is the proposition now before the committee?

The CHAIRMAN. It is a proposition to strike out the clause of the bill providing for the purchase of the lease of the buildings for the assay office in New York city.

Mr. ORR. If the gentleman from Kentucky [Mr. BRECKINRIDGE] will yield the floor to me, I will offer an amendment so as to make the gentleman in order in replying to it. I move to reduce the appropriation two dollars. I occupy, with reference to this bill, the same position very nearly—

Mr. BRECKINRIDGE. I thought the gentleman from South Carolina offered the amendment for my benefit. [Laughter.]

Mr. ORR. I certainly did, and I thought that the gentleman wanted something to oppose, and that the amendment would afford him that opportunity in reply to me. I occupy the same position

with my friend from Illinois, [Mr. BISSELL,] for when this proposition came before the House I voted for it upon the yeas and nays. I believe it was the weight of that appropriation that aided materially in breaking down the bill; and I believe that this appropriation now, if it is not stricken from the bill, will do more to sink it than any one single item in it. I have not examined this matter very minutely or particularly since; but I doubt now whether the vote which I then cast was a correct one, and it is for that reason that I desire to get some information from the gentleman from Kentucky, so as to relieve the doubts which I have in regard to this matter. At all events, whether the information is satisfactory or not, I am in favor of striking out this appropriation from the deficiency bill, which can just as well be inserted in the civil and diplomatic bill. This appropriation, as a deficiency, ought not to be in this bill. I do not think that the Secretary has exercised a judicious discretion in making the contract. I am in favor of repudiating the contract, if the Government is not bound by the bond; and I desire to inquire of the gentleman from Kentucky [Mr. BRECKINRIDGE] if the papers have been executed in such a manner between the Secretary of the Treasury and these parties owning the property, as will preclude the Government from repudiating the contract? If we are in that position, then I have no doubt that it is expedient that you should purchase the site at \$530,000, rather than that we should pay \$53,000 per annum for fifteen years. I think the Secretary exceeded the discretion which Congress intended to vest in him at its last session; for it was never imagined that he, in renting or leasing, would, upon his own responsibility, attempt to bind the Government absolutely for fifteen years, or force us to purchase the property. He has placed the Government in a position that we are compelled to pay \$530,000 for the purchase of the site, or to pay \$53,000 per annum for fifteen years. Will the gentleman from Kentucky give me the information which I have indicated?

Mr. BRECKINRIDGE. If the gentleman will look at the law of the last session, he will observe that it confers upon the Secretary the authority to lease property for an assay office.

Mr. ORR. But not for fifteen years.

Mr. BRECKINRIDGE. The law does not limit the time, and the authority is clear. Then, if the gentleman will examine the contract made for the lease of this ground, he will observe that the Government are bound to pay this rent for fifteen years, unless they purchase the site. The papers are at my desk, and any gentleman who desires can examine them.

Mr. SMITH, of Virginia. What authority had the Secretary to make any such contract?

Mr. BRECKINRIDGE. The lease was made in pursuance of the law of the last session.

Mr. SMITH. But does that law confer upon him the authority to make such a contract for fifteen years?

Mr. BRECKINRIDGE. The law confers the authority because it makes no limit. Now, sir, I desire to make a single remark, and it is the last I shall make in connection with this provision. I do not intend to say one word as to the propriety or impropriety of adopting it, but only to relieve myself and the Committee of Ways and Means from the position which my colleague, [Mr. PRES-
TON,] and some other gentlemen who have spoken to the same point, have placed us.

I was somewhat amused at the course of my colleague after the defeat of his custom-house amendment. He fairly took the wind out of the sails of the gentleman from Pennsylvania, [Mr. FLORENCE,] who had intended to father the opposition to the assay office. Whether it was for the purpose of making a graceful retreat, or whether it was a maneuver to secure good company for his custom-houses, I will not undertake to say. If the latter was the intention, I am not sure but it was a judicious move. He knows very well that if the House vote this provision out of the bill, that gentlemen from New York will endeavor to get it put in somewhere else. It might very well come into the custom-house bill; and if the gentleman can get an appropriation for an assay office in New York attached to the bill for the benefit of custom-houses and marine hospitals, the maneuver would not by any means be a bad one. We have had some experience in this House

of the success of these coalitions; and if this is the intention of my colleague, the move has been well made. But, sir, I will not advise these gentlemen to take this course; I merely throw out the suggestion.

But, sir, my colleague in the course of his remarks attacked with great vigor this measure, as a favorite one of the Committee of Ways and Means. Not at all. I have explained before to the committee the origin of this amendment, and the connection the Committee of Ways and Means have had with it. It was not in the bill as originally introduced by them. It was introduced upon the motion of the gentleman from New York, [Mr. HAVEN,] though the committee, for reasons which have been given, supported the amendment after it had been offered. The committee did put it in this bill; but do not gentlemen know that in framing this bill the committee have not been governed by their own views as to the propriety or impropriety of provisions contained in the old bill, but by the expression of the wishes of the House as given by their votes upon the different items? The House, by a very large majority, voted in favor of this measure, and the Committee of Ways and Means, therefore, put it in the bill, not as instructing the House, but as being instructed by it. The provision is now before you, and it is entirely immaterial to me whether you put it in the bill or reject it. I only say to the gentleman from New York, that he need have no fear as to the fate of this appropriation. It must pass. If it does not pass now, it will at some other time. It is only a question of time and place. If it is stricken out of this bill, it will be inserted in the custom-house bill; or failing there, it will certainly go into the general appropriation bill. The Government is pledged either to pay the rent for fifteen years or to make the purchase; and it is clearly a matter of economy for us to make the purchase.

Now, in reference to the appeal made to me by the gentleman from Alabama [Mr. PHILLIPS] to withdraw the provision from the bill, I have to say, that I have no authority to do any such thing. I have no authority to change the line of policy marked out by the Committee of Ways and Means.

Mr. PHILLIPS. Will you vote for striking it out of the bill?

Mr. BRECKINRIDGE. No, sir, I will not vote to strike it out. I shall vote for the appropriation in good faith; but, as I said in the outset, I do not intend to discuss the proposition. It is before the committee, and it is immaterial to me whether they put it in or strike it out.

The question was taken, and Mr. ORR's amendment was not agreed to.

Mr. LETCHER. As I think all legislation ought to express the true facts of the case, I move to amend by adding, at the end of the paragraph proposed to be stricken out, the following words:

"The said appropriation having been made necessary in consequence of two unwise contracts made by the Secretary of the Treasury." [Laughter.]

It seems to be pretty generally conceded on all sides of the House, by the Democrats as well as the Whigs, that these contracts were very unwise and injudicious; and if this appropriation shall be voted, it will be voted under that settled conviction. Now, it seems to me that there is a propriety in putting upon the face of every act the true state of the facts, as near as they can be ascertained, which led to its passage. It strikes me, therefore, that this amendment would come in very properly here, and will explain this whole affair.

Mr. DEAN. I do not propose to debate this bill or any of the amendments. It seems to me that we are all prepared to vote upon this question, and I therefore ask for a vote upon it.

The question was then taken on Mr. LETCHER's amendment to the amendment; and it was rejected.

Mr. FLORENCE. I move to reduce the appropriation to one dollar.

Mr. Chairman, if I could but divest myself of the position that I occupy, as a Representative from Philadelphia, and assume the position that I desire to occupy upon this floor, simply as a member wishing to promote an economical expenditure of the public money, I presume the remarks which I am about to make would have a better effect upon the House. Still I solicit the attention of the committee, desiring members to

give me credit for sincerity, being satisfied that I can present facts which cannot be controverted.

I desire, in the first place, to protest against this appropriation being considered a deficiency. I cannot, for the life of me, understand how the Committee of Ways and Means can torture this proposition to appropriate \$530,000 into a deficiency, when the amount first appropriated for this purpose was simply \$100,000. In order that we may go along properly and smoothly, I will at this point read the section of the bill making an appropriation for the establishment of this assay office at New York which was passed at midnight, or at two or three o'clock in the morning of the 4th of March, 1853; for be it known—I desire the country and the new members of this House to know it—that that proposition—

Mr. DEAN. Will the gentleman allow me one word?

Mr. FLORENCE. No, sir.

Mr. DEAN. Did not the gentleman vote for it? Mr. FLORENCE. That amendment came into the House some time in the morning of the 4th of March. I do not now recollect the precise hour, but it was after the five-minute debate had been closed on the civil and diplomatic bill; and the amendment was not even read when the committee of conference between the two Houses made their report upon that bill.

Now, I say that that appropriation was intended to be final, and I will prove it by the record that I have before me, and by the declarations made upon this floor by members from the city of New York. Out of their own mouths I intend that they shall be condemned. The section for the establishment of the assay office at New York reads thus:

"For carrying into effect the provision in this act establishing an assay office in the city of New York, in addition to the charges authorized to be received, \$100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Now, sir, the gentleman of the Committee of Ways and Means having charge of this bill, gave me the paternity of this opposition; but I do not think that I am entitled to it, nor do I deserve or desire especial commendation or notice because of the course I have, from a sense of duty, pursued in relation to this appropriation. I regard it extravagant and unnecessary, for reasons that I shall proceed as briefly to state as my very limited time will permit.

When we considered this whole subject, a day or two ago, I attempted to show that the cost of the support of the assay office was greater than any one had the most distant possible idea of. I gave figures to prove that the cost of conducting it was more than \$100,000 per annum, and urged that no public necessity required or justified such an expenditure. No one, in the most extended view he dared take of this subject, when it passed the House a little more than a year ago, conceived that more than \$100,000, the amount appropriated, or even that amount, would be required to consummate the object of the law. Why, take its phraseology, and we find that this sum was appropriated to the purpose; and it was then intimated it would be more than was necessary, because a portion of the custom-house in New York would be or could be made available for the purpose of assaying gold which would be brought to it. Besides the objection urged against the enormous expense—which was alleged to be \$30,000—of the transportation of bullion to the parent Mint at Philadelphia, was the principal, indeed almost the only substantial argument adduced in support of it. Now, what is the reality now presented to us. The really enormous sum of \$530,000 is asked for these bank buildings, \$46,400 for salaries of officers, &c., and—

[Here the hammer fell.]

Mr. WALKER. Mr. Chairman, I have no desire to occupy the time of the committee in reference to the general question of the bill. What I have to say will be in allusion particularly to what fell from the gentleman from Alabama, [Mr. PHILLIPS,] as to the reason why this appropriation for the assay office in the city of New York should be made an exception to the appropriations for custom-houses, which were, by a vote of the committee, ruled out from this bill. The ground I shall take on that point is this: The great, the ruling necessity for this appropriation for the establishment of an assay office in New York city is not

one which relates mainly to that city and its interests. The question is a national one. The establishment of that assay office would be a matter of national economy. There would be a saving of from \$45,000 to \$55,000 per annum in the transportation of gold to and from Philadelphia, and the interest on the money for the period during which it is delayed. The whole amount of gold received in New York during the last year was something like \$60,000,000. The cost for its transportation to and from Philadelphia is at the rate of seventy-five cents on the \$1,000; and there would then be an absolute expenditure of \$45,000 per year. That is not lost to the city of New York; it is a loss to the revenue of the United States, which would be paid into the assay office in ingots. It is a loss to the people of the United States in the aggregate; and that being so, it strikes me that it is a consideration which renders the insertion of this clause in this bill reasonable and just. It ought not to be an exception.

Mr. HIESTER. I move that the committee do now rise.

Mr. BRECKINRIDGE. If we get a vote on this we shall easily pass the other items.

The question was put on the motion that the committee rise; and, on a division, there were—ayes 69, noes 84.

Mr. CAMPBELL. I ask for tellers upon the motion.

Tellers were ordered; and Messrs. WHEELER and WITTE appointed.

The question was then put; and the tellers reported—ayes 76, noes 85.

So the committee refused to rise.

The question then recurring upon the amendment offered by the gentleman from Pennsylvania, [Mr. FLORENCE,] it was put; and the amendment was not agreed to.

Mr. BAYLY, of Virginia. I move an amendment to reduce the sum five dollars, and I make the amendment in order to say to the committee, that as they have voted down a proposition to get clear of this lease for these buildings, I think a clear case is made in favor of purchasing the property. That is all I have to say upon the subject.

A Voice. That is right.

Mr. STANTON, of Tennessee. But the gentleman from Virginia before said that the appropriation for this purchase ought not to be in this bill, at any rate, but should be put in the other bill.

Mr. WITTE. I desire to say a word in opposition to the amendment offered by the gentleman from Virginia, [Mr. BAYLY,] but by no means to indorse the reasons which he assigned for it.

It is well, perhaps, that this committee should understand that the amendment now before it, in reference to the assay office in New York, is one of considerable importance—important not only to this House, but to the country. The committee will agree with me, that much has been said here, when amendments have been offered, contemplating additional appropriations for custom-houses, and marine hospitals, in sums involving but one or two thousand dollars, in any one case. But here we have a direct proposition to vote into this bill, under the name, and in the guise of a deficiency, an appropriation of more than half a million of dollars. Now, sir, there are weighty reasons why this amendment should not remain in the bill, and the country ought to know it. There are important reasons why this subject should be made a subject for the special legislation of this House, and the country ought to know that. I will state one or two of them briefly.

I know the capacity of the parent Mint at Philadelphia. I know the cost of that institution. It was \$250,000. I know its competency now to do all the work required of a mint, and more. I know that the hands at that Mint are not now fully employed. I know that \$100,000 were appropriated at the last Congress for the establishment of an assay office in the city of New York, and I know that, at that time, the friends of that measure stated that such sum would be all that would be required. Now, an additional appropriation of \$530,000 is asked for. That circumstance may well attract the attention of the House and of the country.

I do not propose to enter into that discussion now; but will do so at the proper time. But this point I desire to state to the committee and

the country: Is it well, is it prudent, is it wise, is it economical in this Administration, or in any Administration, that one and a half millions of dollars—because that will be the effect of the amendment, if adopted—should be appropriated for the establishment of an assay office in the city of New York, when the parent Mint at Philadelphia, competent to do all the business required, cost but a quarter of a million of dollars, and is now but partially employed?

There may be good reasons why this committee should consider earnestly and respectfully the statement of my honorable friend, [Mr. BRECKINRIDGE], the member of the Committee of Ways and Means. It is important that this committee should behave with becoming dignity to the Secretary of the Treasury; and I impute no improper motive to him, nor do I impute any improper motives to the Committee of Ways and Means. I believe that the committee considered themselves as warranted in introducing this amendment into the bill; and it may be exceedingly important for the friends of the bill, the friends of the Administration, and especially those gentlemen who have professed so much sympathy and so high a sense of justice towards the laborers engaged here upon the Capitol extension, and the employees of the Government generally, to know how far they may endanger the success of the bill by suffering an amendment to remain in it so momentous in its consequences; involving, as it does, an appropriation of more than half a million of dollars made, under circumstances exceedingly doubtful, and which ought to be made the subject of special legislation here. I repeat what I said at the commencement of my remarks, that this is an important measure. It is said that this Administration desires to collect the revenues of the country with the greatest regard for economy, and I do them justice in saying that I believe them to be sincere in this; but remember if this is to furnish, in the slightest degree, extra additional pay for employees, and those engaged in the collection of the revenue, let it be charged to that account, and not to the account of the assay office. Let it be placed upon its own basis, that we may have no special or indirect pleading in legislation. I do not charge this upon the committee, because I believe they are perfectly sincere in what they have recommended.

There is another word which I desire to say in this connection, and it is this: My honorable friend from New York, [Mr. WALBRIDGE], for whom I have a personal regard, I think is somewhat mistaken in the position he took upon this subject. I desire here to make a remark in reference to the argument of my friend from Virginia, [Mr. BAYLY]. He proposed that we should abrogate the contract in relation to the purchase of these buildings. If it be true—and I have no reason to doubt the word of the gentleman, because I know he is competent to judge—that this purchase might be considered as a business operation, an exceedingly advantageous and profitable transaction, then there can be no difficulty about changing the nature of the lease, or it may be selling out for a very handsome premium. I will say this, and I say it with a particular knowledge of what I am saying, because I have some little acquaintance with the geography of New York, that one tenth part of the sum in question will purchase a lot three times as large as the one involved in the contract, and which will be no further from the business center of the city than the present Mint is from the business of Philadelphia—

[Here the hammer fell.]

The question was then taken on Mr. BAYLY'S amendment; and it was rejected.

Mr. FLORENCE. I move to strike out the words "five hundred and thirty thousand dollars," and insert the word "two."

The gentleman from New York, when I last had the floor, asked me if I voted for this assay office. I tell him emphatically that I did not. I struggled as hard as any individual could upon this floor, on the last night of the second session of the Thirty-Second Congress, to defeat it; and I assure him if others had used the same zeal and industry which I then did, it never would have had an existence—but let by-gones be by-gones. I have no griefs to express. "I come to bury Cæsar, not to praise him." When this subject of the establishment of an assay office in New York, or rather the branch Mint—for it is, in fact, the same thing

—was under consideration during the last moments of the last session of Congress, to show that an extravagant appropriation was not anticipated for that purpose, it will be recollected by all—

Mr. HIBBARD. I call the gentleman to order. There is an amendment pending.

Mr. FLORENCE. I only wish to state facts, which I fear the gentleman does not relish.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FLORENCE] is not in order, and must take his seat.

[Loud cries of "Question!" "Question!"]

The amendment was again reported.

Mr. FLORENCE. Now, sir, after this interruption, my five minutes begin, I suppose? [Laughter.] I ask that the committee will indulge me a little upon this occasion, for I propose to vindicate the truth of congressional history, and show strong reasons why this appropriation should not be made. I shall do that, if gentlemen will permit me to indulge in a pretty large latitude of debate; if not, I may as well take my seat—

[Cries of "Go on!" "Go on!"]

Mr. FLORENCE. Well, sir, to resume. I am opposed to this proposition, as a matter of economy, which has been so strongly urged as a reason why the appropriation of \$530,000 ought to pass, and I hope I may be considered in order in speaking to that point. We are seriously and gravely told that the Secretary of the Treasury has made an economical contract for leasing this property, at the rate of \$53,000 a year for a period of fifteen years, making in the whole period, if I recollect the gentleman's statement, for I have not made the calculation myself, the sum of \$795,000, as the sum which will have been expended when the lease shall have terminated, and has secured the privilege of buying it in fee-simple for \$530,000. I am compelled to candidly acknowledge that I, at least, cannot understand the principle of economy involved in this transaction, nor do I exactly understand how other gentlemen can. Hence I am in favor of striking out this appropriation, and at this time of only making provision for the payment of the rent merely, because if we are to continue the assay office in New York the expense, in addition to the \$53,000 every year for carrying it on, will amount to the large sum of \$174,000, or thereabouts, making in fifteen years an expenditure of \$2,500,000. Now, I do not think this is a measure of economy much to be applauded. It would be, however, wise and economical to pay this sum of \$53,000 to the Bank of Commerce, or Bank of New York, shut up the building, pay for the transportation of the bullion to Philadelphia, have the gold assayed and refined there, and still the Government would be largely the gainer by the operation.

Mr. WALKER. I would like to know how the gentleman makes out that the Government would be a gainer by such a course?

Mr. FLORENCE. If I have time I will explain to the gentleman.

Mr. WALKER. I hope the gentleman will explain, because I dispute the assertion.

Mr. FLORENCE. I will, more clearly, if the gentleman is not convinced; but before I do so I desire to say a word to my friend from New York, [Mr. WALBRIDGE], who advocated the passage of this appropriation, upon the ground, that if the Government made provision for the purchase of this property, they could sell it at the end of fifteen years, and get \$1,000,000 more than we now propose by this bill to give for it. Now, sir, I do not agree with the gentleman, that it is proper, nor is it the province of this Government, to enter into the real estate business; but if we are to enter upon such a speculation it would be better to sell the property at once, or rent it out at an advance, and get a percentage upon it; because you would thereby obviate the necessity of paying the rent, and you would save, besides, the large sum of \$530,000, which this provision proposes to appropriate. If the gentleman will introduce such an amendment I do not know but I would vote for it; because it would be really a matter of economy for us to pursue such a course, and have the gold bullion transported to Philadelphia for assaying, refining, and coining, the cost of which, I believe, will not be more than \$15,000 per annum, or certainly not more than \$30,000 per annum, according to the declaration of gentlemen upon this floor who advocated the establishment of a branch Mint in New York, as may be seen by referring to the

debates, which my time will not now enable me to read, but which I may do at some future period in this debate. I hope the gentleman from New York [Mr. WALKER] is answered; but if he is not, I will proceed—

[Here the hammer fell.]

Mr. WASHBURN, of Illinois. I move that the committee do now rise.

[Cries of "No!" "No!" and "Withdraw the motion!"]

Mr. WASHBURN. I am satisfied that it will be impossible for us to come to a final vote upon the bill to-day, and I insist upon the motion.

The question was taken, and upon a division, there were—ayes 75, noes 90.

So the committee refused to rise.

Mr. PRESTON. I hope we shall take a vote now.

Mr. JONES, of Tennessee. Mr. Chairman—

[Loud cries of "Question!" "Question!"]

Mr. JONES. Very well, gentlemen, my five minutes do not commence until you have done crying "question," and I do not want to occupy five minutes either.

Several MEMBERS. "Go on!" "Go on!"

Mr. JONES. As one member of the Committee of Ways and Means, I am opposed to the amendment of the gentleman from Pennsylvania to strike out this appropriation, because I think it is the true policy of the Government to pay this money.

I, sir, voted against the custom-house appropriations, because I believed that enough had been appropriated to erect buildings adequate to all the wants of the country, in the several localities. I voted against them as amendments to this deficiency bill, and I will vote against them by themselves or in any other bill.

I believe, sir, that, in this case, the Secretary of the Treasury, with just authority of law enough to give color of legality to the transaction he has entered into with these banks, has gotten us into this difficulty, and that the cheapest, quickest, best, and most economical way is to buy out of it. The authority given him was to procure, by rent, lease, or otherwise, a suitable building for the assay office in the city of New York. It is not pretended, I believe, that all this property which he has leased with a conditional right to purchase, is necessary for the assay office. The act of the Secretary has sufficient authority, in my opinion, to bind the Government, if it would not an individual; and that being the case, I wish to pass this appropriation and to get out of the difficulty in the best way we can. Even if it is the policy of the Government to void the lease altogether, I think we can get out of the difficulty with less cost by a purchase of the property, under all the circumstances.

A good many gentlemen here object to this appropriation upon the ground that it is not a deficiency. Sir, it is not a deficiency, nor is it a regular annual appropriation. Once passed, it is done with forever; and if you intend to pass it, the sooner you do it the better; if you intend to make the purchase, the sooner you stop the interest the better; which is certainly sound policy when you are buying up your stock at twenty-one per centum premium. Void or cancel this lease by the payment of \$530,000, and thereby stop the accruing interest at six per centum.

The question was taken on the amendment to the amendment, and it was rejected.

Mr. BRECKINRIDGE. I respectfully appeal to the committee, as we have exhausted the whole subject, to let us take vote on the amendment.

Mr. PRESTON. I demand tellers on the amendment.

Tellers were ordered; and Messrs. STANTON of Tennessee, and HARRIS of Alabama, were appointed.

The question was then taken on the amendment of Mr. PRESTON; and it was agreed to, the tellers having reported—ayes 91, noes 59.

Mr. PRESTON. I move that the committee do now rise.

Mr. WHEELER. I demand tellers.

Mr. JONES, of Tennessee. There is no other contested point in the bill pending. Let the committee rise and report the bill.

Tellers were ordered; and Messrs. FAULKNER and HUGHES were appointed tellers.

Mr. FLORENCE. Is it in order, Mr. Chairman, to amend the proposition now?

The CHAIRMAN. It is not.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, MARCH 20, 1854.

NEW SERIES...No. 43.

The question was then taken; and the tellers reported—ayes 65, noes 86.

So the committee refused to rise.

The Clerk resumed the reading of the bill.

Mr. CRAIGE. I am directed by the Committee on Public Buildings and Grounds to offer the following amendment, to come in after line one hundred and seventy-seven, which the Clerk has just read:

For the payment of laborers employed in shoveling snow from the walks around the Capitol, President's House, and other public buildings, \$420.

This is an expenditure which became necessary in consequence of the extraordinary snow storm which occurred after this bill was reported.

The question was put, and the amendment was agreed to.

Mr. CAMPBELL. I move to amend the amendment just offered by the gentleman from North Carolina. [Mr. CRAIGE.]

The CHAIRMAN. The gentleman is too late; but he will state his amendment.

Mr. CAMPBELL. I propose to amend by adding one dollar to the appropriation for completing the pedestal and inclosure of the equestrian statue of Andrew Jackson, as that was, I believe, the clause to which the amendment of the gentleman from North Carolina was attached.

The CHAIRMAN. That clause of the bill has been adopted by this committee, and an amendment to it is not in order.

Mr. BRECKINRIDGE. I insist that the gentleman's amendment comes too late, and therefore it is out of order.

Mr. CAMPBELL. I offer my amendment for the purpose of learning from the friends of this bill where they get their constitutional power.

The CHAIRMAN. The amendment is not in order.

Mr. CAMPBELL. I must insist upon the fact that I had the floor to offer the amendment when the gentleman from North Carolina [Mr. CRAIGE] offered his.

The CHAIRMAN. Such being the case, the Chair will then entertain the amendment with pleasure.

Mr. CAMPBELL. I move to increase that appropriation one dollar.

Mr. BRECKINRIDGE. I rise to a question of order again. It is, that the amendment is offered too late, and therefore it is not in order.

Mr. CAMPBELL. I move the amendment to that item, and it is in order, because we have not advanced beyond that clause in the bill.

The CHAIRMAN. That was the last clause read, and the Chair thinks it is in order to receive the amendment to that clause.

Mr. CAMPBELL. I move to increase the appropriation one dollar; and to show that I have no purpose to prostrate the action of the committee, I will content myself with inquiring of the friends of this bill—I will not select out any particular one of them—those who doubt the constitutional power of making these appropriations, where the power is found in the Constitution to vote money out of the Treasury of the United States, for the purpose of either erecting or protecting that equestrian statue?

Mr. CLINGMAN. I am opposed to the gentleman's amendment, and hope it will not be adopted. Let us have a vote upon it.

Mr. CAMPBELL, there being no objection, withdrew the amendment.

The Clerk then resumed the reading of the bill.

Mr. JONES, of Tennessee. If there be no objection, I move that the further reading of the bill be dispensed with.

Mr. HAVEN. I object to voting upon this bill without reading it.

The following section was then read:

"For the compensation and expenses of the commission of civilians and military men appointed under the provisions of the first section of the act entitled 'An act making appropriations for the support of the Army for the year ending the 30th of June, 1854, approved 3d of March, 1853,' to determine matters connected with the management of the national armories, \$5,996 61, or so much thereof as may be necessary: *Provided*, That nothing herein contained shall

be construed to authorize the payment or allowance of any compensation to the military men employed, other than their regular pay and emoluments as officers of the Army."

Mr. BISSELL. I propose to strike out the proviso from the clause just read, and to insert the following:

Provided that in the payment of such officers of the Army as may have served upon that commission, their pay as such officers shall be deducted.

I desire to say but a word or two in explanation of the amendment I have offered, and the committee will see at once the necessity for its adoption. In the commission here spoken of, three or four of the board were taken from civil employments, and two were officers of the Army. The proviso in the bill, as it now stands, excludes those officers from any pay excepting their regular pay as officers. That is certainly unjust, as I am sure I can convince the committee in a single moment. These two Army officers, after living upon pay just about enough to support them, and after they gathered all the conveniences about them, and made all their arrangements by which they could live as cheaply as possible, were ordered from their quarters and subjected to the expense of living at hotels, traveling a good deal, and to all the dear charges and enormous expenses which we know men are subjected to who are engaged in business that calls them from city to city.

A MEMBER. But they had mileage.

Mr. BISSELL. How much would that amount to, in passing from one little town to another? They had to live at hotels just as their colleagues were obliged to do, and their expenses were consequently more than their pay and allowances as Army officers. You certainly would not degrade those two officers, by compelling them, when sent upon a commission, as they arrived at a city or town, to go in search of cheap and obscure lodgings, when their colleagues went to hotels. You would expect them to lodge at hotels as their colleagues did; and to enable them to do so, you must allow them sufficient pay. My amendment proposes to pay them as the other members of the commission are paid, deducting their entire pay and allowance as Army officers during the time they served upon such commission. I do insist that this is just and fair, and I am sure that no gentleman of the committee will oppose it.

These two officers, like the others, were kept for about five months here at Washington, at Springfield, and at other places. They had to live as the other members of the commission lived, and their pay as officers merely would not support them. They did not seek this position; they did not want it, nor was it for their advantage to have it; but you have requested them to take the position; they have performed the labor; and now you propose to reward them by withholding the pay you give to their colleagues, and to compensate them at a rate that would require them to purchase their breakfasts and dinners at the market, of the huckster women, and then sleep in the market house at night.

Mr. JONES, of Tennessee. I ask that the amendment may be again reported.

The Clerk read the amendment.

Mr. JONES. Now I would ask the gentleman what was the rank of the officers who were employed upon this commission?

Mr. BISSELL. I believe they received the pay of captain.

Mr. STANTON, of Kentucky. I ask the gentleman if the officers employed were not Colonel Andrews and Colonel Steptoe?

Mr. BISSELL. Yes, sir; they were the men. They held the rank of colonel, but only received the pay of captain. But now that I am up, I wish to make a single remark in addition to what I have already said. We all know that the price of board in the hotels in New England, New York, and thereabouts, is enormously high; and all their expenses were proportionately high. And I repeat, that to compel these gentlemen to quit their legitimate business, and to have imposed upon them laborious duties by which they were compelled to incur large additional expenses, and refuse

to afford them any additional compensation, is the grossest injustice. I hope the committee will not allow themselves to be prejudiced against this just and proper amendment.

Mr. JONES. I do not recollect precisely what rations officers of this grade receive, but I suppose they are some six or eight.

Mr. BISSELL. It depends upon the length of time they have served.

Mr. JONES. Very well. These rations are twenty cents each. They receive twenty cents a mile for travel, while the railroad fare between this city and Springfield is not more than two and a half or three cents; certainly not exceeding three cents. Then I believe they are allowed quarters, and other incidental allowances. Their pay continues all the time, and this service was as easy for them as their military service. I cannot see, therefore, why it is that when an officer of the Army in the employment of the Government, who is receiving pay for his services, if he is required to perform a duty, because it does not happen to be to command his men in battle, he should receive additional pay. They would not have given up their pay to take this little commission, it is true; but I think it is asking too much of the Government, whenever an army officer is required to do any duty—having previously had leave of absence, perhaps for months or years, that he should come in for additional pay for such services.

Mr. ROGERS. I move that the committee do now rise.

The question was taken, and the committee refused to rise.

The question then recurred upon the adoption of Mr. BISSELL's amendment.

Mr. SMITH, of Virginia. I wish to inquire if we did not adopt a provision in a previous portion of this bill forbidding the employment of military superintendents?

Mr. CLINGMAN. Oh, no; this is another matter entirely. It has nothing to do with that.

Mr. LETCHER. Before the amendment of the gentleman from Illinois is adopted, I propose to add at the end of the proviso which he proposes to strike out, a proviso allowing these officers the same mileage as was allowed to the other commissioners.

Mr. BISSELL. The other commissioners were paid by the day, and I do not suppose they received mileage. I propose, in my amendment, however, that all the other pay which these officers may have received, whether as regular pay, rations, mileage, or in whatever shape it may have inured to them, shall be deducted.

Mr. LETCHER. I propose, then, to add, "the usual mileage allowed to officers for traveling."

This proviso was put into the bill somewhat by my agency. I had it brought in here because I saw that there was a disposition throughout this country to make the civil authorities of the land, the civil operations of the country, and the civil mechanics of the country, subordinate to the military authorities and to the military power.

Mr. BISSELL. With the permission of the gentleman from Virginia, I will say that, although this commission did not properly involve military duties, yet inasmuch as it related to investigations into the manufacture of arms, it was doubtless very proper that two of the six commissioners should be taken from the Army. I think, therefore, that no fault can be found upon that score.

Mr. LETCHER. No matter what considerations induced the designation of those men, they are officers of the Government, who, by contract, receive regular pay for their services, and it is not fair to discriminate between them and other individuals in the employ of the Government who are also receiving regular compensation. If I recollect aright, we have a law which prohibits clerical and other officers of the Government from receiving any pay in addition to their regular annual compensation. Now, while the other officers of this Government are compelled to obey the strict letter of that law, and to observe its faith-

fully, whenever a military officer is assigned to civil duty, he instantly comes before this House and demands that he shall receive extra compensation for his services. Well, now, how came these military gentlemen to be appointed? Because of their knowledge of fire-arms?

Mr. BISSELL. With the permission of the gentleman, I will answer his question in a few words. The law of Congress authorizing the raising of this commission, provided that the Department should put at least two men from the army upon it.

Mr. LETCHER. I know that that was the law.

Mr. BISSELL. Then why complain of the employment of those officers?

Mr. LETCHER. Now, what is the particular hardship inflicted on these military gentlemen? The gentleman from Illinois says that when they go upon service of this sort, they have to board at hotels, and to live more extravagantly than they would otherwise do. I do not know how that is; but judging from the rumors afloat, these gentlemen did live extravagantly enough, in all conscience. Sir, if these gentlemen, when engaged in service of this sort, choose to live extravagantly, or liberally, if you please, beyond their means and compensation, is it to be expected that this House will come forward and indemnify them, or that we are, by this course, to sanction the principle sought to be introduced into all the Departments of the Government, of placing military men in situations that belong to civilians and to civil mechanics?

Mr. CARUTHERS. I move that the committee do now rise.

Mr. HESTER. On that motion I demand tellers.

Tellers were ordered; and Messrs. CLINGMAN and FAULKNER were appointed.

The question was then taken, and the committee refused to rise, the tellers having reported—ayes 50, noes 76.

The question was then taken on the amendment to the amendment, and it was rejected.

The question then recurred on the amendment of Mr. BISSELL, which was again reported by the Clerk.

Mr. McMULLIN. I demand tellers on the amendment.

Tellers were ordered; and Messrs. DEAN and RIDDLE were appointed.

The question was taken; and the tellers reported—ayes 54, noes 49. No quorum voting.

Mr. BARKSDALE. There is no use in our sitting here unless gentlemen vote on one side or the other. I therefore move that the committee do now rise.

Mr. JONES, of Tennessee. That motion is not in order.

The Chair so decided.

[Cries of "Call the roll!" "Call the roll!" from all sides of the Hall.]

Mr. FLORENCE. I desire to submit a question. Is it not competent for the Chair to count the House without calling the roll, and so ascertain whether or not there is a quorum present.

The CHAIRMAN. No. The rule requires that when the committee shall find itself without a quorum, the roll shall be called, and the names of the absentees be reported to the House.

Mr. CLINGMAN. I make the point of order that the committee may rise before the calling of the roll. The motion for the committee to rise is in order, and I do not see why that motion does not take precedence of the pending question on the amendment.

Mr. JONES, of Tennessee. It is not in order for the committee to rise after the Chair having ascertained that there was no quorum voting.

The CHAIRMAN. The roll must be called; the committee cannot now rise.

Mr. PRESTON. With all due deference to the Chair, I think that less than a quorum have the power to rise. I do not dispute what the Chair says as to the calling of the roll.

Mr. CLINGMAN. I appeal from the decision of the Chair.

Mr. JONES, of Tennessee. It is clear that the motion for the committee to rise is not in order, as the rule requires—where the vote does not show a quorum present—that the roll shall be called.

Mr. CLINGMAN. I call the gentleman to order, because the Chair has decided the question,

and against that decision an appeal is taken. The Chair decided that the motion to rise is not in order, and from that decision of the Chair I appeal.

Mr. BARKSDALE. I withdraw my motion that the committee do rise and report.

The CHAIRMAN. The Chair decides that a motion that the committee rise is not in order after the roll is ordered to be called. The Clerk will call the roll.

The roll having been called, the names of the absentees were noted.

The SPEAKER *pro tempore* (Mr. JONES, of Tennessee) taking the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the deficiency bill, (H. No. 271;) and finding itself without a quorum, had, agreeably to rule 126, caused the roll of the House to be called, and thereupon directed him to report the names of the absentees to the House.

The following is the list of absentees:

Messrs. Abercrombie, Ashe, David J. Bailey, Barry, Benton, Bridges, Brooks, Carpenter, Chase, Chrisman, Cook, Corwin, Cox, Cutting, John G. Davis, Drum, Dunbar, Dunham, Etheridge, Fwing, Farley, Franklin, Goode, Greenwood, Grey, Hamilton, Wiley P. Harris, Hendricks, Henn, Hiestler, Hill, Hillyer, Howe, Hughes, Keitt, Lamb, Latham, Lindley, Lindsley, Lyon, McDougall, McQueen, Mace, May, Mayall, John G. Miller, Nichols, Olds, Parker, Peck, Peckham, Pennington, Ready, Reese, Richardson, David Ritchie, Rogers, Rowe, Russell, Sage, Sapp, Scudder, Samuel A. Smith, William R. Smith, Snodgrass, Sollers, Alexander H. Stephens, Stratton, Straub, David Stuart, John L. Taylor, Tweed, Warren, Hendrick B. Wright, Yates, and Zollicoffer.

The SPEAKER. There being a quorum of members present who have answered to their names, the Chairman will resume the chair.

The Chairman accordingly resumed the chair.

Mr. CAMPBELL. I move that the committee do now rise. It is evident that we cannot finish this bill this evening.

Mr. HOUSTON. We can finish it easily, if we try.

The CHAIRMAN. The committee were dividing on a motion when the committee found itself without a quorum, and the roll was called.

Mr. JONES, of Tennessee. I submit to the Chair, as a point of order, whether it is in order to make a motion that the committee rise while the House is dividing?

Mr. BISSELL. If not, then the committee never can rise.

Mr. JONES. There is no difficulty in that. You have a majority here, and can complete the division, and then move that the committee rise.

Mr. CAMPBELL. I move that the committee do now rise.

Mr. DAWSON demanded tellers upon the motion; but they were not ordered.

The question was then taken, and decided in the negative—ayes 71, noes 73.

So the committee refused to rise.

The tellers [Messrs. RIDDLE and DEAN] resumed their places, and reported—ayes 72, noes 48.

So Mr. BISSELL's motion was agreed to.

Mr. BRECKINRIDGE. I am instructed by the Committee of Ways and Means to offer three amendments, which I desire to be read as one.

The amendment was read, as follows:

"Page 10, after line 227, insert:

"For arrears of pay for services of volunteers in the Kentucky regiment, called into service in the year 1836, \$1,000.

"For arrears of pay for services of volunteers or militia, called into service in the Black Hawk war, \$1,000.

"For clothing for the Army, camp, and garrison equipment, and horse equipments, to supply the articles lost in the wreck of the steamer San Francisco, \$26,590."

Mr. LETCHER. I rise to a question of order. I submit to the Chair that the amendment is not in order.

Mr. BRECKINRIDGE. If there is to be any difficulty in relation to it, I will withdraw it.

Mr. PRESTON. I am convinced that there are more amendments to be proposed to this bill yet than gentlemen are aware of. I think it will be impossible to finish it to-day, and I therefore move that the committee do now rise.

Mr. WHEELER. Upon that motion I demand tellers.

Tellers were ordered; and Messrs. PERKINS, of New York, and PHILLIPS were appointed.

The question was then taken, and the tellers reported—ayes 55, noes 80.

So the committee refused to rise.

Mr. PRESTON. I move to strike out the first clause under the head of "Navy Department," and to insert in lieu thereof what I send to the desk.

Mr. STANTON, of Tennessee. It is hardly necessary to have the amendment read. I suppose the gentleman from Kentucky can state what it is. I believe that it is the custom-houses and New York assay office amendments united.

Mr. PRESTON. Let it be read.

The Clerk proceeded to read the amendment, which commenced as follows:

"Custom-houses and assay office—"

Mr. BRECKINRIDGE, (interrupting the reading of the amendment.) I rise to a question of order.

Mr. PRESTON. Surely, the gentleman does not decide me to be out of order before he hears my amendment read.

Mr. BRECKINRIDGE. I do not decide the gentleman out of order; but I raise a question of order. The amendment is headed "custom-houses and assay office," and I have a right to presume, from that heading, that it relates to custom-houses and the assay office; and I contend that it is not in order, as an amendment, at this point in the bill.

The CHAIRMAN. The Chair does not know what is in the amendment; but if it corresponds with the title, it is evidently out of order at this point.

Mr. PRESTON. Well, I will withdraw it, and offer it at the end of the bill.

Mr. BALL. I move to amend that portion of the bill in reference to the Navy Department, by striking out the words:

"For fuel and lights, seven hundred dollars."

And on that I call for tellers.

Mr. ROGERS. I move that the committee do now rise; and upon that motion I demand tellers.

Tellers were ordered; and Messrs. PRATT and VAIL were appointed.

The question was then taken, and the committee refused to rise; the tellers having reported—ayes 33, noes 90.

The Clerk then proceeded with the reading of the bill.

Mr. BALL. The amendment I proposed before the motion that the committee rise was submitted is pending.

The CHAIRMAN. The gentleman moved his amendment when the Clerk had read several paragraphs of the bill beyond where it has to come in, and it was not therefore in order.

Mr. WASHBURN, of Illinois, moved to strike out the words "expenses of the United States Navy in foreign ports, \$72,666," and demanded tellers on the motion.

Mr. BRECKINRIDGE. I hope that the committee will not grant tellers on that motion, for it is too transparent.

Tellers were ordered; and Messrs. WALKER and CAMPBELL were appointed.

The question was put; and the tellers reported—ayes 4, noes not counted.

The CHAIRMAN. The amendment is lost.

The following section of the bill having been read:

"For continuing the publication of wind and current charts for printing and publishing sailing directions, hydrographical surveys, and other expenses of the hydrographical office—\$10,000."

Mr. CAMPBELL. If this is the way things are to be done, (alluding to the obstacles interposed by members,) I move to reduce that item to five thousand dollars; and on that motion I demand tellers.

Tellers were ordered; and Messrs. WHEELER and EASTMAN were appointed.

The question was taken; and the tellers reported ayes 15.

The CHAIRMAN. There is not a majority of a quorum voting; so the motion is lost.

[Loud cries of "Count the other side!"]

Mr. CAMPBELL. Mr. Chairman, I demand that the other side be counted.

The CHAIRMAN. It is not necessary.

Mr. WASHBURN, of Maine. I insist that the other side shall be counted. [Laughter.]

Mr. PRATT. And I insist that the decision of the Chair is the proper one. [Renewed laughter.]

[Loud cries of "Read on!" "Read on!"]

The Clerk proceeded to continue the reading of the bill.

Mr. PRESTON, (interrupting.) I rise to a point of order. I ask if the negative vote was announced by the Chair? If it was, then I will sustain the Chair in its decision.

The CHAIRMAN. The Chair has not announced any vote in the negative. A quorum of the committee is now present, and a majority of that quorum has not voted; therefore, the motion is lost.

Mr. CLINGMAN. The negative vote has not been taken; therefore, the question was not regularly decided.

The CHAIRMAN. The Chair repeats that he ascertained there was a quorum present; and a majority not voting in favor of the motion, it was lost.

Mr. PRESTON. I do not think that the Chair has a right to ascertain by count that there was a quorum present. That should only be done by a call of the roll.

The CHAIRMAN. It is quite manifest there is a quorum present.

Mr. CAMPBELL. Let us have the negative vote.

[Loud cries of "Order!" and "Question!"

Mr. WASHBURN, of Maine. I desire to know with what authority the Chair can decide that the motion was carried or lost, when both sides were not counted? [Laughter.]

Mr. PRESTON. I ask for a count of the other side.

Mr. CLINGMAN. It is too late.

[Cries of "Order!" and "Question!"

The CHAIRMAN. The Chair has already stated that it was not necessary to count the other side.

Mr. PRESTON. Then if that be the decision of the Chair, I appeal from it.

Mr. CLINGMAN. Mr. Chairman—

[Interruption and confusion.]

Mr. PRESTON. I will wait till the Chair definitely decides the point of order which I have raised.

The CHAIRMAN. The Chair will so decide the point when he shall have ascertained whether there is a quorum of members present.

The Chair then proceeded to count the committee, and announced that there were 148 members present; more than a quorum.

Mr. PRESTON. I rise again to a point of order. I state it in this way: I deny, after tellers are ordered, and the count has been taken of one side, the right of the Chair, in order to verify and ascertain whether there is a quorum present, to count the House by the eye.

A MEMBER. It is the every day practice here.

The CHAIRMAN. The Chair decides that the rules of this House require every member to vote, and upon a division of the House, a small number—a very small number indeed—voted in the affirmative. Consequently, the vote was not carried in the affirmative.

Mr. BRECKINRIDGE. And that number, too, less than a majority of a quorum.

The CHAIRMAN. The Chair has made its decision, and overrules the point of order taken by the gentleman from Kentucky, [Mr. PRESTON.]

Mr. PRESTON. I appeal from the decision of the Chair, and upon that appeal demand tellers.

Mr. McMULLIN. I move to lay the appeal upon the table.

Mr. CAMPBELL. You cannot do that in committee.

The CHAIRMAN. The motion of the gentleman from Virginia cannot be entertained in committee. An appeal from the decision of the Chair has been taken in a proper manner by the gentleman from Kentucky, and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. PRESTON. I ask for tellers.

Tellers were ordered; and Messrs. BOCK and VAIL were appointed.

The question was then taken, and the tellers reported—ayes 89, noes 15; no quorum voting.

Mr. DAWSON. I observed that several gentlemen on the Whig side did not vote: I wish it were in the power of the Chair, as it would be in the House in the Speaker, to enforce the rule which requires every member to vote.

The CHAIRMAN. The Clerk will call the roll.

The roll having been called, the names of the absentees were noted.

The Speaker having taken the chair, the Chairman of the Committee [Mr. CHANDLER] reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the deficiency bill, (House No. 271); and finding itself without a quorum had, agreeably to rule 126, caused the roll to be called, and thereupon directed him to report the names of the absentees to the House.

The following is the list of the absentees:

Messrs. Abercrombie, Ashe, David J. Bailey, Ball, Barry, Bennett, Benton, Bissell, Bliss, Bridges, Brooks, Caruthers, Chrisman, Churchwell, Cook, Corwin, Cox, Cullom, Curtis, John G. Davis, Drum, Dunbar, Dunham, Edgerton, Elliott, Etheridge, Everhart, Ewing, Farley, Franklin, Goode, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hendricks, Henn, Hill, Hilyer, Howe, Ingersoll, Keitt, Kerr, Knox, Lamb, Lane, Latham, Lindsey, Lindsey, Lyon, McDougall, McQueen, Mace, May, Mayall, John G. Miller, Nichols, Norton, Olds, Parker, Peck, Peckham, Pennington, John Perkins, Pringle, Ready, Reese, Richardson, David Ritchie, Rowe, Russell, Sage, Sapp, Scudder, Samuel A. Smith, William R. Smith, Snodgrass, Sellers, Alexander H. Stephens, Stratton, Straub, David Stuart, Tracy, Tweed, Wade, Warren, Hendrick B. Wright, Yates, and Zollcoffer.

A quorum of members present having answered to their names, the Chairman resumed the chair.

The CHAIRMAN. When the committee rose, the question pending was an appeal from the decision of the Chair, upon which tellers had been ordered, and who had reported no quorum present. They will again resume their places; and the question will again be taken.

The tellers having resumed their places, reported—ayes 95, noes 24.

So the decision of the Chair was sustained.

The Clerk then proceeded to read the bill.

At the end of the following paragraph:

For hospital at Philadelphia, \$2,442 42—

Mr. PRESTON said: I want to ask the Chair if it will be in order at this point to move an amendment in reference to custom-houses, marine hospitals, and an assay office?

The CHAIRMAN. The Chair decides that it would not be in order to move such an amendment under the head of Navy Department.

Mr. PRESTON. I will then offer it as an additional section to the bill.

The bill having now been read through,

Mr. PHELPS moved that the committee rise and report the bill.

The motion was put and carried, Mr. PRESTON meanwhile endeavoring to obtain the floor.

The committee accordingly arose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill (No. 271) "to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1854," and had directed him to report back the same to the House, with sundry amendments.

Mr. BRECKINRIDGE. I move the previous question.

Mr. WASHBURN, of Illinois. I rise to make a privileged motion.

Mr. BRECKINRIDGE. I move to recommit the bill to the Committee of the Whole on the state of the Union, and on that I demand the previous question.

ADJOURNMENT TILL MONDAY.

Mr. WASHBURN. I move that when the House adjourns, it adjourn to meet on Monday next.

The question was put; and it was decided in the affirmative.

So the motion was agreed to.

THE DEFICIENCY BILL AGAIN.

Mr. WHEELER. I move that the House do now adjourn.

The question was put; and it was decided in the negative.

So the House refused to adjourn.

The previous question then received a second, and the main question was ordered to be put.

Mr. McMULLIN. I move that the House do now adjourn.

The question was put; and it was decided in the negative.

So the House again refused to adjourn.

The question recurred on the motion to recommit the bill to the Committee of the Whole on the

state of the Union; and being put, the motion was disagreed to.

The question then recurred on agreeing to the first amendment reported from the Committee of the Whole on the state of the Union; which was read, as follows:

Strike out the words:

"For the collection of agricultural statistics and purchasing seeds, to be paid out of the patent fund, \$10,000."

And insert in lieu thereof the following:

For the collection of agricultural statistics and the distribution of seeds and cuttings, to be expended under the direction of the Commissioner of Patents, \$10,000

Mr. CAMPBELL. I move that the House do now adjourn, and on that motion I call for tellers.

Tellers were ordered; and Messrs. VAIL and PHILLIPS were appointed.

Mr. ORR. Will not this be the first question in order when we meet again?

The SPEAKER. The Chair thinks that it would.

The question was then taken, and the House refused to adjourn; the tellers having reported—ayes 25, noes not counted.

The SPEAKER. Is it the pleasure of the House to vote on the amendments in gross?

Mr. DEAN. I demand a separate vote in regard to the assay office in New York city.

Mr. PRESTON. I desire that a separate vote shall be had on all the amendments, and I do not desire it in any unfriendly spirit.

The question was then taken on the first amendment of the committee; and it was agreed to.

The question then recurred on the amendment to strike from the bill the following clause; and it was concurred in:

"To purchase a site for a custom-house at Providence, Rhode Island, \$24,000: *Provided*, That the entire cost of such site and building thereon shall in no event exceed the sum of \$74,000."

The question next recurred on the amendment to strike from the bill the following clause:

"For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon, belonging to the one thereof to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in two contracts, one with each of said banks, for the leasing and right to purchase, the same bearing date the 19th of August, 1853: *Provided*, That before the said purchase is made, the State of New York shall cede to the United States jurisdiction over said land and property, and shall, by law, exonerate the same, and the property of the United States thereon, from all taxes, levies, and assessments thereon, whilst the same remains the property of the United States, \$530,000."

Mr. DEAN. I demand the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. CAMPBELL. I move that there be a call of the House.

The SPEAKER. The gentleman's motion is not in order, the previous question having been seconded, and the main question ordered to be put.

Mr. CAMPBELL. I move that the House do now adjourn. I want to see a full vote on this very important question.

The question was taken, and the House refused to adjourn.

The question was then taken on concurring with the Committee of the Whole; and it was agreed to—yeas 85, nays 57; as follows:

YEAS—Messrs. Aiken, James C. Allen, Thomas H. Bayly, Barksdale, Bockock, Boyce, Breckinridge, Bugg, Campbell, Caskey, Chandler, Clark, Clingman, Colquitt, Craige, Crocker, Cullom, Dawson, Dent, Dick, Disney, Dowdell, Eastman, Eddy, Edgerton, Edmunds, Edmundson, Elliott, Ellison, English, Everhart, Florence, Gamble, Giddings, Green, Grow, Aaron Harlan, Wiley P. Harris, Hibbard, Hicster, Hunt, Johnson, J. Glancy Jones, Roland Jones, Kidwell, Kurtz, Lane, Lecher, Lily, McCulloch, McMullin, McNair, Middleton Oliver, Orr, Phelps, Phillips, Morrison, Norton, Mordecai Oliver, Smith Miller, Millson, Powell, Preston, Puryear, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Sabie, Seward, Seymour, Shannon, Shaw, Showers, Skelton, William Smith, George W. Smith, Snodgrass, Frederick P. Stanton, Andrew Stuart, Trout, Upham, Witte and Daniel B. Wright—85.

NAYS—Messrs. Appleton, Banks, Belcher, Bell, Carpenter, Chambers, Chase, Chastain, Cobb, Curaming, Cutting, Thomas Davis, Dean, DeWitt, Dunbar, Farley, Fenton, Flagler, Fuller, Greenwood, Hastings, Haven, Hughes, Ingersoll, Daniel T. Jones, George W. Houston, Kittredge, Knox, Macdonald, Matteson, Maurice, Jones, Kirtledge, Knox, Macdonald, Matteson, Maurice, Maxwell, Morgan, Murray, Noble, Andrew Oliver, Peck, Bishop Perkins, Pratt, Pringle, Simmons, Gerrit Smith, Richard H. Stanton, Hester L. Stevens, John J. Taylor, Thurston, Vail, Wade, Walbridge, Walker, Walley, Wells, John Wentworth, Tappan Wentworth, Westbrook, and Wheeler—57.

So the amendment of the Committee of the Whole on the state of the Union was concurred in.

The question next recurred on the amendment

to insert after line 177 the following, and it was concurred in:

For the payment of laborers employed in shoveling the snow from the walks around the Capitol, President's House, and other public buildings, \$420.

The question next recurred on the following amendment:

Strike out the following words: "Provided, That nothing herein contained shall be construed to authorize the payment or allowance of any compensation to the military men employed, other than their regular pay and emoluments as officers of the Army;" and in lieu thereof insert the following:

Provided, That in the payment of such officers of the Army as may have served on that commission, their pay as such officers shall be deducted.

Mr. LETCHER. That amendment involves a principle, and I call for the yeas and nays on it. The yeas and nays were not ordered.

The question was then taken, and the amendment was concurred in; there being, on a division, —yeas 86, noes not counted.

The bill was then ordered to be engrossed and read a third time.

The bill was read a third time.

Mr. JONES, of Tennessee. I call for the previous question on the passage of the bill.

The call for the previous question was seconded, and the main question was ordered to be put.

Mr. CAMPBELL. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was then put, and decided in the affirmative—yeas 138, nays 11; as follows:

YEAS—Messrs. Aiken, James C. Allen, Appleton, Thos. H. Bayly, Banks, Barksdale, Belcher, Bell, Benson, Bockock, Boyce, Breckinridge, Bugg, Caskie, Chamberlain, Chandler, Chase, Chastain, Clark, Clingman, Cobb, Colquitt, Craige, Cumming, Cutting, Thomas Davis, Dawson, Dean, Dent, De Witt, Dick, Dickinson, Disney, Dowdell, Dunbar, Eastman, Eddy, Edgerton, Edmunds, Edmundson, Ellison, English, Everhart, Farley, Fenton, Florence, Fuller, Gamble, Goodrich, Green, Greenwood, Grow, Wiley P. Harris, Hastings, Haven, Hendricks, Hibbard, Hiester, Houston, Hughes, Hunt, Johnson, Daniel T. Jones, J. Glancy Jones, Roland Jones, Kidwell, Kittredge, Knox, Kurtz, Lane, Lilly, McCulloch, Macdonald, McMullin, McNair, Macy, Matteson, Maxwell, Middlesworth, Smith Miller, Millson, Morrison, Murray, Noble, Norton, Andrew Oliver, Orr, Packer, Peck, Bishop Perkins, Phelps, Phillips, Pratt, Preston, Puryear, Riddle, Thomas Ritchey, Robbins, Rogers, Ruffin, Sabin, Seward, Seymour, Shannon, Shaw, Shower, Simmons, Singleton, Skelton, Gerrit Smith, William Smith, George W. Smyth, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, John J. Taylor, Thurston, Tracy, Trout, Upham, Vail, Vansant, Wade, Walbridge, Walker, Walsh, Warren, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, Witte, and Daniel B. Wright—138.

NAYS—Messrs. Campbell, Carpenter, Cullom, Giddings, George W. Jones, Letcher, Maurice, Meacham, Morgan, Stratton, Elihu B. Washburne, and Wheeler—11.

So the bill was passed.

Mr. BRECKINRIDGE moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. McMULLIN. I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

The House thereupon, at half past six o'clock, p. m., adjourned till Monday at twelve, m.

IN SENATE.

FRIDAY, March 17, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

THE VERMONT SENATORSHIP.

Mr. FOOT. Mr. President, I rise to what I presume is a privileged question, for I believe a motion to reconsider is a privileged question; but as this day is set apart for special business, I ask the unanimous consent of the Senate to move the reconsideration of the vote by which the resolution was yesterday adopted directing the payment to Mr. PHELPS of per diem and mileage. The purpose is to move an amendment which is deemed necessary by the Secretary before he can make the payment under that resolution.

There being no objection, the vote was reconsidered.

Mr. FOOT. I move to amend the resolution by striking out the words "out of the contingent fund of the Senate a sum equal to," so that it shall read:

Resolved, That there be paid to the Hon. SAMUEL S. PHELPS the amount of mileage and per diem compensation

of a Senator, from the day of his attendance at the present session to this day.

The amendment was agreed to. The question recurred upon the resolution, as amended.

Mr. PETTIT. Mr. President, I desire to avail myself of this opportunity to say what I hardly need say, that if I had been present when the vote was taken, I should have voted for the resolution then pending affirming the right of the gentleman from Vermont to retain the seat which he claimed. Yesterday was the first time since the Senate commenced this session that I have been absent during its sitting. I was necessarily compelled to be absent by an important engagement. My presence would have made no difference, however; yet I wish to say that I am not in the habit of reporting on a case, and making a speech in its support, and then voting the reverse, or dodging the question when the vote is taken.

The resolution was agreed to.

UNITED STATES COURTS AND POST OFFICE IN PHILADELPHIA.

Mr. BRODHEAD. Mr. President—

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Pennsylvania that this day is set apart for private bills.

Mr. BRODHEAD. I am aware of that, but I rise to ask the unanimous consent of the Senate, for the reasons which I will state, to allow me to report back from the Committee on the Post Office and Post Roads a bill to provide accommodation for the United States courts and the post office in Philadelphia, and I shall ask the Senate to consider it at this time. In consequence of an act consolidating the city and county of Philadelphia, enlarging the city limits, the United States courts are about to be turned out of the State House in Philadelphia; and there is also inadequate accommodation for the post office. I ask the unanimous consent of the Senate to report back the bill to provide a place for the post office in the city of Philadelphia, and for the courts of the United States for the eastern district of Pennsylvania. I will briefly state the reasons why it should now pass.

There being no objection, the report was received, and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

It proposes to authorize and empower the Postmaster General, and the Secretary of the Interior, to provide necessary and permanent accommodations for a post office for the city of Philadelphia, and for the courts of the United States, with the office connected with them, in the eastern district of Philadelphia, by leasing and fitting up the same for a term of not less than ten years, or by purchase, with a proviso that no purchase shall take place except within the limits of an appropriation to be made by Congress.

Mr. BRODHEAD. Mr. President, this bill is in the language of the one passed in regard to the holding of the courts of the United States for the district of Massachusetts, in the city of Boston, which directed the Secretary of the Interior to provide a suitable place for holding the courts there. The only difference is, that I have included in this bill the Postmaster General, because there is an inadequate accommodation for the post-office in Philadelphia. In New York, a large church has been rented, for which the Government pays some \$10,000 a year. The post office is now kept in Philadelphia in the Merchant's Exchange, a place altogether unsuitable for it. The grand jury of the United States courts in Philadelphia has frequently made it a subject of complaint, and has twice made a presentment that the accommodations are inadequate.

There is now no place in which to hold the United States courts in that city. The City Councils have given notice that the State House can no longer be used for that purpose, since the city proper and surrounding districts have been consolidated. I have a communication from the Postmaster General stating these facts, and I have in my hand the proceedings of the City Councils to which I have referred. I have also a communication from the district judge of the United States, stating that on the 1st proximo the United States courts and their records will have to be removed from the State House in that city.

Our bill proposes to place Philadelphia upon the same footing with New York and Boston; and I hope, therefore, there will be no objection to it.

It makes no appropriation. It refers the matter to the Postmaster General and the Secretary of the Interior.

I have included both those officers, because it may be necessary for them to separate. It may be that they cannot get in one building a suitable place for the post office and the courts; and hence, if they are obliged to separate, the Secretary of the Interior, having charge of the courts, their accommodation will come under his jurisdiction. If they can make a proper arrangement, they will so report to Congress, and an appropriation will hereafter be asked for. I hope that, under these circumstances, there will be no objection to the passage of the bill.

Mr. STUART. I do not desire to object to the passage of the bill; but, as I understand the proviso—and I wish to call the attention of the Senator from Pennsylvania to the fact—it amounts to no proviso at all. As I understand it, it is in this language—*provided*, if they purchase, they shall not exceed an amount hereafter to be appropriated by Congress. That is no limitation at all.

Mr. BRODHEAD. I ask for the reading of the proviso. I think the Senator from Michigan is mistaken as to its purport.

The proviso was read, as follows:

Provided, That no purchase shall take place except within the limits of an appropriation to be made by Congress."

Mr. STUART. That is, an appropriation hereafter to be made by Congress. Now, under this language, if they go on and make a bargain, all Congress is to do is to fulfill it by paying the amount agreed upon. If it is any object to limit the discretion of the officers, it seems to me, and I suggest it for the consideration of the Senator from Pennsylvania—for, as I have said, I do not wish to oppose his bill—that we had better provide, that in case they agree to purchase, they shall report to Congress the terms on which they can purchase, before any contract be permanently entered into.

Mr. BRODHEAD. That is the intention of the proviso as it now stands. These officers are to make a conditional contract. They are to report to Congress the amount for which proper and suitable buildings can be purchased. I think, therefore, that the language of the proviso now is entirely proper. It is the same language as was used in the Boston bill.

Mr. BUTLER. The bill in reference to Boston came up for consideration in the Committee on the Judiciary, and I think it proper to say, that there were serious objections to it in the committee. Among others, the Senator from Georgia, [Mr. TOOMBS], I know, entertains decided objections to the whole system; for, if we buy court-houses and post offices for Philadelphia, New York, and Boston, every city in the Union will have the same claim, and we may be compelled to buy buildings for those purposes for all of them. This, therefore, is the commencement of a system. I do not know whether or not I shall be in favor of it; but I know there are very strong objections to the whole system, and I think it is rather precipitate to decide upon the bill now in its present form. I agree with the Senator from Michigan, that there is no restriction at all in the proviso to which he has referred.

Mr. BRODHEAD. If we provide suitable accommodations for the United States courts and post offices in Philadelphia, New York, Boston, and New Orleans, it will not, I think, therefore follow that all other places must necessarily be so provided for. These are the great arteries; these are the large places of this continent; and they are likely to remain so. It is impossible to obtain in such large cities from private individuals suitable buildings to accommodate the United States courts and post offices. Besides that, the State penitentiary in Philadelphia is now used for the confinement of prisoners of the General Government.

Mr. BAYARD. I should suppose the object of the honorable member from Pennsylvania might be attained, and yet the honorable members from South Carolina and Michigan be satisfied, by striking out the words "within the limits of an appropriation to be made by Congress," and by inserting in their place these words: "Conditionally, and dependent upon the making of an appropriation by Congress." The proviso would then read:

Provided, That no purchase shall take place except con-

ditionally, and dependent upon the making of an appropriation by Congress.

Mr. BRODHEAD. That is the intention of the original proviso.

Mr. BAYARD. Then the alteration which I suggest will make it clear, definite, and certain. I move that amendment.

Mr. BRODHEAD. Very well.

The amendment was agreed to; the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

EXECUTIVE SESSIONS.

Mr. BUTLER. I know that it is asking what perhaps may be thought irregular; but I wish to submit a report from the Committee on the Judiciary in order to have it printed. It is one respecting the rules of the Senate; and as we are likely to go into Executive session—involving the necessity of deciding upon this report—very shortly, I simply desire to submit it, and ask that it may be printed.

The report was received by unanimous consent, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. FORNEY, their Clerk, announcing that they had passed a bill and joint resolution of the following titles:

Bill to provide for the distribution of arms to the several States and Territories, and

Joint resolution explanatory of the law regulating the number of cadets to be appointed to the Military Academy at West Point.

HODGES AND LANSDALE, AND JOHNSON.

The Senate, as in Committee of the Whole, resumed the consideration of the bill for the relief of Hodges & Lansdale, and the legal representatives of Rinaldo Johnson and Ann E. Johnson.

Mr. BAYARD delivered an elaborate argument in opposition to the bill. [His argument will be found in the Appendix.]

Mr. PRATT next obtained the floor.

On motion by Mr. SEWARD, it was

Ordered, That when the Senate adjourns, it adjourn to meet on Monday next.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, March 20, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Secretary of the Navy, transmitting, in compliance with the requirements of the twentieth section of the act of Congress of August 26, 1842, a detailed statement of the expenditure of the contingent fund of the Navy Department and its several bureaus, for the fiscal year ending 30th June, 1853.

The communication and the accompanying documents were ordered to be laid on the table, and printed.

Also, a communication from the Commissioner of Patents, transmitting, agreeably to the design of Congress, as indicated by an appropriation of March 3, 1853, for the collection of agricultural statistics and the purchase of seeds, the agricultural portion of his annual report.

Mr. MURRAY. I move to lay the communication on the table, and that it be printed.

Mr. BAYLY, of Virginia. I move to refer the document and the motion to print to the Committee on Printing.

Mr. HOUSTON. That is not necessary, as there is no proposition to print an extra number.

The SPEAKER. That motion is in order.

Mr. HOUSTON. We ought to have the document printed, at any rate; and then a motion to print an extra number necessarily will go to the Committee on Printing.

The SPEAKER. The motion to lay upon the table is a privileged motion.

Mr. JONES, of Tennessee. The usual custom is to refer the document to the Committee on Patents. It is the agricultural portion of the report.

Mr. BAYLY. I acquiesce in the suggestion of the gentleman from Tennessee, [Mr. JONES.]

Mr. JONES. If, then, the gentleman from New York [Mr. MURRAY] will withdraw the motion to lay upon the table and print, I will move that the report be referred to the Committee on Patents, and that it be printed.

Mr. MURRAY. I withdraw my motion.

Mr. JONES. Then I make that motion.

Mr. BAYLY. I do not withdraw the motion to lay upon the table.

The SPEAKER. The gentleman from New York [Mr. MURRAY] made that motion, and he has withdrawn it.

Mr. JONES. - I move, as I said before, to refer the report to the Committee on Patents, and that it be printed; and also, that twenty-five thousand extra copies be printed for the use of the House, and that motion will go to the Committee on Printing. Upon that motion I call the previous question.

Mr. BAYLY. I beg to be understood. My motion was to refer the document and the question of printing to the Committee on Printing. I did not withdraw the motion. The gentleman from Tennessee, [Mr. JONES,] as I supposed, suggested to refer the two questions to the Committee on Patents, and if that had been the suggestion, I would have withdrawn my motion.

The SPEAKER. The gentleman from Virginia will allow the Chair to explain. The gentleman from New York moved to lay the document upon the table, and to print; and until that motion is disposed of the gentleman from Virginia could not move to commit the document to the Committee on Printing. Does the Chair understand the precise motion of the gentleman from Virginia?

Mr. BAYLY. I think the Chair and myself do not understand each other. I understood the motion to be to lay upon the table, and print.

The SPEAKER. That was the motion.

Mr. BAYLY. I move to refer both, the document and the question of printing, to the Committee on Printing.

The SPEAKER. The gentleman could not move to refer the document to the Committee on Printing until the motion to lay upon the table is disposed of.

Mr. BAYLY. That motion has been withdrawn.

The SPEAKER. It was not withdrawn until after the concurrence of the gentleman from Virginia in the suggestion of the gentleman from Tennessee.

Mr. BAYLY. My motion was still pending.

The SPEAKER. The Chair understood the gentleman to withdraw the motion, and to concur in the motion of the gentleman from Tennessee.

Mr. BAYLY. The Chair certainly misunderstood me.

The SPEAKER. The Chair did not misunderstand. The motion to refer the document was not in order until the motion to lay upon the table was disposed of.

Mr. BAYLY. I would remind the Chair that that motion was withdrawn.

The SPEAKER. The Chair so stated, but not until the gentleman from Virginia concurred in the motion of the gentleman from Tennessee.

Mr. BAYLY. Well, I believe the question of printing is debatable.

Mr. CLINGMAN. The previous question has been demanded, and debate is not in order.

The SPEAKER. The Chair has no disposition to take the gentleman from Virginia by surprise. If it were competent to separate the motion to lay upon the table and print, and to move to refer the motion to print, the Chair does not know but the motion would stand, so far as the motion to print is concerned.

Mr. BAYLY. The motion to print, it seems to me, is a motion that ought to be, and can be, referred.

Mr. CLINGMAN. I beg leave to submit this point of order: A demand has been made for the previous question, and no discussion is in order while that demand is pending.

The SPEAKER. The Chair is aware that the debate is not in order; but in order that there might be no mistake in reference to the character and effect of the several motions which have been made, he has allowed it to go on.

Mr. BAYLY. I did not mean to make any point on the Speaker. I know he did not mean to take me by surprise, nor did my friend from Ten-

nessee mean to do it; but the form in which the matter has come up did take me so, under the present ruling of the Chair; because, I thought the gentleman from Tennessee only wished to make the suggestion that my entire motion should go to the Committee on Patents. I yielded to him to make that suggestion, although I did not mean to acquiesce in it; but I certainly did not mean to yield the floor for him to demand the previous question.

Mr. JONES, of Tennessee. The gentleman from Virginia must see, I think, that the ruling of the Chair is entirely correct. The gentleman was never properly upon the floor to make his motion. The gentleman from New York [Mr. MURRAY] having made the motion to lay the document upon the table, it was not in order to make the motion to refer while that motion was pending.

The SPEAKER. It very clearly was not in order to make such a motion.

Mr. JONES. I then obtained the floor, and the gentleman, under the apprehension, perhaps, that I was going to refer his whole motion to the Committee on Patents, acquiesced in it. But, be that as it may, while I had the floor the gentleman from New York withdrew the motion to lay upon the table, and I then made the motion that the document be referred to the Committee on Patents, and be printed, and the further motion that twenty-five thousand extra copies be printed for the use of the House, which latter motion would go to the Committee on Printing; and upon that motion I demanded the previous question.

Mr. STRAUB. I ask the gentleman from Tennessee to withdraw the motion for the previous question for a single moment, to enable me to ask him a question.

Mr. JONES. I will hear the gentleman's question.

Mr. STRAUB. I want to know, if the gentleman pleases, whether this twenty-five thousand extra copies is to be the aggregate number which he proposes to have printed of this mechanical part of the Patent Office report?

The SPEAKER. That is a mere proposition which goes under the rule to the Committee on Printing. Every motion to print an extra number of any document must, by an express rule of the House, go to the Committee on Printing. When that committee report upon the motion, it will then be competent for the House to determine the number it will order.

Mr. MIDDLESWARTH. I desire to suggest that that portion of the communication which refers to patents shall be referred to the Committee on Patents; that the motion to print be referred to the Committee on Printing.

The SPEAKER. That is precisely the motion of the gentleman from Tennessee.

Mr. MIDDLESWARTH. And I wish to make a further suggestion, that so much of the communication as refers to seeds, &c., shall be referred to the Committee on Agriculture.

The SPEAKER. The previous question having been demanded, the gentleman's motion is not in order.

Upon seconding the demand for the previous question 67 rose in the affirmative.

Mr. ORR. I demand tellers upon seconding the demand.

Tellers were ordered; and Messrs. CLINGMAN and CAMPBELL were appointed.

The question was then put on seconding the call for the previous question; and the tellers reported—ayes 80, noes not counted.

The main question was then ordered to be put.

Mr. BAYLY, of Virginia. I demand the yeas and nays on the motion submitted by the gentleman from Tennessee, [Mr. JONES.]

The yeas and nays were not ordered.

Mr. BENSON. I would inquire of the Chair whether, if the motion of the gentleman from Tennessee prevail, the extra numbers of the document will be limited to twenty-five thousand?

The SPEAKER. The proposition to print an extra number of copies goes under a rule of the House, without a vote, to the Committee on Printing.

Mr. BENSON. It does not limit the number of extra copies to twenty-five thousand?

The SPEAKER. It does not fix the number at all. The proposition to print an extra number of copies is simply referred under the rule to the Committee on Printing.

Mr. JONES. That committee will report the

printing of one hundred thousand extra copies, and you can limit it to a million if you please. [Laughter.]

The question was then taken; and Mr. Jones's motion was agreed to.

Mr. JONES, of Tennessee. I rise to a privileged question. I move to reconsider the vote by which the motion was agreed to, and to lay that motion upon the table.

Mr. BAYLY, of Virginia. I demand the yeas and nays on that latter motion.

The yeas and nays were not ordered. The question was then taken, and the motion to lay the motion to reconsider upon the table was adopted.

RESOLUTIONS OF GEORGIA.

Mr. CHASTAIN. I ask the unanimous consent of the House to present the preamble and resolutions of the Legislature of the State of Georgia, in relation to the Territory of Nebraska.

No objection being made, the resolutions were received, and read, as follows:

Resolution in relation to the Territory of Nebraska.

The State of Georgia in solemn convention having firmly fixed herself upon the principles of the compromise measures of 1850, relating to the subject of slavery in the Territories of the United States, as a final settlement of the agitation of that question, its withdrawal from the Halls of Congress, and the political arena, and its reference to the people of the Territories interested therein; and distinctly recognizing in those compromise measures the doctrine, that it is not competent for Congress to impose any restrictions to the existence of slavery among them upon the citizens moving into and settling upon the Territories of the Union, acquired or to be hereafter acquired; but that the question whether slavery shall or shall not form a part of their domestic institutions is for them alone to determine for themselves; and her present Executive having reiterated and affirmed the same fixed policy in his inaugural address—

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Legislature of Georgia, as the representatives of the people, speaking their will and expressing their feelings, have had their confidence strengthened in the settled determination of the great body of the northern people to carry out in good faith those principles, in the practical application of them to the bills reported by Mr. Douglas, from the Committee on Territories, in the United States Senate, at the present session, proposing the organization of a territorial government for the Territory of Nebraska.

And be it further resolved, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to vote for and support those principles, and to use all proper means in their power for carrying them out, either as applied to the government of the Territory of Nebraska, or in any other bill for territorial government which may come before them.

Resolved further, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

On motion by Mr. CHASTAIN, it was

Ordered, That said resolutions lie upon the table and be printed.

RESOLUTIONS OF ILLINOIS.

Mr. WASHBURN, of Illinois, by unanimous consent, presented the joint resolutions of the General Assembly of the State of Illinois, relative to the establishment of industrial universities for the encouragement of practical and general education among the people, in the several States of the Union, to cooperate with each other, and with the Smithsonian Institution, at Washington.

On motion by Mr. WASHBURN, it was

Ordered, That the resolutions lie upon the table, and be printed.

RESOLUTIONS OF MISSISSIPPI.

Mr. BARKSDALE. I ask the unanimous consent of the House to present resolutions from the Legislature of Mississippi.

The resolutions were then read by the Clerk. They declare that efforts are being made in Congress to prohibit the introduction of slaves into the Territory of Nebraska, in a manner not in accordance with the spirit of the Federal Constitution; therefore, be it resolved, that the bill now pending before Congress, organizing a territorial government in Nebraska and Kansas, is in accordance with the principles of the Constitution of the United States, and in the opinion of this Legislature just and proper, and that our Senators and Representatives in Congress be instructed to support this bill by all honorable means.

On motion by Mr. BARKSDALE, it was

Ordered, That the resolutions lie upon the table and be printed.

BIDS FOR NAVAL SUPPLIES.

Mr. BOCK. I ask the unanimous consent of the House to permit me to make a report from the Committee on Naval Affairs, and in case there

is any objection, I shall move to suspend the rules, in order that I may make such a report.

The following joint resolution was then read the first and second time by its title.

Joint resolution relative to bids for provisions, clothing, and small stores for the use of the Navy.

Mr. BOCK. I ask to have the joint resolution put upon its passage; and I will state in five minutes my reason for its adoption.

The resolution was then read through by the Clerk.

[A message in writing was here received from the President of the United States, by the hands of SIDNEY WEBSTER, his Private Secretary.]

Mr. BOCK. I have no idea of detaining the House, unnecessarily, with any suggestions which I have to make in relation to this question. If there were no objection to the resolution upon the part of any one, I would not say a single word, but let the vote be taken at once. I appeal to the House to bear me out in the assertion, that I have trespassed upon the time of the House as little as any member present.

I wish now to make a statement, which will occupy but a few minutes, to show the reasons why I come forward to-day and ask the peculiar privilege of being permitted to bring forward this resolution, and also to have it put upon its passage.

Mr. Speaker, this was a resolution that was sent down three or four weeks ago from the Department. I received with it letters both from the Secretary of the Navy and from the Chief of the Bureau of Clothing and Provisions, representing it to be of immense consequence to the success of that branch of the public business that this resolution should be passed. It was referred to the Committee on Naval Affairs, and, some three or four weeks ago—immediately after its receipt—it was considered in that committee, and, I believe, there was not a dissenting voice either to the propriety of passing it or to the necessity that existed for its immediate passage. Since that time I have not had an opportunity to report it. I do not know, from the position in which the Committee on Public Lands stands now, when, in the ordinary course of affairs, I should have an opportunity to report. And so, sir, it seemed to me to be best to bring it forward at this time, as it is of great importance that it should be passed at once, and for this reason.

The time has arrived when the annual advertisements of this Department for bids of this sort are to be published. I believe these advertisements are usually made on the 15th day of the present month. The Department has waited up to this time in the expectation that this resolution would be considered and adopted, and has agreed to wait for a week or two longer, but beyond that time the urgency of the service will prevent it from further procrastination.

Mr. Speaker, if this resolution is to be adopted at all, it should be adopted at once. It proposes to take the contracts for these supplies out of the hands of speculators, and to confine them to real *bona fide* manufacturers of, or dealers in, the articles. But, I do not intend this morning to enter at length into the discussion of the question of the contract system for supplies of the Navy Department. Permit me to state this much, however, that in many regards it has proved to be an entire failure. Let me explain. Proposals are made, under the present system, for the supply of particular articles of provisions. Gentlemen come in and make their bids. These bids they make as a matter of pure speculation. If the price of the article rises in the market they throw up their bids, and the Government finds it in vain to attempt to get redress from them. For instance, a contractor comes and makes a bid for the supply of flour; the bid, which is made as a matter of pure speculation, is accepted, and the contract entered into. Afterwards the article of flour rises in the market, and he immediately throws up his contract; or, if he complies with his contract in form, he does so by furnishing an inferior article.

What does the Government then do? Does it go into the courts and sue the contractor for his breach of contract? Why, if the Government were to go into court and sue, it would have the expense, trouble, and annoyance of the suit, and that is about all it would get. But, if the article falls in the market, so that the price at which the contractor proposes to furnish it is double its value,

the Government has no power to annul the contract. The Government, under such circumstances, cannot go into the market and buy articles at the low prices at which they may be sold, but is bound in good faith to keep its contract with the contractor.

I say, therefore, that in many cases, especially where these contracts are taken by pure speculators—a thing which is very usual—and not by real dealers, the Government, under the present system, stands a chance to lose, but has no chance whatever to gain. Now, that evil is increased very greatly by the fact that these contracts are often given into the hands of speculators. Real dealers—men who live by their trade—must sustain their reputation. They feel that their future success depends, in some respect, upon their performing faithfully what they undertake to do.

It is to remedy or to obviate this evil that this resolution provides that bids shall not be taken—but by the option of the Department—from those who are not known to be regular manufacturers of, or dealers in, the articles which they propose to supply; and also that if two or three bids are made by the same firm, they shall be all rejected, at the option of the Department, because that fact would show that the bid is a mere matter of speculation. It also provides that one partner shall not be taken as security for another partner.

Mr. Speaker, on a single other particular branch of the subject I ask to say a word. The latter part of the resolution proposes to permit the Department to go into the market and buy particular brands of flour, when such brands are known to be essential to particular services. It is stated, in the communication of the Chief of the Bureau of Supplies and Provisions, that particular brands of flour alone can bear to be transported around Cape Horn, and to be used on the Pacific ocean.

There are other brands of flour which, though they may look well here, turn out very inferior if brought around Cape Horn, and are so much waste and loss to the Government. The only way to avoid that condition of things is to give to the Department the power to go into the market and buy these particular brands which are known to keep in a good state of preservation.

That cannot be done by the contract system. A man can come into competition, take the contract at a lower bid, but furnish a different quality of flour, which, if it looks well here, must be received under the contract, and if any loss accrues by that course, it is thrown upon the Government. I believe I have fully explained the object and effect of this resolution.

Mr. PERKINS, of New York. In relation to the latter portion of the remarks of the gentleman who introduced the resolution, [Mr. Bock], I do not suppose that I have sufficient information to speak intelligently or with certainty on the subject to which they refer.

But in relation to the first branch—that which proposes to put it into the power of the Secretary of the Navy to enter into contract with others than the lowest bidders for the supply of the flour and other articles, and which confines the contract to be entered into with the dealers in the particular article—I apprehend that such a course will be the means of creating combinations and monopolies in particular neighborhoods in relation to the matter of making bids.

We have had no little experience in the State of New York in regard to the operation of the contract system; and it is true, perhaps, as a general thing, whether the contract be entered into with a regular dealer, a mechanic, or any other person, that if the contract turns out to be an unprofitable or a bad one it is very often abandoned.

But I know of no reason why you should expect that a miller, with whom such a contract should be made, would, if the price of flour should rise, and thereby his contract become unprofitable, comply with his contract and furnish the flour, any more than would a responsible merchant or mechanic, who should enter into such a contract, and should find it a bad one. I can see no reason why he should suppose there would be any difference. It seems to me that it is opening the door to any one who has authority or competency to enter into a contract, to do so, rather with the view of benefiting the contractor than the United States.

Mr. SMITH, of Virginia. As I understand the honorable chairman of the committee, [Mr. Bo-

cock,] who introduced the resolution, to state that these proposed changes are the result of the large and extended experience of the Department.—

Mr. BOGCOCK. If the gentleman will permit me to say a word, I will remark, that the proposed changes are the result, not only of the large experience of the Department, but the course has been sanctioned already, in regard to two or three other articles. It was found necessary to relax the severity of the contract system, in reference to butter and cheese, and a few other articles, and it is only desired now to extend that policy to flour, and some other things.

Mr. SMITH, of Virginia. I am perfectly satisfied, from the remarks of the gentleman from Virginia, that we ought to yield something to the experience of those who have the special charge of these matters. And I, for one, am willing to lend my aid to the improvement of the naval service, and yield to the suggestions of the Government in that respect. I trust that such, also, will be the sense of this House. Under the circumstances, I am in favor of the resolution; and, before I take my seat, I beg leave to call the previous question.

Mr. BAYLY, of Virginia. I ask my colleague to withdraw that call for a moment.

Mr. SMITH. I will do so, in favor of my colleague.

Mr. BAYLY. Mr. Speaker, I entirely concur with my colleague from the Appomattox district, [Mr. Bogcock,] that there are a number of articles which the Department ought to be allowed to purchase in open market. This is a subject which we have heretofore investigated elaborately in this House. In the article of tobacco, for instance, in that of butter and of cheese, and some others, it was demonstrated at the time—for I had something to do with the investigation myself—that purchasing by contract was the most expensive possible mode we could adopt. Under it, articles that would pass inspection, would be carried into southern latitudes, where they would quickly spoil, become unfit for use, be condemned, and be thrown overboard.

I recollect the statement has repeatedly been made, from the highest authority, that in respect to such articles as would not keep in the different changes of latitudes real economy required that they should be purchased in open market, rather than by contract. Upon the articles of tobacco, butter, cheese, and many other articles, when the Government abandoned the system of purchasing in open market, and adopted that of purchasing by contract, they lost at least fifty per cent. upon the cost of these articles. I believe it was more than that, but I am certainly within bounds when I say that the Government lost more than fifty per cent., growing out of the inferiority of the article furnished by the lowest bidder. They ought to be purchased in open market, of responsible persons.

It does occur to me that in the matter of furnishing our Navy, where the health of the officers and men is concerned, to say nothing of economy, that system ought to be adopted which would insure the best articles of supply. The system of letting the contract out to the lowest bidder does not produce the best article. I repeat, that the stores of the Navy have been frequently found in such a condition, that large quantities of butter, flour, cheese, and other articles have had to be thrown overboard. They have been found to be so affected by the change of climate as to be unfit for use. That has been the experience of the Government; and so far from saving anything from having these articles furnished by the lowest bidder, the expense has been greatly increased, and the discomfort of those employed in our Navy has also been greatly increased. I renew the demand for the previous question.

Mr. JONES, of Tennessee. I wish to make a single inquiry of the gentleman who reported this resolution. I do not desire to make a speech about it.

The SPEAKER. The gentleman can make his inquiry by the unanimous consent of the House.

Mr. JONES. I ask the gentleman from Virginia to withdraw the demand for the previous question, and give me the right to make the inquiry.

Mr. BAYLY. I only renewed the demand for the previous question to accommodate my col-

league, who reported the bill. Of course I withdraw the demand, with his consent.

Mr. JONES. I think this joint resolution is right, so far as it goes. But, in my opinion, the Department should have the authority to go into open market, and purchase any articles of supply which it may deem necessary.

We know that when the Department advertises for bids for supplying provisions, persons who never owned a barrel of flour, a pound of pork, or a dollar's worth of any of the articles needed by the Government, will put in bids, and then rely on buying them after they shall have the contracts awarded them. If you will permit the Department to send its agents into the open market, they will find all the articles in the hands of the regular dealers. They can buy them on better terms, in my opinion, and get better articles by going to those who have them on hand, whose interest it is to sell them, and who are consequently anxious to make a fair and honest sale. A fairer sale can be thus had than by advertising.

I merely wish to ask the chairman of the Committee on Naval Affairs, who reported this resolution, and who has it in charge, whether it would not be better to go further, and give the Secretary of the Treasury the right under law to advertise if he thought proper, or to go into the open market and purchase all the supplies that may be needed for his Department? In my opinion it would; but, perhaps, I am not sufficiently informed on the subject.

Mr. BOGCOCK. In answer to the question of my friend from Tennessee, I wish to say to him and the House, that in all the views he has presented on this occasion, I myself entirely concur. I believe that it would be a great deal better for the Department, in relation to the matter of provisions at least, to go into the open market and buy the sound article at the market price for the reasons which I gave at first. But I knew, Mr. Speaker, that if such a resolution were introduced here, it would open up a long discussion, perhaps, on the merits of the contract system. The urgency of the case was such that I did not think proper to introduce anything at this time which would lead to that lengthy debate. I preferred taking what I thought I could get. I preferred coming here and asking what was necessary to the exigency of the case, and to leave to the future to take care of the balance. This is what we want at present. I ask it of the House as the best thing that we can get without protracted discussion. I hope it may be granted. Believing the matter to be fully explained, I call for the previous question.

At the request of several members, the joint resolution was again read.

The call for the previous question was then seconded; there being, on a division—ayes 76, noes not counted.

The main question was then ordered to be put.

The question now being on ordering the joint resolution to be engrossed and read a third time,

Mr. WALSH demanded the yeas and nays.

The yeas and nays were not ordered.

The joint resolution was then ordered to be engrossed and read a third time; and, being engrossed, was subsequently read the third time, and passed.

Mr. BOGCOCK moved to reconsider the vote by which the joint resolution was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put, and the motion was disagreed to.

TERRITORIAL BUSINESS.

Mr. RICHARDSON. I move to set apart the first week in May for the consideration of territorial business.

Mr. WHEELER. What kind of territorial business?

Mr. RICHARDSON. The local business of the organized Territories.

Mr. CUTTING. Does the gentleman include the Nebraska bill?

Mr. RICHARDSON. No, sir; only the business of organized Territories.

Mr. JONES, of Tennessee. I suppose the gen-

tleman means the week commencing with the first Monday in May?

Mr. RICHARDSON. Yes, sir.

A MEMBER. Why not fix upon an earlier day?

Mr. RICHARDSON. Because we want time to report bills.

The question was then taken; and the motion was agreed to.

CHARGES AGAINST SECRETARY OF WAR.

Mr. BARRY. I ask the unanimous consent of the House to introduce the following resolution:

Whereas, it has been declared by a member of this body, upon the floor of the House, that "a usurpation of power and a perversion of the very principles of civil liberty itself" "have been committed by a Democratic Secretary of War," meaning the present Secretary of War, Colonel Jefferson Davis; and whereas, the same member has used in debate the following language:

"I charge, and it cannot be denied, that the War Department has gradually and insidiously engrossed and monopolized as many of the civil offices of the Government as it could, and by this means has been enabled to give snug and comfortable positions to its favorites until the evil has become widespread and dangerous."

And whereas, it is due to the officer against whom charges of such gravity have been made, as well as to the correct administration of public affairs, and the preservation of the legal distinction between the civil and military branches of the public service, that those charges should be at once and thoroughly investigated: Therefore,

Resolved, That a committee of seven be appointed to inquire into the truth of those charges in their widest scope, and whether the Secretary of the War Department, in relation to the extension of the Capitol and other civil works; and all the facts in their judgment bearing on the origin, nature, and purpose of the charges made against the Secretary of War, and to report the same to this House; and that the committee have power to send for persons and papers.

Mr. BARRY. The resolution simply proposes to raise a committee of inquiry. The charges alluded to in this resolution are simply quotations taken from a speech made in this House, and the object I have in its introduction at this time is to have a committee of investigation appointed to inquire whether the charges which have been made here and elsewhere are true.

The SPEAKER. The Chair would inquire, whether there are objections to the introduction of this resolution?

Mr. ENGLISH. I object.

Mr. BARRY. I move to suspend the rules to enable me to introduce this resolution. I will state that it simply asks that a committee be appointed for the purpose of investigating the charges made against a public officer, which, if true, will render him liable to the censure of this House and the country.

Mr. CAMPBELL. I would ask the gentleman from Mississippi [Mr. Barry] if there has not been already a select committee appointed to inquire into the prominent facts that have been charged upon this officer?

Mr. BARRY. In reply to the gentleman from Ohio, I take it for granted that there is no such committee, because these charges are made by the gentleman who is the chairman of the Select Committee to which he alludes; and, of course, he would not be announcing the action of the committee in anticipation of the report which they are required to make.

Mr. CAMPBELL. I would suggest to the gentleman from Mississippi that he had better wait until the report of the committee is made.

Mr. STANTON, of Kentucky. I desire to make a single remark in connection with this matter, and it is this: Before the House adopts this resolution it would be well to inquire whether any such charges as are indicated by the gentleman from Mississippi, [Mr. Barry,] who has offered this resolution, were made by me. I intended, in my remarks referred to, to make no such charges against the present Secretary of War. I did say, however, that the War Department had gradually and insidiously engrossed and monopolized certain civil positions all over the country. The system did not begin under the present Administration, but originated twenty years ago, and has increased until the evil is wide spread and dangerous. I did not mean to charge that it originated under the present Secretary of War, although it is continued by his Department, when it should be stopped.

Mr. CRAIG. I do not see any necessity for the passage of these resolutions. Shortly after Congress met a resolution of inquiry in regard to this matter was introduced by the gentleman from Kentucky, [Mr. Stanton,] and referred to one of the standing committees of this House. Subse-

quently to that, a select committee upon the same subject was raised, and the matter is now being investigated by the committee.

Mr. BARRY. I should like to make a brief explanation—

The SPEAKER. Is it the pleasure of the House that the gentleman from Mississippi [Mr. BARRY] be allowed the privilege of making an explanation?

Mr. EDGERTON. I object.

Mr. BARRY. I move to suspend the rules of the House, so that I may be permitted to introduce the resolution which has already been read.

Mr. HIESTER. I move to lay the resolution upon the table.

The SPEAKER. That motion would not be in order until the rules of the House are suspended.

Mr. BARRY. I wish to state here that the Secretary of War desires that the charges which have been preferred against him should be investigated.

The question was then taken upon Mr. BARRY's motion, that the rules of the House be suspended; and it was decided in the negative.

PACIFIC RAILROAD.

Mr. EWING. I wish to ask the unanimous consent of the House—and I hope there will be no objection to it—to make a special order in reference to a measure of practical importance. I wish to have the report presented by the special committee on the Pacific railroad made the special order for some day, even if it be a distant day. I do not care so much about the time.

A MEMBER. Name the day.

Mr. EWING. I propose to make it the special order for the second Wednesday in May.

A MEMBER. Better make it the second Tuesday.

Mr. EWING. Very well; let it be made the special order for the second Tuesday in May.

Mr. HAVEN. I do not know whether it is of any use for me to undertake to resist these motions for special orders any further. I have already, this morning, made objection to one of these motions; but as I am afraid lest this making of an additional special order may too much constrain the House I oppose it also; I insist that it is better for us not to tie ourselves up, and repress ourselves under such rules, lest when the time of these special orders arrives it may not be opportune or appropriate for us to consider them.

Mr. WHEELER. Mr. Speaker, is this debate in order?

Mr. EWING. I would simply suggest that we have so many things before us for our action that we cannot reach those which are of chief importance without making special orders for them. If, instead of taking matters of business in the accidental order of time, we select those of chief practical importance, and specify a certain time for them we will do just as well. I think the House is right in making these special orders; and the gentleman from New York [Mr. HAVEN] is wrong in opposing them. This Pacific railroad affair is a matter of great practical importance, and I hope that my motion will be acceded to.

Mr. LETCHER. I have no objection to have this special order made, provided the day is far enough distant.

Mr. DAVIS, of Indiana. I object to this discussion.

The SPEAKER. The discussion is not in order.

Mr. HAVEN. I ask the Chair whether the motion of the gentleman from Kentucky is a motion to make a special order at this time, or whether it is merely a motion to suspend the rules, so as to enable the gentleman to make the motion he desires?

The SPEAKER. The Chair was about to inquire whether there was any objection to the motion, for if there be it cannot be adopted at this time.

Mr. HAVEN. I object.

Mr. EWING. I thought it was too late to make objection when we had got to the consideration of the question?

The SPEAKER. The Chair understood that objection was substantially made by the gentleman from New York, [Mr. HAVEN.]

Mr. HUNT. The gentleman from New York

stated that he had a general objection to making these special orders, but he went on to say—as I understood him—that he did not object in this instance.

The SPEAKER. At all events, the gentleman from Kentucky has lost nothing, as it would require a vote of two thirds to suspend the rules to enable him to make the special order he asks.

Mr. EWING. Then I move to suspend the rules for that purpose; and on that I demand tellers.

Mr. JONES, of Tennessee. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 101, nays 76; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Ball, Banks, Barksdale, Bennett, Benton, Bissell, Breckinridge, Brooks, Bugg, Campbell, Caruthers, Chamberlain, Chandler, Churchwell, Clark, Cobb, Corwin, Cox, Cullom, Cutting, John G. Davis, Thomas Davis, Dawson, Dick, Disney, Dowdell, Dunbar, Eddy, Edgerton, Edmands, Ellison, English, Etheridge, Ewing, Farley, Florence, Goodrich, Green, Greenwood, Grey, Harrison, Hastings, Hendricks, Hiestler, Hill, Hunt, Johnson, Kerr, Knox, Lane, Latham, McCulloch, Macdonald, McDougall, McMullin, Maxwell, John G. Miller, Smith Miller, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Pennington, John Perkins, Phelps, Pratt, Preston, Ready, Richardson, David Ritchie, Thomas Ritchie, Robbins, Rogers, Russell, Shannon, Shower, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Straub, Andrew Stuart, Walbridge, Walker, Walley, Warren, Ellihu B. Washburne, Israel Washburn, John Wentworth, Westbrook, Witte, Hendrick B. Wright, Yates, and Zollcoffer—101.

NAYS—Messrs. Aiken, Thomas H. Bayly, Barry, Belcher, Benson, Carpenter, Caskie, Chastain, Colquitt, Craige, Crocker, Dent, Dickinson, Eastman, Edmundson, Faulkner, Fenton, Flagler, Franklin, Fuller, Gamble, Giddings, Gondo, Grow, Aaron Harlan, Sampson W. Harris, Haven, Hibbard, Houston, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kidwell, Kittredge, Kurtz, Lecher, Lilly, McNair, Matteson, Maurice, Mayall, Meacham, Middleswarth, Milson, Morgan, Morrison, Murray, Orr, Packer, Peckham, Bishop Perkins, Powell, Pringle, Puryear, Reese, Sabin, Seward, Shaw, Simmons, Skelton, Gerrit Smith, John F. Taylor, John L. Taylor, Thurston, Tracy, Trout, Upham, Vail, Vansant, Wade, Walsh, Tappan Wentworth, Wheeler, and Daniel B. Wright—76.

So the rules were not suspended.

FRAUDS ON THE TREASURY.

Mr. CAMPBELL. I ask the unanimous consent of the House to introduce a resolution.

The resolution was read for information, as follows:

Resolved, That the Committee on the Judiciary, now charged with the duty of devising measures to recover the money supposed to have been fraudulently drawn from the Treasury upon the claims of Gardiner and Mears, be further instructed to report what measures are necessary, if any, to recover money which has been drawn from the Treasury of the United States for services as Ministers Plenipotentiary, Chargé d'Affaires, of Secretaries of Legation at foreign courts, or other officers of the General Government, by persons who have not entered upon or discharged the duties of the offices to which they were appointed; and also to report such additional measures as may be necessary to prevent in future such frauds upon the Treasury, with power to send for persons and papers.

No objection being made, the resolution was received.

Mr. CAMPBELL. Before the question is taken upon the adoption of the resolution, I desire to make one remark, and will consume but a moment or two of the time of the House.

I understand, from a report which has been laid on our desks, that this practice has prevailed to some extent, namely, that persons who have received appointments to lucrative offices under the Government, such as ministers, secretaries, judges, &c., have drawn money from the Treasury for their services, outfits, &c., and have never, in any way, proceeded to discharge any of the duties of their offices. Such an act I look upon as an outrageous fraud, and if the practice prevails, it is one that calls for some prompt action upon the part of Congress.

It is true I have not heard that any of these gentlemen have taken strychnine yet, as in a recent case, and I prefer that this investigation should be had while they are still in the land of the living, so that they may make their defense, if they have any. This is all I have to say upon the subject, and I move the previous question upon the adoption of the resolution.

Mr. BAYLY, of Virginia. I ask the gentleman from Ohio to withdraw his demand for the previous question, in order to allow me to offer an amendment. I do not wish to discuss the matter.

Mr. CAMPBELL. I should like to know what

the gentleman's amendment is before I withdraw the demand.

Mr. BAYLY. I will inform the gentleman, if I am allowed to do so.

The SPEAKER. The Chair must remind gentlemen that this discussion is out of order.

Mr. CAMPBELL. Well, sir, while retaining the floor, I withdraw the demand in order to hear the suggestion of the honorable gentleman from Virginia.

Mr. BAYLY. My suggestion is in reference to the proper course to be pursued in this matter. I think the proper course would be to call upon the Department to know whether any such thing as stated in the resolution has been done. That is all.

Mr. CAMPBELL. I would say to the gentleman from Virginia, in reply, that the information has already been called for, and furnished by the Department, and the gentleman will find it in the document room. I mention no names in connection with this matter.

Mr. BAYLY. If the information has been called for, I have nothing further to say, nor any amendment to offer.

Mr. CAMPBELL. I desire to say, in answer to a suggestion made near me, that names should be given, that I mention no names, and single out no individual case. I assert simply that we have the information from the Department, and that I think the matter calls for some action on the part of this House through the Judiciary Committee.

Mr. RICHARDSON. I desire to suggest to the gentleman from Ohio the propriety of raising a new committee to take this matter into consideration. If that is done, of course the gentleman will be at the head of it. If such practices as are referred to in the resolution have prevailed, they ought to be exposed, and persons who have committed them ought to be punished; and, in order that there may be no covering up such practices, if there is any such thing, I desire that a new committee may be raised, and the gentleman from Ohio himself be placed at the head of it.

Mr. CAMPBELL. I am obliged to the honorable gentleman from Illinois for the suggestion. It is enough, however, for me to say, in reply, that I have no sort of ambition to be at the head of any committee myself. I would much prefer that the friends of the Administration should have charge of the matter themselves, as it involves, to some extent, the integrity of the Administration. It is a matter, I suppose, which affects them quite as much as it does those of us who occupy seats upon this side of the House. I have, however, other reasons, why I do not wish to be connected with an investigation of this matter. I have merely offered the resolution because it appears, as I before said, from information which we have before us, that such an investigation is required. I have no doubt the Committee on the Judiciary are fully competent to do justice to the subject.

Mr. STANTON, of Tennessee. I have a single suggestion to make to the gentleman from Ohio. This resolution seems to refer exclusively to foreign Ministers.

Mr. CAMPBELL. Oh, no; it applies to other officers of the Government as well as foreign Ministers. I understand there are some of the judges who should be looked after as well as the foreign Ministers.

Mr. STANTON. The suggestion I was about to make was that if the resolution referred to foreign Ministers altogether, it would be proper that the matter should be intrusted to the care of the Committee on Foreign Affairs.

Mr. CAMPBELL. I prefer that it should go to the Committee on the Judiciary. I think it quite likely that, upon examination, it will be found that some additional legislation will be found necessary to prevent the recurrence of these things in future. It may be that it will be found that there is no power to punish persons who have been guilty of receiving their salaries in advance, without ever once moving towards a discharge of the duties of their offices, and who do not "disgorge," even after they resign. When a foreign Minister receives his \$9,000 outfit, or his salary in advance, or when a judge receives his salary in advance, without ever entering upon the duties of his office, and discharges none of the duties, I regard it as no better than an absolute robbery of the Treasury. It is a fraud not second in its enormity to the Gardiner fraud, and ought

to be investigated, and the perpetrators punished.

Mr. RICHARDSON. Will the gentleman from Ohio allow me to suggest to him, that by the laws of the United States, neither the judges, nor any other of the officers of a Territory can draw any part of their salaries until they have gone there, and have entered upon the discharge of their duties? I think, therefore, that the gentleman's remark will not apply to the judges.

Mr. CAMPBELL. That is a matter I have not examined. Of course I do not mention any particular instance. I merely speak of the facts as they are presented in this public document. I have also heard rumors in reference to other cases, and it is for this reason that I desire that the Committee on the Judiciary should have full power and ample scope, as they will have under this resolution, to report any measures which they may deem necessary to protect the public Treasury from frauds of this description in either branch of the public service.

Mr. PRESTON. I ask the gentleman from Ohio to allow me to make a statement in reference to this matter.

Mr. CAMPBELL. I will yield to the gentleman.

Mr. PRESTON. I conceive that it is very proper that we should pass this resolution. It is evident, from information already before the House, contained in executive document, No. 67, in a letter from the Secretary of the Treasury, transmitted in compliance with a resolution of the House of Representatives of the 13th of March, containing a list of the sums paid to the various diplomatic agents, that, among other sums, \$9,000 was paid on the first day of July, to Samuel Medary, as Minister to Chili, who, I am informed, has never gone to that court. I mention this circumstance merely to attract the attention of the House. I will remark that, from the information before it, I have no hesitation in saying, that in my opinion it is proper that the committee should not only inquire into this case but into any other cases that may be presented. I do not wish to prejudge the case to which I have alluded; I only say, that if these circumstances do exist, it is a matter of sufficient importance to demand investigation upon the part of the House, and that the resolution should pass.

Mr. CAMPBELL. I do not aim this investigation at Mr. Medary, of my own State. There are other instances and other cases. I do not know but that gentleman and his friends may be able, I trust that they will succeed, in showing that there was no impropriety on his part.

Mr. CUTTING. With the gentleman's permission, I will make an inquiry of him. Before the House sends down to the Judiciary Committee a sort of probate commission to inquire into the things appertaining to abuse of office, it seems to me that there ought to be something of a case made to show that it is appropriate to the duties of that standing committee. Now, as I understand the gentleman from Ohio, he says that he has heard rumors of payments made and received before services were rendered. Well, certainly, on such a mere vague intimation of that kind, this House ought not to treat it with that character of respect as to raise a committee.

Mr. CAMPBELL. I did not yield the floor for the gentleman to make an argument. I will say, in reply to his suggestion, that I do not base this resolution to inquire on a mere vague and idle rumor; and if the gentleman would post himself up a little he would find official and authentic information, which was laid upon his desk some weeks ago, on which I predicate this demand for investigation.

Mr. CUTTING. Then that is the only subject which ought to be referred, and that not to the Committee on the Judiciary, but the Committee on Grievances. [Laughter.]

Mr. CAMPBELL. I do not propose to direct an investigation into frauds on the Treasury in such a way as to apply solely to that class of officers who are named in this Executive report. If it shall be made to appear before the Committee on the Judiciary that others have been peculating and acting fraudulently, and they find that legislation is necessary, I desire that they may have authority to report such a bill as will reach all these cases, and bring all who are guilty to summary justice.

Mr. DISNEY. I desire to ask my colleague how far back he purposes his inquiry shall go?

Mr. CAMPBELL. Just as far back as the Committee on the Judiciary wish to make it go; and if my colleague supposes that I stand here for the purpose of throwing any obstacle in the way of investigation that will affect my party or its friends he is mistaken in the man. The gentleman and his friends may seek to throw obstacles and raise objections here for the purpose of stifling this investigation. If there were any frauds during the late Administration let that committee expose them, and the more there are the more is the importance of having legislation. That is what I seek—what, as a member of this body, representing an honest constituency of all parties, I demand.

Mr. DISNEY. I desire to do justice to my colleague. I did not rise for any purpose of putting obstructions in the way of inquiry; on the contrary, I knew that my colleague would feel very anxious to reach a celebrated case which occurred during the late Administration, and had been the town-talk here. [Laughter.]

Mr. CAMPBELL. All cases. I stand here to shield no man guilty of fraud. I do not come here for any such purpose; but, as far as I am able, by my voice and vote, to expose them all. I am ready and willing to act. I hope my colleague will prove that he is with me. Make the application general. That is the reason why I have couched the resolution in general terms, giving the committee general power to bring in such measures as they may deem necessary to protect the Treasury of the people and the interests of the country.

The question was then taken on the resolution; and it was agreed to.

Mr. CLINGMAN moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. GROW. I suppose that the Indian appropriation bill will be considered in a few days. The Committee on Indian Affairs have agreed upon an amendment to that bill, and they have instructed me, some time since, to make a report explanatory of that amendment. I ask that that report be laid upon the table and printed, in order that the House may be informed of the facts when the amendment comes before them for action.

The SPEAKER. The gentleman from Pennsylvania offers an amendment to the Indian appropriation bill, and asks that it may be laid upon the table and printed. Is there any objection?

Mr. GROW. No, sir; that is not my motion. I merely wish to submit a report stating the facts upon which the amendment which we propose to offer when the Indian appropriation bill comes before us for consideration rests. I simply ask that the report of those facts may be laid upon the table and printed, for the use of the members.

The SPEAKER. Is the proposition objected to?

Mr. JONES, of Tennessee. I wish to inquire if the amendment to the Indian appropriation bill spoken of by the gentleman makes an appropriation?

Mr. GROW. It proposes an appropriation in pursuance of treaties with the Indians.

Mr. JONES. What will be the probable amount of it?

Mr. GROW. Ninety-two thousand dollars.

Mr. JONES. Well, I wish the gentleman, in making his report, would report the estimates on which the proposed amendment is based, and let them be printed, and laid before the House. For one, I do not approve of this plan of an Administration, or any of its officers, sending estimates for appropriations to a committee, and not to the House.

Mr. GROW. I have been so unfortunate as not to make myself understood, and I will therefore state, that this very claim was referred by the House to the Committee on Indian Affairs to be examined, on the petition of the eastern Cherokees. That committee have examined the claim, and decided that it appropriately belongs to the Indian appropriation bill; and they have agreed, that when that bill comes before the House they will offer it as an amendment. This report is made in obedience to the instructions of the committee; and all I now ask is, that it may be laid upon the

table and printed before the bill comes up, so that when our amendment is offered gentlemen may be able to act understandingly upon it.

It comes from the eastern Cherokees, as a claim under treaty stipulations. It was presented to this House, and by them referred to the Committee on Indian Affairs. They have examined it, and I have stated what they propose as their action. Let this report be printed, and gentlemen will then be in possession of all the facts in relation to the matter; and they can either approve or reject the amendment, according to their judgment upon it.

Mr. HOUSTON. I desire to ask the gentleman from Pennsylvania if the Indian Department have been applied to upon this subject, and if they have made a communication? I desire that all communications from the Indian Department, in relation to this matter, should accompany the report.

Mr. GROW. It is a report made by the Committee on Indian Affairs, which, if gentlemen will allow to be printed, they will thereby have all the facts, before the question of appropriations for this purpose comes up, and they can then vote understandingly upon the merits of the case.

Mr. HOUSTON. My object is to get all the communications in reference to this matter printed. If there have been any received from the Department I desire to have them all printed.

Mr. GROW. All the information necessary for an understanding of the case accompanies the report.

The SPEAKER. No objection being made, the communication will be laid upon the table, and ordered to be printed.

DUTIES OF COMMISSIONER OF PENSIONS.

Mr. DENT. I ask the unanimous consent of the House to introduce a bill to be entitled, "An act to regulate and define the duty of the Commissioner of Pensions in certain cases."

The bill was then read the first and second time by its title.

Mr. DENT. I ask the indulgence of the House for one or two minutes, for the purpose of stating the merits of the bill which I have introduced. I ask, first, that the bill may be read, as it will, in a great degree, explain itself.

The bill having been read through by the Clerk—

Mr. D. resumed: I desire to make but a simple statement of facts in reference to this bill. The Commissioner of Pensions and the Secretary of the Interior have good reason to believe that the public service suffers for the want of such a bill as I have introduced. It is well known that there are numbers of frauds annually committed upon Government by people who have managed to be placed upon the pension list—those who are disabled at the time they were so placed, but, after their disabilities have been removed, continue to draw pension money from the Government.

The provisions of this bill are such as to enable the Secretary of the Interior and the Commissioner of Pensions, through their agents in the different States of the Union, to discover and ferret out these frauds; and when discovered the bill authorizes them to suspend payment. The bill has been read, and it explains itself. I would not have pressed it upon the House this morning but that the public service demands it.

The Secretary of the Interior and the Commissioner of Pensions have recently addressed a letter to a distinguished gentleman on this floor, which has been handed to me, and which proves the necessity that exists for such a bill as that proposed. That bill has been prepared for three weeks; but, up to this time, I have had no opportunity to report it. I now ask the unanimous consent of the House that the bill be put upon its immediate passage.

Mr. HOUSTON. I ask the gentleman from Georgia to allow an extract from the report of the Secretary of the Interior to be read. I have sent it up to the Clerk's desk for that purpose.

Mr. DENT. Certainly; with pleasure.

The Clerk then read the following extract from the report of the Secretary of the Interior:

"Numerous frauds have been committed under the pension laws. In perpetrating them perjury and forgery have been frequently resorted to. Several prosecutions have been successfully instituted—the criminals have been convicted, and are now expiating their offenses. Some, whose guilt was palpable, have escaped, in consequence of the act of Congress limiting prosecutions of this character to two years from the commission of the offense. These offenses are committed in secret. Every expedient is adopted to avoid

detection; and it is seldom that, with the greatest vigilance, they are discovered within the time limited by law for their prosecution. A change is therefore earnestly recommended; and if any limit is fixed, of which the propriety is doubted, it should be much extended.

"From recent examinations," it has been discovered that invalid pensions have been obtained by persons who do not come within the provisions of the laws; and many, since the issue of the pension certificates, have been found without any disability whatever. To prevent this in future, and to detect such impositions, the Commissioner of Pensions recommends the enactment of a law similar to that of 1819 requiring an immediate examination of the invalid pensioners, and a biennial examination thereafter by two approved surgeons. In this I most heartily concur, believing that it would afford an effective remedy against the abuse of the laws, and save to the Government large sums fraudulently obtained from the Treasury."

Mr. BISSELL. This bill, I am decidedly of opinion, ought to be referred to the Committee on Invalid Pensions.

Mr. DENT. I will state to the gentleman from Illinois that the chairman of the Committee on Invalid Pension directed me to report this bill three weeks ago.

Mr. BISSELL. I beg pardon of the gentleman from Georgia. I did not so understand him before. I am happy to be corrected. I am satisfied then, of course, on that point, but still, Mr. Speaker, I am not satisfied with this bill as I now understand it. I think that it is a little dangerous to put into the hands of the different pension agents throughout the United States the power to withhold pensions at their pleasure. Neither do I understand what particular opportunity a pension agent has to know as to the disqualifications of the various pensioners in their State any better than almost any other man. Take, for instance, Illinois, my own State. We have but one pension agent there. He resides at Springfield, three hundred miles distance from many of the pensioners. He never sees them. They send to him for their pensions. Now, what means I ask, has he of knowing what the abilities or disabilities of these various pensioners may be?

Now, sir, that the Government has been subjected to the most enormous and wicked frauds, in the way of granting pensions, is very obvious, and nothing is to be more regretted. I think some mode ought to be adopted for the purpose of protecting it from like frauds in the future. But I do not conceive that this proposition will effect that object.

I would prefer that there should be a standing law compelling all pensioners periodically, either annually or biennially, as the case may be, to submit to an examination by a surgeon of the Army, who should report upon their respective cases to the Department, and thus enable it to act understandingly.

But, according to this bill, upon mere rumor from some disinterested or interested, or perhaps some malicious person, if the pension agent has reason to suppose that the pensioner is not entitled to receive it, he withholds the pension, often to the great inconvenience and perhaps loss to the pensioner. I do not think that this bill provides the right mode of remedying the evil. I think that such a bill as we ought to adopt should conform, in its provisions, somewhat to the suggestions which I have thrown out.

Before I take my seat, I move that the bill be referred to the Committee of the Whole on the state of the Union; and I hope and trust that it will be taken up and considered, and that some such substitute be adopted before the close of the session.

Mr. WENTWORTH, of Illinois. If I understand the object of the pending bill it is to get up a commission to examine all the soldiers of the second war of independence, who have received a pension on the score of disability, to see if some of those old veterans could not get a living without a pension—whether, by some means, those who were disabled have not become able, so that they could, whether by keeping a cake-stand at the corner of our streets, by begging about the doors of the Capitol, or in some other way, get a living without receiving what they are entitled to—a pension from their country. I think there is a way to obviate all this difficulty, and that is to do what we ought to have done long since, and must soon be compelled to do by the force of public opinion, and that is to do away with all this evidence about disability, and to place every man who was in the last war upon the pension roll, whether wounded or not.

The gentleman talks about fraud and perjury, and wishes to provide against them. Now, is not the Government, in its penurious courses towards the soldiers of the second war of their country's independence, offering a bounty for perjury and fraud? Not one man in twenty who is entitled to a pension now gets it, in consequence of the difficulty of procuring the requisite evidence. If the object is to give the soldiers their just deserts, and yet prevent the perjury and fraud complained of, I have a substitute that will accomplish it. My bill requires no evidence as to disability. If he was in the war at all the soldier gets his pension. If he be dead his widow gets it. No additional evidence is required of those who got bounty land; their evidence is already on file. Those who did not get bounty land will, of course, have to prove that they were in the war; or, if widows, that their husbands were. This makes a plain case of the whole matter. This supersedes the necessity of this commission asked for.

My bill is ready to be introduced at any time. Public opinion is ripe for it; but I am afraid this House is not. The next one will be, I am confident; and I hope there will yet be such a change in this House as will save the necessity of an appeal to the people. Meanwhile, I hope Legislatures will continue to instruct, and the people to memorialize, for my plan for doing away with this proposition before the House.

Mr. DENT. I desire to make only a few remarks in support of the bill, and in explanation of its provisions, that the House may be enabled to understand its purport something better than they now do from the remarks which have been already made. There is not a man upon this floor who would go further than I to defend the rights of the soldier, and the widow of the soldier. But, sir, if frauds exist they ought to be detected.

This bill provides, not that upon the suspicion of any person, nor upon the information of any malicious person, but when the Secretary of the Interior has received information sufficient to authorize him to suspect any person as practicing fraud upon the Government, it only authorizes him to suspend the payment of the money until a simple requirement upon the part of the pensioner has been complied with. He must get the certificate of two respectable physicians, who have been qualified before a magistrate, to the fact that his disability is such as to prevent him from labor. They are only required to do this biennially, and where the certificate is to the fact of permanent disability they are not required to do anything further. Such is the humanity of the law, and such it ought to be, that ninety-nine guilty persons may go unpunished rather than that one innocent person should suffer; but, at the same time, if the Secretary of the Interior has good reason for believing that any person is practicing fraud upon the Government, it certainly is not unreasonable that the person so suspected should be called upon to give this information to which I have alluded. That is all we propose to require. I ask for the passage of the bill, and I demand the previous question.

Mr. BOCK. If the demand for the previous question be sustained, what will be its effect? Has the motion to refer been made?

The SPEAKER. The motion was made by the gentleman from Illinois, [Mr. BISSELL.] to refer the bill to the Committee of the Whole on the state of the Union; and if the demand for the previous question be sustained, and the main question ordered to be put, the question will first recur upon the motion to commit.

The previous question was seconded, and the main question ordered to be put.

The question was then taken upon the motion to commit, and carried in the affirmative.

So the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

LAND TITLES IN INDIANA.

Mr. MILLER, of Indiana, in pursuance of previous notice, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on Private Land Claims:

A bill to ascertain and adjust title to certain lands within the State of Indiana.

DETROIT CUSTOM-HOUSE.

Mr. CLARK, by unanimous consent, introduced the following resolution; which was adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of constructing a custom house in the city of Detroit, Michigan, on the lot owned by the General Government in said city, upon which there is a Government warehouse occupied by Colonel Howard; or of selling said lot and warehouse with a view to the construction of a suitable custom-house for the Detroit district.

WILKES'S EXPLORING EXPEDITION.

Mr. DICKINSON. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of publishing a new edition of the scientific portions of the reports of the exploring expedition made under the command of Lieutenant Charles Wilkes, with leave to report by bill or otherwise.

Several MEMBERS made objection.

Mr. DICKINSON. I move that the rules of the House be suspended, for the purpose which I have indicated.

The question was put; and, on a division, there were—ayes 61—

Mr. DICKINSON. I demand tellers on the question.

Tellers were ordered; and Messrs. VAIL and BOCK were appointed.

The question was taken, and the rules were not suspended, the tellers having reported—ayes 58.

AID TO WRECKED SHIPS.

Mr. WALLLEY, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to consider and report whether further legislation be required to authorize the Secretary of the Treasury, or other officer of the Government, to indemnify, at his discretion, the owners and masters of vessels for losses and charges which they may have incurred by reason of their rendering aid to vessels in distress, or by rescuing the crews of wrecked vessels, and for which aid no provision of law now exists.

POST OFFICE BLANKS.

Mr. OLDS, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Postmaster General be requested to communicate to this House a statement of the several sums paid for post office blanks for the last four years, designating the quantities and kinds of blanks, and the prices paid, for each district for which required, the time when each contract expires, giving the items.

CODIFICATION OF THE REVENUE LAWS.

Mr. JONES, of Pennsylvania. I ask the unanimous consent of the House to enable me to move to discharge the Committee of the Whole on the state of the Union from the further consideration of the first bill on the Calendar, being joint resolution (Senate No. 1) "authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws."

I will state to the House the object of the motion, and my reason for making it. The last Congress directed the Secretary of the Treasury to revise the revenue laws, and at the same time a bill was introduced appropriating \$10,000 for that purpose. Mr. Guthrie, the Secretary of the Treasury, employed Judge Barrett, of my State, to do the work. Judge B. came here on last June, and has now nearly completed the work. It will be ready next month. By some means or other the bill making the appropriation was lost, and a joint resolution was introduced in the Senate immediately after the commencement of the present Congress, making the necessary appropriation. That joint resolution was referred to the Committee of the Whole on the state of the Union, and stands first in order upon the Calendar. Judge Barrett has been employed on the work for nine months, and not one dollar has yet been paid to him for his labor or the expenses of the work. The joint resolution has been examined by the Committee of Ways and Means, as I have been informed, and I believe there is no objection to it from any quarter.

I therefore ask the unanimous consent of the House to enable me to move to discharge the Committee of the Whole on the state of the Union from the further consideration of it, in order that it may be put upon its passage now.

There being no objection, the question was put on the motion, and it was agreed to.

So the Committee of the Whole on the state of the Union was discharged from the further consideration of the joint resolution; which was then read by its title, as follows:

A resolution authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws.

The SPEAKER. The resolution contains an appropriation, and therefore requires a suspension of the rules to be considered in the House.

Mr. HOUSTON. But two thirds of the House have decided that it should be received, and it is now before the House.

The SPEAKER. They may have decided that with a view of sending the resolution to another committee. The Chair has uniformly held that the rules must be suspended in a case of this kind.

The question was then taken upon the suspension of the rules, requiring a joint resolution to be first considered in the Committee of the Whole on the state of the Union, and it was decided in the affirmative.

So the rules were suspended.

The SPEAKER. The question now is upon ordering the resolution to be read the third time.

Mr. JONES, of Tennessee. I wish to make an inquiry of the gentleman from Pennsylvania, [Mr. JONES.] I understand the gentleman to say that this resolution had been examined by the Committee of Ways and Means. I do not think that it has been before any Committee of the House.

Mr. HOUSTON. The gentleman from Pennsylvania [Mr. JONES] is mistaken, I think, in the statement that he made. It is very possible that he was misled by myself. We had a conversation this morning, in which I informed him that I had examined the bill myself, but that it had not been before the Committee of Ways and Means. It is an order made by the Senate at the last session, and the labor has been done. The estimate made by the Secretary of the Treasury was not placed in the deficiency bill, because the Senate had already passed a joint resolution for the purpose of defraying the expenses of this work, before we could take any action upon the bill. The money is already due, and I do not see that we can avoid its payment.

Mr. JONES, of Tennessee. I would like to inquire of the gentleman from Pennsylvania, [Mr. JONES,] who has examined the bill, how many persons have been employed upon this work, and whether there is any limitation as to their compensation? Is the Secretary of the Treasury to be authorized to pay to one man \$10,000 for his services? I think that there should be some limitation as to the pay, and that the resolution should also read: To pay the expenses of codifying and publishing the revenue laws of the country.

Mr. JONES, of Pennsylvania. I will state, for the information of the House, that when this resolution was passed by the last Congress, it was contemplated by the Secretary of the Treasury to employ three gentlemen. Three distinguished gentlemen were appointed and sent for. On their arrival they found that the whole sum limited by Congress for the purpose of codifying the laws was \$10,000; and it was ascertained that this sum would not prove an adequate compensation for the amount of labor required to be performed, after deducting the expenses of printing, binding, and all other expenses incidental to the work. Judge Barrett, of my own State, was one of the three gentlemen appointed for this purpose. The other two gentlemen appointed declined to act, and at the solicitation of the Secretary of the Treasury, Judge Barrett consented to undertake the whole labor, including all the expenses of clerk hire, printing, binding, &c., for the compensation of \$10,000. The resolution now introduced does not propose to give a dollar more than that sum. That was the limitation made by the last Congress, and it is the limitation made now. The Senate passed this resolution appropriating \$10,000 immediately after the commencement of this session. Judge Barrett authorizes me to say now that the work will be completed by the next month, and that not another dollar will be asked for from the Government for the completion of the work. It is not to be provided for as a deficiency, but it is provided for in a special act making an appropriation for a special work.

Mr. JONES, of Tennessee. I would ask the gentleman whether there has been any money heretofore appropriated for this object?

Mr. JONES, of Pennsylvania. Not a dollar.

Mr. JONES, of Tennessee. How long have these gentlemen been employed upon this work?

Mr. JONES, of Pennsylvania. Over nine months.

Mr. JONES, of Tennessee. Are we to pay this gentleman \$10,000 for nine months' work?

Mr. JONES, of Pennsylvania. Certainly not. That sum is to pay the expenses of the whole work, as already stated, including clerk hire, printing, binding, &c.

Mr. JONES, of Tennessee. What other expenses are there which we shall have to pay in connection with this work?

Mr. JONES, of Pennsylvania. I am willing to answer the gentleman from Tennessee [Mr. JONES] to the full extent of my knowledge. I cannot precisely say what other expenses there are connected with this matter. I can only say that \$10,000 were appropriated, or directed to be appropriated, at the last Congress, which, as I understand it, was to cover everything. The bill was passed in the last Congress, but has been lost. When Mr. Barrett was employed by Mr. Guthrie he was assured by him that an appropriation had been made. On his arrival here, nine months ago, he consented to enter upon the duties of the office under that impression.

He undertook the labor and superintendence of the work. The other two gentlemen declined it, because there was not compensation enough left to pay the three. He undertook it in good faith. This contract was made with the Secretary of the Treasury, who was authorized to make it, by a resolution of the Senate, to which I refer gentlemen. This resolution authorized and directed him to employ persons, and to have the work performed.

Mr. HOUSTON. Read the resolution.

Mr. JONES read the resolution, as follows:

"Resolved, That the Secretary of the Treasury be required to have prepared and submitted to the Senate at its next session a general revenue law, with the view of superseding all existing laws on the subject, which shall embrace all needful provisions for regulating the foreign and domestic commerce of the United States in American and foreign vessels, the assessing and collecting of the duties connected with the same, including fees of all kinds, tonnage duty and light money, the registering, enrolling, and licensing of vessels, the number, duties, and emoluments of custom-house officers and employees of every kind, the levying and remission of penalties, fines, and forfeitures, the service of the revenue marine in all its details, and providing generally for the due performance of all the duties of any description connected with the revenue service in all its branches and details, including all the requisite official forms to be observed in the transaction of custom-house business.

"Resolved further, That in the preparation of the said revenue code or law it shall be distinctly shown what are the provisions of existing laws which are retained, what, if any, portion of said existing laws are omitted, and what new provisions or additions are made."

Now, Mr. Speaker, I may, in connection with this, say, that I have been informed by Judge Barrett, of my State, that could he possibly have anticipated the amount of labor and expense required he never would have undertaken it. He has worked on it for nine months without having received one dollar of compensation. Both he and the Secretary of the Treasury were under the impression that the money had been already appropriated.

Mr. JONES, of Tennessee, (interrupting.) Mr. Speaker—

Mr. JONES, of Pennsylvania. I only want to make one remark more. There were two clerks employed. This \$10,000 is to cover all the labor and expenses of the work; and I can safely say that the amount originally contemplated and asked for by the Secretary of the Treasury is not too large. I not only know myself, but I have ascertained from a gentleman who I am convinced would not mislead me, that this sum is hardly sufficient. Judge Barrett only asks for that sum, in compliance with his contract made with Mr. Guthrie.

Mr. JONES, of Tennessee. I propose to amend the resolution by providing that the compensation of the principal employed on the said work shall not exceed \$3,500 per annum, and that the compensation of the clerks employed shall not exceed \$1,500 per annum.

Mr. SMITH, of Virginia. Mr. Chairman, I propose an amendment, which I have sent to the Clerk's desk.

The SPEAKER. Does the Chair understand the gentleman from Pennsylvania [Mr. JONES] as yielding the floor to the gentleman from Tennessee, for the purpose of permitting him to submit an amendment?

Mr. SMITH, of Virginia. I have also offered an amendment.

The SPEAKER. The gentleman from Tennessee was on the floor and offered an amendment, and the Chair does not understand that the gentleman from Pennsylvania has yielded the floor for any such purpose to either gentleman. The Chair now desires to know whether the gentleman from Pennsylvania yielded the floor to the gentleman from Tennessee, or the gentleman from Virginia, to propose amendments?

Mr. JONES, of Pennsylvania. I cannot yield the floor for such purpose to either gentleman.

Mr. WASHBURN, of Maine. I ask the gentleman from Virginia to yield me the floor for an instant.

Mr. JONES. Certainly.

Mr. WASHBURN. I ask the gentleman if he will not consent to defer this matter? Let us pass from its consideration to-day, and then take it up to-morrow, when we can have all the information necessary for a thorough examination of the subject.

Mr. JONES, of Pennsylvania. I would state to the gentleman over the way [Mr. WASHBURN, of Maine,] that here is the report, the substance of which I have already stated.

I would have no hesitation in accepting the proposition of the gentleman from Tennessee, [Mr. JONES,] if I knew all the facts of the case, so that it might not be embarrassed by an amendment of this kind. I have not the slightest doubt, in my own mind, that the amount to be received by Judge Barrett, over and above the expenses of the work, is not equal to the compensation offered by the gentleman from Tennessee. He has entered into a specific contract or agreement, as I understand it, with the Secretary of the Treasury, and has taken upon himself individually the payment of the salaries of all his clerks, the expenses of his office, and every other expense connected with it; and his compensation is to be the balance left, which, according to my information, will be a less sum than that offered by the gentleman from Tennessee.

Now, to undertake to make a restriction without being sufficiently informed of all the details and facts, might embarrass the matter. I can only say to the House that this \$10,000 was appropriated more than one year ago. It was passed by the Senate unanimously, and has been upon the Calendar of the House ever since it was sent in from the Senate, and is the first on the Calendar. I have conferred upon this matter with several of the members of the Committee of Ways and Means—not in their official capacity, but individually—and with other members of this House, and I have not found a single gentleman who understood it who has had a single doubt of its propriety and importance. It is estimated for by the Secretary of the Treasury, who has requested this House and the Senate to appropriate the money to pay for the work which they ordered him to have done.

Mr. JONES, of Tennessee. I wish to make a single inquiry of the gentleman from Pennsylvania. What did this gentleman get for his services as judge in Pennsylvania?

Mr. JONES, of Pennsylvania. Sixteen hundred dollars a year and mileage.

Mr. WASHBURN, of Maine. I wish to suggest to the gentleman from Pennsylvania whether he had not better submit a motion to refer this bill?

Mr. JONES, of Pennsylvania. Let me say, further, in reply to the gentleman from Tennessee, that Judge Barrett, of Pennsylvania, assured me that all he could realize out of this contract would not be equal to his salary of \$1,600 a year at home.

Mr. JONES, of Tennessee. Strange! I never knew a man in my life to get anything out of the United States that did him any good. [Laughter.]

Mr. PECKHAM. I would ask the gentleman from Pennsylvania what evidence there is before the House that the work was or would be completed satisfactorily and thoroughly, and according to the original contract? I do not know of any evidence before the House to that effect; and I am not in favor of paying until the work is done.

Mr. JONES, of Pennsylvania. The Secretary of the Treasury has entire charge of the matter by an act of Congress, and he asks for money to pay for the work they have ordered him to have done, and he certainly will not pay unless the work is done, and done properly.

The SPEAKER. I would remind the gentleman that the gentleman from Pennsylvania was upon the floor, and yielded to the gentleman from Maine, [Mr. WASHBURN,] who is now entitled to the floor.

Mr. WASHBURN, of Maine. I would say to the gentleman from Pennsylvania, that there is no doubt the House is willing to vote the appropriation, if, upon inquiry and examination, it appears that the amount is due to the gentleman. But it is also very clear that we have not sufficient information upon the subject in order to act intelligently. We do not know how much labor he has bestowed, how much time he has employed, how much money he has expended, or how much his clerk hire amounts to.

It seems to me that if the gentleman would only permit this matter to be committed, so as to prevent it from going upon the Speaker's table, it could be taken up to-morrow, or on some subsequent day, and he would then be able to inform the House fully of the facts connected with it. I suggest that he should pursue that course. It would be more satisfactory to the House.

Mr. JONES, of Pennsylvania. I am not disposed to be tenacious of any particular course the bill may take, nor do I wish to prevent gentlemen from having an opportunity for investigating the whole matter; but I would say to gentlemen now again that the Secretary of the Treasury was authorized to have this work done. He has made the contract for the amount. The work is finished, or nearly finished, and the Secretary of the Treasury has himself written letters to gentlemen of this House to that effect, as I am informed. The fact is so, and I presume I am authorized to say so. I again state to the House that the work will be completed next month, and that the sum of \$10,000 is the smallest amount which will compensate the labor, including all the expenses; that such is the estimate of the Secretary of the Treasury, who was directed to have it made, and that he has officially notified the House of these facts. This is sufficient for me to act upon.

Mr. PECKHAM. I ask the gentleman from Pennsylvania to allow me to make a single remark. I am in favor of this proposition; if it be true that a valid contract has been made, I am in favor of carrying it out; but at the same time I desire to have it understood that this gentleman is not to receive pay for performing his contract until it has been executed. I hope, therefore, the resolution will be so amended as to provide that this amount shall be paid after the work shall have been done to the acceptance of the Secretary of the Treasury. I do not know whether the work will be well done or ill done.

Mr. JONES, of Pennsylvania. I will answer the gentleman; the custom has always been to appropriate money before the contract begins; and the Secretary will not pay in full until it is completed; but now the gentleman proposes not to pay a dollar until the contract has been entirely completed.

Mr. PECKHAM. Not at all; I propose that the money shall be appropriated now, but not paid until the contract has been completed.

Mr. SMITH, of Virginia. The gentleman says the Secretary of the Treasury has made a contract with this gentleman for performing this service. What is the contract?

Mr. JONES, of Pennsylvania. If gentlemen will allow me, I will read a portion of the letter of Judge Barrett, which may throw some light upon the subject:

"WASHINGTON, March 8, 1854.
 "Hon. J. Glancy Jones:
 "DEAR SIR: When I agreed to enter upon the duty of revising the revenue laws, I was under the impression, as was the Secretary of the Treasury, that \$10,000 had been appropriated to pay the expenses. Mr. HAMLIN of the Senate and others, say it did pass, but was omitted in transcribing the bill, or in some other way. Mr. Guthrie was anxious, however, that I should go on with the work authorized, saying that he would recommend and urge an early appropriation at the meeting of Congress to pay for it. At his solicitation I did so. His request for it will be found in his estimate of deficiencies. I have now been engaged in the work for over nine months, without having received a dollar from the public Treasury; and, in the mean time, have paid out considerable sums of money for contingent and other expenses. I have the work now pretty well forward, and will be able to finish it in the month of April. If Congress had made the appropriation early in the session, so as to have enabled me to employ a sufficient force, I would now have been through; but I could not increase my force without the means of paying. You will find the resolution authorizing the work on the Senate Journal for 1852-53,

page 112. No further appropriation will be needed or asked if the present bill passes."

Mr. SMITH. Is that all the contract there is?

Mr. JONES. No, sir; this is the letter to which I referred. There is another letter addressed to me by Judge B. from which I may read. I wish it, however, to be understood, when I speak of a contract, I do not allude to any specific written contract for a given sum between the Secretary of the Treasury and Judge Barrett. What I mean by a contract is, that there was an agreement or understanding between them that this amount of money had been appropriated for the work, and that if he would undertake to complete the work in a proper manner, including all expenses, the money would no doubt be paid; the sum not being too large for such an amount of expense and labor.

Mr. McMULLIN. I hope the gentleman will allow me to make a single suggestion. I am certainly not disposed to violate any oaths or contracts upon the part of the Government. If they have contracted to pay this money, it should certainly be appropriated. But I would suggest that the whole matter be referred to the Committee of Ways and Means. Let them examine into it, and when they report back to the House we shall then be able to act understandingly upon the subject. If the gentleman will allow me, I will make that motion.

Mr. JONES, of Pennsylvania. If the House desires it, I have no objection to that disposition of the matter for the present.

Mr. McMULLIN. I move, then, that the joint resolution be referred to the Committee of Ways and Means.

Mr. JONES, of Tennessee. The gentleman from Pennsylvania speaks of a contract between the Secretary of the Treasury and Judge Barrett. I wish to ask the gentleman if the Secretary has made an agreement with Judge Barrett by which he is to revise and codify the revenue laws, and for which he is to receive the sum of \$10,000, as payment for all expenses, including clerk hire? If this amount does not cover all the expenses I wish to know it.

Mr. HOUSTON. I hope the gentleman will allow the matter to go to the Committee of Ways and Means, and not take up the time of the House longer with it.

Mr. JONES, of Tennessee. I wish to have the question answered, if the gentleman from Pennsylvania will give me the information.

Mr. HOUSTON. We can get that information in committee, if it goes there.

Mr. JONES. I want it before it goes there.

Mr. JONES, of Pennsylvania. I will answer the gentleman's question.

Mr. McMULLIN. I desire to have the question referred to the Committee of Ways and Means, so that the proper investigation may be had; and on the motion for reference I now call for the previous question.

Mr. FULLER. With the permission of the gentleman from Virginia, I would suggest that the reference should be rather to the Committee on Commerce, which has had the matter under consideration so far as relates to custom-houses and the codification of the revenue laws.

Mr. McMULLIN. I cannot withdraw the call for the previous question. I prefer that the matter should be referred as proposed to the Committee of Ways and Means.

Mr. JONES, of Pennsylvania. If the gentleman will withdraw his call for the previous question but for a moment I shall renew it.

Mr. McMULLIN. I withdraw it on that condition.

Mr. JONES, of Pennsylvania. I wish to reply to the gentleman from Tennessee, who inquired whether such a contract, as has been referred to, was made. I can only repeat in a few words what I stated before, that \$10,000 was appropriated for the work. Judge Barrett, with two other gentlemen, came here, at the request of the Secretary of the Treasury, to undertake it. He told them that that amount of money was appropriated (that being his impression) to pay all expenses, and no more would be given. Two of the gentlemen declined to act, because the compensation above expenses was not more than sufficient to pay for the services of one man; and then Mr. Guthrie made an agreement—it may have been verbal, as I am informed, I speak from information—that if Judge Barrett

would undertake the work and perform it properly, in compliance with the provisions of the act, \$10,000 would be paid to cover all the expenses, and no more.

As I agreed, I now renew the call for the previous question.

The call for the previous question was seconded, and the main question was then ordered to be put.

The joint resolution was then referred to the Committee of Ways and Means.

RATES OF OCEAN POSTAGE.

Mr. BENSON. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reducing the present rates of ocean postage to the uniform charge of two cents for the mere transportation of a single letter from any port in the United States to any port beyond the sea, at which the American mail steamers may regularly touch, with leave to report by bill or otherwise.

Mr. McQUEEN. I object.

Mr. BENSON. I move that the rules be suspended, for the purpose which I have indicated.

The question was put; and the rules were not suspended, two thirds not voting in the affirmative.

PRIVATE CLAIMS.

Mr. LETCHER. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Committee on Printing be directed to inquire into the expediency of purchasing from the printer now engaged in printing the alphabetical list of private claims, ordered by resolution of the House of the 22d day of December, 1851, five thousand additional copies of the same: Provided that the cost thereof shall not exceed the price paid under the contract, deducting therefrom the cost of composition.

Mr. WALSH. I object to that resolution.

Mr. LETCHER. I move to suspend the rules, to enable me to offer the resolution.

The question was put; and, two thirds not voting in favor thereof, the rules were not suspended.

EXPLORATIONS OF THE AMAZON.

Mr. WHEELER. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That there be printed for the use of the members of the House of Representatives twenty thousand extra copies of the report on the surveys and explorations of the river Amazon, with the maps and plates accompanying, by Lieutenants Herndon and Gibbons.

The SPEAKER. Unless objected to the question is on the adoption of the resolution.

Mr. HOUSTON. Does not the resolution go to the Committee on Printing?

The SPEAKER. If introduced at all it does.

There being no objection, the resolution was received, and referred, under the rule, to the Committee on Printing.

RECIPROCITY TREATIES.

Mr. WENTWORTH, of Illinois, by unanimous consent, and in pursuance of previous notice, introduced a joint resolution; which was read a first and second time by its title, as follows, and referred to the Committee on Commerce:

A joint resolution authorizing the President to give the requisite notice for terminating our reciprocity treaties of commerce and navigation in certain cases.

JEFFERSON'S MANUAL FOR MEMBERS.

Mr. CHASE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Whereas, The 139th rule of this House provides that the rules comprised in Jefferson's Manual of Parliamentary practice shall govern this House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of this House, and the joint rules of the Senate and House of Representatives; therefore,

Resolved, That the Clerk of this House be authorized and instructed to procure a copy of said Jefferson's Manual for each member of this House.

UNITED STATES JUDGE IN PENNSYLVANIA.

Mr. WRIGHT, of Pennsylvania. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of increasing the salary of the judge of the United States court for the western district of Pennsylvania.

Mr. JONES, of New York. I object.

Mr. RITCHIE. A similar resolution was referred to the Judiciary Committee on a former occasion.

Mr. WRIGHT. It differed in terms from this. I hope the objection will be withdrawn.

Mr. RITCHIE. I do not object to the resolution; I merely throw out the suggestion to my colleague.

Mr. HENDRICKS. I object to it.

Mr. WRIGHT. I move to suspend the rules, for the purpose of enabling me to introduce the resolution.

The question was then put; and, on a division being had, there were—ayes 59, noes not counted. So the rules were not suspended.

CAPTAIN MARCY'S SURVEY.

Mr. BROOKS. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That there be published ten thousand extra copies of Captain Marcy's survey and exploration of the Red river and its sources.

Mr. HAVEN. I hope the House will receive the resolution and adopt it. The report is a very valuable one.

Mr. SMITH, of Virginia. I would be glad to know in this connection something about the publication of books which we have already ordered. I do not exactly understand the importance of ordering books to be published when we cannot get them for a long time after they are ordered. For instance, Herndon's Report, for which the people are continually calling, has not yet been published, and laid before the members of this House. And so it is with the publication of the eulogies pronounced on the death of Vice President King. We cannot get them, and I think that we had better take some steps towards getting those already ordered than directing more books to be published, which may get out of date before we can receive them.

The SPEAKER. The question is only upon a reference of the resolution to the Committee on Printing. If there be no objection that reference will be made.

There being no objection, it was so ordered.

LONDON EXHIBITION BOOKS, ETC.

Mr. CHANDLER. About three weeks ago a joint resolution was received in this House from the Senate, authorizing the Library Committee to receive certain books and medals illustrative of the London exhibition in 1851. I ask the unanimous consent of the House to put the resolution upon its passage.

The joint resolution was read a first and second time by its title, as follows:

A joint resolution accepting certain volumes and medals presented by her Britannic Majesty's Government to the United States.

The resolution was then ordered to a third reading; and, having been read the third time, it was passed.

DUTY ON SALT—DRAWBACKS.

Mr. DISNEY. I ask the unanimous consent of the House to introduce the following bill. My object is to have it referred to the Committee of Ways and Means.

The bill was then read the first and second time by its title, as follows:

A bill to repeal the duty on salt, all allowances to fishing vessels, and drawbacks upon the exportation of pickled fish.

Mr. JONES, of New York. I object.

Mr. DISNEY. I move, then, to suspend the rules, for the purpose of enabling me to introduce the bill.

The question was then put; and there appeared 71 votes in the affirmative.

Mr. DISNEY. I call for tellers.

Tellers were ordered; and Messrs. VAIL and BRECKINRIDGE were appointed.

The question was then taken; and the tellers reported—ayes 67, noes not counted.

The SPEAKER. That is not two-thirds; and the question is lost.

PENSIONS.

Mr. LANE, of Indiana. I offer the following resolution:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the justice and expediency of reporting a bill providing for granting pensions to all persons who have actually served in the field as privates or non-commissioned officers in any of the Indian wars, and in the late war with Great Britain.

Mr. CRIAGE. I object to the introduction of the resolution.

Mr. LANE. I move to suspend the rules, to enable me to introduce it.

The question was put, and the motion was not agreed to; two thirds not voting in favor thereof.

THE SAN FRANCISCO.

Mr. TAYLOR, of Ohio, offered the following resolution; which was read for information:

Resolved, That the Committee of the Whole on the state of the Union be, and the same is hereby, discharged from the further consideration of joint resolution, (No. 16,) being the "Joint resolution manifesting the sense of Congress towards the officers and seamen of the vessels, and others, engaged in the rescue of the officers and soldiers of the Army, the passengers, and the officers, and crew of the steamship San Francisco from perishing with the wreck of that vessel," and that the same be now put upon its passage.

Pending the reception of the resolution—

Mr. WARREN moved that the House do adjourn, which motion was agreed to.

The House accordingly, at three o'clock, p. m., adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

MONDAY, March 20, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, relative to the works of defense now in progress at Fort Point and Alcatrazas Island, California; which was ordered to lie on the table, and be printed.

Also, a letter from the Commissioner of Patents, communicating the agricultural portion of his annual report; which was read, and ordered to be printed.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of the Hon. JAMES A. PEARCE, elected a Senator by the Legislature of the State of Maryland, for the term of six years, from and after the fourth of March, 1855, which were read, and ordered to be placed on file.

PETITIONS, ETC.

Mr. SEWARD presented a resolution passed at a convention of tobaccoists, held at Albany, New York, on the 16th of February, 1854, praying Congress to impose a specific duty of forty cents per pound on all cigars imported into the United States; which was referred to the Committee on Finance.

Mr. BROWN presented resolutions of the Legislature of the State of Mississippi, praying a grant of land to aid in the construction of a railroad from St. Louis, Missouri, via the Iron Mountain to Helena, thence via Lexington, Mississippi, to New Orleans; which were referred to the Committee on Public Lands, and ordered to be printed.

Also, a resolution of the Legislature of the State of Mississippi, praying Congress for a grant of land to aid in the construction of the New Orleans and New York railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MASON presented the petition of William Rich, praying to be allowed the difference between the compensation of Secretary of Legation and Charge d'Affaires in Mexico, during the time he acted in the latter capacity; which was referred to the Committee on Foreign Relations.

Mr. SEWARD presented a memorial of citizens of Albany, New York, praying that measures may be taken to secure religious liberty to American citizens residing or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Also, a petition of citizens of New York, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a petition of two hundred and eighty-four ladies, of Brooklyn, remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, the proceedings of a meeting of citizens of Utica, New York, held at Mechanics' Hall, in opposition to the passage of the Nebraska bill; which were ordered to lie on the table.

Also, a petition of citizens of Washington county, New York, remonstrating against the repeal of the Missouri compromise, and praying for the

repeal of the laws for the surrender of fugitives from service or labor, and the enactment of a law for the abolition of slavery in the District of Columbia; which was ordered to lie on the table.

Also, a petition of citizens of Washington county, New York, praying the complete separation of the National Government from the subject of slavery; which was ordered to lie on the table.

Mr. CLAY presented a memorial of the Legislature of Alabama, praying an appropriation for the improvement of the navigation of Mobile bay; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ALLEN presented a resolution of the Legislature of Rhode Island, in favor of the enactment of a law to place the individuals composing the drafted regiment of that State in the war of 1812 upon the same footing in respect of pay and bounties as the other State troops; which was referred to the Committee on Military Affairs.

Also, the proceedings of a meeting of citizens of Providence, Rhode Island, held in the Beneficent Congregational Church in that place, protesting against the passage of the Nebraska bill; which were ordered to lie on the table.

Mr. WADE presented a petition of citizens of Highland county, Ohio, praying the recognition, by the United States, of the national independence of Liberia; which was referred to the Committee on Foreign Relations.

Mr. BROWN presented the petition of Rhoda Lewis, widow of Seth Lewis, a revolutionary officer, praying to be placed on the pension roll, under the act of 7th July, 1838, together with the commission of her husband as a revolutionary officer, signed by George Washington; which was referred to the Committee on Pensions.

Mr. FESSENDEN presented a petition of the female residents of Exeter, Maine, remonstrating against the passage of the Nebraska bill; which was ordered to lie on the table.

Also, the following petitions, protesting against the passage of the Nebraska bill; which were ordered to lie on the table:

Petition of citizens of Acton, Maine;
Petition of citizens of Parsonsfield and Porter, Maine;

Petition of legal voters of Montville and vicinity, Maine;

Petition of legal voters of the State of Maine; and
Petition of inhabitants of the town of Livermore, Maine.

Also, a petition of widows of soldiers and seamen of the Revolution, who were placed on the pension roll by the act of July 7, 1838, and continued by subsequent acts, praying to be allowed pensions from March 4, 1841, to March 4, 1843, during which time they were not paid; which was referred to the Committee on Pensions.

Also, a petition of the Exeter quarterly meeting of Free-will Baptists, in the State of Maine, remonstrating against the passage of any act by Congress that will admit slavery into any Territory from which it is excluded by the Missouri compromise; which was ordered to lie on the table.

Mr. BUTLER presented the petition of Eliza E. Bremer, widow of Francis Bremer, an officer during the war of the Revolution, praying commutation pay; which was referred to the Committee on Revolutionary Claims.

Mr. SLIDELL presented the memorial of William Murphy, a citizen of the United States, praying indemnity for actual losses sustained by him at Vera Cruz, in Mexico, during the Mexican war; which was referred to the Committee on Claims.

Mr. SUMNER presented the petition of Henry A. Homes, praying remuneration for expenses incurred by him while acting as Consul of the United States at Constantinople; which was referred to the Committee on Foreign Relations.

Mr. EVANS presented the memorial of Francis Smith, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. FITZPATRICK presented a memorial of the Legislature of Alabama, recommending the remuneration of Dr. James Rumph for his services as surgeon to a company of United States volunteers; which was referred to the Committee on Claims.

Mr. GWIN presented the petition of John Brown, and accompanying papers, praying remuneration for losses sustained during the late

war with Mexico, in California; which was referred to the Committee on Military Affairs.

Mr. SHIELDS presented a petition of the judge and associate justices of the county court of Shelby county, Illinois, relative to the establishment of industrial universities in Illinois; which was referred to the Committee on Public Lands.

Also, resolutions of the Legislature of Illinois in relation to the establishment of industrial universities in Illinois; which were referred to the Committee on Public Lands.

Also, the petition of Burgess B. Long, praying the establishment of a commission to examine claims against the United States; which was referred to the Committee on the Judiciary.

Also, a petition of citizens of Chicago, Illinois, praying a donation of a lot of ground in that city to the Western Seamen's Friend Society, for the erection of a chapel, marine school, and sailors' reading room; which was referred to the Committee on Commerce.

Also, a memorial of officers of the Fiftieth Regiment of Infantry, stationed at Fort McIntosh, in Texas, making certain suggestions in relation to the condition of the enlisted men of the Army, with a view of improving their condition, and increasing the efficiency of the Army; which was ordered to lie on the table.

Also, the petition of W. F. Finch, of Jonesborough, Illinois, asking for a donation of land or money to enable him to establish at Cairo, Illinois, a manufactory of locomotives, and offering to carry the mails from Cairo to New Orleans; which was referred to the Committee on Public Lands.

Also, a petition of the great Northwestern Railroad Company, asking the right of way through the Government domain and a grant of such part of the lands through which the road passes as Congress may direct; which was referred to the Committee on Public Lands.

Mr. PEARCE presented the memorial of David R. Whiteley, one of the captors of the British brig Caledonia, praying remuneration; which was referred to the Committee on Naval Affairs.

Also, a petition of L. M. Gardner and others residents of Baltimore, praying the Senate to reject the homestead bill in its present obnoxious form; which was ordered to lie on the table.

Mr. JOHNSON presented a petition of citizens of Desha county, Arkansas, praying the establishment of a post route from Napoleon, in Arkansas, via John H. Freeman's, on Amos Bayou, and David Weir's, on Dry Bayou, and Gerry Williams', on Bayou Bartholomew, to Wileyville, in said State; which was referred to the Committee on the Post Office and Post Roads.

Mr. ADAMS presented a resolution of the Legislature of Mississippi, in favor of the Nebraska bill as in accordance with the Constitution of the United States, and being in its principles just and proper; which was ordered to lie on the table, and be printed.

Mr. CASS presented the petition of John P. Brown, praying compensation for the time he acted as *Chargé d'Affaires* of the United States at Constantinople; which was referred to the Committee on Foreign Relations.

Also, a petition of citizens of the United States, praying a grant of public lands in aid of the construction of a railroad from Cincinnati to the Straits of Mackinaw; which was referred to the Committee on Public Lands.

Mr. SLIDELL presented a memorial and resolutions of the Legislature of the State of Louisiana, in relation to granting public lands within the State of Louisiana for railroad purposes; which was ordered to lie on the table, and be printed.

Mr. SEWARD presented the petition of Sarah Larrabee, former widow of Barstow Newell, a soldier in the war of 1812, praying a pension; which was referred to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred documents in relation to the claim of Captain George E. McClelland's company of Florida volunteers, on account of services during the Seminole war, submitted an adverse report thereon.

He also, from the same committee, to whom was referred the petition of Nathaniel Frye, praying compensation for performing the duties of paymaster general during the sickness of that officer, submitted an adverse report thereon.

Mr. JOHNSON, from the Committee on Public Lands, reported a bill allowing exchanges of, and granting additional school lands in the States which contain public lands; which was read, and passed to a second reading.

COMPENSATION TO POSTMASTERS.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be, and they are hereby, instructed to inquire into the necessity and expediency of providing for a further or different compensation to postmasters.

NEW POST ROADS.

Mr. JOHNSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of creating post roads from Little Rock, via Perryville, Danville, Parkersburg, Reville, and Charlestown, to Fort Smith.

BILL INTRODUCED.

Mr. GEYER, agreeably to previous notice, asked and obtained leave to introduce a bill to provide for holding an additional term of the circuit court of the United States for the district of Missouri; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. SEWARD, it was

Ordered, That the report of the Secretary of State, communicating papers in relation to the conduct of David Cook, master of the English bark Sarah, in saving the passengers and crew of the American ship Caleb Grimsaw, be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. SEWARD, it was

Ordered, That the petition of Elisha W. B. Moody be withdrawn from the files of the Senate, and referred to the Committee on Finance.

THE DEFICIENCY BILL.

A message from the House of Representatives was received, by Mr. FORNEY, their Clerk, announcing that they had passed a bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854.

The bill was read a first and second time by its title, and referred to the Committee on Finance.

PACIFIC RAILROAD.

The PRESIDENT laid before the Senate a report from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 14th instant, a copy of Lieutenant Williamson's report of his surveys to ascertain a practicable route for a railway to the Pacific ocean; which was ordered to be printed.

Mr. GWIN subsequently rose and said: Mr. President, a few minutes ago a communication from the War Department, transmitting a copy of Lieutenant Williamson's report of his surveys to ascertain a practicable route for a railway to the Pacific, was presented and ordered to be printed. The chairman of the Committee on Printing suggests that it would probably be better that all these reports should be printed together. I move, therefore, to reconsider the vote by which it was ordered to be printed, and that it be referred to the select committee on the subject of a national railroad to the Pacific. It was intended for the examination of that committee.

The motion to reconsider was agreed to.

Mr. GWIN. I have a word further to say in regard to this subject. My remarks in regard to the resolution presented by my colleague, calling for this communication, were so reported in the Union as to be capable of the interpretation that I wished to call for the report, in consequence of a consultation which I had had with the Secretary of War. The fact is, that I had not consulted any one in the world about it; but I wanted to see this report, and I ascertained that the best mode of getting an opportunity of examining it would be to call for it. That was the only motive which I had.

The communication was referred to the select committee.

TERRITORIES OF NEBRASKA AND KANSAS.

Mr. FESSENDEN having presented, in that order of business, several petitions against the passage of the Nebraska-Kansas territorial bill, and moved to lay them on the table, as the bill was not now before the Senate—

Mr. BADGER. Mr. President, I should be glad if the honorable Senator who presents these memorials would withdraw his motion, that they lie on the table. I wish to submit a few remarks.

Mr. FESSENDEN. Very well, sir; I withdraw the motion.

Mr. BADGER. I shall have probably, Mr. President, in my possession, as I understand, tomorrow, a petition from constituents of my own against the passage of the Nebraska bill. I had expected to have it this morning, but I have been disappointed. I wished, upon submitting that petition, to make a few remarks to the Senate, and they are quite as appropriate, so far as I see, upon the petitions of like purport offered by the Senator from Maine; and I will therefore ask the Senate to indulge me in submitting them now.

It is my purpose, Mr. President, to endeavor to correct two mistakes which seem to have been made, respecting the effect and operation of an amendment moved by myself and adopted by the Senate, to the bill to organize the Territories of Nebraska and Kansas, coming in, as it did, immediately after the amendment, respecting the Missouri compromise line, adopted on the motion of the chairman of the Committee on Territories. It has been supposed, in the first place, that that amendment, in the form of a proviso, produces in law some effect or operation which the words preceding it would not of themselves have produced; and particularly some southern gentlemen have taken up an idea that that amendment which I moved has produced an effect, in some manner or other, unfavorable to the southern interest which they represent, and which they desire to promote and forward.

* Sir, I took occasion, when the subject was under discussion in the Senate, on the night of the 2d of March, to say that, in my judgment, as a professional man, the amendment reported from the committee would have the effect and only the effect, of leaving that Territory without any law, either of allowance or prohibition; that the repeal of the eighth section of the Missouri compromise act would not set up or introduce any law which might have existed previously in that Territory. But, as I was perfectly sincere in entertaining that opinion, and as doubts were expressed by some gentlemen who were members of this body, whether it might not have another and a different effect; and as, besides, I deemed it to be important that perfect frankness should characterize all our legislation, and that no opportunity might be afforded to others, either for good or ill purposes, to misrepresent the action of the Senate upon that subject—to put an end to any possibility of such misinterpretation—I submitted the proviso which was adopted by the Senate.

And now, sir, as I have stated, I wish, in the first place, to show, and, as far as a subject of this kind is capable of it, to demonstrate, that the bill without the proviso had precisely the same legal effect and operation, and none other, as it had with the proviso. The language to which this proviso was appended is this:

"Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, (commonly called the compromise measures,) is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Now, sir, it was supposed, or suggested, that the repeal of the prohibitory clause in the Missouri act might have the effect of setting up, or putting in force again, the pro-slavery law, if any such existed antecedent to the passage of that act, or at the time when that territory was acquired by us from France. It was so supposed, upon a rule sometimes laid down by the common-law writers, that where a statute is repealed, and the repealing statute is subsequently repealed, the first statute is again set up. I took the liberty at the time of saying, in effect, that the meaning of that was only that, where there was a simple repeal, and a subsequent simple repeal of the repealing statute, by implication, by supposed legislative intent, the first statute was set up; and, therefore, that no repeal of a statute could set up any former law repealed by it, if such repealing act excluded such implication of a legislative intent.

Having looked a little into this matter, I propose to show that what, upon general recollection and a general notion of the principles which govern the matter, I had stated to the Senate is substantially correct. The rule which we common-law lawyers have upon the point—I suppose it to be so with all, I know it is the case with myself—is deduced from Blackstone's Commentaries. Here is what Blackstone says, and all that he says, upon the subject:

"If a statute, that repeals another, is itself repealed afterwards, the first statute is hereby revived, without any formal words for that purpose. So, when the statutes of 25 and 26, Henry 8, declaring the King to be the supreme head of the Church, were repealed by a statute of 1 and 2 Philip and Mary, and this latter statute was afterwards repealed by an act of 1 Elizabeth, there needed not any express words of revival in Queen Elizabeth's statute, but those acts of King Henry were *impliedly and virtually* revived."

First, I wish to notice the terms of Blackstone's proposition, that there is no necessity for any formal words in order to revive the original statute, and that in the case, and the only case, which he cites to illustrate the rule which he lays down, he says there needed not any express words for the revival of the repealed statute, because they were "*impliedly and virtually* revived." Now, in order to understand the case to which Blackstone refers, and the true nature and extent of the rule deduced from it, we must look at the statutes themselves.

The statute of 1 and 2 Philip and Mary, is entitled "An act repealing all statutes, articles, and provisions made against the See Apostolic of Rome, since the twentieth year of King Henry the Eighth; and also for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to laity." The statute begins by reciting many acts by which, in violation of the rights of the Bishop of Rome, both spiritual and temporal, in the kingdom of Great Britain, the sovereign of Great Britain had been declared the temporal head of the Church, and the ecclesiastical jurisdiction, and the temporal rights depending upon it, of the Pope had been abolished or transferred; and then, after reciting these, it proceeds:

"Be it enacted by the authority of this present Parliament, That these clauses before rehearsed, and other of the said act concerning the supremacy, and all and every branch, article, words, and sentence in the same, sounding or tending to the derogation of the supremacy of the Pope's Holiness, or the See of Rome, and all pains, penalties, and forfeitures made against them that should by any means set forth and extol the said supremacy, shall be from henceforth utterly void and of none effect."

Then the statute of Elizabeth is entitled "An act restoring to the crown the ancient jurisdiction over the State ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same;" and after reciting the acts which had been passed in the reign of Henry VIII. giving him the rights which had been abolished by the repealing act of 1 and 2 Philip and Mary, "for the repressing," as the act expresses it, "of the said usurped foreign power, and the restoring of the rights, jurisdiction, and preëminences appertaining to the imperial crown of this your realm." What? Why it is enacted that this repealing law of 1 and 2 Philip and Mary, shall "be repealed, and shall from thenceforth be utterly void and of none effect." The statute sets out that it was the intent to restore to the crown the jurisdiction which had been conferred by the acts of Henry VIII. which acts had been repealed by the statute of 1 and 2 of Philip and Mary; and, therefore, for this purpose of restoration, the act of 1 and 2 Philip and Mary, is repealed.

That demonstrates the truth of what I said the other night, that it was nothing but a question of intent. The intent to set up the first law was inferred from the nature and circumstances of the case, and the declared object of the last.

Mr. Justice Blackstone, in the passage which I have read from him; refers to Coke's Fourth Institute, as the authority upon which he predicates the rule and the particular application of it. Coke is there considering whether, after the act of 1 Elizabeth, the high commission court had any jurisdiction in causes ecclesiastical; and, if so, whether its original jurisdiction was established in its former plenary extent, or to what modifications it was subjected. In order to determine upon the jurisdiction of the high commission court, to ascertain, that is, whether it had any jurisdiction at all, it was indispensably necessary to ascertain whether, after the passage of 1 Elizabeth, the Queen was restored to her headship of the Church, because the high commission court was but her court, sit-

ting to administer that part of her royal authority which she possessed as head of the Church. If her headship over the Church were not restored by 1 Elizabeth, it followed that the high commission court could have no jurisdiction; for the Queen was the fountain and source from which alone power could be derived to that tribunal. Now, let us consider briefly what Lord Coke lays down; why he held that the first statute was revived by the repealing statutes of 1 Elizabeth. He says:

"First, the title of the act is, '*An act restoring to the crown the ancient jurisdiction*,' &c. By this the nature of the act doth appear to be an act of restitution."

And this is also manifest by the preamble of the act, where it is said:

"Whereas, divers good laws were made in the time of the late King Henry the VIII., for the extinguishment of all foreign power, and for the restoring into the crown of this realm the ancient rights and jurisdictions of the same."

"From whence this reason is drawn, that seeing the express letter and meaning is to restore to the crown the ancient ecclesiastical, and no commissioner by force of that ancient ecclesiastical jurisdiction could impose fine and imprisonment, that these commissioners having their force from this act of restitution, cannot punish any party by fine or imprisonment, otherwise than shall be hereafter expressed," &c.

Having thus opened the design of the statute from its title and recitals, he subsequently thus deduces his conclusions:

"And upon this clause being the final intention of this act expressed in the title and preamble, do the subsequent clauses depend; therefore this clause is especially to be considered, and therein these things are to be observed:

"First, that by this Queen Elizabeth was not declared supreme head, &c., but by a former clause in this act, viz: that the statute of 1 and 2 Ph. and Mar. cap. 8 (whereby amongst others, the act of 25 H. 8, cap. 3, and 55 H. 8, cap. 3, were repealed) was by this act made utterly void, and consequently the act of repeal being repealed, the acts of 25 H. 8, cap. 1; and 35 H. 8, cap. 3, were amongst others *impliedly* revived, by which acts of 25 H. 8; and 35 H. 8, it is declared and enacted, that the King, his heirs, and successors should be taken and accepted the only supreme head on earth of the Church of England."

Now, sir, it is impossible to consider the terms in which Blackstone lays down this rule, and the statutes which furnish the illustration of it, and the grounds laid down by Lord Coke for his interpretation, without seeing that the whole question was as to the intent of the Legislature. Therefore, he says, the act being entitled an act to restore the jurisdiction of the Crown in causes ecclesiastical, the preamble reciting that such is the object of the statute, and then the statute repealing the repealing law of 1 and 2 Philip and Mary, the manifest intent of Parliament was to set up the repealed statute. Why? The intent of Parliament was to restore the headship and jurisdiction; but that could not be done by the repealing law, unless the first law conferring the headship and jurisdiction was thereby impliedly revived. Now suppose for one moment that that repealing statute, instead of reciting that its object was to restore the ecclesiastical jurisdiction of the Crown as head of the Church, had recited, "It being the true intent and meaning of this present Parliament, not by its legislation, to make or exclude any temporal head of the Church, but to leave to the convocations of Canterbury and York to settle that matter as they may deem best for the interests of the Church; is it possible to conceive that any court, judge, or lawyer in England could have held that, in defiance of that declaration, the Queen was made the head of the Church, by setting up a statute which they make the Parliament set up, in order to destroy the very object which they declare they had in view in repealing the repealing law?"

The whole subject lies within a nut-shell. Where a law is repealed and the repealing statute is subsequently repealed, it is a question of construction whether or not the first statute is thereby set up. If the last statute show its purpose to set up the first, of course it is set up, because all that is necessary to establish or abolish a law is a declaration of its will by the legislative power. If the nature and circumstances of the case require that there shall be some law upon the subject—and there will be none if a second statute be repealed, unless the first be restored—then the courts may rightfully infer (nothing being said to the contrary by the Legislature) that it was the intention, in repealing the second, to set up the first. To illustrate this: Suppose there were a statute which punished with death a certain offense which at common law was a misdemeanor, and suppose that statute should be repealed, and subsequently the repealing statute should be repealed;

if the last statute said nothing about the purpose or intent of the Legislature, nothing from which the intent could be collected, it might be a question whether the second statute was restored. But suppose the law were repealed, with the express declaration that the Legislature deemed capital punishment too severe for a crime of that description; what would follow? Why, clearly, that neither statute would be in force, and the offense would be left to be dealt with as a misdemeanor at common law.

Therefore, Mr. President, if we are to place any reliance upon the principles laid down, if we are to give any weight to the illustration which is given by Blackstone, if any force is to be attributed to the reasons upon which Lord Coke grounds his conclusion that the statutes of Henry were set up by the repeal in the first year of Elizabeth of the repealing statute of 1 and 2 Philip and Mary, the conclusion is irresistible—that nothing in any such case is accomplished but an implied revival of a repealed law, in order to accomplish a presumed intent of the Legislature; but it is an established rule that there can be no implication in any instrument, deed, or statute, against an express contrary declaration. What do you mean by an implied revival? A revival supposed, intended, or taken to have been purposed, where the Legislature are silent and say nothing expressly upon the point. But if the Legislature exclude the implication, then, if their will is to govern, there can be no revival of a law against their express declaration.

To ascertain the intent of the Legislature, in order to execute it, is the object of all judicial rules of interpretation. Where that intent in any particular is not expressly declared, a court may, and, if it can, ought to gather it from other particulars in which the Legislature may have expressly spoken; but to impute a purpose which is in terms disowned, to make a law accomplish what is declared not to be the intent of its makers, would be to overrule and not to obey the legislative power—to subvert, and not to maintain the law.

Now, Mr. President, upon the original form of the provision introduced on the motion of the chairman of the Committee on Territories, I ask if it is possible that any man can make a doubt, can raise a dispute, can involve for a moment any person accustomed either to legal disquisition or to ordinary reasoning, upon the point that this repeal revives nothing? "Which"—that is the exclusion of slavery by the restriction in the Missouri law—"being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, (commonly called the compromise measures,) is hereby declared inoperative and void." The result would have been clear upon that statement had the amendment proceeded no further; but it continues: "It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way."

Sir, if the pro-slavery law which existed in that Territory when we acquired it from France be revived by the repeal of the Missouri compromise act, then Congress revive it; then Congress puts it again in force; then it is the act of Congress which truly, though indirectly, establishes the pro-slavery law there. It was taken out of the way by the Missouri law; and if Congress, by repealing the Missouri law, revive the other, then Congress legislates slavery into the Territory. Yet the declaration of the amendment of the committee is express, that it is not the true intent and meaning of this act to legislate slavery into any Territory or State, nor to exclude it therefrom. Now, I undertake to say that it is clear to a moral demonstration, that if that provision had stood in those words, there is no court in America, high or low, that would have held for one moment that that repeal had the effect of reviving any law. Well, then, what is the proviso?

"Provided, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

The allegation was that there had been a law

authorizing slavery, and that that law was repealed by the prohibition in the Missouri act. These were the only two laws upon the subject, the only two laws that had ever been in force. There was a law authorizing slavery when the territory belonged to France. By the act of 1820, that law was annulled. If, then, as is clear and evident, beyond dispute, that clause without the proviso did not revive that law, it did not revive any. There was none to be revived. There had been an allowance, and there had been a prohibition. The prohibition is repealed without reviving the allowance, and therefore the subject stands without any law upon it, a *tabula rasa*, free for the introduction of such legislation as the Territory in its organized form shall think proper to make. That is precisely what the language of the proviso declares—not because it was not clear to demonstration to a legal mind before—not because there ever could have been a moment's hesitation in any court in coming to that conclusion; but because it was due—it was eminently proper—that those gentlemen who, from northern and northwestern constituencies, were supporting the provision in this bill, should not be liable to any misrepresentation before collections of persons, who, however honest, might not have the ability, perhaps, to understand the reasoning, clear as it may seem to us, upon which the conclusion was arrived at; and therefore it was thought just and right to say, in unmistakable terms that the plainest understanding can comprehend, what had already been said in terms unmistakable by a legal understanding. That was all.

It is very singular, Mr. President, allow me to remark, that some complaints have been made of this provision by gentlemen who were entirely content with the enactment proposed by what was called the Clayton compromise of 1848. But what was that as compared with this? Why, it was just exactly as if this Territory had been constituted without the repeal of the restriction in the Missouri act, and leaving, therefore, a law in force, unless the courts should determine it to be unconstitutional, which excluded the admission of slavery into the Territory. It seems to me, therefore, that not only is this, beyond all dispute, right and proper, and susceptible of the one interpretation that I have given to it, demonstrably so, but that it has this advantage over the former compromise, that the only real or supposed obstruction is removed out of the way of the Territorial Legislatures, and real and full power, in form and in fact, given to them to regulate this domestic relation for themselves.

I said, Mr. President, that there were two subjects to which I wished to refer. The other is, that some of our southern friends have been accused—and, of course, I must fall under the same category, as I acted with them on this occasion—of having, by their vote for this bill in the form in which it was put, sanctioned the doctrine of an inherent sovereignty, an inherent right to govern themselves in the people of a Territory, and a denial, consequently, of the right on the part of Congress to govern them; or, in other words, what has received the appellation, from the distinguished Senator from Michigan, of the doctrine of "squatter sovereignty."

Mr. CASS. I beg the gentleman's pardon. I did not call it so. I called it the doctrine of the right of men to govern themselves. The other is the reprehensible term.

Mr. BADGER. Yes, sir, but, as you applied it to squatters, it amounts to the same thing. Mr. President, I do not concur in or admit the existence of any such right. I hold with the honorable Senator from Indiana, [Mr. FETTER], that the powers of Congress over the territory of the United States are plenary; that we have a right to form their governments in such manner as we think best. We have a right, if we please, to govern them ourselves, without giving them any distinct organization, and to exercise such dominion over them as in the judgment of Congress shall be wise, just, and reasonable.

The honorable Senator from Michigan, who has more than once addressed the Senate on this subject, seemed to be a good deal troubled because the power to govern the Territories had not been referred to and deduced from a specific provision in the Constitution; and he asked that those who maintained the existence of the power should lay their fingers on that clause of the Constitution

which conferred it. Sir, I think it is very evident that Congress may possess an unquestionable power without any man's being able to lay his finger on the clause of the Constitution which gives it. One instance is as good as a dozen. Does any man question the power of Congress to purchase a library? Yet, will any man lay his finger upon the clause of the Constitution which confers the power? No man can do it. This is, perhaps, the power exercised by Congress which is the most remote from any connection with an expressly granted power. When, therefore, the Supreme Court of the United States tell us that, from whatever source the power may be derived, the power is unquestionable, they have not stated that our power is doubtful; they have not intimated that the power of Congress is liable to dispute or disparagement; but only this, that though the source may be doubtful, the power is certain. It has been deduced from several sources; by some from the power "to make all needful rules and regulations respecting the territory;" by others, again, as a necessary and inevitable consequence of the power to acquire; and, by others, because the territory being out of the jurisdiction of any particular State, and yet belonging to the United States, the government of the territory must be in the hands of that power which represents the whole of the United States. But the court say, however derived, we have it; it is unquestionable.

Well, sir, if a power be unquestionable, it is a mere matter of curiosity to endeavor to trace its origin. It is important, if a power be doubtful, to endeavor to find out how we arrive at it; but the very moment it is ascertained that we possess a power unquestionably, it becomes a matter of mere curiosity to continue the investigation as to how we derive it. But I think this power may be derived from several sources in the Constitution; and as the Senator from Michigan desired that a finger might be laid on that part of the Constitution which conferred the power, I will lay my finger upon that which I think confers it, in the most ample manner.

Mr. President, at the close of the specific enumeration of powers granted to Congress, we find this general power: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof." Nothing was omitted, nothing was overlooked, in framing this instrument. The powers of Congress being enumerated, a general power of passing laws to carry them into execution is added. But there are other powers not conferred upon Congress, which cannot be carried into effect without legislation, and hence this clause confers upon Congress the power of passing all laws necessary and proper to carry into execution "all other powers"—powers besides those granted to Congress—"vested by this Constitution in the Government of the United States, or in any Department or officer thereof."

Then we find that the Constitution, when speaking of the President, declares that "he shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur." Well, sir, among the treaties known to all nations, both before and after the adoption of the Constitution, was the class of treaties of cession. We have made several such, by which we have acquired territory. There is a power vested in the President to make treaties; and among others, to make a treaty by which territory may be acquired; but the moment the President acquires the territory, no matter what may be the purpose for which it is needed, he can do no more. But the Constitution intended that this power should be carried into full effect, should be made available, that the ends in view should be realized to the nation; and therefore it gave to Congress the power to pass all laws necessary to carry into execution, to complete, to give full operation and effect to the power of acquiring territory by treaty.

Then, how stands the case? Here is, as I think, an express power to make a treaty by which we may acquire territory, as well as to make any other treaty; for no particular class of treaties is specified by the Constitution. Here is a provision that Congress may make all laws necessary to carry that power into execution. What is necessary? The President has power to acquire terri-

tory, and this clause confers upon Congress all the powers of legislation necessary in that emergency to perfect the act of acquisition, and devote it to ends proposed in acquiring it.

Let us see how we have acted upon this matter. By our treaty with China, to take one single instance, the Chinese Government put citizens of the United States in China out of the jurisdiction of the domestic tribunals of China, and declared that they should be there under the jurisdiction of the United States. The President, with the consent of the Senate, ratified that treaty. Suppose it had stopped there; these men would have been lost to all law, discharged from the domestic tribunals, and no tribunals established, because the President could establish none, to execute the laws upon American citizens there residing. What did we do? Why, in 1848 we passed an act by which we constituted our Consuls and our Commissioner in China courts of justice. We authorized them to take cognizance of civil causes. We authorized them to hear and determine prosecutions for offenses. We authorized them to pronounce and execute judgment of death upon American citizens in the Empire of China, for offenses there committed, and how did we do it? We did not require any jury. We did not conceive that we were establishing "courts of the United States" within the meaning of the Constitution. Congress did not desire this power under that clause of the Constitution; for if those courts had been "inferior courts" within the meaning of the Constitution, their judges must have held during good behavior. They were executing no such power; they were doing precisely what this last clause at the end of the enumeration of powers authorized them to do; they were passing a law which was necessary and proper to carry into execution the power vested by another clause in the President, of acquiring jurisdiction by treaty. The President, with the advice of the Senate, by treaty, made a compact, in virtue of which our citizens in China, though they were there, ceased to be liable to the local jurisdiction. That was all that the President could do; but Congress passed a law—for what? Why, for governing American citizens in China, establishing courts over them, and establishing them in just such form as they pleased—the Consuls and the Commissioner holding under the President, at his pleasure, being authorized to try, condemn, and execute American citizens, without a jury; the only provision being, that in the case of a capital offense, the Consul should call one or more, not exceeding four, American citizens to aid him.

The two cases, in my judgment, have a precise analogy. In the case of the acquisition of territory by treaty, the inhabitants, with the territory, are transferred under the jurisdiction of the United States. By the treaty with China, our citizens in that territory though the territory remained Chinese, though we acquired no jurisdiction over the territory as such, were yet transferred from the local jurisdiction to our jurisdiction. In the one case we took the land and the inhabitants together. In the other case we took a particular class of inhabitants there, to wit: our citizens residing there; and leaving them within the territory of China, we nevertheless acquired jurisdiction over them. Where, I ask, did we get power to do either? Here is a clear power, undisputed; no man can mistake it; nothing can be said against it; and anything which denies the power of Congress to regulate and govern the territories, denies the validity of the act of 1848, and pronounces it to be a gross usurpation, and leads to the inevitable consequence that if a man be executed by the award of our Consuls and Commissioner in China, they are all guilty of murder morally, and I suppose if they have any laws in China, might be said to be so legally.

Now, Mr. President, I have no more doubt myself about the entire authority of Congress to control the Territories than I have about the power of Congress to pass an appropriation—not a bit; and yet I concurred in that bill. Why? Although I admit our undoubted authority, although I admit we have a right to establish for them any sort of government we please, and to do as we did in the earlier history of the country, to do as we did with the Territory of Orleans—establish a government composed of a Governor appointed by the President, and thirteen freeholders, selected as a legislative body by the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, MARCH 22, 1854.

NEW SERIES.....No. 44.

President; although we have the power to do upon the subject as we please; we are bound to regulate ourselves in the exercise of that power by considerations of justice and reason, and prudence, and kindness; and therefore we should vary our legislation according to the varying circumstances of the territory and the various purposes to which it is intended to apply it. For instance, if the Government of the United States should acquire in the Mediterranean some small island, as being important to us for the protection of our commerce, important as a place on which to locate a navy-yard, and have a naval depot and station, without being dependent as now upon the favor of foreign Powers for such an establishment; I certainly would not be for holding, either that the inhabitants of that island had, or that it was right to grant to them, the power of self-government; but that, on the contrary, considering the use for which we intended the island, it would be the most unwise thing in the world to permit them to exercise any such power. The probability is that we ought, and that we would, under such circumstances, establish a military government over them, because the acquisition was intended for military purposes. But when we are establishing a government over Territories which are ultimately to be introduced into the Union as States, when we are establishing nurseries of freemen who are hereafter to be equally interested with ourselves in all the benefits and advantages of this Government; of course we vary our legislation to suit the existing circumstances. We grant to them all the rights of self-government which we can, consistently with the supremacy of the chief or principal Government—the Government of the United States. We retain certain safeguards. We have, in this bill, provided for an officer, to be appointed by the President, who is to exercise a limited veto over the decisions of the representatives of the inhabitants; and we had in the bill a provision that their laws should be sent here to us. I had no serious objection to this last being stricken out, because, according to my judgment, it does not make the smallest difference in the actual relations which the Territories bear to us. Our authority over them is, and continues to be, and until they are erected into States cannot cease to be, full and plenary. We may, a year after this bill is passed, if it shall pass, retract the whole government. We may, after they have passed all their laws, repeal them at a blow. The government exists by an exercise of our will, and with such powers as we please to confer; and we may retract them at pleasure, in whole or in part.

And therefore, Mr. President, when I gave my consent to this bill, I did not conceive myself to be in any manner or form recognizing the existence of what is called squatter sovereignty. I did not, and I do not, admit that the inhabitants of this territory, those who are there now, or those who may go there hereafter, have any inherent right to govern themselves. If they go upon our territory, they must submit to be governed as we, the Congress of the United States, representing the legislative authority of the owners of that territory, the people of the United States, may think proper to govern them. I would not deprive us of the power if I could; and my belief is that we cannot deprive ourselves of it if we would. I conceded it to them—not that they had a right to demand it, but because it was reasonable, and just, and proper, and fair, under the circumstances, to allow it. Under other circumstances it might not be; and if, under other circumstances, I had thought it would not be so, I should not have felt myself compelled to grant it, because they had a right over, above, paramount to our authority, to claim it at our hands! Other gentlemen entertain a different view. There is the honorable Senator from Michigan. He thinks we were only conceding what we were bound to concede—that we were merely carrying out, by our legislation, an inherent right theretofore existing. I do not. But the bill determines nothing of the kind. It necessarily implies nothing but this: that in the existing state of the country, and in the circumstances and condition

in which the inhabitants of these Territories will be placed, we thought it fair and reasonable in respect to them, and not injurious to the United States, to extend to them the powers of legislation which the bill confers. That opinion I entertained, and upon that opinion I acted, but never, never, in any event, acknowledging, directly or indirectly, the existence of this squatter sovereignty.

Mr. BUTLER. Mr. President, I hope the Senate will hear me with some patience upon this subject; I shall not speak long; but it is due to myself that I should make some explanations in reference to the true legal character of the provision referred to by my honorable friend from North Carolina, as I think it has been misconceived, and, as I think, errors have been put into circulation calculated to affect the public mind; and put in circulation, too, by the suggestions of southern men at Washington.

I concur with my honorable friend from North Carolina in all that he has said as to the legal import of his proviso upon the general provision of the bill. And, sir, that I may be distinctly understood, I lay down this proposition broadly, as far as my authority can go as a lawyer, that, according to the legal import of the bill, we have conferred upon the territorial governments created by it all rightful powers of legislation over every subject; and the proviso itself, in a court of justice, would not give it a different character. Now, what is the provision of the bill and the proviso? The proviso does not at all change the character or interpretation of the provision of the original bill; and, in my opinion, if we had simply conferred upon the territorial governments the power to legislate upon all matters of rightful legislation, it would be, before a court of justice, a bill having exactly the same operation.

Now, sir, take that bill with all its provisions, and is there a reasonable man—I will not appeal to gentlemen as lawyers merely, who may be supposed to have some technical peculiarity of reasoning; but is there a reasonable man who has read the bill, who will say, that by its provisions it intended to revive the French and Spanish laws upon the subject of slavery? It neither intended to revive, nor by its provisions could it revive, either the Spanish or the French law. I would say, sir, that by desuetude those laws have gone out of existence; but I attach no more importance to the Missouri compromise than this: while I say the Missouri compromise is repealable and controllable by any other act of Congress, I am not going to say that there are not powers under the Missouri compromise which, having been executed, are not well and properly executed. The States which have been formed, and the territorial Governments which have been organized under its implied and acquiesced authority, were good executions under it. And, sir, I suppose that from 1803 until this time, no court, no legal tribunal, no lawyer has ever adverted to it, or evoked in any way, the Spanish or French laws in these Territories. I do not say those laws were repealed by the Missouri compromise expressly; but if a custom grew up under the Missouri compromise, under which the laws of the Territory were administered, the former was a dead letter.

The bill which has passed the Senate, by its own provisions, independently of the proviso of my honorable friend from North Carolina, excludes the very idea of reviving any old law; so that it stands as nothing more than this: An act conferring upon the Territorial Legislature all rightful powers of legislation over every subject. That is all the power which it confers. In this respect, allow me to say in this connection, it is a better bill than the compromise known as the Clayton compromise of 1848, in which my late distinguished colleague [Mr. Calhoun] acquiesced. What was that compromise? I wish to bring up that issue so as to compare the two, and let them stand upon the same principle.

During the time when that bill was under consideration by the committee of eight, of which Mr. Calhoun was a member, I was frequently con-

sulted, and I will not give the opinions of anybody else. The predicate of northern men was, that whatever compromise should be entered into, the Mexican law should not be repealed by the act expressly or otherwise; and what was more, I remember it was said, "We will not consent to confer upon the territorial government the power to repeal that existing Mexican law which excludes slavery." The northern men said, very properly, "Here is a southern President; you propose to put into operation a government under his auspices and direction; will he not appoint a Governor and judges; will he not put into operation a government that may repeal that Mexican law, and thus introduce slavery into the Territories?"

I know what Mr. Calhoun's views were, and I know what were the views of some of his distinguished legal advisers. Sir, Mr. Calhoun's view was, that, as common territory, belonging to all the States as equals, and held by Congress as trustee to administer it for them, the Constitution of the United States, *proprio vigore*, extended over the Territories, whether we carried it there expressly or not; and that it had not only a controlling, but a repealing operation upon the laws of the conquered country. I appeal to my friend from Delaware [Mr. CLAYTON] if I am not right in this?

Then that bill with even the Mexican law, then existing, was so shaped that we were willing to abide by the decisions of the courts. Sir, I will here state what I have never said before: In the councils which I had upon the subject, I said, that whatever might be Mr. Calhoun's opinions upon these subjects—and I concurred with him—it was a hazardous experiment to leave to the courts so important a question. I recollect his reply well. He said:

"It will give rise to the greatest debate that has ever been conducted in America; let that issue be made before the Federal Courts of this Union, and there never has been such a debate as will then arise; the American mind has never been engaged in such a debate as will take place upon that issue."

He added:

"If, sir, it is decided that the common territory, won by the common blood and common treasure of the South as well as the North, shall be appropriated to one class in preference to another, the sooner the South know their fate the better, and then let them look out either to acquiesce or to take the position which free people have a right to take when they think their rights have been invaded."

Those were his views.

Now, this bill is infinitely better than that; because we use this bill as a sponge to wipe out the Missouri line. As long as the Missouri line remains, it is a certainty that southern men will not carry their slaves over the line. There is that certainty before you if you draw the line and let it exist. But I say to southern gentlemen, who are prying into this matter with something like legal subtlety, and letting the great question of southern rights—I will not say southern rights, but the common rights of the country—rest upon a mere *aper juris*, a mere point of law; those who are looking about endeavoring to find a flaw here and there, with a view, in some measure, to dissatisfy the South, let them take this alternative which I now present. Let any southern man take this alternative: Will you take this bill, with its legal provisions and certain legal import, by which the southern slaveholders may have—I do not say by which they will have, but by which they may have—a potential capacity to enjoy the common territory of the country, or will you reject the bill upon your responsibility as a public man, and hug the Missouri compromise, and keep that odious geographical line in force? Under one, it is certain we can have no rights; under the other, we may have some.

Now, Mr. President, is it not something for a southern man to fight for his border? If Missouri is to be exposed to the invasion of northern fanaticism, is there anything wrong in her southern sisters coming to her rescue? I do not say that I would wish Missouri to carry slavery over into Nebraska or Kansas. We wish no such thing. But when the certainty is before us, that if that line continues, and the waves of agitation are

poured out upon it, Missouri may be swept from the map of southern States, is it not something for a southern man to go to the rescue of that border sister of ours? I do not say that will be the fact; but I am very much inclined to think that the operation of this bill, if it shall become a law, will be such that the territorial government will pass no statute upon the subject of slavery, one way or the other. I think it will continue to be a neutral territory—neither slavery pouring into it, nor free-soilism and fanaticism rolling their waves upon Missouri. I am inclined to think it will retain its true position, if it maintains anything like discretion—the position of neutrality—being neither one way nor the other. I am satisfied that the Territorial Legislature, after we have sponged out this line, will not pass any law upon the subject. Do you suppose that any Territorial Legislature will pass a law to exclude or expressly to admit slavery? It would be a suicidal act on the part of the Legislature, and they are not going to commit such an act of folly. No, sir, they will leave it to be settled by American citizens, without regard to whether they own or do not own slaves. That will be the operation of the bill, in my opinion; and I say that to my southern friends, and to my southern associates who are disposed to act with us upon this subject.

Now, sir, is there not something due from the South? Ought they not cordially to give up much in order to concur in the deliberate judgment of a portion of our northwestern and northern friends, who have come forward amidst perils among which we have never trod, to do us justice? Sir, I would go very far to stand by them. I will be the last to desert them. I will stand by them because I believe they are right. I will stand by them because they have intrepidly assumed the position of justice, with the proscription of an uncalculating fanaticism over their heads. Something is due to them, and I will stand by them.

But there is another remark which I wish to make. I was not in the Chamber at the time when the honorable Senator from Michigan claimed the passage of this bill as a triumph of what is called the inherent right of the people of a Territory to invest themselves with a government. He claims this, I understand, upon the broad ground that they can assume upon themselves such rights whenever they may think that a proper case to do so arises.

Mr. CASS. Does the honorable Senator lay that down as my doctrine? It is not so at all.

Mr. BUTLER. Then I do not know what it is.

Mr. CASS. The gentleman attributes that doctrine to me. I never laid it down at all.

Mr. BUTLER. I do not wish to do the Senator injustice.

Mr. CASS. I know the Senator does not.

Mr. BUTLER. Certainly not.

Mr. CASS. My doctrine is simply the doctrine of our revolutionary fathers. I do not deny the power of Congress, as a matter of necessity, to prescribe a form of government for the Territories; but the moment they do so, then comes in the inherent right of the people to regulate their internal affairs for themselves. This is precisely the ground which our revolutionary fathers took. I do not wish to argue this question now, and I have not the strength to do so if I would; but I repeat, what I said on a former occasion, that there may be a difference of opinion, and a very rightful one, as to how far such powers of legislation may go. As the honorable Senator from North Carolina has said, under our legislation, at one time, a Governor and three judges were authorized to govern a Territory. We did have such a regulation, but I think it was all wrong. Better ideas have now begun to prevail, and we have a more definite idea than we had formerly of how far we may properly go.

Mr. BUTLER. I would be the last to do injustice to the distinguished Senator from Michigan; but allow me to say, although a younger man than he is, though I do not know that the world will think so, that I think it was outside the record, and contradicted by the record, when he assumed that this bill either recognized or countenanced that species of sovereignty which, in his own language, he has described, and which I will not undertake to explain. So far from being so, the bill is a recognition of the fact that Congress has the original and exclusive authority upon the subject

of territorial governments, and that a territorial government can take—mark the word, I use it as a lawyer—no more than Congress may give, and that Congress can give no more than is conferred by the Constitution of the United States. So that, if upon this occasion, Congress has thought proper to part with a great deal of the original and exclusive power which it once had, and to confer it upon the territorial government as a mere deputy, it has been an act of discretion entirely. It is not what the people of the Territory could enact; it is not what they could demand; it is not what they had any right to demand.

Now, sir, as my friend from North Carolina has said, I would deal differently with different Territories, according to the people that were on them. Suppose we were to acquire the Sandwich Islands to-morrow; do you think that I, as a representative from South Carolina, or as a representative of the American mind, would delegate to those colored people, the Sandwich Island people, (who know nothing of the common law, nothing of those principles of *Magna Charta* which infuse themselves into the English mind,) the powers which I have agreed to give in this bill to American citizens, conducting the operations of Government, under the sanction of the sacred and recognized principles of the common law? Not at all, sir. I will give these powers in this case because it is prudent and proper. I will give them to those who, understanding the great principle of American institutions, will impress it upon the statutes of the Territory, until it shall assume such a position as will enable it to come into the Union as an equal State; but I am not going to deal so with all other Territories. I will deal so with this because, if you will allow me to say so, I know that Kentucky, Missouri, Pennsylvania, North Carolina, and, in part, South Carolina, have mingled their judgments in the population of Missouri; and that will be a judgment which is likely to prevail in the laws of these Territories. Sir, the mingled opinions of the citizens living in and beyond Missouri will carry out that judgment in the territorial laws of these Territories, and I believe they will be just. There are a great many from the North who will go into these Territories. I have seen some of them; they are men who are capable, before leaving home, of lifting themselves above the prejudices which prevail there; or who have left home with a view to take a fair position in reference to this matter.

I wished to make these explanations, and to lay down the proposition that the honorable Senator from North Carolina has not changed the legal character of the bill. I affirm that it leaves the Territory on this subject as a *tabula rasa*, upon which the American mind is to make an impression, and for which it is to form laws. I say, further, that there is no probability of interference one way or the other with the institution of slavery until Kansas, and until Nebraska shall assume the position, and be ready to perform the responsible duties of States. I lay down, furthermore, the proposition that there is no recognition by the bill of any power in the people of a Territory to govern, except what we confer upon them under the powers which we ourselves have under the Constitution of the United States.

If there should be any question made as to the right of a negro or slave to his freedom, to his emancipation, the issue would be in this way: "You demand your freedom?" "I do." "Upon what ground?" "On the ground that I am in the territory of the United States, the common property of all the States." What would be the reply? If the reply were worth anything, it would be this: the owner would say, "I hold my property by a tenure higher than any legal enactment which can be made of a local character to exclude me. I hold under the Constitution of the country." That is the ground which we have taken. But, sir, the sooner that we learn there is to be a discrimination with regard to the enjoyment of the Territories, that there is to be a mark of inequality, independently of the Missouri line, by the adjudication of a court responding to the doctrine of popular sovereignty, or the fanatical sentiment which is infusing itself into the country—the sooner we know this the better. I make no threats. Mr. President, you will bear me witness that I have never made any.

In all literature, in history, in poetry, and in the Scriptures themselves, the crow of the cock

has been used as highly illustrative and indicative language. The game cock, when he stands in the presence of his adversary, gives forth a note of defiance, inspired by the danger and the excitement of the contest, and animates him to move on upon the path of peril to victory or death. But how different, sir, is the clarion note of the chanticleer, when he proclaims to us the coming of day. It is as different a note as anger is from peace. It is the note of intelligence, of hope, of peace. I say, sir, that if this bill shall pass, and shall be acquiesced in cordially by all sections of the Union, it will be the note of a bird of good omen. It will be the clarion note of the chanticleer, proclaiming to the South that light is dawning upon her; it will proclaim peace to all sections—a peace to which we can honorably be reconciled. If, however, these northern gentlemen shall let loose the waters of agitation, I will change the figure. If they will continue to fan the torch which has been lighted by discord, I do not know how soon the note may be changed to that of the proud bird to which I have alluded.

Mr. President, I have said more than I intended, but allow me to add a few words more. What a spectacle will the United States exhibit at this crisis, and at this eventful period of the world's history? Sir, at a time when a war is likely to take place at the East which may mark the age; at a time when a war may take place to change the whole character of European power, shall we exhibit to the world these evidences of weakness and distraction? It may be out of place for me to say a word upon this matter; but I must say, that I do not think the United States are likely to be in any danger so long as war is going on, because we may maintain the position and the safety of a neutral; but I will make this prediction: If Russia shall be crushed as a power in Europe by the combination of France and England, the termination of that war will place France and England in a position to induce them to interfere with American affairs. They will come out of that war, if they shall crush Russia, with triumphant armies, accustomed to war and victory, without bread, without clothes, and it will be an easy decision for them to

"Cry Havoc, and let slip the dogs of war"

upon our southern islands, for I call them ours. Perhaps the blood around those islands, in the sea-fights which will take place, will be the language in which to write its history. But, sirs, these are matters not pertaining to this subject, and I shall not notice them further. I thank the Senate for having allowed me to make these remarks.

[Mr. MASON addressed the Senate in remarks which he withheld for revision, and have not been returned. When received they will be published in the Appendix.]

Mr. BROWN. The honorable Senator from North Carolina having felt it his duty to give to the Senate and the country the reasons which influenced him, and which, in his opinion, justified him in moving the proviso when the Nebraska bill was under consideration, and the two distinguished Senators from South Carolina and Virginia having justified themselves before the Senate and the country in voting for that proviso, I wish to say a word in justification of myself for having voted against it.

I was one of five southern men who recorded their votes against that proviso; and though I had stood alone in the Senate, I should have voted against it. When I was called upon first to vote for the Nebraska bill I understood that its only dealing with the Missouri compromise was to repeal it. And the reason given for that repeal was, as I understood it, that originally it had been passed in violation of the Constitution, and in derogation of the rights of the southern people. This being so, a returning sense of justice, as I supposed, had induced our northern brethren to come forward to strike it from the statute-book. That, I understood, to be what Congress was called upon to do, and all that it was expected to do. If that had been done, and nothing more, we should, in my judgment, have been restored to the position which we occupied before the passage of the Missouri act. Upon what ground does the South claim its repeal, and upon what ground is it conceded to us, let me ask honorable gentlemen? We claim its repeal because originally, as I said before,

it was passed in violation of the Constitution, and in derogation of our rights; and it is to be repealed that we may be restored to the rights which we had before it was passed. If we are not restored to those rights, I submit to you, Mr. President, and to the country, the repeal of it is not worth a rush to us. Why should we work ourselves into a passion, excite the country, and revive all this slavery agitation upon a mere abstraction? and I hold that it is an abstraction, unless we are restored to the rights we had in the territory before the passage of the Missouri compromise. If we get nothing by the repeal why repeal it? I dare say that the Nebraska bill stands, in the minds of southern people to-day, as it stood in yours and mine at the beginning—as a simple proposition to repeal the Missouri compromise, and nothing more. When the distinguished author of the bill [Mr. DOUGLAS] came forward with his amendment—the one which the Senator from North Carolina read this morning, and which I would reproduce if I had it before me—I hesitated long as to whether I would vote for it. It was doing a little more than I felt we had contracted to do in the beginning; but finding older Senators, men of more experience, more learning, more ability in every way, disposed to go for it I finally gave up my objections.

I hesitated, sir, because, among other things, I saw in it a departure from the original liberal and just purpose of restoring us to the position we had before the act of 1820. If we had the right to introduce slaves into this territory before the restriction act of 1820, the repeal of that act would have restored us to that right. The amendment moved by the Senator from Illinois seemed to me to be a denial of that restoration. But, as this construction did not meet the sanction of older Senators, I abandoned it. My anxiety to act in harmony with my southern friends gave an easier impulse to my decision. Imagine my surprise when I heard the Senator from North Carolina gravely contending that the amendment proposed by the Senator from Illinois precluded the idea of restoring the South to its original position, and that his proviso only expressed, in language more distinct, what had already been expressed in adopting the amendment of the Senator from Illinois.

Allow me to say, Mr. President, that I by no means concur with the Senators from North Carolina and Virginia, that this bill is all the South has ever asked. If their reading of it is correct it falls immeasurably short of that point. The South has asked to be left alone in the enjoyment of all her rights—not to be legislated into or out of the Territories. In 1820 Congress legislated her out of Nebraska. In 1854 it is proposed to repeal this unjust legislation, and restore her to her lost position. But the Senator from Illinois comes forward with an amendment, which the Senator from North Carolina insists precludes this idea, (I take it for granted no one questions that but for the act of 1820 the southern people could have introduced slavery into this Territory.) The idea of restoring the French laws by repealing the Missouri act is wholly dispelled, we are told, by the language of the amendment first proposed. But to make assurance doubly sure, the Senator from North Carolina brings in his proviso, which says in terms, that no law existing prior to 1820, giving sanction or protection to slavery in these Territories, shall be revived or put in force. Suppose there were laws in these Territories prior to 1820 sanctioning and protecting slavery, as I think there were, and that you repealed them by the act of 1820—as you did, what does justice demand of you now?—not to legislate slavery into the country, no one asks that, but to repeal your repealing act, and put us back where you found us. This would be non-intervention. But it is not non-intervention for you to keep in force the laws of Mexico, which abolished slavery in Utah and New Mexico, and to repeal the laws of France, which tolerated slavery in Nebraska and Kansas.

I cannot concur with my friend from North Carolina in the opinion, that in the simple act of repealing the Missouri compromise, and thereby restoring the laws in force before its passage, (admitting that those laws sanctioned and protected slavery,) we should be legislating slavery into the country. We found laws in force there sanctioning slavery; we repealed those laws in 1820. If, in 1854, we repeal the repealing act, and

thereby place the original law in force, the case will stand as if we had not acted at all. So far from legislating slavery into the country we shall simply leave things where we found them.

Mr. President, in voting for the amendment of the Senator from Illinois, I stood on the outer verge of the precipice. One hair's breadth further, I felt, would put me overboard. When the Senator from North Carolina brought forward his proviso, I said promptly I would not vote for it. The Senator has explained that it makes no alteration in the text of the bill as it had been amended. In this he and I differ. But suppose it does not then why ask us to vote for it? If it left us where we stood before why was it urged upon us?

I felt at the time that it was another concession; that it was still another and wider departure from the original purpose of the bill—the simple purpose of repealing the Missouri act, and leaving the South where we found her—and so regarding it I could not consent to vote for it. If the South is not restored to her position, is it not a mockery to talk about non-intervention? She has lost her position in the Territories, and by the acts of Congress, and by those alone. She had protection for slaves by virtue of the French laws prior to 1820 in these Territories. You took it away by the act of 1820. You not only do not restore this specific right in 1854, but you have said, in so many words, it shall not be restored.

I beg leave to dissent from another view of this subject taken by the distinguished Senator from North Carolina, but—no, I will not pursue the discussion. I simply rose to give the reasons which influenced me in voting against the proviso of my friend from North Carolina. I felt called upon to do this from the course the discussion had taken this morning; and now having done this, and not desiring to widen the field of debate by the introduction of new topics, I take my seat.

Mr. CLAYTON. My honorable friend from South Carolina [Mr. BUTLER] has appealed to me for the correctness of his statement in regard to the compromise of 1848; and if I had no other motive for rising now to answer his question, my profound respect for him would induce me to speak. He says, and says truly, that at the time that compromise was proposed by me, the predicate of northern men was, that whatever compromise should be entered into, the Mexican law should not be repealed. The member of the committee on that compromise who first made the objection, that the Territorial Legislature should have it in their power to legislate on slavery, was Mr. Phelps, of Vermont. He said, as my friend has stated to day, "Here is a southern President: you propose to put into operation a government under his auspices and direction. Will he not appoint a Governor and judges to repeal the Mexican law which prohibits slavery in California and New Mexico?"

Mr. Calhoun's view was that no power should or could be conferred on any Territorial Legislature either to establish or prohibit slavery in the Territory. He held that the Constitution of the United States necessarily extended over the territories as soon as they were acquired, whether by express enactment of law or without it; and that, therefore, it controlled and repealed the Mexican law existing at and before the acquisition of the conquered and purchased country. In these views of Mr. Calhoun southern gentlemen who voted for the bill generally concurred. But the Senator from North Carolina [Mr. BADGER] opposed the bill, and opposed this opinion. He held that in the face of the Mexican law, or in the absence of all law upon the subject, slaves could not be carried to the Territories; and he therefore dissented from those who proposed, by the bill, to send the question of law to the courts.

It is no part of my purpose to discuss the amendment to the Nebraska bill proposed by my friend, the Senator from North Carolina, [Mr. BADGER.] That amendment provided, in substance, that the bill should not be held to revive any prior law which had established slavery in this Territory. I leave that to others who are more interested to establish slavery in Nebraska than I or my constituents; and I am the more content to leave it after what I said in the main debate on the bill before its passage, which has not been answered. Those who are satisfied that the Territories should be left, as they have said, a blank on this question; that there should be no law legalizing sla-

very, as there will not be under the bill, and without the old Spanish law, of course cannot expect any decision of the courts to sanction slavery there. They rely on the action of the Territorial Legislature, elected by the transient persons who may happen to be there when the government is organized, to sustain their claim to hold slaves there, or they vainly expect to do it in the absence of all law to authorize slavery.

This brings me to the question of the propriety of giving these transient persons, few as we know they must be, the right to decide this question of slavery. Mr. Calhoun denounced this claim of right in them as a most absurd and monstrous doctrine; and he was the man who gave this power, when thus conferred and exercised, the name of "squatter sovereignty." The Nebraska bill which passed the Senate is a bill which expressly confers that power. The Senator from Michigan [Mr. CASS] was right when he rose in his place immediately after the final vote on that bill, and congratulated the Senate on the triumph of the doctrines of squatter sovereignty! I say he was perfectly right. It was the triumph of the very doctrine which Calhoun repudiated in 1848, and again in 1850. It authorizes the men who have no interest in the Territory to settle the question of slavery as they please—not merely to govern themselves, but to govern in this respect all who claim in the slave States to carry slaves there.

And now to defend their votes. Honorable gentlemen venture to compare this squatter sovereignty bill with the true non-intervention bill of 1848. That, sir, was indeed a non-intervention bill. It gave no power to any legislative councils to prohibit or establish African slavery; and the words which denied such a power to the local Legislature, were drafted into the bill by amendment in the committee by Mr. Calhoun himself. It necessarily drove the parties, North and South, to settle the slavery question in the courts, and ultimately into the Supreme Court of the United States. But this bill is only a non-intervention bill when the people of the Territories shall be ready to form a State constitution preparatory to admission into the Union. During the whole period of their existence under the territorial government, the local Legislature not only may act but will act under a power conferred in this bill by Congress, to which the power to legislate on the same subject is absolutely denied by some of the very gentlemen who voted for this bill. They have not, and will not explain to us, how the squatter sovereign can derive this power from Congress when Congress does not possess it.

Nor will it avail gentlemen to say that the New Mexico and Utah bills gave the same power to the squatter sovereigns. Had Calhoun lived, those bills would never have passed, in my opinion, without amendment in this very particular. They were not true non-intervention bills. What has been the result? Non-action. Why? Because those sovereigns desire to continue in those Territories the Mexican laws, and consider them in force there. It is vain to compare such measures with the true non-intervention measures proposed by the bill of 1848.

It is absurd to speak of non-intervention in these Territories with the Missouri restriction clause in force. Neither the bill of 1848, nor any other measure, could provide for non-intervention without repealing that clause. But apply the principles of the bill of 1848 to the Nebraska bill which repeals that clause, and you have full and satisfactory non-intervention. In the Nebraska bill, as it passed the Senate, the principle of non-intervention is abandoned, totally deserted by its pretended friends, as long as the territorial governments exist, and until the formation of State governments; because, while the Territorial Legislatures may, by that bill, decide the question of slavery, as it is now fully admitted they may, Congress will necessarily exercise the power of revising their acts; and the omission to declare that power in the bill, or the mere striking out of the clause which expressly gave Congress the power to revise, does not, in the slightest degree, affect the matter. Congress is, of course, left free by the Constitution to intervene while the local Legislatures act; and the question of slavery will be, of course, agitated here whenever the Territorial Legislatures shall decide that question. Nothing is settled by the bill, because the true principles of non-intervention have been deserted.

Sir, I forbear to notice other remarks made in this desultory and irregular debate—not merely because there is no question before the Senate, but because I have met them in the debate on the bill, and think it unnecessary to reply to them again. I know that northern and southern men put different constructions on this bill to suit the latitude of their residence; and I have no desire to embarrass them by any further observations.

Mr. STUART. Mr. President, it is known that while this subject was under discussion, before the passage of the bill, I forebore to discuss its general features. I do not intend to do it now, further than to meet some suggestions which have been thrown out by Senators this morning.

I am prepared to agree generally with the remarks made by the Senator from North Carolina, that the probable interpretation of the bill, before the adoption of the amendment which he offered, would have been the same that it would be now. I am not prepared to say, however, that that would certainly be the case. I think that Senators lay down that proposition a little too strongly. I think there was room for debate. There certainly was room for a difference of opinion; for since the bill passed the Senate, we have seen certain southern presses denounce it as good for nothing to the South, because of the adoption of that amendment, and another which was offered by the Senator from Illinois, [Mr. DOUGLAS,] taking away the revising power of Congress over the legislation of the Territories. It is known, at least here, that the amendment which was offered by the Senator from North Carolina, was that amendment which I drew, and which I had declared must in substance be appended to the bill, or I could not consent to vote for it. It was not so much because, as I say, I should have made any difference myself as a lawyer in the interpretation of the bill, as it stood and as amended, as that it left a matter of opinion as it stood. I stated then, what I repeat now, that whatever controversy is to grow out of that question, is to be looked for in the Northern States, and not in the South; and, sir, that controversy there should not rest upon the construction of the bill so far as opinion merely might go; for when one gentleman takes the stump against you and asserts an opinion which is antagonistic with yours, he will claim, what every man has a right to claim, that his opinion is as good as yours. Therefore I insisted, and I beg to refer to it now, because some gentlemen thought it was a threat upon my part, though nothing could be further from my thought—for it would not have altered the fate of the bill if I had voted against it—that if southern gentlemen should claim that this controversy should again come up in the North, we should have no two interpretations to the bill; that we should meet the question as it was said here it was intended to be met, conferring upon the Territorial Legislature all the power which we possess over that question. There I was willing to meet it if it became necessary. There, I think, with all respect to the opinions of others, it can be met, and met successfully.

Now, sir, I cannot acquiesce precisely. I never did, and I do not now, in the belief that this measure was brought forward as a northern measure. That it ultimately assumed that phase I admit; but I never heard of it until it was brought in here in that bill. I have never seen that northern man who could tell me that he was consulted about it; and I have inquired of some southern gentlemen, and I have not found any from that quarter who were consulted about it. I never believed it was wise to bring it here. I never believed any good could grow out of it. I met it, so far as my action and vote were concerned, as a measure brought here without any action of mine—a measure for which nobody was responsible except the committee who introduced it, to be acted upon like any other measure before the Senate, let the consequences be what they might.

Mr. President, I ask the attention of the Senate while I state, in a few words, the greatest fear I have ever entertained in consequence of the introduction of the measure, and the fear that I still entertain, though I hope it will prove to be a groundless fear.

Under our institutions, whenever a sectional difficulty has arisen, and whenever any sectional difficulty shall hereafter arise, the only way known among men by which to settle that difficulty has been, and will be, by a compromise of opinion,

That was true when the Missouri restriction, as it is termed, was adopted. That was eminently true in 1833, when a difference of opinion, sectional in its character, grew up upon the tariff question. I never shall forget the effect that was produced upon me by reading the language of Henry Clay, when he came forward as one of the three great compromisers at that time. I do not know that I can recite it *verbatim*; but I can tell it in substance. It is as fixed upon my mind as that great assertion in Genesis: "God said, let there be light; and there was light." He said he wished to see no desolated towns, no sacked cities, no fields of American blood shed by American arms. Now, sir, in 1850, when this Union of States rocked to the very center, the patriots of the land again shook hands together upon a compromise of opinion. I have hesitated, I hesitated upon this bill, to repeal the Missouri compromise, for fear that whenever an occasion should arise in the future, when the Union of these States should be again in danger, if we had done aught which should shake the confidence of the American people in the sanctity, the utility, and the permanency of compromises, we might have laid the very germ which should terminate the existence of the Union. But, sir, I finally yielded all that, because other gentlemen around me, in whose opinions I was bound to entertain confidence, seemed to differ from me in opinion. Now let me suggest a word or two upon this doctrine of principle.

I may say that the language contained in this bill never had much force with me as asserting a principle. There is no principle asserted in a compromise. You agree to lay down the principles by which you have respectively been bound heretofore, and to do a solitary act. Therefore, there was nothing in the compromise of 1850 which it could be said, with accuracy, conflicted with the compromise of 1820; and, sir, I venture the prediction, that much as this bill now seems to demonstrate this as a principle, the years are very few, in the future, in which will be developed to us an occasion when we shall have territory that we shall be obliged to legislate for from the beginning to the end of the chapter. Time will bring to us acquisitions from the South of a people who not only know nothing of our institutions and laws, but have an inbred and traditionary hostile feeling towards us and them. We shall make these acquisitions. I say we shall make them because they are written in the divine law, which is irresistible. Having made them, we shall get a people that we shall be compelled to legislate for; and, so far as my action may go upon the subject, I intend to save my views on the right to legislate. The question of power I never yet have discussed; and I never mean to discuss it until the question shall arise when it shall be strictly involved. What did we agree to do in this bill, so far as the action of the Senate is concerned? In my humble judgment we agreed to do this: We agreed to leave this whole question of slavery to the people of the Territories, that they might legislate over it as over all others, according to their own will and pleasure. I thought that it was a ground upon which men might meet, and shake hands, and agree. I think so now. It establishes a principle, so far as it relates to these two Territories. It establishes that principle no further.

Mr. President, in my humble judgment, and it is only the judgment of an individual, you can establish no other principle than this: that Congress shall do, from time to time, whatever it shall become necessary to do in respect to the Territories which you hold. That doctrine of necessity is to be determined by members of Congress themselves, and has no other limit, therefore, than the judgment of each Congress may dictate. Why, sir, there was not a section in this bill that I should have voted for if I had believed that the Constitution did not confer the power to legislate for the Territories; and for the very plain reason that there is not any necessity for a government there at all. Then, again, there are provisions in the bill vital in their character respecting the rights of the people to legislate. There is a provision which stands in it now by which Congress declares that the Legislature of the Territory shall not levy any taxes upon non-residents greater than they levy upon residents. There is a direct interference in one of the very things for which our forefathers in the Revolution fought. There are others which might be men-

tioned; but, as I say, there was no necessity, and therefore, adopting the rule of necessity for congressional action, there was no need of acting at all.

The Senators from North Carolina and South Carolina have sought to show what will be the effect of this bill. I wish to say a word or two only upon that subject, and I shall have done.

The reason why I was willing to meet the issue again, unnecessary as I thought it was, and make another agreement so far as my vote went, was this: I believe that the laws of population are such that there will be ten occupants of these Territories from northern States to one from the slaveholding with his slaves. Why do I believe it? Why, one hundred men of the northern States, young men, without any real estate, without any property in the world, except five hundred or one thousand dollars, which they have in money, can make up their minds at night that they will go to Kansas and Nebraska, and can start the next morning after breakfast, and go; there is no impediment, and they will go; but a man who is a slave owner in a southern State has got a pretty large business on hand; in the first place to so shape his property as to get ready to go; and when he has done all that, he knows as well as anybody can tell him that he is subjecting the tenure of that property to the legislation of the people who are there, and it is a hazardous business, it is a hazardous property to move anywhere.

Therefore it is, without assigning other reasons, that I come to the conclusion that the laws of population, as they have done from time immemorial, will continue to act upon these Territories, and the population there will be at least ten to one from non-slaveholding States, and that Kansas and Nebraska, by the irresistible law of population, based upon the nature of man and his business, whenever they come into this Union will come in as non-slaveholding States. That was my belief; that is my belief now.

The memorials were then ordered to lie upon the table.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and the Senate adjourned.

IN SENATE.

TUESDAY, March 21, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. PRATT. I desire to present the memorial of the Maryland Institute for the promotion of the Mechanical Arts, in which they suggest that having understood that the Government of Great Britain are about to alter their law in reference to coinage, and adopt the decimal instead of the present system, it would be of great commercial importance that the two countries should agree upon some identical coin, so that it would pass in the United States and in England without regard to the place in which it had been coined. I have also a memorial of the American Philosophical Society of Philadelphia upon the same subject. I will ask the reference of the two memorials to the Committee on Finance.

They were so referred.

Mr. PRATT also presented a memorial of citizens of Maryland residing near the city of Washington, praying that the Columbia turnpike road, over which they bring their produce to that city, may be made free; which was referred to the Committee for the District of Columbia.

Mr. FISH presented a memorial of the Chamber of Commerce of the city of New York, praying Congress to enact suitable laws to provide for the establishment of naval schools for the education and training of seamen for the merchant marine and the Navy of the United States; which was referred to the Committee on Commerce.

Also, a memorial of the society of Universal Democratic Republicanism, praying the Government of the United States to intervene on behalf of Frederick T. Weichel, who has been illegally imprisoned in Saxony and Bremen; and also, to enact laws for the better protection of naturalized citizens of the United States, and those who have de-

clared their intentions to become such; which was referred to the Committee on Foreign Relations.

Mr. WILLIAMS presented the petition of William Black, boatswain in the United States Exploring Expedition in 1838 and 1839, praying to be allowed the same extra pay that has been allowed to other officers of a like grade in the same expedition; which was referred to the Committee on Naval Affairs.

Mr. BRODHEAD presented the petition of Charles J. Swett, praying compensation for his services during the time he acted as purser on board the steam frigate San Jacinto; which was referred to the Committee on Naval Affairs.

Mr. SEWARD presented two petitions of legal voters of Nelson, New Hampshire, remonstrating against the passage of the Nebraska bill or any other modification or repeal of the Missouri compromise; which was ordered to lie on the table.

Also, the petition of James Stewart, a private of militia in the last war with Great Britain, praying a pension; which was referred to the Committee on Pensions.

Mr. SUMNER presented two petitions, signed by nine hundred and sixty-three women of Fitchburg, Massachusetts, remonstrating against any infringement of the Missouri compromise; which were ordered to lie on the table.

Also, resolutions passed at a town meeting of citizens of Adams, Massachusetts, remonstrating against a repeal of the Missouri compromise; which were ordered to lie on the table.

Also, resolutions passed at the annual meeting of the legal voters of Beverley, Massachusetts, held March 13, 1854, against the repeal of the Missouri compromise; which were ordered to lie on the table.

Mr. SHIELDS presented a resolution of the Legislature of Illinois, in favor of a grant of land to aid in the construction of a railroad from the west shore of Lake Michigan to the mineral region of Lake Superior; which was referred to the Committee on Public Lands.

Also, a resolution of the Legislature of Illinois, in favor of a grant of land to aid in the construction of a ship-canal around the Falls of Niagara; which was referred to the Committee on Commerce.

Also, resolutions of the Legislature of Illinois, in favor of the admission of sugar, molasses, and railroad iron, free of duty; which were referred to the Committee on Commerce.

Mr. RUSK presented the memorial of Robert Mills, praying an appropriation by Congress to enable him to demonstrate the advantages of certain improvements made by him in the construction of railroads; which was referred to the select committee on the subject of the Pacific railroad.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. RUSK, it was

Ordered, That the petition of Bryan Callaghan be withdrawn from the files of the Senate, and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, their Chief Clerk, announcing that they had passed a joint resolution from the Senate, accepting certain volumes and medals presented by her Britannic Majesty's Government to the United States.

REPORTS FROM STANDING COMMITTEES.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the memorial of Rulig Van Brunt, praying relief for losses incurred by him in consequence of the occupation of his property in 1814 by troops raised for the defense of New York, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WADE, from the Committee on Claims, to whom were referred the following bills from the House of Representatives, reported them back without amendment, and recommended their passage:

Bill for the relief of the legal representatives of Isaac P. Simonton; and

Bill for the relief of Madison Parton.

Mr. PEARCE, from the Committee on Finance, to whom was referred the memorial of Horace Southmayd & Son, praying the return of certain duties, said to be illegally charged at Tampico, submitted a report, accompanied by a

bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. WILLIAMS, from the Committee on Claims, to whom was referred a bill from the House of Representatives for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufalia, reported it without amendment, together with a report thereon; which was ordered to be printed.

Mr. PRATT, from the Committee on Claims, to whom was referred the petition of the heirs of Robert Sewall, praying compensation for property destroyed during the late war with Great Britain, submitted a report, accompanied by a bill for their relief; which was read and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of William C. Parke, praying for a distribution of the unclaimed balance of prize money appropriated by Congress for the heirs of John Paul Jones and the officers and men of the frigate Alliance, submitted an adverse report; which was ordered to be printed.

BILLS INTRODUCED.

Mr. GEYER, agreeably to previous notice, asked and obtained leave to introduce a bill supplementary to an act confirming claims to land in the State of Missouri, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

Mr. SLIDELL, agreeably to previous notice, asked and obtained leave to introduce a bill for the relief of Margaret A. Copley, of the State of Louisiana; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

HOUSE BILL REFERRED.

The bill from the House of Representatives, providing for the distribution of arms to the several States and Territories, was read a first and second time by its title, and referred to the Committee on Military Affairs.

SAMUEL K. RAYBURN.

Mr. CLAY. The Committee on Claims, to whom was referred House bill for the relief of Samuel K. Rayburn, have directed me to report it back without amendment, and recommend its passage. I ask the indulgence of the Senate to put it upon its passage now. It is one which I think will incur no opposition.

The Senate accordingly, as in Committee of the Whole, proceeded to consider the bill.

Mr. CLAY. The facts of the case are briefly these: Mr. Rayburn was a volunteer in the service in Mexico, and a private in a company of horse. It is clearly proven that while in the line of his duty, in the pursuit of some Mexicans, who fled before them, his horse fell into a well, which are numerous and peculiar to that country, some twelve feet in diameter, and some thirty feet in depth, and from that well he was rescued with some difficulty by some peons, who happened to pass by and discovered him; but his horse and all his equipments were lost; and now he asks payment for the horse and the equipments, amounting to \$105. There was no difference of opinion in the committee upon it. It passed the House committee unanimously; and when under consideration in the House, met with no opposition whatever, and I think will meet with none here.

The bill was reported to the Senate without amendment; was ordered to be read a third time, was read a third time, and passed.

CADETS AT WEST POINT.

The joint resolution from the House of Representatives, explanatory of the law regulating the number of cadets to be appointed to the Military Academy at West Point, was read a first and second time.

The PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs, if there be no objection.

Mr. SHIELDS. With the consent of the Senate, I should prefer that the joint resolution be put upon its passage now. It is to remedy a difficulty existing in some of the districts in the several States so as to enable them to appoint cadets to the Military Academy, and it is necessary that

it should be done as speedily as possible, in order to enable the appointees to join their classes. I think we understand the matter pretty well, and there is no necessity for referring it to the Committee on Military Affairs. I should like to have it put on its passage at this time, if there be no objection.

Mr. STUART. Let it be read.

Mr. BADGER. I suggest that it had better be referred. I have long been of the opinion that an alteration should be made in the law in regard to that institution, so as to give to the members of this body the power to appoint as well as those of the other House.

Mr. SHIELDS. The honorable Senator is correct, and I am about to call up a bill to accomplish that object; but this is an entirely distinct matter. I will state, that under the redistricting of the States, in the additional districts in some of the States, they are unable to make the appointment which the law regulates, without this explanatory bill. The appointments have already been made in all other cases; and unless this bill pass, these will not be made in time to join their classes.

Mr. HUNTER. I think this bill ought to pass in advance of the other. It is to reconcile an existing difficulty growing out of the redistricting of the States.

Mr. SHIELDS. That is it.

Mr. HUNTER. It ought to be passed in time to meet the specific case. It requires immediate action.

Mr. SHIELDS. The matter which the honorable Senator mentions is already embodied in a bill which I shall perhaps endeavor to have considered this morning.

The PRESIDENT. It requires unanimous consent to consider the joint resolution at this time.

Mr. PRATT. I would like to make an inquiry of the honorable chairman of the Committee on Military Affairs. I understand there is a bill giving each Senator power to appoint a cadet. May I ask the honorable chairman whether this joint resolution confers that power?

Mr. SHIELDS. I stated that it does not.

Mr. PRATT. I have not the slightest objection to it.

Mr. JOHNSON. I desire to ask a question of the honorable chairman of the Committee on Military Affairs. Does this joint resolution increase the number of cadets provided for by law? There were two hundred and thirty-three appointed at the former Congress; does this increase the number?

Mr. SHIELDS. It does.

Mr. JOHNSON. Temporarily or permanently?

Mr. SHIELDS. It enables these additional districts to make new appointments.

Mr. JOHNSON. As things now stand, some districts already have two cadets, while other districts, under the redistricting, have none whatever. Is that so?

Mr. SHIELDS. It is.

Mr. JOHNSON. Many of the new States have increased in population, and consequent representation. I will ask the Senator whether or not there is any provision in the joint resolution for the additional districts in the new States in regard to the number of cadets?

Mr. SHIELDS. The object of the bill is to put them on the same footing as others.

Mr. JOHNSON. I am satisfied.

Mr. STUART. I will suggest to the Senator from Illinois, that if he will have the joint resolution read, it will enable us to understand what it is about.

The PRESIDENT. Does the honorable Senator from North Carolina object to its consideration?

Mr. BADGER. No, sir; I will not object to it. I merely made a suggestion.

The PRESIDENT. The bill will be read for the information of the Senate.

It proposes to direct that nothing contained in any act of Congress shall be construed to deprive any congressional district in the United States of its right to a cadet at the academy; but that whenever, from a rearrangement of congressional districts in any State, more than one cadet shall be thrown into the same district, notwithstanding such fact, there shall be appointed, in the manner now prescribed by law, one cadet from every other district from which there is no cadet in the institu-

tion, to be entered at the commencement of its next regular session.

Mr. CASS. I did not hear the resolution distinctly, and I will, therefore, make inquiry of the Senator from Illinois. In those districts that have two cadets, what becomes of the vacancy that occurs when one of them passes through the academy? Will it expire, or will it exist permanently?

Mr. SHIELDS. If a district has two cadets, the power to reappoint one will expire at the expiration of the term.

Mr. CASS. Is it so distinctly stated?

Mr. SHIELDS. The original law accomplishes that object.

Mr. BRODHEAD. I will make an inquiry of the honorable chairman: Has this measure been recommended by the Department, or has it any recommendation from the Executive?

Mr. SHIELDS. It was, as I understand, recommended to the committee of the House to settle the difficulty which exists at present. If, however, there is any doubt about it, I will move to refer it to the Committee on Military Affairs.

Mr. FITZPATRICK. I think it will be better to do that.

Mr. RUSK. I suggest that that course had better be pursued, so that the committee can consider the propriety of moving an amendment in regard to appointments by Senators.

Mr. SHIELDS. I move its reference to the Committee on Military Affairs.

The motion was agreed to.

MAIL CONTRACT IN ALABAMA.

On the motion of Mr. FITZPATRICK, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, reported from the Committee on the Post Office and Post Roads, for extending an existing contract for carrying the mail in Alabama.

It proposes to authorize the Postmaster General to extend the existing contract for carrying the mail upon the route between Montgomery and Mobile, for four years from the time at which it would expire by its own limitation, if, in his opinion, the public interest and convenience will be promoted thereby.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and it was read a third time, and passed.

NAVY BIDS.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed a joint resolution relative to bids for provisions, clothing, and small stores for the use of the Navy.

The joint resolution was read a first time.

Mr. GWIN. I am requested by the Secretary of the Navy to ask the immediate consideration of the resolution. It is important to the Department that it should be acted upon at once. It was reported upon by the Committee on Naval Affairs of the House unanimously, and passed the House yesterday. I will ask for the reading of the resolution, so that the Senate may understand what it is.

Mr. FISH. I will ask the honorable chairman of the Committee on Naval Affairs whether the resolution has been printed, and received the consideration of any committee?

Mr. GWIN. It was introduced into the House of Representatives by the chairman of the Committee on Naval Affairs, at the request of the Secretary of the Navy. The chairman came to me yesterday and said it was of pressing importance, the Secretary had informed him, that it should be passed immediately. It passed the House without opposition on the unanimous recommendation of the Committee on Naval Affairs; and I have been requested by the Secretary of the Navy to have it brought up this morning and acted upon. Let it be read. It will explain itself.

Mr. FISH. I do not object to the consideration of the resolution; but I want to call the attention of the Senate to this mode of legislation. It is a joint resolution prepared at the Navy Department, which, without being printed, passed through the House of Representatives on the day it was introduced, has been sent to the Senate, and, at the request of the Secretary, must be passed here without any consideration of it by a committee. If this mode of legislation is to be continued, it will be useless to have committees.

Mr. GWIN. Let it be read. It will explain itself.

The PRESIDENT. If there be no objection, the joint resolution will be read a second time.

There was no objection.

It proposes to direct that all bids for supplies of provisions, clothing, and small stores may be rejected at the option of the Department, if made by one who is not known as a manufacturer of, or a regular dealer in, articles proposed to be furnished; which facts, or the reverse, must be distinctly stated in the bids offered; that the bids of all persons who fail to comply with the conditions in a contract they have previously entered into with the United States, shall, at the option of the Department, be rejected; that if more than one bid be offered for the supply of an article on account of any one party, either in his own name or in the name of his partner, or any other person, the whole of such bids shall be rejected at the option of the Department; that copartners of any firm shall not be received as sureties for each other; and that whenever it may be deemed necessary for the interest of the Government, and the health of the crews of United States vessels to procure particular brands of flour which are known to keep best on distant stations, the Bureau of Provisions and Clothing, with the approbation of the Secretary of the Navy, shall be authorized to procure it on the best terms in market overt.

Mr. SHIELDS. It strikes me that that is a very extraordinary power to confer upon the Department.

Mr. GWIN. If there is any objection to it, I move its reference to the Committee on Naval Affairs.

Mr. SHIELDS. I think it will be better to do that.

Mr. CLAYTON. And let it be printed.

The motion to refer was agreed to.

Mr. FISH. I move that the resolution be printed.

The PRESIDENT. That will be done, as a matter of course.

ALEXANDER G. MORGAN.

Mr. JOHNSON. There is a bill which I wish to have taken up this morning for consideration by the Senate. I have endeavored several times to have it taken up, but without success. I trust I shall not fail now. It will take but very little time. It is the bill for the relief of the heirs and representatives of Colonel Alexander G. Morgan. I would here call the attention of the Senate to the fact, that if they do not take up and pass private bills at an early day, so as to get them sent to the House, they will never get any passed in the other House—they will never even be able to get them reported from the committees to which they are referred. It so happened last year, and it will so happen again. I ask that this bill may be taken up at this time. It has been reported by the Committee on Military Affairs, after full investigation, and is to pay to the heirs of Colonel Morgan the residue of moneys due to him for services in the Florida war. He died at Cerro Gordo. The claim is a just one, and ought to be passed.

The motion to take up the bill was agreed to; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill is designed to give authority to the accounting officers of the Treasury to settle the claims of Alexander G. Morgan, of Missouri, for services in raising troops for the Florida service, in the year 1837, and also for military services in Florida; but the pay and allowances to him are not to exceed the compensation of a captain of cavalry.

The Committee on Military Affairs reported it with an amendment to limit his pay to the period from the 11th of September, 1837, to the 15th of February, 1838.

On the 18th of August, 1837, Alexander G. Morgan addressed the Secretary of War, offering to raise three hundred volunteer riflemen for the Florida service. On the 25th of August, 1837, the Secretary of War authorized General H. Atchison to raise four companies, (as spies,) to be at Tampa Bay by the 15th of October. On the 31st August, the Secretary of War replied to Colonel Morgan's offer, and expressed his gratification at it, informing him, also, that General Atchison was authorized to raise the four companies of spies. On the 5th of September, the Secretary of War acknowledged the receipt of Colonel Morgan's letter of

the 12th of August, and said: "General Atchison has been instructed to accept your offer of three hundred men as spy battalions for Florida." On the 11th of September, 1837, General Atchison inclosed to A. G. Morgan a copy of the order of the Secretary of War to raise four companies of spies, and appointed him to command as lieutenant colonel. On the 6th of November, General Gaines ordered Lieutenant Colonel Morgan to equip his company of Florida spies by the 16th of November. General Armistead ordered Lieutenant Colonel Morgan's company of spies to proceed with Captain Sconcis, and report to Colonel Z. Taylor.

In February, 1838, Colonel Taylor returned his thanks to Colonel Morgan's and other companies for their soldierly conduct, and ordered them to report to the commanding general for discharge. On the 12th of January, 1838, Colonel Morgan was ordered by General Armistead to repair to Fort Gardner, and report to Colonel Taylor for field duty; on the 15th they were ordered to equip for Fort Gardner.

From these facts, it is evident that Alexander G. Morgan was appointed lieutenant colonel on the 11th of September, 1837, by General Atchison, under the authority of the Secretary of War, and discharged in February, 1838, and that he was recognized as such in all the military orders. He was not paid for these services, "because he was not regularly commissioned," but the committee, being satisfied that he acted in that capacity, reported the bill for the relief of his legal representatives.

The amendment of the committee was agreed to. The bill was reported to the Senate as amended; the amendment was concurred in; and the bill was ordered to be engrossed for a third reading, and was read a third time, and passed.

SECURITIES HELD ABROAD.

Mr. BRODHEAD. I offer the following resolution:

Resolved, That there be printed five thousand additional copies of the report from the Treasury Department, of March 2, 1854, in reply to the resolution of the Senate of April 4, 1853, respecting Federal, State, Municipal, and Corporation securities held abroad, one thousand of which shall be for the use of the Treasury Department.

I would observe at this time, that many State officers have been very kind in furnishing the information which the Secretary of the Treasury has communicated to the Senate, and I therefore ask for the adoption of the resolution, that they may have an opportunity of examining it.

The resolution was considered by unanimous consent, and agreed to.

REVOLUTIONARY CLAIMS.

Mr. EVANS. Mr. President, I wish to avail myself of this occasion to say to the Senate, that some two months ago, perhaps, the Committee on Revolutionary Claims reported a bill "to provide for the final settlement of the claims of the officers of the revolutionary army, and of the widows and orphan children of those who died in the service." I have forborne to call it up at first, because I considered it as a private bill, and therefore supposed that it would come up in its order on private bill day. Since my notion on that point has been corrected, I have not pressed it, because I did not desire to obtrude it at any improper time. All that I design now, is to say to the Senate, that while we are providing, as we are doing most amply for the present generation, and for those who have rendered service in recent times, something is due to the soldiers of the Revolution; and I beg leave now merely to intimate my intention to call up that bill to-morrow morning, and to ask the Senate then to act upon it. I give this notice now for the further reason, that if gentlemen desire to offer amendments to it, they may have them ready at that time.

DISPOSITION OF THE PUBLIC LANDS.

Mr. HUNTER asked, and by unanimous consent obtained, leave to introduce a bill to graduate the price of the public lands; which was read a first time, and ordered to a second reading.

Mr. HUNTER. I move that the bill be printed. I do not desire to have it referred to a committee. It is a subject which has been discussed for some twenty or thirty years.

The motion to print was agreed to.

Mr. HUNTER also asked, and by unanimous consent obtained, leave to introduce a bill to pro-

vide for the sale of certain portions of the public lands to the States within which they lie, for the purpose of constructing railroads and canals; which was read, and passed to the second reading, and ordered to be printed.

PAY OF THE ARMY.

Mr. SHIELDS. Before we proceed to the consideration of the order of the day, or go into Executive session, as the case may be, I wish to ask the Senate to take up and consider a bill which was assigned for consideration at an early period of the session, but owing to the pressing of the Nebraska bill was not considered on the day fixed. It is a bill "to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes." Let me say to the Senate, that in the present condition of the Army it is almost impossible to keep up its organization unless we increase the pay of the soldiers. I am informed by the Department that the recruiting stations might as well be abandoned, for no man fit to carry a musket will serve for seven dollars a month. I hope the bill will meet with no opposition. I move that the Senate now proceed to its consideration.

Mr. RUSK. I am in favor of that bill, but it is evident that it cannot receive proper consideration this morning. It will lead to some discussion, and amendments will be offered, which we have not sufficient time now to consider properly. I think the bill ought to be passed; I believe it is absolutely necessary; but I think the chairman would be more likely to secure its passage by waiting to call it up at some time when the Senate are in a better condition to consider it than they are now. Every body sees that there is great anxiety on the part of Senators to get up bills; and the honorable Senator from Virginia [Mr. Mason] is desirous that we should proceed to consider Executive business. Thus it will be seen that we shall have but a short time this morning for the consideration of this bill. I will go with the honorable Senator from Illinois to have it considered as early a day as possible, for I think it should be acted on promptly.

Mr. SHIELDS. I would not call up at this time the bill to increase the Army, for that is of too much importance to be disposed of in this way; but I take it for granted that every honorable Senator knows that some increase of the pay of the Army is absolutely necessary. For that reason, I supposed this bill might be passed this morning without difficulty. Every one must know that the Department is and will be unable to enlist soldiers at seven dollars per month. The reason why I call it up this morning is this: It was assigned for a particular day at an early part of the session, but I permitted the Nebraska bill to press it out of its order, and the Department now calls upon me to have it passed. I am informed by the Department that the Army has been diminished to a large extent, and recruitment has entirely ceased, and unless this bill be passed the Army will almost be disbanded.

Mr. RUSK. I withdraw my objection.

Mr. STUART. We can pass the bill while we are talking about taking it up.

Mr. SHIELDS. I do not wish to have any discussion on the bill. It has been very carefully prepared by the Secretary of War, and examined by the committee. I hope there will be no objection to it.

Mr. MASON. I do not know the mind of the Senate in regard to the bill which the Senator from Illinois has moved to take up; but it is one of that character which generally, and almost universally, induces debate.

Mr. SHIELDS. I think this bill will not.

Mr. MASON. I fear that time will be occupied by it.

Mr. PRATT. Let us see.

Mr. MASON. If it does invite any debate, I trust the Senator will consent that it may be laid on the table, or postponed, in order that we may proceed to the consideration of Executive business.

Mr. SHIELDS. I am desirous that we should go into Executive session, as the honorable Senator very well knows; and nothing but a sense of duty would induce me to press this bill forward.

Mr. MASON. I am aware of that—

Mr. SHIELDS. And I have been somewhat upbraided for not calling it up at an earlier day.

Mr. MASON. If any debate takes place on the bill, I must ask the Senate to postpone it.

Mr. SHIELD'S motion was agreed to, and the bill was read a second time, and considered as in Committee of the Whole.

It provides the monthly pay proper of the several grades of the Army shall be at the following rates: a major general, \$265; a brigadier general, \$165; a colonel, \$135; a lieutenant colonel, \$115; a major, \$95; a captain of cavalry, \$85; a captain of artillery and infantry, \$75; a first lieutenant of cavalry, \$65; a first lieutenant of artillery and infantry, \$57; a second lieutenant of cavalry, \$55; a second lieutenant of artillery and infantry, \$47; a cadet, \$33; a sergeant-major, quartermaster-sergeant, principal musician, chief bugler, principal farrier, and ordnance-sergeant, \$23; to each first sergeant of a company of dragoons, mounted riflemen, artillery, and infantry, \$21; to all other sergeants of those arms, \$18; to a corporal of dragoons and mounted riflemen, \$14; to a corporal of artillery and infantry, \$13; to a farrier, blacksmith, saddler, and artificer of dragoons, mounted riflemen, and artillery, \$15; to a bugler of dragoons and mounted riflemen, \$12; to a musician of artillery and infantry, \$11; to a private of dragoons and mounted riflemen, \$11; and to a private of artillery and infantry, \$10. The existing allowances are to be confined to officers when on duty, or who shall have left their posts by reason of wounds received in the line of their duty, and that officers absent from duty under any other circumstances are only to be entitled to the pay proper of their respective grades. The surgeon general and paymaster general of the Army are to be allowed the pay and emoluments of a colonel.

Every soldier, who, having been honorably discharged from the service of the United States, shall, within one month thereafter, reenlist, is to be entitled to two dollars per month in addition to the ordinary pay of his grade, for the first period of five years after the expiration of his previous enlistment, and a further sum of one dollar per month for each successive period of five years, so long as he shall remain continuously in the Army; and soldiers now in the Army, who have served one or more enlistments, and been honorably discharged, will be entitled to the benefits provided for a second enlistment. Soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the Army as those that may hereafter enlist, will receive the two dollars per month to which that certificate would have entitled them had they remained continuously in the service.

Non-commissioned officers who, under the authority of the seventeenth section of the act approved March 3, 1847, were recommended for promotion by brevet to the lowest grade of commissioned officer, but did not receive the benefit of that provision, will be entitled, under the condition recited in the foregoing section, to the additional pay authorized to be given to such privates as received certificates of merit.

The President of the United States to be authorized, with the consent of the Senate, to confer the brevet of second lieutenant upon such meritorious non-commissioned officers as may, under regulations to be established, be brought before an Army board, composed of four officers of rank, specially convened for the purpose, and be found qualified for the duties of commissioned officers; and to attach them to regiments, as supernumerary officers, according to the provisions of the fourth section of the act, approved April 29, 1812, entitled "An act making further provision for the corps of engineers."

The allowance to soldiers employed at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, is to be increased to twenty-five cents per day for men employed as laborers and teamsters, and forty cents per day when employed as mechanics, at all stations east of the Rocky Mountains, and to thirty-five cents and fifty cents per day, respectively, when the men are employed at stations west of those mountains.

The provisions of the first section of the act granting pensions to the widows and orphans of persons dying in the naval service, approved August 11, 1848, is to be extended to the widows and orphans of officers, non-commissioned officers, musicians, and soldiers of the Army of the United States, including volunteers and militia, mustered into the service of the United States.

And, in addition to the number of cadets au-

thorized by the existing laws, two are to be appointed from each State, upon the recommendation of the respective Senators.

Mr. SHIELDS. I wish to offer one amendment, and only one. It is in the proviso in the first section, to insert after the words "wounds received," the words "in service, or disease contracted." The clause will then read:

"Provided, That the existing allowances shall be confined to officers when on duty, or who shall have left their posts by reason of wounds received in the service, or disease contracted in the line of their duty."

The amendment was agreed to.

Mr. CASS. This is an important bill, and it introduces a great many changes, some of which I do not understand very distinctly, and there is one provision about which I have very great doubt. I refer to the provision with respect to the appointment of cadets on the recommendation of the Senators from each State. I doubt very much whether any such increase of the number of cadets is necessary. I think the cadets in the Military Academy now supply officers enough for the Army. Besides, I see there is a provision in the bill that non-commissioned officers may be appointed supernumerary second lieutenants. That feature I like very much. I exceedingly doubt, however, whether any more cadets are required for the service. I should like to know the number sent out by the academy for a few years past, and how they have been absorbed, and whether or not they have all received commissions, and whether there are not a good many of them who are now supernumerary second lieutenants. These are important points bearing on the subject. I have not examined the bill, and did not know that there was such a provision in it, until I heard it read; but I very much doubt whether, in the existing state of our Army, any additional number of cadets is required.

Mr. SHIELDS. This provision has been recommended by the Department for several years past, and also by various Boards of Visitors to the Academy; and I have inserted it in the bill in consequence of those recommendations. My opinion is, that it is one of the best provisions in the bill. The number of officers which it now supplies does not even equal the necessity, and certainly will not, if a number of old and superannuated officers are removed from the service, as is contemplated by a bill which has passed this body. I can state to the honorable Senator from Michigan, that in that respect it will do no injury; but, on the contrary, will be a great benefit to the service. The Department has recommended that each Senator, as well as each Representative in the other House, should have the recommendation of a cadet. It has been recommended by the Whig administration, and also by the Democratic administration, and by the Boards of Visitors to the Military Academy for as many years as I have been in the public service.

Mr. CASS. Mr. President, the question with me is not who is to recommend the cadet, but does the public service require an addition? I can see that on the passage of the bill providing for a retired list there may be a deficiency for a short time, until the vacancies created by it be supplied; but I am strongly impressed with the idea that the cadets at present are amply sufficient to furnish officers for the Army. The Academy now must furnish, I think, sixty or seventy per year; I do not know exactly the number.

Mr. SHIELDS. About sixty.

Mr. CASS. I think that sixty a year must certainly be sufficient to fill up the vacancies in our Army; but, at any rate, before such a provision as this be voted for, I think the facts should be ascertained. We should know the precise number which the academy now supplies from year to year, and whether there is any deficiency in the number of officers requiring an increase of cadets. I do not want to have a great many supernumerary officers attached to the Army; but I wish to know whether the service really does require this addition. My friend from Illinois may be perfectly right in his views. It is true that this has been pressed from year to year; but that fact does not at all supersede the necessity of our examining the subject. This may make a very important addition to the Army; and before I vote for it, I must be sure that the Army does require it.

Mr. SHIELDS. I cannot give the honorable Senator, in detail, the information for which he

asks. All that I am able to state is, that upon inquiring at the Department, I ascertained that these additional cadets would be needed. If the bill to which I have referred shall become a law, many of the superannuated officers will, of necessity, be compelled to leave the service, and their places will have to be supplied; and hence, in part, the necessity of this provision. If, however, the honorable Senator thinks it is necessary, I can get the information which he wants; or he can move to strike out the provision, if he chooses.

Mr. CASS. I do not wish to move to strike it out, because I do not say that it is unnecessary. I have only to say that I cannot vote for it now, for I have not the facts before me.

Mr. SHIELDS. Rather than that the portion of the bill providing for an increase of the pay of the Army, which is essentially necessary, should fail, I am willing to consent even to strike out this provision, and to bring it up hereafter, when I shall be better prepared to give the information which is asked for. I do this because of my anxiety for the passage of the main provisions of the bill.

Mr. PETTIT. I move to amend the bill by striking out the ninth section, which provides for the appointment of two additional cadets from each State, on the recommendations of the respective Senators.

Mr. BUTLER. I cannot consent to that amendment. I agree with the honorable Senator from Illinois, that this is one of the best provisions of the bill, and I should regret to see it stricken out. By the present mode of appointment, the Senators from each State have no voice at all in nominating one of these young gentlemen to the Military Academy, and this provision will reduce the whole system to something like symmetry. I am very well inclined to the bill altogether, but I am particularly in favor of the provision which it is now proposed to strike out.

I must say, further, that I am surprised that my friend from Michigan should oppose anything looking to war. Depend upon it, sir, we may have use for these young men—for many more than we have now. I think it is best to retain this provision.

Mr. SHIELDS. I think so.

Mr. DODGE, of Iowa. I hope the amendment of the Senator from Indiana will prevail. I think the law is right as it now stands, and that Senators ought to have nothing to do with the nomination of cadets. When they are nominated as lieutenants, as soon as they graduate, their nominations are sent here for our advice and consent to their appointments; and thus we are now a part of the appointing power in relation to them. For one, I want none of the patronage which appertains to cadet appointments. I thank God I have none of it, and I do not want any of it. I will vote, therefore, with great pleasure, for the amendment.

Mr. CASS. This is not a question of patronage; and though for myself I want to have nothing to do with such appointments, and would rather avoid them, yet, if the public service requires them, I am willing to assume my portion of the responsibility. All that I want to know is, whether the public service does require this addition. In respect to the remark of the honorable Senator from South Carolina, I would say that it is because I am a friend of the Military Academy, and wish to perpetuate it, that I seek for information now. I believe that that Academy has poured into our service officers equal to any in the world. I have voted for it, and sustained it under all circumstances; and it is because I am a friend to it that I do not wish to see the number of cadets increased, unless that increase be actually necessary. The way to break it down is to send too many there.

Mr. PETTIT. I have moved to strike out this section; first, because I agree with the Senator from Michigan that we do not need this increase; and secondly, because I agree with the Senator from Iowa that this patronage ought not to be placed here, and because I do not want to exercise it. I am glad it is not in my hands. Some dozen, fifteen, twenty, or perhaps forty, for aught I know, would be applying to me for an appointment as a cadet; and then the difficulty would devolve upon me of making a proper choice; and a disappointment would necessarily follow to thirty-nine out of the forty, for but one could be appointed. It is a position which I do not desire, nor do I believe that the public service requires it.

For these reasons I have moved to strike out the ninth section of the bill.

Mr. SHIELDS. Before the vote is taken on the motion to strike out, I wish to say that I have been informed by the Department, that the service of these additional cadets is necessary, and I can depend only on the Department for that information. I agree with my honorable friend from South Carolina in regard to the importance of the Military Academy; and I say that, if you were to abolish the Army altogether, if you were to have no standing army existing in this country, this institution ought to be kept up—and why? Because it is the depository of that species of information which ought at least to exist in the country. It is a school which gathers from every quarter of the world all improvements in relation to military matters, which, by possibility, we may have occasion to make use of at some day. I hope that we shall be spared the necessity for so doing; but yet, sir, every one knows that in the present condition of the world we may, possibly, be compelled to use the instruction which these men are collecting and arranging in West Point Academy. As my honorable friend from South Carolina says, further, this provision but gives the Senators precisely what the members of the lower House now have. Gentlemen say they do not want to use this patronage; but if the additional cadets are needed, it is a duty for them to assume the responsibility of recommending them. I have already stated that the object of the War Department (and every body knows that the head of that Department is well qualified for his position) is to get out of the Army some of the superannuated officers, and to pour new and fresh blood into it, so as to make it more efficient than it ever has been. I hope he will be able to do it, and I hope his friends here will sustain him in so doing.

Mr. RUSK. Mr. President, I shall certainly vote against striking out this section of the bill. In the first place, it comes recommended from the head of the War Department. Whatever opinion gentlemen may entertain of the head of that Department, I think all will concede to him in military matters a degree of knowledge and familiarity which peculiarly fits him for his position. So far as the patronage to be obtained by this provision is concerned, I should be glad to avoid it if I could, because I know, as the honorable Senator from Indiana has said, that we shall have to disapprove a great many where we can gratify but one. It will be an onerous duty to perform; but the members of the House take the duty now, and in the service of the country I feel very willing to assume my share of that responsibility which is properly devolved upon me.

This increased number of cadets is said to be necessary by the head of the Department for the service of the Army. I consider it necessary in another point of view. There are improvements, railroad improvements of vast importance now going on which absolutely require competent and well-instructed engineers, and there is a scarcity of them throughout the country. Many of the cadets of the Military Academy do not and will not go into the Army after receiving so good an education as they get at West Point, but will seek vastly more profitable employment in the private walks of life; and they will greatly benefit the country by their participation in these improvements. Under these circumstances, I think it would be wrong to strike out the section.

Mr. BUTLER. I hope that the section will not be stricken out. I am better satisfied as to its propriety since I have heard the remarks of other gentlemen than I was before. The class of young men who graduate at West Point come from all sections of the Union. They mingle there and diffuse themselves into society, or go into the Army; and wherever they go, they generally carry with them an excellent influence. They learn what young men at home frequently do not learn—something of the restraints of discipline. They are intelligent; they are willing to submit to discipline; they devote themselves to the useful pursuits of life; and whenever a war shall be declared, calling for the service of the young men of the country, whether they are in the Army or not in the Army, they will be prepared to take that responsible command on which we can safely rely. I sustain this provision, further, upon the broad ground that I am perfectly willing to increase the number of cadets at the West Point Academy,

because it is a legitimate power which Congress has to provide for war, and I think this is one of the most commendable modes of doing it; and it is the most equal in distributing the advantages of the Treasury of the country to the different States of the Union. It is fair and equal.

Mr. SEWARD. Mr. President, I shall vote for sustaining this clause; and I look, in doing so, to the condition of the Army, and of the country in time of peace and in time of war. I believe that our Army is the best Army in the world; and the reason is, that our officers are the only officers in the world, practically; for all of them are educated to be common soldiers as well as officers, not only in a particular line of the Army, but in every line of the Army. Every cadet is educated and trained to practice all the duties of a common soldier; and he is educated to perform all the duties of an artillery officer, of an infantry officer, of a cavalry officer, and also, of an officer of the scientific corps, which is always attached to the Army. Hence it is, that whenever you call the American officers into the field, they are able to train and prepare an effective army. I believe that if you increase the number of cadets, and so the number of officers, you will be able, in fact, to diminish the rank and file in proportion to that increase. So much, I think, is shown by the operations of the Mexican war.

Now, in regard to peace. The number of officers now educated at West Point is the same, or practically the same, that it has been for many years past; but recently we have enlarged the boundaries of this country; we have increased immeasurably the operations of the Government in the way of military fortifications, defenses, internal improvements, and military roads. We have need for more officers with the great increase and extent of the country, and with the military and civic operations of the country. Besides, this is our best school for the education of engineers—not only military, but civil engineers.

In regard to the mode of constituting this appointment, I think that now practiced, and that proposed in the bill, is the most equal, and the most republican. Other appointments may go by political favor; but this is sure to bring into the Military Academy a number of persons every year, equally from each part of the country, without the least shadow of inequality, and to bring into it a number of men proportioned to the power of the political parties in Congress.

I see no reason why the Senators should not have in these appointments the same influence, or the same power, which is exercised by the members of the House of Representatives. Why not? Are we not as capable? It is said here that we have the power of appointing these persons, by being called upon to advise and consent upon their appointment to commissions by the President of the United States when they come to be nominated as officers of the Army, after having passed through the Military Academy. But, sir, it will be seen, on a moment's reflection, that we exercise, practically, no such power. These persons are nominated now, and are practically appointed, for cadets, by the members of the House of Representatives. They do not come here at all to obtain their warrants; but after they have graduated at the Academy at West Point, they are nominated by the President, as a matter of course, for promotion, when chances for promotion occur; and it is universally the fact that the Senate gives its consent at once, without inquiry and without objection. It is the principle upon which the whole Army is constituted, and no objection prevails, unless it be one to the Academy; and such a one I have never seen arise here.

With these views I sustain this provision, whatever may be the inconvenience which may attach to the exercise of such a duty as will be devolved on Senators; still it will be a duty to perform like everything else, which must be assumed for the benefit of the country.

—Mr. CLAYTON. I think it is very apparent, Mr. President—

Mr. MASON. I hope the Senator will yield me the floor, to enable me to move to postpone the further consideration of the bill until to-morrow.

Mr. CLAYTON. I only wish to occupy the attention of the Senate for a few minutes.

Mr. MASON. Other gentlemen desire to debate the question.

Mr. CLAYTON. Then I will not ask to be heard. I only wished to make a suggestion.

Mr. MASON. I move that the further consideration of the bill be postponed until to-morrow.

Mr. SHIELDS. I am willing to let the bill go over, under the circumstances.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 21, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER presented to the House a message from the President of the United States, transmitting a report from the Secretary of the Interior in compliance with a resolution of the House of Representatives of the 13th ultimo, covering tabular statements, exhibiting:

First. The area of each State and Territory, expressed in square miles and acres.

Second. The extent of public domain now remaining in each State and Territory, expressed in acres.

Third. The extent of public domain alienated by the Government of the United States in each State and Territory, distinguishing between that sold for a valuable consideration, and that given, granted, ceded, or conveyed for the purposes of education, public buildings, internal improvements, and miscellaneous objects.

On motion by Mr. HAVEN, the papers were laid upon the table, and ordered to be printed.

Also, a communication from the Treasury Department, transmitting an estimate of the cost of a breakwater for the protection of the custom-house site at Point Isabel, Texas; and, also, a copy of a letter received from Stephen Powers, Esq., collector at that port, in regard to the necessity of such a structure; which was referred to the Committee on Commerce.

Mr. BRECKINRIDGE here obtained the floor.

Mr. WASHBURN, of Illinois. Will the gentleman give way for a moment to allow me to ask the unanimous consent of the House to present certain papers?

Mr. MURRAY. I have a report I desire to make from the Committee on Printing, which I believe is always in order?

The SPEAKER. The Chair does not know the nature of the proposition which the gentleman from Kentucky [Mr. BRECKINRIDGE] desires to make, and until he is informed he cannot decide whether the gentleman from New York can take the floor from him.

Mr. WASHBURN. I ask the gentleman to allow me a moment of his time.

Mr. BRECKINRIDGE. I will yield to the gentleman from Illinois, if thereby I do not lose my right to the floor.

The SPEAKER. The gentleman from Illinois will state for the introduction of what papers he asks the unanimous consent of the House.

Mr. WASHBURN. I ask it for the purpose of presenting joint resolutions of the Legislature of the State of Illinois relative to a grant of land by Congress to the Great Northwestern Railroad Company.

The SPEAKER. There being no objection, the resolutions will be received.

The resolutions were then ordered to lie on the table, and be printed.

AGRICULTURAL REPORT OF PATENT OFFICE.

Mr. MURRAY, from the Committee on Printing on the part of the House, reported the following resolution:

Resolved, That there be printed by the printer of the House one hundred thousand extra copies of the Agricultural Report of the Commissioner of Patents, for the use of the members of the House, and ten thousand for the use of the Patent Office, together with the plates.

The number recommended in the resolution is the same number which has heretofore been printed by the House. It will give four hundred copies to each member. I move the previous question upon the passage of the resolution.

The previous question was seconded; and the main question ordered to be put.

The question was taken; and the resolution was agreed to.

Mr. MURRAY. I move to reconsider the vote by which the resolution passed, and to lay the motion to reconsider upon the table.

The question was taken; and the latter motion was agreed to.

CUSTOM-HOUSES, ETC.

Mr. BRECKINRIDGE. I have taken the floor, Mr. Speaker, for the purpose of redeeming a promise made by me, pending the discussion upon the deficiency bill, that I would avail myself of the first opportunity of taking the sense of the House with regard to taking up and disposing of, in the Committee of the Whole, the separate bill reported by the Committee of Ways and Means, providing appropriations for the construction of custom-houses and marine hospitals. With a view of taking the sense of the House upon that subject, therefore, I now submit the motion, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CAMPBELL. I call for the regular order of business.

The SPEAKER. The regular order of business is to take the vote upon the motion just submitted by the gentleman from Kentucky, to go into Committee of the Whole on the state of the Union. The Chair will state, however, that if the motion should be voted down the business regularly before the House will then be the call of committees for reports.

Mr. CAMPBELL. I hope, then, the House will vote down the motion to go into committee; and will allow us to have the morning hour spent in calling committees for reports.

The question was taken; and the House refused to go into committee.

RESOLUTIONS OF LEGISLATURE OF ILLINOIS.

Mr. JAMES C. ALLEN, by unanimous consent, presented joint resolutions of the General Assembly of Illinois: In favor of the passage of a law by Congress, granting land to aid in the construction of a railroad from the most feasible point on the west shore of Lake Michigan to the mineral region of Lake Superior; in favor of so modifying the existing tariff laws as to remove entirely the duty on sugar, molasses, and railroad iron, and have them placed on the free list; and in favor of a grant by Congress of such lands as they may deem just and necessary to aid in completing, at as early a day as it is practicable, a ship canal around the Falls of Niagara, in accordance with the act of the Legislature of New York upon that subject, passed July 21, 1853.

The joint resolutions were laid upon the table; and ordered to be printed.

The SPEAKER. The regular business now in order is the call of committees for reports, commencing with the Committee on Public Lands.

Mr. COBB obtained the floor, but yielded to

Mr. DUNBAR, who said: I ask the unanimous consent of the House to present a joint resolution of the State of Louisiana, with regard to a grant of land by Congress to aid in the construction of a railroad from Mobile to New Orleans, with a view of having it read and referred to the Committee on Public Lands.

The SPEAKER. It will be received, and so referred.

Mr. DUNBAR. I ask that the resolution may be read.

The SPEAKER. The Chair will suggest to the gentleman from Louisiana, that objection will most certainly be made to the reading of the resolution, and that will shut out its reception altogether.

Mr. WALSH. I object.

Mr. DUNBAR. The resolution is very short, and I think should be read. I have observed that it has been the usual custom to have the resolutions of sovereign States read and referred in open House, and I think it is a very proper custom. At any rate it has usually been done, and I therefore ask to have this resolution read.

The SPEAKER. The Chair somewhat hastily announced that the resolution would be received and referred unless objection be made. If, however, the gentleman requires that it shall be read, the Chair decides that he is in time; and the question

now is, whether the House will, by unanimous consent, receive the resolution, and allow it to be read and referred to the Committee on Public Lands, and be printed?

Mr. JONES, of New York. I object.

The SPEAKER. Then the resolution cannot be introduced.

Mr. HAVEN. I apprehend this irregular business will continue unless some one arrests it. I therefore call for the regular order of business.

The SPEAKER. The Chair has already announced that the regular order of business is the call of committees for reports; and the gentleman from Alabama [Mr. COBB] was upon the floor for the purpose of making a report from the Committee on Public Lands.

Mr. DUNBAR. With the gentleman's permission, I will make an inquiry of the Chair. What has become of the resolution which I asked should be introduced, read, and ordered to be printed? I do not understand what has been the action of the House on it.

The SPEAKER. The resolution was not received. The Chair stated, for the benefit of the gentleman and the House, and he is sorry that he was not understood, that he very hurriedly announced, unless objection was made it would be referred to the Committee on Public Lands, and ordered to be printed. The Chair heard no objection at the moment. In the mean time, the gentleman from Louisiana [Mr. DUNBAR] arose, and insisted on the reading of the resolution. Then the gentleman from New York [Mr. JONES] objected to its being read, and therefore to its reception.

Mr. DUNBAR. I would ask the gentleman from New York to withdraw his objection, and allow the resolution to be referred to the Committee on Public Lands, and ordered to be printed.

Mr. JONES. I had no objection to that portion of the gentleman's original motion, but I was opposed to the useless consumption of time in the reading of the resolution.

The SPEAKER. Then, if there be no objection the resolution will be referred to the Committee on Public Lands, and ordered to be printed.

There was no objection; and it was so ordered.

REPORT OF COMMITTEE ON PUBLIC LANDS.

Mr. COBB. Mr. Speaker, I am instructed by the Committee on Public Lands to report adversely on the joint resolutions of the General Assembly of the State of Alabama, which asked of Congress a grant of the public lands for the purpose of making a geological survey of that State. Previous to submitting the report, however, I want to relieve the minds of members in relation to the action of that committee in one particular.

Gentlemen have long complained because we have, in the discharge of our duty in making reports to the House on questions referred to the committee, occupied what they considered too much time. We have a number of reports in our possession ready to make, but not desiring to subject ourselves to the constant charge of occupying nearly the whole time of the House, we shall not do so now. We have resolved in committee this morning to make no reports in reference to grants for railroad purposes, until the Committee on Public Lands shall have been called a second time. We desire to obviate the objection, that we consume all the time of the House. We are willing to forego the privilege which we now have.

The SPEAKER. Is it the pleasure of the House that the gentleman from Alabama shall continue his speech?

Mr. COBB. I am through. I regret that I can never make explanation while many others are indulged.

The SPEAKER. The gentleman from Alabama is out of order.

Mr. COBB. The gentleman from Alabama will take his seat.

The SPEAKER. The gentleman is out of order in continuing his speech.

Mr. COBB. Can I submit another report?

The SPEAKER. If it be from the committee the gentleman can.

The Chair must say, in justice to himself, that he feels he occupies his present position for the very purpose of preserving order, and the gentleman must indulge him in the discharge of his duty.

Mr. COBB. I can with great propriety answer that, but I shall refrain from doing so. Other mem-

bers are out of order frequently in their remarks, and they are allowed to proceed out of order.

The SPEAKER. The gentleman from Alabama is not in order in casting reflections on the motives of the Chair.

Mr. COBB. The Chair is right in his view of the question.

The SPEAKER. And the gentleman from Alabama is wrong.

Mr. COBB. I move that the adverse report on the resolutions be laid upon the table, and ordered to be printed.

The question was taken; and the motion was agreed to.

Mr. COBB, from the Committee on Public Lands, reported adversely on the following petitions; which were laid upon the table:

Petition of sundry citizens of the State of Ohio, in favor of the homestead bill;

Petition of sundry citizens asking for grants of the public land for school and other purposes;

Petition of George Wright and one hundred and thirteen other citizens, in relation to grants of the public land to actual settlers;

Petition of sundry citizens, in favor of the homestead bill;

Memorial of William Morris and thirty-four others, citizens of the State of Ohio, in favor of stopping the further sale of the public land;

Memorial of — Adam and twenty-nine other citizens, in relation to homesteads;

Petition of two hundred citizens of Pennsylvania, asking a grant of one hundred and sixty acres of the public land to each head of a family; and

Petition of sundry citizens of the State of Indiana, in relation to the stopping of the further sale of the public land.

Mr. COBB also reported back a bill "to reduce and graduate the price of the public lands;" which was laid upon the table, a substitute for said bill having been heretofore reported by the committee.

Mr. COBB also reported back with an amendment, a bill to authorize the States in which sixteenth sections are situated to relinquish such lands reserved or granted for the use of schools as may be comparatively valueless or unfit for cultivation, and to select other lands in lieu thereof.

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. COBB also reported back a bill "to grant to the State of Alabama, and other States having public lands therein, the unsold and unappropriated public lands that have been in market for twenty years and upwards, for purposes of education and internal improvements."

The bill was referred to the Committee of the Whole on the state of the Union; and ordered to be printed.

Mr. COBB also reported adversely on bills of the following titles; which were ordered to lie upon the table:

A bill granting the right of way and a donation of public lands to the State of Alabama, to aid in the construction of the Cohabo Valley railroad, in said State; and

A bill granting the right of way to the State of Alabama, and a portion of the public lands, to aid in the construction of a railroad from Winchester, in Tennessee, to some point on the Tennessee river, at or near Deposit, Alabama.

Mr. COBB said, (in reference to the last bill,) if I was allowed to do so, I would say something to my friend from Tennessee [Mr. JONES] in reference to that bill.

Mr. JONES, of Tennessee. You have made a very sensible report on it.

Mr. COBB. There is another bill which I desire to report, and have put upon its passage. It will take but two or three minutes to pass it. Should the House not be disposed to pass it, I propose to have it referred to the Committee of the Whole House.

The bill was then read the first and second time by its title, as follows:

A bill to authorize the school commissioners of the fractional township No. 1, range No. 10 east, in Alabama, to locate one section of land for school purposes.

The bill was then read through by the Clerk.

Mr. COBB. There is an amendment reported with the bill. The object of the bill must be clearly apparent to all who have listened to the reading of

it by the Clerk. The township for which this bill makes provision is divided by the line between the States of Georgia and Alabama. The law that now exists authorizes persons of this township to select half a section of land for school purposes, and this bill only proposes that they may locate that half section in a legal subdivision; for instance, in forty acre grants. These citizens never knew until recently that they had any rights in relation to the lands in question, which have been in market for at least twenty or thirty years. The lands in the State have all been taken up except the mountain lands. If you require these citizens who have slept upon their rights so long to locate in a tract of half a section, and take the whole half section in a body, then they will not get the benefit they would if you allow them to locate this land anywhere in fractional townships in forty acre tracts. Will you compel these people to locate half a section for school purposes in one body, whether worthless or not, or will you allow them to locate it in forty acre tracts upon the summit of the mountains? That is all there is in the bill. Will the House entertain the proposition, and put the bill upon its passage, or will they refer it to a Committee of the Whole House?

The SPEAKER. The question is upon ordering the bill to be engrossed, and read a third time.

Mr. LETCHER. I would like to know why they did not get the sixteenth sections in that township before?

Mr. COBB. I stated the matter fully, but I know the great difficulty that there is in hearing in the House. I know that I can scarcely be heard myself sometimes, though I believe I speak as loud as most men. I will repeat, for the information of the gentleman from Virginia, that the line between the State of Georgia and the State of Alabama runs through the township in question, and of course the sixteenth section is in that part which lies in the State of Georgia. There is no sixteenth section in that part of the township belonging to the State of Alabama, and the inhabitants never knew that, under the existing law, they had a right heretofore to take as much as half a section in lieu thereof. The existing law authorized them to do it without the necessity of their coming to Congress. But this bill provides that they may take it in tracts of forty acres; whereas, if they acted under the original law, they would have to take in one body a half section, and thereby get perhaps some twenty-five or thirty acres of good land in the entire location. But if they are allowed to take it as this bill provides, in tracts of forty acres, they may get as much as thirty or thirty-five acres in each tract.

Mr. LETCHER. The explanation of the gentleman from Alabama is satisfactory; but I must say that this is one of the very few instances in which the citizens of a new State or Territory—barbarous as it may appear—actually forgot to take the land they were entitled to.

The SPEAKER. The question is on the following amendment:

Strike out the following words, "is hereby authorized to enter, free of charge, one section of land in legal subdivisions anywhere in said township;" and insert in lieu thereof the following: "is hereby authorized to enter, free of charge, anywhere in the lands to which it is entitled by the existing law, half a section of land in legal subdivisions anywhere in said township."

The question was taken; and the amendment was adopted.

The bill was then ordered to be engrossed, and read a third time; and having been engrossed, it was read a third time, and passed.

Mr. COBB. I propose to amend the title of the bill, as follows: insert between the words "one" and "section" the word "half," so as to make it read "one half section of land."

The amendment was agreed to.

Mr. COBB. I am instructed by the Committee on Public Lands to report back House bill No. 64, which I had referred early in the session. It proposes the extension of the bounty land laws to certain officers, soldiers, and so forth. While we had it under consideration the Committee on Private Land Claims reported a bill which is precisely such a one as I desired to have, and which has passed and become a law. I am, therefore, instructed to report back the bill which was referred to the Committee on Public Lands on that subject, and ask to have it laid on the table.

It was so ordered.

Mr. COBB. I am also instructed by the same committee to report a joint resolution providing for the relief of the heirs of bounty land claimants, who have died between certain times; that is, before they obtained the benefit of the law, and after the filing of their papers. The resolution provides for the case of an individual entitled to bounty lands who has filed his application, and afterwards died before his claim was adjudicated; one or two years may perhaps have elapsed before the patent issues, leaving neither widow nor minor heir.

The present law, according to the construction of the Secretary of the Interior, which I believe an improper construction, has excluded such individual's legal heirs from the benefit to which he was entitled. This resolution proposes to obviate that difficulty, and I offer a bill, accompanying it, which was drawn up with great care by the Commissioner of Pensions. I ask that the bill be now read; and then it can be referred to act upon as the House may think proper.

The bill was then read by its title, as follows:

A bill to amend a certain act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States; approved September 28, 1850, and March 22, 1852.

Mr. COBB. There are three propositions contained in the bill which has just been read. My opinion in relation to the various bounty land laws—and I have had some considerable agency, and have taken a prominent part in assisting their passage through the House, and therefore ought to know something in relation to them—is that they provide for all the cases comprehended in this bill. But the proper Department of the Government has construed it differently, and hence arises the necessity of these additional provisions.

In the first place, the bill just reported provides that an individual may make his application for a bounty land warrant, and in case of his death, before the warrant is granted, it makes certain provisions to meet the case. An individual may now make an application for a bounty land warrant, and if, before the application is considered and decided upon by the Pension Office—and every man who has been a member of this body for four or five years, and had occasion to transact business at that office, as I have had, is fully aware of the tardiness with which business is transacted there, and that applications are frequently thrust aside for a long time, and in many instances a period of one or two years elapse before the cases are considered and decided—I say, that in such circumstances, according to the construction given to the present law by the Department, if that man dies, although he may have made the application two years before the period of his death, though it may be but one day before the warrant is issued by the Department, and though the delay and neglect was wholly the fault of the Department, yet if he leave no widow or minor heirs his estate is cut off from any benefit of it. Now, I ask this House if that is right? Is it right that his estate should be deprived of the benefit of the warrant when the individual has been at great expense in making out the papers and obtaining the evidence to sustain his claim; when the delay has not arisen from any default of his own; and when, by an act of Providence, he has been taken away before the patent is issued? I know you will agree with me that it is not.

Again, in the preparation of the papers, and the procurement of evidence, and the employment perhaps of agents to attend to his claim, he has contracted obligations and made promises, which must be fulfilled out of his estate, and which are a charge thereon. Now, with this state of facts existing, the question is, will you let his estate have the benefit of the eighty or one hundred and sixty acres, or whatever it may be, or will you allow it to be lost entirely to his estate? The first proposition contained in the bill which I have presented, provides for it.

Allow me to say, before I proceed to the further consideration of the several subjects embraced in this bill, that it was drawn up by the Commissioner of Pensions, with great care and with great ability, as you will see by attending to the language of the bill. I claim no credit on that score.

The second proposition of the bill is one which I intended to embrace, and supposed was embraced, in the bill which I introduced and assisted

in having passed through Congress on a former occasion, but which, under the construction given to it by the Department, has not the effect intended. The provision is, that if a woman be a widow at the period of the passage of the bill—although she may have married a second time, after the death of a husband who had absolutely rendered service to this country—if she be a widow at the time of the passage of the bill, she shall be entitled to the benefit of one, or both, provided she do not get more than one hundred and sixty acres of land.

The position of the Department upon that part of the bill is this: They so construe it that when the first husband of a lady has rendered the service, and she has afterwards married, even though her second husband was dead at the time of the passage, although she is a widow, and the widow we intended to provide for by that bill, yet she is not allowed to receive bounty land. Is that right? If it be the sense of the House to give the law that construction, they can indicate it by striking out this portion of the bill. But I think that any one who will examine that law, must come to the conclusion that its intention was to provide for giving bounty land to those who were the widows at the time of the passage of the law, whether they had married again, and the second husband died in the mean time or not. The Department, however, has decided that, under the existing laws, these widows, if their husbands have died, cannot have a warrant issued for their benefit, and it will be for the House to determine whether this construction of the law shall continue.

Inow proceed to the third proposition. As I have before remarked, I believe the present law ought to be so construed as to supersede the necessity of this action; but they have seen proper to give a different construction, and hence we have deemed this proposition necessary. This bill provides that when the heir was a minor at the time of the passage of the original law he shall be entitled to receive the benefits of law. We have deemed this provision eminently proper, and just. And why? Here is an heir who was eighteen years old at the time of the passage of the original law. He makes his application through his guardian at the Department, but owing to the tardiness of the guardian in collecting the necessary evidence, the heir becomes of age, and is shut out from the benefits of the act. If that was the intention of Congress in passing the original law, and the House think it is the proper construction, all they have to do is to reject our recommendation; but I am satisfied that it was the intention of the House in passing that law to provide, first, for the soldiers then alive; second, for the widows of the soldiers who had died, which were then widows, and then for the heirs who were minors at the time of the passage of the act, whether they were minors at the time of the issuance of the warrant or not.

Under the construction which has been given by the Department, warrants have been issued to heirs who were minors at the time of the issuance of such warrants, and they have been denied to others who were minors when the act was passed, but who have become of age before the warrant would have been issued. Now the question is, will the House agree to the proposition that this latter class of persons shall have the benefit of the act, or will they allow the construction of the Department to stand, and after they have been at the expense of having their papers made out, suffer them to be denied the benefit of the bounty land act? Gentlemen know how difficult it is for guardians to procure such evidence in many cases. Two or three years will often elapse before the papers are completed, and then, when they come to the Department, and ask for the issuance of the patent, it is discovered that the heir has become of age, and the warrant is refused. Will the House so amend the law as to give the construction which I maintain should have been given to the original law, or will they vote the amendment down? That is the question for them to decide.

For myself, I will say that this is a question to which I have given a great deal of consideration, and I am satisfied the proposition is right. I am perfectly satisfied, because I introduced the first bounty land act into this House, and I know it was my intention that it should receive the construction this bill provides for giving it. I have had more to do with these bounty land laws than any

other member of Congress, and I think my opinions in this respect are therefore entitled to some consideration upon the part of the House. I demand the previous question; but if any gentleman wishes to make the motion to refer the bill to the Committee of the Whole on the state of the Union, I will not insist upon the motion.

Mr. WASHBURN, of Illinois. I ask the gentleman from Alabama to withdraw the demand for the previous question, to enable me to offer an amendment to the bill.

Mr. COBB. I am satisfied that if the demand for the previous question is withdrawn, and the bill thrown open to amendments, that every species of amendment which has ever been presented in reference to this bounty land question will be offered. The bill may perhaps be so trammelled with amendments as to defeat the very objects it was designed to effect. I therefore think I had better insist upon my demand for the previous question, and if the House will not sustain me, let them vote it down.

Mr. BROOKS. I hope that the gentleman from Alabama will not insist on his call for the previous question. I have an amendment to submit.

Mr. COBB. There are many other bills pending before the House to which the gentleman can attach his proposition. This is a single measure, and I trust that it will be speedily acted on.

Mr. BISSELL. I would ask the gentleman from Alabama what is the nature of the bill?

Mr. COBB. The bill contemplates nothing more nor less than carrying out what was intended by the passage of the bounty land law. It places a proper construction on that law. I know I am satisfied more of the intentions of those who passed the bounty land law than any other member present.

Mr. JONES, of Tennessee. I think that the bill had better be referred to the Committee of the Whole on the state of the Union; and I submit that motion.

The SPEAKER. The gentleman from Alabama has called for the previous question, and he declines to withdraw his call.

Mr. JONES. Then I move that the bill do lie upon the table.

Mr. COBB. I withdraw the call for the previous question, and allow the House to take the bill into their own hands, and do with it what they choose.

Mr. JONES. I withdraw the motion that the bill be laid upon the table, and move that it be referred to the Committee of the Whole on the state of the Union, and ordered to be printed; on which motion I call for the previous question.

The call for the previous question was seconded; and the main question was ordered to be put.

The question was then taken; and the motion was agreed to, there being, on a division—ayes 79, noes not counted.

So the bill was referred to the Committee of the Whole on the state of the Union.

Mr. WARREN, from the Committee on Public Lands, reported a bill, which was read a first and second time by its title, as follows, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill to provide for the compensation of district land officers for the performance of certain duty now required of them by law.

Mr. WARREN. I am instructed, by the same committee, to report back Senate bill, (No. 228,) with the recommendation that it do pass. It is the same bill which I attempted to put on its passage when it came to the House from the Senate. It provides for the right of preemption to actual settlers on lands reserved for railroad purposes. The provisions of the bill sufficiently explain themselves. I hope the House will at once put the bill upon its passage.

The title of the bill was reported, as follows:

An act for the relief of settlers on lands reserved for railroad purposes.

The bill was read. It provides that every settler on lands withdrawn from market in consequence of proposed railroads, who had settled thereon prior to such withdrawal, shall be entitled to preemption at the ordinary minimum to the lands so settled on and cultivated.

Mr. ORR. I move that the bill be referred to the Committee of the Whole on the state of the Union, and printed.

Mr. WARREN. I regard the passage of this

bill as important; and if it is in order, I will move to suspend the rules, to enable it to be put upon its passage.

Mr. ORR. That is not necessary.

The SPEAKER. It is not in order to move to suspend the rules; nor is it necessary. If the House refuses to commit the bill, the question will recur upon ordering it to a third reading.

Mr. WARREN. Then I hope the House will refuse to commit the bill.

Mr. SMITH, of Virginia. What is the object of the bill?

Mr. ORR. It is to give the right of preemption to actual settlers on the lands reserved for railroad purposes.

The question was then taken on Mr. ORR's motion, and it was decided in the negative; there being, on a division—ayes 38, noes not counted.

So the House refused to commit the bill.

Mr. ORR. The bill, then, is now upon its passage?

The SPEAKER. The question recurs upon ordering the bill to a third reading.

Mr. ORR. I should like to inquire of the gentleman from Arkansas, [Mr. WARREN,] if, in the bill granting alternate sections of the public lands to the Arkansas railroad, there was not a provision which required that the sections reserved to the Government should be put up at public sale, and sold?

Mr. WARREN. Does the gentleman refer to the Iowa bill?

Mr. ORR. No; to the Arkansas railroad bill passed last session.

Mr. WARREN. There was such a provision in that bill.

Mr. ORR. That was my recollection of it, and for that reason I moved to refer the bill to the Committee of the Whole on the state of the Union.

The Government, in these railroad grants, gives to the companies the alternate sections within six miles of the roads; but if they cannot get the full complement within six miles, they may go fifteen. Outside of the six miles there is no appreciation in the value of the reserved lands.

Now, this proposition is to allow the settlers, who may have gone upon the lands, perhaps since—

Mr. WARREN. No, sir.

Mr. ORR. Well, it applies to those already on the lands, and it allows them to enter the lands at \$2 50 an acre. Now, part of the compensation which the Government is to derive from the grants of these alternate sections is the increased price of the reserved sections even beyond \$2 50 an acre. Some of the lands already sold near these lines of railroad have been sold for \$4, \$5, \$6, and \$7 an acre, and the effect of this bill will be to restrict the Government from getting more than \$2 50 an acre for the reserved lands. For that reason I do not think the bill ought to be passed. I am opposed to it, and I hope that it will be referred to the Committee of the Whole on the state of the Union, or rejected.

Mr. JONES, of Tennessee. If I understand the object of this bill, it is to secure to persons who are settled along the lines of railroads the right of occupancy which they had acquired prior to the passage of the railroad laws. If I am right in this view, then, in my opinion, the bill is right, and should be passed. If those persons had acquired the right of occupancy prior to the passage of the alternate section railroad bill, nothing in those bills should be considered or enacted to deprive those settlers of the rights which had thus accrued. I suppose the bill secures to these occupants the right to enter lands at the minimum price of \$1 25 per acre, and this I think is right. I am no advocate of vested rights, as they are sometimes called by politicians and lawyers; but here is a right which has accrued to the citizens who have settled upon those lands, and to say the least of it, in my opinion, it would be acting very badly upon the part of the Government to deprive them of such right under the law giving lands to companies to build railroads.

Mr. ORR. I do not understand that there is any necessity to protect them in their original rights. The railroad bill itself exempts from the operation of alternate grants those persons who have gone upon the lands and have preempted them, and where they were put in a position to enjoy them. Upon examination of the bill, I am inclined to the opinion that it does not require

them to pay \$2 50 per acre, but only requires them to pay \$1 25.

Mr. JONES. That is right.

Mr. ORR. I do not think that it is right, and I do not believe that we ought to pass the bill.

Mr. JONES. I move the previous question. Upon the demand for seconding the previous question, a division being had, there were—ayes 66, noes not counted.

Mr. JONES demanded tellers; which were ordered; and Messrs. CAMPBELL and CHURCHWELL were appointed.

The question was then taken; and the tellers reported—ayes 82, noes not counted.

So the previous question was seconded, and the main question was ordered to be put.

The bill was then ordered to be engrossed and read a third time.

Mr. LETCHER. Is it in order now to move to lay the bill on the table?

The SPEAKER. It is in order.

Mr. LETCHER. Then I submit that motion. The question was put on the motion to lay the bill on the table, and a division was called for.

Mr. LETCHER. I demand the yeas and nays. The yeas and nays were ordered; and the question being put, there were—yeas 43, nays 142; as follows:

YEAS—Messrs. Aiken, Ball, Banks, Belcher, Bocoek, Boyce, Chastain, Cullum, Dent, Franklin, Fuller, Giddings, Grey, Daniel T. Jones, Keitt, Kittredge, Leicher, Lyon, Macdonald, McNaught, McQueen, Matteson, Maurice, Meacham, Morgan, Morrison, Murray, Orr, Peck, Pratt, Puryear, Robbins, Rufin, Sabin, Tracy, Vail, Wade, Walbridge, Walsh, Israel Washburn, Tappan Wentworth, Westbrook, and Wheeler—43.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Ashe, Barksdale, Bennett, Benson, Benton, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chase, Churchwell, Clark, Clingman, Cobb, Cowin, Cox, Crocker, Curtis, John G. Davis, Thomas Davis, Dawson, De Witt, Dick, Dickinson, Disney, Dowdell, Dunbar, Eastman, Eddy, Edgerton, Edmonds, Elliott, Ellison, English, Etheridge, Everhart, Farley, Fenton, Flagler, Florence, Gamble, Goodrich, Greenwood, Grow, Hamilton, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Haven, Hendricks, Henn, Hester, Hill, Houston, Hughes, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Kidwell, Knox, Kurtz, Lane, Latham, Lindley, McCulloch, McDougall, McMullin, Mace, Macy, Maxwell, Middleworth, John G. Miller, Smith Miller, Nichols, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Parker, Peckham, Pennington, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pringle, Ready, Reese, Richardson, Riddle, David Ritchie, Thomas Ritchey, Rogers, Russell, Sage, Seward, Seymour, Shannon, Shower, Simmons, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stevens, Hester L. Stevens, Straub, Andrew Stuart, John J. Taylor, John L. Taylor, Thurston, Trout, Upham, Vansant, Wadley, Warren, Elihu B. Washburne, Wells, John Wentworth, Witte, Daniel B. Wright, Hendrick B. Wright, Yates, and Zollicoffer—142.

So the bill was not laid on the table.

Previous to the Speaker announcing the result, Mr. INGERSOLL asked the unanimous consent of the House to vote, and voted "No."

The SPEAKER. The Chair begs pardon. The Chair understood the gentleman to ask to change his vote.

Mr. INGERSOLL. No. I merely asked the unanimous consent of the House to vote.

Several MEMBERS objected.

Mr. EDGERTON. Mr. Speaker, is the morning hour expired?

The SPEAKER. The morning hour has expired; but the House has ordered the main question to be now put, which is controlling.

The bill was then read a third time by its title.

Mr. ORR. I move to reconsider the vote just taken, by which the bill was ordered to be read a third time.

Mr. CLINGMAN. I move the previous question upon it.

Mr. ORR. That motion is debatable, I believe. Is it not, Mr. Speaker?

The SPEAKER. It is.

Mr. COBB. Has the gentleman the floor to debate it?

The SPEAKER. The gentleman from South Carolina made the motion, and is still upon the floor, and entitled to speak to it.

Mr. RICHARDSON. I would inquire of the Chair whether the morning hour has expired?

The SPEAKER. It has.

NEBRASKA AND KANSAS.

Mr. RICHARDSON. I desire to submit a motion, that the House resolve itself into the Committee of the Whole on the state of the Union. I

wish, at as early a period as possible, to reach the bill which is lying upon your table for the organization of the Territories of Nebraska and Kansas.

The SPEAKER. The Chair would remind the gentleman that he cannot, under the rules of the House, take the floor from the gentleman from South Carolina [Mr. ORR] for the purpose of making such a motion.

Mr. ORR. I have no objection to yielding the floor to the gentleman from Illinois, for I suppose I should be entitled to it again upon my motion tomorrow morning?

The SPEAKER. Under the common practice of the House the gentleman would.

Mr. EDGERTON. Is it in order to move to go to business upon the Speaker's table?

The SPEAKER. It is.

Mr. EDGERTON. Then I make the motion. Mr. RICHARDSON. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put upon the latter motion; and there were, upon a division—ayes 74, noes 112; whereupon

Mr. CLINGMAN demanded the yeas and nays; which were ordered.

Mr. BOCOCK. I wish to propound a question to the Chair, for the purpose of informing myself in relation to the order of succession of business. I wish to know of the Speaker whether the bill for the organization of the Territories of Nebraska and Kansas can come up in the Committee of the Whole for consideration without laying aside every other bill upon the Calendar which is before it; and, among others, the bill providing for the construction of six steam-frigates?

The SPEAKER. Under the rules of the House, the Chair would state that it is not competent to move, in committee, to take up a bill unless it be the first upon the Calendar, except they are general appropriation bills. To reach a bill not first upon the Calendar, the motion must be to lay aside numbers 1, 2, 3, &c., until you reach the bill you desire to take up. You cannot move to take up a particular bill unless it be one of the appropriation bills. The committee is confined, under the rules, to the bills in their order as marked upon the Calendar.

Mr. CUTTING. Will the chairman of the committee which reported the Nebraska bill allow me to ask him if it is his intention to take up that bill in committee?

Mr. RICHARDSON. Certainly it is.

Mr. CUTTING. I desire to make a single suggestion.

The SPEAKER. The gentleman can proceed only by unanimous consent.

Mr. CUTTING. I do not wish to enter into any debate, but merely to make a suggestion.

Mr. CAMPBELL. I understand the motion to go into the Committee of the Whole is not debatable. I object to any discussion.

The SPEAKER. The gentleman then cannot make his suggestion.

The question was then taken, and decided in the negative—yeas 84, nays 108; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, Barksdale, Benton, Bliss, Bocoek, Boyce, Breckinridge, Brooks, Caruthers, Chastain, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Craige, John G. Davis, Dawson, Dent, Dowdell, Dunbar, Elliott, English, Ewing, Faulkner, Florence, Goode, Greenwood, Grey, Hamilton, Wiley P. Harris, Henn, Hlibbard, Houston, Ingersoll, Johnson, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kidwell, Kurtz, Latham, Lindley, McDougall, McDougall, McMullin, McQueen, Macy, Maxwell, John G. Miller, Smith Miller, Milson, Mordecai Oliver, Orr, Parker, John Perkins, Phelps, Phillips, Powell, Preston, Reese, Richardson, Riddle, Robbins, Rufin, Seward, Shaw, Singleton, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, John J. Taylor, Vail, Walsh, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—84.

NAYS—Messrs. Appleton, Ball, Banks, Belcher, Bennett, Benson, Bliss, Bugg, Campbell, Carpenter, Chamberlain, Chandler, Chase, Corwin, Crocker, Cullum, Cutting, Thomas Davis, De Witt, Dick, Dickinson, Eastman, Eddy, Edgerton, Edmonds, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Franklin, Gamble, Giddings, Goodrich, Green, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hester, Hill, Hughes, Hunt, Daniel T. Jones, Kittredge, Knox, Lane, Lilly, Lyon, McCulloch, Mace, Matteson, Maurice, Mayall, Meacham, Middleworth, Morgan, Morrison, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Puryear, Ready, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Seymour, Shannon, Simmons, Skelton, Gerrit Smith, Richard H. Stanton, Hester L. Stevens, Straub, Andrew Stuart, John L. Taylor, Thurston, Tracy, Trout, Upham, Vansant, Wadley, Walbridge, Wadley, Elihu B. Washburne, Israel

Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Witte, and Yates—108.

So the House refused to go into the Committee of the Whole on the state of the Union.

The question then recurred upon the motion to proceed to the consideration of business on the Speaker's table; and, having been taken, was decided in the affirmative.

TWO JUDICIAL DISTRICTS FOR ARKANSAS.

The House then proceeded to take up from the Speaker's table and consider House bill (No. 14) to amend an act entitled "An act to divide the State of Arkansas into two judicial districts;" which had been returned from the Senate with an amendment.

The bill and amendment were read by the Clerk.

The bill provides, that upon conviction of offenders in the western judicial district of the State of Arkansas for offenses to which punishment by confinement in the penitentiary is annexed, it shall be lawful for the court before convictions have or may be had, to sentence convicts to undergo imprisonment in the penitentiary house of the State, in the eastern judicial district, in the same manner as though the penitentiary house was situated in the western judicial district of the State; and that the counties of Sevier and Sebastian, in said State, are hereby added to and made a part of the said western judicial district.

The amendment to the bill is as follows:

Sec. 2. *And be it further enacted*, That when any person shall be convicted, in the district court for the western district of Arkansas, of any offense, committed after the passage of this act, the punishment or part of the punishment whereof is imprisonment by the laws now existing, the said punishment or part of the punishment shall be confinement and imprisonment, with hard labor, for the same length of time, and shall be carried into effect as provided in the preceding section.

Sec. 3. *And be it further enacted*, That nothing contained in the twenty-fifth section of an act entitled "An act to regulate intercourse with the Indian tribes, and preserve peace on the frontiers," approved 30th of June, 1834, shall be construed to extend or apply to said Indian country any of the laws enacted for the District of Columbia, and that nothing contained in the twentieth section of the said act, which provides for the punishment of offenses therein specified, shall be construed to extend to any Indian committing said offenses in the Indian country, or to any Indian committing any offense who has been punished by the local law of the tribe, or in any case where, by treaty stipulations, the exclusive jurisdiction over such offenses may now or hereafter be secured to said Indian tribes, respectively, and anything in said act inconsistent with this act be, and the same is hereby, repealed.

Sec. 4. *And be it further enacted*, That any white person who shall hereafter set fire, or attempt to set fire, to any house, out-house, cabin, stable, or other building, in said Indian country, to whomsoever belonging; and any Indian who shall set fire to any house, out-house, cabin, stable, or other building, in said Indian country, belonging to or in lawful possession of a white person, in whole or in part, and whether the same be consumed or not, shall be deemed guilty of a felony, and shall be punished by confinement and imprisonment, with hard labor, for not more than twenty-one nor less than two years.

Sec. 5. *And be it further enacted*, That any white person who shall make an assault upon an Indian, or other person, or any Indian who shall make an assault upon a white person, within said Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be deemed guilty of a felony, and shall, on conviction, be punished with confinement and imprisonment, with hard labor, for not more than five years, nor less than one year.

Sec. 6. *And be it further enacted*, That in all criminal cases, upon indictment, for offenses committed in said Indian country, prior to the creation of said western district of Arkansas, now pending in the circuit court of the United States for the eastern district of Arkansas, process for witnesses residing or to be found in said western district may issue to the marshal of said eastern district, and be executed by him in any part of said western district; and that the fees of all witnesses so summoned shall be paid by the United States.

Mr. PECKHAM. Is it in order to refer the bill and amendment to the Committee on the Judiciary?

The SPEAKER. It is in order.

Mr. PECKHAM. I make that motion.

Mr. GREENWOOD. I ask the gentleman to withdraw the motion. There are one or two simple amendments to it, to which I am sure there will be no objection. It is very important that the bill should be passed at the earliest possible moment, and I hope we shall pass it at once.

Mr. PECKHAM. If the gentleman will consent to have the bill laid aside for the present, I will withdraw the motion.

Mr. GREENWOOD. It will take but a moment to pass the bill. I will explain the amendment in a few words, if the gentleman desires to hear the explanation.

Mr. PECKHAM. I do not. I desire that the matter may be disposed of as soon as possible, and if the gentleman will allow it to pass over informally, or to go to the Committee of the Whole on the state of the Union, I have no objection. Otherwise I shall insist upon my motion to refer it to the Committee on the Judiciary.

Mr. GREENWOOD. Of course I do not wish the bill to go to the Committee of the Whole on the state of the Union. My object was to have the bill put upon its passage, and I still desire that it should be so disposed of; but if the gentleman insists upon his motion, it will be for the House to say what shall be done with it.

Mr. PECKHAM. Does the gentleman object to its being passed over informally?

Mr. GREENWOOD. I would rather it should be referred to the Committee on the Judiciary than to be passed over informally; but if the gentleman will withdraw the motion, I think I can satisfy him and the House in a moment that the amendment is a perfectly proper one.

Mr. PECKHAM. I ask that the gentleman will adopt one course or the other.

Mr. GREENWOOD. I cannot.

Mr. PECKHAM. Then I insist upon my motion to refer to the Committee on the Judiciary.

Mr. STANTON, of Tennessee. I do not think that the bill will give rise to debate.

The SPEAKER. Motion is made that the bill be referred to the Committee on the Judiciary. The gentleman from Arkansas—

Mr. PECKHAM. I call for the previous question.

The SPEAKER. The gentleman is too late. The gentleman from Arkansas is now entitled to the floor.

Mr. GREENWOOD. Mr. Speaker, I will briefly state the reasons which induce me to oppose the motion submitted by the gentleman from New York. I have been asked by the gentlemen of the Committee on the Judiciary whether the bill was before the committee of the Senate; I answered that it had been. The amendments which have been read by the Clerk were made to the bill in the Senate.

The object of the measure is to authorize the district court of the western district of Arkansas to proceed to sentence some thirty or forty convicts, now lying in jail, to the penitentiary, which is situated within the eastern district. They have been confined in jail for some two years, without authority of law in the court to sentence them to undergo the imprisonment which they would have undergone if the law had been complete.

The Senate thought proper to adopt one or two amendments to the criminal laws of the United States, with a view to remedy the defects which were ascertained to exist in the criminal code, and which have grown up in the practice of the western district of Arkansas. One of the defects was this: A case arose where a member of the Creek nation, who had been engaged in selling spirituous liquors in the nation, in violation of its laws, was arrested by the authorities of his own country. The grand jury of the western district of Arkansas thought proper to indict him for the same offense. Thus a conflict of jurisdiction grew up, and the Senate thought proper to make a provision to the effect that, when an individual guilty of an offense of that character, and others similar, had been tried and punished in the Creek or any other nation, such trial and conviction should be a bar to subsequent prosecution in the district court of the United States.

It was also ascertained by the Senate Committee that there was no law in existence which would punish an individual for an assault with intent to murder, where there had been no battery. The district court at Van Buren had decided that there was no law to punish an individual for an assault with an intent to murder, unless there had been an actual battery. Hence the Senate deemed it best to propose an amendment in that respect. Many aggravated cases had arisen; but the district attorney, in consequence of the defect in the criminal law, could not prefer indictments. Another amendment was to provide for the punishment of the crime of arson, or an attempt to commit it, in the nation.

Those are the only amendments which the Senate have attached to the bill. They are simple and plain in their character. I have stated them, that the Committee on the Judiciary may be exactly

informed of what is intended to be passed. I trust that the House will refuse to refer the bill to the Committee on the Judiciary, and that it will be put on its passage. There is a great and urgent necessity for this law now. As I have already stated, there have been some thirty or forty prisoners in jail for two years without any law to sentence them.

Mr. PECKHAM. If the gentleman will consent to call for the previous question on the passage of the bill, I will withdraw my motion to refer.

Mr. GREENWOOD. I will do so.

Mr. PECKHAM. Then I withdraw my motion to refer.

Mr. GREENWOOD. The gentleman having withdrawn his motion to commit, I call for the previous question on the passage of the bill.

Mr. CHAMBERLAIN. If it be in order, I renew the motion which has been withdrawn, that the bill be referred to the Committee on the Judiciary.

The SPEAKER. It is not in order.

The previous question received a second, and the main question was ordered to be now put, being upon agreeing to the amendment of the Senate.

The amendment of the Senate was again read.

The question was then taken, and the amendment was agreed to.

LOCATORS OF SWAMP LANDS.

Bill of the Senate "for the relief of purchasers and locators of swamp and overflowed lands," was then taken from the table, read a first and second time by its title, and referred to the Committee on Public Lands.

LAKE PONTCHARTRAIN.

The following bill, upon the Speaker's table, was then read the first and second time by its title, and referred to the Committee on Commerce:

An act to establish a port of delivery at Lakeport, on Lake Pontchartrain, and for other purposes.

NEBRASKA AND KANSAS AGAIN.

The bill entitled "An act to organize the Territories of Nebraska and Kansas" coming up in order, was read a first and second time by its title.

Mr. RICHARDSON. I move that the bill be referred to the Committee on Territories.

Mr. CUTTING. I move that it be referred to the Committee of the Whole on the state of the Union, and upon that motion I call the previous question.

The SPEAKER. The gentleman from Illinois [Mr. RICHARDSON] had not yielded the floor. He submitted a motion that the bill be referred to the Committee on Territories, and had a right to be heard upon it.

Mr. CUTTING. The gentleman from Illinois made a motion to refer it to the standing committee of which he is the chairman. I made a motion that it be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. That motion will be in order when the gentleman from New York can obtain the floor for the purpose of making it.

Mr. RICHARDSON. I have not yielded the floor.

The SPEAKER. When the gentleman from New York arose and made his motion, the Chair partly turned towards the gentleman, but did not recognize him in words as being entitled to the floor. The gentleman from Illinois insists that he had not yielded the floor to the gentleman from New York; and, under the rules, he has a right to be heard.

Mr. CUTTING. I make a point of order, and it is this: That when a motion is made to refer a bill to a standing committee, that a motion which is made at the same time to refer it to the Committee of the Whole on the state of the Union is in order.

The SPEAKER. Such a motion is in order when the gentleman shall have obtained the floor to make it; but he cannot take the floor from the gentleman from Illinois.

Mr. RICHARDSON. I desire that the bill may be referred to the Committee on Territories, for the purpose of amending it in some particulars; and I wish to say also that the reference of the bill to the Committee of the Whole on the state of the Union would be killing it by indirection. It is not worth while to disguise the fact, and gentlemen need not pretend to me that they are favorable to the bill, while they wish to place

it in that position where it cannot be reached again during this session of Congress. Upon your Calendar there are bills enough to engage the attention of Congress from this time until the beginning of another session. I regard the effort—I state it freely and frankly—to refer the bill to the Committee of the Whole on the state of the Union as an effort to defeat it altogether. I respect, I am bound to respect, the right of every gentleman upon this floor to cast his vote as he pleases upon every measure that comes before Congress for its consideration. I have no respect for those gentlemen, however, who profess to be for a measure, while they are using every effort by indirection to destroy it. If gentlemen do not desire to vote for the bill let them vote against it, meet the question fairly as it is presented, and place themselves upon the record before the country for or against the bill. Now what are the facts in relation to this matter? What is the amount of business already in the Committee of the Whole that has precedence of this bill? Of the many bills that have been reported from the various committees, from the beginning of the session to this time, some will not and cannot be reached during this session of Congress.

I refer you to a bill reported from the Committee on Territories, which already stands about the tenth, I believe, upon your Calendar for consideration. Now, if this bill goes to the Committee on Territories it will be disposed of as the second or third bill that comes up next for consideration. Let this bill be referred to the Committee on Territories, and then when they have reported it back, if the majority of the House are in favor of the principles which it embodies, after the committee shall have attached to it some amendments which it desires to do, it can be put upon its passage, and then the majority can pass or defeat it. We can go into the Committee of the Whole on the state of the Union, and discuss the bill and amendments, and then vote upon them in the House.

Mr. CUTTING. Mr. Speaker, I now move to refer the bill to the Committee of the Whole on the state of the Union; and in so doing, I am animated by no sense of disrespect to the chairman of the Committee on Territories, who has moved to refer it to his standing committee.

Mr. RICHARDSON. Oh, certainly not.

Mr. CUTTING. Nor to any of the honorable members that are associated with him. It is, I believe, a matter distinctly understood that that committee has already discussed and elaborated the subject, and have reported a bill; and that, as far as respects any amendments to the Senate bill, they can be offered in Committee of the Whole on the state of the Union with as much facility as by going through the circuitous course of referring the bill to the standing Committee on Territories, of again having it placed on the Speaker's table, and, after much delay, again restoring it to precisely the position in which it is to-day.

As respects the motives which are insinuated by the chairman of the committee against me for making this motion, I desire to have it understood that I have maintained the great principle of allowing to the people of every organized community or territory the right to form for themselves the laws under which they are to live, and which are to operate upon their happiness and prosperity from the outset of the attempt to ingraft the Wilmot proviso upon the Territories, in 1847, up to this time; and I deny that there is a gentleman on this floor, come from what quarter of the Union he may, who more sincerely and more devotedly agrees to that principle than I have hitherto and now do. It is a matter that is plain to every man of practical common sense, that the people of the Territory of Oregon, for instance, are better able to devise with intelligence and discretion the laws under which they are to live, and by which they are to be regulated, than the people of the State of New York or of New Hampshire, or of any other remote country, either directly or through their representatives in their local Legislatures, or in this body, can possibly frame for them. My doctrine is, that good sense and sound principle require that we should leave to those who live in the Territories—as, for example, the people of Oregon, of Washington—to the intelligent occupiers of those remote and distant districts, full liberty to mould their own municipal regulations and their own domestic institutions in their own manner,

and in the way which their own experience and knowledge of the country, and of their own necessities require; and there can be no reasonable doubt, except in the view of fanatics or political agitators, that they will form and frame laws for themselves better than any we possibly can suggest for them.

This bill from the Senate commends itself to me for another reason. It is supposed to embody and to have perfected the great and cardinal principle of removing from Congress, and transferring to the people of the Territories, the whole subject of legislating in favor of or against the institution of slavery. This object, if it can be attained, is of paramount and inestimable consequence.

In any aspect of the case this is an important bill. It merits the deep consideration, I may say the most anxious consideration, of every member of this House. There are provisions in it, as I have seen them in detached portions in the Globe—for the bill itself has never been printed, that I am aware of, except recently, as I have been told, in the columns of the Daily Globe—there are provisions in it which require to be modified and amended before, in my opinion, it ought to receive the support of this House. That part of it which restrains the right of suffrage, which takes from the hardy pioneer and the enterprising settler that which the people of Illinois, of Indiana, of Wisconsin, and, I believe, of other western States, have deemed advisable and found to be an enlightened policy, that of allowing the right of suffrage to aliens who have declared their intention to become citizens, and who have taken an oath to support the Constitution of the United States and the provisions of the territorial act. In my opinion such persons, settlers in and subduers of a wild and remote region, ought to be entitled not merely to the right to acquire land, but to participate in the councils of their new-born Territory, and to have a voice in a government which touches so nearly their immediate and dearest personal interests. This bill should go to the Committee of the Whole, in order that it may, at all events, in that respect, be amended; for I undertake to say, that the people of the free States will insist upon the right of suffrage in favor of the settlers as a *sine qua non*, without which this bill ought not, and I think cannot, pass.

But, Mr. Speaker, by whom is it that the right of fully discussing this measure is demanded? Who are they who, after it is disposed of, are to take the brunt of the contest? Are they the people of the South, where apparently all are united in favor of it? or will it be the representatives of the free States, who are hereafter to go before their people and justify their votes upon this occasion? If we are to stem the current of fanaticism upon the fields where the battles are to be fought, shall we not have full scope and ample opportunity to place our views before the people of the North, through the medium of the Committee of the Whole? When we assert to them that the great principles of civil and constitutional rights—the great principles of popular government—are asserted and vindicated by this bill, shall we not have the usual opportunity of examining, discussing, and amending it in the Committee of the Whole?

Doubts have been thrown out whether or not the principle of non-intervention is really embodied in this bill; and whether, by the proviso of Mr. BADGER, which may hereafter become as celebrated as that of Wilmot, the doctrine of intervention by Congress is not found lurking and active.

These are matters which I do not propose to examine or discuss at present; but the mere fact that there are different opinions upon the construction of the bill in this respect, demonstrates the propriety and the indispensable necessity of a close, severe, and thorough examination of its provisions.

The Senate has sent to us a bill whose cardinal principle is enveloped in a multitude of words, with sentences argumentative, sentences explanatory, and with a proviso in the bargain, whose chief merit, its author now supposes, is, that it means nothing in the world. Plain men, who are not astute lawyers, become bewildered in the midst of this multitude of words and accumulation of sentences. They comprehend distinctly that when this territory was ceded to the United States, there were laws supposed to exist, or regulations and customs which originated with

the former owners, the Spaniards and French, by which slavery was recognized and protected as an existing and valid institution. These laws and new usages would still have prevailed, but for the eighth section of the act in relation to the admission of Missouri as a State. This section was proposed to be repealed by the Senate, in order to remove any and all legislation by Congress, so as to leave this territory in the same condition as if it had never interfered. If Congress had never interfered, of course the French and Spanish laws would now prevail there.

In this posture of affairs Mr. BADGER proposed an amendment, which was carried, by which it was declared that the system which existed (and but for the intervention of Congress would still have existed) prior to 1820 shall not be revived or put in force! What is this but the abolition by Congress of the Spanish and French law? Is not this congressional interference and congressional legislation against slavery? Thus plain men, who can appreciate a fact, find that if this bill shall pass, laws which were in existence when the territory came into possession of the United States, and which recognized and protected slavery in the Province of Louisiana, are, by the action of Congress, by the BADGER proviso, rendered inoperative and of no force or effect. Plain men see that in 1803, the laws and customs then existing recognized the condition of slavery, whilst in 1854 Congress proposes to declare that they shall not be deemed to be in force. Can it be denied that this is the effect of congressional action? or can it be pretended that the BADGER proviso means nothing?

If we mean to declare the principle of non-intervention, let us do it and carry it out. I ask again how it happens, if this Territory came into our possession with slavery recognized and protected within its limits, that now, in the year 1854, if this bill passes in its present shape, these provisions are obliterated? If it should appear, upon a close and careful examination of the bill, that it does extinguish and obliterate the laws and customs prevailing in it at the time of its cession, why then we have the principle of intervention upon the very face of the bill. If those who deny this power to Congress are content to acquiesce in its exercise, the question may be quieted by the surrender of the principle.

Now, sir, in my opinion, the people of the North understand but little of the real results of this bill; and therefore it is that we have had petitions pouring in upon us of enormous bulk, containing thousands of names; we have had clergymen, separating themselves as a distinct class from the rest of the community, undertaking to denounce this bill. Sir, I will venture to say that not one of these gentlemen, respectable as they may be in their proper sphere and in their appropriate calling, has ever even read the bill which I now move to refer to the Committee of the Whole on the state of the Union.

Mr. Speaker, I say that, if men at the North will throw aside their fanaticism, their prejudice, and their political aspirations, and will stop for a moment their noisy agitation, and give to this bill a fair and candid examination, they must irresistibly come to the conclusion that it is, in its results, and in the future, the best measure for the North that has ever been tendered. It is the South that will find, in the long run, that, so far from being beneficial to them, it will be, when applied to future acquisitions, the most fatal measure that, as yet, has been proposed, assuming that the BADGER proviso is retained. It is eminently a measure favorable to the North; and, upon a full and fair discussion, in my humble judgment, it can be proved to be so.

But the gentleman from Illinois says that if the bill be referred to the Committee of the Whole on the state of the Union we shall never be able to reach it. Why, sir, we all know that when we are in Committee of the Whole, by a bare simple majority of votes, every bill upon the Calendar preceding it may be laid aside until we reach it; and surely, if there is not strength enough to command a majority in Committee of the Whole to lay aside other bills for the purpose of taking up this one, it is idle and a loss of time to discuss it elsewhere.

Sir, this has become a grave and serious question. How it happened to become so, is a matter of no consequence for us now to inquire or

examine into, but since its introduction into Congress the North would seem to have taken up arms, and to have become excited into a sort of civil insurrection. Nevertheless, the principle of non-intervention by Congress, in the matter of slavery, and the right of the people of the Territories to frame their own laws, are sound and just. Therefore it is that I desire full discussion, and above all, that when we deal with a subject which enlists the sympathies and feelings of men so deeply, we should avoid everything like the appearance of legislative management, or of parliamentary tactics. They do not belong to a case of this magnitude. They disparage it, and detract from its character; they give rise to unjust suspicions of unfair play, and there are enough of them abroad already. I say, therefore, that we must have full, frank, and candid discussion.

We must bring this bill, by amendment, to a proper shape, in the matter to which I have already referred; and gentlemen more immediately interested, must ascertain for themselves whether the BADGER proviso does or does not involve the principle of congressional intervention. On that point I am not prepared to offer a decided opinion; but I must say, that the more I have thought of it, and the more I have reflected on it, in my opinion it does conceal, and contain the principle of intervention by Congress. It does profess to declare, that laws which existed at the time this Territory came into this Union shall not be revived or put in force. If that be so, then the principle of intervention lurks in this bill.

Mr. RICHARDSON. Will the gentleman permit me to make a single suggestion to him?

Mr. CUTTING. With pleasure, sir.

Mr. RICHARDSON. I want to meet this question fully and fairly. If the gentleman will have the bill made the special order, so that we may be sure to reach it at the same time he has it referred, I am willing to agree to his motion.

Mr. CUTTING. I take the suggestion; but does not my friend know, that in order to change the order of business a two thirds vote is required; and if I make a motion to commit to the Committee of the Whole on the state of the Union, it needs but a simple majority; but tack his motion to it, and then it requires two thirds? No, Mr. Speaker.

Mr. RICHARDSON. There is another question. The gentleman says that this thing requires to be met fairly, frankly, and to be fully discussed. He wants no parliamentary tactics. Neither do I. I ask the gentleman whether he would not have had a fair opportunity to discuss this matter fully if he and his friends had voted to go into the Committee of the Whole on the state of the Union, and took up the bill now before the House?

Mr. CUTTING. To say that I would not have had a fair opportunity would be simply bandying words with the chairman of the Territorial Committee; but I ask him, if we had done so, whether this bill from the Senate would not have still reposed upon the Speaker's table? And I ask, then whether it would not always have been open to any motion that any bill lying upon the Speaker's table is subject to? Whether its lying there, too, is not an unusual and extraordinary act of legislation? Was it ever heard of before that a Senate bill so wide-spreading in its consequences as this should sleep upon the Speaker's table instead of going to the Committee of the Whole on the state of the Union, and being there discussed? What need is there for this departure from the accustomed forms of legislation? What is the object to be accomplished?

Mr. RICHARDSON. I will answer the gentleman at once. The bill reported from the Committee on Territories is substantially the same as the one upon the table.

Mr. CUTTING. Whether it be, or be not, every gentleman must judge for himself from what he has seen and heard. If it be the idea of the chairman of the Committee on Territories that the bill reported by his committee is substantially the same as that which has undergone repeated amendments in the Senate, then all I can say on that subject is, that there is a vast difference between himself and myself in reference to the construction to be put upon the two bills.

No, Mr. Speaker, let us meet this matter manfully and fairly; and when we come to the final passage of the bill—when we call the yeas and nays—and ascertain who is, and who is not, in

Mr. SUMNER presented a petition of inhabitants of Townsend, Massachusetts, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. THOMPSON, of Kentucky, presented a memorial of a committee appointed at a meeting of citizens of Hancock county, Kentucky, praying that the proposed western armory may be located at Hawesville, in that State; which was referred to the Committee on Military Affairs.

Mr. JONES, of Tennessee, presented a memorial of citizens of Memphis, Tennessee, praying the establishment of a Federal district court at that place; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. MASON, it was

Ordered, That the memorial of William G. Morehead be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

On motion by Mr. THOMPSON, of Kentucky, it was

Ordered, That John Bruce have leave to withdraw his petition and papers, for the purpose of presentation in the House of Representatives.

REPORTS FROM STANDING COMMITTEES.

Mr. HAMLIN, from the Committee on Commerce, to whom were referred resolutions of the Legislature of Illinois, in favor of the admission of sugar, molasses, and railroad iron free of duty, asked to be discharged from their further consideration, and that they be referred to the Committee on Finance; which was agreed to.

He also, from the same committee, to whom was referred the petition of Burgess B. Long, praying the establishment of a commission to examine claims against the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred a petition of citizens of Chicago, Illinois, praying a donation of a plat of ground in that city for the erection thereupon of a chapel, marine school, &c., by the Western Seamen's Friend Society, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. FISH, from the Committee on Naval Affairs, to whom was referred the petition of Charles G. Ridgely, praying that certain allowances may be made to him in the settlement of his accounts at the Navy Department, submitted an adverse report thereon; which was ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the petition of S. R. Addison, a passed assistant surgeon in the Navy, praying to be allowed the difference between the pay of passed assistant surgeon and that of surgeon during the time he performed the duties of surgeon, reported a bill for his relief; which was read, and passed to a second reading.

ACTION ON ADVERSE REPORTS.

Mr. FISH. Mr. President, it is desirable that some early day shall be set apart for the consideration of adverse reports. There are a large number now upon the Calendar, and unless concurred in by the Senate, the Senate will, at a subsequent session, have the same business before them again. If it be the pleasure of the Senate to consider such a motion now, by unanimous consent, I will move that the second Friday in April be set apart for the consideration of adverse reports.

The motion was considered by unanimous consent, and agreed to.

NAVY BIDS.

Mr. GWIN. The Committee on Naval Affairs, to whom was referred the joint resolution from the House relative to bids for provisions, clothing, and small stores for the use of the Navy, have requested me to report it back, without amendment; and as it is important that it should be acted upon immediately, to ask for its consideration at this time.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the joint resolution; which was published in our report of yesterday's proceedings.

Mr. PRATT. It occurs to me, Mr. President, that the resolution introduces an entirely new principle in regard to bids to be received by the

Government. Now, any person who can give sufficient security for a compliance with a contract is authorized to bid for the supply of any articles which may be advertised for by the Government of the United States. But the principle is altered, and no one, if the resolution passes, will be authorized to bid except the manufacturer of the article advertised for, or a party known to the Government to be engaged in the sale of such articles.

Mr. PETTIT. The regular dealer in the article.

Mr. PRATT. Well, a regular dealer in such articles. I cannot see, if the Government advertises for ten thousand barrels of flour in California or elsewhere, why anybody who may choose to bid for the supply and give security to the Government for the fulfillment of the contract, shall not be, as heretofore, privileged to make the bid. I do not see that the manufacturer of flour, or the regular dealer in flour, is better competent to discharge a contract with the Government than is anybody else who can give equal security. The resolution confines the competition for the supply of the Government to those two classes of people. I think the principle is wrong.

Mr. GWIN. In answer to the Senator from Maryland, I will read a letter from the head of the Bureau of Provisions and Clothing to the Secretary of the Navy, which was communicated to the House Committee on Naval Affairs, a copy of which I received this morning, asking the passage of the resolution, and giving the reasons for it:

BUREAU OF PROVISIONS AND CLOTHING,
NAVY DEPARTMENT, February 3, 1854.

SIR: I respectfully submit for your consideration the enclosed proposed joint resolution in relation to contracts. The embarrassment experienced by the Bureau in the execution of its duties in consequence of the difficulty of obtaining proper supplies, and in some instances, a positive refusal to furnish any as you are aware, from contractors, imperative requires some changes at least like those imposed. Long experience more forcibly impresses on the conviction of the Bureau that the contract system and that of lowest bids for many articles of provisions of a perishable nature, but necessary to the health and comfort of our seamen, are of no advantage to the Government, and are injurious to the service. It is of paramount importance, both as regards the movements of our vessels and the health of our seamen, that the supply of good provisions should not be left dependent upon the competition of speculators, as is frequently the case under the contract system. Many articles, such as flour, rice, raisins, beans, dried fruit and pickles could be procured by open purchase, under proper regulations, of a better quality, and on equally favorable terms to the Government, as by contract; as experience has shown that contractors will never furnish the best of these articles, but only such as will merely pass inspection. In suggesting a change the Bureau can only be actuated by a sense of duty, as it is evident, that under the present system, its chief is exempted from much trouble and from imputations of improper preference.

As an advertisement for supplies must be made about the middle of March, I respectfully request, if the proposed resolution meets your approval, that you will be pleased to bring the subject to the notice of the Naval Committees of both Houses of Congress, as early as you may think proper.

I am, sir, very respectfully, your obedient servant,
WM. SINCLAIR.

Hon. J. C. DOBBIN, Secretary of the Navy.

I will also read a letter on the subject which was addressed to me this morning:

BUREAU OF PROVISIONS AND CLOTHING,
NAVY DEPARTMENT, March 23, 1854.

SIR: Agreeable to my promise, I have the honor to inclose a copy of the letter of the Bureau, dated February 3d, 1854, addressed to the honorable the Secretary of the Navy, which accompanied the proposed joint resolution, both of which were approved by him, and sent to the chairman of the Committee on Naval Affairs of the House. The resolution which passed that body on Monday does not repeal the law in relation to "lowest bids," but it simply deprives speculators of the power of controlling all supplies for the Navy, and places regular dealers and manufacturers in the position which no doubt Congress intended, and to which they are in justice entitled.

I beg leave to adduce the article of "blue flannel," very much used in the Navy, as an example, among many others that might be mentioned, of the working of our present system. The contractor, a regular manufacturer, for the last fiscal year furnished a first rate article, and equal to the sample; he was underbid for the present year a fraction by a person who has to make his purchases as he can; and to show the kind of flannel he has endeavored to pass on us, I send a piece of the Government sample and several pieces of such as he has attempted to deliver, that you may judge for yourself.

In regard to that part of the resolution in relation to being authorized to purchase, in certain cases, a superior quality of flour, I beg to remark that all experience demonstrates that the flour supplied by contractors will not do to be sent to the East Indies. Nearly all we send to that station becomes injured on the voyage, and is unfit for use on its arrival. The strictest inspection avails but little. No merchant, as I well know, will incur the risk of sending any other than the Gallego or Hazall flour to Hong Kong,

and our commanders and storekeepers on that station have invariably recommended that no other kind should be sent.

I am, sir, very respectfully, your obedient servant,
WM. SINCLAIR.
Hon. W. M. GWIN, Chairman Naval Committee,
United States Senate.

Now, sir, the Secretary of the Navy wishes to have the power to confine those who bid for these articles to the actual producer and dealer, and for an obvious reason—for it is a matter of character with those parties to put in such a bid as they can comply with, and furnish a good article. On the subject of flour, I know that this is necessary, because it is impossible to send flour by contract from here to the Pacific coast of the United States without its being more or less injured, unless certain brands are selected, which the Secretary of the Navy has no power to do at this time. The Committee on Naval Affairs examined this question with a great deal of attention this morning, and came to the conclusion that, under the circumstances, it is best to pass the resolution. If it gives too much power to the Secretary of the Navy that can be restricted hereafter. Here are samples of flannel showing conclusively that the present contractor does not furnish an article equal to that furnished last year, as stated in the letter which I have read. Several different kinds have been sent here of a very inferior quality.

Mr. PRATT. The letter which has been read in support of the joint resolution, as it occurs to me, sir, does not give any sound reason for its passage. I would inquire of my honorable friend from California, what is complained of by the Department, in reference to the present system?

It is that under the contract system the Government is imposed on. Now the resolution does not propose to alter the contract system, but it confines the right to contract to certain classes of the community. By what species of logic can my honorable friend argue to the Senate, that under the same system the Government is to be relieved from the difficulties which occur now, by reducing the class of persons who are authorized to make bids?

My honorable friend says, that the dealers in and manufacturers of flour have their characters to support, and consequently they will not bid for the supply of flour or any other article which they manufacture, or are regular dealers in, without supplying the best article. Now I apprehend, Mr. President, that the dealers in flour are the speculators in flour. Every one knows that. They buy flour for the purpose of selling. They are the speculators *par excellence* in this article above all others. They are the parties who buy to sell again. The regular dealers in flour, therefore, are the speculators; and why these speculators if they have contracts to supply the Government would not supply it in such a way as to make the most money out of it as any other citizen of the United States would is, I admit, beyond my power to conceive.

The Senator is supplied by the Department with two samples of flannel; and he says the contractors have sent flour which would not bear transportation to the East Indies.

The proper officers of the Department are authorized to advertise for such brands as will bear transportation; and the contractor, whether he be a manufacturer or regular dealer in the article must supply, under the contract, the brand that the Secretary requires, so that the Government cannot be injured, because if he does not furnish the brand it is not received.

I can readily see the evil complained of; and if the Senator, or his committee, will go for an entire abolition of this principle of giving the contract to the lowest bidder, if he will authorize the Secretaries of the Navy and War to buy in the markets such supplies as suit the Government, I will not have the slightest objection to it; but the evils complained of will not be remedied by the resolution. They will be the same under it as before; and you take away that competition which is allowed under the existing law.

Mr. GWIN. I have a single remark to make in answer to the Senator from Maryland. If he had noticed the reading of the resolution he would have seen that there was a distinction between the article of flour and other supplies. The Secretary asks for power to purchase such brands of flour as are known to be capable of transport-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, MARCH 23, 1854.

NEW SERIES.....No. 45.

ation to the East Indies and to California. He has no such power now; under the present law he cannot advertise for certain brands which are now known to be the only kinds which can be transported to those distant stations without injury. He therefore asks that this power may be given him, so that he can purchase such brands as are capable of transportation.

Mr. PRATT. There can be no objection to that.

Mr. GWIN. That is all that the resolution provides in regard to flour. The main point as to which there should be discrimination in favor of dealers is in the article of clothing, and a few other articles besides flour. I will give an instance: It was stated to me at the Department, this morning, that a ship chandler in New York came forward, and not only contracted for articles in which he dealt, but got a contract for all the clothing and shoes connected with the Navy Department. It is perfectly evident that he will supply such an article as will pass inspection, but not the best article, of course; for he has to go to the dealers in it and purchase it from them, and make his profit. In this way it is that inferior articles are put upon the Department. I speak here from the experience of the head of the Department, and of the head of the Bureau of Provisions and Clothing, when I say that it is indispensably necessary to the public interest that this resolution should pass. It is an experiment which cannot but be an improvement; and if it does not succeed, I have no doubt that the head of the Department and the head of the Bureau will subsequently ask for a modification. I am sure it is necessary, or I should not ask for its passage.

Mr. SHIELDS. I objected yesterday to the passage of the joint resolution then without reference to the proper committee. Since then I have taken occasion to converse with the Secretary of the Navy on the subject, and I am clearly satisfied in my own mind, from the information which I received from him, that the public service requires some change of this kind. I am satisfied that the contract system as now conducted, is a great abuse to the public service, and that the sufferers from it are the poor seamen, who are sent abroad depending on inferior articles for their supplies. The object of this resolution is to avoid and remedy this evil, and I trust it will accomplish that purpose. But like the honorable Senator from Maryland, I am apprehensive that we shall have to go much further than even this resolution proposes to go; for so far as my information goes, our contract system all round, in the Navy, in the Army, in all the bureaus, even as to the building of vessels, is entirely wrong. It is putting out great public interests to the lowest bidders, and the men who speculate on those interests are certainly injuring the public service. I am this morning in favor of the resolution.

Mr. CLAYTON. I think, sir, that it is a strong recommendation of this resolution—with me, I may say, it is a conclusive one—that it has the approbation and sanction of the gentleman who stands at the head of the Bureau of Provisions and Clothing of the Navy Department. He is a man who has had the experience of a long life—a man who is universally acknowledged to be an unexceptionable officer, and to whom all will accord the character of an honest man. After fully considering the subject, he has come to the conclusion that it is necessary for the public service that this change should be made in the contract system, and that this resolution should be passed.

Now, sir, even if I had doubted the propriety of the provisions of the resolution, I should feel strongly bound to defer to authority of so high a character; but the observations which have been made here by the chairman of the Committee on Naval Affairs, and by my friend from Illinois, are of themselves sufficient, it seems to me, to satisfy us, that such a change as this is required by the public service.

My friend from Maryland must see, from the latter part of the resolution, that his remarks in relation to flour are not applicable, for the resolu-

tion positively provides, that whenever it may be deemed necessary for the interests of the Government and the health of the crews of our vessels, the head of the Bureau of Provisions and Clothing, with the approbation of the Secretary of the Navy, may procure particular brands of flour which are known to keep best on distant stations. The amount of the whole matter is, that the resolution leaves the subject to the discretion and judgment of the proper officer, the Secretary of the Navy. With him I am willing to leave it.

Mr. CASS. I do not much like the idea of making proposals to the public, and confining the acceptance of those proposals to particular classes of the community. It is a new thing, and I do not like the idea; but yet there are very powerful considerations in favor of the resolution, and they have been well stated. It strikes me, however, that the best suggestion is the one which has been made by the Senator from Maryland, that is, to change the resolution so as to let the Secretary of the Navy, or the officers acting under him, go into open market, and buy the articles which are necessary. Why will not that obviate all the difficulty? Let him buy the articles which he wants without issuing proposals, and then confining those proposals to particular classes—thus making this an exceptional case, as it is one. I would be willing to allow him to go wherever the purchases can be made, and to obtain such articles as may be necessary.

Mr. GWIN. This resolution has been presented to the Senate by the Committee on Naval Affairs in the exact form in which it passed the House of Representatives. I am informed by the head of the Bureau that he is required by law to advertise for proposals very soon, and this is a case of pressing necessity. The Committee on Naval Affairs, when considering the resolution this morning, thought that some amendments might properly be made to it, but they were satisfied that if they proposed any, the whole object would be lost. As this is an experiment to be made by the Department, I hope the resolution will pass now, because it is of pressing necessity. The suggestion of the Senator from Michigan will certainly meet with the consideration of the Committee on Naval Affairs hereafter in a general bill.

Mr. PETTIT. As the resolution now stands, I shall feel constrained to vote against it. I am perfectly willing that a joint resolution or a law shall be passed, authorizing the Secretary to make the special contracts which are referred to in this resolution; but I am not willing, in anything which the Government wishes to purchase, from a cannon to a cambric needle, from a potato to a barrel of flour, to say that all my fellow-citizens shall not have an opportunity to bid for and furnish it. Whatever may be the recommendation, or wish, or opinion of the Department on the subject, I shall vote against the resolution, if it be not amended in that particular.

The joint resolution was reported to the Senate without amendment, and Mr. PRATT called for the yeas and nays on the question of ordering it to a third reading.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 9; as follows:

YEAS—Messrs. Allen, Atchison, Badger, Bell, Brodhead, Butler, Clayton, Dodge of Wisconsin, Dodge of Iowa, Evans, Fish, Fitzpatrick, Geyer, Gwin, Hamlin, Hunter, James, Jones of Tennessee, Mason, Morton, Norris, Pearce, Rusk, Shields, Slidell, Thompson of Kentucky, Walker, Weller, and Williams—29.

NAYS—Messrs. Adams, Bayard, Brown, Cass, Douglas, Pettit, Pratt, Stuart, and Wade—9.

So the resolution was ordered to a third reading. It was read a third time, and passed.

FOX AND WISCONSIN RIVERS.

Mr. WALKER. I ask the Senate now to proceed to the consideration of the bill "to authorize the State of Wisconsin to select the residue of the lands to which she is entitled, under the act of the 8th of August, 1846, for the improvement of the Fox and Wisconsin rivers."

I will state, that it is a copy of a bill for the benefit of Illinois, which has been passed at the present session. This bill has been unanimously

reported from the Committee on Public Lands, and I think we can pass it in a minute without objection.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the Governor of Wisconsin to cause to be selected the residue of the lands to which that State is entitled under the provisions of the act referred to, out of any unsold public lands in that State now subject to private entry at \$1 25 an acre, and not claimed by pre-emption; the quantity to be ascertained on the principles which governed the final adjustment of the grant to the State of Indiana for the Wabash and Erie canal, under the provisions of the act of Congress of May 9, 1848.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

RAILROADS IN INDIANA AND ILLINOIS.

On motion by Mr. STUART, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill "granting to the States of Indiana and Illinois a portion of the public lands, to aid in the construction of the Indiana and Illinois Central railway."

The route of the proposed road is from Indianapolis, via Montezuma, in Indiana, to Springfield, in Illinois. The bill makes the usual provisions, which have been inserted in previous similar bills at the present session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

PAY OF THE ARMY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill "to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes," the pending question being on the amendment of Mr. PETTIT, to strike out the ninth section, which provides for the appointment of two additional cadets from each State, on the recommendation of the respective Senators.

Mr. SHIELDS. Mr. President, before the honorable Senator from Delaware proceeds, permit me to call the attention of the Senate to a recommendation of the Board of Visitors to the West Point Academy, which I find in their report for the last year:

"We are of the opinion that the number of the cadets should be increased, so as to correspond with the number of Senators of the United States, by adding two from each State, and that the recommendation of Senators in each State should have great weight in selecting the cadets from their respective States to make up this increased number."

I have also a letter addressed by Colonel Totten, of the Engineer Department, to the Secretary of War, in 1852, in which he says that the cadet barracks, as they now stand, will accommodate sixty-two cadets in addition to the present legal number, and that such an increase in the number of cadets would not involve any necessary enlargement of the refectory, or any increase in the number of recitation rooms. I will read one more extract; I will read it because it is better expressed than anything that I can say in commendation upon this point. It is from a report of another Board of Visitors to the Military Academy, communicated with the annual report of the Secretary of War:

"When considered in its results that we obtain from this expenditure a body of officers who will compare in scientific attainments, in military skill, in noble bearing, with the officers of any army in the world—men of enlarged patriotism and national feelings—men who diffuse military knowledge through the country; who have executed many of the great works, military and civil, of the country—men who, scattered through the land, in military and civil life, are capable of officering and instructing in good soldiery an army of fifty thousand men at any moment, at the call of their country, thus giving the Union the advantages, without the dangers and expense of a large standing army—when considered thus, the sum sinks into insignificance."

I have read these reports, and made these statements, to show that I am fortified in pressing this bill by the Department of War, and by Secretaries of War, both Whig and Democrat.

Mr. CLAYTON. Mr. President, it was for the very purpose of calling the attention of the Senate to the important fact which has just been brought before it by my honorable friend from Illinois that I rose yesterday. The distinguished gentleman who is at the head of the War Department, and whose experience entitles every recommendation of his in reference to the Army to our serious consideration and favorable regard, has most earnestly recommended the provision which is contained in the ninth section of this bill. I do earnestly hope, therefore, for the very reasons assigned by him in his report, that the ninth section may not be stricken from the bill. It commends itself to me particularly, because it contains the electoral principle. It proposes to recognize the Senators of the United States as men entitled to some weight in the recommendations of the officers under this Government. I do not hesitate to say that the recommendations of Senators, who are placed here by permanent appointment for six years, are entitled to quite as much consideration as the recommendations of gentlemen in the other House; but yet, heretofore, every cadet who has been appointed upon the recommendation of a member of Congress has been appointed solely upon the recommendation of a Representative in the other House. Sir, of the two classes, which would be the least apt to be misled in the event of an exciting election approaching—the Senator or the Representative? I submit that, in my judgment, the man who is beyond the reach of an election and its excitements will be more apt to make a proper recommendation, if, indeed, there is to be any distinction made between the two. If we are to say that one can make a better appointment than the other, I prefer the recommendation of the Senator. It is true that this will throw upon Senators an increased responsibility. It will doubtless give gentlemen trouble; but have they the right to avoid that responsibility under the circumstances? If it is for the interest of the country, it is the duty of a Senator to encounter the responsibility.

Mr. PEARCE. Mr. President, if this were a mere question of patronage, I think I should vote for striking out the section. All power is certainly apt to plague the possessor; and among the smaller annoyances, I do not know a more troublesome one than that which besets those who have the bestowment of patronage of this sort. If, therefore, this were solely a question of patronage, I should vote for striking out the section; but I understand that an increase of cadets is desirable, and particularly under the provisions of this bill, which may make it necessary. Heretofore, I believe, one cadet has been appointed from each Congressional district in turn, in the course of four years, which gives two hundred and thirty-three cadets for that term; and besides these, there are some ten appointments at large annually, which are authorized to be made by the President. For one, I should be very much inclined to bestow this patronage of the proposed increase in the number of cadets on the President, instead of giving it to Senators, but for the fact that I must confess myself apprehensive that the manner in which this presidential patronage has been exercised would be extended more or less to the increased number, or be influenced by other considerations, not at all satisfactory to me.

I have noticed the last appointments to the Military Academy made by the President; and though he has only exercised his undoubted right in the selection of those whom he has named, yet I must regret the appointment of so many sons and relatives of military men, as gives to some minds the idea of a sort of hereditary succession in military offices. I believe that nine of the ten young gentlemen just appointed are sons or adopted sons of officers, and the tenth the descendant of a revolutionary officer, appointed for that reason. How many sons of officers have been otherwise appointed I do not know.

It seems to me that, for obvious reasons, the exercise of this patronage by the President is likely to run too much in the direction to which I have alluded, or to be influenced in a very great degree by mere political considerations. I do not think it will be liable to the same objection if the Senate exercise it.

Besides, sir, the Representatives in the other House confine their appointments to their own districts, of course, for they are obliged by law

to do so; and they are very often so much pressed by popular and influential persons in their districts that the appointment is made rather from considerations of that sort than because of the merit and promise of the youth who is appointed. It is in many cases the condition and political activity of the parent, rather than the character of the boy, which insures his appointment. I do not know that I claim too much for this body when I say that I think the Senate, not being under the pressure of the same influences, would be able to make appointments perhaps promising and yielding more efficiency to the service. At all events it would be within our competency to do so. I may add, that the increased number of appointments could not well be distributed among the members of the House of Representatives. As these new appointments are to be added, and as I do not know of any better depository of the appointing power than the Senate, I shall vote against striking out the section.

Mr. PRATT. Mr. President I move to amend the amendment of the Senator from Indiana, by striking out the words "upon the recommendation of the respective Senators," instead of striking out the whole section, as he proposes to do. The section would then, in substance, read, that there shall be an increase of the number of cadets equal to the number of Senators, without designating the mode of appointment. Thus the Senate would be freed from the disagreeable necessity of indicating who are to be appointed. If this amendment should prevail, I think that the great object, the great benefit which it is supposed will result from this additional number of cadets, will be attained; and we shall be relieved from the evil consequences of having to exercise this patronage, as it is termed.

Mr. SHIELDS. That is the same as giving to the President the appointment of sixty-two additional cadets.

Mr. PRATT. I do not care where it throws the appointment. Any Senator can designate any other mode of appointment, and it will be agreeable to me. Differing from my honorable friend from Michigan, [Mr. Cass,] I am decidedly in favor of increasing the number of cadets. I do not agree with him that any injury could result from having as many of our young men educated at the West Point Academy as it is possible to have, without any more increased expense than their mere pay while they are so engaged. I believe with some gentleman who has expressed a similar opinion, that the graduates of that institution are the best educated men in the country; and that, whether engaged in military or civil life, they become ornaments to the country, and useful to it in every sphere. I am, therefore, altogether in favor of increasing the number of cadets to the utmost capacity of the institution as it now exists. But it is to the exercise of this patronage on the part of the Senate that I object. I agree with my friend from Iowa [Mr. Dodge] that, according to my view, it is not entirely compatible with the theory of our Government that the Senate should ever have the appointing power. As I understand the theory of our Government, appointments are to be made by the President, and his nominations are to be confirmed by the Senate. Here you introduce an entirely different principle, and you make it compulsory on the President to nominate the person whom you recommend; so that you have the appointment and the confirmation in your own hands. The result, I apprehend, will hereafter be this: There will be a set of officers growing up in the Army, appointed by us, by each individual Senator; each will have his particular protege in the Army, to whose course in life he will necessarily look with some degree of pride, and to whom he might, perhaps, be unwilling to see justice meted out as it should be.

I think, in every point of view, it would be injurious to give to Senators this appointment. I am in favor of increasing the number of cadets, but I wish to give the appointment to some other parties than Senators of the United States.

Mr. HAMLIN. Mr. President, I think some Senators are in favor of retaining this clause in the bill because it confers upon them the appointment of a cadet; and other Senators are opposed to the section for the reason that, if it becomes a law, they will incur the responsibility of having to make an appointment. Now, sir, I am in favor of the section for no such reason; nor am I op-

posed to it for any such reason. I seek no responsibility—I would avoid none. If it is advisable, if it is necessary, if it is desirable that an additional number of cadets should be appointed, I think that they might be appropriately designated by Senators, with quite as much propriety as they are now designated by members of the House of Representatives.

But, sir, I am opposed to this section, and I am opposed to it for a reason which I think has been very well stated by the Senator from Michigan. I am opposed to it because I am a sincere friend of the Academy at West Point. I believe that that school turns out annually a number amply sufficient, and more than sufficient, to answer all the demands of the Government. I would vote most cheerfully, and I believe I should be acting in the line of my duty in so doing, to restrict, rather than to increase, that number. I do not desire, however, to do even that; but I would let it remain as it is. I think the evidences furnished us during the last war with Mexico have removed a portion of the prejudice which existed in the minds of some of our community against that school. It has furnished us with the best officers, I think, that the world has ever seen. I doubt not that the General-in-Chief, if he could tell us, would say that a better appointed corps of engineers never went with any army in the world as that which we sent to Mexico; and it is to such an efficient corps of engineers that much of the success of our arms is to be attributed.

Now, sir, I trust, indeed I know, that no Senator would do anything which would create a prejudice in the minds of our community against the institution, by increasing the number of scholars there to an amount greater than the wants of the country absolutely require. Believing that such may be the effect of this section, and believing clearly that there are now as many cadets at the Academy as the exigencies of the country require, I shall vote to strike out the section. The Senator from Maryland has moved to amend the amendment so as to strike out only the last part of the section, thus increasing the number, and only removing the responsibility of making the appointments from Senators. I shall vote against that amendment, and in favor of striking out the section, for the reasons which I have stated.

Mr. BADGER. Mr. President, I am decidedly in favor of retaining this section, for the reasons which have been given by my friend from Illinois, [Mr. Shields,] and also by my friend from Delaware, [Mr. Clayton,] and for the reasons so emphatically given by the distinguished gentleman who is at the head of the military department of the Government. I believe that what has been said is true, that the country derives in every respect incalculable advantages from the maintenance of the military school at West Point; and I think it enables us, in the language of the Secretary, to derive in effect all the benefits to the country of a large standing army without either the danger or the expense of maintaining one, by diffusing through the whole country military knowledge and skill, which may be at any moment called into requisition when the necessities of the country require it, and be made effectual for the national defense.

I am opposed, Mr. President, to the amendment proposed by my friend from Maryland, [Mr. Pratt,] to strike out that portion of the ninth section which devolves the nomination of these officers on Senators. There is a mistake on this subject. It has been said, that we exercise an influence over the appointment of cadets, in virtue of our advising authority upon nominations. In point of fact, we have no real influence or control, direct or indirect, over the appointment of any officer in the Army. The cadets are, in form, appointed by the head of the War Department; in fact and substance by the respective members of the House of Representatives. The cadetship never comes here for confirmation. As soon as cadets have gone through their course at the academy, and are discharged from that institution, they pass into the Army, under regulations having the force of law; and when they are nominated to us by the President, the President has no more discretion in making the nomination than we have in advising and consenting to it. It is a regular nomination under the authority of law, and the nomination by the President, and the confirmation by the Senate, are

mere matters of form; so that, with regard to the strictly regular Army, it is undoubtedly true, as our law stands, that all the officers are practically appointed by the House of Representatives. They are not appointed by that House as a House, but they are severally appointed by the respective members of the House.

I do not stop to inquire whether this system of appointment is right or not. I have heretofore stated in my place, on another occasion, that I thought it was wrong, and I think so now. I think the system is wrong; and though I do not believe that it formally violates the Constitution, I think it tends in a direction which is injurious, and which the Constitution probably intended to prevent by its arrangements in regard to appointments. But, sir, that system is fastened upon us, and the question is now, whether, in the existing state of things, the members of this body, as well as the members of the other House, should not have an influence in these selections? It is a strange thing to say that the President, who is the original appointing power, should have a right to appoint a certain number of cadets, that the members of the House of Representatives shall have power to appoint a certain number of cadets, and that all the officers in the Army shall be taken from the cadets so appointed; and then to say that the Senators shall have no influence in the actual constitution of the Army; because, it is said, we have a formal vote, when a commission is tendered to an officer, whether or not we will advise and consent to his appointment. Sir, we know that we have no right—we cannot justly and honorably refuse to appoint him. He is entitled; and if we were to refuse our assent to such a nomination, it would be a plain violation of duty, and an injury done to a party in refusing him a right which he had acquired by law.

Now, sir, I wish to say a word upon the idea suggested by my friend from Maryland, who first spoke on this subject, [Mr. PEARCE,] and which he did not exactly carry out, as to the propriety of these appointments. The selections made by the members of the House of Representatives are necessarily made from their districts. They are intended to be made, and I believe they are required by law to be made, from their districts. Then the persons in the respective districts, who, for whatever reason, have influence with, or control over the member, receive these appointments. Then the President has a certain number, ten, I think it is, of cadets, to appoint at large; the object being that he may look through the nation, and select those persons, who, either on account of their own merits, or the services of their fathers, may have particular claims upon the country to be provided for. And so there is a class of persons in every State, who may have no local strength in a district, who may not be able to command the influences which prevail upon the member representing the district in which such a meritorious and excellent young man may reside, to appoint him, and who yet may have claims, and very high claims, upon the consideration of the whole State, of which he is a citizen, either through his own promise, or the services which have been rendered by his family and connections.

Now, sir, what we want in order to carry out the system, (whether it was right or wrong when it was originated,) is to give to the members of this body, nominations by which the States at large may be respectively provided for, as now the President looks through the whole nation, and provides for those having claims upon the whole body, and the members of the House of Representatives attend to the claims of individuals in their districts. The system has been adopted, and I think we ought to carry it out; and the only other step we could take with propriety, would be to undo it altogether. If it stands in regard to the House, I think it ought to be extended to the Senate.

Mr. PETTIT. Mr. President, I oppose the ninth section of the bill, mainly because it proposes to make an increase which, in my judgment, the country does not need for the legitimate services of the Army, for keeping it up and maintaining it in sufficient force. It is not so much on account of the patronage or responsibility which it throws upon the Senate, as for the reason that I believe the increase is not necessary, and not called for, that I shall vote against it.

I do not entertain a doubt about the constitu-

tionality of this education. It is an arm of the defense of the country. There can be no doubt that the Government has the power to take the first, the incipient steps to prepare the men who are to defend the country for that service; but while that may be done, it ought to be confined to the legitimate objects of defense. It ought, at further, to be confined to the education of as many as shall by necessity officer your Army. It has not been shown here that the present number is incompetent for that purpose; but the argument is, that these young men receive a good education at West Point, and when they graduate do not take commissions, do not remain in the Army, but become very valuable citizens, and important auxiliaries in the construction of railroads, and in other engineering service. All that, I have no doubt, is true. I have no question but that the country derives great benefit and great advantage from the education of these young men there, but that is no apology to me for the education at the public expense of all the young men in the country. That is a matter which should be left to the States.

I have nothing to say against the discipline, the teaching, or the rules of this institution; nor as to the education and accomplishments of the young men who are educated at it. No doubt they are thoroughly bred and thoroughly educated. Undoubtedly they are made thorough engineers, thorough soldiers, and thorough officers. I have no question that the school is as good a one as can exist in this country, or as exists in any other; but I have yet been unable to find a good reason for the education of one class of your officers at the expense of the Government, and the neglect and refusal to educate another class. Now, sir, I mean to reflect no disparagement upon the head of the nation, or any of his immediate counselors, nor upon any of the Senators or any of the Representatives in the other House, nor upon any of the judiciary, nor upon the legal learning of the Attorney General, or the district attorneys, or other officers who are employed by this Government; but I have yet to learn, or yet to be convinced, why it is not of as much importance to the United States, and to the advantage, interest, advancement, and safety of the country generally, to educate one class of officers as another. Why do you not establish a school at which you shall keep a class of young men constantly educating, from whom shall come all your Presidents, all your Secretaries of State, of War, of the Navy, of the Treasury, and of the Interior, and all your Attorneys General and Postmasters General? Why do you not establish a school for the education of your judiciary—your supreme, circuit, and district judges? Why do you not establish a diplomatic school?

I hold it is as important to any country that the persons who bear the responsibility abroad of negotiating delicate questions, of keeping peace, and maintaining the honor of their country, should be educated for that purpose, as it is that A or B shall be educated to know how to wield the sword or the musket.

It is as important, in my judgment, to this country, that you should have a learned corps of diplomatists abroad, as that you should have a learned corps of fencers at home. It is as important that you should have a corps of learned men from whom you are to take your Executives, and a corps learned thoroughly in all the history, and science, and policy not only of your own but of all other Governments, who shall be imbued with the entire propriety and policy of foreign intercourse, to conduct that branch of the Government. It is as important that you should educate a Secretary of State for that purpose, that you should educate a Secretary of the Treasury, who is to control the moneyed destinies of the country, who is to dry them up by awkwardness, or make them flow on evenly and smoothly, fructifying the whole earth by his intelligent and learned and wise policy; that you should educate Senators and members of the other House, by whose voice and whose breath the whole destinies of the country are to be ruled, and from whose hands the laws for the government of the Army are to originate and emanate, as it is to educate your commanders in the field. Sir, I am not able to see why it is that you should educate one class of officers and not educate all.

This argument, I grant, would go to the foundation of this establishment entirely; but this insti-

tution has been so long fastened upon the country, and its results have proved so beneficial and honorable, as I hesitate not to say they have, that it would be impossible, and probably impolitic, to attempt now to wipe it out or abrogate it from among the institutions of the country. While I am willing to concede that this school has done much for the military arm of the public service, may I ask would not a school for the education of your judges do as much for that service? If you get it once established, and get all your old judges removed by death, and your new ones educated at a Government law school, how soon will that fasten itself upon the country so that you cannot abrogate it? If you fasten upon the country a school for the education of Senators, may it not be possible there will be a more learned body than the Senate has ever had here? And so with the House of Representatives, and so with the Executive himself.

Then the fact that this institution has rendered service is not a sufficient apology for me for increasing the number of its students. The fact that it has produced an able and learned set of officers for the Army is not a sufficient reason for me to vote for this section as it stands. But, sir, the main argument which is used here is, that we are to educate, at the public expense, a set of engineers, not officers of the Army. This bill provides that the cadets shall be paid \$33 a month, and found, to acquire an education to go out to the country in one department of life, as engineers.

Admitting the propriety and necessity of this school, I protest against the attempt to educate, at the public expense, every young man in the country. My whole policy and idea in public life has been to put my fellow-citizens, old and young, men and their sons, rich and poor, upon a political equality, starting at the broad basis of equal rights, letting every one scramble for the prizes of life, which are open to all. Never teach your young men that they are the pets of the Government. Never say to them, "through you and by you are to come all the officers, all the commanders of our armies," and then say to others, "you need not go to the Vermont, or to the Kentucky military school, you need not seek any learning in this branch, for promotion is not yours; you cannot advance unless you go through one particular institution." I would open the door to the just emulation and just ambition of all. If you do this, you will find plenty of military schools starting up all over the country, which will educate your young men, and qualify them for the Army, as you find now that colleges and academies are educating all for the civil walks of life.

In my judgment, you will infuse a greater stimulant to exertion, and a greater ambition for excellence, and *par excellence*, too, in the young men of the country, if you say to them, "the door is open far you—prepare yourselves for public service in the various departments and walks of life, and the various conditions in which your country may need your services, and when they are needed you will be sure to be appointed, and to receive the proper reward."

Notwithstanding the advantages which it is said we have derived from this school, I believe that if a different policy had been adopted at the beginning, we should to-day have an abler corps of Army officers than we now have. And while I say that it is equally right that gentlemen should be educated from boyhood up for senatorial positions, and for presidential positions, as that young men should be educated for Army officers, yet I am ready to admit, and do solemnly assever, that I believe the Senate is now, and has been abler, than it would have been if a set of pet boys had been educated to take these places; and I believe the same result would have been the case with the Army. But, sir, if one is to be educated at the public expense, and become a favored class, there is no reason why another should not be.

I am opposed to this increase in the number of cadets. If it were a new question, I should be opposed to the school entirely, because I believe there is injustice and inequality in it. I believe it represses the spirit of the ambitious young men of the country who have a turn for military operations. It says to every one of them, "unless you can get patted upon the shoulder by a member of the House of Representatives or a Senator, and receive a governmental education, you can

never fit yourselves for the walks of military life." In my judgment, this system was wrong in its beginning; and if I could I would wipe it out now, and begin anew; but I will not vote for its increase or extension.

Mr. BUTLER. Mr. President—
Mr. MASON. I ask the Senator to yield the floor that I may move to postpone the further consideration of this bill in order that we may have an Executive session. The Senator from South Carolina can have the floor to-morrow.

Mr. BUTLER. I will not occupy five minutes.

Mr. MASON. But other gentlemen may follow.

Mr. BUTLER. This is quite an important subject; and may be, perhaps, as well disposed of now as at any other time.

Mr. CASS. Let us dispose of it now.

Mr. BUTLER. If my friend from Virginia thinks it proper that we should now have an Executive session I will yield the floor, and allow him to make the motion. I have but a few words to say upon the pending question.

Mr. SHIELDS. I hope my friend from Virginia will consent that we may proceed with this bill to-day. I think the vote ought to be taken upon it to-day. I do not believe there will be a long discussion on it. If we postpone it, we shall have the discussion over again to-morrow.

Mr. MASON. This is one of those measures which admit of a discursive debate. Many may desire to participate in the debate, for there seems to be great contrarieties of opinion in the Senate as to the propriety and expediency of the proposed changes recommended by the Committee on Military Affairs.

Mr. CASS. I had a conversation with the Secretary of War upon the subject this morning, and perhaps what he said may influence the votes of some gentlemen.

Mr. MASON. The Senator can give it to-morrow.

Mr. SHIELDS. I prefer that we should go on with the bill now. I have received a letter from the Secretary, and I owe it to him, perhaps, to make an explanation.

Mr. BUTLER. If the debate goes on I can soon deliver myself of all that I have to say.

Mr. MASON. I move to postpone the further consideration of this bill until to-morrow, in order that we may proceed to the consideration of Executive business.

Mr. SHIELDS. I feel it to be my duty to press the bill to a final vote to-day, and therefore I shall ask for a division of the motion, if it be persisted in.

Mr. BUTLER. If it be generally agreed that there is to be no more debating upon the bill, I am perfectly willing, although it will not be just to myself, to take my seat, and allow the honorable Senator from Michigan to make his statement.

Mr. CASS. I only wish to state what I was told by the Secretary of War this morning.

The motion to postpone was not agreed to; there being, on a division—ayes 16, noes 18.

Mr. BUTLER. Mr. President, I think my colleague on the Committee on the Judiciary, my friend from Indiana, contrary to his usual caution and clearness, has made his argument in conflict with itself. The predicate of his argument was that Congress having exclusive jurisdiction over all war measures, it became Congress to educate those who were to conduct the operations of war. I do not say that he went so far as to assert that it devolved upon Congress to do so, but he said that as the war power was exclusively vested in Congress, there was a corresponding duty on the part of Congress in time of peace to prepare for war. Notwithstanding this, he afterwards undertook to say, that with the same propriety with which we may educate young men at the Military Academy we could assume jurisdiction over the education of Senators and Judges, but I do not believe he said preachers. [Laughter.]

Mr. PETTIT. No, sir.

Mr. BUTLER. I did not think he went so far as that; but he seemed to suppose that, with the same propriety, we could assume jurisdiction over the education of persons for all departments of Government. But, sir, the Constitution does not give Congress the right to provide for educating a Senator, or a judge, or anybody but one who may be engaged in the military service of the country. The power to educate these young men at West Point is clearly referable to the power to

declare war; and without that authority there would be no power.

Mr. PETTIT. I hope the Senator did not understand me as denying the power. I expressly said that there was no question as to the power.

Mr. BUTLER. But you said that if this power be exerted in this manner to educate young men at the Military Academy, why not educate Senators, members of the House of Representatives, and judges? But, sir, that is apart from the subject, and I do not care to pursue it.

I may, perhaps, differ from the opinions which may be entertained by others, when I say that I think this is the most acceptable and equal mode of distributing the patronage of the Federal Government of any of which I know, because it does not attach to the Executive or to the heads of Departments merely; but, by usage and practice, it is so diffused that Representatives and Senators exert this patronage in such a way as to make it equal throughout the whole United States. We have a full Treasury, abundant means in land and money, which are appropriated sometimes to steamboats and other monopolies; to this purpose, and that purpose. Of all the forms in which public money can be appropriated I prefer that a portion of it shall be devoted to the education of young men who are to command our armies. It is an equal mode. Whether these young men go into the Army or not they are always in a condition, when a war is declared, to assume the position which honor and the obligations of the Government impose upon them. And, sir, let me say, to the credit of this class of young men, that when the war with Mexico was declared there was scarcely a young man who graduated at West Point who did not immediately come forward and offer his services to the country; and, what is more remarkable than anything else, in cases where the selection of officers depended upon the volunteers, these young men were selected.

A mere popular favorite could not command the votes of men who were to take a share in the battles of the country; and they almost invariably, when they came to select their officers, selected those who had been educated at West Point. Sir, this is a tribute to the citizen to the one who has been educated to be your soldier. He is your citizen in peace, and he is your intelligent soldier in war. And when gentlemen say to me that there is no occasion for this increase, I answer that it is but expanding the number with a view to meet what I believe will be required. If I am not very much mistaken, there will be—and I fear it—an occasion for this very class of men at no distant day. However much I may admire the gallant volunteers, of whom my friend from Illinois was an ornament—and I have every reason, perhaps, to be proud of the glory of the volunteers—I have never conversed with an intelligent man who served in the Mexican war who did not say that confidence was inspired whenever West Point intelligence indicated the way to fight; and it was that inspiring and directing influence that contributed much to the success of our arms in that brilliant campaign. Sir, the volunteer regiment from my own State of South Carolina was not without laurels; but I have never heard an intelligent man say that it was not committing to blind chance and gallant bravery troops who might have been saved under the care and direction of those possessing a military education.

Sir, I consider this the most acceptable form of distributing this patronage. If the members of the House of Representatives have this power of appointment, I think that, according to our system of Government, the Senators ought to have it; and I, for one, would not shun it. Sir, when I shall pass through life, and arrive at old age, it will be gratifying for me to know that the young men whom I may have selected for this position have fulfilled my expectations, and are willing to stand by the country. I am perfectly satisfied to regard them as proteges; and if they forfeit my confidence let them go; but if they turn out to be clever young men I should want no better monument, no higher tribute, than that I had prepared such to perform the duties properly.

Mr. CASS. Mr. President, I can only repeat what I said yesterday, that there is no gentleman here who is more strongly in favor of the Military Academy than I am. I have been in official station in which I have shown my good will to it, and in darker periods than the present. It has won its

own way to favor. It has conferred upon young men an education equal to any in the world, and they have won their way to distinction. But, Mr. President, the way to preserve that academy is not to increase, unnecessarily, the number of its students. There is one consideration connected with it which obviates many of the difficulties which have been started. These young men are not to be a part of the Army, they are a part of the Army. The moment they enter every one of them becomes a part of the American Army; and it is just as much in your power to educate them as it is to drill a corporal, or a sergeant, or a common soldier. The moment they enter they belong to the Army. They are liable to go through a certain course, and then, if they deserve it, to be graduated and receive commissions; but, in the mean time, I repeat, they are a portion of the Army, and their education is a matter which the Government may attend to; but in the exercise of this power, the education of young men for the Army, we should have some regard to the necessities of the service.

There are certain important considerations which bear upon this subject. I know that it is said these young men are sent through the country, and become excellent engineers, and that their education is vastly important in that view. This is very true; but it is no reason why you should, under this power of educating young men for the Army, increase the number to be educated, because they may be thereby fitted to enter into other employments through the country. No, sir; you should confine your education to the exigencies of your service; I do not mean rigidly and mathematically, but within a certain limit of discretion; and the simple question is, whether you have reached that point now or not? My honorable friend from Illinois, in whose judgment I have great confidence in all these matters, says, that when the retired list bill shall pass there will be a considerable number of vacancies to be filled. Be it so; but wait until that bill passes. When it passes, it will be time enough to fill the vacancies.

There is another consideration bearing upon the subject, which is this: that independent of the increase provided for by the addition of sixty-two cadets, you have provided in this very bill—(and it is a most excellent provision, and I thank the honorable Senator for it; it will introduce great ameliorations in the Army)—for commissioning those sergeants, and corporals, and other non-commissioned officers, who prove themselves worthy of it. If that provision is honestly and truly carried out, you will have a considerable accession to the number of officers from that source, without any addition to the Military Academy.

The question is not whether it is proper that the Senate should have this patronage. The question is above any consideration of that sort; it is whether this additional number of officers is necessary? Then, when you decide that they are wanted, you come to the question of how they shall be appointed, and I now aver before the Senate that there has not been one tittle of evidence shown that the number of young men at the Military Academy should be increased. There are now, as appears by the Army Register on our tables, fifty-seven supernumerary brevet second lieutenants. What do you want to do with more? You provide in this very bill for an almost indefinite increase of that class of officers by the elevation of every non-commissioned officer as soon as he shows himself fit for promotion. What more do you want?

What reason is given for this increase? What authority is there for it? Why, it is said that the Board of Visitors have recommended it. If you go back, Mr. President, to the annual reports of the Boards of Visitors from the commencement of the institution down to this time, I aver that you will find that if all their suggestions had been carried out you would have had by this time an institution equal to Cambridge and Oxford united, in point of expense. They have made a great many suggestions to which Congress would never agree. They are made by gentlemen on the spot, who look only partially to the considerations connected with the subject, and not to the bearing of their propositions on public opinion, and recommend what they consider to be useful. It is for us to judge of their recommendations.

Now, how is this recommendation fortified? Gentlemen seem to suppose that the War Depart-

ment has recommended it. This is not so. There has not been a word from the War Department in favor of it. My honorable friend from Illinois has read from a report of the Secretary of War in respect to the buildings, and he said the number of cadets could be increased without increasing the buildings, and that is all. I called upon the Secretary of War this morning, for the simple reason that I have great confidence in his judgment on these questions; and there is hardly a measure to which I would not agree if he and my honorable friend from Illinois together would recommend it. I called to know his ground; and he assured me at once that he had made no such recommendation. He had never been called upon for his opinion. The point upon which he had been called for information he answered distinctly. He said the buildings at the academy were sufficient for an increased number of cadets; but no proposition was made to him as to the propriety of an increased number, and therefore he made no recommendation, and we have no opinion from him on that subject.

Then, I ask again upon what fact is this proposition to increase the number of cadets one fourth, to add sixty-two cadets to the Military Academy, based? Has any man shown that it is necessary for the good of the service? I repeat, it is not a question of patronage; it is not enough to add sixty-two young men to the Military Academy in order that Senators may make the appointments. That will not justify us before the American people. The first question is, do the necessities of the service require this increased number? As I said yesterday, the true way to support the Military Academy, and not to break it down, is to keep it within the rigid rules of economy so far as possible, and not let the people say that sixty-two young men have been added merely in order that Senators may have the nomination of them. No institution can outlive such a proposition. I repeat, there is no member on this floor more anxious than I am to preserve this academy for the interests of the service.

I do not know the exact number of our officers in the Army, but we now pour into it on an average sixty every year from the Military Academy; and I think that number is sufficient to meet all the wants of the service. I am willing that that shall be continued, though I find, by the Army Register, that on the first of January last there were fifty-seven supernumerary brevet second lieutenants. Why should we increase their number so largely? I think my honorable friend from Illinois had better drop this provision for the present, and allow the bill to pass without it.

The bill contains most excellent provisions. I think it is one of the best bills which has ever been introduced into the Senate, and I shall vote with great pleasure for every portion of it, except the last section which the Senator from Indiana has proposed to strike out. Its passage will elevate the rank and file of the Army. It will elevate the non-commissioned officers and will furnish them with stimuli for exertion. It will have a great moral effect. It very properly increases their pay, and will do good in this particular.

It makes one excellent provision, that when on furlough, and not in the line of duty, the officers shall receive no additional pay. I suppose that that provision will keep many an officer at his post who is now from it. I think, on the whole, it is the best bill that has ever been introduced for the Army since I have been in the Senate, and I think the honorable Senator from Illinois for it.

Mr. BROWN. I desire to ask the Senator from Michigan a question. He seems to have had an interview with the Secretary of War on this subject. I desire to ask him if the Secretary expressed the opinion that this was unnecessary? I, like my honorable friend from Michigan, have great confidence in the opinions of the Secretary, and on any subject which has passed under his investigation, as this clearly has, I should be pleased to know his opinions.

Mr. CASS. I stated to him that I should vote against the proposition, unless I could be assured that the necessity of the service required it. I do not know that he authorized me to say that; but as far as I have gone I had his full authority.

Mr. SHIELDS. Yesterday I was asked whether this was recommended by the Secretary of War. I stated that it was recommended by the Visitors to the West Point Academy, and the

Secretary of War approved of that report, and sent it here; and I considered that tantamount to a recommendation.

Mr. CASS. I desire to say, that my object in going to the Secretary of War was to ascertain the grounds for it.

Mr. SHIELDS. Then I will further say that I acted upon that recommendation in certain cases in the bill. I called upon the Secretary of War and had a conversation with him in relation to it, and he assented to its being in the bill. He has not recommended it in his report, but the bill has been examined and reexamined by him and by myself, and by the other members of the committee. He has not positively recommended it in his report or to me, but he assented to its being in. The honorable Senator says there is no necessity for this increase. I stated yesterday what I believed to be a necessity. There are many things which I could have stated that have been hinted at by the honorable Senator from South Carolina. When the proper time comes I will show, or I will attempt to show, that not only ought we to increase the number of our officers, but we ought to increase our Army and our Navy much further than has been contemplated by any man on this floor—not, sir, for war, for I have seen enough of war never to wish to see another, but to keep out of war—to preserve neutrality, a dignified neutrality, a neutrality that the world will respect; and in the present condition of the world does any man suppose that this nation can do that unless it presents itself in an attitude to command the respect of the world? You see the whole world arming—arming in such a way as it never armed before; you see combinations such as you have not seen in the history of countries or of times. Sir, we shall be peculiarly fortunate, providentially fortunate, if, by a little timely, salutary, wise preparation we can place ourselves in a condition that we will not be thrown into this vortex and made a party to this fearful contest that is about to shake the civilized world. Yet you talk about the expense of sixty-two additional cadets, and adding them to the Army; and, sir, I have to beg and supplicate here to be heard when I speak of that poor little starving Army that is broken down. Why? It has no political influence. It is away on the frontier, performing services and enduring sacrifices that no other army of the same number on the face of the globe is enduring and performing at this time.

A bill has passed this body, and gone to the other House—and will pass there, unless, as is always the case here, we consume the session in abstractions, instead of practical subjects—to rid the Army of a number of supernumerated, broken-down officers—not to turn them out, not to cast them adrift, but to provide for them. I stated, and could prove it if I had time, that these sixty-two additional cadets every five years, for it will not amount to more than that, will not increase the number of officers more than is sufficient to officer the Army according to the maximum, legal standard of that Army now. But when the proper time comes—and there is a bill on the Calendar providing for raising three additional regiments of men; and I mean to take that up at an early day, if I can—I shall desire to be heard upon these points.

My honorable friend [Mr. BUTLER] has made a suggestion to me. I am very much gratified to find that the Senator from Michigan is in favor of the bill, for I confess I was beginning to suspect his sincerity in relation to the Army—I am delighted to withdraw that suspicion—for I had always found him the first to rise here and say, well, you are contemplating some change that nobody understands; yet the bills have been lying here the whole session. But I thank him for the kind manner in which he has complimented the committee for this bill, and also the Department, because I am delighted to have it in my power to improve the condition of the Army, while we have a man at the head of that Department in whom I have the most entire confidence.

The honorable Senator from Michigan says, that if we had adopted every recommendation of the Board of Visitors there is no telling what they would have made of this institution. I beg the honorable Senator's pardon. I have read a good many of them. I think them exceedingly wise. I will tell you why. The visitors—in that respect unlike the Secretary—come from every part

of the United States. They represent the different sections of the Union—every portion of it. They have no interest, under heaven, but to promote the public good. They go and examine the academy. They ascertain all about it. It is their duty to make recommendations; and I have even more confidence in their recommendations than I have in those of the Department.

As for the idea that this patronage ought not to be exercised by Senators, who represent sovereign States here, I am surprised that Senators should put their objection upon that ground. It is the best distribution that can be made of it, and it is in accordance with your institutions. As the law stands you have the cadets represented by districts, that is by population. Now, we want to have a State representation in the same way, by which your small States will have the same chances that your large States have.

Mr. DODGE, of Iowa. Mr. President—
Mr. CASS. I want to say a word to my honorable friend from Illinois, and it is this: Never to suspect one of his colleagues on this floor because he differs from him. There is no ground for his suspicion in this case. I will repeat what I have said: Never suspect one of your fellow members here because he differs from you in opinion.

Mr. SHIELDS. I do not.
Mr. CASS. Why suspect me? I never gave a vote against the Army in my life. You cannot find one; not one.

Mr. SHIELDS. I expressed my pleasure that the Senator was in favor of the bill.

Mr. CASS. The Senator will excuse me. Being an "Old Fogey," I am a little irritable at times. [Laughter.] It is the way with us old folks.

Mr. DODGE, of Iowa. Mr. President, when this amendment was offered yesterday by the Senator from Indiana, I announced my intention to vote for it. I have listened to the discussion which has ensued upon the subject, and it has only served to strengthen my convictions that the amendment is right, and that the section increasing the number of cadets to correspond with the number of Senators, ought to be stricken from the bill. Sir, in all that the Senator from Delaware [Mr. CLAYTON] said eulogistic of the Secretary of War, I fully and cordially concur. I think both from education, practical experience, and administrative talent, that there has perhaps never been at the head of the War Department an officer who was better qualified to discharge its important duties than is the present Secretary. But notwithstanding my entire confidence in him, and respect for his recommendations, I must, whenever a proposition of this character comes up, be allowed to judge of its expediency and propriety for myself. I am pleased to concur with my friends of the Department and of the military committee when I think they are right—not otherwise; and I always retain the privilege of thinking for myself, whatever may be the question upon which I am called to act.

I announced yesterday in my off-hand way, that I thought Senators had quite as much to do with appointments as they ought to have, and that the fact, that it was proposed to give us the nomination of cadets, was its smallest recommendation to me. I stated incidentally, that we were a part of the appointing power, that when cadets were promoted to second lieutenantcies, we were called on, in the discharge of our constitutional duties, to advise and consent to their appointments, and that I thought was as much as we ought to have to do with them. But, sir, I now humbly submit to the Senate, that the spectacle which we present, is not what in all respects I think it should be. If the exigencies of the public service call for a measure of this character, to avoid the imputation of selfishness, which I do not charge upon any one, it should have originated with the people's representatives. The fact that the section confers upon Senators the direct appointment of sixty-two persons, who are thus made officers of the Army, does not look well to me. It has the appearance of a desire to grasp power. Such was my impression as soon as I heard it read, and everything which has since been said in debate has only served to strengthen that conviction. I repeat, the proposition should have come from the immediate representatives of the people, those people who are to pay the taxes that will be requisite to pay the consequent expense of this large addi-

tion to the officers, not the rank and file of the Army.

Now, Mr. President, no one has attacked the West Point Military Academy. Every one who has referred to that institution has done so in friendly and complimentary terms. We are not now called on to pass upon the merits of the Military Academy. The question before us is that of increasing its numbers, and to that point should the argument be directed; and surely no one has begun to answer the cogent objections stated by the Senator from Michigan, [Mr. Cass,] who is the well-known, sincere, and able friend both of the Military Academy and of the Army.

Now, Mr. President, I have noticed that whenever there is a proposition to appropriate half a million dollars for the Collins steam line, or any other line, or any other magnificent object of expenditure, we have eulogiums upon steam and its advantages—such as we have to-day had upon West Point and its benefits. It will be time enough for those matters to be brought into the debate when they shall be attacked, or their benefits denied.

Mr. President, the tendency of all our legislation is to excess; immaterial what it is we undertake, we are almost certain to overdo it. The Military Academy is now doing well, and for one, I say, listen to the wise counsel of the experienced Senator from Michigan, and let its organization alone. Increase the pay of its cadets, as that is shown to be necessary, but do not increase their number. The result of the proposed increase, if it should prevail, will, in an eminent degree, be to revive in the minds of the people those prejudices against this institution which existed in the minds of the people anterior to the war with Mexico. The scramble for these sixty-two places of a life tenure, will at once cause the people to examine into its nature and organization, and the principles upon which its appointments are made; and the more they do so, the more, in my judgment, will they become dissatisfied with it. The number which can be appointed will be so few, as compared with the applicants, that discontent will be excited all over the country, which will show itself in a variety of forms, not now imagined, and will ultimately lead to the overthrow of the institution. That will be the effect of it, I fear.

The Senator from Maryland [Mr. Pearce] made an attack upon the President of the United States for the manner in which he had exercised the right to designate the "ten" cadets appointed "at large." I think he charged that it was calculated to rear or support a military aristocracy. How differently do different persons view the same act! I regarded the President's course in the selection of the ten cadets, to which that Senator refers, as an act of sheer justice to the sons of persons whose lives have been spent in the service of their country. I happened to be with a member from the other House from Ohio, [Mr. Corwin,] when soon after the commencement of the present session, he waited upon the President to recommend a youth from his district. I had a like duty to perform for a constituent of mine. The President candidly, and at once, informed us that he could not appoint either of the young men whose names we presented to him, and for the reason that he had made up his mind to select the "ten" from among the sons of those officers who had lost their lives in the service of the country. He remarked that the representative from each Congressional district had the selection of a cadet, but that they rarely, if ever, nominated the son of an officer, for the reason that they seldom remained sufficiently long in any place to give them any claims upon the member. He said, he thought the ten appointments were given to him that he might have an opportunity to appoint some of the sons of those officers of the Army who had fallen in battle, and whose poor and widowed mothers were soliciting him to do so, or the sons of officers, who, if living, have from their situation and circumstances no local habitation or political influence. Mr. Corwin and myself at once agreed that he was right, although his decision excluded our constituents. We could not, in our hearts, think that those whom we presented, deserved a preference over the offspring of such men as Worth, Martin, Scott, McIntosh, Hooe, and a host of others who have passed the greater part of their lives on the confines of the Republic, and without the limits of congressional districts or political influences—persons the bare

mention of whose names causes the recollection of their heroic deeds to rush back upon the memory of every American—men whose bodies were scared all over upon our battle-fields, from the war of 1812 to that of Mexico. The conduct of the President in providing for the children of some of the officers to whom I allude meets the approbation both of my head and heart.

Mr. PEARCE. I am not willing to have it supposed that I intended to make an attack upon the President. I think that I disclaimed such an intention. I meant to assign a reason why we should not enlarge his patronage in this respect. I had noticed that all his appointments were made from the sons of military or naval officers; and I thought that if the number of cadets were increased by the addition of sixty-two in the course of four years, and the appointments were not given to Senators, but to the Executive, the probability was that there would be too much of that sort of patronage which, at the present time, the President extends to the sons of military men; for he can have no personal knowledge of the merits and capacities of those who may be urged upon him for these places at West Point; he must be governed, either as he is governed now, by reference to the claims, real or supposed, of military men, or by political influence, which will press upon him, as we know it does very often in every department of the public service. He is not to be reproached, because he cannot have the personal information which we shall have, and must be liable either to one or other of the influences which I have mentioned. However, sir, if I said anything which reflects injuriously upon the President in regard to these appointments, I qualify it, and desire it to be understood that I do not censure him for the selections which he has made, but only wish to avoid the extension of the principle of those selections. A few of these cadetries may quite properly be bestowed in consideration of the high military merit of the parent in addition to the fitness of the son, but the great majority should be taken from other walks of life.

I desire to make one other remark, if the Senator will allow me, which I ought to have made before, and which has been called to my attention by the Senator from Mississippi, [Mr. Brown.] The President now appoints ten cadets every year, or forty in four years. The members of the House of Representatives appoint two hundred and thirty-three every four years, so that the patronage of the President is more than one-sixth of that of the House of Representatives. That is a very large proportion to assign to the sons of military men, and it should not be increased.

Mr. DODGE, of Iowa. There the Senator and I differ entirely. I think that the President did precisely right, and that if it is necessary to increase the number of cadets at the Military Academy, they should be at the disposal of the President, to be given to those boys whose fathers are engaged in the Army, and are thus without, I may say, a local habitation—certainly without political influence with the Representative of any Congressional district. The Senator of course knows with what views and for what purposes he animadverted upon the conduct of the President in this matter. He referred to the fact that appointments had just been made, and had been bestowed, without one exception, upon the class of persons named by him; and differing from him as I do, respecting the propriety of the selections made by the President, I could not allow his remarks to go unanswered.

I will not detain the Senate further on this subject. But there are some other recommendations of the Secretary of War, which I want attended to. I think my friend from Illinois has a bill before us to increase the rank and file of the Army. This is needed to protect the people out in New Mexico, Oregon, California, Iowa and Nebraska, and I shall vote for that bill with great pleasure. My friend from Illinois, I am aware, is laboring efficiently for the good of the public service, and especially that branch which has been confided to him. I will vote for the bill to increase the rank and file of the Army, but not the officers, when we are now turning them off at the rate of two hundred and forty-three every four years.

Mr. SHIELDS. Do I understand my honorable friend to say that he is in favor of this bill, except the section proposed to be stricken out?

Mr. DODGE. I am.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. SUMNER called for the yeas and nays, and they were ordered.

Mr. ADAMS. Let the section which is proposed to be stricken out be read.

It was read, as follows:

SEC. 9. *And be it further enacted*, That in addition to the number of cadets authorized by the existing laws, there shall be appointed two from each State, upon the recommendation of the respective Senators.

Mr. PRATT. The first question will be, I suppose, upon the amendment which I proposed to the amendment.

Mr. BADGER. The Senator from Maryland moved to strike out the last words of the section, "upon the recommendation of the respective Senators." The question will first be upon that.

Mr. SHIELDS. I desire to say, so that the Senate may understand it, that if the amendment of the Senator from Maryland is agreed to, the effect will be to authorize the appointment of sixty-two additional cadets, and leave the selection to the President, so that he may select them from one State, or two, or three. The selection as it stands gives the small States the same chance as the large ones.

Mr. PRATT. I do not want the amendment to be misunderstood. Its effect will be to leave the appointments without any mode specified for the making of them. It will give rise to a subsequent arrangement, and if none is made the appointments will be left to the President.

Mr. CLAYTON. There appears to be some difficulty in regard to which amendment the question will first be taken upon. If I understand it, the motion first made was to strike out the ninth section. Then a motion was made to strike out the last words of the section. Upon which does the Chair state the question is to be first taken?

The PRESIDING OFFICER. Upon the amendment to strike out the last words.

The question being taken by yeas and nays on Mr. PRATT's amendment to the amendment, resulted—yeas 6, nays 32; as follows:

YEAS—Messrs. Brodhead, Cass, Dodge of Iowa, Evans, Pratt, and Sumner—6.

NAYS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Bell, Brown, Butler, Clayton, Dodge of Wisconsin, Fish, Fitzpatrick, Geyer, Gwin, Hamlin, James, Jones of Tennessee, Mason, Morton, Norris, Pearce, Pettit, Rusk, Shields, Slidell, Stuart, Thompson of Kentucky, Wade, Walker, Weller, Williams, and Wright—32.

So it was rejected.

The question recurring on the amendment to strike out the section, it was taken by yeas and nays, and resulted—yeas 13, nays 25; as follows:

YEAS—Messrs. Adams, Brodhead, Cass, Dodge of Iowa, Evans, Hamlin, Norris, Pettit, Pratt, Slidell, Stuart, Sumner, and Williams—13.

NAYS—Messrs. Allen, Atchison, Badger, Bayard, Bell, Brown, Butler, Clayton, Dodge of Wisconsin, Fish, Fitzpatrick, Geyer, Gwin, James, Jones of Tennessee, Mason, Morton, Pearce, Rusk, Shields, Thompson of Kentucky, Wade, Walker, Weller, and Wright—25.

No further amendment being proposed, the bill was reported to the Senate as amended. The amendment made yesterday as in Committee of the Whole was concurred in, and the bill was ordered to be engrossed for a third reading, and, being read a third time, was passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that the House had passed a bill to authorize the school commissioners of the fractional township No. 1, range No. 10 east, in Alabama, to locate one half section of land for school purposes.

HOMESTEAD BILL—EXECUTIVE SESSION.

Mr. MASON. I move that the Senate proceed to the consideration of Executive business.

Mr. WALKER. We have had a special order on the Calendar since Monday last, and each day I have attempted to get it up. It is the bill commonly known as the homestead bill. I do not know what its friends propose, but for my own part, I am willing and anxious, as soon as I can, to take it up and have it acted upon according to the order which the Senate has made. If, however, I can get any expression from the friends of the bill, that they desire its postponement until we can get through with the Executive business, I am willing to coincide with that opinion; but I

am unwilling to see it go over, apparently by the neglect of its friends.

Mr. GWIN. I desire to state, in answer to the Senator from Wisconsin—

The PRESIDING OFFICER. The pending question is on the motion to proceed to the consideration of Executive business.

Mr. WALKER. And we are opposing it.

Mr. GWIN. I want to give a reason why I cannot come to an understanding now in reference to this question. On Monday next I shall move to take up the bill which has been assigned as the special order for that day—the Pacific railroad bill. I am in favor of the homestead bill; and also take some interest in the question pending in Executive session; but I want the Pacific railroad bill disposed of, and shall certainly object to its postponement.

Mr. MASON. It will be the more practical and better way to get through with one subject which is before us, and then take up another.

Mr. WALKER. I do not pretend to measure strength with the Senator from Virginia, as to qualities of practicability; but this much I say, that I claim an equal right with him to rise up and resist his motion, and I do not wish to be flouted for doing so, and I shall not. I have this to say: that if the friends of the homestead bill, which has been made a special order, are willing to be overhauled for this week, and then next week by the Pacific railroad bill, be it so. I have but the voice of one Senator, but that voice I have already raised, and I shall again exercise it, despite of what may be said by any one.

Mr. MASON. If the Senator will indulge me—he certainly misinterprets me if he supposes that I made any remark which was intended in the least degree to reflect upon him; very far from it—I merely suggested that we had better do one thing at a time, and then proceed to another.

Mr. WALKER. It may not have been intended to be disrespectful or unpleasant; but it has become common to say things in a manner which seems disrespectful. But it then becomes a question which shall be the measure taken up. It is a question between the subject desired to be considered in Executive session and the homestead bill. For my part, I prefer the consideration of the homestead bill first. I, therefore, say, that until I can get an expression from the friends of the bill as to what they wish I shall oppose a motion to go into Executive session.

Mr. MASON'S motion was agreed to.

The Senate accordingly proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 22, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a communication from the Chief Engineer of the War Department with reports containing information in regard to works of defense in progress at Fort Point and Alcatrazas Island, in California, which were not forwarded in time to accompany the annual report from that officer respecting fortifications.

On motion by Mr. BISSELL, the communication and accompanying documents were ordered to be laid on the table, and printed.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business is the consideration of the motion made yesterday by the gentleman from South Carolina, [Mr. ORR.] to reconsider the vote by which the bill for the relief of settlers on lands reserved for railroad purposes was ordered to a third reading; and upon that question the gentleman from South Carolina is entitled to the floor.

PATENT OFFICE REPORT.

Mr. BAYLY, of Virginia. I rise to a question of privilege. I move to reconsider the vote by which, yesterday, the resolution reported from the Committee on Printing, on the part of the House, was adopted, which directs that one hundred thousand extra copies of the agricultural report of the

Patent Office be printed by the printer of this House.

The SPEAKER. If the gentleman will suspend for a moment, the Chair would inform him that, according to his recollection of the matter, the motion was made yesterday to reconsider that vote, and the motion to reconsider was then laid upon the table, and therefore the gentleman's motion would not be in order.

Mr. BAYLY. Does the Journal show that fact?

The SPEAKER. It does. The motion was made by the gentleman from New York, [Mr. MURRAY.]

Mr. BAYLY. I beg leave to say, then, that a citizen is deprived thereby of appealing to a tribunal which this House has constituted, and that is the Committee on Printing, in regard to his interests.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed certain private bills of the House, and also a bill and joint resolution of the following title:

S. 160. An act for the relief of the heirs and representatives of Colonel Alexander G. Morgan; and

S. R. 11. A resolution for extending an existing contract for carrying the mail in Alabama; in which he was directed to ask the concurrence of the House.]

PUBLIC LANDS TO MISSISSIPPI.

Mr. HARRIS, of Mississippi, in pursuance of previous notice, asked, obtained leave, and introduced the following bill; which was read the first and second time by its title, and referred to the Committee on Public Lands:

A bill granting to the State of Mississippi lands in alternate sections to aid in the construction of a railroad from Brandon, in said State, to Mississippi city, or to a point opposite Ship Island, on the Mississippi coast.

Mr. PHILLIPS. I ask the unanimous consent of the House to take up the joint resolution which has just been brought into the House from the Senate, in reference to extending contracts for carrying the mails in Alabama; and, with the permission of the House, I desire to explain the reasons for the request which I have made.

Mr. HAMILTON. Unless the consideration of the matter referred to by the gentleman from Alabama [Mr. PHILLIPS] comes out of the morning hour, I object to taking it up.

Mr. ORR. And if it comes out of the morning hour, I object.

Mr. PHILLIPS. The explanation of the bill will occupy but a few minutes.

Mr. HENDRICKS. I object to its consideration at the present time.

Mr. ORR. Has the morning hour commenced?

The SPEAKER. It has.

Mr. ORR. Then I think it is but justice to this House to proceed to the consideration of the business which is pending before it, in order.

Mr. PHILLIPS. I ask the unanimous consent of the House to postpone the consideration of that pending business, and to give me the opportunity of explaining the necessity of passing that joint resolution at this time.

The SPEAKER. That can only be done by unanimous consent, and the gentleman from Indiana [Mr. HENDRICKS] objects. The gentleman from South Carolina is entitled to the floor upon the pending motion to reconsider the bill for the relief of settlers on lands reserved for railroad purposes.

RELIEF OF SETTLERS ON PUBLIC LANDS RESERVED FOR RAILROADS.

Mr. ORR. When I made the motion yesterday to reconsider the vote by which this bill for the relief of settlers on lands reserved for railroad purposes was ordered to a third reading, I had not examined particularly into its provisions. But since that time I have taken occasion to devote some attention to it, and from such investigation, I am more thoroughly satisfied than ever that the bill ought not to pass. The terms of it are in direct conflict with the provisions of laws which we have heretofore passed, granting alternate sections of land to aid in the construction of railroads.

Now, sir, in the bill which was passed, granting these alternate sections to the State of Arkansas, for such purposes, the right of preemptors are specially guarded and protected. Every man who

has brought himself within the provisions of the preemption law is entitled to have the lands upon which he has located exempted from sale, either by the company or the Government; his right of preemption is already protected by the bill making the grant to the companies in Arkansas and Missouri, and will in the same way be protected in all future bills.

But this bill proposes to go further than that. It proposes to give the benefit of preemption, not only within the limits of the six miles, but within the limits of the fifteen miles through which the road passes, to every squatter who may choose to locate upon them, whether he has complied with the conditions of the preemption law or not.

And it goes even further than that. It proposes to give him the benefit of that preemption at \$1 25 per acre, when the land around him has been raised by the Government to \$2 50 per acre. That is the effect of the bill. If gentlemen will examine the matter for a moment, they will see that the operation of the bill will be not only to allow these persons to take the sections which the Government has reserved to itself, but it also allows them to take the sections which have been given to the railroad company, if indeed you can divest the title which has already been conferred on the railroad company.

Again, by the provisions of this railroad bill you allow the railroad company to go outside of the limits of six miles to fifteen miles for the purpose of supplying the deficiency which has been created by your action, in giving this right of preemption where it did not previously exist. And it proposes to confer upon those persons who have failed to comply with the law—who are themselves at fault, and in consequence of whose fault are likely to lose the benefits of preemption—I say it proposes to confer upon these persons the right of preemption at \$1 25 per acre. Now, I say that if you propose to give them the right of preemption, you should require them to pay \$2 50 per acre upon the reserved sections.

So manifest and so palpable is the justice of the views I am now taking in this case, that at the last Congress, when the gentleman from Illinois, [Mr. Ficklin,] who found his constituents in precisely the same situation as those of the gentleman from Arkansas now, the gentleman from Missouri, [Mr. Hall,] who found his constituents in the same situation, introduced a bill for their relief; but he did not even ask the House to give them the right of preemption on these reserved sections for less than \$2 50 per acre. That bill passed, allowing the persons who had settled upon lands within the six miles in which alternate sections had been given to the railroad, and who had neglected to bring themselves within the provisions of the general preemption law, the right of preemption at \$2 50 per acre.

Now, sir, the effect of this bill, in my judgment, is this: Congress goes to work and passes an act donating alternate sections of the public lands to this railroad. The reserved sections are raised in price from \$1 25 to \$2 50, the object of which is to compensate, by their increased value, the Government for the donation. But now it is proposed to give those persons, though they may not have complied with the law, the right of preemption at \$1 25 per acre, thereby depriving the Government of \$1 25 upon every acre of this preempted land; and depriving the Government of the benefit of the very consideration which induced the passage of these railroad bills.

Mr. Speaker, I can very well understand how the gentleman from Tennessee [Mr. JONES] yesterday rose in his place and advocated the passage of this bill. That gentleman has been throughout consistent in his opposition to these bills granting alternate sections to railroads. He has charged again and again upon the floor of this House that those grants were purely gifts to the railroad companies, that the Government will not be compensated for the donation; and the gentleman, by the speech which he made the other day upon an amendment to a bill then under consideration, by his vote upon that amendment, and by his course in reference to this bill, seems determined to make his view of the case prove true, by depriving the Government of the benefit of the \$2 50 per acre upon the reserved sections. If it be true that Congress has determined to pursue the policy indicated by this bill; if it be true that we are to allow persons to settle upon these reserved sec-

tions which have been raised to \$2 50 per acre, at \$1 25, I concede the position claimed by the gentleman from Tennessee, that it will be true that the Government will be making a donation without receiving a corresponding advantage.

Sir, I say that the principles of this bill are directly in conflict with the principles upon which all these grants of alternate sections to railroads have been made. And I think that the gentlemen upon this floor who are in favor of that principle, ought not to set an example now of withdrawing from the Government that very land at a reduced price, in opposition to the consideration inducing the grants. I know that they think there is some danger of their bill failing.

It may be that the bills which have been reported will fail; but that some just and liberal policy towards the new States will be adopted by this House and this Congress I have not the slightest doubt. I trust that gentlemen will not, by their votes at least, place those of us in the old States, who have heretofore supported their grants, in a position where the gentleman from Tennessee, [Mr. JONES,] and others, who have opposed these grants, desire we shall be placed, and that is, that we make them without a corresponding benefit to the Government.

I therefore hope, Mr. Speaker, that the motion which I have made to reconsider the vote will prevail; and when we shall get back to that point where the bill shall be open to amendment, I will move to amend by providing that those persons who secure their preemptions within the six miles shall pay the minimum price at which the lands have been fixed, to wit, \$2 50 per acre.

Mr. JONES, of Tennessee. Mr. Speaker, this is a Senate bill, and a very short and, I think, simple one in its provisions. It provides that every settler on public land which has been, or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to preemption, at the ordinary minimum price, to the lands settled and cultivated by them; provided that they shall prove up their rights according to such rules and regulations as may be prescribed by the Secretary of the Interior, and pay for the same before the day that may be fixed by the President's proclamation for the restoration of said lands to market.

The bill only provides for those settlers who may have made their location on the public land prior to its withdrawal from market, under any railroad, or proposed railroad grant. It does not secure to an individual within the broad extent of this country, any of the rights of preemption, who shall have gone upon the land after Congress shall have passed a law granting alternate sections to the States in which they lie, for railroad purposes. The man must be there before the lands are withdrawn from sale; and not only that, but he must prove up his right under the provisions of the bill, his right to preemption under such rules and regulations as the Secretary of the Interior shall prescribe, and shall, in addition thereto, pay the money for the same prior to the return of the lands into the market, under the proclamation of the President of the United States.

Mr. Speaker, I would now ask what injustice there is to the States and the companies which shall be the beneficiaries of acts of Congress? Are the private rights of individuals—are the rights of settlers to be disregarded, overridden, destroyed? Are they, to use a favorite expression now in vogue, to be crushed out for the benefit of corporations? Will not the settler upon the lands make as good a citizen as if he should come in there afterwards and pay \$2 50 an acre for his land?

Mr. ORR. I hope the gentleman from Tennessee will state the provisions of the preemption laws now, and then he will see whether these men who have settled on the public lands are entitled to this kind consideration he speaks of. If they had complied with the provisions of those laws, they would not have been here asking that this bill should be passed. It is their own fault.

Mr. JONES. They may not, when they have gone upon the land in the first instance, have filed their declarations, or complied strictly with the preemption law, and the requirements of that law, but they have a right at any time while upon that land to comply with those requirements, and then its benefits result to them. If one of these men is now upon this land, and has not complied with

those regulations, you, sir, living where you do, can go and enter his domicile and turn him out. If I understand the law, he is not protected under it until he does comply with its provisions. I cannot, for one, by my vote, deprive these men of their benefits under that law, in order to benefit a company.

The gentleman from South Carolina does me but justice when he says that I am opposed to these railroad grants. It is true; but Congress has passed some of them, and I fear will pass others. He also does me but justice when he says that the bills will be more acceptable to me if you will retain the alternate sections at \$1 25 per acre.

I am as well satisfied as I am of any one thing in this world, that our wild lands in the new country are not worth one cent a thousand acres until labor is applied to them, until they are brought into cultivation and made productive, and yield to the necessities, wants, and comforts of the human family. Sir, I ask you, and this House, and the country, of what value will your railroads be without farmers—without cultivators? You say that your railroads are to give value to these lands. The cultivation of those lands will give ten—yes, one hundred fold more value to them than all the railroads you can make through them; for your railroads will be worse than useless if the lands are not made productive by cultivation, by labor, by settlers.

Then, sir, I repeat, that he who goes into the wilderness with his little family, with but little, if any, of the goods of this world to take with him; who goes into the wilds of your new country and settles your lands; he who is the pioneer, if you charge him not one cent for the land, pays a dearer price in the wear and tear of his constitution, and in the hardships and toil that he is subjected to, incident to the settlement of the country, than the man who comes thirty or forty years after him, when they are blessed with all the means of civilization, with school-houses and churches, with society and all its blessings, and who pays forty, fifty, and a hundred dollars per acre. I, for one, if there is no other upon this floor, will continue to advocate by my voice and by my vote the rights of the settlers on the public lands. I hope that the motion to reconsider will be laid upon the table.

Mr. STRAUB. Will the gentleman from Tennessee allow me to ask him one question? If I understand this bill, it will have a prospective as well as retrospective effect. Is that so?

Mr. JONES. According to my understanding of the bill, if a man goes out and settles upon public lands subject to private entry, and ten years hence you pass a railroad grant, he will have a right to perfect his preemption under it, if he does it before the lands are withdrawn from market.

Mr. STRAUB. It is precisely in the shape as I understand it. Every railroad that is proposed to be built by a little management can become the possessor of every alternate section of land upon the whole line of the road. They certainly can do this, and viewing it in that light, I intend to vote for the reconsideration.

Mr. BISSELL. The passage of this bill will be a precise reversal of the policy which Congress has heretofore pursued in regard to these reserved lands. One of the main grounds upon which these railroad bills have been maintained was, that the Government lost nothing thereby, inasmuch as the reserved sections were doubled in price, indeed, they were often quadrupled in value. Notwithstanding this very large increase in the price of reserved lands, this bill proposes to sell them to a certain class of persons at the old price of \$1 25 per acre. And why is this? Why, says the gentleman from Tennessee, [Mr. JONES,] that they may have the benefit of the preemption right. By what means do you give them the benefit of the preemption right, and what is that benefit? It is the privilege of purchasing, in preference to anybody else, the land upon which they have lived, at the price at which that land is held when they pay for it, and not at the price at which that land was held when they settled upon it, perhaps ten, fifteen, twenty or twenty-five years ago. No, sir! The preemption right implies no such thing. I presume the right implies that the settler, in preference to any other person, shall be permitted to purchase the land upon which he lives, at the price at which another citizen could be permitted to purchase it. But the

gentleman from Tennessee says that the settler is entitled, not only to this preemption right, but that he is entitled to purchase the land at half the price which another citizen must pay for it, by the law making the grant to the railroad because he squatted upon it long ago. I am for carrying out the principles of the preemption law to the fullest extent. I have yet to learn what merit that man has who settles upon Government land, and lives upon it for twenty or thirty years without paying for it. I am willing to give him the benefit of the preemption law. Let him purchase the land in preference to anybody else; but do not let him have it at half the price which the emigrant from the Old World would have to pay for the same tract of land. Now, is it any hardship to require that of him? He has, probably, already made on his farm, without paying taxes for it to the State, and without paying anything at all to the Government for it, ten or twenty times the amount which he is now asked to pay for the land. Is it a hardship, then, to require him to pay the same price for his land that other citizens have to pay, and would be willing to pay?

But the gentleman from Tennessee seems to conclude that the settler has a sort of vested right to purchase the land at the price at which the land was held when he squatted upon it. By what rule is that doctrine maintained?

Mr. JONES. Will the gentleman from Illinois permit me to make a remark?

Mr. BISSELL. With pleasure.

Mr. JONES. If I understand, Mr. Speaker, this bill, and the bills which have heretofore been passed for the benefit of railroad companies, the price of the land is not increased to \$2 50 per acre until it shall have been first withdrawn from the market at private entry, and shall have been, by the proclamation of the proper Department, offered at public sale; and such lands as shall not be bought at that sale shall then be subject to private entry at \$2 50 per acre. Now, suppose this bill required these settlers to perfect their proof to the absolute preemption right, and to pay \$1 25 per acre before the land is returned to market at \$2 50 per acre?

Mr. BISSELL. But why should they only pay \$1 25 an acre, when other citizens must pay \$2 50? Is it because they settle on the land before the price is raised to \$2 50 an acre? But the price was raised to that when the railroad bills were passed. Was it any merit on the part of the settler to squat upon and occupy the public lands? Was it such a merit, I say, as to entitle him now to the right of purchasing the land at half the price of that in which it is in the market? Ought he to have such a privilege over all other citizens?

But another thing, Mr. Speaker. The land in the State of Illinois which was reserved to the Government in the grant made to the State for the purposes of the Central Railroad Company, is, as this ought to be, subject to preemption at this price of \$2 50 per acre. Now will you establish such an inequality in the States of Arkansas or Missouri, by making these reserved lands be held at the price of \$1 25 per acre to actual settlers, while in the State of Illinois, and perhaps in other States, the price is fixed at \$2 50 per acre?

Mr. COBB. Will the gentleman from Illinois permit me to make a suggestion?

Mr. BISSELL. With pleasure.

Mr. COBB. The preemption right secured in the bill which passed the last Congress, applied strictly to that class of citizens who had settled on the lands after the increase of the price to \$2 50 per acre; that they should have the preference of purchasing at that price merely.

Mr. BISSELL. And it included those who should hereafter settle on the lands so granted to railroad companies, as well as those who had already settled.

Mr. COBB. Most assuredly; but this bill goes back behind all this, and applies to citizens who have settled there before the passage of these railroad bills.

Mr. BISSELL. So does the law that was passed in reference to the public lands in the State of Illinois, to which I have before referred; and I still maintain—and defy any gentleman on this floor to refute my position—that if a man had settled on these lands before the railroad grants were made, he is not thereby entitled to purchase them now at a price less than that which other citizens would have to pay for them. The squatter, in settling upon the land, acquires a preemp-

tion right to purchase it in preference to anybody else, at the price fixed on these lands by Congress; but he is not entitled to the preemption right at a less price. Why, there are thousands of persons now on the public lands entitled to their preemption right at the price of \$1 25 per acre. But suppose that to-day Congress should pass a law increasing the price of all these public lands to \$2 50 per acre, would it be contended that these squatters who had secured their right to the preemption privilege, were entitled to that preemption at the price of \$1 25 per acre, notwithstanding such general increase of price? No, sir; those who squat upon the public lands acquire no such right. Yet, if we were to act upon the principle laid down by the gentleman from Tennessee, Congress could not, with respect to such persons, increase the price of the public lands.

Mr. JONES, of Tennessee. I wish to ask the gentleman from Illinois a single question. Suppose that Congress should now pass a law to increase the price of all the public lands to \$2 or \$2 50 an acre, would not the gentleman vote to secure the settler his preemption lands at \$1 25 an acre?

Mr. BISSELL. No, never; as I should thereby be doing great injustice to others, who would have to pay \$2 50 per acre.

Mr. JONES. Well, I would.

Mr. BISSELL. To those who have settled upon the public lands, I am in favor of giving the full benefit of the preemption right. What is that preemption right? The right of first purchasing the land. At what price? At the price at which the lands were held thirty years ago? No; but at the price at which they are held when the purchase is made.

Mr. WARREN. I regret exceedingly that this bill has met with so formidable opposition as it has in the persons of the distinguished gentleman from South Carolina, [Mr. ORR,] and the gentleman from Illinois, [Mr. BISSELL.] Of course, I can scarcely expect the passage of this bill, although local in its character, over the head of such formidable opposition. But, notwithstanding this, I feel that it is a duty which I owe to myself and to my constituents, to explain the provisions of the bill. I think I can do so satisfactorily to the House, as it is simple in its provisions, and involving no great principles which this Congress is called upon, by virtue of its passage, to thwart. It only proposes to do justice to a meritorious class of citizens, and disturbs no great principle. This is a feature of the bill, which, in my judgment, ought to meet the commendation of gentlemen who are opposed to these grants to aid in the construction of railroads, as well as those who are in favor of them; and I come to that conclusion because I am satisfied that it is a bill just and equitable in all its provisions—one that does no violence to others, while, as I said before, it does but simple justice to a meritorious class of citizens, which class is not unfrequently overlooked by deliberative bodies.

What does this bill ask? Permit me to say that, in the discussion of this bill, and in the statement of those provisions, I am not going to allude to the term "squatter," which the gentleman from Illinois has been pleased to apply to this estimable class of citizens who ask to be relieved.

Mr. BISSELL. I will remark to the gentleman, that it is hardly necessary for me to say that I used the term "squatter" in no disrespectful sense. It is a term which, in the West, is considered perfectly respectful; and if it is not so in Arkansas it is because the "squatters" in that State are a different set of men than those found elsewhere.

Mr. WARREN. We have no such word in our vocabulary to apply to any class of citizens in Arkansas, which seems to be applied in Illinois to the class which this bill is intended to benefit. We know nothing about it.

I propose to speak only of the merits of the bill, and the object intended to be accomplished by it, and we shall thereby see whether it is not fair in its provisions. When I shall have done that, if the House shall see proper to vote down the bill, well and good. I shall not complain, recognizing, as I do, the right of the majority of this House to determine upon all such matters.

This bill proposes what? Not as the gentleman from Pennsylvania [Mr. STRAUB] supposes, retrospective action. Not at all. It proposes to

provide only for persons who are settlers upon lands which have been reserved for railroad purposes, at the time the reservations were made, and not for those who shall become such settlers in the future. It is the first class of persons only who are to be benefited by this bill. Is it those who have been fortunate enough, or unfortunate enough, as the case may be, to settle upon the line of the great Central road in Illinois, or upon the Cairo and Fulton road in Arkansas? Not at all. If gentlemen will refer to the acts of Congress donating public lands to the roads in Illinois and Arkansas, they will see that a special provision was made protecting those who had settled upon the lines of those roads before the grants were made.

But if they will look a little further, they will find that there is a class of persons who had the fortune to live upon the lines of proposed railroads to which Congress has not made grants, but which grants have barely been contemplated. For instance, the Mississippi, Washita, and Red river, and the Shreveport and Vicksburg railroad. There has been no grant of land to either of these roads; nevertheless, by proclamation of the President, the lands upon the lines of the proposed roads have been reserved from sale. Now, how are the citizens who may reside along the lines of these proposed roads, who have had no notice of the intended reservation, to comply with the conditions of the preemption laws? I do not understand, and I apprehend there is not a member of this House who can understand, how these persons, under such circumstances, can avail themselves of the benefit of the existing preemption law.

I apprehend that every gentleman upon this floor understands the mode by which these lands have been reserved from sale. Gentlemen are doubtless aware that they are reserved without consulting or advising the citizens who live adjacent to the proposed roads of the fact. They have been reserved by virtue of the representations of members of this House, or by persons, perhaps, coming from the section of country through which the road is to pass, by the representations at the Department of the Government, under the direction of which a proclamation is made reserving these lands from sale, without either directly or indirectly giving any notice to those who had been fortunate, or unfortunate enough—certainly unfortunate, if this bill does not pass—to live in the vicinity of the road.

Now, sir, these are the circumstances under which this bill comes before the House. I appeal to the gentlemen of the House—I appeal especially to those who are opposed to the policy of granting lands to aid in the construction of railroads, to give this bill a fair construction. I ask them if the older States of the Union, or if the General Government, is to suffer by the passage of this law? Not at all. It is only permitting the settler upon these lands to do what he had the right to do before the President issued his proclamation reserving these lands from sale. It gives him the right of preemption upon these lands, at the rate of \$1 25 per acre. I disguise nothing in reference to it. The gentleman from South Carolina [Mr. ORR] says we propose to allow these persons to take the lands raised by order of the Government to \$2 50 per acre at \$1 25 per acre. The bill does so provide; and if it did not, I would vote against it. Does it do injustice to any one? Not at all. These lands were entered before the proclamation reserving them from sale was issued, when they were in the market at \$1 25 per acre, and how can it be doing violence to the General Government by now permitting this class of persons to have the lands at the same price?

Now, sir, I repeat, does this bill do violence to the older States of the Union? Does it do violence to the railroad corporations or companies? Well, sir, if it does, I would still advocate its passage; for I would rather protect the rights of the humble citizens of the country than to attempt to protect the rights of moneyed corporations. That is the doctrine we hold to down in Arkansas. It may not be the doctrine held in other portions of the country, but it is the doctrine which I have always been taught to be a correct one, and one which I shall endeavor to carry out, so far as my own course is concerned, as long as I may be permitted to hold a seat upon this floor. Whenever I see a conflict of rights between a moneyed corporation and an humble citizen, I hold it to be my duty, if

I can, to protect the humble citizen, though it may be at the expense of the corporation.

But, Mr. Speaker, although such a course would be right and proper did circumstances exist requiring us to make such a discrimination, yet, so far as this bill is concerned, there is no such conflict of rights, as I humbly conceive.

It is true that Arkansas has not often received favors at the hands of the National Government. She has not often been before the National Congress to ask for such favors. She has heretofore had but one Representative upon this floor, and has not been able to secure the influence here which the more powerful States possess. She has but two representatives here now; but, sir, Arkansas intends to throw off the shackles which have heretofore bound her. I shall ask for that State justice, and full and ample justice, at the hands of the Government. It is true, as I have said, that Arkansas has not often troubled Congress with her importunities. It is true that her Representatives have been a little modest, though that is not an appellation which applies to me in Arkansas; but being a little modest since we came here, we have played mum, and not troubled Congress. We stand here now, and intend to do so in the future, claiming our rights. We shall not only press the bill under consideration, but others.

Mr. ORR. I will ask the gentleman to yield for a minute or two. He seems to be pressing the consideration of this bill on the ground that it is doing justice to Arkansas, and indirectly conveying the idea that those of us who oppose it are disposed to do that State injustice. Now, so far as I am concerned, that imputation would not apply; for, as every member of the Committee on Public Lands is aware, a year ago I reported the very bill which gave Arkansas over two millions of acres of the public land. All I ask my friend from Arkansas is, that the provisions and principles on which that donation was made shall be carried out by his State, and the other railroad interests here, in good faith. That is what I ask; not that I desire to do Arkansas injustice.

The number of Representatives upon this floor, Mr. Speaker, is of little consequence. The bill to which I refer passed when Arkansas had but one Representative, and it had no stronger friend than myself. And I ask that the gentleman will not place me, and those who voted with me for the bill, in a false position, where my friend from Tennessee, [Mr. JONES,] and others can charge us with giving away the public land. Our argument has been, that we do not give way the public land, but grant it for consideration. I ask that he will save us from such imputation as has been mentioned.

Mr. WARREN. I am specially instructed by the citizens of the State of Arkansas to tender their everlasting acknowledgments to the gentleman from South Carolina, for his favor and support heretofore bestowed. As they believed that one good turn deserves another, and as he had favored them with once, he would do so again. [Laughter.] I tell that gentleman, that not only the Representatives of Arkansas upon this floor, but her people generally, feel that they are under a binding obligation to him for his efforts in behalf of the Cairo and Fulton railroad grant.

I will tell him here, however, that he misconceives what he terms the principle involved in this bill now under consideration. I do hold that there is a principle involved in grants of land to aid in the construction of railroads; and I think there is another principle in the disposition of our public domain—the lands of this General Government. I hold that it has ever been the doctrine of the party to which I belong, as well as the policy of the Government, not to make our landed interest particularly a source of revenue. That is the doctrine which I have been taught, so far as concerns the public domain. We do not look favorably on any disposition of the land of the General Government, with a view only to the production of revenue. I may be mistaken, but the policy which I believe and have insisted on at home, and shall insist on here, is that Congress, in disposing of the public land, should do so with an eye single to its settlement and cultivation. It should be disposed of in a manner to secure speedy settlement and cultivation.

It is true that we do say, in talking about grants of the public land to aid in the construction of railroads, that the donation of alternate sections increases the value of the remaining sections, and

that therefore the old States are not injured; but I think the great principle involved in the disposition of the public land is the one to which I have adverted.

I am not inclined to detain the House any longer. The only object I had in rising was to explain the provisions of the bill. I have shown that it is retrospective in its action, and local in its character; that it does not affect detrimentally the interests of the Government, of corporations, or of the old States, while it does protect the peculiar class of citizens for whose benefit it is asked. I now move that the motion to reconsider be laid upon the table, which motion I hope may prevail.

Mr. SINGLETON. I ask the gentleman from Arkansas to withdraw that motion for a moment.

Mr. WARREN. I will withdraw it for my friend from Mississippi.

Mr. SINGLETON. I should not have added a word to what has been said upon this subject but for the fact that the district which I have the honor to represent upon this floor is, perhaps, as much interested in this question, and in the principles involved in this bill, as the district of any other gentleman here.

There are two railroads running through that district, to which I will refer. One is the Mobile and Ohio railroad, to which alternate sections of land upon each side, for a distance of six miles, have already been granted by an act of Congress. This road runs through two of the largest and most populous counties in my district. There is, also, the Southern railroad, now under contract, from the town of Brandon to the Alabama line, which is to constitute a link, as I believe, in future, of the great Pacific railroad—a distance of ninety-nine miles and one third; and upon that road the lands have already been reserved from sale by a proclamation of the President of the United States, with a view of making the same donation, by act of Congress, to that road, as has been made to the Mobile and Ohio road.

Now, sir, upon a calculation, it will be found that six miles on each side of the line of these two railroads embrace about eight hundred miles square of the territory within the State of Mississippi, and about twenty-five hundred sections of land. This area necessarily embraces many of those whom the gentleman from Illinois has thought proper to term "squatters" on the public lands—honest citizens, who have gone there, away from the great thoroughfares, and have settled where they supposed they would be out of the reach of speculators and capitalists; built themselves humble cabins on the public lands with a view, when they should be able to do so, of providing a home for their families.

Mr. ORR. I desire to ask the attention of my friend from Mississippi to an act which was passed on the 2d of August, 1852, which gives to all the settlers in Mississippi along the line of the Mobile and Chicago railroad the right of preemption, provided they pay \$2 50 an acre.

Mr. SINGLETON. That is the very thing I am warring upon; that is the very principle that I am opposed to, and I shall come to it in the course of my remarks.

Mr. SMITH, of Virginia. Will the gentleman allow me to ask him a question?

Mr. SINGLETON. Certainly, sir.

Mr. SMITH. I wanted to ask the gentleman over the way, [Mr. Jones, of Tennessee,] who is the general guardian of the public Treasury, the question, but as I shall not have an opportunity of doing so, and do not desire to make a speech, I will ask it of the gentleman from Mississippi. If this bill be passed, and these gentlemen—for the term "squatter" is, it seems, offensive to the sensibility of honorable members—these gentlemen—and I doubt not that they are honorable men, for all frontier men are so, of course, as we all know—I say, if this bill grants this privilege, I ask, if every man in the country who has paid the advanced price of \$2 50 under former laws, will not come to Congress and demand that the money shall be refunded to him? and if the gentleman is prepared for such consequences?

Mr. SINGLETON. Well, sir, because justice has been withheld from this class of citizens up to this time, it does not follow, in my judgment, that we should continue to withhold that justice. If it is the pleasure of Congress hereafter to refund the money to those who have paid the increased price, it will meet with no opposition from me, for

I do not think, that because you have located a railroad in any section of the country it therefore necessarily follows that the settler on the public lands, who has hewn himself a home amid the wilds of nature, should pay \$2 50 an acre for the land upon which he has settled, when he had the solemn assurances of the Government that he might enter it at half that price if he would make such settlement.

But I was remarking, that this area of territory in the State of Mississippi necessarily involves the interests of a great many of these settlers who have not, up to this time, paid for their land.

Now, sir, is there any justice or propriety in the proposition that these men, who have left the haunts of civilization—schools, colleges, and churches—behind them, and settled in an almost unbroken wilderness, should be compelled to pay more than the minimum price for their homestead, because you have located a railroad through the public domain, when the lands had been in market for twenty-five or thirty years, as is the case in eastern Mississippi, and in the purchase of which not even the speculator has been tempted to invest his money? I tell you, the day will come, when any member on this floor, who has favored the donation of large tracts of lands to railroads—when these lands shall have fallen into the hands of speculators and capitalists, without, at the same time, throwing proper restriction around the grant, and guarding the interest of the settler—will call upon the rocks and mountains to hide him from public indignation, because he has forgotten his own citizens, while he has been liberal towards capitalists.

At the same time that I am in favor of being liberal towards those who would construct railroads, I would not forget the humble citizen who has the right to claim the protection of the Government against all comers who would infringe what I believe to be his right. What would the effect of such a policy be, especially in eastern Mississippi, where the lands have been in market from twenty-five to thirty years, and where even the speculator has found no inducement to make investments? In order to construct a railroad through these lands the settlers upon them are required to pay \$2 50 per acre, when as yet they have been unable to pay even \$1 25, and \$400 would be demanded for a quarter section instead of one half that amount. The result of such policy would be to drive these hardy and enterprising men from the lands upon which they have located, and all the little improvements which they have made would redound to the benefit of capitalists and speculators. They would be driven from their homes to seek new ones elsewhere, again to be removed in like manner should a company obtain a grant of land for another road under like circumstances.

I have talked with these settlers myself along the line of the Mobile and Ohio road about these matters, so far as their rights are concerned, and I have seen the tear start in the eye of the honest poor man as he talked of leaving the humble home which he supposed he had secured for himself, of giving up the little field, from which every stick of timber had been removed by his own toil and sweat, and bidding adieu to the roof constructed by his own hands, which, though but indifferent, had given shelter to those most dear to him on earth. But gentlemen say, that if these settlers have failed to enter their quarter sections it is their own fault, and that they should have attended to this matter in time. Who does not know that these humble citizens, living upon these remote and sparsely settled lands, are but little acquainted with public matters transpiring in the country, and especially the legislative enactments at Washington? They rarely leave their homes, unless it is to go to their county towns to perform some public service, such as serving on juries or to vote, and consequently, in many instances, were unacquainted with the fact, that if they fail to enter their lands according to the terms and stipulations of the law, that they will be ousted by a railroad company, authorized by law to construct a road through these lands. I favor this principle of permitting the bona fide settler to enter his quarter section at \$1 25 per acre.

At the beginning of the session I introduced a bill asking for a grant of alternate sections of land to the Southern railroad, embracing this same principle. I think it would be cruel and unjust, indeed, that they should be required to pay \$2 50

per acre, when the inevitable consequence would be to drive many of them from their homes; for if they could not pay \$200 it would but increase their difficulties to demand double that amount.

Mr. BISSELL. I ask the gentleman from Mississippi [Mr. SINGLETON] with what face he and I can argue in this House in future that the Treasury of the United States would be losing nothing by making these railroad grants, because the reserved sections are to be sold at the increased price of \$2 50 per acre, if the policy which he now contends for is to be carried out? I would ask the members of this House if, when voting for these railroad bills, and raising the price of the reserved sections of the public lands to \$2 50 per acre they supposed that numerous class of citizens who were then living on these lands were to have the preemption right to purchase their lands at the price of \$1 25 per acre? No, sir; the object was altogether different. And I feel bound, in defense of those by whom those bills were originated and sustained, to resist any attempt by sideway means, or any other means, after we have passed these grants by the generosity of Congress, to endeavor to undo what we have done so far as the Treasury of the United States is to be affected by the price of these lands.

I do not like these bills coming in after we have got these grants;—first attempting to give the right to one class of citizens to purchase the public lands at \$1 25 per acre, next giving to another class of citizens the right to have these reserved lands at \$1 25 per acre, and then giving the same privilege to another, until finally the whole grounds on which the support of most gentlemen to these bills rested is swept away, and until the reserved land, like all other land, is gone at the price of \$1 25 per acre.

Mr. SINGLETON. I will try now and get through what I intended to say. I did not expect to make any remarks on this subject, but I will respond to the gentleman's [Mr. BISSELL's] inquiry as well as I can. I have had nothing to do with the establishing that great principle which the gentleman speaks of, as this is the first session which I have served in this body. And without pretending to control, or to be controlled by the opinion of others, or to agree, or disagree with what has been done heretofore by Congress, I take my own views in regard to this subject.

It is too late to talk about realizing profit to the Treasury of the United States from these lands, under the system of making donations to railroads. On various occasions the Congress of the United States have made grants of lands for civil and eleemosynary purposes, without any consideration as to the profits which might result therefrom to the Treasury, and indeed, sir, without any equivalent. It is too late to come, in the face of all these facts in the recollection of the House, and say that we ought not now to grant to actual settlers the right to purchase their lands at \$1 25 per acre, because they have not entered their lands previous to the making of these grants, which were so constructed as to realize \$2 50 per acre on the lands reserved to the State.

Sir, I believe not only in the propriety and justice of granting to actual settlers the preemption right at the rate of \$1 25 per acre in the reserved lands, but I would, if I had the power to do so, annex the same condition to all the grants made, no matter for what purpose.

Sir, I take my position on this question definitely and distinctly. I have come to the conclusion long since that the time has arrived when the United States ought to cease to look to its public lands as a source of revenue. When these lands have been sold and money has been raised on them, I am in favor of paying it into the Treasury of the United States, as a matter of revenue, to defray the ordinary expenses of the Government; and under no circumstances would I favor a distribution of the proceeds of the sales of these lands among the States. Were this question of grants to railroad companies a new one, up for the first time, I should take time to reflect upon the proposition, and cannot say what my action would be; but the thing has now grown into a system; and it is too late to inquire into the policy.

While I favor these grants, however, to works which commend themselves to my judgment as being national in their character, I would be careful not to abridge the privileges of private citizens,

or deprive them of any just and equitable rights belonging to them, and hence would continue the laws in force for the benefit of preëmptors as though no grant had been made.

They were invited to enter these lands at \$1 25 per acre, and they went upon them in good faith, under an implied contract. Now, it is said, upon the part of the Government, that this implied contract is to be broken, the railroad companies are to derive all the benefit of the individual enterprise and industry of our citizens, who, from want of information, or inadvertence, have failed to secure their settlements. If the Congress of the United States wish to aid in building railroads, let them do it upon fair and equitable principles, and not undertake to wrest from this class of the citizens of our country their hard earnings for this purpose. When you drive them away by oppressive legislation, take from them their fields, and give them to those more fortunate, you have departed from principle to tread the road of expediency or interest.

Now, sir, having said thus much in regard to this matter, and having heretofore shown that I entertain these opinions honestly, as demonstrated by the fact that I introduced a bill in the early part of the session, which embraced the very principle now sought to be maintained, I will say no more upon the subject at this time.

Mr. WARREN. I move that the motion to reconsider, made by the gentleman from South Carolina, [Mr. ORR,] be laid upon the table.

Mr. CHAMBERLAIN. I ask the gentleman from Arkansas to withdraw that motion for a moment.

Mr. WARREN. I am fearful that the morning hour will expire before we can take action upon this subject, if I should do so, and therefore I must decline.

The question being upon the motion to lay upon the table the motion to reconsider the vote by which the bill was ordered to a third reading,

Mr. BALL demanded the yeas and nays; which were ordered.

The question was then taken, and decided in the affirmative—yeas 101, nays 66; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, Barksdale, Bell, Bennett, Caruthers, Chamberlain, Chandler, Clark, Cobb, Corwin, Cox, Curtis, John G. Davis, Dent, Dick, Disney, Dowdell, Dunbar, Eastman, Eddy, Edgerton, Edmonds, Elliott, Ellison, English, Etheridge, Farley, Flagler, Florence, Giddings, Goodrich, Green, Greenwood, Grow, Hamilton, Aaron Harlan, Sampson W. Harris, Hastings, Hendricks, Henn, Hiester, Hill, Houston, Hughes, George W. Jones, J. Glancy Jones, Roland Jones, Knox, Lane, Latham, Lindley, McCulloch, Macy, Middlesworth, John G. Miller, Smith Miller, Nichols, Noble, Norton, Oids, Andrew Oliver, Mordecai Oliver, Packer, John Perkins, Phelps, Pratt, Puryear, Ready, Thomas Richey, Rogers, Russell, Sapp, Seward, Shannon, Shower, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, Thurston, Trout, Upham, Vansant, Wade, Walley, Warren, Ellihu B. Washburne, Wells, John Wentworth, Hendrick B. Wright, and Yates—101.

NAYS—Messrs. Aiken, Thomas H. Bayly, Ball, Belcher, Benson, Bissell, Bocock, Boyce, Breckinridge, Bugg, Carpenter, Chastain, Churchill, Clingman, Craige, Everhart, Faulkner, Fuller, Grey, Haven, Ingersoll, Daniel T. Jones, Keitt, Kerr, Kittredge, Kurtz, Leitcher, Lilly, Lyon, Macdonald, McMullin, McQueen, Matteson, Mauries, Mayall, McEachan, Millson, Morgan, Morrison, Murray, Orr, Peck, Peckham, Pennington, Bishop Perkins, Pringle, Reese, David Ritchie, Robbins, Rufin, Sabin, Sage, Seymour, Shaw, William Smith, Straub, John J. Taylor, John L. Taylor, Vail, Walbridge, Walsh, Israel Washburn, Tappan Wentworth, Wheeler, Witte, and Zollicoffer—66.

So the motion to reconsider was laid upon the table.

The question then recurring upon the passage of the bill,

Mr. WARREN demanded the previous question.

The previous question was seconded, and the main question ordered to be put.

The main question being, "Shall the bill pass?" it was put, and decided in the affirmative.

Mr. WARREN. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

AMENDMENT OF THE RULES.

Mr. MILLSON, from the Committee on Rules, presented the following amendment to the rules of the House:

Any member entitled to the floor may, in Committee of the Whole on the state of the Union, pending the consideration of any bill or joint resolution, under the rule allowing five-minute speeches, call for the question on any section, paragraph, or amendment then under discussion, and such call shall suspend debate on the same, and if seconded by a majority of the members present, shall bring the

committee to a vote on the particular section, paragraph, or amendment indicated, without further amendment or discussion; and if the call is not so seconded, the section, paragraph, or amendment, shall be open to amendment and debate as before.

Mr. MILLSON. I will remark that this is only a partial report of the Committee on Rules.

Mr. TAYLOR, of Ohio. I rise to a question of order. I desire to know how this resolution comes before the House?

The SPEAKER. At the commencement of the present session of Congress a resolution was passed creating this Committee on Rules, with authority to report at any time.

Mr. TAYLOR. Then I desire to inquire of the Chair whether this is a regular report from the Committee on Rules?

The SPEAKER. It is a report offered by the gentleman from Virginia, as a member of the Committee on Rules.

Mr. TAYLOR. If it does not come before us regularly at this time as a report of that committee, I object to its reception.

Mr. MILLSON. It is a report from the Committee on Rules, and comes regularly before the House as such.

Mr. TAYLOR. Then I desire to inquire of the Chair if the Committee on Rules have the right to report to the House at this time?

The SPEAKER. It is in order for them to report at any time, under an express resolution of the House. The resolution is regularly before the House, as a report from the Committee on Rules, upon which the gentleman from Virginia is entitled to the floor.

[A message was here received from the Senate, by ASBURY DICKINS, their Secretary, informing the House that they had passed the joint resolution of the House (No. 14) relative to bids for provisions, clothing, and small-stores for the use of the Navy.

Also, that they had passed Senate bill (No. 236) granting to the States of Indiana and Illinois a portion of the public lands to aid in the construction of the Indiana and Illinois Central railway; and

Senate bill (No. 259) to authorize the State of Wisconsin to select the residue of the land to which she is entitled under the act of 8th of August, 1846, for the improvement of the Fox and Wisconsin rivers.

In which the Senate asked the concurrence of the House.]

Mr. MILLSON. I repeat that the resolution before the House is only a partial report of the Committee on Rules. We have had but one meeting of our committee, at which some alterations of the rules were talked of, but no definite propositions agreed upon. The present rule has reference to a difficulty which the House has often experienced when in Committee of the Whole. Gentlemen will perceive that the object of this resolution is to enable the House, when in Committee of the Whole, to stop unnecessary and illimitable debate upon a particular paragraph or section, or upon a pending amendment; and these are the reasons:

We are frequently annoyed in Committee of the Whole by discussion upon some immaterial subject; and it is wholly out of our power to advance one step, except by a course which the House is always unwilling to pursue—that of suspending all debate whatever upon the whole measure, when discussion may be very useful and necessary in subsequent sections.

For instance, suppose we are in Committee of the Whole on the state of the Union, and that one of the general appropriation bills is under consideration. The second and third sections may require some important amendments, and explanations may be necessary to enable the House to see the propriety of amending them; but the probability is, that some amendment will be offered to the first section by some gentleman, and successive amendments to the amendment by some other gentleman.

Now, the committee must remain in this position. They must either go into the House to terminate the discussion, and prevent all amendments to the bill, or they must submit to the continuance of this unprofitable discussion of amendments offered to the first section of the bill. A similar evil sometimes exists in the House when an amendment is made to the first section of a bill under consideration, and a protracted discussion arises. The House may be wearied with the debate, and

ready and anxious to vote upon the pending amendment; but the call for the previous question, if seconded, would cut off the opportunity of amending the subsequent sections. Either they must submit to unprofitable discussion on a subject on which they have long made up their minds, or terminate it by seconding the call for the previous question, and ordering the main question to be put, stopping all debate, and precluding all further amendments, some of which may be felt to be necessary. The present resolution has exclusive reference to the Committee of the Whole.

It only provides, then, the House will perceive, that when the Committee of the Whole desire to vote on a pending question, such as an amendment to the first section of the bill, or the first paragraph of the bill, any member may call for the question specifying the subject to which that question shall apply. If the majority of the committee shall second the call, then the committee will be brought to a vote on that question alone, and it will be able to go on with the subsequent parts of the bill, which will be open to discussion and amendment.

Now, sir, I do not disguise the fact that however useful, however necessary such a rule may be, it is one subject to abuse, and ought to be sparingly used. I myself regard the discussions in the Committee of the Whole under the five-minute rule as the most profitable to the House, and they ought not to be too hastily and too frequently checked. What is intended as medicine ought not to be used as daily food; but the committee may well trust themselves. The evil has been frequently felt. Efforts have sometimes been made heretofore to cure it by suspending the five-minute rule altogether; but it has usually been found that the cure was worse than the disease.

The resolution now introduced has received the unanimous approbation of the members of the Committee on Rules now in the city.

Mr. HAVEN. I should like to ask the gentleman from Virginia what will be the effect of his amendment in one particular? I want to know how extensive the rules is to be under the proposed amendment. Suppose a section of a bill is under consideration, and a gentleman offers an amendment to it, and another gentleman offers an amendment to that amendment, which is as far as we can go? If, then, a member rises in his place and calls the question, I would like to know whether that simply brings the committee to a vote on the amendment to the amendment, and stops there, so that another gentleman may get up and offer another amendment, or whether it brings the committee to vote on the amendment to the amendment, and then the amendment and then the section?

Mr. MILLSON. That had not escaped my attention; and in drawing the resolution, I at first thought of providing, that where the question was called on an amendment, and seconded by a majority of the committee, the vote should be taken on all pending amendments. But, on reflection, I came to the conclusion that it was altogether unnecessary, because being in committee under the five-minute rule—and this proposed rule applies only to that condition of things—we have only to wait ten minutes before a vote must be taken upon an amendment to an amendment. It would, therefore, be idle and unnecessary for any gentleman to call the question on an amendment to an amendment; for, under the existing rules, the question must be taken upon an amendment to an amendment as soon as the member speaking five minutes in opposition to it shall have concluded his remarks. The proposed rule, then, only applies to any member entitled to the floor calling the question on an amendment. It is not to be presumed that any member entitled to the floor will call the question on any other than an amendment in the first degree, for the rules already provide that the question shall be taken on an amendment in the second degree at the expiration of ten minutes.

Mr. HAVEN. After the vote on the amendment in the first degree, would the section be open to further amendment under that rule?

Mr. MILLSON. Unquestionably. When the question was called on an amendment, the vote of the House would be confined to that amendment, and the section or paragraph would be still open to amendment. Under this rule, if it shall be adopted, a member may, at his election, call for

the question upon a section, a paragraph, or on the pending amendment. It may be that the committee has not considered the section, though it may have discussed for a long time the pending amendment to that section. The committee might not be willing to second the call for the question upon the whole section, but might be willing to second the call for the question upon the pending amendment. Discretion, however, is allowed to any gentleman to call for the question on the section, the paragraph, or the pending amendment.

Mr. PRESTON, (interrupting.) I desire to ask the gentleman from Virginia one question. His proposed amendment to the rules provides that any member entitled to the floor may, in the Committee of the Whole on the state of the Union, pending the consideration of any bill or joint resolution, under the rule allowing five-minute speeches, call for the question on any section, paragraph, or amendment then under discussion, and that such call shall suspend debate on the same; and if seconded by a majority of the members present, shall bring the committee to a vote on that particular paragraph, section, or amendment, without further amendment or discussion.

Now, suppose the House limits the debate upon a bill to five-minute speeches, and that bill consists of but a single section, does the gentleman mean that that five-minute debate shall be stopped at once by a demand for the question on the first section of the bill, inasmuch as that is all that is within the purview of the proposed rule? That is the construction I put upon the rule, and I ask the gentleman if that is what he intends? If so, all that is necessary to be done is to follow the plan of the English statutes, and put everything in a single section, consider it as a whole, and, by demanding the question, stop five-minute debate and amendments, and pass the bill.

Mr. MILLSON. I will answer the gentleman. The gentleman will remember that most of our appropriation bills contain but a single section, and it is for that reason that the word "paragraph" is inserted in this rule. The appropriation bills are considered in the Committee of the Whole on the state of the Union by paragraphs, and not by sections. The bill is read, and the vote is taken by paragraphs, and each paragraph is regarded as an independent section. That has been the invariable rule and practice of this House, and the amendments are made to these paragraphs as sections.

Mr. WASHBURN, of Maine. Will the gentleman from Virginia allow me to ask him a question? As I understand the resolution which has just been read, it puts it in the power of any gentleman to call for a vote directly upon any section or paragraph in the bill before the committee. Suppose, then, that a bill is before the committee containing seven or ten sections, and a motion be made by some gentleman to amend the first section, whereupon some one moves to close debate, and a majority determine to close debate, that then you proceed to the second section; and that the same process is gone through there; and that then you proceed to the third section, and so on. I ask if the gentleman's proposition does not put it within the power of a majority of the committee to close all discussion, or nearly all discussion, under the five-minute rule; and whether it is not, in fact, intended to abrogate the five-minute rule, at the pleasure of the committee?

Mr. MILLSON. The gentleman from Maine [Mr. WASHBURN] asks me if the resolution which I have introduced is not intended as an abrogation of the five-minute rule, at the pleasure of a majority of the committee. Of course it is not so intended. I have already stated to the House, that, while I was aware that the demand for the previous question might be abused, yet that there were evils that ought at the same time to be remedied. There are times when, without some such rule as this, it would be in the power of a very small number seriously to obstruct the public business. If the gentleman asks me if it would be proper in a majority of the committee to suspend discussion upon any one section before it had been properly considered—

Mr. WASHBURN. Will the gentleman from Virginia allow me to interrupt him again at this point. Let me suppose that a section of a bill is under discussion in the committee, and some gen-

tleman proposes an amendment. The committee observe nothing particularly worthy of attention in that amendment, and are disposed to sustain a motion which is made to terminate debate. There may be half a dozen other gentlemen in the committee who have amendments to offer to the same section which are really of importance, and might, if proposed, be favorably considered; but are they not, by the adoption of such a resolution as the gentleman from Virginia has introduced, cut off from the privilege of offering them in Committee of the Whole, where only amendments can be offered with any chance of being considered or adopted?

Mr. MILLSON. The gentleman from Maine, I apprehend, has not carefully read the proposition, and does not see that it is only—

Mr. WASHBURN. Let me explain myself a little more fully, so that the gentleman will understand clearly the point I make. Suppose that a bill being under discussion in Committee of the Whole—the first section having been read—the gentleman from Virginia offers an amendment, but it is believed by a majority of the committee that there is not much merit in it, and consequently some one moves that we take the vote upon that section. The vote is accordingly taken, but there are half a dozen other gentlemen who have amendments to offer, which, if suggested, would strike the committee as very important, and which, perhaps, would change their views upon that very section, whereas, by the operation of the vote taken these gentlemen would be precluded from offering them.

Mr. MILLSON. There is a great deal of force and weight in the objection made by the gentleman from Maine, [Mr. WASHBURN,] but he will pardon me for suggesting that the resolution I have offered authorizes no such thing. The resolution provides that the vote shall be taken upon the pending proposition—

Mr. WASHBURN. The gentleman who makes the motion will take the vote upon the section or provision.

Mr. MILLSON. If there be an amendment pending the question will apply to that. In no case does the resolution prevent further discussion or amendment of the section, unless some other member entitled to the floor should demand the question on the section; and then it will be for the House to determine whether, in advance of proper discussion, they would second the call.

Mr. BOCK. Is it competent, Mr. Speaker, by the action of a majority of the House, to postpone the consideration of this proposition to amend the rule to a specified time?

The SPEAKER. It will be competent to postpone the consideration of the subject. The rule or resolution of the House under which this report has been made, I will, if the House will allow me, read to the body:

"Resolved, That the rules of the last House of Representatives be adopted as the rules of this House until otherwise ordered: Provided, however, That there shall be appointed a committee of five members to revise said rules, which committee shall have the power to report at any time; and their report shall be acted upon by the House until disposed of, to the exclusion of all other business; anything in the rules hereby temporarily adopted to the contrary notwithstanding."

Mr. TAYLOR, of Ohio. Mr. Speaker—

The SPEAKER. The gentleman from Virginia has the floor. Does he yield to the gentleman from Ohio?

Mr. MILLSON. Not now. I was about to say, Mr. Speaker, that the rules ought to be very carefully considered by this House, and I have not the slightest objection to the postponement of this question, in order that the House may deliberate on the propriety of adopting the amendment recommended by the committee. I now yield to the gentleman from Ohio a moment.

Mr. TAYLOR. I wish to express my ideas in a few words in reference to this change of law proposed, the importance of which, it seems to me, the House is not sufficiently alive to.

Mr. MILLSON, (interrupting.) I yielded the floor to the gentleman for the purpose of allowing him to ask a question, and not to make any observations on the subject.

Mr. TAYLOR. I am entitled to the floor, and will proceed with my remarks.

The SPEAKER. Is the gentleman from Virginia on the floor?

Mr. MILLSON. Certainly, sir. I have been

on the floor since I first rose to bring this matter to the attention of the House.

The SPEAKER. The Chair was under the impression that the gentleman from Virginia had yielded it to the gentleman from Ohio.

Mr. MILLSON. No, sir; except for the purpose of his asking a question.

Mr. TAYLOR. Then I make a point of order, whether the gentleman from Virginia, or any other gentleman in this House, can get up and reply six, eight, or ten times to gentlemen, and still retain the floor, to the exclusion of every other proposition. I desire, sir, to express my opinions on this matter.

The SPEAKER. Does the gentleman from Ohio appeal against the decision of the Chair?

Mr. TAYLOR. No, sir.

Mr. CAMPBELL. I want to make a remark. Will the gentleman from Virginia allow me?

Mr. MILLSON. Certainly.

Mr. CAMPBELL. The Committee on Rules, the select committee, is, it will be observed, in the very terms of the resolution, a very important committee. It has the power to make a report, and to check all other legislation. Now, sir, that committee, although it has held but one meeting, has had under consideration some very important modifications of the rules which, perhaps, when they make their report, may result in a complete revolution in many important matters in the system of legislation. This proposition that has been made this morning is by no means intended to be a regular report of that committee, because it is only proposed to reach one of the difficulties which this House sometimes encounters in the transaction of business. I find that it has created great sensation, and I think it would be well that the gentleman from Virginia should withdraw the report, in order that it may be printed; for the committee will have the power, at any time, to present it again.

The purpose of the amendment proposed is simply this, to enable the Committee of the Whole on the state of the Union, when it is considering bills under the rule limiting discussion to five minutes, to control its own action. Now, what is the condition of things at the present time? We have been here four months, and what have we succeeded in doing in the regular business of legislation, except, after a desperate struggle, to pass the deficiency bill? It is the difficulty that you may discuss for days, and even weeks, one single item in an appropriation bill. To illustrate, you propose forty thousand dollars to be given for the completion of the custom-house at Louisville, Kentucky. Does not every member of this House know that you may move amendments to reduce that sum one, two, or three dollars, and so down, or to increase it in the same way, to an indefinite extent, and that upon such amendments you can keep this House, by five-minute speeches, for five years, if you choose, upon a single bill? Under the rule as it now stands, unless the Chairman assumes a power, which does not belong to him, to refuse to recognize an amendment, we could never have any legislation at all, if the committee see fit to continue to offer amendments. I say that is wrong.

The effect of this amendment, as I understand it—for there has been no regular meeting of the committee but individual consultation—is simply to enable a majority of the Committee of the Whole to control the business of the committee. I do not, Mr. Speaker, propose to discuss it now. I find there are objections raised, and I suggest to my colleague upon the committee, [Mr. MILLSON,] as this thing of a change of the rules is an important matter, and inasmuch as this change, if adopted, will not merely affect the legislation of this Congress, but, in all human probability, of all future Congresses—for we know that when a new Congress is organized the practice always is to adopt the rules of a former Congress until a change is made, whether it would not be prudent to let the matter go over for the present, and allow the proposed amendment to be printed. I prefer, and I think my colleague will agree with me, that such a course should be pursued, and especially because this House, a week or two ago, gave to the Committee on Rules the power to print, in advance, their proposed amendments, in order to enable the members to examine and make up a judgment as to the effect of such amendments. As this particular item of the changes proposed will go into

the report of the proceedings of the House in to-morrow's Globe, it will be well to withdraw the report of the committee, in order that members may see the effect of it. The report may again be presented to-morrow, the next day, or any day, as the committee have the power at any time to make a report, though it may check any business pending before the House. There will be nothing lost by a delay of one or two days, and I think it is due to the new members of the House that they should have an opportunity to examine into the bearings of the proposed change, and to understand distinctly upon what they are called to vote.

Mr. MILLSON here obtained the floor.

Mr. McMULLIN. I appeal to my colleague to yield me the floor, to enable me to ask him a single question.

Mr. MILLSON. I will hear any question my colleague has to ask.

Mr. McMULLIN. I desire, in the first place, to know whether he proposes to press this resolution to a vote to-day? If so, I wish to express my views in reference to it.

Mr. MILLSON. In reply to my colleague, I will say, that I have no purpose in reference to the matter at all. I suggested, a few minutes ago, that I thought it would be desirable to postpone the consideration of the resolution until some other day; because, as I remarked, the changes it proposes to make are somewhat important, and should not be hastily acted upon by the House. I suppose, if I withdraw the report now, it will be competent for me to submit it again at some future time.

The SPEAKER. The Committee on Rules has the right to report at any time.

Mr. MILLSON. The only object I had in submitting it to-day, was simply to call the attention of the House to the subject. It must have its first consideration at some time. I have already said that I do not desire, nor would it be proper, to pass hastily upon the report. There is no gentleman in this House who would be more cautious in guarding the rights of the minority than myself, for I believe there is hardly a member of the House who oftener finds himself in the minority than myself; and therefore there are few persons who are more interested in having the rights of the minority properly guarded than I am.

Mr. CLINGMAN. Will the gentleman give way for a motion to go into the Committee of the Whole on the state of the Union? The resolution will be printed in the papers, so that members can have an opportunity of examining it, and it will come up to-morrow as unfinished business. If the gentleman will give way for that purpose, I will make that motion.

Mr. MILLSON. I will yield to the gentleman.

The SPEAKER. The motion that the House resolve itself into the Committee of the Whole on the state of the Union is not in order, pending the consideration of the resolution, which is a privileged matter.

Mr. CLINGMAN. The House can go into committee, I presume, by unanimous consent. I hope no objection will be made, but that this course will be taken.

Mr. BAYLY, of Virginia. I object.

Mr. MILLSON. I move, then, to recommit the resolution to the Committee on Rules; and upon that motion I demand the previous question.

Mr. WARREN. I hope the gentleman will withdraw the motion, and permit me to offer an amendment which I desire should be adopted.

Mr. BAYLY. Is it in order to move to lay the resolution upon the table?

The SPEAKER. It is.

Mr. BAYLY. I move to lay it upon the table.

Mr. EWING. I believe no remarks have been made except upon one side of this question. I appeal to gentlemen to allow something to be said in opposition to it, before debate is stopped upon it.

Mr. CAMPBELL. I hope the gentleman from Virginia [Mr. BAYLY] will allow the question to be taken upon the motion of his colleague, and have it referred to the Committee on Rules.

Mr. BAYLY. If I were not absolutely and unqualifiedly opposed to the resolution, I should have no objection to its going back to the committee which reported it; but such are my convictions of its impropriety that I cannot withdraw the motion.

Mr. CLINGMAN. Would a motion to go into

the Committee of the Whole on the state of the Union be now in order?

The SPEAKER. It would not. It is a peculiar order of the House that we are now acting under. The report of the committee must be considered, to the exclusion of all other business, anything in the rules of the House to the contrary notwithstanding. It is peremptory.

Mr. WARREN. I would appeal to the gentleman from Virginia [Mr. BAYLY] to withdraw his motion that the report of the Committee on Rules be laid upon the table, so that I may offer an amendment, which I am sure will meet with the approbation of the House.

Mr. MILLSON. Having introduced the resolution, I think that it is competent for me to withdraw the call for the previous question, the motion to recommit, and the resolution itself.

The SPEAKER. Still, the motion that the resolution be laid upon the table intervenes.

Mr. BAYLY. And I do not withdraw that motion to lay upon the table.

The SPEAKER. The report of the Committee on Rules is in the possession of the House, and the Chair decides that it is not competent for the particular member of that committee who made it, or the committee itself, to withdraw it.

Mr. MILLSON. My only desire was to prevent the consumption of time.

The question was then taken, and the motion was agreed to—there being, on a division—ayes 107, noes not counted.

So the report of the Committee on Rules was laid upon the table.

QUESTION OF PRIVILEGE.

Mr. LYON. I rise to a question of privilege. I voted yesterday in favor of the motion to commit the Nebraska and Kansas bill to the Committee of the Whole on the state of the Union, but do not find my name this morning on the record. I now ask that it may be placed there.

Mr. WALSH. I object.

Mr. WHEELER, and several other MEMBERS. He has the right to do it.

The SPEAKER. As objection has been made, the gentleman can only have his name placed upon the record by a vote of the House.

Mr. WALSH. As the gentleman is particularly anxious to get his name upon the record, I withdraw my objection.

It was then ordered that the name of Mr. LYONS should be placed upon the record as voting in the affirmative.

Mr. WASHBURN, of Maine. I move, Mr. Speaker, that the vote by which the report from the Committee on Rules was laid upon the table be reconsidered, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. A report from the Committee on Enrolled Bills will be first received.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported back as correctly enrolled the following bills and joint resolutions, which thereupon severally received the signature of the Speaker:

Joint resolution for settling the accounts of A. Boyd Hamilton;

An act for the relief of Gray, McMurdo & Company;

Joint resolution authorizing the Secretary of the Treasury and Light-House Board to determine upon the site, plan, and mode of constructing the light-house on Cohasset Rocks, and for other purposes;

An act to amend an act entitled an act to divide the State of Arkansas into two judicial districts, approved March 3, 1853;

An act for the relief of William Mayo, of the State of Maine;

An act for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco; and a resolution accepting certain volumes and medals presented by Her Britannic Majesty's Government to the United States.

The question was then taken on Mr. Houston's motion, and it was agreed to; there being, on a division—ayes 107, noes not counted.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair.)

Mr. MILLSON obtained the floor.

ORDER OF BUSINESS.

The CHAIRMAN stated that the first bill in order on the Calendar was House bill (No. 46) "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855."

Mr. BOCOCK. I desire to ask a question in regard to the order of business. I believe that, under the rules, when a bill is called in its order on the Calendar, any member can object to its consideration, and that thereupon the question must be put to the committee whether that bill shall be considered or not. My object is to get up, if I possibly can do so, the bill to authorize the construction of six steam frigates.

The CHAIRMAN. If the gentleman from Virginia will suspend for a moment, the rule to which he refers will be read.

The 135th rule was then read, as follows:

"In Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside; provided that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and, when demanded by any member, the question shall be first put in regard to them."

The CHAIRMAN. If objection be made to the consideration of this bill, the first question that will be propounded is: "Will the committee proceed to the consideration of this bill?" If they decide that they will not proceed to its consideration at this time, then the next bill upon the Calendar will be in order, and so on until the committee shall decide what bill they desire to take up and consider.

Mr. MILLSON resumed the floor.

Mr. BOCOCK. Will my colleague yield me the floor for a moment for the purpose of enabling me to understand the position of things with regard to the Calendar? I desire to know how many bills there are upon the Calendar before the bill authorizing the construction of six steam frigates?

The CHAIRMAN. But two.

Mr. BOCOCK. I shall then object to the consideration of this bill and the next at this time.

Mr. ORR. I think that we can dispose of this Indian appropriation bill to-day. It is very important that it should be passed immediately, and I hope that it will not be laid aside.

Mr. HENN. Is it a general appropriation bill?

The CHAIRMAN. It is.

Mr. MILLSON. I rose a moment since for the purpose of suggesting to the committee the propriety of postponing the Indian appropriation bill, for the purpose of taking up the bill indicated by my colleague, the chairman of the Committee on Naval Affairs, [Mr. BOCOCK.] I have therefore not the least objection to the suggestion which he has made. I should prefer myself that the House would postpone the consideration of the Indian appropriation bill, and take up the bill in relation to the construction of steam frigates. If the committee, however, think proper to refuse the request made by my colleague, and agree to take up for consideration the Indian appropriation bill, I shall then avail myself of my right to the floor to submit a few remarks.

The CHAIRMAN. The Chair must remark that this question is not debatable.

Mr. ORR. I rise to a point of order. I desire to know whether an objection by a single member requires the Chairman to put the question of postponement to the committee upon a general appropriation bill, such as this is?

The CHAIRMAN. In the opinion of the Chair it does.

Mr. ORR. The question is then—

The CHAIRMAN. Debate is out of order.

Mr. GIDDINGS. I desire to ask the Chair this question: If the consideration of the Indian appropriation bill is postponed, can we take it up again before we get through with the Calendar?

The CHAIRMAN. That is not a question which the Chair feels called upon to decide; for

some other gentleman may occupy the chair at the time that question is made.

Mr. BAYLY, of Virginia. I desire to ask a question for information. I wish to know if this Indian appropriation bill does not make an appropriation for the next year?

The CHAIRMAN. It does.

Mr. BAYLY. The bill which my colleague proposes to take up makes an appropriation for the present year—

Mr. ORR. I protest against the gentleman from Virginia [Mr. Bayly] being allowed to make remarks showing why the Indian appropriation bill should not be taken up, while I am restrained from making remarks tending to show why the bill should be taken up.

The CHAIRMAN. When the gentleman from Virginia [Mr. Bayly] arose and addressed the Chair, he supposed that it was to some point of order. The question now is, whether the committee shall proceed to the consideration of House bill No. 46, being the Indian appropriation bill.

The question was then taken by division, and there were in favor of the motion 109 votes; the noes were not counted.

So the committee decided to take up for consideration the Indian appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. HOUSTON. I desire to ask the committee, Mr. Chairman, to pursue a usual course, and dispense with the first reading of the bill, and that the reading of it by paragraphs for amendments be commenced. The bill contains some forty pages, and it is not necessary for it to be read through now. I therefore ask that the usual course be pursued, and that the reading of the bill at this stage be dispensed with.

Mr. TAYLOR. I object.

The CHAIRMAN. The Clerk will then proceed to report the bill.

The reading of the bill was commenced.

Mr. HOUSTON, (interrupting.) I desire to know from the Chair whether the committee has not the power to dispense with the first reading of the bill, and to have it read at once by sections for amendment? It will consume much time, probably an hour, if not more, and is entirely unnecessary, as every gentleman here knows.

The CHAIRMAN. The rules direct that the bill shall be read as a whole first, if required. Rule of the House 127 says:

"On a bill being committed to the Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses."

After the further reading of the bill had been proceeded with for some time,

Mr. TAYLOR, of Ohio, said: As a general thing, I like a strict adherence to the rules, but I will now withdraw my objection to the suspension of the further reading of the bill.

The CHAIRMAN. But another gentleman objected to that course being pursued.

Mr. DAVIS, of Indiana. I objected, but I now withdraw that objection.

The CHAIRMAN. Then if no objection is made, the further reading will be dispensed with. No objection was made.

Mr. HOUSTON. I ask that the Clerk shall now report the first paragraph of the bill.

The Clerk reported the first paragraph, which is as follows:

For the current and contingent expenses of the Indian department, viz:

For the pay of superintendents of Indian affairs, per acts of 5th June, 1850, 27th February, 1851, and 3d March, 1852, \$12,500.

Mr. HOUSTON. I do not propose to occupy the time of the committee in a regular investigation of this bill, for in truth no investigation of it is necessary. The bill which has been read, and which is now before the committee, is in strict conformity with treaty stipulations between the Government of the United States and the Indian tribes. The appropriations are necessary to be made to fulfill our obligations to the various Indian tribes; and I may be indulged in the expression of a hope that the committee will act upon the bill as promptly as possible, for the reason that, although the appropriations are for the fiscal year commencing on the first of July next, yet a large proportion of them are for the purchase of provisions, tobacco, goods, and various things which require some time on the part of the Department to prepare for the distribution of. It

is, therefore, important that the bill should be acted on promptly. There is no contest about anything in it. We are bound to appropriate them all ultimately, and I desire that it may be done as early as the convenience of the committee will allow.

The Committee of Ways and Means have no amendment to propose at present to the bill. The amendments which have been indicated by my friend, [Mr. Orr], who is at the head of the Committee on Indian Affairs, will be explained by him. They are estimates which have never been before the Committee of Ways and Means, and I shall rely upon his explanations.

Mr. ORR obtained the floor.

Mr. JONES, of Tennessee. What is the question before the committee?

The CHAIRMAN. There is no motion pending, but it has been the practice to allow debate on the first paragraph of the bill.

Mr. ORR. At the proper time, in the progress of this bill, I shall, by the direction of, and under instructions from the Committee on Indian Affairs, propose various amendments.

Mr. HAVEN. Propose an amendment, so as to be in order.

Mr. ORR. I am in order now.

Mr. HAVEN. It would be better to offer some amendment.

Mr. ORR. I have several amendments, Mr. Chairman, which ought properly to have been placed in the deficiency bill; but, finding that there was an earnest and general desire upon the part of members of the Committee of Ways and Means, as well as a majority of this House, to dispose of the deficiency bill during the sitting of the Committee of the Whole on last Friday, I determined not to present these amendments for the consideration of the committee at that time, fearing that, by so doing, it might lead to the postponement of the bill till another week. The amendments which the Committee on Indian Affairs have prepared are of a very important character. The amount proposed to be appropriated in the amendments by the Indian Committee is in the neighborhood of \$350,000, if they should all be adopted.

In the first place, we propose an amendment which appropriates \$68,000 to enable the Indian Department to negotiate treaties with the Indian tribes in Oregon, and \$45,000 to negotiate treaties with the tribes in the Territory of Washington, making, in the aggregate, the sum of \$113,000, for what was heretofore known as the Oregon Territory. It is a fact which has been brought most strikingly and prominently to my consideration since I have had the honor of presiding over the Committee on Indian Affairs since the commencement of this session of Congress, that in the whole history of Oregon and Washington Territories, as well as Utah and New Mexico, there has never been extinguished, by treaty stipulation or otherwise, one foot of Indian title to any or all of that vast territory. In the settlements which have been made in Oregon and Washington Territories, embracing sixty or seventy thousand white persons, the Indians have been driven back from valley to valley, and from plain to plain, until they are now, in many instances, compelled to take refuge and seek homes upon the mountain tops.

Some two years ago treaties were negotiated with some of the tribes living in Oregon, which were sent to the Senate, but no action has as yet been taken upon them by that body, and they sleep there as mementoes of the broken promises of our agents. There are in the Territory of Oregon and Washington some sixty or sixty-five different tribes of Indians, and the whole number is estimated at from thirty to fifty thousand. Some of these Indians have made a little advance in agriculture, and are rudely cultivating the soil. Others of them have large stock of cattle and horses. Missionaries have gone into their midst, and there has not only been an intellectual, but a moral culture diffused among them. These Indian tribes have, in many cases, yielded to the solicitations of white men, in giving up their lands, upon the solemn promise made to them that the Great Father of the Indians, the President of the United States, and the Congress of the United States, would vote them an ample compensation for so doing. Years have rolled by since those promises were made, and they are still unredeemed.

I have it from reliable authority, that the war which broke out last summer between the Rogue

river Indians and the whites, would have been prevented, if a timely appropriation had been made and a treaty had been entered into between this Government and these Indians. That war will cost us perhaps \$100,000. If the Indians had been dealt justly by, you would have avoided the Cayuse war, which was waged by that tribe of Indians in 1848. You have already paid for the expenses of that war \$100,000, and there is a bill now pending before the House proposing to increase the appropriation \$75,000. Those two Indian wars alone will have cost the Government a sum little, if any, short of \$300,000. The Cayuse tribe numbers something less than one thousand, and the Rogue river tribe is not more numerous. We have practiced even greater injustice to these Indians in the new Territories than we have to the Indians that have inhabited the States, and that have heretofore been removed, as hitherto we have given them some consideration for their lands, and we have paid them something when we have despoiled them of their territory. We have paid, in most cases, the full value for these lands, if the value of the land is to be judged by the use which the Indians made of it; but certainly it was an inadequate compensation, if its value is measured for agricultural purposes.

In Oregon there are many Indians who have cultivated the soil, who have cleared their own land, and erected buildings, but they have been driven back from their settlements, their improvements, their homes.

It is vain and idle, Mr. Chairman, to hope that these people will always continue to submit patiently and quietly to the wrongs which we have been perpetrating upon them. They are feeble, it is true. We have it in our power, with all the men and money at our command, to destroy—to annihilate them. But, occupying the position towards them that we do, great as we are, wealthy as we are, powerful as we are, magnanimity and generosity requires that we should deal liberally towards these red men of the forest.

Now, sir, the appropriations which I propose to insert in this bill will enable the Governors of the Territories of Oregon and Washington to negotiate treaties with such tribes as possess valuable lands which have not yet been taken possession of by the whites, and also to make adequate compensation for the lands that have already been appropriated by our citizens. These appropriations are recommended by the Indian Department. The Committee on Indian Affairs have scrutinized them closely. They believe that the sums recommended are not too large; and we hope that when the committee come to consider the bill, and these amendments that are to be inserted in it, there will be no objection to incorporating them in the general Indian appropriation bill. It is desirable, too, that it should be done speedily, so that negotiations may be carried on during the present summer with these tribes of Indians.

I have an amendment, which I shall offer in its place, appropriating \$45,000 to negotiate treaties with Indians in the Territory of Utah. As I stated before, the Indians within the limits of that Territory have been treated in the same manner you have treated the Washington and Oregon Indians. You have despoiled them of their territory; you have taken from them their lands; you have driven them from their homes, humble though those homes may be, and you have paid them not a farthing for the spoliation which you have perpetrated on them. Now, sir, patience with them has worn out. They will no longer be appeased by the promises which our agents are making to them. They will no longer refrain from avenging themselves upon our citizens with all that cruelty which characterizes the Indian tribes. They will not fail to avenge the wrongs which you have done them, unless you place money in the hands of your agents to compensate them for their losses and sacrifices. Besides, sir, being driven off from their lands by the whites emigrating and settling in their country, they are also destroying their game, the principal means which they have of subsistence. Many of them are on the point of starvation. They have, then, a double incentive to wreak their vengeance on the white man, not only because they have been despoiled of their territory, but they are also incited to scenes of bloodshed and violence by the merciless gnawings of hunger.

Mr. PECKHAM. To whom does the gentleman from South Carolina allude, when he says,

"You have despoiled them," "You have driven them off," and so forth?

Mr. ORR. I allude to the citizens of the United States who have gone and settled in those Territories, with the permission of the Government.

Mr. PECKHAM. Has the Government given them permission?

Mr. ORR. The citizens of the United States have not gone there without permission, for you have organized territorial governments there. You have made it legitimate for citizens of the United States to go into the Territories of Utah, New Mexico, Oregon, and California. It is by your action that they have been induced to go there; and I say that the action of the citizens of the United States, with the sanction of the Government, is the act of the Government itself.

Now, sir, I do not know how much credit is to be reposed in the statements which have come to us from the Territory of Utah; but if they are to be credited we are upon the eve of a bloody war with one or more tribes of Indians inhabiting that region of country. In such a war it is not only the Mormons who are to be the sufferers; not merely the people who have gone there and appropriated the vast territory about Salt Lake, but it is the hundreds and thousands of emigrants who annually traverse that country in their migration to and from California and Oregon, who are to be the sufferers from the merciless vengeance of these savages when aroused.

It is suggested to me, and truly, that in all probability the murder of Captain Gunnison and his party, which occurred in Utah, a few months since, was occasioned by these multiplied wrongs which you have perpetrated upon that people. We may well suppose that murder, plunder, and robbery will be resorted to, to procure that subsistence which the forests now fail to yield them as in former times.

Now suppose that a war with one or two of those tribes in Utah should break out. They are formidable, numbering fifteen or twenty thousand each, with perhaps two or three thousand warriors; to how much annoyance would they not subject this Government? how many emigrants would not be stopped upon the road, and how many of your citizens slaughtered? You give the citizens permission to go there, and they have the right to claim that the Government shall protect them.

I shall also offer an amendment, appropriating \$30,000 for the purpose of making treaties with the Apaches, Navejos, and Utah Indians of the Territory of New Mexico. These tribes are numerous, and some of them fierce and warlike. It is estimated that the Navejo Indians at this time have in their possession, as captives seized from Mexico, and the country adjacent thereto, and from trains which have been passing through that Territory, more than two hundred and twenty individuals. These two hundred and twenty individuals, held in captivity, are entitled to the protection of this Government. Is it right that this Government should allow her citizens to be seized by the savages in that manner, torn from their homes and families, and subjected to severities infinitely worse than any which excite the horror of some of the northern fanatics on this floor?

This appropriation is the amount which has been estimated by the Department. I doubt myself whether it is sufficient. It will however answer for the present as a beginning, and if our agents are successful other appropriations can hereafter be made. It is true that one treaty has been entered into between the Navejo Indians, and another with the Apaches.

The Government here were made to believe that it was a treaty with all the tribes there, and so binding upon all these nations; while it turns out, upon examination, that they were made with chiefs who were representing only about two hundred Indians; and that it would have required about eighty chiefs equal in dignity, and each representing as many Indians as those with whom the treaty was made, to have negotiated a treaty that would have been binding upon all the tribes. The result was, that it was acknowledged by only one or two of these bands, and that the rest have wholly disregarded it.

I am fearful that if we succeed in making treaties with all these tribes of wild Indians, that they will prove to be insufficient to save our people from robbery, rapine, and murder. But, in my

opinion, the experiment ought to be tried before force is resorted to. It may be that if you will make sufficient appropriations for these Indians upon the plains of New Mexico, Utah, and for other tribes between our western frontier settlements and the Rocky Mountains—by making your appropriations sufficiently large to furnish them with provisions sufficient for their subsistence—that you can succeed in arresting the outrages which are constantly being committed upon your emigrant trains. It is worth the experiment, even if it fails. It is better to secure good order and good deportment upon the part of the Indians, peacefully at any cost, rather than to enforce it at the point of the bayonet.

There is another item to be incorporated in the bill which proposes to appropriate \$100,000 for defraying the expenses of a council, to be held at Fort Benton, on the Upper Missouri, some time in the course of the coming summer. It is to be held nominally with the Black Feet Indians. It is expected that all the bands of that tribe will be present, and that many other Indians, including the Flat Heads in the Territories of Washington and Oregon, west of the Rocky Mountains. These Black Feet Indians are continually making incursions upon their neighbors in all directions. The Flat Heads have made considerable progress in the cultivation of the soil. They have farms which they cultivate, and on which they raise cattle, horses, and hogs; but the Black Feet Indians make incursions upon them, destroy their crops, and carry off their property.

Governor Stevens, when he went out last summer upon a railroad exploring expedition, and to assume the duties of his office as Governor of Washington Territory, met representatives of most of these tribes, and describes them as fierce and warlike. "Their hand seems to be against every man's, and every man's hand against them." But it is hoped, that by the council which is to be held, such an impression will be made upon their minds as will incline them to a more pacific course of policy towards our citizens who may be traveling through their country.

It is supposed that the appropriations required to defray the expenses of the council will reach \$100,000. The number of Indians present will probably be twenty thousand. The council will probably continue from one to two weeks. During all this time this vast number must be fed; and when the cost of the provisions necessary for that purpose is added to the presents to be made, and the cost of transporting presents and provisions, it is most reasonable to assume that \$100,000 will not be too large a sum. Governor Stevens, in his estimates, thinks that a smaller sum, some \$70,000, would be sufficient. The Department has examined his estimates for the cost of the presents which it is proposed shall be given to the Indians, and they find that when the cost of transportation from New York to St. Louis is added to the other items, the amount required will be far beyond what he has estimated it.

It is designed to send these goods to St. Louis, and thence by steamboat to Fort Benton. To do this it is necessary that the appropriation shall be made speedily. The navigation of the Missouri river is difficult and precarious at all times in low water; and it is wholly impeded when you get above the mouth, perhaps, of the Yellow Stone river; certainly above the mouth of Milk river. To enable the boat, with the goods and provisions to be sent the Indians, to reach its destination, it is necessary that it should leave in April, so as to reach the Yellow Stone river during the annual flood of the Missouri, made by the melting of the snow on the Rocky Mountains. If it be not successful in getting off by the middle of April, or the 1st of May, there is no reasonable hope that it will reach the point designated, and, of course, the whole movement towards holding a council will be defeated.

This council is the more necessary for the reason that, in 1850, a similar one was held at Fort Laramie. The tribes of wild Indians adjacent thereto were collected, presents were made to them, treaties of amity and peace were entered into between them and the Government, and stipulation was made to pay them annuities in goods, presents, and money for ten years. The Blackfeet, and half a dozen other tribes of wild Indians on their borders, have learned of these bounties conferred upon their brethren at Fort Laramie, and

they have become more dissatisfied than ever with the white man, because they think that the same liberality should be extended to them which was extended to those of their brethren on the Plains. "Now, sir, this is an experiment also. It may be that it will not result in good. I have myself a very strong hope, a very confident expectation, that it will result favorably. I think that if the appropriation is passed, we will hear of fewer robberies perpetrated upon the vast territories between this and Oregon. You will hear of fewer of our citizens being murdered; and, sir, if we can save the lives of even ten of our citizens, we shall be amply compensated for the expenditure of this \$100,000. It may have the effect of humanizing these savages, if I may use the expression. They have had, heretofore, little intercourse with the whites. They are hard to be persuaded of the resources and improvements of the whites. They do not believe the stories told them of railroads and steamboats, and of the great cities built by the white man in the valley of the Mississippi and on the Atlantic slope. They do not place any reliance whatever on such tales; and if our agents go there, if we send our steamboats, and our cannon and pistols, our goods and provisions, presents and gewgaws, it will have a salutary effect in impressing them with the great advantages our friendship can confer, and the great danger which our hostility may expose them to—it may be, to turn their minds to the pursuits of agriculture, rather than the precarious ones of the chase. It is worth the experiment, at all events; and I hope the committee will determine to vote it in when the amendment shall be presented. Governor Stevens recommends it in the strongest terms; and his recommendation is concurred in by the Commissioner of Indian Affairs and the Secretary of the Interior.

There are other amendments which I shall propose to the bill, but they are not of the consequence of the one of which I have already spoken. I shall defer their explanation until the five-minute debate shall commence.

Mr. JONES, of Tennessee. As I perceive the gentleman has brought his remarks nearly to their close, I would inquire of him what is the aggregate amount of the appropriations he proposes?

Mr. ORR. I stated that it would be about \$350,000.

Mr. JONES. I wish, then, to ask the gentleman if estimates for that amount have been furnished by the Indian Department?

Mr. ORR. The estimates have come through the Secretary of the Interior to the Committee on Indian Affairs, from the Indian bureau.

Mr. JONES. Have they ever been presented to the House?

Mr. ORR. No, sir.

Mr. JONES. Or printed?

Mr. ORR. They have not.

Mr. JONES. Well then, I will say, with the permission of the gentleman from South Carolina, that I think it would be as well for him to submit them to the House and have them printed, so that we may all see them and be able to judge of them. I recollect that during the last Congress this system was commenced of sending large estimates to the committees and not to the House, and afterwards it was charged in some of the newspapers that Congress had appropriated more than the Administration asked for. Now, there will be nothing in the public documents of the session that go out to the country to show that the Administration has asked for this \$350,000 of appropriation for the Indians; and the members of this Committee know nothing at all about it save the members of the Committee on Indian Affairs. It is nothing but right and proper—it is but fair and just to the members of the House and to the country, that these estimates should now be submitted to the House, and ordered to be printed, for the use of members.

Mr. ORR. I will state, in reply to the gentleman from Tennessee, that I think if he will examine the act of 1842 he will find that the heads of Departments have ample power to send estimates to the chairmen of the different committees of this House.

There may be something in the point which the gentleman makes, as to the House not having the information. I have no sort of objection to ask the House, when the committee rises this evening, to have all the letters and estimates that

have been communicated to the Committee on Indian Affairs, printed for the use of the House. I have no objection whatever to that, and I suppose there will be no objection to it on the part of any other gentleman.

There is one other point to which I desire to refer, before I take my seat. It is very desirable that this bill should pass promptly. It is very desirable that these funds, at least those contemplated in the amendments which I have indicated, should be put in the hands of the Indian Department, so that they can at once commence their negotiations. It is a long way to Oregon, and Washington, and New Mexico, and Utah. If the bill was to meet with no obstruction, if it was to pass as speedily as possible, the probability is that nearly a month would elapse before it would receive the signature of the President. It has to go to the Senate, and the amendments that may be made there have to be referred to a committee of this House, and be reported and acted on. The process is a tedious one, and if the committee desire that the appropriations to be made shall be of service, they must pass the bill promptly.

I do not know whether I shall be sustained or not in the motion to close debate, which I shall submit to-morrow morning, if I succeed in getting the floor. I desire that whatever debate there may be upon this bill, shall be legitimate. I desire that whatever debate there is shall be upon the merits of the bill and the amendments. I am willing that gentlemen shall consume whatever time may be necessary to discuss thoroughly the provisions of the Indian appropriation bill. But I do not think that in the pressing emergencies that surround us, gentlemen ought to use it to hang general speeches upon. Gentlemen will have an opportunity of speaking most fully and liberally on every question while other bills are under consideration which are not so pressing as this. I shall, therefore, with a view of disposing of this bill, offer a resolution, either this evening, when the committee rises, or to-morrow morning, when the House meets, to close the debate on this bill at three o'clock to-morrow.

Mr. TAYLOR, of Ohio. Will the gentleman from South Carolina, [Mr. ORR,] or the chairman of the Committee of Ways and Means, state how much these appropriations will amount to?

Mr. ORR. I am not able to answer the gentleman's question precisely, as I have not read over the entire bill.

Mr. HOUSTON. I can give the gentleman from Ohio the information which he desires. The appropriations in all amount to \$999,974, precisely the amount which the Government is bound by its treaties to pay.

Mr. ORR. I desire to say, in reply to gentlemen who say that it is not fair to close debate so suddenly upon this bill, that all the provisions in this bill, as stated by the Committee of Ways and Means, are made in conformity with treaty stipulations, entered into by the Government with the various Indian tribes. You must either repudiate your faith with them, as ratified by these treaties, or make these appropriations. They are the regular appropriations. The only extra appropriations which we ask, beyond the ordinary regular ones, are contained in the amendments which I have indicated.

Mr. MILLSON obtained the floor.

Mr. HUNT. I have never addressed the House elaborately, and I ask it as a matter of courtesy, that the gentleman from Virginia [Mr. MILLSON] will give me the floor to make a speech upon the Nebraska bill. Upon this question I occupy the position of one opposed to the South generally; and I think that it is not asking too much at their hands to yield me this courtesy.

The CHAIRMAN. The Chair recognized the gentleman from Virginia [Mr. MILLSON] as being entitled to the floor. Does the gentleman yield the floor to the gentleman from Louisiana, [Mr. HUNT?]

Mr. MILLSON. The gentleman from Louisiana places me in a very embarrassing situation, as I would be exceedingly pleased to gratify him by acceding to his wish. But I have been very anxious for some time to get the floor in Committee of the Whole to make a speech upon another subject than the one now under consideration, as I desired to leave the city, and make a visit home, which has been delayed much longer than I intended. The gentleman from Louisiana will have

no difficulty in obtaining the floor to-morrow; and, under the circumstances, I trust that he will excuse me for not yielding him the floor.

Mr. TAYLOR, of Ohio. Will the gentleman from Virginia give way for a motion that the Committee rise?

Mr. MILLSON. I will yield the floor for that purpose.

Mr. TAYLOR. I make the motion, then, that the committee rise.

The question was put, and agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole had had under consideration the state of the Union generally, and particularly House bill (No. 46) entitled "A bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1855," and had come to no resolution thereon.

Mr. ORR. I ask the unanimous consent of the House that the various estimates which have been sent by the Secretary of the Interior to the Committee on Indian Affairs be printed.

Mr. BOCKOCK. I object.

Mr. HOUSTON. I hope that my friend from Virginia will withdraw his objection. It is almost impossible for us to get along with these estimates understandingly unless we have them printed. We want them printed for our own information. I appeal to my friend from Virginia to withdraw his objection.

Mr. BOCKOCK. As I am appealed to, I withdraw my objection.

The question was then put on the motion to have the estimates printed, which was agreed to.

Mr. FLORENCE. Is it in order, Mr. Speaker, to move that the House do now proceed to the consideration of the business on the Speaker's table?

The SPEAKER *pro tempore*. The Chair thinks it would be in order.

Mr. FLORENCE. Then I will state the reasons why I desire to make that motion; and perhaps the House will indulge me. There is upon the Speaker's table a bill from the Senate making provision for the courts of the United States, and for additional facilities for post office business in the city of Philadelphia. By the act consolidating the different districts into the one municipality, the courts of the United States will be left without—

Mr. SAGE, (interrupting.) Mr. Speaker, what is the question before the House?

Mr. FLORENCE. I have moved to proceed to the consideration of business on the Speaker's table. If the House will indulge me in an explanation—

Several MEMBERS. "Question!" "Question!"

Mr. LETCHER. I move that the House do now adjourn.

The question was taken, and the motion was agreed to.

The House thereupon, at three o'clock and twenty minutes, p. m., adjourned until to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, March 23, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. ALLEN presented a petition of citizens of Providence, Rhode Island, praying that the post-office in that city may not be removed from its present location; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented the proceedings of a meeting of citizens of Bridgewater, Massachusetts, held at the town hall, on the 13th of March, 1854, against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, resolutions passed at a meeting of the inhabitants of Northampton, Massachusetts, held on the 20th of March, 1854, in opposition to the Nebraska bill; which were ordered to lie on the table.

Also, the petition and papers of Elizabeth A. W. Gibson, widow of Frederick Gibson, late of the Revenue Service, praying a pension; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. GWIN, it was

Ordered, That the petition and papers in support of the application of G. R. Herrick, for balance of salary due him, be withdrawn from the files of the Senate, and referred to the Committee on Finance.

On motion by Mr. SHIELDS, it was

Ordered, That Captain Nichols have leave to withdraw his papers.

DEFICIENCY BILL.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill from the House of Representatives, to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854, reported it back, with sundry amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. McKean, its Chief Clerk, announcing that the Speaker had signed the following enrolled bills and joint resolutions:

Bill for the relief of Gray, McMurdo & Co.;

Bill for the relief of William Mayo, of Belfast, Maine;

Joint resolution for settling the accounts of A. Boyd Hamilton;

Bill for the relief of the troops who were sufferers by the recent disaster to the steamship San Francisco;

Bill for the relief of Samuel K. Rayburn;

A joint resolution authorizing the Secretary of the Treasury and Light-House Board to determine upon the site, plan, and mode of constructing the light-house on Cohasset Rocks, and for other purposes;

A joint resolution accepting certain volumes and medals presented by her Britannic Majesty's Government to the United States;

Bill to amend an act entitled "An act to divide the State of Arkansas into two judicial districts;"

Which were then signed by the President *pro tempore*.

The message also announced that the House of Representatives had passed the bill from the Senate for the relief of settlers on lands reserved for railroad purposes.

CLERK TO A COMMITTEE.

On motion by Mr. ALLEN, it was

Ordered, That the Committee on Agriculture be authorized to employ a clerk.

Mr. WELLER subsequently moved to reconsider the vote.

CLAIMS OF REVOLUTIONARY OFFICERS.

The bill to provide for the final settlement of the claims of the officers of the Revolutionary Army, and of the widows and orphan children of those who died in the service, was read a second time; and, on the motion of Mr. EVANS, was considered as in Committee of the Whole.

The bill provides that the officers of the Army of the Revolution, who were entitled to half pay for life under the resolutions of Congress, of the 21st of October, 1780, the 17th of January, 1781, the 8th of May, 1781, and the 8th of March, 1785, shall be entitled to receive the same, although such officer may have received, in lieu thereof, the commutation of full pay for five years, under the resolution of Congress, of the 22d of March, 1783. It is to be the duty of the proper accounting officer of the Treasury, when applied to for that purpose, by any one who is entitled to receive, or his or her guardian, to ascertain what is due to such officer, from the time he became entitled to half pay until his death, if that occurred before the 3d day of March, 1826, but if he died after that time, then up to that period.

When the amount due to any officer has been ascertained, the Secretary of the Treasury is to pay it, after deducting therefrom the amount received for commutation, under the resolution of the 22d of March, 1783.

Those officers, who are entitled to receive half pay for life, under the resolutions above mentioned, and did not receive the same, or the commutation in lieu thereof, and have not since been provided for by any special act of Congress, are to be paid, on establishing their rights to the satisfaction of the accounting officer of the Treasury by the Secretary of the Treasury.

The half pay for seven years, promised by the resolution of Congress, of August 24, 1780, to the widows and orphan children of those officers, who died in the service, is in like manner to be

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

FRIDAY, MARCH 24, 1854.

NEW SERIES....No. 46.

paid, on proof to the satisfaction of the accounting officer. And the benefit of the resolution, of the 24th of August, 1780, is to be extended to the widow and orphan children of all officers who were killed in battle or died of wounds received in battle, whether such officer belonged to the Continental line, or any volunteer corps called into service under the authority of any State; but no payment is to be made under this section except to those specially described in the resolution of the 24th of August, 1780.

The Secretary of War, under the direction, and with the approbation of the President of the United States, is to prescribe such rules of evidence as may be necessary to carry into effect the provisions of the act.

No interest is to be paid on the sums claimed, and proof is to be furnished of ownership. All sales, transfers, mortgages, or pledges of any such claims, are declared void. This act is not to extend to the case of any officer or his representatives, who have received either half pay for life or commutation in lieu thereof, under any special act of Congress; and all persons who shall receive the benefit of this act are to receive the same in full satisfaction of all claims, under any of the resolutions of Congress before recited, and for all losses alleged to have been sustained by depreciation in the value of the certificates received as commutation, under the resolution of Congress of the 22d of March, 1783.

The act is to continue in force ten years, and all claims not presented with the evidence for their adjudication within that time are to be forever barred, and the decision of the accounting officer is to be final and conclusive.

To a correct understanding of this case, it is necessary to state, that in anticipation of the reform of the army which took place on the 1st of January, 1781, whereby many officers would be displaced, Congress, on October 2, 1781, resolved that the Commander-in-Chief, and the commanding officer of the southern department, direct the officers of each State to meet and agree upon the officers for the regiments, to be raised by their respective States from those who inclined to continue in the service; and where it could not be done by agreement, to be determined by seniority, and make return of those who were to remain, which was to be transmitted to Congress, together with the names of the officers reduced, who were to be allowed half pay for life. The officers who continued in the service to the end of the war were to be entitled to half pay during life, to commence from the time of their reduction. The resolution of October 3, 1780, allowed the reduced officers half pay for seven years, but this was superseded by the resolution above recited. By subsequent resolutions of January 17, 1781, and of May 3, 1781, a similar provision was made for the medical staff and for chaplains.

By a resolution of March 22, 1783, on the application of some of the officers then under the immediate command of General Washington, Congress offered to all those entitled to half pay for life a commutation of five years' full pay, with a proviso that it should be at the option of the lines of the respective States to accept or refuse, and not of the officers individually; and such officers as had retired at different times should collectively, in each State, accept or refuse the same; and the superintendent of finance, as soon as their acceptance should be signified, should take measures for the settlement of their accounts, and issue to them certificates, bearing an interest of six per cent. By the resolution of May 15, 1778, all officers who should continue in the service until the end of the war were promised seven years' half pay, if they should so long live. This provision, by the resolution of August 24, 1780, was extended to the widow of any officer who had or should die in the service, and if there be no widow, then to the orphan children of such officer.

The bill is based upon petitions which may be divided into three classes.

1. The officers who received the commutation under the resolution of March 22, 1783, and now

ask that Congress will pay them the half pay for life, deducting what they have received, or pay them the difference between the par value of the certificates and the market value for which their necessities compelled them to sell. This class includes nearly all the petitions.

2. Those who have never received, either the half pay or commutation, and now ask that they may be paid one or the other. There are only ten or twelve of this class.

3. The children of officers who were killed in the service during the war of the Revolution, asking to be paid the seven years' half pay, under the resolution of August 24, 1780. There are two of this class.

The bill embraces all these cases, and leaves the proof to be made before the accounting officers.

The principles of the bill are: That the widow and lineal descendants of any officer who was entitled to receive, under the resolutions of Congress, half pay for life, shall still be entitled, notwithstanding such officer may have received the commutation. The receipt of the commutation in lieu of the life annuity presents a case of election, and in strict law might be a bar to these claims. But the petitioners allege, and there is no doubt of the fact, that there was no fund for the payment of the certificates; that in consequence of this and the large amount which was thrown upon the market, and the necessity the officers were under to sell, the market price of the certificates fell to twelve and a half per cent. Besides this, the mode of accepting or refusing the offer did not leave them individually the right of choosing. Considering all the facts of the case, and that the amounts which the officers actually received have fallen so far below their deserts, and the amount of rewards which were promised, it was thought they should be admitted to their original rights. They are to be paid the half pay for life, deducting the amount of their commutation certificates.

The fourth section of the bill authorizes the payment of the half pay for life to the widow or lineal descendants of all officers entitled thereto, but who have never been paid, upon satisfactory proof of their claim to the proper accounting officer.

The fifth clause provides for the payment in like manner to the widow or children of any officer who died in the service, under the resolution of August 24, 1780.

Among the petitions is one which does not come within the resolution. The father of the petitioner was not in the Continental line, but commanded a volunteer company under the authority of a State at the time he was killed. Considering this a meritorious case, and that after the lapse of seventy years there can be few, if any, cases of a like description, the committee have added to the bill a clause which embraces her case.

The bill provides that payments are to be made only to the surviving widow and lineal descendants of the officers; collateral kindred are excluded. If these were legal debts, then it would be proper they should be paid to the executor or administrator, and be assets for the payment of debts, and the surplus be paid to those who are entitled under the statutes of distribution in the several States. But in most of the cases the legal obligation has been discharged by the payment of the commutation. The allowance of these claims is more of the nature of a benevolence, given in discharge of a great moral obligation. Gratitude for the services of these officers may impose on Congress the extension of its rewards to the several heirs of the deceased officer, but not to his remote collateral kindred. Besides this, considering the migratory character of our people, it will be no easy task to ascertain who are the lineal descendants of one who died forty or fifty years ago, and this difficulty will be greatly increased in tracing collateral descent for two or three generations. Provisions are added to the bill to protect the claimants against the rapacity of speculators, and secure to those who are the objects of its bounty the personal benefit of its provisions. As it is time there should be an end to claims growing out of the war of the Revolution, which terminated

seventy years ago, the bill is limited to ten years, after which all the claims provided for by it will be forever barred.

The following is a list of cases referred to the Committee on Revolutionary Claims, and which are embraced in the report made July 6, 1853:

First class.—Those who have received the commutation, and are to receive the half pay for life, deducting the commutation on proof: Benjamin Mooers, Simon Summers, Wells Clift, William Beaumont, Joshua Danforth, William Riley, Philip G. Vanwick, James Sawyer, Clement Gosline, Garrat Tunice, Thomas Reed, Samuel Gibbs, Derrick Schuyler, Samuel Lewis, Nicholas Schuyler, Thomas Mounts, James Clinton, Peter Gansvort, Andrew Finck, Peter J. Vosburgh, Lewis Booker, Thomas Buckner, Samuel Cliff, Jedediah Huntington, Henry Hughes, Beverly Roy, 26; and Pierre Ayot, 27.

Second class.—Those who claim half pay or commutation, and are to be allowed half pay for life: J. De Treville, Antoine Paulent, Francis Chaudonet, George Gibson, Louis Gosline, Gerard Wood, Uriah Forrest, Francis Marten, Amable Boiliace, Lewis Marnay, Joseph Bendon, Felix Vinter, and Maria Stephenson.

Third class.—The children of officers who died in the service: Nathan Weeks, Mary Perry, and Jacob Cooper.

Mr. STUART. I would like to learn from the Senator from South Carolina something in regard to the effect of the bill, and whether the attention of the Secretary of the Interior or Treasury, or both, has been called to it. It seems to me to provide not only for some very new, but what appears to be very extensive alterations in the accounts of this description of persons; and I apprehend, from hearing the bill read, that the effect of it may be to bring in a great many claims which have not much real foundation. I presume the Senator can explain the matter.

Mr. EVANS. I can give the Senator all the information which he desires. It will be necessary, however, to go somewhat into detail in order to present all the facts and all the cases for which the bill proposes to provide. Soon after, or even in fact before, the Declaration of Independence, Congress determined to raise an army, to consist of eighty-eight battalions. These were divided among the States in the ratio of their numbers, or in some other way. The whole eighty-eight battalions put together formed what was called the "Continental line." The contingent of each State was called the "State line," and thus the "Continental line" was made up of the Massachusetts line, the Virginia line, and the lines of the other States, making altogether eighty-eight battalions. One great difficulty—and all who have read the correspondence of Washington with Congress cannot but be impressed with it—was the constant fluctuation which was going on, by old officers and old soldiers going out, and new ones coming in. This rendered the army very inefficient, and Washington was constantly pressing upon Congress the fact, that it was of the utmost importance that the army should have some permanent character. In order to accomplish this, Congress, on the 19th of May, 1778—

"Resolved unanimously, That all military officers commissioned by Congress, who now are, or hereafter may be, in the service of these United States, and shall continue therein during the war, and not hold any office of profit under these States, or any of them, shall, after the conclusion of the war, be entitled to receive annually, for the term of seven years, if they live so long, one half of the present pay of such officers."

This was an inducement held out to the officers to remain in the service until the end of the war. It followed, of course, that in the various battles which were fought many of these officers were killed; therefore, as this was intended as a personal compensation, no one else was entitled to receive it. Congress, therefore, in the same spirit, on the 24th August, 1780, passed another resolution:

"That the resolution of the 15th day of May, 1778, granting half pay for seven years to the officers of the Army who should continue in the service to the end of the war,

be extended to the widows of those officers who have died or shall hereafter die in the service."

This constitutes one class of these claims, but it is a very small class, for there are only two or three petitions before the committee presented by the children of the officers who were killed in battle, and the bill proposes to provide for them.

We propose to go further, so as to include a class of cases not embraced in the resolution of the Congress of 1780; and there is only one case of the sort which was before the committee—the case of Mrs. Perry, an exceedingly meritorious one, which we thought should be provided for. It is not likely that many others will come, because this class embraces only widows and orphans of the officers, not their descendants. It was a provision intended for them, and for them alone. All that it is proposed to do now is to provide for the few who have not been provided for; and none can come in under the act but those who are seventy-five years of age. For this reason the number will be very small. It is now seventy-five years since the resolution of 1780 was passed, and over seventy years since the end of the war. The provision of the bill in this respect is:

"And that the benefit of the said resolution of the 24th of August, 1780, shall be extended to the widows and orphan children of all officers who were killed in battle, or died of wounds received in battle, whether such officers belonged to the continental line, or any volunteer called into service under the authority of any State; but no payment shall be made under this section, except to those specially described in the said resolution."

To wit, the widows and orphans. This provides for one class.

Well, sir, in the year 1780, in contemplation of a reduction of the Army, Congress adopted this resolution:

"That the Commander-in-Chief and the commanding officer in the southern department, direct the officers of each State to meet and agree on the officers for the regiments to be raised by their respective States, from those who incline to continue in service; and where it cannot be done by agreement, to be determined by seniority." &c.

"The officers so reduced are to be allowed half pay for life."

Then follows another clause:

"That officers who shall continue in the service until the end of the war shall also be entitled to half pay during life, to commence from the time of their reduction."

This was a provision embracing every officer who was reduced or made a supernumerary, and every one who remained in the army until the end of the war. Then, sir, after the last battle was fought, and while the army was encamped, the greater part of it in New York, under the immediate direction of General Washington, some dissatisfaction arose in relation to this annuity of half pay for life. As I understand the history of the times, the formation of the Society of the Cincinnati, consisting of the officers of the army, together with the further fact that they were to be paid half pay for life, excited a strong discontent in the country. The officers of the army, in consequence of that discontent, petitioned Congress to grant them something to be paid immediately, instead of the half pay for life. They considered that by this course their present necessities would be relieved, and at the same time they would escape the odium which was springing up in the country against the provision granting them half pay for life. Then I find that, on the 22d of March, 1783:

"On the report of a committee, together with a memorial of the officers of the army, Congress passed the following resolutions:

"Whereas, the officers of the several lines under the immediate command of his Excellency General Washington, did, by their late memorial, transmitted by their committee, represent to Congress that the half pay granted by sundry resolutions was regarded in an unfavorable light by the citizens of some of these States, who would prefer a compensation for a limited term of years, or by a sum in gross, to an establishment for life; and did, on that account, solicit a commutation of their half pay for an equivalent in one of the two modes above mentioned, in order to remove all subject of dissatisfaction from the minds of their fellow-citizens.

"And whereas, Congress are desirous, as well of gratifying the reasonable expectations of the officers of the army as of removing all objections which may exist in any part of the United States to the principle of the half pay establishment, for which the faith of the United States hath been pledged: persuaded that those objections can only arise from the nature of the compensation, not from any indisposition to compensate those whose services, sacrifices, and sufferings have so just a title to the approbation and rewards of their country: Therefore,

"Resolved, That such officers as are now in service, and shall continue therein to the end of the war, shall be entitled to receive the amount of five years' full pay in money, or securities on interest, at six per cent. per annum, as

Congress shall find most convenient, instead of the half pay promised for life by the resolution of the 21st day of October, 1780: the said securities to be such as shall be given to other creditors of the United States: *Provided*, It be at the option of the lines of the respective States, and not of officers individually in those lines, to accept or refuse the same: *And provided, also*, That their election shall be signified to Congress through the Commander-in-Chief, from the lines under his immediate command within two months."

"That the same commutation shall extend to the corps not belonging to the lines of particular States, and who are entitled to half pay for life as aforesaid; the acceptance or refusal to be determined by corps, and to be signified in the same manner, and within the same time."

Those who were originally entitled to half pay for life, and who afterwards had the option of accepting, in lieu of it, the commutation of five years' full pay, as they present themselves to the Senate now, consist of two classes. The first class is composed of those who have never received anything, and whose representatives are now petitioning to be allowed that to which their ancestors would have been entitled if they had applied. In relation to these claims I have very little to say. Whenever such a case has been made out, Congress has passed private bills for the relief of the parties; and I find, in the volume of "Revolutionary Claims" which I have before me, about one hundred cases of that description, in which special acts have been passed to provide for those who never received the commutation or the half pay. No explanation, therefore, is necessary in relation to them, because these claims have always been recognized; and the only difficulty has been to make out the proof, and get both Houses of Congress to act upon them at the same time. The large class principally provided for by the bill are those who received the commutation.

I gather, from the means of information which have been in my power, that when the army was disbanded in November, 1783, Congress sent a paymaster for the purpose of discharging all these obligations. The paymaster repaired to the army, carrying with him certificates made out for all the officers; and to each one who was present, and who would receive it, he delivered a certificate for his commutation for five years' full pay, in lieu of the half pay for life.

Some gentlemen seem to think it important to know the number of these persons. I find, in a report made by Mr. Burgess, on the Rhode Island claims, some twenty years ago, that it is stated as a fact, capable of proof, that the army consisted of two thousand four hundred and eighty officers who were entitled to the commutation when it was disbanded. I have made inquiries at the proper office here, and the Third Auditor has informed me that it appears from the books in his office, and from those in the Pension Office, that two thousand two hundred and fifty-six did receive the commutation. Now, adding to that number the one hundred for whom special provision has been made, and the number of applicants before Congress, and you will have over two thousand three hundred. As will appear hereafter, when I come to that part of the case, the proposed provision for this number of persons will amount to a very large sum of money; and with some gentlemen, I believe it will be considered conclusive against the bill that it does appropriate a large amount of money.

But, sir, the question which now arises is, are we not bound to pay? I do not mean to say that in a court of law it would be regarded as a legal obligation. Congress, upon the petition of a portion of the officers, at least, offered to give five years' full pay in lieu of the half pay for life. The offer was accepted. The legal obligation, therefore, was probably discharged by that; but, then, what were the facts in relation to the matter? The officers had the certificates of Government that it owed them so much money; but the Government was insolvent. Under the Confederation Congress had no means of raising money. There was a debt of \$100,000,000 which had been contracted during the Revolution. The officers had retired from the army—most of them in a state of poverty and destitution. They had nothing but these certificates. If they had property besides when they went into the army it was desolated by the enemy before the conclusion of the war; and thus they were thrown upon the world with nothing but those certificates, which had no appreciable market value whatever. Most of the petitions before the committee set out, and all who are con-

versant with the history of the times know the fact very well, that they depreciated finally down to twelve and a half per cent.; so that he to whom the Government promised to give \$100 received only \$12 50, and a captain's commutation of five years' full pay, amounting to \$2,400, had no market value greater than \$300; and in the larger portions of the cases, according to the best information I can collect upon the subject, they were sold at that rate.

Now, sir, what was the promise? The promise was, that they should be paid in money; that, in consideration of their remaining in the army until the end of the war, they should receive half pay for life, which was commuted for five years' full pay, to be paid in money, or, at the option of Congress, in certificates bearing six per centum interest, which should have been considered as equivalent to so much money. The contract, the obligation, really was to pay the commutation of five years' full pay in money. Did they receive it? Every man here, who has investigated the matter, knows that they received hardly a tenth part of it. Whose fault was that? Was it their fault? It was not, perhaps, the fault of the Congress of that time, but it was a necessary result from the situation in which we were placed. Congress could not pay them. Although we had achieved our independence; although Great Britain had acknowledged it, what was our situation? Had we any Government? Was there any central Government having power to pay those debts? There was none, sir. Was there any certainty that the discordant materials of which this country consisted at that time, the State governments, would ever coalesce and form a Federal Government, so as to provide for these debts? No, sir; it was very uncertain indeed.

In this state of things, the officers were thrown upon the world with these certificates, which depreciated daily, and had no market value. They received next to nothing for them. In this view, the committee thought—and I shall ever believe they thought correctly—that it would be right to put them back in the condition which they would have occupied, because Congress has not kept in good faith the consideration upon which they agreed to give up their half pay for life. When I say that Congress has not kept the consideration in good faith, I do not mean to say that it has been guilty of any want of good intentions for the performance of the contract, but simply to say that it has not been performed, and they have not received the half pay for life to which they had a legal right. In the State of Virginia, under like circumstances, the officers, upon being allowed to sue the State, recovered the amount, for it was considered that it was a legal obligation. For this legal obligation to pay them half pay for life they have received little or nothing.

Then, ought we not to pay? The committee thought we should. The only question on this point, and that of the greatest difficulty, was, whether we should not exempt them entirely upon proof that they had been obliged to sell these worthless certificates which had been given to them, for ten or twelve cents on the dollar; whether we ought not to allow them the difference between that amount and the par value? But the committee finally came to the conclusion to do this: to put them back upon the same footing which they occupied anterior to the promise of commutation, to give them their half pay for life, and to deduct from it, as a payment *pro tanto*, the nominal amount which they had received as commutation.

I come now to a statement, which will be considered very important by some gentlemen, and that is, as to the probable amount which will be involved in the passage of this bill. It proposes to allow half pay, and to deduct the commutation. Now, from the examinations which I have been able to make, I am satisfied that, if we take the pay of a captain we shall have a fair average. The pay of a captain was \$40 a month, or \$480 a year, and five years' full pay of a captain would therefore be \$2,400; and every captain received \$2,400 nominally as his commutation. Then the next question is, what will be the probable amount to which he will be entitled under this act, if it shall become a law? It is stated, in the report of Mr. Burgess, which I read with a great deal of care, because it seemed to have been drawn up by a very sensible man, that at the time the

army was disbanded, it consisted of two thousand four hundred and eighty persons, of the average age of thirty years. I have not examined it myself; but he goes on to say that upon the principle upon which the life insurance companies make their calculations, the probability was that the average length of life of those officers would be twenty years beyond that. Now, if you take twenty years as the average duration of their lives beyond that period, and allow them half pay for life for that time, it will amount to \$4,800 to each one, and I assume that that is the average.

According to the Auditor's letter, and the special acts, it appears that two thousand three hundred and seventy have received commutation, or have been provided for by special acts. Perhaps half of these or more will be able to make out their cases. If fifteen hundred should be able to make out their claims, the amount will be \$3,600,000. If two thousand should make out their claims, it will be \$4,800,000. Those payments would be scattered over a period of some four or five years, perhaps; so that the appropriations to meet the cases for which this bill provides will amount to a million a year for three or four years.

The amount seems large, and so it is. This bill does involve a large sum of money; but if any gentleman will trouble himself to look into the appropriations which have been made for the "second war of independence," as it has been called, the war of 1812, he will find that we have given away in money, in annuities, in pensions, and in lands, four times that amount. But, sir, the fact that it requires a large sum of money to do justice, is no reason why justice should not be done. Are we not giving away every day and almost every hour larger sums to people who have no claims upon us at all, merely because they suppose they have done some good to the country? But, can any man measure the good which the services of the officers of the Revolution conferred upon the country?

I have now, Mr. President, said all that I think it necessary to say upon the merits of the claims; and I come to the limitations imposed by the bill.

The first limitation is that the payments are to be made without interest. It was a question somewhat debated in the committee, as the chairman [Mr. WALKER] very well knows, whether these debts were not of that description that they should be paid with interest. I think that at the last session of Congress a report was made from the same committee, in the case of Mooers, in which interest was allowed; but the committee finally came to the conclusion that these debts should be paid without interest. I take it that that conclusion is right. The general rule is that a Government does not pay interest; and I remember very well that in all the recent cases which have occurred, this rule has been adhered to.

I have had occasion since I have been here at the present session, to look after an appropriation which was made two years ago to the State of South Carolina, for money paid for this Government seventeen years ago in the Florida war. The amount was allowed, but without interest. The claim of a gentleman from my own State last year, whose father was a hostage in the possession of the enemy and whose property was destroyed, was allowed by Congress, but without interest.

On looking into the special acts of Congress, it will be found that from the organization of the Government down to 1833, interest was never allowed by the express words of any act. It is true that in the case of Mrs. Hamilton, in 1814, the Attorney General gave it as his opinion that, although the act did not provide for the payment of interest, yet interest ought to be paid. It was paid; and the Department, for a few years afterwards, paid interest. In 1832 and 1833, there were sixteen cases before Congress, which were provided for, not exactly with interest, but the officers were allowed to be put upon the footing which they would have occupied if they had received their certificates—that is, they were allowed to fund them in the same way in which the certificates were at first funded, and to receive out of the Treasury whatever sum this would amount to. I have not been able to ascertain whether any of the certificates which were given to the revolutionary officers were actually funded in their own names. The best information which I can get on the subject is, that with a very few, perhaps no exceptions, they were bought up by spec-

ulators; and when the present Government was established in 1789, and the funding system was adopted, they were funded, but the officers received no benefit from that.

Another reason which influenced the committee in rejecting the allowance of interest was, that these claims had not been heretofore provided for, generally on account of the fault of the claimants themselves, the Government being always presumed to be ready to do justice to its citizens. The last consideration which influenced them on this head was the item of expense. Some gentlemen seem to be struck with a great degree of horror at the enormous amount of money which the passage of this bill will require to be paid. We found that if you were to include interest for seventy years, these claims, instead of amounting to three or four millions of dollars, would be swelled beyond twenty millions, and therefore the committee have not allowed interest.

The second provision in the bill, to which I beg leave to call attention, is that payments shall be made to lineal descendants only. The reason for that I will explain: If the bill provided that the amount should be paid to the legal representatives, (and every lawyer knows that the legal representatives of a man are his executors or administrators,) the result would be that letters of administration would be taken out upon every one of these two thousand three hundred or two thousand four hundred cases; the administrator would receive the money, and the chances are ten to one that it would never be got out of his hands. The claims agents here would administer upon the estates, get the money in their possession, and require those who afterwards came to claim it to prove that they were the heirs-at-law of the original party entitled, which, in very many cases, they would not be able to do. Thus the Government would lose the money, and those whom it was intended to benefit would not receive it. I take it, therefore, that it would not be proper to pay it to the legal representatives.

Then would it be right to pay the money to the heirs-at-law? Who are heirs-at-law? The heirs-at-law of every man are those upon whom the law casts the succession. They may be his children, or they may be remote collateral relations. If you said "heirs-at-law," collaterals would take it. Now, among the petitions which I have examined, and upon which there is a report, was one case in which the claim was made under these circumstances: Some man, whose name I do not remember, was appointed director of the hospital at Philadelphia, in November, 1776. In January afterwards, for some reason, on account of some public discontent, or perhaps some suspicion of his fidelity, he was dismissed, having served but three months. Afterwards, upon investigation, a committee reported that no charges were established against him; and therefore Congress came to a resolution acquitting him from any charges, but he never was employed after that. A petition is now presented by the grand-children of his brother; they make out their claim in this way: that if he had not been dismissed from the service he would have been entitled to so much pay, and at the end of the war, either to half pay for life, or to the commutation of five years' full pay, and this, with interest, would amount to the very moderate sum of \$33,000. This is an illustration of the cases which will arise if we provide for heirs-at-law.

In providing only for lineal descendants, it seemed to me that this should be a satisfactory reason: we owe these officers a debt of gratitude. This debt may readily be transferred, and there are reasons why it should be transferred, to their children, because many of their children are now poor, and poor perhaps for the very reason that their fathers spent so long a period in the service of their country. The committee, therefore, came to the conclusion, that there was no propriety in paying this sum to executors or administrators, or to heirs-at-law; and as we owed no debt of gratitude to a man's collateral relations, we thought the provision ought to be restricted to his lineal descendants.

There is another provision in the bill, which perhaps requires some explanation. It provides that nothing shall be paid after 1826. In 1828 Congress passed a law giving to the surviving officers of the Revolution, not half pay, but full pay for life, commencing with the 3d of March, 1826.

For this reason, we have provided, that in adjusting their claims their half pay shall stop at the time their pension commenced. That we thought was right.

Another provision is, that those who have been provided for by special acts shall be excluded from the benefits of this bill. The principle upon which this bill proposes to give to the children of the officers of the Revolution is, that they did not receive that which had been promised to them; but those who came in under special acts received all that was promised them. Many others received mere certificates, which were worth little or nothing; but those for whose relief special acts have been passed have received in money the full amount of all that was ever promised to them.

I believe, Mr. President, that I have now given all the explanation which it is necessary for me to make.

Mr. MASON. It is now one o'clock, and I desire, as I told the honorable Senator who reported this bill, to confer with him upon some of its provisions, and he has kindly assented to this. I move, therefore, to postpone the further consideration of the bill until to-morrow, with the view of proceeding to the consideration of Executive business.

The motion was agreed to.

MARSHALS AND JUDGES IN CALIFORNIA.

Mr. WELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of increasing the fees of the marshals of the northern and southern districts of California, and also the salaries of the judges thereof.

EXECUTIVE SESSION.

On the motion of Mr. MASON, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 23, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. FULLER. Mr. Speaker I rise to a privileged question.

The SPEAKER. The gentleman from Maine will state his privileged question.

UNITED STATES COURTS AT PHILADELPHIA.

Mr. CHANDLER. I hope the gentleman from Maine will first allow me one or two minutes to bring some business before the House which will occupy a very brief space of time.

Mr. FULLER. If I can accommodate the gentleman from Pennsylvania without losing my right to the floor, I will be happy to accede to his request.

Mr. CHANDLER. The gentleman will not lose his right to the floor. He can at any time rise to a privileged question.

Mr. FULLER. Then I will be happy to yield the floor to the gentleman from Pennsylvania.

Mr. CHANDLER. There is on your table, Mr. Speaker, a bill from the Senate making provision for a court-house, either to be hired or built, in the city of Philadelphia. I desire to state in relation to this bill, what my colleague [Mr. FLORENCE] would have stated yesterday, perhaps with more emphasis than I shall do now, that the United States court for the eastern district of Pennsylvania will, in a few months, be without any place for the holding of their terms. There can be no writs sued out for returns to the place where they now sit, as the consolidated city requires these rooms. The Senate being deeply impressed with the great importance of this matter, took up the bill which was reported to them, and immediately passed it. I desire, therefore, the unanimous consent of the House to take up that bill from the table, and have it read for the information of the House, that they may see what other provisions are required in it.

Mr. FLORENCE. I hope it will be taken up and immediately put upon its passage.

Mr. JONES, of Tennessee. Let us hear the bill read first.

The SPEAKER. There being no objection, the bill will be taken up and read by its title.

It was read, as follows:

An act to provide a place for the post office in the city of Philadelphia, and for the courts of the United States for the eastern district of the State of Pennsylvania.

Mr. STANTON, of Tennessee. If the gentleman from Pennsylvania [Mr. CHANDLER] will allow me for a moment, I will say that the Committee on the Judiciary have had referred to them a general bill, making a similar provision for obtaining a court-house in Boston. I think it is almost in the very words of this bill. Having had various memorials referred to us in reference to the same subject as relates to the city of Philadelphia, and the city of New York also, where the building formerly occupied by the courts was burned a short time since, the committee have instructed me to report an amendment to the bill which has been referred to us, authorizing temporary provision to be made for the United States courts in the three cities of Philadelphia, Boston, and New York; and, at the same time, directing the President to procure sites, either by purchase or otherwise—for it is understood that in the city of New York a site will be provided by that city without expense to the General Government—and to submit plans and estimates for the erection of buildings in those three cities, suited to the purposes for which they are intended.

If it were the will of the House I could present that report at the present time, and the bill could be put upon its passage, either with the amendment, if adopted, or without it.

Mr. CHANDLER. I should dislike to interfere with the wishes of the chairman of the Judiciary Committee, but it is a matter of absolute necessity that this bill should be passed soon, in order that the proper preparations may be made for the holding of the regular terms of the court. The judges have written to me, pressing upon my attention the importance of this matter, and urging its immediate passage by the House.

Mr. FLORENCE. I would suggest to the gentleman from Tennessee that it would be better to permit this bill to pass at the present time disconnected with the one which he proposes to report from the Committee on the Judiciary. If I understand the gentleman from Tennessee, this bill will not interfere with the one to which he has referred. It is necessary that some arrangement should be made for the United States courts in Philadelphia at an early day.

The courts, I believe, meet in April, and there are only six weeks, at furthest, to make the necessary preparations. The rooms now occupied for that purpose will have to be vacated on the first of April, and therefore I think it will be very much better to allow this bill to pass, and afterwards the Committee on the Judiciary can avail itself of an early opportunity to present their plan for securing permanent places for the United States courts, and for the post office business.

Mr. CHANDLER. I believe I have the floor, and think I can no longer yield it. I am persuaded that the proposition made by the chairman of the Judiciary Committee [Mr. STANTON] will have an unfavorable bearing upon the passage of the present bill, the passage of which is so necessary at this time. I move to put the bill upon its passage, and upon that I call the previous question.

Mr. FLORENCE. Did not the gentleman yield me the floor?

Mr. CHANDLER. I did yield for a moment, but I am anxious to get along with the matter as soon as possible.

Mr. STANTON. I beg leave to say to the gentleman from Pennsylvania that it is not my intention to throw any obstacle in the way of his bill.

The SPEAKER. The gentleman from Pennsylvania has called the previous question, and debate is not in order.

Mr. STANTON. I ask the gentleman to withdraw his call for a moment.

Mr. CHANDLER. I will withdraw it.

Mr. STANTON. It will be observed that the bill provides for the making a permanent lease, lasting ten years. A similar provision is to be made in a bill for a court-house in Boston.

It is absolutely necessary that something should be done in the three cities of Boston, New York, and Philadelphia, and the Committee on the Judiciary thought it the interest of the United States, rather than to make a lease for ten years, to put up

buildings of a proper character—fire-proof buildings—for court-houses and post offices. If this bill should be passed, any provision in it for a permanent lease would certainly be wrong. I think, therefore, we had better make provision at once for permanent buildings for these court-houses and post offices, and the Committee on the Judiciary have instructed me to report an amendment for that purpose.

Mr. CHANDLER. I think the necessity there is for some immediate action in this case renders it imperative for me to ask the House to pass this bill as it is; and I therefore insist upon my demand for the previous question.

Upon seconding the demand for the previous question, sixty-nine gentlemen rose in the affirmative.

Mr. FLORENCE. I ask for tellers upon the second.

Tellers were ordered; and Messrs. VAIL and ROBBINS were appointed.

The House was then divided, and the tellers reported—ayes 72, noes 45.

So the previous question received a second.

The main question was then ordered to be put. The bill was then ordered to be engrossed and read a third time.

Mr. PRESTON. I desire that the third reading of the bill shall be in full. I did not hear, on account of the confusion in the Hall, what its provisions were on the former reading.

The bill was read through.

Mr. PRESTON. I would ask, Mr. Speaker, whether the purchase or lease is conditional?

Mr. CHANDLER. Everything is conditional.

Mr. PRESTON. Let that portion of the bill be again read.

The Clerk read the portion of the bill referred to, as follows:

"By leasing and fitting up the same for a term of years, less than ten years, or by purchase; provided that no purchase shall take place, except conditionally, and dependent upon the making of an appropriation by Congress."

Mr. SAGE. This is a very important measure, and one that it strikes me ought to receive the full consideration of the House. I should have greatly preferred to have seen it come from the Committee on the Judiciary. I move, under all the circumstances, that it be recommitted for this day week.

Mr. PRESTON. I rise to offer a motion which will supersede that submitted by the gentleman. I move that the consideration of the bill be postponed until to-morrow at two o'clock.

Mr. HOUSTON. As this bill is the beginning of a system of building post offices and court-rooms all over the country, I think that it is best we should mature it. Therefore, in my opinion, it should go to the Committee of the Whole on the state of the Union, that it may be examined and discussed. If it be in order, I submit that motion.

The SPEAKER. The gentleman from Kentucky is upon the floor, and has submitted a motion that the further consideration of the bill be postponed until to-morrow at two o'clock.

Mr. PRESTON. I concur fully in what the chairman of the Committee of Ways and Means has said. This is the beginning of a system of ownership of post offices and court-houses by the General Government. I am unwilling to vote for it at present, and therefore move that it be referred to the Committee of the Whole on the state of the Union.

Mr. CLINGMAN obtained the floor.

Mr. PRESTON. With the gentleman's permission, I will modify my motion. I desire that the bill shall be referred to the Committee of the Whole on the state of the Union, so that it may be open to amendment; and for that reason I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time, in order to place us in a position to do so.

Mr. ROBBINS. I move that that motion be laid upon the table.

Mr. CLINGMAN. I have the floor, and I do not yield to my friend from Pennsylvania.

I think, with the gentlemen all around me, that this is a matter of some importance, and it is well to let it go to the Committee on the Judiciary, as moved by the gentleman from New York, [Mr. SAGE,] or to let it go to the Committee of the Whole on the state of the Union, as moved by the gentleman from Kentucky, [Mr. PRESTON.]

My object, however, in rising, is to prevent the unnecessary consumption of time by discussion, and I therefore move the previous question.

Mr. ROBBINS. What is the pending motion?

The SPEAKER. The question is first on reconsidering the vote by which the bill was ordered to a third reading.

Mr. CLINGMAN. The Chair misunderstood me. I understood the gentleman from Kentucky to move to commit the bill to the Committee of the Whole on the state of the Union, and the gentleman from New York moved to commit it to the Committee on the Judiciary. I moved the previous question on those motions, and not on the motion to reconsider.

The SPEAKER. The motion to reconsider was, however, submitted by the gentleman from Kentucky, and it will be the first question to be voted on.

Mr. CLINGMAN. I obtained the floor regularly, and I take it for granted that I had a right to move the previous question on the pending motions. Well, the pending motions are to commit the bill to the Committee of the Whole on the state of the Union and to commit it to the Committee on the Judiciary.

The SPEAKER. The motion to reconsider is also pending.

Mr. CLINGMAN. Then I am willing that the previous question shall apply to them all, but especially to the motion to commit the bill.

Mr. CHANDLER. To the Judiciary Committee?

Mr. CLINGMAN. The House can decide to which committee it shall be referred.

The SPEAKER. If the previous question is sustained, the House will be brought first to vote upon the motion to reconsider the vote by which the bill was ordered to a third reading. If that is carried, then on the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. CHANDLER. I move to lay the motion to reconsider upon the table; and on that motion I ask for tellers.

Tellers were ordered; and Messrs. CAMPBELL and VAIL were appointed.

The question was then put; and the tellers reported—ayes 45, noes not counted.

So the House refused to lay the motion to reconsider upon the table.

The previous question received a second, and the main question was ordered to be put.

The question now being on reconsidering the vote by which the bill was ordered to a third reading, it was put, and the motion was agreed to.

Mr. CHANDLER. I move to refer the bill to the Committee on the Judiciary.

The SPEAKER. The previous question has not exhausted itself yet.

Mr. JONES, of Tennessee. Could the motion to commit be pending in different states? The motion was presented in a different shape; and the bill had been also ordered to a third reading.

The SPEAKER. The motion to commit was only changed in its direction.

Mr. JONES. It seems to me that a motion to reconsider would supersede that motion, and that it would require a new motion to change the direction.

The SPEAKER. If gentlemen are disposed to be technical, perhaps that would be the law of the question. The motion to commit was certainly made by two gentlemen upon the floor.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, informing the House that it had passed a bill (S. No. 119,) entitled, an act to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes; and asking the concurrence of the House therein.]

Mr. PRESTON. I understand that the previous question was to operate upon my motion to commit the bill to the Committee of the Whole on the state of the Union.

The SPEAKER. The previous question, unless by unanimous consent, has now exhausted itself; that is, on the motion to commit the bill.

Mr. CHANDLER. I move that the bill be referred to the Committee on the Judiciary, which has under consideration bills of a similar character.

Mr. CAMPBELL. I move the previous question.

Mr. PRESTON. I am perfectly willing to refer the bill to the Committee on the Judiciary.

The SPEAKER. The question now is upon referring the bill to the Committee on the Judiciary; and the previous question has been demanded.

Mr. HIBBARD. I rise to inquire if there is not a motion pending to refer the bill to the Committee of the Whole?

The SPEAKER. There is no such motion. It must be apparent to gentlemen upon the floor, that, unless the House preserve better order, we shall not understand each other very well in our action here. The Chair stated distinctly that there was not a motion pending to commit the bill to the Committee of the Whole on the state of the Union. The gentleman from Ohio seems not to have understood what the Chair said in regard to the state of the question before the House. The gentleman from Ohio demanded the previous question after the motion to commit was made, and that is the only motion pending in regard to the bill.

Mr. CAMPBELL. I understood that the gentleman from Kentucky moved to refer the bill to the Committee of the Whole on the state of the Union; and that the previous question would operate on that motion to commit.

The SPEAKER. The gentleman from Kentucky [Mr. PRESTON] first moved to refer the bill to the Committee of the Whole, but he changed the motion to that of reconsidering the vote by which the bill had been ordered to a third reading; which became the motion of the gentleman under the rule, and, under the operation of the previous question, cut off the motion to commit.

The previous question was then seconded, and the main question ordered.

The question was then taken on the motion to commit, and agreed to.

So the bill was referred to the Committee on the Judiciary.

WAREHOUSING SYSTEM.

Mr. FULLER. I rise to a question of reconsideration. I move to reconsider the vote by which Senate bill No. 39, reported back from the Committee on Commerce to this House with a recommendation that it do pass, was referred to the Committee of the Whole on the state of the Union.

This is a bill "to extend the warehousing system by establishing private bonded warehouses, and for other purposes."

I desire upon the question, if it is in order, on the motion to reconsider, to explain the reasons why I make the motion. While I am doing this, if gentlemen will be kind enough to send to their document room and procure Senate bill No. 39, and miscellaneous document of the House No. 15, they will readily see the necessity there is for immediate action upon this bill. I gave notice when I reported the bill back from the Committee on Commerce that I would seek an early opportunity to bring up this question, and to ask the consideration of it by the House.

This bill passed the Senate at a former Congress. It was not acted on by the House for want of time. It passed the Senate again at this session. It has been considered by the Committee on Commerce. The bill has been carefully examined by the head of the Treasury; and I believe its provisions are in conformity with the views of that officer. The bill proposes to change the existing law on the subject of warehousing—the statute of 1846—in two particulars. First, it proposes to abolish the public warehouse, and to substitute in its stead the private bonded warehouse. Secondly, under the law of 1846, the warehouse act, the time for which goods may be stored in warehouses for reexportation is limited to three years, and for domestic consumption to one year. This bill proposes to place goods warehoused for domestic consumption on the same footing with goods warehoused for exportation. The other provisions of the bill are mainly to enable the Secretary of the Treasury the better to carry into effect the law, which provisions have been copied from the instructions heretofore given by the Treasury Department.

There is a further provision. The sixth section incorporated in the bill, by way of amendment, was recommended by the Committee on Commerce. It provides that goods once withdrawn from one warehouse for transhipment to another warehouse, shall be properly guarded

against the commission of frauds upon the revenue; and upon that point, Mr. Speaker, I ask to have the Clerk read from his desk the letter of the Secretary of the Treasury, under date of January 28, and the letter of the collector of the port of New Orleans, under date of January 18, explanatory of the sixth section of the bill.

The following letters were accordingly read from the Clerk's desk:

TREASURY DEPARTMENT, January 28, 1854.

SIR: I have the honor to inclose a copy of a letter, this day received from S. W. Downs, collector of New Orleans, showing the inefficacy of the existing law to secure the possession by the Government, until the duties are paid, of goods transported in bond, and the importance of passing the bills in your hands on that subject. You will perceive that in that district alone there are now dirty transportation entries outstanding from three to six months, on which neither the duties have been paid nor the goods warehoused; and that, in some instances, the goods transported have been actually sold without delivery or payment to the officers of the customs at the place of destination. This requires the prompt remedy.

I am, very respectfully,
JAMES GUTHRIE,
Secretary of the Treasury.
Hon. T. J. D. FULLER,
Chairman Committee on Commerce,
House of Representatives.

CUSTOM-HOUSE, NEW ORLEANS,
COLLECTOR'S OFFICE, January 18, 1854.

SIR: I have the honor to inform you that there are at the present time as many as thirty transportation entries from New Orleans this port on which the parties have neither paid the duties nor rewarehoused the goods, though some of the entries bear date from three to six months old. I deem it my duty to call your attention to this fact, for the purpose of suggesting to you the adoption of some remedy against the delay now attending the canceling of the bonds given in the case of these goods, and to compel the parties either to pay the duties or rewarehouse them on their arrival at the port of destination before going into their possession.

Under the present regulations the goods are delivered to the parties withdrawing for transportation upon their executing the necessary bond; but as the collector at the port of destination has no knowledge of their arrival, the owner or consignee takes possession of them, and in most cases sells them before paying the duties.

Whenever the parties have been called upon by me for the payment of duties they have stated that they have been in possession of the goods for some time; and in some instances they have stated that they were not aware that the duties had to be paid here.

As it certainly could never have been intended by the Treasury Department that these goods should go into the possession of the consignees, and be liable to be disposed of before the duties are paid, I would most respectfully suggest, that hereafter goods in transportation should in all cases be produced and deposited with the collector of the port of destination, whether the intention of the consignee or owner is to pay the duties on arrival or rewarehouse; and in default of compliance with this regulation the goods be rendered liable to seizure, with the further penalty of the forfeiture of the bond.

Referring you to Treasury circular No. 34, dated 17th February, 1849, containing general instructions under this head, and soliciting your further instructions in the matter, I have the honor to be your most obedient servant,

S. W. DOWNS, Collector.

Hon. JAMES GUTHRIE,
Secretary of the Treasury, Washington City.

Mr. FULLER. In that connection, Mr. Speaker, I desire to call the attention of gentlemen, and particularly of my friends from the West, to a provision contained in this bill. Under the warehousing system, by the increased trade and commerce of the great West, where there are growing up large commercial cities, such as Cincinnati, St. Louis, and other important places in that valley, to which foreign goods are imported in great quantities for domestic consumption. Importations are made in large ships at the present time, with perhaps from a hundred to one hundred and fifty different consignees, by original importers, many of them merchants residing in those cities, who order their goods direct from Europe, rather than obtain them by second-hand purchases from New York importers. I say, under the warehousing system, when those ships arrive at Baltimore, Philadelphia, New York, or Boston, the cargoes are taken out and distributed in the original packages to their several points of destination. This provision enables those original importers to put those goods—the amount of duties being first determined at the first accessible custom-house or port—under transportation bond for the ultimate place of destination.

The bill contains a further provision, that if such goods are destroyed while *in transitu* by the burning of the steamboat upon which they are being conveyed, or by running foul of a snag, or by any other casualty, and so do not complete the voyage, the owner shall not be subjected to the payment of the duties any more than he would be liable to the payment of duties if the goods

were destroyed crossing the ocean. It does, therefore, protect the rights, and facilitate the importation of foreign merchandise, by the resident merchants of the great inland cities of the West.

That is one important provision contained in this bill. And, furthermore, it seems to be the desire—as it is very natural it should be—of my friends from that section of the country, that they should have custom-houses and warehouses in their large cities where imports may be stored. Why should they not enjoy the privilege of storing their goods in warehouses in these great cities as well as the importers in the Atlantic cities? Take, for instance, the article of hardware, which enters largely into the consumption of the people of the western country; large stocks are imported, and they must remain on hand for a long time before actual consumption. Sir, a warehouse in the city of St. Louis should occupy the same position as the warehouse of Sheffield, England, from whence goods may be taken on payment of duties to supply the wants of the country.

This bill is intended to perfect and carry out practically the principles of the great warehouse system, to give the merchants and importers at the great inland commercial points the benefits of the system, as was intended by Mr. Walker in his recommendations upon the subject in the year 1846. It will be recollected that it was originally intended that goods for domestic consumption should be placed upon the same footing as those for reexportation; but perhaps public opinion was not then quite up to this point.

Another reason why this bill should be passed is, that goods warehoused for domestic consumption cannot be withdrawn from the warehouse and shipped to California, if three or six months of the limited period has expired before the importer has opportunity for sale. Hence the owners of this merchandise would be deprived of the benefit of the warehouse system, because the time at which he must pay the duty upon them will arrive while they are being transported from one place to another.

Now, sir, if this question should not be finally acted upon this morning, I hope gentlemen will look a little into its details before it comes up again for consideration. Without consuming more time upon the subject, I will simply refer gentlemen to the letter of the Secretary of the Treasury, in document No. 57, 7th volume Executive Documents, 1848. And I beg also to refer them to another report upon the warehouse system, made by Mr. Simpson, from the Committee on Commerce, the 10th March, 1846. The whole subject, I humbly conceive, is expressed in these two documents.

This bill is intended only to perfect and carry out the details of the system then recommended by the Secretary of the Treasury and by the Committee on Commerce, and which in part went into effect under the act of 1846. In this act we have incorporated such provisions merely as time and experience and the proper safeguards of the Treasury seemed to demand. With these verbal explanations of the details of the bill, I will merely ask the House to reconsider the vote they have taken, with a view at a proper time of putting the bill upon its passage.

Mr. JONES, of Tennessee. If the gentleman from Maine is not very anxious to press this question to a vote this morning, I will move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. FULLER. I would inquire of the Chair whether, if the House now resolve itself into the Committee of the Whole on the state of the Union, this matter will come up as the first business in order during the morning hour to-morrow?

The SPEAKER. It will.

Mr. FULLER. Then I do not object to the motion which has been submitted by the gentleman from Tennessee.

Mr. ORR. I would ask the gentleman from Tennessee to yield me the floor until I can submit a motion to close debate in the Committee of the Whole on the Indian appropriation bill.

Mr. JONES. The gentleman can offer his resolution as a privileged question.

On motion by Mr. LATHAM, it was

Ordered, That leave be granted for the withdrawal of the petition and papers of G. W. Torrents from the files of the House, that they may be referred to a committee of the Senate.

The SPEAKER then, by unanimous consent, laid before the House a communication from the Post Office Department, transmitting, in pursuance of a resolution of the House of the 20th instant, a statement of the several sums paid for post office blanks for the last four years, designating the quantity and kind of blanks, the price paid for each, the district for which required, and the time the contract expires.

Mr. HOUSTON. The chairman of the Committee on the Post Office and Post Roads, at whose instance the resolution referred to was adopted by the House, is not in his seat. Therefore, I move that the communication be laid upon the table, and order to be printed.

The question was taken, and the motion was agreed to.

CLOSE OF DEBATE.

Mr. ORR. I move that the debate in the Committee of the Whole on the state of the Union on the Indian appropriation bill be closed to-morrow at two o'clock, p. m., unless the committee shall sooner come to a conclusion on the same. I have modified the motion somewhat, because there is to be some debate on the merits of the bill. One gentleman has already obtained the floor to speak on a different subject; and that those who desire may speak to the bill proper, I have proposed two o'clock to-morrow. I trust the motion will be adopted.

Mr. PECKHAM. If the motion be adopted, will the Indian appropriation bill take precedence of the private bills to-morrow?

The SPEAKER. It will not, if the House go into the Committee of the Whole House on the Private Calendar.

Mr. PECKHAM. If it does cut off the consideration of the private bills, I shall most respectfully oppose it.

The SPEAKER. The motion, if adopted, will not control the order of business for Fridays and Saturdays. It would be inoperative if the House would not go into the Committee of the Whole on the Indian appropriation bill.

The question was taken, and the motion was agreed to; there being, on a division—ayes 75, noes 56.

So the debate in the Committee of the Whole on the state of the Union on the Indian appropriation bill was ordered to be closed to-morrow at two o'clock, p. m.

Mr. PHELPS. I move to reconsider the vote by which the motion to close debate was adopted, and that that motion be laid upon the table.

The latter motion was agreed to.

The question was then put on Mr. Jones's motion, and it was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair.)

The CHAIRMAN stated that when the committee last rose it had under consideration House bill No. 46, "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855," and that the gentleman from Virginia [Mr. MILLSON] was entitled to the floor.

NEBRASKA AND KANSAS.

Mr. MILLSON remarked that he intended to speak on the subject of the Nebraska bill. The gentleman from New York, [Mr. CUTTING,] several days since, said there was a sort of civil insurrection in the North, not to secure, but to defeat the passage of the measure. This would indeed be strange if we were not accustomed to observe extraordinary mutations in politics in that quarter. There was nothing in this question which ought to alarm the apprehensions of the North. If he might paraphrase a remark of Fox on the Westminster scrutiny, he would say that this bill did not extend indulgence nor granted bare justice to the South.

We have, he said, before us two bills proposing to organize territorial governments for Nebraska and Kansas; the one reported by his honorable friend from Illinois, [Mr. RICHARDSON,] and the other recently passed by the Senate. He preferred the bill reported in the House, but, at the same time, he was not disposed to go into ecstasies even over that. He, however, infinitely preferred it to the other. This bill will, probably, be the first con-

sidered in the Committee of the Whole on the state of the Union, if we ever reach either of them, and a proposition made to amend by the insertion of the provision adopted by the Senate, which had become somewhat famous.

He then proceeded to discuss the effects of such an amendment engrafted on this bill.

This was not the first time an effort had been made to organize a territorial government for Nebraska. A bill was introduced for that purpose in 1848. The South stood in opposition to it; that was their natural and normal position in relation to all such territorial bills. He was unwilling to multiply free-soil or free States. We now have five territorial establishments, and it is expected we shall soon have seven. While, however, he was not so sectional or prejudiced as to object to the admission of a State because of its absence of a clause in its Constitution recognizing slavery—for he would vote for the admission of any State which should properly present itself—yet he was not willing to force a hot-bed system of States.

Now it was said the objection of the South was to be removed by repealing the Missouri restriction. This is designed to make the dose palatable. As to the assertion of the great principle of non-intervention as regards slavery in the Territories, this could not be said to be binding upon all so long as slavery is excluded from the Territories of Oregon, Washington, and Minnesota. However, the principle is to be applied to Nebraska and Kansas, because, from the tenor of the debates, it was not expected that slavery would go there.

If the Missouri restriction was right, retain it; if wrong, repeal it. There was no middle ground between right and wrong. Could he be assured that no government would be formed for Nebraska and Kansas for twenty years, he should vote against every bill for that purpose; but for reasons of a sectional and political character, he should be compelled now to give a vote on this question which he would not give under other circumstances.

He then stated his objections to that part of the Senate bill relating to slavery, arguing that injustice was done thereby to the South. There was, he contended, no features of resemblance between the two bills, notwithstanding the remarks to the contrary.

Mr. HUNT followed, and addressed the committee on the same subject. He said that in presenting his sentiments, he would speak in the spirit of a national representative, freely and independently, uninfluenced by sectional prejudices, unmoved by clamor, fear, or aught else, with a mind intent upon the point, and anxious to promote the best interests of the country, to secure its peace and harmony, and to perpetuate the Union of these States.

The bill proposed to repeal the Missouri compromise of 1820. He was opposed to this repeal, as a violation of good faith, as contrary to the true policy of the country, as engendering discord and dissension among the people of the different sections of the country, and putting to hazard the permanency of this blessed and glorious Union.

In order to develop his views clearly, he adverted to the history of the Missouri act of 1820, to prove that it was a compromise, a satisfactory settlement by those who had the authority to make it, for one national advancement, for the peace, the harmony, and the fraternity of our Union. He cited from the records of the Congress which passed this measure to show that it was advocated by leading members of the South, and that it received their support as a southern measure.

He called upon the Representatives from all sections, in the name of their country, to maintain the faith of their forefathers. He contended, that by repealing or suspending one compromise, they would open the door for the overthrow of every other compromise; and, looking to consequences, he feared for the overthrow of that most glorious compromise, the Constitution of the United States. He believed this would be the sentiment of the people upon due reflection; but, whatever might be their sentiment, it was his, and he declared it here without the least regard to any consequences merely personal to himself.

He maintained, in conclusion, that the compromise of 1850 did not repeal the compromise of 1820; and declared that he had no doubt whatever

of the power of Congress to legislate for slavery outside of the States and within the Territories.

Mr. BRECKINRIDGE replied that two speeches had been made to-day; the one of quasi hostility, the other of open hostility, to the Nebraska-Kansas bill. The gentleman who last addressed the committee [Mr. HUNT] came out openly and boldly, not striking at it under the garb of friendship.

The other day, when the gentleman from New York [Mr. CUTTING] moved that the Senate bill be referred to the Committee of the Whole on the state of the Union, he (Mr. B.) begged him to withdraw the motion; but the request was refused. He simply wished to warn the friends of the bill, who, from the previous course of the gentleman from New York, may have regarded him as a staunch friend of the measure, that, if they go with the gentleman, they will take part in its destruction. The movement was to kill the bill, and stab it as a pretended friend. Did not the gentleman know that if the bill went to the Committee of the Whole on the state of the Union they would be able no more to reach it, in the regular course of legislation, than if it had been covered by a mountain? A movement against the bill from an open and avowed enemy is to be respected; but when it comes from a gentleman of our own line, the committee should be apprised of it, and weigh the consequences. It was throwing around the friendly arm, and saying, "How is it with thee, my brother?" while with the other a stab is inflicted.

The vote against sending the Senate bill to the Committee of the Whole on the state of the Union was a gallant vote. Ninety-five men, taken by surprise, by ambuscade, were defeated on that occasion by only ten votes.

He then proceeded to answer objections which had been made to the bill, saying in the course of his remarks, he did not believe that the repeal of the Missouri restriction would be a violation of public faith.

He said, in the course of his remarks: If you do not pass the bill, you will furnish fuel for political Abolitionists, and add to the flame of those salamanders who can only exist in the fire of strife. If you pass the bill, their occupation will be gone. You will have erected a barrier against which the rampant spirit of fanaticism will strive in vain, and receive its overthrow.

[The above speeches will be found in the Appendix.]

Mr. GROW next obtained the floor.

Mr. CUTTING. I do not rise, Mr. Chairman—

The CHAIRMAN. Does the gentleman from Pennsylvania yield the floor to the gentleman from New York?

Mr. GROW. If it is the understanding of the committee that I am to have the floor to-morrow morning, I have no sort of objection to yield it this evening.

Mr. JONES, of Louisiana. I object to any such arrangement.

Mr. JONES, of Tennessee. Then will the gentleman from Pennsylvania yield the floor for a motion to rise?

Mr. GROW. I will yield it for that purpose. Mr. JONES. Then I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole had had under consideration the state of the Union generally, and particularly House bill No. 46, entitled "A bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1855," and had come to no resolution thereon.

Mr. McMULLIN. I move that the House do now adjourn.

The motion was agreed to.

And thereupon, at four o'clock, p. m., the House adjourned until to-morrow, at twelve o'clock, m.

IN SENATE.

FRIDAY, March 24, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

COMMITTEE ON AGRICULTURE.

Mr. ALLEN. Mr. President—

The PRESIDENT *pro tempore*. This is private

bill day, and no business which is not of that character can be entertained.

Mr. ALLEN. I wish to make a motion respecting the motion made by the Senator from California, [Mr. WELLER,] yesterday, as to the appointment of a clerk to the Committee on Agriculture.

The PRESIDENT. That motion was disposed of yesterday.

Mr. ALLEN. No, sir; a motion was made by the Senator from California, to reconsider the vote by which the committee was empowered to employ a clerk, but no action was taken upon the motion to reconsider.

Mr. WELLER. Mr. President, towards the close of the session yesterday I moved to reconsider the vote by which a clerk was allowed to the Committee on Agriculture.

The PRESIDENT. The Chair decides that question to be out of order this morning, unless unanimous consent be given.

Mr. ALLEN. Then I ask unanimous consent. There being no objection, the question was entertained.

The PRESIDENT. The pending question is on the motion to reconsider.

Mr. WELLER. I will, in a very few words, state the reasons why I made the motion. I saw no necessity for the appointment of a clerk to that committee. Ordinarily, of course, I do not choose to interfere with any of the standing committees of the Senate; whenever the chairman of one of these committees shall ask for the appointment of a clerk, taking it for granted that such a clerk is indispensable, I have generally voted for it. But, sir, with the little knowledge which I have of the Committee on Agriculture, I could not see any excuse or pretext for the appointment of a clerk.

It is well known to the Senate, I believe, that that committee has very little business to transact, and ordinarily it does not meet more than two or three times during a session of Congress. Now I am opposed to creating an office for no other purpose than to provide a place for some individual who may desire it. If the chairman of the Committee on Agriculture will say that such an officer is necessary, that a clerk is indispensable for the management of the business of that committee, I will be the last Senator on this floor to interpose objection; but until I am satisfied that there is a necessity for the appointment of such an officer, I am unwilling to create such an office. I know, sir, it would be a thankless task to attempt to reform the abuses of this Senate. I should not only destroy what little influence I may have in this body, but I should receive the thanks of no one for attempting to correct the very many abuses that have crept into this body. Now, if the Senator from Rhode Island will say that this office is necessary, that a clerk is indispensable to the management of the onerous duties that are imposed upon that committee, I will at once withdraw the motion to reconsider, and vote for the appointment of a clerk.

Mr. ALLEN. Mr. President, the resolution which I offered yesterday for the appointment of a clerk was not drawn in the usual form, asking for the appointment of a clerk during the session, but only during the time that he may be necessary for transacting the business of the committee. I have no personal favors to grant in selecting the clerk; none whatever. So far from wanting any clerk to assist me in my own concerns I have one at home in my family. It is for the interests of the committee, I think, that a clerk should be employed during the time they have before them propositions which have been referred to them and the consideration of which will require considerable labor with the Agricultural Department, which it cannot be expected that the members of the committee could attend to. The resolution is not drawn as resolutions usually are, for the appointment of a clerk during the session, but for the appointment of a temporary clerk, it may be for two or three weeks. I have worded the resolution particularly to be guarded on that point.

The PRESIDENT. The resolution can be read, if desired.

Mr. WELLER. Let it be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Agriculture be authorized to employ a clerk.

Mr. WELLER. That is without any limita-

tion or restriction; and the legitimate inference will be that the Committee on Agriculture is authorized to employ a clerk during the remainder of the session. Now, if the honorable Senator from Rhode Island intended to restrict it in the manner to which he has adverted, he ought to have changed the phraseology of the resolution.

Mr. ALLEN. It was not my intention, when I offered the resolution, to have a clerk appointed until the end of the session. I never dreamed of such a thing; what I wished was, to have a clerk employed during the time that the committee may have under consideration the business which is now before them, and which demands that a clerk should be employed.

Mr. WELLER. Then if the resolution is to be adopted it ought certainly to conform in its phraseology to the views expressed by the Senator from Rhode Island.

Mr. ALLEN. I think it ought to be left somewhat to the committee to say how long they may employ a clerk.

Mr. WELLER. Then I suggest that the vote be taken on the motion to reconsider, and let that be agreed to, and then the resolution will be before the Senate, and its phraseology can be changed so as to confine the employment of a clerk to such time as that committee may think proper and necessary for the transaction of the public business.

Mr. ALLEN. I have no objection to those words being inserted in the resolution.

Mr. WADE. Mr. President, as a member of the Committee on Agriculture, I was consulted as to the propriety of asking for the appointment of a clerk to that committee. I do not pretend to know whether or not it is very important that we should have a clerk; but, if I am not greatly mistaken, there are other committees who have had clerks allowed to them without opposition, having no more to do than the Committee on Agriculture; and this made me think that it was as proper, perhaps, that we should have a clerk as some other committees. A clerk is allowed to the Committee on Roads and Canals; but whether that committee ever do anything or not I am not very sure. I believe that a majority of this body hold that there is no constitutional power for them to exercise any portion of their duties, yet they have a clerk. The Committee on Retrenchment, also, have a clerk, and a permanent one, I believe. I really do not know how much they have for him to do. The chairman of our committee supposed that we might want a clerk for a short time, but we do not contemplate having one constantly. He had no idea of having one permanently.

Mr. ALLEN. No, sir; that was not my intention.

Mr. WADE. We thought it would be convenient for us to have a clerk for a short time, and therefore I consented to the resolution. I cannot but think now that it is as proper, at least, that we should have a clerk as some of the other committees. I consider that we shall have fully as much for him to do as other committees for their clerks.

Mr. DOUGLAS. I should like this resolution much better if it proposed to give a clerk to each of the committees of this body. I think that each of the committees ought to have a clerk. A clerk may be necessary not only to perform the duties required of him by the committee, but members here have bills and other copying to do, and I think that the members of each committee have enough to do to keep one clerk employed, and profitably employed. Each Senator has that to do which can be done by a clerk, and I think there ought to be a clerk to whom every member of a committee might go when he wanted copying done which was necessary for the public service.

Mr. WADE. I have some recollection of a resolution being adopted, authorizing all the committees to employ a clerk; is it not so?

Mr. DOUGLAS. The resolution to which the Senator refers was confined to the committees having six members. I would like to have the limitation stricken out, so as to have the resolution general in its character.

Mr. MORTON. Being a member of this committee, I beg leave to submit an amendment which might meet the object of the Senator from California.

The PRESIDENT. No amendment is in order until the motion to reconsider is agreed to.

The question being taken, only eight members rose in the affirmative.

Mr. WELLER called for the yeas and nays; and they were ordered.

Mr. WELLER. I expressed my willingness, a moment ago, to vote for the appointment of a clerk for this committee, so long as the public interest and the public business, in the estimation of the chairman of the committee, may require it. The Senate, by the division which has just been taken, has decided that they will allow that committee to employ a clerk, whether the public interest demands it or not. In other words, it seems to be the desire of certain Senators here, not far from me, that that committee should be allowed to employ a clerk merely for the purpose of giving him a compensation, without any reference whatever to the public interest. Now, I am opposed to the creation of sinecures. You have already employed more clerks for the standing committees of the Senate than the public interest, in my judgment, demands. Here is a proposition to give a clerk to the Committee on Agriculture, who, I believe, have not met more than three times for the last three years for the transaction of public business.

I said, sir, at the outset, that if the public business required the employment of this clerk, and the chairman of the committee would say so, I should vote for it. I repeat that; but if the only object is to employ a clerk to attend to the private business of the members, or if it is only to provide a place for some favorite, I am against it. Now, Mr. President, I repeat what I said before, that abuses enough have crawled into this Senate, which if they had attracted, as they should have attracted, the public attention, would have produced a denunciation of those who are engaged in them. I will not go one step beyond what the public interest demands. If the public interest demands the employment of a clerk, temporarily, I have said I shall go for it; but I am utterly opposed to the employment of a clerk by this committee, for the remainder of the session, at three or five dollars a day.

Mr. ALLEN. I expressed my views fully, I believe, before I stated that it was not necessary to employ a clerk during the remainder of the session. I had no idea of such a thing. I do not want this clerk for my private business; for, as I stated before, I have a gentleman in my family who does my writing for me, and has done for several years.

Mr. ADAMS. On the division, I did not vote for the reconsideration for the reason that I take it for granted, that under this resolution, it being in the usual form, the committee will employ a clerk no longer than the public interest requires it. To put a restriction in the resolution unusual and unlike other resolutions for the same purpose I thought unnecessary. I agree with my friend from California, as to the propriety of employing no more persons than are necessary; but I take it for granted that the committee, whenever there is no public necessity for the services of a clerk, will discontinue his services. These are my reasons for not voting for the reconsideration.

Mr. ALLEN. The committee will certainly discharge the clerk as soon as the business which requires his services is performed. I would not ask it as a favor. As I stated before, any private business which I need performed I have made provision for myself. I only ask for this because I think the public business requires it.

Mr. FESSENDEN. I desire to inquire whether it is necessary to reconsider the resolution in order to amend it?

The PRESIDENT. Certainly.

The question being taken by yeas and nays, resulted—yeas 13, nays 19; as follows:

YEAS—Messrs. Butler, Clayton, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fitzpatrick, Gwin, Hunter, Mason, Rusk, Slidell, and Weller—13.

NAYS—Messrs. Adams, Allen, Atchison, Bayard, Bell, Clay, Douglas, Fish, Hamlin, Jones of Tennessee, Morton, Norris, Pettit, Pratt, Sumner, Wade, Walker, Williams, and Wright—19.

So the motion was not agreed to.

ORDER OF BUSINESS.

Mr. MASON. I understand it requires the unanimous consent of the Senate to proceed with the consideration of any other business than that of bills upon the Private Calendar. I deem it my duty, notwithstanding, to ask the Senate to pro-

ceed to the consideration of Executive business, and therefore make the motion accordingly. I hope there will be no objection to it.

Mr. HUNTER. I desire to state to the Senate that the Committee on Finance have reported the deficiency bill, and we wish to have it considered. I am not disposed to interfere with the Private Calendar to-day, provided we agree to sit to-morrow. If we sit to-morrow we can then dispose of the bill, and not interfere with the private business to-day. I hope that will be the understanding of the Senate.

Mr. PRATT. It is, personally, wholly immaterial to me whether the discussion which was commenced last Friday be continued now or not; but I submit to the Senate that we should be saving time by having the question which is before the Senate decided. There are a number of claims dependent upon the decision of the Senate in regard to the one now being discussed, and I think it really will save time to have it disposed of to-day. I promise the Senate that I shall not occupy anything like the time which my learned friend from Delaware [Mr. BAYARD] thought it necessary to occupy on Friday last in arguing the question on the other side. I would prefer, although it is personally indifferent to me, and think it better for the business of the Senate, that we should proceed with the discussion of this question to-day.

Mr. HUNTER. I made the remarks which I submitted, not for the purpose of interposing any difficulty in the way either of the private claims or of the treaty, but to obtain the good offices of the gentleman to defeat a motion to adjourn over, if one be made.

The PRESIDENT. If there be no objection, the Senate will proceed to the consideration of Executive business. Is there objection?

Objection was made.

The PRESIDENT. Objection being made, the Senate will proceed to the consideration of bills upon the Private Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. McKean, its Chief Clerk, announcing that the Speaker had signed the following enrolled joint resolution and bill:

A joint resolution relative to bids for provisions, clothing, and small-stores for the use of the Navy;

A bill for the relief of settlers on lands reserved for railroad purposes;

Which then received the signature of the President *pro tempore*.

A subsequent message from the House of Representatives was received, by Mr. McKean, its Chief Clerk, announcing that the House had concurred in the bill from the Senate for the relief of George G. Bishop and the legal representatives of John Arnold, deceased; also, in the bill from the Senate to extend the warehousing system, by establishing private bonded warehouses, and for other purposes, with amendments.

On the motion of Mr. HUNTER, the Senate concurred in the amendments of the House to the warehousing bill.

PETITIONS, ETC.

Mr. CLAYTON presented two petitions of citizens of Wilmington and its vicinity, Delaware, praying a reduction of the rates of ocean postage; which were referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented a petition of inhabitants of Westminister, Massachusetts, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

HODGES AND LANSDALE, AND JOHNSON.

The Senate then, as in Committee of the Whole, resumed the consideration of the bill for the relief of Hodges & Lansdale, and the legal representatives of Rinaldo Johnson and of Ann E. Johnson, deceased.

Mr. PRATT. I listened, Mr. President, on Friday last, to use the parliamentary phrase, "with profound attention" to the argument of my distinguished friend from Delaware, [Mr. BAYARD]; and I tell the truth, sir, when I say, that his speech contained less than is usual, even in this body, of that description of argument denominated the *ad captandum*, which is always objectionable, and certainly always out of place here.

My friend stated his propositions broadly and fairly; and I shall endeavor, very briefly, to attempt to show that the principles for which he contended are either untenable or inapplicable to the case now before the Senate. He has frankly stated to the Senate the manner in which he first became acquainted with the subject of this claim, and of the class of claims, to which this belongs; and he has shown the manner in which his feelings became interested in their defeat. He says that when he first came here, he was appointed a member of the Committee of Claims, and as such, this class of claims, growing out of the spoliation committed by the British during the war of 1812, was referred to him; that he examined them thoroughly, that he considered himself as sitting in chancery, as a judge in equity; and having come to adverse conclusions in regard to them, he reported his conclusions to the committee. The committee did not sustain his views; but, on the contrary, reported the bill which is now upon your table; which bill, together with others of the same class, have been heretofore passed by the Senate. The views, therefore, entertained by the Senator were in the first place not accorded with by the committee; and the views of the committee have been sanctioned by the Senate.

Again: My friend says that this is a judicial question. It is true, Mr. President, that it is; and I think that we are sitting here as a *quasi* appellate tribunal. Under the rules of the body all claims of this character are referred to the appropriate committee, and it becomes their duty to examine the facts, draw deductions of law from these facts, and to report the facts to the Senate. You are aware Mr. President, and every Senator here is fully aware, that whenever these reports are adverse to the claimants there is no discussion, but that the adverse report is universally concurred in. Now, sitting as we do here, in a judicial capacity, I submit to the Senate that every member of the body, unless he chooses to examine for himself individually the claim, is bound to vote with the committee, is bound to concur in the facts as stated by the committee, and in the deductions of law drawn in regard to them. I think, at least, that those who are to judge in reference to the relative claims of these parties, and the obligations of the Government, should feel themselves obliged, unless they intend to support the report of the committee, and vote for the payment of the claims by the Government which they represent, to listen to the argument which can be adduced in support of them.

Before I proceed to discuss the principle upon which the committee have vested the right of these parties to be paid by the Federal Government, I propose to relieve the case of such portions—I admit they are very few—of the speech of my honorable friend, which I think may come properly within that character of argument upon which I have animadverted, and to which his argument is so little subject.

The bill which is now under consideration, Mr. President, is for the payment of tobacco taken from the warehouse at Nottingham, and of tobacco burnt in the warehouse at Magruder's Ferry. It applies exclusively to the tobacco taken from the one, and the tobacco burnt in the other. Now, a very considerable portion of the speech of my friend was taken up in the attempt to show that there was no obligation to pay for tobacco taken or destroyed at Cedar Point. I will read from his remarks, for I do not wish to misrepresent his argument. He says:

"The report then goes on to speak of the testimony as to Cedar Point; and there the testimony of Mr. Jenifer, a former member of Congress, is clear and explicit to show that the British were taking the tobacco out of the warehouses to carry it off, when the militia went down to defend them, and the British burnt the warehouses in order to prevent their being defended by the militia. That is the state of the case."

And then he goes on to read from the report, to show, that under such state of facts there is no obligation to pay. I submit to the candor of my friend, whether it was fair to argue in reference to the obligation of this Government to pay for tobacco taken from the warehouse at Nottingham, and the tobacco burnt at Magruder's Ferry, by a statement in reference to the tobacco at Cedar Point, which is not included in this bill, or, so far as I am aware, in any bill which has been reported from the Committee of Claims?

In the next place, the Senator from Delaware

refers to the evidence of the loss in this case. He says:

"The evidence of loss in this case is founded on what are called tobacco notes. They were certificates issued by the inspector of the warehouse, stating that so many hogsheads of tobacco, with certain numbers and marks, had been deposited there, to be delivered to the depositor, 'or his order,' and some of them are 'to bearer.' About one half the notes are 'to bearer,' and the other half 'to order.' Now, as a legal proposition, I submit to any gentleman in this body, whether, when an instrument of that kind, payable to A, B, or order, is presented as evidence of property, you can, if the instrument be undorsed, justly make it a ground of relief to a party who merely comes forward as the holder, without any evidence of a transfer of title?"

Now, Mr. President, my friend certainly must have omitted to read the bill upon which the Senate are required to vote, or he could not have made as an objection to it the fact which he has stated and the argument which he has made, predicated upon those facts in the part of his speech which I have just read. The bill is for the relief of Hodges & Lansdale, and of the legal representatives of Rinaldo Johnson, and of Ann E. Johnson, deceased. It provides:

"That the proper accounting officers of the Treasury shall audit the claims of Hodges & Lansdale, and of the legal representatives of Rinaldo Johnson, and of Ann E. Johnson, for tobacco destroyed by the British in 1814, at the warehouses at Nottingham and Magruder's Ferry, in Prince George's county, Maryland, and from such competent proof as may be exhibited to them, within six months after the passage of this act, ascertain the quantity and value of their tobacco so destroyed, and that the amount so ascertained shall be paid out of any money in the Treasury not otherwise appropriated, to the said Hodges & Lansdale, and the legal representatives of Rinaldo Johnson, and of Ann E. Johnson, deceased."

So that it is to pay those individuals for tobacco actually belonging to them at the two warehouses designated in the bill. Now, Mr. President, my friend will admit that if this bill passes, when the parties go to the Treasury Department for the purpose of having their accounts adjusted, they will be obliged to show that they are entitled to the tobacco notes which they bring forward as the evidence of their ownership of the tobacco; and if any note is payable to order not indorsed, they cannot recover from the Government, under this bill, that tobacco; so that this argument has no application to the facts of the case before the Senate.

The third and last objection of my honorable friend, which, I respectfully submit, has nothing to do with the merits of the case, was made in these words.

"Again, there is another difficulty as to all these cases. In one, the first presentation of the claim was in 1848, and the other in 1850, and no excuse whatever is given for their non presentation at an earlier day; and the parties represent themselves as the holders of these notes, without giving any evidence of how they obtained them. I have examined all these tobacco notes in this case, and I find that not one of them was ever issued to Hodges & Lansdale. They were issued to A, B, and C, and a great variety of names, and they have since come into the possession of these parties—whether for their full value, or upon the chances of speculation, it is impossible for me to say. All I know is, that at the time of its destruction, according to any evidence before the Senate, the property was not theirs."

Sir, if this property was properly destroyed by the enemy because of its use by officers of the Federal Government, and if a consequent obligation upon the part of the Government to pay for it was created, it cannot matter to whom the tobacco belonged at the time it was so used by this Government, and at the time it was destroyed by the troops of the Government of Great Britain. But, in point of fact, the tobacco did, at the time it was taken and destroyed, belong to these parties. Hodges & Lansdale were the largest tobacco buyers within the limits of Maryland. Public warehouses were established by law, in which the tobacco was deposited. The inspectors of the warehouses were appointed by the State Executive; and when a tobacco hoghead was inspected, a note was delivered to the owner of the hoghead. When he sold the tobacco, he passed the right to it by the transfer of the note. The tobacco which was deposited at these warehouses belonged, in point of fact, to these merchants at the period at which it was used by our forces, and destroyed by the enemy.

In an argument such as my friend has made on this occasion, it was a little out of place, I think, to draw into the discussion the idea that you are not to pay these people because they were speculators; because they have not proved that they were the owners of the property at the time it was

destroyed. It is out of place, I think, that such a consideration should be advanced in connection with the otherwise very able argument which has been adduced by the honorable Senator.

I have shown, I think, by the report of the committee, the facts of the case; and I submit again, that the facts reported by them must be believed by the Senate, unless each Senator, as a judge, examines for himself and ascertains that they are not correctly stated by the committee. I therefore pass from that portion of the speech of my honorable friend, which I think it would have been better had not to have been made by him. Now allow me to ask the attention of at least such Senators as listened to the honorable gentleman on last Friday, in justice to these parties, to listen to the facts which are ascertained to exist in this case, by the committee of the Senate. After stating the occupancy of the Chesapeake and its tributary, the Patuxent river, by the enemy during the summer of 1814, and after stating that the Patuxent was so occupied until after the burning of the Capitol, the committee go on to say:

"It appears, from the evidence, that two public warehouses had been erected many years before this period, upon the margin of the Patuxent, for the inspection and deposit of the tobacco grown by the citizens of Prince George's county—one at the village of Nottingham, the other at Magruder's Ferry; that these houses were in 1814 filled with hogsheads of tobacco, the property of the planters of that county, or of merchants who had purchased it for shipment; and that the tobacco for which remuneration is now claimed by the petitioner, R. Johnson, had been deposited in the warehouse at Magruder's Ferry, and that the tobacco for which payment is asked by Hodges & Lansdale was deposited in the warehouse at Nottingham. The evidence conclusively establishes the fact that the warehouse at Magruder's Ferry was burned by the British, with all the tobacco it contained, and that all the tobacco in the warehouse at Nottingham was either taken away or burned by the enemy.

"In investigating the right of the petitioners to indemnity from the Federal Government, your committee at once perceive that the petitioners could never have claimed indemnity under the general laws of 1816 and 1817, because the relief designed to be afforded by those acts expressly and exclusively applied to injuries to *real property*. The act of 1816 provides, 'that any person who, in the time aforesaid, has sustained damages by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposit under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damage, provided it shall appear that such occupation was the cause of its destruction.'

"Your committee have been unable to recognize the force or propriety of the distinction which makes the United States liable for *real property* destroyed by the enemy, and which exempts the Government from liability for *personal property* destroyed under the same circumstances; they are unable to appreciate the justice of a rule which makes the Government liable for a house burned by the enemy, and exempts it from liability for the personal property burned in the house."

Now comes the rule which the committee lay down:

"Your committee are of opinion that the United States should be held liable to reimburse her citizens, whenever private property has been (in accordance with the usages of civilized warfare) destroyed by a public enemy, because of its use for military purposes by the authority of an officer or agent of the Government."

"Your committee believe that the facts, to which they will now very briefly advert, fully establish the right of the petitioners to relief, under the principle here laid down."

The committee then go on to state the facts in reference to the tobacco burnt at Magruder's Ferry. The troops of the United States were stationed behind the warehouse, and it was made a fort from which a considerable engagement was had between the American and the British forces. The American forces continued the battle successfully until their ammunition was exhausted, when they were obliged to retreat; and the enemy, upon their retreat, approached the house and burnt it with the tobacco. In regard to the tobacco at Nottingham, the committee report the fact that, by order of the commanding officer of the American forces, in June, 1814, the tobacco at that warehouse was rolled out, and a breastwork made of it for the protection of our soldiers; that the American cannon were planted behind this breastwork of tobacco; and the enemy were fought and repulsed; and that on their retreat from Washington, in August, 1814, they took away or destroyed the tobacco, because it had been so used. These, sir, are the principles and facts upon which the committee rely for the obligation of the Federal Government to pay these claims.

Now, sir, in what does the committee differ from the honorable Senator from Delaware? The principle announced by him is, that you should be governed exclusively by the laws of 1816 and 1817; that there is no principle of international

law, no principle of right or justice, which should make a Government answerable, under any circumstances, for *personal property* destroyed by a public enemy. That is the first principle which he announces. He differs from the committee in this, that he does not believe personal property can have impressed upon it a character which would justify an enemy in destroying it, or which would oblige the Government of the citizen whose property was destroyed, to pay for it. Afterwards he qualified that proposition, upon an inquiry of the honorable Senator from Illinois, [Mr. SHERIDAN.] That Senator asked him: "If the American forces had occupied the house of a citizen, who had his furniture in the house, and after a battle fought from the house, the enemy had taken and burned it, with the furniture, whether the Government would not be equally bound to pay for the furniture as for the house?"

The honorable Senator from Delaware said no; that he could not conceive of a case in which the Federal Government would be bound to pay for personal property, unless the troops of the United States had so taken possession of it as to deprive the owner of the power of removal. His principle, therefore, is this: If an enemy land upon our shores, and it is necessary for the protection of our forces, for their comfort, or their convenience, that they should take possession of private property for public use, and they do take possession of my house, from which they fight the enemy, he admits the right of the enemy in such a case to burn the house; but he says that my personal property in that house which you have occupied is not to be paid for unless I can prove that you forbade me to take it away, and prevented me from taking it away.

My friend stated, further—and I admit I was somewhat surprised at it—that he could find no case in which this Government or the Congress of the United States had recognized the principle that there was an obligation to pay, under any circumstances, for *personal property* destroyed by an enemy, except, under the qualification which he laid down, where our troops had taken possession of it in such a manner as to prevent its removal from houses occupied by them. He referred to but two cases having any bearing upon the question in contest between us, to which I shall presently advert. The proposition of the committee is, that this Government is bound to pay these claims, provided you are convinced, from the facts in evidence, that the personal property of the claimants was used for military purposes by the order of an officer of this Government, and that it was destroyed in consequence of that use. The Senator says his distinction is, that this liability does not exist unless the parties can further show that they were prevented, after this use, from taking the property away, beyond the reach of the enemy. He contends that there is no case to be found in the legislative history of the country which goes against the principle which he has announced. The first case to which he referred was that of Mrs. Swan.

Mr. BAYARD. I do not desire to interrupt the Senator; but I wish to inform him that that is not my statement. He misapprehends me. I said there was no case which recognized the principle for which he contends. I admitted that, in the application of the principle of relief, there were special laws which I had no doubt I should deem a misapplication of it.

Mr. PRATT. The Senator said in his speech:

"The only ground on which a claim can be made by a citizen on his own Government for remuneration, arising out of the acts of an enemy during a war, is that the Government has imparted to the property by its act a character which justifies its destruction under the rules and usages of warfare recognized by civilized nations. The honorable committee seem to think that this character can be imparted to personal property. I say it cannot."

There is his principle. He afterwards says:

"I come now to the facts of this case. The Senator will find, I think, that compensation for personal property to a party, in consequence of its destruction by the enemy, where it has not been taken possession of by the Government, has in no instance been made. I will not say that, in the multiplicity of special laws which have been passed, the principle of the laws of 1816 and 1817 may not have been misapplied, and that there may not have been some cases in which personal property destroyed has been directed to be paid for by special law, where the correct application of the true principle of relief may well be questioned."

He first states that where personal property has not been taken possession of by the Government, it has not been paid for in any case; and then

qualifies the assertion in the manner in which I have read. The first case to which he referred was that of Mrs. Swan, which was for tobacco deposited in one of those warehouses, I do not know which.

Mr. BAYARD. In both.

Mr. PRATT. I wish only to read a short extract from the report in that case, on which he commented, and mainly relied for the support of his position:

"The claim appears to be unsupported by any testimony of a nature to constitute a legal demand upon the Treasury. If the claim had been fully proved—which is, in a word, that the British had destroyed (in the last war) five hogsheads of tobacco belonging to the petitioner—its payment would be at war with the provisions of the acts of 1816 and 1825, and with the precedents established at various times by Congress. Congress has steadily refused to enlarge the provisions of those acts, so as to take in claims for indemnity for destruction of *personal property* by the public enemy."

So that the committee here go the full length of the Senator from Delaware, that this Government has always refused to extend the principles of the acts of 1816, and 1817, and 1825, so as to make the principle applicable to personal property; and the author of this report and my friend from Delaware both say that the precedents show that the Government has never gone beyond the principles of the acts of 1816 and 1817. The whole argument of the committee, therefore, in this case of Swan, in reference to the tobacco deposited in these warehouses, and destroyed at the time, is what? That there was no legal claim, that there was no claim under the acts of 1816 and 1817, and that the precedents of the Government do not show that we have heretofore gone beyond these acts. What does that amount to? The acts of 1816 and 1817 applied exclusively to real estate, and they were so qualified even in reference to real estate, as to do manifest injustice to the citizens of this country. I can readily imagine that a Government, situated as ours was in 1816, directly after coming out of the war with Great Britain, with her Treasury exhausted, with no credit, when she was borrowing money and receiving but fifty or sixty cents in the dollar, might be less disposed to extend justice as fully as it ought to do in paying the indemnity due to its citizens; and that the same Government, when it became prosperous, as we now are, would be willing to pay its just debts. We have arrived at a time when we find that the public domain of the country is not necessary for the Treasury, but is used in building up—I will not say improperly—a network of internal improvements throughout the country, when we find the Treasury so full that we are trying to exhaust it by every possible means. I say there is a distinction to be drawn between what would be deemed justice on the part of a Government situated as ours was in 1816, and as it is now.

My honorable friend from South Carolina [Mr. EVANS] yesterday had a bill before the Senate to provide for the claims of the officers of the revolutionary army. Suppose our fathers, immediately after the revolutionary war, were in the position which we now occupy, would there have been a representative who would hesitate to support the bill introduced by that honorable Senator? Would there then have been a representative of the people in either branch of the National Legislature who would have dared to refuse to give to the officers of the Revolution what they had lost by receiving their pay in depreciated currency, if the Government at that time, when these claims could be ascertained, had the capacity to pay them?

Then, sir, I say that the restrictions which were thrown around the laws of 1816 and 1817, if they were necessary in view of the inability of the Government at that time, are not necessary now; and if I can show that, according to equity, justice, fairness, and honor, this Government is bound to pay its citizens, I care not whether I can satisfy Senators that it is bound to pay under the law of 1816 or 1817, or any other law; and I am sure that every Senator who will be convinced that, according to equity and justice, the Government owes this money, will be at the same time convinced of the obligation to pay it, notwithstanding those acts. What was the act of 1816? The ninth section of that act provided:

"That any person who in the time aforesaid has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposit under the authority of an officer or agent of the United States, shall be allowed and paid the amount

of such damage: *Provided*, It shall appear that such occupation was the cause of its destruction."

Now what was to concur here in order to create the obligation? There must be the occupation for military purposes by order of an officer of the United States; but besides that, the actual destruction of the property whilst it was so occupied. How often would it occur that the citizen whose property, according to the usages of civilized warfare, was properly destroyed by the enemy, could show that the destruction took place whilst it was occupied by our forces? Where is the distinction between the obligation to pay for property destroyed whilst it was occupied, and the obligation to pay for property which was occupied so as to make it national, so as to confer the right upon the enemy to destroy it? Where is the difference as to the rights of the individual, whether the property was destroyed whilst it was occupied, or in consequence of the occupation? But, again, sir, the proper accounting officers, who had the consideration of the act of 1816, construed even that more broadly than our Government was willing to agree to; and Mr. Madison, by proclamation, suspended the operation of the act of 1816 until the next meeting of Congress, when the act of 1817, supplementary to that of 1816, still more restrictive than the former, was passed.

The report in Swan's case then is, that under these acts of 1816 and 1817, the party had no legal claim for the destruction of her property. Why, sir, the very object of persons coming to Congress for relief is because they have no legal claim. If they had a legal claim, they would go, under the laws of the land, to the Treasury Department, and receive payment for their losses, and there would be no necessity for them to come before Congress from year to year, with the delay which has been incident to every claim of this character, for the purpose of being paid. All these private bills are predicated upon the assumed necessary hypothesis that no legal claim exists. So much for Swan's case.

The only other case to which my learned friend has referred in support of the position assumed by him is the case of Catlett. My friend did not read the report in that case, which stated the principle upon which the Committee on Claims of the Senate asked the Congress of the United States to pass in favor of the claim; but he read from the very able report of the then Second Auditor, Mr. Hagner, adverse to the allowance of the claim, under a special act of Congress, passed for the relief of Mr. Catlett. I will show that this report, which my friend omitted to read, recognizes the principle of the committee in this case, and is identical with it, and that it places that claim upon the same principle that the committee in this case base the obligation of the Government to pay for this tobacco. Then I have, not only by the report in this case, but by the report of the committee in 1835, a recognition, not merely of the principle, but also of the facts out of which grow this obligation sought to be enforced to-day. In that report on the case of Mr. Catlett, the committee say:

"In regard to the chief bulk of his losses, the committee can perceive no safe principle on which they can rest in recommending an allowance. The utmost extent to which the Government can with safety go, in remunerating losses to individuals who have been subjected to injury by the fortunes of war, is, to protect them against its own act and its consequences. Thus, if a house be occupied by the troops of the country for military operations, it thereby is placed on the footing of any other military position, and may be justifiably destroyed by the enemy. So, if private property is used to assist in the defense of the country, or in the prosecution of offensive military operations, it becomes as liable to be destroyed by the enemy as any part of the material of the army; and, if destroyed, the Government is fairly answerable for its value. Keeping this principle in view, the committee can find no sufficient authority to recommend the payment of by far the largest portion of the claim set up by the petitioner. But there are portions of the claim which the committee consider as falling under the principle thus laid down. The petitioner had in store, at Magruder's warehouse, on the Patuxent river, one hundred and fifteen hogheads of tobacco, which, along with the warehouse, appears to have been burnt by the British in June, 1814. He had, also, a small number of hogheads in store at Cedar Point warehouse, which was destroyed in the same way.

"The proof is satisfactory to show that very smart conflicts, between detachments of the enemy and Maryland troops, occurred at both these places; and that at Nottingham warehouse, seven miles distant from Magruder's, where the petitioner had in store one hundred and forty-nine hogheads of tobacco, a breastwork was made of the tobacco for the defense of the American troops. While at Magruder's and Cedar Point, the American troops found shelter under the warehouses, and from thence continued to fire on the enemy until their ammunition was expended. It is also

on proof that other warehouses, equally exposed, were left unburned, in consequence, as is believed, of the absence of all military operations in their immediate neighborhood by the troops of the United States. The destruction of the warehouses at Magruder's and Cedar Point, with their contents, and the abduction of the tobacco from Nottingham, seems fairly to be traceable to the principle laid down by the committee; and to this extent they report a bill for his relief."

Thus, Mr. President, you find that, in Catlett's case, the committee do not base the right to relief upon any principle growing out of the acts of 1816 and 1817, but they base it upon the principle that this Government is responsible for its acts and for the consequences of its acts; and that, whenever by its acts, or in consequence of its acts, the property of an individual citizen has been destroyed, the Government is liable to pay for the property so destroyed. That is the principle; but there is a curious fact connected with this case which my friend also omitted to state. The bill, in that case, was reported identically in the language of the one now on the table, that the accounting officers of the Treasury should settle the account upon principles of equity and justice, and pay accordingly. The bill was amended in the Senate by striking out the words "according to the principles of equity and justice," and inserting "in accordance with the acts of 1816 and 1817," so that the bill as passed was not in accordance with the report of the committee. The bill reported by the committee in conformity with the principles laid down by them, was amended, and that amendment placed the right of Mr. Catlett to relief, not upon his being entitled to it in equity and justice, but under the principles of the acts of 1816 and 1817. The very able argument of the then Auditor, Mr. Hagner, which showed his great independence and his entire unwillingness to be subservient to Executive dictation, was not an argument to show that the claim ought not to be paid. He sets out the fact that the acts of 1816 and 1817 had always been construed strictly by the Government; that Mr. Madison had issued his proclamation because the officer having power to construe the first act, that of 1816, had given a wider construction to it than he thought the financial position of the Government would justify; that the Senate, upon the report in Catlett's case, had amended the bill by striking out the provision for a settlement of the claim upon principles of equity and justice, and had inserted a provision requiring it to be settled upon the principles of the acts of 1816 and 1817; and his whole argument is intended to show, not that the claimant was not entitled to be paid upon the principles of justice and equity, but that he should not be paid under the principles of the acts of 1816 and 1817. In opposition to this report of the Auditor, President Tyler, who, when a member of the Senate, had reported the bill to which I have referred, directed the account of Catlett to be made out, and to be paid. The question was submitted to the then Attorney General, Mr. Crittenden, who gave a short opinion, that, under the law as passed, which authorized Catlett's payment only upon such evidence as would establish his claim under the principles of the acts of 1816 and 1817, his claim could be allowed, even under those acts and the evidence which he had adduced.

I agree with the Auditor, that under the acts of 1816 and 1817, Mr. Catlett could not properly be paid, because those acts referred to houses alone, and they were to be paid for only when they were destroyed whilst in the actual occupancy of the Government for military purposes. I cannot see how a law, which contained a provision that the payment should be made when the property was destroyed whilst in the occupancy of the Government, would justify payment for tobacco which was destroyed a month after it had been used for military purposes by the Government.

I submit then, Mr. President, that the report in the case of Swan, where the committee felt themselves obliged to be governed by the principle contained in this report of Mr. Hagner, and where they felt themselves obliged to be governed by the theory started by my distinguished friend, that the Government cannot impart to personal property such a character as would give the enemy the right to destroy it, and as would create a consequent obligation on the part of the Government to pay, shows, and that the very able report of Mr. Hagner also goes to show, that if the bill originally reported in Catlett's case had passed the

Senate without amendment, his claim would have been paid without difficulty. Mr. Hagner did not attempt to show that the evidence did not establish a *user* by the Government of the property for military purposes; but his whole argument was designed to show that the President was wrong in ordering Catlett to be paid, because the law required him to be paid upon the principles of the acts of 1816 and 1817, and the evidence did not bring his claim within those principles. He sets out the testimony. He states that a breastwork was made of the tobacco at Nottingham, and that the battle was fought behind the tobacco. He states that at Magruder's Ferry our forces were repulsed, and the enemy, on the very occasion, approached and burned down the warehouse with the tobacco in it.

I come now, Mr. President, to a class of cases in which I can show, I think, that my honorable friend is entirely wrong in supposing that there is no instance where we have paid for personal property destroyed by an enemy, except where that personal property was taken possession of by our forces, or the owner was prevented by our forces from removing it. As I have stated, the report in Catlett's case evinces the opposite principle. The next case to which I ask the attention of the Senate is that of Colonel James F. Sothoron. He lived upon the margin of this same Patuxent river, in St. Mary's county, Maryland. The house was occupied by our forces, and they also used for some purposes his barn, in which was deposited tobacco. The American forces were driven from the house, and the British destroyed it, or at least injured it, and burnt down the barn with the tobacco in it. Now, I invite attention to a fact in that case variant from the circumstances in the present case, and making this a stronger one than that. Colonel Sothoron petitioned Congress to pay him for the houses destroyed by the enemy. The report was in favor of paying for the houses, and a bill was passed, and he was paid for them. This was in 1836. Then in 1847 he petitioned Congress to be paid for the tobacco which was stored in his warehouse, and which was destroyed in consequence of its being burned. I find that Mr. Johnson, of Maryland, on the 6th of February, 1847, made a report in regard to that case. In that report the committee state:

"As the facts here set forth apply as well to the loss of the personal, as well as of the real estate of the claimant, it became a subject of inquiry with your committee, why indemnity had been allowed for one, and not for the other, and whether the former application had included the personal property. On this point it is in evidence, (see the deposition of W. B. Scott, the agent for the former claim herewith filed, that no claim was then made for indemnity for personal property, in consequence of the advice of a Senator from Maryland, and a Senator from Delaware, who deemed it best to limit the application to the buildings which came clearly within the provisions of the act of 1816. It is impossible, as your committee think, to draw a distinction in equity between the loss of houses and of personal property which they may contain, and they believe that if the petitioner was entitled, as in their opinion he certainly was, to remuneration in the one case, he is so in the other.

The committee reported a bill for his relief, but it did not pass at that session. In 1848 Mr. Bradbury, from the Committee of Claims, made a favorable report upon the same claim. In that report the committee say:

"It is difficult to draw a distinction, in equity, between a claim for loss of buildings and of the personal property they contain; and as the petitioner was entitled, according to the evidence, to remuneration for the loss of the former, he is, as we believe, for that of the latter.

The bill for his relief was then passed by both Houses of Congress, and became a law. My friend from Delaware will admit that here is a distinct avowal on the part of the committee of the Senate, with the action of both branches of Congress corresponding with it, in opposition to the principle which he avows. It had never, as Mr. Reverdy Johnson says in his report, entered into his imagination that there could be, in equity or justice, a distinction drawn between real and personal property; and Mr. Bradbury, in his subsequent report on the same case, makes the same statement.

At the first session of the Seventeenth Congress, William Henderson, of Virginia, presented a claim for the payment of personal property, which was destroyed, with his house, during the war. The committee at that session reported adversely to the allowance of the claim; but both branches of Congress overruled the adverse report, and granted relief to Mr. Henderson, by the passage

of a bill paying him as well for the personal as the real property.

The next case to which I would refer on this head is that of Gad Humphreys, which was a Florida case. There the claimant was the owner of certain real property which was taken possession of by our forces for the purpose of defense against the Indians. He was also the owner of twenty-six negroes. It appeared from the evidence, that the day before the occupation of his property he had been offered \$650 for each of these negroes. Whilst our forces occupied his house as a fort, it was inconvenient, on account of want of room, that the negroes should remain within its limits, and they went to some outhouses to sleep. An attack was made by the Indians on the house, and the negroes outside of the house were taken away. This Florida claimant came to Congress asking to be paid for the house and for the negroes. On the 22d of May, 1838, Mr. Hubbard, from the Committee on Claims, reported:

"It is furthermore satisfactorily proven that on the night of the 20th June, 1836, during an attack on the fort by a large body of Indians, there were taken and captured from the premises of the petitioner, situated near to and under the guns of the fort, twenty-eight negroes, the property of said petitioner, for which said petitioner had been offered, a few days before their capture, \$650 each; and that the capture was occasioned by the necessary occupancy of the houses of said petitioner within the fort by the troops, and the consequent exposure of the negroes, who were compelled to occupy the houses of the petitioner without the fortifications."

"The committee come to the conclusion, that inasmuch as the property of the petitioner was taken and occupied by the troops of the United States as a military post, and, on its abandonment by said troops, destroyed by order of the commander, that the petitioner is therefore entitled to remuneration."

The bill for the relief of Mr. Humphreys did not pass at that session; but I find that the Senator from Virginia [Mr. Mason] made a report upon the same case on the 28th of April 1848, from the Senate Committee on Claims, in which he states:

"It further appears that a portion of said property was captured by said Indians, owing to its being exposed in consequence of the occupation of his building by United States troops."

He reported a bill which was passed, paying this man from Florida for his servants, because the United States had used his house as a military post; and it was more convenient that the negroes should go outside; and they were captured by the Indians. They were paid for, and rightly paid for, by the Government of the United States.

There was another case, while the honorable Senator from Delaware was a member of the Committee on Claims—the case of a Mr. Renner, who owned a ropewalk in this District. He manufactured rope of a certain description, rope proper for navy stores. He apprehended that the British would destroy the rope, unless he removed it; but the United States took away the means which he had acquired for the purpose of removing his property. An application was made, first, for the payment of the rope which was proper for the naval service, and which, because of its fitness for that service, according to the usages of civilized warfare, the enemy would be authorized to destroy; and he was paid for it. Then, in 1851, a former Senator from Indiana, now deceased, made a report providing payment for twine which was stored in the same house, and which was also burnt or destroyed, or taken away by the British when they captured Washington.

I could multiply almost an indefinite number of cases in which the Government, by the action of both branches of Congress, has repudiated the principle announced by my honorable friend from Delaware, and has paid, over and over again, upon the principles of equity and justice, where the claimant was entitled to be paid under those principles, when his property was destroyed by reason of the action of the Government.

I desire now to occupy a short time in applying the principles to the evidence in this case. The principle announced by the committee is, that wherever, by the act of the Government, the property of a citizen is justifiably destroyed by the enemy, the Government, *per se*, is obliged to pay for the property so destroyed, in consequence of its acts. I wish now to apply this principle to the evidence in the case; and first, in reference to the tobacco at Nottingham. Were the forces of the Government of Great Britain justified, according to the usages of civilized warfare, in taking away

the tobacco from the warehouses at Nottingham? It will be necessary, in order to examine this question thoroughly, for me to go into some historical detail, in order to show that the enemy were authorized to take this tobacco away, or to destroy it, at their option.

The reports in this and the other cases of this nature show that the fleet of Great Britain occupied the Chesapeake bay and the Patuxent river, one of its tributaries, during the entire summer of 1814. It is an historical fact known to the Senate, that prior to the ascension of the Patuxent river by the flotilla of Commodore Barney, the enemy had never gone up that river. They had supposed, as we believe, that it was not of sufficient depth to be navigable for their vessels of war. After the flotilla of Commodore Barney went up the Patuxent river, they were followed by the fleet of the enemy; and from that period until after the burning of the Capitol, and the retreat of the British army from this city, and their reëmbarkation at Nottingham, the Patuxent was continuously occupied by the enemy.

I submit, that an enemy occupying the waters of a foe is authorized and justified, according to the usages of warfare, in landing for purposes of forage, for the purpose of procuring water, for the purpose of securing any supplies which may be necessary for the comfortable support of their forces. Here was the British fleet, with an army sufficiently numerous to take your Capitol, occupying this river for months. Here were warehouses located directly upon the banks of the river. They were the property of the respective counties; their contents were the property of the citizens. From the houses upon the margin of the river the enemy were fought, day after day, by our troops, and they were almost universally repulsed. There was hardly a house upon the margin of that river which was not used almost daily for the purpose of making an attack upon the enemy, whenever they approached the shore. These warehouses were so used. The tobacco which they contained formed an impervious barrier to any missile which could be shot at our forces. It is the best fortress in the world, for a cannon ball cannot go through a hoghead of tobacco. The tobacco was so used. The evidence in a number of these cases shows that during the whole summer of 1814 the public warehouses upon this river were used, whenever the enemy approached the shore, for the purpose of annoyance.

At Nottingham, when, on the 15th of June, 1814, the British attempted to capture that village, the tobacco was rolled out from the warehouse, and formed into a breastwork, and our cannon were planted behind it. When the eleven barges of the British approached the village, they were fired upon from this breastwork. My friend says that the old general who commanded there tells him now that they were only "scaling" their cannon; but he swore at that day, and so did the other witnesses, that the Americans fired at the enemy and repulsed them.

Mr. BAYARD. At Nottingham? I said that he stated then, as now, that they formed a breastwork.

Mr. PRATT. I refer to the Senator's remark as to scaling cannon.

Mr. BAYARD. He stated to me that that was so.

Mr. PRATT. My friend says that this old general, after the lapse of years which have passed since 1814, now says he was scaling his cannon, and that that frightened the British, and they went away. But, sir, the fact is, he made a breastwork; he planted the American cannon behind it; the enemy were fired upon; and they were repulsed, and they retreated. If they had landed and whipped our forces who were fighting them from behind the tobacco, and had destroyed the tobacco, I presume my honorable friend would admit the obligation of the Government to pay for it; because he could not say that the owners had had sufficient time to remove the tobacco before the enemy approached for the purpose of destroying it.

But, Mr. President, I insist that the correct principle is this: that having used the tobacco from this warehouse for military purposes; having successfully used it in repulsing the enemy, that enemy, when it became necessary, in the proper prosecution of their belligerent rights, after their retreat from

the burning of your Capitol; when they found it necessary still to occupy the Patuxent river, and necessary to land for the purpose of receiving their straggling soldiers, were not, according to any principle of civilized warfare, obliged to leave behind them the material with which a fort had been erected, from which they had been fought and whipped, that a similar fort might be again erected, and they be again fought and whipped. I say, then, they were perfectly justified in taking beyond the reach of the American forces this source of annoyance—the tobacco which had been used, and which they knew could be and would be used again by our forces, as soon as they got there for the purpose of annoying them. That is the case in reference to the tobacco at Nottingham.

At Magruder's Ferry, situated some seven miles further down the river, the warehouse is directly upon the water; and the proof is, that upon one occasion the British were attempting to land there with a considerable force; that our little army was drawn up so as to be protected by the warehouse and its contents; that the battle was fought, and continued successfully upon the American side until their ammunition was entirely exhausted, and then our troops were obliged to retreat. The enemy, not on the next day, but immediately after the battle had been fought from this fort, from this tobacco warehouse, containing the very tobacco which these claimants now ask to be paid for, approached, and burnt the warehouse, with the tobacco in it. That is the case of the tobacco at the warehouse at Magruder's Ferry.

Mr. President, I feel that I have now discharged my duty to those citizens whose rights, according to the conviction of my best judgment, are implicated in the decision of the Senate on this bill. Upon a former occasion, however, I incidentally remarked that it was possible that this case might come under the treaty stipulations between the United States and Great Britain. I made that suggestion because I supposed, if I could show that—independently of the justice of the claim upon which the committee base, and upon which alone I base the right of these citizens to be paid—there was, under a treaty stipulation between this country and Great Britain, probable cause for believing that this Government was bound to pay, and that it had in its possession money placed there by Great Britain to pay, it would take away the unwillingness which seems to be exhibited on the part of some to do justice to these individuals on the grounds relied upon by the committee of the Senate. I ask the attention of the Senate for a few minutes, while I attempt to sustain this principle which I formerly incidentally assumed.

Mr. President, the result of the first article of the treaty of Ghent, as ultimately construed by the arbitration of the Emperor of Russia, I will state. I do not intend to read it; but I ask my friend to correct me if I do not state properly. The result was this: that the Government of Great Britain stipulated to pay for the private property, captured at any time during the war, which might be in the possession of the British forces, and within the jurisdiction of the United States at the date of the treaty. Then, if we were claiming under this treaty, what would it have been obligatory upon the claimants to show? First, that the property was taken away, and next, that it was in the possession of the enemy, and within the jurisdiction of the United States at the date of the treaty. These claimants did not prepare their claims, nor do they now ask that they shall be paid upon the basis of that treaty. They have not, therefore, produced proof for the purpose of establishing the latter fact; but if I can show by historical facts within the knowledge of the Senate, not positively, but that, according to all human probability, this property, conceded to have been taken, was in the possession of the forces of Great Britain, and within the jurisdiction of the United States at the date of the treaty, then I show a case in which, inasmuch as the money is now in the Treasury, you at least should not cavil as to whether the principle of relief is applicable to real or personal property; and I think that, without going so minutely into the discussion of such matters, you might afford to pay the claim.

Now for the proof. The battle of Bladensburg was fought, I think, on the 23d of August, 1814, and the Capitol was burnt on the 24th of that month. It was after the retreat from this city that this tobacco was taken away. They are supposed

to have commenced their retreat about the 25th or 26th of August, 1814. Then the army which fought the battle of Bladensburg, and Vandal-like, burnt your Capitol, after their retreat from here proceeded to this very point, Nottingham, for the purpose of embarking in their vessels. After the 25th of August, therefore, they remained in the waters of the Chesapeake, or Patuxent, and until they proceeded to Baltimore. General Ross, with the same army which had been victorious here, went to Baltimore from the Patuxent; and we all know that the battle of North Point was fought on the 12th of September, 1814.

What further do we know historically in regard to this transaction? Why, sir, that this same fleet, with the same army, joined by reinforcements from Great Britain, proceeded from the waters of the Chesapeake to attack New Orleans, which resulted in the glorious victory of the 8th of January, 1815. The treaty of Ghent was signed on the 24th of December, 1814. My friend said he had some recollection of the last war. It is very certain that I am right in the facts; and I do not think he can question their correctness.

Mr. BAYARD. The Senator is mistaken; and, if I have his permission, I will correct him.

Mr. PRATT. Certainly.

Mr. BAYARD. Great Britain, under the treaty of Ghent, stipulated to restore or pay for such slaves or other private property of the citizens of the United States as were remaining within territory to be restored by her under the treaty. It was "waters or territory" within their jurisdiction. So far as Great Britain was in possession of these waters at the time of the ratification of the treaty, she had no right to carry off the property from there. If she was in the possession of territory then to be restored, she had no right to carry off property from there. The treaty was not ratified until early in 1815—either in March or April of that year; but I have never heard it alleged that, after the month of September, 1814, the British had any possession of any territory on the waters of the Patuxent, or of the waters of the Patuxent themselves, or that they had any force there. Hence, they had no property there; and no property taken from there would come within the terms of the treaty.

Mr. PRATT. I think I stated the principle correctly. I will read from the decision of the Emperor of Russia:

"That the United States of America are entitled to a just indemnification from Great Britain for all private property carried away by the British forces; and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories; that the United States are entitled to consider as having been so carried away all such slaves or other property as may have been transported from the above-mentioned territories on board of the British vessels within the waters of said territories, and which, for this reason, have not been restored."

I have not time to refer to the other portion of the decision; but I think I have stated the principle correctly. But I wish to bring to the notice of my honorable friend and of the Senate this fact, that negroes taken from the waters of the Patuxent were actually paid for under the treaty. That is known to my honorable friend.

Mr. BAYARD. I do not know it; but I can easily understand that it might be so. The British were in the possession of the lower part of the Chesapeake, and they might have had negroes there at the time of the ratification of the treaty; and they would be under an obligation to restore them, because they were occupying places which they were compelled to restore under the treaty. I believe they had Kent Island in their possession, and the lower waters of the Chesapeake. If they had negroes in their vessels at that time, and a claimant proved that his negroes were on board, he would be entitled to recover, because the waters which their fleets occupied were as much within their possession as the land upon which their troops stood, and therefore, were waters or places to be restored under the treaty of Ghent. But that, of course, did not apply to waters or territory not in their possession.

Mr. PRATT. They did pay for negroes taken away from this very point—Nottingham. The contest between the British and the American negotiators was this: It was contended on the part of Great Britain that those negroes had gone away voluntarily, and were not to be paid for, and hence

the necessity of referring the matter to the arbitration of the Emperor of Russia. I was proceeding to show that, according to the decision of the Emperor of Russia, wherever property which had been captured at any time during the war was in the possession of the British at the date of the treaty, it was to be surrendered or paid for.

Mr. BAYARD. Will the honorable Senator allow me to read from the decision? He only read part of it; I will read the other part, to show what I mean, in order that there may be no difference between us. He read so much of the discussion as applies in favor of the United States. I will read the counter decision. The Emperor says:

"If there should have been any American slaves or property carried away from territories of which the first article of the treaty of Ghent did not stipulate the restitution to the United States, the United States have no claim to indemnification for such slaves or property."

That was his decision; and, in view of that, I said that if the restitution of the waters of the Patuxent, or any other territory on those waters, was not stipulated for by the treaty of Ghent, the property carried away from there, and there at the time the treaty was ratified, would not come within its terms.

Mr. PRATT. I think the honorable Senator admitted, a while ago, that they had possession of the mouth of the Chesapeake at that time?

Mr. BAYARD. I believe they had.

Mr. PRATT. And therefore he thinks, though he does not know the fact, that they might have paid for negroes, taken from Nottingham, and other points on the Patuxent river, because the Patuxent being a tributary of the Chesapeake, and they having command of the mouth of the Chesapeake, had necessarily the command of the Patuxent. I will read from Niles's Register, for the purpose of showing that the British fleet and army, which were engaged in the battle of North Point, on the 12th of September, were the same fleet and the same army which, together with reinforcements from Great Britain, went to New Orleans, and were there on the 12th of December, and on the 24th of December, 1814, the time the treaty was decided; and, consequently, if I be right in the first proposition, it will follow that they were bound to pay. I find, in the seventh volume of Niles's Register, page 316, this statement:

"The fleet that we had in New Orleans was the same that we had in the Chesapeake last September, and Admiral Cochrane, disappointed of dining in Baltimore, is reported to have said he would eat his Christmas dinner in New Orleans, and stay there some time. We trust the knight will be drubbed."

He then goes on to state certain facts corroborative of what I have suggested.

It turned out, that after the first arbitration of the Emperor of Russia the two Governments could not agree as to the value of the property which was admitted to have been taken off, and the obligation, [under the decision of the Emperor,] on the part of Great Britain, to pay. That resulted in another convention between the two Governments, by which Great Britain agreed to pay, and the United States agreed to receive, \$1,204,960, as a full indemnity for all the claims of the citizens of the United States growing out of that treaty. Now, I understand that that fund is unexhausted at the Treasury; a part of it is still there. The case which I supposed I had made for the equitable consideration of the Senate—an argument, as I thought, to show why they should not view so nicely the question as to the relative obligation to pay for personal and real property—I desired to suggest that here was a case in which Great Britain had paid money for specific purposes—to compensate for property taken off during the war of 1812; that it has remained continuously in the Treasury for a great number of years, or has been used by the Government. That here is property which was taken away. It was taken away from a place which, according to my judgment, under the treaty, bound them to pay for it. Although there is no positive proof that this property was in the possession of the enemy, and within the jurisdiction of the United States at the date of the treaty, yet I think I have shown sufficient, from the historical facts of the case, to bring up to the mind of every Senator a desire to do justice to those parties who were intended to be relieved by the Government of Great Britain by the payment of this money.

I regret, Mr. President, that I have taken so much time in the discussion of this bill. I have

taken longer than I supposed I would; but having now gone through the subject, I leave it, and shall submit, with proper deference, to the decision of the Senate.

Mr. BAYARD. Mr. President, justice to myself requires that some portion of the argument of my honorable friend from Maryland should be noticed by me. He seems to suppose that, in the remarks which I addressed to the Senate on Friday last in reference to this bill, I used arguments which he has chosen to designate as *ad captandum* arguments, or as of that character. Sir, I had hoped that, in my career here, I should never be open to an objection of that kind. If I could recognize in any of the specifications which the honorable Senator makes any ground for sustaining that position which he has taken, I should be perfectly willing to retract any remark made by me having such an aspect.

The honorable Senator intimates, in the remarks which he made in connection with my allegation of the mode in which I first became acquainted with these cases for the purpose of examination, that my feelings became interested in regard to them. Allow me to say, that I do not suppose that I, more than any other man, am free from human imperfection and the danger of bias arising from pride of opinion; and I presume that is the only feeling which could possibly be supposed to actuate me in the case. I have endeavored to keep myself clear of that. I certainly arrived at my conclusions without having any previously formed opinions of the merits of the case; and, indeed, without any knowledge of the subject, until I came to apply myself to it for the purpose of investigation.

But, on the other hand, sir, may I not ask whether the honorable Senator from Maryland may not be under somewhat more bias in reference to a case which enlists his feelings for his immediate constituents, and in which he probably heard the story of the claim repeated to him, and the grounds of loss told him long before he brought his mind, as a judge, to a judicial investigation of the facts on which he had to determine as a public man?

Mr. President, the honorable Senator further told us that this bill passed the Senate at a former session of Congress, and was sanctioned by them. I concede that it passed the Senate, and passed it after I had made up my opinion against it; but it so happened, by some negligence of mine, if you will, or by accident, that all these tobacco bills were called up on those days when I was absent from the Senate, and I never had an opportunity to be heard upon them, and they were passed without any discussion of the principle involved in them.

Mr. President, the honorable Senator says that the practice of the Senate, where an adverse report is made upon a bill, is to concur in it as a matter of course, and the bill is not passed. If, by the practice of the Senate, a claim once rejected was considered as finally rejected, this case perhaps would never have been before us. The allegation of the honorable Senator is probably strictly correct, that in the particular case, and at the particular session at which an adverse report is made upon a bill, that report is seldom if ever controverted on the state of facts as then presented. But look over your Senate list of claims; look back at your records, and what do you find to be the fact? Sir, where a decision upon a claim is favorable, and the bill passes, the party gets the money, and of course the decision being against the United States, is final and the money is gone. But where a claim is rejected on one, two, or three adverse reports for session after session, it finally slips through. It is brought forward eight, ten, or twelve, and sometimes even twenty years after the first adverse report, and presented with some merely cumulative evidence, some slight variation in the proof of facts in which a reasonable man would not see the least materiality; and when all memory of the precedent action of Congress has passed from the minds of men, the same claim, without reference to former adjudications, is reported upon favorably, and a bill passes both Houses allowing the claim. Any gentleman who will take the trouble to examine the Senate list of claims, which has only been published within the last five or six years, will be able to trace the course of legislation, and satisfy himself, that so far from there being in general any denial of justice to private claimants, if their claims are sometimes

reported upon adversely in this body and postponed, yet they are rarely defeated. The same claims, if only persistently pursued, are always ultimately allowed, unless they happen to be so very large in amount that some gentlemen become alarmed in consequence of the amount, and not on account of the objectionable principle involved. You will find that to be the history of all these claims; and I say, further, as the result of my examination of a great number of claims which I have had to look at in reference to the investigation of this and other cases, that, in my opinion, a large majority of the claims which are brought before Congress for adjudication and allowance are either utterly baseless as claims upon the Government, or are so exaggerated in amount, that, as against an individual, the same claims would be pronounced extortion. Sir, there is a singular characteristic in the moral nature of man, that where, as between man and man, sympathy may be indulged on both sides, the feeling will probably go with the justice of the case; but when you come to a claim upon the Government it is looked upon as a nonentity; it has no sympathies in its favor; and even among moral men, among good men, many who, as between individuals, would decide rightly, look upon the public, and the Government representing the public, as a goose to be plucked. Instead of censure being passed upon the man who, by management and skillful arrangement of his proofs, obtains from the Treasury money which, if obtained in a similar mode from an individual, would be condemned as a fraud, that man is applauded and admired for his sagacity who most adroitly plucks the greatest quantity of feathers from the public goose. Sir, this is unfortunately too true. It is because this wrong tone of sentiment does exist; it is because the examination of facts in reference to what are called claims upon the Government is so loosely conducted in the Senate and in Congress generally, (far less loosely, I admit, in the House of Representatives than in this body,) that, although the party may fail to-day from happening to have some one member on a committee who will take the trouble to examine the case, he has only to let his claim lie over for six or eight or ten years, and if he has the tact to get a favorable committee, or one favorable member, he will have a report in his favor, and the bill may be passed. If a bill be once recommended by one committee, all subsequent committees always follow like sheep in the pathway of the first report, and recommend and adopt the same bill. That is the course here, founded on an *ex parte* examination, in which the individual is represented by prepared testimony of the loosest character on the one side, and on the other the Government, representing the great public of the United States, is totally unrepresented. No testimony is presented on its behalf; and there is little investigation in reference to the merits of the claim, as regards its rights.

It is because I have seen so much of this, that I have been anxious and desirous to see some proper tribunal constituted for passing upon these claims upon the Government. Where a claim is just, I admit it ought to be paid, and paid promptly; but I do consider these special laws for the relief of individual parties as indicating the progress of corruption in this Government to an extent alarming in its character; and as long as I remain on this floor I shall, as far as is consistent with my other duties, always oppose every case which strikes me as not being a proper case for relief by the Government. I will cheerfully and gladly, at any time, vote for a bill which provides a proper tribunal to give speedy and immediate relief to every man having a claim upon the Government, under those principles of law and equity which ought to govern the relations of the citizen and the Government. When such a tribunal is constituted, you will have something like decisions on general principles and general rules, which ought always to regulate and determine the relative rights of the citizen and the Government, in the same way that they regulate and determine rights and obligations as between man and man. What a monstrous course of things is it now? As regards an individual, if any man should propose that the Congress of the United States should legislate specially, as between the rights of individuals and on *ex parte* statements, and proofs should determine that one man should pay money to another, the common sense of justice, and common

intelligence of every Senator, would reject it instantly. And where is the difference between such a course of action applied to individuals and applied to the Government? Sir, the mode of passing these special acts is wrong. The tribunal is an inappropriate one; and all the evils which exist in this case, and all others, arise out of this system of special laws connected with private claims against the Government, instead of making provisions by which they may be appropriately decided by a judicial tribunal, after due investigation, and upon proper evidence.

I have made these remarks in order to show that, so far from an adverse report being any bar to relief, it, in fact, by the course of practice in this body, becomes a mere nullity. It operates for the session, and rejects the claim for that session; but it does not reject the claim finally. The party has only to persist, to adhere, to have his case so well managed by some agent that he will let it lie by for six or eight years, during which time the whole body will be changed, and he will finally get a more favorable presentation of the facts, by a committee losing sight of the previous unfavorable report; and his bill will be passed. I will give an illustration by reference to a case which occurred at the first session, when I was a member of this body, where a claim was reported unanimously by the Committee on Naval Affairs. There had been, sixteen or eighteen years previously, a thorough investigation of the claim by the Navy Department, and by a committee of the Senate, and it was rejected. On the same evidence, in the year 1848, the case was brought up in the House. The previous investigation was lost sight of; the whole history of the case was forgotten; and on the same evidence which was presented previously, and without effect, a favorable report was made. The committee of the Senate afterwards adopted the report of the committee of the House, and the claim came before the Senate for allowance.

In reading cursorily that report, (at that time I used to take the labor, which I do not mean to do again, of reading every report made upon a private claim,) I thought the principle upon which it rested was unsound; and that the testimony did not sustain the case as reported by the committee. This induced me to look into it. I did so; and by referring to the Senate list of claims, I found the anterior proceedings. I brought those matters before the Senate. The question was fully and ably discussed in favor of the claim by the honorable Senator from Florida, [Mr. MALLORY,] but the Senate indefinitely postponed the consideration of the bill against the report of the committee. I only mention that case as one illustration of, I think I might say, the hundreds of cases which, if any gentleman will take the trouble to examine the Senate list of claims, he will be astonished to find, have been persistently presented, after adverse report upon adverse report, at intervals of five, ten, or twenty years, and frequently have been ultimately passed, although they may have been so repeatedly rejected.

Well, sir, the Government stands in a very defenseless and unjust position in this respect. If the claimant's bill passes, he gets his money, and there is an end of the matter. If his claim is rejected at first, ten chances to one it is finally allowed; for as to the practice under the rule, of withdrawing papers on an allegation that there is new proof discovered, if you will take the trouble to look into it, you will find that the new proof is generally nothing more than merely slightly cumulative testimony, and amounts to nothing which would justify a rehearing of the case with any intelligent man; and very often, too, a case is again referred and reported upon favorably on precisely the same proof on which it was originally rejected, because the texture of the committee may happen to be different.

The honorable Senator further supposes that I used an unfair argument in representing that Mr. Jenifer's testimony as to the tobacco at the Cedar Point warehouse showed that the British were taking tobacco there when the militia went down to attack them; because he said the statement had no application to the case now before the Senate, as the tobacco claimed was in Magruder's and Nottingham warehouses. I stated in my opening, and I believe the papers prove it—and though the report of the committee does not show it, the tobacco notes do—that a small portion of the to-

bacco for which payment is claimed here was stored at the Cedar Point warehouse. But, sir, I used the testimony of Mr. Jenifer to show the *animus* or intention of the British in the destruction or carrying away of the tobacco. I used it to show that an act done in and about the same time when there was no resistance, no occupation, indicated the intention of the British to cause the destruction of the tobacco, irrespective of its occupation by our troops there or elsewhere, much more strongly than the mere opinion of two witnesses—(and that is all the evidence as to the cause of destruction furnished by the claimants in this case)—that it was destroyed in consequence of its occupation by the troops of the United States. That fact was to be proved. I used Mr. Jenifer's testimony, and the proceedings at Alexandria for the same purpose, to show that where there was no occupation, no defense, the British had removed or destroyed tobacco. I used the proceedings at Alexandria to show that they avowed officially the general intent to take away all merchandise capable of exportation, without regard to whether it was defended or occupied by the troops of the United States. Is not that a fair mode of using testimony in order to repel what has been attempted to be proved on the other side in this case, solely by the opinion of two witnesses, that the destruction was in consequence of the occupation by the troops of the Government, when, in fact, there was occupation at all?

I hope, therefore, I have relieved myself from the charge of using this as an *ad captandum* argument. I meant it to be a real one. I think it both a just and fair argument. I think it is a far stronger and more natural inference, than that by which the witnesses in their own minds arrived at the opinion that, because some tobacco warehouses were not destroyed, therefore it must be assumed that these which were destroyed where there was some fighting, were destroyed in consequence of their being defended. I think their opinion is a *non sequitur*, and that my argument establishes the position for which I meant to contend. The testimony of Mr. Jenifer was one of a series of facts connected together, by which I intended to show that the British did not destroy this tobacco in consequence of its occupation or use by the United States as a fortification, or its availability for such purposes, but because they meant to plunder flour, cotton, tobacco, and all other exportable articles, as was subsequently their official avowal in the proceedings at Alexandria.

Mr. President, the honorable Senator further says that I should not have made the objection which I suggested in regard to these tobacco notes being payable to order, and that I would not have made it if I had noticed the provisions of the bill. I had noticed the provisions of the bill, and I made the objection as to the want of title to those notes for this reason: this is an old claim, and I had seen in Callet's case, that when you pass a bill here, you do not know what proof will be admitted under it; and I thought that, as these claimants produced in evidence before the committee of the Senate these notes, drawn to order, as constituting one half of the alleged ground of claim, it was right to say that that portion of evidence in the case showed no claim at all on the part of the claimants, unless sustained by other proof that those notes had been rightfully transferred to them.

But, sir, the honorable Senator says that my other objection, arising out of the lapse of time, and the fact that those notes may have been obtained for speculative purposes, is an objection which is not founded in fact; and he seems to think it is unjust to the parties. I did not say, I cannot say, when they obtained them; but I said that, according to the evidence in the case, they were not the owners of this property at the time of its destruction. It is unnecessary to deny that they were the owners at that time. I know not how that fact may really be. But I always take it for granted, in an *ex parte* case, that where the party can prove a fact which he should essentially and rightfully prove for the purpose of success, he will prove it, and should be held to the proof of it. I suppose that if Hodges & Lansdale were in business at that time, and then owned the notes, they would have given you sworn extracts from their books, showing when and at what time they purchased the notes. In the absence of such testimony, all that I said was that the claim, as it

appears before the Senaté, might be a speculative claim, in which the real owners of the property which had been destroyed had sold the notes for a mere song. I supposed so, because there were no extracts from the books of the parties, and no affidavits to prove when or how they became the owners of the property.

Again, the honorable Senator classes this argument, which I addressed to the Senate on the ground that these might be speculative claims, as one among those which he designates as *ad captandum*. I think not so. I did not intimate, and do not contend for a moment, that if this claim comes within the principles on which you should give relief to the original owner, and a party presents himself to you here and proves that the original owner's right of property has been transferred to him, you ought not to relieve him as much as the original owner. I concede, fully and freely, that you are as much bound to relieve the assignee as the original owner; but he must first prove his case. When he brings his claim before you and omits that proof, and when I look back to what the honorable Senator from Maryland entirely omitted to advert to in his remarks, that as early as 1818, even under the restricted laws of 1816 and 1817, frauds had become so great that the Government refused to continue those acts beyond the time when they were to expire by their original limitation, I say that an argument of this kind, connected with what may be a speculative claim, which is not shown to be otherwise by the party who makes it, and who might have so shown if it were otherwise, addresses itself to the sound consideration of the Senate, in weighing the testimony in support of a stale demand.

I will not attempt to go into the different arguments used by the honorable Senator from Maryland in reply to those which I urged. I will barely notice one or two of the cases which he has cited, as contrary to my views. First, as to the treaty of Ghent. Without going at all into the question whether, from the nature of this case, it comes within the treaty of Ghent, this answer is conclusive: The committee did not bring it within it; the evidence does not bring it within it. There was a tribunal established for the purpose of making a fair allowance to every person who came within the terms of that treaty. Is it not reasonable to suppose that every person who had a just claim went before the Board of Commissioners, established his claim, and received the money? Is it reasonable now, because there may happen to be a residuum of that fund left in the Treasury, to ask you to allow this claim, although there is no proof, or only what the honorable Senator calls historical testimony, to sustain it? If the honorable Senator will present a petition on behalf of Hodges & Lansdale, and, with the petition, a bill authorizing the accounting officers of the Treasury to investigate the facts of the case, and to determine whether it comes within the treaty of Ghent, and the decision of the Emperor of Russia, under that treaty, and, in the event of a favorable decision, to pay to the parties in liquidation of their claim any balance which may remain in the Treasury unappropriated of the fund received from Great Britain, I am perfectly willing to vote for such a bill. I should be disposed to waive the lapse of time as a bar to the claimants, though certainly it is through their own negligence that they have not come forward before; and it is but reasonable to presume, as to all claims which did not come before the commission which was sitting, with full authority to allow the claims of all persons who had just demands under the treaty, that there must have been some radical defect in their proof. But the report of the committee does not raise such a question. There is no evidence to support the claim on this ground. The committee do not pretend to bring the claim within the treaty of Ghent; nor does the bill authorize its payment out of the fund remaining under that treaty.

The next position of the honorable Senator which requires notice relates to Mr. Ramsey's report. I have read that report to the Senate, and it is not necessary for me to restate its arguments. But there is a view taken of the effect of its reasoning by the honorable Senator which I think deserves notice at my hands.

The honorable Senator assumes that the reasoning of the Auditor, and the reasoning of the committee in Mr. Ramsey's report, made in 1845, only go to show that the case of Catlett (and

therefore this case, for both are identical) is not within the principles of the laws of 1816 and 1817, but that they impliedly admit, as he contends, that this claim would be payable on the principles of equity and justice. Is that so? I supposed that when the committee of the House of Representatives, in 1845, had before them the claim of Mrs. Swan, one of two results was certain; they reported against it, because it did not come within the principles of the laws of 1816 and 1817. If there had been any principle of equity and justice which, in their opinion, would have justified the allowance, does the honorable Senator suppose that the committee would not have recognized that principle? If it had been proper to extend those laws so as to grant relief to Mrs. Swan, I presume such would have been the recommendation of the committee. As there was no such recommendation, I think I may safely say that the committee of the House, in 1845, intended to report, not only that the case of Mrs. Swan, which is identical with this, did not come within the principles of the laws of 1816 and 1817, but also that those principles were correct, and that the party not coming within them ought not to be relieved on any loose notions of equity. That is the result of their report, and that is the result of any case which rejects a claim of a similar character.

But the honorable Senator alleged (I think under a great misapprehension) that the reason why these restrictions as to relief were adopted in the years 1816 and 1817 arose out of the fact that the Government was then embarrassed in its circumstances, and that its pecuniary embarrassments necessarily required a stricter adherence to restrictive principles in the rejection of claims than is now necessary. The honorable Senator is mistaken in point of fact. He will find, I think, on examination, that during the years 1817 and 1818, instead of United States stocks selling for sixty cents to the dollar, they stood at a premium of from ten to twelve per cent. for six per cent. stocks. No doubt during the war there had been difficulties; but after the war, the credit of the Government immediately recovered, and in 1817 (and my recollection goes back sufficiently to cover it) the stocks of the Government were at a premium of from ten to fifteen per cent. But, independently of that fact, there cannot be found the report of a committee at that time which places the refusal of relief on the ground of the then state of the Treasury; and, therefore, it will not do to assume that these claims were rejected because the state of the Treasury would not allow their payment, when the grounds taken at the time were totally distinct, and such as I endeavored to develop in my former remarks.

The honorable Senator referred to the limitation imposed by the act of 1816, that compensation should be confined to property destroyed whilst in actual possession of the troops of the United States; and he thought that, under this limitation, damages for which the Government would be responsible would not often occur. Sir, Congress, in passing that act, had reference to the exigencies of war, the attacks and repulses which take place, the injuries to private property which happen when a large district is in possession of the enemy; and considered upon what precarious and unreliable testimony the value of the property, the mode of defense, and the extent of occupation always must rest. Congress, on the ground of the precarious character of such testimony, and the danger of fraud and misrepresentation, required, by the laws of 1816 and 1817, that the officer in command should be examined, if alive, in order to prove the fact that the order was given, and that no supplemental, no subsidiary proof should be taken, unless his non-examination was accounted for. This, I think, was a very necessary rule, and one founded upon the plainest principles of propriety.

Again: the honorable Senator is mistaken in supposing that Mr. Madison suspended the operation of the law of 1816, or the action of the Commissioner. He suspended the awards of the Commissioner, not the taking of testimony. The parties could go on and take testimony, but the awards of the Commissioner, which were to be final, were suspended by the President until further legislation by Congress.

Nor, sir, was the act of 1817, as the honorable Senator supposes, more restrictive than the act of 1816. It was more definite. It was meant to

guard against a loose construction. It rather extended the former act than otherwise, because the law of 1816 only provided for relief in case of houses occupied as places of military deposit; and the act of 1817 allowed relief where the property was occupied as a military deposit or as barracks. The difference was, that under the amended law of 1817 it required the specific order of the officer, and under the act of 1816 it was simply required that it should be done under the authority of an officer.

The honorable Senator read a portion of the report of the committee of the Senate in the case of Catlett as counter to my views. That report was made by a gentleman, then a member of this body, who afterwards became President of the United States. If I had time now to discuss the principles embodied in that report, and could task the patience of the Senate by investigating them, I think I could demonstrate their indefinite and illusory character. This much is certain: that the bill which he reported to the Senate, founded upon the principles contained in his report, was rejected by the body. The Senate struck out the provision allowing the claim to be settled "upon principles of equity and justice"—words so loosely used when applied to the settlement of claims against the Government—and introduced words requiring that it should be settled upon the principles of the laws of 1816 and 1817. In so doing they repudiated the principles announced in that report. But, sir, it appears, that when the decision of the auditor under their bill was before the Senate in 1839, and investigated by the committee, that committee asked to be discharged, and were discharged, from the further consideration of the subject; thus evincing an approval of the course and opinion of the auditor, and proving that the auditor, in the opinion of the committee of the Senate, had carried out the law which had been passed as Congress meant it should be carried out. The same inference must also be drawn from Mr. Ramsey's report.

The honorable Senator has also stated and relied upon some cases in which relief has been granted contrary to the principle for which I contend, as regards personal property destroyed by an enemy. I do not deny for a moment, I did not before, that there were special cases where the principles of the laws of 1816 and 1817 had been misapplied, and relief had been granted in opposition to those principles. I admit it now; but I contended that Congress had adhered to the principles of those laws, and for that purpose I cited reports to show, that when a proposition had been made as late as 1832 to extend those laws, the committee reported against it upon a general investigation of the principles. Then, have I not a right to say that Congress has adhered to that general principle? and have I not a right to qualify the statement in the mode which I have suggested—that it may be true, and I have no doubt is always true, that, establish what principle you may in a general law, a case may creep through Congress where the facts are not within the application of principles which Congress has previously recognized?

I apply these remarks to the case of Mr. Sothron, which I have read several times. I consider that case clearly a violation of the acts of 1816 and 1817. I do not think the evidence brings it within them; but certainly it is a much stronger case than this, because there were facts connected with it which might, under all the circumstances, have raised a doubt as to whether the party had time and opportunity to remove his property. The occupation of the property for barracks was clearly proved. The same man owned the realty and the personality, and both were destroyed at the same time. In this case no individual has ever claimed for the destruction of the warehouses. Whether owned by the county or by the State, as the Senator suggests, or by an individual, no claim was ever made on the Government for the real estate, and you are now asked to pay for personal property situated in the real estate, because the real estate was destroyed by the enemy in consequence of its occupation by the United States when that real estate has never been claimed or paid for. If a claim had been made, and could have been proved, the real estate would undoubtedly have been paid for, because it comes clearly within the acts of 1815 and 1817, if it was occupied for military purposes and destroyed justifiably in consequence of such occupation.

Compensation for the real estate has never been claimed by any one; and yet you are asked to pay for the personality on the testimony of two solitary witnesses, one of whom, and he the material one, I have endeavored to show, has detracted from his own credibility by the want of fairness and accuracy in his mode of statement. I refer to Mr. Baden. The testimony of General Biscoe does not sustain the present case at all.

It is true that in Mr. Sotheron's case, in 1847, the committee assumed the ground that they could not draw any distinction between personal and real property; but did they give you any argument? None whatever. They merely say that they can see no distinction. I have endeavored to point out the distinction which I think exists, and it is for the Senate to determine on its soundness. I adhere to the opinion that it does exist; and most certainly I have the laws of 1816 and 1817 to sustain me; and Congress, as then constituted, and the committees who then made their reports, made them adverse to the inclusion of personal property.

But the honorable Senator cites the case of Henderson, on Monday's Point, a part of the report in which I read, which was originally rejected, but at a subsequent Congress passed. To what extent that claim was allowed the honorable Senator does not tell us. He brings no report of a committee to controvert the principles of the laws of 1816 and 1817, but he shows that this and a few other bills have passed in special cases. I admit that special acts have been passed, which are a misapplication of the principle; but that principle has never been deliberately rejected by Congress, and in every case in which it has been proposed to extend those laws upon the broad ground of principle the proposition has been rejected.

The honorable Senator also referred to the case of Gad Humphrey, in which Indians had destroyed certain property. That is a case in which the claimant was clearly entitled to relief; and I have enunciated no principle which would militate against his right to relief in such a case. The Government troops took possession of the man's real estate, for their own use, as a fortification, and for no other purpose. They drove out his negroes, who were in consequence of that act carried away by a savage enemy. There was no opportunity to remove them to a place of safety. In such a case, of course, the Government was responsible. Nor do I deny the right of relief in the case of the proprietor of the rope-walk, which the Senator mentioned, if he proved his facts by reliable evidence. The Government in that case took from the party the means of removing his property—the teams with which he was removing to a place of safety. If a man can prove that the Government prevented the removal, it is the same thing as though they had taken possession of the property, and it thus comes fully within my principle. It is not because the enemy were justified in the destruction, but because the property was subjected to exposure and consequent destruction, by the act of the Government appropriating it, or preventing the owner's rightful control over it in removal to a place of safety; and clearly, if the Government takes possession for its own use of the means of removing the property, it restricts the owner in the free use of his property, and is the direct cause of the injury, which otherwise would not have been sustained. There is no such case made out here. I do not deny the principle applicable to either of the two cases to which I have just referred. I do not deny that they were proper cases for relief; but their principles do not attach upon the present case.

The honorable Senator admits that the property must be justifiably destroyed by the enemy, in order to make the Government responsible. He admits that it must be destroyed in consequence of use by the United States; and he endeavors to make out that the property of the claimants was so used. I said before, and I adhere to the declaration, that the destruction of this tobacco, as well as the other devastation by the British in the waters of the Patuxent, was not justified by the usages of civilized warfare. These tobacco warehouses were situated generally on the banks of the streams, and the enemy had their vessels in those streams. Now, does the fact that the Government of the United States turned out if you please, a portion, not all, of the tobacco at Nottingham, for the purpose of making a breastwork,

and that the troops scaled off, or fired off cannon, justify the destruction of all? Or, in other words, because tobacco had been used in one particular instance for the purpose of defense, could the enemy treat tobacco as an article coming within the term "munitions of war," and so destroy it?

Mr. PRATT. I spoke of this tobacco.

Mr. BAYARD. Yes, sir; this particular tobacco. The particular tobacco used at Nottingham was not, from any proof here, the tobacco for which the claimants ask compensation; only a small portion, according to the statement, (how much is not mentioned,) was turned out for the purpose of erecting a temporary breastwork at Nottingham. It was not destroyed in that position; there is no proof or pretense of that sort. I admit unhesitatingly, that if it had been formed into a breastwork, and the British had landed, they would have had a right to destroy the breastwork; but I deny that they had a right to destroy other tobacco warehouses because the tobacco might probably be used as breastworks, any more than because General Jackson used cotton bales at New Orleans, they would have had a right, under the rules of civilized warfare, to destroy cotton whenever they came across it. The particular cotton or the tobacco which made the fortress might be justly the subject of destruction and of compensation if destroyed while there. But I deny that an enemy can carry the principle further and say, that because you use a particular private house for the purpose of defense, that justifies its destruction at any subsequent period. Sir, I illustrated this before by reference to our own soldiers in Mexico. I thought the principle clear enough, that while the contest was going on at Monterey, for instance, and the enemy were firing on them from their houses, if they found it necessary to make their way through private houses in order to dislodge the enemy, it was perfectly justifiable; but when the defense ceased, and the conflict was over, if the American troops had destroyed all the houses which had been used for defense, or from which shots had been fired, they would have been barbarians, instead of being American soldiers. They would have done precisely what the British did during the war of 1812, and would have violated the principles and usages of civilized warfare.

Then, sir, I am at issue with the honorable Senator from Maryland, as to the right of the British to destroy this property under the circumstances, because in one or two cases—and there are but two—it was thrown into the semblance of a breastwork. I do not consider that the warehouse at Magruder's, and the tobacco in it, received the character of a fortress, from the fact that the militia got behind it at the time the British boats were coming up to take away the tobacco. The Senator says the British took the tobacco in consequence of its defense by the troops. I say they came there to take it, and the militia went down to defend it.

Mr. PRATT. The Senator will permit me to say that there is not one tittle of evidence to support that assertion. He has confounded Cedar Point with Magruder's Ferry.

Mr. BAYARD. I admit that there is no direct evidence in the case as to this point. All the evidence we have upon it from the claimants, is the opinion of James Baden and Mr. Selby; they are of opinion the British destroyed the tobacco in consequence of its use and occupation by our troops; but they do not prove any use or occupation at all. They prove that the militia got behind the warehouse, and fired until their ammunition was exhausted, and then retreated. Is that any occupation? But they only swear to their opinion, and I endeavored to countervail that testimony by showing, that in regard to another warehouse—that at Cedar Point—Mr. Jenifer proved that the British were taking off the tobacco before the militia went down to defend it, and that they repulsed the militia, and then destroyed or carried off the tobacco. I have shown, also, that at Alexandria, where there was no defense, they carried it off. From these general facts, I drew the inference that the only reasonable presumption was, that the British were approaching this warehouse for the purpose of taking away the tobacco; and the mere inability of the American troops to defend it did not justify its destruction according to the usages of civilized warfare, because the Government had impressed upon it no public character.

Will the honorable Senator contend that because in the midst of a war, whether in a city or in the country, the troops, in an engagement, get behind a house and fire from that house, the enemy, after the contest is over, would be justified in destroying the house because it had been capable of being used for temporary protection from their fire? If that principle be true, of course you have no right to defend your property at all; and in every case an enemy is justified in devastating and burning down every house which he comes across, because it may be that American troops could get behind the house to defend themselves.

Then, as to the value of tobacco as a fortification, I think it rests more in the fancy of my honorable friend than in reality. There are but two cases in all these proofs which I have been able to find where any attempt was made to use it as a fortification. I should think it was rather a dangerous fortification and a clumsy one, for if they threw up tobacco as a breastwork, and used cannon, it would be difficult to arrange port holes in hogheads. And if cannon were used on both sides, the splinters from the hogheads would be rather dangerous accompaniments. It may be, that if the tobacco could be taken out of the hogheads and used alone it would be cannon proof, and that is the case with other materials. It is the case with cotton; but that does not justify the destruction of cotton, except where it is used as a fortification, or embankment, or breastwork by an enemy. You might as well say, that because men are the means by which war is actually carried on you could put every prisoner of war to death and refuse to ransom him, because if he were released he might subsequently carry arms against you. The principle would be as justifiable in the one case as in the other. Without men you cannot carry on war; without tobacco you may, and the necessity would exist to a much stronger extent, and it would be much more justifiable to destroy every prisoner of war than adopt the principle, that an article of property may be destroyed, though not in use for military purposes, merely because a similar article may have been used in one particular case, and at one particular time, under the pressure of emergency for temporary defense.

I submit, on the whole, Mr. President, that my principles have not been controverted; and that, though I admit that relief has been granted in cases where it ought not to have been, there is no case to be found in which relief has been allowed by the Congress of the United States to a party, as the claimant of personal property, irrespective of his ownership of the real property. The case of Mr. Sotheron is an excepted case, in which, if I were justified in detaining the Senate, I could show plausible grounds why the committee might suppose relief should be granted, though I confess I differ from them. I think it is a misfortune that so late as 1848 or 1850, when that claim was allowed, Congress should have departed, even in the one case, from the principles to which they adhered from 1816 down to that time; and a still greater misfortune if now they should open the door, after the lapse of forty years, to let in claims to a large extent not only in this neighborhood, but all along your northern frontier, for you cannot grant relief in the one case and refuse it in the other. The application now before you is one of the fruits of the special legislation in that case.

You will have evidence enough coming before you; you will have cases enough coming before you; you may pass this bill, and you may pass some others; and I, though no prophet, will venture to tell you, that if you do pass them you will, before four years are over, be obliged, at least, to refuse relief in cases more clearly proved, and more substantially coming within the principles of these laws than this case. You cannot rebut them; for it is an easy task to manufacture, without possibility of detection, *ex parte* testimony, founded upon the perversions of human memory, as to events which occurred so long ago, and when there has been a period of time within which hearsay has ripened into conviction, and individuals, without intending to swear to what is false, do unquestionably swear to what, if it were now capable of investigation, could be proved not to be the fact. But all this is no attack upon the integrity of men. It comes simply to this: that the events of war excite the imagination; that in the course of time age excuses, while it accounts for,

the lapses of human memory, and the confusion of incidents to which those lapses give rise; and it is from that circumstance that we are obliged to guard against claims sustained by the testimony of witnesses given under such influences, long years after the occurrences have taken place.

On motion by Mr. WELLER, it was

Ordered, That when the Senate adjourns, it adjourn to meet on Monday next.

On motion by Mr. SUMNER, an additional member was added to the Committee on Enrolled Bills; and Mr. NORRIS was appointed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 24, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

Mr. LILLY, by unanimous consent, presented the joint resolutions of the Legislature of the State of New Jersey relative to the public domain; which were referred to the Committee on Public Lands, and ordered to be printed.

Mr. INGERSOLL. I ask the unanimous consent of the House to present the proceedings of two meetings of the citizens of New Haven, Connecticut, against the Nebraska bill.

Mr. EDGERTON. I object.

Mr. HAMILTON. I call for the regular order of business.

Mr. SKELTON. I ask the unanimous consent of the House to present the joint resolutions of the Legislature of the State of New Jersey in favor of cheap ocean postage.

Mr. HAMILTON. I object, and call for the regular order of business.

Mr. FULLER. What is the regular order? Is it not the consideration of the motion to reconsider which I called up yesterday?

The SPEAKER. Some question might arise whether or not, although a privileged question, the motion to reconsider would take precedence of private bills, this being a day set apart for the consideration of private bills, to the exclusion of all other business.

Mr. FULLER. If no gentleman wishes further to debate the motion to reconsider, I intend to call for a vote upon it, if it is in order to call it up now.

The SPEAKER. The Chair thinks the practice has been to give precedence to a motion to reconsider, even upon private bill days.

Mr. EDGERTON. Does it not require a vote of two thirds to take up any business to-day except private bills?

The SPEAKER. This is a motion to reconsider, which, according to the rules, shall be put at the request of any one member at any time.

Mr. JONES, of Tennessee. I believe this is "objection day" on the Private Calendar, and if I am not mistaken, no bills have been reported and placed on the Calendar since last "objection day."

The SPEAKER. There are several private bills on the Speaker's table, if it is the disposition of the House to go to private business.

Mr. EDGERTON. I do not propose to go into Committee of the Whole on the Private Calendar.

Mr. JONES. I was going to suggest that if the gentleman does not desire to go into Committee on the Private Calendar, the debate on the Indian appropriation bill is to close to-day at two o'clock, and it would therefore be as well to go into the Committee of the Whole on the state of the Union at once.

Mr. EDGERTON. I would suggest that the business upon the Speaker's table can be disposed of in a very few minutes.

Mr. JONES, of Tennessee. When that is disposed of, I will make the motion I have indicated.

The SPEAKER. The gentleman from Maine [Mr. FULLER] insists upon his motion to reconsider, as the Chair understands.

Mr. FULLER. I do insist upon my motion.

The SPEAKER. The bill from the Senate, entitled "An act to extend the warehousing system by establishing private bonded warehouses, and for other purposes," was referred to the Committee of the Whole on the state of the Union. A motion is now made by the gentleman from Maine [Mr. FULLER] to reconsider the vote by which it was so referred.

Mr. FULLER. That is my motion; and if the motion to reconsider is carried, I intend to ask, first, a vote of the House upon the amendments, and then upon the passage of the bill.

The SPEAKER. The question now is upon reconsidering the motion by which the bill was referred to the Committee of the Whole on the state of the Union.

The question was then taken, and the motion to reconsider was agreed to.

The amendments were then read, severally considered, and agreed to, as follows:

In line 37 to strike out the word "joint," and insert the words "separate and distinct."

On page 6 to insert the following:

SEC. 6. And be it further enacted, That the Secretary of the Treasury shall prescribe the form of the bond to be given for the transportation of goods, wares, and merchandise, from a port in one collection district to a port in another collection district in the United States, as provided in the preceding section; also, the time for such delivery; and for a failure to transport and deliver, within the time limited, any such bonded goods, wares, and merchandise, to the collector at the designated port, an additional duty of one hundred per cent. shall be levied and collected, which additional duty shall be secured by such bond, or said goods, wares, and merchandise may be seized and forfeited for such failure, and any steam or other vessel, or vehicle, transporting such bonded goods, wares, and merchandise, the master, owner, or conductor of which shall fail to deliver the same to the collector at the designated port, shall be liable to seizure and forfeiture.

In line 5, page 7, strike out the word "hereafter."

In lines 8 and 9 of the same page insert the words "after the 1st day of July, 1855."

In lines 6 and 7, on page 8, insert the words "or private."

In lines 9 and 10, on the same page, insert the words "or while in transportation under bond from the port of entry to any other port in the United States."

The SPEAKER. The question is now upon ordering the bill to a third reading.

The question was taken; and it was decided in the affirmative.

The bill was then, according to order, read the third time.

Mr. FULLER. I now move that the bill be put upon its passage.

The question was taken and agreed to; and the bill was passed.

Mr. FULLER moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider on the table; which latter motion was agreed to.

EXTENSION OF A PATENT.

Senate bill No. 151, entitled "An act for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased," was taken from the Speaker's table, and read a first and second time by its title.

The SPEAKER. If no other disposition be ordered of this bill, it will be referred to the Committee on Patents.

Mr. HILL. I move that the bill be now put upon its passage.

The bill was then read from the Clerk's desk *in extenso*. It provides for the renewal, revival, and extension for fourteen years of a patent for the construction of cloth without spinning or weaving.

Mr. HILL. It is unnecessary, Mr. Speaker, to refer this bill to the Committee on Patents, inasmuch as I believe that that committee has already, at an early part of the session, had under consideration the petition of the persons whom this bill proposes to relieve, and reported favorably upon it. They reported a bill similar in its provisions, or rather identically the same, as the bill now on the table. That bill, so reported from the Committee on Patents, is on the Private Calendar, and has already been under consideration. I presume that if the House will pass a bill for the extension of the patent in question it will do so this morning.

I repeat, Mr. Speaker, it is unnecessary to refer this subject to the Committee on Patents, who have already had it under consideration, and made a favorable report upon it. I will repeat what I before said, for the information of the House, that this bill is in relation to the extension of a patent for the construction of cloth without spinning or weaving. It is an important subject for the American community, and the Committee on Patents believed that the extension sought should be granted. I would say, also, for the information of the House, that this bill is similar in its character, and I believe is, word for word, the same, to that heretofore reported by one or other House

of Congress. The matter has been frequently before different committees of both Houses of Congress, and it has invariably met with the favorable action of such committees—never with their unfavorable action. It has passed the Senate, now the second time, I believe, and was lost among the orders of the day here. It has passed this House, also, twice, and was lost in the unfinished business of the Senate.

I therefore move that the bill be put upon its third reading; and upon that motion I move the previous question.

Mr. JONES, of Tennessee. I hope the gentleman from Kentucky [Mr. HILL] will not press the matter to a vote under the previous question, without giving anybody an opportunity to say a word about it.

Mr. CLINGMAN. I would ask the Chair what the question is?

The SPEAKER. It is upon the demand of the gentleman from Kentucky for the previous question upon a bill of the Senate, extending a patent to a certain company in New York, for making cloth without weaving, &c.

Mr. CLINGMAN. I know the object of the bill, but I wish to know the names of the parties.

The SPEAKER. The bill is for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased.

Mr. CLINGMAN. I now understand it. That bill is wrong in its principle, and ought not to be sustained by this House. I can show to the House, and may do so, if necessary, at the proper time, that it ought not to receive their support. There is no good excuse for asking the extension of the patent, which the bill proposes.

The SPEAKER. The previous question has been demanded, and discussion is not in order until that call is withdrawn.

Mr. JONES, of Tennessee. I wish to ask the gentleman from Kentucky a question, and I hope he will withdraw his demand.

Mr. HILL. I withdraw it.

Mr. JONES. If I understand this bill, it proposes to extend a patent which was originally granted for fourteen years, and which has since been extended, under the laws of Congress, for seven years longer.

Mr. HILL. That is the history of the case.

Mr. JONES. That makes twenty-one years for which, under the general laws, the patentees in this case have had the benefits of the patent.

For one, I doubt the propriety, if not the constitutionality of Congress, passing a special act for the benefit of a particular case. The Constitution provides that Congress shall have power "to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries."

That vests in Congress, clearly and evidently, the power to prescribe, by general laws, how the benefits shall be secured to authors and inventors of their productions, and not to give Congress the power, in every isolated case, to go through the forms and expenses of legislating for an individual.

Sir, if general laws do not now give to authors and inventors a sufficient length of time to secure the benefit of their productions, in the name of common sense, let us change the general law, and authorize the Commissioner of Patents to extend the patent, when, in his opinion and judgment, the circumstances should require and justify that course; and thereby take this whole subject of the extension of patents from before the Congress of the United States. I think that is the proper course to be pursued, and then we shall by legislating—not for particular cases, or in conferring special favors—by general laws, without any special case in view to be benefited by it, and thus give all a fair opportunity of securing equal benefits from their labors.

I think this bill should go to the Committee of the Whole House. It is a private bill, and I make the motion so to refer it.

Mr. CLINGMAN. I do not wish to occupy the attention of the House more than a moment at this time. I will content myself by simply saying that I have looked with some care into the merits of this case. It is the most plausible, in my opinion, of all the patent cases upon our docket; and yet I do not think it ought to receive the favorable consideration of the House. When the House

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, MARCH 27, 1854.

NEW SERIES...No. 47.

shall feel disposed to enter upon its consideration, I may call their attention to one or two considerations connected with this matter, unless some one else shall see proper to do so.

I will only say now, that the motion of the gentleman from Tennessee [Mr. JONES] is right. I am willing that the bill should be considered; and, although I have less objection to it than to many other bills for the extension of patents, yet I am satisfied that it ought not to pass. To discuss it at this time would be premature.

I understand, also, that the gentleman from Pennsylvania over the way [Mr. Grow] has the floor in Committee of the Whole upon the Indian appropriation bill, the general debate upon which closes at two o'clock to-day; and I would throw no obstruction in the way of going into Committee.

I trust this bill will be referred to the Committee of the Whole on the state of the Union, and be there discussed. I call the previous question upon the motion of the gentleman from Tennessee, [Mr. JONES.]

If there are a majority in favor of the bill, they can pass it; but I think it ought to be referred.

Mr. HILL. I have not yet yielded the floor; and I do not yield it for the purpose of enabling the gentleman from North Carolina to move the previous question.

Mr. CLINGMAN. I will withdraw the demand if the gentleman wishes to speak upon the subject.

Mr. HILL. It seems to me that the objections gentlemen have urged against the passage of this bill would have been obviated without any further explanation, if they had read the reports which have been made upon this subject heretofore; for we have done nothing more than to adopt the report which was made by the Committee on Patents during the Thirty-Second Congress in regard to it.

In reference to the remarks of the gentleman from Tennessee, I have only to say, that if he will examine the reports which have been made upon the subject, he will see that if there be any proposition of this description to be indulged by the American Congress, it must be this one. These individuals first obtained a patent in 1826 for a very important process invented by them for manufacturing cloth without spinning or weaving; but so defective was their machinery, that they were unable to make their cloth salable to any considerable extent. They could not make it wide enough to command a favorable sale. And until 1846 their profits were nothing at all; and more than that, they sustained immense loss from the fact that the imperfect character of their machinery made it impossible to manufacture cloth of a character suitable for general use. They continued, however, to go on and improve that machinery until 1849, when they had so far perfected it as to enable them to make cloth of greater width, the sales of which were sufficient to defray the expenses of manufacture. And since 1852 they have manufactured cloth fifty, and, I believe, fifty-four inches wide—not perhaps of such a texture and finish as some gentlemen upon this floor would select for their own personal wearing apparel, but they have manufactured broadcloth as durable and nearly as fine as ordinary broadcloth, and of such a character as to be a very desirable article in market.

Since 1850 they have been making a little profit from the manufacture of the article; but, as I have before remarked, and as is shown by abundant proof, they had theretofore sustained immense losses from their experiments in perfecting their machinery; and now they have brought it to such a degree of perfection that they manufacture broadcloth for twenty-five or thirty per cent. less than the ordinary article, and much superior in durability, without spinning or weaving.

I present it, therefore, to the consideration of gentlemen of this House, whether it is not a matter of vast importance to the consumers of broadcloth in the country to be enabled to procure a superior article for twenty-five or thirty per cent. less than the price of ordinary cloth?

Mr. SMITH, of Virginia. I desire to interrupt the gentleman for the purpose of asking him a question. I want to know whether the Commissioner of Patents has examined this subject; and if so, whether he has already extended the patent as far as he has the power to do, or whether he has refused to extend it further?

Mr. JONES, of Tennessee. He has extended it twenty-one years, which is as long as he has the power to extend it.

Mr. HILL. The Commissioner of Patents has no power to extend it further. I can only repeat, what I have already said, that it is but a matter of justice for Congress to extend this patent, to enable the patentees to reimburse themselves for the immense losses they have sustained in perfecting their machinery. I look upon the matter as a great national affair. It is certainly a thing of great importance, that the price of so necessary an article as broadcloth should be reduced twenty-five or thirty per cent. less than that made by spinning and weaving.

Mr. INGERSOLL. This is a matter in which the interests of my constituents are involved. The report made by the Committee on Patents gives all the facts of the case, and I am sure will convince members that the bill ought to pass; and therefore I would ask that it be read. It is brief, and will occupy but a few minutes in its reading.

Mr. HILL. Let the Clerk read the report.

Mr. CLINGMAN. I want to see whether I correctly understand the statement made by the gentleman from Kentucky. I understand him to say that the first patent was granted in 1826.

Mr. HILL. No, sir; but in 1836.

Mr. CLINGMAN. Then it will run out in 1857. Under the last renewal there yet remain three years before the patent will expire.

Mr. HILL. I do not recollect the precise period at which the patent expires.

Mr. CLINGMAN. The patent was renewed in 1850, as will be perceived by reference to the report of the committee, and will expire in 1857. From 1850 up to this time the patentees, according to what has been said by the gentleman from Kentucky, [Mr. HILL,] have been making large profits. I would like to know what these profits are, and how much they will be in 1857? Further, I would like to know how far it is proposed the patent shall be extended? Is it for fourteen years, or longer?

Mr. McNAIR. I understand that, at the present time, the expenditures of the patentees in the enterprise are \$17,000 more than the receipts.

Mr. CLINGMAN. I understand differently.

Mr. HILL. It is my understanding that the small profits which they have made does not at all compensate them for the immense losses which they have sustained. The report embraces all the facts of the case, as has been remarked by the gentleman from Connecticut, [Mr. INGERSOLL,] and I ask that it be read by the Clerk.

The Clerk then read the report.

Mr. HILL. The report just read was made in the Senate at the last session of Congress. The bill upon your table was fully and ably discussed in that body, when upon its passage. It passed finally, with but one dissenting voice. I am opposed to the bill being referred to the Committee of the Whole on the state of the Union. We already have a similar bill reported from the Committee on Patents, which is now upon the Private Calendar, and if it goes to the Committee of the Whole on the state of the Union it will remain there during the balance of the session, and will be lost among the unfinished business, at the close of the session. I hope, therefore, that the bill will not be referred to the Committee of the Whole on the state of the Union, but that it will be passed. I move the previous question.

Mr. CLINGMAN. I ask the gentleman from Kentucky if he will not withdraw his demand for the previous question, as I promise to renew it. I will not occupy over ten minutes time.

Mr. HILL. I would be willing to oblige the gentleman, but gentlemen all around me are insist-

ing upon a vote, and I cannot therefore withdraw my demand for the previous question.

Mr. CLINGMAN. I move then to lay the bill upon the table, and upon that motion I ask the yeas and nays.

The yeas and nays were not ordered.

Mr. CLINGMAN. I demand tellers upon the yeas and nays.

Tellers were not ordered.

The question was then taken; and the House refused to lay the bill upon the table.

The previous question was then seconded, and the main question ordered to be put.

The SPEAKER. The question first in order is upon referring the bill to the Committee of the Whole on the state of the Union.

The question was then taken; and the House refused to commit the bill.

The bill was then ordered to, and received its third reading.

Mr. HILL. I now move that the bill be put upon its passage; and upon that motion I ask the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. CLINGMAN. I move to reconsider the vote by which the bill was ordered to be read a third time. I suppose that that motion is in order. Now, Mr. Speaker—

Mr. DEAN, (interrupting.) I rise to a question of order. The gentleman from North Carolina is not in order.

Mr. CLINGMAN. I will remind the Chair that at this very session I brought to the notice of the Chair a decision on a similar point. The point made was this: The Chair will recollect it, for I made the same point myself some time since. I called the attention of the Chair to a decision, that upon a motion to reconsider, the previous question was exhausted. "You, Mr. Speaker, then decided that it was so."

The SPEAKER. That is true. The Chair makes no point of that sort. But it is also true that the demand for the previous question on the passage of the bill succeeded. And although it may be—and the Chair thinks it is—competent to reconsider the vote by which a bill is ordered to a third reading, yet the Chair thinks that a motion to reconsider is not debatable.

Mr. CLINGMAN. My object was to speak briefly on the subject.

Mr. JONES, of Tennessee. I would say, Mr. Speaker, that the reverse of that decision was held in the Congress of which Mr. Cobb was Speaker. I recollect one case of the kind distinctly, where it was decided that it was in order to debate a motion to reconsider after the previous question was called.

The SPEAKER. The Chair holds that the motion is not debatable; and the only way to reach a point wherein it would be debatable, is on a motion to reconsider the vote, after the succeeding of the previous question. That is the decision of the Chair, and the Chair thinks it is a proper one under the rule.

Mr. EDGERTON. I move to lay the motion to reconsider on the table.

The question was taken; and the motion was agreed to.

The main question was then ordered to be put.

The question then recurring on the passage of the bill—

Mr. CLINGMAN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered—26 seconding the call, and 104 opposing it.

The roll was then called; and there were—yeas 107, nays 52; as follows:

YEAS—Messrs. Aiken, Willis Allen, Banks, Belcher, Bell, Bennett, Benson, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Cobb, Cook, Corwin, Cox, Cullom, Cutting, John G. Davis, Thomas Davis, Dean, Dickinson, Dowdell, Dunbar, Eddy, Edgerton, Edmunds, Elliott, Etheridge, Everhart, Failey, Franklin, Goodrich, Green, Greenwood, Grey, Grow, Harrison, Hendricks, Hill, Hunt, Ingersoll, Johnson, Kerr, Knox, Latham, Lilly, McCulloch, McMullin, McNair, Matteson, Maxwell, May, Mayall, Meacham, Middleswarth, John G. Miller, Nichols, Norton, Andrew Oliver, Mordecai Oliver,

Orr, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Furryear, Reese, Riddle, David Ritchie, Thomas Ritchey, Robbins, Russell, Sabin, Sapp, Seymour, Simmons, Skelton, Gerrit Smith, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Straub, John J. Taylor, Thurston, Tracy, Trout, Upham, Vail, Vansant, Wade, Warren, Elihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Hendrick B. Wright, Yates, and Zollinger—107.

YAYS—Messrs. James C. Allen, Ashe, Barksdale, Bock, Brooks, Gaskie, Chastain, Churchwell, Clingman, Craige, Curtis, Dent, Eastman, Ellison, Fenton, Goode, Aaron Harlan, Sampson W. Harris, Hastings, Haven, Henn, Hibbard, Houston, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kittredge, Kuriz, Lane, Lyon, Macdonald, McQueen, Smith Miller, Milson, Morgan, Morrison, Murray, Olds, Packer, John Perkins, Phelps, Powell, Pringle, Ready, Rufin, Shaw, William Smith, Walker, Walley, Walsh, and Witte—52.

So the bill was passed.

Mr. HILL moved to reconsider the vote by which the bill was just passed, and to lay the motion to reconsider on the table; which latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. ORR. I move that the rules be now suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. The debate on the Indian appropriation bill closes at two o'clock, and it is now within one hour of that time.

Mr. WARREN. I hope the gentleman from South Carolina will withdraw his motion for a moment.

Mr. ORR. For what purpose?

Mr. WARREN. I want to get leave to withdraw certain papers from the files of the House. The SPEAKER. What is the object of withdrawing them?

Mr. WARREN. I want to withdraw them for the purpose of returning them to the parties. Objection was made.

[Mr. GREEN, from the Committee on Enrolled Bills, here reported, as correctly enrolled, bills of the following titles:

An act for the relief of the settlers upon lands reserved for railroad purposes; and

Joint resolution relative to bids for provisions, clothes, and small-stores for the use of the Navy.

Which thereupon received the signature of the Speaker.]

Mr. WARREN. I wish to advise the House of the character of the papers I desire to withdraw. At an early period of the session I introduced a bill for the relief of one John Gossett, which was predicated upon two land warrants assigned to him, under a power of attorney, prior to the issuing of the warrants. Ascertaining that a bill for his relief cannot possibly be passed, his remedy is in the courts. I desire to withdraw the papers for the purpose of sending them to the petitioner, to enable him to institute his action to the courts.

No objection being made, leave was granted to withdraw the papers.

Mr. SKELTON. I ask the unanimous consent of the House to present joint resolutions passed by the Legislature of New Jersey.

Mr. ORR. If they are not to be read, I do not object; but if they are, I do object, for I want to get into committee.

Mr. EASTMAN. I object.

Mr. ORR. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken; and the motion was agreed to.

And the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of House bill No. 46, making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855.

The CHAIRMAN. When the committee last rose, they had under consideration House bill No. 46, and upon that bill the gentleman from Pennsylvania [Mr. Grow] has the floor.

Mr. GROW said: The Committee on Indian Affairs have had under consideration the memorial of the Cherokee Indians residing in States east of the Mississippi river, praying the payment of money which they claim to be due them, under the treaty of the 29th of December, 1835, and the supplement thereto of the first of March, 1836; and that committee instructed me, at the proper

time, to offer an amendment to the Indian appropriation bill, for the payment of that claim, amounting to the sum of \$92,625 18, with interest thereon from December 14, 1852, the time when the petition and papers were filed before Congress.

Knowing that we should be called upon to explain the merits of this claim, as well as the reasons for our action, and as that could not be done intelligibly to any gentleman unacquainted with the facts in a five-minute speech, and as general debate on this bill closes at two o'clock to-day, I have been forced to take this occasion to explain the amendment.

But for that fact, and the sense of duty which, as a member of the Committee on Indian Affairs, I owe to the appropriate business of the House, I should gladly have acceded to the request of the gentleman from New York [Mr. CUTTING] yesterday, and yielded to him the floor.

For a proper understanding of this claim, it is necessary briefly to review the history of the settlements and changes of the Eastern Cherokees for some years past.

The Cherokees originally occupied a territory covering a portion of the States of Tennessee, North Carolina, Georgia, and Alabama. Up to 1809 that was their home. Then, under the permission of the President of the United States, such of them as chose to do so were permitted to emigrate to a settlement on the Arkansas and White river, in what is now the State of Arkansas. They continued to emigrate, as suited their own inclination and convenience, until 1817, when a treaty was formed with the Government of the United States, securing to them the right of settlement upon those rivers; and they continued to emigrate thither under the provisions of this treaty till 1828, when a new treaty was formed, granting them seven millions of acres of land west of the territorial limits of Arkansas, which were guaranteed and secured to them by the Government as a permanent home.

These seven million acres were granted for the purpose of inducing them to abandon their settlements on White and Arkansas rivers, to which many of them had removed since the permission of the President in 1809, and to settle west of the State limits of Arkansas, so as to avoid the troubles to which they had been exposed in Georgia, by being included within any territorial or State jurisdiction. From the time of the first emigration to Arkansas, the Cherokee Indians were known by the designation of Eastern and Western Cherokees—and this was the only division known in the tribe till the formation of the treaty of 1835. That emigration continued, and the relation of the tribe and the Government remained the same till 1830, when the State of Georgia extended her laws over the Indian territory within her limits. She caused the lands to be surveyed and sold, and the purchasers of the State went on, took possession, and ousted the Indians; and this state of quasi hostility continued with the whites and the Indians until 1835, when a treaty was formed with the Government of the United States, by virtue of which Congress agreed to pay the Cherokee nation \$5,000,000 for "all their lands and possessions east of the Mississippi river;" and it was further stipulated that they were to remove within two years.

A supplement to that treaty was added, however, in 1836, by which the Senate agreed to pay \$600,000 "to include the expense of their removal, and all claims of every nature and description against the Government of the United States, not otherwise expressly provided for;" thus making the treaty fund set apart by the General Government to be paid to the Cherokee nation for their lands and possessions, and for removal and spoliation, \$5,600,000.

This treaty was made on the part of the Cherokees by certain men of the nation, in order to avoid expulsion by the State of Georgia, and forcible removal by the General Government. But John Ross, their chief, and leading spirit, refused to make any treaty, or to comply with the provisions of the one already made. He denounced the men who made it as traitors to their nation, in selling their homes and the graves of their fathers. Many of them he doomed to death; and that was the sentence he pronounced upon all who acquiesced in the treaty. He refused to comply with its stipulations; stood out in opposition to the Government, and would not remove; and, under

his influence, a large part of the tribe took the same position, and were called the Ross party; while those who formed the treaty, and were ready in good faith to observe it, were called the Treaty party.

Well, sir, the two years allowed by treaty for their removal expired, and none had left save a portion of the treaty party. General Scott was sent by order of the Government to remove them, peaceably if he could, but if not, at the point of the bayonet. In 1838 General Scott went into the Indian country for the purpose of removing the Indians west of the Mississippi, according to the treaty which had been formed by the treaty party of the Cherokees. I hope gentlemen will bear in mind the different terms by which these different parties were known in order properly to understand the merits of this claim.

There were of the Eastern Cherokees the treaty party who made the treaty with the Government, and were ready to abide by its terms, a portion of whom had removed west to the Cherokee country set apart by the Government. Then there was the John Ross party, who were opposed to the treaty and to removal. The Western Cherokees were also divided by the treaty into two factions. The one, embracing those who had emigrated under the permission of the President in the first place, and subsequently under the treaties of 1817 and 1828, were called the "old settlers." Those who left the States and went west under the treaty of 1835, were called the treaty party west. Here, then, of the Western Cherokees there were the "old settlers," and the treaty party west. General Scott goes to remove the balance of the tribe east, being the Ross portion, which had refused to remove.

Let me here state a stipulation of the treaty of 1835. It was stipulated that the Cherokees were to sell to the United States all their lands and possessions east of the Mississippi river, for which the Government was to pay \$5,000,000. But by the twelfth article of said treaty it is expressly provided, that—

"Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this treaty for their claims, improvements, and *per capita*."

Here, then, by this treaty, such of the Cherokees as preferred to remain in the States and become citizens, were entitled to all the benefits for their claims and improvements, and their *per capita* share of the money to be paid to the tribe. A number of these Cherokees have remained in the States under this provision of the treaty of 1835, and become citizens of the States. They have then complied with its terms, and they are the party in Congress to-day asking that their rights under the treaty shall be granted. They are the party that ask their *per capita* of the amount which the Government agreed to pay by the treaty of 1835. To explain the basis of their rights I shall refer to the subsequent treaty, its terms and conditions, and what has been done by the Government.

By the 8th article of the treaty of 1835:

"The United States also agree and stipulate to remove the Cherokees to their new homes, and to subsist them one year after their arrival there." * * *

"Such persons and families as, in the opinion of the emigrating agent, are capable of subsisting and removing themselves, shall be permitted to do so; and they shall be allowed in full for all claims for the same \$20 for each member of their family; and in lieu of their one year's rations they shall be paid the sum of \$33 33, if they prefer it."

Removal is then fixed by the treaty at \$20 per head, and subsistence at \$33 33 per head. These are the terms of the treaty; and the Cherokees now residing in the States claim that the Government could allow no greater sum than that to be deducted from the treaty fund. They claim that the Government can only take out of the \$5,600,000 for removal and subsistence the sum of \$53 33 per head.

But then the question arises, what has the Government allowed for removal and subsistence? And what was the reason for that allowance? General Scott was sent there, as I said before, in 1838, to remove the balance of these Indians. The Ross party refused to go. General Scott collected them together and was about to force their removal, according to his orders, at the point of the bayonet. A negotiation was then entered into between General Scott and John Ross, by which

he agreed to permit Ross to remove the Cherokees at an allowance of \$65 88 a head, with some incidental expenses, making it \$65 90 per head, provided the removal of each company took but eighty days. But, in addition, he made this supplemental agreement, that if their removal took over eighty days, then the Government was to pay a proportional amount for the excess over the eighty days; and if they reached their new homes in less time, the allowance was to be proportionately less. Ross, however, took good care that none of his party should reach their new homes in less than eighty days, but some of them took one hundred and eighty-six, and as high as one hundred and eighty-nine days; for, under his arrangement with General Scott, which was afterwards ratified by the Government, he was to be allowed a proportional amount for every day exceeding eighty. So that instead of the removals costing \$53 33 per head, as provided in the treaty of 1835, or \$65 90, as estimated by General Scott in his agreement with Ross, it amounted to sums varying from \$65 90 to \$155 69, according to the number of days consumed by each detachment in their removal. The \$65 90 per head was paid by the Government out of the appropriation of the 12th June, 1838, of \$1,047,068. But the amount of the difference between \$65 90 per head and the varying sums per head up to \$155 69, was taken from the treaty fund, and thereby reducing the *per capita* under the treaty of 1835-'6. This is one of the grounds upon which this claim rests. In consequence of this agreement of General Scott with Ross, by which the terms of the treaty were changed, the Eastern Cherokees, who were no party to it, have been deprived of a portion of the *per capita* secured to them under the treaty of 1835-'6, and the 10th article of 1846.

The precise terms of the agreement of General Scott with Ross may be found in his answer to certain interrogatories of the attorney of the Cherokees, embodied in report of Mr. Harris, made August 27, 1842, No. 1093, of second session Twenty-Seventh Congress, volume 5 of Reports of Committees, and is in these words:

"The march of the several Indian detachments was averaged (by estimate) at eighty days, and on that estimate money was advanced to Mr. John Ross. If that estimate was found too great, Mr. Ross was to refund to the nation; and if too small, including the unavoidable delays mentioned above, it was understood and agreed that the subsistence, &c., for the excess of time on the road was to be paid by the Government out of the fund of the Cherokees."

Here, then, is a stipulation by General Scott to pay, as I said before, \$65 90 per head for the removal and subsistence of these Indians with a varying amount according to the time consumed in their removal. Shall the Eastern Cherokees, acting under the treaty of 1835, be prejudiced by that stipulation? Are they bound by a subsequent arrangement, entered into by General Scott and John Ross, by which their treaty fund is to be absorbed for the removal and subsistence of the Indians, to a greater amount than is provided for by the treaty of 1835, under which they acted, and by which the Government is bound? Your Committee on Indian Affairs believe that no such subsequent arrangement by an individual of the Indian tribe and an officer of this Government, not acting in the capacity of a treaty-making power, can change or alter the treaty. Your committee believe that the Eastern Cherokees cannot be prejudiced by any such arrangement, and that this Government must abide by the treaty of 1835, made with them, and give them whatever rights are secured by that treaty. If the Government officer has been overreached by any chief of that tribe, it is not the fault of the Indians who are entitled to *per capita* under the treaty. What, then, are their rights under the treaty of 1835, for whatever they were at the time it was concluded, they remain the same to-day, so far as the Eastern Cherokees are concerned; for, by the 10th article of the treaty of 1846, which is the last and only treaty made with the Cherokees, or any part of them since the treaty of 1835-'6—

"It is expressly agreed that nothing in the foregoing treaty contained shall be so construed as in any manner to take away or abridge any rights or claims which the Cherokees now residing in the States east of the Mississippi river had, or may have, under the treaty of 1835 and the supplement thereto."

So it matters not what may be the terms and conditions of the treaty of 1846, as to any rights of the Cherokees remaining in the States east of the Mississippi; for they were not to be affected

by it. But owing to the difficulties which had grown up among the Cherokees themselves, and the factions into which they were divided, it became necessary in 1846 to make that treaty in order to settle, if possible, these conflicts, and jarring interests among the Western Cherokees. And a treaty was then made by all sections and parties of the Cherokee people, including the old settlers West, the treaty party West, the John Ross party that were then West, and the treaty party East, or Cherokees remaining in the States. What were the conditions of that treaty, and how are the Cherokees now residing in the States affected by it in their rights and claims upon the Government? That treaty is final and conclusive, and all settlements under it a bar upon all Cherokees west of the Mississippi, and would be upon those east but for the tenth article. Whatever rights there were guaranteed to them under the treaty of 1835 were in no way changed or abridged by the treaty of 1846; but, on the contrary, they were readmitted and confirmed to them. So, in determining the rights of the Eastern Cherokees, it is not necessary to inquire into the terms and provisions of the treaty of 1846. But to prevent confusion of ideas, it may be proper to refer to it briefly.

By the ninth article of the treaty of 1846, it is stipulated that all sums paid for improvements, ferries, spoliations, removal and subsistence, and for various other purposes that it is not necessary here to enumerate—

"The aggregate of said several sums shall be deducted from the sum of \$6,647,067; and the balance thus found to be due shall be paid over *per capita* in equal amounts to all those individuals, heads of families, or their legal representatives entitled to receive the same under the treaty of 1835, and the supplement of 1836, being all those Cherokees residing east at the date of said treaty and the supplement thereto."

By this article all sums paid for removal and subsistence, which included the enormous amounts under the agreement of General Scott with Ross, were to be deducted from the aggregate fund of \$6,647,067. This sum is the amount of the original fund of \$5,600,000, provided by the treaty of 1835-'6, added to the \$1,047,067 appropriated the 12th of June, 1838, to cover expenses of removal. The wording of the act is:

"That the further sum of \$1,047,067 be appropriated out of any money in the Treasury not otherwise appropriated, in full, for all objects specified in the third article of the supplementary articles of the treaty of 1835, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal west: *Provided*, That no part of the said sum of money shall be deducted from the \$5,000,000 stipulated to be paid to the said tribe of Indians by said treaty."

By this treaty the fund is fixed at \$6,647,067, from which is to be deducted all sums whatever paid by the Government for removal and subsistence, and other enumerated objects, and the balance is to be distributed, *per capita*, among all the Cherokees residing east at the time of the treaty of 1835 and 1836. The Eastern Cherokees have received their proportionate share of that sum, and would, like the Western Cherokees, be entitled to nothing more, but for the tenth article of the treaty of 1846. By the treaty of 1835 removal was fixed at \$20, and subsistence at \$33 33 per head, and the treaty fund from which they were to be subtracted, \$5,600,000. By the treaty of 1846 the fund was \$6,647,067, from which removal and subsistence were to be subtracted, at whatever amounts the Government had paid. To this arrangement all the Cherokees were parties, and bound by it, except the Eastern Cherokees, who were expressly excepted by the tenth article.

By this agreement of General Scott the removal and subsistence of these Indians amounted to the sum of \$2,952,196 26, while by the treaty of 1835, allowing \$53 33 per head, the amount would have been only \$961,326 58. That is the amount for the removal of 18,026 Indians, the number removed, at the rate fixed by the treaty of 1835. Now, the Eastern Cherokees claim that that is the entire amount for subsistence and removal that can be taken from their fund under the treaties. The Government has paid all the money that they ever stipulated to pay. The whole fund was paid over—paid over in this way.

By the final settlement, February 27, 1851, all of the amount for subsistence and removal was added up, according to the stipulations of the ninth article of the treaty of 1846; and these amounts, together with the other sums enumerated, put to-

gether, and the total subtracted from the treaty fund of 1846. The Western Cherokees, therefore, have no wrong to complain of. The money they used in removal and subsistence was taken out of the general fund. But the Eastern Cherokees ought not to be protected in their rights, under the treaty of 1835, notwithstanding any settlement or laws made under the treaty of 1846, when the tenth article of that treaty reserves all their rights and claims under the treaty of 1835. The Western Cherokees, in addition to the treaty of 1846, are precluded from any further claim by the settlement of February 27, 1851, which is in these words:

"For the payment to the Cherokee nation, the sum of \$724,603 37, and interest on the above sum, at the rate of seven per centum per annum, from the 12th day of June, 1838, until paid, shall be paid to them out of any money in the Treasury not otherwise appropriated; but no interest shall be paid after the 1st day of April, 1851, if any portion of the money is then left undrawn by the said Cherokees: *Provided, however*, That the sum now appropriated shall be in full satisfaction, and a final settlement of all claims and demands whatsoever of the Cherokee nation against the United States under any treaty heretofore made with the Cherokees. And said Cherokee nation shall, upon the payment of said sum of money, execute and deliver to the United States a full and final discharge of all claims and demands whatsoever on the United States, except for such annuities in money or specific articles of property as the United States may be bound by any treaty to pay to said Cherokee nation; and except, also, such moneys and lands, if any, as the United States may hold in trust for said Cherokees: *And provided further*, That the money appropriated in this item shall be paid in strict conformity with the treaty with said Indians of 6th August, 1846."

Here, then, is a final settlement under the treaty of 1846; and with whom? With the Cherokee nation, and not with the Cherokees, who have abandoned their tribal character, and have become citizens of the States, under the treaty of 1835. Individual Cherokees, who were citizens of States east of the Mississippi river, at the date of the passage of the law, are not barred by it, but are in good faith still entitled to their proportionate share of all moneys justly due under the treaty of 1835-'36, before it was modified by the treaty of 1846. This construction is sustained by the second proviso:

"*And provided further*, That the money appropriated in this item shall be paid in strict conformity with the treaty with said Indians, of 6th August, 1846."

The Cherokee nation, with John Ross at their head, had removed to the Western Cherokee country. He took with him not only his branch of the tribe, but their laws and government, and planted them upon the Cherokee country west, secured by a former treaty. They were then the Cherokee nation proper, and are such to-day. The Cherokees still residing in the States have become citizens of the States in which they reside. Here was a final and conclusive settlement with the Cherokee nation. The Western Cherokees, then, have no claim upon this fund, and no claim upon the Government.

Then what is there due to the Cherokees still residing in the States? The Senate of the United States was constituted umpire upon two points which were submitted to them, and their decision was to be final, and become a part of the treaty. One question submitted to them was, whether subsistence shall be charged at a greater rate than \$33 33 a head? By the report of the Senate committee that sum was to be deducted from the treaty fund, and no more. They found, at that time, a balance due to the Cherokees of \$627,230 40. They also found due to them \$96,999 42 for certain contingent expenses, which were improperly charged to the general treaty fund, paid to the various agents of the Government connected with the removal of the Indians. For the United States, under the fifth article of the supplement to treaty of 1835, agreed to pay all the expenses of these negotiations. The Cherokees contended that the amount expended by the United States for agents was not within the meaning of that article of the treaty. In that belief the Senate committee concurred, and they reported that the sum of \$96,999 42 as due them on that account, being an improper charge on the treaty fund.

These two sums taken together make the amount of \$724,603 37 as due to the whole Cherokees; to which should be added \$189,422 76, overcharged for subsistence, making the whole amount due at that time, \$914,026 13. The Cherokees residing in the States have received their proportionate share of that amount. But they claim a proportionate share of the difference between the amount of subsistence, counted at

\$33 33 per head, and the amount paid to John Ross, under the arrangement with General Scott. This they claim under the treaty of 1835. What, then, were their rights under that treaty and the supplement thereto? Whatever they were, they remained unaffected by the treaty of 1846.

The amount the Government agreed to pay by the treaty of 1835, and the supplement thereto, was..... \$5,600,000 00

The expenditures provided for in the 15th article of said treaty that are to be deducted from this sum, the items of which are given on the third page of the Senate's report, amount to..... \$4,028,653 45

Which, being deducted from the treaty fund, leaves for *per capita* distribution among all the Cherokees, east and west..... \$1,571,346 53

But the Cherokees east, have received their proportionate share of..... \$914,026 13

Which, deducted, would leave, but for treaty of 1846..... \$657,320 40 to be divided *per capita* among all the Cherokees. But as the Cherokees east, by the tenth article of the treaty of 1846, were not in any way to be affected in their rights and claims under the treaty of 1835, by anything contained in the treaty of 1846, they are therefore entitled to their proportionate share of the \$657,320 40; to which should be added \$22,212 76, the amount charged for Cherokee committee, and which was improperly deducted from the treaty fund, as it is not one of the items specified in the fifteenth article of the treaty, by which the kind of expenditure is fixed that is to be deducted from said fund. By the supplemental article to the treaty of 1835, \$600,000 was agreed upon, "to include the expense of removal and all claims of every nature and description against the Government of the United States not herein otherwise expressly provided for." An amount for removal and spoliation, exceeding \$600,000, could not, therefore, be deducted from the treaty fund. But the cost of removing the eighteen thousand and twenty-six Indians, being the number removed, at \$20 per head, amounts to the sum of..... \$360,520 00

And there was charged for spoliation, 264,894 09

Making in all, for removal and spoliation..... \$625,414 09 being \$25,414 09 greater than the amount provided for in the treaty, and therefore improperly deducted from the treaty fund, and which amount should therefore be added to the \$657,320 40, making the whole amount justly due to the Cherokees under the treaty of 1835, \$704,947 16, of which the Cherokees east would be entitled to their proportionate share; the Cherokees west being concluded by the treaty of 1846. Divide this sum equally between sixteen thousand two hundred and thirty-one, this being the number of Cherokees both east and west by the census of 1851, under which the \$914,026 13 was paid *per capita*, and it would give each person \$43 43 per head. But the Western Cherokees have no further claim to *per capita*, being concluded by the treaty of 1846 and the final settlement of February 27, 1851; and the number of Cherokees east by the census aforesaid, who are entitled to *per capita*, being two thousand one hundred and thirty-three, at the rate of \$43 43 per head, would give them in the aggregate, as their proportionate share of this amount still due, the sum of \$92,625 19, which we have reported with interest from the 14th of December, 1852, to the time of payment.

We have reported interest for this reason: The question was submitted to the Senate, whether the Government should pay interest from the time the money became due. The Senate agreed to allow interest at five per cent. from that time; but your committee did not feel authorized to discontinue the practice which they believe to be a sound one, of refusing to pay interest upon all claims against the Government until the proofs and papers are completed and filed. They have, therefore, reported in favor of allowing interest from the time the papers were filed in this House, and referred to a committee. They thought proper to allow interest from that time, because, if the Government fails to dispatch its business and to liquidate its debts, the honest claimant ought not to suffer therefor.

Sir, the principal points upon which I have touched in explaining this claim are contained in the report the Indian Committee instructed me to make. Should gentlemen desire to consult it, I will call their attention to some typographical errors which it contains. On the 2d page, 1st article of treaty of 1846, should be 10th; on the 3d page \$757,320 40, should be \$657,320 40, and "captations" should be "spoliations;" and on the 9th page \$1,047 67, should be \$1,047,067.

Sir, if there be any tribe, or any portion of a tribe of Indians, with whom this Government should faithfully keep all its guarantees, the Cherokees, now remaining in the States, are such a people. They entered into a treaty with your Government, against the remonstrance of the chief of the tribe and a large portion of its members, to save themselves from a forcible removal from the land of their fathers. They entered into it after Georgia had extended the jurisdiction of her laws over them, and turned them out of their homes. They entered into this arrangement, having ever stood the firm and the fast friends of the white man. They marched with General Jackson and our countrymen in defense of the country against the hostile Creeks. They have ever warred on the side of the Government, and have been true to its citizens. At the special investigation and request of the Government they came forward and signed a treaty, to save a conflict between the State of Georgia and the General Government. Georgia was claiming that the Government should remove the Indians out of her limits. She was asserting her jurisdiction over all the territory within her limits as she had a right to do. The Government then solicited these men to enter into the treaty. For so doing death was their lot. Many fell by the hand of the Ross party. Those who now remain in the States dare not go into the Western Cherokee country. These are the men who claim justice at your hands. They only ask the fulfillment of treaty stipulations, and certainly there can be no hesitancy in granting to them whatever rights are secured to them under Government treaties.

Mr. HOUSTON. I did not intend taking the floor if any gentleman desired to address the committee during the time remaining previous to the hour at which this debate terminates. But as there are only a few minutes left, which other gentlemen seem disinclined to occupy, I will say a few words in relation to the amendment which has just been argued by my friend from Pennsylvania, [Mr. Grow.] Before, however, I approach that branch of the observations which I intend to submit, I desire to call the attention of the committee to the amendments of the chairman of the Committee on Indian Affairs. By reading the document, No. 38, which was laid upon our tables on yesterday, it will be discovered that the appropriations contained in those amendments are mostly intended to authorize the negotiation of treaties between the Government of the United States and various Indian tribes in Oregon, Washington, New Mexico, and Utah Territories. I am willing to admit that I am not so well advised as my friend from South Carolina [Mr. Orr] in regard to the propriety and necessity of these appropriations—the estimates having been sent to the committee of which he is chairman, and I not having known of or had an opportunity to examine them; but I propose, however, to submit to the committee a few thoughts in relation to them.

It seems to me, Mr. Chairman, from the information contained in the documents to which I have referred, that the treaties here proposed to be made are for the acquisition of territory which we do not now need, and will not, in all probability, for a quarter or half century to come. We propose to mark out and restrict the boundaries of Indian tribes who, wild and roaming, know nothing about treaties or the obligations growing out of them, and to acquire, by this attempt at restricting the wild Indians, territory not demanded, or likely soon to be, by the public interest. For that reason, it seems to me, this committee ought to consider well the policy, the tendency of the propositions, and what it intends to do, before it acts. These are grave and important propositions, extending, and, as I think, complicating, our Indian system and relations—assuming responsibilities with, and incurring obligations towards, the wild and roving Indian who is entirely beyond the most remote borders of our settlements.

Some few years since, many treaties were made with the Indians in the Territory of Oregon. Those treaties were so improperly made that they have been either rejected by the Senate, or, for some reason, they have not been ratified and agreed to. The proposition to negotiate treaties with the Indian tribes in Oregon, I have no doubt, is, to some extent, right and proper; and the same may be true, to a limited extent, in relation to the Indians in Washington, New Mexico, and Utah. It appears to me that an appropriation of money is not needful for the purpose of making treaties with those wild Indians whose haunts and roving grounds are far beyond where the white man ever goes, and who do not infest the routes to our distant States and Territories; and especially is this objection well taken to the talk which is proposed to be had with the Blackfeet, Grosventres, and other wild tribes of the mountains. It does seem to me that an appropriation of \$100,000 for the purpose of bringing together those wild, harmless, and scattered tribes, with the view to a "talk" with them, is an expenditure of money not demanded by the public interest.

Mr. ORR, (interrupting.) One of the objects of holding this council, is for the purpose of trying to secure, if possible, a permanent peace between these Blackfeet and other wild tribes, and the semi-civilized Indians in Washington and Oregon. I will state, further, that these Blackfeet Indians are constantly making incursions on the whites, and assailing the emigrant trains going to Oregon. They roam from latitude fifty-two or fifty-three, in the British possessions, down to the line of New Mexico; they traverse that whole region of country.

Mr. HOUSTON. Well, sir, I do not so understand the facts in relation to that tribe; and unless the gentleman from South Carolina has reliable information on the subject, I must still be permitted to doubt the accuracy of his history. They roam high up on the Missouri river, beyond the junction of the Yellow Stone, and thence unto the mountains, and never come so far south as the routes of our emigrant trains.

But, sir, I pass from this branch of the subject for the purpose of presenting some views in relation to the amendment which has been urged by the gentleman from Pennsylvania, [Mr. Grow,] although I labor under the inconvenience and disadvantage of not having had access to the documents and papers which present that claim in its true light. It is true the gentleman made a report on the subject from the Committee on Indian Affairs, but that report was only laid on our tables yesterday evening. It involves an examination of some half dozen treaties, reports, and statutes, and it is not a very reasonable supposition that it could be, in one short evening, properly investigated and understood by any gentleman. Nevertheless, I think I know enough about it to show that the claim ought not to be agreed to and allowed by this committee.

This claim is predicated upon and grows out of the treaty of December, 1835. We had negotiated many treaties with the Cherokees previous to that time, but the treaty of 1835 is the beginning, I believe, of this claim. By that treaty, to which the gentleman from Pennsylvania [Mr. Grow] has made extensive reference, the Government of the United States agreed to pay to the Cherokee Indians, both west and east, (for in our treaties with them they were regarded as but one tribe,) \$5,000,000 for their lands east of the Mississippi river. The whole consideration of the purchase, as originally made in that treaty, was \$5,000,000 for their entire possessions east. The gentleman from Pennsylvania has argued to show that, by that treaty, we also bound ourselves to pay for their removal west and one year's subsistence. In that he is mistaken; no such provision is to be found in that treaty. On the contrary, it, in express terms, provides that the expenses of removal and subsistence shall be paid by the tribe, and to be deducted from the treaty fund. The gentleman says he does not controvert the statement I have made.

Mr. GROW. I did not intend to argue that the expenses of the removal and subsistence of the Indians should come out of the \$5,000,000, but out of the \$600,000 which were appropriated by a supplementary treaty.

Mr. HOUSTON. The gentleman does not seem to understand me. I have not as yet said

anything about the supplementary treaty of 1836. I say that the treaty of December, 1835, gave \$5,000,000 to the Indians for their possessions East, and also expressly provided that the fund thus created should pay the expenses of removal and subsistence of the Indians. Is there any doubt upon that point? If so, allow me to read from the report of the Indian Committee of the Senate, which was adopted by the Senate, in which the same fact is stated. But the gentleman attempts to shelter himself under the provisions of the treaty of 1836. Let us see what additional light that treaty sheds upon this subject? What was the treaty of 1836? About the time of the ratification of the treaty of 1835, the Ross party of the Cherokee Indians filed a protest against its ratification, and that protest was before the Senate at the time of their action upon it. Nevertheless, the Senate ratified it.

In view, however, of the fact that the Indians were dissatisfied, and believed that they had been misunderstood by the Government of the United States; and having maintained, as they doubtless believed, that the expenses of their removal and subsistence should have been included and provided to be paid by the United States in the treaty of 1835, a supplementary treaty was made between the same tribe of Indians and the United States in 1836. In that supplementary treaty the United States agreed, without any additional consideration whatever, to pay \$600,000 in addition to the \$5,000,000 provided for in the treaty of 1835, which sum was intended to cover, as far as its amount would go, the expenses of their removal and spoliation, yet making no provision for their subsistence West.

[Here the hammer fell.]

The CHAIRMAN. The hour at which it was agreed by the House yesterday that general debate upon this bill should cease has now arrived.

Mr. HOUSTON. I suppose I am entitled to an hour to close the debate, but do not propose to occupy an hour. I hope to get through my remarks in much less time.

This claim, Mr. Chairman, is important for two considerations: First, because of the amount involved in it; and, secondly, the principle upon which it rests; for if we pass this amendment we thereby devolve upon ourselves the obligation to pay the Cherokees west their proportion of the \$704,000, out of which we are now called upon to pay \$43 33 *per capita* to that part of the tribe remaining east; those west being entitled to the same *per capita* allowances as those east. It will not do for my friend from Pennsylvania to tell me that they are precluded by treaty, or that they are precluded by settlement, unless we paid them the money; if we ever owed them the money, and have not paid it, we should do so now; and if the gentleman insists that the Cherokees west are precluded, I will show him that the Cherokees east have been precluded by the same treaty, the same settlement, and the same law, fully and conclusively. So that if we argue that we are to refuse to one branch of the tribe their share of the \$704,000, the same argument will deny it to the other branch. If we allow the Cherokees east to come in for a share, we must, on every principle of fairness and common honesty, allow the Cherokees west to do the same; for if the amount (\$704,000) is due at all, it is due to the Cherokee nation, embracing those west as well as east. I ask gentlemen upon what principle they would allow it to the one branch of the tribe and refuse it to the other? for if the debt was ever due it was a debt in which all were interested; and if it has never been paid they are all now entitled.

Mr. GROW. Will the gentleman from Alabama permit me to correct him?

Mr. HOUSTON. Yes, sir. I am willing to be interrupted and corrected if I am in error. I want the facts to come out. I have no wish to defeat a just debt; and if this can be made to appear to me as just, I will at once cease my opposition to it.

Mr. GROW. This is the reason why I think that the Cherokees east are not precluded, and that the Cherokees west are: The Cherokees west are bound by the treaty of 1846, and by the subsequent treaty of 1849. They are bound by the terms and conditions of these treaties. The Government have carried out and fulfilled on their part these terms and conditions. The Indians cannot come in after-

wards and make claims. But in this treaty, which binds the western Cherokees, there is an article—the tenth—which contains an express provision to the effect, that the rights of the eastern Cherokees, under the treaty of 1835, are not to be affected by it. That is the reason why I contend that one part of the Cherokee nation is precluded, and that the other is not precluded; because the same treaty whose provisions include the eastern Cherokees exclude the western.

Mr. HOUSTON. I am satisfied the gentleman is laboring under an error; and if he will give me his attention I think I will satisfy him when I come to that branch of my argument, that the eastern Cherokees were as much precluded by that treaty settlement as the Cherokees west. The gentleman, in the hurry of reply to me, stated, that the treaty of August, 1846, was made with the Cherokees west. In that he is also mistaken; that treaty was made with the entire tribe; and its obligations, provisions, and duties were effectual alike upon all the Cherokees east and west. The gentleman contends that the tenth article of the treaty of 1846 reserved certain rights to the Cherokees east, upon which he bases this claim. I hope to be able to show him that the reservations in that article apply to an entirely different thing, and never were intended to admit the claim of one branch of the tribe to a share of debt due the entire tribe, and deny to the balance their share in that debt.

In pursuing this subject further, we find, that in 1836, as I have already stated, in order to quiet and pacify the public mind of the nation in relation to the treaty of 1835, which had been made by the United States with what they contended was a minority of their tribe, what did the Government do? Although the treaty expressly provided that the Indians should pay for their own removal, subsistence, and spoiliations, the Government of the United States agreed to give them \$600,000, which was to cover, as far as it would go, the expenses of removal, and the spoiliations the Indians had committed, and which the Government had agreed to pay, and deduct the amount from the treaty fund. This \$600,000 was a donation—a gratuity. No obligation rested upon the Government to make it. No consideration passed from the tribe or any part of it; it was given upon the principle that always has and always should actuate this Government, in dealing with the Indian tribes; that is, to be not only just but liberal, to give too much rather than too little.

I do not object to this principle of action; on the contrary, I hold, that in dealing with the Indians it is right and proper that we should so act as to render it certain that they receive kindly usage. We owe it to them as well as ourselves to do so; and if I cannot show this committee that we have dealt with them in that manner I will abandon my opposition to this amendment. The treaty of 1836, although giving what the Government understood the Cherokees as then contending for, failed to produce a permanent quietude in the nation. For a time things were calm; but soon discontent was again in their minds. It was found that the expense of removal and subsistence was much greater than had been supposed. What was then done? In 1838 Congress passed a law, by which was appropriated \$1,047,067, for the purpose of further aiding in the removal and subsistence of those Indians. This sum was appropriated by Congress upon the same principle of indulgence towards the Indians that had so prominently marked our previous intercourse with them. Without any obligation, legal, moral, or otherwise, Congress appropriated that sum, for the purpose of quieting the Indians, and reconciling them to their removal.

Let us proceed further in the history of this transaction. Conflicting opinions still existed, and angry feelings on the part of many of the Indians; and in 1846, after all these provisions which have been mentioned, after all these donations, (for all appropriations after 1835 were mere donations,) another treaty between the United States and the Cherokee Indians, east and west, was concluded, which was intended, and so expressed, to be a final adjustment of all the difficulties between these tribes and the Government. That treaty rectified all the Government had done which the Indians alleged to be wrong, but for fear some further cause of dissatisfaction might afterwards exist, it was agreed that the Senate of the United States

should say what the Indians were entitled to or should have.

In pursuance of this provision, the Second Auditor and the Second Comptroller of the Treasury were appointed to examine, adjust, and report the true state of the accounts between the Government and the Cherokees, including those east as well as west. They were to make a fair adjustment, and they did make it, and the gentleman has appended it to his report. In 1849, after the treaty of 1835 had been ratified for fourteen years; after the Government had given the Indians, in 1836, \$600,000; after the Government again, in 1838, had given them \$1,047,000; after the Government had, in 1846, bestowed additional liberalities upon them, the Second Auditor and the Second Comptroller, upon the liberal principles of adjustment indicated in the various treaties and acts of Congress, and under the direction of the Senate, reported that the Government should pay them \$627,603. The Indians took exceptions to a class of items embraced in the report of the Second Auditor and Second Comptroller, and charged to the treaty fund, amounting in all to about \$96,000. These items were required by the treaty to be paid out of the treaty fund. I presume the gentleman from Pennsylvania will hardly controvert that. Notwithstanding, the Government gave up the \$96,000, which, added to the amount reported, made the entire balance then due to or claimed by the Cherokees, including those east and west, to \$724,000; and in 1851 Congress appropriated that sum in full settlement and final closing of all matters with the entire Cherokee tribe, including all its parts or factions.

“For payment to the Cherokee nation, the sum of \$724,603 37, and interest on the above sum, at the rate of five per centum per annum, from June 12, 1838, until paid, shall be paid to them out of any money in the Treasury not otherwise appropriated; but no interest shall be paid after April 1, 1851, if any portion of the money is then left undrawn by the said Cherokees: *Provided, however,* That the sum now appropriated shall be in full satisfaction and a final settlement of all claims and demands whatsoever of the Cherokee nation against the United States, under any treaty heretofore made with the Cherokees. And the said Cherokee nation shall, on the payment of said sum of money, execute and deliver to the United States a full and final discharge for all claims and demands whatsoever on the United States, except for such annuities in money or specific articles of property as the United States may be bound by any treaty to pay to said Cherokee nation, and except, also, such moneys and lands, if any, as the United States may hold in trust for said Cherokees: *And provided further,* That the money appropriated in this item shall be paid in strict conformity with the treaty with said Indians of August 6, 1846.”

That is the act of 1851. The Indians east and west agreed to its provisions; they claimed no more; they received their portions under that, and gave their full receipt against all other claims; and that is, or should be, on file in the Department now; and I regret the gentleman did not let us see it as a part of this transaction. The Indians were then satisfied, and I have no doubt they are satisfied now; they claimed no more; they had received all they demanded; why was this claim not presented or thought of then? Not a word was said about it. Every one thought the matter was closed, and this is an after-thought.

Mr. GROW. The gentleman's statement is not to be wondered at. This statement was made just as the Committee on Indian Affairs of the Senate were about to make their report. Mr. SEBASTIAN said that the committee had not time then to consider it.

Mr. HOUSTON. That fact is not in Mr. SEBASTIAN's report. No mention is made of it. I do not receive the gentleman's statement. I do not question his veracity; but we have the papers before us furnished by the gentleman's report, and no such fact is in it. I reassert, then, what I have already said, and I speak from the documents. Of course I cannot go into private declarations or private history just brought up as the matter is being disposed of.

It is said by the gentleman that the Government should pay subsistence for one year after the Indians removed west, notwithstanding the treaty of 1835 expressly says the contrary; yet it is amusing to see how easily gentlemen argue themselves into an opinion, or arrive at a conclusion they desire to attain. In Mr. SEBASTIAN's report, speaking of the amount that should be allowed for subsistence, and whether the Government or the treaty fund should pay it, I find a paragraph or two which I beg permission to read. His entire argument, as well as the express language of the treaty, says the treaty fund should pay it; yet he

very promptly determines that the Government should do it. He says:

"In the consideration of this question the committee have found great difficulty in coming to a just conclusion. The artificial manner in which the treaty of 1835 was drawn, its ambiguity of terms, the variety of construction placed upon it, have led to great embarrassment in arriving at the real intention of the parties. Nor can much additional light be found in the interpretations which it has since received. Upon the whole, the committee are of opinion that the charge should be borne by the United States.

"The committee entertain no doubt but that by the strict construction of the treaty of 1835, the expense of a year's subsistence of the Indians after their removal west was a proper charge upon the treaty fund. It was so understood by the Government at the time; and as such, was enumerated among the expenditures to be charged to that fund, in the fifteenth article of the treaty. In the original project of a treaty which was furnished to the commissioner empowered to treat with the Indians, this item was enumerated among the expenditures, investments, and payments, to be provided for in its several articles, and which made up the aggregate sum of \$5,000,000 to be paid for the Cherokee country.

The gentleman says that the Cherokees west are precluded from receiving anything further; yet he makes out, in his report, a balance of \$704,000, which he says ought to have been distributed among all the Cherokees east and west, but in making up that indebtedness he has to go behind all the treaties; he has avoided the effect of the supplemental treaty of 1836; he avoids the treaty of 1846; he avoids the effect of the law of 1838; he avoids the effect of the settlement made by the Second Comptroller and the Second Auditor in 1849; he avoids the force and effect of the law of 1851, and the receipts of the claimants. After the Cherokees east have had all the benefits to be derived from these various treaties and laws, he goes back to the treaty of 1835, and attempts to put a construction on it by which those settlements are to be reopened, and a sum of \$704,000 more found to be due.

The gentleman says that the reason the Cherokees west are not entitled to their share of this \$704,000 is, that they are precluded by the treaty of 1846, while the treaty of 1846 does not preclude the Cherokees east. Let us look to that point, and see whether it does or not. Here is what the gentleman relies upon:

"It is expressly agreed that nothing in the foregoing treaty contained shall be so construed as in any manner to take away or abridge any rights or claims which the Cherokees now residing in States east of the Mississippi river had or may have under the treaty of 1835 and the supplement thereto."

Now I ask this committee, as fair-minded gentlemen—I put it to the gentleman from Pennsylvania himself—what reason was there, what propriety, what justice would there have been in a treaty that would exclude one branch of the tribe from its part of the fund, justly due to the entire tribe, and admit the other? Can this committee be induced to believe that the Government of the United States intended to shut out the Cherokees west from a fair participation in money that was actually due them? No, sir, it was intended to shut out the whole tribe, because the Government knew that nothing more was due them, and that they had already received three or four millions more than had been stipulated in the original treaty by which they agreed to surrender their possessions. The tenth article reserving their rights applies to those Indians who were allowed to remain in the country. Under the treaty of 1835 they were allowed, if they did not choose to go west, to stay in the States east and become citizens; and, if they did so remain, they were to have their share of the treaty fund, *per capita*, and were also to have their claims and improvements; and, under certain circumstances, to have preemptions to one hundred and sixty acres of land. Those are the rights reserved by the tenth article of the treaty of 1846. The Government never intended to give those remaining east an unjust advantage of those remaining west, and especially if, in doing so, it should repudiate a debt which the gentleman says is justly due them. If it did, the Government would be worse than a plunderer; if it allowed such advantages, and under such circumstances, especially when you find that the true object of the Government was to remove all of the Cherokees west.

The policy of the Government, and the object of the treaty, were, that they should all go west. The Government did not desire that any of them should remain east. And if it did not desire them to stay east, why give them bounties to do so? Why give advantages to those who did stay and violate the

policy of the Government? The policy of the Government, as I have before remarked, was to remove the Indians west. That was the object of the treaty of 1835, and of the supplemental treaty of 1836, and of 1846, and of the various laws to which I have referred. The position and argument of the gentleman stultify the Government, and imply a charge against it of dishonesty in its settlement with the western Cherokees. It is a mistake; the gentleman's hypothesis is unreasonable, and I am sure must be founded in error.

They had the right, under the treaty of 1835, to remain and become citizens, under certain circumstances, when they chose to do so. They were entitled, if they did remain, to their share of the treaty fund—their claims and improvements—and they were entitled to become preemptions to one hundred and sixty acres of land. All these rights and privileges were intended to be preserved to the Indians that remained east. It is true that the Senate struck out that part of the treaty giving them preemption. It is equally true that the tenth article of the treaty of August, 1846, was intended to protect the rights of these Indians remaining east—such rights as were given them under the twelfth article of the treaty of 1836, and no more. I say this, because I cannot suppose that the Government of the United States would attempt to disfranchise and cast off the Indians who had gone west, in pursuance of the treaty as well as the policy and desire of the Government—that it would exclude them from their share of money justly due them. The Executive, as well as the legislative department of the Government, has uniformly put a construction upon those treaties entirely different from the one the gentleman from Pennsylvania now attempts to give them.

But the gentleman says that the Committee on Indian Affairs reported favorably last year. I do not know how far that may be correct, for I have not looked at their report. I have not had time to do so. If the committee did so report, that does not alter the facts of the case, nor would it give merit to a claim otherwise destitute of it. I take the case as it stands upon its own merits, and examine the facts as I find them in the documents.

There is another thing intimately connected with this investigation to which I wish for a moment to advert. The gentleman from Pennsylvania assumes that the Indians west are precluded by the treaty of 1846, and by the law of 1851, whilst the others are not. What is there in the law of 1851 that applies to the Cherokees west, that does not apply with equal force and effect to those east?

Mr. GROW. I will tell the gentleman from Alabama what the difference is. The whole phraseology of the law, and the proviso appended to it, are to the effect that the Cherokees remaining in the States are citizens of the States in which they reside, and they do not belong to the Cherokee nation, or form any part of it.

Mr. HOUSTON. The gentleman from Pennsylvania is certainly mistaken. If they wish to become citizens of the United States, under the treaty of 1835, they have to comply with certain prerequisites which are specified in the treaty. There was a committee appointed, with John Ross at its head, who were to make a report showing who were entitled to citizenship under the provisions of the treaty—who were capable of taking care of themselves and their property. I have a right to say that no such report was ever made, for I have never been able to find it. The gentleman does not pretend that there is such a report; hence I have a right to infer that none was made. Then they are not citizens, in the sense of the treaty, and cannot be until they conform to its requirements; but they are a part of the tribe of Cherokee Indians. They have not complied with the treaty.

Mr. CHASTAIN. Many of them have.

Mr. HOUSTON. Well, Mr. Chairman, I pretend to have no personal knowledge on this point, and I will not say, otherwise than I have already stated, that none have complied with the treaty of 1835. It is possible I may be wrong, but I think not. I speak of the Indians in the way in which I am satisfied they exist. With a very few exceptions, the Cherokees exist now as a tribe. A part of them are separated from the great body of the tribe, which went west; yet they are a part of it, never having complied with the provisions of the treaty of 1835, and become citizens of the

United States, except in a very few cases, of which I am not advised.

Well, Mr. Chairman, another thing: This claim, at best, comes in a very questionable shape. It comes in after the most indulgent action of the Government towards the Indians; after their demands and claims of all kinds growing out of the treaty of 1835 had been fully investigated, and the balance paid over to them, and with which they were well satisfied. Not only has there been a thorough investigation of all claims by the committee of the Senate, which was favorably disposed towards them; not only have all these indulgences been exercised towards them by the Government of the United States, but their full receipt and acquittance is now on file (or should be) in the proper Department against this very claim.

Mr. CHASTAIN. Will the gentleman from Alabama permit me to interrupt him?

Mr. HOUSTON. Certainly.

Mr. CHASTAIN. I have interrupted the gentleman in order to set him right in relation to the Cherokees residing east. Now I desire to state that all the Cherokees who are residing east at this time are recognized by the laws of the States in which they live as citizens of such States. "They have been recognized as citizens. A number of them vote. Some of them do not; and pay no attention to these things. In North Carolina, too, where a large portion of these Cherokees reside, they have given them a permit to remain on the lands which they have purchased. In the State of Georgia, many of them are permitted to come and vote; and they are, many of them, as respectable citizens as any within the State.

Mr. HOUSTON. How many of them are there in Georgia?

Mr. CHASTAIN. I cannot say how many. I suppose there are fifty-two or fifty-three in my district.

Mr. HOUSTON. The gentleman from Georgia speaks of fifty-two or three Indians; but this amendment speaks of between two and three thousand. It is competent for the States of Georgia and Alabama to prescribe the qualifications of their own voters; this Government does not say who shall vote. If Georgia sees fit to say that an Indian shall vote, it has the right to say so; hence the Cherokees of which he speaks may be entitled to vote in his State, under and by authority of its laws, and yet not have complied with the terms of the treaty of 1835. To enable a Cherokee to lose his tribal character under that treaty, and claim the rights conferred by it, he must have complied with its requirements and stipulations.

But I will go further. Admit all this to be true, when we find that in 1851 the Government of the United States pays every cent that is claimed, and even pays \$96,000, which the Auditor and the Controller reported against these Indians because they were dissatisfied with that report; and when everything that could be scraped up from 1835 to 1851 was paid, should we, under the circumstances which surround this claim, without any sufficient evidence to sustain it, should we vote a further sum to those Indians? Now, I ask the gentleman why he has not consulted the Indian department on this subject? I ask him why he has not consulted the Government, which has this matter in its charge, and which has every inclination to befriend the Indian—if I may be allowed to form an opinion from the facts developed in this case—why not have allowed us the benefit of the information which should be on file there? These facts present at least a strong *prima facie* case against the amendment, and makes a thorough investigation necessary.

Mr. GROW. Lest there should be a false impression in the committee, I would state to the gentleman that I have consulted the Indian Department.

Mr. HOUSTON. Exactly; and where is the information obtained? It has not been submitted to this committee. I speak from the documents furnished by the gentleman, upon which he desires that we should allow this claim. The Indians have given their receipt and acquittance in full against this claim. The Cherokees east have done so; they received their part of the sum given in 1851; they claimed, as a part of the tribe under that law, and have received, and I ask the gentleman if this is a bar? He refers to this fact as creating a bar to further claims. He says that

the law of 1851 bars the Cherokees west. Why, then, does it not bar those east. In its terms it applies to those east as well as west; it was so intended; all were spoken of as the Cherokee tribe. Those east acknowledged they were of the tribe, by accepting its terms and receiving its benefits.

Mr. GROW. Because they are not a part of the nation.

Mr. HOUSTON. Not a part of the nation! Did they not receive a part of the \$724,000 appropriation in 1851? Certainly they did. That law appropriated the money for the Cherokees, and they so received it, and it is too late for them to deny their tribal character. I repeat, the appropriation was to the nation; they claimed as a part of the nation, received, and receipted for it. They are a part of the tribe whenever money is to be distributed; but when restrictions are to be enforced, they are citizens of the States. That will not do. They were treated with in 1846 as of the tribe, and were so dealt with in the report of 1849. In the Senate's action in 1850 they were treated as of the tribe, and the same in 1851; yet the gentleman says they were not restricted by the treaty of 1846, because they were not of the tribe. It is very singular that they were not restricted by the treaty of 1846, or by the law of 1851; yet continued to receive benefits under both, as a part of the tribe.

Mr. ORR, (interrupting.) The gentleman labors under a misapprehension. In the treaty itself there is an express clause reserving to these Indians in the east all the rights which they had under the treaty of 1835.

Mr. HOUSTON. I stated that.

Mr. ORR. In 1835 a treaty was executed with these Cherokees. A portion of them went west, and another portion remained in Alabama, Georgia, and North Carolina. Those who remained lost their character as a tribe, and are now coming in as individuals, and claiming the rights which they are entitled to under the treaty of 1835. The treaty of 1846, which was made with the emigrant Indians, expressly reserves to those Indians whatever rights they had under the treaty of 1835.

Mr. HOUSTON. I read the tenth article of the treaty of 1846, making the reservation of which the gentleman from South Carolina speaks, and commented on it. So I am not laboring under a mistake as to the facts; I may have drawn erroneous conclusions from the facts, but I think not.

According to the statement of my friend from Georgia, [Mr. CHASTAIN,] the Cherokees east became citizens of that State prior to 1846. If they are citizens now, they were as much citizens then; and yet this gentleman [Mr. GROW] admits, in his report, that in 1846 they were considered as a part of the tribe of Indians. The report itself says, and the treaty of 1846 also speaks of the different factions into which the nation had been divided—making direct reference to those parts of the nation east as well west.

When interrupted by the gentleman from South Carolina, I was remarking upon the liberality of the Government to the Cherokee nation. We have not only paid every demand made and given whenever asked, but we gave them interest upon the amount of the claim, although the claim was itself a gratuity from 1838 to 1851, at the rate of five per cent. per annum.

But there is another item in our dealings with the Cherokees remaining east worthy of notice, and I am astonished that my friend from Pennsylvania did not say something about it, and that is, an allowance made them in 1848 of \$53 33 for removal and subsistence, as if they had removed. Though they never went west, though they have remained in the States, yet they have received, by direct appropriation, and amount to cover their removal and subsistence just as if they had gone west.

Mr. GROW. Is not the money now in the Treasury?

Mr. HOUSTON. I draw no such nice distinctions. I grant that the money is now in the Treasury. It is funded there for their benefit, and drawing interest, and they continue to receive the interest annually.

Now, sir, here are these Indians remaining in the States, in violation of the policy of the Government. They have not only received their full portion of the \$5,000,000 agreed to be given, in the treaty of 1835, as payment for their lands, but

they have received their full proportion of the \$600,000 appropriated in 1836, their full proportion of the \$1,047,000 appropriated in 1838, also of the \$724,000, and over one half million interest upon it, appropriated in 1851. In addition to this, they have received \$53 33 each, appropriated to them for doing what they never did—that is, for their removal west, and one year's subsistence.

Mr. GROW. I dislike very much to make these frequent interruptions, but I am anxious that this matter should be fully understood by the committee. This *per capita* to which the gentleman alludes was funded to the Cherokees who remain in the States for their subsistence and removal. It has never been paid to them. They receive the interest; but they will never receive one cent of the principal until they remove to their reservation, when it will be paid to them. I repeat, this sum is not paid to these Indians; it is set apart for those who go West. When I spoke of the application of this act a moment ago, I did it not by way of criticism, but for the purpose of asking whether this was the act the gentleman from Alabama referred to.

Mr. HOUSTON. That was the act I referred to, and its effect was precisely what I stated. I did not mean to be understood as saying that these Indians have actually received the \$53 33. But I mean to say, that it is set apart for them; it is funded in the Treasury for them, and the interest is paid to them annually. They have a right to the money whenever they decide to go west; and if they do not go, they will get it in the end just as certainly as they live; and if they never go west they will continue to draw the interest for life. It is as an annuity, and in the end they will get the whole sum.

Mr. Chairman, any gentleman who will look at the course of the Government, at the liberality which has characterized its course towards this tribe of Indians, will agree with me in the view I have taken of this subject.

Now, sir, I have submitted my views in relation to this claim as well as I can present them in the hasty manner in which I have been obliged to make my examinations. I regret exceedingly that it did not come up upon its own merits, where it could have been discussed more at length. I believe it is wrong. I believe it has no merit in it; and if it has, it is of such doubtful character that it should not be allowed without ample discussion. It ought to be discussed; it ought to come up by itself, and not as an amendment to an appropriation bill. If it be rejected here, it may yet come up by itself. If it be rejected I hope the committee will report it in a separate bill, so that it may be fully investigated. Let us have an opportunity of referring to the documents, and to the Department, for the information which I believe I can get, if time be afforded me. But, if there be any justice in this claim, then the Committee on Indian Affairs ought to have reported in favor of the Cherokees west. If the Cherokees west are precluded by the treaty of 1846, if they are precluded by the law of 1851, the Cherokees east are also precluded. What precludes one ought to and does preclude the other. You cannot draw a distinction between them, because the last account we had of them they were treated as the whole tribe of the Cherokee Indians.

Each man of the Cherokees west is entitled to as much as each man of the Cherokees east. Indeed, they merit the care of the Government more, because those east are in opposition to its policy, while those west are obedient to its policy. It is unreasonable to suppose that Congress would bestow a bounty upon Indians who were obstinate and ungovernable which it withholds from the more submissive part of the tribe. It is unreasonable to suppose that the Government will do more for such Indians than it will do for those who went west in obedience to its requirements and policy.

Now, I think that the whole of this case shows that there has been the most ample legislation in behalf of the Indians. They have obtained everything they claimed of the Government, and at every time they made the claim. But two years ago there was a provision in the Indian bill by which they got \$724,000, as the final and last amount due them, according to the report of the Auditor and Comptroller, sanctioned and indorsed by a committee of the Senate. There was no more due them; there was no more claimed by

them. The whole amount, according to the Senate's report, was paid. That payment was said to be final and conclusive. The Government required them to make their receipts, and I understand that their receipts are now on file.

But, Mr. Chairman, we shall never have a final settlement with the Indians so long as claims are hunted up by agents in the manner in which they have been for years. I do not say that such is the case with this claim—I do not know—but we know that such has been the case with many others. So long as the Indians are disturbed in their peace and quiet by interested agents, so long as their interest is drawn up and presented to them, falsely in many cases, for the purpose of getting a claim before Congress, knowing the sympathy of the Government and of the members of Congress towards the Indian tribes, knowing the indulgence with which Indian claims are always regarded, so that we oftentimes appropriate money which ought not to be appropriated, and which I am persuaded does not, in every case, go into the pockets of the Indians; until we can change the present system, and keep the Indians out of the hands of the sharpers, we will never have peace with the Indians, or a final and satisfactory settlement with them.

Mr. GROW. I desire to interrupt the gentleman from Alabama, so that the claim may not be prejudiced by any remarks he has made. I have seen, and heard, and know, of no person who is pressing this claim except Mr. Rogers himself, who was an Eastern Cherokee, and one of the men who signed the treaty of 1835. He is one of the party in interest, and is a citizen of a State of this Union. He is prosecuting his own claim, and that of those citizens similarly situated. I have seen and heard of no other.

Mr. HOUSTON. I know nothing about that, and did not speak of this particular claim; but those of us who have been long in Congress know that the scenes to which I have referred have been enacted and reenacted over and over again in almost numberless instances. The claim is brought forward, wholly destitute of merit, and the sympathies of Congress is appealed to in behalf of the Indian to secure its allowance, when it is the white man, and not the Indian, who is benefited by our munificence.

Mr. ORR. I desire, before the gentleman from Alabama takes his seat, to call his attention to the report of Alfred J. Vaughn, of the Upper Missouri agency, as to the character of the Blackfeet Indians, and the country they inhabit.

Mr. HOUSTON. The gentleman may read what he pleases to the committee. I do not know enough of the subject to make any definite point upon it.

Mr. ORR. I will read a simple paragraph:

"The Blackfeet are a wild, roving, reckless people, committing murder, and stealing everything that falls in their way. They inhabit an extensive country lying between the head waters of the Missouri and the waters of Hudson Bay, extending their war expeditions as far south as the river Platte, and in former years as far as the valley of the Great Salt Lake. They are friendly with none of the adjacent tribes, but at war with the whole."

"In their war expeditions nothing escapes them. They murder, and steal, as I before observed, everything falling in their path."

The debate being now closed, the Clerk proceeded to read the bill by paragraphs.

The CHAIRMAN. The Chair will suggest that, perhaps, the progress of the bill may be expedited. From the point where the Clerk is now reading to nearly the close of the bill all the appropriations, as the Chair is informed, are made in pursuance of treaty stipulations; and, unless gentlemen desire to offer amendments, the Chair would suggest that that portion of the bill should be passed over by unanimous consent.

Mr. WASHBURN, of Illinois. I think it would be better to have the bill read.

Mr. ORR. It will do no sort of good. It will be an unnecessary consumption of time.

Mr. HOUSTON. The appropriations are all in pursuance of treaty stipulations.

Mr. WASHBURN. Well, I have no objection to dispense with the reading.

The CHAIRMAN. If there be no objection, the reading of the bill will be passed over to those points at which gentlemen desire to offer amendments.

No objection was made.

Mr. ORR. I offer the following amendment: For payment to the Chickasaw nation in full of the ex-

penses of their commissioners in negotiating the treaty of June 22, 1852, \$1,500.

That sum of money is provided to be paid by the treaty entered into with the Chickasaw Indians. Gentlemen can see the clause of the treaty providing for it by turning to pages 52 and 53 in the Appendix to the Acts of the last Congress.

The question was then taken on the amendment; and it was agreed to.

Mr. ORR. Pursuant to the notice I gave yesterday, I offer the following amendment, to come in on page 33, at the end of line 783:

For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Indian tribes in the Territory of Oregon, \$68,000.

I do not propose to enter into any lengthened explanation of the amendment I have offered. I stated to the committee yesterday the necessity for its adoption. There have been no treaties negotiated with the Indians in Oregon, amounting, in all, to some thirty-five or forty tribes. Some fifteen or twenty of these tribes of Indians have been seriously trespassed upon by the whites, and something should be done to compensate them for their losses.

Mr. HOUSTON. I would ask the gentleman from South Carolina if he knows whether the treaties which were negotiated a few years ago, and which were before the last Congress, were rejected or not, or are they still pending before the Senate?

Mr. ORR. Of course it can only be a mere matter of speculation with me as to what became of them. They were presented to the Senate in secret session. Perhaps they were acted upon by that body. I am inclined to think, although I have no positive knowledge upon the subject, that they were laid upon the table.

Mr. WASHBURN, of Illinois. What good reason is there for negotiating other treaties, if those already negotiated have been laid upon the table by the Senate?

Mr. ORR. It may be that the Senate were unwilling to ratify the treaties which were negotiated two years ago, because they appropriated too large sums of money.

Mr. HOUSTON. If these treaties are unacted upon, then, as a matter of course, it is unnecessary to make the appropriation asked for. The treaties which were negotiated in Oregon had some provisions which were very objectionable, and which, by accident, were disclosed to the Committee of Ways and Means. I believe that most of the tribes with whom we negotiated are very small in number. We agreed to give them so much money, and they were to leave their territory at a day designated in the future. There was no apparent restriction in several of these treaties. I understand that the Senate fully considered them, and concluded that they ought not to be ratified.

Mr. PECKHAM. I move to amend the amendment by reducing the sum \$3,000.

I regretted very much to hear the remarks yesterday of my learned and distinguished friend from South Carolina, [Mr. ORR.] remarks which he deemed necessary to make in order to illustrate his views of the bill. He seemed to think that it was proper and necessary to say, that this Government had been guilty of gross outrages and wrongs, almost from its very organization, against the Indians. The gentleman deemed it proper to say, that the Government had despoiled the Indians in all parts of the country; not only in the Territories, but also in the thirteen original States. He alluded to these wrongs in language not to be misunderstood—asserting that the Government had despoiled them, and driven them from their homes and improvements. I regretted extremely to hear the course of remark in which he indulged, although the gentleman himself may have judged it to be very pertinent and proper.

Now, with great respect to the gentleman, I desire to read a short extract from his speech, which I find reported in the Globe of this morning; in which he says:

"In Oregon there are many Indians who have cultivated the soil, who have cleared their own land, erected buildings, but they have been driven back from their settlements, their improvements, their homes."

The CHAIRMAN. The Chair would remind the gentleman that the rule requires that he should speak in favor of the amendment which he has proposed, and confine his remarks thereto.

Mr. ORR. I hope the gentleman will be allowed to proceed.

Mr. JONES, of Tennessee. We had better conform ourselves to the rules, or we shall never finish the bill.

Mr. PECKHAM, (resuming.) I do not understand that such are the facts. I do not understand, from the knowledge which I have of the history of the action of this Government towards the Indian tribes, that it is liable to these imputations—it is liable to the course of remark of the gentleman from South Carolina. Such remarks, emanating from so high a source, are calculated, and do produce, an injurious effect upon our national character abroad. Our character as a filibustering and freebooting nation is somewhat dubious with the nations abroad now, and when I hear remarks like those to which I have referred, coming from a high and distinguished source, I cannot but believe that they are calculated to convey an unjust impression of the policy and conduct of this Government towards the Indians. My belief is that the action of this Government will compare favorably with that of any other nation, in their dealings with the children of the forest—certainly within this last half century it will. We have done everything to promote their welfare, to civilize and Christianize them; and if we have not succeeded it is not the fault of the Government, for it has acted with a just and generous, a liberal and manly, spirit towards them.

Now, sir, I submit, with great deference to my friend from South Carolina, that the course of remarks indulged in by him is not founded in fact, and is calculated to produce an impression abroad injurious to the Government. It reflects, also, harshly upon us as individuals. I do not think it is necessary to indulge in that course of remark to induce this House to do justice upon this occasion. I think every man here is inclined to act not only with justness, but in the spirit of liberality, kindness, and charity towards those people. In conclusion, I may say, however, that I am informed that a similar course of remark has been usually indulged in by those who have heretofore occupied the position of the gentleman from South Carolina in former Congresses.

Mr. ORR. I am much obliged to the gentleman from New York for his kind lecture. I have no objection to his defending the course of our Government in its intercourse with the Indians. I do not intend to assail it. If, however, the gentleman had perused my remarks a little further, he would have seen, from what I said, that I did not consider the conduct of our Government towards the Indians in the Territories of Oregon, Washington, Utah, and New Mexico was of a defensible character. The settlement of Oregon commenced twelve years ago, and your citizens have been going there ever since. You organized a government for that Territory in 1848, six years ago. Emigration has been going there from that time to the present, by the authority of this Government. At the time a territorial government was established there, the Federal Government did not have a foot of land for a single citizen to settle upon—not a single foot. Would it not have been just and fair, right and proper, that the Government, before affording the means for settlement there, should have gone there, through its agents, and procured land from the Indians, upon which citizens could settle?

Now, sir, our citizens, for six years, have been living in that condition in respect to the Indians, without paying them anything for their territory of which you have despoiled them. Is that just to them? Does it not fully authorize the animadversion in which I indulged?

Mr. PECKHAM. Has not the gentleman stated in his speech, and are not the facts so, that those Indians who have changed their location, have done so by their own express assent, and by an express arrangement with the Government? I appeal to any gentleman upon this floor; I appeal to the distinguished gentleman from Oregon, [Mr. LANE,] to say if ever a single outrage has been practiced upon these Indians by the whites?

Mr. ORR. I will say, in reply to the gentleman from New York, that the Indian agents have made promises in behalf of the Government of the United States to the Indians in Oregon, which have never been fulfilled. They have caused the Indians to remove from their territory, with the promise that the Government of the United States would pay them the full value of their lands. These are the sort of promises which I speak of

as never being fulfilled. The treaty made with them more than two years ago made many promises to them, but the Senate have not ratified the treaty, and I do not suppose they intend to. It has been before them for two years, and if they had ever intended to ratify it they would have done it long ago. But it contained promises to the Indians which they expected would be kept.

Mr. PECKHAM, by unanimous consent, withdrew his amendment to the amendment.

The question then recurred upon Mr. ORR's amendment.

Mr. LANE, of Oregon. It was my intention to have said something upon the subject of this amendment, but if the committee wish to vote upon it now I will desist.

The question was taken; and the amendment was adopted.

Mr. WHEELER. I move that the committee do now rise.

Mr. HOUSTON. We are nearly through the bill. I hope the gentleman will not insist upon that motion.

Mr. STANTON, of Tennessee. I move that the committee rise, and report the bill to the House.

The CHAIRMAN. That motion is not in order, so long as gentlemen desire to offer amendments. The Chair understands there are still other amendments to be offered.

Mr. ORR. I hope the gentleman from New York will withdraw his motion that the committee rise. We shall certainly finish the bill in less than half an hour.

Mr. WHEELER. I cannot withdraw my motion.

The question was then taken; and the committee refused to rise.

Mr. ORR. I offer the following amendment:

For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Indian tribes in the Territory of Washington, \$45,000.

The question was taken; and the amendment adopted.

Mr. ORR. I move the following in addition:

For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Indian tribes in the Territory of Utah, \$45,000.

The question was taken; and the amendment agreed to.

Mr. ORR. I have still another amendment to come in at the same point. I move the following:

For expenses of negotiating treaties with, and making presents of goods and provisions to, Apache, Navajo, and Utah Indians in the Territory of New Mexico, \$30,000.

The question was taken; and the amendment agreed to.

Mr. ORR. I move the following amendment, to come in at the same place:

For expenses of making presents of agricultural implements and farming utensils to the Pueblo Indians in the Territory of New Mexico, \$10,000.

The question was taken; and the amendment agreed to.

Mr. ORR. I offer the following, which is the last of the amendments I have to offer to the bill:

For expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Grosventres, and other wild tribes of Indians, immediately within or adjacent to the eastern boundary of the Territory of Washington; and for defraying the expenses of bringing the chiefs of said tribes to Washington city, \$100,000.

The question was put; and the amendment was agreed to.

Mr. ORR. I offer the following proviso, to come in after the last amendment:

Provided, That the Secretary of the Interior may, if in his discretion the public interest require it, be authorized to use any part of the appropriations herein made for making treaties in Oregon, Washington, Utah, and New Mexico, and for holding councils at Fort Benton, prior to the commencement of the next fiscal year.

That proviso, Mr. Chairman, is rendered necessary, from the fact that it may suit the convenience of the Indian Department to commence these negotiations before the commencement of the next fiscal year, and it is requisite that power should be conferred upon it.

The question was taken; and the amendment was adopted.

Mr. GROW. I move the following amendment, to come in after line 787 of the bill:

To Cherokees residing in States east of the Mississippi river, in full of all demands, under the provisions of the treaty of 29th December, 1835, and the supplemental articles thereto of 1st March, 1836, and the treaty of 6th of August, 1846—

except the amount of \$53 33½ funded *per capita* certain Cherokees for subsistence and removal—\$92,695 19, with interest from the 14th December, 1852, to time of payment: *Provided*, That in no case shall any money hereby appropriated be paid to any agent of said Indians, or to any other person or persons than the Indian or Indians to whom it is due: *Provided also*, That the Indian, or Indians who shall receive the said money, shall first respectively sign a receipt or lease acknowledging the same to be in full of all demands under the aforesaid treaty.

I do not propose, Mr. Chairman, further to discuss the merits of the amendment, but to answer, so far as my time will permit, some of the objections which have been made to it. The amendment, as I have before remarked, is based on the treaty of 1835. By that treaty it is expressly and definitively provided that such Cherokees as were averse to removing West should be permitted to remain in the States if they became citizens. It matters not what appropriations have been made, whether this Government has dealt fairly and justly by the Indians, or whether they remained in the States so long as the Government made that stipulation with them. It is not for us to stand up here to-day and object to paying what is due on that account; and especially if gentlemen will remember that the treaty of 1835 was made by a class of men in the Cherokee nation, who were doomed by John Ross and his party. They dare not go to the West now. Many of those who made the treaty have suffered death in consequence. Not only those who went to the West fell under the knife and hatchet, but many who remained east of the Mississippi. The gentleman from Alabama complains that we are giving bounties to them for not going West under the treaty, and because they remained in the States against the policy of the Government. He says that, therefore, they are not entitled to the provisions of the treaty. They dare not go to the home of the western Cherokees. They are the men who signed the treaty of 1835; and Mr. Rogers, who is prosecuting this claim, is one of them. If he went to the land of the western Cherokees he would go to his grave. In addition to many others of the tribe, Boudinot, the collaborer of Guess, who did for the Indian what Cadmus did for the Greeks, found his grave in signing the treaty. These men were bound to remain in the States, or sacrifice their lives. And will you deny them their rights under your treaties because they chose to avail themselves of their stipulations?

Gentlemen claim that the eastern Cherokees have no rights here because the proviso to the settlement of February 27, 1851, under the treaty of 1846, precludes them. The Cherokee nation, under that settlement, have no claim upon the Government, for they were required, when they took the money, to file a release in full. That they have done. It was done by the Cherokee nation, and not by the men who have separated from the nation; who have lost their tribal character; who have become respected citizens and many of them voters of the States of Tennessee, North Carolina, and Georgia; who have adopted the habits of civilization, and are now living in a civilized community, in obedience to the laws of organized States. The men who are pressing this claim are not precluded by that act, for they are individual citizens, belonging to no tribe of Indians, and who have belonged to no tribe since the treaty of 1835. They have remained in the States not from choice, but because if they moved West they would do so at the peril of their lives; but under the provisions of the treaty of 1835 they had a right to remain, and they are not precluded by anything in the treaty of 1846; for that treaty contains an express clause reserving to them all their rights under the treaty of 1835 and 1836.

The gentleman from Alabama says that the wording of that provision was intended to cover their *per capita* and preemption rights. All preemption rights that these eastern Cherokees ever had under the treaty of 1835 were stricken out by the supplementary treaty of 1836. What, then, was the meaning of the language of the treaty of 1846? Why, it preserved all the rights of the eastern Cherokees under the treaty of 1835 in the treaty fund. Can you, then, take that treaty fund for any other purpose than that for which it was set apart?

Mr. HOUSTON. The gentleman from Pennsylvania says that these eastern Cherokees have belonged to no tribe of Indians since the treaty of 1835. Well, if that be true, they are bound only

by the provisions of the treaty of 1835, and are only entitled to their share of the treaty fund, under that treaty, which was \$5,000,000. The treaty of 1836 gave the Cherokees \$600,000; the law of 1838 gave them over \$1,000,000 more; the law of 1846 gave them other advantages, and the law of 1851 gave them \$724,000 more. Well, if the gentleman is correct in his statement that they have belonged to no tribe since 1835, then I say they are parties to none of those treaties, and are, therefore, entitled to no part of the funds created by any treaty since the treaty of 1835. They would, therefore, be excluded from the provisions of the supplemental treaty of 1836, of the law of 1838, of the treaty of 1846, of the law of 1851, and every other donation that has been made since 1835, and thereby they would lose five times as much as this bill proposes to give them. I take the gentleman upon his own statement, and upon his own issue, and if it is true that they did not belong to the tribe after the treaty of 1835, then they had no part in the treaties subsequently made, and are entitled to none of the considerations given by those treaties.

Mr. CHASTAIN. I desire to offer the following amendment to the amendment:

That the Commissioner of Indian Affairs be directed to ascertain whether any Cherokees east of the Mississippi river were omitted or overlooked in taking the census heretofore, and that he place upon the roll all such, and pay to them the same sum that those on the roll have already received or are to receive.

Mr. ORR. I rise to a question of order. I submit that the amendment offered by the gentleman from Georgia [Mr. CHASTAIN] cannot be legitimately made to the pending amendment. It is not germane, and is upon altogether a different subject.

The CHAIRMAN. The Chair is of opinion that the amendment submitted by the gentleman from Georgia is in order.

Mr. CHASTAIN. The object of the amendment I have offered is to give to those Indians residing east of the Mississippi, who have heretofore been neglected in taking the census, and whose names have not been placed upon the roll, the same benefit that those Indians have received whose names have been placed on the roll. In 1851, the Government sent on a commissioner for the purpose of enrolling the names of the Indians east of the Mississippi who were entitled to receive a portion of the benefits of the appropriation of that year. There are, perhaps, twenty-five or thirty, whose names, as I ascertain, have not been placed upon the roll, and who have written to me on the subject, in order to obtain the money which was due to them under the act of 1851. Their names have not been enrolled, and the consequence was, that they were precluded from their share of the appropriation. The commissioner who was sent on the part of the Government to enroll the names of the Indians passed through the country in great haste, and those whose names have been omitted did not even know that he was in the country until he had passed through. The result was that they were neglected, although they are as much entitled to the benefits of the appropriation made for the Indians east of the Mississippi as those whose names were enrolled. I do not think that any gentleman can have the slightest objection to the amendment I have offered to remedy the neglect of the commissioner towards these Indians.

Mr. ORR. I was quite sure that the amendment of the gentleman from Georgia was not in order when he first read it; and I am still more satisfied from the fact that it has reference to another fund, and pertains to a different subject altogether from that embraced in the amendment proposed by my friend from Pennsylvania, [Mr. Grow.] I am opposed to the amendment of the gentleman from Georgia. The subject to which his amendment relates is before the Committee on Indian Affairs, but as yet they have not examined it, and therefore have not come to any conclusion upon it. I do not know whether the committee will recommend that the provisions of the amendment be carried out or not.

Mr. CHASTAIN. Will the gentleman from South Carolina allow me to ask him a question? If the Committee on Indian Affairs, after an investigation of the proposition I have now submitted, come to the conclusion that it is just and proper that the claim should be paid, will they agree to report a bill to that effect?

Mr. ORR. Yes.

Mr. CHASTAIN. That is all I want; and if there is no objection I withdraw my amendment.

No objection being made, the amendment was withdrawn.

Mr. GREENWOOD. I believe the amendment of the gentleman from Pennsylvania [Mr. Grow] is now pending?

The SPEAKER. It is.

Mr. GREENWOOD. I move to amend the amendment by increasing it \$100,000. I move it for the purpose of enabling me to submit a few remarks in regard to the propriety of the amendment offered by the gentleman from Pennsylvania. I know that the chairman of the Committee on Indian Affairs, with whom I have acted in relation to this bill, is anxious to dispose of it as soon as possible; but being apprised, to some extent, personally of the history of these transactions with the Indians, I cannot refrain from submitting a few remarks in regard to the subject.

I am familiar with the provisions of the treaty of 1835, and also with those of the supplemental treaty of 1836, having been a resident near those Indians at the time those treaties were made. I knew the parties engaged in them—the parties to which the Government look as the treaty-making power.

There is but one question, in my opinion, involved in the amendment which has been offered by the gentleman from Pennsylvania. Those Cherokees who saw proper to remain in the States then composed a part of the Cherokee nation. By the provisions of the treaty certain amounts were agreed upon to be deducted from the treaty fund, for subsistence and removal; and the whole matter resolves itself into a question as to this amount agreed upon for subsistence and removal. It is in reference to the excess which was paid to Ross and his party, under an arrangement between him and General Scott, in 1838, and which was deducted from the treaty fund, and of the disbursing of the same, of which they complain. That is the only question which is submitted to this committee—whether or not they will suffer those Indians who saw proper to remain in the States to be prejudiced by a subsequent arrangement between General Scott and Ross?

I was there in 1838, when this arrangement was concluded. I am aware of the fact that Ross got the advantage of General Scott in that arrangement. There is no doubt of that. Some portion of them removed, and the amount allowed for that purpose was increased to \$105 to each man, in regard to some detachments which were removed west. Is it right or just that this treaty fund should be taken to pay those expenses, to the exclusion of those who remained in the States, and who now reside there? That is the only question before us. They hold that the Government had no right, by an arrangement with Ross, or any other person, to deprive them of any privileges they were entitled to under the treaties of 1835-'6. How was it, that by the treaty of 1846 it was provided, that the rights secured to them by the treaties of 1835-'6 were not to be prejudiced thereby, if they had no just cause of complaint against the Government on account of the disposition of the funds in that manner? There was that express reservation in that treaty. It is true, as remarked by the gentleman from Alabama, [Mr. HOUSTON,] this question was not submitted to the consideration of the Senate committee at the time this general arrangement was entered into. But, from that very fact I have no doubt they had an eye to the rights of the Cherokees east of the Mississippi. Hence the provision in the treaty of 1846 was adopted, by which they were not to be prejudiced in any rights they had acquired under the treaties of 1835-'6.

Mr. ORR. I am opposed *pro forma* to the amendment of my friend from Arkansas. I am very anxious that a vote should be taken upon the amendment of the gentleman from Pennsylvania, [Mr. Grow]—that it shall be disposed of one way or the other, so that the committee may rise, and report the bill to the House.

Mr. GREENWOOD. I withdraw my amendment, if there be no objection.

There was no objection, and the amendment was withdrawn.

The question then recurred upon Mr. Grow's amendment, upon which tellers had been demanded.

Tellers were ordered.

Mr. WALSH. I ask to have the amendment again reported.

The Clerk read the amendment

Messrs. DAVIS, of Indiana, and ORR were appointed tellers.

The question was then taken; and the tellers reported—ayes 73, noes 46.

So the amendment was agreed to.

The Clerk then finished reading the bill.

Mr. ORR. I offer the following amendment, to come in at the end of the bill:

Sec. 2. *And be it further enacted*, That no existing provisions of law prescribing the manner in which payment shall be made to Indians shall be so construed as to repeal or contravene the seventeenth section of an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834.

Mr. Chairman, the third sections of the Indian bills of the last and preceding Congress provided that payments of annuities and moneys should in all cases be made directly to the Indians, *per capita*. The Department has construed it so strictly that they cannot even deduct from the payments the amounts of spoiliations which the Indians may commit, and which they are bound to pay, under the intercourse act. The amendment simply gives the construction that was intended.

The question was taken; and the amendment was adopted.

Mr. ORR. I move that the Committee do now rise, and report the bill.

The question was taken; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole had had under consideration the state of the Union generally, and particularly House bill No. 46, entitled "A bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855," and had directed him to report the same back, with sundry amendments.

Mr. HOUSTON. I call for the previous question on the bill and amendments.

The call for the previous question was seconded; and the main question was then ordered to be put.

ADJOURNMENT TILL MONDAY.

Mr. KEITT. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. JONES, of Tennessee. I call for the yeas and nays on that motion.

Mr. ELLISON. I ask for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The question was then taken on Mr. KEITT's motion; and it was agreed to, there being, upon a division—ayes 101, noes 18.

Mr. MEACHAM. I move that the House do now adjourn.

The motion was agreed to, and thereupon, at twenty-five minutes to four o'clock, p. m., the House adjourned till Monday, at twelve o'clock, m.

IN SENATE.

MONDAY, March 27, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, in answer to a resolution of the Senate calling for the amount expended for the transportation of troops, supplies, and munitions for the land and naval forces in the Pacific; also, for the transportation of the mails for the last three years; which was read, and referred to the Committee on the Post Office and Post Roads.

PETITION.

The PRESIDENT *pro tempore* presented the petition of a committee of the American Medical Association, praying that a rank may be granted to the medical officers of the Navy analogous to that assigned to the medical officers of the Army; which was referred to the Committee on Naval Affairs.

HOUSE BILL REFERRED.

The bill from the House of Representatives to

authorize the school commissioners of the fractional township No. 1, range No. 10 east, in Alabama, to locate one half section of land for school purposes, was read a first and second time by its title, and referred to the Committee on Public Lands.

INDIAN APPROPRIATION BILL.

A message was received from the House of Representatives by Mr. FORNEY, its clerk, announcing that it had passed a bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending the 30th of June, 1855.

The above-named bill was read a first and second time by its title, and referred to the Committee on Finance.

A subsequent message was received from the House of Representatives, announcing that their Speaker had signed the following enrolled bills from the Senate:

An act for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased;

An act to extend the warehousing system by establishing private bonded warehouses, and for other purposes;

Which were thereupon signed by the PRESIDENT *pro tempore*.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was received, by Mr. WEBSTER, his Secretary, announcing that he had approved and signed the following act and joint resolution:

An act for the relief of settlers on lands reserved for railroad purposes; and

Joint resolution accepting certain volumes and medals presented by her Britannic Majesty's Government to the United States.

THE DEFICIENCY BILL.

Mr. HUNTER. Mr. President, I wish to ask the unanimous consent of the Senate to take up the deficiency bill in the morning hour. I think we could very nearly dispose of it in an hour, if the Senate will permit me to take it up. In that way we may get along without interfering with the business in Executive session. I do not see any other mode of carrying through the bill which I ask the Senate to take up without interfering with some other matters in which the Senate is much interested.

Mr. PETTIT. Mr. President, I want to present a memorial this morning.

Mr. HUNTER. I will say to my friend from Indiana that we have been presenting petitions and making reports nearly every day since the session commenced, and this is the first hour we have asked for the general appropriation bills. The Government is in want of the money, and I think it will promote the dispatch of business if the Senate will take up this bill in the morning hour; but if we once commence presenting memorials the morning hour will be consumed.

The PRESIDENT. The Senator from Virginia moves to pass by all previous orders, for the purpose of taking up the deficiency bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854, which had been reported from the Committee on Finance, with several amendments.

Mr. HUNTER. I suppose it will be scarcely necessary to read the bill. The amendments may first be read, and the question taken upon them *seriatim*.

The PRESIDENT. The pending amendments will be read.

The Secretary read the first amendment.

It proposed to amend the item—

"For extra clerk hire and copying, \$2,000"—

by striking out "two" and inserting "four," so as to increase the appropriation to \$4,000.

The amendment was agreed to.

The next amendment proposed is to insert the following item:

For contingent expenses of foreign intercourse, \$15,000.

The amendment was agreed to.

The PRESIDENT. The Chair will suggest the propriety of reading all the amendments at once, and then any Senator can except to any one

upon which he desires a separate vote. If any one be objected to it may be set aside, and the vote can be taken upon it after the others have been disposed of. It seems to me that this course will facilitate the dispatch of business.

Mr. HUNTER. It seems to me that that course will be a good one.

The PRESIDENT. If there be no objection that course will be pursued.

There being no objection, the several amendments reported from the Committee on Finance were read, as follows:

To pay expenses incurred by Edward Cunningham, acting Consul at Shanghai, for a police force for the preservation of the peace by American citizens, \$372 80.

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, and pay of messengers, \$41,000.

For compensation of a draftsman and clerks, for the office of the surveyor general of California, \$10,000.

For completing and keeping in order the grounds south of the President's house, \$9,770.

For iron flagging in front of the old portion of the Patent Office building, and altering windows, and private stairway, \$5,730.

For altering streets and repaving in front of the east wing of the Patent Office building, iron railing and flagging, and painting new saloon, \$14,250.

For furnishing the rooms of the new wing of the Patent Office building, with furniture, and providing the saloon therein, with cases for models, \$45,000.

For fulfilling treaties with the Sioux of the Mississippi:

For the third of fifty installments of interest, at the rate of five per cent. per annum, on \$1,360,000, stipulated in the fourth article of the treaty of 23d July, 1851, \$68,000;

For the third of fifty installments of interest, at the rate of five per cent. per annum, on \$112,000, being the amount in lieu of the reservation set apart in the third article of the treaty of 23d July, 1851, per Senate's amendment thereof, \$5,600;

For the third of fifty installments of interest, at the rate of five per cent. per annum, on \$1,160,000, stipulated in the fourth article of the treaty of 5th August, 1851, \$58,000;

For third of fifty installments of interest, at the rate of five per cent. per annum, on \$69,000, being the amount in lieu of the reservation set apart in the third article of the treaty of 5th August, 1851, per Senate's amendment thereof, \$3,450;

For the actual and necessary expenses incurred by the provisional government of Oregon in defending the people of said Territory from the attacks and hostilities of the Cayuse Indians in the years 1847 and 1848, and for such allowances for the expense of adjusting the claims on that account as the Secretary of the Treasury may deem proper, \$75,000. But the said claims and accounts shall be settled and adjusted at such place and in such manner as the Secretary of the Treasury may prescribe; and no claims shall hereafter be allowed on account of this war which are not presented within the next fiscal year.

For arrearages of pay for services of volunteers in the Kentucky regiment called into service in 1836, \$1,000.

For arrearages of pay for services rendered by volunteers or militia, in the Black Hawk war, \$1,000.

For clothing for the army, camp, and garrison equipage, and horse equipments, to supply the place of losses sustained by the wreck of the steamer San Francisco, \$26,590.

For the purchase of Spanish and Mexican law books for the Library of Congress, \$1,700.

The next amendment was in the following item:

"For miscellaneous items \$10,000."

The committee proposed to strike out "ten" and insert "twenty," so as to increase the item to \$20,000.

The committee proposed to add the following items:

For rent of paper warerom from the 1st of January to the 30th of June, 1854, at \$250 per annum, \$125.

For cartage of printing paper from warerom and office of Superintendent of Public Printing to the printing offices, and labor, from the 1st January to the 30th June, 1854, at \$550 per annum, \$275.

The next amendment is an addition to the following item:

"For arrearages incurred prior to the 1st of July, 1853, for running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, \$50,000."

The proposed addition is in the following words:

And the limitations imposed by the provisions contained in the act of 15th May, 1850, entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1850," and the act of 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," be, and the same are hereby, repealed.

For engraving maps, views, sections, and natural history, of the survey of the boundary between the United States and Mexico, \$10,000, to be expended under the direction of the Secretary of the Interior.

That portion of the bill continues in the following language:

"For salaries and incidental expenses of the commission appointed under the act of March 3, 1851, for settling land claims in California, \$37,500."

To which the committee propose to add the following:

For compensation of the judge of first instance in civil

cases for the district of San Francisco, California, per appointment, dated 21st of September, 1849, by the late General B. Riley, while Governor of that country, from 1st October, 1849, to 1st April, 1850, \$750.

For the purchase of a new site for the custom-house in San Francisco, \$250,000, and the Secretary of the Treasury is hereby authorized, if in his judgment the public interest will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for the erection of a custom-house on the land reserved for said purpose, to the purchase of a building or buildings for a custom-house and other public offices; and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable, to maintain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom-house.

Mr. HAMLIN. Mr. President, I ask for a separate vote upon that item.

The PRESIDENT. That item then will be excepted.

The next proposed amendment was read. It is to strike out the following item:

"For compensation for the discharge of United States consular duties at Constantinople, in conformity with the act of Congress, approved August 11, 1848, \$3,594 50, or so much thereof as may be necessary, to be paid under the direction of the Secretary of State, to such person or persons as may be entitled to the same, or any portion thereof."

The last amendments proposed by the committee were the following additional sections:

SEC.—*And be it further enacted*, That all books, papers, documents, and records, in the Department of the Interior, may be copied and certified under the seal of that Department, (which is hereby recognized as legal,) in the same manner as those in the other Executive Departments may now by law be, and with the same force and effect.

SEC.—*And be it further enacted*, That hereafter the commissions of all officers, under the direction and control of the Secretary of the Interior, shall be made out and recorded in the Department of the Interior, and the seal of the said Department affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

SEC.—*And be it further enacted*, That before any payment shall hereafter be made to any invalid pensioner, whose name shall have been upon the pension list two years, he shall produce to the agent for paying pensions to whom he shall apply for payment the affidavit of two surgeons or physicians, approved by the Secretary of the Interior, stating, from personal examination, the continuance of the disability, describing it, for which the pension was originally granted, and the date of such disability at the time of making such affidavit, and every two years after the date of such affidavit, he shall, before receiving any further payment, produce to said agent a similar affidavit; and if in said affidavit the disability shall be stated at a rate below that for which the pension was originally granted, he shall only be paid at the rate stated in said affidavit—said affidavit shall be filed by said agents, and carefully preserved, and copies thereof shall be transmitted, with the semi-annual returns of said agents, to the Commissioner of Pensions, who shall file them with the original papers of said pensioner, respectively: *Provided*, That when the pension shall have been originally granted by a special act of Congress, or for a total disability for the loss of a limb, or other cause, which cannot be removed, either in whole or in part, the above affidavit shall not be required: *And provided further*, That if any person entitled to an invalid pension shall be in the possession of a salaried civil office, his pension shall be suspended during the time of his employment in said civil office.

Mr. ADAMS. I ask for a separate vote upon the last section.

The PRESIDENT. That amendment will be excepted; and also the amendment upon which the Senator from Maine asks for a separate vote.

Mr. WALKER. I wish the Senator from Virginia, the chairman of the Committee on Finance, would explain the amendment which provides for the repeal of certain limitations on the appropriations for the commission to run the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo.

Mr. HUNTER. The limitations referred to in that amendment are limitations which were imposed, in former appropriation bills, upon the Mexican boundary commission. According to them, the commission would expire during the next fiscal year. The amendment is designed to continue it. It is necessary that it should be continued, in order to enable the commission to conclude its business. That is all.

The amendments, except those reserved for a separate vote, were then agreed to.

The question then recurred upon the following item:

"For the purchase of a new site for the custom-house in San Francisco, \$250,000; and the Secretary of the Treasury is hereby authorized, if in his judgment the public interest will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for the erection of a custom-house on the land reserved for said purpose to the purchase of a building or buildings, for a custom-house and other public offices; and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable to main-

tain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom-house."

Mr. HUNTER. Mr. President, according to former laws, a custom-house was directed to be built on a certain lot reserved by the United States and claimed by them, on the water front of the city of San Francisco. Some \$80,000 or \$90,000 were expended by the United States in piling and preparing this lot for the reception of the edifice which it is proposed to erect. During the process of preparing the lot for the building, it was ascertained that some claim was set up to it by the State of California. The Secretary of the Treasury proposed to the Government of the State of California, to relinquish any claim which it might have to this lot, before he proceeded further with the completion of the custom-house. This the authorities of that State have refused to do; the State government has refused to relinquish its title to the lot. Then, although we are of opinion that we are entitled to it, yet it would be dangerous to go on with so expensive a building upon land in regard to which our title is uncertain. It is therefore proposed, in order to gain time, to prosecute our title to this lot by all legal means; that we should vest in the Secretary of the Treasury a power to divert the appropriation to some other lot, to enable him to purchase some other site on which he may erect a building, or purchase some site on which there are buildings now erected.

It was thought better to do this than stop the appropriation entirely, because the rents which we are paying for Government offices in San Francisco are very large, being between \$130,000 and \$140,000 per annum. In order to get rid of this annual drain it was thought better to proceed with the building of a house for the custom-house and the other public offices; and in order that we might do so, and obtain the means of prosecuting our title in safety to this lot which we claim, we propose to vest in the Secretary of the Treasury the power to buy another site and build upon it, or to buy another site upon which buildings are already erected. This stands, therefore, in a different position from other custom-house appropriations. We propose to do this in order that we may not lose time, in order that we may not lose the materials which have already been purchased, and for which contracts were made when it was supposed there would be no difficulty in building the custom-house on this lot.

For these reasons the case seemed to the committee to stand on different grounds from other appropriations for custom-houses. The Secretary of the Treasury thought it was important, in order to secure the interests of the United States, that such a power should be vested in him. The Committee on Finance concurred with him in that opinion, and reported this amendment.

Mr. HAMLIN. I have no objection to the appropriation; it may be advisable that it should be included in this bill, but still I do not think the reasons which the chairman of the committee has given are such as should necessarily induce us to include this appropriation and exclude others of a like character. There may be a controversy between the State of California and the General Government in relation to the fee of the site on which it is proposed to erect a custom-house. It may be, and it is true, that the Government is paying large sums for the use of buildings for warehouse and custom-house purposes. Still, it seems to me that it would be more appropriate to place this appropriation in another deficiency bill, which the Committee of Ways and Means of the House have already reported, and create no uneasiness by allowing one appropriation for such a purpose as this to precede others of a like character.

Now, sir, we have before the Committee on Commerce a memorial asking for an appropriation to rebuild the custom-house at Portland, Maine, which has been recently destroyed by fire. That case is certainly much stronger than the one from California. The building which has been destroyed afforded accommodations for the United States courts and post office, and the Government is now paying large sums of money for accommodations for those purposes, but they are of an inferior character, and not such as are adequate to the place, or as the citizens have a right to expect and should be afforded. If this appropriation is to be included, I ask that other appropriations for

works similarly situated shall also be included. That is all I ask. I simply desire that there shall be a similarity in the action of the Government on various cases; and for the purpose of testing the sense of the Senate I move to amend the amendment of the committee by adding:

For rebuilding the custom-house at Portland, Maine, \$200,000; said building to contain accommodations for a post office and rooms for the United States courts.

Mr. HUNTER. I will say to the Senator from Maine, that I would sooner abandon the amendment in relation to the San Francisco custom-house than agree to have it amended by adding other custom-houses; not that I mean to pass upon the propriety of the appropriations for custom-houses, but I know that to send the bill back to the House with the custom-house appropriations in it will endanger its final passage. I shall, therefore, feel constrained, if the Senate amend the amendment in this way, to vote against the amendment of the committee. I thought—and the Committee on Finance, when they considered this amendment, thought—it stood upon a different ground from the proposition of the Senator from Maine, and from other appropriations of the same nature. The Government will lose nothing if it does not rebuild the custom-house at Portland, except the necessary loss occasioned by delay; but in the San Francisco case, if we leave things as they now stand, the Government runs this risk: As the law now stands, the Secretary must go on and build a custom-house on a lot the title to which is uncertain, thus jeopardizing a large amount of money. Besides that, in order to make use of the materials for which contracts have been made, and in order to prevent the payment of damages to the contractor, it is necessary to provide some means by which the materials may be used, or some authority by which the Secretary of the Treasury may settle with their owners. Unless we pass this provision, the Secretary, according to the powers now vested in him, and the duties now imposed upon him, must go on with the building on this lot, and use the materials; or if he should think he had the power to suspend the building, we should certainly be exposed to damages which would be claimed by the contractors, because the materials were ready, and had not been used. Here was a case for which we thought some legislation was necessary. Here were difficulties which we had to meet in this case, and which did not arise in regard to any of the other custom-houses. We thought, therefore, we could venture to put in this without bringing up the whole question of the custom-house appropriations; but if it does bring up that question, if the Senate amend the amendment by putting on other custom-houses, we shall be forced to vote against our own amendment, because we know that that question, if connected with this bill, will endanger it in the House of Representatives.

Mr. WALKER. Mr. President, according to the explanation given by the honorable Senator from Virginia, I think there is something singular and objectionable in the appropriation now proposed to be made. He says, an appropriation was made for the building of a custom-house in San Francisco on a lot which the Government claimed and thought it owned; but that after it had gone so far as to expend some \$90,000 to prepare the lot to receive the building, the State of California came forward with what, up to that time, was a latent claim, and asserted title to the lot; and now sets up this claim against the claim of the United States. It is singular, indeed, that such a claim should not have been discovered before the expenditure of so large a sum of money. It is strange that the State in which that city is located should have remained quiet, knowing her rights, and permitted the Government to go on and make this expenditure, and make no development in regard to her title or her claim prior to the time when it was presented. It seems, too, that the Secretary of the Treasury has interceded and endeavored to obtain a surrender from the State of California of her title to this lot, in order that the Government may go on and complete the custom-house there; but California declines to do this, and now the United States are about to be subjected to great loss, unless another place for a custom-house can be found, and an appropriation made to buy it.

Sir, I do not like this. I do not know how the Senate may feel, but it looks to me rather extraordinary that now, after the expenditure of

\$90,000 upon a piece of property, to which our title has failed, we should be called upon to make an appropriation to purchase another site, and go on again with the erection of a custom-house at another location. What assurance are we to have that we shall ever get for this purpose a piece of property to which there is a clear title? There is no provision made in this bill that the officers of the Government shall be satisfied as to the perfectness of the title, before they make another commencement with this building. For aught we know, we may expend \$90,000 more, and California may then come forward to claim that site, and we shall have to be continually running over San Francisco, and making appropriation after appropriation for the benefit and improvement of lots in that city, without the Government deriving any benefit from it.

I think myself, sir, that this is a matter which ought not to be included in the deficiency bill. I think, under all the circumstances, that there is much less merit in it than in the Portland case, and that it had better be dropped; and we should have some time to consider the question, on one of the more general appropriation bills, before we vote for it.

The Senator from Virginia does not offer us any evidence or any explanation of what right California has to this property. We do not know at present but that her claim was a mere pretense. I doubt very much whether the Senators from California know anything about it. They have not explained the matter to us as yet, and I think that we are asked to shift our ground in relation to it rather too suddenly, and that we ought to have a little more time to consider what we are doing. I do not know that the Senator from Virginia is prepared to make it manifest to the Senate that the Government of the United States has been led into the expenditure of \$90,000 on a California lot to which it had no title, that it is a clear loss, that the amount is to go to the benefit of the city, and that we are to derive no advantage from it. And perhaps he is able to prove to us that we are helpless, that we are now to turn round and reappropriate the money, buy another site, and expend \$90,000 over again, before the Government can get a custom-house in California.

MR. FESSENDEN. I wish to say a few words, Mr. President, on the subject of the custom-house in Portland, Maine, in order that Senators may understand the propriety and necessity of adopting the amendment proposed by my colleague. A few years ago the Government bought of the city of Portland a very large (though not too large) and elegant building, which had been erected by the city in a place which was most convenient to accommodate all the business of the General Government. The building was bought at a very reasonable rate. It was a substantial and permanent stone building, and accommodated not only the custom-house, but the post office and judicial courts of the United States. A few months ago that building was burnt. The consequence has been that the customs are very badly accommodated at a time when the business of the city of Portland is very largely increasing every day in consequence of its having been recently made the terminus of a very extensive railroad to the British Provinces, and having also become a port where British steamers enter once a fortnight. From these causes its business is very largely increased from what it was, or what it was anticipated to be at the time the building was purchased.

In consequence of the destruction of the building by fire, the Government is left in possession of a lot in a central position; the very best which can be selected to accommodate the custom-house, the post office, and the courts. It lies there vacant. Any one must see that it will be built upon again, and that at a very early period. Consequently, every day we lose is a loss to the Government itself, in reference to that matter. The result has been that the building now occupied as a custom-house is in one part of the city, and that not a convenient place, and buildings are hired for a post office in another portion, and for the judicial courts in another; and all of them are very small, inconvenient, and temporary, exposing the officers of the Government to great inconvenience, and the Government to pay high rents in order to obtain these miserable accommodations.

Now, sir, it is manifest—nobody disputes the fact—that as soon as possible this lot of land in

Portland, which is so beautifully situated for the purpose, must be built upon again, in order to accommodate the large and increasing business of the Government at that port. Then it is only a question of time for the consideration of Congress, whether a whole year shall be lost in reference to that matter, whether a mere question of form in regard to what particular bill this appropriation shall go into, shall defeat the great object.

I do not agree with the honorable Senator from Virginia, that the amendment of my colleague must necessarily peril the bill in the House, if it be adopted. This is a very peculiar case. I understand that the amendment proposed in reference to the custom-house at San Francisco is an amendment presented here by the Committee on Finance, and the bill must go to the House of Representatives again in order to have our amendments acted upon. If the amendment proposed by my colleague, with reference to the custom-house in Portland, is to endanger the bill in any way I do not see why it will not be as much in danger by the amendment proposed by the Committee on Finance. The case which my colleague and myself present is certainly as strong a case as that proposed to be provided for by the committee. The officers of the Government in Portland are exposed to great inconvenience. They are very badly accommodated, or, I should rather say, not accommodated at all. The citizens are very badly accommodated. There is a loss to the Government in the way of rents, and in almost every particular. The only question, then, is, whether, through a mere matter of form, as to whether it shall go into one bill or another, the appropriation shall be deferred to a future time, when the amendment of the committee seems to be of a no more urgent character than that which is proposed by my colleague.

Since I have been here I have not pressed this matter, although it has been pressing upon me, for the reason that I did not understand exactly in what shape it was to be brought forward; and it did not occur to me, or to my colleague probably, to present it until we saw the amendment in reference to the custom-house at San Francisco proposed to be put into this bill. On inquiring into the reasons for that appropriation, we find that they are no stronger than, if as strong as, those for the appropriation for which we ask. There is a large business transacted at the port of Portland; there is a great want of accommodation for the Government business there; and, owing to a casualty, the building which was used for the purpose has been destroyed. There is no question upon the mind of any one that the matter must be, and, for the good of the Government, ought to be, attended to as soon as possible. Under these circumstances, if the amendment proposed by the committee be adopted why should not this go with it? I certainly cannot believe that, under such circumstances, this amendment would lead to the defeat of the bill in the House of Representatives, when it must be apparent to the mind of every member of that House that it is not a new thing, but is merely to make up an actual deficiency of the strongest character; to provide for a most pressing necessity; to erect a building in lieu of one which has been burnt, in a place where a large revenue is collected, to accommodate not only the custom-house, but also the post office and the United States courts for the whole district of Maine. There are now, in fact, no accommodations for these purposes; and shall things remain in this way, and a whole year be lost, on account of a mere question of form? I do not suppose that the evil which the Senator from Virginia seems to apprehend would follow from the adoption of the amendment of my colleague. I think the House of Representatives will be satisfied, after hearing the explanations which can be given to them by gentlemen there who are perfectly competent and ready to give them. At any rate, I think that we present as strong a claim as is presented by the Senator in reference to the proposed amendment for San Francisco. I hope, therefore, the Senate will consent that the amendment proposed by my colleague to the amendment of the committee shall be adopted, because time is of very great consequence, and I do not see that any evil results will follow from it.

MR. PETTIT. Mr. President, I believe that if this amendment would have the effect which the Senator from Virginia supposes I should vote

for it, that is, if it should have the effect of killing the bill, I am opposed upon principle to all these bills. I have nothing to say as to the details or specific items included in this or any other bill of this nature; but I can conceive of no propriety, not to say no authority under the Constitution, to pass deficiency bills. I understand that they are passed to appropriate money out of the Treasury to cover up money which has been taken from the Treasury during the year, in violation of law. The Constitution expressly provides, in so many words, that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Now, why a bill is named a deficiency bill, I do not know, and cannot conceive, unless it is to do precisely what I have supposed; that is, to cover up moneys which have been already expended, upon which a lawless or wanton hand has been placed in the Treasury, and thence abstracted or removed—perhaps for proper purposes, as may have been considered, and with no design to embezzle. I do not charge that; but I hold that it is the business of the Congress of the United States to estimate, or at least to appropriate, the entire amount of money which can be expended for a year, and no emergency whatever can justify any Executive officer in putting his hand into the Treasury, and expending more money than is appropriated, for a purpose for which money has been appropriated, or for any new, or distinct, or separate purpose whatever.

If the public service suffers by the non-appropriation of sufficient funds to carry on the whole operations and discharge the demands and exigencies of the Government let the responsibility fall where it ought to fall. We alone have power to control the public Treasury; but if we do not guard it vigilantly upon the one hand, and upon the other expend it as liberally as the interests and demands of the people of the country require, we are to be censured. The censure should fall here, where the Constitution has placed the control of the moneys of the country.

Sir, I do not say that I shall not vote this year for a deficiency bill, but I do say that I will not vote for such a bill any year hereafter. When a new Administration comes in, and has only to expend that which a former and outgoing Administration has estimated for, and which has been appropriated, there may be some seeming apology for the use of more money than an Administration just going out of power, and wishing to show a very clean balance sheet, and an economical disposition of the public money, has been willing to estimate, and have appropriated. I say, there may be an apology in such a case; but it is a miserable apology which can justify a direct violation of the Constitution for any purpose whatever. I give notice now, to the present Administration, that they must, so far as I am concerned, make estimates enough for this year, and I will vote for them all. I will vote liberally for all they estimate for the coming year's expenditure, but next year they must not ask me to vote for a deficiency bill, unless they can show that there has been some great, and absolute, and overpowering necessity, such as that the Army or Navy were required to be concentrated at a particular point, to give defense, when it could not have been anticipated, or any estimate made for it. Then law gives way before necessity; but in the ordinary course of the transactions of this Government, in times of peace, there is no reason why we should not control the purse strings, and make, in advance, all the appropriations which are required.

But, sir, Senators will say that the appropriations in these bills are not all for moneys which have been expended; as, for instance, in this case, it is proposed to make a direct and original appropriation for a custom-house in Maine, and another in California. They may be necessary. I do not say that they are not needed. I do not know that there are any contracts out for either of them, but I think it not improbable that there are assurances or even contracts out for the construction of these works, if the money has not already been taken from the Treasury for them. I presume that these are new and original works; that no money has been taken from the Treasury whatever for them; that they have not been commenced under an appropriation of \$2,000, or \$5,000, or of any other sum, made as sufficient in the judgment of Congress to carry them on, and that the Department has not gone on involving the Government

in as much more money, expending it during the recess, and asking us now to come in and cover it up. While these may be original propositions, and, as such, proper enough, (for we have entire jurisdiction over them,) yet it is not pretended that there are not some provisions in this bill to cover up moneys already expended, already subtracted from the Treasury, and which the Government would have us believe we are bound to appropriate and make good.

I hold, that it is as palpable a violation of the Constitution for any Department of this Government to make a contract for the purchase of property, or the erection of a building, or otherwise to involve the Government, which shall require an after appropriation here, as it is to take the money directly out of the Treasury, and consummate the contract at once, and ask us to cover it up afterwards.

Sir, it will be said that we are not obliged to vote the money; that one of our secretaries may buy a site for a custom-house, and go on with the work, and if you please, spend millions of money, and say he had made a contract stipulating that, if Congress would appropriate the money, it should be all right. Every one knows in what condition we are placed when we come here and find such a contract before us. Those who have claims upon us besiege us to death, and they say, we are in honor bound, we are in duty bound to pay; that the work has been performed, and the material furnished, the deeds for the land given, and that we cannot shrink from the responsibility of making the appropriation.

This system is wrong from beginning to end. When and where did it arise? It arose with extravagant Administrations; those who wished to hold out a fair exterior to the public, and dared not say how much money their own interests and exigencies demanded, because it counted up in large sums. Sir, I never was afraid, and I never shall be afraid, to say to the people, "You cannot get the advantages, the blessings, and the protection of this great Government without taxing yourselves, and freely spending your money." It is the better policy always to go at once to the people, and say, "It is necessary to expend so much money; this Government operates as an insurance company to you; it protects your persons and property from harm; protects your reputation, your national character, your honor, and everything which is dear to you as a people, and you must pay the premium note." Say what it is at once; deal fairly with the people; let there be no hiding, no concealment; let there be no saying, "We will administer your Government for so many millions of money," and then, before the end of the year, fasten upon them the means by which they will have to cover up the difference ten times over.

I am opposed, on principle, to all these deficiency bills; and I repeat, that if I vote for this it will be the last one for which I shall vote, whether I sit here for a longer or a shorter period.

Mr. HUNTER. Mr. President, the Senator from Indiana will find, if he will examine this bill, that its appropriations are mainly, not for money which has been expended without authority of law, but to meet propositions from the Departments to be allowed to expend more money than they were allowed to expend under former appropriations. For instance, there is a case of this sort: There is an appropriation of \$1,000 for expenditures in the Black Hawk war. There was an appropriation for the purpose before, but it has passed to the surplus fund. Since that time claims have come in which are believed to be good, but the proper Department could not pay them, because there was no appropriation applicable to the purpose. It asks now to be allowed to pay them, and we accordingly propose to give the authority to do so. There is no violation of law on the part of the Department. This claim must be provided for in some way; and how is it to be provided for? Why, in a deficiency bill. Then there is an appropriation to pay the expenses of the Cayuse war in Oregon.

Mr. PETTIT. I will say to the Senator, that there are, no doubt, a number of appropriations which are original and proper appropriations, but the greater portion of this bill is to cover up money which has already been used from the Treasury. I ask the Senator if that is not so?

Mr. HUNTER. I think not. The Senator

will find, if he will examine it, that there are very few cases in which any money has been expended, for which we are asked to make appropriation here. There have been obligations incurred in some cases; for instance, the exploration of the route across the unknown country between the Mississippi and the Pacific in the high northern regions, turned out to be more expensive than Governor Stevens supposed. After he got involved in that country, the necessity of the case required him to expend something more than he had, or to incur liabilities to a greater amount than the existing appropriation would authorize. There may be a case of that sort here and there, but it will be found that there are few such cases in this bill, and where they occur, they are generally for small amounts, and in regard to expenses which could not have been readily foreseen. These are deficiencies which must occur under any and every Administration. There is no amount of foresight or experience which will enable an Administration to prevent the occurrence of such cases. I shall be told, perhaps, that they ought to estimate to meet all these contingencies. If they did, and we were to make the appropriations accordingly, it would swell the general appropriation bills to inordinate bounds. It is far better, in order that we may keep some sort of proportion between the appropriations and what we believe to be legitimate expenses, that we should only appropriate as the necessity for expenditure is proved to exist.

Now, sir, when we are making appropriations for the next fiscal year, can we perceive all the exigencies which will arise, or the calls which may exist for public money, in order to meet the wants of the public service? We cannot. We appropriate for all which will probably arise; all that we can foresee. In the progress of the next fiscal year it frequently turns out that if a little more had been appropriated to one head we could have performed some important public service, and that there will be a saving of money, as well as a general advantage to the Government, to appropriate it in a deficiency bill to the service of that year, instead of waiting for another year, and postponing the public work and the public service, whatever may be its character, until that succeeding year. In such a case, a deficiency bill is entirely proper.

Well now, sir, I think, if the Senator will look into the history of our past legislation, he will find that there has scarcely been a year for the last forty when there have not been two appropriation bills passed at every session. It is true we have had different names for them. Before the alteration of the fiscal year, which I think occurred some ten years ago, changing its commencement from January to July, one bill was passed very early, called a temporary bill, to meet the temporary emergencies; but then there was a general bill passed afterwards. When we changed the fiscal year, throwing the appropriations so far ahead, we had two bills. The first was the general bill providing for all the probabilities that we saw in existence. The next we called a deficiency bill, which was to provide for contingencies which had not been foreseen, but had been developed in the course of the fiscal year.

I do not believe there is a single case in this bill, if there is I do not now recollect it, in which we propose to appropriate money to carry out contracts which have been made beyond authority given by law. All the appropriations, with some very few exceptions, are to meet contingencies which were not foreseen, and which have arisen in the course of the progress of this fiscal year; and being so, it seems to me that it is legitimate and proper to make appropriations for them.

So much for the general objections to any deficiency bill. I come now to the objection which has been suggested by the Senator from Wisconsin [Mr. WALKER] to this amendment of the committee. He seems to think that this is a provision to meet the wants of California. It is a provision, as I understand it, to protect the Government against what we believe to be improper demands on the part of the State of California. It is a provision designed to place the Government in a position in which it can make provision for its public officers, without being forced to pay the sum which we believe to be unjustly demanded by the State of California to obtain a perfect title to this lot. In order that we may make provision, without yielding in this point, in regard to which we are

not willing to yield, we propose to allow the Secretary to buy a site elsewhere; that is the whole proposition. But the Senator wants to know how it is that this money was expended upon this lot with an uncertain title. It was not expended until the former Attorney General had given an opinion pronouncing the title, in his estimation, to be good; but after the work was commenced it was suggested that there were doubts upon it; and I believe the present Attorney General thought there was so much doubt in regard to it as to make it proper and politic to withhold any further expenditure of money upon that lot. The difficulty in the case arises out of a decision made in Alabama, that lands reclaimed from the sea or from rivers, which had been covered by water, belong to the State; and it is under that decision, I believe, that the State of California claims this lot. Whether the claim be rightful or not I do not now pretend to say. I believe the weight of opinion is against her; but still it is thought that the title is sufficiently doubtful to make it improper and impolitic to go on with further expenditures upon it until the matter is settled. That is the whole case.

So far as economy is concerned, it was thought better to go on with the completion of this building, than to be paying the enormous rents which the Government is now paying in that city, from \$130,000 to \$140,000 per year. It was believed that this case differed from the others, because the appropriation was not merely designed to hasten a public work which was necessary for the public service, but it was designed to protect the United States against improper demands, to save the Government from losses which may occur if we go on building on this lot, which we shall perhaps be required to do, under the existing state of the law, or else have to pay damages to the contractors.

In regard to the custom-house in Maine, I do not stand here to dispute the propriety or necessity of some appropriation at the proper time for such purpose, but it seems to me to stand on different grounds from this. It stands on the same grounds with many other demands for custom-houses. I oppose it, because I know that if we agree to this we shall have to agree to others; and if this amendment, which the Committee on Finance has reported, should be amended by adding any other custom-house, I shall feel constrained to vote against it. I shall vote against it because I believe, from what has already happened, that it would endanger the bill itself, when it goes back to the House of Representatives. We all know that the very fact of adding these custom-house appropriations did once defeat the deficiency bill, and it was only passed by separating it from considerations connected with these public edifices. That was the only mode by which it could be passed. Now, I am not willing to add that obnoxious matter, and force it upon the House, whether it be reasonable or unreasonable in the House originally to have entertained such objections.

I desire to provide for the wants of the Government. I desire to provide for them quickly, because otherwise the deficiency bill will be useless unless we can pass it in time to meet the wants of the Government in the present fiscal year; and for that purpose I am disposed to put aside all controverted matters. I cannot demonstrate perhaps to the satisfaction of the Senator from Maine, [Mr. FESSENDEN,] with positive certainty and absolute precision, that the addition of these custom-house appropriations to this bill will destroy it in the House of Representatives. That is a matter of judgment and of opinion. I have inquired from those who seem best acquainted with the temper and disposition of the House, and such is their opinion. And in deference to that opinion I have determined, so far as I can, to keep off these appropriations from this bill. I may be mistaken, but I do not think I am. I believe that if we add this, there are others which we shall be called upon to add for reasons equally good; and if we do attach to the bill appropriations for custom-houses, I feel very sure that we shall lose it in the House.

Mr. SHIELDS. Will the honorable Senator permit me to ask him what is the whole amount appropriated by this bill?

Mr. HUNTER. It is a little over two millions, if we put in all that the committee of the Senate propose, in addition to what was appropriated by

the bill as it came from the House. It appropriated between one and two millions of dollars, as it came from the House.

Mr. SHIELDS. I wish to ask another question, How much, in amount, has the Senate committee proposed to add to the bill?

Mr. HUNTER. I think we propose to add between seven and eight hundred thousand dollars.

Mr. FESSENDEN. I wish to ask the Senator from Virginia if there is any other case of a custom-house which has been burnt; whether there is an instance in any other place of a building accommodating all the public offices and the public business of the Government, which has been destroyed so as to throw everything into the state in which it is at Portland at the present time?

Mr. HUNTER. I do not know that there is any other case in which a custom-house has been burnt, but there are doubtless other cases which are thought, in the opinion of their friends, to be quite as strong as that; and the honorable Senator will find, if his proposition be added, that there will be others equally strong presented.

Mr. FESSENDEN. I do not understand how that can possibly be.

Mr. JONES, of Tennessee. Mr. President, I am inclined very much to concur in the opinion with the Senator from Indiana [Mr. PETTIT] in regard to this bill and all similar bills. I have not been here very long, but I have never been here at any session when we have not had a deficiency bill before us. I do not mean to say that such bills are palpably in violation of the Constitution; but this much I do say, that there are a great many items in this bill which are in violation of the spirit and intention of the Constitution. The Constitution declares that no money shall be drawn from the Treasury, except in consequence of appropriations made by law. There are various appropriations proposed in this bill to make up for moneys already expended. They may not have been actually taken out of the Treasury and paid to the contractor or the agent, yet the fact is palpable that the Government owes the money, if it has not been paid, and we are placed in the position either of repudiating the debt, which would be an act of dishonor that no Senator would entertain for a moment, or to make an appropriation for the money which has already been expended. Now, that is a violation of the spirit of the Constitution, to say the least of it.

But this is not the only objection which I have to this course. One of these three things, I think, is self-evident: either that the Departments that send in their estimates here are very inadequate to the performance of their duty, or they send in their estimates much too low; or else the Congress of the United States, in the exercise of that power which they have—a sort of parsimonious power, for the purpose of making political capital at home—reduce the estimates, and thereby force upon the Departments the necessity of expending money not appropriated by law. Either one of these things is true, or else there is a palpable violation of the spirit and intention of the Constitution by the Departments.

Now, Mr. President, I think my whole history here, short as it is, will demonstrate that I have never been found wanting in a spirit of liberality. If I have any sin to answer for, it is that of prodigality, both personal and general. I believe I vote for almost every appropriation which is presented. I am not afraid to spend the public money. I am willing to spend it whenever it is necessary, and when it has even the semblance of necessity; but I want every man to do it upon his individual responsibility before the country; and I am not willing that any Department of this Government shall spend money, and then turn upon me, without consulting me, without permitting me even to judge of the question, and present to me the alternative either of paying the money or repudiating. I would pay the money, though it were four times as much, rather than repudiate a single dollar.

Now, sir, I am unwilling to continue this system, and, for myself, I concur with the Senator from Indiana. In my judgment this is the last deficiency bill for which I shall ever vote in the Congress of the United States. I may vote for some deficiencies of a particular character, which could not have been foreseen; but I cannot and will not hereafter vote for a bill running through all the Departments of the Government, making appropriations for the salaries of officers in every

Department, which could have been, and must have been, foreseen.

Do you not remember, Mr. President, that at the close of the last session of Congress—I know the distinguished chairman of the Committee on Finance remembers it—when the estimates came in here from the Departments, in either one branch of Congress or the other, (I will not say which, because I am forbidden to speak here of the other branch,) those estimates were cut down below a point which any sensible man ever believed could be justified by the necessities of the country. We know that fact. They were cut down by those who wished to make political capital at home in the next canvass, to go before the people, and raise a hue and cry against profligacy by others, and to show by their votes that they were the peculiar guardians of the Treasury of the country. From this cause followed, as a matter of course, many of these deficiencies; and you, sir, and I, are called upon to bolster up and sustain men in such a spirit of wild demagogism. For myself, I am opposed to it. Let the Departments make the necessary estimates. Make them large enough. Double them, if you please, and I will vote for them. But when estimates are made, and they are cut down below what, in the judgment of the Government, is necessary, we are turned upon at the next session, and told here is a deficiency which you must appropriate for or repudiate a debt, I think it is unjust to the Congress of the United States. I think we can arrest it, and ought to arrest it; and there is no better time for it than now.

The distinguished and honorable Senator from Virginia tells us that it has been the custom for thirty or forty years to pass such bills. I am tired of this idea of age, and the holding of it up in *terrorem* over gentlemen. That is the same argument which I had to meet here a short time ago in relation to the Missouri compromise. I was told that I was not to touch that "sacred" thing, because it was thirty years old; and now we are not to arrest an abuse of the Government because it has continued for thirty or forty years. If it is an abuse let us arrest it now. This is an age of progress. I do not mean young Americanism progress; but I mean a progress of reason, and judgment, and common sense, and proper responsibility. Let every man bear his own responsibility. I am willing to take mine. Make your estimates large enough to cover up all your expenses, and let us like men come up and vote for them. I shall vote for this bill because it is in part to pay for debts which have been contracted; but hereafter I shall never vote in favor of another general deficiency bill.

Mr. HAMLIN. Mr. President, the Senator from Tennessee says that he has found that a deficiency bill has always been reported at every session since he has been here. That is true, and if he shall remain here until the day of his death I doubt not he will find annually a deficiency bill reported. I think the occasion which calls for it has been well stated by the honorable chairman of the Committee on Finance. There are unforeseen expenditures which are required within the year, and which cannot be provided for in the annual appropriation bills. These are appropriations which good and sound economy requires should be made, and are made during the year, although they are not provided for in the annual appropriation bills.

Now, sir, the Senator from Tennessee himself says that this may not be the fault of the Government but of a class of individuals; but he avows his purpose hereafter not to vote for a deficiency bill, notwithstanding the sums appropriated may be due to honest workmen, to individuals who have entered into obligations with the Government, who have discharged their contracts, who have honestly and fairly earned their money, but who, in consequence of a course which is objectionable, perhaps to everybody, taken by certain other individuals, have not been able to receive their dues; and appropriations are not to be made even to pay that class of Government liabilities! Such liabilities will always occur, and such liabilities will always be paid, I think.

It was not my object to enter into a discussion of the propriety of deficiency bills, or of the circumstances or necessity which required them; but it was my purpose to answer a declaration made by the Senator from Indiana, which was far too broad, and which I feel may, unintentionally on

the Senator's part, do injustice to the Secretary of the Treasury. He avowed that a greater portion of these appropriations were not only without law but in direct violation of law; that these expenditures were not only without law, but in direct violation of law.

Mr. PETTIT. The Senator will allow me to say that I certainly cast no aspersions on the Secretary of the Treasury, but I spoke of the general policy of the Government. It is known that I entertain the kindest feelings for the entire Administration—for every branch of it.

Mr. HAMLIN. I have no doubt of it; but still I think, by implication, a wrong impression might be drawn from what the Senator said, and it was for the purpose of correcting it that I rose. I do not say that the Senator designed to make any charge of the kind—far from it—but he made the general declaration, and he illustrated it by reference to the expenditures which were made in the erection of Government buildings; and those Government buildings are mainly in charge of that Department. Now, allow me to say to the honorable Senator from Indiana, and to the Senate, that I think I am justified in asserting, that the Treasury Department, in no single instance, have departed one inch beyond the limitations and provisions of law in reference to the erection of public buildings.

Mr. PETTIT. I am very glad to hear it.

Mr. HAMLIN. In no single instance have they departed from the limitation provided by law, but they have done this, and as wise and prudent officers, it was their duty to do it: When they have found an appropriation for a public building, in their judgment, after an actual survey and estimate, to be inadequate, while they have made a contract coming within the limitations and the provisions of law, they have added to that contract a qualification, that if Congress should see fit to make an additional appropriation for the purpose of making the building what it should be, then the Department should have the power of so changing it. They have made their contracts within the limitations of the law in all cases, with the addition of this qualification. It has been found, in various cases, that the appropriations have not been sufficient to make the buildings fire-proof, and then they have added the qualification which I have named, submitting it to Congress subsequently to make an additional appropriation for the purpose of making the building fire-proof; and if Congress should see fit to make the appropriation then the modification or change would be made; otherwise not.

I have a word to say in relation to the direct amendment before the Senate, and then I will not trouble them again. There are a large number of custom-houses and marine hospitals in process of construction, in various sections of the Union, and in various States in the valley of the Mississippi, and on the Pacific slope. There is an appropriation bill now in the House of Representatives, providing for increased appropriations to finish, or, in some instances, to change, the plan of construction, if it shall be deemed advisable, for those various buildings. There is no other case, save this at Portland, within my knowledge, where the whole structure has been entirely destroyed, and where there are no accommodations furnished, and where the Government has lost the accommodations which it has had for the custom-house and post office, and the United States courts. It involves precisely the same expenditure for those accommodations out of the Treasury which are required in California. There is, I grant, a difference in amount, and a difference in degree, but in principle both are precisely the same. Now, if there is any good or substantial reason why there should be an exception let it be made. I felt it to be a duty which I owed to my constituency, that this case, standing, as I believe, substantially upon the same foundation with that in California, should meet the same fate. In regard to the others, standing upon a different ground, I have nothing to say. I do not propose to mix them with this bill, or to ask a vote of the Senate upon them. They stand as a class. This stands separate from them, and for that reason I offered the amendment to the amendment. If it is advisable that an appropriation shall be made in this bill for the change of a site for California, I hope this appropriation will be made to rebuild the custom-house at Portland; otherwise, not.

Mr. BROWN. Mr. President, I concur in very much of what has been said by the Senators from Indiana and Tennessee in reference to deficiency bills, and yet I am not prepared to go so far as the Senator from Indiana, and say I will not vote for them hereafter. That abuses are growing up and multiplying is true beyond all question, under this system of passing these deficiency bills. Now, sir, what is a deficiency bill? Probably, it is a bill supplying necessary deficiencies in appropriations already made, which could not be foreseen, and therefore could not be estimated for in the beginning. Confined to these, the sum appropriated by a deficiency bill would be very small. The Administration sends in its budget at the opening of the session, and it is published, and the whole country sees it. That far the responsibility of the Cabinet Ministers is fixed. But if they underestimate the absolute amount required for their own schemes, then the balance of the responsibility, the making up of the deficiency, is thrown upon Congress, and the country is not given to understand that the Administration is expending every year three, four, or five millions of dollars more than the budget sent to the country shows that it is expending. Wherever there is an absolute, existing deficiency, required by the necessities of the country, I shall be willing to vote for it; but I will not take into bills called deficiency bills new schemes, or put in appropriations for large sums of money, which have been expended without the shadow of authority.

Mr. HUNTER. Will the Senator from Mississippi allow me to say to him that I think, if he will examine this bill, he will find none such in it.

Mr. BROWN. I was coming to that. The very item before us strikes me as not being a deficiency. According to the Senator's own account, the \$90,000 heretofore appropriated for the San Francisco custom-house, have been entirely lost to the Government, and we are about to abandon the lot which we purchased for that money.

Mr. HUNTER. The Senator is mistaken; we are not going to abandon the lot; we are going to try our title to it.

Mr. BROWN. Is this appropriation of \$250,000 then, to be made to try your title to that lot? No sir; but, according to the Senator's own explanation, it is to buy another and an entirely different lot, or, in the discretion of the Secretary of the Treasury, to buy another lot with a house upon it. This is a new scheme, having no earthly connection with the purchase which you have made. You bought a lot for \$90,000, and the Senator says you are going to contest the title to that lot; but this money is not for that purpose. What connection has this appropriation of \$250,000 with the \$90,000 already appropriated? None on earth; and this appropriation is for an entirely distinct object, to wit: the purchase of another lot, or another house. I cannot regard it as a deficiency; but yet, so far as this bill is concerned, I would as soon vote for it in this bill as in any other bill. I am willing to vote for it, if the necessities of the country require it; but I dislike these misnomers. I dislike this thing of putting in appropriations of this kind in places where they do not properly belong.

Now, there is one point of objection which I make to the amendment, as proposed by the committee, and which, if it is not corrected, will prevent me from voting for it. The Secretary of the Treasury is allowed by the amendment, in his discretion, to purchase a house already built. To that I object most emphatically, because there will be found in the city of San Francisco no suitable house for this purpose. I am sure there will not be. You may buy a house, and buy it cheap enough; I do not pretend to say that cannot be done; but you cannot buy a proper house for the accommodation of the Government there. What will be the consequence? Why, sir, after four or five years, perhaps in a shorter time, we shall be asked to make new appropriations to build a new house, and the old one will have to be sold, and sold, possibly, at a sacrifice. I think the Government ought to have a custom-house there—one commensurate with the growth and prosperity of the city. I am willing to make an appropriation to buy a suitable lot, and then to build a suitable house on it, after it has been purchased; but I am not willing to send out the Secretary of the Treasury to buy houses already erected,

and which will turn out in the end to be wholly unsuited to the purposes for which we are buying them. You may as well buy a house at Portland, another at Louisville, another at St. Louis, and one at New Orleans, and every other place where you want a custom-house. Let the Government go on as it is now doing. If it pays a few thousand dollars too much, what of that? Let it rent these houses where it cannot do better; but when you pretend to build a custom-house, build such a one as the interests of the country require, and make a sufficient appropriation for that purpose.

I repeat, I cannot vote to give the Secretary of the Treasury discretion to buy houses already built; but I am willing to vote liberal appropriations to buy lots and build houses where necessary. If the Government fails to recover the lot already purchased, of course it is a naked loss; but if it is recovered, it can be sold. I am not for delaying the work while a litigious lawsuit shall go on in reference to that lot.

Mr. HUNTER. I have before me a letter of the Secretary of the Treasury on this subject which explains the whole matter; and as there seems to be some misunderstanding in regard to it, I will read the letter:

TREASURY DEPARTMENT, March 22, 1854.

SIR: I beg leave to bring to the attention of the Committee on Finance the condition of the custom-house at San Francisco.

The square bounded by Front Battery, Washington, and Jackson streets, part of the Government reserve in San Francisco, was selected by the collector, Thomas Butler King, for a custom-house, and the title submitted to the district attorney, who examined the same, and reported the title perfect in the United States, and not affected by a lease made by Captain Erasmus B. Keyes, on behalf of the United States, because of the reservation contained in the lease for the surrender of whatever part should be required for Government purposes. The selection of the site was approved by my predecessor, and the building of the custom-house contracted for, and steps taken to fill the square, and pile for the foundation, and some \$90,000 expended, before it was ascertained that the State of California set up title to the Government reserves, as land covered by the tide; and, upon investigation, it was found the title of the United States was not free of doubt and difficulty, and in consequence thereof the work was suspended, and application made to the Legislature of California to release all claim to the square. The Legislature of California passed an act to sell the Government reserves, but exempted out of the sale part of said square which the custom-house was to occupy, but did not release title or claim to the same. The residue of the Government reserves claimed by the State of California was sold by the commissioners appointed by the act, and an attempt made to sell part of the custom house square, and an injunction obtained on behalf of the United States to prevent the sale.

A renewed application was made, by authority of this Department, to the State of California to release claim to said square; but the Governor, in his message, recommended it should not be done; and a letter has been received from R. P. Hammond, collector at San Francisco, to whom the application was intrusted, that there is no probability that the release will be made. A copy of the letter accompanies this.

The Government is annually paying rent in California for custom and warehouse purposes, post office, court-rooms, and offices, to the amount of \$133,024 26, as will appear by the accompanying statement; and the contractor for the custom-house, which is also to have rooms for the post office and the courts, is delayed. The contractor may claim compensation for the delay, under these circumstances. Another site might be provided, and the building progressed with, or authority given to vacate the contract.

A suitable and proper site for the custom-house, post office, and courts, in an eligible position, will be costly; and, that the sum may be adequate, an appropriation of \$250,000 in addition to the former appropriation, is recommended, so that whatever part may not be needed for the site may be applied for the building.

I have directed legal proceedings to test the title of the United States to the square selected for the custom house. Those proceedings will take years. The square is well selected for custom-house purposes; and the whole will be required for that, and other public offices. In the mean time, if the contract to construct the custom-house, &c., should be vacated, it would be cheaper to purchase buildings for custom-house, post office, court rooms, &c., than to rent. It is believed that a purchase could be made for what it would cost to rent suitable buildings for a term of five or six years.

I have the honor to be, very respectfully,

JAMES GUTHRIE,
Secretary of the Treasury.

Hon. R. M. T. HUNTER,
Chairman Committee on Finance, U. S. Senate.

Mr. PETTIT. I have a few words to say in reply to the Senator from Maine, [Mr. HAMLIN.] The cases which he puts will properly and legitimately come under the head of additional and further appropriations, to which I should not object. Let us put a case. Suppose the Government of the United States concludes that it wants to build a custom-house at any port of entry, or buildings in the interior and shall describe what kind of buildings are wanted, of what materials they shall

be built, how high, how broad, how long, and how permanently they shall be built, and Congress shall appropriate \$200,000 for their construction, and direct the Secretary of the Treasury to proceed to erect them. What now? The Secretary finds, on casting around for bids, that he cannot complete those buildings for that money; nevertheless the law has ordered him to go on and expend that money in the buildings. He does so. He makes his contracts if he acts prudently and wisely, no further than the money already appropriated, when that money is expended, he says to all hands, "You must stop; I can go no further until I present this matter to Congress at the next session, and then, if they appropriate more money, well and good." But that is not the policy that is pursued. That would be an additional appropriation, and I should have no objection to make such an appropriation in a proper case. But, the policy pursued is this: you direct that a custom-house shall be built at any important point, and Congress make the estimate of how much money they can afford to expend in it; but while Congress have by law designated the kind of building which shall be built, whether of stone or brick, and in this, that, or the other way, the Secretary of the Treasury (I do not charge it on the present Secretary, but I say this has been the policy heretofore) has taken upon himself to say that that is not a suitable building, that it is not fire-proof, that the materials are insufficient, and he will therefore take the responsibility of changing the plan, and he changes it to a more costly and magnificent structure, and then comes to Congress. He does not content himself with expending, although in a different structure entirely, the amount of money appropriated; he not only changes the structure and the order of architecture, but he expends more money, perhaps double the amount of money appropriated, and then comes to Congress, and asks an appropriation for a deficiency. That is the point of these deficiencies. That shows the difference between a deficiency and an additional appropriation.

Then take the Indian Department. Suppose Congress appropriate \$50,000 for removing a certain tribe of Indians. The Administration go on and find that they cannot remove them for less than \$100,000; but instead of saying "we will not attempt it, or will remove them as far as we can for that sum, and no further," they say, "we will go on and contract for the whole amount, and ask Congress to cover it up," or "we will pay it out of the Treasury as we go along." That is a power which the Departments have not got, and to which I object.

The Senator from Tennessee agreed with me, in the main, in my views of this bill; but he does not agree with the views which I shall now express, whether I expressed them before or not. They are these: If an Administration shall send to Congress their budget for a year, asking for \$50,000,000, and the House of Representatives, in their great economy, or supposed economy, shall cut the appropriations down, say to \$30,000,000, and tell the Administration, "that is as much as we will give you for carrying on the Government," then there may be some justification for the Administration going on and expending to that amount of money and no more, saying "you would not give us as much as we asked." I say that is the very reason why they should not expend more than the amount appropriated. Congress holds the purse-strings, the power to levy and appropriate money; and if they say that but \$30,000,000 shall be expended, when an Administration proposed to spend \$50,000,000, though the public service is going to decay and is suffering, I hold that it is the bounden duty of the President, and of his helpers and assistants, so soon as the money shall run out, to cease work at once; and if there be any grumbling in the country, let the President issue his proclamation and say, "the Constitution stares me in the face; I have used, and used economically, all the money which your representatives have given me, but I cannot, without violating the Constitution, and putting my hands into the Treasury unlawfully, use one dollar more; charge the responsibility to your representatives; look at my budget, and you will find that I asked for a sufficient amount to be appropriated, but your representatives, those whom you sent here, would not sustain me; chastise them, and charge the responsibility upon them." This is what the President should say.

He should tell the people that he has no power to spend a dollar beyond what is appropriated, and that all should go to ruin rather than that the Constitution should be violated. Let the responsibility fall where it ought properly to fall—on those who control the purse-strings of the country.

Now, Mr. President, I wish to ask the honorable chairman of the Committee on Finance whether there is a single item in this bill—not whether it is mainly made up of that class, but whether there is a single item in it to cover up money which has already been taken from the Treasury beyond the appropriations which have been made? If there is such an item I shall vote against the whole bill.

Mr. HUNTER. I do not believe there is an item to cover expenditures which have been made beyond the appropriations. Where there were no appropriations the money was not expended, but there are some items to cover liabilities incurred, and but few of these; and there are special circumstances attending them. There are some items covering liabilities which were incurred by public officers beyond the amount of appropriation.

Mr. PETTIT. Then I shall certainly do this, if no more: When the bill shall have passed, I will move to make its title correspond with the fact that it is a bill making further appropriations, and not filling up deficiencies of money already appropriated, in violation of law. I say, it is a censure upon the Administration, if they have used the money, and they ought to be heralded to the world as desiring to make up deficits to cover up that which they have taken from the Treasury. If they have not so taken it let this be called an additional appropriation bill, and not a deficiency bill.

Mr. MASON. Mr. President, it is evident that my colleague, the chairman of the Committee on Finance, is mistaken in his belief that the bill can be passed in the morning hour. I must ask, therefore, that its further consideration be postponed, in order that the Senate may go into Executive session. I make that motion.

Mr. HUNTER. Let us fix some time to which the bill is to be postponed—let us say half-past twelve o'clock to-morrow. I hope the Senate will give me an hour and a half every morning until we dispose of the bill.

Several SENATORS. Very well.

Mr. MASON. I move to postpone the further consideration of the bill till to-morrow morning, at half-past twelve o'clock.

The motion was agreed to.

ORDER OF BUSINESS—SECRET SESSION.

Mr. MASON. I move that the Senate proceed to the consideration of Executive business.

Mr. WALKER. I move that the Senate proceed to the consideration of the special order.

The PRESIDENT. The Senator from Virginia [Mr. Mason] has a motion before the Senate.

Mr. WALKER. I do not think the motion of the Senator has precedence. It is a question, if I understand it, as to whether we shall postpone the special order or not.

The PRESIDENT. That is true.

Mr. WALKER. I wish that the Senate may understand distinctly what we are voting upon. It is to postpone the special order, which is the homestead bill, in order to proceed to the consideration of Executive business. If the Senate vote for that motion I shall not rebel, but at the same time I prefer that the special order shall take precedence.

The PRESIDENT. Does the Senator from Virginia withdraw his motion?

Mr. MASON. I do not, sir.

Mr. SHIELDS. I was about to appeal to the honorable Senator to withdraw his motion, for the purpose of allowing me to report, and ask the Senate to consider two joint resolutions from the House. One provides for the distribution of arms, and the other is explanatory of the law regulating the number of cadets to be appointed to the Military Academy at West Point. I hope both will be passed without any debate. I would state to the honorable Senator that the anxiety for passing one of these joint resolutions is on account of the necessity of appointing cadets at this time to enter their classes. That resolution is in but few words, and I hope the honorable Senator will permit it to be passed this morning, as I am very much pressed by members of the House, and by the Department, to have it passed as soon as possible.

Mr. MASON. I should be gratified if I could accede to the request; but I cannot, for reasons which I am sure the Senate will appreciate.

Mr. DODGE, of Iowa. Mr. President, I should like very much to have an understanding as to some time at which we can get the Senate to take up the homestead bill. If there is to be a regular pitched battle between the homestead bill and the Gadsden treaty, or some other matter of that sort not proper now to be debated, I wish to know exactly when it is to come on, and to know it as soon as possible. I wish, in other words, to divide the time. I make no announcement as to my partiality for either of these measures. I am openly for one, and the other is not a matter about which I am privileged to speak at present. What I wish is, a fair division of the time between them; and I want the friends of the homestead bill now to bring themselves up, night and morning, to the scratch, so that we shall test the matter before it is overslaughed. I know that that measure has been overslaughed in time past, under this sort of pressure; and I wish to warn its friends that it will be so again, if they do not take care. It has a great many enemies that it ought not to have, and I am astonished that it should have them. We are to have a severe conflict for it; and if the Executive business is to be prolonged for a great period, I wish to divide the time of the Senate between that and the homestead bill.

Mr. BRODHEAD. Mr. President, there is another bill in regard to which I should like to make an inquiry of my friend from Iowa, as he is the chairman of the Committee on Public Lands. I have had, for some time, before the Senate, a bill granting one hundred and sixty acres of land to each of the old soldiers, and to their descendants, and I want to know what has become of it? I want a little portion of the time, not day and night, as the Senator from Iowa wants, but a small portion of the time of the Senate for the consideration of that bill. Sir, there are thousands, and tens of thousands in the old States who are interested in it, and when we are considering homestead bills, and having them forced upon us, I wish to inquire what has been done with the bill to which I refer, which has been so long before the Committee on Public Lands of the Senate?

Mr. MASON. I submit, if this debate is in order on the motion to proceed to the consideration of Executive business?

The PRESIDENT. The Chair is of opinion that it is. Gentlemen have a right to show reasons why the Senate should not proceed to the consideration of Executive business.

Mr. WALKER. The Senator from Pennsylvania asks what has become of his bill to give to each of the old soldiers one hundred and sixty acres of land? I do not think anybody will complain of his lack of assiduity in pursuing that matter. He has been pressing at the heels of every land bill which has been before Congress for some time, and he has met with but very little sympathy from anybody else. I can inform him, however, that I have got that bill in my special charge, and I am taking particular care of it; and in order that his "old soldiers" may not get the advantage of anybody else, we propose to pass the homestead bill, and give one hundred and sixty acres of land, not only to each of them, but to everybody else, and that too in addition to what they have already had. Some of them have received land for five minutes' service; others for ten minutes', for an hour's, and for one day's service, and we propose to give to each of them, and to their widows, and their sons, and their daughters, by the homestead bill, one hundred and sixty acres of land. Unless the Senator is particular as to the manner in which they shall get their one hundred and sixty acres, he need not press his "old soldier" bill very strenuously, but let him vote for the homestead bill, and when that passes, they will get one hundred and sixty acres, in addition to what they have got under bills previously passed. I can inform him, however, that he shall have a report on his bill before a great while, but I cannot say that it will be favorable.

Mr. GWIN. I shall not interpose any objection or obstacle to the consideration of Executive business, but as notices have been served here in regard to bills which should have precedence, I give notice to the Senate and to the country that there is another measure, infinitely more important than all of the bills which have been spoken of,

which I intend to urge upon the Senate at an early day, in preference to all others. I refer to the bill which was made the special order for this day, providing for the construction of a railroad to connect the waters of the Mississippi with the Pacific ocean. I am in favor of the homestead bill; I intend to vote for it precisely as it came from the House of Representatives, without dotting an i or crossing a t; but I am determined to urge the Pacific railroad bill as a question of more importance, and I hope those who are in favor of both measures will not come into collision. We are in this condition in regard to the measure which I propose to press forward at an early day. It has not been discussed yet in either House of Congress at this session. The homestead bill has been fully discussed, and has been passed by the House, and we can take it up at any time. It is completely within our control. The Pacific railroad bill is not. That is a subject which, if not brought up at an early day, will, I fear, be overslaughed entirely. I shall feel it to be my duty at an early day, certainly not beyond this day week, to ask the Senate to take up and dispose of that bill, no matter what may be in the way.

Mr. DOUGLAS. I hope that some day will be agreed upon, on which we may consider the homestead bill, and I hope it will be an early day, so as not to conflict with the favorite measure of my friend from California, the Pacific railroad bill. I do not know why we cannot make the homestead bill the special order for to-morrow.

Mr. WALKER. It is now the special order.

Mr. DOUGLAS. Then I hope we may proceed with it. It is a very important measure. It has passed the House of Representatives twice, but we have never yet had a vote upon it in this body. I think it is a measure of such transcendent importance, that we ought to give it a preference, and proceed to its consideration. I do not wish to interfere with other business, but I hope that bill may not be postponed.

Mr. CLAY. Mr. President, I wish to state two reasons why I think it would be better to defer the consideration of the homestead bill, and they are reasons which I think appeal to the friends of the measure. I did not profess to be one of its friends, and if I am called upon to vote on it, without instructions, I shall certainly vote against it. But I observe, by the captions of the acts of the Legislature of Alabama, which have been sent to me, that numerous resolutions and memorials, in respect to the public lands, have been adopted by that body. My colleague and myself have not received a number, corresponding to those adopted, according to the captions. One of them may relate to the homestead bill, as nearly half the lands within the limits of my State are still public and unappropriated. Hence, I say, a reason personal to myself prompts me to ask that this measure may be deferred; but there is another reason which I think appeals especially to all the friends of the measure.

I suppose the friends of the measure wish to do the greatest good to the greatest number. Now, I observe, by extracts from the foreign papers, that a large emigration to this country, from different countries of Europe, will take place during this spring. The homestead bill, as it came from the House, provides by its terms only for those who are residents of the United States at the time of its passage. Hence, I would say to my friend from Iowa, the longer he defers this measure the more homes will be provided for the homeless, and the more land for the landless. Then, I trust, I do not appeal to his philanthropy in vain, when I ask him to wait, and to defer the measure until the last day of the session, in order that you may provide for all the German and other immigrants who will crowd upon our shores during the spring and the early part of the summer, and give all a home; but if you pass the bill now all those who come hereafter will be excluded, or they may be tempted to a crime which I fear this bill may induce very commonly, that of perjury; but if you will put it off till near the close of the session they may not be tempted to violate our laws by committing perjury, and they will, at the same time, be brought within the generous and wholesome provisions of the bill.

I trust, therefore, the Senator will agree that this bill shall give place to that of the honorable Senator from California. I ask it for my own sake; because I say that, without special instruc-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

TUESDAY, MARCH 28, 1854.

NEW SERIES.....No. 48.

tions, I shall certainly vote against it. Indeed, I do not know but that I shall be constrained to do so in its present form, even with instructions. And I ask it further, in order that you may provide homes for the largest number.

Mr. DODGE, of Iowa. I am very well satisfied that my friend from Alabama cannot have read the bill, or he would not make the statement. I understand that he asserts now that the homestead bill provides for no other persons than are actually residents of the United States at this time?

Mr. CLAY. At the time of the passage of the bill.

Mr. DODGE, of Iowa. Well, sir, I think the bill has a separate section directed to meet the very case to which the Senator refers.

Mr. ADAMS. I think not.

Mr. DODGE, of Iowa. My friend from Mississippi, who has deserted us on this question, receives with approbation the remarks of my friend from Alabama, and announces that it has not such a provision. I propose to remedy all these things, when we get at the bill, by offering such amendments as will meet the case in its broadest aspect. I propose, at least, to put upon the statute-book such a law as the Whig party put there in 1841.

Mr. MASON. I am very reluctant to interrupt the Senator, but it is manifest that the debate is now proceeding upon the merits of what is called the homestead bill.

Mr. DODGE, of Iowa. I only wish to reply very briefly to my friend from Alabama, and I will give way in a moment. I wish to say that I want to meet that war upon the foreign-born population of the country. I wish to know if those who come from the land of Lafayette, and Montgomery, and Steuben, and Pulaski, are to receive now, at the hands of the American Congress, and the Democratic party, that war which Federalism has waged upon them from the day of the organization of parties down to this time? I want to place upon the statute-book that law just as it now exists in the preemption laws of the land; that is to say, I wish it to provide for those who are now residents, and such as shall signify their intention to become citizens. The poor German emigrant who lands at New Orleans, or New York, and works his way three thousand miles up the Mississippi with his family, and goes into Nebraska, or Kansas, or Minnesota, to work your roads and fight your battles, is the man who is identified with you in every way; and for him I want a homestead, and I trust I shall get it. If the bill is not now so worded, as to give it, we shall have it so amended, if we have the power.

Mr. WADE called for the yeas and nays.

Several SENATORS. It is not necessary to have the yeas and nays on this motion.

Mr. WADE. I withdraw the call.

Mr. BROWN. I renew it. As this is a trial of strength, I wish to know who is for the homestead bill, and who is against it.

Mr. RUSK. I do not regard this vote as any such test as the Senator from Mississippi chooses to make it—as a controversy between the homestead bill and anything else. The homestead bill is here, and can be attended to at any time. I think the argument is unfair. An appeal is made to the friends of the homestead bill to the detriment of a question upon which we cannot talk here, and which some of us regard as very important, and on which action ought to be taken shortly.

Mr. BROWN. I know of no measure whatever before the Senate anywhere which I regard as of more importance than the homestead bill. I cannot, however, go as far as some other Senators, and say that I will vote for that bill in any form in which it may be presented; but I do say that a homestead bill, which shall provide homes for those who are homeless, is, in my mind, the most important matter which can come before the Senate. Senators find time to pass bills here by the dozen, giving lands to railroad companies. We are told now that we must very soon take up and consider a great project for a railroad to the Pacific. That sort of legislation is in order, and

may be called for at all times; but when you propose to do something which shall benefit everybody—the lowly equally with the great—then there is always something more important than that. I trust that the Senate will consider this vote as a contest between the two measures. Let us say whether it is more important to take up the homestead bill and give it some short consideration—put it under way. I do not ask to have it considered to the exclusion of Executive business, or to the exclusion of everything else, but that it may have some consideration, and not be allowed to sleep on your table, and be over-slaughed, from day to day, by something which gentlemen say is greater than it.

Sir, no measure is greater than this. It is the first measure before the Senate, and you can bring nothing here that is greater, because it is something which concerns every American citizen, from the highest even down to the very lowest. I am not willing to admit, by my action here, that legislation which looks only to great corporations, to great monopolies, or even to the nation at large, is of more importance than that which affects the individual interest of every man in the whole country. I want to see something done for this class. I want to see the Government do that which it has already too long delayed doing. And much as I respect the opinion of my distinguished friend from Texas, I must say, that in my judgment, after what has occurred this morning, this vote ought to be regarded as a test between the two measures. For myself I can say that I do not mean, if the homestead bill shall be taken up, to insist that it shall be considered to the exclusion of Executive business, or to the exclusion of every other matter, until decided; but let us take it up, and show the country that we do not mean to let it sleep the sleep of death upon the table, but that we mean to act upon it, and to act in good faith.

Mr. MASON. The Senate well know that the business for which we go into Executive session is of a character which, if it is not done within a limited time, cannot be done at all. There is no desire to bring that proposition in conflict with any measure before the Senate, but there are reasons why we should urge the measure in Executive session, because, if not done within a certain period it cannot be done at all.

Mr. SHIELDS. I wish to ask the honorable Senator from Wisconsin, and the honorable Senator from Iowa, who have the homestead bill in charge, if they are desirous that it shall be brought up for consideration now? If so, I shall vote with them.

Mr. WALKER. For myself I can answer unequivocally that I am anxious that it should come up now for consideration.

Mr. STUART. I have attempted, somewhat informally, to ascertain the views of Senators upon the subject of the homestead bill; and I can say, to a considerable degree unsuccessfully, and I should like now to suggest to the Senator from Virginia, the chairman of the Committee on Foreign Relations, whether he cannot agree that on to-morrow that bill may be considered. If we can come to such an agreement I will vote to go into Executive session now; but if we cannot, and if the disposition is to persist every day in motions to go into Executive session, until the business pending in that session is disposed of, I shall feel compelled to vote against it. I am willing, however, to compromise, and share the time, to take a portion of it for Executive session, and a portion for the consideration of the homestead bill. If we can have some such understanding, I shall be very glad to vote now, without further discussion.

Mr. MASON. In reply to the inquiry of the Senator from Michigan, I wish to say—

Mr. CLAYTON. I hope my friend from Virginia will give way for a question of order. I rise to a question of order. By the rules of the Senate it is provided that:

“On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may,

in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared, and, during the discussion of such motion the doors shall remain shut.”

In pursuance of this rule, we have heretofore, according to the old custom of the Senate, gone into Executive session at once, or refused to go, without debate. It is evident that a motion of this kind cannot properly be discussed in open session, and yet gentlemen go on here by the hour discussing the motion of the honorable chairman of the Committee on Foreign Relations. In order to discuss it properly, we have to talk of matters of which we cannot speak in public. I insist, therefore, that the rule shall be observed.

The PRESIDENT. If the Senator asks that the galleries shall be cleared, the Sergeant-at-Arms is directed to clear the galleries.

Mr. BADGER. I hope the order will not be made. That rule of the Senate has no application at all to a motion to go into Executive session. Ever since I have been in the Senate, now eight sessions, the question has always been considered open to discussion. That rule applies to a case where a member of the Senate announces, in his place, that a certain subject under the consideration of the Senate, or about to come under the consideration of the Senate, ought not to be considered except with closed doors. The Senate, by that rule, declares that such respect shall be paid to the declaration of a Senator, as that, before proceeding further, the doors shall be closed. An ordinary motion to proceed to the consideration of Executive business is not the case contemplated by the rule. Who gets up here now, and says there is a particular subject which requires that the doors shall be closed?

The PRESIDENT. The Senator from Delaware.

Mr. BADGER. No, sir; the Senator from Delaware cannot suggest that, because the motion before the Senate is to proceed to the consideration of Executive business. Should that be adopted?

Mr. RUSK. Should that be considered with open doors is the question?

Mr. BADGER. The question is on going into Executive session. The rule of the Senate is clear, that when the Senate proceeds to the consideration of Executive business strangers shall be excluded. The other rule applies to a different case. The question is now on a motion for an Executive session.

Mr. CLAYTON. If ever there was a question which required secrecy this is one. We are called upon to discuss a subject which we cannot discuss in public.

Mr. BADGER. Not at all.

Mr. CLAYTON. Undoubtedly; shut the doors, and I will show you in five minutes why it is impossible to discuss this subject without stating matter which cannot, under the rules of the Senate, be stated in open session. If there ever was a question which required secrecy it is this. I insist upon the rule; and if there is any difficulty about the technicality of the motion I hope the chairman of the Committee on Foreign Relations will vary it.

Mr. MASON. I vary it; and, in the language of the rule, I move that the doors of the Senate be shut.

Mr. JONES, of Iowa. How can you clear the galleries if the doors be shut?

Mr. MASON. This is the rule of the Senate:

“On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared.”

The PRESIDENT. The rule is peremptory.

Mr. BADGER. Now, I beg to submit, if we are going to reverse the rules of the Senate, I have nothing to say; but I think we ought to know what we are doing. The case provided for by the rule which has been read is a case where a subject is under consideration in the Senate, and a Senator suggests that that subject ought not to be considered except with closed doors. This is a motion to go into Executive session. A Senator may say, “Why, there is no subject before the Senate but that motion.” What subject is there

here? Are we going to reverse the rule, and say now that any gentleman may clear the galleries at his will and pleasure, and have us go into secret session without taking the sense of the Senate? By this course we should place ourselves in a very singular situation. It is the first time that any such attempt has been made, in eight sessions of the Senate that I have been here, to apply such a rule.

Mr. MASON. I do not mean to vary the usages of the Senate, but to avail myself of the rules of the Senate to get at the discussion of important public business, which requires that the doors shall be closed.

Mr. BADGER. What is the question?

Mr. MASON. I move to shut the doors of the Senate, and I understand by the rules, that when that motion is made, and when in the opinion of the member making it the discussion of the business to be brought before the Senate should be in secret, the President of the Senate is to direct the galleries to be cleared.

Mr. PETTIT. But we shall not then be in Executive session.

Mr. SHIELDS. Will the Senator be good enough to specify the subject on which he bases that motion?

Mr. MASON. I will communicate it to the Senator with great pleasure, but to him only in secrecy.

Mr. SHIELDS. But I want it communicated to the Senate. I understand that the rule which has been read, is—

Mr. RUSK. I call the Senator to order.

Mr. SHIELDS. I am in order; I am arguing a point of order.

The PRESIDENT. The Chair is of opinion that as soon as a motion is made to shut the doors it is the duty of the Chair to direct the gallery to be cleared.

Mr. SHIELDS. I appeal from the decision of the Chair, and then I can state my reasons for the appeal.

Mr. BUTLER. I hope all these technicalities will be put aside, and that we shall go into Executive session. We have not much time to-day to be detained with the homestead bill, and I trust we shall not take it up at this hour of the day. It seems to be a popular measure, and no doubt will have abundant opportunity for consideration. I do not think there will be any difficulty about that. I agree, sir, with the Senator from Delaware, that in discussing the relative merits of the subjects which call for the consideration of the Senate, the merits of the one which can be considered in open session may be discussed here, while the merits of the one which should be considered in secret session cannot be discussed. Sir, in all Governments there is a class of subjects, particularly those appertaining to foreign relations, treaties, war, and all matters of that kind, which require dispatch; and whenever the Executive sends a communication to the Senate, requiring the Senate to deliberate upon such subjects, they have always, according to usage been considered as privileged questions. I hope, therefore, that we may go into Executive session. I feel no great interest in all these questions, but it does seem to me to be a usage, and a constitutional usage, and I think it is a safe usage, for this body to consider those matters which require dispatch, and ought to be disposed of at once.

Mr. SHIELDS. I will state what I understand to be the meaning and purport of the rule which has been read. When a subject arises accidentally before the Senate, which some circumstance, growing out of our relations abroad or at home, may require to be considered in secret session, then a Senator can take the course suggested in the rule. But, sir, this is a case where a motion is made to go into Executive session. Now that motion must be considered in open session. It must be voted upon in open session. It can neither be considered nor voted upon in secret session.

Mr. BRODHEAD. I rise to a question of order. I wish to inquire whether debate is in order upon an appeal from the decision of the Chair?

The PRESIDENT. The chair is of opinion that it is.

Mr. SHIELDS. I have stated that, in my humble opinion, from hearing the rule read, the meaning and intention is that the subject must be one which ought to be considered in secret session, or which a Senator may think ought to be considered in secret session. But if the subject evidently

is one that must necessarily be considered in open session, then I hold that the doors cannot be closed; and why? There is a motion made to go into Executive session. We must vote upon it. Are we to vote upon it in secret session or in open session? Certainly in open session. Well, sir, every man who gives a vote in open session ought to be enabled to give reasons for that vote in open session. It will not do to give one set of reasons in secret session and then come out and vote, and not be able to give any reasons for that vote in open session. The thing would be absurd in itself. If the motion of the honorable Senator from Virginia prevails we should have to go into secret session—not Executive session—but to close the doors.

Mr. MASON. If the Senator will allow me, I will say, that I really do not wish to prolong the debate. I submit to him that this is the construction of the rule: The rule says a member may, upon his responsibility, move to shut the doors of the Senate, and when he has made the motion the President of the Senate is by the rule directed to order the galleries to be cleared. When that is done the Senate is in secret session, and it may determine whether the member was right, or whether the business for which he proposed that the galleries should be cleared was of a character to take precedence of other business.

Mr. SHIELDS. If that is the proper construction of the rule, the President of the Senate has no discretion whatever in the matter; but upon any Senator rising here in his place, upon any subject, pending any motion, any question, or any resolution, he can compel the galleries to be cleared and the doors to be shut. Is that the construction to be put upon this rule?

Mr. BUTLER. Let us go into Executive session. That is the best way of disposing of the matter.

Mr. SHIELDS. I am willing to do so, but not in this way. It is a very important question, permit me to say; and, in my opinion, if the rule be construed as gentlemen wish to construe it now, any one Senator can rise, on any occasion, and compel the galleries to be cleared, and the doors to be shut.

Mr. MASON. Undoubtedly; that is the purpose of the rule.

Mr. BUTLER. Suppose I were to say a war was pending, could I not ask, on my responsibility, that the doors be shut?

Mr. CLAYTON. I will suggest to the Senator from Illinois that one member can get up here and speak for seven weeks, if he chooses.

Mr. SHIELDS. All I have to say is, that it is a singular abuse of a rule which was intended for a salutary and wise purpose; and I think my honorable friend from Virginia had better not resort to it on this occasion. I am willing to go into Executive session, but I wish to have the rules properly construed.

The PRESIDENT. The question is on the appeal taken from the decision of the Chair by the Senator from Illinois.

Mr. HAMLIN. I wish to say, in a very few words, what is my opinion in relation to the decision of the Chair. It seems to me that if Senators will look at the rule, and look at the action of the Senate, and at the subject-matter now pending before the Senate, there can be no trouble in applying the rule, or understanding the decision of the Chair. It seems to me that, taking the rule and the state of things now existing in the Senate, there can be no reasonable doubt that the Chair is right. Now, let us see what the existing state of things is.

The Senator from Virginia moves that the Senate proceed to the consideration of Executive business. That is the pending motion. The Senator from Iowa suggested, as a reason why the Senate should not proceed to the consideration of Executive business, that there is a land bill, known as the homestead bill, which should be considered. The Senator from California suggested that there is a bill known as the Pacific railroad bill; and the Senator from Pennsylvania suggests that there is another bill. All these subjects are of a legislative character. Now, to discuss the question, and to determine with propriety whether we shall remain in legislative session and act upon these measures, or whether we shall go into Executive session, no matter for what purpose, (it is an Executive purpose,) to discuss these questions fairly

and fully, this rule applies, and it is for that precise purpose that it is made, not that we go into Executive session, but if a motion is made to close the doors, then the President orders the galleries to be cleared, and we discuss freely, without any restraint, the question, whether we shall proceed to the consideration of Executive business, or whether we shall proceed with legislative business? Then, when you have thus applied this rule, you have the question so presented to you that you can discuss the propriety of one course as well as the propriety of the other; while in a legislative session we can only discuss the propriety of Legislative, and not of Executive business. This is my view of the rule.

Mr. BADGER. Mr. President, I think the attempt of my friend from Maine upon this subject has not been successful in showing that the Senator from Illinois is not right. An attention to two rules of the Senate will, I think, remove all difficulty upon this subject. By the 41st rule of the Senate, it is provided:

"When acting on confidential, or Executive business, the Senate shall be cleared of all persons, except the Secretary, the principal or the Executive clerk, the Sergeant-at-Arms, and Door-keeper, and the Assistant Door-keeper."

The Senate has a rule, therefore, a general standing rule, that when it proceeds to the consideration of Executive business strangers shall be excluded. Now, a gentleman rises and moves that the Senate proceed to the consideration of Executive business. That is the question before the Senate.

Mr. MASON. Not now.

Mr. BADGER. Certainly.

Mr. MASON. The present question is, in the terms of the 18th rule, "to shut the doors of the Senate."

Mr. BADGER. Very well; I will take it in that way. Then there is no question before the Senate; there is no subject before the Senate. The Senator rises in his place, and says that he moves to shut the doors of the Senate. Very well; now let us see if that helps the state of this case. The 18th rule, on which this motion is founded, is this: "On a motion made and seconded to shut the doors of the Senate on the discussion of any business." Now, if we have no question before us, if we have no "business" before us, what is the subject-matter which is now before the Senate on which the Senator makes his motion to shut the doors? Why, sir, see how curious it is. The rule says: "On a motion made and seconded to shut the doors of the Senate on the discussion of any business"—some business. There must be something here in the nature of business. Have I a right to come in the moment the President takes his seat in the morning, and say, "I move to shut the doors of the Senate," and turn everybody out because, in my opinion, there will be, or may be, or should be something before the Senate in the course of the day which requires that there should be a discussion in secret? Why, surely not, sir. The rule is this: That when, on the discussion of any business in the Senate—not Executive business, of course, for we could not touch Executive business except with closed doors—

Mr. MASON. If the Senator will allow me, I will relieve myself and the Senate of the difficulty in which we are. My anxiety was to get the Senate into Executive session, and I made that motion. It was suggested, by a Senator on the other side of the Chamber, that, to preclude discussion, we had better adhere to the rule; but I am satisfied now that the true motion is to proceed to the consideration of Executive business. I withdraw my motion to shut the doors, and move that the Senate proceed to the consideration of Executive business; and under the belief, and under my responsibility, I say in my place that that requires that the gallery should be cleared; and I now move, as ancillary to that motion, that the doors be shut.

Mr. BADGER. Very well; that is the same question.

Mr. SHIELDS. If the Senator from Virginia withdraws that motion, I withdraw my appeal.

Mr. BADGER. I renew the appeal, because the Senator from Virginia makes the same demand, to shut the doors. I have no objection, myself, that the rules of the Senate shall be so amended as to provide that the question of going into the consideration of Executive business shall be decided without debate. I have no disposition to debate this question, but I have not the least

idea in the world of having the rules and the whole practice of the Senate overturned for the purpose of having an Executive session.

Now, sir, the question under the consideration of the Senate, which the Senator from Virginia suggests in his judgment requires that the doors should be closed, and be discussed in secret, is the motion to proceed to the consideration of Executive business. There is then no business before the Senate. There is a motion that we shall proceed to the consideration of some business or other.

Mr. MASON. Will the Senator allow me to ask him whether a motion to go into Executive session is not business pending before the Senate?

Mr. BADGER. No, sir; it has no reference to business in the sense of this rule. Beyond all dispute, the meaning of this rule is, that when there is before the Senate any question, or subject, or business, in its nature of a legislative character, ordinarily to be transacted in open session, and a Senator makes a motion to shut the doors, stating as his opinion that that business requires secrecy, what is to be done? Why, sir, the Senate is to go into secret session, not Executive session. When in that secret session they are to do—what? They are to discuss the propriety of that motion; and the rule says, the doors are to be kept closed until they have discussed the propriety of the motion for considering the business in secret session.

Now, sir, according to the Senator from Virginia, the motion to proceed to the consideration of Executive business is business before the Senate, within the meaning of the rule; and that question is to be discussed in secret? Very well; let us see the operation of this. Then the Senate proceed to discuss it in secret; and what do they decide? What is the business, what is the question, when we go into secret session? What is the result? What have we to discuss then? The question, whether we shall proceed to the consideration of Executive business?

Mr. MASON. Yes, sir.

Mr. BADGER. That is the only question. Does anybody suppose that the rule was ever intended to apply to any such case? Has anybody ever attempted to apply it so before? Not at all. The only occasion on which I recollect this rule having ever been attempted to be applied was a number of years ago—I think, when my friend from South Carolina suggested that some matter pending before the Senate ought, in his judgment, to be discussed in secret session, and he asked that the galleries might be cleared. The subject was one in its nature legislative; one in its nature fit for, and proper to be considered in, open session.

The only meaning of that rule, as I apprehend, is, that when there is a subject before the Senate ordinarily proper to be discussed in public session, if a Senator suggests that there is anything confidential or secret which ought not to be known to the public, the Senate pay so much respect to the suggestion as to close the doors while discussing the motion whether that subject shall be considered and disposed of in secret session.

In my judgment, the two cases are provided for by two distinct rules, and have no reference to one another. But if this proceeding is now adopted we shall subvert the whole system on which the Senate have heretofore acted, and, as my friend from Illinois suggests, we may have half a dozen times a day this process gone through upon the suggestion of any one member.

Mr. BUTLER. I hope all these matters will be waived. I think we are taking up a great deal of time in the discussion of this subject.

Mr. BADGER. I do not want to discuss the question of going into Executive session, for I object to the Senator from Virginia applying this rule for that purpose. I do not want to subvert the practice of the Senate; I am ready to vote for an Executive session.

Mr. BUTLER. I understand that the Senator from North Carolina opposes going into Executive session on the grounds assumed by the Senator from Virginia.

Mr. BADGER. No, sir; I do not. If the motion of the Senator from Virginia is right, and we shall close the doors, we shall not then be in Executive session, but we have then to debate in secret session whether or not we will go into Executive session.

Mr. BUTLER. I have the floor, and I wish

to make a single remark. Suppose my friend from Virginia, the organ of the Committee on Foreign Relations, were to come here from the President's house, after having communicated with the State Department in relation to some matters which had taken place in Cuba in reference to questions deeply involving the honor and interests, and requiring the prompt action of this Government; and suppose he were to rise and say that communications had been made by the President, and were upon the table, requiring consideration with closed doors, and he should move, upon his responsibility as a Senator from Virginia, that we go into Executive session, and that the galleries be cleared. For what? Certainly he has the right to have them cleared, for the purpose of considering the matter. Sir, I may be permitted to say that questions are before the Senate in reference to this motion which might be discussed in secret session. If my friend from Virginia were to come forward, and say that new developments have been made, requiring us to take action upon subjects which have been discussed, and were to move to go into Executive session upon his responsibility, because there are matters which require the dispatchful action of the Senate, I take it it would be within the purview of the rule. He has said so.

Mr. BADGER. No, sir; I think not.

Mr. BUTLER. He has said that upon his responsibility he believes the public interests require an Executive session, and in making that motion he moved that the galleries be cleared. If my advice be taken, however, all these motions will be withdrawn, and we will go into Executive session, without any further debate. I move that we go into Executive session, and by common consent I think we can withdraw all dispute.

Mr. BADGER. I have no objection to an Executive session.

Mr. STUART. If the appeal is withdrawn, I have no disposition to debate it, but if I am to be called to vote upon that appeal, I wish to say in a few words, what is the construction which I give to the rule. For the purpose of giving my views briefly, I will read the rule. It is in these words:

"On a motion made and seconded, to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared, and during the discussion of such motion the doors shall remain shut."

Now, what have we before us? The business of the Senate, to which this rule applies, is, in this case, a motion to go into Executive session. Upon that business, as defined by the rule, the Senator from Delaware says that, in his opinion, the motion cannot be properly discussed in open session, and he moves to shut the doors. Now, the rule is imperative, that, as soon as that motion is made, the Presiding Officer shall order the galleries to be cleared. Before it is discussed at all, as soon as a member rises and says, "On this business now before the Senate I move to shut the doors," there is no discretion left in the Presiding Officer, but he is to order the galleries to be cleared, and the doors to be shut; and the rule then says they shall remain shut while the Senate is discussing this motion, that is, the motion to shut the doors. If the Senate, after hearing all that the Senator from Delaware has to say upon the subject, decide that it is not necessary to discuss in secret the motion to proceed to the consideration of Executive business, then the Presiding Officer orders the doors to be opened, and the Senate go on discussing that question in open session.

Mr. SHIELDS. Will the Senator permit me to ask him a question? He says that when any Senator asks to have the doors shut and the galleries cleared, the doors must be shut and the galleries cleared. Then, he says, we go into secret session to discuss whether we will shut the doors or not.

Mr. STUART. Yes, sir.

Mr. SHIELDS. Thus we do shut the doors, and then go into secret session to discuss whether they shall be shut or not.

Mr. STUART. Yes, sir; and I will show the Senator that it is the clear and the only construction of the rule. I will read the rule again; and if Senators will only read it, there can certainly be no two opinions about it. It is, "On a motion made and seconded to shut the doors of the Senate on the discussion of any business which may, in the opinion of a member, require secrecy." Now, what is the business? The busi-

ness is the pending motion to go into Executive session. In the opinion of the Senator from Delaware, that business requires secrecy. He has a right under this rule to entertain that opinion. When, therefore, he says, "I move to shut the doors," it is the imperative duty of the Presiding Officer to order the doors to be shut, and the rule follows this up by saying that the doors shall remain closed while you are discussing the motion to shut the doors, that is, the motion to keep the doors shut while you discuss the motion to go into Executive session. That is the English of it, and the only meaning there is about it. Not that a Senator may rise in his place and say "Shut the doors." That is not it at all; but, "in my opinion," says the Senator from Delaware, in effect, "this motion to go into Executive session cannot be properly discussed in open session, and, therefore, I move to shut the doors." The duty of the Presiding Officer is to order the doors to be shut; and they are to remain shut while that motion is under discussion. If the Senate decide against the motion, then the doors are opened, and we go on discussing the motion to go into Executive session, which is, in this case, the "business" referred to in the rule, with open doors. On the contrary, if the Senate decide that the Senator from Delaware be right in asking that the doors be shut, we keep them shut, and the Senate go on with the discussion of the motion for an Executive session, which I say again is the "business" referred to in this rule, to be considered when the doors are closed, and they must be closed while it is under consideration.

Mr. DOUGLAS. I think this is an important question as affecting the rules of the Senate; and therefore, if we are to decide it, it should be decided rightly. I do not think that the "business" referred to in the rule, upon which the doors may be closed on motion, is a motion to go into Executive session. I think it is clear that this rule refers to a case where there is a discussion pending in the Senate, and a member rises and suggests that, on the discussion of the pending question, the public interests require the doors to be closed. Then they must be closed until the Senate decide the question whether or not they ought to be closed—whether the discussion shall be in public or in private. It only relates to a discussion pending in the Senate, to questions in open Senate, to a matter of legislative business, if you please, which is being conducted in open session, and a suggestion is made that it is not proper to discuss that subject in open session, but that the doors should be closed. The Senate then close the doors to decide that point. The reading of the rule will convince any one, I think, that such is the case. "On a motion made and seconded to shut the doors of the Senate on the discussion of any business which may, in the opinion of a member, require secrecy," the doors are to be closed, and are to remain closed until the Senate decide the point. It relates, therefore, to a pending discussion, a pending question. Sir, I submit that there was no pending question of discussion here on which such a suggestion could be made.

Mr. CLAYTON. The Senator will permit me to ask, Was not this question pending and discussed? Were not gentlemen engaged in the discussion of it when the Senator from Virginia made his motion, viz: Whether the homestead bill or the Gadsden treaty was entitled to preference? Was not the Gadsden treaty then necessarily, to a certain extent, a subject of discussion before the Senate, and was it not made a subject of discussion in open Senate? Was it right that it should be made a subject of discussion in open Senate? I put it to the gentleman, whether the word "business," as used in the rule, is not completely met by the facts? Was not the business of the Gadsden treaty under discussion? I beg leave now, while up, to say in reply to my friend from North Carolina, that "legislative business" is not in the rule; "legislative" is interpolated.

Mr. DOUGLAS. I do not understand that the Gadsden treaty was before the Senate for discussion when this motion was made. I do not think it could be before the Senate. It was not the pending question. It was not before us. The motion was not to proceed to its consideration. The motion was to proceed to the consideration of Executive business. The object may have been to confirm a consul at Dublin, or to confirm a postmaster. The question was simply, shall we pro-

ceed to the consideration of Executive business? That was not "business" under discussion before us. It was a motion to proceed to the consideration of business, there being none before us. That, therefore, is not a case to which the application of this rule can be made. This rule is, that where there is business pending, under discussion, and a member rises in his place, and suggests that discussion is not proper in open session, he can have the doors closed until the question of its consideration in open session can be determined. Otherwise, any Senator can break up your sessions on the suggestion that the public interest require an Executive session, and demand that the doors be closed for that; and when you go into Executive session, you find that the Senator wanted you to confirm an Indian agent among the Camanches, for example; and that Senator may think it a matter of great importance to have that Indian agent confirmed. Is it possible that such a construction shall be given to the rule as that any one Senator, for the sake of the confirmation of a small office, should be permitted to overrule the whole Senate, clear the galleries, break up your session, and, when you go into Executive session, you find it is only in regard to an immaterial appointment? In this case I do not pretend that the Executive business which we are to consider is not very important; but I am showing what will be, or what may be, the practice under the rule, if this construction be put upon it. I think it must be confined to the pending question under discussion at the time the motion is made; and the only question will be, the propriety of that discussion being in open or secret session.

Mr. BAYARD. Mr. President, if I could be surprised at any difference of human opinion, I should be surprised at the doctrines and the opinions expressed in reference to this rule by the honorable Senators from Illinois and North Carolina. It seems to me too plain even for argument. I will concede that there must be business of the Senate under discussion at the time when any Senator on his responsibility states that that business requires secret discussion, and, therefore, moves to close the doors.

But, sir, the honorable Senator from Illinois [Mr. DOUGLAS] says this is a motion to go into Executive session, and that is not business within the meaning of the rule. I ask him on what ground, or by what right, he discusses it all, or was there any discussion on the subject, if the motion is not business before the Senate? A motion was made to go into Executive session. It was resisted on the ground that other business of the Senate, the homestead bill, was entitled to priority over any business which could come up in Executive session. The reasons on the one side as to whether that homestead bill was an important measure, or not, its advocates could present; but the comparison of that with the business which we might have under consideration, if we went into Executive session, no Senator on that side of the subject could state, nor could he open his lips in order to declare what that business was. In order, then, to a fair discussion of the question, which was as to the priority of the disposition of business relating to the country at large, and with a view to prevent the debate from being entirely one-sided, my colleague said, in substance, "on our side we can give no reasons; we cannot discuss this question; it requires, in order to determine the propriety of going into Executive session, that the doors should be closed; and I say that on my responsibility as a member of the Senate." If he were to state that on his responsibility as a member of the Senate, and if, when you closed the doors to discuss that motion, which I think the rule requires you to do upon his allegation, it should turn out that his object was merely to get a particular favorite confirmed, he would meet the censure of the Senate. I do not suppose there is any danger of any gentleman in this body ever making a motion on that ground; but you cannot determine, until you have closed the doors, what his grounds are; and when you shut the doors you determine it, because the act of shutting the doors is not going into Executive session. You shut the doors for the purpose of debating the question whether there is any business before the Senate which should require secrecy? The Senator only stands on his own personal responsibility for that allegation. He must suffer in the judgment of his compeers if he makes it on frivolous grounds; but you have no right to assume beforehand that it is on frivolous grounds until you have shut the doors and heard his reasons, and what is the character of the business which he says requires you should go into Executive session for the purpose of disposing of it.

Although the homestead bill, may not have been discussed, and although it may be of importance to the country, I submit that, unless the motion made by the honorable Senator from Virginia, which was to go into Executive session, was the business of the Senate, there was no right for any member to be heard on this floor in reference to it—that you cannot discuss in this body, in any mode, anything which is not business of the Senate, and that to confine the words "business of the Senate," merely to questions on the passage of bills, and to the discussion of particular points arising on them, is giving to the word "business" a meaning which it is by no means entitled to bear. If the question of the priority of business is open to debate—and it is always so recognized here—then I say it is business of the Senate.

Mr. TOUCEY. I do not rise, Mr. President, for the purpose of discussing this question. I think it does not need discussion; it needs only a statement of the decision of the Chair, to arrive at a proper determination as to whether that decision was correct or not.

The Senator from Virginia moved to go into Executive session. While that motion was pending before the Senate, a discussion sprung up. The motion was debated by several members in opposition. Upon the suggestion of the Senator from Virginia as to whether that discussion was in order, the Chair decided that it was in order to discuss that question, as the motion was then pending, and that it was in order to present the grounds which were presented in reference to three other very important bills, as to whether they were not entitled to priority. The discussion went on.

The Senator from Virginia then moved that the doors be shut; and, I suppose, for the very obvious reason that, if that discussion went on, you could discuss only one side of the question which was then under debate. Those who were in favor of going into Executive session were not able to assign their reasons. They could not represent to the Senate the importance of the business which was pending there, because we were in open session; and, therefore, the Senator from Virginia demanded that, pending the discussion of that motion, the doors should be shut. If I understand the decision of the Chair, it is that a motion to go into Executive session is "business" under the 18th rule, which declares:

"On a motion, made and seconded, to shut the doors of the Senate on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared."

Now, the Chair has simply decided that the discussion of that motion was the discussion of business pending. Why, sir, suppose I had risen in my place and inquired of the Chair, "What is the business pending?" The Chair would have replied, "It is the motion of the Senator from Virginia to go into Executive session." That business, and it is most important business, was pending before the Senate. I think it obvious that the decision of the Chair was right, and the benefit of this rule is applicable to that motion—to that business as well as to any other business of the Senate. Certainly it is, if we are not to be forced into the position here of voting apparently in opposition to other measures, without being able to assign our reasons. I think, therefore, the decision of the Chair is right; and if it never has been decided before it ought to be decided now, that upon that motion, if it leads to a discussion, this rule may be applied, and the doors be shut.

The PRESIDENT. The Chair would prefer that the yeas and nays be taken upon the question.

Mr. BADGER. I ask for the yeas and nays upon the appeal.

The yeas and nays were ordered.

The PRESIDENT. The Chair will state the question. A motion made by the Senator from Virginia to shut the doors; the business of the Senate pending at the time was a motion to go into Executive session. The Senator from Virginia suggested, upon his responsibility, that there were reasons why this motion, or this business, pending before the Senate, should be discussed in

secret session. The Chair decides, that upon that suggestion it is the duty of the Presiding Officer, immediately, without taking a vote, to have the galleries cleared. From that decision the honorable Senator from North Carolina appeals, and the question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

The question being taken by yeas and nays, resulted:

YEAS—Messrs. Adams, Allen, Bayard, Bell, Brodhead, Butler, Clay, Clayton, Dodge of Wisconsin, Evans, Fessenden, Fish, Foot, Hamlin, Hunter, Mason, Morton, Norris, Rusk, Shidell, Stuart, Sumner, Thompson of Kentucky, Thomson of New Jersey, Toucey, Wade, Weller, Williams, and Wright—29.

NAYS—Messrs. Badger, Brown, Dodge of Iowa, Douglas, Jones of Iowa, Jones of Tennessee, Pettit, Shields, and Walker—9.

The galleries were cleared, and the doors closed; and after some time being spent in secret session, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, March 27, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of Friday was read and approved.

INDIAN APPROPRIATION BILL.

The SPEAKER. A bill was reported from the Committee of the Whole on the state of the Union on Friday last, and there is an order of the House in reference to it which must be executed before any other business is in order; it is a bill making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling twenty stipulations with the various Indian tribes for the year ending June 30, 1855.

On that bill and the amendments the previous question was ordered; and, until it is disposed of, nothing can be done except by unanimous consent.

Mr. ENGLISH. I ask the unanimous consent of the House to introduce a bill, of which previous notice has been given, for the purpose of reference.

The SPEAKER. It will be remembered that the unanimous consent to introduce the bill will set aside even the order of the House, if the gentleman desires to have the bill considered now.

Mr. ENGLISH. I only desire to have it referred to a committee.

Mr. CLINGMAN. If it is understood that the object is only to refer the bill, I have no objection to its introduction.

Mr. ENGLISH. That is all.

Mr. CLINGMAN. Then I make no objection. The bill was then received, read a first and second time by its title, as follows, and referred to the Committee on Public Lands:

A bill donating a portion of public lands, in alternate sections, to aid in the construction of a railroad from a point on the Ohio and Mississippi railroad, in the State of Indiana, by the way of the Falls of the Ohio and Evansville, to the Mississippi river, at or near Cairo.

Mr. ORR. I call for the regular order of business.

CONTESTANT FROM NEW MEXICO.

Mr. HUNT. Will the gentleman be kind enough to allow me to make a motion to refer a resolution which was offered the other day by the gentleman from Missouri, [Mr. MILLER,] to pay the contestant from New Mexico, (William Carr Lane,) his per diem and mileage? I would like to have that resolution referred to the Committee of Elections. There can be no objection to it.

The SPEAKER. Does the gentleman from South Carolina yield to the suggestion of the gentleman from Louisiana?

Mr. ORR. Will it lead to debate?

Mr. HUNT. Not at all. I merely ask to have the resolution referred, that the committee may report upon it.

Mr. ORR. Then I have no objection.

The resolution indicated was then taken up, and referred to the Committee of Elections.

IMPROVEMENT OF THE MOUTHS OF THE MISSISSIPPI RIVER.

Mr. CHANDLER. I ask the unanimous consent of the House to present the memorial of the Board of Trade of the city of Philadelphia asking Congress to make an appropriation for clearing out the mouths of the Mississippi.

No objection being made, the memorial was received, and referred to the Committee on Commerce.

CHEAP OCEAN POSTAGE.

Mr. SKELTON. I ask the unanimous consent of the House to present the joint resolutions of the Legislature of the State of New Jersey with reference to cheap ocean postage.

There being no objection, the resolutions were then received, and referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

They are in favor of a reduction in the present rates of ocean postage to the uniform charge of ten cents for the mere transportation of a single letter from any port of the United States to any port beyond the sea at which the American mail packets may regularly touch.

JOURNAL OF THE EXPLORING EXPEDITION.

Mr. DICKINSON. I ask the unanimous consent of the House to allow me to offer the following resolution.

The resolution was then read, as follows:

Resolved, That the Joint Committee on the Library inquire into the expediency of replacing the volumes of the Exploring Expedition which were lost by the burning of the Library, and of the reporting a joint resolution for the printing of an extra number of copies of the work on the Exploring Expedition, and for such distribution in the congressional districts as they may deem proper.

The question was taken; and the resolution was agreed to.

ARMS TO THE STATES.

Mr. PRATT. I ask the unanimous consent of the House to offer a joint resolution relating to the distribution of arms to the States. I move that it be referred to the Committee on Military Affairs, and that it be printed.

The SPEAKER. There being no objection, it is so ordered.

INDIAN APPROPRIATION BILL.

The SPEAKER. The business first in order is House bill No. 46, being the Indian appropriation bill reported to the House from the Committee of the Whole on the state of the Union on Friday last, with several amendments.

Mr. HOUSTON. I would like to have the amendments adopted by the Committee of the Whole on the state of the Union read; and, if gentlemen require a separate vote on either of them, they can signify it.

The SPEAKER. The Chair understands that a number of amendments have been proposed by the Committee of the Whole to the Indian appropriation bill. The gentleman from Alabama [Mr. Houston] suggests—and such has been the practice of the body—that the amendments be first read over, and any gentleman desiring a separate vote upon any one of them can rise and so state. The balance of them, to which no objection is made, will be voted on *en masse*.

SALARIES OF JUSTICES OF SUPREME COURT.

Mr. PECKHAM, by the unanimous consent of the House, introduced a bill, of which previous notice had been given, to regulate the salaries of the justices of the Supreme Court of the United States; which, having been read the first and second time by its title, was referred to the Committee on the Judiciary.

GRANT TO INDIANA.

Mr. MILLER, of Indiana, by the unanimous consent of the House, introduced a bill, of which previous notice had been given, granting a portion of the public lands to the State of Indiana to aid in the construction of a straight line railroad from Evansville to Indianapolis, in said State; which, having been read the first and second time by its title, was referred to the Committee on Public Lands.

LAND DISTRICTS IN MINNESOTA.

Mr. RICE. I ask the unanimous consent of the House to take up from the Speaker's table for consideration the following bill:

A bill (H. R. No. 166) to establish additional land districts in the Territory of Minnesota.

Mr. ORR. Is it proposed to dispose of that bill now?

The SPEAKER. The Chair so understands it.

Mr. ORR. I hope the Indian appropriation bill will be disposed of first.

Mr. WASHBURN, of Illinois. If the gen-

tleman from South Carolina [Mr. Orr] was aware of the merits of this bill, I think he would not make any objection to its being considered at this time. The bill adverted to is one which was considered in Committee of the Whole during the time when the House was engaged on territorial business. It was reported without any objection, and it now lies on the Speaker's table in a class where it cannot be reached for some time, unless it be taken up now.

INDIAN BILL AGAIN.

Mr. HOUSTON. I would say to my friend from Illinois that we could have disposed of this Indian appropriation bill, and got it out of the way in the time that has been consumed in attempting to put one bill ahead of another. I therefore ask for the regular order of business, in order that we may dispose of the Indian appropriation bill, and get it out of the way of other business.

The Clerk proceeded to report the amendments to the bill made in the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee, called for separate votes on the sixth, seventh, and ninth amendments.

The question was then taken on the first, second, third, fourth, fifth, eighth, and tenth amendments, on which separate votes had not been asked, and they were adopted.

The Clerk then reported the following amendment—the sixth—on which Mr. JONES, of Tennessee, had asked for a separate vote:

“For expenses of making presents of agricultural implements and farming utensils to the Pueblo Indians, in the Territory of New Mexico, \$10,000.”

The question was taken; and the amendment was adopted.

The seventh amendment, upon which a separate vote was demanded, was then read, as follows:

“For expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Grosventres, and other wild tribes of Indians, immediately within or adjacent to the eastern boundary of the Territory of Washington, and for defraying the expenses of conveying a delegation of the chiefs of said tribes to Washington city, \$100,000.”

Mr. JONES, of Tennessee. I ask for the yeas and nays upon that amendment.

Mr. COBB called for tellers upon the yeas and nays; which were not ordered.

The yeas and nays were then ordered.

The question was then put, and decided in the negative—yeas 61, nays 89; as follows:

YEAS—Messrs. Banks, Bell, Bliss, Carpenter, Chastain, Clingman, Cook, Corwin, Dent, Dickinson, Disney, Dunbar, Eastman, Eddy, Edgerton, Everhart, Fuller, Goodrich, Green, Greenwood, Grow, Andrew J. Harlan, Henn, Hill, Hunt, Kerr, McDonald, McDougall, Macy, Maxwell, Meacham, John G. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Parker, Pennington, John Perkins, Phelps, Pringle, Ready, Thomas Ritchey, Robbins, Russell, Salin, Seymour, Gerrit Smith, Richard H. Stanton, Russell, John L. Taylor, Thurston, Upham, Vail, Walker, Warren, Elihu B. Washburne, John Wentworth, Tappan Wentworth, Wheeler, and Daniel B. Wright—61.

NAYS—Messrs. Aiken, James C. Allen, Appleton, Ashe, Thomas H. Bayly, Barry, Belcher, Bennett, Benson, Bocock, Brooks, Bugg, Campbell, Caruthers, Caskey, Chrisman, Cobb, Cox, Cullom, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, Dowdell, Elliott, Ellison, Paulkner, Fenton, Flagler, Goode, Grey, Hamilton, Aaron Harlan, Wiley P. Harris, Hastings, Haven, Hendricks, Hibbard, Houston, Howe, Hughes, Johnson, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kittredge, Knox, Kurtz, Lane, McCulloch, McMullin, McNair, McQueen, Matteson, Maurice, May, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Peckham, Powell, Pratt, Reese, Riddle, David Ritchie, Ruffin, Sapp, Seward, Simmons, Skelton, Samuel A. Smith, William K. Smith, George W. Smyth, Snodgrass, John J. Taylor, Tracy, Vansant, Wade, Walley, Walsh, Israel Washburn, Wells, and Hendrick B. Wright—89.

So the amendment was not agreed to.

The ninth amendment, upon which a separate vote was requested, was then read, as follows:

To Cherokees residing in States east of the Mississippi river, in full of all demands under the provisions of the treaty of 29th December, 1835, and the supplemental articles thereto of 1st March, 1836, and the treaty of 6th of August, 1846, except the amount of \$53,33½, funded *per capita* to certain Cherokees for subsistence and removal, \$92,695 19, with interest from the 14th December, 1852, to time of payment: *Provided*, That in no case shall any money hereby appropriated be paid to any agent of said Indians, or to any other person or persons than the Indian or Indians to whom it is due: *Provided, also*, That the Indians who shall receive the said money, shall first respectively sign a receipt or lease acknowledging the same to be in full of all demands under the aforesaid treaties.

Mr. HAVEN. Upon that amendment I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put, and decided in the negative—yeas 71, nays 86; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Appleton, Ashe, Banks, Belcher, Breckinridge, Campbell, Carpenter, Caskey, Chastain, Clingman, Cook, Corwin, Thomas Davis, Dent, Dick, Dickinson, Dowdell, Eastman, Edmunds, Everhart, Farley, Fenton, Flagler, Franklin, Goode, Goodrich, Greenwood, Grey, Grow, Hill, Hunt, Kerr, Latham, Lilly, Macdonald, McDougall, Macy, Maxwell, Mayall, Norton, Orr, Parker, Pennington, Pratt, Pringle, Purnyear, Ready, Reese, Ruffin, Russell, Seymour, Gerrit Smith, Samuel A. Smith, William K. Smith, Richard H. Stanton, Hester L. Stevens, Trout, Upham, Vail, Walker, Walley, Warren, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, and Daniel B. Wright—71.

NAYS—Messrs. Aiken, Thomas H. Bayly, Bennett, Benson, Bocock, Boyce, Brooks, Bugg, Caruthers, Chandler, Chrisman, Cobb, Cox, Cullom, Curtis, John G. Davis, Dawson, Dean, Dunbar, Eddy, Edgerton, Elliott, Ellison, Fuller, Hamilton, Aaron Harlan, Hastings, Haven, Hendricks, Henn, Hibbard, Houston, Howe, Hughes, Johnson, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kittredge, Knox, Kurtz, Lane, McCulloch, McMullin, McNair, McQueen, Matteson, Maurice, May, Morgan, Morrison, Murray, Nichols, Andrew Oliver, Mordecai Oliver, Peckham, Bishop Perkins, Phelps, Powell, Preston, Riddle, David Ritchie, Thomas Ritchey, Salin, Sapp, Seward, Shannon, Shaw, Simmons, Skelton, George W. Smyth, Snodgrass, Frederick P. Stanton, Straub, John J. Taylor, John L. Taylor, Thurston, Tracy, Vansant, Wade, Walsh, Wells, Witte, Hendrick B. Wright, and Yates—86.

So the amendment was not agreed to.

The question then recurring upon ordering the bill to be engrossed and read a third time, it was put, and decided in the affirmative.

The bill being engrossed, was subsequently read a third time, and passed.

Mr. HOUSTON. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The question was put; and the latter motion was agreed to.

THE RESCUERS OF THE SAN FRANCISCO.

The SPEAKER. There is a proposition pending to suspend the rules, and that supersedes every other business until disposed of.

The motion, holding over from last Monday, is to suspend the rules for the purpose of introducing a resolution, which will be read by the Clerk.

The resolution was reported, as follows:

Resolved, That the Committee of the Whole on the state of the Union be, and the same is hereby, discharged from the further consideration of joint resolution No. 16, being a joint resolution manifesting the sense of Congress towards the officers and seamen of the vessels, and others, engaged in the rescue of the officers and soldiers of the Army, the passengers and the officers and crew of the steamship San Francisco from perishing with the wreck of that vessel; and that the same be now put upon its passage.”

The SPEAKER. The Chair would suggest, inasmuch as it will require a two-third vote to adopt the resolution, providing, as it does, to consider a measure making an appropriation, first in the House, and without reference to the Committee of the Whole on the state of the Union, that, as a matter of convenience, the House should by unanimous consent allow the resolution to be introduced, and then divide upon its adoption.

There being no objection, the resolution was accordingly introduced.

The question now being upon its adoption, on a division, eighty-three rose in the affirmative.

Mr. DAVIS, of Indiana. I demand the yeas and nays upon the adoption of the resolution.

The yeas and nays were not ordered.

Mr. CAMPBELL demanded tellers; which were ordered; and Messrs. VAIL and Bocock were appointed.

Mr. McMULLIN. Is it in order to say a word upon the subject of the resolution?

The SPEAKER. Debate is not in order.

Mr. McMULLIN. Then I hope the House will not adopt the resolution.

The question was put; and the tellers reported—ayes 84, noes 46.

So (two thirds not voting in the affirmative) the resolution was not adopted.

RAILROAD TO THE PACIFIC.

The SPEAKER. Resolutions are now in order from the Territory of New Mexico.

Mr. COBB. Mr. Speaker, I have been requested to make a national move in the House to-day, and I can sincerely assure members that it is always a pleasure to me to be engaged in the performance of such a public duty. I ask the unanimous consent of the House to make the Pacific railroad bill the special order for the third

Tuesday of May next. As I have already remarked, the question is nationally important, and demands early consideration.

Mr. CLINGMAN. With the gentleman's permission, I would inquire for what period of time he proposes the question referred to shall be made the special order?

Mr. COBB. I propose that it shall be made the special order for the third Tuesday of May next, and considered from day to day thereafter until disposed of.

Mr. CLINGMAN. Let the gentleman say that it be made the special order for one week from the time specified.

Mr. COBB. I have no objection to the gentleman's suggestion; but when the House has the question before it under its order it can close debate whenever members deem fit. It is an important question, and I think it would be best to leave the matter as to how long it should be considered with the House.

The SPEAKER. Is there any objection to the proposition of the gentleman from Alabama?

Mr. CLINGMAN. I object.

Mr. COBB. I hope that objection will be withdrawn. Let us unite in this general move for the country.

The objection was not withdrawn.

Mr. COBB. I move then that the rules be suspended to enable me to make the motion indicated.

Mr. CLINGMAN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken on the motion to suspend the rules; and it was decided in the affirmative—yeas 128, nays 39; as follows:

YEAS—Messrs. Willis Allen, Appleton, Banks, Bell, Bennett, Benson, Benton, Bliss, Boyce, Breckinridge, Brooks, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chrisman, Churchwell, Cobb, Cook, Corwin, Cox, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, Dick, Dickinson, Disney, Dowdell, Dunbar, Eastman, Eddy, Edgerton, Elliott, Ellison, English, Everhart, Flagg, Farley, Fenton, Flagg, Goodrich, Green, Greenwood, Grey, Grow, Aaron Harlan, Wiley P. Harris, Hastings, Hendricks, Henn, Hill, Howe, Hughes, Hunt, Johnson, Kittredge, Knox, Lane, Latham, Lindley, Lyon, McCulloch, Macdonald, McDougall, McMullin, Macy, Matteson, Maxwell, Meacham, John G. Miller, Smith Miller, Morgan, Nichols, Norton, Olds, Mordecai Oliver, Parker, Peckham, Pennington, John Perkins, Preston, Pringle, Ready, Richardson, Riddle, David Ritchie, Thomas Ritchey, Robbins, Russell, Sabin, Sapp, Seward, Shannon, Simmons, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William K. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Straub, John J. Taylor, John L. Taylor, Thurston, Trout, Upham, Vail, Vansant, Wade, Walker, Watley, Warren, Ellihu B. Washburne, Israel Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, Yates, and Zollcoffer—128.

NAYS—Messrs. Abernethy, Aiken, Thomas H. Bayly, Belcher, Boccock, Brooks, Chastain, Clingman, Dent, Fankner, Fuller, Goode, Hamilton, Haven, Hibbard, Houston, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kurtz, McQueen, Maurice, May, Morrison, Murray, Andrew Oliver, Orr, Bishop Perkins, Phillips, Powell, Pratt, Reese, Rutlin, Shaw, Snodgrass, John J. Taylor, Tracy, Walsh, and Wheeler—39.

So the rules were suspended for the introduction of the resolution indicated.

Mr. COBB. I submit the following resolution: Resolved, That House bill No. 295, entitled "A bill to provide for the establishment of railroads and telegraphic communication between the Atlantic States and the Pacific ocean, and for other purposes," shall be made a special order for the consideration of the Committee of the Whole on the state of the Union for the third Tuesday of May next, and shall thereafter be considered until disposed of by the committee.

On that resolution I call for the previous question.

Mr. HOUSTON. I would ask my colleague to accept of a modification of his resolution.

Mr. COBB. I am afraid to undertake its amendment.

Mr. HOUSTON. I desire that the time during which the bill shall be a special order shall be limited to some extent.

[Cries of "No!"]

Mr. HOUSTON. If we make special orders in the way proposed, we shall never get up any other business.

Mr. CAMPBELL. If the gentleman's amendment be adopted, we shall defeat the bill.

The call for the previous question was seconded, and the main question was then ordered to be put.

Mr. HAVEN. I demand the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

Mr. CLINGMAN. I wish to make an inquiry on a point of order. Does it not require a two-

third vote to pass a resolution making a special order?

The SPEAKER. It does.

The question was then taken on the resolution; and it was adopted—yeas 129, nays 40; as follows:

YEAS—Messrs. James C. Allen, Appleton, Ashe, Banks, Bell, Bennett, Benson, Bliss, Breckinridge, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chrisman, Churchwell, Cobb, Cook, Corwin, Cox, Cullom, Curtis, Cutting, John G. Davis, Thomas Davis, Dawson, Dean, Dick, Dickinson, Disney, Dowdell, Dunbar, Eastman, Eddy, Edgerton, Edmunds, Elliott, Ellison, English, Everhart, Ewing, Farley, Fenton, Flagg, Goodrich, Green, Greenwood, Grey, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Hendricks, Henn, Howe, Hughes, Hunt, Johnson, Kittredge, Knox, Lane, Latham, Lindley, McCulloch, Macdonald, McDougall, McMullin, Macy, Matteson, Maxwell, Meacham, John G. Miller, Smith Miller, Morgan, Nichols, Norton, Olds, Mordecai Oliver, Parker, Peckham, Pennington, John Perkins, Preston, Pringle, Ready, Richardson, Riddle, David Ritchie, Thomas Ritchey, Robbins, Russell, Sabin, Sapp, Seward, Shannon, Simmons, Singleton, Skelton, Gerrit Smith, Samuel A. Smith, William K. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Straub, John J. Taylor, John L. Taylor, Thurston, Trout, Upham, Vail, Vansant, Wade, Walker, Watley, Warren, Ellihu B. Washburne, Israel Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrook, Witte, Hendrick B. Wright, Yates, and Zollcoffer—129.

NAYS—Messrs. Aiken, Thomas H. Bayly, Belcher, Boccock, Brooks, Caskey, Chastain, Clingman, Dent, Faulkner, Fuller, Goode, Hamilton, Haven, Hibbard, Houston, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kurtz, Lilly, McQueen, Maurice, May, Millson, Morrison, Murray, Andrew Oliver, Orr, Bishop Perkins, Phillips, Powell, Pratt, Reese, Rutlin, Shaw, Snodgrass, Tracy, and Walsh—40.

So the resolution was adopted.

Mr. COBB moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was put, and agreed to.

[Here a message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, notifying the House that that body had agreed to the amendments of the House to Senate bill No. 39, entitled "An act to extend the warehousing system by establishing private bonded warehouses, and for other purposes."]

LAND DISTRICTS IN MINNESOTA.

Mr. RICE. I now ask the House to take up and pass bill No. 166, "to establish additional land districts in the Territory of Minnesota."

The SPEAKER. If not objected to, the House will proceed to take action on the bill indicated by the gentleman.

Mr. HAVEN. Is there not already a special order for territorial business?

The SPEAKER. There is such a special order for early in the month of May. This bill was reported from the Committee of the Whole on the state of the Union when acting under a special order some days since.

Mr. HAVEN. If territorial business has already been made a special order, I must object to taking up this bill now.

Mr. WASHBURN, of Illinois. I hope the gentleman from New York [Mr. HAVEN] will withdraw his objection. It is a bill, as I stated before, which was considered in Committee of the Whole when they were engaged upon territorial business. It was reported to the House without objection. The bill has for its object the establishment of four additional land offices in the Territory of Minnesota. There are five hundred townships of land surveyed in that Territory where there are no land offices, and where, at present, not an acre of land can be purchased. It is important that this bill should be passed, and that these land offices should be established, so that emigrants going there in the spring may purchase their lands. I hope there will be no objection on the part of the House to taking up the bill now and passing it. The question is only upon the amendment which is offered in the nature of a substitute. I move to suspend the rules for the purpose of taking it up.

Mr. HAVEN. If it is the general sense of the House that we should make special orders and then not follow them, I will withdraw the objection I made.

The SPEAKER. If there be no objection, the question will be upon the amendment, which is in the nature of a substitute, as the Chair understands, and which the Clerk will now proceed to read.

The bill having been read the first and second

time by its title, as follows: "A bill to establish territorial land districts in the Territory of Minnesota," was then read through by the Clerk.

The substitute for the bill was then read.

Mr. WASHBURN, of Illinois. The question now, Mr. Speaker, as I understand it, is on the adoption of the substitute that has been just read.

The SPEAKER. Yes; the question is upon the adoption of the substitute.

Mr. DISNEY. Mr. Speaker, that bill may be all very right, and, for aught I know, is so. Still, in my judgment, it would be well to refer it. I therefore move its reference to the Committee on Public Lands.

Mr. HENN. I would state to the gentleman from Ohio that the bill has been reported from the Committee on Public Lands.

Mr. DISNEY. Then I ask leave to withdraw my motion.

There being no objection, the motion was withdrawn.

The question was then taken on the amendment; which was agreed to.

The bill was then ordered to be engrossed and read a third time; and, having been engrossed, it was read a third time, and passed.

Mr. WASHBURN, of Illinois, moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

CHAPLAINS TO CONGRESS.

Mr. MEACHAM. I am about to leave the city this evening, and will be absent for a few days. I therefore ask the permission of the House to allow me to make a report from the Judiciary Committee, and to move that such report be ordered to be laid on the table, and printed. It is an adverse report upon the petitions asking that the office of Chaplains in Congress, the Army and Navy, be abolished.

There being no objection, the report was received and ordered to be laid on the table and printed.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles; which, thereupon, received the signature of the Speaker:

Act for the relief of George G. Bishop and the legal representatives of John Arnold, deceased; and

Act to extend the warehousing system by establishing private bonded warehouses, and for other purposes.

STEAM FRIGATES FOR THE NAVY.

Mr. BOCOCK. I offer the following resolution. It is important and national:

"Whereas, a proper regard for the interests of the country demands that our naval force shall be promptly increased: Therefore,

Resolved, That House bill No. 52, entitled "A bill to authorize the construction of six first-class steam frigates, and for other purposes," be made the special order of the day for Tuesday, the 28th instant, at one o'clock, and from day to day until the same be disposed of.

Mr. BOCOCK. I ask the unanimous consent of the House to receive and consider this resolution.

Mr. HAMILTON. I object.

Mr. BOCOCK. Then I move to suspend the rules for that purpose; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 125, nays 35; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Thomas H. Bayly, Banks, Belcher, Bennett, Benson, Boccock, Boyce, Brooks, Bugg, Carpenter, Caskey, Chamberlain, Chandler, Churchwell, Clingman, Cobb, Cook, Corwin, Cullom, Cutting, Dean, Dent, Dick, Dickinson, Dowdell, Dunbar, Eddy, Edmunds, Elliott, Ellison, Everhart, Farley, Faulkner, Fenton, Flagg, Franklin, Fuller, Goode, Goodrich, Green, Andrew J. Harlan, Harrison, Hastings, Hibbard, Hill, Howe, Hunt, Johnson, George W. Jones, Keitt, Kerr, Kidwell, Kittredge, Knox, Kurtz, Lane, Latham, Lyon, McCulloch, Macdonald, McDougall, McMullin, McNair, McQueen, Maxwell, May, Meacham, Smith Miller, Millson, Morrison, Nichols, Mordecai Oliver, Packer, Parker, Peckham, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Ready, Riddle, David Ritchie, Thomas Ritchey, Robbins, Russell, Sabin, Sapp, Seymour, Shaw, Simmons, Singleton, Skelton, Samuel A. Smith, William K. Smith, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Straub, John J. Taylor, John L. Taylor, Thurston, Tracy, Trout, Upham, Vail, Vansant, Walker, Watley, Walsh, Ellihu B. Washburne, Israel Washburne, Tappan Wentworth, Westbrook, Wheeler, Witte, Daniel B. Wright, Hendrick B. Wright, and Yates—125.

NAYS—Messrs. Abercrombie, Barry, Bell, Caruthers, Chastain, Curtis, John G. Davis, Thomas Davis, Dawson, Disney, Eastman, Edgerton, Grow, Hamilton, Aaron Harlan, Haven, Hendricks, Houston, Daniel T. Jones, Lilly, Matteson, Morgan, Murray, Norton, Andrew Oliver, Orr, Pringle, Shannon, Gerrit Smith, George W. Smyth, Hester L. Stevens, Wade, Warren, Wells, and John Wentworth—35.

So the rules were suspended, two thirds voting in favor thereof.

[A message was here received from the President of the United States, transmitting to the House a communication in writing; also, informing the House that he had signed sundry private bills; and also acts of the following titles:

H. No. 14. An act to amend an act entitled "An act to divide the State of Arkansas into two judicial districts," approved March 3, 1851; and

H. 135. An act for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco.]

The SPEAKER. The question is now upon the adoption of the resolution.

Mr. BOCOCK. As this is a resolution of some importance, and as some of my friends desire that the preamble should be stricken out, if no one objects, I will so modify the resolution as to leave out the preamble.

There was no objection, and the resolution was accordingly modified.

Mr. HOUSTON. I desire to ask the gentleman from Virginia if this resolution proposes to limit debate upon the bill to which it refers to any particular day?

Mr. BOCOCK. No, sir; it does not. I prefer to leave that matter to some future time, when the pleasure of the House may be consulted.

Mr. HOUSTON. I hope the gentleman will fix some limitation. These other special orders will commence directly; and there is no earthly object in making any subject such, unless we can provide that one shall not interfere with another. I hope the gentleman from Virginia will fix some day for the debate upon this subject to terminate.

Mr. BOCOCK. I will say, in reply to my friend from Alabama, that when the House shall go into the discussion of this subject in Committee of the Whole on the state of the Union, I shall propose a resolution terminating debate upon it, leaving the House to fix its own time; but I do not wish now, in advance, without knowing what discussion members of the House may wish to have upon the subject, to fix any such limitation.

The SPEAKER. The Chair must remind gentlemen that discussion is not in order.

The question was taken; and the resolution was adopted.

Mr. BERNHISEL obtained the floor.

Mr. BOCOCK. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

The question was taken, and the latter motion was agreed to.

TERRITORIAL LIBRARIES.

Mr. BERNHISEL, by unanimous consent, offered the following resolution; which was read, and adopted:

Resolved, That the Committee on Territories be instructed to inquire into the expediency of making a small appropriation to increase the territorial libraries of Minnesota, Oregon, Utah, and New Mexico; and that said committee report by bill or otherwise.

MAILS FROM NEW YORK TO WASHINGTON.

Mr. FARLEY. I ask the unanimous consent of the House to introduce the following resolution, which I think is somewhat national in its character. If objection be made I will then move that the rules be suspended, for the purpose I have indicated:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire whether greater certainty, dispatch, and economy, cannot be secured in the transmission of the mails between the cities of New York and Washington, via the cities of Philadelphia and Baltimore; also to inquire into the expediency of the establishment by Congress of an additional post route by means of a railroad, in as direct a line as may be between the first-named cities, connecting with the other two; the said committee to report by bill or otherwise.

Mr. LILLY. I object.

Mr. FARLEY. I move, then, that the rules be suspended, for the purpose I have indicated; and on that motion call for the yeas and nays.

The yeas and nays were ordered. The question was then taken; and the motion to suspend the rules was not agreed to—yeas 81, nays 74; as follows:

YEAS—Messrs. Benson, Campbell, Carpenter, Chamberlain, Cobb, Cook, Corwin, Cox, Cullom, Cutting, John G. Davis, Thomas Davis, Dean, Dent, Dickinson, Disney, Dunbar, Eastman, Edmonds, English, Farley, Flagg, Franklin, Fuller, Goodrich, Green, Greenwood, Grover, Aaron Harlan, Harrison, Hibbard, Hill, Howe, Hunt, Daniel T. Jones, Knox, Lindsey, Lyon, McCulloch, Macy, Matteson, Mayall, Meacham, Smith Miller, Morgan, Murray, Norton, Parker, Peckham, Pennington, Pratt, Preston, Pringle, Puryear, Ready, David Ritchie, Russell, Sabin, Sapp, Seward, Seymour, Shaw, Simmons, Singleton, Gerrit Smith, Hester L. Stevens, John J. Taylor, John L. Taylor, Thurston, Tracy, Trout, Upham, Walley, Warren, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, and Yates—81.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Barry, Belcher, Bennett, Bliss, Boccock, Boyce, Breckinridge, Brooks, Caruthers, Caskie, Chastain, Chrisman, Clingman, Curtis, Dawson, Dick, Dowdell, Eddy, Elliott, Ellison, Everhart, Faulkner, Fenton, Goode, Hamilton, Hastings, Haven, Hendricks, Henn, Houston, Hughes, George W. Jones, J. Glancy Jones, Keitt, Kidwell, Kittredge, Kurtz, Lane, Lilly, McMullin, McNair, McQueen, Maurice, Maxwell, May, Milson, Morrison, Nichols, Orr, Packer, Bishop Perkins, Phelps, Powell, Riddle, Thomas Ritchey, Robbins, Shannon, Skelton, Samuel A. Smith, William R. Smith, Snodgrass, Frederick P. Stanton, Straub, Andrew Stuart, Vail, Vansant, Walker, Walsh, David B. Wright, and Hendrick B. Wright—74.

So the rules were not suspended.

CUSTOM-HOUSE APPROPRIATIONS.

Mr. PHILLIPS. I ask the unanimous consent of the House to introduce the following resolution: *Resolved*, That House Bill No. 280, reported by the Committee of Ways and Means, be made the special order immediately after House Bill No. 52 is disposed of.

That is the custom-house appropriation bill. It is proposed to take it up immediately after the disposition of the bill which was made the special order for to-morrow, on the motion of the gentleman from Virginia, [Mr. Boccock]; and, if the Chair will pardon me merely in the expression of a remark, that bill has been discussed and amended, and I am satisfied that we may recur to it and put it on its passage immediately.

Mr. HAMILTON. I object to the resolution. Mr. PHILLIPS. I move that the rules be suspended, for the purpose I have indicated.

Mr. PRESTON. I demand the yeas and nays on the motion. Gentlemen over the way have promised to pass the bill and they have not done it.

The yeas and nays were ordered.

Mr. HAVEN. I should like to ask the honorable gentleman from Alabama if he would not be willing to withdraw his motion to suspend the rules, and move to go into the Committee of the Whole on the state of the Union, and take up the custom-house bill?

Mr. PHILLIPS. I will pursue that course. I withdraw the motion to suspend the rules, and move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. MAURICE. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

The question was then taken on Mr. PHILLIPS's motion; and, on a division, there were—yeas 100, noes not counted.

So the motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMILTON in the chair.)

CIVIL AND DIPLOMATIC BILL.

The CHAIRMAN stated that the bill first in order upon the Calendar was House bill (No. 48) "making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1855."

Mr. PRESTON. I understood that the object in going into the Committee of the Whole on the state of the Union was to take up the custom-house appropriation bill. I therefore move to postpone the other business on the Calendar, and to take up that bill.

Mr. HOUSTON. The practice, I think, is for the committee to vote whether they will take up the first bill, if any gentleman objects to its consideration.

The CHAIRMAN. The first bill on the Calendar is No. 48. If there is any objection to taking it up, the committee must vote upon it.

Mr. TAYLOR, of Ohio. What is the bill?

The CHAIRMAN. It is the civil and diplomatic appropriation bill.

Mr. PHILLIPS. I rise to a question of order. I desire to know if it is not in order, when in the Committee of the Whole on the state of the Union,

to move to take up a general appropriation bill without first disposing of the business that precedes it on the Calendar?

The CHAIRMAN. A general appropriation bill is first in order on the Calendar, and the question will be put on taking it up.

Mr. PHILLIPS. Does the Chair decide that it is not in order, in the Committee of the Whole on the state of the Union, to move to take up a general appropriation bill?

The CHAIRMAN. It is in order.

Mr. PHILLIPS. Then I move to take up the general appropriation bill for the construction of custom-houses and marine hospitals.

The CHAIRMAN. That is not a general appropriation bill, in the opinion of the Chair.

Mr. WENTWORTH, of Illinois. I appeal from that decision.

Mr. PRESTON. I think I have the floor by the recognition of the Chair. Do I understand the Chair as declaring that the House did not go into the Committee of the Whole with a view of taking up the custom-house bill, according to the suggestion made by the gentleman from New York, [Mr. HAVEN], and which was acceded to by the gentleman from Alabama, [Mr. PHILLIPS]?

The CHAIRMAN. The Chair would inform the gentleman from Kentucky that the Committee of the Whole can take up whatever bill it thinks proper. They have full power to do so.

Mr. PRESTON. I move that we take up the custom-house bill.

Mr. PHELPS. I rise to a question of order.

Mr. PRESTON. I object to the first bill upon the Calendar.

Mr. TAYLOR, of Ohio. What bill is it?

The CHAIRMAN. It is the civil and diplomatic bill, and the question now is, shall this bill be taken up for the consideration of the committee?

Mr. DEAN demanded tellers, which were ordered; and Messrs. HASTINGS and VAIL were appointed.

The question was then taken; and the tellers reported—yeas 72, noes 70.

So the committee agreed to take up the bill.

Several MEMBERS. Read the bill.

The Clerk proceeded to read the bill.

Mr. HOUSTON. I move to dispense with the first reading of the bill, and that it be read by sections for amendment.

Mr. PRESTON. I call for the regular reading of the bill, inasmuch as the object for which the House resolved into the Committee of the Whole on the state of the Union has been defeated. The Clerk resumed the reading of the bill. After the first section had been read—

Mr. HOUSTON. I again move, Mr. Chairman, that the further reading of the bill be dispensed with.

Mr. TAYLOR of Ohio. I move that the committee do now rise.

The question was taken; and the motion to rise was not agreed to.

Mr. CUTTING. I move that the further reading of the bill be dispensed with.

Mr. PRESTON. Mr. Chairman I do not feel disposed to interpose any further objection to the motion, to dispense with the first reading of the bill; I therefore withdraw my objection.

The CHAIRMAN. Then the first reading of the bill is dispensed with.

Mr. HOUSTON. Let us commence its consideration, then, by reading the first section for amendment.

The first section of the bill was read, as follows:

"Be it enacted, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the 30th of June, 1855, namely:

"Legislative.—For compensation and mileage of Senators, \$106,862 80."

Mr. CUTTING. I move to strike out the section of the bill that has been just read.

Mr. CUTTING. Mr. Chairman, on Tuesday last, after the morning hour had expired, and the House had gone to the business upon the Speaker's table, a motion was made by the chairman of the Committee on Territories [Mr. RICHARDSON] to refer the Senate bill relative to the organization of a government for the Territory of Nebraska to the standing committee of which he was the head. On the other hand, for reasons which I gave to the

House, I submitted a proposition that that bill should be referred to the Committee of the Whole on the state of the Union.

Upon that occasion the House listened to a clear and distinct argument against my proposition, from the chairman of the Committee on Territories, [Mr. RICHARDSON.] It was an argument which sought to set the House upon their guard against the character of the motion I had submitted. The intimation contained in it, in language by no means disrespectful, however, was that a secret enmity existed which prompted my action. The chairman of the Committee on Territories urged his proposition with zeal and candor. I also submitted the reasons which, in my judgment, rendered a reference to the Committee of the Whole suitable and proper. In so doing, I desired to express, and I thought I had expressed myself, with perfect frankness, and with entire clearness in regard to the great subject before us. The reasons urged by me why the bill ought to be sent to the Committee of the Whole, were satisfactory to a large majority of the House. Upon that occasion I observed that there was not a gentleman upon this floor, who has considered the great principles of the measure, who was a stronger or more zealous advocate of them than I was.

I urged, however, objections to the bill itself, and declared that in its present shape it could not receive my support; nor, in my humble judgment, that of a majority of the House. While, therefore, I distinctly asserted my adhesion to the cardinal principles which were supposed to be contained in it, I was equally frank and equally candid in saying that the bill required amendment, and a thorough examination, before it could receive that support which, in my opinion, its principles entitled it to. In making that motion, I am not conscious of having employed any language disrespectful to any member of this House; more especially I have no recollection of having attempted to convey insinuations against the moral honesty of any gentleman who differed from me upon that occasion.

After the subject had been disposed of, and after the lapse of some two days, a gentleman from a slaveholding State, [Mr. BRECKINRIDGE,] who had had no lot or part in this discussion, thought it not incompatible with his character as a leading member of this House, to volunteer an attack upon me and to assail my motives. It is true he disclaimed any intention to impeach them. He, a gentleman who so much admires candor and frankness, and who was so eager to strip the cover from a secret enemy; he, while he thus assailed me, professed to say he meant to cast no imputation on my motives, and yet gave us the illustration of a friend with a murderous stiletto in his hand, ready to plunge it into the heart of him around whom his arm was thrown. He meant no imputation against me! That gentleman thought he could employ happily the illustration I used sometime since in reference to a deceit practiced upon an aged and infirm patriarch of old, and declared that I was the Jacob who was practicing a cheat upon this House. But he meant not to assail my motives! Oh, no! This candid, frank, honorable member, who despises double dealing so much, meant in all this no imputations upon me!

Mr. Chairman, I take the liberty of differing with the gentleman from Kentucky. He came into this House with concentrated wrath, with bitterness upon his lips, to assail me, a member of this House, for having, in my place, and upon my responsibility as a Representative upon this floor, stated my views as to the direction this bill ought to take. I proclaimed to the House that we at the North were to take the brunt of the difficulties, of the outcries that would be raised. I proclaimed that the bill, in my opinion, if properly understood, was favorable to the North; and declared that I thought I could satisfy my constituents of the fact, if a full and ample opportunity was given to discuss the measure.

Sir, I was amazed that a gentleman from a slaveholding State, where all his constituents were united upon this subject, who will take him to their arms and press him to their bosoms for his advocacy of this measure—that he, coming from that part of the Union, should have been the person to complain of northern men friendly to the principles of this bill, who desired merely a fair opportunity for discussion. Was that becoming a Representative from the South? Was that such

a course as a leading gentleman from that section of the country could be expected to have taken? Was he warranted in taking it? Why, sir, it seems to me that those sentiments which ought to be cherished by every gentleman worthy of a seat in this body, would have prompted such a course as would have given those of us, who, in 1854, (as in 1848,) will have to take the whole brunt of the difficulty at home, a fair opportunity of placing our views upon the measure before our constituents.

This gentleman has seen fit to upbraid and stigmatize me for asking that simple, humble privilege. It was unexpected to me for more reasons than one. That gentleman had made a favorable impression upon my friends at home. They are men whose friendships are always firm and reliable; and in the hour of his greatest need, he has had no more prompt and efficient men to aid him and bid him God speed, than those same gentlemen who are associated at home with me, and who are the attempted victims of that member.

Mr. Chairman, let us, for a moment, consider the grounds upon which the member from Kentucky undertook to put this matter. He charged me with having made a motion as a secret enemy of the bill; he charged me with having professed friendship for the bill, and at the same time taking a course which would occasion its destruction. When did that gentleman hear me declare that I was friendly to the Senate bill? He was present. He heard me declare my opposition to it in the shape in which it came from the Senate, and my belief that not only myself, but a majority of this House, would be found against it until amended; and yet he charged me with pretending to be in favor of it. Has not that gentleman sufficient perspicacity of understanding to know the difference between the principles involved in a measure and the bill which professes to carry them out? And when I declared to the House, before the motion was put, that I was against the bill, but in favor of the measures which it professed to enact, how could that gentleman rise upon this floor, two days afterwards, and undertake to declare that I had professed to be the friend of this bill? The charge is against the fact, against the record, against the published reports of what I did say.

But again: What was the ground of the complaint of the gentleman from Kentucky? That I was consigning this measure to the tomb of the Capulets, by sending it to the Committee of the Whole on the state of the Union, from which it could never again, as he alleged, be retrieved. Was that gentleman sincere in that belief? If so, and this measure could never again come before this body, where was the need of an argument by the gentleman of an hour for the purpose of proving that the bill ought to pass? Why that consumption of the time of this House if the gentleman really in his heart believed it would never again be touched? It was time wasted. It was time thrown away; and it was hardly worth his while to have persisted in keeping this committee together, when they desired to rise, for the purpose of prolonging remarks beyond an attack upon me merely to satisfy the committee that they ought to pass the bill, if he believed in his heart that it was never to be acted on at all. No, Mr. Chairman; no gentleman acquainted with the orders on the Calendar—no gentleman who had them before him, as the member from Kentucky had, could for a moment have believed that sending this bill to the Committee of the Whole was to defer action for this session. Why, had he not just heard the chairman of the Committee on Territories [Mr. RICHARDSON] move to go into Committee of the Whole on the state of the Union, for the very purpose of taking up the Nebraska bill? That very morning, on a motion to go into the Committee of the Whole on the state of the Union, the chairman of the Committee on Territories gave as a reason that he wished to go down to the Nebraska bill reported by his committee and discuss it. Did the chairman of that committee undertake to make a motion so preposterous, if it were true that there was no earthly chance of getting at it? And how came the gentleman from Kentucky then to intimate to this House, that that which the chairman of the Committee on Territories had just asked the House to do, was a matter beyond possibility or chance? Did not the gentleman know when that motion was made, that it would, if carried, have practical results?

But, again: A frank, and manly, and honorable gentleman who desires to argue and discuss these matters on the facts, rises in his place two days afterwards, and utters a speech which, he will pardon me for saying, was not merely inflammatory in style, but exaggerated in facts. Why, he declared in his place upon this floor that there were scores and scores of bills ahead of it. Sir, there was not one score ahead of it. There were some eighteen or nineteen bills and resolutions, all told, large and small, of great and little degree, ahead of it, including all the appropriation bills which are subject to the control of the chairman of the Committee of Ways and Means, of which the gentleman is one. Then why, with that fact in print staring him in the face, did he declare that there were scores and scores of bills ahead of it?

Why, says the gentleman from Kentucky, there is a mountain upon the bill which can never be removed. A mountain upon it! It was the active imagination of the gentleman that raised mountains and created scores and scores of bills. On the fact, and on the record, there was only the small number that I have stated. When we go into committee, as we shall do, and take up the House bill for the organization of the Territories of Nebraska and Kansas, the gentleman from Kentucky ought to know that it will be accomplishing the project of the chairman of the Committee on Territories.

Does not the gentleman from Kentucky know that it was a prearranged and preconceived understanding that we should go into committee on the House bill because it stood high upon the Calendar, and amend and report it to the House? And wherein was the inconvenience of that course? The Senate bill would have to be amended in one particular, at all events, or it never could pass this House; and being amended in that particular, would have had to be returned to the Senate. Now, I ask the gentleman, if it was the understanding that the House bill should be discussed, amended, reported, and sent to the Senate, by what authority he proclaims to the country that I, a friend of the measure, have undertaken to commit it to its tomb by placing it where there is a mountain upon it, and to send that imputation abroad under the responsibility of his name, of his station, and of his supposed connection with the Administration? Its effect is to create a false impression on the public mind. What, I ask, was the motive of the gentleman from Kentucky in stating matters which, being sent over the wires and through the public press, created the impression that I had done an act which had rendered it impossible even to discuss the bill in committee? Why, I presume he knew—I certainly knew, and the chairman of the Committee on Territories knew—it had been announced by him in the presence and hearing of the gentleman that his wish was to discuss the House bill.

Mr. RICHARDSON. I do not know how far the gentleman from New York means to assume by any silence of mine, that he is stating correctly the position that I occupy in relation to this bill; but I deem it due to myself to say that there was no arrangement—as has been stated in the public press, and by letter-writers—come to at a caucus of the friends of the bill.

Mr. CUTTING. I did not say so.

Mr. RICHARDSON. No such thing ever took place.

Mr. CUTTING. I did not pretend to say anything of the sort.

Mr. RICHARDSON. The remarks of the gentleman might lead to the inference that it was true. My plan was this, and I will state it to the gentleman and to the country, for I have got no concealments to make; while we had the bill from the Senate upon the Speaker's table, in my judgment we could discuss the bill reported by the Committee on Territories, and perfect it.

Mr. CUTTING. Where?

Mr. RICHARDSON. In Committee of the Whole, certainly. I will state to the gentleman truly what were my views about the position of the bills. We had the bill from the Senate on the Speaker's table, where we could reach it directly almost at any time. We could then discuss the whole question in the Committee of the Whole on the state of the Union, and when we had got through with that discussion, if, in consequence of factious opposition, the bill from the Committee on Territories could not be brought into the House, then we had another remedy by which

we could bring the House to a vote upon the Senate bill.

Mr. CUTTING. It is conceded, then, by the chairman of the Committee on Territories, that, as I have observed, it was his intention to have discussed the House bill in the Committee of the Whole on the state of the Union, and to have reported that bill after it had been amended.

Mr. RICHARDSON. Certainly.

Mr. CUTTING. That is all I said.

Mr. RICHARDSON. The gentleman speaks of the discussion of the House bill, and not of the Senate bill. The reference of the Senate bill, as I stated the other day, places it in a position where it cannot be reached. With that bill referred so that it cannot be reached in the House, it is very doubtful when we shall reach even the House bill. The French spoliation bill, and all the general appropriation bills—eighteen in number—are ahead of it on the Calendar.

Mr. CUTTING. Do not let us trifle with an important subject. In the name of God, if you had discussed the House bill in Committee of the Whole, amended and reported it, why would you want to discuss the Senate bill also? What had the Senate bill to do with it? Of what earthly consequence was it where it stood? Suppose there was not merely one mountain, but two of them, on the Senate bills—suppose Pelion upon Ossa—what then? If you had discussed the House bill and reported that, of what earthly consequence was it whether the Senate bill were reached or not? Why, I am amazed, upon a subject like this, that gentlemen should descend to criticism, and complaints so idle, and without meaning. When I remarked that it was the design to discuss the House bill, and it was known that it stood high upon the Calendar, I think that the assault of the gentleman from Kentucky, was unprovoked and unjustifiable. It seems to me that there must have been some other reason, some other consideration which has evoked the wrath of the gentleman from Kentucky to so extraordinary a degree. I thought I observed, during the discussion, that he appeared to shake and quake with fear, because of the outcries "of an infuriated mob," that had been heard from Massachusetts, and I thought, when he alluded to the answering bugle from Illinois, that there might be some apprehension upon the minds of gentlemen if we went into committee and did not dispose of this bill upon the Speaker's table, that we might hear from more "infuriated mobs," and louder tones of the bugle still than had yet reached this Hall. Why, are we to be drawn off from our propriety because we hear the voice and uprising of a mob? Are we to be turned aside from our appropriate and bounden duties to investigate this measure because the bugle comes from the West? No, Mr. Chairman, whatever fears may have prompted the gentleman from Kentucky in making his unwarrantable assault upon me, I partake of them not in the least degree. The bugle note alluded to was encouraging to him, whilst the indignant cries that had alarmed his ears came from a portion of the country to which I am to return, and which I am to meet, quell, and subdue if I can; and if they brought any terrors to me, it seems to me that the gentleman from Kentucky need not have partaken of them. We shall hear more of them, and we who return to breast the storm at the North, and the current of fanaticism, as I have upon other occasions done, are not in the least degree intimidated or alarmed by any of these symptoms that seem to have shaken the gentleman from Kentucky.

Now, Mr. Chairman, in my remarks at the time I moved to send this bill to the Committee of the Whole on the state of the Union, I gave reasons why it should go there, and in what respects it required amendments. I expected that a gentleman who would have taken the trouble to think over this matter for a couple of days would at least have come here not merely with imputations as to motives, but with arguments to resist or explode my reasons. I declared that I required to amend the bill by striking out the CLAYTON clause. Did the gentleman from Kentucky say one word in answer by way of argument? Did he reason on the subject? I told the House that, in my judgment, the BADGER proviso meant more than was intended to be generally understood. By way of answer to this the gentleman complained that I

had applied to it the term of "BADGER amendment," or "BADGER proviso." Why, Mr. Chairman, is this proviso so much a subject of reproach that it becomes unpleasant to a public man to have his name connected with it? In my judgment it is not so. Why then did the gentleman say that it was a sort of slur cast upon the distinguished Senator from North Carolina to have linked his name—as it will be indissolubly linked—with the proviso to which he stood godfather, and became its sponsor? He has fulfilled his duties in regard to it with fidelity from the time he undertook it until now. He has not shrunk from it; and it seems to me that there was no necessity for any feeling on the part of the gentleman from Kentucky in consequence of my having called it the "BADGER proviso." Sir, I went further, and declared that it in my opinion—as far as that opinion has been made up without full investigation—the "BADGER proviso," did annul laws not enacted by Congress. I submitted that the true principle of non-intervention by Congress meant that it should not by its action change the *status*, or condition of a Territory in relation to slavery. I observed that in my opinion this proviso did declare that the laws existing before 1803 should no longer be in force; and I submitted for the consideration of the House—and more especially for the consideration of gentlemen from the South—whether or not that did not contravene the great provision of this bill.

I will in a few minutes explain myself more fully in regard to this matter; but I end what I have to say to the gentleman from Kentucky for that unnecessary, volunteered assault upon my motives, by observing that I would have liked to have heard him say some words in reply to the construction which I put upon the "BADGER proviso." I should have liked to have heard some expression of his views in respect to a proposition which was suggested on this floor for the consideration of those who came from his part of the Union. I observed that I thought there must be some motive not avowed for the extraordinary assault upon me. I had declared myself upon this floor, to be a friend of the measure, and forthwith I am assailed. I declared my adherence to the principle. Forthwith the Administration press comes out with a universal cry. Why is it that, approving of the principles of the bill, the organ of the Administration, conducted, it is said, by the Clerk of this House, and who is associated with the printer of this body—how comes it that a friend of the measure, and of the principles of it, should have been selected as a victim? Was it desired to drive me off, and with me those friends who had given me their friendship and support? Is it desired, by this attempt, to assassinate those men who stand by me?

Mr. BRECKINRIDGE, (interrupting.) I ask whether the gentleman intends to apply those remarks to me?

Mr. CUTTING. No, sir; unless the gentleman so far considers himself a portion of the Union newspaper as to make the remark as applicable to him as it is to the Union.

Mr. BRECKINRIDGE. At the time the gentleman's remarks were made I was engaged in taking notes, and simply heard the words; and I desire to ask the gentleman whether he intended to apply the remark to me?

Mr. CUTTING. I do not. I myself only am charged with being the assassin. I am the one whom the gentleman depicted, with the arm of friendship thrown around the measure, but with the dagger of the assassin in hand, ready to strike the fatal blow.

If I had used this language in reference to the gentleman from Kentucky, it would have been simply restoring to the gentleman, in kind and manner, that which he had thought himself at liberty to visit upon me. From that time to this, I have been the constant object of attack for my conduct upon this floor. What does it mean? There is a meaning in it. When I look to the State of New York and see that portion of the press there who are opposing this measure with all their vigor and force, receiving still the public patronage; when I see the whole State filled with office-holders who are opposing the measure with the utmost vehemence, at public meetings and in private, and find that they are still continued in office, still cherished, still protected, I am forced to ask, Why is it that the enemies of the bill are rewarded, and its friends assailed?

What meaning will the country attach to such a course? The Administration desires to carry the bill, and at the same time attempts to cut down and crush out those who are in favor of its principles, and reward those who openly and unequivocally oppose it. It becomes a test question when a gentleman from New York, in favor of its principles, moves to refer it to the Committee of the Whole on the state of the Union, for discussion and for amendment merely. While the Concord Patriot, the organ of the Administration in New Hampshire, disclaims the measure as a Democratic test, it at the same time denies that it forms any portion of the Democratic creed. When I consider all these extraordinary acts, and perceive how quick offense is taken against one who, like me, has constantly fought in favor of the principle, and on the other hand I see the Administration take to its bosom and give aid and comfort to those who are opposed to it, I am compelled to suppose that there must be some other motive at the bottom of this attack than that which upon the face of it appears.

One more word, and I have done with this branch of the subject. There is but one ground upon which the Democracy of the North can stand. They cannot stand upon the Wilmot proviso, which legislates slavery out of a Territory; nor upon legislation which establishes it in a Territory. They can do neither the one nor the other; but they can stand upon the ground that you shall neither do the one nor the other. They can stand upon the ground of non-intervention. They can stand upon the popular principle of allowing the people of an organized Territory to judge for themselves upon that and all other subjects. They can stand, as I before observed, first, upon this great popular right, and next, upon Congressional non-intervention. Leave the institution of slavery to those who are to live under it, who are either to prosper or languish by it. Upon that ground we can stand. Those are the principles I advocate, and if they are found in the bill I shall vote for it. If, in my opinion, they are not there, I will state the fact candidly, for the purpose of coming to a distinct and plain understanding between the different sections of the country, as to what the character of this measure is, so that there may be no reproaches hereafter, either by the one or the other, on the ground that there was a misunderstanding as to the precise principle it did contain. This brings me to discuss somewhat the character of the measure in controversy.

Mr. BRECKINRIDGE. At this point I ask the gentleman from New York to allow me to interrupt him.

Mr. CUTTING. Certainly, I will yield to the gentleman from Kentucky.

Mr. BRECKINRIDGE. I had an aversion to interrupting the gentleman during the progress of his personal explanation. But now, while his remarks are fresh upon my mind, I should be very much gratified if the gentleman would allow me to respond.

Mr. CUTTING. I will give way to the gentleman for that purpose with pleasure, if it is the distinct understanding upon the part of the committee that whatever time he occupies shall not be deducted from my hour.

A general assent to the proposition was expressed all over the Hall.

The CHAIRMAN. Such an arrangement can be made only by the unanimous consent of the committee.

No objection was made, and—

Mr. BRECKINRIDGE proceeded. I have not many remarks to make, but I prefer, while the subject is fresh upon my mind, to respond to a portion of the speech of the gentleman from New York. I preferred not to interrupt him during the progress of these remarks. Sir, I have listened to them, long and wordy, very wordy, as they were, but, Mr. Chairman, not meeting a single position which I took the other day; and I am amazed at the flagrant manner in which he has attempted to torture and twist my words out of their proper and legitimate meanings. I will give you one or two examples, among the many in his speech, of this proclivity to make a case by total perversion. I spoke of the gentleman stigmatizing as the "BADGER proviso" the amendment offered by that gentleman in the Senate, and ap-

plied it to the point that it was very odd that a gentleman coming from a non-slaveholding State should object to an amendment of this character, upon the ground that it did not do justice to the South, and suggested that his object might have been to defeat the amendment, and thus array northern votes against the bill. How does he use it now? I will not say that the gentleman from New York uses it like a lawyer, but I will say that he does not use it like a statesman. He now attempts to draw the inference that I charged him with attempting to put a slur on Mr. BADGER, of the Senate! What is this but avoiding the main point, and endeavoring to lead the mind off upon one irrelevant and personal?

Take another example. The gentleman said that in my speech the other day I referred to the notes from Boston, and the notes from the West, and seemed to be alarmed at the demonstration—

Mr. CUTTING, (in his seat.) Bugle notes from the West.

Mr. BRECKINRIDGE. Yes, sir; and seemed to be alarmed at this demonstration, and wished to hurry the bill through, in order to prevent full discussion. If any gentleman will take the trouble to look at my printed remarks, or remembers them as uttered, he will see that it was at the close of my speech I remarked that the result of the discussion at the North would be to bring the people there to the principle of the bill; and that, although a portion of New England might choose to go off, and turn her back upon her own original doctrines, yet New England was not the Union; but that the center, and particularly the West, would be found on the principle of the bill. That is what I said. Is there any ground there for the gentleman from New York to charge that I was alarmed at these "bugles," and wanted to force the bill through? None on earth, sir. On the contrary, does it not indicate that I had free confidence in the result of discussion; and did I not say in terms that I was in favor of free debate? This passes ingenuity. It is something more than that.

But, Mr. Chairman, the gentleman said that I appeared in the House, after considering the subject two days, to attack and stigmatize his motives. The reason I did not make my speech as soon as he finished his is, that at the conclusion of his own he magnanimously moved the previous question, so that nobody had an opportunity to reply. At the first moment I could get the floor I took it. So the interval of two days is due to the previous question moved by the gentleman himself; and yet, with characteristic disregard of these facts, which are notorious to the House, he now complains that I waited two days to answer his speech. I did not choose to interrupt him while he was speaking, for the purpose of denying that I had attacked his motives, because I really thought that as he had fixed up his speech in that way it would be cruel to interrupt him in delivering it to the committee. As his whole speech, by an ingenious twist, was made to turn on the assertion that I had attacked his motives in the House of Representatives, if I had knocked that underpinning from him he would have had nothing to say at all, so far as the personal aspect of the matter is concerned, and I did not want to spoil a speech elaborately gotten up.

Now, does not every gentleman here who listened to what I said, remember that I stated, that with the motives of the gentleman I had nothing to do? but that I spoke of the objects and the effect of his movement, characterizing it as a movement to kill the bill, and spoke of the strange fact that the gentleman was surrounded by every political Abolitionist in this Hall, and received their congratulations at the success of his motion? One word in this connection, on another point which the gentleman thinks may have been rather personal. When he uttered the word "assassin" to-day, I asked him (misunderstanding, it appears, his remark) whether he intended to apply it to me. He said that he did not; but that it would have been replying in kind to the remark which I made the other day if he had done so.

Since the gentleman has made this explanation, I will state that I did not intend to charge him with playing the part of assassin intentionally, for the reason that I did not choose to pry into his motives; but I said—and I cannot recall it—that the act, in all its effects, was the act of one who would throw one arm around another, as if in friendly embrace, and with the other stab him to

the heart, just as I say that the effect of his movement throughout was to kill the bill. He asks me if I have not perspicacity of understanding enough to see his argument. I ask him whether he has not perspicacity of understanding enough to see a difference between a clear exposure of the effects of a movement and an attack on the motives of the mover. I will not go into an argument with the gentleman as to his motives. I repeat, what I said before, I have nothing to do with them. But, if I chose to go over the facts of the case, I do not think the gentleman would get much advantage in the argument as to what his motives really were. Of course, when he asserts that he had a particular motive, I will not deny his words. But leaving us to judge of his motives exclusively by his conduct, there can be no two opinions in the House as to what they must have been.

Now, sir, let me turn aside for one moment from the verbiage of the gentleman from New York, and, in a practical way, call the attention of the committee to the facts as they then existed. Here was a bill from the Senate lying upon the Speaker's table in this House. We had not yet gone to the Speaker's table. There it was, snug and safe, under the control of the House. There was another bill—one that had originated in this House—which had been referred to the Committee of the Whole on the state of the Union—the bill from the Committee on Territories. Those two bills—one on the Speaker's table and the other in the Committee of the Whole—would give the friends of the Nebraska measure—not of its details, but of the principles—a double chance. One was to take up the bill in Committee of the Whole, reported from the Committee on Territories, and lying high on the Calendar, discuss it, mature it, and pass it, if they could. There was also the chance to go to the Speaker's table, take up the Senate bill, and discuss it, if they chose, in the House of Representatives. There was, therefore, a double chance for the friends of the measure.

Under these circumstances the gentleman from New York, in alliance, not with the friends of the measure, but with its open and avowed and bitter enemies, refuses to go into the Committee of the Whole on the state of the Union—where he ought to have gone, if he wanted to take up and discuss the Nebraska bill. He votes against going into the Committee of the Whole, and then himself moves to go to the business on the Speaker's table. He, and those acting with him, succeed. They never rest until they reach the Senate bill, and then, by a sudden and general concert of movement, it is discovered what the object of the whole proceeding all day had been. The gentleman rises, makes a speech in favor of referring the bill to the Committee of the Whole, then moves the previous question, and does not allow the friends of the measure to expose the effect of his motion. What was the effect of it? I say that it sent the bill to the foot of the Calendar, and that, in the regular course of legislation, you will never reach it this session. And I ask the gentleman if he had not "perspicacity" enough to understand, and experience enough in the House to know, that that would be the result?

Again, the gentleman says that there are only nineteen or twenty bills before it on the Calendar, and that I said there were scores of bills. I have no recollection of saying scores of bills; I did not find such a statement in my notes; I do not find it in my printed remarks; and the gentleman cannot eke out his speech by making language for me. I said it was put at the foot of the Calendar, and would never be reached. Does not the gentleman know perfectly well that the struggle in the House, when gentlemen want to kill a measure at this stage of the session, is, always, to send it to the Committee of the Whole on the state of the Union? It is immaterial whether there are a score of bills only, or two score before it, the effect of the gentleman's motion was to put the bill at the foot of the Calendar, and in either case it cannot be regularly reached.

Mr. ENGLISH. I will state for the information of the gentleman that I learn from the Clerk that there are fifty bills on the Calendar before the Senate Nebraska bill.

Mr. BRECKINRIDGE. Ah! fifty bills, are there? I thank the gentleman for the information.

Mr. CUTTING. Before the House bill?

Mr. ENGLISH. No—before the Senate bill?

Mr. CUTTING. Ah! the Senate bill.

Mr. BRECKINRIDGE. Now, Mr. Chairman, look there! I will nail the gentleman to the counter just here. "Before the House bill," says he. Now, what is the inference from that? Why, he gives up now that we can ever reach the Senate bill, but he would have us to understand that he meant that we could mature the House bill in the Committee of the Whole on the state of the Union. But did not the gentleman say that his very object in moving to refer the Senate bill to the Committee of the Whole on the state of the Union, was that it might be reached there, and discussed, and that the Badger amendment, among others, in that bill might be looked into? Certainly he did—certainly. It is useless for him to shake his head; it would not do for him to raise that question.

Mr. PHILLIPS. Will my friend from Kentucky allow me to remind him that the Badger amendment is not in the House bill at all.

Mr. BRECKINRIDGE. Of course, it is not, and yet the gentleman gave, as the reason for his motion, that his object was to have that amendment discussed in the Committee of the Whole. Nor is the Clayton amendment in the House bill, yet it will be remembered that he wanted the Senate bill referred, to discuss that amendment also. Sir, the reasons assigned by the gentleman from New York are all evasive; the style of debate which he has assumed to-day would suit a bad action in a court much better than an important public question upon the floor of an American Congress. I ask the gentleman from New York, I ask the committee, if the movement was a friendly one, how came it to be opposed by the friends of the bill, with some exceptions, and to be sustained by all the enemies of the bill? How came the intensely national gentleman from New York—and I was happy to regard him as a national gentleman—to be acting in alliance with the enemies of the bill, with the Free-Soilers and Abolitionists—I mean no disrespect to them—upon this floor? How came he to receive their congratulations afterwards? How came their presses to take up the cry, and applaud the gentleman from New York for his adroitness in referring the bill to the Committee of the Whole, which they regard as fatal to it? Why, all the refinements and subtleties of all the special pleaders on earth, from now until the crack of doom, will never get out of a plain man's head the fact that the movement was intended to kill the bill.

But the gentleman says, if this was the effect, why did I devote one hour to an argument in favor of the bill? I ask the gentleman again if he is not parliamentary enough to understand that a particular bill may be killed by being put at the foot of the Calendar, but that the same bill, in substance, by other forms of legislation, may be brought again before the House? I tell him that the Nebraska bill can be revived, perhaps not *totidem verbis*, since it is on the Calendar, but in substance and effect.

As I rose for a personal explanation merely, I will pass on and call the attention of the committee to another remark of the gentleman in regard to myself. "What could have been the motive of the gentleman from Kentucky?" said he. "There must have been some motive not apparent for his assault. Why was it that the gentleman from Kentucky assailed me, a friend of this measure, for this movement, and does not assail its enemies? Why, at the same time, does it happen that the press in this city take up the cry? Why have I been denounced for this movement? Was it to drive me off, a national man, a friend of the measure, in order to gratify the feelings of gentlemen at the other end of the avenue?" The meaning of all this, and much more from the gentleman to the same effect, covered up as it was by inuendo and buried in verbiage, is just this, that I was to carry out some purpose of this Administration to drive the gentleman from New York from the support of the bill, and accordingly that I acted in concert with parties in this city, and papers friendly to the Administration, to deprive the bill of his valuable services. I have a brief but sufficient answer to all this. I wish the gentleman from New York could purge himself of these low personal feelings, and look at public measures upon their merits, without regard to the position of others in connection with them. What a spectacle does a public man present who is governed on great questions by the low ambition of thwarting others instead of by the high rule of the general good?

Will the gentleman from New York avow that any act of any Administration—that forty Presidents or forty Cabinets—could drive him from his firm self-poised center on any public question on which he had formed his opinion? For myself, sir, I tell him that his insinuation was wholly gratuitous. I believe that the present Administration is honestly in favor of this measure. I was glad of it; and will support them as long as they stand by it. But if they had been against the measure, I would be no less for it; and if the worst enemy I had on earth was in favor of a measure which I believe to be right, he could not drive me from it, for that would make me his slave. No, sir, he could not drive me from its support.

Mr. Chairman, I wish the gentleman from New York distinctly to understand that I have no more connection with this Administration than any other gentleman on this floor; that I owe it nothing, and that I expect to owe it nothing, beyond the obligations due from us all to those who execute the laws with fidelity. I tell the gentleman to cool his diseased and fevered fancy; that I am not aware that anybody wants to drive him from the support of this measure; certainly the Administration has never so far forgotten its own character and my position as to make such a request. Does this indicate the gentleman's notion of the duties belonging to the representative character? Sir, my personal pretensions are humble enough; but I tell him that, clothed with the majesty of the people I represent, I stand here in my place to-day the peer of Presidents and of Cabinets. [Applause in the Hall and galleries.] Let the gentleman put this idea out of his head; let him suppose that the gentleman from Kentucky can be animated by higher motives of action than hostility to men in his support of or opposition to measures; and that no President and no Cabinet can make him go for what he believes to be wrong, or drive him from the support of what he believes to be right. No, sir; so far from desiring—and I may as well state it here—so far from desiring that the gentleman should be driven from the support of this bill, it was with the profoundest grief and mortification that I witnessed his course the other day. I had listened to debates here for days, and weeks almost, on the part of that gentleman and others, in which he traced the public course of what is called the National party of New York and of the other party; and though I was opposed to bringing that question on the floor of Congress, I could not, as a southern man, refuse my sympathy and good feeling to those men at the North who had always stood by our constitutional rights. So far from ever making war upon those who are technically called "Hards," my sympathy and feelings were ever with them. Hence the bruise, hence the wound, hence the mortification which pervaded that part of the Hall friendly to the bill, and especially that part from the South, when they saw the gentleman from New York turn a sharp corner, turn his back upon his former course—enter into alliance with the enemies of the measure, Abolitionists and all, and play the leading part in a scheme which every man in the House with five grains of common sense must know was intended or calculated to smother it.

Sir, all the ingenuity, all the verbiage, that forty lawyers, who had had a practice of forty years each, could pile upon it could not remove the few salient striking points which worked conviction in the minds both of friend and enemy of the measure that the act of the gentleman from New York was an act of hostility.

One other thing, Mr. Chairman, and only one other. I am not sure that I understood the gentleman from New York, after classifying himself and all the "Hards" together, as if he was speaking for them *all*; though I do not suppose the gentleman is authorized to speak for anybody but himself—most people are not—

Mr. WALSH, (in a low voice.) He has no authority to speak for one of them.

Mr. BRECKINRIDGE. The gentleman from New York said that I was the last individual in this House who ought to have made what he called that "assault" upon him; because, said he, "in the day of the gentleman's greatest need, the 'Hards' of New York were those who came to his aid." The innuendo is so very deep that I do not clearly comprehend it; and I therefore call upon the gentleman to explain it.

Mr. CUTTING. An explanation being asked for by the gentleman himself, will now naturally be given. I am informed that, during the canvass in Kentucky, it being intimated that funds would be needed in order to accomplish the success of the gentleman, we—my friends in New York, the Hards—made up a subscription of some \$1,500, and transmitted the fund to Kentucky, to be employed for the benefit of the gentleman who is now the "peer of Presidents and Cabinets."

Mr. BRECKINRIDGE. Yes, sir; and the peer of the gentleman from New York; fully, and in every respect, his peer. [Applause in the Hall, and cries of "Order! Order!"]

Mr. WALSH. Will the gentleman from Kentucky allow me a moment to respond to the gentleman from New York?

Mr. BRECKINRIDGE. I will yield to the gentleman soon. I desire to say another word just here in further reply.

Mr. WALSH. I only wish a moment.

Mr. BRECKINRIDGE. I yield to the gentleman.

Mr. WALSH. I believe I have as good a right to speak for the "Hards" of New York as any gentleman upon this floor, or off of it. I have stood, sir, and stemmed the torrent of treason at the North when gentlemen who have subsequently attempted to speak for them have skulked from crossing the threshold of places where meetings were held. I do not want an imputation of this character thrown out by the gentleman from New York, [Mr. CUTTING,] to go forth unexplained to the world. When we came here, we protested at the course pursued by the Administration, in interfering with our local affairs in New York; and now one of my colleagues states that a portion of those who cooperated with him have been guilty of the same act, in interfering with the local affairs of Kentucky.

Mr. CUTTING. Is that all that the gentleman from New York rose for?

Mr. WALSH. That is all now. I shall be on hand again by-and-by.

Mr. CUTTING. It is always "by-and-by," with that gentleman.

Mr. BRECKINRIDGE. I do not want a telegraphic dispatch sent out of this city to the effect that the gentleman from Kentucky [Mr. BRECKINRIDGE] ostentatiously assumed to be the peer of Presidents and of Cabinets; but I repeat, in every matter concerning my legislative duty, I stand surrounded by the majesty of my constituents, and as such, am the peer of both Presidents and Cabinets.

As to the personal matter introduced by the gentleman from New York, that I had received aid from the "Hards" of New York—

Mr. CUTTING, (interrupting.) State my proposition as I gave it. You called upon me distinctly, and—

Mr. BRECKINRIDGE, (resuming.) The gentleman in his speech to which I am now replying, said I ought to be the last man in this House to say anything unkind to them, because that in the day of my greatest need, they had afforded me aid.

Mr. CUTTING. That you are the last person from whom I expected it.

Mr. BRECKINRIDGE. An unimportant verbal difference. The point was this, that I was not the man to do it, because in the day of my greatest need the "Hards" of New York had rendered to me valuable aid.

The language and the manner were so pointed that no gentleman in this House could fail to perceive that the member from New York meant something more than appeared upon the surface; and as I never choose that innuendoes of that sort shall go unexplained, I demanded what he meant. "Well," said he, "if the gentleman calls for it, I will tell him;" and then, with his characteristic candor, he protests that this statement was extracted from him upon the floor of this House? And what was his statement when he came to it! That he has understood that during my last canvass intimations were sent to the city of New York that funds were required in that race; and that in response to the call, his friends, the Hards of New York, made up about \$1,500, and sent them on to Kentucky to promote my election.

Mr. Chairman, before I reply to this statement, I have to say that it was his business to know the

truth of what he uttered before he made such a statement upon this floor. Sir, I never asked for money from New York, nor did I ever receive any. Neither, sir, I was engaged in an arduous and heated canvass, and was but little at home. My friends managed the canvass for me while I was traversing the district by day and by night, addressing assemblies of the people. I do not undertake to say what the fact may be in regard to this contemptible charge—it is enough to say that it touches me personally nowhere—and that I asked from them nothing, and received nothing. No, sir; I came here not by the aid of money, but in spite of it; and as I am obliged to make some allusion to the facts connected with that canvass, I have to say that I happen to represent a district in which the money power of the Commonwealth is concentrated, and that money power in the hands of my opponents. It was loudly proclaimed in the public streets of the city in which I live that I should be defeated if it cost \$50,000 to do it; and I can tell the member from New York that at least \$30,000 were spent for that purpose, and, as the event shows, spent in vain. No, sir, I was elected by a majority of more than five hundred votes—a number greater than all Wall street could control in my district. [Applause.]

Mr. Chairman, I have been thinking, even while making these remarks, what is the proper course to pursue towards a man who can so far outrage all propriety as to bring such a matter before this House. I had intended, at one time, to characterize his conduct in terms of the greatest severity, but perhaps it is well enough to omit it. Perhaps the advantage I have gained, and the united condemnation of all honorable men, will be punishment enough, if, indeed, he has the sensibility to feel it. I dare say that such a thing was never before heard of in the House of Representatives—never. Why, sir, I never associated with a man who would make a reference of that sort at all, still less with one who would make it solely on rumor, and then, when called on to explain himself, would attempt to throw the responsibility of introducing it into the House upon the gentleman against whom the innuendo was leveled.

But, sir, I have trespassed long enough upon the indulgence of the committee. I submit, in conclusion, that the member from New York has been revealed to the House in alliance with the enemies of this measure, and their selected instrument in leading a movement to smother it, and that all his verbosity and evasions have failed to extricate him. If he is really the friend of the measure, he will have abundant opportunities to show it. For myself, being sincerely its friend, I should rejoice to unite with him in voting for it. I feel, sir, that I have discharged my duty, as one of the humblest of its advocates, in exposing a line of conduct calculated to destroy it.

Mr. CUTTING. Is the gentleman through?

Mr. BRECKINRIDGE. I am, sir.

Mr. CUTTING. I have given, Mr. Chairman, to the gentleman from Kentucky an opportunity to indulge in one of the most violent, one of the most inflammatory, one of the most personal assaults that has ever been known upon this floor. I offered at the time to give the gentleman, while his rage was boiling over, the opportunity to let the hot words roll out. When I asked that the other day, after he had got through with his remarks in regard to me, a colleague from New York thought it worthy of him to undertake to object and prevent me from getting the floor.

Now, what is the answer the gentleman from Kentucky gives? I charged him with having assailed my motives. I charged him, at the same time, with having undertaken to deny it. The committee have heard his answer. I ask whether, from the beginning to the end, it has not been an impeachment and imputation on my intentions and my motives in making that motion? I ask the gentleman from Kentucky how he can reconcile it to himself to disclaim any attack on me when he follows it up in the manner which we have all witnessed this afternoon, declaring that my intention and my motive was to destroy the bill, or the measure to which I professed friendship?

Mr. BRECKINRIDGE. Does the gentleman say, in the presence of the committee, that I said any such thing?

Mr. CUTTING. I submit it to the committee

Mr. BRECKINRIDGE. Does the gentleman say that I—

[Cries of "Order!" from all sides of the Hall.]

Mr. BRECKINRIDGE. No, Mr. Chairman, I want the facts.

[Renewed cries of "Order!"]

The CHAIRMAN. The gentleman from Kentucky will please preserve order.

Mr. BRECKINRIDGE. I do not intend to say anything disrespectful. I call the attention of the gentleman to the facts.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. CUTTING. Certainly, sir.

Mr. BRECKINRIDGE. The gentleman has said to the committee within the last minute, that I said that he had the intention and the motive to destroy the bill. Now I ask him to point to the occasion when I made that remark.

Mr. CUTTING. I submit to this committee that the whole tenor and scope of the speech of the gentleman from Kentucky was an attack on my motives in making the motion that I did. It is in vain for him to attempt to escape from it by disclaiming such an imputation. The facts are before the committee, and I say to him that I scorn his imputation. I stand here not superior, but his equal on this floor, having for myself a reputation as dear, if not so lofty, as that of the member from Kentucky; I stand here the representative of a constituency of which I am now the impersonation, so far as regards my district; and when the gentleman undertakes by indirection to assail or to impeach the reasons of my action and the objects of my course, I hurl back upon him, with the indignation which they deserve, that which is so unwarrantable and so without ground.

I have stated frankly why I made the motion. When I made it I observed that the bill required amendment; that it must go to the Committee of the Whole on the state of the Union to be amended; and that, unless it was amended, in my humble judgment, it could not pass the House. Was there anything indirect in that? Was there anything covert? Was it not plain and palpable? How dare the gentleman, then, upon this floor, in the presence of those who heard me, undertake to assert that I had professed friendship for the measure, with a view to kill and assassinate it, by sending it to the bottom of the Calendar? And then, when I remark that the Committee of the Whole have under their control the House bill which can be taken up, discussed, amended, and reported to the House, he retreats, and escapes, and skulks behind the Senate bill?

Mr. BRECKINRIDGE. I will ask the gentleman from New York—I suppose we are nearly at the end of this personal explanation—to withdraw that last word.

Mr. CUTTING. I withdraw nothing that I have uttered. What I have said has been in answer to the most violent and the most personal attack that has been witnessed upon this floor.

Mr. BRECKINRIDGE. If the gentleman says I skulk, he says what is false, and he knows it.

[Great sensation, and cries of "Order!"]

Mr. CUTTING. I do not, sir, upon this floor, answer remarks such as the member from Kentucky has just made. It belongs to a different arena. It is not here that I will desecrate my lips by undertaking to retort on it in the manner which it deserves. But, said the member from Kentucky, the gentleman from New York undertakes to be more southern than the South; to out-Herod Herod; and he observed that I assailed the Badger proviso as unjust to the South. Sir, I owe nothing to the South. I have no desire to curry favor with that section of the country. My desire was simply to let the South understand what was my interpretation of that proviso; and that, understanding it fully, and each gentleman knowing what it meant, we might have legislation now as a guide for legislation in future. I wanted to have that proviso understood, for the purpose of ascertaining what would be the application of it in case Cuba comes in—what would be the interpretation if, by an act of Congress following this, we were to declare that no laws, usages, or regulations affecting that country were any longer to be in force? I desired it understood also in reference to those Mexican provinces that might come into the Union hereafter. I wanted to know whether, when we legislate for New Leon, Coahuila, Tamaulipas, and Sonora, the principle involved in this bill is to be

applied to them—the great principle of non-congressional interference—the principle of the right of those provinces to form laws for themselves. That was the object of the motion; a higher one, a more statesmanlike one, if the member from Kentucky will allow me to say so, than the course of imputing base and improper views and objects to others. I wanted to place the bill upon the highest ground of discussion; I wanted to place it upon principles which we could all understand, and by which we could be regulated for the future—not having one principle north of the line of 36° 30', and another principle south of that line.

Now, as I understand the Badger amendment, it annulled all laws of Spain and France establishing or permitting slavery. I agree with that provision; I will vote for it, and stand by it, with the perfect understanding that all the gentlemen from the South understand it in the same way; but I want no more of these after-claps, such as they have had in the Senate. I do not desire, after this bill shall have passed, to have the "Globe" filled with caveats and protests against its interpretation. We have two distinguished Senators, one from South Carolina, who protests, according to my understanding of his language, that this bill does not contain the principle of non-intervention by Congress. I understand him to say, that it does not contain a concession of the principle that the people of the Territories have the right to form their own laws. I understand him to take the ground, that this bill is applicable to Nebraska, and Nebraska alone—that it has no reference whatever to the future; and when they come to legislate in the future for other Territories, that Congress, possessing the right of intervention, and possessing the right of prescribing how those Territories are to be governed, shall, according to the location, place, and circumstances, carry out their legislation. The Senators to whom I have referred deny the principle of the bill. They deny the ground upon which it has been carried through. I desire now to call the attention of the committee to this subject, so that we may understand it. I say that the provision in question annuls French and Spanish laws. Am I right in that construction? If you agree to it for all time; if you agree to it in regard to the future, then, as far as I am concerned, I am prepared, not only to vote for that provision, but to recommend it as earnestly and zealously as possible to the consideration and adoption of the people of the North.

One word more. The gentleman from Kentucky is still vindictive and full of acrimony, because this Senate measure was taken from the Speaker's table, where the gentleman says we had it snug and safe. What does he mean by "snug and safe?" What does he mean by saying that it was under the control of the committee, or some members of this House? What I meant was, that it should be taken from the place where it was snug and safe, and sent to the Committee of the Whole on the state of the Union, so that it would be out of the power of anybody upon this floor to move the previous question, and stop that full and free discussion which, in my judgment, this measure demands.

Mr. BRECKINRIDGE. I desire, in passing, to say that I never said it was under the control of certain members of this House.

Mr. CUTTING. Under the control of the friends of the bill, then. I meant that there should be upon this subject full, fair, open, and frank discussion. I meant that there should be no resort to parliamentary tact. I knew that we should reach the House bill, and then, as far as we from the North were concerned, we could not be prevented from laying our views prominently and frankly before the country. I appeal to the good sense and feeling of this committee, in what respect, in what possible shape, can there be anything like a reasonable, a rational objection to the course which was adopted in that respect? Why keep a bill upon the Speaker's table, where the strictest rules of parliamentary debate and parliamentary maneuver can always be resorted to? Why, when you meant to discuss the bill in the House, not have discussed it fully, and amend it, as I said before, and there end it?

Now, Mr. Chairman, one word more, and I have done. It is neither in the power of the Administration, nor of the member from Kentucky, nor of any other person in this House, to drive me off from an advocacy of the principle which I

deem right. But, at the same time, while I am avowing that which is my rule of action and my rule of conduct, to have gentlemen get up on this floor to whom I thought I might have looked with confidence for support, at all events for an abstinence from irrational exhibition of temper and ill-feeling—I say it did deeply wound and mortify me to find a gentleman who was esteemed by those whom I knew at home—who had looked to him as a friend—to find him who had been unassailed, unattacked, coming here to make a volunteer assault upon me. I thought that he was the last gentleman on this floor that should have been guilty of that act—not merely with regard to the circumstance that he knew that my friends had been his friends—although he says he knows nothing of the particular circumstance to which he compelled me to allude specifically, but because he had known and heard me, over and again, avow this principle as that which I deemed sound.

I regret, Mr. Chairman, that I have been under the necessity of making these explanations. I shall, hereafter, take no note of them. I regret, too, that a colleague of mine from New York, [Mr. WALSH], should have thought it necessary to have got up on this floor to have made certain suggestions entirely outside of the question we were discussing, and having no reference to it. I had supposed that that gentleman, from the intimacy which subsisted between us, in regard to public matters, had concurred expressly in the propriety of sending the bill to the Committee of the Whole on the state of the Union. I understood him to assent directly and distinctly to it, on asking him whether or not discussion was not necessary, and whether or not it was not proper to take the bill from the table, in order to avoid any possible chance of having the discussion brought either to a premature close, or having it so restricted that we could not place fully and fairly all our views before our constituents. I counted on the support of my colleague, and regret that he felt authorized to act in opposition to his own express assent and consent in reference to that course.

Sir, I have done. I do not mean in future to permit either articles written by the Clerk of this House, or by the Union newspaper, or by gentlemen from any portion of the country, to drive me from that position which I intend to assume and maintain, if I am able. I mean to discuss, if I can, this question as a measure of statesmanship, in the best manner that my powers will enable me, with a sincere desire of accomplishing the passage of the bill in that shape which, in my humble judgment, will give the most satisfaction to the country, and put at rest forever the fanaticism and the outcries which now prevail throughout the land. It is my desire again to accomplish a return to peace and harmony; and I would suggest to gentlemen on this floor who are anxious for the passage of the bill that it is not the best mode of accomplishing that object by assailing those who proclaim themselves to be favorable to its principles, and favorable to all its great and creditable demands. It seems to me that it would answer a better purpose—if they really desire the success of the bill—that they should turn their batteries anywhere else, rather than to endeavor by them to destroy its friends.

Mr. YATES obtained the floor.

Mr. DEAN. Will the gentleman from Illinois be good enough to yield me the floor for the purpose of enabling me to make a motion?

Mr. YATES. Certainly, with pleasure.

Mr. DEAN. Then I move that the committee do now rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee [Mr. HAMILTON] reported that the Committee of the Whole on the state of the Union, had, according to order, had the state of the Union generally under consideration, and particularly House bill (No. 48) making appropriations for the civil and diplomatic expenses of the Government for the year ending June 31, 1855, and had come to no conclusion thereon.

Mr. DEAN. I move that the House do now adjourn.

The question was put; and the motion was agreed to, and

The House adjourned.

IN SENATE.

TUESDAY, March 28, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received, by Mr. McKean, Chief Clerk, announcing that they had passed a bill to establish additional land districts in the Territory of Minnesota.

THE MEXICAN FRAUDS.

Mr. BRODHEAD. Mr. President, during the last Congress a select committee, of which Mr. Soule was chairman, was appointed by the Senate, to which were referred memorials on the files of the Senate in relation to the proceedings of the Board of Commissioners on the claims against Mexico. Before a report was made, at the conclusion of the last special session, although the basis of a report had been agreed upon, Mr. Soule was appointed to a mission abroad. I was a member of the committee, and now, as such, beg leave to submit the report of that committee. I will read the arrangement of the papers which I desire to lay before the Senate; and I further ask that they may be printed:

First. The report of the committee.

Second. The journal of the committee.

Third. The testimony taken before the Committee.

Fourth. Documents and papers referred to in the journal and testimony.

Fifth. The journal and report of the commissioners sent to Mexico by the committee to examine into the Gardiner and Mears cases.

Also, testimony, documents, and papers accompanying the same.

A number of documents and papers, not deemed material to the elucidation of the matters referred to by the committee, will be filed in the office of the Secretary of the Senate. Although the documents look very formidable, when printed the volume will not be a very large one. The books presented, being the book of testimony and the journal, are not full.

I ask the unanimous consent of the Senate to submit this report, and I ask that it may be laid upon the table, and printed.

Mr. BAYARD. Mr. President, I ask the indulgence of the Senate to make a few remarks in connection with the report of the select committee on the claims under the Mexican treaty, before any order is made for its printing. I was a member of that committee, and I ask to be heard, because I think, in justice to the committee, it is right that what might look like apparent delay or negligence on our part should be fully explained.

The petitions were referred to us about two years ago. There were some sixty-three or sixty-four of these petitions. Of course, the general mode of proceeding in the action of the committee in that, as in other cases, was regulated by the determination and view of the chairman of the committee. Immediately after our organization we directed a notice to be forwarded to all the petitioners, with a view to elicit any testimony which they might have sustaining their grounds of complaint. In answer to these notices, we also received information which led us necessarily into the investigation of the claims of Gardiner and Mears. They occupied the greatest portion of our time. The examination of the witnesses in these cases superinduced so strong a conviction of fraud, that, arriving at the conclusion that the matter could be determined beyond controversy by sending a commission to Mexico to ascertain the existence or non-existence of the mines for which the damage was claimed, the committee determined on that course. As the Executive wished also to be represented in that commission, unavoidable delays were occasioned in sending it out.

After the return of the commission, (which caused the greatest delay,) the committee, during the special Executive session of the Senate last spring, having completed their labors, agreed upon the basis of their report, and the heads of it were noted by the honorable chairman of the committee, [Mr. Soule.] He had then, I believe, been appointed Minister to Spain; but had not yet accepted the appointment; and he undertook to prepare, from the determinations of the com-

mittee, the report; and, by order of the Senate, that report was to be printed in the vacation.

From reasons of which I have no knowledge, he left the country without performing that duty, and without any communication whatever to any member of the committee. I have no doubt, from what I have heard, that his reason was a good one; that, as the case of Gardiner had not yet been disposed of, and as there was an action of criminal jurisprudence pending, in which the defendant ought not to be prejudiced by any *ex parte* statement on the part of the Government, he thought it was wiser not to file that report in vacation until that case should be determined. I presume that must have been the reason why, contrary to his engagement with the committee, the honorable gentleman who then represented the State of Louisiana in the Senate did not make the report, in accordance with the determination of the committee. If such was the reason which existed in his mind, I think it was sufficient. But it placed us in this obviously-awkward predicament: that when we returned here at this session of Congress, no member of the committee had the slightest idea that the report had not been prepared according to their determination. It then fell upon the honorable Senator from Pennsylvania, [Mr. BRODHEAD,] as the member of the committee who was next in order in the selection of the Senate, to prepare a report. That, of course, required a great deal of labor, in addition to what had been previously encountered on his part, and rendered a revision of the testimony necessary, in order to arrive at proper conclusions. This is the reason why the report of the committee has been so long delayed.

There is another reason, however, Mr. President, and that is this: Immediately on going into the investigation of the complaints of the petitioners, I will state for myself that I adopted two general rules. I considered that the duty which devolved upon us was mainly to ascertain whether the complaints of the petitioners were well grounded, and required a revision of their claims by the appointment of a new commission; because that was what the petitioners asked for. In order to determine that question, it seemed to me that there was but one course, and that was, to look over the whole series of decisions—to compare the evidence in each case where complaint was made with the memorial of the petitioner, and the adjudication and opinion delivered by the board. The committee did that; and the Senate may well understand that it was a labor of no slight extent.

For my own part, I think I can say with safety I examined the opinions of that commission in at least fifty-five out of the sixty-three cases to which the petitions referred. I made this examination in order to determine whether the general conclusions of the commission showed such laxity or such disregard of the rights of the petitioners that we would be justified in saying, there had been such a non-performance of duty that we must recommend to the Senate a revision of the claims which had been previously acted upon. In that investigation, I found but one solitary case, myself, in which I could say that, as against the petitioners, the commissioners had allowed less than they were entitled to; and therefore, necessarily, (and the committee were unanimous in that,) we could find in the decisions of the commissioners as against the claimants no sufficient grounds whatever to impeach those decisions and require a revision of the action of the commissioners for the benefit of the petitioners. We therefore determined against recommending any additional commission.

But there was another class of cases. I also looked at those cases, and I believe the committee did, on this principle: that if there was a plain and palpable mistake in law in any one decision, as against the petitioner, on the face of the petition itself, without going into a detail of the facts and reasoning on which it was founded, the committee would, in such particular case, feel themselves justified in recommending that it should be reheard before the accounting officers of the Treasury. The result of that mode of investigation was, that in two cases the committee arrived at the conclusion that they ought to be reheard, and it is their intention to report a bill for that purpose.

One was the case of Mr. Jarrero, in which the mistake consisted in this: The commission de-

cided, at first, that a claim made by an American citizen, which was of Mexican origin though held by an American citizen at the time of the conclusion of the treaty, was not within its terms; and therefore they rejected it, I think, on strong grounds; but, contrary to their principle as established in that class of cases, in the case of Mr. Jarrero, though the claim, they say, is an undoubted claim, because it was held by him they rejected it. What the form of transfer was did not appear before the committee; but there was an American claim, American in its origin, of which the benefit would go to Mr. Jarrero, whether as collateral security or absolutely the committee have no knowledge. But I take the statement of the commissioners. They rejected even the hearing of that claim, as we thought, clearly in violation of a plain principle of justice. Hence we thought that claim ought to be reheard by the accounting officers, in order to determine whether or not it was a valid claim under the treaty.

That is one case. In the other case there was a portion of a claim of Mr. Levy, which a majority of the committee believed stood upon the same principles as regarded the propriety of a rehearing. These are the only two cases in which we have come to the conclusion that the petitioners ought to be reheard.

When, however, I make the remark, that, as against the memorials of the petitioners and their statements of facts, the committee could discover no ground for relief whatever, I couple it with this further fact, that, in my own opinion, (and I believe the opinion of the Senate is so expressed in their report,) there was eminent ability displayed in the general investigations and the opinions of the commissioners; but I am sorry to say myself, that, as regards the cases of Gardiner and Mears, it was not displayed. The opinions of the committee, and the conclusions they draw from these cases, are as mild as could be drawn.

Independently of these two cases, there is also one other case at least, where the decision was in favor of the allowance of the claim against the United States, in which I am unable to appreciate or understand the distinction in which, by possibility, a lawyer could have arrived at the result at which these commissioners arrived in the allowance of that claim. It was a claim of Aaron Leggett, which had previously been before the mixed commission, and upon which the American and Mexican commissioners had differed. One had rejected the claim *in toto*, and the other had admitted it to the amount of over \$400,000. The umpire heard the case, decided it, and allowed the claim to the extent of \$39,000. The commissioners, under the treaty of Guadalupe Hidalgo, admitted that it was not within their jurisdiction; that they had no right, under the treaty, to revise the decisions made by the umpire; and yet they drew as fanciful a distinction as could possibly be drawn, for the purpose of making out an original claim against the Government of Mexico, and so revising the decision of the umpire, and allowing an additional amount for injuries sustained, under a claim which had been adjudicated under the treaty of Guadalupe Hidalgo.

Sir, I state these facts generally, without going into details; but I confess all that I read, and all the cases which I examined in reference to the proceedings of the commissioners in the case of Aaron Leggett, was most unfavorable. There was no testimony whatever before the committee in regard to it, and this is nothing but the result at which I arrived, as to the almost legal impossibility of the conclusion which had been arrived at by the commissioners in that case.

Mr. BROWN. This report is the result of a tedious investigation into a matter which has created a great deal of public excitement and talk. When printed it will be sought for very generally. I suggest, therefore, to the Senator from Pennsylvania, the propriety of asking the publication of a few extra copies.

Mr. BRODHEAD. That can be done hereafter.

Mr. BROWN. But I thought this was the proper time to make the order.

Mr. BRODHEAD. Before the vote is taken on the order to print, I beg to make a remark respecting the case of Mr. Leggett, to which my colleague on the committee [Mr. BAYARD] has referred. I concur with him in the opinion that there was no jurisdiction over that case in the last Board of

Commissioners, organized under the treaty of 1848 with Mexico; that although Mr. Leggett may have had injustice done to him by the mixed commission, which I deny, still the matter had passed in *rem judicatum*, and the last Board could not properly take jurisdiction of the case. Yet, as there appeared to be no fraud, no concealment, no undue influence in the case, on the part of those who presented it, we make no special recommendation in regard to it. Ninety-nine thousand dollars were allowed him by the mixed commission, and \$107,000 by the last. There appeared, however, to be no evidence of fraud, but only a misconception in the case.

The report was ordered to be printed.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented a petition of the Board of Directors of the Mississippi Valley Railroad Company, asking a grant of land; which was referred to the Committee on Public Lands.

Mr. RUSK presented a document in relation to the claim of Catharine Arnold, widow of Ripley A. Arnold, and officer of the second regiment of dragoons, to a pension; which was referred to the Committee on Pensions.

Also, the memorial of John S. Rhea, praying to be released from responsibility, for a sum of money stolen while in his custody as collector of the customs for the district of Brazos Santiago, Texas; which was referred to the Committee of Claims.

ORDER OF BUSINESS.

Mr. HUNTER. I move that the Senate proceed to the consideration of the special order, the deficiency bill.

Mr. PETTIT. I shall be compelled to resist that, so far as I can, until I have an opportunity of presenting a petition and report. I have been here trying all day to get in the petition and report which I desire to present.

Mr. HUNTER. I would yield to the Senator with pleasure, but I know that there are some others in the same condition as himself; and the hour which was set apart for the consideration of the deficiency bill having arrived I consider it to be my duty to call for its consideration. I should like to have an hour or an hour and a half for it to-day.

Mr. PETTIT. It is just as necessary, and it is as much in order, to make a report now as it is to attend to that bill. Let us have until one o'clock to attend to morning business. I desire but a few minutes to submit a report, and have it ordered to be printed.

The PRESIDENT. The Chair is of opinion that, under the rule, no other business being pending, the Senator from Virginia has a right to call for the special order. The deficiency bill was made the special order for half-past twelve o'clock to-day. The Senate, however, if it sees proper, can determine to postpone it, so as to take up other business.

Mr. PETTIT. It was not made the special order.

Several SENATORS. It was.

Mr. SHIELDS. I am inclined to think that there is some misapprehension in regard to that point.

The PRESIDENT. The Chair will have the Journal read for the information of the Senate.

Mr. SHIELDS. I will state my recollection of the matter. The bill was postponed until half-past twelve o'clock to-day, but I think it was not made the special order.

Several SENATORS. Yes, it was.

Mr. SHIELDS. The bill cannot, however, be advanced by acting in this way. I ask the honorable Senator from Virginia to allow me to make a report.

Mr. HUNTER. I know that the bill cannot be advanced if gentlemen choose to debate as to what is the order of business. We can very well spend an hour to-day, as we did yesterday, in that manner of proceeding. The bill was made the special order for half-past twelve o'clock to-day, as I understand; the Journal, however, will show the fact.

The PRESIDENT. That part of the Journal will be read.

The Secretary read the following, from the Journal:

"After debate, on the motion of Mr. MASON, 'Ordered, That the further consideration of the bill be postponed until half past twelve to-morrow.'"

Mr. SHIELDS. I believe my recollection is right.

Mr. PETTIT. It was not made the special order for this hour.

Mr. HUNTER. Is it necessary to move to postpone the prior orders to take up the bill?

The PRESIDENT. Certainly; as the bill was not made the special order.

Mr. HUNTER. Then I make that motion.

Mr. PETTIT. I object to it. I want to have an opportunity to make a report.

The motion was agreed to; there being, on a division—ayes 25, noes 10.

DEFICIENCY BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill from the House of Representatives to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854, the pending question being on the amendment submitted by Mr. HAMLIN, to add to the following amendment reported from the Committee on Finance:

"For the purchase of a new site for the custom-house in San Francisco \$250,000; and the Secretary of the Treasury is hereby authorized, if in his judgment the public interest will thereby be promoted, to apply this appropriation, and as much as may be necessary of former appropriations, for the erection of a custom-house on the land reserved for said purpose, to the purchase of a building or buildings, for a custom-house and other public offices; and the said Secretary of the Treasury is hereby directed to take all legal proceedings which may be necessary or advisable to maintain and secure the possession and title of the United States to the lot heretofore selected for the site of a custom-house;" the words:

For rebuilding the custom-house at Portland, Maine, \$200,000; said building to contain accommodations for a post office, and rooms for the United States courts.

Mr. GWIN. I am instructed, by the Committee on Finance, to withdraw the amendment which was under consideration yesterday, in reference to the purchase of a new site for a custom-house in San Francisco. That subject was brought before the Senate, because the committee believed it to be important to the Government of the United States that the power proposed to be given by the amendment should be conferred upon the Secretary of the Treasury; but inasmuch as it may embarrass the bill, and lead to other amendments which may jeopardize it in the other House, I am instructed by the committee to withdraw it. It was brought forward, not at the instigation or suggestion of the representatives of that State, but under the impression that it was important to the Government of the United States to have the power conferred on the Secretary of the Treasury.

The PRESIDENT. The Senator from California asks the unanimous consent of the Senate to withdraw the amendment reported from the Committee on Finance, to which he alludes.

No objection was made.

The PRESIDENT. The amendment, together with the amendment to the amendment, is withdrawn.

Mr. BRODHEAD. I desire to suggest to the chairman of the Committee on Finance, the propriety of an amendment respecting an appropriation for the continuance of the water-works in this city. I understand that progress cannot be made with the work unless an appropriation be made. An appropriation was made at the last session to bring water into the city of Washington, but unless an additional appropriation be made at this time I understand the work will not be advanced during the summer months.

Mr. HUNTER. I will suggest to the Senator that if he desires to bring up that subject, the proper time will be after the amendments reported from the committee have been disposed of.

The question recurred on the next amendment of the Committee on Finance, which had been excepted from the general vote on the amendments. It was to add the following additional section:

"Sec. — And be it further enacted, That before any payment shall hereafter be made to any invalid pensioner, whose name shall have been upon the pension list two years, he shall produce to the agent for paying pensions to whom he shall apply for payment the affidavit of two surgeons or physicians, approved by the Secretary of the Interior, stating, from personal examination, the continuance of the disability, describing it, for which the pension was originally granted, and the date of such disability at the

time of making such affidavit, and every two years after the date of such affidavit he shall, before receiving any further payment, produce to said agent a similar affidavit; and if in said affidavit the disability shall be stated at a rate below that for which the pension was originally granted, he shall only be paid at the rate stated in said affidavit—said affidavit shall be filed by said agents, and carefully preserved, and copies thereof shall be transmitted, with the semi-annual returns of said agents, to the Commissioner of Pensions, who shall file them with the original papers of said pensioner, respectively: *Provided*, That when the pension shall have been originally granted by a special act of Congress, or for a total disability for the loss of a limb, or other cause, which cannot be removed, either in whole or in part, the above affidavit shall not be required: *And provided further*, That if any person entitled to an invalid pension shall be in the possession of a salaried civil office, his pension shall be suspended during the time of his employment in said civil office."

Mr. ADAMS. In a very few words I will state my reasons for objecting to the amendment, and asking the Senate to refuse to concur in it. I wish to suggest what I consider an impropriety in requiring the pensioners every two years to renew the certificates of their disability. It will be exceedingly troublesome and inconvenient if it be required of a pensioner. I think the Committee on Finance have proceeded upon the supposition, especially in the last clause, to which I have heretofore objected, that these pensions are granted as favors and bounties to those who have suffered in the service of the country. I look upon them in a very different light. I view them as a compensation, as pay for services rendered and injuries sustained in the service of the country. If you require an invalid pensioner every two years to obtain the certificates of two surgeons, approved by the Secretary of the Interior, so as to make it evidence at the Department before the pension agent, you impose a very heavy burden, and a troublesome and inconvenient duty upon the pensioner, and you will be trammeling the payment of the debt, as I conceive, unnecessarily.

To the last clause I have still stronger objections. It provides that any person receiving a pension, who may be in the receipt of a salary which is conferred upon him either by the General Government, or by the people among whom he lives, shall have his pension suspended during the time he is in receipt of his salary. Now what reason is there for that? If the disability under which he labors entitles him to the compensation which is fixed by the existing laws, why will you take it from him because his fellow-citizens think proper to confer upon him an office? I see no reason, no propriety, no justice, in such a provision. My idea of our pension system is a different thing. I would myself rather pay every man who served the country in any capacity a sum sufficient, at the end of his services, to settle up and be even with him, and his children, and his grandchildren. It would be a great advantage to the country if that could be done; but as we have adopted the system under which we are now acting, I see no propriety in trammeling the payment of the debt in the way the amendment proposes.

Mr. BAYARD. I move to amend the amendment by inserting, after the words "civil office," the words "under the United States," so that the clause will read:

"That if any person entitled to an invalid pension shall be in the possession of a salaried civil office under the United States, his pension shall be suspended during the time of his employment in said civil office."

I can understand why a pension ought not to be paid to a person who accepts a civil office under the United States. That would be pensioning our own officers. If they have health, and strength, and capacity to perform an office which they choose to accept, I think the pension ought to be suspended; but I cannot understand the application of the rule as regards the action of the States. If a State chooses, in addition to the pension of the officer, to give him some office of which he can perform the duties, I do not think we should interfere in reference to that. I therefore move the amendment which I have suggested.

Mr. HUNTER. I do not know that I have any objection to the amendment of the Senator from Delaware. I desire to state, in regard to the amendment reported from the committee, the propriety of which is disputed, that it was made at the request, and on the recommendation of the Secretary of the Interior—that is, all of it save the last provision, which requires that the invalid pension shall cease when the pensioner receives the perquisites of a civil office. All the rest of the amendment has been earnestly recommended by the Sec-

retary of the Interior. In relation to it he says, in a letter dated January 17:

"The third relates to the payment of invalid pensions. Existing pension laws authorize the allowance of an increase of pensions, proportionate to the increase of the disability, but does not provide for a diminution of the amount of pension, in proportion to the decrease of disability. There are, no doubt, many persons now on the pension rolls who have more or less recovered from the disability, on account of which pensions were allowed them, and the object of the inclosed amendment, marked C, is to provide for a biennial examination of pensioners of this class, by two approved surgeons, and to regulate the amount of pensions to be paid, in proportion to the disability which may be found to exist at the periods of examination."

I have also another letter upon the same subject from the Commissioner of Pensions:

PENSION OFFICE, March 17, 1854.

SIR: Upon examining our registers, I find the examination of the invalid pensioners in North Carolina and Illinois resulted in striking from the roll fifty-six names, a part of which were erased January 17, 1852, and the balance February 15, 1853. Since that time fifteen of this number have been restored in whole or in part, leaving forty-one who have not yet been restored. Besides these, there are some instances where the pensions have been reduced, and the pensioners have not been stricken from the rolls. It is believed that similar results will follow similar examinations in all the States.

I have the honor to be, very respectfully, your obedient servant,
L. P. WALDO, Commissioner.
Hon. R. McCLELLAND, Secretary of the Interior.

I am informed, by the Secretary of the Interior, that he has reason to believe that great frauds are practiced in the manner in which the invalid pensions are obtained. Many of them seem to have been obtained for disabilities which did not continue, and for diseases of which the pensioners were cured in a short time; and it is to reach this evil that he proposes a biennial examination. He says, that some of the examinations upon which pensions were granted were made by persons utterly incompetent to decide upon the nature of the disease; and he proposes to introduce some system by which it can be ascertained whether the diseases are such as to bring them within the pension laws. There have also been cases of forgeries in relation to applications for pensions, of a character which would shock and alarm the public mind if they were brought to light. The Secretary believes that frauds exist to an extent which renders it necessary to throw some such safeguard as this around the system, in order that the benefit of the laws may be drawn only by those who deserve it. Surely there can be no objection to that. If we confine the system to those only who deserve it, there can be no objection to such safeguards and checks as will enable us to detect the fraudulent applications. Unless there is some provision of this sort, there is no mode of reaching these cases in which the parties have been cured of the partial and temporary disabilities upon which they have obtained pensions. I am told there are many such cases arising out of the Mexican war. The parties come home, and make application for a pension on account of disability and disease, and, after obtaining the pension, were cured, and return to more active life. The very cases to which the Commissioner of Pensions refers show the importance of having these examinations, so that frauds may be detected. A number of such frauds have been detected by him.

In relation to the last provision which the Secretary did not recommend, but which has been reported under the recommendation of the Committee on Finance, I have but a few words to say. It will be for the Senate to determine whether persons who are receiving the perquisites of a civil office, and very often large salaries too, should also draw, in addition to those salaries and perquisites, an invalid pension. I had supposed that these pensions were designed to provide for persons who were disabled, by injuries contracted in the service of the country, either partially or wholly, from obtaining the means of subsistence for themselves; but whenever they can discharge the duties of lucrative offices, and when those offices are bestowed upon them by the United States, it seemed to us that that ought to be sufficient, and that they ought not to draw a pension as long as they discharge the duties and receive the emoluments of those offices. It is, therefore, proposed, in such cases, to suspend the allowance of the pension until the parties are removed from the office, in which case they will be allowed to draw the pension again. This is a matter which, it seems to me, does not admit of argument. I cer-

tainly shall only state the case to the Senate, and they may do as they please in regard to it. It may be that the Senate will think that the amendment ought to be limited to salaries of a certain class and amount; but surely I think there can be no difference of opinion as to the propriety of prohibiting those who are drawing large salaries in the discharge of the duties of a civil office under the United States, from drawing also a pension.

Mr. PEARCE. I differ entirely from the Senator from Mississippi in regard to the character of an invalid pension. It is not a debt; and the payment of it to the pensioner is not the payment of a debt. It is in almost every case a gratuity; or, at all events, a gratuitous indemnity to the soldier for injuries which he has sustained while in the military service of the country, and which, more or less, incapacitate him for obtaining a livelihood by active labor. That is the principle of the system, at all events. We do not give pensions, except to those who are injured, and to those who are so injured as to be more or less deprived of the physical ability to earn a livelihood. If that is the principle of our pension system, surely both parts of the amendment are right; the first one, because we know that applicants for pensions are very often examined immediately after their wounds have been received, and while they are yet suffering from their direct and necessary consequences. At such a time there may be an apparent incapacity to obtain a livelihood, which, after a little while, disappears, and the party is restored to health and vigor. He is no longer incapable of obtaining a livelihood, and therefore the principle on which the pension was granted fails, and the pension ought to fail too. The very same principle would sanction the other part of the amendment. We have carried out this principle in our legislation heretofore in regard to Navy pensions. We do not allow invalids who have naval pensions—captains, commanders, lieutenants—to receive pensions while they are receiving full pay. If any such officer of the Navy is entitled to a pension, on account of a wound or other disability, it ceases, by law, during the time that he is so engaged in duty as to receive full pay, and for a very good reason.

It is supposed, while on the pension list, that he is incapable of performing the full duty which will insure him full pay; and when, therefore, he is under no incapacity, but can answer all the demands of his profession, he is not entitled to receive the pension which is intended as an indemnity for physical inability to perform that duty. It seems to me, therefore, manifestly proper that we should agree to both portions of the amendment.

I do not know that it was in the contemplation of the committee to suspend the pension of any pensioner who may be receiving the emoluments of an office under one of the States. That was not my view of it. I supposed that the amendment referred to those who hold office under the Government of the United States. I have, of course, therefore, no objection to the amendment proposed by the Senator from Delaware to the amendment.

It does seem to me, unless we intend to pension everybody who serves the Government in a military capacity, and consider that there is no longer any patriotic spirit among our people which will induce a man to serve the country because it is his country—unless we are willing to pension every man who enters the service of the United States, and give him a gratuity over and above his pay while in the service, you must make this amendment. I think the pension system has grown up to be larger than it ought to be. It is high time to diminish it in all proper cases; and the amendment is a step which should be taken in that direction. It will stop the pension when the actual disability ceases for which alone it was given; and it will not allow a man to receive this indemnity for injuries supposed to disqualify him for full exertion of his faculties, when the fact is that he is enjoying emoluments which are properly earned by men who, being in the possession of unimpaired physical abilities, can perform the duties of a salaried office.

Mr. JONES, of Iowa. I hope the Senate will refuse to concur in the whole of the section which is reported as an amendment by the Committee on Finance. The duty which is imposed upon the old pensioners, who receive this small pittance from

the Government for incurring disease in the service of the country, in order to obtain the allowance of the pension, is, in the first place, an onerous one. It is a small pittance. It is nothing compared with the suffering which they endured. Most of the pensioners who are in the West are at such a great distance from the officers to which they must apply for the pension, that it is a great trouble and expense to them to procure it originally; and to require them to go over the same thing every two years, is a hardship which ought not to be imposed upon them.

It seems to me, sir, that this is a matter which should have been referred originally to the Committee on Pensions. If any provision is necessary in regard to it, it should have originated with that committee, and not with the Committee on Finance. It is a matter which legitimately comes within the duties of the former committee, and it should have been referred to them, just in the same way as matters relating to the public lands, to commerce, and to other subjects, are referred to the committees which are appointed by the Senate for the consideration of such measures. The Senator from Virginia says that frauds have been committed in obtaining the certificate to show that the man is disabled. If fraud is originally committed, is it not probable that it will be committed again? If false documents were resorted to in the first place to establish the right of a party to a pension, will they not be applied in a second case. But every physician who certifies to the disability of a man who has served his country, has to procure a certificate that he is reputable in his profession as a physician, before the pension can be obtained founded upon that certificate; but now, by this amendment, two surgeons or physicians are required to sign the certificate. Sir, it will be a great hardship to impose upon the pensioners. I hope the whole amendment, and especially the last clause in it, which is not recommended by the Secretary of the Interior, that in relation to withdrawing the pension from one who holds an office, will be rejected. I would like to know what compensation can be made to a friend of mine, whom I now have in my eye, with his right arm stricken from his body, for a loss of that kind? Can the small pittance which he receives of sixteen dollars a month compensate him for the loss of that arm?

The Senator from Maryland says that these pensions are not to be looked upon as compensation, that they are gratuities; and he says that officers in the Navy are not allowed to receive a compensation and a pension at the same time. But it must be recollected that an officer in the Army or Navy has provision made for him, because the moment he enters the service he has soldiers or seamen to attend to his wants while he is in the line of his duty. It is not so with the pensioner who is not on duty.

I repeat, sir, this matter has never been referred to the Committee on Pensions, to which it appears to me it should have been referred. I hope the amendment will be rejected; and I ask for the yeas and nays upon it.

Mr. SHIELDS. I understand the motion of the honorable Senator from Mississippi, [Mr. ADAMS,] and the Senator from Iowa, [Mr. JONES,] is to strike out the whole of this section?

Mr. ADAMS. That is not the question. The question is on concurring in the amendment reported from the committee.

Mr. JONES, of Iowa. I move to strike out the last clause of it.

Mr. ADAMS. That is not now in order, as an amendment to the amendment is already pending. The question is on concurring in the amendment; and I ask the Senate to refuse to concur in it.

Mr. HUNTER. It is in order to amend an amendment. The Senator from Iowa can move to amend the amendment.

Mr. JONES, of Iowa. I want to strike the whole of it out.

The PRESIDENT. The Chair will state the question which is pending. The Senator from Delaware proposes to amend the amendment of the committee, by adding after the words "civil office" the words "under the United States." That is the proposition which is now before the Senate.

Mr. SHIELDS. That is an amendment to the amendment. The motion, then, of the Senator from Mississippi is to strike this out; or is it not to concur in it?

Mr. ADAMS. It is not to concur.

Mr. SHIELDS. If I understand the Senator from Virginia, the object of the amendment, as stated by the Secretary of the Interior, is twofold: first, to deprive those pensioners who hold a civil office under the United States of their pensions; and second, to prescribe a kind of sliding scale by which, under the report of a commission to be instituted every two years to ascertain how much of the original disability exists, you are to reduce the pension, and proportionate it to the nature and character of the disability at each returning period.

Mr. HUNTER. No, sir; the object is to have a reexamination every two years—to have a biennial examination, to see whether the pensioners are entitled or not; to see whether their disability continues, or whether it has ceased to exist.

Mr. SHIELDS. In other words, there is to be a biennial commission for examination. That examination is to be instituted for the purpose of ascertaining the condition of the pensioner at the time. If the disability has wholly ceased, the pension is wholly to cease; if the disability has partly ceased, the pension is to cease in proportion, as I understand it. That is the first object of the amendment. The second object is to deprive any man who receives any amount of pension from holding any office under the General Government. The honorable Senator from Virginia is not the author of this amendment, and I am glad of it, for I was a little surprised when I saw it offered first. I at first imagined that it originated with him, but I see that it does not. It originates in a very confused notion about these pensions. That, I must say, with all my respect for the honorable Secretary of the Interior. I agree with that Secretary, and I agree with the honorable Senator, that there have been immense frauds committed in relation to these pensions; but I deny that the amendment touches any one of those frauds. On the contrary, the amendment, if adopted into a law, will affect the honest and the provident pensioners, but not those who commit frauds. These frauds originate in the Pension Bureau, and not in the pension laws. I have almost been disgusted with the manner in which pensions are now obtained. An honest, simple-minded soldier comes from the battle-field to this city; if his certificate of disability is not in exact form, his pension is rejected. But, sir, a fellow comes here who fabricates the testimony and the evidence to hand, and that man goes and obtains a pension.

A SENATOR. The system is rotten.

Mr. SHIELDS. Rotten! it is rotten to its foundation. I know it. I went to the bureau not many weeks ago with a poor soldier who had become blind in the service—who had fought through six battles, and who had become stone blind in the service. I could not get a pension for him. Why? The poor soldier could not get a certificate of the place where he had become blind. He had been growing blind gradually for six years, and of course no surgeon could give him a certificate; neither could he get a certificate that he got blind in the line of his duty. Why? Because no man could tell exactly the point at which he had become blind; but if he could have got a certificate, saying that his blindness occurred at a particular time and place in the line of his duty, he would have got a pension. Sir, I ask, are you not bound to imply that a man in the Army, discharging his duty as a soldier, suffers in the line of his duty? But I will not go through with that.

What I want to say here is this: That the amendment of the committee, as it now stands, would produce one of the most curious things which could be presented. Every two years you are to have an examination of the pensioners. Each pensioner is to be called upon to make affidavits in regard to the condition of his disability. If this examination results in satisfying the Department that the disability has wholly ceased, the pension is also to cease, according to the amendment; yet, sir, a week after that the disability may recur again. The man may, at the time of the examination, to all appearances, be a hearty man, and yet a week after be an invalid, and, according to the amendment, he could never get a pension again. No law can give him a pension after that. And, sir, let me ask what is the amount of the pension in consideration of which it is proposed to deprive these poor pensioners?

Eight dollars a month for a total disability; and now it is proposed that when that total disability becomes a partial disability, you shall give him but four dollars, or even less, according to a sliding scale; and you call that economy. You bring it down to a quarter of a dollar a month; and that is economy. That, sir, is just in character with all our legislation here. We can gamble away millions; but when it comes to a widow's or a poor soldier's pension, we are greatly economical. I hear more speeches made in the Senate about these pensions than I do when twenty millions of dollars are involved. We are all the time hearing about economy. Economy is preached to us every day here; and this is the extent of that economy. Sir, get at your fraudulent pensions, and strike them out of existence. But this amendment does not do that. Why does not the Commissioner of Pensions investigate these fraudulent pensions, and correct them? He says he has done it to a certain extent in North Carolina and Illinois. I know that in Illinois he has done great injustice; and he is restoring some pensions again. But I repeat, that is not the object of this amendment. It is not to deprive fraudulent pensioners of their pensions; but the object is to take away from the pensioner, according to the supposed condition of the person at the time, the little pittance which you have already given him. That is the object. You want to cut down his eight dollars a month, and that you call economy. Sir, there is no economy in it. It does not deserve the name of economy.

But the amendment comes to this further point, that you will not give a man a pension because he holds some little civil office under the Government of the United States. I know of no man, I can think of none now, who holds any important office under the Government of the United States, and who also receives a pension; but I know of several pensioners, some in my own State, who are postmasters of poor, little, petty post offices, and why? Because those post offices are too unimportant, and too insignificant for any man to hold unless he has some other means of business by which he may obtain support; and yet by this amendment you will deprive the individual of his little pension because he happens to be a postmaster in a little village. That will be the effect of it. You will take away his eight dollars a month—and that is the extent of your economy, mark you—you will take away the eight dollars a month from the poor soldier, because he happens to be a postmaster in a little village. Sir, can any man live on eight dollars a month anywhere? These poor pensioners are compelled to resort to a thousand expedients to obtain the means of a livelihood, in addition to the little pension which you confer upon them—to work, to keep little shops, to be postmasters, to be anything and everything; and yet you will take away the eight dollars a month. But that is not all. You compel the poor old soldier, who has received his pension for a wound, or disability, every two years to make an affidavit that he is still a disabled man; and he not only must make the affidavit himself, but he must get the certificate of two others, that he is disabled, and after he gets that from two surgeons, and sends it on, the commission is then to try him and see if he is a disabled man. That is the way you are to treat the old soldier, and that is economy. We have enough of that kind of economy every day. I agree with the Secretary of the Interior, and with the Commissioner of Pensions, that the whole pension system requires revision; but not this little, petty, tinkering revision. Nothing of that kind will do. We want an equal system, and a just system.

Let me show you the character of this amendment. One of its provisos reads as follows:

"Provided, That when a pension shall have been originally granted by a special act of Congress, or for a total disability, for the loss of a limb or other cause, which cannot be removed, either in whole or in part, the above affidavit shall not be required."

Now, if the honorable Senator from Virginia had as much occasion to examine this matter as I have, he would see that that portion of the pension system which has been most grossly abused is left untouched by the amendment. Pensions given by Congress, in special cases, at random, sometimes to the amount of thirty dollars a month, and sometimes fifteen dollars, for there is no system in it, the amendment does not touch; but it goes to the poor pensioners who have no influence

in Congress, who have never come before Congress, and who could not get a pension if they did come. It takes away their eight dollars a month, and that is the whole amount of it. The amendment does not touch one of those outrageous pensions which sometimes pass this body; but it touches the class of pensioners who are the most worthy of relief, and for whom I have constantly struggled. Now I should like to see what amount we will economize in two years by this; I would like to see a feature of that kind presented to us. I wish the Secretary of the Interior would give us what he supposes will be the probable amount saved to the Treasury of the United States by the operation of the amendment.

Mr. WELLER. I desire to say a few words on this amendment. I shall rejoice, under ordinary circumstances, to see my friend from Virginia turn reformer. There are many evils here, as well as elsewhere, which ought to be corrected. I was silly enough, the other day, to attempt to drive back one which, during the last three or four years, has been steadily creeping into the Senate. There is scarcely, I believe, a standing committee in this body, which is not provided with a clerk, and not more than three or four of those committees have ordinarily business enough to employ the members themselves; yet the other day, when I made an attempt to prevent the appointment of a clerk to one of those committees, which rarely meets more than once a year, and oftentimes not that, I failed; but now, sir, the Senator from Virginia, I think it probable, seeing that there is some man placed upon the pension roll at eight dollars a month, when he ought to receive only four dollars a month, proposes to get rid of that by the amendment which he has reported. Here is an attempt to deprive the soldiers of their pensions, upon the pretense that they may have partially recovered from the disability under which they were originally placed upon the pension rolls. It is an attempt made, I say, to cut down their eight dollars to four dollars a month. Sir, it is very probable that legislation upon this subject is necessary, but if that legislation be necessary, one would very naturally suppose that the Committee on Pensions, who have charge of this subject, who appear to understand all the laws connected with your Pension Department, would be the proper committee to devise the remedy. I grant there may be abuses prevailing under the pension laws of this Government, and gross frauds may have been practiced, but if those frauds are to be remedied, and if proper legislation is to be adopted, let it be made the special duty of my friend from Iowa, [Mr. JONES,] who is at the head of that committee, to devise the necessary legislation.

Are we in possession of the facts which are necessary to enable us to decide upon this question. Upon the bare suggestion of the Committee on Finance, you are now asked to adopt an important provision, deeply affecting a large class of valuable citizens who have gone forth to the field of battle and exposed their lives in defending the honor of your country. It would be supposed that they were naturally entitled to the protection and guardian care of the Government, and that they would not be the first to be touched by a system of economy which is to be adopted in this Senate. The last provision of the amendment declares that if any person who has been placed upon the invalid pension rolls, shall afterwards receive a compensation as a salaried officer of the Government, his pension shall be stopped. Sir, I say it with all proper respect, I would cut off my right hand before I would vote for so cruel an amendment. I know not what the opinions of other Senators may be, but I will never, under any circumstances, vote for so gross an outrage as is contained in the three lines of that amendment. Merely because a man who has been placed upon your pension rolls having lost a limb, perhaps upon the battle-field, and is receiving his eight dollars a month, gets a little salaried office, which brings him in some four or five dollars additional, you propose to strip him of his pension, and call that, in the language of my friend from Illinois, "economy." Now, Mr. President, there is such a thing as stopping at the spigot and letting out at the bung-hole; but that is a system of economy which should never receive our sanction. If the Senator from Virginia will bring in a system of legislation here that shall correct the abuses that have been practiced

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, MARCH 29, 1854.

NEW SERIES.....No. 49.

under our present laws; if he will bring in a system that will do justice to all those men who have served the country, it shall receive my support; but it must be in different language from that which is contained in this amendment.

Mr. HUNTER. Mr. President, the Senators from Illinois and California have admitted that frauds do exist under the pension laws. The Senator from Illinois represents them as being almost as great as they are represented to be by the Secretary of the Interior; and yet, when he comes to consider a system in regard to which he admits the existence of such immense frauds, he does not choose to consider it as a question of moral or political propriety, but as one of money; and when a provision is introduced to meet the case of those frauds, he chooses to regard it as a matter, not of morals, but of money. Is it not of immense importance that we should introduce purity into the affairs of this Government? It is difficult, I know, to detect frauds; but is it not of immense importance, when you can detect them, that they should be exposed?—and is not that the precise object of the amendment? Does it propose to cut off the pension from any man who is entitled—from any man who is really disabled? Not at all, but only from those who are not disabled, who have obtained the pension improperly, or whose disabilities have ceased. The Senator says it will not reach the case of frauds. What method is so likely as the one which subjects the pensioner to the examination of physicians? What is so likely to reach the case of frauds as to take the opinion of experts to see whether a disease exists which disables the man? And yet gentlemen choose to say, out of zeal for the old soldier, that it is to take from him what legitimately belongs to him. No, sir; it is not. It is a protection to the system. If you will guard the system, and throw around it such provisions as will enable us to apply it to those who deserve it, and to throw out those who do not deserve it, it will benefit the worthy pensioners.

It is known to those who have looked into this matter—and the Senator from Illinois professes to know all about it; the Secretary of the Interior has confused notions upon the subject, so has the Commissioner of Pensions; and he alone seems to have clear views in relation to it; and he must know, if he has examined this matter—that there have been cases of fraud, and of immense fraud. The Commissioner of Pensions reports cases in the Senator's own State. Is it not then proper—is it not a matter of importance, to adopt some system, which shall enable the Secretary to separate the spurious from the real and the deserving cases? What does the amendment propose to do? Simply to require the pensioner biennially to present the certificate of two surgeons, of two persons who are capable of judging of the matter, in regard to his disease. That is all of it.

But the Senator complains that an exception is made in regard to special cases—cases in relation to which special acts have been passed by Congress. I did not hear the Secretary of the Interior say why it was he proposed this exception; but I presume it was in deference to the will of the Legislature. These pensions are very often granted, I admit, not upon any rule; and he, therefore, could provide no general means by which to tell whether they came within the intent of the Legislature or not. All he could do was to strike at the evils practiced under the whole system; and in doing so, he proves himself to be a friend of the system.

But the Senator from California objects that the provision is not matured by the Committee on Pensions. It was matured by the Secretary of the Interior after experience in regard to the matter. If it had proposed to go into a systematic arrangement of the pension laws of the country, I should have felt that it should go to the Committee on Pensions; but it was only designed to enable the Department to meet particular cases of fraud.

Now, in regard to the provision which proposes to suspend the invalid pension of those persons

who receive salaries in the discharge of civil offices, the Senators have chosen to consider an extreme case, and to argue the question upon an extreme case; they consider a postmaster who gets little or nothing, and say, in that case, is the man to lose his pension? Perhaps the provision, in that regard, ought to have some amendment; but the Senators take care to avoid other cases in which I think they would themselves admit that the injustice is not so clear. How is it in regard to men who receive the salaries of Governors, it may be, of Territories, who receive salaries to the amount of one, two, or perhaps three thousand dollars? Is it not perfectly just that their pensions should be suspended while they receive those salaries? Would not that be a matter of justice? And yet the Senators propose to do nothing to reach such cases; but, arguing upon the extreme supposition that the provision is only applied to those who receive a small amount in the discharge of small offices, they attack the amendment.

It seems to me that justice to the system itself requires that it should be pruned of abuses; but the moment an attempt is made to do so, that attempt is resisted upon the grounds that it is an invasion of the rights of the old soldiers. An invasion of the rights of the soldiers to propose to establish rules and provisions by which you may detect fraudulent applications, and by which you can secure to those who deserve it, not only the pecuniary provision made by the country, but its sympathy and affection! Sir, I maintain that it is of immense importance to every country to preserve the purity of its administration, to detect and expose fraud wherever it exists, and to convey to the heart and mind of every man in the country, if it can be done, the conviction, that if attempts are made to defraud the country, they will be detected and exposed. How to measure that in money I do not know. It may be for the Senator from Illinois, who seems to have a money standard for all these matters, to say how it is to be estimated in money; I cannot. I have been induced to believe that it is a question more of morals than of money; and believing that, I accord very cheerfully with the recommendation of the Secretary of the Interior.

Mr. WELLER. I desire to ask the Senator from Virginia one question. I believe he objects to all amendments being made to a deficiency bill, unless they are strictly for a deficiency. Now, I desire that he shall inform the Senate how it was that the Committee on Finance, uniformly acting upon that rule, have brought in as an amendment a general provision affecting the pension laws of the United States? I desire to know whether he calls that a deficiency?

Mr. HUNTER. I will say to the Senator from California that it has been the practice for years past in special cases, which require immediate action, to legislate to some extent upon general appropriation bills. It is only in cases in which it is deemed that there is necessity for immediate action that such things are done. I admit that, though it is a general practice, it is an improper one.

Mr. HAMLIN. I think there are few Senators in this body who have voted more liberally for the extension of the pension laws than myself. There are few who have been more liberal in the construction of our duties in reference to those who are entitled to a pension than myself; but while I have thus pursued that policy, I trust I shall be the last Senator here who will prevent the correction of any existing evil which shall grow out of the system as it now is. If I understand my friend from California, [Mr. WELLER,] he says that there were supposed, and, in his judgment, actual and existing evils in this body which he sought to remedy a few days since. But the Senate took a different view of the matter, and did not concur with him. The Senator, however, still retains his former opinion; and, if I understand him aright, he follows it by admitting that there are evils existing in the pension system. The deduction, therefore, which I draw from his suggestion is, that the Senate having refused to

correct an evil here which he proposed to correct, he will not now correct an evil which he admits to exist in another Department of the Government. I think that is the position in which my friend has placed himself.

Mr. WELLER. I do not wish my friend to do me injustice in relation to my remarks. I said that I attempted, a short time since, to correct an abuse which did exist in this body. I also stated that if legislation was necessary upon the subject of this amendment, the way to provide for it was by some general measure, and that that should fall within the peculiar province of the Committee on Pensions. I objected to bringing it in as an amendment to the deficiency bill; and I said that if there were abuses, I did not choose to make myself prominent in attempting to correct them, because the only effort of that kind which I had made in the Senate had been a most signal failure. When I attempted to resist the creation of mere sinecures, my friend from Maine would not stand by me; and, as a natural consequence, I will not stand by him. [Laughter.]

Mr. HAMLIN. Mr. President, I do not see that the explanation of my friend from California relieves him materially from the position in which, as I thought, he placed himself by his previous remarks. He seeks now to have the remedy by a general system of legislation. I think the provision here is general; I think it will meet every class of cases coming under the head of "invalid pensions." It is a general provision of law, and is therefore precisely that course which the Senator himself suggests should be taken.

Now, sir, what does this section provide? It provides simply that, once in two years, the pensioner shall present to the pension agent the certificate of two surgeons that the disability for which he received a pension remains as it was when the pension was originally granted. That is all there is of it. Is this onerous? Is it burdensome? We all know precisely what these certificates are. They are the certificates of two accredited physicians or surgeons in the country. They are such as are taken when the pensions are procured. The certificates of surgeons and physicians in good standing in the community are those which are always taken at the Department. The invalid pensioner, therefore, has only to procure the certificate of two known surgeons in his neighborhood, and present it once in two years at the time his pension shall become due. To do this, but very little time will be required, and very little expense will have to be incurred.

We are told in terms, both by the Commissioner of Pensions and the Secretary of the Interior, that there are numerous cases now existing where invalid pensions were granted for what was supposed to be permanent disability, and which, it is presumed, has turned out to be only temporary disability. And now Senators object to a provision which shall reach that class of cases. The amendment of the committee has this extent; no more; saving and excepting that there are two other classes of pensions which are granted by Congress under special laws, with which they do not propose to meddle, for the reason which has, I think, been very well stated by the Senator from Virginia, [Mr. HUNTER,] that, as they are predicated upon no fixed rule, no fixed remedy can be applied.

Now, sir, I think the Senator from Illinois [Mr. SHIELDS] has, in his sweeping charges against the Pension Bureau, done it injustice—unintentionally, I have no doubt. I think my friend from Illinois has been too general and too sweeping in the charges which he has made against that Bureau. He says that many and numerous frauds have been committed upon it. That is undoubtedly true; and when that Senator proclaims to the world that frauds have been committed upon that Bureau, it is but a proclamation which shows the necessity of vigilance on the part of the officer at its head against frauds upon the Government; and I am myself satisfied that, from the existence of these very frauds which have been perpetrated, there has been a greater degree of scrupulous exer-

cised by the Commissioner of Pensions. It may be, perhaps, that he is compelled, in some instances, to refuse a pension where the evidence is not entirely clear and perfect; where he might possibly do it under other circumstances, if no frauds had been committed. In other words, the existence of these very frauds has compelled him, in justice to the Government, to enforce a more rigid rule than he otherwise would.

Nobody knows better than the Senator from Illinois that it is utterly impossible to trace the disability, in many cases, to causes which occurred while the soldier was in the line of his duty. Blindness, lameness, and a vast variety of diseases may come upon the person, which are really to be attributed to a disease which existed while the individual was in the service and in the line of his duty. Still, from the want of the evidence which the law and the rules under that law have prescribed, it is sometimes found to be impossible to establish, by such evidence as is necessary, the right to a pension in these cases. It is impossible, frequently, to trace back effects to causes; and it may be, and it is true, that the Commissioner has sometimes been rigid in the exercise of the rules laid down. When the Senator from Illinois himself tells us that frauds are committed, I think he complains harshly and unjustly, and without just provocation, of the administration of the Commissioner of Pensions. In relation to the last clause of this amendment of the committee, I think it should be retained with an amendment; but if no amendment be made, I shall certainly vote to strike it out.

Mr. HUNTER. Move an amendment.

Mr. HAMLIN. I would limit it to persons holding offices under the United States, whose compensation, as such, is more than \$1,200 a year; but to apply the restriction to those who may be holding small and inferior offices under the Government would be unjust. Sir, I have now in my mind's eye an individual who discharges well duties which have been assigned to him under the Government, and for which he receives a small compensation. I should feel unwilling to see him turned out of that employment or deprived of his pension, when I know, and everybody knows, that he discharges his duties properly and faithfully. There are a great many cases of that sort. I will therefore move to amend the last clause of the committee's amendment by adding after the word "office" the words "exceeding \$1,200 per annum."

Mr. HUNTER. I am willing to agree to that.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) An amendment to the amendment is already pending.

Mr. HAMLIN. I was not aware of that. Then I give notice that I shall move that amendment at the proper time.

Mr. SHIELDS. I have a few words to say in reply to the Senators from Maine and Virginia.

Mr. MASON. I hope the Senator will yield me the floor, in order that I may move to postpone the further consideration of the bill so that we may go into Executive session.

Mr. SHIELDS. I cannot yield; I must reply now. The honorable Senator from Virginia, if I understood him—perhaps I may have misunderstood him—said with a kind of sneer, which is not usual with that honorable Senator, that I attempted to show that I knew everything about the pension laws, and that the Pension Bureau knew nothing. I understood the Senator to state, with some kind of sneer, that I assumed to know everything about the pension laws.

Mr. HUNTER. I certainly meant no sneer. I inferred from what the Senator said that he supposed the Secretary of the Interior, the Commissioner of Pensions, and the Committee on Finance, all had confused opinions upon this subject. I inferred that from his argument; but I certainly meant no sneer.

Mr. SHIELDS. As I happened to differ from the Committee on Finance, the Commissioner of Pensions, and the Secretary of the Interior, of course I could not say they were right. If a Senator attempts to oppose any proposition presented by them, he cannot oppose it and say at the same time that they are right.

Sir, it happens to be my peculiar fortune, or misfortune, as the case may be, to be applied to very generally to get pensions for invalid soldiers. I find that I am a kind of general agent here, and I do more of that business than I like to do.

Every day calls of that kind are made upon me. Hence I have to go up to the Pension Bureau and examine these cases; and that, perhaps, has enabled me to examine this question more carefully than I should otherwise have done. I think that, in this case, the Secretary of the Interior and the Commissioner of Pensions have failed to prescribe a remedy for the evil which they present, and which I, to some extent, admit. That is the difference between us.

But, sir, the honorable Senator from Virginia says that I do not regard this in the proper light; that I consider it as a question of money, instead of a question of morals. It may be a question of morals to the honorable Senator, and to me; but I think it will appear to the poor pensioner as a question of money, affecting his pension. We may talk about morals; but he will think of his little pension. I am thinking of the pensioner and of his pension. I am neither thinking of the money nor of the morals, so far as this matter is concerned; but I am simply taking the case of the poor pensioner.

It is stated by the Bureau, and I admit the statement to some extent, that there are frauds in the granting of pensions. The laws are correct; the legislation upon the subject is correct; but the difficulty is, I will say, in the administration of those laws. I can state to the Senator from Maine, [Mr. HAMLIN,] that when I state the frauds are in the administration, I do not mean that the Commissioner of Pensions commits any fraud, but frauds are practiced upon him by false testimony, by false affidavits, by false certificates. This is not because the Commissioner himself either assents to, or would allow frauds, but because he is imposed upon.

I state, further, and I venture to say the Commissioner will bear me out in this, that where frauds are perpetrated, the evidence is of the most conclusive kind; that in all cases of fraud the testimony is made perfect; the ceremonies are all performed; the testimony is brought up to the mark; and the Commissioner acts upon these cases as any Commissioner would. But now he finds out that he has granted pensions upon fraudulent certificates. Now, how does he propose to remedy that? Why, sir, to call up all the pensioners in the United States, from Maine to California, inclusive, every two years—to bring them up as you would bring up so many horses, and have them examined by two surgeons. In order to detect the frauds which the Commissioner says have been committed in a few cases, he proposes to bring up, every two years, all the old pensioners in the United States, to have their bodies examined by two surgeons, and certificates and affidavits brought forward; and unless they are all found to be precisely what they were when the original testimony was taken, their pensions are to cease. Thus the pension system is to be changed every two years. That is his remedy, as proposed by this amendment. I say the remedy proposed is an improper one, and that there should be some other way of getting at these frauds. Where a fraudulent case exists, act upon that case; but do not, under the idea that you are going to detect these frauds, call up all your pensioners and have them examined every two years, and require them to produce new certificates.

Now, sir, I say that if you pass this provision into law, which I hope and believe will not be done, and then attempt to carry it into execution, the result will be that the poor, honest pensioners will be struck off the roll, and all the fraudulent ones will be left. Those who act fraudulently can easily procure the necessary certificates; whereas, the poor, ignorant soldier who fights the battles of your country and is wounded, will find great difficulty in doing so. I know that these are the men who now find difficulty in getting pensions at all. I say that the proposed remedy will make the matter worse than it is now; that it is really no remedy at all. If the Commissioner wishes to get at these frauds, let him make out a list of what he supposes to be fraudulent cases; let him present that list to Congress, and let us institute an investigation; but let us not go into this system of requiring all the pensioners to be examined in this way; compelling the poor pensioner, wherever he may be, to go and get two surgeons to certify to his disability, under penalty of losing his pension. Sir, this is all wrong. In some districts of the country the poor soldiers

find it difficult to get their original pensions in this way; but it is very curious kind of legislation to require all your poor old pensioners to go before two surgeons and get their certificates. This board of examination, if I may so call it, is in order to detect a few frauds.

Sir, I think the honorable Senator from Virginia is mistaken. I repeat, this provision, which is intended as a remedy for frauds, will not accomplish the purpose at all. Its effect will be precisely this: Those who have pensions will be obliged, every two years, to go through the same process which was necessary in the first place to enable them to get a pension—a process of swearing, of affidavits, and certificates. It will require the Bureau to reexamine and reinvestigate biennially whether or not the pensions of your old pensioners should be discontinued. I am anxious to save the honest pensioners and rid the pension system of fraud, and I will unite with the honorable Senator from Virginia, or any other Senator, to accomplish that object. If the Commissioner of Pensions should send here a list of cases which he believed to be fraudulent, and should ask us to institute a commission for their investigation, I would go for it. But, in my opinion, it is bad legislation to commence in this way to act upon all the pensioners of the nation in order to eliminate a few fraudulent cases. From the knowledge which I have of the manner in which pensions are obtained, I am convinced that the very men whom you intend to catch by this provision will every one elude you; and the men who will be deprived of their pensions are the poor, ignorant, honest soldiers, who are really entitled to the little pittance of eight dollars a month, which they now receive.

Mr. MASON obtained the floor.

Mr. PEARCE. I ask the Senator from Virginia to allow me to make a very few remarks, to correct some errors in regard to this subject.

Mr. MASON. I would do so with great pleasure, but the debate will be continued, if not upon this amendment, upon others. I move to postpone the further consideration of the subject, with a view to go into Executive session.

Mr. HUNTER. It is not my purpose to debate the question of the order of business, but I wish to suggest to my colleague whether it would not be better for him to withdraw his motion, and let us go through with the bill?

Mr. MASON. There is not the slightest probability of getting through the bill to-day, if we were to sit here until midnight.

Mr. HUNTER. Then I must ask that this bill be postponed until one o'clock to-morrow, and be then made the special order for one hour, so that I may not be in the way of petitions and reports.

Several SENATORS. No objection.

Mr. HUNTER. Then I move to postpone the further consideration of the bill until one o'clock to-morrow, and that it be made the special order then for one hour.

Mr. MASON. I yield to that motion.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it had passed the joint resolution of the Senate "authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws," with an amendment.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 28, 1854.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

The SPEAKER presented to the House a communication from the President of the United States, transmitting to the House therewith a report from the Secretary of the Interior, containing so much of the information called for by a resolution of the House of the 17th instant as is practi-

cable and compatible with the public interest to furnish at the present time, respecting the proceedings which have been had, and negotiations entered into, for extinguishing the Indian titles to lands west of the States of Missouri and Iowa.

Mr. BENTON. I move that the communication be laid upon the table, and printed.

Mr. HOUSTON. I think the document had better go to the Committee on Indian Affairs, and I move that reference of it.

Mr. BENTON. I would say to the gentleman from Alabama that I have already moved that it be laid upon the table, and printed.

Mr. HOUSTON. The gentleman from Missouri, I believe, introduced the resolution, to which this communication is a response, and as he has made that motion, I withdraw mine.

So the report was ordered to lie on the table, and be printed.

RECOVERY OF ASSETS OF BANKRUPTS.

Mr. STANTON, of Kentucky, in pursuance of previous notice, asked and obtained leave, and introduced a bill of the following title; which was read a first and second time, and referred to the Committee on the Judiciary:

A bill to authorize the recovery of the estates of bankrupts which have been concealed, or not specified in the schedule rendered by him.

REVISION OF REVENUE LAWS.

Mr. CHANDLER. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. OLDS. Oh, no. Let us have a morning hour.

Mr. JONES, of Pennsylvania. I ask my colleague to withdraw that motion for a moment?

Mr. CHANDLER. I will withdraw it, if the gentleman wishes the floor for only a moment.

Mr. JONES. Some time last week, by the unanimous consent of the House, the Senate bill, appropriating \$10,000 for revising the revenue laws, was before the House, and was then referred to the Committee of Ways and Means. The committee are now prepared to report a bill, which will be satisfactory, I think, to the whole House. I ask the unanimous consent of the House to allow that report to be made, and to have the subject taken up and disposed of. It can be done in a few minutes; and if it be not done now, the matter may be on hand a long time.

Mr. OLDS. I must object, because I am anxious to make a report from a committee of which I am a member. I dislike to be obliged to object; but if this course is to be pursued, I shall never get the opportunity to do so. We had better adhere to the regular business of the morning hour.

Mr. JONES. It will not take ten minutes to dispose of the matter; and I will say to the gentleman from Ohio, that if it consumes more than that, I will withdraw it.

Mr. CHANDLER. I yielded to this gentleman, and withdrew my motion only with the understanding that the gentleman should be allowed to present the report. I understand objection is made.

Mr. OLDS. I withdraw my objection.

No further objection being made,

Mr. HOUSTON, from the Committee of Ways and Means, reported a substitute for the bill which was referred to them; which was read for information.

The substitute provides that there be appropriated out of the Treasury \$5,000, or so much thereof as may be necessary, to pay for preparing a general revenue law, in accordance with the resolution of the Senate passed in January, 1853; and that the Secretary of the Treasury allow other necessary expenses, and report to Congress, at its meeting in December next, the items of such pay and expenditure.

The SPEAKER. According to the practice of the House, the bill should go to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I think it was understood, at the time of the reference of the Senate bill to the Committee of Ways and Means, that when it should be again reported to the House, that it would be acted upon without additional reference. It has been to the Committee of the Whole on the state of the Union already, and discussed, and the only action of the Committee of Ways and Means in reference to it, as the House will see at

once, has been to reduce the amount, and to require the Secretary of the Treasury to report to Congress, at its meeting in December next, the items embracing the expenditures which will be made under the joint resolution.

The amendment is of such a character as will, I think, remove the objections heretofore made against the joint resolution. I suppose the sense of the House was pretty well expressed the other day upon the propriety of passing some measure of this kind.

The SPEAKER. The Committee of the Whole on the state of the Union were the other day discharged from the further consideration of this joint resolution, and the House then by a two-thirds vote suspended the rule requiring it to be considered first in the Committee of the Whole House. That is the history of the action of the House in relation to this measure; but how far that action will apply to it in the shape in which it now comes from the Committee of Ways and Means is questionable. If there be no objection, however, the resolution and amendment will now be considered.

Mr. HAVEN. I would refer the Chair to the 133d rule; which is the one governing this matter, and is the following:

"All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House."

Now, sir, this is a proceeding touching an appropriation of money, and has been in Committee of the Whole. I think, therefore, it may very properly come up now and be acted on in the House.

The SPEAKER. It was referred to the Committee of the Whole on the state of the Union, but has never been considered there. The Chair thinks that, by a strict construction of the rule, the resolution and amendment should go to a Committee of the Whole House for its first consideration. It is competent, however, for the House, by unanimous consent, to dispense with its consideration there. If there be no objection, the question will be upon the adoption of the amendment reported by the Committee of Ways and Means.

There was no objection, and the amendment was agreed to.

The resolution, as amended, was then ordered to be engrossed and read a third time; and having been engrossed, was accordingly read the third time, and passed.

Mr. CHANDLER. I now renew the motion to go into the Committee of the Whole on the state of the Union.

Mr. MURRAY. I desire to make a report from the Committee on Printing. I ask if it is not a question of privilege?

The SPEAKER. It is a privileged question; but the motion of the gentleman from Pennsylvania is also privileged, and must be first put.

Mr. HUGHES. I appeal to the gentleman from Pennsylvania to give way for a moment. I expect to absent myself from the House for some days, and I desire to present three or four bills which I hold in my hand, for the purpose of having them referred.

Mr. CHANDLER. I will not object, if no one else does.

The SPEAKER. Does the gentleman propose to report them from a committee, or to present them originally?

Mr. HUGHES. I wish to report them from the Committee on Private Land Claims, of which I am a member.

Mr. OLDS. I must object. I am very anxious to make reports from the committee to which I belong, and I cannot permit other committees to come in out of their order and make reports.

The SPEAKER. The bills can only be reported by unanimous consent; and objection is made.

Mr. CHANDLER. I insist, then, upon my motion to go into the Committee of the Whole on the state of the Union.

Mr. HENN. I would like to ask the gentleman from Pennsylvania what is his object in going into Committee of the Whole during the morning hour? Why not allow the committees to be called for reports?

Mr. CHANDLER. My object is to afford an opportunity to the gentleman from Illinois to present his opinions upon the subject on which he desires to speak.

Mr. OLDS. His opinions will not spoil by keeping.

The SPEAKER. The Chair would remark to the gentleman from Pennsylvania that, in consequence of the special order in committee, the bill on which the gentleman from Illinois has the floor will not be under consideration.

Mr. CHANDLER. The special order does not take effect until one o'clock, which is the reason why I desired to give the gentleman an opportunity to speak before that time.

The question was then put on the motion to go into the Committee of the Whole on the state of the Union; and, on a division, there were—ayes 80—

Mr. OLDS. I call for the yeas and nays on the motion, so that we may see who are opposed to receiving reports from the standing committees of the House.

Mr. HOUSTON. If the yeas and nays be ordered, the call will exhaust what is remaining of the morning hour.

The yeas and nays were not ordered.

The SPEAKER. The motion to go into the Committee of the Whole on the state of the Union is agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMILTON in the chair.)

CIVIL AND DIPLOMATIC BILL.

The CHAIRMAN. The civil and diplomatic appropriation bill is still under consideration; and the gentleman from Illinois [Mr. YATES] is entitled to the floor.

Mr. YATES said that he intended to address the committee on the subject of the Nebraska bill, and more especially on that portion of it which proposes to repeal the Missouri compromise. Opposition could come with propriety from Illinois, as no voice from that State had yet been raised against the bill. The most prominent champion of the measure in the Senate is from Illinois, as well as his colleague in the House, [Mr. RICHARDSON,] the chairman of the Committee on Territories.

One of the glorious traits of the Northwest was, that it had enjoyed, to an almost inappreciable extent, the benefits of the restriction which it was now proposed to repeal. He referred to the ordinance of 1787; and he should be the last one to deprive a sister Commonwealth, hereafter to come into the Union, of freedom in the race to glory. Whatever may be the glory or infamy of the measure, so in that glory or infamy Illinois must partly participate.

The Missouri compromise quieted the slavery agitation which at that time existed; and the measures of 1850, it was said, had settled the question finally, and it was declared that this was to be a business Congress. But it was reserved for a northern man, and he from Illinois, to cast the firebrands of discord into these peaceful councils; to revive and open a war so disastrous to the peace of our Union, which God alone can tell when and where the strife will terminate.

With regard to the Missouri compromise, the South was true to its plighted faith; but it was for a northern man to anticipate the wants of the South, and revive sectional war and agitation. And now they had the chagrin to hear, to the discomfiture of the North, that the South will not refuse our generous offer; and the whole North are to be made responsible for this surrender, by a northern Senator, of rights so dear to the North. No hand was prepared to disturb that compromise until this Nebraska bill was introduced.

He then proceeded to speak of Henry Clay as the great pacificator, saying that if Clay were here, in all the majestic proportions of his manly form, and clothed in the panoply of his immortal eloquence, he would rebuke this attempt to repeal the sacred compact. He made further remarks on this subject.

After Mr. YATES had been speaking for half an hour, the Chairman's hammer fell, one o'clock having arrived, being the hour fixed for the consideration of the special order.

The CHAIRMAN. The Chair holds that, by the special order of the House, the committee is now required to pass from the consideration of this bill. The gentleman from Illinois can, therefore, only proceed with his speech by unanimous consent.

Mr. BOCOCK. I am perfectly willing that the special order shall be postponed until the gentleman from Illinois has concluded his speech.

Mr. KEITT. I trust the gentleman will be allowed to proceed.

[General cries of "Go on!" and "Agreed!"]
The CHAIRMAN. Is it the pleasure of the committee that the gentleman from Illinois be allowed to proceed?

Mr. SMITH, of Virginia. I object.

Mr. KEITT. We can accomplish the same purpose by taking up the special order, if the gentleman from Virginia [Mr. BOCOCK] will allow the gentleman from Illinois to go on with his remarks.

Mr. HAVEN. I hope that course will be pursued.

STEAM FRIGATES FOR THE NAVY.

The CHAIRMAN. That course will be adopted. The bill now before the committee for consideration is the special order, being bill No. 52, "to authorize the construction of six first-class steam frigates, and for other purposes;" on which the gentleman from Virginia is entitled to the floor.

Mr. BOCOCK. The gentleman from Illinois [Mr. YATES] can proceed, if the time he may occupy is not to come out of my hour.

The CHAIRMAN. That arrangement can be made by the unanimous consent of the committee only.

Mr. SMITH, of Virginia. There is no unanimous consent, if I am a member.

The CHAIRMAN. Then the gentleman from Illinois cannot proceed; the gentleman from Virginia is entitled to the floor.

Mr. BOCOCK. I am perfectly willing that the gentleman shall proceed and finish his speech, provided I can have the floor for an hour when he has concluded.

The CHAIRMAN. That course is objected to by the gentleman from Virginia, [Mr. SMITH], and therefore the gentleman from Illinois cannot proceed in order.

Mr. CLINGMAN. I desire to submit a point of order to the Chair. The special order is now before us for consideration; and if the gentleman from Virginia does not claim the floor, the gentleman from Illinois has a right to occupy it; and I presume there will be no difficulty in the gentleman from Virginia obtaining it afterwards.

The CHAIRMAN. The Chair has assigned the floor to the gentleman from Virginia now, he being entitled to it.

Mr. BOCOCK. I am very unwilling to take the floor from the gentleman from Illinois; but the Chair has awarded the floor to me, and if I give it up now, I may not be able to get it again.

Mr. KEITT. Then I would suggest, that when the gentleman from Virginia has done, the gentleman from Illinois should be allowed to finish his speech.

Mr. HUNT. I hope the gentleman from Illinois will be allowed to go on now; it is the generous and the proper course, and I hope that no gentleman upon this floor will object to his finishing the speech which he has commenced. I believe there is no objection now.

The CHAIRMAN. Objection was made, and it is still pending.

Mr. HUNT. I think the objection is withdrawn.

The CHAIRMAN. Does the gentleman from Virginia withdraw his objection?

Mr. SMITH. Why, no, sir; I understand that we have taken up another bill. A proposition is made to let the gentleman from Illinois go on with his remarks, the chairman of the Committee on Naval Affairs waiving his right to the floor for the time being. What difficulty is there, then? I think, myself, that it is a very bad practice to disturb the regular order of business, as we are continually doing.

Mr. HUNT. Courtesy is a good practice, and might be properly observed on this occasion.

Mr. YATES then resumed and concluded his speech, in opposition to the Nebraska bill.

[His remarks, withheld for revision, will be published in the Appendix.]

The CHAIRMAN. The bill will now be read.
Mr. BOCOCK. I move to dispense with the reading.

The motion was agreed to.

Mr. BOCOCK obtained the floor.

Mr. TAYLOR, of Ohio. I rise to a question of order. It seems to me that we should be encroaching too much upon our excellent friend from Maryland, [Mr. HAMILTON], now in the chair, if he was required to preside over our deliberations in the consideration of two bills—this one, and the one which we have just laid aside—which will probably occupy more than a month. I therefore move that the committee do now rise, so as to enable the Speaker to relieve the gentleman.

Mr. HOUSTON. I suppose there will be no difficulty about that. When a chairman of the Committee of the Whole on the state of the Union has reported a bill to the House, he is generally regarded by the Speaker as having discharged the duty for which he was called; and if the gentleman who now occupies the chair should report this bill to the House, the presumption is that it would terminate his labors.

Mr. TAYLOR. Very well; then I withdraw my motion.

Mr. BOCOCK called the attention of the committee to the bill under consideration, which he said provided for the construction of six first-class steam frigates, to be provided with screw propellers, and properly armed and equipped for service; said vessels and machinery to be built by contract, or in the Government navy-yards, as the Secretary of the Navy may deem most advisable for the public interest.

He explained that the bill had been framed in such form as to conciliate, if possible, all classes and shades of opinion. The Committee on Naval Affairs differed in opinion as to whether these vessels and their machinery should be built by contract or in the Government navy-yards. This difference of opinion doubtless existed among the members of the House; and to compromise the matter, the Secretary of the Navy is authorized to pursue that course which he might deem most advisable. This, in his opinion, should be done; for the Secretary of the Navy would enjoy, in the investigation of the subject, many advantages which the House did not possess.

He then proceeded to show that the increase of the Navy had not been in proportion to the growth of the country and the extension of its commerce. Including all kinds of vessels, we had some seventy-two now in service. Thirty-five years was about as long as a vessel-of-war could be supposed to last. If the whole Navy was to be replaced in that length of time, two vessels should be built every year for the purpose of supplying the vacancies of those which had become unfit for service by reason of natural decay.

Now, no ship had been constructed since 1847, seven years ago; and at the rate of building two vessels every year, according to his argument, it would be necessary now immediately to construct fourteen ships-of-war. He dwelt at some length on the importance of the present crisis in European affairs, and the position of the United States towards the European Powers now, and with reference to the future, as arguments in favor of a regular and greater increase of the American Navy.

Mr. LYON said that, representing a moral district, an agricultural constituency, whose interests were deeply concerned in this measure, he should speak to an amendment, which he should offer at the proper time, for an increase of the Navy to twelve instead of six war steam frigates.

He then, in an animated manner, advocated this proposed increase of our Navy. He referred to the various outrages committed upon our citizens by foreign Governments, which, he said, would not be arrested without an addition to the Navy. He contended that this increase was also necessary for the protection of our commerce, and that the recommendations of the Secretary of the Navy should be carried out by Congress.

[These speeches will be found in the Appendix.]

Mr. FRANKLIN obtained the floor.

Mr. WASHBURN, of Illinois. If the gentleman from Maryland will give way, I will move that the committee rise.

[Cries of "Go on!" "Go on!"]

Mr. FRANKLIN. I do not yield the floor for that purpose, but prefer to proceed with my speech now.

Mr. F. said he was one of those who voted to

refer the Senate Nebraska bill to the Committee of the Whole on the state of the Union. Although he announced himself in favor of the principle of non-intervention, yet the proviso of the bill which came to the House from the Senate was so odious to him that he would prefer to consign it to the deep bosom of the ocean rather than it should pass the House. He then criticised the proviso, contending that it intervened in the question of slavery by Congress.

[This speech will be found in the Appendix.]

Mr. BARKSDALE obtained the floor.

Mr. DEAN. Will the gentleman give way for a motion that the committee do now rise? It is getting late.

Mr. BARKSDALE. I yield the floor for that purpose.

Mr. DEAN. Then I submit the motion to rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. HAMILTON] reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill No. 48, being a bill "making appropriation for the civil and diplomatic expenses of the Government for the year ending June 30, 1855," until the hour fixed for the consideration of the special order, when the committee took up the special order, House bill No. 52, being a bill "authorizing the construction of six first-class steam frigates, and for other purposes," and come to no resolution thereon.

Mr. JAMES C. ALLEN. I move that the House do now adjourn.

Mr. DAVIS, of Indiana. I hope the gentleman from Illinois will withdraw his motion for a moment. There are some bills on the Speaker's table which I am very desirous to have referred, and it will not take more than a minute or two to dispose of them.

Mr. ALLEN. I will withdraw my motion for that purpose.

Mr. DAVIS. Then I move to proceed to the business on the Speaker's table, with a view of taking up and referring some bills from the Senate.

The SPEAKER. If there be no objection, that course will be pursued.

Mr. COBB. I object.

The Speaker not hearing the objection, a bill "making grants of the public lands to the several States of the Union for the benefit of indigent insane persons" was taken from the Speaker's table, and read a first time by its title.

Mr. JONES, of Tennessee. I object to the taking up of that bill.

Mr. COBB. And so do I. When it is taken off the Speaker's table, I want it to be put upon its passage at once.

The SPEAKER. The Chair proceeded to the business on the Speaker's table by the unanimous consent of the House.

Mr. COBB. I objected, but the Chair did not hear me.

The bill was then read a second time by its title.

Mr. JONES. As the bill is before the House, I move that it be referred to the Committee of the Whole on the state of the Union.

Mr. HENDRICKS. On that motion I demand the previous question.

Mr. DEAN. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at twenty-five minutes to four o'clock, p. m.) the House adjourned until to-morrow, twelve o'clock.

IN SENATE.

WEDNESDAY, March 29, 1854.

Prayer by Rev. WILLIAM H. MILBURN.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitted in compliance with a resolution of the Senate, in relation to the amount of work done under the appropriations of 1852 for the improvement of western rivers and harbors; which was ordered to lie on the table, and be printed.

PETITIONS, ETC.

Mr. FOOT presented a resolution, passed at a meeting of the inhabitants of Barton, Vermont,

remonstrating against the repeal of the Missouri compromise; which was ordered to lie on the table.

Also, a petition of citizens of Lancaster, New Hampshire, remonstrating against the passage of the Nebraska bill in its present form; which was ordered to lie on the table.

Mr. GWIN presented a petition of citizens of Washington city, District of Columbia, praying that Pennsylvania avenue, in that city, may be paved with the Russ pavement; which was referred to the Committee for the District of Columbia.

Mr. BROWN presented a petition of citizens of Choctaw county, Mississippi, praying the establishment of a mail route from France to Double Springs, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. EVERETT presented the memorial of Henry Cronchey, a British subject, praying compensation for his services as clerk to the United States Legation at London; which was referred to the Committee on Foreign Relations.

Also, resolutions passed at a meeting of citizens of Adams, Massachusetts, remonstrating against the passage of the Nebraska bill in its present form; which were ordered to lie on the table.

Also, resolutions passed at the annual meeting of the legal voters of Beverly, Massachusetts, held March 13, 1854, remonstrating against the passage of the Nebraska bill in its present form; which were ordered to lie on the table.

Also, resolutions passed at a meeting of citizens of Bridgewater, Massachusetts, remonstrating against the passage of the Nebraska bill in its present form; which were ordered to lie on the table.

Also, a petition of citizens of Harwich, Massachusetts, remonstrating against the passage of the Nebraska bill in its present form; which was ordered to lie on the table.

Also, a memorial of the President and Faculty of Williams College, Massachusetts, praying for a grant of land to the various colleges in the United States; which was referred to the Committee on Public Lands.

Also, the petition of John W. Post, praying the aid of Congress to enable him to test a system of telegraphic communication by atmospheric pressure, of which he claims to be the inventor; which was referred to the select committee on that subject.

Mr. FESSENDEN presented a petition of inhabitants of Portland, Maine, praying an increase of duty on all cigars imported into the United States; which was referred to the Committee on Finance.

Mr. THOMPSON, of Kentucky, presented the memorial of B. A. May and others, on behalf of the creditors of the late Republic of Texas, praying payment of certain Texas bonds; which was referred to the Committee on Finance.

Mr. FISH presented a petition of the Society of Universal Democratic Republicanism, protesting against the passage of the Nebraska and Kansas bill, with the clause refusing the right of suffrage to foreigners who may have given notice of their intention to become citizens of the United States; which was ordered to lie on the table.

Also, the petition of A. S. DePeyster and others, late weighers, gaugers, and measurers in the custom-house at New York, praying the settlement of their claims for fees, under the acts of March 2, 1799, and April 26, 1816; which was referred to the Committee on the Judiciary.

Also, the petition of Patience Hurd, praying a pension on account of the services of her father, John Twickel, in the revolutionary war; which was referred to the Committee on Pensions.

Mr. PETTIT presented a petition of citizens of Jasper, Indiana, praying that a grant of land may be made to aid in the construction of a railroad from Fort Wayne, Indiana, to Council Bluff City, on the Missouri river; which was referred to the Committee on Public Lands.

Mr. THOMSON, of New Jersey, presented two memorials of citizens of New Jersey, praying a further appropriation for the completion of the piers at Reedy Island, in the Delaware river; which were referred to the Committee on Commerce.

Also, resolutions passed at the annual town meeting of citizens of Woodbury, New Jersey, held in March, 1854, against the repeal of the Mis-

souri compromise; which were ordered to lie on the table.

Also, resolutions of the Legislature of New Jersey, in favor of a donation of land to the several States for lunatic asylums; which were ordered to lie on the table, and be printed.

Also, resolutions of the Legislature of New Jersey, in relation to the public domain; which were ordered to lie on the table, and be printed.

Mr. PEARCE presented additional documents in support of the application of Obed Hussey for an extension of his patent; which were referred to the Committee on Patents and the Patent Office.

Mr. ADAMS presented the petition of John L. Allen and A. R. Carter, land officers, at Augusta, Mississippi, praying an increase of compensation; which was referred to the Committee on Public Lands.

Mr. SLIDELL presented resolutions of the Legislature of Louisiana in favor of a donation of land for the education of the deaf and dumb and the blind; which were referred to the Committee on Public Lands, and ordered to be printed.

Mr. TOUCEY presented the petition of the faculty of Trinity College, Connecticut, praying that a township of land may be granted to each incorporated college or university in the United States; which was referred to the Committee on Public Lands.

Mr. STUART presented documents relative to the claim of the Michigan Central Railroad Company for compensation for the transportation of the mail; which were referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented resolutions passed at a meeting of citizens of Mansfield, and resolutions passed at the annual town meeting held at West Boylston, Massachusetts, against the passage of the Nebraska bill; which were ordered to lie on the table.

Mr. CASS presented a petition of citizens of Camden, New York, praying the enactment of such laws as will best secure religious freedom to foreigners resident or traveling in foreign countries; which was referred to the Committee on Foreign Relations.

Mr. CLAY presented a memorial of the Legislature of Alabama, praying compensation for horses purchased for the volunteers in the United States service in the war against the Creek Indians; which was referred to the Committee of Claims, and ordered to be printed.

Mr. DODGE, of Iowa, presented two petitions of citizens of Iowa, praying the establishment of a mail route from Charleston to Mount Pleasant; which were referred to the Committee on the Post Office and Post Roads.

Also, two petitions of citizens of Iowa, praying the establishment of a mail route from Clayton to West Union; which were referred to the Committee on the Post Office and Post Roads.

Also, two petitions of citizens of Iowa, praying the establishment of a mail route from West Point to Keosauqua; which were referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Iowa, praying the establishment of a mail route from Osceola to Peru; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Clermont, Iowa, praying the establishment of a mail route from McGregor's Landing to West Union; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of Robert A. Kinzie and John H. Whistler, licensed Indian traders, praying payment for supplies furnished the Sac and Fox Indians; which was referred to the Committee on Indian Affairs.

Mr. BUTLER presented the petition of W. J. Grayson, of Charleston, South Carolina, praying to be allowed a commission on money received and paid by him on account of the new custom-house at Charleston, South Carolina; which was referred to the Committee of Claims.

Mr. JONES, of Iowa, presented resolutions passed at a meeting of citizens of Muscatine, Iowa, held at the court-house on the 17th of March, 1854, against the passage of the Nebraska bill; which were ordered to lie on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the petition of Thomas

Foster and others, praying that the pensions allowed by the act of July 7, 1838, to a certain class of widows, and subsequently continued for life, may be allowed for an interval of two years, which was omitted in continuing the pensions, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of the widow of C. L. Williamson, late a commander in the Navy, praying to be allowed the pension which her husband received during his life, asked to be discharged from its further consideration; which was agreed to.

He also, from the Committee on Private Land Claims, to whom were referred documents in relation to the claim of Sylvanus Culver, heir of Samuel Pearson, to a patent for land for which a warrant was issued to said Pearson, and lost or mislaid, but never patented, submitted a report, accompanied by a bill, for his relief; which was read and passed to a second reading. The report was ordered to be printed.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the memorial of Manuel Hernandez, praying a tract of land equivalent to one purchased by him, the title to which was confirmed by the commissioners of land claims in Florida, but the land subsequently sold by the United States to another person, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives to provide for the distribution of arms to the several States and Territories, reported it back, with amendments. He asked for its immediate consideration, but objection was made.

Mr. HAMLIN, from the Committee on Printing, to whom was referred a resolution of the Legislature of Wisconsin, recommending a reprint of D. D. Owen's report of a survey of the mineral lands in Iowa, Wisconsin, and northern Illinois, reported adversely thereon; which was agreed to.

He also, from the same committee, to whom was referred a joint resolution allowing the use of a certain portion of the census returns for the preparation of a work on the manufactures of the United States, submitted an adverse report thereon.

PATENT OFFICE AGRICULTURAL REPORT.

Mr. HAMLIN. The Committee on Printing have directed me to report in favor of printing thirty-seven thousand five hundred copies of the agricultural portion of the Patent Office report. I will say, that this will make the whole number of both portions of the Patent Office report precisely equal to that which was printed last year. We have reduced the mechanical part five thousand, and increased the agricultural part by the same number. If there be no objection, I ask that the question may now be taken, on the following order, which I have been directed to report from the Committee on Printing:

Ordered, That there be printed, for the use of the Senate, thirty-seven thousand five hundred additional copies of the agricultural portion of the Patent Office report, with the plates accompanying the same, two thousand five hundred of which shall be for the use of the Patent Office.

Mr. HUNTER. I hope that will not be considered now. I move that the further consideration of the order be postponed until to-morrow.

The motion was agreed to.

SURVEYS OF PUBLIC LANDS.

Mr. DODGE, of Iowa. I am instructed by the Committee on Public Lands to report back, with an amendment, the bill to provide for the surveys of the public lands in the Territory of New Mexico, and for other purposes. I give notice that I shall call up the bill for consideration at a very early day, as it is intended to establish a land system for that distant Territory, which is now suffering for the want of it.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. RUSK, it was

Ordered, That the documents relating to the claim of James Myer be withdrawn from the files of the Senate, and referred to the Committee of Claims.

On motion by Mr. MORTON, it was

Ordered, That the petition of Robert Joyner be withdrawn

from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion by Mr. FISH, it was

Ordered, That the petition of Seneca G. Simmons, praying compensation for services as secretary to the commissioners for the Creek and Osage Indians, be withdrawn from the files of the Senate, and referred to the Committee on Indian Affairs.

On motion by Mr. FISH, it was

Ordered, That the petition of Seneca G. Simmons, relating to certain public money stolen from his possession, be withdrawn from the files of the Senate, and referred to the Committee on Military Affairs.

HOUSE BILL REFERRED.

The bill to establish additional land districts in the Territory of Minnesota was read a first and second time by its title, and referred to the Committee on Public Lands.

REVISION OF REVENUE LAWS.

The Senate proceeded to consider the amendment of the House of Representatives to the joint resolution authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws.

On motion by Mr. HAMLIN, the joint resolution, with the amendment of the House thereto, was referred to the Committee on Commerce.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, was received by Mr. WEBSTER, his Secretary, announcing that he had approved and signed the following acts:

An act to extend the warehousing system by establishing private bonded warehouses, and for other purposes; and

An act for the relief of George G. Bishop and the legal representatives of John Arnold, deceased.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it had passed the bill from the Senate for the benefit of citizens and occupants of the town of Council Bluffs, in Iowa.

CADETS AT WEST POINT.

Mr. SHIELDS. The Committee on Military Affairs, to whom was referred the joint resolution from the House of Representatives, explanatory of the law regulating the number of cadets to be appointed to the Military Academy at West Point, have directed me to report it back without amendment, and to ask for its immediate consideration.

There being no objection, the Senate proceeded to consider the joint resolution as in committee of the whole.

It proposes to resolve that, whenever, by a rearrangement of the congressional districts in any State, more than one cadet shall be thrown into the same congressional district, there shall notwithstanding be appointed, in the manner now prescribed by law, one cadet for every other district from which there may be no cadet at the institution, to be entered at the commencement of its next regular session.

Mr. RUSK. I should like to understand this joint resolution, and I hope the honorable Senator will give us some explanation what it is intended to remedy.

Mr. SHIELDS. This is a joint resolution from the House, providing for giving cadets to those new congressional districts which have none under the present construction of the law. That is the object.

Mr. CASS. Does it increase the number of cadets?

Mr. SHIELDS. Yes, sir.

Mr. CASS. I will not argue the point, but I merely wish to say, that I have not been furnished with the slightest evidence to show that there is any necessity for this increase; and I think it is better that a congressional district should go without a cadet until it can be regularly supplied, rather than create an office which the public service does not need.

Mr. SHIELDS. I had hoped that we should have disposed of this resolution without discussion, so as to avoid the consumption of time; but I will state to the honorable Senator from Michigan what will be its operation: By the rearrangement of the congressional districts, two and sometimes three cadets have been thrown into one district. This has been occasioned by cutting off a new district from two or three old ones. The present law requires that the cadet should live in

the district from which he is appointed. The effect is to leave many new districts at the present time without any cadet. This resolution is to enable the Department to fill up the cadets by having one from each new district. It does not add to the ultimate number of cadets, because when the term of these additional cadets shall expire, they will go out of course, and there can be only one new appointment from each district. Ultimately, then, the effect is, not to increase the number of cadets, but to put the new districts on the same footing with the old.

Mr. RUSK. I think the joint resolution covers more ground than the honorable Senator supposes, as he will see when he comes to examine it closely. It provides "that nothing in any act of Congress now contained shall be construed to deprive any congressional district in the United States of its right to a cadet at the Military Academy at West Point." That may be perfectly right; but then it goes on to say, "but that whenever, by a rearrangement of congressional districts in any State, more than one cadet shall be thrown into the same congressional district, notwithstanding said fact, there shall be appointed, in the manner now prescribed by law, one cadet for every other district from which there may be no cadet at said institution, to be entered at the commencement of its next regular session."

Now, sir, take, for instance, the case of the State where there are two congressional districts: "Whenever by rearrangement of the congressional districts in any State"—which can be, and is always, done by act of the Legislature of the State—"more than one cadet shall be thrown into the same congressional district," there is to be, notwithstanding this fact, a cadet for the other district. Then, whenever the Legislature of a State in which there are two congressional districts rearranges those districts in such a way that both the cadets who have been appointed are thrown into the same district, a new cadet is authorized to be appointed from the other district; and thus a State with two Representatives in the other House would have three cadets at West Point.

Mr. GWIN. That difficulty cannot arise, because they are rearranged but once in every ten years, under the census as then taken.

Mr. RUSK. Oh, no! The Legislatures of the States oftentimes make a rearrangement.

Mr. GWIN. I move that the resolution lie upon the table; and I hope in making that motion I shall not be misunderstood. I will call it up to-morrow; but I desire now to have the deficiency bill considered.

Mr. SHIELDS. I hope not. I think there will be no—

The PRESIDENT. The Chair decides that the motion is not debatable.

Mr. SHIELDS. Therefore I ask the honorable Senator to withdraw it. I have no special anxiety for this bill as to whether it passes or not. I desire, however, to put it in such a form as to obviate the objections presented.

Mr. GWIN. I withdraw the motion.

Mr. SHIELDS. I want to let the resolution pass over for the present, in order to make it so clear that every Senator may understand it.

Mr. GWIN. Very well; let it be postponed.

The further consideration of the joint resolution was then postponed until to-morrow.

DEFICIENCY BILL.

On the motion of Mr. GWIN, the Senate, as in Committee of the Whole, resumed the consideration of the bill from the House of Representatives to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854, the pending question being on the amendment submitted by Mr. BAYARD, to insert in the following amendment reported from the Committee on Finance—

"SEC. —. And be it further enacted, That before any payment shall hereafter be made to any invalid pensioner, whose name shall have been upon the pension list two years, he shall produce to the agent for paying pensions to whom he shall apply for payment the affidavit of two surgeons or physicians, approved by the Secretary of the Interior, stating, from personal examination, the continuance of the disability, describing it, for which the pension was originally granted, and the date of such disability at the time of making such affidavit; and every two years after the date of such affidavit he shall, before receiving any further payment, produce to said agent a similar affidavit; and if in said affidavit the disability shall be stated at a rate below that for which the pension was originally granted,

he shall only be paid at the rate stated in said affidavit.—said affidavit shall be filed by said agents, and carefully preserved, and copies thereof shall be transmitted, with the semi-annual returns of said agents, to the Commissioner of Pensions, who shall file them with the original papers of said pensioner, respectively: *Provided*, That when the pension shall have been originally granted by a special act of Congress, or for a total disability for the loss of limb, or other cause, which cannot be removed, either in whole or in part, the above affidavit shall not be required: *And provided further*, That if any person entitled to an invalid pension shall be in the possession of a salaried civil office, his pension shall be suspended during the time of his employment in said civil office."

—after the words "salaried civil office," the words "under the United States."

Mr. PEARCE. The Senator from Illinois, [Mr. SHIELDS] yesterday seemed to me to misunderstand the spirit and character of the provision now under consideration, which was proposed by the Committee on Finance as an amendment to the bill. It was spoken of as a petty tinkering economy, and as a gross outrage upon the rights of a valuable class of our citizens. Now, sir, the word economy, I know, is scarcely a parliamentary word, and its use here may almost be considered absurd. The committee did not make that blunder, nor urge this amendment upon the score of economy. It may have occurred to some of them that some economical reform would result from it; but they were too wise to present that as a motive to a body so abundantly liberal as this. They submitted the amendment for the reason that it was required by the plain and obvious principles of the pension laws. A pension is given for a disability. It is the disability which is the sole reason for the bestowal of the pension; and can any one tell me why, when the disability ceases, the pension shall not cease too? If it does not, then the result contradicts the principle of the system, and you create a gross inequality, and do great injustice. If when one man, who has been pensioned because of a disability, and who recovers entirely from that disability, is to have his pension continued, how are you to do justice to him whose disability does continue? There is no equality, no equity in making the same allowance in the two cases. If the amendment should not be adopted, the man who recovers entirely from the wounds or diseases which at first entitled him to the pension, will be continued on the pension roll, though perfectly sound, and the man who is shot to pieces, who loses an arm or other limb, and becomes totally and forever incapacitated from any active employment, will receive no more than the man who is as sound as the day he entered the army. Certainly, sir, this is not equality. If you wish to be impartial between these two classes, you must stop the pension in the one case, or double it in the other.

The amendment proposes—what? Only to apply the principle which is already acted upon by the pension system. It is to stop the pension when the disability stops; and how can you do that except by having an examination? The Senator from Illinois spoke of the examination as a degrading thing, and of the affidavit as if it too were degrading. Why, sir, the pensioner has to make his affidavit, and submit to an examination, before he can get a pension originally; and is it more degrading to go through the same ceremony again, when he desires the continuance of that pension, than it was when he first made the application?

Then we are told that the amendment will put the pensioner to great expense every two years, because he may live a distance from the medical men who are to decide upon his case. No such thing is contemplated. The pensioner, wherever he may be, can easily resort to medical men, and obtain the necessary certificate. Doctors, I believe, are about as plenty as blackberries throughout the country; and I will say that I think the faculty almost everywhere are well educated, intelligent, and humane people, who are ever ready to perform, without pay, such offices as will be required by these pensioners. I will venture to say, that, so far from the honest pensioner being cheated out of his allowance, he will not have the slightest difficulty in obtaining, and that without fee, the evidence on which his pension is to be continued. It is a duty to humanity which the faculty cheerfully render.

There are two exceptions contained in the amendment of which some complaint is made. One is, that where the pension shall have been originally granted for a total disability for the loss

of a limb, or where the party has sustained some other injury of so permanent a character as to be necessarily remediless, the affidavit shall not be required. It is obvious that, where that is the case, there is no necessity for the affidavit. Then there is another class in which these forms are dispensed with. I mean the class of pensioners provided for by special acts of Congress. The reason of that is, that those persons who receive pensions, under special acts of Congress, are not entitled to them under the general law, but are allowed because of special merits, real or supposed, which are not indicated in the law. They get them by application here, failing to get them at the proper Department, because they cannot bring their cases within any recognized principles. Nobody can say for what reason they were granted. You cannot go behind the act of Congress; and if you were to require the affidavit and certificate in such cases, it is very likely that you might require an impossibility, the party having received his pension from the special liberality of Congress, and without being able to show at any time a case within the principles of the general law. For that reason the affidavit is excepted in that case also.

Now, sir, the question before us is simply this: Whether we shall apply the principle which lies at the foundation of the pension system or not? The Senator from Illinois himself admits that there is a vast number of cases in which the pension is received, though without the sanction of the principle. Take, for example, one case which may be suggested, where parties were pensioned not for wounds, but for diseases. Many cases occurred during the late war with Mexico in which soldiers were prostrated by the dysentery or diarrhea, and obtained pensions accordingly. Now, these diseases are such as either kill, or are cured in a moderate time. They do not linger through a long life. The pensioner may have been rendered incapable by them of obtaining his livelihood at the time of application, and most probably by the time the two years roll around, he will be either no more, or will be cured of the disease. Every professional man, I apprehend, will admit that. But if the disease be removed, is it not proper that the pension should cease? and how can you ascertain whether the disability has ceased, unless you require the party to submit to an examination?

The Senator himself admits that we ought to strike at the root of the whole matter, and reform the entire system. But how can you reform it, except in this way? I defy you to produce any plan to reform the evil other than by a medical examination; and that is all that the amendment proposes. The other day I heard of the case of a man who applied for a post office—an office, one would suppose, which requires the use of a man's eyes. He was ascertained at the time he made the application to be actually in receipt of a pension for blindness, and yet in the full possession of all the faculty of vision required by the employment which he was seeking. Do you think a pension ought to be continued in that case? Yet it must be continued, unless you adopt some such provision as this. No, sir, this amendment is a gross outrage upon no one, though it will prevent many outrages upon the Treasury. It is not intended to subject the honest pensioner to any difficulty which can be avoided, but to discriminate his case from that of the man who draws his pension without the legal consideration. You should either adopt it or dispense with the principle altogether, and say that the pension shall continue without reference to the disability.

Now, in regard to the provision that the pension shall be suspended during the period that the pensioner is in the enjoyment of the emoluments of a "salaried civil office." This is the language of the amendment. The Senator from Illinois seems to suppose that that will strike from the roll every pensioner, throughout his State and other sections of the country, who may happen to be employed as postmaster of some little village, the receipts of which office amount to less than his pension. But the amendment does not touch such a case. That is not a "salaried civil office." A salary is a stated annual compensation for services. That is the meaning of it. It is not hypercritical to make that distinction; it is plain and obvious. A postmaster receives his pay in the way of commissions; and it is only in regard to

the postmasters in the cities, where the commissions amount to larger sums than the law allows a postmaster to receive, and therefore fixes his compensation at less, that we could say it is in any sense a salaried office. It is very obvious that when they receive commissions merely to small amounts, they are not salaried civil officers, and therefore the amendment does not touch them. I do not know, indeed, that it will touch any of that numerous class of employees who may rather be considered laborers than salaried officers. For officers under the United States must be appointed either by the President, with the advice and consent of the Senate, or under some law vesting the appointment in the head of a Department. The language of the Constitution is:

"But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of Departments."

Any other than those persons who are appointed by the President, by and with the advice and consent of the Senate, or by the courts, or heads of Departments, in virtue of some law vesting the appointment in them, are not officers in the sense of the Constitution, and therefore not officers in the sense of the law. I suppose, indeed, that all the class of employees whose appointment is made by the heads of the Bureaus and such other officers, would not come within the principle of this amendment. It will not, therefore, touch the classes of employees with small compensation. It might touch persons who receive \$1,000 a year; and I think, myself, that a man who receives a salary of \$1,000 a year ought not to be pensioned.

Now, sir, this principle has been applied to the Navy by the Navy pension bill of 1841, which contains the following section:

"Sec. 2. And be it further enacted, That no officer, seaman, or marine, entitled to a pension from the Navy pension fund, who receives pay from the public Treasury, shall receive more from the said fund than is sufficient to make the whole amount received from the above-named sources equal to the pay fixed by law for the grade to which the officer, seaman, or marine may belong as an officer in the services in which he may be engaged during the year, so that no officer shall receive pay at the same time both as a pensioner and an officer in the service."

In the construction of this provision it might be doubtful, perhaps, as to whether a seaman or marine could have a pension while in the service; but the honorable Senator from North Carolina, [Mr. BADGER,] when Secretary of the Navy, gave the construction to the law that he could not. I have his decision here:

"The case of seamen and marines seems to present peculiar difficulties, and I regret the hard consequences to them of the decision I have been compelled to form. They cannot, when in service, receive more than their pay, because there is no discrimination by law between their compensation when on duty and when unemployed. Hence it seems to follow that no seaman or marine, while in the service and receiving pay, can receive any payment at all on account of a pension."

Mr. SHIELDS. That is the rule already existing in the Army. A man cannot draw a pension and draw pay in the Army at the same time.

Mr. PEARCE. Very well; that only strengthens the argument. The amendment does not propose to make any change in that regard. It is to carry the principle a little further, and apply to persons occupying civil offices the same rule which is already applied to those in the military service. I cannot, for the life of me, see what reason there is why any distinction should be attempted to be set up between the two, in favor of the civil employee. If there is any reason for a distinction, it should exempt the officer, while engaged in the military or naval service, from its operation; because, I presume, they are subject to more hardships while engaged on duty in military and naval service than those who hold civil office.

These are the whole objects of the amendment. It does not propose to inflict any hardship or any act of degradation upon the pensioners. It is to apply a principle; and if you do not apply it, you had better abolish the pension system, or adopt some new principle. If you leave matters as they are, you indirectly sanction the drawing of pensions to which the parties are not entitled upon a principle of indemnity.

Mr. SHIELDS. I am not dealing with the intention of the amendment. I am trying to deal with the amendment as it stands; and if the honorable Senator from Maryland, and the honorable

Senator from Virginia, will give me their attention, I think I can show them why it is an improper amendment.

In the first place, an invalid soldier who has been discharged cannot obtain any pension unless he gets a certificate of two surgeons as to the nature of the disability, the time when the disability occurred, the place where it occurred, and that it occurred in the line of his duty, and, I will repeat, also, the nature and amount of the disability. When that is certified he can obtain his pension. Now, the amendment is intended, honorable Senators say, to relieve the pension system of frauds. I want to show to every man who will give me his attention on the subject, that it will not operate as the honorable Senators believe it will. That is my objection. It will disappoint the Senators in its operation, and I will show you why. It provides that every two years the invalid pensioner shall have a reexamination of his condition by two surgeons. The two surgeons must be approved by the Secretary of the Interior. In the first place, then, the Secretary of the Interior approves of the two surgeons, and the invalid pensioner, no matter where he lives in a State, has to go to those two surgeons who are approved by the Secretary of the Interior, to have himself examined. The pensioner receives eight dollars a month. Now, I want the attention of Senators to show the working of this provision.

Mr. HUNTER. If the Senator will allow me, I think I can explain that matter. He supposes that the provision requires that the Secretary of the Interior shall approve of the surgeons before the examination. Now, I suppose there will be some departmental regulation on the subject—perhaps, that the surgeons shall be approved by the agent who pays the pension.

Mr. SHIELDS. Oh, no; by the Secretary of the Interior. The surgeons must be approved by the Secretary of the Interior, I tell the honorable Senator, either beforehand or otherwise.

Mr. HUNTER. They will be approved upon some rule to be established by him. Suppose he establishes the rule that the pension agent who pays the pensioner shall decide whether they are sufficient, and whether the examination made by them is sufficient, that would come under the amendment.

Mr. SHIELDS. I am not proceeding on any supposition. I am taking the amendment as it now stands.

Mr. RUSK. If the honorable Senator will allow me, I think I can compromise the difficulty between the two Senators, and save time.

Mr. SHIELDS. I will continue a few words further, and then I shall have done. The two surgeons have to be approved by the Secretary of the Interior—it matters not whether beforehand or afterwards. Their certificates will be of no avail unless the Secretary of the Interior approves them. What are they to certify? I ask honorable Senators to turn to the amendment and see what it is. They are to certify on oath—make an affidavit—of the continuance of the disability. Whatever the disability was, they are to certify that it still continues. Still further, they are to describe it, and they are to certify the date of the disability. I only want to show the nature of the amendment. How can two surgeons, now living, say in the State of Virginia, to whom an invalid pensioner applies, certify to the date of a disability which occurred on the field of Buena Vista? Who can tell the date on which, or the place where, it occurred? Why, sir, the man who commanded the soldier at the time—not the surgeon, but his captain, or colonel, or whoever commanded him at the time. Yet the two surgeons, by this amendment, are not only to certify the condition of his body at the particular time when they examine him, but they are to say upon oath how, and where, and at what time the disability arose. I only mention this to show that this thing has not been considered properly. "The date of such disability at the time of making such affidavit." These surgeons are to make the affidavit, or the poor fellow cannot get a pension. I know how it will be. If they do not bring his case within the very letter of the law the pension will be rejected. And let me say one thing, which every lawyer understands: that in proportion as you multiply regulations and rules, in such proportion do you touch the honest and simple-minded, and let rogues go through. Do you not agree with me?

A SENATOR. Exactly.

Mr. SHIELDS. I tell you further, that the difficulty about this Bureau has been that they have piled up regulations to an enormous height, so that no lawyer or layman, if you may use the word, can comprehend them; and as for the poor soldier comprehending them, the thing is impossible. If he gets anything he has to go to an agent who makes it his profession. That agent must get up the affidavit, and then he gets the pension. I have gotten many of these pensions, and that is the reason I understand this; for I have to be a general agent for the poor pensioners who have nothing in the world to depend upon, and I never charge them anything. Go down to my room, and you will find them there every day, and I am more, oftentimes, at that business than at anything else. I take a pride in doing it. I feel it to be my duty. I see how they are treated, and cheated, and abused; and I go to the Bureau and preach, and pray; and try to get something out of them; and I find, as I stated before, that a poor fellow, who is now blind, and who was discharged because he was blind, cannot get a pension, because two surgeons cannot certify when he became blind, for he was five years getting blind; or whether he got blind in the line of his duty, though he was five years getting blind, and was ten years in the Army. I mention this to show you how these things are conducted. I understand them, I think.

Mr. BUTLER. Will the Senator allow me to ask him one question on this subject, and in connection with this point?

Mr. SHIELDS. Certainly.

Mr. BUTLER. It depends very much upon the character of the disability. Was it disease or were they wounds?

Mr. SHIELDS. To what does the Senator allude?

Mr. BUTLER. The disability of the invalid you mention. Does it arise from a temporary disease or a permanent disability?

Mr. SHIELDS. It was blindness, arising from what they call disease, of course.

Mr. BUTLER. I want to know what has been the rule on the subject. Have pensions been refused to those who have come from the Mexican war with wasting diseases of which many died, and, poor fellows, many of them without help? Do those who come home with such wasting diseases not receive a pension?

Mr. SHIELDS. They get pensions for those diseases.

Mr. BUTLER. And if they continue, I think they ought to get them. But I can only say, in connection with that matter, that I never heard of an application being rejected.

Mr. SHIELDS. I have no doubt the honorable Senator states the truth; but I will give a reason for that. The gallant regiment which left the honorable Senator's State eleven hundred strong, came back with only two hundred and fifty alive.

Mr. BUTLER. Yes.

Mr. SHIELDS. And those who returned of course could stand anything either in battle or anywhere else.

Mr. BUTLER. Why, the colonel was very nearly dead for two years.

Mr. SHIELDS. But I am only now pointing out the defects of this amendment. The surgeons are required to make an affidavit, the same affidavit that they would make if they had been on the battle-field—a thing which it is impossible for them to do—or the poor fellow cannot get a pension.

But I now go on to the next point on which my honorable friend from Maryland has touched. I certainly would not take any more interest in this matter than any other Senator, if I did not feel convinced that it will operate, not as the Senators intend, but as a hardship upon the pensioners. Perhaps I used hard expressions yesterday. I spoke about the "economy" of this thing. Sir, I think it is this: It is economizing by taking away that little paltry pittance which is now allowed to the poor, broken-down soldiers, which only amounts to eight dollars a month at best. It does not touch the large pensioners at all. Not one of them—generals or colonels—will be stricken off the list, but it will only be the poor, miserable soldiers who get eight dollars a month. Now, sir, I tell you it will take their whole pay for two years to pay the expenses of the proceeding which you prescribe shall be performed. Some-

times the agents ask \$100 for getting a man a pension. And now you are going to declare that he shall go through this complicated proceeding of getting two surgeons to make such certificates, and make them on oath. They must swear as to his present condition, that he is still disabled, how much he is disabled, where the disability arose, how it arose, and the date of such disability.

Mr. BAYARD. I suggest to the Senator that he does not give the proper construction to the clause "the date of such disability at the time of making such affidavit." I should think that that applied, not to the time when the disability commenced, but to the date of the examination when it was ascertained that the disability continued to exist.

Mr. STUART. No doubt of it.

Mr. BAYARD. And then the amendment does not say that the surgeons shall certify how the disability arose.

Mr. SHIELDS. It is like the rest of the amendment, all liable to mistake. It further says:

"And every two years after the date of such affidavit, he shall, before receiving any further payment, produce to said agent a similar affidavit, and if in said affidavit the disability shall be stated at a rate below that for which the pension was originally granted, he shall be paid at the rate stated in said affidavit."

That is, if he receives eight dollars a month now, and it is certified that his disability is not a total one, the amount will be reduced and cut down to six, or five, or four dollars. That is the kind of economy I spoke of. It is economizing upon small matters, and economizing off poor creatures who cannot afford it. But I will go to another provision:

"That when the pension shall have been originally granted by a special act of Congress."

I want the honorable Senator's attention to this, for it seems that a good many mistakes are made here. Here is an exception. If the pension is granted by a special act of Congress, of course the examination fails, and I agree that it ought to do so, but we should make the rule equal. Those who receive such a pension ought to be examined by this body every two years, if you would carry out the rule and make it general. I believe there are as many fraudulent pensions granted by Congress as by the Bureau. But, under the amendment, you cannot touch them. It leaves them out. "Or for a total disability for the loss of a limb." That is right enough. If a man loses a limb there is no chance that the limb will grow on again. It will be of no use to examine on that point. That would be all right if it stopped there; but it says, "for total disability for the loss of a limb, or other cause;" that is, for any other cause!

I should like to know if any other cause does not cover every case; and whether this part of the amendment in reality does not destroy the first part? First, it is said the surgeons are to examine pensioners, and ascertain whether their case is one of total disability; then comes in the proviso, which says they are not to examine those who have lost a limb, or who are totally disabled from any other cause. Can the honorable Senator from Virginia make sense of that? Can he show how the exception and the rule agree? I do not know that I am understood, but it seems a strange amendment. It provides, first, for examining all the invalid pensioners in the United States, to ascertain whether the total disability continues or not; and then it goes on and excepts out of that provision men who have lost a limb, or who have been totally disabled from any other cause. The Senator shakes his head; but that is the language of the amendment. I do not know what construction may be put upon it, for it will be likely to receive a great many constructions.

"The loss of a limb or other cause which cannot be removed, either in whole or in part." Who is to judge whether the cause cannot be removed? They are not to be examined when the cause is such that it cannot be removed, either in whole or in part. They are not, in such cases, to go to the surgeons at all. How is the pensioner to know whether he is included in that? Who is to tell him? How is he to tell whether the disability can be removed or not? We know that the loss of a limb, or anything of that kind, cannot be removed; but it includes other disabilities from other causes. There is one disease which was very common in those who came through the campaign in Mexico. It comes on one month, when the man will be lying in his bed, hardly able

to rise, and then the next month he may be going about, as strong as any of us. The surgeon comes to that man and finds him at the time the disease has left him, for it is an occasional disease, and he certifies that he is not disabled, and of course that the pension should cease. The next day he is down with the disease again. How are we to provide for that case?

My honorable friend from Maryland says the latter part of the amendment is a very fine thing, and that it is very right that a man who has a pension ought not, while in the receipt of the pension, to hold an office of any importance. I put a case to that Senator: A man has lost his arm—I know of such a case, and I give it as an example—he has got a little office. I do not say it is worth \$1,200 a year. He can perform the duties of that office quite as well as if he had two arms. He has a little pension of \$150 a year. How is he put on a footing of equality with others, when you take away that pension? He has to pay a servant. He has to pay to be helped at his meals and to bed. What does he get the pension for? To make up for the loss of his arm, which he has incurred in the cause of his country. He has suffered the loss of his arm, and he receives the pension of \$150 a year for that. That amount is not sufficient for his support; and yet you are asked to take that away from him, because he is able to hold a little, paltry office. He has to depend upon another to help him in all the necessary duties of life, and that is what the pension is given him for. Will you take it from him?

I take it that such a thing has never been attempted before: It is wrong. If you confer these pensions upon persons for performing services for the country, and for the injuries which they have received in performing these services, in God's name let them keep the pension. If others have got their pensions fraudulently, deprive them of them, but do not cut off the poor, old pensioners of the country. Do not compel them every two years to gather up before surgeons, to get certificates and affidavits from them as to their disability; do not compel them to go through all the formality they had originally to adopt to get the pension.

Sir, I repeat what I started with, and I repeat it from a knowledge of this system: that when you bring up these poor, old pensioners, and make them get these certificates, you will see that the honest men on the roll will be cut off and the rogues will get through. That is what we always find. When you make complicated regulations of any kind, all that these fellows have to do is to swear up to the regulations and they get through, and you only cut off the poor, simple, ignorant old soldier who does not understand the regulations, who fought for his country, who was injured in the service, and who finds himself, under the regulations, deprived of his pension, and he cannot tell how, for he never will find out the way in which it has been done.

Mr. STUART. I did not intend to enter into this question; but it seems to me that it has been, by the Senator from Illinois, somewhat unfairly presented to the Senate. I think his criticism upon the amendment is rather too finely drawn, and he has attacked some of the very best provisions which are contained in it. I suppose that the object of the amendment is twofold. The first is to ascertain periodically who are entitled, under the principles adopted by this Government, to receive pensions. The second is, as far as you can by this incidental process, to prevent frauds upon the Government. It will not be denied by anybody that when the cause for which a pension was granted has ceased the pension itself should cease. However much there may be of feeling, there is very little logic in an argument which does not admit this conclusion.

Now, for the purpose of ascertaining whether or not the disability continues, the Pension Bureau, with the sanction of the Department of the Interior, has submitted this general proposition: What are the means proposed to be employed in order to ascertain this? Why, sir, the provision which the Senator from Illinois takes to be the severest is clearly the best in the proposition. It is that which confines the certificates of surgeons to such men as shall meet the approval of the Secretary of the Interior. There is no question about the propriety of this, because it takes away from a dishonest man the power to get his relative, or somebody else who is interested, to make out for

him a certificate which is not true, thereby defrauding and cheating the Government. It will be seen, by a single review of this statement, that it is one of the safest propositions in the amendment, for the Government, and for the *bona fide* pensioner, for I deny that it is an object for the honest pensioner of the country to have the law in such a condition that frauds can be perpetrated under it.

The *modus operandi* has been inquired into, and it has been asked how will this be done? The Secretary of the Interior undoubtedly will instruct the pension agents, who make these payments, to report to him the names of surgeons residing in the proper localities, who are men qualified in all respects to make this certificate. There will be no inconvenience growing out of it. The pensioner will not have to travel any further, perhaps, in order to procure the certificate than he has to go in his ordinary business every week. But there will be a certainty about it. You will have men of known character, and of acknowledged qualifications, to make the certificate. To what will they certify? They are to certify simply that the disability for which the pension was claimed, and upon which it was originally granted, still continues a disability. If it does not, then the very ground on which the pension was granted in the first place has ceased to exist, and the pension ought to cease also.

Now, Mr. President, I wish to say a few words on this point incidentally. The Senators who have argued the question against the adoption of this amendment have all of them yielded to the suggestion that great frauds are perpetrated. They acknowledge the necessity of adopting some means to prevent them in future. Let us inquire how this is to be done? If we cannot adopt the suggestions which emanate from the Department having the subject in charge, how shall we ever get at any remedy? Are we to say that this is a measure which will amount to nothing, and which we will vote against, while at the same time we will not suggest anything as a substitute for it? Shall we undertake to say that we understand this matter better than the Secretary of the Interior, that we will put no plan in operation for preventing these frauds, but that we will simply sit here and vote down every suggestion that comes from the Department? I have not been able to satisfy myself that that course would be very wise. I prefer, so far as I can do so properly, to aid the several Departments of this Government in such measures as they see fit to suggest for the prevention of the vast frauds which are being committed upon the Treasury of the country.

Sir, it is almost becoming a trade to plunder the Government. It is known that organizations are got up, many of them emanating from this city, which are as complete as the organization of the Navy, or of the Army, ramifying all through the country, for the purpose of plundering the public Treasury. Knowing these things, I avow my willingness, at any and all times, when any one of the Departments of this Government shall suggest a remedy, to try it, and see what it will do. And I cannot but think that the remedy suggested in this case will turn out to be a very effective one.

If it had no other effect than that which is incident to the mutations of office, the change of the justices and others who are to take the affidavits, who go out of office every three or four years, furnishes one means of detection; because, although you might find a dishonest man who would connive at the taking of a wrong affidavit to-day, he might be out of office next year, and an honest man be put in his place.

I am not desirous of detaining the Senate upon this question. I rose only to answer briefly some of the suggestions which have been made on the other side. Before I take my seat, however, I wish to say, that I do not like the last clause of this amendment, and I shall vote at the proper time for a proposition to strike it out; though, I confess, it would be very much improved by the adoption of the amendments suggested by the Senator from Delaware, [Mr. BAYARD,] and the Senator from Maine, [Mr. HAMLIN.] My reason is this: the cases which would occur under it, in any event, are very few indeed, where a man receiving a pension would hold a salaried office, within the meaning of the amendment. Generally, I am willing to say, that if a man who has served his country has been so fortunate as to get an

office anywhere he should have it, and have his pension too, so long as his disability lasts. I prefer, therefore, that that portion of the amendment should be stricken out; but in respect to the residue of the amendment, without detaining the Senate further than I have already done, to point out how it may occur, I think I can say that there are in it elements which will save the Treasury a very large amount of money; and, what is of equal importance, it will save something in regard to the morals of this country. The loss of the money is much the smaller question. In my judgment, if it prevents frauds and perjury it will do much more to benefit the lasting stability of this country.

Mr. HUNTER. Mr. President, I am anxious to get on with the bill, and I shall only say what I believe it is necessary to say for the purpose of explaining this amendment. I confess the opposition to it has somewhat surprised me, for it seemed to me to be so obviously a remedy suggested by the Department to prevent frauds, which I am sure every Senator would desire to prevent, that I had supposed no one would oppose it. I thought some might suggest amendments, and I have heard amendments suggested which I believe to be proper, and which I am willing to accede to; but I imagined that I should have the assistance of the whole Senate in maturing the amendment in some shape which would be acceptable to them, and would answer the purpose designed.

Of the fact of the existence of great frauds there can be no sort of doubt. We are informed, by the Secretary of the Interior, that they exist, and the Senator from Illinois says he believes there have been great frauds. Within a very few moments, I have received from the Pension Office a statement which will show that there are matters which deserve the attention of the Senate, and that these frauds have reached a point which require our intervention. Here is the statement:

"The following is an extract from the official report of the agent sent by this office to Illinois to examine the persons who were upon the list of invalid pensions in that State, dated February 9, 1853:

"In the course of our tour we visited some twenty-five or thirty counties, and ascertained that a very large majority of the pensioners were stout, able-bodied men, suffering from no physical debility whatever. Out of seventy or eighty persons examined sixty-four were found not to be entitled to pensions. A large majority of these obtained their pensions fraudulently, having always been healthy men. As a general rule, they made no objection when told that they would be stricken from the roll, and seemed only solicitous to avoid a Government prosecution. The excuse they generally gave for practicing these frauds was, that they had been called on by certain agents, who assured them that, under existing laws of Congress, they were entitled. They generally protested their own innocence of all design to commit fraud. The result of the examinations made by Dr. Elkin and myself will be an annual saving to the Government of some \$5,000 or \$6,000."

Mr. President, I am informed, by the Commissioner of Pensions, that in many of these cases which were discovered, not merely in Illinois but elsewhere, which have been suspended, a protest has been entered that there was no authority to suspend. It is contended that this examination, which was instituted by the predecessor of the present Secretary of the Interior, was perhaps not instituted according to law; or that if it was so instituted, the Department had no right to act upon the evidence after it was furnished. Consequently, in some cases which are still suspended, an angry correspondence has been going on between the claimants themselves and the Pension Office.

Mr. SHIELDS. Will the Senator permit me to say a word? These same cases are now coming back to the office, and are being reinstated every day. I have had some of them reinstated myself. It is done, because it is said the examination was a defective one; and these persons complain of it as a great outrage. I acknowledge that there are fraudulent cases; but I say the Bureau is reinstating the cases referred to.

Mr. HUNTER. The Senator is mistaken. I am informed by the Commissioner that very few have been reinstated, though some of them have been.

Mr. SHIELDS. I have had some reinstated myself.

Mr. HUNTER. I think the Senator will find, when he comes to look at the matter, that a very small proportion of them has been reinstated. I have understood so from the Secretary of the Interior and the Commissioner of Pensions. Now, sir, if these frauds exist, I ask if it is not the duty

of the Government to provide some means for looking into them?

Mr. SHIELDS. I agree with the Senator; it is. Mr. HUNTER. This is not a question of money. It is not a question of economy... It is a question of public morals. It is due to the pension system itself. If you would save that system, you must purify it.

Mr. SHIELDS. Will the Senator permit me to point out what I think is the best mode of proceeding? Let the Department select one of its best surgeons, and send him to each State. Let him go round making these examinations, and not require every pensioner to go to two surgeons. Let the Government send a surgeon, or employ a surgeon in each State, and let him examine the pensioners, and report to the Department. Let the matter be thoroughly investigated; then we shall have the frauds before us.

Mr. HUNTER. Mr. President, I give some credit myself to the Department for understanding something of the best mode of transacting their business. As far as I can see, the mode which they propose is the best that could be devised. Why, sir, what means are so certain of ascertaining fraud as to examine the person of the invalid pensioner, to have him examined by those who are capable, by surgeons or physicians to be approved by the Secretary of the Interior? It does not follow that this provision is to be executed in the most onerous manner. Gentlemen imagine a mode in which the Secretary of the Interior is to execute it by which the pensioner is to be burdened. Are there not other modes in which it would operate as no improper burden upon the pensioner? And is it not to be presumed that the Secretary of the Interior will adopt such regulations as will make it work in the easiest and best possible manner for the pensioners themselves?

In point of fact, I believe, according to their own construction, gentlemen would require that the pension agent who lives in each State should decide on the credibility of the surgeons who are to make the examinations. This is the mode in which they think the law will be executed. If the object is a good one, and that be a better amendment, why does not the Senator from Illinois propose some provision by which he may make it work so as to get rid of the inconveniences which he apprehends? Why oppose the whole remedy which is suggested, and leave no means of preventing and checking these frauds? According to the construction put on the present law by some of those pensioners, it is maintained that the Secretary of the Interior has no right to withhold their pensions, although he may be convinced, on clear evidence, that they are not entitled to them. It is to do away with this difficulty, it is to make known to the pensioners, and those who get up those claims, that the eye of the Government is upon them; that there is danger, if they should commit frauds that they will be detected, that this provision is recommended.

But, sir, the Senator from Illinois says "no;" he thinks this will operate as an inconvenience to the poor pensioners who are really entitled, and that the cunning fellows who commit the frauds will get around it. The same argument would apply to the original examination. He might as well say that these cunning fellows can elude any safeguards which we may endeavor to throw around this system. Does it follow, therefore, that we are bound to throw none around it? If so, all you have to do is to let any man claim a pension, and give it to him without inquiry, and say it is useless to require investigation, because fraudulent men know how to get around any safeguards which you may impose. If, on the contrary, it be necessary to have any safeguards at all, we increase them by adding to the number of these examinations.

But, sir, it is said that the examination is likely to be burdensome to the pensioners. That is not the opinion of the Department, and I do not think it can be proved to be so on any sound construction of this provision itself. For what has he to do? He has now to make his affidavit annually in regard to his personal identity, in order to draw his pension from the pension agent. What will it cost him in addition to that to make the affidavit here prescribed? What will it cost him to procure the certificate of the physicians? I am told they rarely ever charge; I never heard an instance in which one charged in my country for these ser-

vices. I am told that it is not a common thing for these to charge for them. I am informed, by the Commissioner of Pensions, that he has known but few instances where a charge has been made, and then it was but a dollar. He thinks that, by possibility, the whole charge of this reexamination of the pensioner could not be over five dollars. Now, can a pensioner complain when, for the protection of this system, we make him do something in order to prove title? In order that we may impose as little burden upon him as possible, I am willing to agree to the suggestion made by the Commissioner of Pensions himself—to strike out from the amendment that provision which requires that the examination shall be biennial. Let us provide for but one examination, and if the results of that do not satisfy us, we need not continue the system; but if its results prove to be wholesome we can continue it. I am willing to strike out that portion of it.

Mr. SHIELDS. I will agree to do that, for I am as anxious to get rid of fraudulent cases as the honorable Senator, or the Bureau, because they are throwing discredit upon the whole system. But I will state what I think is a much better plan. I have examined the matter, and I have come to the conclusion that it would be better to authorize the Bureau to appoint one or two able surgeons in each State, and let them make the examination and send in their reports. I can show the Senate why this is so. As the honorable Senator proposes to amend the amendment, it will still stand as operating to repeat the same process by which the pensioner originally obtained his pension. The same course by which a fraudulent pension was originally obtained will be repeated. How is the pension obtained now? The man goes to two surgeons in his own neighborhood—they may be any kind of surgeons—they may be root doctors; and he gets their certificate and the member of Congress certifies that they are surgeons in full practice. Upon these certificates the pension is obtained. I only mention this to show the honorable Senator that this is but a repetition of the original examination, leaving open precisely the same door for fraud which existed in the first place. I suggest to him to accept the amendment which I now propose: to appoint one or two surgeons of approved ability in each State. Let them make a thorough personal examination, ascertain the circumstances, and report to the Bureau. This, then, will rid our system of all its evils. I will go for such a provision.

Mr. HUNTER. I think that, with the amendment which we have proposed, the section, as recommended by the Department, will probably reach the evil with more certainty. I think we had better commence in that way. I find that there is precedent for it. By the law of March 3, 1819, "regulating the payment to invalid pensioners," it is provided:

"That in all cases of application for the payment of pensions to invalids, under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians, whose credibility as such shall be certified by the magistrate before whom the affidavit is made, stating the continuance of the disability for which the pension was originally granted, (describing it,) and the rate of such disability at the time of making the affidavit, shall accompany the application of the first payment which shall fall due after the fourth day of March next, and at the end of every two years thereafter; and if, in a case of a continued disability, it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit."

Now, sir, I am willing to agree to amendments which will authorize but one reexamination, leaving it to Congress to determine hereafter, on the results of the examination, whether or not they will continue it. As for the rest of the amendment, I think it had better be left as the Secretary proposes.

In regard to the addition of the last clause, we thought that, according to the principles which prevail in reference to military offices, there ought to be some such proviso in relation to civil offices. It seems to me there is no just rule, no good reason, for discriminating between the two cases. I said yesterday that I was willing to agree to the limitation proposed by the Senator from Maine, [Mr. HAMLIN.] Or, if the Senate should object to that addition, in any form, I hope they will at least adopt so much of this section, with the amendment of which I have spoken, as was proposed by the Department itself. If it be the general sense of the Senate that we should strike out

the provision requiring the reexamination to be every two years, I think we can unite on the amendment, and I hope the question will be taken on it without further debate.

Mr. BADGER. Mr. President, as I am obliged on this occasion, with great reluctance, to separate from my honorable and honored chairman, [Mr. HUNTER,] I wish to say, in a few words, why I feel compelled to do it. I am opposed to both parts of this amendment. The first part of it I am opposed to because I think it is a very immature and unsatisfactory attempt to make an improvement in the system of pensions, with a view to prevent frauds; but I am perfectly willing to go with my friend from Maryland, and my friend from Virginia, and any other gentleman, for the adoption of a wise and practicable system to prevent real frauds, and to make a just and proper discrimination between fair claimants and fraudulent pretenders. But I think it is evident, upon this discussion, that the amendment sent here, and proposed by the head of the Department, has not been maturely considered. So far as that is concerned, I see no reason why it should be absolutely necessary to pass this provision upon the deficiency bill. Let the communication of the Secretary of the Interior be referred to the Committee on Pensions, at the head of which is my friend who sits before me, [Mr. JONES, of Iowa.] Let that committee consider, with such aid as they can get from the Department and other sources, what is a proper provision, and let them report it in a separate bill. I am prepared to adopt whatever is wise, and just, and reasonable; but I am satisfied that the multiplication of certificates will not answer your purpose.

With regard to the mode in which these laws are administered in the Departments, I have not the same confidence which the honorable Senator from Virginia says he has. I impute no ill purposes; but I think a bad practice, originating in the subordinates of these Departments, is an idea that security is gained to the country in proportion as you multiply certificates and ceremonials. Now, I believe that the effect of such a multiplication of certificates and ceremonials is exactly the contrary. How do you defeat an attempt at a fraudulent claim by requiring a ceremonial? If a man sits down to fabricate a claim, he will get the law, and he will have all his memorials and papers in the most precise and accurate order for presentation. I do not believe, therefore, that that system will do anything good. But, at all events, I think this had better be carefully looked into instead of being now hurriedly passed.

Mr. President, it was long since said, as I have once before mentioned in the Senate, and, as I believe, truly said by Lord Mansfield, that the attempt made by the Legislature of England, by the statute of frauds, to guard against the proof of improper or fraudulent wills, by a minute and particular ceremonial, had, so far as that was concerned, proved abortive; but, as Lord Mansfield remarked, there had never been an instance of a forged or fraudulent will presented at Doctor's Commons that was not perfect in the ceremonial as of course it was to be expected it would be; and the only effect of the operation of the bill had been, in fact, to disappoint the real intentions of a testator because the formal requisites had not been complied with.

With regard to the second provision of this amendment, I cannot see any justice or propriety in it in any case. It is said that it prevails in the Army. It does; and it is most unjust and wrong that it should prevail there. I am willing to repeal it, but I am not willing to add another case of injustice.

Now, Mr. President, just let us look at this for one moment. Here are two officers in the Army employed in the same grade, rendering the same services, competent to render the same services, to which the law attaches a certain salary. One of them has lost a limb in battle. You stop his pension while he is in that service. I ask you if he is compensated upon a footing of equality with the officer who has not lost a limb? Why, certainly he is not. Does not every man know that his expenditures are necessarily increased, on account of the helplessness superinduced by the loss? Is \$1,000 the same to the man who is possessed of all his limbs, and the man who has to hire an extra servant to put him to bed at night and to take him up in the morning, and separate

into mouthfuls the food which he eats? Why, it is evident that it is not. If \$1,000 is sufficient compensation for the duties of the office, why do you take away, in the supposed case, the \$200 which the party received because he was disabled? It is in effect making a difference of \$200 in the compensation of two men discharging the same duties in the same grade. If the man is so disabled that he cannot discharge the duties of the office, he ought no longer to hold it; but while he holds the office we presume that the compensation is justly due for the services which he renders. I think this provision with regard to the Army, and in regard to the Navy, is a blemish upon the legislation of Congress. The question for the repeal of that is not before us. I am ready to go for its repeal; but I am not willing to extend the provision further, because I cannot see that it is otherwise than a wrong and an injustice.

Mr. ADAMS. Mr. President, I know that it is desirable to take the vote on the amendment, and I am not disposed to detain the Senate by any observations upon it. I merely wish to give notice, that when the vote is taken on the amendment of the Senator from Delaware I shall move to strike out of the amendment of the committee the words, "and every two years after the date of such affidavit he shall, before receiving any further payment, produce to said agent a similar affidavit." The effect of this will be to obviate the difficulty of requiring the pensioner to make new proof every two years, but will still leave the pension office at liberty to apply the test which is recommended. I shall then move to strike out the last clause, so as to leave the section less objectionable, to my mind, than it now stands; though I shall not vote for it as thus amended.

Among other reasons why I cannot vote for it is the fact, that the two surgeons are to be "approved by the Secretary of the Interior." How is it possible that the Secretary of the Interior can know what two surgeons in each neighborhood throughout the whole United States are competent to investigate this matter? How can he know anything about them?

Sir, I only wish to add, that whenever a proposition shall be brought forward here to authorize the Secretary of the Interior, if he has a well-founded belief that any frauds are being committed, to institute an inquiry, and suspend fraudulent pensions, I am willing to go for it, let it be introduced whenever it may. But, with all due respect to the Secretary of the Interior, I do believe that the amendment which has been submitted by the committee is not calculated, in its nature, to effect the object desired by him, of ferreting out frauds; but I believe it trammels, and trammels unnecessarily, the poor pensioners. It is said, by the Senator from Virginia, that it will be a matter of convenience, or at least very little inconvenience, for a pensioner to secure the certificates of two surgeons approved by the Secretary of the Interior. How approved—in advance, or subsequently?

Mr. HUNTER. According to the regulations of the Department.

Mr. ADAMS. I do not wish to leave it to the Secretary of the Interior to make regulations. If you will leave it to the Secretaries to make regulations, they may strike from the pensioners all their rights; and this, too, under the idea that they are doing what is correct and proper. I speak from past experience—not of this Secretary, but of all others. I am willing to go for any law to effect the object intended by the Secretary, but for this provision I cannot go. It will, however, be much less objectionable to me if it be amended in the manner I have suggested.

Mr. HUNTER. I suggest that Senators had better let us vote upon the amendments, and make the proposition as perfect as its friends can make it.

Mr. CASS. I am inclined very much to favor the suggestion of the Senator from Mississippi; and yet, if that does not prevail, I shall vote for the amendment of the Committee on Finance, when modified as the Senator from Virginia has suggested that he will agree to have it amended; that is, so as to provide for a single examination. I am willing to give full authority to the Secretary of the Interior to make the examinations as he pleases under the regulations to be prescribed by the Department. But, after all, it will be found that one practical difficulty (and it will occasion great differences among honest men) arises from

the very nature of things, and that is the difficulty of tracing an existing disability back to an injury received in service. I know that, practically and personally, and I presume the honorable chairman of the Committee on Pensions knows, that it is the case nine times out of ten.

Mr. JONES, of Iowa. Certainly it is.

Mr. CASS. I will ask the Secretary to read a letter which I have received on this subject this morning, for, like my honorable friend from Illinois, there is hardly a mail which does not bring me applications for pensions, particularly connected with the war of 1812. The faster the years pass over us, the more the difficulty increases to trace an existing disability to causes arising out of an injury received in the service. When the war is freshly terminated there is little difficulty on that point. The officers, and soldiers, and companions are living, who can testify; but when years have passed by there is very great difficulty in proving this. Like the honorable Senator from Illinois, these applications occupy a great part of my time. I have received one this morning, which places the matter in a strong point of view, and I have received with it papers containing certificates as to the character of the injury received by the applicant, and the perfect belief of those who signed it, that his present disability arises from wounds received in the service, and yet he cannot get a pension. I ask the Secretary to read the letter.

The Secretary read the letter, as follows:

FLAGPODS, WASHINGTON COUNTY,
EAST TENNESSEE, March 15, 1854. }

DEAR SIR: Having recently learned that you was in the Senate of the United States, and you being all the officer, to my knowledge, that is living, I wish to drop a few lines, in order to try to get some information as to my service, and also as to a wound I received in service.

I am one John Martin, who enlisted in the year 1812, under one Cornel, who was a recruiting officer under Captain William Odear, and on arriving at headquarters, was transferred to one Captain William Bradford, and then being transferred to Captain James Hunter, and in the spring of 1813 we marched for Fort Stevenson. On or about the 1st August, Captain James Hunter's company, and a small detachment under Lieutenant Antney, was besieged by the British and the Indians, and then and there, while fighting, I received a wound over my right eye by a splinter off of a picket, which wound I have never recovered, having lost my eye, and am not able to do anything towards making a living. General Harrison was in command of the army at that time, but not present.

Believing that you learned the particulars of that engagement from Major Crohm, who was in command in that fort at that time, inasmuch as you took the command of the army immediately after General Harrison's resignation; and my time being out in a short time after you took command of the army, and soon after the close of the war, I became a resident of Tennessee; so I am, and have been, so far separated from any person with whom I served. I have never been enabled to secure any testimony that would secure me my pension; and for the last twenty years I have been lingering with great pain and disability of body, and I appeal to you, as my last resort, believing that you would grant me any aid in your power, in securing me the money due me from the United States. I will inclose a petition to you that was prepared by the Hon. Mr. Campbell, from this congressional district, whose honorable life we have to deplore, who lost his life before he took his seat. You will please do me the kindness to study the case, and do the best you can, as this is my last resort. So I will close by saying I still remain, your friend, &c.,

JOHN MARTIN.

To the Hon. General Cass.

Mr. CASS. This affirms what I stated, that there is extreme difficulty in this matter. For my own part, I think the Pension Office, (with all the securities which can be furnished, and they ought to be very great,) if they can, should be very liberal in the examination of the evidence connected with claims so manifestly just.

Mr. PEITIT. I do not rise to detain the Senate by arguing this question. If I wanted to reargue it I should only have to present a new edition of the speeches of the Senator from California and the Senator from Illinois; but I wish to suggest to the chairman of the Committee on Finance the propriety of striking out the whole of this provision, and inserting in lieu of it a provision in substance the same as this:

"That whenever the Secretary of the Interior shall have cause to believe that any pension has been procured by fraud, he shall have full power to inquire into the same, by such means as he shall adopt, and after such inquiry and examination to suspend the payment of such pensions temporarily or finally."

I wish to provide, in short, that he may strike from the list any person whom he ascertains, after full examination by the surgeons whom he may appoint and send out, or otherwise, is not entitled to it. I propose to leave him full latitude to inquire into these frauds in such manner, and by

such means, as he shall adopt; and if he ascertains that a pension has been fraudulently procured, let him have the power to strike the pensioner from the roll. That he may do during the examination temporarily, and let him remove that temporary injunction if he finds that he was in error, and that the pension was properly granted, or let him finally strike from the roll any pensioner whose pension was fraudulently obtained.

While I am up, I will take occasion to say a few other words. I do not know by what right or what legitimacy of reasoning the last three provisions proposed by the committee have found their way into this deficiency bill. One provides for authenticating records and papers in the Department of the Interior; another for issuing and recording commissions under that Department. It is true it is not very important whether they should be here or elsewhere, but they certainly do not belong legitimately to a deficiency bill.

As to the last provision, the one under immediate consideration, allow me to say, I entirely agree with the Senator from Illinois, and the Senator from North Carolina; who have told you, that in the proportion in which you provide for affidavits, certificates, and formulae, you superinduce frauds; and that in the proportion that you require affidavits and swearing you increase the dangers, and multiply, in fact, the number of perjuries which are committed. You will not, therefore, in my judgment, with the increase of formulae, and certificates, and papers, and oaths, improve the morals of the country. But, sir, it is said that the two objects of this measure are—first, to relieve the Treasury from the onerous draft of paying pensions which have been fraudulently granted; and, secondly, to save the morals of the country.

While I grant it is possible this provision may have a tendency to prevent the first, it would, in my judgment, tend to diminish the latter; that is, it will increase immorality, perjury, and false certifying. I think that will necessarily follow on the adoption of this measure.

Sir, it will be the wily and artful who will be getting up these papers, and through sham pretenses be getting their pensions continued; while the really meritorious, honest, but poverty-stricken pensioners will shrink back from the continued and repeated gaze of the public, which you require before he can renew his certificate and renew his application on the bounty, or the generosity, or justice of his country for services rendered. I know that many a man, from the delicacy of his feelings, would rather suffer obscure poverty from being unable to work, in consequence of wounds which he had received in his country's defense, than continue to make this application in open gaze, year after year, as is provided for here; while he who would in the first place seek fraudulently to procure a pension would not hesitate to make the application.

There is another view of this matter: I am satisfied, that as you increase the difficulties of getting cases through the Departments the greater number will be thrown upon Congress. You require a man to travel perhaps the whole length of the State, from his residence to the pension agency, with his old pension certificate; he goes with the expectation that he will be paid as usual; but, on exhibiting it, he is told that there has been a new law, and that he must have a new certificate. What is he to do? He has to return home to his physicians again, go to the neighborhood of his residence, get certificates made out there, and return, and perhaps fearing that after all it will be a failure, he will abandon it, and give up his case. He will say, that if the doors are thus locked and barred to his country's justice and liberality, he will forego his application entirely. But it will not be so with the artful and the wily; their papers will be made out with the same ease and facility as their original applications for pensions.

Thus you will force upon the pensioners the necessity of making out their papers again, and they will be made out with the same difficulty, and will be attended with the same failures, which accompany original applications for pensions. It seems to me, from my experience, that there have been, I will say, five cases rejected where the claimants ought to have been pensioned to one fraudulent pension which has been settled upon the Treasury. The plainer and better a case is, the harder, it seems to be, to get it through the Department. Well, sir, failures will happen in

these cases; and hereafter, when this provision shall have been for a few years in operation, you will find that the Committees on Pensions of the two Houses of Congress will be overloaded with petitions praying that the petitioners may be admitted to their pensions, followed with innumerable affidavits showing that by some slip or other they were not able to comply with this regulation, but that their right to the pension still exists. You will be passing special laws for the cases which will be rejected under this provision. That will be precisely the result of it. You will, therefore, be multiplying the immorality, multiplying the difficulties of getting pension, and the chances of fraud, and multiplying immeasurably the business of the Pension Committees here.

But, sir, as to the details of this provision: I cannot see, with the honorable Senator from Virginia, how it is that these men are to be examined in any practicable way by physicians or surgeons, to be "approved;" that is, appointed or selected by the Secretary of the Interior. In many of the counties all over the country, you will find from one to a dozen pensioners, located in different sections in each county, living entirely in obscurity upon the little pittance which the Government gives them; living, perhaps, with some kind friend, some son or daughter, or nephew, or niece, and taken care of in that condition. You heap upon them the necessity of going to hunt up physicians, for the physicians are not to hunt them up. How is the Secretary of the Interior to select these physicians in every county? If you say he shall appoint only two in a State, then you compel the pensioners in the large States of the West to travel to the seat of government, or some other given locality, where the physicians are located, and you impose upon them a burden for which their pensions will not compensate them.

How, then, will the Secretary of the Interior appoint these physicians in each neighborhood? How will he know them? How long will they remain there? As you open new territory further West, as Nebraska and Kansas shall be opened to settlement, as I trust they will at an early day, our people will emigrate. A physician who may to-day be located in one county, and be authorized to give these certificates, may be found next year in a new locality. And the poor old pensioner will be thrown upon the mercy of his neighbors, and have none of the benefits of that provision which the Government designed for him.

The section, in my judgment, is every way wrong. It is, I will say without disrespect, as I think, badly drawn, to express even the object of the committee; but if it were drawn ever so well the substance of it would work badly from beginning to end. I shall, therefore, vote against the whole of it. I shall at least ask the Senate to give me the yeas and nays upon it, that we may see how we stand. But, in all frankness, I suggest the amendment which I propose as a substitute; I am willing that that shall be adopted. It will vest in the hands of the Secretary of the Interior ample power to inquire into all the fraudulent cases, and to strike them from the roll, either temporarily or entirely. This is the Senator from Virginia's main object—to purge this system from its frauds and wrongs. That I certainly will do as readily as he.

The amendment of Mr. BAYARD to the amendment of the committee was agreed to; and the question recurred on the amendment of the committee as amended.

Mr. ADAMS. I move further to amend the amendment, by striking out the words which I have suggested:

"And every two years after the date of such affidavit he shall, before receiving any further payment, produce to said agent a similar affidavit."

The amendment to the amendment was agreed to.

Mr. ADAMS. I now move to strike out the last proviso of the amendment, in these words:

"And provided further, That if any person entitled to an invalid pension shall be in the possession of a salaried civil office of the United States his pension shall be suspended during the time of his employment in said civil office."

Mr. HAMLIN. Before the proviso is stricken out I move to amend the clause by inserting after the words "salaried civil office of the United States" the words "exceeding \$1,200 per annum."

Mr. ADAMS. Will not that have to be voted

on as an original proposition? Mine is an amendment to an amendment.

Mr. HAMLIN. I think the question must be first put on the amendment which I have proposed, because if the whole clause shall be stricken out it cannot be afterwards amended; but if it is inserted it may be an inducement to the Senate not to strike out the clause as thus amended.

The PRESIDING OFFICER. (Mr. Foor in the chair.) The Chair is of opinion that the question must first be taken on the amendment of the Senator from Maine. The clause may be regarded as an independent section, and may be perfected before the question is taken on striking it out.* The Chair will entertain the proposition offered by the Senator from Maine, upon that ground. The question is upon agreeing to his amendment to the amendment.

Mr. HAMLIN's amendment was agreed to.

The PRESIDING OFFICER. The question is now on the amendment of the Senator from Mississippi, to strike out the last proviso of the amendment of the committee.

Mr. JONES, of Iowa. I desire to offer an amendment to that clause, so that the amendment shall apply to persons entitled to invalid pensions of more than twenty dollars a month. I do not wish to have it apply to those who receive small amounts from the Government.

Several SENATORS. We will strike out the whole clause.

Mr. JONES, of Iowa. If the whole clause can be stricken out I have no objection, for I am opposed to the whole provision; but if it is to be agreed to I wish to have it amended in that particular.

The amendment of Mr. JONES, of Iowa, to the amendment of the committee was agreed to, and the question recurred upon the amendment of the committee as amended.

Mr. MASON. I understood the chairman of the Committee on Finance to say, that he should ask only for an hour to-day for the consideration of this bill. He has now had an hour and a half. If it is understood that the Senate will go through with this bill to-day I will forbear making the motion which I rose to make, and which the Senate understand; but unless we can have that understanding I feel called upon to make the motion.

Mr. HUNTER. We will endeavor to get through. I am not authorized to pledge anybody, but I hope we shall get through with the bill to-day.

Mr. MASON. I move that the further consideration of this bill be postponed until to-morrow, in order that we may proceed to the consideration of Executive business.

Mr. HUNTER. I hope not. I hope we shall go on with this bill.

Mr. MASON called for the yeas and nays on his motion, and they were ordered.

Mr. HUNTER. I wish to suggest that we could perhaps save time and put forward the Executive business referred to if we go on with this bill to-day. We are now beginning to vote; and I think we can get through with it if we go on.

Mr. MASON. If the Senate determine not to postpone the measure with a view of going into Executive session I shall understand it to be the sense of the Senate (and I shall cheerfully acquiesce) that they will go through with this bill to-day, take what time it may.

Mr. SHIELDS. I agree with the chairman of the Committee on Finance that we should save time by going through with the bill now.

The question being taken by yeas and nays on the motion to postpone, resulted—yeas 18, nays 24; as follows:

YEAS—Messrs. Adams, Allen, Bayard, Bell, Brodhead, Butler, Clay, Evans, Fitzpatrick, Mason, Morton, Norris, Pratt, Rusk, Thompson of Kentucky, Wade, Weller, and Williams—18.

NAYS—Messrs. Atchison, Cass, Dodge of Wisconsin, Dodge of Iowa, Everett, Fessenden, Fish, Foot, Geyer, Gwin, Hamlin, Hunter, James, Jones of Iowa, Jones of Tennessee, Pearce, Pettit, Shields, Slidell, Stuart, Sumner, Thomson of New Jersey, Toucey, and Wright—24.

So the motion was not agreed to.

Mr. HAMLIN. I desire to move further to amend the amendment of the Committee on Finance by inserting, in lieu of the words which have been stricken out on motion by the Senator from Mississippi, "blank forms of which shall be furnished by the Commissioner of Pensions to the agents for paying pensions for the use of the pen-

sioners." The object of this is clear. The Department, I believe, always furnishes printed blank forms, to enable the pensioners to supply themselves with them, and this amendment will require the Department to furnish the forms for these certificates to the agents for paying pensions in the several States, in order that the pensioners may be supplied with them without additional expense.

The amendment to the amendment was agreed to.

Mr. PETTIT. I intend to offer a substitute for the entire section, but I move first to strike out the words "approved by the Secretary of the Interior," as applied to the physicians and surgeons who are to make these affidavits. The utter impracticability of any such measure seems to me to be at once apparent.

Mr. HUNTER. I hope those words will not be stricken out. To strike them out would emasculate the section, and entirely destroy one of its great objects. I thought that perhaps the Senator from Indiana might desire to substitute a provision that the physician should be approved by the pension agents in the several States, or by some other persons. If he desires that, I shall be willing to modify the amendment of the committee so as to secure this provision, which would enable us to have the proper persons to make the affidavits.

Mr. PETTIT. The section now reads:

"That before any payment shall hereafter be made to any invalid pensioner, whose name shall have been upon the pension list for two years, he shall produce to the agent for paying pensions to whom he shall apply for payment the affidavit of two surgeons or physicians."

It seems to me that that is a sufficient guarantee and security, without saying, "approved by the Secretary of the Interior." It will be an utter impracticability to carry out that latter provision.

Mr. HUNTER. Suppose it were to read, "approved by the pension agent." How would that satisfy the honorable Senator?

Mr. PETTIT. I should have to object to that. In my State there are three pension agents on the Ohio river. The State is three hundred miles long, and the late examination shows that above half of the pensioners live north of the middle of the State. Hence they would have to come an immense distance to the pension agent to approve of the physicians. It would annoy them to come here, or go there, or elsewhere. It seems to me that the certificate and the affidavit of two physicians will be sufficient.

Mr. HUNTER. My idea is, that the Secretary of the Interior will prescribe regulations which will secure the certificates to be given by proper persons. He will prescribe the regulations; and I would therefore prefer that the amendment should be in its present form. I would be willing, though, if that would accommodate and satisfy the Senator who proposes this, to agree that the pension agent should approve of them; but there must be authority on this point vested somewhere. Some reliable person must exercise some sort of supervision with regard to the men who are to certify as to the disability.

Mr. PETTIT. I ask the Senator how he understands this language? Must these physicians be named and approved beforehand, or will it do to have them approved by the pension agent or Secretary of the Interior, after they have made the affidavit?

Mr. HUNTER. I do not understand that they are to be approved beforehand; but they are to be approved according to some regulation. I have no doubt that the Secretary of the Interior will direct the pension agent to approve them upon some certain criterion, some certain evidence. The purpose of the amendment is to exclude the certificates of physicians who are incompetent.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment, to strike out the words "approved by the Secretary of the Interior."

Mr. JONES, of Iowa. The existing law requires that the surgeons who certify, in the first place, to put these men upon the pension roll, shall have their character as surgeons certified to the Department before the pension can be obtained. That is the law now.

Mr. HUNTER. Then why object to it now? Mr. JONES, of Iowa. A certificate must be given as to their character as surgeons by a mem-

ber of Congress, or a judge of a court of record. That certificate is necessary before the pension can be obtained.

Mr. PETTIT. Let the amendment say "two reputable surgeons."

Mr. JONES, of Iowa. That is the law now.

Mr. PRATT. I suggest to the Senator from Indiana, that possibly his view, as well as that of the Senator from Virginia, may be met by substituting in the clause which he proposes to strike out, for the words "approved by" the words "satisfactory to;" so that that part of the amendment will read "the affidavit of two surgeons or physicians satisfactory to the Secretary of the Interior." That will necessarily imply that the satisfaction is to be subsequent to the affidavits.

Mr. PETTIT. I have no objection to that.

The PRESIDING OFFICER. The question is on the amendment to the amendment, to strike out the words "approved by the Secretary of the Interior."

Mr. PETTIT. I accept the modification suggested by the Senator from Maryland.

The PRESIDING OFFICER. The question then is on the amendment as modified to the amendment of the committee, to strike out "approved by" and insert "satisfactory to."

Mr. BAYARD. The object of the amendment of the committee is to prevent fraud; and I do not see that the provision will be materially altered by the amendment suggested by the Senator from Maryland; nor do I see that there is any practical difficulty in the use of the words "approved by the Secretary of the Interior," because unquestionably we must leave some discretion in the performance of their duty to the Executive officers in regard to this approval; but I suppose they will perform it in a manner which will be according to the law, and so as to carry out its object. The object of the amendment is to prevent fraud. It is to give to the Government a check upon the selection of those surgeons whose selection by the parties, without any checking power on the part of the Government, would be liable to lead to fraud; because the Government would have no means of knowing as to whether they were competent to examine or not, or whether their certificates were worth anything or not. I do not say that we can prevent fraud altogether, even if you do have them approved by the Secretary of the Interior; but at all events, by having them so approved, the Government will have a check upon frauds arising from the selection by the individual option or caprice of an individual, who might design to defraud, and who might otherwise obtain persons to certify, as surgeons or physicians, who were not really entitled to the name. If you strike out that clause of the section, in my judgment you render it perfectly useless.

The PRESIDING OFFICER put the question; and declared that it appeared to be carried in the affirmative.

Mr. BAYARD. I call for the yeas and nays upon it.

Mr. HUNTER. I understand the honorable Senator from Indiana to accept the modification suggested by the Senator from Maryland?

Mr. PETTIT. Yes, sir.

Mr. HUNTER. We agree to that. We do not ask the yeas and nays upon it.

The PRESIDING OFFICER. Does the Senator from Delaware insist upon the call for the yeas and nays?

Mr. BAYARD. No, sir.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment reported by the Committee on Finance, as amended.

Mr. PETTIT. If it is in order, I now propose to move a new section in lieu of that amendment, to strike out the whole of it, and insert a new section.

The PRESIDING OFFICER. That is now in order, if there be no further amendment proposed to perfect the section as reported from the committee.

Mr. PETTIT. I move, then, to strike out the whole of the amendment of the committee, as amended, and insert the following:

That whenever the Secretary of the Interior shall have cause to believe that any pension has been procured by fraud, he shall have full power to inquire into the same by such means as he shall adopt, and after such inquiry and

examination, to suspend the payment of such pension temporarily or finally.

Mr. HUNTER. Personally that would be acceptable to me; but I am afraid that if it is introduced it will lead to the debate over again. I think we had better vote the amendment in or out, as the majority may decide.

Mr. PETTIT. I have no desire to debate it.

Mr. HUNTER. I find there are persons friendly to the section prepared by the Department who are not willing to sanction that proposed by the Senator from Indiana. For myself, I would have no objection to it; but I am not willing to prolong the debate further. I think we had better vote the amendment of the committee in or out, as may suit the majority of the committee.

Mr. RUSK. I suggest, also, to the Senator from Indiana I believe the amendment of the committee ought to be rejected. I am willing to vote to detect fraud, but I am not willing to subject the pensioners to the inconvenience which is proposed to be prescribed by our action here. The section is not properly matured in this respect by the committee. But it is now a matter of accommodation; and I suggest to the Senator from Indiana not to press his amendment, but let us vote down the amendment of the committee. The subject should be considered carefully before we adopt such a regulation as is proposed.

Mr. PETTIT. If we can reject the whole provision I shall be glad of it.

Mr. RUSK. I desire to see it rejected.

Mr. PETTIT. I withdraw my amendment.

Mr. RUSK. I am willing to vote for any proper, well-matured plan to detect fraud.

Mr. PETTIT. I withdraw my proposed insertion; and shall vote against the amendment of the committee.

Mr. HUNTER. Let us vote on the section which the committee propose.

Mr. PETTIT called for the yeas and nays on the amendment, and they were ordered.

Mr. JONES, of Iowa. If the section which the committee propose as an amendment is agreed to can I then move an amendment to it?

The PRESIDING OFFICER. No, sir; after an amendment has been agreed to, it cannot be amended.

Mr. JONES. Then I have an amendment to it which I shall propose now. It is to insert in the amendment, after the words "that before any payment shall hereafter be made to any invalid pensioner," the words, "whose pension exceeds eight dollars per month," and that will make it read:

"That before any payment shall hereafter be made to any invalid pensioner whose pension exceeds eight dollars per month, and whose name shall have been upon the pension list two years, he shall produce to the agent for paying pensions, to whom he shall apply for payment, the affidavit of two surgeons or physicians," &c.

So as not to have it apply to the poor soldiers, whose pay never exceeds eight dollars, and who generally do not get more than four dollars a month. This provision would put them to an unnecessary expense. They do not get more than ninety-six dollars a year, at the very highest; and I want to except them from the onerous provision of this section. Let it apply to the larger class of pensioners, and not to those who get less than eight dollars a month.

Mr. HUNTER. Suppose it is proved that the disability of those who receive less than eight dollars a month has ceased; ought they to be entitled still?

Mr. JONES, of Iowa. I do not want an examination gone into in regard to them. The amount which they receive is little enough for the services which they have performed and the injuries sustained.

Mr. HUNTER. If we adopt that it will destroy the amendment of the committee.

Mr. SHIELDS. I think the honorable Senator from Iowa is right in proposing this; but at the same time I think it will be much better to reject the whole section, and let the Committee on Pensions mature a plan which will be satisfactory.

Mr. PETTIT. Let us reject the whole section proposed by the Committee on Finance.

Mr. BAYARD. I can see no reason why the amendment to the amendment should be agreed to. The object of the provision reported by the committee is, as I presume, to prevent fraud. A fraud in a small sum ought to be detected and

exposed, if you look to the question of public morals, as much as a fraud in a large sum. Nay, I am satisfied that the effect upon public morals more requires that you should investigate cases of that kind than cases where the amounts may be larger. The latter cases are more apt to be brought to the public notice and prevented than minor cases, so that the smaller cases may have a more deleterious effect on the morals of the community than the larger ones. I put this not only on the ground of public money, as a saving to the Government, but upon that of the public morals. The object is to prevent fraud; and that being so, there is no reason why a fraud in obtaining a pension of eight dollars, or four dollars, or one dollar a month should not just as much be exposed as any case of fraud in obtaining one of \$500 a month. I am therefore opposed to the proposition of the Senator from Iowa. I think it goes completely to destroy the whole object and intent of the section reported from the committee.

Mr. TOUCEY. I am in favor of the amendment reported from the committee as it has been amended. It is substantially to require one examination in order to ascertain whether the invalid pensioners now on the pension roll are entitled to the pensions. That is the substance of the provision. The objection which is made to it is, that it is requiring too much to ask that there shall be an examination before two surgeons, under the direction of the Secretary of the Interior, in order to ascertain whether the disability ever existed, whether it now continues, and if it does not continue to stop the pension. Now, it is perfectly well known that there are frauds committed to a very great extent. In some mode those frauds ought to be detected and exposed. I can conceive of no more direct and efficient investigation than that which requires that the pensioner shall appear before two respectable surgeons, and be personally examined; and when that is done, and the report is made, the whole object of this provision is accomplished. It is a measure that is called for by the Department. No substitute is proposed for it; but we are called upon to vote down this simple and direct application as it is, for proof—

Mr. SHIELDS. Will the Senator permit me to say, that we want the Committee on Pensions, which is the proper committee to consider such subjects, to mature a provision on this matter and bring it forward. This is not in its proper place, anyhow, in this bill.

Mr. TOUCEY. Well, it may not be in its proper place. I can only say, sir, that, in looking back into the legislation of the country, the most effective provisions are those that have been introduced in this manner—those which cut up frauds by the roots—those which restrain the officers of this Government within the limits of law. This amendment of the committee is presented here. It is not out of order; and, for one, I cannot vote against giving the Department the power to examine into this matter in the simple mode which is proposed. It is said that it will be vexatious. I agree that as the amendment was originally presented I had an objection to it. I did not approve of the provision to require a repetition of the process of examination and certifying every two years. But that is stricken out; and as the amendment now stands it provides for but a single report. The opportunity being presented to me, I shall vote for it, upon the principle that I will in every case vote for a reform of what I know to be existing evils.

Mr. STUART. I desire to make a single remark in reply to the Senator from Illinois, [Mr. SHIELDS.] If the Committee on Pensions of the Senate will get up a separate bill, and embody in it the principle of this amendment, the chances are not one in fifty that it can be passed in the other House in two years. The reason is, simply, that such a bill, when sent to the House of Representatives, is referred to the Committee of the Whole on the state of the Union, and whoever has looked into the legislation of this Government for the last few years will find that whenever a measure, new and useful in its character, has been carried through at all, it has been put upon an appropriation bill, which, by the rules of the House, can be reached at any time.

Mr. SHIELDS. I will say, that when the Army bill comes in, this provision, having been in the mean time matured, may be attached to it, and there it may be properly placed, but not on this

bill. It ought to belong to that bill any how; and I think by the time it reaches us we can arrange the provision so that it will accomplish the object we have in view.

The amendment offered by Mr. JONES, of Iowa, to the amendment was rejected.

The question recurring on agreeing to the amendment reported from the committee, as amended, was taken by yeas and nays; and resulted—yeas 22, nays 20; as follows:

YEAS—Messrs. Allen, Atchison, Bayard, Brodhead, Butler, Clay, Clayton, Evans, Fessenden, Fitzpatrick, Foot, Gwin, Hamlin, Hunter, Mason, Norris, Pearce, Pratt, Slidell, Stuart, Toucey, and Williams—22.

NAYS—Messrs. Adams, Badger, Brown, Dodge of Wisconsin, Dodge of Iowa, Everett, Fish, Geyer, James, Jones of Iowa, Jones of Tennessee, Morton, Pettit, Rusk, Shields, Thompson of Kentucky, Thomson of New Jersey, Wade, Weller, and Wright—20.

So it was agreed to.

Mr. HUNTER. The Committee on Finance have instructed me to offer the following amendment: To insert among the appropriations for the Interior Department, after the one hundred and forty-sixth line, the words:

For contingent expenses in the office of the Commissioner of Pensions for stationery, \$1,000.
For binding books, \$1,000.
For office furniture, \$1,000.
For printing and engraving bounty land certificates, \$1,500.
For miscellaneous items, \$1,500.

The amendment was agreed to.

Mr. HUNTER. The Committee on Finance have also instructed me to offer another amendment, to which I beg leave to call the attention of the Senator from Maryland, [Mr. PEARCE.] It is to strike out of the bill the following:

"For paying pensions of invalids who were wounded on board of private armed vessels during the last war with Great Britain, from July 1, 1851, to June 30, 1854, \$8,400."

And insert:

For payment of pensions of invalids who were wounded on board of private armed vessels during the last war with Great Britain, up to January 1, 1853; and to reimburse the pension agents such sums as have been advanced by them for that purpose, \$2,662 20.

Mr. PEARCE. I will explain to the Senate briefly the object of the amendment. Privateer pensions were paid out of the privateer pension fund. That fund was created under acts passed in 1812 and 1813, which required two per cent. upon the sales of the prizes, and upon the salvage of the recaptures, to be appropriated to the purpose of a privateer pension fund. In 1814 an act was passed granting pensions to invalids and to the widows and orphans slain on board of privateers. These pensions continued to be paid, with some little modifications occasionally, down to near the year 1844. At that time the fund was exhausted.

The acts granting these pensions required that they should be paid out of this fund, and from no other source. That was the language of one act. Another act expressly provided that they should not be a charge upon the Treasury of the United States. In 1844, however, it was discovered that the fund was exhausted; and at that time a Senator from Maine, [Mr. George Evans,] who was then a member of this body, and chairman of the Committee on Finance, introduced an amendment to an appropriation bill, by which the Senate, at one dash, appropriated \$18,000 for the payment of these privateer pensions out of the Treasury of the United States, contrary to the spirit and express provision of the acts granting the pensions.

Subsequently to 1850, Congress refused to pay these pensions out of the Treasury. There was, however, some little balance left in the hands of the agents, and it so happens that some of the pensioners have been paid up to the 1st of January, 1853, the agents not being aware of the refusal of Congress to make further appropriations. Some of the pensioners have been paid up to the 1st of January, 1853, but others have not been. We thought it was well to put all on a footing, and to make an appropriation which would be sufficient to pay all these privateer pensions up to the 1st of January, 1853, but not to continue the system of paying them out of the Treasury. It seemed, indeed, to be the duty of the Committee on Finance, whose business it is to recommend appropriations to carry out existing laws, not to recommend appropriations which were not necessary to carry out those laws, but which were in fact contrary to the provisions of the existing laws.

We propose, therefore, to make an appropri-

tion of the sum mentioned in the amendment, which will equalize the condition of all these privateer pensioners. Those who have not received pensions up to January, 1853, will, if this amendment be adopted, receive them, and be put upon the same footing as the others. But it is not recommended to the Senate to continue the payment of these pensions out of the Treasury. It is for the Senate to say whether they will reverse the intention of Congress as declared in the acts of 1814 and 1818, and other acts, and pay the pensions out of the Treasury.

Mr. PRATT. Mr. President, many of the constituents of my colleague and myself are interested in the amendment now before the Senate; I feel it, therefore, to be my duty to say a word in regard to it. The principle to be decided by the Senate in the adoption or rejection of this amendment has been correctly stated by my colleague. It is whether the pensions of this character shall be exclusively applied to those in the regular service of the country, or whether they ought to be applied to those who were engaged in the privateer service during the last war with Great Britain? That is the broad question, and I want it to be met.

By the act to which my colleague has referred, Congress did at one time recognize the propriety of paying them as other pensioners, and for that purpose appropriated the sum of \$18,000 beyond the fund which was derived from their own captures, and which my colleague has said was exhausted, and to which the original pension law in regard to them applied. Now, sir, for myself, if we are to allow pensions to sailors who fought on board of our men-of-war, I cannot see why those who fought on board of private armed vessels should not also receive pensions when they are entitled to them for the same gallant services, and when they were recognized by the country at the time they rendered them as in the service of the country. We all know that letters of marque were issued to the privateers, by which their authority to go abroad and fight the enemies of the country was recognized by law; and they fought as gallantly as any part of those who were engaged in the war. No man can doubt that they did as much injury to the enemy, and rendered as much service to our country, as the regular Navy did during the war of 1812. I do not see, then, why they are not equally entitled to receive pensions as the regular sailors in the war of 1812. I therefore prefer the clause as it stands in the bill, because it appropriates a larger amount.

Mr. HAMLIN. Mr. President, I can very well give my vote on the issue which my friend from Maryland, who last spoke [Mr. PRATT] has raised; and upon the case, as he has presented it to the Senate, I am very willing to vote with him. But, if I understand this matter correctly, I think my friend has not placed the issue precisely on the strongest point. In other words, I think both he and his distinguished colleague [Mr. PEARCE] labor under an error in this matter. They certainly are in error, or I am; and if I am in error I desire to be corrected. If I understand the original law, it provided that a fund should be created from the proceeds of the prizes captured by the privateers, out of which certain pensions were to be paid. Now, it is asserted here that that fund has been all consumed. I do not so understand. I assert, on the contrary, that the pensions paid at the Department in no year have equalled the interest of that fund.

Mr. PEARCE. If the Senator will allow me I will state the authority.

Mr. HAMLIN. Certainly.

Mr. PEARCE. I remember very well the appropriation which was made in 1844, for I was then a member of this body. Certainly it would not have been necessary to make an appropriation out of the Treasury for the payment of these pensions if there had been a sufficient amount to the credit of the privateer pension fund. But here is the authority. It is a letter from the Commissioner of Pensions, in which, among other things, he says:

"The act of June 5, 1844, appropriates \$18,000 for the payment of invalid pensioners heretofore paid from the privateer pension fund, their pensions to commence from the time they were stopped in consequence of the exhaustion of such fund."

Then he says:

"By reference to the accounts of the receipts and expenditures of the United States, for the fiscal year ending the

30th of June, 1844, it will be seen that the privateer pension fund was then reduced to a balance of \$74 07. This date, therefore, may be assumed as that of the exhaustion of the fund."

I think the only error of the statement is, that the fund was exhausted a little sooner, because we appropriated at that very session \$18,000 to pay these pensions, and there must have been a considerable amount of arrearages to require that sum.

While I am up, I will merely add, if the Senator will allow me, that the amount is small. I think the number of privateer pensions at this time is only about nineteen, and the amount of pensions which they receive is very small, perhaps something less than \$2,000 or \$3,000 a year. But if Congress adopt the policy of paying these pensions out of the Treasury, it can scarcely be doubted that new applications for pensions will be filed, and that seems, at all events, to be anticipated by the head of the Bureau.

Mr. HAMLIN. I do not now understand the Senator from Maryland as meeting the statement which I made. It is this, and I think I am justified in it by the facts of the case: that the disbursements will show that they were in no year equal to the interest upon the principal amount of this fund. My friend from Maryland has not shown, and the statement which he holds in his hand cannot show, and does not show, the manner in which this fund was lost. Was it loaned by the Government? Has the Government failed to secure those loans? Has the fund been improperly diverted from the purposes for which it was originally intended? So far as I am concerned I care not what became of that fund; but if the Government has not annually paid an amount equal to the interest of it; if it has lost it by loaning it; or if Congress has appropriated it to another and a different purpose than that provided for in the original law; in either case Congress is bound to make it good. That is the position which I assume, and I think the statement which the Senator from Maryland makes fails fully to answer the position which I assumed. It is: that the fund originally created by this prize money was to be appropriated to pay certain pensions, and the Government has never paid annually the amount it was thus obliged to pay, because the interest was to be applied to this object.

A few years ago I had a critical knowledge of this matter, but it has escaped me at this time; and inasmuch as the Committee on Finance reported this bill originally, without recommending the striking out of this clause, I did not make that investigation into it which I otherwise should have done. If they had at first reported the bill, with the recommendation to strike out this clause, I should have endeavored to have before me full and accurate information, and I think it would sustain me in the position which I take. But they did not do so, and now we are met with this amendment, I must confess, somewhat to my surprise.

I am willing to vote for this clause as it came from the House, for the reason which has been so well stated by the Senator from Maryland, [Mr. PRATT.] The services which these men rendered to their country, I think, were ample and adequate to entitle them to pensions, if they were injured in that service. But I think, above and beyond all that, there is an obligation resting upon us which demands that we shall continue these pensions until we can see, in figures, precisely the way in which the fund has been distributed; because if it were a fund taken from what belonged to those captors at a certain period of time, and, under a provision of law, that it was to constitute a fund out of which the interest was to be paid to these invalids, then, if we have disbursed it in any way, we have treated these individuals differently from what was the actual agreement under the provision of law. In either of these views, I think the bill, in this respect, should stand precisely as it came from the House.

Mr. PEARCE. Mr. President, we have no knowledge of any waste of this fund by the Government. I never heard of its being invested in any funds which have been lost. It has been exhausted just as other funds have been exhausted.

Mr. HAMLIN. How exhausted?

Mr. PEARCE. I suppose the Senator imagines that the original law provided that only the interest of the fund should be applied to the pay-

ment of the pensions. If that is what he means he is mistaken. I have the law before me. It provides: "The moneys arising therefrom"—that is, two per cent. of the salvage or recaptures, and of the prizes for captures—"shall be held, and hereby is pledged by the Government of the United States, as a fund for the support and maintenance of the widows and orphans of such persons as may be slain; and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States," &c. That is, the whole fund was pledged, and not merely the interest. I have no doubt that the interest was not sufficient to pay the pensions, but that they were paid out of the principal. Unquestionably the fund could not have been exhausted except in that way. We know very well that the Navy pension fund was exhausted in that way, and so was the privateer pension fund. If the Government is responsible for the consumption of the fund by the use of it in paying pensions which were granted under the law, it is one thing; but there is no evidence, and I do not believe any evidence can be produced to show that there has been a loss of the fund by bad investments, or a wasting of it by any improper use. I think it has been consumed by its use, by the application of it to the purposes for which it was pledged. I do not mean to contest this matter at all. I leave it to the sense of the Senate to say whether it is proper that these pensions should be paid out of the Treasury or not; but I wish it to be understood that the Committee on Finance have made this recommendation in pursuance of their duty, which is to recommend appropriations according to existing laws.

Mr. HAMLIN. I did not understand that the original law provided that no more than the interest should be paid; but what I stated was this, that the facts at the Department would show that a sum not equal to the interest had been paid, and if that be true, I want to know where the original fund is?

Mr. PEARCE. I think the reverse will be shown by reference to the documents.

Mr. BAYARD. Mr. President, if it can be established that the Government has moneys in its hands belonging to the privateer pension fund which it ought justly to pay, I have no doubt the amendment of the Committee on Finance ought to be rejected. Whatever we are properly responsible for to that fund ought to be distributed for the payment of these pensions. I cannot, however, bring myself to support the opinions or the doctrines asserted by my honorable friend from Maryland [Mr. PRATT] in reference to the privateer system. I do not mean to deny that, during our last war with Great Britain there were gallant actions performed by privateers; but I think the general sentiment of the country is against it, and I should certainly hesitate to place the privateers of the country on a footing with the regular forces of the country, as it regards either the honor or character of the nation, or the luster which was thrown upon that character by the deeds of our seamen. Sir, the principle of privateering is founded in public plunder and private plunder. It is a false principle as applied to a commercial nation, such as the United States. It is a false principle tested by the rules of humanity. It is one which our Government has repeatedly struggled to get abolished by the insertion of such provisions in our treaties with other nations as would prevent it in future wars.

What is the principle, what is the object of privateering, but to take out of the hands of Government the conduct of the war, and to give to individuals, who choose to fit out privateers for mere greedy gain, the right to war on their fellow-men, for private purposes and private plunder alone? That is the only basis on which the system of privateering stands. I think, if you take the general opinion of educated men in reference to the policy of nations who desire to avert the horrors of war, you will find that they will demand that the system of private war should be altogether abandoned. Most certainly in a highly commercial nation, such as the American nation is, it is a practice which ought not to be countenanced. There is no gentleman here who does not know that no war has ever yet occurred in which privateering has been extensively carried on that has not ended in piracy.

Sir, a line of discrimination between the two is very slight. The man who, under private authority from the Government, goes out for the purpose of plundering, for private benefit, the individual property of individual citizens of the enemy, will hardly, in the result, produce a more moral effect than the man who goes out for the purpose of private plunder, without the authority of the Government. My own convictions on this subject are so strong, and I am so strongly satisfied as to the impropriety of the system of privateering, as connected with any principle of humanity, and of the impolicy of a commercial nation like the United States recognizing the right of private war during the existence of public hostilities, that I shall never vote for placing those who have gone into the privateering system upon the same footing with those who have enlisted in the regular service.

Again, there is another objection to the system of privateering. During the war, individuals, under the hope of gain, fit out privateers, and they give an exorbitant amount to the seamen whom they thus engage; they thus prevent the regular Navy from being furnished with seamen, and cripple the Government in the prosecution of a public war while that system obtains.

I have seen recently, I think in the papers of to-day, that a proposition has been presented to the Parliament of Great Britain, that Great Britain and France shall declare privateering to be piracy under the laws of nations, and that they shall hang any seamen or officers caught on board a Russian privateer in the event of a war with Russia.

Sir, that is advancing the laws of nations in rather a summary manner; I believe without any previous treaty. It certainly is changing them; but it is a change which I consider desirable, and which I am sure the policy of this country, the laws of humanity and general morals require, in reference to future wars; though I admit the change must be made by treaty or by the common consent of nations. Everything tending to discountenance the system of privateering will always meet my approbation, and I shall always endeavor to sustain any principle which will have that effect. I cannot, therefore, consent, no matter how gallant may have been the men who fought on board privateers, to place them on the same footing with the officers in your regular Navy, engaged in the public service of the country, and performing that service with a view to the honor and character of the country. I cannot put them in the same condition with those who were in the employment of private individuals, whose great object was private plunder from the citizens of the public enemy, with a view to their own gain. There is an essential difference in the two modes of carrying on war. My opposition to the principle of privateering is so strong, and my conviction of the impolicy of a great commercial nation recognizing the principle in any mode is so strong, that I cannot bring myself to vote for any provision which shall tend to sanction it.

Entertaining these views as to the whole system, believing that it would be wise for this Government if it could by treaty, or by the common consent of nations, to abandon it completely, for all future time, I am unwilling to recognize the propriety of the system even in past time beyond the legal liabilities of the Government in reference to it. I admit, that if there are legal liabilities arising from a fund which has come into the possession of the Government to be administered, under previous legislation, to that extent we are bound to go, but beyond it I am unwilling to go.

Mr. PRATT. I certainly do not feel disposed to discuss the abstract question of morality or right which my friend from Delaware has discussed before the Senate. It is a question which this Government has already settled. It is not an original question. We are not to decide upon the policy of employing such persons in the service of the Government; but it is a question which is settled by the Government itself, in the declaration of war in 1812. Allow me, sir, to read that declaration:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That war be, and the same is hereby, declared to exist between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their Territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same

into effect, and to issue to private armed vessels of the United States commissions, or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of the said Kingdom of Great Britain and Ireland, and the subjects thereof.

Approved, June 18, 1812."

Of course my honorable friend cannot deny that this law was passed; but I apprehend it takes from his argument the only ground on which it rests. That ground was the immorality and impolicy of employing these persons. Now, I show that the parties who ask for the continuance of these pensions are not persons asking to be employed, but persons who were employed, and to whom commissions were issued under the act declaring war with Great Britain, who were authorized to go upon the high seas, under the broad seal of the United States, for the purpose of making captures; and, therefore, we now have nothing to do either with the policy or morality of their original employment. They were employed by our predecessors, and the question now is, having been so employed, whether they are not entitled to receive the same pay as others who fought the common enemy?

Mr. President, what is the result of that employment? I understand that the effect of the employment of private armed vessels under this authority was this: Two per cent. of the amount captured by the privateers was set apart for the purpose of paying pensions to the widows of those who might be killed in battle, and for the support of those who might be wounded. There was, besides this, paid into the Treasury, (as I am informed upon the statement of a gentleman known personally to the honorable Senator from Massachusetts, [Mr. EVERETT,] and in regard to whose character, and the correctness of the statement that Senator will vouch,) the sum of \$3,000,000 derived by the gallant conduct of these men, the survivors of whom now come here and ask for this pittance. You have received, and not appropriated to any particular purpose, but for the general emolument of the Government, from the portion of the prizes which went under the general law to the Government of the United States, the sum of \$3,000,000. That amount has gone into your Treasury, and you have used it for the common purposes of the country.

I understand, further, that of this two per cent. the original amount placed in the Treasury was \$213,513, and that in 1820, some six years after the war, there remained in the Treasury unexpended \$197,134 of the two per centum.

My distinguished colleague [Mr. PEARCE] has stated to the Senate, upon the authority to which he has referred, that the fund has been exhausted. How has it been exhausted? Bear in mind that this Government not only received the two per centum, but also received \$3,000,000 for its proportion of the prize money; and it has appropriated these \$213,513 by paying the pensions annually, and charging the payments to the principal of the fund, when the Government has perhaps loaned out the money, as it did at one time, by buying bonds for certain purposes in the States, which I understand was the fact. But if that is not so, we all know that, since the war, the Government has had occasion to use, and has used, all the money in the Treasury. Then, I say, the Government has used this fund, and should at least have given these pensioners credit for the interest upon the sum used. Now I undertake to say that if an interest account be stated by which we give these pensioners of 1814 credit for \$213,513, which in 1820 amounted to \$197,134, and if you charge them with all the pensions which have been paid since 1820, and give them credit for the interest on the principal of the fund, you will find that the Government is largely indebted to them. Then, I ask, in equity and justice, whether they ought not to be paid?

I do not desire to discuss, though I think, if we were now about to enter upon a war, it would be very well worthy of discussion, whether it would be politic and humane on our part to employ this arm of defense in the service of the country. That might be a question then, but it is not a question for discussion here and now. We, under the act declaring war with Great Britain, invited them to come. We told them that we would issue to them commissions of the Government. Those commissions were issued, and the individuals were engaged in the regular service of the country. Their

prizes were divided, as were the prizes of the Navy, between the officers and seamen who took the prizes on the one hand, and the Government on the other, the Government receiving \$3,000,000 from them.

Mr. BAYARD. I do not consider the question simply an abstract one. I admit that the Government, during the last war with Great Britain, authorized privateers. No one doubts that commissions were issued to privateersmen; and I said expressly that, to the extent of the agreement of the Government with these private plunderers, I was willing to be bound. The Government sanctioned then what I consider to be contrary to the laws of humanity—what it has repeatedly tried to get rid of since by its treaties with other nations. To the extent to which our engagements go, I am willing to go; but I am not willing to step one particle beyond that to sanction what is called the gallant conduct of those men who were engaged in privateering. Sir, I admit that there were individual exceptions of gallantry on the part of our privateers; and probably those who were the most gallant were the ones who poured least money into the Treasury. But I am unable to appreciate the gallantry of a man, who, in the command of a privateer, shuns the enemy's frigate or sloop-of-war, which is their general rule, and will plunder a merchant vessel of the private property of the individual citizens of a foreign enemy, where there is no chance of resistance, and no possibility of danger. I have no faith in the feeling or the spirit in general—I admit there are exceptions—of those who embark on board privateers. I think the line where that differs from common plundering on the ocean, is, that the one is a legal system of piracy, and the other is illegal, and the party is liable to be hung as a pirate, in case he is taken. I cannot draw any other distinction between them. The motive is gain in both cases; mere private plunder. The object of the privateer is always to avoid a contest with an equal force, or any force, unless he can obtain plunder, and will run the risk of hazard in obtaining it. If they can plunder private merchantmen without any resistance, that is always their object.

The system is demoralizing to the commander of the vessel; it is demoralizing to the owner of the vessel. I protest against such a system, though it was formerly adopted, as were many other things in the laws and practices of nations, which have since been abandoned. I admit that it was adopted in 1812, and I am perfectly willing to carry out the obligations which the Government has assumed; but my remarks were to show that I did not mean to go beyond that.

Now, what were the obligations which the Government assumed towards them in 1812? They were, that a certain fund, which these persons themselves created, should be held by the Government, and distributed for the purpose of paying them pensions. Did Congress put them on a footing with the Navy? No, sir; the provision as to the Navy was, that they should be paid out of the Treasury generally; but the provision as to privateers was that they should be paid out of a particular fund, and out of no other fund. That is the extent of our engagements, and that fund, too, was to be created by themselves. If you will show me, not on loose calculations here, but by obtaining the requisite information from the Department, that the Government has still that fund in its possession, and has misused it, I am willing to replace it, and pay the pensions out of the Treasury, so far as that misuse goes; but I am not willing now, with my views of the system of privateering, to go one iota beyond the strict engagements of the Government to these privateersmen at the time war was declared.

Mr. HUNTER. I hope we shall have a vote upon this amendment. There are several others yet to be offered by the Committee on Finance. The question has been discussed *pro* and *con*, and I hope we shall have a vote upon this amendment.

Mr. HAMLIN. I hope we may have a vote; but still, as this amendment has come upon us with so much surprise, I hope the chairman of the committee will not press us to a vote while there is anything to be said in favor of retaining the clause in the bill as it came from the House.

Mr. HUNTER. I will suggest to the Senator that it ought not to be a matter of surprise; be-

cause we recommended that this provision should be stricken out of the invalid pension bill, and the Senate did strike it out, and now it has come back to us in the deficiency bill.

Mr. HAMLIN. It is here in the deficiency bill; and the Senate Committee on Finance reported the bill originally, without recommending that it should be struck out. I do not, however, design to take up the time of the Senate, but I wish to add a word in relation to what has been said by the Senator from Maryland, [Mr. PRATT.] I think that what he has said is a perfect corroboration of what I have before asserted, that the amount of pensions paid from the two per cent. fund, has never equaled the interest upon that fund at six per cent. per annum, and I do not understand any gentleman of the Committee on Finance to contradict that statement. The amount of captures must have exceeded \$11,000,000, to yield a two per centum of \$215,000. Now, I think I am right when I say that no instance can be found in the history of a Government, where a fund has been intrusted to its charge, and where it has assumed the character of a trustee, in which it has appropriated the original fund as trustee, without making any account of the interest. How is it with the Smithsonian Institution? In that instance, the Government loaned the fund, and lost part of it, and made it good by a direct appropriation. I think the distinguished Senator from Maryland, [Mr. PEARCE,] who proposes this amendment, would be the last Senator in this body to allow any diversion of that fund from its legitimate and appropriate object. If it had been lost by loan on the part of the Government he would be the first to require that it should be replaced. Certainly I assume upon this question precisely the position which that Senator would assume upon that—that the fund having been originally created by the reservation of two per cent., those who are entitled to it are entitled to the interest of that fund, and not to the principal. When I assert the fact, and when it is not contradicted by any Senator here, that the interest upon the two per cent. fund has never been exhausted, and that amount has never been annually paid, there is sheer justice, and nothing but sheer justice, in paying to this class of individuals those pensions, without regard to the other question, as to whether they are entitled to them for the services which they rendered to the country.

Mr. HUNTER. Does the Senator from Maine say that no Senator disputes the assertion that the fund has never been exhausted?

Mr. HAMLIN. I understand no Senator to deny this: that the fund originally amounted to over \$200,000, and that the amount paid from the Department in any year has never equaled six per centum on that fund. That was what I stated.

Mr. HUNTER. There are papers in the possession of the Senator from Maryland showing that the fund has been exhausted.

Mr. HAMLIN. Not at all, sir; not at all. Those papers show that the amount has been taken out of the fund without allowing interest. An account current stated here this day, with proper debits and credits, with interest on the two per centum fund, would show, I think, that the Government is very greatly indebted to these pensioners over and above the original fund. That is my understanding.

Mr. PEARCE. The papers do not disclose what is the fact in regard to it. They affirm the exhaustion of the fund. They do not show whether the accruing interest has been paid or not; but I presume the interest has been applied, because that was the case in regard to the Navy pension fund proper, and when the interest was exhausted they went upon the principal. But, sir, privateer pensions were much larger formerly than now; first, because up to 1844 we gave pensions to the widows of privateersmen. After that time all these pensions ceased, and we never gave any to widows. I do not know what the fact is; I have no official information upon the subject; but I presume the interest accruing on this fund must have been applied to the payment of these pensions, and when that was exhausted they went upon the principal.

Mr. EVERETT. Mr. President, some few of the remaining pensioners on this list are constituents of mine, and I really feel it to be a duty to express the hope that this amendment will not be adopted. There are but very few of these pen-

sioners now. The gentleman from Maryland [Mr. PEARCE] has stated them at nineteen. My information is that there are about twenty-four of them. At any rate their number is small. They must be very far advanced in life. Some of them are the widows of those to whom the pensions were originally paid; and I think it would be a very hard case, just as they are passing out of this world, that you should withdraw from them this poor pittance. If it were an original question—if the Senate of the United States were now called to pass upon the question whether we should encourage the system of privateering—I do not know that I should differ greatly from the honorable Senator from Delaware. But, as has been already observed, this is not now an open question. It is a matter of principle and of practice settled in reference to these individuals forty years ago; and it would be a great hardship now to visit upon these poor old individuals, just dropping into the grave, and upon their widows, the scruples which we may entertain as to encouraging private warfare. I should be sorry to see it done, and I think the country would deem it a great hardship.

Well, sir, in reference to the statements which have been made on the authority of the paper which I hold in my hand. I know very well the person who prepared this paper. He has been a neighbor and a constituent of mine. He signalized himself greatly in the war of 1812, and I take it upon me to say that there was not an officer in the regular service who did more to carry on that war, who conducted himself with greater gallantry, and I will say, too, sir, with greater success. He was engaged in twenty or thirty actions. He was wounded; he was taken prisoner. In short, he achieved a reputation which, within the narrow circle of a private individual, might truly be called heroic. As to the idea of the Senator from Delaware, that these privateers always ran away from armed ships, and did nothing but make war upon the defenseless, I can assure him that it is a great mistake.

Mr. BAYARD. The honorable Senator will allow me to say that I stated expressly that there were exceptions; but, as a general rule, of necessity the course of privateers is to attack the defenseless for the purpose of plunder, and not to make war for the purpose of conquest against armed vessels. That is the general course; the other is the exception.

Mr. EVERETT. I do not mean to misstate the Senator, of course; but I rather think, if he will refresh his recollection of the history of that war, he will agree with me that the private armed ships conducted themselves in a manner fully entitled to the credit of patriotism, and even of heroism. Let me read a single paragraph from the statement to which I have referred: "From official reports, and other reliable data, the following facts are sustained: Of the fifty-six men-of-war and king's packets captured during the war, mounting eight hundred and sixty-six guns, the private ships captured twenty, mounting two hundred and twelve guns."

A quarter of the guns and a considerable proportion of the vessels numerically were taken. Fifty-six was the whole number of naval vessels captured, and the private armed ships took twenty. Then "of two thousand three hundred and sixty-nine merchant vessels captured, mounting eight thousand guns, the private ships captured two thousand and sixty-four." There is a blur in the print, so that I cannot make out the number of guns of the merchant vessels captured; but it may be placed at about a quarter. So that you have these private armed ships performing one fourth part of all that was done in capturing either public or private armed vessels of the enemy. I think this shows that those cases to which the Senator from Delaware alludes could not have been exceptions; but, on the contrary, it is more likely that they were the rule, and that wherever a private armed ship of the United States met anything like an equal force, the commander did not scruple to make battle. I know that that was the case with the gallant person who prepared this statement; for I have read over and over again the detailed accounts of the bloody actions which were thus fought by that individual, who is still living, and who, I hope, is not to be doomed to the mortification of hearing that this poor pittance which we are now giving to these most meritorious persons is about to be taken from them.

Mr. PEARCE. Mr. President, I rise only to mention a single fact. It has been assumed here, upon the authority of the paper which the honorable Senator from Massachusetts has, that the Government of the United States received a portion of the prize money; that in its distribution a part was allowed the Government. I find that that is not so. On looking at the law, I perceive that the whole proceeds were to be divided among the officers and crew of the vessel according to the agreement made between themselves in that respect. It is true, however, that the United States received a considerable sum of money from those prizes; but they received it in the shape of duties. The goods could not properly be brought into the United States without dispensing with the general law, and that law was dispensed with, provision being made that these goods should pay duties. The United States received some three millions of dollars in duties, but not as a share of the prize money. Then we cannot be called upon to apply these three millions to this purpose. Nothing but duties were paid to the Government as in other cases.

Mr. PRATT called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 21, nays 19; as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bayard, Brown, Butler, Clay, Dodge of Iowa, Evans, Fitzpatrick, Gwin, Hunter, Mason, Norris, Pearce, Pettit, Rusk, Sill, Stuart, Toucey, and Welles—21.

NAYS—Messrs. Allen, Bell, Brodhead, Dodge of Wisconsin, Everett, Fessenden, Fish, Foot, Geyer, Hamlin, James, Jones of Iowa, Jones of Tennessee, Morton, Pratt, Sumner, Thompson of Kentucky, Wade, and Wright—19.

So the amendment was agreed to.

Mr. HUNTER. I am instructed by the Committee on Finance to offer the following amendment, to come in after the appropriations for the public buildings and grounds:

For completing the improvement of Pennsylvania avenue from Seventeenth to Twenty-sixth street west, \$9,000: *Provided*, That all appropriations herein made for repairs and improvements of the public buildings or grounds within the District of Columbia shall be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

Mr. HUNTER. The next amendment which the Committee on Finance have instructed me to offer is to insert:

For the transportation of Governor Stevens and his party, and for explorations made by him between the Mississippi river and the Pacific ocean, \$25,000.

This is according to estimate, and I have before me a communication from the Secretary of War upon the subject, in which he says:

"From the foregoing statement, it will be seen that Governor Stevens has exceeded in his expenditures the sums allotted to the survey under his charge, and made arrangements to continue his operations beyond the period contemplated by law, and though, as soon as the information reached this Department, instructions (a copy of which are herewith transmitted) were dispatched, requiring him to close his operations, as originally directed, it will be necessary to provide for this deficit, with any other which may be found in the final settlement; and to this end I recommend that an appropriation of \$25,000 be made to cover deficiencies for the survey of the route for a railroad from the Mississippi river to the Pacific ocean."

The amendment was agreed to.

Mr. HUNTER. I have another amendment to offer, by direction of the Committee on Finance. It is to insert immediately after the heading "miscellaneous," the following:

For contingent expenses of the Senate, viz:
For lithographing and engraving, \$20,000.
For binding, \$30,000.
For books, \$12,691.

For clerks to committees and President *pro tempore*, draughtsmen, messengers, pages, laborers, police, horses, and carriages, \$4,400.

For miscellaneous items, to replace this amount drawn by order of the Senate from that head of appropriation, in a payment to R. M. Young, as commissioner, to investigate charges against Hon. A. Ramsey, late Superintendent of Indian Affairs in Minnesota, \$924 20.

The amendment was agreed to.

Mr. HUNTER. The next amendment of the committee is to insert:

For the completion of the bridge across the Potomac river at Little Falls, and painting thereof, agreeably to the plan adopted under the direction of the President of the United States, \$75,000.

The amendment was agreed to.

Mr. HUNTER. The next amendment of the Committee on Finance is to add the following as an additional section:

Sec. —. And be it further enacted, That from and after the passage of this act, there shall be, in addition to the